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ACTS  
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PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1875,

TOGETHER WITH

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

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PUBLISHED BY THE  
SECRETARY OF THE COMMONWEALTH.

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1875.





A CONSTITUTION  
OR  
FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

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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.

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## PART THE FIRST.

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

Equality and natural rights of all men.

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

Right and duty of public religious worship.

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

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.

nance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

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.

Right of self-government secured.

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.

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.

Right of people to secure rotation in office.

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 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 offices.

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.

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.

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

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.

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.

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

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 otherwise 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 ob-

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

servance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Right of people to instruct representatives and petition legislature.

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 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.

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

Judges of supreme judicial court.

Tenure of their office.

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.

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## 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.

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## CHAPTER I.

### THE LEGISLATIVE POWER.

#### SECTION I.

##### *The General Court.*

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

Legislative department.

See amend-  
ments, Art. X.

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.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

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

See amend-  
ments, 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, plaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full

Courts, &c., may  
administer  
oaths.



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.

IV. And further, full power and authoring 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 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.

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.

General court  
may enact laws,  
&c.,

not repugnant to  
the constitution;

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.

Valuation of es-  
tates once in ten  
years, at least,  
while, &c.

## CHAPTER I.

## SECTION II.

*Senate.*

Senate, number of, and by whom elected.

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

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

Manner and time of choosing senators and councillors.

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

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

Word "inhabitant" defined.

[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 made known, to the inhabitants of the Commonwealth, the limits of each 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.]

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.]

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 it 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.]

Selectmen to preside at town meetings.

Return of votes.

See amendments, Art. II.

Amendments, Art. X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of the 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

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

See amend-  
ments, Art. X.

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.]

Senate to be  
final judge of  
elections, &c.,  
of its own mem-  
bers.

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, 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.]

See amend-  
ments, Arts.  
X., XIV. and  
XXIV.

Vacancies, how  
filled.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised 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.

Qualifications of  
a senator.  
See amend-  
ments, Arts.  
XIII. and XXII.

Senate not to ad-  
journ more than  
two days.

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

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

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. Shall try all impeachments.

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

## 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.

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

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

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.

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

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 seised 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 voter.

[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.]

See amendments, Arts. III., XX. and XXXIII. Representatives, when chosen. See amendments, Arts. X. and XV. House alone can impeach.

[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.]

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

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

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 there-

for; 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.

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

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.

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.

Privileges of members.

Senate.

Governor and council may punish.

General limitation.

Trial may be by committee, or otherwise.

## 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 EXCELLENCY.

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 seised, 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,

By whom chosen, if he have a majority of votes.

See amend-  
ments, Arts. II,  
X., XIV. and  
XV.

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.]

How chosen,  
when no person  
has a majority.

Power of gov-  
ernor, and of  
governor and  
council.

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 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 amend-  
ments, 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 amend-  
ments, Art. X.

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



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

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.

Governor to be commander-in-chief.

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

Limitation.

defence of such part of the State to which they cannot otherwise conveniently have access.

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

But not before conviction.

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.

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

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.

Militia officers, how elected.

See amendments, Art. V.

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.

How commissioned.

Election of officers.

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

Major-generals, how appointed and 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 the 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.

Adjutant-general.

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.

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.

Army officers,  
how appointed.

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.

Organization of  
militia.

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.

Money, how  
drawn from the  
treasury, ex-  
cept, &c.

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.

Public boards  
and certain offi-  
cers to make  
quarterly re-  
turns.

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

Salary of gov-  
ernor.

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.

Salaries of justices of supreme judicial court.

Salaries to be enlarged, if insufficient.

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

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

Lieutenant-governor; his title and qualifications.

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

How chosen.

President of council.

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

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

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 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.]

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 incum-

bent 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.*

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.

Council.  
See amendments, Art. XVI.

[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.]

Number; from whom, and how chosen.

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

Senators becoming councillors, seats vacated.

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

Rank of councillors.

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

No district to have more than two.

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,

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

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.

Elections may be adjourned until, &c.

Order thereof. Amendments, Arts. XVI. and XXV.

[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.]

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## CHAPTER II.

### SECTION IV.

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

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

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.

Treasurer ineligible for more than five successive years.

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

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.

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## CHAPTER III.

### JUDICIARY POWER.

Tenure of all commission officers to be expressed.

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.

Judicial officers to hold office during good behavior, except, &c.  
May be removed on address.

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

Justices of supreme judicial court to give opinions when required.

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.

Justices of the peace; tenure of their office.

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

Provisions for holding probate courts.

[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.]

Causes of marriage and divorce, how determined.

## CHAPTER IV.

### 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.]

Delegates to congress.

## CHAPTER V.

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

## SECTION 1.

*The University.*Harvard Col-  
lege.

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.

Powers, privi-  
leges, &c., of the  
president and  
fellows, con-  
firmed.Property de-  
vised.

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.

Gifts, grants,  
and conveyances  
confirmed.Board of Over-  
seers estab-  
lished by gener-  
al court of 1642.

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 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.

Overseers established by constitution.

Power of alteration reserved to the legislature.

## CHAPTER V.

### SECTION II.

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

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.

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

## 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.

Declaration of executive and legislative officers.

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. :

See amendments, Art. VII.

“ I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth ; and that I am seised 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.”

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.]

Declaration and oaths of all officers.

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. :

See amendments, Art. VI.

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

"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."

[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 "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."]

See amend-  
ments, Art. VI.

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.

Oaths and affir-  
mations, how  
administered.

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.

Plurality of offi-  
ces prohibited to  
governor, &c.,  
except, &c.

See amend-  
ments, Art.  
VIII.

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.

Same subject.

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

Incompatible  
offices.

See amend-  
ments, Art.  
VIII.

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.

Same subject.

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.

Bribery, &c., operates disqualification.

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.

Value of money ascertained. Property qualifications.

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.

See amendments, Art. XIII.

Provisions respecting commissions.

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 writs.

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.

Continuation of former laws, except, &c.

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.

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.

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."

The enacting style.

[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.]

Officers of former government continued until, &c.

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.

Provision for revising constitution. Amendments, Art. IX.

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.

Same subject.

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.]

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.

Provision for preserving and publishing this constitution.

## ARTICLES OF AMENDMENT.

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

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.

General court empowered to charter cities.

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.

Proviso.

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

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.

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.

Notaries public, how appointed and removed.

[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.]

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

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.

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

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

Militia officers, how removed.

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.

Who may vote for captains and subalterns.

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:—

Oath to be taken by all officers.

"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."

*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 substituting, instead thereof, the words, "This I do under the pains and penalties of perjury."

Proviso: Quaker may affirm.

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.

Tests abolished.

Incompatibility  
of 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.]

Amendments to  
constitution,  
how made.

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.

Commencement  
of political year,

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 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.

and termination.

[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.]

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

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.

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.

Article, when to go into operation.

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

Inconsistent provisions annulled.

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

Religious freedom established.

“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.”

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

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

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Town may unite into representative districts.

[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 and more.

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.

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.

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

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.

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

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.

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.

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.

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.

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.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a

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

New apportionment to be made once in every ten years.

Inconsistent provisions annulled.

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

See amendments, Art. XXII.

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

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

Small towns, how represented.

Towns may unite into representative districts.

Basis of representation, and

ratio of increase.

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.

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

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.

Councillors to be chosen from the people at large.

See amendments, Art. XVI.

Qualifications of councillors.

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.]

Freehold as a qualification not required.

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.

Elections by the people to be by plurality of votes.

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.

Time of annual election of governor and legislature.

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.

Eight councillors to be chosen by the people.

Legislature to district State.

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 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 de-  
fined.

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,

Election of sec-  
retary, treasur-  
er, auditor and  
attorney-gener-  
al by the people.

Vacancies, how filled.

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 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.

School moneys not to be applied for sectarian schools.

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.

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

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.

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 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.

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

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.

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

See General Stat. chapter 20.

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

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 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. 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
- Districts to be numbered, described and certified.
- One hundred members a quorum.
- Census of voters and inhabitants to be taken.
- Voters to be basis of apportionment of senators.
- Senate to consist of 40 members.



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 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.

Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen members a quorum.

[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.]

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

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 senate.

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.

Vacancies in the council.

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

Twenty-third article of amendments annulled.

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.

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#### 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.

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.



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General Statutes and Special Acts

OF

MASSACHUSETTS.

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1875.

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☞ The General Court of 1875 assembled on Wednesday, the sixth 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 **WILLIAM GASTON** and His Honor **HORATIO G. KNIGHT**, on Thursday, the seventh day of January, in the presence of the two Houses assembled in convention.



# A C T S,

## GENERAL AND SPECIAL.

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AN ACT TO CHANGE THE NAME OF THE ARLINGTON WOOLEN MILLS. 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 Arlington Woolen Mills, a corporation established at Lawrence, shall take the name of the Arlington Mills. Name changed.

SECTION 2. This act shall take effect upon its passage.  
*Approved January 25, 1875.*

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AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, AND FOR THE COMPENSATION OF THE PREACHER OF THE ELECTION SERMON, THE CHAPLAINS, ASSISTANT CLERKS, DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES. Chap. 2.

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified, to wit :— Appropriations.

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

For the compensation of senators, a sum not exceeding thirty thousand seven hundred and fifty dollars. Compensation.

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

For the compensation of representatives, a sum not exceeding one hundred and eighty thousand seven hundred and fifty dollars. Compensation.

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

For the compensation of the chaplains of the senate and house of representatives, eight hundred dollars. Chaplains.

Assistant clerks of senate and house. For the compensation of the assistant clerks of the senate and house of representatives, one thousand eight hundred dollars.

Doorkeepers, messengers, etc. For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding twenty-four thousand dollars.

Witnesses before committees. For expenses of summoning witnesses before committees, and for fees of such witnesses, a sum not exceeding five hundred dollars.

Expenses of committees. For the authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding ten thousand dollars.

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

*Approved January 29, 1875.*

*Chap. 3.* AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR.

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

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury, 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 seventy-five, to wit:—

SUPREME JUDICIAL COURT.

Clerk. For the salary of the clerk of the supreme judicial court of 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.

Clerk hire and incidental expenses. For clerk hire and incidental expenses of the reporter of decisions of said court, a sum not exceeding one thousand five hundred dollars.

SUPERIOR COURT.

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

Associate justices. For the salaries of the nine associate justices of said court, forty-five thousand dollars.

COURTS OF PROBATE AND INSOLVENCY.

Judge—Suffolk. For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars.

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

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

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

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

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

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

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

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

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

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

For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars. Barnstable.

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

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.

- Bristol. For the salary of the register of probate and insolvency for the county of Bristol, one thousand eight hundred dollars.
- Plymouth. For the salary of the register of probate and insolvency for the county of Plymouth, one thousand five hundred dollars.
- Hampden. For the salary of the register of probate and insolvency for the county of Hampden, one thousand six hundred dollars.
- Berkshire. For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars.
- Hampshire. For the salary of the register of probate and insolvency for the county of Hampshire, one thousand four hundred dollars.
- Franklin. For the salary of the register of probate and insolvency for the county of Franklin, one thousand four hundred dollars.
- Barnstable. For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
- Nantucket. For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
- Dukes County. For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars.
- Assistant register—Suffolk. For the salary of the assistant register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars.
- Middlesex. For the salary of the assistant register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars.
- Worcester. For the salary of the assistant register of probate and insolvency for the county of Worcester, one thousand five hundred dollars.
- Essex. For the salary of the assistant register of probate and insolvency for the county of Essex, one thousand five hundred dollars.
- Norfolk. For the salary of the assistant register of probate and insolvency for the county of Norfolk, one thousand one hundred dollars.

## DISTRICT-ATTORNEYS.

Attorney and clerk for Suffolk.

For the salary of the attorney for the county of Suffolk, five thousand dollars; and for the salary of his clerk, one thousand dollars.

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

## POLICE COURTS.

For the salary of the justice of the police court in Cambridge, one thousand eight hundred dollars.	Justice—Cambridge.
For the salary of the justice of the police court in Chelsea, one thousand eight hundred dollars.	Chelsea.
For the salary of the justice of the police court in Chicopee, one thousand six hundred dollars.	Chicopee.
For the salary of the justice of the police court in Fitchburg, one thousand three hundred dollars.	Fitchburg.
For the salary of the justice of the police court in Gloucester, one thousand six hundred dollars.	Gloucester.
For the salary of the justice of the police court in Haverhill, one thousand eight hundred dollars.	Haverhill.
For the salary of the justice of the police court in Holyoke, one thousand six hundred dollars.	Holyoke.
For the salary of the justice of the police court in Lawrence, one thousand eight hundred dollars.	Lawrence.
For the salary of the justice of the police court in Lee, eight hundred dollars.	Lee.
For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.	Lowell.
For the salary of the justice of the police court in Lynn, one thousand eight hundred dollars.	Lynn.
For the salary of the justice of the police court in Newburyport, one thousand dollars.	Newburyport.

Somerville.	For the salary of the justice of the police court in Somerville, one thousand eight hundred dollars.
Springfield.	For the salary of the justice of the police court in Springfield, two thousand four hundred dollars.
Williamstown.	For the salary of the justice of the police court in Williamstown, three hundred dollars.
Clerk— Cambridge.	For the salary of the clerk of the police court in Cambridge, one thousand dollars.
Chelsea.	For the salary of the clerk of the police court in Chelsea, one thousand dollars.
Fitchburg.	For the salary of the clerk of the police court in Fitchburg, eight hundred dollars.
Haverhill.	For the salary of the clerk of the police court in Haverhill, one thousand dollars.
Lawrence.	For the salary of the clerk of the police court in Lawrence, one thousand dollars.
Lynn.	For the salary of the clerk of the police court in Lynn, one thousand dollars.
Lowell.	For the salary of the clerk of the police court in Lowell, one thousand two hundred dollars.
Newburyport.	For the salary of the clerk of the police court in Newburyport, six hundred dollars.
Springfield.	For the salary of the clerk of the police court in Springfield, one thousand two hundred dollars.
Somerville.	For the salary of the clerk of the police court in Somerville, one thousand dollars.

## MUNICIPAL COURTS.

Justices in Boston.	For the salaries of the justices of the municipal court in Boston, nine thousand dollars.
Justice for— Southern district.	For the salary of the justice of the municipal court for the southern district of Boston, two thousand five hundred dollars.
Dorchester district.	For the salary of the justice of the municipal court of the Dorchester district in Boston, one thousand six hundred dollars.
Charlestown district.	For the salary of the justice of the municipal court of the Charlestown district in Boston, two thousand dollars.
West Roxbury district.	For the salary of the justice of the municipal court of the West Roxbury district in Boston, one thousand six hundred dollars.
Brighton district.	For the salary of the justice of the municipal court of the Brighton district in Boston, one thousand six hundred dollars.

For the salary of the justice of the municipal court of the South Boston district in Boston, two thousand dollars.	South Boston district.
For the salary of the justice of the municipal court of the East Boston district in Boston, one thousand six hundred dollars.	East Boston district.
For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars.	Clerk for criminal business.
For the salary of the clerk of the municipal court for the southern district of Boston, one thousand five hundred dollars; and for the salary of the assistant clerk of said court, eight hundred dollars.	Clerk—Southern district.
For the salary of the clerk of the municipal court of the Dorchester district in Boston, eight hundred dollars.	Dorchester district.
For the salary of the clerk of the municipal court of the Charlestown district in Boston, one thousand five hundred dollars.	Charlestown district.
For the salary of the clerk of the municipal court of the West Roxbury district in Boston, one thousand dollars.	West Roxbury district.
For the salary of the clerk of the municipal court of the Brighton district in Boston, one thousand dollars.	Brighton district.
For the salary of the clerk of the municipal court of the South Boston district in Boston, one thousand dollars.	South Boston district.
For the salary of the clerk of the municipal court of the East Boston district in Boston, one thousand dollars.	East Boston district.

## DISTRICT COURTS.

For the salary of the justice of the district court for central Berkshire, one thousand six hundred dollars.	Justice—Central Berkshire.
For the salary of the justice of the district court of northern Berkshire, one thousand two hundred dollars.	Northern Berkshire.
For the salary of the justice of the district court of southern Berkshire, one thousand two hundred dollars.	Southern Berkshire.
For the salary of the justice of the first district court of southern Worcester, one thousand two hundred dollars.	Southern Worcester—First district.
For the salary of the justice of the second district court of southern Worcester, one thousand five hundred dollars.	Second district.
For the salary of the justice of the third district court of southern Worcester, one thousand six hundred dollars.	Third district.
For the salary of the justice of the first district court of eastern Worcester, eight hundred dollars.	Eastern Worcester—First district.
For the salary of the justice of the second district court of eastern Worcester, one thousand two hundred dollars.	Second district.

Central Worcester.	For the salary of the justice of the central district court of Worcester, three thousand dollars.
Northern Middlesex— First district.	For the salary of the justice of the first district court of northern Middlesex, one thousand two hundred dollars.
Southern Middlesex— First district.	For the salary of the justice of the first district court of southern Middlesex, one thousand six hundred dollars.
Central Middlesex.	For the salary of the justice of the district court of central Middlesex, one thousand two hundred dollars.
Eastern Middlesex.	For the salary of the justice of the first district court of eastern Middlesex, two thousand dollars.
East Norfolk.	For the salary of the justice of the district court of East Norfolk, one thousand eight hundred dollars.
Eastern Hampden.	For the salary of the justice of the district court of eastern Hampden, one thousand dollars.
Bristol— First district.	For the salary of the justice of the first district court of Bristol, two thousand dollars.
Second district.	For the salary of the justice of the second district court of Bristol, two thousand dollars.
Third district.	For the salary of the justice of the third district court of Bristol, one thousand eight hundred dollars.
Essex— First district.	For the salary of the justice of the first district court of Essex, three thousand dollars.
Plymouth— First district.	For the salary of the justice of the first district court of Plymouth, one thousand two hundred dollars.
Second district.	For the salary of the justice of the second district court of Plymouth, one thousand four hundred dollars.
Third district.	For the salary of the justice of the third district court of Plymouth, one thousand four hundred dollars.
Fourth district.	For the salary of the justice of the fourth district court of Plymouth, one thousand two hundred dollars.
Clerk— Central Berkshire.	For the salary of the clerk of the district court of central Berkshire, eight hundred dollars.
Northern Berkshire.	For the salary of the clerk of the district court of northern Berkshire, eight hundred dollars.
Southern Berkshire.	For the salary of the clerk of the district court of southern Berkshire, six hundred dollars.
Central Worcester.	For the salary of the clerk of the district court of central Worcester, two thousand five hundred dollars; and for the salary of the assistant clerk of said court, one thousand dollars.
Eastern Worcester.	For the salary of the clerk of the second district court of eastern Worcester, six hundred dollars.
East Norfolk.	For the salary of the clerk of the district court of East Norfolk, one thousand dollars.



For the salary of the clerk of the first district court of northern Middlesex, six hundred dollars. Northern Middlesex.

For the salary of the clerk of the first district court of southern Middlesex, eight hundred dollars. Southern Middlesex.

For the salary of the clerk of the first district court of eastern Middlesex, one thousand dollars. Eastern Middlesex.

For the salary of the clerk of the first district court of Bristol, one thousand two hundred dollars. Bristol—First district.

For the salary of the clerk of the second district court of Bristol, one thousand two hundred dollars. Second district.

For the salary of the clerk of the third district court of Bristol, one thousand dollars. Third district.

For the salary of the clerk of the first district court of Plymouth, six hundred dollars. Plymouth—First district.

For the salary of the clerk of the second district court of Plymouth, eight hundred dollars. Second district.

For the salary of the clerk of the third district court of Plymouth, eight hundred dollars. Third district.

For the salary of the clerk of the fourth district court of Plymouth, seven hundred dollars. Fourth district.

For the salary of the clerk of the first district court of Essex, two thousand five hundred dollars. Essex.

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

*Approved January 29, 1875.*

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR. *Chap. 4.*

*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 seventy-five, to wit:— Appropriations.

LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, six thousand dollars. Clerks of senate and house.

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

For the compensation of an engineer, and such watchmen and firemen as may be employed in the state house, a sum not exceeding ten thousand dollars. Engineer, watchmen and firemen.

## EXECUTIVE DEPARTMENT.

Lieut.-governor and council.	For the compensation and mileage of the lieutenant-governor and council, a sum not exceeding sixteen thousand dollars.
Private secretary.	For the salary of the private secretary of the governor, two thousand five hundred dollars.
Messenger.	For the salary of the messenger of the governor and council, one thousand two hundred dollars.
Assistant messenger.	For the salary of the assistant messenger of the governor and council, one thousand dollars.

## SECRETARY'S DEPARTMENT.

Secretary.	For the salary of the secretary of the Commonwealth, three thousand five hundred dollars.
First clerk.	For the salary of the first clerk in the secretary's department, two thousand dollars.
Second clerk.	For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.
Messenger.	For the salary of the messenger in the secretary's department, one thousand two hundred dollars.
Additional clerical assistance.	For such additional clerical assistance as the secretary may find necessary, a sum not exceeding nineteen thousand dollars.

## TREASURER'S DEPARTMENT.

Treasurer.	For the salary of the treasurer and receiver-general, five thousand dollars.
First clerk.	For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars.
First assistant clerk.	For the salary of the first assistant clerk in the treasurer's department, two thousand dollars.
Cashier.	For the salary of the cashier in the treasurer's department, two thousand dollars.
Additional clerical assistance.	For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding five thousand dollars.

## TAX COMMISSIONER'S BUREAU.

Deputy tax commissioner.	For the salary of the deputy tax commissioner and commissioner of corporations, three thousand dollars.
First clerk.	For the salary of the first clerk of the tax commissioner, two thousand dollars.
Second clerk.	For the salary of the second clerk of the tax commissioner, one thousand five hundred dollars.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding thirteen thousand dollars. Additional clerical assistance.

## AUDITOR'S DEPARTMENT.

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

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

For the salary of the second clerk in the auditor's department, two thousand dollars. Second clerk.

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

## ATTORNEY-GENERAL'S DEPARTMENT.

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

For the salary of the assistant attorney-general, two thousand five hundred dollars. Assistant attorney-general.

## COMMISSIONERS, ET ALS.

For the salary of the commissioner of savings banks, three thousand three hundred dollars. Savings bank commissioner.

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

For the salary of the deputy insurance commissioner, three thousand dollars. Deputy insurance commissioner.

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

For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding three thousand one hundred dollars. Additional clerical assistance.

The fees received as compensation for the valuation of life policies, are hereby appropriated, to be applied in accordance with the provisions of chapter four hundred and thirty-four of the acts of the year eighteen hundred and sixty-nine. Fees for valuation of life policies.

For the salary and office expenses of the inspector of gas-meters, three thousand dollars. Inspector of gas-meters.

For the salaries of the railroad commissioners, twelve thousand dollars. Railroad commissioners.

For the salary of the clerk of the railroad commissioners, two thousand five hundred dollars. Clerk.

- Secretary of board of health. For the salary of the secretary of the state board of health, two thousand five hundred dollars.
- Labor statistics. Chief and deputy. For the salary of the chief of the bureau of statistics on the subject of labor, three thousand dollars; and for the salary of his deputy, two thousand dollars.
- Clerical services. For the compensation of other clerical services, and for expenses of the bureau of statistics on the subject of labor, a sum not exceeding five thousand dollars.
- Secretary of prison commissioners. For the salary of the secretary of the board of prison commissioners, two thousand dollars.

#### AGRICULTURAL DEPARTMENT.

- Secretary of board. For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.
- Clerk. For the salary of the clerk of the secretary of the board of agriculture, one thousand two hundred dollars.
- Clerical services and lectures. For the compensation of other clerical services in the office of the secretary of the board of agriculture, and for lectures before the board of agriculture, a sum not exceeding four hundred dollars.

#### BOARD OF STATE CHARITIES.

- Secretary. For the salary of the secretary of the board of state charities, three thousand dollars.
- Clerical assistance. For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five thousand dollars.
- General agent. For the salary of the general agent of the board of state charities, three thousand dollars.
- Clerical and other assistance. For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding nine thousand dollars.
- Visiting agent. For the salary of the visiting agent of the board of state charities, three thousand dollars.
- Clerical and other assistance. For such clerical and other assistance as the visiting agent of the board of state charities may find necessary, a sum not exceeding ten 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 ten thousand dollars. Any additional assistance necessary to effect such transportation shall be paid out of that sum; and if at any time it shall be found necessary, a sum not exceeding one thousand dollars may be advanced on account of said transportation: *provided*, a detailed
- Prov'no.

report of such expenditure shall be rendered to the auditor of accounts whenever required.

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 moiety of the income of the Massachusetts school fund, applicable to educational purposes. Secretary.

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

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

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand and sixteen dollars. Additional clerical assistance.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, three thousand dollars. Adjutant-general.

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

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

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

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

For the compensation of a messenger in the surgeon-general's bureau, one thousand two hundred dollars. Messenger.

For the compensation of the employés at the state arsenal, a sum not exceeding two thousand seven hundred dollars. Employés at arsenal.

For the salary of the judge-advocate-general, one thousand dollars. Judge-advocate-general.

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

*Approved January 29, 1875.*

*Chap. 5.* AN ACT CONCERNING THE GRAND JURY FOR THE COUNTY OF SUFFOLK.

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

Grand jurors deemed to be legally drawn and empannelled.

SECTION 1. The grand jurors empannelled at the term of the superior court, held at Boston, within and for the county of Suffolk, on the first Monday of January, in the year one thousand eight hundred and seventy-five, shall for all purposes be deemed and held to be the grand jury of said county, duly and legally drawn, summoned, returned and empannelled, for each term of said superior court, held within and for said county, from the said first Monday of January, until the first Monday of July, in said year, and until another grand jury is empannelled in their stead, notwithstanding any irregularity in any writ of *venire facias*, or in the drawing, summoning, returning and empanelling of said grand jurors.

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

*Approved February 5, 1875.*

*Chap. 6.* AN ACT TO INCLUDE THE TOWN OF MILTON WITHIN THE JUDICIAL DISTRICT OF THE DISTRICT COURT OF EAST NORFOLK.

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

Judicial district enlarged.

SECTION 1. The judicial district now under the jurisdiction of the district court of East Norfolk, is enlarged by including within the jurisdiction of the said district court the town of Milton.

Proceedings now pending, not to be affected.

SECTION 2. Nothing herein contained shall affect any proceeding now pending or duly commenced when this act shall take effect, before any justice of the peace or trial justice heretofore having jurisdiction of the same.

*Approved February 5, 1875.*

*Chap. 7.* AN ACT TO FURTHER EXTEND THE CHARTER OF THE HINGHAM MUTUAL FIRE INSURANCE COMPANY.

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

Charter extended.

SECTION 1. Chapter one hundred and six of the acts of eighteen hundred and forty-seven being an act to extend the charter of the Hingham Mutual Fire Insurance Company, is amended by striking out the words limiting its duration, and said corporation shall continue in existence, with the powers and privileges, and subject to the restrictions, duties and liabilities set forth in the general laws which now are, or hereafter may be in force applicable to such corporations.

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

*Approved February 5, 1875.*

AN ACT TO EXTEND THE CHARTER OF THE SALEM MARINE INSURANCE COMPANY. *Chap. 8.*

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

SECTION 1. The act of the year eighteen hundred and fifty-six, chapter five, incorporating the Salem Marine Insurance Company, is amended by striking out the words limiting its duration ; and said corporation shall continue in existence, with the powers and privileges, and subject to the restrictions, duties and liabilities, set forth in the general laws which now are, or hereafter may be in force and applicable to such corporations. Charter extended.

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

*Approved February 6, 1875.*

AN ACT TO CHANGE THE NAME OF THE THIRD PARISH IN ABINGTON. *Chap. 9.*

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

SECTION 1. The third parish in Abington shall be known and called the Congregational Church and Parish of Rockland. Name changed.

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

*Approved February 10, 1875.*

AN ACT TO INCORPORATE THE WORCESTER BOARD OF TRADE. *Chap. 10.*

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

SECTION 1. Sumner Pratt, E. B. Stoddard, John D. Washburn, Edward L. Davis, their associates and successors are hereby made a corporation, by the name of the Worcester Board of Trade, for the purpose of promoting trade and business in the city of Worcester and vicinity, with 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 ; *provided, however,* that this act shall not be construed to authorize said corporation to traffic in goods, wares or merchandise of any description. Corporators.  
Name and purpose.  
Duties and liabilities.  
Proviso.

SECTION 2. Said corporation may hold real and personal estate not exceeding ten thousand dollars in value, to be devoted to the purposes of said corporation. Real and personal estate.

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

*Approved February 11, 1875.*

AN ACT TO CHANGE THE NAME OF THE EAST ABINGTON SAVINGS BANK. *Chap. 11.*

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

SECTION 1. The East Abington Savings Bank shall be known and called the Rockland Savings Bank. Name changed.

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

*Approved February 11, 1875.*

*Chap. 12.* AN ACT RELATING TO ASSISTANCE FOR DISTRICT-ATTORNEYS IN CERTAIN DISTRICTS, AND AMENDING SECTION ONE OF CHAPTER TWO HUNDRED AND SEVENTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE.

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

Amendment to  
1873, ch. 278, § 1.

SECTION 1. Section one of chapter two hundred and seventy-eight of the acts of the year eighteen hundred and seventy-three is hereby amended by adding thereto:—  
“And in the northern, eastern and middle districts, the court may, for any sufficient reason, appoint such clerk or other competent person to act temporarily as an assistant to the district-attorney in the performance of his official duties; his compensation to be paid as above provided and not to exceed six hundred dollars in one year, and such appointment not to last beyond the term at which it is made.”

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

*Approved February 11, 1875.*

*Chap. 13.* AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-SIX OF THE ACTS OF EIGHTEEN HUNDRED AND SEVENTY, ENTITLED AN ACT PROVIDING FOR THE ESTABLISHMENT OF TRUE MERIDIAN LINES, AND FOR REGULATING THE PRACTICE OF SURVEYING IN THIS STATE.

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

Amendment to  
1870, ch. 286, § 5.

SECTION 1. The penalty, provided by the fifth section of chapter two hundred and eighty-six of the acts of eighteen hundred and seventy, shall not be imposed, unless the land surveyor, of whom complaint is made, has used his compass to measure an angle or angles in surveying within the year preceding the date of the complaint.

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

*Approved February 11, 1875.*

*Chap. 14.* AN ACT IN RELATION TO RECORDING MORTGAGES OF PERSONAL PROPERTY.

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

Amendment to  
G. S. ch. 151, § 1.

Whenever, under the provisions of section one, chapter one hundred and fifty-one of the General Statutes, it is required that a mortgage of personal property shall be recorded in the records of two municipalities, such mortgage shall be considered as duly recorded, when recorded in the records of one of them: *provided*, it is recorded in the records of the other within ten days from the date of such first record.

*Approved February 11, 1875.*



AN ACT TO ESTABLISH A STATE DETECTIVE FORCE, FOR THE BETTER ENFORCEMENT OF THE LAWS. *Chap. 15.*

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

SECTION 1. There shall be appointed by the governor, with the consent of the council, an officer to be entitled the chief of the state detective force, and as many state detectives, not exceeding thirty, as the governor and council may determine, who shall be commissioned to hold office for three years, unless sooner removed.

State detective force established.

SECTION 2. The said chief of the state detective force, and the said state detectives, before performing any official act, shall be sworn, and shall give to the treasurer of the Commonwealth such bonds, with sureties, as the governor and council shall direct and approve, in the penal sum of not less than five thousand dollars, with condition that they shall faithfully perform their duties.

Chief and subordinates to be sworn and give bonds.

SECTION 3. The governor and council shall, once in each year, examine into the sufficiency of the official bonds given by the said chief and said detectives; and if it appears that such bonds are insufficient, the governor and council shall give notice to said chief and said detectives, and require them to give new bonds, to the satisfaction of the governor and council, within such time as they order.

Sufficiency of bonds to be annually examined by governor and council.

SECTION 4. A surety upon the official bond of said chief or of any of the detectives, or the heirs, executors or administrators of such surety, may be discharged from his liability on such bond in the manner provided for the discharge of sureties upon the bond of a sheriff in section fifty-five, chapter seventeen of the General Statutes, except that the petition shall be addressed to and the proceedings had by the governor and council instead of the superior court.

Discharge of surety from liability.

SECTION 5. The said chief and said detectives shall have and exercise throughout the Commonwealth, all the common law and statutory powers of constables, except the service of civil process, and also all the powers given to the police or watchmen by the statutes of the Commonwealth. Said chief and said detectives shall aid the attorney-general, district-attorneys and magistrates in procuring evidence for the detection of crime and in the pursuit of criminals.

Detectives to have all powers of watchmen and police officers.

SECTION 6. The chief of the state detective force shall be paid out of the treasury of the Commonwealth

Salaries.

an annual salary of twenty-five hundred dollars, in equal monthly payments, and said state detectives shall be paid monthly at the rate of twelve hundred dollars a year, together with their actual and necessary travelling expenses when on duty, not exceeding the amounts actually paid out by them. All fees, which, under the laws, the chief or said detectives would be entitled to receive, shall be paid over by them to the treasurer of the Commonwealth; and no salary shall be paid to any detective until he has made oath that he has paid over all such fees. All accounts of said detectives shall be verified by oath, and shall be approved by the said chief before being presented to the auditor of the Commonwealth, and, when duly audited shall be paid out of the treasury. Neither the chief nor any member of the force, shall receive any share in rewards or any compensation, gift or gratuity, directly or indirectly, on account of his official services, except rewards publicly offered, and then only when in special cases and after the services have been rendered, permission so to do is granted by the governor and council.

Fees to be paid into state treasury.

Rewards not to be received, except by permission of governor and council.

Rules and regulations to be made by chief.

SECTION 7. The said chief, with the approval of the governor and council, shall make all needful rules for the regulation of the duties of said detectives. He shall have his office in the city of Boston to be approved by the governor.

Governor may command assistance of detectives in suppressing riots, etc.

SECTION 8. The governor shall have power at all times to command the assistance of said chief and said detectives in suppressing riots and in preserving the peace.

Constables and police officers to aid detectives, when called upon.

SECTION 9. It shall be the duty of the constables of the several towns and cities, city marshals, chiefs of police and all other police officers, to aid the governor or said chief and said detectives in the discharge of their duties, whenever called upon for that purpose: *provided, however,* that said constables of the several towns and cities, city marshals, chiefs of police and other police officers shall not be ordered out of their respective cities and towns. And any constable, marshal or police officer refusing to aid the governor, said chief or detectives, when called upon so to do, shall be punished by imprisonment in the jail not exceeding three months or by fine not exceeding one hundred dollars.

Penalty for falsely assuming to be a state detective.

SECTION 10. Whoever falsely assumes or pretends to be the chief of the state detective force or a state detective, and takes upon himself to act as such, or to require

any person to aid or assist him in a matter pertaining to the duty of such officer, shall be punished by imprisonment in the jail not exceeding one year, or by fine not exceeding four hundred dollars.

SECTION 11. In all actions brought by or on account of alien passengers and state paupers under the provisions of chapters seventy-one and seventy-two of the General Statutes, the civil process may be served by any one of said state detectives.

May serve certain civil processes.

SECTION 12. All intoxicating liquor and other property seized and held by the constables of the Commonwealth under search warrants in the execution of any of the criminal laws of the Commonwealth or other criminal process, and in their custody at the time when the repeal of chapter three hundred and ninety-four of the acts of eighteen hundred and seventy-one takes effect, shall be by them delivered to the respective sheriffs of the counties in which the same was seized, and said sheriffs or their deputies shall take and hold the same, subject to the final order of the court, and may complete all proceedings in relation to the same in the same manner as said constables would have been authorized to do.

Property seized and held by constables of the Commonwealth to be delivered to the sheriff of the county.

SECTION 13. All the property of the Commonwealth now in the keeping of the chief and other constables of said Commonwealth, including all books, records, furniture, badges, handcuffs, belts and batons, shall, upon the passage of this act, be transferred and turned over to the said chief detective created by this act and the final pay accounts of said constables of the Commonwealth shall not be paid unless such pay account is accompanied with a certificate of said chief detective, that all said liquors and other property mentioned in this act have been transferred and turned over as herein provided or otherwise accounted for to the satisfaction and acceptance of said chief detective.

Property of the Commonwealth in possession of constables to be transferred to chief detective.

SECTION 14. Chapter three hundred and ninety-four of the acts of eighteen hundred and seventy-one, chapter three hundred and fifty-five of the acts of eighteen hundred and seventy-two, and chapter four hundred and five of the acts of eighteen hundred and seventy-four, are hereby repealed.

Repeal of 1871, 394. 1872, 355. 1874, 405.

SECTION 15. The repeal of said acts shall not revive any laws repealed by said acts, or any laws repealed previously thereto, relating to the appointment, or other-

Repeal not to revive laws relating to appointment of state police, etc.

wise, of a state police, police commissioners, or police commission.

Act to take full effect March 1, 1875.

SECTION 16. This act, so far as it authorizes the appointment of the chief and other detectives, shall take effect on its passage, and as to its other provisions, it shall take effect on the first day of March next.

*Approved February 13, 1875.*

*Chap. 16.* AN ACT TO CHANGE THE NAME AND LOCATION OF THE NORTHAMPTON LOAN AND TRUST COMPANY.

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

Name changed.

SECTION 1. The Northampton Loan and Trust Company, located at Northampton, shall be called the Massachusetts Loan and Trust Company and be located at Boston.

Subject to acceptance by stockholders.

SECTION 2. This act shall take effect when accepted by the stockholders at a meeting holden for that purpose.

*Approved February 18, 1875.*

*Chap. 17.* AN ACT TO PERMIT THE PAYMENT OF CERTAIN BILLS BY THE CITY OF BOSTON.

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

City of Boston may pay certain bills excluded by 1872, 274.

SECTION 1. The provisions of chapter two hundred and seventy-four of the laws of the year eighteen hundred and seventy-two shall not be deemed applicable to the payment of the following bills by the city of Boston; the bill of Denio, Ham and Company for one thousand and seventy-eight dollars and thirty-six cents; the bill of D. D. Kelley for one hundred and five dollars and eighty-two cents; the bill of Henry Poor and Company for sixty-eight dollars and thirteen cents; the bill of Patrick Donahoe for twenty-five dollars and twenty cents; the bill of John H. Giblin for nine dollars.

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

*Approved February 18, 1875.*

*Chap. 18.* AN ACT TO AUTHORIZE THE ARKWRIGHT MUTUAL FIRE INSURANCE COMPANY TO ACCUMULATE AND HOLD A RESERVE.

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

May accumulate and hold a reserve.

SECTION 1. The Arkwright Mutual Fire Insurance Company is authorized to accumulate and hold a reserve not exceeding in amount one per cent. of the total amount insured; and said company may for this purpose withhold from its return of profits on expired policies an amount not exceeding twenty per cent. of such profits.

SECTION 2. Income on investments of the reserve may be added thereto, until said reserve amounts to the sum authorized by section one of this act.

Income on investments of reserve may be added thereto.

SECTION 3. No call shall be made upon the deposit notes held by said company until said reserve is exhausted.

No call to be made upon notes until reserve is exhausted.

SECTION 4. In the event of the dissolution of said company so much of said reserve as shall remain after payment of all expenses, liabilities, and losses, shall be divided among the members of the company at the time of its dissolution in proportion to the sums paid by them on their policies.

Reserve to be divided upon dissolution of company after payment of liabilities.

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

*Approved February 18, 1875.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE FALL RIVER MANUFACTURERS' MUTUAL INSURANCE COMPANY.

*Chap. 19.*

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

SECTION 1. It shall be lawful for the deposit notes given for insurance in the Fall River Manufacturers' Mutual Insurance Company, to be as much as five times the amount paid as cash premiums.

Deposit notes may be five times the amount paid as cash premiums.

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

*Approved February 18, 1875.*

AN ACT CONCERNING THE RECORDING OF LIENS UNDER CHAPTER ONE HUNDRED AND FIFTY OF THE GENERAL STATUTES.

*Chap. 20.*

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

Whenever a statement is filed in the registry of deeds for the county of Suffolk under section four chapter three hundred and twenty-one of the acts of the year eighteen hundred and seventy-four, the register shall not be required to record the items of the account therein contained farther than to record the total amount claimed to be due. All statements, filed under said section, shall remain in the custody of the register for public inspection.

Items of account in statement filed under 1874, 321, § 4, need not be recorded.

*Approved February 18, 1875.*

AN ACT TO AMEND SECTION FIVE OF CHAPTER TWENTY-ONE OF THE GENERAL STATUTES, IN RELATION TO THE REGISTRY AND RETURNS OF BIRTHS, MARRIAGES AND DEATHS.

*Chap. 21.*

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

SECTION 1. Section five of chapter twenty-one, of the General Statutes, is hereby amended by striking out the word "February" in the second line of said section and inserting in place thereof the word "March."

Registration returns to be made on or before the first day of March.

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

*Approved February 19, 1875.*

*Chap. 22.* AN ACT TO AUTHORIZE THE REGISTER OF DEEDS FOR THE SOUTHERN DISTRICT OF MIDDLESEX COUNTY TO TRANSCRIBE CERTAIN CONVEYANCES AND INSTRUMENTS RELATING TO REAL ESTATE IN LITTLETON IN SAID COUNTY.

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

Register for southern district of Middlesex to transcribe records made in northern district relating to estates in Littleton.

The register of deeds for the southern district of the county of Middlesex is hereby authorized and required at the expense of said county, to carefully and correctly transcribe and index, in the usual manner, in one or more books substantially bound, all records made for the registry of deeds in the northern district of Middlesex from and after the thirty-first day of May in the year eighteen hundred and fifty-six to the first day of June in the year eighteen hundred and sixty, of deeds and other instruments conveying or relating to land or estates situated in the town of Littleton in said county. Said transcripts duly certified by said register of deeds shall be deposited in the registry of deeds for said southern district of Middlesex, and shall have the same force and effect as if the same were original records deposited there.

*Approved February 19, 1875.*

*Chap. 23.* AN ACT TO INCLUDE THE TOWN OF EAST BRIDGEWATER WITHIN THE JUDICIAL DISTRICT OF THE FIRST DISTRICT COURT OF PLYMOUTH.

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

East Bridgewater to be within jurisdiction of first district of Plymouth.

SECTION 1. The judicial district now under the jurisdiction of the first district court of Plymouth is enlarged by including within the jurisdiction of the said district court the town of East Bridgewater.

Proceedings pending not to be affected.

SECTION 2. Nothing herein contained shall affect any proceeding now pending or duly commenced when this act shall take effect, before any justice of the peace or trial justice heretofore having jurisdiction of the same.

*Approved February 19, 1875.*

*Chap. 24.* AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

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

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated for the purposes specified, to be paid from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-five, to wit :—

## LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

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 fifty thousand dollars. Printing and binding ordered by legislature.

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

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

For printing blanks, circulars and the calendar of orders of the day for the use of the house of representatives, a sum not exceeding one thousand five hundred dollars. House blanks, circulars, etc.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding one thousand dollars. Stationery, etc., ordered by sergeant-at-arms.

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

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

## STATE HOUSE EXPENSES.

For fuel and lights for the state house, a sum not exceeding six thousand dollars. State house—Fuel and lights.

For repairs, improvements and furniture of the state house, a sum not exceeding one thousand dollars. Repairs and furniture.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding five thousand dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs of 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 any other act which may be subsequently passed. Contingent expenses of senate and house of representatives.

## HOUSES IN PEMBERTON SQUARE.

For rent of houses numbers twenty-four and thirty-three, Pemberton square, and for expenses connected with house number thirty-three, a sum not exceeding fifteen thousand dollars. Rents, etc., of houses in Pemberton square.

## STATE PRINTING.

Printing general laws.	For printing such number, not exceeding thirty-five thousand, of the pamphlet edition of the general acts and resolves for the present year, for distribution in the Commonwealth, a sum not exceeding eleven thousand dollars.
Printing and binding "Blue-Book."	For printing and binding four thousand five hundred copies of the "blue-book" edition of the acts and resolves of the present year, with the governor's message and other matters, in the usual form, a sum not exceeding seven thousand dollars.
Newspaper publication of general laws.	For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.
Public documents.	For printing the public series of documents in the last quarter of the year eighteen hundred and seventy-five, 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.
Binding.	
Term reports.	For term reports, a sum not exceeding five thousand dollars.
Supplement to General Statutes.	For the publication and editing of the supplement to the General Statutes for the present year, a sum not exceeding one thousand dollars for the publication, and two hundred for editing the same.

## INCIDENTAL AND CONTINGENT EXPENSES.

Incidental expenses—Secretary.	For incidental expenses of the secretary's department, a sum not exceeding six thousand dollars; and for assessors' books and registration blanks for the secretary's department, a sum not exceeding two thousand five hundred dollars.
Treasurer.	For incidental expenses of the treasurer's department, a sum not exceeding one thousand five hundred dollars.
Tax commissioner.	For expenses of the tax commissioner, a sum not exceeding three thousand seven hundred and fifty dollars.
Auditor.	For expenses of the auditor's department, the same to include expenses attending the administration of the law providing state aid for Massachusetts volunteers and their families, a sum not exceeding seven hundred dollars.
Insurance commissioner.	For incidental and contingent expenses of the insurance commissioner, a sum not exceeding two thousand dollars.
S. J. Court.	For expenses of the supreme judicial court, a sum not exceeding two thousand five hundred dollars.



For fees, costs and expenses of the attorney-general, and for incidental and contingent expenses of the attorney-general's office, a sum not exceeding two thousand dollars.

Attorney-general.

For the contingent expenses of civil actions, a sum not exceeding three hundred dollars.

Civil actions.

#### MILITARY.

For the incidental and contingent expenses of the adjutant-general's department, a sum not exceeding three thousand five hundred dollars.

Adjutant-general, incidental expenses.

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

Militia bounty.

For expenses of the bureau of the quartermaster-general, a sum not exceeding seven thousand dollars.

Quartermaster-general.

For the rent of armories and head-quarters, a sum not exceeding thirty-nine thousand dollars.

Rent of armories.

For the transportation of troops, a sum not exceeding twelve thousand dollars.

Transportation.

For quartermasters' supplies, a sum not exceeding seven-teen thousand dollars.

Quartermasters' supplies.

For military tactics, a sum not exceeding five hundred dollars.

Military tactics.

For uniforms for the volunteer militia, sum not exceeding eighty-five thousand dollars.

Uniforms.

For expenses of the bureau of the surgeon-general, a sum not exceeding five hundred dollars.

Surgeon-general.

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.

Medical supplies.

For the reimbursement of cities and towns, for money paid on account of aid to Massachusetts volunteers and their families, a sum not exceeding four hundred and seventy-five thousand dollars; the same to be payable on the first day of December, of the present year.

Reimbursement for state aid.

For the payment of state aid, as authorized in sundry special acts and resolves, a sum not exceeding two hundred dollars.

State aid under special laws.

For the payment of bounties remaining due to Massachusetts soldiers, a sum not exceeding one thousand dollars.

Bounties to soldiers.

#### AGRICULTURAL.

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

Bounties to societies.

- Personal expenses of members of board.** For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand five hundred dollars.
- Secretary.** For the travelling expenses of the secretary of the board of agriculture, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.
- Incidental expenses.** For other incidental expenses of the board of agriculture, a sum not exceeding one hundred and fifty dollars.
- Printing report.** For printing the report of the board of agriculture, a sum not exceeding fifteen thousand dollars.
- Fees for licenses under 1874, 206, § 2.** The fees received under section two of chapter two hundred and six of the acts of the year eighteen hundred and seventy-four, entitled, "an act concerning commercial fertilizers," are hereby appropriated, to be used in accordance with the provisions of section five of the same act.

## MISCELLANEOUS.

- Distribution of proclamation by sheriffs.** To the sheriffs of the different counties for distributing proclamations, blanks, and making returns of votes, a sum not exceeding five hundred dollars.
- Books for state library.** For the purchase of books for the state library, two thousand three hundred dollars, to be expended under direction of the trustees and librarian.
- Railroad commissioners.** For the compensation of experts or other agents, for rent of office and for contingent expenses of the railroad commissioners, a sum not exceeding three thousand dollars.
- Commissioners on public lands.** 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 fisheries.** For the compensation and expenses of the commissioners on fisheries, a sum not exceeding five thousand dollars.
- Board of health.** For the expenses of the state board of health, a sum not exceeding five thousand dollars.
- Commissioner of corporations.** For the expenses of the commissioner of corporations, a sum not exceeding one thousand seven hundred and fifty dollars.
- Harbor commissioners.** For the compensation and expenses of the harbor commissioners, a sum not exceeding eleven thousand seven hundred and fifty dollars.

For expenses incurred under authority of chapter three hundred and seventeen of the acts of the year eighteen hundred and seventy-four, entitled "an act to secure a more equal apportionment of state and county taxes upon the several cities and towns," a sum not exceeding one thousand five hundred dollars, the same to be in addition to the unexpended balance of the appropriation made for the same purpose in the previous year.

Expenses incurred under 1874, 317.

For the compensation and expenses of the state police, a sum not exceeding twenty-five thousand eight hundred dollars, viz., for the compensation of the chief constable, five hundred dollars; for the compensation of the constables, twenty thousand dollars; for travelling expenses actually paid by said constables, three thousand five hundred dollars, and for incidental and contingent expenses, to include any unpaid amounts of the previous year, one thousand eight hundred dollars.

State police.

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

*Approved February 20, 1875.*

AN ACT TO AUTHORIZE THE COMMISSIONERS ON THE STATE HOSPITAL FOR THE INSANE, IN THE TOWN OF DANVERS, TO PROCURE A SUPPLY OF PURE WATER FROM IPSWICH RIVER. *Chap. 25.*

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

SECTION 1. The commissioners appointed under the authority of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three, entitled "An Act to establish a hospital for the insane in the north-eastern part of the Commonwealth," are hereby authorized and empowered to take from Ipswich River at some convenient point near the site of the state hospital for the insane in the town of Danvers, a supply of pure water for the use of the said hospital and its appurtenances. Said commissioners may also take and hold by purchase or otherwise, in connection with the said source of supply, any lands and real estate necessary for increasing or preserving the purity of the water, or for laying, building and maintaining aqueducts, water-courses, reservoirs, dams, buildings, machinery and other structures and appliances, with their accessories for conducting, elevating, purifying, storing, discharging, disposing of and distributing water for the said hospital and the buildings and grounds connected therewith.

Commissioners may take supply of water from Ipswich River.

May take lands, build reservoirs, etc.

SECTION 2. The said commissioners shall, within sixty days from the time of taking any lands or real estate for

To file in the registry of deeds a description of the land taken.

the purpose aforesaid, file in the registry of deeds for the southern district of the county of Essex, a description of the lands so taken, sufficiently accurate for identification; and the title of all lands so taken shall vest in the Commonwealth. Said commissioners shall be liable to pay all damages sustained by any persons in their property by the taking of said lands, or real estate, or by the taking of the supply of water as aforesaid. If any person who shall sustain damages as aforesaid cannot agree with said commissioners upon the amount of damages, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways: *provided however*, that the applications for a jury to assess damages, sustained by the taking of any water or water-right, may be made at any time before the first day of November in the year eighteen hundred and seventy-eight.

Liability for damages.

May contract for construction of dams, etc., with the approval of the governor and council.

SECTION 3. The said commissioners may, with the approval of the governor and council, contract for the construction of dams, reservoirs, aqueducts and pumping works, and the laying of conduits, pipes and drains for the purpose of conducting and distributing the said water to, into and through the said hospital and the buildings and grounds connected therewith.

Expenses to be defrayed from appropriations heretofore made.

SECTION 4. All expenses incurred by the said commissioners under the provisions of this act, shall be defrayed from the appropriations heretofore made for the establishment of the said hospital in the town of Danvers.

*Approved February 20, 1875.*

*Chap. 26.* AN ACT AUTHORIZING THE CLERK OF THE COURTS IN HAMPSHIRE COUNTY TO DRAW PAY FOR CLERK HIRE FROM THE COUNTY TREASURY.

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

Allowance to clerk of courts for extra clerk hire.

SECTION 1. The county commissioners of Hampshire county may allow, from the treasury of said county, to the clerk of the courts in said county, as compensation for extra clerk hire, a sum not exceeding five hundred dollars per annum, payable quarterly from the first day of January in the year eighteen hundred and seventy-five.

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

*Approved February 20, 1875.*

AN ACT IN RELATION TO THE INCREASE AND REDUCTION OF THE CAPITALS OF JOINT STOCK INSURANCE COMPANIES. *Chap. 27.*

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

SECTION 1. Whenever the capital stock of any fire, marine or fire-marine insurance company, organized or incorporated pursuant to law, is impaired, such company may reduce its capital stock and the number of shares thereof to such an amount as truly represents the assets and property of such company: *provided*, that no part of its assets and property shall be distributed to the stockholders of said company and that said capital stock shall not be reduced below the minimum sum required by the laws of this Commonwealth.

May reduce capital stock when capital is impaired.

Proviso.

SECTION 2. No reduction of the capital of any such company shall be made, except upon a vote of a majority of the stockholders of said company had at a meeting duly and legally called for that purpose: and within ten days after said meeting a certificate, setting forth the proceedings of said meeting and the amount of the reduction of the capital stock of said company, shall be signed and sworn to by the president, secretary and a majority of the directors of said company and presented to the insurance commissioner, who shall examine the facts in the case, and if the same conform to law, shall endorse his approval thereof: and such certificate, so approved, shall be filed with the secretary of the Commonwealth.

Reduction may be made upon vote of a majority of stockholders.

Certificate of proceedings to be filed with insurance commissioner.

SECTION 3. Upon filing the certificate provided in the second section of this act, such company shall with such reduced capital possess the same rights and be subject to the same liabilities that it possessed or was subject to at time of the reduction of its capital; and the charter of such company shall be deemed to be amended so as to conform to such reduction; and the insurance commissioner shall issue his certificate to that effect.

Rights and liabilities.

SECTION 4. Such company may, by a majority vote of its directors, after said reduction of capital shall have been made as aforesaid, require the return of the original certificates of stock held by each stockholder and in lieu thereof issue new certificates for such number of shares as the said stockholders shall be entitled to, in the proportion that the reduced capital may be found to bear to the original capital of said company.

Certificates of stock.

SECTION 5. It shall be lawful for any joint stock fire, marine or fire-marine insurance company, incorporated

May increase capital stock. 1872, 375, § 13.

under any special laws of this Commonwealth, to increase its capital stock as provided in section thirteen chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-two.

Amendment to  
1863, 249, §§ 7, 9.

SECTION 6. Section seven, chapter two hundred and forty-nine of the acts of the year eighteen hundred and sixty-three is hereby amended by striking out the word "shall" and inserting in lieu thereof the word "may," and section nine of the same chapter is hereby amended by inserting after the word "risks," "or decreased in accordance with the laws of this Commonwealth."

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

*Approved February 20, 1875.*

*Chap. 28.* AN ACT TO AMEND AN ACT TO PROVIDE FOR THE PREVENTION AND ABATEMENT OF NUISANCES AND THE PRESERVATION OF THE PUBLIC HEALTH, IN THE CITIES OF CAMBRIDGE AND SOMERVILLE.

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

Abatement of  
nuisances and  
preservation of  
health in Cam-  
bridge and  
Somerville.  
1872, 299, § 5.

Chapter two hundred and ninety-nine of the acts of eighteen hundred and seventy-two is hereby amended, by adding at the end of the fifth section of said act the following words:—"If the owner of any estate within said city of Cambridge, so assessed for such expenses, desires to have the amount of said assessment apportioned he shall give notice thereof in writing to the board of mayor and aldermen of said city at any time before a demand is made upon him for the payment thereof, and said board shall thereupon apportion the said amount into five equal parts, which apportionment shall be certified to the assessors of said city, and the said assessors shall each year for the five years then next ensuing, in addition to the annual tax on said estate, include in the warrant to the collector one of said equal parts, with interest thereon from the date of said apportionment, which part, with interest thereon, shall be collected and the lien therefor enforced in the same manner, with like charges for cost and interest, and with the same right in the collector to purchase such lands and buildings in behalf of the city as is provided by law for the collection of taxes on real estate. The city of Cambridge may assume the cost of raising to the required grade such private ways or courts in said city, as have been or may be ordered to be filled to grade under the provisions of this act."

*Approved February 24, 1875.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF INSPECTORS OF PROVISIONS IN CITIES AND TOWNS. *Chap. 29.*

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

SECTION 1. The mayor and aldermen of cities and the selectmen of towns may annually appoint one or more persons to be inspectors of provisions, who shall be sworn to discharge the duties of their office faithfully, and who shall receive such compensation as the city council of cities or the selectmen of towns shall determine.

Inspectors of provisions may be appointed.

SECTION 2. Said inspectors shall have power to inspect all meats, fish, vegetables, produce, fruit and provisions of all kinds found in said cities or towns; and may for this purpose enter into all buildings except dwelling-houses unless a tavern, store, grocery or eating-room is kept therein, where said meats, fish, vegetables, produce, fruit or provisions are found. When such meat, fish, vegetables, produce, fruit or provisions are found on such inspection to be tainted, diseased, corrupted, decayed or unwholesome from any cause, said inspectors may seize the same and cause it to be destroyed or disposed of otherwise than for food: *provided, however*, that if the owner of the property seized shall at the time of seizure notify said inspector in writing of his desire to appeal to the board of health, said inspector shall cause said meat, fish, vegetables, produce, fruit or provisions to be inspected by said board of health or by a committee thereof, consisting of not less than two members, and if said board or committee shall find the same to be tainted, diseased, corrupted, or unwholesome, they shall order the same to be destroyed or disposed of otherwise than for food. All moneys received by said inspector or board of health for property disposed of as aforesaid, shall, after deducting all expenses incurred by reason of said seizure, be paid to the owner thereof.

May inspect meats, vegetables, fish, etc.

May seize and destroy unwholesome food.

Proviso.

SECTION 3. Said inspectors shall have power to inspect all veal found in said cities or towns: *provided*, they shall not have authority to enter for that purpose into any dwelling-house unless a tavern, store, grocery or eating-room is kept therein; and if said veal is, in the judgment of the inspector, that of a calf killed under four weeks old, he shall seize the same and cause it to be destroyed or disposed of, as provided in the preceding section, subject, however, to the same provisions concerning appeal and the disposal of moneys that are therein contained.

May seize and destroy veal if that of a calf killed under four weeks old.

Warrants may be issued to search for tainted food, etc.

SECTION 4. When complaint is made on oath to any police court or magistrate authorized to issue warrants in criminal cases, that the complainant believes that any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce, fruit or provisions of any kind, or any veal of a calf killed under four weeks old is kept or concealed in any particular house or place with the intent to sell or offer the same for sale, the court or magistrate, if satisfied there is reasonable cause for such belief, shall issue a warrant to search for such articles, and all such warrants shall be directed and executed as provided in the third section of chapter one hundred and seventy of the General Statutes.

Penalties.

SECTION 5. Whoever knowingly sells, or offers, or exposes for sale, or has in his possession with intent to sell as articles of food, any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce, fruit or provisions of any kind whatever, shall be punished by imprisonment in jail not exceeding sixty days, or by fine not exceeding one hundred dollars.

Name and place to be published, when property is condemned.

SECTION 6. The place where property condemned under this act shall be found, and the name of every person in whose possession it may be found and condemned, or who shall be convicted of an offence under the previous section, shall be published in two newspapers published in the county.

Repeal of 1872, 231.

SECTION 7. Chapter two hundred and thirty-one of the acts of the year eighteen hundred and seventy-two, is hereby repealed.

Subject to acceptance by cities and towns.

SECTION 8. This act shall not be in force in any city or town, unless adopted by the city council of such city, or by the inhabitants of such town.

*Approved February 24, 1875.*

*Chap. 30.*

AN ACT TO ENABLE THE CLERK OF THE TOWN OF WARWICK FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY, TO AMEND HIS RECORD OF THE TOWN MEETING HELD SEPTEMBER SIXTH, OF THAT YEAR.

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

Clerk of town of Warwick may amend record of town meeting.

SECTION 1. Arlon S. Atherton, clerk of the town of Warwick for the year one thousand eight hundred and seventy, is hereby authorized to amend his record of the town meeting of the inhabitants of said town, held on the sixth day of September of that year, so that the fact may appear, that the vote, by which said town voted to accept



the provisions of chapter one hundred and ninety-six of the acts of the legislature for the year one thousand eight hundred and seventy and to reëstablish the school district system, was unanimous.

SECTION 2. After the amendment of said record, said vote shall be held to be valid and effectual from its passage. Vote confirmed.

*Approved February 24, 1875.*

AN ACT TO EXTEND THE TIME FOR COMMENCING THE CAPE COD SHIP CANAL. Chap. 31.

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

SECTION 1. The time fixed by chapter thirty-six, of the acts of the year eighteen hundred and seventy, and chapter fifty-four of the acts of the year eighteen hundred and seventy-two, for commencing the Cape Cod Ship Canal, is hereby extended one year. Time extended for commencing canal.

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

*Approved February 24, 1875.*

AN ACT TO DISSOLVE THE EAST ABINGTON FIRE DISTRICT.

Chap. 32.

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

SECTION 1. The East Abington Fire District is hereby dissolved. Fire district dissolved.

SECTION 2. This act shall take effect, whenever the said fire district shall, by vote of a majority of the legal voters thereof, at a legal meeting held for that purpose, accept this act and shall transfer its property to the town of Rockland. Subject to acceptance by fire district.

*Approved February 27, 1875.*

AN ACT TO AMEND SECTION NINETEEN OF CHAPTER ONE HUNDRED AND FORTY-SIX OF THE GENERAL STATUTES CONCERNING REVIEWS OF FINAL JUDGMENTS IN CIVIL ACTIONS. Chap. 33.

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

Section nineteen of chapter one hundred and forty-six of the General Statutes is hereby amended to read as follows:—

Final judgments in civil actions may be reëxamined and tried anew upon writs of review as provided in the following sections of this chapter; or if upon a petition for setting aside the judgment in any such action, in which the execution has not been satisfied in whole or in part, filed within one year after the recovery of the judgment, the court shall be of opinion, after notice to the adverse party, that there is sufficient cause, for which by law a review should be granted, the court may vacate said judgment, stay and supersede any execution thereon, and order said

Final judgments in civil actions may be re-examined and tried upon writs of review.  
G. S. 146, § 19.

action to be brought forward on the docket of the court, to be tried and disposed of as if said judgment had not been rendered.

Petition to be entered in county where judgment was rendered.

The said petition shall be entered in the county in which the judgment was rendered, and if the court is not then in session in said county, it shall be filed in the clerk's office in said county, and after said entry or filing, any justice of the said court may order notice of said petition, returnable at the next term of said court to be held in said county, and may issue a stay or supersedeas of any execution on said judgment and an order for its return to the clerk's office with a certificate of any proceedings thereon.

Petitioner to give bond.

The petitioner shall, in all cases, before the vacation of said judgment and before the stay or supersedeas of said execution, give to the adverse party a bond with sufficient sureties, to be approved by a justice of said court, that, if the said judgment is not vacated upon said petition, the petitioner shall satisfy said judgment and all costs accrued on any execution issued thereon, and that if said judgment is vacated, he shall satisfy the execution that may be issued in favor of the adverse party on any judgment that may be thereafter rendered in said action. And the court may impose any other reasonable terms upon the petitioner.

Attachment dissolved when original judgment is vacated.

No attachment made, or bail taken originally in the suit, shall be liable to satisfy the judgment rendered after the original judgment has been vacated.

This act shall not confer the power to grant a review upon any court not now authorized by law to grant the same.

*Approved February 27, 1875.*

*Chap. 34.* AN ACT TO EXTEND THE CHARTERS OF CERTAIN INSURANCE COMPANIES.

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

Charters of insurance companies extended.

SECTION 1. Insurance companies created by the laws of this Commonwealth, whose charters were granted or have been extended for a term of years or subject to a limitation of time, shall continue to be bodies corporate, for the purposes specified in their several acts of incorporation and in any acts in addition to or in amendment thereof, from and after the expiration of their respective charters, with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in the general laws which are or may be in force and applicable to such insurance companies.

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

*Approved March 4, 1875.*

AN ACT CEDING JURISDICTION TO THE UNITED STATES OVER LANDS  
USED FOR CUSTOMS-OFFICES OR MARINE HOSPITALS. *Chap. 35.*

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

SECTION 1. Jurisdiction is ceded to the United States of America over any tracts of land within this Commonwealth necessary for the purposes of customs-offices or of marine hospitals to which the United States have acquired or shall hereafter acquire the title in fee: *provided always*, that this Commonwealth shall retain concurrent jurisdiction with the United States in and over such tracts, so that all civil and criminal process, issuing under the authority of this Commonwealth, may be executed thereon and in any buildings thereon in the same manner and to the same effect, as if this act had not been passed; and exclusive jurisdiction shall revert in this Commonwealth over any such tract when it shall cease to be used for the purpose of a customs-office or of a marine hospital; and *provided also*, that a suitable plan of each tract, over which jurisdiction is acquired 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 as respects lands heretofore acquired for said purposes by the United States and within one year after the acquisition of the title as respects such lands hereafter acquired.

Jurisdiction ceded to United States over land for custom-houses, etc.

State to retain concurrent jurisdiction for execution of process.

Proviso.

SECTION 2. This act shall not apply to lands, jurisdiction over which has been heretofore ceded to the United States by this Commonwealth.

Not to apply where jurisdiction has been heretofore ceded.

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

*Approved March 4, 1875.*

AN ACT TO INCORPORATE THE TOWN OF SOUTH ABINGTON.

*Chap. 36.*

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

SECTION 1. All the territory now within the towns of Abington and East Bridgewater, comprised within the following limits, that is to say; beginning at a stone monument at the south-westerly corner of the town of Rockland, thence northerly by the town of Rockland three hundred and eighty-five rods; thence westerly in a straight line to the westerly side of Washington street, to the dividing line between the lands of Ebenezer Reed and Lewis B. Penniman; thence westerly in a straight line to a point in the line between the towns of Abington and Brockton, fifty rods southerly from the westerly end of Green street; thence southerly and easterly by the town of Brockton to a stone monument in the line of Abington,

Town of South Abington incorporated.

Territorial limits.

at the corner of the towns of Brockton and East Bridgewater; thence southerly by the town of Brockton, about eighty-five rods, to a stone monument, thence westerly by the town of Brockton, fifty rods; thence southerly in a straight line to a point in the easterly line of Winter street in East Bridgewater, twenty-five rods southerly from the south-westerly corner of the dwelling-house of Ebenezer Alger; thence easterly in a straight line to a point on the westerly line of Winter street, three rods southerly from the south-easterly corner of the dwelling-house of Charles Smith; thence easterly in a straight line to a point on the westerly line of Bedford street, thirty feet southerly from the centre of Snell's meadow-brook; thence easterly in a straight line to a stone monument on the westerly side of Washington street, near the dwelling-house of James S. Harding; thence easterly, northerly, and easterly again, by the towns of East Bridgewater and Hanson, to the first-named point,—is hereby incorporated into a town by the name of South Abington; and said town of South Abington 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.

Inhabitants of South Abington to pay arrears of taxes to Abington and East Bridgewater.

SECTION 2. The inhabitants of said town of South Abington shall be holden to pay all arrears of taxes, which have been legally assessed upon them by the towns of Abington and East Bridgewater, respectively; and all taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the towns of Abington and East Bridgewater, in the same manner as if this act had not been passed. And until the next state valuation, the proportion of state and county taxes to be assessed upon the towns of Abington, East Bridgewater and South Abington, shall be ascertained and determined by the last valuations of the towns of Abington and East Bridgewater, and the assessors of the said towns of Abington and East Bridgewater, shall make returns of said valuations, and of the proportions thereof, in the towns of Abington, East Bridgewater and South Abington respectively, to the secretary of the Commonwealth and to the commissioners of the county of Plymouth.

Liability for support of paupers.

SECTION 3. Said towns of Abington, East Bridgewater and South Abington 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, whether by original acquisition or derivation within their respective limits; and the town of South Abington shall also pay annually to the towns of Abington and East Bridgewater, its proportion of all the costs paid by the towns of Abington or East Bridgewater, respectively, or derived from a settlement acquired in Abington or East Bridgewater in consequence of military services in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of Abington or East Bridgewater.

SECTION 4. All suits and proceedings at law or in equity, where the cause of action in favor of or against the town of Abington or the town of East Bridgewater arose before the passage of this act, may be instituted and prosecuted or defended, as the case may be by either or both of the towns of Abington and South Abington, or by either or both of the towns of East Bridgewater and South Abington or the inhabitants thereof in their corporate capacity, in the same manner and with the same effect as the town of Abington or the town of East Bridgewater might have instituted and prosecuted or defended such suits or proceedings if this act had not been passed, and the amount recovered in any such suit or proceeding by or against said town of Abington, or said town of East Bridgewater shall be received or paid, as the case may be by the towns of Abington and South Abington, or the towns of East Bridgewater and South Abington in the same proportions as the public property and debts of the towns of Abington and East Bridgewater are required to be divided by this act: *provided*, that neither of said towns shall be liable for costs to the other unless it appears in the suit; nor shall either town, unless it appears in a suit, be liable for costs to the defendant therein, but only that town which appears shall be so liable for costs.

SECTION 5. The corporate property belonging to the towns of Abington and East Bridgewater at the date of the passage of this act, and the public debt of said towns existing at said date, shall be divided between the towns of Abington and South Abington and between East Bridgewater and South Abington according to the valuation of the property within their respective limits, as assessed May first, in the year eighteen hundred and seventy-four; and said town of South Abington shall receive from said

Prosecution of suits and proceedings at law or in equity, where cause of action arose before passage of this act.

Neither town liable for costs to the other, unless it appears in the suit.

Division of corporate property and public debt.

Reimbursement for state aid and bounties to soldiers.

towns of Abington and East Bridgewater, a proportionate part of whatever amount may hereafter be refunded to said towns of Abington and East Bridgewater, from the state or the United States, to reimburse said towns of Abington and East Bridgewater for bounties to soldiers, or state aid paid to soldiers' families, after deducting reasonable expenses; and said town of South Abington shall bear the expense of making the survey and establishing the line between said towns of Abington and East Bridgewater and said town of South Abington.

If division of property or debts is not agreed upon, award to be made by commissioners appointed by superior court.

SECTION 6. In case said towns of Abington, East Bridgewater and South Abington shall not agree in respect to a division of property, or debts, the superior court for the county of Plymouth shall, upon the petition of either town, appoint three commissioners; and said petition may be filed and appointments made in vacation, to hear the parties and determine the matters of differences, and their award, or the award of any two of them, being accepted by said court, shall be final. And said court shall have jurisdiction to render judgment, or make any order or decree upon said award, to issue execution, or any other proper process to enforce such judgment, decree or order. But the award shall not be set aside unless for fraud or manifest error, in which case the court may recommit the award, or appoint other commissioners with the same powers and duties as the first, of whose proceedings the court shall have the same jurisdiction as herein before provided. In making said award said commissioners shall assign the real estate belonging to said towns of Abington and East Bridgewater, at the time of the passage of this act, to the town within which said estate shall be situated, so far as such division shall be practicable.

State and national election districts.

SECTION 7. The town of South Abington shall until otherwise provided by law, continue to be a part of the second congressional district, of the second councillor district, and of the second Plymouth senatorial district. And inhabitants of said town of South Abington, shall vote for each of said officers in the town of South Abington. The selectmen and clerk of said town of South Abington, in each of said cases, shall make returns as if said town had existed at the time of the formation of said districts.

Representatives to the general court.

SECTION 8. The territory of the town of South Abington which has heretofore been a part of Abington, shall, for the purpose of electing representatives to the general

court, remain a part of the twelfth Plymouth representative district until legally changed. And the voters on said territory shall vote for said representatives in the town of South Abington, at meetings legally called for that purpose; and the clerk of the town of South Abington shall make returns and meet with the clerk of the town of Abington for the purpose of ascertaining the result of the election of representatives for said twelfth Plymouth representative district, and making certificates of the same at noon on the day following said election, at the town-clerk's office in said Abington.

Twelfth Plym-  
outh district.

SECTION 9. The territory of the town of South Abington, which has heretofore been a part of East Bridgewater, shall, until legally changed, remain a part of the eleventh Plymouth representative district, and the voters thereof shall continue to vote in the town of East Bridgewater for representatives to the general court, but shall be assessed and taxed only as inhabitants of the town of South Abington. The clerk of said town of South Abington shall, before each election referred to in this section, furnish to the clerk of the town of East Bridgewater, seven days at least before said election, a certified list of the voters resident in said territory set off by this act, and qualified to vote at such election.

Representatives.  
Eleventh Plym-  
outh district.

SECTION 10. The town of South Abington shall be included within the jurisdiction of the second district court of Plymouth.

To be within  
jurisdiction of  
second district  
court of Plym-  
outh.

SECTION 11. Any justice of the peace within and for the county of Plymouth may issue his warrant directed to any inhabitant of the town of South Abington, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at the time and place therein 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 publishing a copy thereof in some newspaper printed in the county of Plymouth, and by posting up copies thereof, attested by the person to whom the same is directed, in three public places in said town of South Abington, seven days at least before such time of meeting. Such justice, or in his absence, such inhabitant required to notify the meeting, shall preside until the choice of moderator in said meeting. The selectmen of said towns of Abington and East Bridgewater respect-

First meeting  
for election of  
town officers.

Lists of voters  
to be furnished  
by selectmen of

Abington and  
East Bridge-  
water.

ively, shall, before said meeting, prepare a list of voters in said town of South Abington, 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 12. This act shall take effect upon its passage.

*Approved March 4, 1875.*

*Chap. 37.* AN ACT TO AUTHORIZE THE TOWN OF LEXINGTON TO RAISE MONEY FOR A CENTENNIAL CELEBRATION OF THE BATTLE OF LEXINGTON.

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

May raise  
money for cen-  
tennial celebra-  
tion of battle of  
Lexington.

SECTION 1. The town of Lexington is hereby authorized to raise money by taxation or otherwise, to an amount not exceeding one-third of one per cent. on the last valuation of said town, for the purpose of commemorating on the nineteenth day of April in the year eighteen hundred and seventy-five, the one hundredth anniversary of the Battle of Lexington and for publishing the doings of said celebration.

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

*Approved March 4, 1875.*

*Chap. 38.* AN ACT CONCERNING THE SHELL-FISHERIES OF THE TOWN OF BREWSTER

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

Shell-fisheries  
regulated in  
town of Brew-  
ster.

SECTION 1. No person, except the inhabitants of the town of Brewster, shall take any clams, quahaugs, oysters or other shell-fish from within the waters of said town, without a permit from the selectmen thereof, nor shall any inhabitant of said town, at any one time, take more than three bushels of said fish, including their shells, for bait, or for the purpose of selling the same without a permit from the selectmen of said town, who may grant the same for such sum to be paid to the use of said town, as they shall deem proper; but the inhabitants of said town may take said fish for family use without such permit.

Penalties.

SECTION 2. Whoever takes any shell-fish from within the waters of said town of Brewster in violation of the provisions of this act, shall, for every offence pay a fine of not less than five nor more than ten dollars, and costs of prosecution, and also one dollar for every bushel of shell-fish so taken, said fine and forfeiture imposed under this act to be recovered by indictment or complaint before a trial justice in the county of Barnstable.

*Approved March 4, 1875.*



AN ACT TO AMEND CHAPTER SEVENTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, RELATING TO FISHING IN THE CONNECTICUT RIVER.

*Chap. 39.*

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

SECTION 1. Section one of chapter seventy-six of the acts of the year eighteen hundred and sixty-nine is hereby amended so that shad may be taken from the Connecticut River with rod and line and artificially-baited hook at any time between the fifteenth day of March and the first day of August in each year.

Shad may be taken with rod and line, between March 15th and August 1st. 1869, 76, § 1.

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

*Approved March 8, 1875.*

AN ACT TO AMEND SECTION TWENTY-SEVEN OF CHAPTER ONE HUNDRED AND SIXTY-TWO OF THE GENERAL STATUTES TO PROVIDE FOR THE SEIZURE AND DESTRUCTION OF FORGED OR COUNTERFEIT NOTES OR BONDS OF ANY STATE OR CORPORATION.

*Chap. 40.*

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

SECTION 1. Section twenty-seven of chapter one hundred and sixty-two of the General Statutes is hereby amended by inserting after the word "notes" in the first line the words "or forged or counterfeit notes or bonds of any state or corporation."

Forged or counterfeit notes or bonds. G. S. 162, § 27, amended.

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

*Approved March 8, 1875.*

AN ACT TO INCORPORATE THE CHESHIRE WATER COMPANY.

*Chap. 41.*

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

SECTION 1. Richard A. Burget, Felix F. Petitioner and George Martin, their associates and successors are made a corporation under the name of the Cheshire Water Company, for the purpose of supplying the town of Cheshire with pure water; and for this purpose may take and hold the waters of Thunder brook, sometimes called the New Road brook, in said town, at any point above its entrance into Kitchen brook, together with any tributary streams which flow into the said Thunder brook, and any spring or springs which flow into the same; may from time to time build, and maintain dams, reservoirs, aqueducts and other suitable or necessary works; may take and hold such land along the banks of said Thunder brook and its tributaries, and around the margin of said springs, not exceeding five rods in width on each side as may be necessary for the preservation and purity of said waters; and from time to time may take and hold such other lands as may be necessary for the construction and maintenance

Corporators.

Name and purpose.

May take and hold lands, etc.

of said dams, reservoirs, aqueducts, conduits or works: *provided however*, that no land, water or water rights, shall be taken or entered upon except for the purpose of making surveys until all damages are satisfied, or security given to the satisfaction of the county commissioners, for the payment of all damages agreed upon by the parties, or all damages and costs awarded by the county commissioners or a jury for the land or property taken.

To file in registry of deeds a description of the land taken.

SECTION 2. Said corporation shall within sixty days after any taking of land under this act, file in the registry of deeds of the northern district of the county of Berkshire, a description of any land so taken, sufficiently accurate for identification and state the purpose for which it is taken, and the title of all land so taken shall vest in said corporation. Any person injured in his property by any of the acts of said corporation, and failing to agree with said corporation as to the amount of damages may have them assessed and determined in the manner provided when land is taken for highways.

May distribute water throughout town of Cheshire.

SECTION 3. Said corporation may distribute the water throughout said town of Cheshire, and may from time to time fix and establish the rent therefor; and may construct and maintain its aqueducts, conduits, pipes and drains over or under any water-course, trunk, head-race, tail-race, street, railroad, highway or other way in such manner as not to obstruct the same, and may, under the direction of the board of selectmen, enter upon and dig up any road or way for the purpose of laying or repairing its aqueducts, conduits, pipes and drains, in such a manner as to cause the least hindrance to travel on such road or way, and in general may do any other acts and things, necessary, convenient or proper for carrying out the purposes of this act.

Real estate and capital stock.

SECTION 4. Said corporation may for the purpose aforesaid hold real and personal estate not exceeding in amount forty thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each, and said capital stock if originally fixed at a less sum, may from time to time be increased to an amount not exceeding in the whole fifty thousand dollars.

Penalty for polluting or diverting water.

SECTION 5. Whoever wilfully corrupts, pollutes or diverts any of the waters taken under this act or injures any dam, reservoir, aqueduct, conduits, pipes or hydrants

or other property owned or used by said corporation for the purpose of this act shall pay the said corporation three times the amount of actual damage, to be recovered by any proper action; and every such person on conviction of either of the malicious acts aforesaid may be punished by a fine not exceeding one hundred dollars, and by imprisonment not exceeding six months.

SECTION 6. The occupant of any tenement shall be liable for the payment of the rent for the use of the water of said corporation in such tenement, and the owner shall also be liable if on being notified in writing by said corporation or its agent of such use he does not in writing object thereto.

SECTION 7. Said town may subscribe for and hold shares of the capital stock of said corporation to an amount not exceeding five thousand dollars: *provided*, that two-thirds of the legal voters present and voting by ballot and using the check-list, at a legal meeting called for the purpose in such town and held in like manner as the meetings for the choice of municipal officers are now held by law in such town shall vote to subscribe for such shares in such corporation: said town may raise money to pay for the same by tax or loan, and may issue their notes or bonds for such loan; they may hold and dispose of such stock in like manner as other town property, and the selectmen may at all meetings of the corporation represent and vote upon each and every share of stock owned by said town, anything in the General Statutes to the contrary notwithstanding.

Town may hold stock not exceeding \$5,000.

Proviso.

SECTION 8. The town of Cheshire may at any time by a vote of two-thirds of the legal voters present and voting by ballot therefor at a legal meeting held for the purpose take by purchase or otherwise the franchise of said corporation, and all its corporate property, at such price as may be agreed upon between the parties; and in case the parties cannot agree upon the price, the supreme judicial court or any justice thereof, upon application of either party, shall appoint three commissioners to award what sum said town shall pay for such franchise and its corporate property, which award shall be final.

Town may, by a two-thirds vote, purchase franchise and property.

Commissioners to be appointed, if parties do not agree.

SECTION 9. For the purpose of defraying the cost of such franchise and corporate property as may be purchased for the purposes aforesaid, the town of Cheshire shall have authority to issue from time to time notes, scrip or

Cheshire water scrip may be issued to pay for property.

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

Duties, rights and liabilities of town, in case property is taken.

SECTION 10. In case the town of Cheshire shall purchase the property, rights and privileges of the corporation hereby established, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities, except giving security for land or property taken, herein contained, in such manner and by such officers and agents as the town shall from time to time determine. And said town shall be liable to pay all damages occasioned under this act which shall not have been previously paid by the said corporation.

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

*Approved March 9, 1875.*

*Chap. 42.* AN ACT IN RELATION TO MUTUAL FIRE INSURANCE COMPANIES CREATED BY THE LAWS OF OTHER STATES.

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

Foreign mutual fire insurance companies may issue policies upon both the cash and mutual plans.

SECTION 1. Mutual fire insurance companies, incorporated by or under the law of any state of the United States, other than the Commonwealth of Massachusetts, and by such law authorized to issue policies of insurance upon both the cash and mutual plans, are and shall be authorized to issue policies of insurance in this Commonwealth either for premiums payable wholly in cash or for premiums payable partly in cash and partly by premium notes: *provided*, that no such company shall be permitted to transact business in this Commonwealth until it shall have satisfied the insurance commissioner that it is possessed of a re-insurance fund, over and above all liabilities, equal to fifty per centum of all cash premiums on cash policies in force, and that it has premium notes liable to

Proviso.

assessment amounting to the sum of at least two millions of dollars, which notes may, by law, be or become a lien upon the property insured and liable to assessment for the payment of losses and expenses for their full amount, and shall keep a cash deposit in this Commonwealth of not less than two hundred thousand dollars for the security of policy-holders; and *provided, further*, that no such mutual fire insurance company shall insure in any fire insurance district in the Commonwealth of Massachusetts, to an amount exceeding said cash deposits and its net cash assets. Proviso.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.  
*Approved March 9, 1875.*

AN ACT TO REPEAL SECTION SIXTY OF CHAPTER FOUR HUNDRED AND FIFTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE CONCERNING THE PRECEDENTS AND CONTINUANCE OF LIQUOR CASES. Chap. 43.

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

SECTION 1. The sixtieth section of the four hundred and fifteenth chapter of the acts of the year eighteen hundred and sixty-nine is repealed. Repeal of 1869, 415, § 60.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 9, 1875.*

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE TOWN OF PITTSFIELD WITH PURE WATER. Chap. 44.

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

SECTION 1. The town of Pittsfield is hereby authorized to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Pittsfield Water Scrip," to an amount not exceeding one hundred thousand dollars, in addition to the amount now authorized by section seven of chapter two hundred and ten of the acts of the year eighteen hundred and fifty-two, and by chapter two hundred and one of the acts of the year eighteen hundred and sixty-six, in the same manner, upon the same terms and conditions, and for the same purposes as stated in said acts. Pittsfield may issue additional water scrip not exceeding \$100,000.

SECTION 2. The town of Pittsfield is hereby authorized to assess and collect upon the polls and estates, real and personal, in the Pittsfield fire district, all taxes necessary to pay the principal and interest of the scrip that shall be issued under the provisions of the preceding section. May assess taxes to pay principal and interest.

Subject to  
acceptance by a  
two-thirds vote.

SECTION 3. There shall be a legal meeting of the voters of said fire district, called within one year after the passage of this act, for the purpose of having the said voters give in their written ballots on the question whether they will accept this act; and if two-thirds of the said ballots shall be in the affirmative, then the selectmen of the town of Pittsfield shall warn a meeting of the voters of said town within three months thereafter, for the purpose of having said voters give in their written ballots upon the question whether they will accept the same; if two-thirds of said ballots given upon the question aforesaid be in the affirmative, then this act shall be binding; otherwise null and void.

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

*Approved March 10, 1875.*

*Chap. 45.* AN ACT TO CHANGE THE NAME OF THE APPLETON STREET CONGREGATIONAL SOCIETY OF LOWELL.

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

Name changed.

SECTION 1. The name of the Appleton Street Congregational Society in Lowell is changed to that of the Eliot Congregational Society.

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

*Approved March 10, 1875.*

*Chap. 46.* AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MILL OWNERS' MUTUAL FIRE INSURANCE COMPANY OF BOSTON.

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

Deposit notes  
may be five  
times amount  
of cash pre-  
miums.

SECTION 1. It shall be lawful for the deposit notes given for insurance in the Mill Owners' Mutual Fire Insurance Company of Boston to be as much as five times the amount paid as cash premiums.

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

*Approved March 10, 1875.*

*Chap. 47.* AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSE, THE STATE PRIMARY SCHOOL AT MONSON, THE STATE PRISON, THE REFORM SCHOOL AT WESTBOROUGH, THE INDUSTRIAL SCHOOL FOR GIRLS, THE BRIDGEWATER WORKHOUSE 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, unless otherwise specified, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other pur-

poses, during the year ending December thirty-first in the year eighteen hundred and seventy-five, to wit :—

CHARITABLE.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding ninety-three thousand dollars.	State almshouse, Tewksbury.
For the current expenses of the state primary school at Monson, a sum not exceeding forty-four thousand dollars.	State primary school, Monson.
For expenses of the general agent of the board of state charities, a sum not exceeding two thousand dollars.	General agent's expenses.
For expenses of the secretary of the board of state charities, a sum not exceeding one thousand dollars.	Secretary's expenses.
For contingent expenses of the visiting agent of the board of state charities, a sum not exceeding three thousand seven hundred dollars.	Visiting agent's expenses.
For travelling and other expenses of the board of state charities, a sum not exceeding one thousand dollars.	Travelling expenses.
For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding ninety-five thousand dollars.	Lunatic paupers in hospitals.
For the support of state paupers by cities and towns, a sum not exceeding twenty-five thousand dollars; the same to include any expenses necessary to carry out the provisions of chapter one hundred and sixty-two of the acts of the year eighteen hundred and sixty-five, and chapter twelve of the acts of the year eighteen hundred and sixty-nine.	Support of state paupers by cities and towns.
For the burial of state paupers, a sum not exceeding five thousand dollars.	Burial of state paupers.
For the reimbursement of cities and towns for expenses incurred in the transportation of state paupers to the state almshouse, a sum not exceeding seven hundred dollars.	Transportation of state paupers.
For the Perkins institution and Massachusetts asylum for the blind, the sum of thirty thousand dollars.	Asylum for the blind.
For the support of Massachusetts beneficiaries in the asylums for deaf and dumb, and in other institutions of the same character, a sum not exceeding thirty thousand dollars.	Asylums for deaf and dumb.
For the Massachusetts school for idiotic and feeble-minded youth, the sum of seventeen thousand five hundred dollars.	Idiotic and feeble-minded youth.
For the reimbursement of the Massachusetts infant asylum, and for the support of infants having no known	Infant asylum.

settlement in the Commonwealth, a sum not exceeding six thousand dollars.

Indian state paupers.

For the support of Indian state paupers a sum not exceeding five hundred dollars.

State pauper convicts.

For the support of state pauper convicts, a sum not exceeding one thousand dollars.

Johonnot annuities.

For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand two hundred and eighty dollars.

Annuities.

For other annuities, a sum not exceeding one thousand one hundred dollars.

Pensions.

For pensions a sum not exceeding eight hundred dollars.

Reimbursement of cities and towns, under 1866, 234; 1874, 121.

For the reimbursement of cities and towns, for the support of state paupers, under the provisions of chapter two hundred and thirty-four of the acts of the year eighteen hundred and sixty-six, a sum not exceeding five thousand dollars; and for expenses incurred under chapter one hundred and twenty-one of the acts of eighteen hundred and seventy-four, relating to small-pox and other diseases dangerous to the public health, a sum not exceeding ten thousand dollars.

#### REFORMATORY AND CORRECTIONAL.

State prison.

For the current expenses of the state prison, a sum not exceeding one hundred and forty-five thousand dollars.

State reform school.

For the current expenses of the state reform school at Westborough, a sum not exceeding fifty-five thousand dollars.

Industrial school.

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

State work-house, Bridgewater.

For the current expenses of the state workhouse at Bridgewater, a sum not exceeding forty-three thousand dollars.

Fugitives from justice.

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

Discharged convicts.

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

Prison commissioners.

For the expenses of the commissioners on prisons, a sum not exceeding five hundred dollars.



For expenses of coroners' inquests, a sum not exceeding one thousand dollars. Coroners' inquests.

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

*Approved March 11, 1875.*

AN ACT CONCERNING THE MILEAGE OF THE LIEUTENANT-GOVERNOR, MEMBERS OF THE COUNCIL AND GENERAL COURT. *Chap. 48.*

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

SECTION 1. Each member of the senate and house of representatives shall hereafter be paid for his travel from his place of abode to the place of the sitting of the general court and returning home, once in each session ; such sum of money as he shall actually expend for such travel. Each member shall certify in writing the amount of such expenditure. Mileage of senate and house of representatives.

SECTION 2. The lieutenant-governor and each member of the council shall be paid for his travel from his place of abode to the place of sitting of the governor and council and returning home, once in each regular session held during the annual session of the legislature, and once for each subsequent session, whether consisting of one day or of several consecutive days, such sum of money as he shall actually expend for such travel. Each member shall certify in writing the amount of such expenditure. Mileage of lieutenant-governor and council.

SECTION 3. So much of section one of chapter one hundred and ninety of the acts of the year eighteen hundred and seventy-one as relates to the mileage of the members of the senate and house of representatives and so much of section three of chapter three hundred and twenty-eight of the acts of the year eighteen hundred and seventy-two, as relates to the mileage of the lieutenant-governor and council, is hereby repealed. Repeal.

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

*Approved March 11, 1875.*

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, ENTITLED "AN ACT CONCERNING ASSOCIATIONS FOR RELIGIOUS, CHARITABLE, EDUCATIONAL AND OTHER PURPOSES." *Chap. 49.*

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

SECTION 1. Any corporation constituted under the authority of chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-four, may have, instead of a board of directors, a board of trustees, managers, executive committee, prudential committee, wardens and vestry, or other officers, having the May have officers having the powers of directors, instead of a board of directors. 1874, 375.

powers of directors; and the certificate of organization of any such corporation may be made, signed and sworn to by the presiding, financial and recording officers, and a majority of the directors, trustees, managers, executive committee, prudential committee, wardens and vestry, or other officers having the powers of directors, as the case may be; and the certificate issued by the secretary of the Commonwealth, under the provisions of said chapter, shall be modified to correspond with the facts in each case.

SECTION 2. Nothing contained in chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-four, entitled, "An act concerning associations for religious, charitable, educational and other purposes," shall affect the existence of any association or corporation formed previously to the passage of said act, under the provisions of any statute for any of the purposes mentioned in the second section of said act; and any such corporation may, at a meeting called for the purpose, decide to adopt the provisions of this act, and upon so deciding and complying with the provisions of this section shall have the powers and privileges and be subject to the duties and obligations of corporations formed under chapter three hundred and seventy-five of the acts of eighteen hundred and seventy-four. Said corporation may thereupon cause to be prepared and presented to the commissioner of corporations a certificate signed and sworn to by the presiding, financial and recording officers and a majority of the directors, trustees, managers, executive committee, prudential committee, wardens and vestry or other officers of whatever name, having the powers of directors as the case may be, of said corporation, setting forth a copy of the agreement of association, of the vote herein before referred to, and the date of the meeting at which the same was adopted, and may present such further evidence, if any, as the commissioner shall require of the legal existence of said corporation and its intention to adopt the provisions of this act. The commissioner of corporations shall examine the certificate submitted to him and the evidence of organization produced as aforesaid, and if it shall appear that the provisions of law have been complied with he shall certify that fact, and his approval thereof, by indorsment thereon. The secretary of the Commonwealth shall, upon the same

Corporations previously formed not to be affected. 1874, 275, § 2.

Organized corporations may adopt provisions of this act.

Commissioner to examine certificate, etc.

being deposited in his office, and upon payment of the fee of five dollars, cause the same, with the indorsment thereon, to be recorded, and shall issue a certificate in the following form:—

Secretary to record certificate.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [here the names of the original subscribers shall be inserted] have formerly associated themselves with the intention of forming a corporation, under the name of [here the name of the corporation shall be inserted], for the purpose [here the purpose declared in the articles of agreement shall be inserted], under the provisions of [here the designation of the statute under the provisions of which organization was effected shall be inserted], with a capital of [here the amount of the capital stock, as it stands fixed by the corporation at the date of the certificate, shall be inserted, or, if there is no capital stock, this clause shall be omitted], and the provisions of the statutes of this Commonwealth in such case made and provided have been complied with, as appears from the certificate of the proper officers of said corporation, duly approved by the commissioner of corporations, and recorded in this office,—now, therefore, I [here the name of the secretary shall be inserted], secretary of the Commonwealth of Massachusetts, do hereby certify that said [here the name of the corporation shall be inserted] is legally organized and established as an existing corporation, with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Form of certificate to be issued by secretary.

Witness my official signature, hereunto subscribed, and the seal of the Commonwealth of Massachusetts, hereunto affixed, this day of \_\_\_\_\_, in the year of our Lord [in these blanks the day, month and year of execution of the certificate shall be inserted].

The secretary of the Commonwealth shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall be conclusive evidence of the organization and establishment of such corporation at the date of such certificate. The secretary shall also cause a record of such certificate to be made, and a copy of such record, duly certified, may, with like effect as the original certificate, be given in evidence to prove the existence of such corporation.

Certificate to be conclusive evidence of establishment of corporation.

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

*Approved March 15, 1875.*

AN ACT TO AUTHORIZE THE TOWN OF ACTON TO RAISE MONEY FOR A CELEBRATION TO COMMEMORATE THE EVENTS OF THE NINETEENTH DAY OF APRIL SEVENTEEN HUNDRED AND SEVENTY-FIVE.

*Chap. 50.*

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

SECTION 1. The town of Acton may at its annual meeting held in March or April of the present year raise by taxation or appropriate a sum of money not exceeding one-tenth of one per cent. of its assessed valuation for the

May raise money by taxation for celebration of April 19, 1875.

year preceding said annual meeting, for the purpose of celebrating the nineteenth day of April of the present year.

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

*Approved March 16, 1875.*

*Chap. 51.* AN ACT TO AUTHORIZE THE TOWN OF WOBURN TO RAISE MONEY FOR A CENTENNIAL CELEBRATION OF THE BATTLE OF LEXINGTON.

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

May raise money by taxation for centennial celebration of battle of Lexington.

SECTION 1. The town of Woburn is authorized to raise, by taxation, a sum of money not to exceed one-twentieth of one per cent. of its valuation, for the purpose of commemorating the battle of Lexington, on its centennial anniversary, April nineteenth eighteen hundred and seventy-five.

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

*Approved March 16, 1875.*

*Chap. 52.* AN ACT TO AMEND AN ACT TO INCORPORATE THE FRANKLIN SAVINGS BANK OF BOSTON.

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

Amendment to 1861, 77, § 1.

Section one of chapter seventy-seven of the acts of the year eighteen hundred and sixty-one is amended by striking out the words "east of Washington street between Summer and Essex streets."

*Approved March 16; 1875.*

*Chap. 53.* AN ACT TO AMEND AN ACT TO DISSOLVE THE MAPLE STREET CONGREGATIONAL SOCIETY IN DANVERS.

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

Amendment to 1874, 94, § 1.

SECTION 1. Section one of chapter ninety-four of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out the word "Congregational" and inserting in the place thereof the words "church and."

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

*Approved March 16, 1875.*

*Chap. 54.* AN ACT TO CHANGE THE NAME OF THE SECOND METHODIST EPISCOPAL CHURCH OF NORTH BRIDGEWATER.

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

Name changed.

SECTION 1. The name of the Second Methodist Episcopal Church of North Bridgewater is changed to the Central Methodist Episcopal Church of Brockton.

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

*Approved March 16, 1875.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TRUSTEES OF THE NORTH BAPTIST MINISTERIAL CHURCH FUND IN RANDOLPH. *Chap. 55.*

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

SECTION 1. The corporation known by the name of the Trustees of the North Baptist Ministerial Church Fund in Randolph shall be hereafter known by the name of the Trustees of the Ministerial Fund of the First Baptist Church in Randolph. Name changed.

SECTION 2. The said trustees may take, hold, collect and receive subscriptions, donations, grants, bequests and devises of property or estate, to any amount: *provided*, the annual income of the same shall not exceed four thousand dollars in addition to that authorized by section two of chapter one hundred and twelve of the acts of the year eighteen hundred and twenty-four. Trustees may hold property, etc. Proviso.

SECTION 3. The said trustees may apply the principal of the fund held by them to paying the debts contracted in enlarging and improving the meeting-house held by them as such trustees: *provided*, the annual rental of the pews therein shall first be applied, as far as necessary, to the same purposes as the income of the fund is now required to be appropriated by the rules and regulations heretofore adopted by said church; and the balance of the annual income may be applied to paying the current expenses of said church. May pay debts for enlarging meeting-house, from the principal of the fund. Proviso.

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

*Approved March 16, 1875.*

AN ACT AMENDING SECTION ONE OF CHAPTER ONE HUNDRED AND NINETY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED SEVENTY-THREE, CONCERNING UNIFORMS FOR OFFICERS OF THE STATE PRISON AND REPEALING SECTION TWO OF SAID CHAPTER. *Chap. 56.*

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

SECTION 1. Section one of chapter one hundred and ninety-three of the acts of the year eighteen hundred and seventy-three is amended by inserting therein after the word "uniform" in the fourth line of said section the words "cap or badge." Amendment to 1873, 193, § 1.

SECTION 2. The second section of said chapter is repealed. Repeal.

SECTION 3. This act shall take effect on the first day of May next.

*Approved March 17, 1875.*

*Chap. 57.* AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN EIGHTEEN HUNDRED AND SEVENTY-FOUR AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

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

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit:—
- Stationery—  
house of repre-  
sentatives. For stationery ordered by the clerk of the house of representatives, four hundred seventy-five dollars and seventy-four cents.
- Stationery—  
senate. For stationery ordered by the clerk of the senate, eighty-one dollars and eighty-five cents.
- Printing and  
binding. For printing and binding ordered by the senate and house of representatives, eight hundred sixty dollars and eighty cents.
- Blanks and  
circulars. For printing blanks, circulars and the calendar of orders of the day for the senate and house of representatives, one thousand seven hundred ninety-eight dollars and seventy-six cents.
- Contingent  
expenses. For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, a sum not exceeding two hundred and fifty dollars.
- Committees and  
commissions. For the compensation of committees and commissions of the legislature of the previous year, authorized to sit during the recess, a sum not exceeding eight thousand dollars.
- Engineer and  
fireman. For the compensation of the engineer and fireman employed at the state house, one hundred ninety-seven dollars and fifty cents.
- Printing—  
sergeant-at-  
arms. For printing ordered by the sergeant-at-arms, a sum not exceeding one hundred and sixty dollars.
- Repairs. For ordinary repairs in and about the state house during the previous year, a sum not exceeding nine hundred dollars.
- Ventilating. For ventilating the “blue room” and the reporter’s gallery, as ordered by the senate and house of representatives, during the previous year, a sum not exceeding two hundred seventy-seven dollars and fifty cents.
- Steam fire-  
pump. For the steam fire-pump purchased during the previous year a sum not exceeding eight hundred sixty-three dollars and forty cents.
- Compensation,  
etc., of council. For the compensation and mileage of the executive council, one thousand seven hundred and twelve dollars.

For the incidental expenses of the secretary's department, one thousand and twelve dollars and fifty-one cents.	Secretary's department.
For printing the pamphlet edition of the general acts and resolves of the previous year, five hundred eighty-nine dollars and seventy-five cents.	Pamphlet edition of general laws.
For the publication of the supplement to the General Statutes of the previous year, four hundred seventy-seven dollars and fifty-six cents.	Supplement to General Statutes.
For printing and binding the memorial volume of the eulogies upon the late Charles Sumner, as ordered by the senate and house of representatives, a sum not exceeding one thousand and twenty-two dollars and seventy-five cents.	Memorial volume—Charles Sumner.
For the compensation and expenses of the harbor commissioners, two hundred and eighty-six dollars.	Harbor commissioners.
For postage and travelling expenses of the secretary of the board of agriculture, one hundred seventy-nine dollars and ninety-four cents.	Postage, etc.—board of agriculture.
For incidental expenses of the board of agriculture, seven dollars and fifty-seven cents.	Incidental expenses.
For expenses of the bureau of the quartermaster-general, a sum not exceeding one thousand five hundred sixty dollars and forty-nine cents.	Quartermaster-general.
For military accounts, a sum not exceeding four hundred eighty-one dollars and eighty-eight cents.	Military accounts.
For militia compensation, a sum not exceeding sixteen thousand seven hundred and eight dollars and twenty-six cents.	Militia compensation.
For quartermasters' supplies, a sum not exceeding seven hundred eighty-nine dollars and twenty-five cents.	Quartermaster's supplies.
For uniforms for the volunteer militia, a sum not exceeding one thousand eight hundred ninety-eight dollars and sixty cents.	Uniforms.
For expenses incurred in connection with the state muster-ground at Framingham, a sum not exceeding seven hundred thirty-four dollars and thirty-eight cents.	State muster-ground.
For the current expenses of the state almshouse at Tewksbury, one thousand six hundred twenty-one dollars and seventy-five cents.	Almshouse—Tewksbury.
For the current expenses of the state prison, twelve thousand nine hundred and six dollars and forty-seven cents.	State prison.
For the reimbursement of the Massachusetts infant asylum for the support of infants having no known settlement in the Commonwealth, a sum not exceeding one	Massachusetts infant asylum.

thousand nine hundred seventy-two dollars and twenty-nine cents.

Coroners' accounts.

For coroners' accounts for eighteen hundred and seventy-four and previous years, a sum not exceeding five hundred dollars.

Clerk of adjutant-general.

For the salary of the first clerk of the adjutant-general, one hundred and six dollars and eleven cents.

Salaries—first district court, Eastern Middlesex.

For the salary of the justice of the first district court of Eastern Middlesex, six hundred sixty-six dollars and sixty-seven cents, and for the salary of the clerk of said court, three hundred thirty-three dollars and thirty-four cents.

Widow of Dr. George Derby.

In the resolve, chapter eighty-two, of the previous year, in favor of the widow of the late George Derby, one thousand three hundred eighteen dollars and sixty-eight cents.

Disabled soldiers.

In the resolve, chapter eighty-three, in favor of James Kelley, George Hayes, Daniel O'Grady, George C. Buckman, Joseph Simpson and Thomas Plunkett, three thousand six hundred dollars, in accordance with the provisions of said resolve.

Charles E. Barnard.

In the resolve chapter eighty-five, of the previous year, in favor of Charles E. Barnard, six hundred dollars, in accordance with the provisions of said resolve.

Surgeon-general—contingent expenses.

SECTION 2. For the contingent expenses of the surgeon-general, the sum of one thousand dollars in addition to the appropriation heretofore made for the present year.

Executive department.

For the expenses of the executive department as authorized by chapter two hundred and fifty of the acts of the year eighteen hundred and seventy, a sum not exceeding five thousand dollars.

Secretary of board of state charities.

For payment to Frank B. Sanborn for services as secretary of the board of state charities from April first eighteen hundred and seventy-four to July first eighteen hundred and seventy-four the sum of seven hundred and fifty dollars which shall be allowed and paid.

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

*Approved March 20, 1875.*

*Chap. 58.* AN ACT TO AMEND SECTION FORTY-NINE CHAPTER THREE HUNDRED AND SEVENTY-TWO OF THE ACTS OF EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATIVE TO THE ISSUING OF BONDS BY RAILROAD CORPORATIONS.

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

Amendment to 1874, 372, § 49.

SECTION 1. Section forty-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting after



the words "for any lawful purpose" in the fourth line of said section the following words "and may mortgage or pledge as security for the payment of such bonds any part or all of its road, equipment or franchise, or any part or all of its property, real or personal."

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

*Approved March 20, 1875.*

AN ACT TO DEFINE THE LOCATION OF RISKS TO BE TAKEN BY MUTUAL FIRE INSURANCE COMPANIES.

*Chap. 59.*

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

SECTION 1. Mutual fire insurance companies created under the laws of this state may issue policies on any property included in the terms of their charter, situated in the New England states, New York, Pennsylvania and New Jersey.

May issue policies on property in New-York, New Jersey, etc.

SECTION 2. Section fifty-seven of chapter fifty-eight of the General Statutes is hereby repealed.

Repeal of G. S. 58, § 57.

*Approved March 20, 1875.*

AN ACT FOR THE PRESERVATION OF THE EEL FISHERY IN THE TOWN OF MASHPEE.

*Chap. 60.*

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

SECTION 1. No person shall take from Jehu's pond, so called, in the town of Mashpee, or from the outlet therefrom, more than three dozen of eels on any one day without a permit in writing from the selectmen of said town.

Eel fishery regulated in Jehu's Pond, Mashpee.

SECTION 2. Whoever violates the provisions of this act shall forfeit for every eel taken in violation thereof twenty-five cents; and all forfeitures under this act shall be paid, one-half to the town of Mashpee, and one-half to the complainant.

Penalties, etc.

*Approved March 20, 1875.*

AN ACT CONCERNING THE CLAM FISHERIES IN THE TOWN OF WINTHROP.

*Chap. 61.*

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

SECTION 1. No person not an inhabitant of the town of Winthrop, shall take any clams from within the waters of said town without a written permit from the selectmen of said town: nor shall any person being an inhabitant of said town at any one time take any clams from within said waters exceeding three bushels including their shells for bait or for the purposes of selling the same without a permit from the selectmen of said town, who may grant the same for such sum to be paid to the use of the town, as they shall deem proper; and the inhabitants of said town

Clam fisheries regulated in Winthrop.

may take clams for family use and for no other purpose without such permit.

Penalties.

SECTION 2. Whoever takes any clams from within the waters of Winthrop in violation of the provisions of this act shall for every offence pay a fine of not less than five nor more than ten dollars and cost of prosecution: said fine and forfeiture imposed under this act to be recovered by indictment or complaint before any trial justice or any court of competent jurisdiction within the county of Suffolk.

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

*Approved March 20, 1875.*

*Chap. 62.* AN ACT TO ESTABLISH A LEGAL AND STANDARD MEASURE OF A BARREL OF CRANBERRIES.

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

Barrel of cranberries, one hundred quarts.

Name of maker to be branded on barrels.

SECTION 1. The legal and standard measure of a barrel of cranberries shall be one hundred quarts, level measure.

SECTION 2. Every manufacturer of barrels for cranberries shall brand his name upon said barrels.

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

*Approved March 20, 1875.*

*Chap. 63.* AN ACT TO CHANGE THE NAME OF THE SECOND PARISH IN SHERBORN.

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

Name changed.

SECTION 1. The name of the Second Parish in Sherborn is hereby changed to the Pilgrim Society of Sherborn.

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

*Approved March 20, 1875.*

*Chap. 64.* AN ACT TO INCORPORATE THE CHICOPEE FALLS SAVINGS BANK.

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

Chicopee Falls Savings Bank incorporated.

SECTION 1. T. W. Carter, Josiah W. Osgood, T. C. Page, James E. Taylor, George S. Taylor, their associates and successors are made a corporation by the name of the Chicopee Falls Savings Bank, to be located in Chicopee Falls, with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.

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

*Approved March 20, 1875.*

## AN ACT RELATING TO THE COLLATERAL LOAN COMPANY.

*Chap. 65.**Be it enacted, &c., as follows:*

SECTION 1. The Collateral Loan Company may loan on mortgage of goods and chattels.

May loan on mortgage of goods and chattels.

SECTION 2. Section eight of chapter one hundred and seventy-three of the acts of the year eighteen hundred and fifty-nine is hereby amended by striking out all of said section after the word "owner."

Amendment to 1859, 173, § 8.

SECTION 3. Section two of chapter fourteen of the acts of the year eighteen hundred and sixty-five is hereby amended by striking out all of said section after the word "surplus," and adding instead of the words so struck out the words "one year for the owner."

Amendment to 1865, 14, § 2.

SECTION 4. Section three of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking out all after the word "kind."

Amendment to 1869, 428, § 3.

SECTION 5. Sections nine, ten, and twelve of said chapter one hundred seventy-three of the acts of the year eighteen hundred and fifty-nine, and section four of said chapter four hundred and twenty-eight of the acts of the year eighteen hundred and sixty-nine are hereby repealed.

Repeal of 1859, 173, §§ 9, 10, 12; 1869, 428, § 4.

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

*Approved March 23, 1875.*

## AN ACT TO AMEND THE CHARTER OF THE CITY OF LYNN.

*Chap. 66.**Be it enacted, &c., as follows:*

SECTION 1. The qualified voters of the city of Lynn shall, at the annual municipal election next after the acceptance of this act, elect by ballot three competent men, inhabitants and legal voters of said city, who shall constitute the board of commissioners of streets and sewers for said city, one of whom shall be elected for the term of one year, one for the term of two years, and one for the term of three years from the date of such election, and until their respective successors are chosen and qualified; and at every subsequent annual election one person qualified as aforesaid shall be elected a member of said board for the term of three years.

Board of street commissioners and sewers.

SECTION 2. Said commissioners of streets and sewers shall have all the powers now exercised by the city council or either branch thereof concerning the laying out, repairing, altering or discontinuing the streets and ways of said city, the laying, making, maintaining and repairing the

Powers of commissioners.

drains and sewers therein, and the charge of the public grounds.

To be chosen for three years.

SECTION 3. The commissioner so chosen for the said term of three years from the date of such annual election and his successor shall be designated the commissioner-in-chief, and shall be the chairman and executive officer of the board and shall, in addition to his duties as a member of said board, perform all the duties now devolving upon the surveyor of highways: and the office of surveyor of highways shall cease to exist upon the election and qualification of said commissioners.

Office of surveyor of highways abolished.

To make estimate of cost of work, and lay before city council, if it exceeds \$1,000.

SECTION 4. Whenever said board of commissioners of streets and sewers shall adjudge that the public safety and convenience require that any street, lane, or alley in said city should be laid out, altered or discontinued, or that any drain or sewer should be constructed, altered or discontinued, they shall make and record an estimate of the expense thereof; and, if such estimate shall exceed the sum of one thousand dollars, including the estimates of any previous expenditure during that municipal year on such street, lane, alley, drain or sewer, the order for such laying out, construction, alteration or discontinuance shall be forthwith laid before the city council for their concurrence or rejection, and shall not take effect until said city council shall concur therein.

Compensation to be fixed by city council.

SECTION 5. Said commissioners shall receive for their services such compensation as the city council shall establish, to be paid out of the city treasury: and such compensation shall be so established before the next annual election after the passage of this act: and any reduction of compensation shall take effect upon such commissioners only as shall be appointed after such reduction.

City engineer to be clerk of board.

SECTION 6. The city engineer shall be the clerk of said board, and shall make and keep a record of their doings, and certify the same when necessary. He shall also make all plans and surveys required for the use of said board.

Vacancies to be filled by concurrent vote of city council.

SECTION 7. Whenever a vacancy occurs in said board of commissioners, the same shall be filled by a concurrent vote of the city council: and the person so selected shall hold the office until his successor shall be chosen at the next municipal election and duly qualified.

Repeal.

SECTION 8. All laws and provisions of the charter of said city of Lynn inconsistent herewith are hereby repealed.

SECTION 9. This act shall be void unless submitted to and approved by, a majority of the voters of said city present and voting thereon by yea and nay, and by ballot, at meetings held simultaneously for the purpose in the several wards, upon notice duly given at least seven days before the time of holding said meetings. And such meetings may be held upon the day of the annual state election in November.

Subject to acceptance by voters of the city.

SECTION 10. This act shall take effect upon its passage.

*Approved March 23, 1875.*

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF LAWRENCE WITH WATER. *Chap. 67.*

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

SECTION 1. The city of Lawrence is authorized to issue from time to time notes, scrip, bonds or certificates of debt to be denominated on the face thereof "City of Lawrence Water Loan," to an amount not exceeding four hundred thousand dollars in addition to the amounts authorized by chapter seventy-nine of the acts of the year eighteen hundred and seventy-two: and the provisions of section nine of said chapter of the acts of the year eighteen hundred and seventy-two shall be applicable to the issue provided by this act.

Water loan, \$400,000 additional. 1872, 73, § 2.

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

*Approved March 23, 1875.*

AN ACT RELATIVE TO BONDS TO DISSOLVE ATTACHMENTS AND IN WRITS OF REVIEW. *Chap. 68.*

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

SECTION 1. Whenever any defendant in a civil action dissolves an attachment made in said suit, by giving bond as provided by the statutes of this Commonwealth, and has already been or afterwards is adjudged a bankrupt, the court may, at any time, upon motion, if it appears that the plaintiff is otherwise entitled to judgment in said action, enter a special judgment therein which shall be entitled, "special judgment for the plaintiff to enable him to proceed against the sureties upon the bond given to dissolve the attachment"; and said judgment shall be deemed and taken to be a sufficient judgment, within the meaning of said statutes, to enable the plaintiff to maintain an action against the sureties on said bond, no other objection existing thereto: *provided*, the attachment, for the dissolution of which said bond was given, was not

Special judgment when bankrupt defendant has dissolved attachment by giving bond.

made within four months next preceding the commencement of proceedings in bankruptcy.

Sureties to pay plaintiff within thirty days after entry of special judgment.

SECTION 2. No bond shall hereafter be given to dissolve an attachment in a civil action, unless it contains, in addition to the conditions now required by law, a further condition obliging the sureties to pay to the plaintiff, within thirty days after the entry of any special judgment in accordance with the preceding section, the sum, if any, for which said judgment shall be entered.

Special judgment upon petition for review.

SECTION 3. The court may enter a similar judgment, with the same effect, when any defendant in any civil action upon petition for a review thereof, shall be adjudged a bankrupt before or after having given the security required by the statute in such cases: *provided*, the attachment in the original action was not made within four months next preceding the commencement of the proceedings in bankruptcy.

Additional condition in bond to be given under G. S. 146, § 35.

SECTION 4. No bond shall hereafter be given under section thirty-eight of chapter one hundred and forty-six of the General Statutes unless it contains, in addition to the conditions now required by law, a further condition obliging the sureties to pay to the plaintiff, within thirty days after entry of any special judgment in accordance with the preceding section, the sum, if any, for which said judgment shall be entered.

*Approved March 23, 1875.*

*Chap. 69.* AN ACT AUTHORIZING THE TOWN OF BURLINGTON TO RAISE MONEY BY TAXATION TO COMMEMORATE THE BATTLE OF LEXINGTON.

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

May raise money to celebrate anniversary of battle of Lexington.

SECTION 1. The town of Burlington is authorized to raise, by taxation, a sum of money not to exceed four hundred dollars, for the purpose of commemorating the battle of Lexington, on its centennial anniversary, April nineteenth, eighteen hundred and seventy-five.

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

*Approved March 23, 1875.*

*Chap. 70.*

AN ACT CONCERNING VAGRANTS.

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

Vagrants may be required to perform labor in return for food and lodging furnished by overseers, etc.

The overseers of the poor of any town or city, or keepers of almshouses acting under their directions, may require any person, not a resident of said town or city applying to them for and receiving from them food and lodging or either in an almshouse or other place, to perform a reasonable amount of labor in return for such food

and lodging and may detain such person until the same is performed, but not beyond the hour of eleven in the forenoon of the day succeeding his application; and if any such person shall refuse or neglect when so required to perform such labor suited to his age, strength and capacity, or wilfully damage any of the property of such town or city in the charge of such overseers or other officers he shall be deemed a vagrant within the meaning of the statutes relating to vagrants and vagabonds and may be prosecuted and punished in the manner provided by chapter two hundred and fifty-eight of the acts of the year eighteen hundred and sixty-nine or as otherwise provided by law.

*Approved March 24, 1875.*

AN ACT TO AMEND AN ACT TO REGULATE THE FISHERIES IN TAUNTON GREAT RIVER AND NEMASKET RIVER. *Chap. 71.*

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

Whenever any fishing privilege is hereafter offered for sale agreeably to the provisions of the second section of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five, or any act in amendment thereof, if no offer of one hundred dollars or more is made for said privilege, the mayor and aldermen of the city, or the selectmen of the town offering the same for such sale may refuse to accept any offer less than said sum, and thereafterwards may sell or dispose of said privilege in such manner as will best promote the interests of said city or town.

Fisheries regulated in Taunton Great River and Nemasket River.

*Approved March 27, 1875.*

AN ACT TO AUTHORIZE CERTAIN INSURANCE COMPANIES TO INSURE AGAINST LOSS BY FIRE OR LIGHTNING WITHOUT LIMITATION OF TIME. *Chap. 72.*

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

SECTION 1. Joint stock insurance companies and mutual insurance companies with a guarantee capital incorporated or organized under the laws of this Commonwealth, are hereby authorized to issue policies of insurance which shall not limit or restrict the term of the risk, against loss or damage by fire or lightning, on buildings occupied solely for dwelling-house purposes, together with the out-buildings and private stables usually belonging thereto, and on buildings used exclusively for religious, charitable, and educational purposes, *provided* that no such policy shall be issued, until the insured has made a deposit in cash with said companies, the annual interest of which shall be not less than an adequate yearly rate

May issue policies against damage by fire or lightning.

Provisos.

of premium on the risk incurred, and *provided further*, that no part of said deposit shall be returned to the insured, while such risk continues in force.

Sums deposited to be set apart as a distinct fund.

SECTION 2. All sums deposited with any insurance company, for the purpose of insurance under the provisions of this act, shall be set apart and invested, and shall constitute a distinct fund, the income from which shall become a part of the general funds of the company; but no part of such distinct fund shall be used except as in manner hereinafter provided, nor shall the same be advertised in any publications of the company, in any other manner than as deposits upon perpetual policies.

Disposition of sums deposited when it is terminated.

SECTION 3. Whenever a policy of insurance issued under the provisions of this act, is terminated at the request of the company, the full amount of the deposit upon the same shall be paid to the insured from said distinct fund, and whenever a policy so issued is terminated at the request of the insured, or in consequence of loss under the same, ninety per cent. of the deposit shall be paid to the insured from the distinct fund, and the balance thereof shall be drawn from said fund, and be entered in and become a part of the general funds of the company. In the event of the insolvency of the company, the deposits made for insurance under the provisions of this act shall be returned to the insured under the same.

Provisions to be expressed in policy.

SECTION 4. The provisions of the third section of this act shall be expressed in full in any policy issued under this act, before the signatures of the officers signing the same.

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

*Approved March 27, 1875.*

*Chap. 73.* AN ACT IN RELATION TO THE OVERSEERS OF THE POOR IN THE CITY OF BOSTON.

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

May hold \$300,000 additional real and personal estate.

SECTION 1. The overseers of the poor in the city of Boston, a corporation duly established by law, are hereby authorized to hold real and personal estate not exceeding in value three hundred thousand dollars, in addition to the real and personal estate, which they are authorized to hold 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."

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

*Approved March 27, 1875.*



AN ACT TO CHANGE THE NAME OF THE SOCIETY OF BOSTON AND VICINITY FOR THE AID OF GERMAN IMMIGRANTS. *Chap. 74.*

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

SECTION 1. The Society of Boston and vicinity for the Aid of German Immigrants incorporated under chapter one hundred and three of the acts of eighteen hundred and forty-eight, shall hereafter be known as The German Aid Society of Boston. Name changed to The German Aid Society of Boston.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding twenty thousand dollars. Section two of chapter one hundred and three of the acts of the year eighteen hundred and forty-eight is hereby repealed. Real and personal estate. 1848, 103, § 2.

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

*Approved March 27, 1875.*

AN ACT TO CONFIRM THE ORGANIZATION AND PROCEEDINGS OF THE HAYDEN FOUNDRY AND MACHINE COMPANY. *Chap. 75.*

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

SECTION 1. The acts and proceedings of Joel Hayden, Stephen M. Crosby, and Anna H. Crosby, in organizing the Hayden Foundry and Machine Company, and the subsequent proceedings of said associates and their successors under said organization are hereby ratified and confirmed; and the Hayden Foundry and Machine Company is hereby established as an existing corporation, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions conferred by general laws upon such corporations. Organization and proceedings ratified and confirmed.

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

*Approved March 27, 1875.*

AN ACT TO INCORPORATE THE WOLLASTON WHARF AND DOCK COMPANY. *Chap. 76.*

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

SECTION 1. Josiah Quincy, Josiah P. Quincy, Samuel M. Quincy, their associates and successors are hereby made a corporation by the name of the Wollaston Wharf and Dock Company, with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in all general laws which now are or may hereafter be in force and applicable to such corporations, with power and authority to purchase and hold in fee simple or otherwise, land and flats in the town of Quincy, comprising not more than one hundred acres of the upland on Corporators.

Name and purpose.

Quincy Bay now owned by Josiah Quincy on both sides of Sachem's Creek and the flats adjacent and appurtenant to such one hundred acres of upland together with so much other land as shall be sufficient for a roadway between said upland and the Old Colony Railroad.

May sell lands and flats, lay out streets, etc.

SECTION 2. Said corporation shall have power to sell, convey, lease, mortgage or otherwise dispose of said land and flats or any part thereof and within the limits of said territory, to lay out streets and passage-ways, erect buildings, construct and maintain a wharf or wharves, a dock or docks, and may also construct and maintain to and over said flats a channel-way or channel-ways from the sea, and otherwise improve and manage said property as it shall deem expedient; said corporation shall also have the right to lay vessels at the ends and sides of any of said wharves and in any of said docks and receive wharfage and dockage therefor; *provided however* that the construction of any of said channels, wharves and docks shall be subject to the approval and determination of the harbor commissioners and the provisions of the four hundred and thirty-second chapter of the acts of the year eighteen hundred and sixty-nine.

Proviso.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars and shall be divided into shares of one hundred dollars each.

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

*Approved March 27, 1875.*

*Chap. 77.* AN ACT TO PROVIDE FOR THE MANAGEMENT OF THE HOOSAC TUNNEL AND THE TROY AND GREENFIELD RAILROAD AND FOR OTHER PURPOSES.

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

Manager to be appointed by governor and council.

SECTION 1. The governor with the advice and consent of the council, shall, upon the passage of this act, appoint an able and judicious person, a citizen of this Commonwealth to take charge of the Troy and Greenfield Railroad and the Hoosac Tunnel, and manage the same in behalf of the Commonwealth. He shall perform the duties assigned to him by this act, and any subsequent act of the legislature of Massachusetts in relation thereto; and he shall be removable at the pleasure of the governor and council, and shall receive such compensation as they shall from time to time prescribe. He shall be sworn to the faithful performance of his duties; and in case any vacancy shall occur in his office, by death, resignation or otherwise, the governor

To be sworn.

shall, with the advice and consent of the council, appoint a suitable person to fill the vacancy. It shall be the duty of the manager to make a monthly report of his doings, and of the earnings and expenses of the railroad and tunnel. The governor with the advice and consent of the council, shall also appoint a suitable person or persons to be treasurer and clerk for such railroad and tunnel; and the treasurer shall give bond with surety, to the satisfaction of the governor and council, and both shall perform such duties as shall be assigned to them by the governor and council, and manager. Such manager shall not, while holding his office, be employed by any railroad corporation; he shall also be held responsible in person and property, for all damages sustained by any person or persons recoverable by law in consequence of the mismanagement of said railroad or tunnel, to the same extent as a railroad corporation established by this Commonwealth would be liable, and shall be entitled to receive, from the earnings of said railroad and tunnel, compensation for the damages recovered against him, and costs incident thereto. He shall also have authority, under the advice of the governor and council, to commence and conduct in his own name suits to recover whatever sums may become due to the Commonwealth for the use or operation of said railroad, or expenses incurred by said manager in any suit, hearing or investigation; and any judgment or award rendered in any such suits, hearings, arbitrations, or investigations against said manager shall be paid out of the income of said railroad.

To make monthly report of doings, etc.

Not to be employed by any railroad corporation.

SECTION 2. From and after the first day of July next, when the charter of the corporation now in charge of said tunnel and railroad expires, the manager appointed as above shall have full charge of all the property of the Commonwealth in said railroad or in said tunnel, and shall supervise the completion and arching of the said tunnel, and the renovation of the said Troy and Greenfield Railroad, and supervise the execution of all contracts in relation thereto, made by the corporation now in charge thereof, or by their agents in relation thereto.

Manager to have full charge of property after July 1, 1875.

SECTION 3. It shall be the duty of the governor and council, through their manager, to take the control of the said property, railroad and tunnel, from and after the first day of July next, and to have the said railroad furnished with suitable steel rails, stations and sidings, and said tunnel arched as far as they shall deem it necessary; and

Road to be furnished with steel rails, etc.

they may have the said Troy and Greenfield Railroad renovated and relocated as far as they shall deem it advisable to adapt it for the transmission of passengers and freight. They shall also require the said treasurer to pay at least monthly to the treasurer and receiver-general of this Commonwealth, the earnings of said tunnel and railroad, after deducting necessary expenses.

All connecting railroads to have right to use tunnel, etc.

SECTION 4. The manager, under the direction of the governor and council, shall allow any corporation or corporations now or hereafter owning or operating a railroad which may now or hereafter connect with or be built to the line of said tunnel and Troy and Greenfield Railroad, the right to connect therewith and to enter upon and use, with its own motive power, said tunnel and Troy and Greenfield Railroad or any part thereof, upon such terms and conditions as the said governor and council may prescribe under the fifth section of this act.

Reasonable tolls to be prescribed for use of road and tunnel.

SECTION 5. The governor with the advice and consent of the council, shall prescribe just and reasonable tolls, not to be raised for one year after they are thus determined, for the passage of cars, with freight and passengers, mails and express matter, that shall be therein to be drawn over any part of said Troy and Greenfield Railroad, both outside the said tunnel or through the same; and, in fixing such tolls, due regard shall be had to the commercial value of said railroad and tunnel, and to the development of business, as well as to the cost of said tunnel. And the corporations paying the tolls prescribed, shall be required to pay no other tolls, percentages or allowances whatever; but all of them shall be placed on a footing of equality; and to this end, it shall be the duty of the governor and council, in behalf of the Commonwealth, to release from the obligations of the contract, bearing date February , one thousand eight hundred and sixty-three, and confirmed April twenty-ninth, one thousand eight hundred and sixty-three, between the Troy and Boston Railroad Company, and other railroad companies, and the Commonwealth, any, or all of the parties thereto, whenever they shall so request.

Connecting and intervening railroads may use tunnel, etc.

SECTION 6. All railroad corporations whose roads connect, either directly or over intervening railroads, with the Hoosac Tunnel or Troy and Greenfield Railroad, shall have the right to use the same at the rates prescribed, and with all intervening railroads shall have the rights and privileges of connecting railroads.

SECTION 7. The governor and council shall not enter upon and take possession of said tunnel and Troy and Greenfield Railroad, until the charter of the corporation now holding the same shall expire; but they may make all preliminary arrangements, prescribe the tolls to be established, order rails, and prepare in advance for conducting business through the tunnel and upon the Troy and Greenfield Railroad, with economy and despatch.

Possession not to be taken until present charter expires.

SECTION 8. Nothing contained in this act, or in any previous act of the legislature of this Commonwealth, shall be construed to authorize the sale or alienation of the Hoosac Tunnel, or that part of the Troy and Greenfield Railroad lying within three miles of the mouth of the tunnel; but the same shall be ever held for the use and benefit of the Commonwealth and its inhabitants: and the legislature reserves the right to authorize the use of the same by any connecting railroads, at the rates prescribed; and all concessions of rates of fares or freights that shall be made to any one railroad using the same, shall inure for the benefit of, and be extended to, all other railroads using the same.

Tunnel and road not to be sold under provisions of this act.

SECTION 9. The governor and council shall submit annually to the legislature a full account of the receipts and expenditures of said Troy and Greenfield Railroad and tunnel, and of the business done thereon.

Annual report to be made to legislature.

SECTION 10. This act shall take effect upon its passage.

*Approved March 30, 1875.*

AN ACT TO INCREASE THE CAPITAL STOCK OF THE WAMSUTTA MILLS.  
*Be it enacted, &c., as follows:*

Chap. 78.

The Wamsutta Mills are hereby authorized to increase their capital stock by adding thereto a sum not exceeding one million 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.

\$1,000,000 additional capital stock.

Proviso.

*Approved March 31, 1875.*

AN ACT IN RELATION TO THE APPROVAL OF THE BONDS OF INSURANCE AGENTS.

Chap. 79.

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

SECTION 1. The bonds which by section sixty-nine of chapter fifty-eight of the General Statutes and by section

Bonds of insurance agents to be approved by

insurance com-  
missioner.

eleven of chapter one hundred and forty-one of the acts of the year eighteen hundred and seventy-three are required to be approved by the treasurer and receiver-general of the Commonwealth shall hereafter be approved by the insurance commissioner. It shall be the duty of said commissioner upon his approval of any such bond to indorse a statement of that fact upon the bond and to forthwith transfer the same to the treasurer of the Commonwealth.

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

*Approved March 31, 1875.*

*Chap. 80.*

AN ACT TO ESTABLISH THE BOSTON WATER BOARD.

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

Boston Water  
Board estab-  
lished.

SECTION 1. The city council of the city of Boston may establish, by ordinance, a water board, to be known as the Boston Water Board, consisting of three able and discreet persons, to be appointed by the mayor, with the advice and consent of the city council, and to receive such compensation as the city council may from time to time determine. The said board may be empowered by said city council to exercise all or any of the powers conferred by the statutes of the Commonwealth upon the city of Boston, with reference to supplying said city with water, or of the Cochituate and Mystic water boards; and also to act as the agent of the city of Boston in doing any or all things which the city is now authorized to do in relation to the taking of lands, water rights and other property and the establishment and maintenance of works and appliances for supplying the city of Boston or other cities and towns with pure water. Said board may also establish and regulate the price or rents for the use of said water, subject to the provisions of sections twelve and thirteen of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six; and the words "Boston Water Serip" in said sections shall be construed to include the whole amount of outstanding loans representing the cost of the water works.

Cochituate and  
Mystic Water  
Boards to be  
abolished.

SECTION 2. The Cochituate Water Board and the Mystic Water Board shall, upon the appointment of the Boston Water Board, as provided in the first section of this act, be thereby abolished; and the said Boston Water Board shall, so far as the city council of said city may by ordinance prescribe, succeed to all the powers and duties formerly vested in said Cochituate Water Board and Mystic Water Board.

SECTION 3. The salaries of the members of the Boston Water Board shall not be diminished during the terms for which they are respectively appointed.

Salaries not to be diminished during terms for which appointed.

SECTION 4. Chapter one hundred and seventy-nine of the acts of the year one thousand eight hundred and seventy-four is hereby repealed.

Repeal of 1874, 179.

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

*Approved March 31, 1875.*

AN ACT TO AUTHORIZE THE TOWN OF ARLINGTON TO RAISE MONEY FOR A CENTENNIAL CELEBRATION OF THE EVENTS OF THE NINETEENTH DAY OF APRIL, SEVENTEEN HUNDRED AND SEVENTY-FIVE.

*Chap. 81.*

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

SECTION 1. The town of Arlington is authorized to raise by taxation and appropriate a sum of money not exceeding the sum of two thousand dollars for the purpose of commemorating the events of the nineteenth day of April, seventeen hundred and seventy-five by a celebration of the centennial anniversary thereof on the nineteenth day of April, eighteen hundred and seventy-five.

May raise money for centennial celebration of battle of Lexington.

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

*Approved March 31, 1875.*

AN ACT TO CHANGE A PORTION OF THE HARBOR LINE IN GLOUCESTER HARBOR.

*Chap. 82.*

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

SECTION 1. So much of the one hundred and twenty-fourth chapter of the acts of the year one thousand eight hundred and sixty-six as establishes a harbor line beyond which, in Gloucester harbor, no wharf, pier or other structure shall ever hereafter be extended into or over tide-waters in the harbor of Gloucester, from a point in the line established by said act, which point is at the south-west corner of the present wharf of J. Mansfield and Sons: thence in a straight line north-easterly three hundred and eighty feet to a point two hundred and ninety-six feet distant from the southerly side of Rogers Street, and perpendicular thereto: thence easterly in a straight line one hundred and three feet to the south-westerly corner of the present wharf of J. Somes: thence north-easterly along the head of the present wharf of J. Somes, thirty-six feet: thence in a straight line south-easterly two hundred and three feet to the south-west corner of the present wharf of W. P. Dolliver; thence south-easterly along the head of the present wharf of W. P. Dolliver eighty-five feet six inches; thence south-east-

Harbor lines established in Gloucester harbor.

erly in a straight line ninety-three feet to the south-west corner of the present wharf of R. Fears, is hereby repealed; and in place of such portion of said harbor line, a harbor line is hereby established, beginning at said point in the line established by said act of the year one thousand eight hundred and sixty-six, which point is at the south-west corner of the present wharf of J. Mansfield and Sons, and running thence in a straight line easterly about four hundred and fifteen feet, crossing the wharf of George Steele, to the south-easterly corner of the present wharf of Clark and Somes: thence running easterly again in a straight line about four hundred and thirty-five feet to the south-west corner of the present wharf of R. Fears. Beyond said last-described line hereby established, no wharf, pier or other structure shall ever hereafter be extended, into or over tide-waters in said harbor of Gloucester.

Provision of 1866, 124, §§ 4, 5, to apply to this act.

SECTION 2. The fourth and fifth sections of the one hundred and twenty-fourth chapter of the acts of the year one thousand eight hundred and sixty-six shall apply to this act.

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

*Approved March 31, 1875.*

*Chap. 83.* AN ACT CONCERNING THE EMPLOYMENT OF PRISONERS SENTENCED TO LABOR IN HOUSES OF CORRECTION.

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

Sheriff to report number of employed and un-employed prisoners sentenced to labor in house of correction.

SECTION 1. The sheriffs of the several counties shall, during each criminal term of the superior court holden in their respective counties, report to said court the number of prisoners sentenced to labor in houses of correction in the county employed under the provisions of sections eleven and thirteen of chapter one hundred and seventy-eight of the General Statutes, and also the number not so employed together with the reasons therefor.

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

*Approved March 31, 1875.*

*Chap. 84.* AN ACT TO AUTHORIZE THE TOWN OF WALTHAM TO RAISE ADDITIONAL FUNDS TO COMPLETE ITS WATER-WORKS.

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

May raise \$50,000 to complete water works.

SECTION 1. The town of Waltham is hereby authorized, for the purposes named in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, to raise by taxation, or by borrowing from time to time, an amount not exceeding fifty thousand



dollars in addition to the amount therein authorized, upon like terms and conditions, and with like powers in all respects as are provided in said act for the raising of money.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 31, 1875.*

AN ACT TO INCORPORATE THE AYER SAVINGS BANK.

*Chap. 85.*

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

SECTION 1. Alfred Page, J. C. Tenny and G. W. Stuart, their associates and successors, are hereby made a corporation by the name of the Ayer Savings Bank, to be located in the town of Ayer, 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 institutions for savings.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 31, 1875.*

AN ACT TO INCORPORATE THE BOSTON NAVIGATION COMPANY.

*Chap. 86.*

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

SECTION 1. Frank N. Thayer, William H. Lincoln, Thomas Dana, second, Sumner R. Mead, Samuel G. Reed, their associates and successors are hereby made a corporation by the name of the Boston Navigation Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or may hereafter be in force relative to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said company are hereby authorized and empowered to build, purchase, charter, hold and convey steamships and sailing vessels to be used in all lawful commerce and navigation upon the ocean and seas and for the transportation of passengers, merchandise and mails: *provided, however,* that said corporation shall not go into operation till at least eleven hundred thousand dollars of its capital stock is subscribed for, and paid in in cash.

May purchase and build steamships and sailing vessels.

Proviso.

SECTION 3. The capital stock of said corporation shall not exceed two millions of dollars and shall be divided into shares of the par value of one hundred dollars each.

Capital stock and shares.

SECTION 4. This act shall take effect upon its passage.  
*Approved March 31, 1875.*

*Chap. 87.* AN ACT IN ADDITION TO AN ACT TO INCORPORATE OHEBEI SHALOM.  
*Be it enacted, &c., as follows:*

§50,000 addi-  
tional real and  
personal estate.

SECTION 1. The Ohebei Shalom is hereby authorized to hold and manage real and personal estate to the value of fifty thousand dollars in addition to the amount it is now authorized to hold: and the same shall be used for and applied to the same purposes specified in chapter one hundred and seventy-nine of the acts of the year one thousand eight hundred and forty-five and for providing a burial-place for the dead.

Repeal of 1845,  
179, § 4.

SECTION 2. The fourth section of chapter one hundred and seventy-nine of the acts of the year one thousand eight hundred and forty-five is hereby repealed.

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

*Approved March 31, 1875.*

*Chap. 88.* AN ACT TO CHANGE THE NAME OF THE THIRD UNITARIAN SOCIETY  
IN DORCHESTER.

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

Name changed  
to Harrison  
Square Church.

SECTION 1. The name of the Third Unitarian Society in Dorchester is changed to that of The Harrison Square Church.

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

*Approved March 31, 1875.*

*Chap. 89.* AN ACT TO CHANGE THE NAME OF THE FIRST UNIVERSALIST SOCIETY  
IN DEDHAM.

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

Name changed  
to First Univer-  
salist Society in  
Norwood.

SECTION 1. The name of the First Universalist Society in Dedham, is hereby changed to the First Universalist Society in Norwood.

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

*Approved March 31, 1875.*

*Chap. 90.* AN ACT TO CHANGE THE NAME OF THE FOURTH CONGREGATIONAL  
SOCIETY OF SPRINGFIELD, AND TO LEGALIZE CERTAIN ACTS OF  
SAID SOCIETY.

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

Name changed  
to Olivet Society  
of Springfield.

SECTION 1. The name of the Fourth Congregational Society of Springfield is hereby changed to the Olivet Society of Springfield.

Acts legalized  
and confirmed.

SECTION 2. All lawful acts, which have been done and performed by the Fourth Congregational Society of Springfield since the year eighteen hundred and fifty-five under the name of the Olivet Society of Springfield are hereby legalized and confirmed.

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

*Approved March 31, 1875.*

AN ACT TO CHANGE THE NAME OF THE WARDENS VESTRY AND PROPRIETORS OF CHRIST CHURCH IN SPRINGFIELD AND FOR OTHER PURPOSES.

*Chap. 91.*

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

SECTION 1. The parish known as "The Wardens Vestry and Proprietors of Christ Church in Springfield, Massachusetts," shall be hereafter known as Christ Church, Springfield.

Name changed to Christ's Church, Springfield.

SECTION 2. Said parish is hereby authorized to hold real estate to an amount not exceeding one hundred and fifty thousand dollars, subject to all laws which now, or may hereafter apply to such parishes.

\$150,000 in real and personal estate.

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

*Approved March 31, 1875.*

AN ACT AUTHORIZING THE BOSTON SOCIETY OF REDEMPTORIST FATHERS TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Chap. 92.*

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

SECTION 1. The Boston Society of Redemptorist Fathers is hereby authorized to hold real and personal estate for the purposes of their organization to the amount of one hundred thousand dollars in addition to the amount allowed by section four chapter thirty-two of the General Statutes.

\$100,000 additional real and personal estate.

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

*Approved March 31, 1875.*

AN ACT RESPECTING THE TAKING OF THE DECENNIAL CENSUS IN BOSTON AND OTHER CITIES.

*Chap. 93.*

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

SECTION 1. Whenever the decennial census of the inhabitants of this Commonwealth is taken as provided by chapter sixty-nine of the acts of the year eighteen hundred and sixty-five and the amendments thereto, the said census shall be taken in the city of Boston by agents appointed by the mayor and aldermen of said city, and shall contain, in addition to the requirements of the said chapter sixty-nine of the acts of the year eighteen hundred and sixty-five, an enumeration of the legal voters residing in each street avenue or square in said city.

Decennial census to be taken in Boston by agents approved by the city.

Such agents shall be sworn; shall make out in words at length a return of the aggregates and results of said census, and shall sign and make oath to the truth thereof; and a certificate of the magistrate administering the oath shall be annexed thereto. They shall on or before the twentieth day of August of the year in which such census

Agents to be sworn.

To make duplicate returns.

is taken, deliver duplicate returns to the city clerk of said city, who shall transmit one of said duplicates to the secretary of the Commonwealth on or before the last day of said August, and retain the other duplicate.

New division of wards in Boston.

Upon receipt of said returns the city of Boston may proceed to make a new division of its wards as provided in chapter seven of the acts of the year eighteen hundred and sixty-five, and in any acts in addition thereto or amendment thereof.

Agents to be paid by the state.

SECTION 2. There shall be allowed and paid out of the treasury of the Commonwealth to each agent appointed under the foregoing section, the compensation allowed by law to assessors or other persons employed in taking the decennial census and industrial statistics throughout the Commonwealth, upon certificate of the mayor of said city of the number of days' service performed in said duty.

Census to be taken in same manner in other cities, where mayor and aldermen request.

SECTION 3. The bureau of statistics of labor, or any board having charge of taking the decennial census shall direct its agents appointed to take such census in any other city of the Commonwealth, to make the enumeration in the manner provided for in the first section of this act, and also to make the duplicate returns therein provided for, where the mayor and aldermen shall, on or before the fifteenth day of April next preceding the taking of such census, request said bureau or board so to do.

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

*Approved April 3, 1875.*

*Chap. 94.*

AN ACT RELATING TO LEGAL SETTLEMENTS.

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

Legal settlements.  
Amendment to G. S. Tj., §§ 49, 50.

SECTION 1. Chapter seventy-one of the General Statutes is hereby amended in the forty-ninth, and fiftieth sections, by adding after the word "inspectors," in each of said sections, the words "and the board of state charities through their general agent."

Amendment to 1870, 288.

SECTION 2. Chapter two hundred and eighty-eight of the acts of the year eighteen hundred and seventy, is hereby amended in the first section, by adding thereto the words, "If any person so committed shall have a legal settlement in any city or town in this Commonwealth, the said city or town shall pay for his support such sum per week as may be fixed upon by the said board, and all moneys so received shall be paid into the treasury in the manner now provided by law."

SECTION 3. This act shall take effect from the first day of April of the current year. *Approved April 3, 1875.*

To take effect  
April 1, 1875.

AN ACT TO AMEND SECTION ONE, OF CHAPTER TWO HUNDRED AND TWENTY-TWO, OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATING TO DIVIDENDS OF JOINT STOCK FIRE AND MARINE INSURANCE COMPANIES.

*Chap. 95.*

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

SECTION 1. Section one of chapter two hundred and twenty-two, of the acts of the year eighteen hundred and seventy-four is amended by striking out in the fifth line the words "in any one" and inserting in their place "a," and after the word "stock" in the sixth line, by inserting "and if any dividends are less than ten per cent. in any one year after the passage of this act the same may be made up when the net profits and income become sufficient therefor."

Amendment to  
1874, 222, § 1.

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

*Approved April 3, 1875.*

AN ACT TO LEGALIZE CERTAIN DOINGS OF THE TOWN OF CARLISLE.

*Chap. 96.*

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

SECTION 1. The action of the town of Carlisle at its last annual meeting, held by adjournment on the eighteenth day of March eighteen hundred and seventy-five, in appropriating five hundred dollars to defray the necessary expenses to be incurred in celebrating, upon the invitation of the town of Concord, the centennial anniversary of the battle of Concord, is authorized, ratified, confirmed and made valid.

Appropriation  
legalized.

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

*Approved April 3, 1875.*

AN ACT TO EXTEND THE TIME AUTHORIZING THE CITY OF WORCESTER TO LAY OUT A PUBLIC PARK, AND TO ESTABLISH AND MAINTAIN A RESERVOIR.

*Chap. 97.*

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

The time for taking and holding land in accordance with the provisions of chapter one hundred and ninety-six, of the acts of the year eighteen hundred and seventy-three, is extended to the fifteenth day of April in the year eighteen hundred and seventy-six.

Time for taking  
land for reser-  
voir, extended.

*Approved April 3, 1875.*

AN ACT IN ADDITION TO AND AMENDATORY OF AN ACT TO SUPPLY THE TOWN OF WINCHESTER WITH PURE WATER.

*Chap. 98.*

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

SECTION 1. The first section of chapter two hundred and seventy-seven of the acts of the year eighteen hun-

Amendment to  
1873, 277, § 1.

dred and seventy-three is hereby amended by striking out the words "eighty rods south of the north line of said town of Medford" and inserting instead thereof the words "southerly to a line one hundred and ten rods distant northerly from the southerly line of the town of Winchester extended."

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

*Approved April 3, 1875.*

*Chap. 99.*

AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

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

Sale of intoxicating liquors, regulated.

SECTION 1. No person shall sell, or expose, or keep for sale, spirituous or intoxicating liquors, except as authorized in this act: *provided, however*, that nothing herein contained shall apply to sales made by any person under any provision of law requiring him to sell personal property; or to sales of cider and of native wines by the makers thereof, not to be drunk on their premises.

Druggists and apothecaries.

SECTION 2. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; they may also sell liquors of any kind, not to be drunk on their premises, under a license of the fourth class hereinafter mentioned: *provided, however*, that druggists shall not be subject to the second clause of section six of this act when the sale is made upon the prescription of a physician.

Importers may sell liquor in casks, and as imported.

SECTION 3. Importers of liquor of foreign production imported under authority of the laws of the United States, may own, possess, keep or sell such liquor in the original casks or packages in which it was imported, and in quantities not less than those in which the laws of the United States require such liquors to be imported, and, when sold, such liquor shall be as pure and unadulterated as when imported.

Licenses may be granted by mayor and aldermen or selectmen.

SECTION 4. Licenses may be granted annually to persons applying for the same by the mayor and aldermen of cities or the selectmen of towns, and every license shall be signed by the mayor or the chairman of the selectmen, and by the clerk of the city or town by which it is issued, and shall be recorded in the office of such clerk, who shall be paid by the licensee one dollar for recording the same. It shall name the person licensed, shall set forth the nature of the license and the building in which the business is to be carried on, and shall continue in force until the first day

of the May next ensuing, unless sooner forfeited or rendered void.

SECTION 5. The mayor and aldermen of any city, and the selectmen of any town, may at any time refuse to issue a license to any person whom they deem unfit to receive the same. But nothing in this act shall be so construed as to compel said mayor and aldermen or selectmen to grant licenses.

License may be refused when person is unfit.

SECTION 6. Each license shall be expressed to be subject to the following conditions:—

Conditions of license.

*First.* That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

*Second.* That no sale of spirituous or intoxicating liquor shall be made between the hours of twelve at night and six in the morning, nor during any part of the Lord's day, except that if the licensee is also licensed as an innholder, he may supply such liquor to guests who have resorted to his house for food or lodging.

*Third.* That no liquor except such as is of good standard quality and free from adulteration shall be kept or sold on the premises described in the license.

*Fourth.* That no sale or delivery of liquor shall be made on the premises described in the license to a person known to be a drunkard, or to an intoxicated person, or to a minor.

*Fifth.* That there shall be no disorder, indecency, prostitution, lewdness or illegal gaming on the premises described in the license, or on any premises connected therewith by any interior communication.

Each license of the second, third and fifth class shall be subject to the further condition that no spirituous or intoxicating liquors except those the sale of which is allowed by the license, shall be kept on the premises described in the license, and each license of the first, second and third classes shall be subject to the further condition, that the licensee shall not keep a public bar, and shall hold a license as an innholder or common victualler. The mayor and aldermen of cities and selectmen of towns are hereby authorized to grant licenses to persons to be innholders and common victuallers.

*Sixth.* That the license, or a copy thereof, certified by the clerk of the city or town by which it was issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

*Seventh.* It shall be further expressed in each license that it shall be subject to a forfeiture as herein provided, for breach of any of its conditions; and that in case the licensee is convicted in any court of competent jurisdiction of having violated any of such conditions, his license shall thereupon become void.

Licenses to be of five different classes.

SECTION 7. Licenses shall be of the following classes:

*First class.* To sell liquors of any kind, to be drunk on the premises.

*Second class.* To sell malt liquors, cider and light wines containing not more than fifteen per centum of alcohol, to be drunk on the premises.

*Third class.* To sell malt liquors and cider, to be drunk on the premises.

*Fourth class.* To sell liquors of any kind, not to be drunk on the premises.

*Fifth class.* To sell malt liquors, cider and light wines, containing not more than fifteen per centum of alcohol, not to be drunk on the premises.

Fees for licenses.

SECTION 8. The fees for licenses shall be as follows:—

For a license of the first class, not less than one hundred dollars nor more than one thousand dollars.

For a license of the second or third class, not less than fifty dollars nor more than two hundred and fifty.

For a license of the fourth class, not less than fifty dollars nor more than five hundred dollars: *provided, however,* that a distiller shall pay not less than three hundred dollars nor more than five hundred dollars: *provided, secondly,* that distillers distilling not over fifty barrels annually shall pay a license fee of fifty dollars.

For a license of the fifth class, not less than fifty dollars, nor more than one hundred and fifty dollars: *provided, however,* that a brewer shall pay not less than two hundred dollars, nor more than four hundred dollars.

License not to be issued until fee has been paid, and bond given.

SECTION 9. No license shall be issued until the license fee has been paid to the treasurer of the city or town by which it is to be issued, and until he has received a satisfactory bond, payable to him as such treasurer, in the sum of one thousand dollars, signed by the licensee and sufficient surety or sureties, who shall be jointly and severally liable, and conditioned for the payment of all costs, damages and fines incurred by violation of the provisions of this act. Separate suits may be brought on said bond by any person at his own expense. Such bond, after



approval, shall be filed in the office of the city or town clerk, and may be sued in any court having jurisdiction under the provisions of this act, and a certified copy thereof shall be admissible in evidence, and shall have the same force and effect as the original bond would have, if offered in evidence. The bond to be taken in each case may be in the following form :—

Bond to be filed with city or town clerk.

KNOW ALL MEN BY THESE PRESENTS, That we, A B, of the city of (or town of) \_\_\_\_\_, and county of \_\_\_\_\_, as principal, and C D, of the city of (or town of) \_\_\_\_\_, and E F, of the city of (or town of) \_\_\_\_\_, as sureties, are held and firmly bound unto the treasurer of the city of (or town of) \_\_\_\_\_, in the sum of one thousand dollars, to which payment well and truly to be made we bind ourselves, and our legal representatives.

Form of bond.

Signed with our seals this \_\_\_\_\_ day of \_\_\_\_\_, A D. 187 \_\_\_\_\_.

The condition of this obligation is such that whereas the above bounden A B has this day been licensed by License No. \_\_\_\_\_, by the mayor and aldermen of the city of (or the selectmen of the town of) \_\_\_\_\_, in the county of \_\_\_\_\_, now if the said A B shall well and truly comply with all the provisions of the act under which said license is issued, and also shall pay all damages which shall be recovered from him under and pursuant to the provisions of said act, then this bond to be void, otherwise of full force in the law.

Executed in presence of \_\_\_\_\_

SECTION 10. The treasurer of a city or town shall pay to the treasurer of the Commonwealth one-fourth of all moneys received by him for licenses within one month after he receives the same.

One-fourth of license fees to be paid to state treasurer.

SECTION 11. The mayor and aldermen of a city, or the selectmen of a town, or any police officer or constable specially authorized by them, may at any time enter upon the premises of any person licensed to sell under this act, to ascertain the manner in which such person conducts his business, and to preserve order. And such police officers or constables may at any time take samples for analysis from any liquors kept on such premises, and the vessel or vessels containing such samples shall be sealed on the premises by the seal of the vendor, and shall remain so sealed until presented to the assayer for analysis. The city or town shall pay for the samples so taken: *provided*, such liquors are found to be of good quality, and free from adulteration.

Premises of person licensed may be entered by selectmen, etc.

Analysis of liquors.

SECTION 12. The mayor and aldermen or the selectmen of the city or town by which a license has been issued, after notice to the licensee and reasonable opportunity for him to be heard by them, or by a committee of their number, may declare his license forfeited upon proof

Licenses may be forfeited if conditions are broken.

satisfactory to them that he has violated, or permitted to be violated, any of the conditions thereof. The pendency of proceedings before any court or justice shall not suspend or interfere with the power herein given to decree a forfeiture.

The licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and no license shall be issued to be exercised on the premises described in such forfeited license for the residue of the term thereof: *provided*, the licensee is the owner of said premises.

Penalties for violation of conditions of license.

SECTION 13. Any person, convicted of a violation of any of the provisions of his license or of this act, shall be punished by a fine not less than fifty nor more than five hundred dollars, or imprisonment not less than one nor more than six months, or by both such fine and imprisonment. Any licensed person so convicted shall, in addition to said penalties, forfeit his license, and shall be disqualified to hold a license for the period of one year after such conviction, and no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof: *provided*, the licensee is the owner of said premises. And said mayor and aldermen of cities and selectmen of towns shall be required to prosecute to final judgment all violations of this section.

Liability of person furnishing liquor illegally, for damages caused by an intoxicated person.

SECTION 14. If a person in a state of intoxication, commits an assault and battery, or injures property, whoever furnished him with any part of the liquor which occasioned his intoxication, if the same was furnished in violation of this act, shall be liable to the same action by the party injured as the person intoxicated would be liable to; and the party injured, or his or her legal representative, may bring either a joint action against the person intoxicated and the person who furnished the liquor, or a separate action against either.

Penalty for furnishing liquor to a minor.

SECTION 15. Whoever, by himself or his agent or servant, shall sell or give intoxicating liquor to any minor, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offence, to be recovered by the parent or guardian of such minor in an action of tort.

Wife, child, etc., may request that liquor shall not be sold to husband, etc.

SECTION 16. The husband, wife, parent, child, guardian or employer of any person who has or may hereafter have the habit of drinking spirituous or intoxicating liquor to

excess, may give notice in writing, signed by him or her, to any person requesting him not to sell or deliver spirituous or intoxicating liquor to the person having such habit. If the person so notified at any time, within twelve months thereafter, sells or delivers any such liquor to the person having such habit, or permits such person to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified such sum not less than one hundred nor more than five hundred dollars, as may be assessed as damages: *provided*, the employer giving said notice, shall be injured in his person or property. A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use. In case of the death of either party, the action and right of action shall survive to or against his executor or administrator.

Liability for not complying with request.

SECTION 17. The delivery of intoxicating liquors 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 a resident therein,—shall be *prima facie* evidence that such delivery is a sale of intoxicating liquors.

Delivery of liquors to be *prima facie* evidence of sale.

SECTION 18. The terms intoxicating liquor, or liquors, in this act shall be construed to include ale, porter, strong beer, lager-bier, cider, and all wines, as well as distilled spirits.

“Intoxicating liquor” and “liquors” defined.

SECTION 19. Municipal, district and police courts, and trial justices, shall have jurisdiction concurrent with the superior court over violations of the provisions of this act.

Municipal courts, etc., to have concurrent jurisdiction with superior court.

SECTION 20. The powers and duties given to, and imposed upon, the mayor and aldermen of cities, by this act, may be exercised in any city by a board of license commissioners, if the city council of such city shall so determine; and such board shall consist of three inhabitants of said city, to be appointed by the mayor and confirmed by the city council thereof, and shall hold office until the first day of May next after their appointment, or until their successors are appointed and confirmed, and shall receive such compensation as the city council shall determine.

License commissioners may be appointed in cities.

SECTION 21. The governor, with the advice and consent of the council, shall annually appoint and commission a

Inspector and assayer of liquors.

Inspector to give bond before receiving commission.

competent person as an inspector and assayer of liquors. Such person shall, before receiving his commission, file in the office of the treasurer of the Commonwealth, a bond to the Commonwealth in the penal sum of five thousand dollars, with two or more good and sufficient sureties, to be approved by the treasurer, for the faithful performance of the duties of his office. The said inspector and assayer shall receive an annual salary of twenty-five hundred dollars, payable quarterly, on the first days of January, April, July and October.

The duties of said officer shall be to inspect and analyze all liquors sent to him by the mayor and aldermen of any city or the selectmen of any town, or by the license commissioners appointed under this act, and to return to such mayor and aldermen or selectmen, or commissioners, with all possible expedition, a written statement signed by him of the results of such inspection and analysis. Such statement shall be presumptive evidence of the composition and quality of the liquors to which it relates.

Repeal.

SECTION 22. Chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine, and all acts or parts of acts inconsistent herewith are hereby repealed: *provided*, that nothing herein contained shall affect any prosecution pending, or any penalty or forfeiture incurred before this act takes effect.

To take effect May 1, 1875.

SECTION 23. This act shall take effect on the first day of May next.

*Approved April 5, 1875.*

*Chap. 100* AN ACT TO AMEND CHAPTER THREE HUNDRED NINETY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED SEVENTY-FOUR, RELATING TO DEPOSITS IN SAVINGS BANKS.

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

May receive deposits of \$1,000, and allow interest until principal, etc., amounts to \$1,600.

SECTION 1. The first section of chapter three hundred ninety-three of the acts of the year eighteen hundred seventy-four, entitled "An act relating to deposits in savings banks," is hereby amended so that it shall read as follows, to wit:—

Savings banks may receive deposits from any person until they amount to the sum of one thousand dollars, and allow interest upon such deposits and upon the interest accumulated thereon, until the principal with the accrued interest amounts to sixteen hundred dollars, but interest shall be allowed thereafter upon no greater sum than sixteen hundred dollars: *provided*, that the limitations con-

Proviso.

tained in this act shall not apply to religious or charitable corporations.

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

*Approved April 7, 1875.*

AN ACT TO PUNISH MALICIOUS INJURY TO STEAM-MILLS.

*Chap. 101*

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

Whoever wilfully and maliciously breaks down, injures, removes or destroys any of the wheels, mill-gear or machinery of a steam-mill shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding five hundred dollars and imprisonment in the jail not exceeding two years.

Penalty for injury to steam mills.

*Approved April 7, 1875.*

AN ACT RELATIVE TO THE ANNUAL PARADE OF THE VOLUNTEER MILITIA FOR THE PRESENT YEAR.

*Chap. 102*

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

SECTION 1. The parade of the volunteer militia, required by law to be made on the last Wednesday in May of the present year, may be ordered by the commander-in-chief to be made at such other time or times prior to the first day of July next, and at such place or places, and in such manner as he may determine.

The commander-in-chief may order parade of militia at any time before July 1, 1875.

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

*Approved April 7, 1875.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBURYPORT.

*Chap. 103*

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

SECTION 1. The mayor of the city of Newburyport shall be, *ex officio*, a member of the school committee of said city and chairman of the board.

Mayor to be member of school committee, and chairman of board.

SECTION 2. This act shall take effect, if accepted by the legal voters of said city voting in their respective wards at the next annual meeting for the choice of municipal officers.

Subject to acceptance by legal voters.

*Approved April 7, 1875.*

AN ACT TO AUTHORIZE THE FIRST PARISH IN FRAMINGHAM TO HOLD REAL ESTATE FOR THE PURPOSES OF A PARSONAGE.

*Chap. 104*

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

SECTION 1. The First Parish in Framingham is hereby authorized to hold real estate for the purposes of a parsonage, to an amount not exceeding fifteen thousand dollars.

Real estate not exceeding \$15,000, for a parsonage.

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

*Approved April 7, 1875.*

*Chap. 105* AN ACT TO AUTHORIZE CITIES AND TOWNS TO REGULATE THE CONSTRUCTION AND USE OF WATER-PIPES AND WATER-FIXTURES.

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

Cities and towns may regulate construction of water-pipes and water-fixtures.

SECTION 1. The city council of any city and the inhabitants of any town, in which water is supplied or distributed at the public expense, may prescribe rules and regulations for the inspection, materials, construction, alteration, or use of all water-pipes and of water-fixtures of every kind, through which water so supplied or distributed is used by any person or corporation within said city or town, and may impose penalties not exceeding twenty dollars for each and every violation of any provision of any ordinance or by-law passed by authority of this act, to be recovered before any municipal, district, or police court, or any trial justice having jurisdiction in the place where the penalty is incurred; and may prohibit the use of water by any person or corporation neglecting or refusing to comply with any provision of any ordinance or by-law so passed: and any ordinance or by-law so passed may be made operative upon and within the whole territory of such city or town, or upon and within any prescribed or defined district or districts of said territory.

Powers may be exercised by water board.

SECTION 2. The powers conferred by this act upon the city council of any city or the inhabitants of any town, except the power to impose penalties, may be exercised by them through any water board or other board or commission which they may designate; but the powers so delegated to any such board or commission may at any time be revoked by the authority delegating them.

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

*Approved April 9, 1875.*

*Chap. 106* AN ACT RELATING TO THE CIVIL JURISDICTION OF THE MUNICIPAL COURTS OF THE CITY OF BOSTON.

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

Civil jurisdiction of municipal courts of Boston.

SECTION 1. Chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out the sixth and seventh sections and inserting instead thereof the following provision, to wit: Said courts shall have exclusive original jurisdiction of all civil actions and proceedings, (except where the title to real estate is put in issue) where the debt or damages demanded or the value of the property alleged to be detained does not exceed one hundred dollars, and shall have original and concurrent jurisdiction with

the superior court where the debt or damages demanded or the value of the property alleged to be detained does not exceed three hundred dollars: *provided, however*, that the municipal court of the city of Boston shall have original and concurrent jurisdiction with the superior court where the debt or damages demanded or the value of the property alleged to be detained does not exceed five hundred dollars.

SECTION 2. Transitory actions brought in said courts shall be brought in the district where some one of the parties lives or has his usual place of business: *provided*, that if suit is begun by trustee process and all the persons named in the writ as trustees dwell or have usual places of business in one district, the writ shall be returnable in such district, otherwise it may be returnable in any district in which either of them dwells or has his usual place of business without regard to the domicile of the other parties.

Transitory actions to be brought in district where one party lives or has place of business.  
Proviso.

SECTION 3. Chapter three hundred and twenty-six of the acts of the year eighteen hundred and seventy-four, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

*Approved April 9, 1875.*

AN ACT RELATING TO THE POWERS OF ASSOCIATIONS FOR RELIGIOUS, CHARITABLE, BENEVOLENT AND OTHER LIKE PURPOSES.

*Chap. 107*

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

SECTION 1. The provisions of the general laws relating to life insurance companies shall not be held to be applicable to such associations established under the laws of this Commonwealth for any of the purposes set forth in section two of chapter three hundred and seventy-five of the acts of the year one thousand eight hundred and seventy-four as may make provision for the widows, orphans or other dependents of deceased members and of other persons, by means of a fixed payment to be made on the death of each person for the benefit of whose dependents such provision is made.

Laws relating to life insurance not applicable to associations established under 1874, 375.

SECTION 2. Nothing contained in this act shall be construed to authorize the formation of associations for the sole or principal purpose of insuring lives.

Associations for insuring lives not authorized by this act.

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

*Approved April 9, 1875.*

*Chap. 108* AN ACT TO ANNEX A PART OF THE TOWN OF ACUSHNET TO THE CITY OF NEW BEDFORD.

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

Part of Acushnet annexed to New Bedford.

SECTION 1. All that part of the town of Acushnet, with all the inhabitants, and estates therein, lying westerly of the following line, to wit, Beginning at the stone post numbered twenty-nine (29) at Davis Corner, so called, thence running north three degrees west to a stone post, five rods easterly of the house of Benjamin Peckham, and from thence northerly in a straight line to the stone post that marks the boundary line between New Bedford, Free-town and Acushnet, is hereby set off from the town of Acushnet and annexed to the city of New Bedford and shall constitute a part of the first ward of the city of New Bedford until a new division of wards is made in said city.

Taxes.

SECTION 2. All taxes already assessed by the town of Acushnet to the inhabitants of said territory hereby set off and annexed shall be paid by them to said town the same as if this act had not been passed : and all paupers who have gained or derived a settlement in said town, by a settlement gained within said territory, shall be relieved and supported by the city of New Bedford in the same manner as if they had a legal settlement in said city.

Paupers.

Representative to general court.

SECTION 3. The inhabitants residing on the said territory hereby annexed to the city of New Bedford shall continue to be a part of the town of Acushnet for the purpose of electing a representative to the general court until the next apportionment shall be made ; and it shall be the duty of the mayor and aldermen of the city of New Bedford to make a true list of all the persons in said territory qualified to vote at said election as required by law, and to deliver the same to the selectmen of Acushnet, seven days at least before said election : and the same shall be taken and used by the said selectmen in the same manner as if it had been prepared by themselves.

New Bedford to pay one twenty-eighth part of state and county taxes, until new valuation.

SECTION 4. The city of New Bedford shall annually pay to the town of Acushnet from and after the time when this act takes effect, one twenty-eighth part of all the state and county taxes thereafter required of said town, previous to a new state valuation or new basis for the apportionment of state and county taxes.

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

*Approved April 9, 1875.*



AN ACT TO AMEND CHAPTER FORTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-ONE, RELATING TO BONDS IN BASTARDY CASES.

*Chap. 109*

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

SECTION 1. The second section of chapter forty-two of the acts of the year one thousand eight hundred and seventy-one is amended by adding at the end thereof the words "or a justice of a district or police court."

Amendment to 1871, 42, § 2.

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

*Approved April 9, 1875.*

AN ACT AUTHORIZING THE CONSTRUCTION OF BRANCHES AND EXTENSIONS BY RAILROAD CORPORATIONS.

*Chap. 110*

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

The thirty-first section of chapter three hundred and seventy-two of the acts of the year one thousand eight hundred and seventy-four is hereby amended by adding after the word "act" in the ninth line of said section the words "but a railroad corporation may build branches or extensions of its railroad without additional capital stock: provided, the indebtedness of the corporation is not thereby increased."

Amendment to 1874, 372, § 31.

*Approved April 9, 1875.*

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO FUND ITS FLOATING DEBT.

*Chap. 111*

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

SECTION 1. For the purpose of funding the floating debt of the city of Fall River and for the purpose of providing for the payment of the cost of its new buildings now in process of erection and of such other permanent public improvements as may be ordered by its city council, the said city council are hereby authorized to borrow, from time to time, an amount not exceeding in all the sum of four hundred thousand dollars in addition to the amounts now authorized by law, and to issue therefor the bonds of said city, payable, not more than twenty years from the time of their issue, in the United States in gold coin, or in Great Britain in sterling gold coin, or instead of issuing bonds payable as aforesaid, said city council may issue the bonds of said city for like amount payable not more than twenty years from the time of their issue in the United States in lawful money thereof. And said council may dispose of the whole or any part of said bonds, at any time or times, for money borrowed for the purposes aforesaid, upon such terms and conditions as said council may deem proper; and said city council is hereby further authorized to grant

Fall River may fund its floating debt.

Sale of bonds.

appropriations and assess from time to time sums of money sufficient for the payment of the interest on such bonds so issued and outstanding, and also sums of money, not exceeding in any one year three per cent. of the amount of said bonds, to constitute a sinking fund for the payment of the principal thereof at their maturity, in the same manner as moneys are appropriated and assessed for other city purposes.

Sinking fund.

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

*Approved April 9, 1875.*

*Chap. 112* AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ESTABLISH A SINKING FUND TO MEET THE LOAN MADE TO PAY FOR ITS STOCK IN THE DUXBURY AND COHASSET RAILROAD COMPANY.

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

May establish sinking fund to pay debt contracted for payment for railroad stock.

SECTION 1. Such sums of money as the town of Plymouth may from time to time appropriate therefor, shall be set apart as a sinking fund, which, with the accumulated interest upon the same, shall be devoted to the payment at maturity of the loan or loans made by said town to pay for its stock in the Duxbury and Cohasset Railroad Company.

Trustees to be elected.

SECTION 2. Said town shall, at a meeting called for that purpose, elect three trustees by ballot, whose term of office shall continue until the maturity and payment of said loan or loans; and in case of any vacancy occurring in said board of trustees, the town shall, at the next annual meeting, fill such vacancy by ballot.

Trustees to manage sinking fund.

SECTION 3. Said trustees shall hold, invest and manage said sinking fund, rendering to said town at each annual meeting a statement of the condition thereof, and shall serve without pay.

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

*Approved April 9, 1875.*

*Chap. 113* AN ACT TO AUTHORIZE THE DISSOLUTION OF THE SECOND CONGREGATIONAL SOCIETY IN MEDFORD, AND FOR OTHER PURPOSES.

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

May sell property, and pay over proceeds to Mystic Society of Medford.

SECTION 1. The Second Congregational Society in Medford is authorized to sell and convey any or all of its real and personal property and, after paying all its debts and liabilities, to pay over the proceeds of such sales or the balance thereof, after paying such debts and liabilities, to the Mystic Society of said Medford.

May convey property to Mystic Society without consideration, after debts are paid.

SECTION 2. Said Second Congregational Society may, if it deems advisable, convey any or all of its property, real or personal, to said Mystic Society without consider-

ation, whenever the debts and liabilities of said Second Congregational Society are discharged: and when said debts and liabilities are discharged and said property is conveyed to said Mystic Society, or when the balance of the proceeds of the sale thereof, after discharging such debts and liabilities, is paid over to said Mystic Society, then said Second Congregational Society may dissolve its corporate existence by a majority vote of its members present and voting at any meeting of said society legally called and notified for that purpose.

May dissolve its corporate existence.

SECTION 3. Before such sale or dissolution shall be made the pews in the house of worship of said Second Congregational Society not owned by the society shall be appraised at their fair cash value by David N. Skillings of Winchester, J. G. Pollard of Woburn and John Field of Arlington, who shall be first duly sworn as provided for assessors of religious societies; and when the value so assessed shall be paid or tendered to the owner or owners of any such pew or pews or part of a pew, such pew or pews or part of a pew shall be deemed and become the property of the society, to all intents and purposes.

Pews to be appraised, and amounts to be paid or tendered to owners.

SECTION 4. In case any vacancies shall occur in the number of appraisers before mentioned it shall be filled by the remaining member or members.

Vacancies.

SECTION 5. All transactions under this act shall be recorded upon the society books of the Second Congregational Society within thirty days after the dissolution of the society and the books, papers, records and seal of said society shall thereupon be delivered to the said Mystic Society to be preserved in like manner as its own records.

Transactions to be recorded within thirty days after dissolution of society.

*Approved April 9, 1875.*

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL PURPOSES.

*Chap. 114*

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

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be paid out of the moiety of the income of the school fund applicable to educational purposes, unless otherwise provided, to wit:—

Appropriations.

For the support of the state normal schools, including the normal art-school, a sum not exceeding seventy-one thousand dollars.

State normal schools.

For teachers' institutes, a sum not exceeding one thousand dollars, to be expended in accordance with the provisions of chapter thirty-five of the General Statutes.

Teachers' institutes.

Pupils in normal schools.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars, payable in semi annual payments, to be expended under the direction of the board of education.

Board of education—  
Postage, printing, etc.

For postage, printing, stationery, advertising, transportation of documents for the board of education, and for the secretary thereof, a sum not exceeding four thousand dollars.

Mass. teachers' association.

For the Massachusetts teachers' association, three hundred dollars.

Board of education expenses.

For expenses of the members of the board of education, to be paid from the treasury of the Commonwealth, a sum not exceeding three hundred dollars.

County teachers' associations.

For county teachers' associations, to be paid from the treasury of the Commonwealth, a sum not exceeding three hundred dollars.

Salaries of agents.

The appropriation heretofore made in chapter four of the acts of the present year, for the salaries and expenses of such agents as the board of education may appoint, shall be paid from the treasury of the Commonwealth.

Rogers book fund.

SECTION 2. 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 eighteen hundred and fifty-seven.

Todd normal school fund.

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

Agricultural college fund.

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

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

*Approved April 10, 1875.*

*Chap. 115* AN ACT TO AUTHORIZE THE LEASING OF GREAT PONDS IN DUKES COUNTY.

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

Commissioners may lease pond in Dukes Co.

SECTION 1. The commissioners on inland fisheries may lease any great pond, exceeding twenty acres in area situated within the limits of Dukes County, *provided*, that the town, or towns, within which said pond lies shall, after the notice now required by law, at a meeting called for that purpose, assent to the granting of such lease.

SECTION 2. Chapter three hundred and sixty of the acts of the year eighteen hundred and seventy is hereby repealed. Repeal of 1870, 360.

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

*Approved April 10, 1875.*

AN ACT CONCERNING THE SHELL-FISHERIES IN THE TOWNS OF SWANSEA AND SOMERSET. *Chap. 116*

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

SECTION 1. Whoever within the limits of the towns of Swansea and Somerset violates any of the provisions of section thirteen of chapter eighty-three of the General Statutes shall in addition to the penalty therein prescribed be liable to a fine not exceeding ten dollars. Penalty for violation of provisions of G. S. 83, § 13.

SECTION 2. The sheriff of Bristol County or any of his deputies, or any constable or selectman of the towns of Swansea and Somerset may without a warrant arrest any person whom he finds in the act of taking shell-fish from their beds in said towns in violation of the provisions of section thirteen of chapter eighty-three of the General Statutes, or in the act of carrying away therefrom any shell-fish so taken, and detain him in some place of safe keeping until a warrant can be procured against said person upon a complaint for said offence: *provided*, that such detention without a warrant shall not exceed twenty-four hours. Person found taking shell-fish unlawfully may be arrested without a warrant.

SECTION 3. The selectmen of the towns of Swansea and Somerset may charge and receive in behalf of and for the use of said towns such sum not exceeding thirty-five cents per bushel as they shall deem proper for the permit to take shell-fish from their beds in said towns as authorized by section thirteen of chapter eighty-three of the General Statutes and the person or persons receiving the permit shall pay the same according to the terms therein specified. Selectmen may charge and receive not exceeding thirty-five cents a bushel for shell-fish.

SECTION 4. Chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-four is hereby repealed. Repeal of 1874, 185.

*Approved April 10, 1875.*

AN ACT TO REGULATE THE ASSESSMENT OF DAMAGES FOR LAND TAKEN IN THE LOCATION OF HIGHWAYS IN CASES WHERE THE ESTATE IS ENCUMBERED BY CONTINGENT REMAINDERS. *Chap. 117*

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

SECTION 1. In all cases of the assessment of the damages sustained by land owners by reason of the laying out, alteration or discontinuance of a highway, whenever it shall appear that the real estate taken or affected is Damages to be paid over to trustees where estate is encumbered by contingent remainders, etc.

encumbered by any contingent remainder, executory devise or power of appointment the assessment of damages shall proceed, and the damages recovered shall be paid over to a trustee or trustees in the manner provided for the assessment of damages where there are different and separate vested interests in the property, in section seventeen of chapter forty-three of the General Statutes.

Trustees to be appointed by probate court.

SECTION 2. The trustee or trustees to whom such damages are to be paid, as provided in the foregoing section, shall be appointed by the probate court for the county where the land is situated, on petition of the county commissioners or of any person in possession and enjoyment of the land either as tenant of a freehold estate or of a term of years; and in case the commissioners and such tenant in possession shall neglect or refuse to file such petition, then said trustee or trustees may be appointed on petition of any person, filed in behalf of such persons, whether in being or not, as may by any possibility be or become interested in the property, and the trustee or trustees, so appointed shall hold and invest the funds so received by him or them for the benefit of the persons who would have been entitled to said estate, in the same manner as if such location, alteration, or discontinuance of such highway had not been made, and shall give bond to the judge of probate in such form and amount as the court shall order.

Tenant in possession may apply for a jury.

SECTION 3. In all cases mentioned in section one of this act the tenant in possession may apply for a jury, as is now provided by law in other cases, to revise the judgment of the county commissioners in the assessment of damages within one year from the adoption of the order of assessment by the commissioners; and if such tenant shall fail to so apply within the first six months of the year so limited, then the trustee or trustees, appointed under section two of this act, may, if they shall see fit, apply for such jury.

Provisions to apply to cases of exercise of right of eminent domain, etc.

SECTION 4. The provisions of this act shall be applicable to all cases of the exercise of the right of eminent domain in which provision is made that the damages sustained by a land owner shall be assessed in the manner provided in the laying out of highways; but the limitation as to the time within which proceedings to recover damages shall be commenced shall be the same as now provided by

law in the various cases of the exercise of the right of eminent domain; and the right of the trustee or trustees, named in this act, to petition in any proceeding to recover damage shall not accrue until the tenant in possession of the estate shall have neglected so to petition for one-half the period so limited in any case.

SECTION 5. This act shall apply to pending cases whenever the tenant in possession of the property is a party to any proceeding to recover damages, and where no assessment of damages has been made; and the proceedings may be amended if necessary on proper terms to confirm trusts; and the trustee or trustees named in this act may in such cases be appointed as though proceedings have already been taken.

To apply to pending cases where tenant is a party to proceeding for recovery of damages.

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

*Approved April 10, 1875.*

AN ACT RELATING TO INSTITUTIONS FOR THE EDUCATION OF THE DEAF AND DUMB, AND OF THE BLIND.

*Chap. 118*

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

Such duties with reference to institutions for the instruction of the deaf and dumb and of the blind, as are now vested by law in the board of state charities are hereby transferred to and vested in the board of education; and such institutions, when aided by a grant of money from the state treasury shall make report to the said last named board instead of to the former, as prescribed by chapter two hundred and forty-three of the acts of the year one thousand eight hundred and sixty-seven.

Institutions for instruction of deaf, dumb and blind, to be in charge of board of education.

*Approved April 10, 1875.*

AN ACT TO SUPPLY THE TOWN OF SOUTHBRIDGE WITH PURE WATER.

*Chap. 119*

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

SECTION 1. The town of Southbridge is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses. And may establish public fountains and hydrants and regulate their use, and may discontinue the same, and may fix and collect rents for the use of said water.

Southbridge to be supplied with pure water.

SECTION 2. Said town for the purposes aforesaid may take and hold the water of any spring or springs, of any natural pond or ponds, brook or brooks, within the limits of said town of Southbridge. And may further contract with any corporation or person in said town, for a supply of water from the Quinebaug River, by connecting pipes

May contract for water from Quinebaug River.

with the force-pumps of said corporation or person, and may also take and hold all necessary land for raising, holding and preserving such water, and conveying the same to any and all parts of said town. And may erect thereon proper dams, buildings, fixtures and other structures, and make excavations therefor. And for that purpose may construct and lay down conduits, pipes and drains under or over any water-course or railroad, or along any street, highway or other way in such manner as not to obstruct the same. And for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up any such street, highway or other way; but all things done upon any street, highway or other way shall be subject to the direction of the selectmen of said town: *provided*, that within sixty days after the time of taking any land or water-sources as aforesaid, said town shall file in the registry of deeds for the county of Worcester, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the land was taken.

May erect dams, lay down pipes, etc.

To file in registry, description of land taken.

Liability for damages.

SECTION 3. Said town shall be liable to pay all damages sustained by any person in his property by the taking of any land, water, water-sources or water-rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. Any person injured in his property under this act, and failing to agree with said town as to the amount of damages may have the same assessed and determined in the same manner as is provided where land is taken for highways; but no assessment for damages shall be made for the taking of any water-rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Penalty for corrupting or diverting water.

SECTION 4. Whoever wilfully corrupts, pollutes or diverts any of the water taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said town, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of either of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months.

Southbridge Water Loan, not to exceed \$50,000.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of



this act, said town of Southbridge, through its treasurer and countersigned by its auditors of accounts, may issue notes, scrip, or certificates of debt to be denominated on the face thereof "Southbridge Water Loan," to an amount not exceeding fifty thousand dollars, bearing interest not exceeding seven per cent. per annum, payable annually, the principal shall be payable at periods not more than twenty years from the issuing of said notes, scrip or certificates of debt respectively. Said town may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, in such terms and conditions as it may deem proper.

Said town is further authorized to make appropriations and assess from time to time, such amounts as may be necessary to pay the interest on said loans, together with an amount not exceeding in any one year, the sum of five thousand and not less than one thousand dollars, towards payment of the principal of the money so borrowed, except the year in which said principal becomes due; such amounts to be held and sacredly pledged for the payment of debts contracted under the provisions of this act, and used in no other manner.

Town may make appropriations to pay interest.  
Sinking fund.

SECTION 6. The rights, powers and privileges hereby granted may be exercised by such officers, agents and servants as said town shall elect or employ, who shall act in accordance with the votes of said town.

Powers may be exercised by agents.

SECTION 7. This act shall take effect upon its passage; but nothing shall be done or any expenditure made, or liability incurred under the same except for preliminary surveys and estimates until accepted by a vote of two-thirds of the legal voters of the town present and voting thereon at a legal meeting called for that purpose.

When to take effect.

*Approved April 10, 1875.*

AN ACT TO AUTHORIZE THE CITY OF CHELSEA AND TOWN OF REVERE  
TO CONSTRUCT A BRIDGE ACROSS CHELSEA CREEK.

*Chap. 120*

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

SECTION 1. The city of Chelsea and the town of Revere may construct and maintain a bridge across Chelsea Creek, from a point in the extension of Crescent Avenue in Chelsea to a point in the town of Revere northerly from and parallel with the line of the Eastern Railroad and distant therefrom about one hundred and thirty feet; subject to the provisions of chapter four hundred and

Bridge across Chelsea Creek, from Chelsea to Revere.

thirty-two of the acts of the year eighteen hundred and sixty-nine.

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

*Approved April 10, 1875.*

*Chap. 121* AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TRUSTEES OF THE SCOTTISH RITE OF FREEMASONRY.

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

Amendment to 1872, 252, § 1.

SECTION 1. The first section of chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-two, is amended by inserting the words "associates and" before the word "successors" in said section.

Trustees and members to consist of active members of supreme council.

SECTION 2. Active members only of the supreme council of the ancient and accepted Scottish rite for the northern jurisdiction of the United States shall be trustees and members of the corporation established under the provisions of chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-two, and no such trustee shall hire or use any portion of the funds intrusted to said trustees, nor shall any such trustee be surety for loans thereof; and said trustees shall be subject to the duties and liabilities, and shall have the powers and privileges set forth in the general laws which now are, or hereafter may be in force applicable to such corporations.

Corporation to be located at Boston.

SECTION 3. Said corporation shall be located at Boston, and either the president, treasurer or secretary thereof shall be a resident of this state; and meetings to make by-laws and for the election of said officers shall be held in this state; but special meetings, and meetings for the election of officers other than those named in this section, may be held in any state where said council may sit.

Repeal of 1872, 252, § 3.

SECTION 4. The third section of chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-two is repealed.

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

*Approved April 10, 1875.*

*Chap. 122* AN ACT CONCERNING THE ALTERATION OF THE LIMITS OF FIRE DISTRICTS.

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

Amendment to G. S. 24, § 47.

SECTION 1. The forty-seventh section of the twenty-fourth chapter of the General Statutes is hereby amended by inserting after the word "if" in the third line the words "a majority of."

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

*Approved April 14, 1875.*

AN ACT TO AMEND AN ACT TO INCORPORATE THE BOSTON SAFE DEPOSIT AND TRUST COMPANY. *Chap. 123*

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

SECTION 1. The shares of the Boston Safe Deposit and Trust Company shall be assignable and transferable according to such rules and regulations as the stockholders shall for that purpose ordain and establish, and not otherwise. Shares to be transferable, according to rules made by stockholders.

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

*Approved April 14, 1875.*

AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO RAISE MONEY FOR A CENTENNIAL CELEBRATION OF THE EVENTS OF THE NINETEENTH DAY OF APRIL SEVENTEEN HUNDRED AND SEVENTY-FIVE. *Chap. 124*

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

SECTION 1. The town of Framingham is authorized to raise by taxation, or to appropriate a sum of money not exceeding the sum of five hundred dollars for the purpose of commemorating the events of the nineteenth day of April seventeen hundred and seventy-five. May raise money for centennial celebration of battle of Lexington.

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

*Approved April 14, 1875.*

AN ACT TO AUTHORIZE THE SOUTH BAY COMPANY TO INCREASE ITS CAPITAL STOCK. *Chap. 125*

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

SECTION 1. The South Bay Company may increase its capital stock by an amount not exceeding one million dollars in addition to the amount heretofore authorized by law, to be divided into shares of one hundred dollars each, at such times and in such sums as the stockholders may determine, subject to the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and fifty-three, and of all general laws now or hereafter in force applicable to similar corporations. \$1,000,000 additional capital stock.

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

*Approved April 15, 1875.*

AN ACT TO PROVIDE FOR RELIGIOUS INSTRUCTION IN PRISONS. *Chap. 126*

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

SECTION 1. No inmate of any prison, jail or house of correction in this Commonwealth shall be denied the free exercise of his religious belief and liberty of worshiping God according to the dictates of his conscience, within the place where such inmate may be kept or confined; and it shall be the duty of the officers and boards of officers having the management and direction of any such institu- Prisoners not to be denied free exercise of religious belief, etc.

tions to make such rules and regulations as may be necessary to carry out the intent and provisions of this act.

Not to be construed so as to impair discipline.

SECTION 2. Nothing herein contained shall be so construed as to impair the discipline of any prison so far as may be needful for the good government and safe custody of its inmates.

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

*Approved April 15, 1875.*

*Chap. 127* AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO SUPPLY WATER TO THE CITY OF BOSTON.

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

Brookline may sell water to Boston.

SECTION 1. The town of Brookline may from its source of supply or from pipes leading therefrom sell to the city of Boston such quantity of water, for such time, and on such terms as may be agreed on between said city and said town: *provided*, that said city shall first signify its desire to purchase such water by a vote of its common council and board of aldermen, approved by the mayor of said city; and that said town shall first signify its desire to sell the same by a vote of its inhabitants at a meeting duly warned for that purpose.

Proviso.

Contract may be executed to carry votes into effect.

SECTION 2. The city of Boston by its common council, and the town of Brookline at any meeting of its inhabitants, may each authorize any person to execute in its behalf a suitable contract for carrying into effect any votes passed under the first section of this act.

Vote confirmed relative to taking water from Charles River.

SECTION 3. The vote of the said town in relation to taking water from Charles River, passed on the twenty-second day of April, in the year eighteen hundred and seventy-four, fixing the amount of water to be taken by said town from said river at a million and a half gallons a day is hereby ratified and confirmed.

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

*Approved April 15, 1875.*

*Chap. 128* AN ACT TO AUTHORIZE THE TOWN OF WALTHAM TO RAISE MONEY FOR A CENTENNIAL CELEBRATION OF THE EVENTS OF THE NINETEENTH DAY OF APRIL, SEVENTEEN HUNDRED AND SEVENTY-FIVE.

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

May raise money for centennial celebration of battle of Lexington.

SECTION 1. The town of Waltham is authorized to raise by taxation, or to appropriate, a sum of money not exceeding the sum of one thousand dollars, for the purpose of commemorating the events of the nineteenth day of April seventeen hundred and seventy-five.

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

*Approved April 15, 1875.*

AN ACT TO AUTHORIZE THE TOWN OF WAYLAND TO RAISE MONEY BY TAXATION FOR CELEBRATING THE CENTENNIAL ANNIVERSARY OF THE BATTLE OF LEXINGTON.

*Chap. 129*

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

SECTION 1. The town of Wayland is authorized to raise by taxation, or to appropriate a sum of money not exceeding one hundred and fifty dollars, for the purpose of commemorating the events of the nineteenth day of April in the year of our Lord seventeen hundred and seventy-five, by a celebration of the centennial anniversary thereof, on the nineteenth day of April, eighteen hundred and seventy-five.

May raise money for centennial celebration of battle of Lexington.

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

*Approved April 15, 1875.*

AN ACT TO CHANGE THE NAME OF THE HASKINS MACHINE COMPANY.

*Chap. 130*

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

The Haskins Machine Company a corporation established in the city of Fitchburg shall hereafter be called and known as the Haskins Engine Company.

Name changed.

*Approved April 15, 1875.*

AN ACT TO AMEND THE CHARTER OF THE PLYMOUTH COUNTY RAILROAD COMPANY.

*Chap. 131*

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

SECTION 1. The Plymouth County Railroad Company may begin to construct its road whenever an amount of capital stock equal to at least fifteen thousand dollars for each mile of its road has been actually subscribed in good faith by responsible parties, and twenty per centum of the par value of each and every share thereof actually paid into its treasury in cash, and whenever a certificate setting forth these facts has been filed with the secretary of the Commonwealth signed and sworn to by the president and a majority of the directors of said company as required by section forty-seven of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four: *provided*, that this act shall be approved by a majority in interest of all the stockholders of said corporation at a meeting duly called for the purpose.

May begin construction when stock equal to \$15,000 a mile has been subscribed for.

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

*Approved April 15, 1875.*

*Chap. 132* AN ACT TO AUTHORIZE THE EVANGELICAL CONGREGATIONAL SOCIETY IN EAST CAMBRIDGE TO SELL LAND AND OTHER PROPERTY OF THE SOCIETY AND TO APPROPRIATE THE PROCEEDS OF THE SALE THEREOF.

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

May sell land and meeting-house.

SECTION 1. The Evangelical Congregational Society in East Cambridge is hereby authorized to sell at public or private sale, as the standing committee of said society shall determine, and to convey by deed its land and meeting-house thereon, situated on the corner of Thorndike and Second streets in that part of Cambridge in the county of Middlesex called East Cambridge, and to appropriate the proceeds of said sale, after paying the debts of said society, if any, towards the support of public worship in said Cambridge or to give the same to the Massachusetts Home Missionary Society, as said Evangelical Congregational Society shall determine by its vote at a public meeting duly called for that purpose.

Appropriation of proceeds of sale.

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

*Approved April 15, 1875.*

*Chap. 133* AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO RAISE MONEY FOR A CENTENNIAL CELEBRATION OF THE BATTLES OF LEXINGTON AND CONCORD.

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

May raise money for centennial celebration of battles of Lexington and Concord.

SECTION 1. The town of Watertown is authorized to raise by taxation a sum of money not exceeding six hundred dollars for the celebration of the battles of Lexington and Concord on their centennial anniversary, April nineteenth, eighteen hundred and seventy-five. And all the acts of the town on and subsequent to March ninth, eighteen hundred and seventy-five, including the act of the town on April thirteenth, eighteen hundred and seventy-five, in relation thereto, are confirmed and ratified, and the same shall be deemed good and valid in law to all intents and purposes whatsoever.

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

*Approved April 16, 1875.*

*Chap. 134* AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO BORROW MONEY TO PAY FOR THE CONSTRUCTION OF SEWERS AND TO ESTABLISH A SINKING FUND.

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

Brookline may borrow money for construction of sewers.

SECTION 1. The town of Brookline is authorized to borrow such sums of money as may be necessary for paying for the establishment of a system of sewerage in said town, to an amount not exceeding three hundred thousand

dollars, and to issue notes, bonds or certificates of debt therefor, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, the principal to be payable at such times as it may see fit, not exceeding twenty years from the date of the issue thereof; and said town may sell the same, or any part thereof, at public or private sale, on such terms and conditions as shall seem to it proper, *provided*, that exclusive of the water debt the entire debt of the town contracted or to be contracted shall never at any one time exceed five per cent. on the last assessors' valuation of the real and personal estate in town, preceding the creation of the loan. Proviso.

SECTION 2. Said town shall each year raise by taxation upon the polls and estates in said town, a sum amounting to three per cent. of the whole amount of its notes, bonds and certificates of debt already issued and now outstanding or which may hereafter be issued and outstanding at the close of each financial year including the water debt, which sum with the interest and accumulations thereon shall either be applied to the payment of its indebtedness maturing within said year or shall be set aside to constitute a sinking fund for the redemption at maturity of the notes, bonds or certificates of debt of said town; and said sinking fund shall be appropriated, held and pledged to the payment and redemption of said notes, bonds and certificates of debt and shall be used for no other purpose until the same are fully redeemed and paid. To establish a sinking fund.

SECTION 3. There shall be elected by the legal voters of said town, at any meeting of the inhabitants of said town, duly notified and warned for such purpose, three commissioners of said fund, one of whom shall hold office until the annual town meeting in the year eighteen hundred and seventy-six; one until the annual town meeting in the year eighteen hundred and seventy-seven, and one until the annual town meeting in the year eighteen hundred and seventy-eight, and each respectively until his successor is elected; and annually after said first election there shall be chosen by the inhabitants of said town at its annual meeting one commissioner for the term of three years. Said commissioners shall annually at their first meeting after their election choose one of their number as treasurer who shall give a bond to the town of Brookline, for the faithful discharge of his duties, in such sum and with such sureties as shall be required by the board of selectmen of Commissioners of fund to be elected. Treasurer of fund.

said town. In case of the death, resignation, or incapacity to act of either of said commissioners, before the expiration of the term for which he was chosen, the selectmen shall appoint some suitable person to fill the vacancy until the next annual meeting, and until the election of a successor in the manner herein provided, and the person so appointed shall have all the powers and be subject to all the liabilities, that he would have and be if elected. The board of commissioners aforesaid shall invest the said sinking fund in the bonds of the United States, of any of the New England states, and of the counties, cities or towns of this Commonwealth, and in loans secured by first mortgage of real estate, in the counties of Norfolk or Suffolk, and they may sell, transfer and re-invest the stock and securities belonging to said sinking fund.

Investment of fund.

Signatures of all the commissioners to be affixed to instruments, to bind the town.

SECTION 4. The signatures of all said commissioners must be affixed to any instruments to bind them, or said town. They shall keep a record of their proceedings; and shall annually in the month of February, make a written report to the said town of the amount and condition of said fund and the income thereof for the year. Their record and the securities belonging to said fund shall at all times be open to the inspection of the selectmen or any committee of said town duly authorized for that purpose. The necessary expenses of said commissioners shall be paid by said town; the treasurer of the board shall receive such compensation as shall be fixed by said town; but no other member of the board shall receive compensation for his services.

Compensation of treasurer.

Moneys heretofore raised for sinking fund, to be paid over to commissioners.

SECTION 5. All moneys heretofore appropriated and assessed by said town for the purpose of creating a sinking fund, with the accrued interest thereon, shall be paid over to the aforesaid board of commissioners to be held and applied by them in the manner and for the purposes herein provided for.

When to take effect.

SECTION 6. This act shall take effect upon its passage so far as it authorizes the inhabitants of said town to hold a meeting and vote upon its acceptance; and for all other purposes, when accepted by a majority of the legal voters of said town at a town meeting which may be duly called and held previous to the first day of June next, for the purpose of accepting or rejecting the same.

*Approved April 17, 1875.*



AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR AND FOR OTHER PURPOSES. *Chap. 135*

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

SECTION 1. The sums hereinafter mentioned are appropriated to be paid from the ordinary revenue, unless otherwise ordered, for the purposes specified herein, to wit:— Appropriations.

For expenses incurred under authority of chapter fifteen of the acts of the present year, entitled, "An act to establish a state detective force for the better enforcement of the laws," a sum not exceeding thirty-eight thousand five hundred dollars, viz. : for the salary of the chief, two thousand dollars ; for the salaries of the detectives, thirty thousand dollars ; for travelling expenses of detectives, three thousand five hundred dollars ; and for incidental and contingent expenses, three thousand dollars. State detective force.

For expenses incurred under authority of chapter three hundred and eighty-six of the acts of the year eighteen hundred and seventy-four, entitled "An act to provide for taking the industrial statistics and decennial census of the Commonwealth," a sum not exceeding seventy thousand dollars. Census and industrial statistics.

For the payment of interest on capital furnished by the state liquor commissioner in eighteen hundred and seventy-two, the sum of two hundred sixty-two dollars and fifty cents. Liquor commissioner.

The appropriation made in eighteen hundred and seventy-four, under the resolve of that year "authorizing the appointment of a commission to inquire into the expediency of revising and amending the laws of the state relating to taxation and the exemptions therefrom," is hereby made applicable to compensation of and expenses incurred by said commission. Commission relating to taxation.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and seventy-four ; three hundred dollars. Roads in Mashpee.

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

*Approved April 17, 1875.*

AN ACT RELATING TO COASTING, TO THE PASSAGE OF VEHICLES OVER STREETS IN CITIES AND TOWNS, AND TO ITINERANT MUSICIANS. *Chap. 136*

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

SECTION 1. The mayor and aldermen of any city, and the selectmen of any town, may make such rules and regulations in relation to the passage of carriages, wagons, carts, trucks, sleds, sleighs, horse-cars, or other vehicles, Cities and towns may make regulations relating to carriages, coasting, etc.

or to the use of sleds or other vehicles for coasting in and through the streets or public ways of such city or town, as they shall deem necessary for the public safety or convenience, with penalties for violation thereof, not exceeding twenty dollars for one offence.

Cities may regulate and control itinerant musicians.

SECTION 2. The mayor and aldermen of any city may adopt rules and orders not inconsistent with the laws of this Commonwealth for the regulation and control of persons who shall, after the passage of this act, frequent the streets and public places in such city, playing on hand-organs or other musical instruments, beating drums, blowing trumpets, or coasting with sleds or other vehicles, with penalties for the violation thereof, not exceeding twenty dollars for each offence.

Repeal of 1869, 301.

SECTION 3. Chapter three hundred and one of the acts of the year eighteen hundred and sixty-nine is hereby repealed.

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

*Approved April 17, 1875.*

**Chap. 137** AN ACT TO INCREASE THE SALARY OF THE SHERIFF OF THE COUNTY OF BRISTOL.

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

Salary fixed at \$1,500 a year.

SECTION 1. From the first day of January of the present year, the sheriff of the county of Bristol shall receive in quarterly payments, an annual salary of fifteen hundred dollars.

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

*Approved April 17, 1875.*

**Chap. 138** AN ACT TO INCORPORATE THE WEST SPRINGFIELD AQUEDUCT COMPANY.

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

Corporators.

SECTION 1. William Birnie, Charles L. Goodhue, their associates and successors, are made a corporation under the name of the West Springfield Aqueduct Company, for the purpose of supplying the town of West Springfield with pure water, and for that purpose may take and hold the waters of any spring or springs, or any natural pond or streams within the said town of West Springfield, (except the waters of the Agawam River, which may be taken for the purpose of extinguishing fires only,) and may also take and hold the waters of Leonard's Brook, in the town of Agawam, and may build and maintain dams, reservoirs, aqueducts and other necessary or suitable

Name and purpose.

works for storing and distributing the waters so taken, and may take such lands as may be necessary therefor, and such other lands about the margin of such reservoirs, ponds and streams as may be necessary to preserve the purity of the waters thereof: *provided, however*, that no land, water or water-rights shall be taken or entered upon, except for the purpose of making surveys until all damages are satisfied, or security given to the satisfaction of the county commissioners for the payment of all damages agreed upon by the parties, or all damages and costs awarded by the county commissioners, or a jury, for the land or property taken.

Proviso.

SECTION 2. Said corporation shall, within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Hampden, a description of any land so taken sufficiently accurate for identification, and state the purpose for which it is taken, and the title of all land so taken shall vest in said corporation. Any person injured in any of his property by any of the acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

To file in registry of deeds a description of the land taken.

SECTION 3. Said corporation, for the purposes aforesaid, may distribute its waters throughout the town of West Springfield, and for this purpose may convey its pipes, drains and conduits over or under any water-course, street, railroad or highway or public place, in such a manner as not unnecessarily to obstruct the same, and may, under the direction of the board of selectmen, enter upon and dig up any road or way for the purpose of laying its conduits, pipes and drains, and for the purpose of setting and maintaining its hydrants in such manner as to cause the least hindrance to travel thereon, and in general may do any other acts and things necessary and proper for carrying out the provisions of this act.

May distribute water, lay conduits, pipes, etc.

SECTION 4. Said corporation may establish rates for the use of said water, and may collect the same by suit or otherwise, and it may also contract with said town of West Springfield to supply it with water for its public buildings, for fire purposes and for such other uses as said town may deem expedient, upon such terms as may be agreed upon by said town and corporation.

May establish rates for use of water.

SECTION 5. Said corporation may, for the purposes

Real and personal estate.

Capital stock and shares.

Penalty for corrupting or diverting water.

aforesaid, hold real and personal estate not exceeding in amount sixty thousand dollars in value, and the whole capital stock shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 6. Whoever takes without right, or whoever wilfully or maliciously corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipes or hydrants, or other property owned or used by said corporation for the purposes of this act, shall pay the said corporation three times the amount of actual damage, to be recovered by any proper action, and every such person on conviction of either of the malicious acts aforesaid may be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Town may take property of corporation by a two-thirds vote.

SECTION 7. The town of West Springfield may, at any time, by a vote of two-thirds of the legal voters present and voting therefor at a legal meeting held for the purpose, take by purchase or otherwise, the franchise of said corporation, and all its corporate property, at such prices as may be agreed upon between the parties, and in case the parties cannot agree upon the price to be paid therefor, the supreme judicial court, or any justice thereof in term time or vacation, shall appoint three commissioners, who, after due notice given to said town and said corporation, shall determine and award what sum said town shall pay for said franchise and its corporate property, which award shall be final.

West Springfield water bonds, not exceeding \$75,000.

SECTION 8. For the purposes of defraying the costs of such franchise and corporate property as may be taken or purchased for the purposes aforesaid, the town of West Springfield shall have authority to issue, from time to time, notes, bonds or certificates of indebtedness, to be denominated "West Springfield Water Bonds," to an amount not exceeding seventy-five thousand dollars, bearing interest payable semi-annually, the principal to be payable within twenty years from the date of said bonds and the said town may sell such bonds at private sale or public auction, upon such terms and in such amounts as it shall deem expedient. Said town is also authorized to raise by taxation such sums as may be necessary for the payment of such part of the interest upon said bonds, and of the principal thereof as the same shall become due, as shall not be paid out of the rents and income received for the use and

sale of the water and other property taken or purchased under this act.

SECTION 9. In case the town of West Springfield shall take or purchase the property, rights and privileges of the corporation hereby established, said town shall exercise, by such officers and agents as it may appoint, all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein before contained.

Town to have powers and duties of corporation, if property is taken.

SECTION 10. No claim for damages for the taking of water under this act shall be made until the same is diverted from its natural course.

Damages.

SECTION 11. This act shall take effect upon its passage, and shall become void unless the work is completed within one year.

When to take effect.

*Approved April 17, 1875.*

AN ACT TO INCORPORATE THE NAHANT LAND COMPANY.

*Chap. 139*

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

SECTION 1. Samuel E. Sewall, trustee under the will of Frederic Tudor, deceased, Frederic Tudor and Henry Tudor, their associates and successors, are made a corporation for the term of fifteen years, from the date of the passage of this act, by the name of the Nahant Land Company, 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 be in force relative to such corporations and with power to purchase and hold in fee simple all or any part of the lands in Nahant, in Essex County, which were owned by Frederic Tudor, late of Boston, in Suffolk County, deceased, at the time of his death, and such contiguous lands as said corporation may purchase from time to time, not exceeding ten acres in all, in addition to the lands which were owned by said Frederic Tudor.

Corporators.

Name and purpose. Powers and duties.

SECTION 2. The said corporation shall have power to sell, lease, mortgage and otherwise dispose of its corporate property and any parts thereof; and to improve the same, to erect dwelling-houses and other buildings thereon, to lay out streets and passage-ways through the same, and otherwise improve the same as they may think expedient.

May sell or lease property, build dwelling-houses, etc.

SECTION 3. The capital stock of the said corporation shall not exceed two hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

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

*Approved April 17, 1875.*

*Chap. 140* AN ACT TO REVISE AND AMEND THE CHARTER OF THE CITY OF NEW BEDFORD.

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

City of New Bedford.

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 shall have, exercise, and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations provided for herein, or otherwise appertaining to said city as a municipal corporation.

Mayor, six aldermen, and twenty-four common councilmen.

SECTION 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in one officer, to be styled the mayor; one council of six, to be called the board of aldermen; one council of twenty-four, to be styled the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business, and no member of either board shall receive any compensation for his services. The powers conferred by law upon the city council, composed as provided in this section, shall be exercised by concurrent vote, each board having a negative upon the other, except in cases where for the choice of municipal officers, it shall be provided that the two boards shall act in convention.

Six wards.

SECTION 3. The number of wards shall be six, and the existing division of the city into six wards, shall continue until a new division be made according to law.

Municipal year.

SECTION 4. The municipal year shall begin on the first Monday in January.

Warrants for meetings to be issued by board of aldermen.

SECTION 5. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, and also for any and all elections, shall be issued by the board of aldermen, and shall be in such form, and shall be served and returned in such manner, and at such times, as the laws and ordinances may direct.

Mayor to be a resident of the city.

SECTION 6. The mayor shall be a resident of the city, and a voter thereof, and shall be elected by the qualified voters of the city at large, voting in their respective wards, and he shall hold his office for the municipal year next following his election, and until another shall be elected and qualified.

SECTION 7. Six aldermen, one from each ward, and a voter therein, shall be elected in the same manner as the mayor, and each alderman shall hold his office for the municipal year next following his election, and until a majority of the new board shall be elected and qualified.

One alderman  
from each ward.

SECTION 8. Four members of the common council shall be elected from, and by the voters of each ward, who shall, at the time of their election, be residents of the wards, respectively, in which they are elected. They shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified.

Four members  
of council from  
each ward.

SECTION 9. On the first Tuesday in December, annually, there shall be chosen by ballot in each of said wards, a warden, clerk, and three inspectors of elections, who shall be different persons, residents of the ward in which they are chosen, and who shall hold their office for the municipal year next following their election, and until others shall have been elected and qualified in their stead.

Warden, clerk,  
and inspectors  
of elections.

It shall be the duty of said wardens to preside at all ward meetings, with the powers of moderators of town meetings; and if at any meeting the warden shall not be present, the clerk of said ward shall call the meeting to order and preside until a warden *pro tempore* shall be chosen by ballot; and if at any meeting the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot; and if both the warden and clerk shall be absent, the senior in age of the inspectors of election of said ward present may preside until a warden *pro tempore* shall be chosen as aforesaid; and in case of the absence of all said officers, the constable who returns the warrant to said ward meeting may call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot; and whenever any ward officer shall be absent, or shall neglect to perform the duties of his office, his office shall be filled *pro tempore* by ballot.

The clerk shall record all the proceedings and certify the votes in a book to be provided by the city for such purposes, and deliver to his successor in office all such books and records, together with all other documents, papers and things held by him in said capacity; and shall, within forty-eight hours after the election of any person to a ward office, deliver to each person so elected a certifi-

Duties of clerk.

cate of his election, signed by the warden, clerk, and a majority of the inspectors of elections.

Duties of inspectors.

It shall be the duty of the inspectors of election to assist the warden in receiving, assorting, and counting the votes.

The warden, clerk and inspectors so chosen, shall respectively make oath or affirmation, faithfully and impartially to perform their several duties, which oath or affirmation may be administered by the city clerk, to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Bristol; and certificates of such oaths or affirmations shall be entered on the record of the ward by the clerk.

Annual election of municipal officers.

SECTION 10. At the election of mayor, aldermen, common councilmen, and ward officers, held on the first Tuesday in December, annually, the qualified voters of said city shall meet within the wards in which they are entitled to vote, at such hour and place as the board of aldermen may by their warrants, direct, and give in their ballots for mayor, aldermen, common councilmen, and ward officers, in accordance with the provision of this act; and all ballots so given shall be assorted, counted, declared and recorded in open ward meeting; and the names of all persons receiving ballots, and the number of ballots given for each person, and the title of the office for which he is proposed, shall be written in the ward records in words at length, and a transcript of such record, certified by the warden, clerk, and a majority of the inspectors of elections for each ward, shall forthwith be transmitted or delivered by such ward clerk to the clerk of the city; and if the choice of common councilmen or ward officers shall not be effected on that day in any ward by reason of two or more persons receiving the same number of ballots for the same office, the meeting in such ward shall be adjourned from time to time to complete such election.

Clerk to give certificate of election to councilmen.

SECTION 11. The clerk of each ward, within forty-eight hours after such election, shall deliver to each person elected common councilman in that ward, a certificate of his election, certified by the warden, clerk, and a majority of the inspectors of elections.

City clerk to enter copies of ward records upon journal of aldermen.

SECTION 12. It shall be the duty of the city clerk forthwith to enter the copies of the records of the several wards received from the ward clerks, certified as aforesaid, or a plain and intelligible abstract of them, upon the



journal of the board of aldermen, or upon some book kept for that purpose.

SECTION 13. The board of aldermen, within four days after each election, shall examine the copies of the records of the several wards, and shall cause the person that shall have been elected mayor to be notified in writing of his election. But if it shall appear by said records that no person has been elected, or if the person elected shall refuse to accept the office, said board shall issue warrants for a new election to take place as soon as the ordinances of the city will allow, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and from time to time repeated until a mayor shall be chosen and shall accept said office.

Board of aldermen to notify mayor of his election.

If it shall appear that the whole number of aldermen have not been elected, or any alderman elect shall refuse to accept the office, the same proceedings shall be had as are herein provided in regard to the office of mayor.

SECTION 14. In case of the decease, absence or resignation of the mayor, or of his inability to perform the duties of his office, or in case of a vacancy in the office of mayor from any other cause, the board of aldermen and the common council shall respectively, by vote, declare that a vacancy exists in said office, and the cause thereof; whereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election.

Vacancy in the office of mayor.

It shall be competent for the board of aldermen to order and call a meeting of the city council for the purposes set forth in this section, and the members shall be notified in the same manner as may be provided for calling such meetings by order of the mayor.

SECTION 15. The board of aldermen, after examination as provided in section thirteen of this act, shall cause each person, that shall have been elected alderman, to be notified in writing of his election.

Board of aldermen to notify aldermen of election.

SECTION 16. The aldermen and common council elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in their respective rooms: and the board of aldermen shall be called to order by the mayor-elect, or, in his absence, by the senior member present, and the common councilmen shall be called to order by the senior member present, and on the appearance of a quorum of

Mayor to be sworn, in convention of the two branches.

each board, notice shall be communicated to the other of that fact, and the two branches shall then forthwith meet in convention, when the oath or affirmation requisite by this act shall be administered to the mayor-elect by the city clerk, or by any justice of the peace for the county of Bristol, and to the members of the two boards by the mayor, city clerk or any justice as aforesaid; and a certificate setting forth that such oath has been taken shall be entered in the journals of the board of aldermen and of the common council by their respective clerks.

After the organization of the city government as aforesaid the two branches shall separate.

Organization of  
common coun-  
cil.

SECTION 17. The persons chosen and qualified as members of the common council, shall meet and act together as a separate body, distinct from that of the board of aldermen, except in those cases in which the two bodies meet in convention; and the said council shall organize by making choice of one of its own members as president, and by choosing by ballot a clerk, who shall be sworn to the faithful discharge of the duties of his office, both president and clerk to hold their respective offices during the pleasure of the common council.

It shall be the duty of the clerk to attend all meetings of said council, to keep a journal of its acts, votes, and proceedings, and to perform such other duties in said capacity as may be required of him, and he shall receive such compensation for his services as the city council may determine. A vacancy in the office of clerk of the common council may be filled by a new election, and in the absence of that officer a clerk *pro tempore* may be chosen.

President to be  
member of  
school com-  
mittee.

The president of the common council shall be *ex officio* a member of the school committee of the city.

When mayor  
has not been  
elected.

SECTION 18. Whenever it shall appear that a mayor has not been elected previously to the first Monday of January, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which shall be read at the opening of the convention to be held on said first Monday of January.

When mayor is  
absent.

In case of the absence of the mayor-elect on the first Monday of January, or if the mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may at any time thereafter, in con-

vention of the two branches, be administered to the mayor, and to any member of the city council who may have been absent at the organization.

In the absence of the mayor, the board of aldermen shall choose a presiding officer *pro tempore*, who shall also preside at joint meetings of the two boards, but the member thus chosen to preside shall retain his right to vote upon all questions which may be presented to the board or to the convention of the two branches.

SECTION 19. Each board shall keep a record of its own proceedings, and judge of the elections of its own members.

Each board to keep record of its own proceedings.

SECTION 20. Whenever it shall appear to the board of aldermen that there is a vacancy, by removal from the city, or by death, resignation, or any other cause, in the board of aldermen or common council, it shall be the duty of the board of aldermen to cause a warrant to be issued in due form to fill all such vacancies in either of said boards, and the same proceedings shall be had, and adjournments, if necessary, as are herein before prescribed for the annual meeting for the election of aldermen and common councilmen; and every person elected to fill a vacancy shall be sworn to the faithful discharge of the duties of his office, and may serve for the unexpired term for which the member whose place he fills was to have held office. But in case of a vacancy in the common council, such warrant shall not be issued until the board of aldermen receive notice thereof from said council.

Vacancy in board of aldermen or common council.

SECTION 21. 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 of the state, and the ordinances, orders and regulations of the city, to be duly executed and enforced, and to exercise a general supervision over the official conduct and acts of all subordinate officers, and to examine into all complaints preferred against them for a violation or neglect of duty, and as far as may be in his power, to cause all negligence, carelessness, and violation of duty to be duly prosecuted and punished.

Mayor to be chief executive officer of the city.

Whenever in his opinion the public good may require, the mayor may remove any officer appointed by the mayor and aldermen, or chosen upon his nomination by the city council in convention, and the fact of such removal, shall be communicated to the board of aldermen or both branches of the city council, as the case may require.

May remove officers, etc.

May call meetings of aldermen or council.

The mayor may call meetings of the board of aldermen and common council, or either of said boards, whenever in his judgment the interests of the city may require it, by causing written notices to be left at the place of residence of each member of the board or boards to be convened, or delivered to them in person, although the meeting of said boards or either of them may stand adjourned to a more distant day.

He shall from time to time communicate to both branches of the city council such information, and recommend such measures as in his opinion the interests of the city may require.

To preside in convention.

The mayor, when present, shall preside in the board of aldermen, and in convention of the two branches of the city council, but shall have no vote. He shall be *ex officio* a member of the school committee and the chairman of that body.

Member of school committee.

Salary of mayor.

SECTION 22. The salary of the mayor shall be determined by the city council, and shall not exceed fifteen hundred dollars per year; but it shall not be changed during the year for which he is chosen. He shall receive no other compensation.

Sittings to be public except engaged in executive business.

SECTION 23. All sittings of the mayor and aldermen, of the common council, and of the city council in convention, shall be public, when they are not engaged in executive business.

Ordinances, orders, etc., to be presented to mayor for approval.

SECTION 24. Every ordinance, order, resolution or vote, to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches, and every order of either branch involving the expenditure of money, shall be presented to the mayor: if he approve thereof he shall signify his approbation by signing the same; but if not, he shall return the same, with his objections to the branch in which it originated, upon the records of which body the objections of the mayor shall be entered in full, after which said branch shall proceed to reconsider said ordinance, order, resolution or vote: and if after such reconsideration two-thirds of the board of aldermen or common council present and voting thereon, notwithstanding such objections, agree to pass the same, it shall, together with said objections, be sent to the other branch of the city council, if it originally required concurrent action, when it shall also be reconsidered, and if approved

Veto power of mayor.

by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays.

If any such ordinance, order, resolution or vote shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him the same shall be in force.

But the veto power of the mayor shall not extend to the election of officers required by any law or ordinance to be chosen by the city council in convention, or by concurrent action.

In all cases where anything is or may be required or authorized by any law or ordinance to be done by the mayor and aldermen, the board of aldermen shall first act thereon: and any order, resolution or vote of said board shall be presented to the mayor for his approval, in the manner provided in this section.

SECTION 25. The executive power of said city generally, together with the administration of the police and all the power vested in the selectmen of towns by the laws of the Commonwealth, shall be, and hereby are vested in the mayor and aldermen as fully as if the same were herein specially enumerated.

Executive power vested in mayor and aldermen.

The mayor and aldermen of said city shall be surveyors of highways.

Surveyors of highways.

SECTION 26. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a city marshal or chief of police, with all the powers and duties of a constable, and such number of other police officers, with or without the power of serving civil process, as they shall deem expedient; and the same may be removed by the mayor; but no person shall be appointed to either of the offices named in this section, nor to any office to which appointments are directed to be made by the mayor and aldermen unless he shall have been nominated by the mayor.

Constables and police officers.

The mayor and aldermen shall, unless the city council, by ordinance otherwise determine, fix the compensation of all the police officers to be appointed by them as set forth herein.

Compensation.

The mayor and aldermen may require any person who may be elected or appointed city marshal, police officer or constable of the city, to give bonds for the faithful discharge of the duties of his office, with such security and

May be required to give bonds.

to such an 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 the case of constables' bonds taken by the selectmen of towns.

City clerk to be elected in convention.

SECTION 27. In the month of April, annually, there shall be elected by the city council in convention a city clerk, who shall hold his office, unless sooner removed by the city council, for one year, and until another shall be elected and qualified in his stead.

To be sworn.

The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all the journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the board of aldermen or the city council may lawfully and reasonably require of him, or which may be incumbent on him by law.

He shall deliver over all journals, records, papers, documents and other things intrusted to him as city clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may thereunto be required by the city council.

To be clerk of board of aldermen.

The city clerk shall be clerk of the board of aldermen; it shall be his duty to attend said board when in session, and keep a journal of its acts, votes and proceedings; also of the city council when in convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances. In case of the temporary absence of the city clerk, the mayor, with the advice and consent of the board of aldermen, may appoint a city clerk *pro tempore*.

City clerk *pro tempore*.

City treasurer and collector of taxes.

SECTION 28. During the same month, and in the same manner as provided for the choice of city clerk, there shall be chosen a city treasurer, who shall be collector of taxes, who shall be sworn to the faithful discharge of his duties, and who shall give bonds for such sum and with such sureties as the city council may by ordinance determine.

He shall hold his office for one year, and until another shall be chosen and qualified; and it shall be competent for the council, in said ordinance, to provide that any bond which may be given by the person chosen treasurer of the city may be so prepared that it will remain in force and virtue for any number of years more than one, with

the consent of the mayor and aldermen, should the person giving the same be re-elected to said office.

SECTION 29. During the same month, and in the same manner as provided for the choice of city clerk and treasurer and collector, there shall be chosen a city auditor, who shall be sworn to the faithful discharge of the duties of his office. City auditor.

The duties of the city auditor may be prescribed in the ordinances of the city, and he shall hold the office for one year, and until another shall be elected and qualified in his stead.

SECTION 30. In the month of February in the year eighteen hundred and seventy-six, there shall be chosen by the city council in convention three persons to be assessors of taxes, one of said persons to be chosen for one year, one for two years, and one for three years; and annually thereafter in the month of February there shall be chosen in like manner one person to be an assessor for three years, and the persons thus chosen shall constitute the board of assessors for the city; and they shall perform such duties as may be required of them under any ordinances of the city in addition to their duties under the laws of the Commonwealth. Assessors of taxes.

SECTION 31. In the month of March annually, there shall be elected by the city council in convention, on the nomination of the board of assessors one person for each ward, who shall be a resident of said ward, to be an assistant assessor, who shall hold his office for one year, and until another is chosen in his stead; and it shall be the duty of the persons so chosen to furnish the assessors with all such information as they may require, relative to the persons and property taxable in their respective wards, and do all other duties incumbent on them by law or by the ordinances of said city. Assistant assessors.

SECTION 32. In the month of March, in the year eighteen hundred and seventy-six, there shall be chosen by the city council in convention six persons to be overseers of the poor, two of said persons to be chosen for one year, two for two years, and two for three years, and annually thereafter in the month of March there shall be chosen in like manner two persons to be overseers of the poor for three years, and the persons thus chosen shall, with the mayor of the city, who shall be chairman of the board, and the president of the common council, together Overseers of the poor.

constitute the board of overseers of the poor, and shall have all the powers and be subject to all the duties and responsibilities by law appertaining to overseers of the poor in towns, and shall perform such further duties as may devolve upon them under the provisions of any ordinance of the city.

School committee.

SECTION 33. At the annual meeting in December, there shall be elected in each ward one person to be a member of the school committee, who shall hold the office for the term of three years; and the persons thus chosen shall, with the others holding said office in accordance with the laws, constitute the school committee of the city.

Meetings may be adjourned until elections are completed.

SECTION 34. In case it should be found inconvenient or not advisable to complete the election in any ward of the school committee, on the day of the annual ward meeting, said meeting may be adjourned from time to time, until the election shall be completed; and if on the day of the annual ward meetings the election of the school committee shall not be completed, and the said ward meetings, or either of them, shall be adjourned without day, the board of aldermen shall issue its warrant for a new election in such ward or wards; and the persons chosen at said meetings shall act in the office of school committee in all respects, and with the same powers, as if they had been chosen on the day of said annual meeting.

Certain officers to be elected as prescribed by city by-laws.

SECTION 35. All city officers whose election or appointment is required by the laws of the Commonwealth, or by the ordinances of the city, shall be chosen or appointed in such manner as may be prescribed by the by-laws of the city; and in all cases in which the duties of city officers shall not be defined by law, they shall be determined and set forth by city ordinance; and the compensation therefor, the method of compensation, and the periods of payment, shall be regulated by ordinance.

Removal of officers elected by council.

SECTION 36. Any officer elected by the city council may be removed at any time by said council by the concurrent vote of the two branches, for sufficient cause; and in case of the death, resignation, or removal of any officer elected by the city council, his place may be filled in the manner provided for his appointment; and any person elected to fill the same shall hold the office for the unexpired term.

Powers vested in city council.

SECTION 37. All other powers vested in the inhabitants of towns in this Commonwealth, and all other powers



granted by this act, shall be vested in the city council of said city, to be exercised by concurrent vote, each board to have a negative upon the other.

SECTION 38. No person shall be eligible to any office, the salary of which is payable out of the city treasury, who, at the time of his appointment or election shall be a member of the city council; and no member of said council shall hold any other office under the city government, unless there shall be some express provision of state law or city ordinance allowing the same.

Member of city council ineligible to salaried office.

SECTION 39. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth; but the city council may establish by ordinance such further or additional provisions for the assessment of taxes, and the collection thereof as they may deem expedient, such provisions not being repugnant to the laws of the state.

Taxes.

SECTION 40. No money shall be paid from the city treasury unless a grant or appropriation of the same shall have been made by competent authority.

Money not to be paid from treasury unless properly granted.

The city council shall direct in all financial concerns of the city, and the treasury of the city shall be the depository of all the city's funds. The city treasurer shall receive, account for and disburse all the public funds, giving bonds as herein provided, for his faithfulness in the discharge of his duty, and all other city officers who may, for a longer or shorter time, be intrusted with the receipt, custody or disbursement of the public money, may be required to give bonds, with sureties, for a proper accountability.

The city council shall annually cause to be published, for the use of the inhabitants, a detailed statement of the receipts and expenditures, a schedule with an appraisal of the city property, and a statement showing the amount and character of the city debt.

Statement of receipts and expenditures to be published annually.

SECTION 41. The city council shall have the care, custody and superintendence of the city buildings and the custody and management of all city property, with power to let or sell when the same may be legally done and to purchase property, real or personal, in the name of and for the use of the city, whenever the interests or convenience of the inhabitants may in their judgment require it.

Custody and management of city property.

SECTION 42. The mayor and aldermen shall have the exclusive power to lay out, alter, discontinue, locate anew

Laying out, etc., highways to be done by mayor and aldermen.

or fix the grade of any highway, street or town way, and to estimate and assess the damages any individual may sustain thereby; but no such action of the mayor and aldermen shall be valid until concurred in by the common council.

Any persons aggrieved by any of the foregoing proceedings shall have the same rights of appeal as are given by law in respect of appeals from proceedings of selectmen, or inhabitants of towns concerning ways.

Sidewalks.

Sidewalks may be constructed upon the streets at the discretion of the mayor and aldermen; but nothing in this section shall prevent the city council from providing by order or ordinance for the construction of any particular sidewalk or all sidewalks, and for the form and material of its construction, and it shall at all times be competent for the city council to direct in all matters in relation to the streets, highways and sidewalks not by law devolving upon the mayor and aldermen as surveyors of highways.

Fire department.

SECTION 43. The city council may by ordinance establish a fire department, to consist of a chief engineer and so many assistant engineers and other officers, and so many enginemen, hosemen, hook and ladder men and other members as the city council shall from time to time prescribe and the city council shall have authority to make such provisions in regard to the time and mode of appointment and the occasion and mode of removal of any officer or member of said department, to make such requirements in respect to their qualifications and period of service, to define their offices and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government as they shall deem expedient: *provided*, that the appointment of the engineers of said fire department shall be made by the mayor and aldermen: and *provided further*, that all the other members of said department shall be appointed by the board of engineers, subject to the approval of the mayor and aldermen.

The engineers of the department shall have the same authority in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties incumbent upon fire wards, as are vested in and conferred upon fire wards by law.

City council may regulate, by ordinance, management of fires, etc.

The city council may by ordinance make regulations concerning the management of fires, and the conduct of

all persons attending or present thereat; for the removal and protection of property; for the examination of any buildings or places where combustible materials or substances are supposed to be kept or deposited; and for requiring and enforcing the removal of such material or substances; and for the adoption of suitable safeguards against fires and the loss or destruction of property thereat.

The city council may procure all such lands, buildings, furniture, engines and other apparatus as may be necessary for the purposes of the fire department, and provide for the use, control and preservation thereof; and may appropriate and expend such sums of money for the relief of any member of the fire department who may be injured or contract sickness in the discharge of his duty, and for the relief of the family of any member killed in the discharge of his duty, as they may deem just and proper.

Fire-engines.

The powers and duties set forth in this section or any of them, may be exercised and carried into effect by said city council in any manner which they may prescribe, and through the agency of any persons or any board or boards to whom they may delegate the same.

All members of said fire department shall be exempted from military duty and from serving as jurors or constables, during the term of their employment in said department.

Department exempt from military and jury duty.

SECTION 44. The city council shall have power, by ordinance to establish fire districts within said city, and from time to time to alter the same; to regulate the construction of all buildings to be erected within said fire districts, their location, size, and the materials of which they shall be constructed, also to ordain such other rules and regulations as shall tend to protect the same from fire, and to prescribe such penalties as they deem proper for a violation of any ordinances or regulations that may be passed in relation to the subject of this section.

Fire districts.

Any building erected in the said city contrary to such ordinances or regulations, shall be deemed and taken to be a common nuisance; and the mayor and aldermen shall, in addition to any remedies otherwise existing, have the same authority in regard to abatement and removal that the board of health has in regard to the abatement or removal of a nuisance.

SECTION 45. All power and authority vested by law in boards of health for towns, shall be vested in the city

Powers of board of health to be vested in city council.

council, to be by said council exercised in such a manner as it may deem expedient, and the city council may constitute either branch or any committee of their number, whether joint or separate, the board of health for all or for particular purposes.

Private drains may be required to be conducted into common sewers.

SECTION 46. The board of health may require that private drains shall be conducted into public drains or common sewers, in any cases in which they shall adjudge the same necessary or proper for the cleanliness or health of the city, and if the order requiring the same is not complied with, it shall be the duty of the mayor to conduct the drain or drains as ordered, and the expense thereof shall be recoverable by the city in an action, from the party in default.

Inspection and survey of wool, coal, etc.

SECTION 47. The city council may make ordinances, with suitable penalties, for the inspection, survey, measurement and sale of boards, plank, timber, lumber, wood, hay, coal and bark brought into or exposed in said city for sale.

Ordinances and by-laws.

SECTION 48. The city council shall have power to make, modify, and amend all such ordinances, regulations or by-laws, not conflicting with the laws, as it may deem necessary to carry into effect the powers conferred by law upon said city or any of its authorities or officers; and such as it may deem necessary and proper for the good government, order and prosperity of said city and its inhabitants; which ordinances, regulations and by-laws shall take effect from and after the time therein respectively limited, without the sanction of any court or authority whatever: but no penalty for the breach of any such ordinance, regulation or by-law shall exceed the sum of twenty dollars; and all such ordinances, regulations and by-laws, shall be published in one or more newspapers of the city within ten days before they shall take effect.

Elections of national, state, etc., officers.

SECTION 49. All elections for national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections, in their respective wards, at the time fixed by law for these elections respectively. And in all elections for representatives to the general court, in case the whole number proposed to be elected shall not be legally chosen, the board of aldermen shall forthwith issue their warrants for a new election, conformably to the provision of the constitution and the laws of the Commonwealth.

SECTION 50. The mayor and aldermen shall make out Voting lists. alphabetical lists of the citizens of each ward qualified to vote at elections in the manner and at the times by law provided; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors, and other city officers; and the said lists shall be prepared, corrected, revised and published as by law required, and shall be delivered to the clerks of the several wards, to be used at elections; and no person shall be entitled to vote whose name is not borne upon said lists.

SECTION 51. General meetings by the citizens qualified to vote, may from time to time be held, to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the rights secured to the people by the constitution of the Commonwealth. General meetings of citizens.

And such meetings shall be duly warned by the mayor and aldermen upon the request in writing of fifty qualified voters, which request shall set forth the purpose for which said meeting is called.

SECTION 52. All fines, forfeitures and penalties accruing for the breach of any ordinance, regulation, or by-law of the city may be prosecuted for and recovered before the third district court of Bristol, by complaint or information, in the same manner in which other criminal offences are now prosecuted before said court; reserving however, in all cases, to the party complained of, or prosecuted, the right of appeal according to law; and it shall be sufficient in all such prosecutions, to set forth, in the complaint, the offence, plainly, substantially and formally, and it shall not be necessary to set forth such by-law or ordinance, or any part thereof. Fines, forfeitures and penalties.

All fines, forfeitures and penalties, so recovered and paid, shall be paid to the treasurer of the city.

SECTION 53. The act granting a city charter to the inhabitants of the town of New Bedford, passed March ninth, eighteen hundred and forty-seven, and acts amendatory of said charter, viz.: the act passed May fifth, eighteen hundred and fifty-two, and the act passed February eleventh, eighteen hundred and fifty-seven, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed: *provided, however*, that the repeal of said acts shall not affect any act done or any right Repeal of former acts granting charters. Proviso.

acerning or accrued, or established, or any suit, or any proceeding had or commenced in any civil case, before the time when such repeal shall take effect, and that no offence committed, and no penalty or forfeiture incurred, under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, and that no suit or prosecution pending at the time of said repeal, for any offence committed, or for the recovery of any penalties or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and *provided further*, that said repeal, shall not revive any act heretofore repealed or superseded, and the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments; and *provided further*, that said repeal shall not invalidate any existing city ordinances or regulations that may be justified by this charter or by the laws.

Provisos.

All persons who at the time when said repeal shall take effect shall hold any office by election or appointment, by virtue of said acts, shall continue to hold the same for the time for which they were severally elected or appointed; or until their successors are appointed and qualified as provided by this act; but nothing herein contained shall prevent the provisions of the twenty-sixth section of this act in relation to the appointment and removal of the officers therein named, from taking effect when the charter shall be adopted.

Subject to approval by voters of the city.

SECTION 54. This act shall be void unless a majority of the voters of the city of New Bedford who may be present and vote thereon at legal ward meetings called for that purpose, by a written vote determine to adopt the same; and the qualified voters of the city shall be called upon to give in their votes upon the acceptance of this act, at meetings in the respective wards, duly warned by the mayor and aldermen, to be held within sixty days after the passage of this act; and thereupon the same proceedings shall be had respecting the sorting, counting, declaring, recording, and returns of said votes, as are provided in the present charter of said city, at the election of mayor; and the mayor and aldermen shall, within two days after said meeting, meet together and compare the returns of the ward officers; and if it appears that the inhabitants have voted to adopt this act, the mayor shall immediately make proclamation of the fact, and thereupon this act shall take effect and be in full force.

*Approved April 20, 1875.*

AN ACT TO AUTHORIZE THE FIRST PARISH IN ROWLEY TO SELL REAL ESTATE. *Chap. 141**Be it enacted, &c., as follows:*

SECTION 1. The First Parish in Rowley may sell and convey by its deed or deeds executed by the treasurer of said parish all the lands belonging to said parish at public or private sale, and invest and hold the proceeds of such sale for the purposes and uses for which the aforesaid lands were held. May sell real estate.

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

*Approved April 20, 1875.*AN ACT CONCERNING THE ACKNOWLEDGMENT OF DEEDS IN FOREIGN COUNTRIES. *Chap. 142**Be it enacted, &c., as follows:*

SECTION 1. The acknowledgment of deeds may be made before any consular officer under the laws of the United States in any foreign country to which he is accredited. And any deed or other instrument under seal heretofore acknowledged before any such officer, and recorded in its appropriate registry within this Commonwealth, shall be held to have been duly and properly acknowledged and recorded. Deeds may be acknowledged before consular officers in foreign countries.

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

*Approved April 20, 1875.*AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO TAKE LAND, AND FOR OTHER PURPOSES. *Chap. 143**Be it enacted, &c., as follows:*

SECTION 1. The county commissioners of the county of Bristol may borrow, on the credit of said county, a sum not exceeding twenty-five thousand dollars for the purpose of enlarging the registry of deeds and probate building for the northern district of said county in Taunton, and paying for any land that may be taken or purchased for that object. Commissioners may borrow money for enlarging registry of deeds, etc.

SECTION 2. The said commissioners for the purposes aforesaid may take land adjoining the present court-house lot not exceeding thirty square rods in extent and they shall, within sixty days after such taking, file for record in the registry of deeds for said northern district a description of the land so taken; and the title of the same shall thereupon vest in said county. May take land adjoining court-house lot.

SECTION 3. All damages sustained by any person for land taken under the second section of this act may be Damages.

determined and recovered in the same manner as is now provided by law in case of lands taken for highways.

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

*Approved April 20, 1875.*

*Chap. 144* AN ACT CONCERNING THE ATTACHMENT OF ENGINES AND CARS, AND STEAMBOATS.

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

Engines and cars not to be attached within forty-eight hours previous to time of departure, unless, etc.

SECTION 1. Whenever railroad cars and engines are in use on railroads or steamboats, upon water-routes, and making regular passages thereon, they shall not be attached upon mesne process in any suit, within forty-eight hours previous to their fixed time of departure, unless the officer making such attachment shall have first demanded of the owners or managers of such engines, cars or steamboats, other property equal in value to the *ad damnum* in the writ upon which to make such attachment, and such owners or managers shall have refused or neglected to comply with said demand. And any officer making such attachment shall on his return upon the process upon which it is made, certify that he has made such demand for such other property, and that such demand has been refused or neglected; otherwise such attachment shall be wholly void.

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

*Approved April 20, 1875.*

*Chap. 145* AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF CAMBRIDGE WITH PURE WATER.

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

May issue additional water scrip, not exceeding \$500,000.

SECTION 1. To enlarge and extend the water-works of the city of Cambridge, the city council of said city may issue scrip or bonds in addition to the scrip or bonds authorized by chapter one hundred fifty-seven of the acts of the year eighteen hundred seventy-two, to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods not more than twenty years from the issuing of such scrip or bonds; and said city council may sell such 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 it may deem proper.

To establish sinking fund.

SECTION 2. Said city of Cambridge shall annually set apart from the surplus receipts of said works, after deducting all expenses and charges of distribution, and if



that should be insufficient, from money raised by taxation for the sinking fund now established for the redemption of its water-bonds, a sum not less than three per centum of the par value of the then outstanding water-bonds.

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

*Approved April 20, 1875.*

AN ACT TO ENABLE THE TOWN OF PRINCETON TO CONVEY CERTAIN LANDS. *Chap. 146*

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

SECTION 1. The town of Princeton may sell and convey at public or private sale the whole or any part of the pieces or parcels of land heretofore conveyed by the late Ward Nicholas Boylston to the inhabitants of said town of Princeton, by his deed dated on the twenty-first day of October, in the year of our Lord eighteen hundred and eighteen and recorded in the registry of deeds for the county of Worcester, book two hundred and forty-three, page four hundred and ninety-five; also the whole, or any part, of the piece or parcel of land conveyed to the inhabitants of the district of Princeton (now said town) by John Mirick, junior, and Caleb Mirick by their deed to the inhabitants of said district of Princeton, dated on the fifth day of June, in the year of our Lord seventeen hundred and sixty, and recorded in Worcester County registry of deeds, book sixty-nine, page twenty-seven; and said town is hereby authorized, by its deed or deeds to give to the purchaser, or purchasers thereof good title thereto free from all trusts.

Town of Princeton may sell lands conveyed by Ward Nicholas Boylston and others.

SECTION 2. The proceeds of any such sale or sales of said lands shall be holden to and for the uses set forth in the respective deeds thereof to said inhabitants.

Proceeds to be held for purposes set forth in deeds.

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

*Approved April 20, 1875.*

AN ACT AUTHORIZING THE LOWELL HORSE RAILROAD COMPANY TO LEASE OR SELL ITS ROAD. *Chap. 147*

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

SECTION 1. The Lowell Horse Railroad Company is hereby authorized to lease or sell the whole or a part of its road and other property: *provided*, that before any such sale or lease is concluded, the terms thereof shall be approved, at a meeting called for that purpose, by three-fourths in number and in interest of the stockholders of said company.

May sell road and property.

Proviso.

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

*Approved April 20, 1875.*

*Chap. 148* AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE MASSACHUSETTS CENTRAL RAILROAD.

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

Time for loca-  
tion and con-  
struction ex-  
tended.

SECTION 1. The time within which the Massachusetts Central Railroad Company may locate and construct its railroad is hereby extended to the first day of May in the year one thousand eight hundred and seventy-seven.

May discontinue  
part of present  
location.

SECTION 2. Said railroad corporation is hereby authorized to discontinue the present location of its railroad in the towns of Belchertown, Hadley and Amherst: *provided*, it shall re-locate its road within said towns in conformity to the provisions of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, so that said road when so re-located shall run through that part of said Amherst called South Amherst, within a quarter of a mile of the Congregational Church; and *provided also*, that this section shall in no wise release said railroad corporation from its obligation to have a depot on the main line within one-half mile of the Amherst House.

Provisos.

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

*Approved April 20, 1875.*

*Chap. 149* AN ACT TO SET OFF A PART OF THE TOWN OF EVERETT TO THE TOWN OF MEDFORD.

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

Part of town of  
Everett set off  
to Medford.

SECTION 1. All that part of the town of Everett, with the inhabitants and estates therein, lying westerly of the following line, to wit,—“Beginning at a point on the present boundary line between the towns of Everett and Medford, which point is at the junction of Middlesex Avenue with the little creek flowing from Creek Head so called, and thence running by the thread of said creek or stream to the thread of Malden River, and thence by the thread of said river to the Mystic River and the point therein which marks the boundary line again between said towns,” is hereby set off from the town of Everett and annexed to the town of Medford.

Taxes already  
assessed in  
Everett to be  
paid to said  
town.

SECTION 2. All taxes already assessed by the town of Everett to the inhabitants of said territory hereby set off and annexed shall be paid by them to said town the same as if this act had not been passed.

Medford liable  
for support of  
paupers.

SECTION 3. The town of Medford shall be liable for the support of all persons who now or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived by

reason of a residence on the territory hereby annexed to said town.

SECTION 4. The inhabitants of the territory described in the first section for the purpose of electing representatives to the general court, until the next decennial census, or until another apportionment be made shall remain a part of the town of Everett, and vote therefor at such place as the inhabitants of Everett shall vote at; and the selectmen of Medford shall make a true list of all persons resident in said territory qualified to vote at every such election, and shall post up the same on said territory and shall correct the same as required by law and shall deliver such list to the selectmen of Everett seven days at least before such election, to be used thereat.

Election districts.

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

*Approved April 20, 1875.*

AN ACT TO CHANGE THE NAME OF THE MIDDLEBOROUGH AND TAUNTON PRECINCT SOCIETY, AND FOR OTHER PURPOSES.

*Chap. 150*

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

SECTION 1. The name of the Middleborough and Taunton Precinct Society is hereby changed to Lakeville and Taunton Precinct Society.

Name changed.

SECTION 2. The acts and doings of the Middleborough and Taunton Precinct Society under the assumed name of the Lakeville and Taunton Precinct Society are hereby legalized.

Acts and doings legalized.

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

*Approved April 20, 1875.*

AN ACT TO ALLOW EXECUTORS AND ADMINISTRATORS WITH THE WILL ANNEXED, TO MORTGAGE REAL ESTATE OF THEIR TESTATORS.

*Chap. 151*

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

SECTION 1. The provisions of chapter two hundred and twelve of the acts of the year eighteen hundred and sixty-four are extended and made applicable to executors and administrators with the will annexed; and they may mortgage real estate of their testators in the same manner as administrators may that of their intestates under said act.

Administrators, etc., with will annexed, may mortgage real estate.

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

*Approved April 24, 1875.*

*Chap. 152*

## AN ACT RELATING TO LIMITED PARTNERSHIPS.

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

Limited partnerships, except for purposes of insurance.

Limited partnerships, except for the purpose of insurance, may be formed for the transaction of any lawful business, subject to the conditions and rules prescribed in the statutes of the Commonwealth.

*Approved April 24, 1875.**Chap. 153*

AN ACT TO AUTHORIZE THE COLLECTION OF THE PRICE OF GOODS WARES AND MERCHANDISE SOLD BY UNSEALED WEIGHTS AND MEASURES, OR MEASURED BY AN UNSWORN MEASURER.

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

Price of goods may be collected when sale is made in good faith, by unsealed weights, etc.

SECTION 1. Whenever a sale is made of goods, wares or merchandise of any kind, and the same are weighed or measured for the purpose of such sale upon scales, measures, weights, beams or balances not sealed according to law, or are weighed or measured by a person not a sworn weigher or measurer, or by a person not a sworn weigher or measurer within the city or town where such sale is made, the seller may nevertheless recover the fair market value of such goods, wares or merchandise: *provided*, said sale is made in good faith and the purchaser is not injured thereby.

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

*Approved April 24, 1875.**Chap. 154*

AN ACT TO ANNEX A PORTION OF THE TOWNS OF SOUTH ABINGTON AND EAST BRIDGEWATER TO THE TOWN OF BROCKTON; ALSO A PORTION OF THE TOWN OF BROCKTON TO THE TOWN OF SOUTH ABINGTON.

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

Parts of South Abington and East Bridgewater annexed to Brockton. Part of Brockton annexed to South Abington.

SECTION 1. That part of the town of South Abington, also that part of the town of East Bridgewater, with the inhabitants and estates thereon, lying westerly of the following described line, to wit:—Beginning at the centre of Beaver Brook, at a point opposite a stone monument on the southerly bank thereof, fifty rods southerly of the road called Centre Street, leading from Brockton to Abington; thence southerly in a straight line through a point which is ten rods easterly of the dwelling-house of Ebenezer Alger to a stone monument standing twenty-five rods southerly of said house; and thence westerly to Beaver Brook at the southernmost stone monument on the bank of the same in the present dividing line between the towns of Brockton and East Bridgewater, are hereby set off from the towns of South Abington and East Bridgewater, respectively, and annexed to the town of Brockton; and so much of the

town of Brockton as lies east of said line is hereby annexed to the town of South Abington.

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

*Approved April 24, 1875.*

AN ACT TO AUTHORIZE THE COMMISSIONERS ON PUBLIC LANDS TO  
RELEASE A CERTAIN PARCEL OF LAND IN EAST BOSTON.

*Chap. 155*

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

SECTION 1. That the commissioners on public lands, on such terms as they may deem right, are authorized and directed to release to the heirs of Harriet Ambrose, deceased, late of Boston, in the county of Suffolk, in said Commonwealth, the following described parcel of land, namely: A certain parcel of land, with the buildings thereon, situated on Everett Street, in that part of Boston called East Boston, north-easterly, on Everett Street, twenty-five feet; south-easterly, on land of Lemoire, one hundred feet; south-westerly, on land now or late of Gerard, twenty-five feet; and north-westerly, on land now or formerly of William Beals, one hundred feet; with all the privileges and appurtenances to said premises belonging, being the same premises described in deed of Michael Ambrose to the Commonwealth of Massachusetts of March seventeenth, eighteen hundred and forty-nine, by which deed said Michael conveyed, by deed of quitclaim, without any form of warranty, his right, title and interest in said premises, consisting of one undivided half thereof.

Commissioners of public lands may release a parcel of land in East Boston.

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

*Approved April 24, 1875.*

AN ACT TO SET OFF A PART OF THE TOWN OF SANDISFIELD TO  
THE TOWN OF MONTEREY.

*Chap. 156*

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

SECTION 1. All that part of the town of Sandisfield, with the inhabitants and estates therein, embraced within the following boundaries, to wit: commencing at a stone monument at the east line of said town of Monterey, standing fifty-two rods north of the north-east corner of the town of New Marlborough; thence running north three and three-fourth degrees east, three hundred and forty-three rods to the north-west corner of said town of Sandisfield; thence running north, eighty-seven degrees east, four hundred and thirty-nine rods to a stone monument marked T C, the east corner of said town of Monterey; thence running south twenty-three degrees west, three hundred and seventy-five rods; thence running

Part of Sandisfield annexed to Monterey.

south ninety-one rods; thence running west three hundred and forty-nine rods, to the town line of said Monterey, at the place of beginning, is hereby set off from the town of Sandisfield and annexed to the town of Monterey.

Taxes already assessed to be paid as heretofore.

SECTION 2. All taxes already assessed by the town of Sandisfield to the inhabitants of said territory hereby set off and annexed, shall be paid by them to said town the same as if this act had not been passed.

State and county taxes.

SECTION 3. The town of Monterey shall annually pay to the town of Sandisfield from and after the time when this act takes effect, the proportionate part of all state and county taxes thereafter required to be assessed upon the inhabitants and territory hereby set off, previous to a new state valuation or new basis for the apportionment of state and county taxes.

Debts and obligations of Sandisfield.

SECTION 4. Such portions of the debts and obligations of the town of Sandisfield existing on the first day of May, one thousand eight hundred and seventy-five (over and above the value of all the property, real, personal or mixed, belonging to said town in its corporate capacity), as should proportionally and equitably be paid by the inhabitants and property-owners of said territory by this act annexed to the town of Monterey, shall be paid by said town to the town of Sandisfield; and in the event of any disagreement between said two towns as to the amount really due the town of Sandisfield, the supreme judicial court shall have jurisdiction in equity to determine the amount, if any, and to enforce the payment of the same upon a suit in equity in the name of said town of Sandisfield, to be brought therefor within one year after this act goes into effect by the selectmen of said town, if they deem such suit for the interest of the town; but no such suit shall be instituted after twelve months.

When to take effect.

SECTION 5. This act shall not take effect unless accepted by the legal voters of the town of Monterey within one month after its passage, at a town meeting duly called for the purpose. But if accepted by the inhabitants of said town of Monterey as herein provided, it shall take effect on the first day of June one thousand eight hundred and seventy-five.

*Approved April 24, 1875.*

AN ACT TO REVIVE THE UNION MUTUAL LOAN AND FUND ASSOCIATION, *Chap. 157*  
FOR CERTAIN PURPOSES.

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

SECTION 1. The corporation heretofore known as the Union Mutual Loan and Fund Association, and formerly located in Boston, is hereby revived, and continued for the purpose of assigning or releasing all the right, title and interest, or estate, which the said corporation has in or to the premises described in the deed of mortgage to said corporation from William H. Morss, dated the first day of September, in the year eighteen hundred and fifty-five and recorded with Middlesex south district deeds, book seven hundred and seventeen, page four hundred and eighty-nine and to the debt or demand secured thereby.

Corporation revived for purpose of conveying real estate.

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

*Approved April 24, 1875.*

AN ACT TO INCORPORATE THE ROCKPORT WATER COMPANY.

*Chap. 158*

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

SECTION 1. Amos Rowe, Jr., Gilbert P. Whitman, John D. Sanborn, Henry Dennis, Jr., Newell Giles, Charles W. Parker, Alden Choate, Leverette E. Smith and Henri N. Woods, their associates and successors, are made a corporation under the name of the Rockport Water Company, for the purpose of supplying the town of Rockport with pure water for the extinguishment of fires, domestic and other purposes, and for these purposes may take water from the Cape Pond, so called, situated within the limits of the town of Rockport, and may build and maintain dams, reservoirs, aqueducts and other necessary or suitable works for storing and distributing the waters so taken, and may take such lands as may be necessary therefor, and such other lands about the margin of such reservoirs, ponds and streams, as may be necessary to preserve the purity of the waters thereof: *provided, however,* that no land, water or water rights shall be taken or entered upon, except for the purpose of making surveys until all damages are satisfied, or security given to the satisfaction of the county commissioners, for the payment of all damages agreed upon by the parties, or all damages and costs awarded by the county commissioners, or a jury, for the land or property taken.

Corporators.

Name and purpose.

May build dams, reservoirs, etc.

Proviso.

SECTION 2. Said corporation shall within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Essex a description of

To file in registry of deeds a description of the land taken.

any land so taken sufficiently accurate for identification and state the purpose for which it is taken, and the title of all land so taken shall vest in said corporation. Any person injured in any of his property by any of the acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

May distribute water, lay pipes, etc.

SECTION 3. Said corporation may distribute the water throughout said town of Rockport, and may from time to time fix and establish the rent therefor; and may construct and maintain its aqueducts, conduits, pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or way for the purpose of laying or repairing its aqueducts, conduits, pipes and drains, in such a manner as to cause the least hindrance to travel in such road or way, and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

Real and personal estate.

SECTION 4. Said corporation may, for the purpose aforesaid, hold real and personal estate, not exceeding in amount twenty thousand dollars; and the whole capital stock shall not exceed twenty-five thousand dollars, to be divided into shares of one hundred dollars each; and said capital stock, if originally fixed at a less sum, may from time to time be increased to an amount not exceeding in the whole twenty-five thousand dollars.

Penalty for wilfully corrupting water.

SECTION 5. Whoever wilfully corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduits, pipes or hydrants or other property owned or used by said corporation for the purpose of this act, shall pay the said corporation three times the amount of actual damage, to be recovered by any proper action; and every such person on conviction of either of the malicious acts aforesaid, may be punished by a fine not exceeding one hundred dollars, and by imprisonment not exceeding six months.

Liability of occupant and owner of tenement for use of water.

SECTION 6. The occupant of any tenement shall be liable for the payment of the rent for the use of the water of said corporation in such tenement, and the owner shall also be liable if, on being notified in writing by said corporation, or its agent, of such use, he does not in writing object thereto.



SECTION 7. Nothing contained in this act shall be construed to impair any existing rights of any person or party to cut and take ice from said pond.

Existing rights not to be impaired.

SECTION 8. Said town may subscribe for and hold shares of the capital stock of said corporation, to an amount not exceeding five thousand dollars; *provided*, that two-thirds of the legal voters present and voting by ballot, and using the check list, at a legal meeting called for that purpose in such town, and held in like manner as the meetings for the choice of municipal officers are now held by law in such town, shall vote to subscribe for such shares in such corporation. Said town may raise money to pay for the same by tax or loan; they may hold and dispose of such stock in like manner as other town property; and the selectmen may at all meetings of the corporation represent and vote upon each and every share of stock owned by said town, anything in the General Statutes to the contrary notwithstanding.

Town may take stock in corporation, and raise money to pay for same.

SECTION 9. The town of Rockport may at any time by a vote of two-thirds of the legal voters present and voting therefor at a legal meeting held for the purpose, take by purchase or otherwise the franchise of said corporation, and all its corporate property, at such price as may be agreed upon between the parties; and in case the parties cannot agree upon the price, the supreme judicial court, or any justice thereof, upon application of either party, shall appoint three commissioners to award what sum said town shall pay for such franchise and its corporate property, which shall be final.

Town may take franchise, etc.

SECTION 10. For the purpose of defraying the cost of such franchise and corporate property as may be purchased for the purposes aforesaid, the town of Rockport shall have authority to issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Rockport Water Scrip," to an amount not exceeding twenty-five thousand dollars, bearing interest and payable at periods not more than twenty years from the issuing of said scrip, notes or certificates respectively; and said town may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the said town shall deem proper. Said town is further authorized to make appropriations and assess from time to time such amounts, not exceeding in any one year the sum of two thousand, and

Rockport water scrip not to exceed \$25,000.

not less than five hundred dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money assessed and appropriated for other town purposes; and such amounts shall be held and pledged for the redemption of said scrip, and used in no other manner.

May exercise all powers through agents, etc.

SECTION 11. In case the town of Rockport shall purchase the property, rights and privileges of the corporation hereby established, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, except for giving security for land or property taken in such manner and by such officers and agents as the town shall from time to time determine. And said town shall be liable to pay all damages occasioned under this act which shall not have been previously paid by the said corporation.

SECTION 12. This act shall take effect upon its passage.

*Approved April 24, 1875.*

*Chap. 159* AN ACT TO PROVIDE FOR THE PREVENTION AND ABATEMENT OF NUISANCES AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN THE CITY OF CHELSEA.

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

Drainage in Chelsea.

SECTION 1. The board of mayor and aldermen of the city of Chelsea, may with reference to a complete drainage, establish grades in said city, not less than thirteen feet above mean low-water; and no person shall in said city, after such grades are established, construct any cellar or basement cellar of any dwelling-house or other building below such grade, or use or occupy any such cellar constructed below the same after such establishment, unless licensed to construct and use a cellar below such grade by the board of mayor and aldermen of said city.

Penalty for constructing or using cellar below grade.

SECTION 2. If any person constructs, uses or occupies any cellar in violation of section one of this act, the board of mayor and aldermen of the city of Chelsea may order the owner or occupant of such cellar to so alter and construct it as to conform to the requirements of said section; and if such owner or occupant fails to comply with the order within ten days after service thereof, as provided by the following section, said board may so alter such cellar; and all necessary expenses incurred thereby shall constitute for two years after they are committed to the collector, a lien upon the land wherein such cellar is constructed and the buildings upon such land, and may be

collected, and the collector may purchase such land or land and buildings in behalf of said city, all in the same manner as is provided by law for the collection of taxes upon real estate, and in case of land sold for taxes.

SECTION 3. All orders under the preceding section shall be in writing and served upon said owners or occupants, or their authorized agents, as prescribed by section nine of chapter twenty-six of the General Statutes, for the service of orders of boards of health; and the supreme judicial court or any justice thereof in term time or vacation, may by injunction or other suitable process in equity, restrain any person or corporation from constructing, using or occupying any cellar in violation of the provisions of section one of this act, and may enforce such provisions, and may order and enforce the abatement or alteration of any cellar constructed, used or occupied in violation thereof, so as to comply with said provisions.

Orders to be in writing.

S. J. C. may restrain by injunction.

SECTION 4. The board of mayor and aldermen of said city, may from time to time order the owners of lands in any section of said city, the surface of which is below the grade established in said section, or any of such owners, to raise the grade of their said lands, filling up the same with good materials, to a grade not less than thirteen feet above mean low-water, and to raise the grade of all private streets, courts and ways upon their said lands, filling up the same with good materials to a grade not less than sixteen feet above mean low-water, with reference to a complete drainage thereof, so as to abate and prevent nuisances, and to preserve the public health of the said city.

City may order owners to raise grade of land to thirteen feet above mean low-water.

SECTION 5. All orders under the preceding section shall be made and served as prescribed in section three of this act, and if the owner of any such lands fails to comply with any such order within six months after such service thereof, the board of mayor and aldermen of said city may raise the grade of his said lands, and the private streets, ways and courts thereon, filling up the same with good materials to the grade authorized by the preceding section and specified in the order, and all necessary expenses incurred thereby shall constitute for two years after they are committed to the collector, a lien upon the lands filled, and a lien equally upon the lands abutting upon either side of any private street, court or way filled, and a lien upon all buildings upon such lands, and may

If owner fails to comply, city may raise grade.

Expense to be a lien upon the property.

be collected, and the collector may purchase such lands, or lands and buildings in behalf of the city; all as is provided in section two of this act for collecting the expenses therein named.

Assessment of expenses may be apportioned into three parts, etc.

SECTION 6. If the owner of any estate so assessed for such expenses, desires to have the amount of said assessment apportioned, he shall give notice thereof, in writing to the board of mayor and aldermen, at any time before a demand is made upon him for the payment thereof, or at any time not exceeding thirty days after such demand, and said board shall thereupon apportion the said amount into three equal parts, which apportionment shall be certified to the assessors of said city, and the said assessors shall each year for the three years then next ensuing, in addition to the annual tax on said estate, include in their warrant to the collector, one of said equal parts with the interest thereon from the date of said apportionment, which part shall be collected and the lien therefor enforced in the same manner, with like charges for cost and interest, and with the same right in the collector to purchase such land in behalf of the city, as is provided by law for the collection of taxes upon real estate.

Parties dissatisfied may apply for a jury.

SECTION 7. Any person entitled to any estate in any land the grade of which shall be raised under the preceding sections, who is dissatisfied with the assessment of the expenses of raising the grade of his land, and any owner of land who is dissatisfied with the assessment of expenses under section two of this act may, within one year after receiving notice of such assessment, apply for a jury by petition to the superior court in the county of Suffolk, in term time or vacation, and have the expenses assessed in the same manner as betterments for the laying out and widening of streets and highways in said city of Chelsea may be assessed.

City may take land, and file description thereof in registry of deeds.

SECTION 8. Instead of making such complaint, any person dissatisfied with the assessment of the expense of raising the grade of his said land or any private street, way or court abutting thereon, may give notice thereof to the mayor and aldermen of said city within sixty days after notice of such assessment shall have been given, and the city shall thereupon take said land, and shall, within sixty days thereafter file in the office of the registry of deeds for the county of Suffolk a description of the land so taken, as certain as is required in a common convey-

ance of land, together with a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the mayor of the city, and the title to lands so taken shall vest absolutely in the city.

SECTION 9. If any person whose land is taken under the preceding section agrees with the city upon the damage done to him by such taking, making due allowance for the improvement in raising the grade of such land, the same shall be forthwith paid him by the city. If any such person shall not so agree, he may at any time within six months from the filing of such description and statement, apply for a jury, by petition to the superior court for the county of Suffolk, in term time or vacation, to determine the damage so done him, making due allowance for the improvement by raising the grade of such lands, streets, courts or ways, and thereupon said court shall, after due notice to the city order a trial by jury to be had at the bar of the court in the same manner in which other civil causes are there tried by the jury, and if either party request it the jury shall view the place in question. The damages awarded by the jury shall be paid by the city, and if the damages are increased above the sum offered by the city before the filing of such petition, all costs arising on such petition shall be paid by the city, otherwise by the petitioner.

If damages are agreed upon, amount to be paid forthwith.

Trial by jury.

SECTION 10. The city shall raise the grade of all public streets bordering upon any lands the grade of which is ordered to be raised under this act, filling up such streets with good materials to a grade not less than sixteen feet above mean low-water.

City to raise grade of streets.

SECTION 11. The city of Chelsea is hereby authorized to lay railway tracks through any street or streets of said city, and to maintain them so long as may be necessary to enable it to transport earth and other material to fill up the district aforesaid under the provisions of this act.

City may lay railway tracks through streets.

SECTION 12. This act shall not be construed as in any way exempting the city of Chelsea from any obligation it would otherwise be under to make compensation to the owners of lands abutting upon or near to any land or street filled hereunder, or for any injury done or caused to the lands of such owners under any order or proceeding hereunder.

City not exempted from liability for injury done, etc.

SECTION 13. This act shall take effect upon its passage.

*Approved April 26, 1875.*

*Chap. 160* AN ACT TO PROVIDE MEANS FOR THE COMPLETION OF THE WORCESTER LUNATIC HOSPITAL BY THE ISSUE OF SCRIP, AND FOR THE REDEMPTION OF THE SAME, AND FOR OTHER PURPOSES.

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

Treasurer may issue scrip not exceeding \$750,000.

SECTION 1. For the purpose of meeting any expenses incurred, and that may be incurred under the provisions of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and seventy, entitled "An Act to provide for the purchase of land and the erection of a state lunatic hospital in place of the present state lunatic hospital at Worcester," or of any act or acts supplementary thereto, the treasurer is hereby authorized, upon the order of the governor and council, to issue scrip or certificates of debt to an amount not exceeding seven hundred and fifty thousand dollars, 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 ten nor more than twenty 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.

Money heretofore paid from revenue to be reimbursed from sale of scrip.

SECTION 2. All sums of money heretofore paid from the revenue on account of said hospital beyond the amounts received into the treasury from the sale of lands, shall be reimbursed to the treasury from the proceeds of the sales of said scrip, and the balance is hereby appropriated for the payment of such expenditures as may be made in the erection and completion of said hospital buildings and in furnishing the same.

Premium upon sales of scrip, and proceeds of sales of old estate, to be added to sinking fund.

SECTION 3. To provide for the payment of the scrip or certificates of debt to be issued under the authority of this act, whatever premium may be received from the sale thereof, beyond the cost of preparing and negotiating the same, and so much of the proceeds of the sales of the old hospital estate in Worcester as may be necessary for the redemption of said scrip, and also of all the scrip secured by the sinking fund created by the provisions of chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, shall be added to and constitute a part of the sinking fund aforesaid. And said fund shall be applicable to the redemption of all said scrip at maturity. Any balance of the proceeds of sales of the old hospital estate not required for the sinking fund

as herein provided, shall be paid over and delivered to the treasurer of the Commonwealth who shall keep a separate account of the same.

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

*Approved April 28, 1875.*

AN ACT TO AUTHORIZE AQUEDUCT CORPORATIONS TO INCREASE THEIR CAPITAL STOCK.

*Chap. 161*

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

SECTION 1. Any aqueduct corporation organized under the provisions of chapter forty of the Revised Statutes, or chapter sixty-five of the General Statutes, may increase its capital stock at such times and in such sums, to be divided into shares of the same amount as other shares of such corporation, as the stockholders may at any legal meeting called for that purpose, by vote determine.

Aqueduct corporation may increase capital stock.

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

*Approved April 28, 1875.*

AN ACT CONCERNING THE MAINTENANCE OF THE BRIDGE NEAR BARDWELL'S FERRY.

*Chap. 162*

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

SECTION 1. The towns of Conway and Shelburne shall jointly maintain and keep in repair the bridge across the Deerfield River near Bardwell's Ferry, with its abutments, and be jointly liable for all penalties and damages for any neglect in keeping the same safe and convenient for travel.

Towns, jointly, to keep bridge in repair.

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

*Approved April 28, 1875.*

AN ACT RELATING TO THE LOCATION AND CONSTRUCTION OF HIGHWAYS AND RAILROADS OVER PUBLIC COMMONS AND PARKS.

*Chap. 163*

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

SECTION 1. No highway, town way, street, turnpike, canal, railroad or street railway, shall be laid out or constructed in, upon, through or over any public common or public park which has been dedicated to the use of the public or appropriated to such use without interruption for the period of twenty years or longer, nor shall any part of any such public common or public park be taken for widening or altering any highway, town way or street previously located or constructed, except after public notice, to be given in the same manner as provided in cases of applications for the location and alteration of highways, in which notice shall be specifically set forth, the extent and limits of the portion of the public common

Streets, etc., not to be laid out upon a public park, without consent of inhabitants.

or public park proposed to be taken, and unless the consent of the inhabitants of the city or town in which the same is situated is first obtained. Such consent shall be expressed by vote of the inhabitants whenever as many as ten legal voters file a request in writing to that effect, with the selectmen of the town or the mayor and aldermen of the city, within thirty days after the publication of the notice; in the absence of such request consent shall be presumed to be granted.

Consent to be expressed by a majority vote.

SECTION 2. When such public common or public park is situated in a city, the vote by which such consent is expressed, shall be that of a majority of the voters present and voting by ballot "yes" or "no," in answer to the question of giving such consent at meetings in the several wards on such day as shall be appointed for the purpose by the mayor and aldermen. Such meetings shall be notified and warned by the mayor and aldermen fourteen days at least before the day appointed therefor, and the votes shall be received, sorted and counted and declaration and return thereof shall be made in the same manner as votes at other elections, and all provisions of law relating to elections shall be applicable to such meetings. The returns from the several wards shall be examined by the mayor and aldermen and the result of the balloting shall be ascertained in the same manner as at other elections, and a certificate of the result shall be entered by the city clerk upon the records of the city. Such meetings may be held on the same day with any other election, if the mayor and aldermen so appoint.

Meetings to be warned as for other elections.

SECTION 3. No lands of any public institution belonging to the Commonwealth, or any portion of such lands, shall be taken for any highway, town way, street, turnpike, canal, railroad or street railway, without leave of the legislature previously obtained.

Lands of a state institution not to be taken without leave of the legislature.

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

*Approved April 29, 1875.*

*Chap. 164*

AN ACT TO INCORPORATE THE SUFFOLK BREWING COMPANY.

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

Corporators.

SECTION 1. James M. Smith, James Walsh, Charles F. Donnelly and Philip O'Donnell, their associates and successors are made a corporation by the name of the Suffolk Brewing Company for the purpose of malting and brewing ale and porter, with the powers and privileges and subject to the duties, restrictions and liabilities con-

Name and purpose. Powers and duties.



tained in the general laws which now are, or hereafter may be, in force and applicable to such corporations, and especially subject to the laws which now are or hereafter may be in force in regard to intoxicating liquors.

SECTION 2. The capital stock of said corporation shall not exceed three hundred thousand dollars. Capital stock.

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

*Approved April 29, 1875.*

AN ACT TO PROVIDE A FURTHER SUPPLY OF WATER FOR THE CITY OF CAMBRIDGE. Chap. 165

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

SECTION 1. The city of Cambridge, for the purpose of supplying said city and the inhabitants thereof with pure water for the extinguishment of fires, for domestic and other purposes, may take, hold and convey into and through said city the waters of Spy Pond, in the town of Arlington, and of Little Pond, in the town of Belmont, and of Wellington Brook, in said Belmont, and the waters that flow into said ponds or brook, or either of them; may connect the same or any part thereof with Fresh Pond; and may take and hold by purchase or otherwise such land on and around the margin of said ponds, including Fresh Pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold in like manner such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters into and through said city, either by the way of Fresh Pond or otherwise: *provided, however,* that said city shall not hereby acquire any right to take ice from either of said ponds, or to take land upon which any building or machinery is now erected, or which is used in connection with such building or machinery for the purpose of storing ice or for convenience in cutting, storing and moving ice, without the consent of the owner of said land and buildings or machinery, and shall not obstruct by ditches, buildings or other structures, the rights of such owners in the cutting, storing and moving of ice, except so far as the same shall result from the raising or lowering of the surface of the water of said ponds, or either of them, and except so far as is necessary for the preservation of the purity of the waters of said ponds; but nothing in this act shall be construed to give additional rights to said

Cambridge to be supplied with pure water.

May take land, etc.

Proviso.

city to lower the surface of said Fresh Pond below the point now authorized by law.

To file in registry of deeds a description of the land taken.

SECTION 2. Said city by its mayor shall within sixty days after taking any lands for the purposes of this act, file in the registry of deeds of the county and district in which such land lies, a description of the land so taken as certain as is required in a common conveyance of land.

May build aqueducts and make reservoirs.

SECTION 3. Said city for the purposes aforesaid may build aqueducts, and maintain the same by any works suitable therefor; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of water, and establish the price or rents to be paid therefor, and collect the same by process of law. Said city may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining or repairing pipes or drains, and may do any other things necessary and proper in executing the purposes of this act.

Roads entered upon in other towns to be done under direction of the selectmen.

SECTION 4. If said city enters upon and digs up, for the purposes aforesaid, any road, street or way which is outside of the limits of said city, it shall do so under the direction of the selectmen of the town in which said road, street or way is located, and shall restore said road, street or way to as good order and condition as it was in before such digging was commenced; and the work shall be done in such manner, and with such care, as not to render any road, street or way in which such pipes are laid unsafe, or unnecessarily inconvenient to the public travel thereon. Said city shall at all times indemnify and save harmless any such town, which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur by reason of any defect or want of repair in such road, street or way caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in any such pipes: *provided*, that said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

SECTION 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of, or injury to, any of their land, water, water-rights, rights of way or property, or by the constructing of any aqueduct, reservoir or other works, for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with said city upon the amount of said damages, he may within three years from such taking or construction, have them assessed in the same manner as is provided by law with respect to land taken for highways.

Liability of city for damages.

SECTION 6. All the rights, powers and authority given to the city of Cambridge by this act shall be exercised by said city, subject to all duties, liabilities and restrictions herein contained in such manner and by such agents, officers and servants, as the city council shall from time to time ordain, direct and appoint.

Powers to be exercised by the city or its agents.

SECTION 7. Whoever wantonly or maliciously diverts the water, or any part thereof taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year in the house of correction in said county of Middlesex.

Penalty for diverting water or rendering it impure.

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

*Approved May 1, 1875.*

AN ACT TO ESTABLISH THE CITY OF PITTSFIELD.

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

*Chap. 166*

SECTION 1. The inhabitants of the town of Pittsfield shall continue to be a body politic and corporate, under the name of the city of Pittsfield, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to, the said town, as a municipal corporation.

City of Pittsfield established.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the

Administration of affairs of city vested in mayor and city council.

government thereof, shall be vested in one officer, to be called the mayor, one council of six, to be called the board of aldermen, and one council of eighteen, to be called the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Town to be divided into six wards.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance as herein provided, to divide said town into six wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward. The city council may, in the year eighteen hundred and eighty, and in every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, according to the census to be taken in the month of May or June in said years.

New divisions may be made every five years.

Annual election.

SECTION 4. The election of city and ward officers shall take place on the first Tuesday of December, annually, and the municipal year shall begin on the first Monday of January following.

Election of ward officers.

SECTION 5. On the first Tuesday of December, annually, there shall be elected, by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others shall be elected and qualified in their stead. Said wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is elected by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is so elected; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so elected. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals,

Ward meetings.

Clerk and inspectors.

documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All of said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace. Certificates of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner, and at such times, as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Ward officers  
to be sworn.

Meetings of  
citizens.

SECTION 6. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall have been elected and qualified in his place.

Mayor to be  
elected by voters  
at large.

SECTION 7. Six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards, who shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Six aldermen to  
be elected by  
voters at large.

SECTION 8. Three common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Three common  
councilmen from  
each ward.

SECTION 9. On the first Tuesday of December, annually, the qualified voters in the several wards shall give in their votes, by ballot, for mayor, aldermen and common councilmen, in accordance with the provisions of this act; and all the votes so given, shall be assorted, counted, declared and recorded in open ward meeting, by causing the names of the 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 thereafter shall deliver to the persons elected members of the common council, certificates of their elections, respect-

Election on first  
Tuesday of  
December, an-  
nually.

Certificates of  
election.

ively, signed by the warden and the clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections certified in like manner. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, to be notified in writing, of his election; but if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and, from time to time, shall be repeated, until a mayor shall be elected and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, or in case of a vacancy in the office of mayor from any cause, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the city council shall, by concurrent vote, elect a mayor to fill such a vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk or by any justice of the peace. The aldermen and common councilmen elect, shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace; and a certificate of such oath having been taken, shall be entered upon the journal of the mayor and aldermen and of the common council, by their respective clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the election of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be sworn to the faithful performance of all the duties of his office; and his compensation shall be fixed by concurrent vote of the city council.

In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have

Mayor elect to be notified by board of aldermen.

New election to be had, if mayor elect refuses to accept office.

Vacancy.

Aldermen to be notified of election.

Aldermen and councilmen to meet in convention, first Monday of January, and be sworn.

Common council to be organized by choice of president and clerk.

been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the mayor, and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may elect a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards.

City council to organize in absence or non-election of mayor.

President of board of aldermen *pro tem*.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and, in case of vacancy in either board, the mayor and aldermen shall issue their warrants for a new election.

Each board to keep record of proceedings.

SECTION 10. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever in his opinion the public good may 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 boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notice to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to both boards such information, and recommend such measures, as the business and interests of the city may in his opinion require. He shall, when present, preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only. His salary shall be fixed by the city council, and shall be payable at stated periods, but shall not be increased or diminished during the year for which he is elected. He shall receive no other compensation.

Mayor to be chief executive officer of the city.

May remove officers of his own appointment.

May call special meetings of boards.

To preside in board of aldermen and in convention.

SECTION 11. Every ordinance, order, resolution or vote, to which the concurrence of the board of aldermen and of the common council of said city may be necessary (except on a question of a convention of the two branches, or the election of an officer), and every order of either branch of the city council, involving an expenditure of money, shall be presented to the mayor of the city. If he approves thereof, he shall signify his approval by sign-

Ordinances, orders, etc., to be presented to mayor for approval.

Veto power of mayor.

ing the same ; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor, at large, on its records, and proceed to reconsider said ordinance, order, resolution or vote ; and if, after such reconsideration, two-thirds of that branch present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council (if it originally required concurrent action) where it shall also be reconsidered ; and if approved by two-thirds of the members present and voting, it shall be in force ; but in all cases the vote shall be determined by yeas and nays ; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force : *provided*, that if any ordinance, order, resolution or vote embraces distinct subjects, the mayor may approve the provisions relating to one or more of the subjects and not approve of the others ; and so much of said ordinance, order, resolution or vote as the mayor may not approve shall be reconsidered as above provided.

Executive power vested in mayor and aldermen.

SECTION 12. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Pittsfield, and in the selectmen of towns generally by the laws of the Commonwealth, shall be vested in and exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a city marshal or chief of police, with all the powers and duties of a constable, and all other police and all subordinate officers whose election is not herein provided for, and the same to remove at pleasure ; and they may require any person who may be appointed a constable, city marshal or chief of police of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper ; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by selectmen of towns. The compensation of the police and other subor-

Constables and police officers.



dinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let what may be legally let, and to sell or purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it; and they shall, as often as once a year, cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

City council to have care of public property.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible, by appointment or election by the mayor and aldermen or city council, to any office of emolument the salary of which is payable out of the city treasury, who at the time of such appointment or election shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public except the sittings of the mayor and aldermen when they are engaged in executive business.

Appointments made by mayor and aldermen.

Sittings to be public.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a treasurer, a collector of taxes, and a city clerk, and by concurrent vote, may elect one or more persons to be superintendents of streets and highways, a city physician, a city solicitor and city auditor, who shall hold their offices for the term of one year next ensuing, and until others shall be elected and qualified in their stead: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above-named offices may be filled at any time. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Election of city clerk, city solicitor, etc.

Vacancies.

SECTION 15. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties and exercise all the powers incum-

City clerk to be clerk of board of aldermen.

bent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all the records, journals, documents and papers held by him in his said capacity.

Fire department.

SECTION 16. The city council may establish a fire department for said city, to consist of a chief-engineer, and of as many assistant-engineers, engine-men, hosemen, hook-and-ladder-men, and assistants, as the city council, by ordinance, shall from time to time prescribe; and said council shall have authority to fix the time of their appointment, and the term of their service, to define their office and duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires, and the conduct of persons attending fires, as they may deem expedient, and may affix such penalties for any violation of such regulations, or any of them, as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to remove from office any officer or member, for cause, in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council.

Officers and members to be appointed by mayor and aldermen.

City council may establish fire limits within the city.

SECTION 17. The city council shall have power to establish fire limits within the city, and from time to time change or enlarge the same; and by ordinance they may regulate the construction of all buildings erected within said fire limits, stipulating their location, sizes and the material of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire. They shall also have the sole care, superintendence and management of the public grounds belonging to said city, and of all the shade and ornamental trees standing and growing thereon, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city.

Overseers of the poor to be elected by concurrent vote.

SECTION 18. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote, six persons to be overseers of the poor, one from each ward, who shall be resident therein at the time of their election, and who shall hold their offices for

the municipal year next following their election, and until a majority of the new board shall be elected in their place, and shall have accepted, unless sooner removed. The persons so elected shall, with the mayor, constitute the board of overseers of the poor. The mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board may be filled by the city council at any time; the members so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council.

Mayor to be  
chairman.  
Vacancies.

Compensation.

SECTION 19. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote three persons to be assessors of taxes, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner, one person who shall hold office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers, and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by law: *provided, however,* that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by the concurrent vote of the city council.

Assessors of  
taxes to be  
elected by con-  
current vote.

Vacancies.

Compensation.

SECTION 20. The city council may annually, as soon after their organization as may be convenient, elect by concurrent vote, one person from each ward to be an assistant assessor; and it shall be the duty of the persons so elected to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards, and they shall be sworn to the faithful performance of their duty. Vacancies occurring may be filled by concurrent vote of the city council at any time. The compensation of the assistant assessors shall be fixed by concurrent vote of the city council.

Assistant  
assessors.

Vacancies.

School committee to be elected by voters at large.

SECTION 21. The school committee of the city shall consist of the mayor, the president of the common council, and twelve other persons, two of whom shall be selected from each ward, and they shall be elected by the qualified voters of the city at large, voting in their respective wards. On the first Tuesday of December next after the acceptance of this act, there shall be chosen members of the committee from wards one and two, to serve for the term of three years, commencing on the first Monday of January then next ensuing, from wards three and four, members to serve for the term of two years commencing on the first Monday of January then next ensuing, and for wards five and six, members to serve for the term of one year commencing on the first Monday of January then next ensuing; and at each subsequent election there shall be elected four members of the school committee to hold their office for the term of three years as successors of, and from the same wards as, those whose term of office expires at the expiration of the then municipal year. The school committee shall serve without compensation. The mayor shall be *ex officio* chairman of the board, and shall have a casting vote. The committee may elect from their own number a chairman, who shall preside in the absence of the mayor. The said committee shall appoint, from their own number, or otherwise, a secretary, to be under the direction and control of said committee, and may appoint, but not from their own number, a superintendent of the schools, and the compensation of such secretary and superintendent shall be determined from year to year by the school committee, who may remove such secretary or superintendent. Vacancies occurring in the board may be filled by the joint ballot of the city council and school committee at any time, in convention, the member so elected to hold office only for the remainder of the municipal year.

Mayor to be chairman of board.

Vacancies.

City and ward officers to continue in office if they remove from ward.

SECTION 22. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards of the city; but a removal of residence out of the city shall cause a vacancy to exist in the offices to which they were elected.

Payments from treasury.

SECTION 23. The city council shall take care that no money is paid from the treasury unless granted or appro-

priated, and shall secure a just and proper accountability, by requiring bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody or disbursement of money.

SECTION 24. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way, shall first be acted upon by the mayor and aldermen, and any person dissatisfied with the decision of the city council in the estimate of damages may make complaint to the superior court or the county commissioners of the county of Berkshire in term time or vacation, within one year after such decision, whereupon the same proceedings shall be had as are now provided by law in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes, and acts in amendment thereof.

City council to lay out streets and estimate damages.

SECTION 25. The city council may make ordinances, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, hay, coal and bark brought into or exposed in said city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon. The city council may also make all such salutary and needful ordinances or by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court: *provided, however*, that all by-laws and regulations in force in said town, shall remain in force until they expire by their own limitation, or are revised or repealed by the city council. All fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury. And any complaint for any violation thereof may be made by the mayor, city clerk, city treasurer, city marshal, or chief of police.

Inspection and survey of lumber, wood, etc.

Ordinances and by-laws.

SECTION 26. All elections of national, state, county and district officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such

Election of national, state, county and district officers.

elections in their respective wards, at the time fixed by law for these elections respectively.

Lists of voters to be made by mayor and aldermen.

SECTION 27. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner provided by law; and, for that purpose, they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors, and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list.

General meetings of citizens.

SECTION 28. General meetings of the citizens qualified to vote, may, from time to time, be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the rights secured to the people by the constitution of this Commonwealth. And such meetings may, and upon the request, in writing, setting forth the purposes thereof, of fifty qualified voters, shall be duly warned by the mayor and aldermen.

Powers of board of health to be vested in mayor and aldermen.

SECTION 29. All power and authority now vested by law in the board of health for said town, or in the selectmen thereof, shall be transferred to and vested in the mayor and aldermen, until the city council shall otherwise provide, who shall have authority to establish a board of health.

Laws in force in town to continue until repealed.

SECTION 30. All general laws in force in the town of Pittsfield when the act shall be accepted as hereinafter provided, and all special laws heretofore passed with reference to said town of Pittsfield and which shall then have been duly accepted by said town, and which shall be then in force therein shall, until altered, amended or repealed, continue in force in the city of Pittsfield, so far as the same are consistent with this act.

Laws concerning fire district to continue in force.

SECTION 31. All special laws heretofore passed concerning the fire district in the town of Pittsfield, which shall be in force in said fire district when this act shall be accepted as is hereinafter provided, shall, so far as the same are consistent with this act, be extended to, and be and continue in force in the city of Pittsfield until altered, amended or repealed. And all officers required or authorized in such special laws to be chosen by said fire district

shall, except as is hereinafter otherwise provided, thereafter be officers of said city, and their successors shall from time to time be chosen or appointed by the city council.

SECTION 32. Upon the first day of January next after the acceptance of this act as is hereinafter provided, the fire district in said town shall be dissolved, and its powers and privileges and duties and liabilities shall vest in and be assumed and discharged by the said city of Pittsfield; *provided*, that the said district shall, as to its creditors, continue liable to pay all its existing debts, and to perform all legal contracts.

When fire district shall be dissolved.

The property of said fire district shall, upon the first day of January after the acceptance of this act, be valued by the county commissioners of said county of Berkshire, on the application of any citizen of said town, and if the amount of the valuation shall fall short of the debts and liabilities of the district, a tax shall be assessed for the deficiency, at such time and in such manner as the city council shall order, upon the polls and estates of the territory now comprised in said fire district; and if the amount of such valuation shall exceed the said debts and liabilities of the district, such excess shall be allowed upon and deducted from the city taxes then next assessed upon the inhabitants of such fire district, in the proportions severally assessed upon them in the tax lists by the assessors.

Property of fire district.

SECTION 33. So much of chapter one hundred and thirty-two of the acts of the year eighteen hundred and sixty-seven, entitled "An Act relating to sidewalks, common sewers and main drains in the fire district in the town of Pittsfield," as provides for the election of a board of commissioners of sidewalks, common sewers and main drains in said fire district, shall, upon the acceptance of this act as herein before provided, be repealed; and all the jurisdiction, powers and authority conferred in said act upon said board of commissioners shall be vested in the mayor and aldermen of the city of Pittsfield, except the collection of assessments, fines and penalties provided for in said act; and such collection shall be made by the collector of taxes of said city. All provisions of law applicable to the collection of city, county and state taxes shall apply to the collection of assessments under said act.

Repeal of portion of 1867, 132.

SECTION 34. All acts and parts of acts inconsistent with this act, are hereby repealed: *provided, however*,

Repeal.

that the repeal of the said acts shall not affect any act done, or any right accruing, or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, and that no offence committed and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, and that no suit or prosecution pending at the time of said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said act, shall be affected by said repeal; and *provided, also*, that all persons who at the time of said repeal taking effect shall hold any office under the said acts, shall continue to hold the same until the organization of the city government contemplated by this charter shall be completely effected.

First meeting  
for election of  
city officers.

SECTION 35. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Pittsfield for the time being, shall issue their warrants seven days at least previous to the first Tuesday of December next after the acceptance of this act, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of electing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same and give notice thereof in the manner before provided to the several persons elected. At said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided. After the election of the city officers as aforesaid, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.



SECTION 36. This act shall be void unless the inhabitants of the town of Pittsfield, at a legal meeting called for that purpose, to be held within two years from the passage of this act, shall, by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in the elections of state officers. And if at any such meeting this act shall not be accepted, the same shall not be again submitted to the vote of said inhabitants at any subsequent meeting held within four months from the date of the prior meeting.

Subject to acceptance by a majority vote.

SECTION 37. This act shall take effect upon its passage.

*Approved May 1, 1875.*

AN ACT CONCERNING THE CHALLENGING OF JURORS IN CRIMINAL CASES.

*Chap. 167*

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

SECTION 1. In all criminal causes, in addition to the challenges now provided for when the offence charged is a capital offence, or may be punished by imprisonment for life, the Commonwealth shall be entitled before the trial commences to challenge peremptorily twenty-two of the jurors from the panel called to try the cause. On the trial for any other offence the Commonwealth shall be entitled, in like manner, to challenge peremptorily two of the jurors from the panel called to try the cause.

Right of Commonwealth to peremptorily challenge jurors in criminal cases.

SECTION 2. Chapter one hundred and fifty-one of the acts of the year eighteen hundred and sixty-nine, and section two of chapter three hundred and seventeen of the acts of the year eighteen hundred and seventy-three, are hereby repealed.

Repeal of 1869, 151, and 1873, 317, § 2.

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

*Approved May 1, 1875.*

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-TWO, AUTHORIZING THE CITY OF BOSTON TO OBTAIN AN ADDITIONAL SUPPLY OF PURE WATER.

*Chap. 168*

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

SECTION 1. Section four of chapter one hundred and seventy-seven of the acts of the year eighteen hundred and seventy-two, is hereby amended by adding after the

Amendment to 1872, 177, § 4.

word "pond" in the eleventh line the words, "or the inhabitants of the town of Hopkinton, from taking from the Sudbury River and its tributaries."

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

*Approved May 1, 1875.*

*Chap. 169* AN ACT TO CHANGE THE NAME OF THE NORTH BRIDGEWATER UNION CEMETERY CORPORATION.

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

Name changed.

SECTION 1. The name of the North Bridgewater Union Cemetery Corporation is hereby changed to the Brockton Union Cemetery.

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

*Approved May 1, 1875.*

*Chap. 170* AN ACT TO AMEND CHAPTER THREE HUNDRED SEVENTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED SEVENTY-FOUR, ENTITLED "AN ACT TO INCORPORATE THE BARRE FALLS RESERVOIR COMPANY."

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

May flow lands to same extent as mill-owners are authorized.

SECTION 1. The corporation authorized to be created by chapter three hundred and seventy-seven of the acts of the year eighteen hundred and seventy-four entitled "An Act to incorporate the Barre Falls Reservoir Company" may, for the purpose of raising a head of water in its reservoir, flow any lands to the same extent as mill-owners are authorized to flow land under the statutes of the Commonwealth; and any person whose property is injured thereby shall have the same remedies as are provided for parties injured by flowage under the provisions of chapter one hundred and forty-nine of the General Statutes.

City of Springfield may take stock in corporation.

SECTION 2. The city of Springfield may take and hold stock in said corporation, and said reservoir shall be deemed to be a compensating dam and reservoir within the provisions of chapter seventy-five, sections two and three, of the acts of the year eighteen hundred and seventy-three.

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

*Approved May 1, 1875.*

*Chap. 171* AN ACT TO MAKE THE SEVENTEENTH DAY OF JUNE, IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE, A LEGAL HOLIDAY.

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

June 17, 1875, to be a legal public holiday.

SECTION 1. The seventeenth day of June, in the year eighteen hundred and seventy-five, is hereby made a legal public holiday, to all intents and purposes, in the same manner as Thanksgiving, Fast and Christmas days,

the twenty-second day of February and the fourth day of July, are now by law made public holidays.

SECTION 2. Nothing in this act shall be construed as making said seventeenth day of June a legal holiday after said year. Not to be a holiday after the present year.

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

*Approved May 1, 1875.*

AN ACT TO AMEND CHAPTER THREE HUNDRED FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, CONCERNING THE PRESERVATION OF BIRDS, BIRDS' EGGS AND DEER. *Chap. 172*

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

SECTION 1. It shall not be lawful to take or kill any black duck or teal between the first day of April and the first day of September of each year. Black duck or teal not to be killed between April 1 and Sept. 1. Repeal.

SECTION 2. So much of section three of chapter three hundred and four of the acts of the year one thousand eight hundred and seventy as is inconsistent with this act, is hereby repealed. *Approved May 1, 1875.*

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF LOWELL. *Chap. 173*

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

SECTION 1. The inhabitants of the city of Lowell, for all the purposes for which cities and towns are by law incorporated in this Commonwealth, shall continue to be one body-politic, in fact and in name, under the style and denomination of the city of Lowell; and, as such, shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation, except so far as the same may be modified by the provisions of this act. City charter of Lowell revised and consolidated.

SECTION 2. The administration of the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, styled the mayor, one select council of eight, to be called the board of aldermen, and one council of not less than two nor more than four from each ward, to be called the common council; and the board of aldermen and the common council, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful discharge of their duties. A majority of each board shall constitute a quorum for the transaction of business. No member of the city council, except the mayor, shall receive any compensation for his services. Administration of municipal affairs vested in mayor and city council.

Annual election to take place on second Tuesday of December.

SECTION 3. The election of municipal officers shall take place on the second Tuesday of December, annually; and the municipal year shall begin on the first Monday of January following.

All meetings of the citizens, for municipal purposes, shall be called by warrants issued by the mayor and aldermen, which shall be in such form, and be served, executed and returned in such manner and at such time as the city council may by ordinance direct.

May make new division of wards every tenth year.

SECTION 4. In the year eighteen hundred and seventy-five, and in every tenth year thereafter, but not oftener, the city council may make a new division of the city into such number of wards as they may determine, and may increase or diminish the number of common councilmen to which the several wards shall be entitled during the succeeding decennial period: *provided*, that the number of wards shall not be less than six nor more than twelve; and *provided, further*, that the number of common councilmen shall not be less than two nor more than four from each ward; and each ward shall be entitled to an equal number of common councilmen with every other ward. Every new division of the city into wards shall be made 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 a new division is made, the boundary lines of the wards shall remain as now established.

Provisos.

Election of ward officers.

SECTION 5. On the second Tuesday of December, annually, there shall be elected by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents of the ward, and who shall hold their offices one year and until others shall be elected and qualified in their stead. Said wardens shall preside at all ward meetings, with the power of moderators of town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is elected; if both the warden and clerk are absent, either of the inspectors present may preside until a warden *pro tempore* is elected; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is elected. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore* by ballot, or by nomination and hand vote as a majority of the voters present shall determine. The clerk shall record all the proceedings and

Ward meetings.

When officer is absent, his office may be filled *pro tempore*.

certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, sorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties, the oath to be administered by the clerk to the warden, and by the warden to the clerk and the inspectors; or to either of said officers by any officer authorized to administer oaths. Certificates of such oaths shall be made by the clerk upon the ward records.

All officers to be sworn.

SECTION 6. The mayor and aldermen shall be elected by the legal voters of the city at large, and shall hold office from the first Monday of January next succeeding their election to the first Monday of the following January.

Mayor and aldermen to be elected by voters at large.

SECTION 7. The members of the common council shall be elected from and by the legal voters of the wards in which they reside at the time of their election, and shall hold office from the first Monday of January next succeeding their election to the first Monday of the following January.

Common councilmen to be elected from wards of their residence.

SECTION 8. Whenever any person elected mayor, alderman or common councilman, shall die, remove from the city, or refuse in writing, addressed to the mayor or board of aldermen for the time being, to accept the office before entering upon the discharge of his duties, the board of aldermen may make a record of the fact, and thereupon the mayor and board of aldermen issue their warrant for an election to fill such vacancy, to be held at such time as they shall deem advisable; and the same proceedings may be had to fill any vacancy in either of said offices caused by death, resignation or otherwise, after the commencement of the municipal year, and any vacancy so filled shall be for the full term, or for the remainder of the unexpired term.

If mayor, etc., refuses to accept office, etc., new election to be ordered.

Vacancy.

SECTION 9. All municipal officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards of the city; but a removal of residence out of the city shall cause a vacancy to exist in the offices to which they were elected.

Officers to continue to discharge duties after removal from ward.

SECTION 10. On the second Tuesday of December, annually, the qualified voters shall, in their several wards, give in their votes by ballot for mayor, aldermen, common

Annual election of municipal officers.

councilmen and members of the school committee, in accordance with the provisions of this act; and all the votes so given in shall be sorted, counted, declared and recorded in open ward meeting, by causing the names of persons voted for, and the number of votes for each, to be written in the ward record at length, and a transcript of such record, certified and authenticated by the warden, clerk and a majority of inspectors of elections for each ward, shall be forthwith transmitted or delivered by such ward clerk to the city clerk, who shall forthwith enter such returns, or a plain and intelligible abstract of them, as they are successively received, upon the journal of the proceedings of the board of aldermen, or some other book to be kept for that purpose. And the mayor and aldermen shall meet together within three days after such election, and examine and compare all the said returns, and ascertain what persons shall have been elected to the offices aforesaid; but if on said examination, or after a recount of the votes for any of said offices in the manner provided by law, such elections shall not be complete, the mayor and aldermen shall issue their warrants for meetings in such wards as shall have failed to complete their elections; and the same proceedings shall be had in all respects as are herein before directed, until such persons shall be chosen. All persons who may be elected to the offices named in this section shall be notified by the mayor and aldermen within two days after the fact shall be ascertained.

Mayor, aldermen, and common council to meet in convention on first Monday of January, and be sworn.

SECTION 11. The mayor, aldermen and common council shall meet in convention, on the first Monday of January in each year, at nine o'clock in the forenoon, and shall be sworn to the faithful discharge of their duties. After the oaths shall be taken, the two boards shall separate, and the common council shall be organized in the manner hereinafter provided. In case either of said officers is not present on said first Monday of January, said oath may be administered at any time thereafter in convention of the two boards. In all cases a record of such oaths having been taken shall be entered in the journal of the proceedings of the board of aldermen, and of the common council, by their respective clerks.

Mayor to preside at meetings of board of aldermen and in convention.

SECTION 12. The mayor may preside at all meetings of the board of aldermen, and at the conventions of the city council, and shall be entitled to vote only when the

other members present and voting are equally divided: *provided*, that he shall not vote upon the question of the confirmation of a nomination made by him. The board of aldermen shall elect one of their members to preside when the mayor does not preside, who shall be called the chairman of the board of aldermen, who shall hold office during the municipal year for which he is elected, unless sooner removed by the board of aldermen. In the absence of both the mayor and chairman of the board of aldermen, the aldermen shall elect one of their members as chairman for the time being. In the absence of the mayor the chairman of the board of aldermen shall preside at all conventions of the city council. All meetings of the board of aldermen shall be public when they are not engaged in executive business. The board of aldermen shall be the final judges of the election and qualifications of their own members.

SECTION 13. Whenever, in consequence of the death or resignation of the mayor, or from any other cause, the office shall have become vacant, and the board of aldermen and common council shall each have declared by vote that the office is vacant, and that it is expedient to fill it, the board of aldermen shall issue warrants for the election of a mayor for the remainder of the term for which the last mayor was elected, and the same proceedings shall be had as are provided by law for the choice of a mayor by the inhabitants. Until such vacancy is filled as aforesaid, and whenever the mayor, from absence, illness, or other temporary disability cannot perform the duties of the office, and such vacancy or disability has been declared by the board of aldermen to exist, the chairman of the board of aldermen shall exercise the powers and perform the duties of mayor as long as such vacancy or disability continues; but while so acting he shall not vote except when the other members of the board present and voting on any question are equally divided.

Vacancy in  
office of mayor.

SECTION 14. The persons chosen and qualified as members of the common council shall sit and act together as a separate body, distinct from that of the board of aldermen, except when the two bodies meet in convention. On the first Monday of January, or as soon thereafter as may be, the common council shall elect one of their members to preside over their deliberations, who shall be called the president of the common council, and who shall hold office during the municipal year for which he is elected,

Common council to be organized by election of president and clerk.

unless sooner removed. In case the president is absent or unable to perform his duties, or in case the office is vacant from any cause, the council shall elect a president for the time being.

The common council shall elect a clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall hold his office during the pleasure of the council, and until his successor shall be chosen and qualified; and he shall attend the council when in session, keep a journal of all their acts, votes and proceedings, and perform such other services in said capacity as the council may require. In his absence, the council shall elect a clerk *pro tempore*, who shall be sworn to the faithful discharge of his duties. All sittings of the common council shall be public.

Sittings to be public.

The certificate issued by the mayor and aldermen shall be presumptive evidence of the right of the person presenting the same to a seat in the common council; but the council shall have the authority to decide ultimately upon all questions relating to the qualifications, elections and returns of their members.

Ordinances, orders, etc., to be presented to mayor for approval.

SECTION 15. Every act of the city council, or either branch thereof, shall be by ordinance, order, resolution or vote. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, and every order or vote of either branch, involving the expenditure of money, or affecting the public interests, shall be presented to the mayor; if he approve thereof, he shall sign the same; but if not, he shall return it, with his objections, to the branch in which it originated, and the clerk thereof shall record such objections; and said branch shall proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of the whole of said branch, notwithstanding such objections, vote to pass the same, it shall, together with the objections, be sent to the other branch of the city council (if it originally required concurrent action), where it shall also be reconsidered, and if it be also approved by two-thirds of the whole of said branch, it shall be in force; but in all cases the vote shall be determined by yeas and nays. If any such ordinance, order, resolution or vote shall not be returned by the mayor to the clerk of the branch in which it originated within ten days after it shall have been presented to him, the same shall be in force: *provided*, that if any ordinance,

Veto power of mayor.

Proviso.



order, resolution or vote embraces distinct subjects, the mayor may approve the provisions relating to one or more of the subjects and not approve of the others; and so much of said ordinance, order, resolution or vote as the mayor may not approve shall be reconsidered as above provided.

SECTION 16. The mayor shall be the chief executive officer of the city, and shall be compensated for his services by a salary, to be fixed by the city council, payable at stated periods; which salary shall not exceed the sum of three thousand dollars annually, and he shall receive no other compensation or emolument whatever; and no regulations enlarging or diminishing such compensation shall be made to take effect until the expiration of the year for which the mayor then in office shall have been elected. And the mayor shall be vigilant and active at all times in causing the laws for the government of the city to be duly enforced; shall inspect the conduct of all subordinate officers in the government thereof, and as far as in his power cause all negligence, carelessness and violation of duty to be duly prosecuted and punished. Whenever in his judgment the good of the city may require it, he shall summon meetings of the board of aldermen and common council, or either of them, although the meeting of said boards, or either of them, may stand adjourned to a more distant day, and perform such other duties as the city council may legally and reasonably require. And the mayor from time to time shall communicate to both branches of the city council all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the city.

Mayor to be chief executive officer of the city.

May call special meetings.

SECTION 17. The city council shall annually, as soon after their organization as may be convenient, meet in convention, and elect by joint ballot a city clerk, and a city treasurer and collector of taxes; they shall also elect by concurrent vote, any number of surveyors of highways, not exceeding three, and shall, in such manner as the said city council may determine, by ordinance made for that purpose, elect all other officers necessary for the good government, peace and health of the city not herein otherwise provided for; and all officers elected or appointed by the city council, or either branch thereof, shall hold their offices according to the tenure of the same and until their successors are chosen and qualified, unless otherwise pro-

Election of city clerk, treasurer, etc.

Officers may be removed.

vided for : *provided, however*, that any officer elected by the city council may be removed at any time by said council for sufficient cause, unless otherwise provided herein ; and in case of the death, resignation or removal of any officer elected by the city council, or of a vacancy from any other cause, his place may be filled in the manner provided in this section for the election of such city officer, and any person so elected shall hold office only for the unexpired term of the office to which he is elected. The duties of all officers shall be such as are required of similar officers elsewhere, but may be defined by ordinance, and their compensation shall be fixed by the city council.

City clerk to be sworn.

SECTION 18. The city clerk, before entering on the duties of his office, shall be sworn to the faithful discharge of the same, which oath may be administered by the mayor or the chairman of the board of aldermen. He shall be clerk of the board of aldermen, and be removable at their pleasure ; and shall keep a journal of the acts and proceedings of said board, sign all warrants issued by them, and do such other acts in his capacity as may lawfully and reasonably be required of him ; and shall deliver over all journals, books, papers, documents and other things entrusted to him as such clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the board of aldermen. And the city clerk thus qualified, shall have all the powers, and perform all the duties now by law belonging to the city clerk of the city of Lowell, as fully as if the same were particularly enumerated, except in cases where it is otherwise expressly provided. In case of the absence of the city clerk, the mayor and aldermen may appoint a city clerk, *pro tempore*, with all the powers, duties and obligations of the city clerk, until the city clerk shall resume his duties, and said officer shall be sworn in the manner provided in the case of the city clerk.

To be clerk of board of aldermen.

City clerk *pro tempore*.

Executive powers vested in mayor and aldermen.

SECTION 19. The administration of the police, the executive powers of the city generally, with all the powers formerly vested in the selectmen of the town of Lowell, and heretofore vested in the mayor and aldermen of the city of Lowell, shall continue to be vested in and exercised by the mayor and aldermen of said city, as fully as if the same were herein specially enumerated. The mayor and aldermen may grant licenses for all purposes within said city for which the mayor and aldermen of cities or the

selectmen of towns are authorized by the general laws of the Commonwealth to grant the same, and all licenses so granted may at any time be revoked for good cause.

The mayor and aldermen may appoint, annually, such number of persons as constables for the city, and from time to time such special constables as the public service may require, and may remove the same at pleasure, and may require any person appointed a constable, or special constable, to give bonds to the city with such security and to such amount as they may deem proper, before he shall be entitled to enter upon the execution of said office; upon which bonds the like proceedings and remedies may be had, as are by law provided in case of sheriff's bonds in this Commonwealth.

Constables.

The board of aldermen may cause the public streets of the city to be lighted, and for that purpose may set up and construct lamps, gas-pipes or other apparatus, such as the public convenience or necessity may require.

SECTION 20. All boards and officers, acting under the authority of the city, and entrusted with the receipt and expenditure of public money, shall be accountable therefor to the city council, in such manner as they may direct. And the city council shall publish and distribute annually, for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys, and a particular statement of city property.

Accountability of officers.

Statement of receipts and expenditures to be published.

SECTION 21. In all cases in which appointments to office are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination; such nomination, however, being subject to confirmation or rejection by the board of aldermen; and any officers so appointed may be removed at any time by the board of aldermen.

Appointments by mayor subject to approval of aldermen.

SECTION 22. All the powers and authority invested in the boards of health of towns in this Commonwealth, are hereby vested in the city council, to be carried into execution by the appointment of a health commissioner or a board of health; or in such other manner as the health and cleanliness of the city may require, subject to such alterations as the legislature may from time to time adopt.

Board of health.

SECTION 23. All other powers now by law vested in the city of Lowell, or in the inhabitants thereof, as a municipal corporation, shall continue to be vested in the board of aldermen and common council of the city, to be

Corporate powers continued.

exercised by concurrent vote, each board having a negative upon the other; especially, they may make all such needful and salutary ordinances or by-laws, as towns by the laws of this Commonwealth have power to make, and annex penalties not exceeding twenty dollars for the breach thereof, which ordinances or by-laws shall take effect, and be in force from and after the times therein respectively limited, without the sanction or confirmation of any court or other authority whatever: *provided*, that such ordinances or by-laws shall not be repugnant to the laws of this Commonwealth; and shall be liable to be annulled by the legislature thereof. In all prosecutions by complaint before the police court for the city of Lowell, founded in the special acts of the legislature, or the ordinances or by-laws of the city of Lowell, 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, ordinance, or by-law, or any part thereof.

Ordinances and by-laws.

Proviso.

Assessment of taxes.

SECTION 24. The city council from time to time may lay and assess taxes for purposes for which towns are by law required or authorized to assess or grant money, and also for all purposes necessary for carrying into effect the powers conferred by this act: *provided, however*, that, in the assessment and apportionment of such taxes, the same rules and regulations shall be observed, as are now established by the laws of this Commonwealth (or may hereafter be enacted) relative to the assessment and apportionment of town taxes. The city council may provide for the assessment and collection of such taxes, make appropriations of all public moneys, and provide for the disbursement thereof, and take suitable measures to ensure a just and prompt account thereof, and for these purposes may either elect such assessors and assistant assessors as may be needful, or may provide for the appointment or election of the same, or any of them, by the board of aldermen, or by the citizens, as may be most conducive to the public good, and may fix their term of office, and shall also require of all persons entrusted with the collection, custody or disbursement of public moneys, such bonds, with such conditions and such sureties, as the case may require.

Assessors and assistant assessors.

Laying out and discontinuance of streets, etc.

SECTION 25. The city council shall have the power to lay out, make and continue or discontinue all city or town ways or streets within the limits of the city; and widen

and straighten county ways, within the city, in such manner as the public convenience may require, and cause any street or streets, public places or squares in the city to be graded, paved, macadamized or repaired; and any person aggrieved by the award of damages made by the city council, may, at any time within one year thereafter apply for a jury to revise the same, as is provided by law in case of town ways.

SECTION 26. The city council is hereby authorized to appropriate, set off and reserve as sidewalks, such parts of any streets of the city as may be necessary for the safety, convenience and accommodation of foot passengers, and permit or direct posts of stone, iron or wood, or trees, if necessary, to be placed along the edge of said sidewalks to protect the same, or the passengers travelling thereon, and to establish and grade sidewalks and set curbstones in such streets in said city as the public convenience may require, and construct the same with such material as the city council shall deem expedient; and shall assess the expense of the same upon the owners thereof. All assessments so made shall be a lien upon the abutting lands in the same manner as taxes are a lien on real estate, and may be collected in the same manner as taxes on real estate are now collected. Sidewalks, when constructed, shall be the property of the city, and thereafter shall be maintained and kept in repair by the city. The city council may, from time to time, reestablish, grade, reconstruct and repair such sidewalks and curbstones, and any sidewalks and curbstones heretofore established in said city, and may, by ordinance, provide that abutting owners or tenants shall keep sidewalks in front of their premises free from snow and ice, under suitable penalties, not exceeding twenty dollars for each offence.

Sidewalks—  
assessment of  
expense thereof.

Assessment to  
be a lien upon  
abutting lands.

SECTION 27. The board of aldermen shall have the power, whenever they shall adjudge it to be necessary for the public convenience or the public health, to cause main drains or common sewers to be laid through any street or private lands, and may repair the same whenever necessary, and shall pay the owners of such lands such damages as they may sustain by the laying or repairing of said main drains or common sewers; and all such main drains or common sewers shall be the property of the city. When any lands or real estate shall be taken by virtue of

Main drains  
and common  
sewers.

this act, the proceedings shall be the same, in all respects, as in the laying out of highways or streets.

Regulations for use of hackney coaches, job wagons, etc.

SECTION 28. The city council may make and establish necessary ordinances or by-laws for the purpose of preventing any person, without first obtaining a license from the board of aldermen, from setting up, employing, or using any hackney coach, job wagon or other carriage for the conveyance of passengers or freight, from place to place, in the city, for hire, and for the purpose of establishing and limiting the rates and prices for such conveyance, of passengers; and also for the inspection, survey, measurement and sale of lumber of every description, brick, wood, coal and bark for fuel, brought into the city for sale, and for the regulation of carriages in the streets of the city, appoint certain suitable places in the streets and squares of the city, as public stands for wagons, carts, sleds and carriages of every description, and ordain fit penalties, not exceeding twenty dollars, for the breach of any of the ordinances, rules and regulations so made and established, to be recovered upon complaint of any officer or other inhabitant of the city before the police court therein, for the use of the city.

Inspection for survey of lumber, etc.

Public parks.

The city council shall also have the care and superintendence of the public buildings, and the care, custody and management of all the property of the city, with power to lease or sell the same, and to purchase property in the name and for the use of the city, whenever its interests or convenience may require. The city council are hereby authorized to purchase land, to be laid out as public squares, malls, parks or commons, and to properly lay out, enclose, maintain, keep, and ornament the same, or any now owned by the city.

Overseers of poor to consist of mayor and six persons elected by concurrent vote.

SECTION 29. The overseers of the poor shall consist of the mayor and six other persons, who shall be elected by concurrent vote of the city council, and shall be sworn to the faithful discharge of their duties. In January, in the year eighteen hundred and seventy-six, three of said persons shall be elected to serve for one year, and three to serve for two years, and thereafter, in January of each year, three of said persons shall be elected to serve for two years. In case of a vacancy in the board of overseers of the poor, from any cause, the city council shall fill such vacancy by electing a person to serve for the remainder of the term; and all overseers of the poor shall serve until

their successors are chosen and qualified. The overseers of the poor may appoint a secretary, and define his duties; but the compensation of such secretary shall be fixed by the city council. Said overseers shall have all the powers heretofore conferred upon the overseers of the poor of the city of Lowell, by any special act, and all the powers of overseers of the poor in towns, but shall receive no compensation for their services except by vote of the city council.

May appoint a secretary.

SECTION 30. The persons heretofore elected as members of the school committee, may continue in office according to the tenure thereof. At each annual election for municipal officers, hereafter, the qualified voters of each ward shall elect one person being an inhabitant of said ward, to serve as a member of the school committee for the term of two municipal years from the first Monday of January next following such election. The school committee shall be the final judges of the qualifications and election of their own members.

School committee.

If the number of wards shall at any time be increased, each additional ward shall at the next annual election for municipal officers thereafter, elect one person to serve as a member of the school committee for the term of one municipal year, and one person to serve for the term of two municipal years, from the first Monday of January next following such election; and thereafter all elections therein shall be for the term of two municipal years, from the first Monday of January next following such elections. The mayor and president of the common council, *ex officio*, together with the persons elected as aforesaid, shall constitute the school committee of Lowell, and shall have all the powers vested in school committees by the general laws of the Commonwealth, or any special law for the city of Lowell. A majority of the persons duly elected shall constitute a quorum for the transaction of business; and the mayor may preside at all meetings of the school committee.

Mayor and president of council to be members, *ex officio*.

Whenever any person elected a member of the school committee shall die, remove from the city, or refuse in writing addressed to the mayor and aldermen for the time being to accept the office, before entering upon the duties thereof, the mayor and aldermen may make a record of the fact, and thereupon issue their warrant for an election to fill such vacancy, to be held at such time as they shall deem advisable.

Vacancies.

It shall be the duty of the school committee to exercise the same supervision and control over any institution of instruction and house of reformation established by the city council, as they are by law required to exercise over the public schools, as far as practicable.

Fire department.

SECTION 31. The city council may establish a fire department, to consist of a chief engineer and as many assistant engineers, enginemen, hosemen, hook and ladder men, and hydrant men, to be divided into companies, as the city council, by ordinance, shall, from time to time, prescribe; and said city council may make provisions in regard to the time and mode of appointment, and the occasion and mode of removals of said officers or members, and define their office and duties, and in general may make such regulations concerning their pay, conduct and government, and concerning the management and conduct of fires and persons attending fires, subject to all penalties provided for breach of city ordinances, as they shall deem expedient: *provided*, that the appointment of chief engineer, assistant engineers, enginemen, hosemen, hook and ladder men, and hydrant men, shall be made by the mayor and aldermen, exclusively. The engineers and other officers of the fire department, so appointed, shall have the same authority in regard to the prevention and extinguishment of fires and the performance of the other offices and duties now incumbent upon fire-wards, as are now conferred upon fire-wards by general laws, and the compensation of the fire department shall be fixed by the city council.

Chief engineer, etc., to be appointed by mayor and aldermen.

Lists of voters to be made out by aldermen, and delivered to ward officers.

SECTION 32. Prior to every election, the board of aldermen shall make out lists of all the citizens of each ward qualified to vote in such election, in the manner in which mayor and aldermen are required to make out similar lists of voters; and for that purpose they shall have free access to the assessors' books and lists, and be entitled to the aid and assistance of all assessors, assistant assessors, and other officers of the city. And the board of aldermen shall deliver such lists of voters in each ward, to be used by the warden and inspectors thereof, at such elections; and no person shall be entitled to vote at such election, whose name is not borne on the list; and to prevent all frauds and mistakes in such election, the officers presiding thereat shall take care that no person shall vote at such election whose name is not borne on the



list of voters, and shall cause a mark to be placed against the name of each voter on such list, at the time of giving his vote.

SECTION 33. All elections for national, state, county, district and other officers who are to be chosen and voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively. And at such meetings, all the votes given in, being sorted, counted and declared by the warden and inspectors of elections, shall be recorded at large in open ward meeting by the clerk, and in making such declaration and record the name of every person voted for, and the number of votes given for each person and the office for which he has received votes, shall be recorded; such numbers to be expressed in words at length. And a transcript of such record, certified and authenticated by the warden, clerk and a majority of inspectors of elections for each ward, shall forthwith be transmitted or delivered by such ward clerk to the city clerk, who shall enter such returns, or a plain and intelligible abstract of them, as they are successively received upon the journal of the proceedings of the board of aldermen, or some other book to be kept for that purpose. And the mayor and aldermen shall meet together within three days after every such election, and examine and compare all such returns, and thereupon make out a certificate of the result of such election, to be signed by a majority of the board of aldermen, and also by the city clerk, which shall be transmitted, delivered and returned, as by law required.

Election of national, state, district and county officers.

Mayor and aldermen to examine returns.

SECTION 34. General meetings of the citizens qualified to vote in city affairs, may, from time to time, be held to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress of grievances according to the rights secured to the people by the constitution of this Commonwealth; and such meetings shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters of the city.

General meetings of citizens.

SECTION 35. In all cases where any officer is required to be sworn by this act, the oath required of him may be administered by the mayor, the chairman of the board of aldermen, the president of the common council, the city clerk or any officer authorized to administer oaths.

Administration of oath.

Repeal.

SECTION 36. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any right accruing, or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, and that no offence committed, and no penalty or forfeiture incurred under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal for any offence committed, or for the recovery of any penalty or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and, *provided, also*, that all persons who, at the time when the said repeal shall take effect, shall hold any office under the said acts, shall continue to hold the same according to the tenure thereof; and, *provided, also*, that all the ordinances and by-laws of the city of Lowell, which shall be in force at the time when the said repeal shall take effect, shall continue in force until the same are repealed by the city council, and all officers elected under such ordinances and by-laws shall continue in force according to the tenure thereof.

No acts or parts of acts revived.

SECTION 37. No act or part of an act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in the preceding section, and nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same whenever they shall deem it expedient.

Subject to acceptance by a majority vote.

SECTION 38. This act shall be void unless a majority of the voters of the city of Lowell, present and voting thereon, at a legal meeting called for that purpose, by a written vote, determine to adopt the same. The qualified voters of the city shall be called upon to give in their votes upon the adoption of this act at meetings in the various wards, duly warned by the mayor and aldermen, to be held not less than sixty days after the passage of this act; and thereupon the same proceedings shall be had respecting the sorting, counting, declaring, recording and returns of said votes as is herein provided at the election of mayor; and the mayor and aldermen shall, within three days after said meeting, meet together and compare the returns of the ward officers; and if it appears that the citizens voting thereon have voted to adopt this act as aforesaid, the mayor

shall immediately make proclamation of the fact, and thereupon this act shall take effect and be in full force.

*Approved May 1, 1875.*

AN ACT TO ENCOURAGE THE PLANTING OF SHADE-TREES, LAYING OUT, ORNAMENTS AND MAINTAINING PARKS, CEMETERIES AND CEMETERY LOTS, AND ERECTING AND MAINTAINING DRINKING-FOUNTAINS.

*Chap. 174*

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

SECTION 1. Any savings bank in this Commonwealth is hereby authorized to receive funds, in trust, on deposit, to an unlimited amount for any one or all of the hereinafter named purposes : said funds shall be placed upon interest in said bank, and the interest and dividends arising therefrom shall be paid semi-annually to such town, city or cemetery authorities as may be designated by the donors of said funds or the will of the person bequeathing the same ; said interest and dividends to be expended by such town, city or cemetery authorities, within the precincts of such town, city or cemetery, in setting out shade-trees in streets and parks, and in improving the same ; in purchasing land for parks and improving the same ; in maintaining cemeteries or cemetery lots, and in erecting and maintaining drinking-fountains in public places for any one or all of the before named purposes as may be specified by the donors of said funds or the will of the person bequeathing the same. No part of the principal of said funds shall be withdrawn or expended, and it shall be exempt from attachment or levy on execution.

Savings banks may receive deposits for benefit of parks, cemeteries, etc.

Principal not to be expended.

SECTION 2. The funds held in accordance with this act shall be known as the "Shade-tree and Cemetery Fund," and the treasurer of any savings bank in which said funds are deposited, shall give a certificate of gift to each donor of such funds, and shall send by mail or deliver in the month of January, every third year after the first deposit, to the mayor of any city, or the chairman of the selectmen of any town, within the limits of which the interests and dividends of said funds are to be expended, a written statement, signed by such treasurer, of the amount of funds on deposit, for the purposes aforesaid, and said statement shall be recorded in full in the office of the clerk for said city or town.

Funds to be known as Shade-tree and Cemetery Fund.

SECTION 3. In case any savings bank holding such funds shall surrender its charter or cease to do business, the supreme judicial court is hereby authorized to order said funds transferred and deposited in some other savings

If bank ceases to do business, funds to be deposited in another savings bank.

bank upon the same trusts as aforesaid; and if the laws authorizing such banks shall be repealed, said court is hereby authorized to order said funds transferred and deposited in such banking institution as said court may deem proper and for the best interest of said funds, to be by it held upon the trusts aforesaid.

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

*Approved May 1, 1875.*

*Chap. 175*

AN ACT RELATING TO SUNDERLAND BRIDGE.

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

Sunderland  
Bridge laid out  
as a highway.

SECTION 1. The bridge over the Connecticut River between the towns of Sunderland and Deerfield, including the piers and abutments thereof, is hereby laid out and shall become a public highway upon the acceptance of the award of the commissioners hereinafter named by the supreme judicial court and entry of judgment thereon.

Commissioners  
to be appointed  
by S. J. C.

SECTION 2. The supreme judicial court sitting in any county, or any justice thereof, after such notice as they may order, upon the application of the selectmen of the towns of Sunderland and Deerfield, or of any twenty legal voters of said towns of Sunderland and Deerfield, shall appoint a board of three commissioners, and said commissioners, having first been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all parties interested and a hearing thereon, determine and award the amount to be paid the proprietors of Sunderland Bridge as damages for laying out of said bridge, piers and abutments and way as a public highway, and for the land, toll-house and all the appurtenances thereof lying east of said bridge, belonging to the said proprietors. Said commissioners shall also determine and decree what towns in the counties of Franklin and Hampshire are or will be specially benefited by the provisions of the first section of this act, and shall determine and decree what proportions of the damages aforesaid shall be paid by the said towns and by the county of Franklin respectively.

To award dam-  
ages to prop-  
rietors of bridge.

Expenses of  
maintenance  
and repairs.

Said commissioners shall also determine in what proportions and manner the said county of Franklin and the towns benefited as aforesaid shall defray the expenses of the maintenance and repairs of said bridge, abutments, piers and way, and all expenses properly incurred under the provisions of this act; and their determination and award, or that of a major part of them, shall be made in writing

and reported to the supreme judicial court for the county of Franklin, and also to the said proprietors and to each of said towns and to the county commissioners of Franklin County, and the same shall be binding upon all parties interested therein, except that the said proprietors, or the county commissioners of said county of Franklin in behalf of said county or any or all of said towns affected by said award may appeal to a jury. And any party so appealing, who shall not obtain by verdict of said jury an award more favorable than by award of said commissioners, shall forfeit and pay all costs of hearing and trying such appeal. If neither party shall so appeal within sixty days after receiving the award of said commissioners as aforesaid, then the same shall be absolutely binding upon all the parties interested therein. When the same shall have been accepted and judgment entered thereon by the supreme judicial court, the just fees and expenses of said commission shall be paid by such of the parties interested as the commissioners shall decree.

Right of appeal to a jury.

SECTION 3. If the proprietors shall appeal to a jury from the award of said commissioners as aforesaid, the same proceedings shall be had and the same liabilities in regard to costs incurred as is provided by law in the case of laying out highways by the county commissioners. The application for such jury shall be made to and acted upon by the county commissioners of Franklin County, and the said jury may award to said proprietors a different sum as damages. The award of said jury shall be reported to the supreme judicial court for the county of Franklin, and when accepted, final judgment shall be entered upon the award of the commissioners aforesaid, as modified by the award of said jury. All damages awarded and costs incurred under this section shall be paid by the same parties and in the same proportions as is provided in relation to the payment of damages in section second, when the damages awarded by the jury shall exceed those awarded by the commissioners. And if the said county commissioners shall appeal from the award of said commissioners, it shall be to the supreme judicial court.

If appeal is taken by proprietors, proceedings to be as in case of laying out highways.

Appeal by county commissioners.

SECTION 4. Upon the said bridge, piers, abutments and way becoming a highway as aforesaid, the selectmen of the towns of Sunderland and Deerfield shall have the care and superintendence of the same, and cause them to be kept in good repair and safe and convenient for travel.

Selectmen of Sunderland and Deerfield to keep bridge in repair.

The costs of the repairs, care and superintendence of said bridge, its abutments and piers, shall be borne by such parties as the board of commissioners shall determine under authority herein before granted.

Land, etc., to be vested in towns, in fee simple.

SECTION 5. Upon the bridge becoming a public highway as herein provided, the fee simple in the toll-house, land and appurtenances thereof belonging to the aforesaid proprietors, shall be vested in the towns of Sunderland and Deerfield, the income of which shall be used in repairs and superintendence of said bridge.

*Approved May 1, 1875.*

*Chap. 176*

AN ACT CONCERNING THE TREASURER OF THE CITY OF BOSTON, AND TO ESTABLISH THE OFFICE OF COLLECTOR OF TAXES FOR SAID CITY.

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

City treasurer to be elected by concurrent vote.

SECTION 1. The treasurer of the city of Boston shall hereafter be elected annually in the month of May or June by concurrent vote of both branches of the city council. He shall continue to exercise all the powers now by law belonging to his office, except those hereinafter given to the collector of the city of Boston : and he may be removed by the mayor with the approval of the city council.

Removal.

Collector of taxes to be elected by concurrent vote, in May or June.

SECTION 2. There shall be elected annually in the month of May or June, by concurrent vote of both branches of the city council a suitable person to be collector of the city of Boston, who shall hold his office until his successor is chosen and qualified. Said collector shall have the powers now possessed by the treasurer of said city as collector of taxes, and shall also collect and receive all assessments, betterments, rates, dues, and money payable on any account to the city of Boston or the county of Suffolk, and shall have all the powers with respect to such collections now possessed by the treasurer of said city, and shall pay over any and all money received by him to said treasurer, within twenty-four hours after receiving the same, taking said treasurer's receipt therefor in duplicate ; and shall file with the auditor of accounts of said city the duplicate copy of the same. He shall give bond with such sureties and in such sum, and shall receive such compensation as the city council shall determine ; and he may be removed by the mayor with the approval of the city council.

Removal.

Fees and commissions on collection of taxes, etc., to be paid into city treasury.

SECTION 3. All fees, charges and commissions of every kind and description allowed by law for the collection of taxes, betterments, rates and assessments of every kind, to any person or persons authorized to collect the same

within the city of Boston, shall after the first day of September, eighteen hundred and seventy-five, be collected and paid by such persons into the treasury of the city of Boston, and shall become the property of said city. The said city is hereby authorized to pay to such persons such compensation for their services as the city council shall from time to time determine.

SECTION 4. This act shall take effect upon its acceptance by the city council of the city of Boston.

To take effect when accepted.

*Approved May 3, 1875.*

AN ACT CONCERNING MANUFACTURING AND OTHER CORPORATIONS. *Chap. 177*  
*Be it enacted, &c., as follows :*

SECTION 1. The first division of section thirty-nine of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy is hereby amended to read as follows :

Amendment to 1870, 224, § 39.

First. For such as may be contracted before the original capital is fully paid in ; but stockholders, the par value of whose shares has been paid in, but those stockholders only who have not paid in in full the par value of their shares, and those who have purchased such shares with knowledge of the fact, shall be liable for such debts.

SECTION 2. Conveyance of property, real or personal, at a fair valuation, to the corporation, shall be deemed a sufficient paying in of the capital stock, to the extent of such value : *provided*, that a statement, made, signed and sworn to by the president, treasurer and a majority of the directors of the corporation, giving a description of such property, and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with the certificate of said commissioner, that he is satisfied that said valuation is fair and reasonable, shall be filed with the secretary of the Commonwealth : and *provided, further*, that if said property be not so conveyed and taken at a fair valuation, the officers of the corporation signing such statement shall be jointly and severally liable for its debts and contracts.

Conveyance of property to be deemed paying in capital stock to extent of its value.  
 Provisos.

Such statement, when made, shall, in case of corporations hereafter organized, be included in and form part of the certificate of payment of capital required by the thirty-second section of said chapter, and the certificate in such case, instead of stating that said capital is paid in cash, shall be framed in conformity with the facts of said payment.

Provisions of 1871, 110, §§ 1, 2, extended to mining corporations.

SECTION 3. The provisions of sections one and two of chapter one hundred and ten of the acts of the year eighteen hundred and seventy-one, fixing the limit of authorized capital of certain classes of corporations at one million of dollars, are hereby extended so as to include corporations organized or chartered for the purpose of mining.

May alter business by vote of all its stockholders.

SECTION 4. Any corporation organized under the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, or of chapter one hundred and sixty-five of the acts of the year eighteen hundred and seventy-four, or of the preceding section of this act, may, upon the vote of all its stockholders at any meeting duly called for the purpose, alter, add to or change the business for the transaction of which it was incorporated: *provided*, that no business shall be engaged in which is not authorized by the provisions of the said chapters, and section: and *provided, also*, that a certificate setting forth such alteration, addition or change, signed and sworn to by the president, treasurer and a majority of the directors, shall be filed in the office of the secretary of the Commonwealth, to whom shall be paid a like fee to that prescribed by the schedule contained in section fifty-nine of chapter two hundred and twenty-four of the acts of eighteen hundred and seventy.

Provisos.

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

*Approved May 3, 1875.*

*Chap. 178* AN ACT TO PROVIDE FOR THE SUPERVISION OF THE CONSTRUCTION AND MAINTENANCE OF RESERVOIRS AND DAMS.

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

Plans and specifications of dams, etc., to be filed with county commissioners.

SECTION 1. Hereafter no reservoir or reservoir-dam, or mill-dam, shall be constructed, nor any material change made in those now existing or hereafter constructed, until plans and specifications of the same shall have been filed with and approved by the county commissioners, in the county where such work is to be constructed; said commissioners shall retain and record the same; and they shall inspect the work during its progress, and if at any time it appears that the plans and specifications are not faithfully adhered to, they shall have authority to appoint an inspector, at the expense of the owners, to be constantly engaged in its supervision; and upon a refusal of the owners, or their agents, to adhere to said plans and specifications, said inspector shall have power to

Commissioners to inspect work.

May appoint an inspector if plans are not adhered to.



order its discontinuance: *provided however*, that nothing herein contained shall apply to small dams constructed for irrigation or other purposes, the breaking of which would involve no risk to life or property.

SECTION 2. The county commissioners, on application made to them in writing by any person owning property liable to destruction or damage, by the breaking of any reservoir, reservoir-dam or mill-dam, or upon such application by the mayor and aldermen of any city, or selectmen of any town, on account of liability of loss of life, or damage to any road or bridges therein from the same cause, shall, after notice to the owners of such reservoirs or dams, or their agents, of the time and place appointed therefor, view and thoroughly examine the same, with the assistance of a competent engineer.

County commissioners to examine dams upon application of person liable to damage.

SECTION 3. If, upon such examination, in the judgment of the commissioners, the structure is not sufficiently strong, and substantial to resist the action of the water under any circumstances which may reasonably be expected to occur, they, with the advice of an engineer, shall determine and direct what alterations or repairs are required to make it permanent and secure, and shall give written directions to the owners thereof to make such alterations or repairs within a reasonable time, and the results of such examination, and orders thereon, shall be duly recorded by said commissioners.

If structure is not secure, repairs, etc., may be ordered.

SECTION 4. If the owner of a reservoir or dam thus examined and adjudged to be unsafe, refuses or neglects to make such alterations or repairs as the commissioners order, they shall cause such reservoir or dam, or such parts thereof as they may deem necessary for the safety of life or property, roads or bridges, on the stream below, to be removed, or the water drawn off; and after such removal no structure shall be erected except in compliance with the requirements contained in the preceding sections; and if the water has been drawn off, the reservoir shall not be filled again until the orders of the commissioners have been complied with.

If owner neglects to comply with order, water may be drawn off.

SECTION 5. The commissioners shall make such orders, as to the costs of all proceedings under the three preceding sections, as they may deem just: *provided*, that in all cases where the reservoir or dam is adjudged unsafe, said costs shall be paid by the owner.

Costs of proceedings.

Proviso.

Orders of commissioners not to affect liability of owners.

SECTION 6. No order, approval, request or advice of the county commissioners shall have the effect to impair in any manner or degree the legal duties and obligations of the owners of reservoirs, reservoir-dams or mill-dams, or their liability for the consequences of their illegal acts, or of the neglect or mismanagement of any of their agents or servants.

Equity jurisdiction of S. J. C.

SECTION 7. The supreme judicial court shall have jurisdiction in equity, and may make all judgments and decrees necessary to carry into effect the provisions of the preceding sections.

Repeal of G. S. 149, §§ 48-52.

SECTION 8. Sections forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two, of chapter one hundred and forty-nine of the General Statutes are hereby repealed.

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

*Approved May 3, 1875.*

*Chap. 179* AN ACT CONCERNING SUITS IN WHICH THE COMMONWEALTH IS A PARTY.

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

Judgments in favor of Commonwealth may be enforced as provided in 182, 162.

SECTION 1. Judgments in favor of the Commonwealth, whether against male or female defendants, may, when the attorney-general or the district-attorney for the district in which such judgments are recovered so orders, in writing, upon the execution, be enforced according to the provisions of chapter one hundred and sixty-two of the acts of the year one thousand eight hundred and sixty-two.

Application may be made to court of insolvency or court where judgment was rendered.

SECTION 2. In all judgments in favor of the Commonwealth, the application referred to in the second section of said act may be made either to the court of insolvency, or to the court in which said judgment was rendered, which court shall have the same jurisdiction as is given in said act to the court of insolvency, with the right to designate a master in chancery or commissioner of insolvency, to take and report the examination of the judgment debtor and the testimony, at the rate of compensation allowed by said act to the judge of insolvency.

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

*Approved May 3, 1875.*

*Chap. 180* AN ACT TO PROHIBIT SEINING OF FISH IN THE PONDS ON THE ISLAND OF NANTUCKET.

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

Fish not to be taken by seine or net.

SECTION 1. No person shall set, draw or use any seine or net for taking fish in the great ponds on the island of Nantucket.

SECTION 2. Any person violating this act shall, on conviction, pay a fine of not less than twenty-five nor more than fifty dollars with forfeiture of boats, nets and apparatus thus used, to be recovered before any court of competent jurisdiction, for the use of the town of Nantucket.

Penalties and forfeitures.

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

*Approved May 3, 1875.*

AN ACT TO AMEND AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO BORROW MONEY TO PAY FOR THE CONSTRUCTION OF SEWERS AND FOR THE ESTABLISHMENT OF A SINKING FUND.

*Chap. 181*

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

SECTION 1. The sixth section of the one hundred thirty-fourth chapter of the acts of the current year is hereby amended by inserting the words "present and voting" after the word "Brookline."

Amendment to 1875, 134, § 6.

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

*Approved May 3, 1875.*

AN ACT TO FIX THE SALARY OF THE CLERK OF THE MUNICIPAL COURT OF THE SOUTH BOSTON DISTRICT.

*Chap. 182*

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

SECTION 1. The annual salary of the clerk of the municipal court of the South Boston district shall be fifteen hundred dollars, payable from the first day of April, eighteen hundred seventy-five.

Salary established.

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

*Approved May 3, 1875.*

AN ACT TO AMEND AN ACT TO INCORPORATE THE NEW BEDFORD RAILROAD COMPANY.

*Chap. 183*

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

SECTION 1. The time within which the New Bedford Railroad Company may avail itself of the rights and privileges conferred by the fourth section of chapter twenty of the acts of the year eighteen hundred and seventy-three is hereby revived and extended to the first day of April, eighteen hundred and seventy-seven.

Time extended for construction of second track from New Bedford to Taunton, and to extend track to deep water.

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

*Approved May 3, 1875.*

AN ACT TO ANNEX A PART OF THE CITY OF BOSTON TO THE CITY OF NEWTON.

*Chap. 184*

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

SECTION 1. That part of the city of Boston in the county of Suffolk, contained within the lines described as

Part of Boston annexed to Newton.

follows: beginning at a stone bound near the south bank of Charles River on the premises of William Parsons, at the present dividing line between Boston and Newton; thence running south eleven degrees twenty-nine minutes seven seconds west (magnetic meridian), over the old dividing line between Boston and Newton, across Nonantum Street, and the Boston and Albany Railroad, to a stone bound in a lane; thence south eleven degrees fifty-nine minutes nineteen seconds west, four hundred thirty-eight and ninety-five hundredths feet over said old dividing line, crossing said lane, and across Washington Street to a stone bound on the southerly side of said Washington Street; thence south nineteen degrees thirty-five minutes seven seconds east, nine hundred seventy-two and forty-three hundredths feet over said old dividing line, across Waverly Avenue, to a stone bound on the northerly side of Tremont Street; thence south eighteen degrees forty-seven minutes seven seconds east, twelve hundred three and sixty-six hundredths feet over said old dividing line across said Tremont Street, to a stone bound on the northerly side of Brighton Street; thence north twenty-three degrees fifty-three minutes forty-four seconds east, eleven hundred seventy-one and twenty-three hundredths feet over the new dividing line across Washington Street, to a stone bound on the northerly side of said Washington Street; thence north forty-seven degrees three minutes fifty-three seconds east, twenty-four hundred eighty-eight and eighty-six hundredths feet over the new dividing line, across the Boston and Albany Railroad to a stone bound near the south bank of Charles River; thence by the same course as the last line, and continuing the same to the thread of Charles River; thence by the thread of Charles River, westerly, up the river to a point in the thread of said river at the junction of the boundary lines of Watertown, Newton and Boston; thence southerly to the stone bound begun at, with all the inhabitants on the lands above described, is hereby set off and separated from said city of Boston, and annexed to and made part of the city of Newton in the county of Middlesex, and shall hereafter be a part of the county of Middlesex; and the same land and the inhabitants thereon shall be deemed and considered as annexed to and constituting a part of said city of Newton, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects

Land, etc.,  
annexed to  
Newton to be a  
part of county  
of Middlesex.

as the said city of Newton: *provided, however*, that the said tract of land and the inhabitants thereon, set off as aforesaid, shall be liable to pay all such taxes as are already assessed on them by said city of Boston, or by the town of Brighton, in the same manner as they would have been liable if this act had not been passed.

Proviso.

SECTION 2. The stone bounds mentioned in section one upon the new boundary line between Boston and Newton, shall be erected by the city of Newton.

Stone bounds to be erected by Newton.

SECTION 3. If any persons who have heretofore gained a legal settlement in the town of Brighton or in the city of Boston, by reason of residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall come to want and stand in need of relief and support, they shall be relieved and supported by the city of Newton, in the same manner as if they had gained a legal settlement in said Newton.

Persons having legal settlement in territory set off, to be supported by Newton.

SECTION 4. That part of said Boston annexed to the city of Newton by this act, for the purpose of electing a senator to the general court, to which the town of Brighton as part of the third Middlesex senatorial district is entitled, until constitutionally and legally changed, shall be and remain a part of the said town of Brighton; and until changed as aforesaid, the mayor and aldermen of the city of Newton shall annually, fourteen days at least before the second Tuesday of November, furnish to the mayor and aldermen of Boston correct lists of all persons resident on the said territory annexed, who shall be entitled to vote at said election in the said town of Brighton, or in such ward of the city of Boston as said territory would have been part in, but for this act, so far as may be ascertained by the records and doings of the city of Newton or any of its officers.

Senatorial district.

SECTION 5. The several courts within the county of Middlesex, and justices of the peace, after this act takes effect, shall have the same jurisdiction over all causes and proceedings in civil causes and over all matters in probate and insolvency which shall have accrued within said territory hereby annexed, that said courts now have over like proceedings, causes and actions within the county of Middlesex: *provided*, that the several courts within the county of Suffolk shall have and retain jurisdiction of all causes, proceedings and matters that shall have been

Jurisdiction of courts and of justices of the peace.

Proviso.

rightfully commenced in said courts prior to the time when this act takes effect; and the supreme judicial and superior courts within the county of Middlesex, after this act takes effect, shall have the same jurisdiction of all crimes, offences and misdemeanors that shall have been committed within the said territory, that the supreme judicial and superior courts within the county of Suffolk now have; but if before this act takes effect, proceedings shall have been commenced in any of the courts within the county of Suffolk for the prosecution of said crimes, offences and misdemeanors, the said courts within the county of Suffolk shall have and retain jurisdiction of the same for the full, complete and final disposition thereof. All suits, actions, proceedings, complaints, indictments and prosecutions and all matters of probate and insolvency which shall be pending within said territory before any court or justice of the peace when this act takes effect, shall be heard and determined as though this act had not passed.

All interest in public property of Suffolk to be acquitted to Suffolk.

SECTION 6. All the interest which said territory now has in the public property of the county of Suffolk is released and acquitted to the county of Suffolk. Nothing contained in this act shall impair the obligation of contracts; and the property and inhabitants of said territory shall continue liable to the existing creditors of the county of Suffolk in like manner as if this act had not been passed: *provided*, that if any person by reason of his being an inhabitant of or owning property in said territory shall be compelled to pay any part of an existing debt or obligation of the county of Suffolk, the amount of such payment shall constitute a debt to him from said county, as hereafter to be constituted, exclusive of said territory, and may be recovered in like manner as other debts against the county of Suffolk.

Debts of county of Suffolk and city of Boston.

Such portions of the debts and obligations of the county of Suffolk and city of Boston, existing when this act takes effect, over and above the value of all the property belonging to said county as should proportionally and equitably be paid by the inhabitants and property owners of said territory by this act annexed to the city of Newton, shall be paid by said city to said county of Suffolk and city of Boston, and the supreme judicial court shall have jurisdiction in equity to determine the amount, if any, and enforce the payment of the same upon a suit in equity, in the name of said county and city, to be brought therefor within six

months after this act goes into effect, by the mayor and aldermen of the city of Boston, if they deem such suit for the interest of the said county and city; but no such suit shall be instituted after six months.

SECTION 7. The territory hereby annexed to the city of Newton shall be attached to and made part of ward one in the city of Newton, and shall so remain until the alteration of the ward limits by the city of Newton as provided by law.

Territory annexed to be part of ward one, in Newton.

SECTION 8. The city of Newton shall have the power and authority to alter, straighten, widen, repair and grade all county and city ways within said territory in the same way that it is now authorized to alter, straighten, widen, repair and grade city ways and streets.

County and city ways.

SECTION 9. This act shall not take effect unless accepted by the city of Newton within two months from its passage.

Subject to acceptance by city of Newton.

SECTION 10. The city clerk of Newton shall certify to the secretary of the Commonwealth the acceptance by the city council of Newton, immediately after the same has been accepted.

City clerk to certify acceptance to secretary of the Commonwealth.

SECTION 11. So much of this act as authorizes the city council of Newton to accept the same shall take effect upon its passage, and if accepted as herein provided it shall take effect on the first day of July, in the year eighteen hundred and seventy-five.

When to take effect.

*Approved May 5, 1875.*

AN ACT FOR THE LAYING OUT OF PUBLIC PARKS IN OR NEAR THE CITY OF BOSTON. *Chap. 185*

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

SECTION 1. The mayor of the city of Boston, with the approval of the city council, shall as soon as may be after this act shall take effect, appoint three competent commissioners, who shall hold their offices until the expiration of terms of two, three and four years, respectively, from the first day of May, in the year eighteen hundred and seventy-five. The mayor shall, with like approval, before the first day of May in each year after the year eighteen hundred and seventy-six, appoint a commissioner to continue in office for the term of three years from said day. No person shall be a commissioner who is at the same time a member of the city council of said city; and any commissioner may at any time be removed by a concurrent vote of two-thirds of the whole of each branch of said council.

Three commissioners to be appointed by the mayor of Boston.

Board of park commissioners.  
Vacancies.

SECTION 2. Said commissioners shall constitute a board of park commissioners, and any vacancy occurring in said board shall be filled, for the residue of the term of the commissioner whose place is to be filled, in the same manner in which such commissioner was originally appointed. Said commissioners shall receive such compensation as the city council shall determine.

Compensation.

May locate, etc., one or more parks in the city.

SECTION 3. Said board shall have power to locate within the limits of the city of Boston, one or more public parks; and for that purpose, from time to time, to take in fee, by purchase or otherwise, any and all such lands as said board may deem desirable therefor; or to take bonds for the conveyance thereof to said city, to lay out, improve, govern and regulate any such park or parks, and the use thereof; to make rules for the use and government thereof, and for breaches of such rules to affix penalties not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; to appoint all necessary engineers, surveyors, clerks and other officers, including a police force to act in such parks; to define the powers and duties of such officers, and fix the amount of their compensation; and generally to do all needful acts for the proper execution of the powers and duties granted to, or imposed upon said city, or said board, by this act: *provided, however,* that no land shall be taken, or other thing involving an expenditure of money done, until an appropriation, sufficient to cover the estimated expense thereof, shall have been made by a vote of two-thirds of each branch of the city council of said city.

To make rules for government of parks.

To appoint engineers and police force.

No land to be taken until sufficient appropriation is made.

To file in registry of deeds a description of the land taken.

SECTION 4. Said board shall, within sixty days after the taking of any land under this act, file in the registry of deeds for the county in which the land is situated a description thereof, sufficiently accurate for identifying the same.

To estimate and determine all damages.

SECTION 5. Said board shall estimate and determine all damages sustained by any persons by the taking of land or other acts of said board in the execution of the powers vested in them by this act; but any party aggrieved by any such determination of said board, may have his damages assessed by a jury of the superior court, in the same manner as is provided by law, with respect to damages sustained by reason of the laying out of ways in the city of Boston.



SECTION 6. The fee of all lands taken or purchased by said board under this act shall vest in the city of Boston, and said city shall be liable to pay all damages assessed or determined, as provided in the preceding section, and all other costs and expenses incurred by said board in the execution of the powers vested in them by this act. Said city shall also be authorized to take and hold in trust or otherwise any devise, grant, gift or bequest that may be made for the purpose of laying out, improving or ornamenting any parks in said city.

Fee of lands taken to vest in the city.

SECTION 7. Any real estate in the city of Boston, which in the opinion of said board shall receive any benefit and advantage from the locating and laying out of a park under the provisions of this act, beyond the general advantages to all real estate in the city of Boston, may, after like notice to all parties interested as is provided by law, to be given by the street commissioners of the city of Boston in cases of laying out streets in said city, be assessed by said board for a proportional share of the expense of such location and laying out: *provided*, that the entire amount so assessed upon any estate shall not exceed one-half of the amount which said board shall adjudge to be the whole benefit received by it.

Real estate may be assessed for betterments.

SECTION 8. No assessment shall be made as provided in the preceding section except within two years after the passage of the order, the execution of which causes the benefit for which the assessment is made.

Assessments to be made within two years.

SECTION 9. All assessments made under this act shall constitute a lien upon the real estate so assessed, to be enforced and collected by the city of Boston, in the same manner and with like charges for costs and interest as is provided by law for the collection of taxes; and such assessments may be apportioned by said board in like manner as assessments for benefits caused by the laying out of ways may now be apportioned by the street commissioners of said city.

To constitute a lien upon real estate.

SECTION 10. Any party aggrieved by any assessment made by said board as aforesaid, may have the amount of the benefit received by his estate assessed by a jury of the superior court in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways in the city of Boston.

Party aggrieved may have assessment by a jury.

SECTION 11. When an assessment is made under this act upon an estate, the whole or any portion of which is

Assessment upon leased real estate to be paid by owner.

Owner may collect additional rent of lessee. leased, the owner of the estate shall pay the assessment, and may thereafter collect of the lessee an additional rent for the portion so leased, equal to ten per centum per annum on that proportion of the whole sum paid, which the leased portion bears to the whole estate after deducting from the whole sum so paid, any amount he may have received for damages to the estate above what he has necessarily expended on such estate by reason of such damages.

Public Park Loan.

SECTION 12. For the purpose of defraying the expenses incurred under the provisions of this act, the city council of Boston shall have authority to issue, from time to time, and to an amount not exceeding the amount actually expended for the purchase or taking of lands for said parks, bonds or certificates of debt, to be denominated, on the face thereof, the "Public Park Loan," and to bear interest at a rate not exceeding six per centum per annum, and to be payable at such periods as said council may determine. For the redemption of such loan said council shall establish a sinking fund sufficient, with the accumulating interest, to provide for its payment at maturity. All sums received for betterments shall be paid into said sinking fund, until such fund shall amount to a sum sufficient, with its accumulation, to pay at maturity the bonds for the security of which the fund was established.

Sinking fund. °

Streets, etc., not to be laid out over park, except as board approves.

SECTION 13. No street or way, and no steam or horse railroad shall be laid out over any portion of any park located under this act, except at such places and in such manner as said board shall approve.

Military bodies not to enter park unless board consents.

SECTION 14. No military encampment, parade, drill, review, or other military evolution or exercise shall be held or performed on any park laid out as aforesaid, except with the prior consent of said board; nor shall any military body, without such consent, enter or move in military order within the same, except in case of riot, insurrection, rebellion or war.

Annual report to be made to city council.

SECTION 15. Said board shall annually, in the month of January, make to the city council of Boston, a full report of its doings for the preceding year, including a detailed statement of all their receipts and expenditures.

Park commissioners may be appointed in cities adjoining Boston.

SECTION 16. The mayor of any city adjoining the city of Boston may, with the approval of the city council of such adjoining city, appoint, and the inhabitants of any town adjoining the city of Boston may, at any legal meet-

ing called for the purpose, elect park commissioners, who shall have powers similar to those hereinbefore given to the park commissioners of the city of Boston, to lay out and improve parks within such adjoining city or town in conjunction or connection with any park laid out in Boston ; and any park laid out by the park commissioners of such adjoining city or town shall be subject to similar provisions to those hereinbefore made regarding parks in Boston, and such adjoining city or town shall have similar rights and be subject to similar duties to those hereinbefore given to and imposed upon the city of Boston in relation to incurring debts for the purpose of defraying expenses incurred under this act: *provided, however,* that the provisions of this section shall not apply to any such adjoining city that has not accepted the same by a vote of a majority of the legal voters at the annual meeting for the choice of municipal officers. Proviso.

SECTION 17. This act shall not take full effect unless accepted by a majority of the legal voters of the city of Boston, present, and voting thereon, by ballot and using the check-list, at meetings which shall be held in the several wards of said city on the second Wednesday of June in the present year, and upon notice thereof duly given at least seven days before the time of said meetings ; and the polls shall be opened not later than nine o'clock in the forenoon and closed not earlier than six o'clock in the afternoon of said day. In case of the absence of any ward officer at any ward meeting in said city, held for the purpose aforesaid, a like officer may be chosen *pro tempore* by hand vote, and shall be duly qualified, and shall have all the powers and be subject to all the duties of the regular officer at said meetings. Said ballots shall be "yes" or "no," in answer to the question, "Shall an act passed by the legislature of the Commonwealth, in the year eighteen hundred and seventy-five, entitled, 'An Act for the laying out of public parks in or near the city of Boston,' be accepted?" Such meetings shall be called, notified, and warned by the board of aldermen of said city in the same manner in which meetings for the election of municipal officers are called, notified, and warned. Subject to acceptance by a majority vote.

The ballots given in shall be assorted, counted and declared in open ward meeting, and shall be registered in the ward records. The clerk of each ward shall within forty-eight hours of the close of the polls make return to the Meetings to be notified, etc., as for election of municipal officers.

board of aldermen of the number of ballots cast in his ward in favor of the acceptance of this act, and of the number cast against its acceptance. And it shall be the duty of the board of aldermen to certify, as soon as may be, to the secretary of the Commonwealth, the whole number of ballots cast in said city in favor of the acceptance of this act, and the whole number cast against said acceptance; and if it shall appear that a majority of the ballots have been cast in favor of acceptance, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Board of aldermen to certify result to secretary of the Commonwealth.

Secretary to issue his certificate if act is accepted.

When to take effect.

SECTION 18. So much of this act as authorizes and directs the submission of the question of its acceptance to the legal voters of the city of Boston, shall take effect upon its passage.

*Approved May 6, 1875.*

*Chap. 186* AN ACT TO PROVIDE FOR THE PROPER AUDITING OF LEGISLATIVE EXPENSES.

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

Bills for expenditures incurred by committees of legislature to be approved in writing by a majority of committee.

SECTION 1. No money shall be allowed and paid from the treasury for expenditures of any kind incurred by committees of the legislature except such as are approved and audited in the following manner, namely:—at the beginning of each month during the sessions of the legislature, and at such other times as may be found convenient and necessary for the purposes of this act, it shall be the duty of the secretary, or other member of the committee designated for that purpose, to prepare a schedule of all accounts for such expenditures as may have been incurred, for which bills have been rendered, and such schedule with each bill enumerated thereon shall be presented to and passed upon by the committee. And when agreed to, shall be approved in writing by a majority of the members of the committee and shall then be transmitted to the auditor for allowance and payment: *provided*, that if any bill for any expenditure duly authorized and incurred during a regular or special session of the legislature shall not have been rendered during such session so that the same cannot be laid before the committee at a meeting as aforesaid, the approval, in writing, of a majority of the members of the committee shall be sufficient to authorize the auditor to allow and certify the same for payment. Blank forms for the schedules herein mentioned shall be furnished by the auditor.

SECTION 2. Section two of chapter three hundred and nine of the acts of the year one thousand eight hundred and sixty-nine, and so much of section three of the same chapter as is inconsistent herewith, are hereby repealed. Repeal.

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

*Approved May 7, 1875.*

AN ACT TO LEGALIZE CERTAIN DOINGS OF THE "LEE FIRE DISTRICT." *Chap. 187*  
*Be it enacted, &c., as follows:*

SECTION 1. The doings of the "Lee Fire District" of Lee at a meeting held on the twelfth day of April in the year eighteen hundred and seventy-five, are hereby legalized and made valid so far as the same relate to the choice of officers. Doings legalized.

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

*Approved May 7, 1875.*

AN ACT TO AMEND SECTION NINE OF CHAPTER THREE HUNDRED AND SEVENTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, CONCERNING LISTS OF VOTERS IN CITIES. *Chap. 188*

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

SECTION 1. Section nine of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four, is hereby amended by inserting the word "second" before the word "day" wherever the latter word occurs in said section. Amendment to 1874, 376, § 9.

SECTION 2. In addition to giving the notice now required by said section, the mayor and aldermen of cities shall also in their notices to the inhabitants of a meeting for any election, state the day of the month when registration will cease, and also that after the close of said registration no name will be entered on the check-list except as provided by the tenth section of the act of eighteen hundred and seventy-four aforesaid. Notice to be given of the day of the month when registration will cease.

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

*Approved May 7, 1875.*

AN ACT TO ENABLE NON-RESIDENT GUARDIANS TO OBTAIN PROPERTY IN THIS STATE BELONGING TO THEIR WARDS RESIDING IN OTHER STATES OR TERRITORIES OF THE UNITED STATES. *Chap. 189*

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

SECTION 1. In all cases where any guardian and his ward are residents of any other state or territory of the United States, and such ward is entitled to property of any description in this state, when such guardian produces to the probate court of the county in which such property or the principal part thereof is situated, a full and complete transcript from the records of a court of competent Non-resident guardians may obtain in this state the property of their non-resident wards.

jurisdiction in the state or territory in which he and his ward reside, duly exemplified or authenticated, showing that he has been appointed guardian of such ward, and that he has given a bond and security in the state or territory in which he and his ward reside in double the value of the property of such ward, and also showing to such court in this Commonwealth that a removal of the property of such ward will not conflict with the terms or limitations attending the right by which the ward owns the same, then such transcript may be recorded in such court in this Commonwealth and such guardian shall be entitled to receive letters of guardianship of the estate of such minor from such court in this Commonwealth which shall authorize him to demand, sue for, and recover any such property, and remove the same to the place of residence of himself and his ward. And such court in this Commonwealth may order any resident guardian, executor or administrator having any of the estate of such ward, to deliver the same to such non-resident guardian.

Repeal of 1866,  
122, § 2.

SECTION 2. The second section of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-six, is hereby repealed. *Approved May 7, 1875.*

*Chap. 190*

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-FIVE IN RELATION TO THE FREE GRAMMAR SCHOOL OF BRIMFIELD.

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

Thirteen trustees to be elected.

SECTION 1. Section one of chapter two hundred and twenty-five of the acts of the year eighteen hundred and fifty-five is hereby so amended that the number of trustees of the Free Grammar School of Brimfield shall be thirteen instead of nine.

Four trustees may be non-residents.

SECTION 2. It shall be lawful to elect four of said trustees who are not residents of the town of Brimfield.

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

*Approved May 7, 1875.*

*Chap. 191*

AN ACT IN ADDITION TO "AN ACT FOR THE ABATEMENT OF A NUISANCE IN THE CITIES OF CAMBRIDGE AND SOMERVILLE AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITIES."

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

Main sewer to be extended to the deep water channel of Charles River.

SECTION 1. The boards of mayor and aldermen of the cities of Cambridge and Somerville, by concurrent action, shall, within two years from the passage of this act, extend the main sewer constructed under the provisions of chapter three hundred and four of the acts of the year

eighteen hundred and seventy-three, in the cities of Cambridge and Somerville, from its present terminus at the commissioners' line on Charles River towards or into the deep-water channel of said river; the expense thereof to be borne by said cities respectively in the same proportions as the expense of said main sewer is borne.

SECTION 2. The work hereby authorized shall not be commenced until the plans thereof are approved by the harbor commissioners.

Plans to be approved by harbor commissioners.

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

*Approved May 8, 1875.*

AN ACT TO PROVIDE FOR AN INVESTIGATION OF THE QUESTION OF THE USE OF RUNNING STREAMS AS COMMON SEWERS IN ITS RELATION TO THE PUBLIC HEALTH.

*Chap. 192*

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

SECTION 1. The state board of health shall investigate by themselves or by agents appointed by them, the subject of the correct method of drainage and sewerage of the cities and towns of the Commonwealth, especially with regard to the pollution of rivers, estuaries and ponds by such drainage or sewerage, and to devise and report a system or method by which said cities or towns may be properly drained, and said rivers, estuaries and ponds may be protected against pollution, so far as possible, all with the view to the preservation of the health of the inhabitants of this Commonwealth, and the securing to the several cities and towns thereof a proper system of drainage and sewerage, without injury to the rights and health of others; also, to report how far said sewage may be utilized and disposed of.

State board of health to investigate subject of drainage and sewerage.

SECTION 2. Said state board of health or agents employed by them, may enter upon and make surveys of lands, so far as may be required, and without unnecessary injury thereto, and said board may employ such assistants, with the consent of the governor, as from time to time may be expedient. They shall report to the next general court, not later than the first day of February, eighteen hundred and seventy-six.

To report how far sewage may be utilized.

May enter upon lands and employ assistants.

Report to legislature.

SECTION 3. The compensation of the members of said state board of health, or agents employed by them for services under this act, shall be fixed by the governor and council, which, with the expenses incurred by them, to be approved by the same authority, shall be paid by the

Compensation of board and agents.

treasurer of the Commonwealth on the warrant of the governor.

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

*Approved May 8, 1875.*

*Chap. 193*

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF A HIGHWAY AND BRIDGE ACROSS THE CONNECTICUT RIVER AT TURNER'S FALLS.

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

Highway and bridge to be constructed across Connecticut River, at Turner's Falls.

SECTION 1. The present commissioners for the county of Franklin,—namely, Nelson Burrows, John M. Smith, and Carlos Batchelder,—are hereby authorized and required, as a board hereby constituted for that purpose, to proceed at once after the passage of this act, to lay out, construct, or cause to be constructed, a substantial, convenient and safe highway and bridge, with suitable approaches thereto, *provided*, that the expense of the same shall not exceed the sum of forty-two thousand dollars, across the Connecticut River and Great Island, so called, at Turner's Falls, between the towns of Gill and Montague, in said county of Franklin, pursuant to the adjudication as to common convenience and necessity, made by the commissioners of said county on the sixteenth day of October, in the year eighteen hundred and seventy-four, on the petition of A. W. Stevens, and others, for a highway and bridge at the place aforesaid. The said highway and bridge shall be constructed and completed within two years from the passage of this act.

Commissioners may take property of persons or corporations.

SECTION 2. The commissioners aforesaid are hereby authorized and directed to take and appropriate, if necessary, for the purposes of said highway and bridge, the private property of any person or persons or corporations, and upon taking the same shall, upon due notice and hearing, estimate and award the damages to the owner or owners thereof, and shall forthwith file in the clerk's office in the county of Franklin, a description of the property taken, with metes and bounds, with their appraisal of the damages by them awarded to the owner or owners of said property.

To file description of land taken in clerk's office, in Franklin County.

Any person aggrieved by the award of said commissioners, may, within one year after the filing of the description aforesaid, on application in writing to the commissioners of said county, have a jury to appraise said damages, in the same manner, and subject to the same provisions as in the case of land taken for highways.



SECTION 3. The expense of the construction of the aforesaid highway, bridge and approaches, shall in the first instance be paid by the county of Franklin, and the commissioners of said county are hereby authorized, empowered and directed to borrow, on the credit of said county, such sums of money as may, from time to time, be required by the commissioners named in the first section of this act, for the purposes of the same, not exceeding in the whole the sum of forty-two thousand dollars.

Expense of construction to be first paid by county.

The money so borrowed shall be deposited in the county treasury, and the county treasurer shall pay out the same as ordered, in writing, by the said last-named commissioners; and said treasurer shall keep a separate and accurate account of all sums of money borrowed and expended under the provisions of this act, including interest paid on the money borrowed.

SECTION 4. Upon the completion of the highway, bridge and approaches aforesaid, the said commissioners shall file in the office of the clerk of the superior court, in the county of Franklin, a detailed statement, certified under their hands, of the cost of the construction of said highway and bridge, including their own charges for services in the construction of the same, and the amount of interest paid on money borrowed under the provisions of this act.

Commissioners to file detailed statement of cost, in office of clerk of courts in Franklin County.

At the term of said court in said county next after the filing of said statement, upon the application in writing of any party interested, the said court shall, upon such notice as may be deemed proper, appoint a board of three commissioners, who, having been first duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all parties interested, and a hearing thereon, determine and decree and name the towns in said county which will be specially benefited by the aforesaid highway and bridge; and determine and award and name the proportion of the expense of the construction of the same that shall be paid by each of said towns, and by the county of Franklin: *provided*, that not more than one-tenth of said expense shall be assessed upon said county. The said commissioners shall also determine and name the towns by which the expense of the maintenance and repairs of said highway and bridge, including approaches, abutments and piers shall be paid, and also determine and name the proportion of said expense that shall be paid by

Commissioners to be appointed to award proportion to be paid by towns and county.

Proviso.

Maintenance and repairs.

each of said towns. The report of said commissioners, or of the major part of the same, shall be made in writing and filed in the office of the clerk of the superior court for the county of Franklin, and a copy of the same, certified by said clerk, shall be forthwith transmitted to the commissioners of said county, and to each of the several towns named in said report, and said court at the term thereof next after the filing of said report, shall, unless sufficient cause is shown to the contrary, accept and affirm said report, and enter judgment thereon, and the same shall thereupon be binding upon all parties interested therein. The expenses and fees of the commissioners appointed by said court shall be paid in such manner and by such parties as the said commissioners shall determine and award.

Expenses and fees of commissioners.

Clerk of court to transmit copy of report, etc., to county commissioners and selectmen.

Each town liable shall pay its proportion into county treasury.

SECTION 5. Within twenty days after the entry of the judgment mentioned in the preceding section, the clerk of said court shall transmit a true and attested copy of said report and the judgment thereon, to the commissioners of Franklin County, and a like copy to the selectmen of each town mentioned in said report. And each town liable under said award and decree to contribute to the payment of the expenses of the construction of said highway and bridge, shall pay its proportion of said expense into the treasury of the county of Franklin, in such manner and in such instalments as the commissioners for said county shall by a special order determine and direct; and if any town shall neglect or refuse to pay its proportion of said expense, as required by said order, the said commissioners shall, after notice to said town, and unless sufficient cause is shown to the contrary, issue a warrant against said town for the sum it was ordered to pay, with the interest and the costs of the notice and warrant; and the same shall be collected and paid into the county treasury, to be applied in payment of the expenses aforesaid.

Turner's Falls Bridge Committee to have charge of bridge, etc., and keep in repair.

SECTION 6. Upon the completion of the said highway and bridge, the commissioners for constructing the same shall cause notice thereof to be served upon the selectmen of the towns of Gill and Montague, and said notice, with the return of the service thereof, shall be filed in the clerk's office in the county of Franklin, and from, and after the date of the filing of said notice, the selectmen, for the time being, of the towns of Gill and Montague (who are hereby and for such purposes constituted a board with

the name of "The Turner's Falls Bridge Committee"), shall have the care and superintendence of said highway, bridge, abutments, piers and approaches, and shall cause the same to be maintained and kept in good repair, and safe and convenient for travel; and the said committee shall annually, on or before the first day of February in each year, report in detail to the several towns, bound to contribute to the maintenance and support of said highway and bridge, the expense of such maintenance and support for the year ending on the first day of January next preceding the date of said report, with a statement of the proportionate sum to be paid by each of said towns on account of said maintenance and repairs, under the determination and award hereinbefore mentioned, which sums shall be paid by said towns to said committee on or before the first day of July in each year.

In case any town shall neglect to pay said sum on or before the said first day of July, the said committee are hereby authorized and empowered to commence and prosecute in the name of the Turner's Falls Bridge Committee, an action of contract, in the superior court for said county of Franklin, for the recovery of the same.

SECTION 7. The said towns of Gill and Montague shall be jointly liable for all injuries and damages suffered by any one in person or property, by reason of any defect in said highway and bridge, in proportion to the respective valuations of said towns for the year in which the injury or damage is suffered.

Gill and Montague jointly liable for damages caused by defect in bridge.

*Approved May 8, 1875.*

AN ACT CONCERNING SEWERAGE AND DRAINAGE IN WESTFIELD.

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

*Chap. 194*

SECTION 1. The legal voters of the town of Westfield may, at a meeting called for the purpose, elect a board of five commissioners, voters in Westfield, who shall be called the board of commissioners on sewerage and drainage in Westfield, who shall serve until the first day of January, eighteen hundred and seventy-six, from and after which date, the board of water commissioners of said Westfield, shall also be the board of commissioners on sewerage and drainage.

Board of commissioners on sewerage and drainage to be elected.

SECTION 2. Said board of commissioners alone, shall have authority to construct, maintain and repair all main drains and common sewers in said town, in accordance with votes of the town from time to time, and said drains and sewers shall be the property of the town.

To construct and maintain common sewers.

May take lands and divert water-courses.

SECTION 3. For the purpose of sewerage and drainage, said board of commissioners may take any lands in said town, public or private, necessary therefor, and may take and divert any streams or water-courses within the limits of said town, and may change the course and channel thereof, in any manner they deem expedient, and devote the same to said purposes.

To proceed as in taking land for town ways.

SECTION 4. In taking said lands and water-courses for said purposes, the board shall proceed in the manner required by law, in cases where land is taken for town ways; and persons suffering damages in their property, shall have the same rights and remedies for ascertaining and recovering the amount thereof, as are provided by law for ascertaining and recovering damages for lands taken for town ways.

Persons benefited may be assessed for proportionate share of expense.

SECTION 5. Any person benefited by the acts of said board, shall pay to the treasurer of the town such sums as said board shall assess upon him, as his proportionate share of the expenditure for said purposes; and the sum so assessed shall constitute a lien upon his real estate so benefited, for two years from the time of such assessment; and if the amount is not paid within ninety days after the notice thereof, the same may be levied by a sale of said real estate, to be conducted in the same manner as a sale of real estate for the non-payment of taxes.

May allow other drains to enter main drains.

SECTION 6. Said board of commissioners may allow any particular drains to enter such main drains and sewers upon such terms and conditions as they may prescribe.

Persons aggrieved may apply for a jury.

SECTION 7. Any persons aggrieved by the doings of said board of commissioners under section five, may, at any time, within three months after receiving notice of any assessment as aforesaid, apply for a jury in the same manner and with the same effect as provided in section six, chapter forty-eight of the General Statutes.

Contracts of board to bind town.

SECTION 8. All contracts made by said board for the purposes of this act shall be the contracts of the town.

When to take effect.

SECTION 9. This act shall take effect upon its passage, and shall become void unless accepted within two years by a two-thirds vote of the legal voters of the town of Westfield, present and voting at a legal meeting called for that purpose, and held in the same manner as meetings for the election of town officers; the check-list shall be used and the voting at such meeting shall be by ballot, written or printed, yea or nay.

*Approved May 8, 1875.*

AN ACT RELATING TO THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY, AND THE CITY OF BOSTON. *Chap. 195*

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

SECTION 1. The governor and council are hereby authorized to grant to the Massachusetts Institute of Technology the right to hold, occupy and control such a parcel of land out of the lands of the Commonwealth, situated in that part of Boston called the Back Bay, as they shall deem a fair equivalent for the similar right with regard to the parcel of land granted to said institute by the one hundred and seventy-fourth chapter of the acts of the year eighteen hundred and seventy-three: *provided*, that said institute shall execute a satisfactory release to the Commonwealth of all its right, title, and interest in and to said last named parcel acquired by it under said act.

Land may be granted to Mass. Institute of Technology.

The said institute shall thereupon have the right to hold, occupy and control the said first named parcel of land upon the same trusts, and subject to the same limitations, stipulations, and conditions, as are set forth in said act with reference to the parcel described therein.

SECTION 2. Upon the release to the Commonwealth by the Massachusetts Institute of Technology of all its right, title, and interest in the parcel of land granted to it by the one hundred and seventy-fourth chapter of the acts of the year eighteen hundred and seventy-three, and upon payment by the city of Boston of such a sum to the treasurer of the Commonwealth, as may be deemed adequate by the governor and council, the said governor and council are hereby authorized to grant to said city of Boston a perpetual right to hold, occupy, and control said parcel of land free from rent or charge by the Commonwealth, upon condition that it shall forever be kept open as a public park by said city: said lot to be subject to the limitations and stipulations relative to lands of the Commonwealth on the south side of Boylston Street, and to be reserved from sale forever; and upon the further condition that the city of Boston shall acquire, by purchase or otherwise, the remainder of the trapezoid of land of which this parcel is a part, lying westerly thereof, and between this parcel and Dartmouth Street, and shall appropriate it to the same purpose.

Land may be granted to the city of Boston, to be kept open as a public park, etc.

SECTION 3. In case said city shall appropriate the parcel of land, hereby granted, to any purpose foreign to that for which it is granted, then the Commonwealth, after due notice given, may enter upon said lot and take

If the land is used for any other purpose, Commonwealth may take possession.

possession thereof, and the right of the city of Boston to the use, occupation, and control of said lot shall thereupon cease.

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

*Approved May 8, 1875.*

*Chap. 196* AN ACT TO AMEND SECTION TWO OF CHAPTER TWO HUNDRED AND EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-NINE, RELATING TO THE TRUSTEES OF THE MUSEUM OF COMPARATIVE ZOOLOGY.

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

May hold property not exceeding \$1,000,000.

SECTION 1. The "Trustees of the Museum of Comparative Zoölogy" may receive, hold, purchase and possess real and personal property not exceeding one million dollars in value.

Repeal.

SECTION 2. So much of section two of chapter two hundred and eight, of the acts of the year eighteen hundred and fifty-nine, as is inconsistent herewith is repealed.

*Approved May 8, 1875.*

*Chap. 197* AN ACT TO LEGALIZE CERTAIN RECORDS AND PROCEEDINGS OF THE WEBSTER SQUARE METHODIST EPISCOPAL CHURCH, OF WORCESTER.

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

Records and proceedings made valid.

SECTION 1. The records and proceedings of the Webster Square Methodist Episcopal Church, a religious society existing in the city of Worcester, from the first day of January, eighteen hundred and sixty-seven, to the present time, shall be considered and held in all respects as valid and effectual, as if the clerk of said society had been duly sworn, notwithstanding the fact that he was not so sworn.

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

*Approved May 8, 1875.*

*Chap. 198* AN ACT TO INCORPORATE FOSTER'S WHARF COMPANY.

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

Corporators.

SECTION 1. William R. Clark, William B. Haseltine, George W. Coleman, Lewis Coleman and William R. Clark, Jr., their associates and successors, are hereby made a corporation by the name of Foster's Wharf Company, with power to purchase and hold in fee simple, the premises and estate known as Foster's Wharf, in Boston, in the county of Suffolk, with all the privileges and appurtenances, and rights of dockage and wharfage, to the same belonging. And the said company may sell and

Name and purpose.

Wharfage and dockage.

convey the same, or any part thereof: *provided*, that Proviso. nothing herein contained shall authorize the said company to infringe upon the legal rights of the city of Boston or any person or corporation, or to encroach upon any public or private way, or to build any structure on the premises not now authorized by law, or be construed to take away any right heretofore granted to the Boston, Revere Beach and Lynn Railroad Company.

SECTION 2. And the said company shall also have the power to purchase and hold in fee simple, and to acquire and hold any leasehold interest in any land or wharf property on the southerly side of, and within three hundred feet of said Foster's Wharf estate, and to sell, let, use, improve and dispose of the same subject to all the provisions herein. May purchase property on southerly side of Foster's wharf.

SECTION 3. The capital stock of said company shall consist of five thousand shares of one hundred dollars each; and no shares 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. Capital stock and shares.

SECTION 4. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations. Powers and duties.

SECTION 5. This act shall take effect upon its passage.  
*Approved May 8, 1875.*

AN ACT TO SUPPLY THE TOWN OF WATERTOWN WITH PURE WATER.

*Chap. 199*

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

SECTION 1. The town of Watertown is hereby authorized to take, hold and convey into and through said town the waters of Kendall's Pond, so called, in the towns of Belmont and Waltham, together with the tributary waters which flow into said pond, for the extinguishment of fires, domestic and other purposes; or, at its election, for the purposes aforesaid, to take, hold and convey into and through said town from Charles River, at any convenient point upon the same, within said town, sufficient water for the use of said town and its inhabitants, not exceeding one million and a half gallons daily; and may also take and hold, by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes, constructing or maintaining reservoirs and such other Watertown to be supplied with water.

May take and hold lands, etc.

works as may be deemed necessary or convenient for raising, retaining, distributing or disposing of said water.

To file in registry of deeds a description of the land taken.

SECTION 2. The town of Watertown shall, within sixty days from the time it shall take any lands for the purposes of this act, file in the registry of deeds of the county and district in which said lands lie, a description of the land so taken as certain as is required in a common conveyance of lands, and a statement of the purposes for which they are taken, which description and statement shall be signed by a majority of the selectmen of said town.

May lay down pipes and maintain dams and reservoirs.

SECTION 3. Said town of Watertown may make, build and lay down aqueducts and pipes, from said sources, to, into, through and about said town of Watertown, and secure and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water taken; may construct and maintain reservoirs to secure the water taken; and may make, erect and maintain and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said town of Watertown; may make and establish such public hydrants and fountains in such places in said town of Watertown as may, from time to time, be deemed proper; may prescribe the purposes for which the same may be used; may change or discontinue the same; may distribute the waters through said town of Watertown, and for this purpose may lay down pipes to any house or building therein, the owner or owners thereof assenting in writing thereto; may regulate the use of said water and establish, receive and collect the prices or rent to be paid therefor; and may, for the purposes aforesaid, carry, conduct and maintain any aqueducts, pipes or other works, under, through or across any water-course, canal, street, bridge, railroad, highway, or other way, in such a manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and, in general, may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

May regulate use of water and prices to be paid therefor.

Water commissioners to be elected.

SECTION 4. Three persons, to be elected by ballot by the said inhabitants, as hereafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, mat-



ters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town. At any special or annual meeting of the inhabitants of said town, called for the purpose, one of the said board of water commissioners shall be elected for three years, one for two years, and one for one year, from the next succeeding annual town meeting; after which first election, one-third of said board, as the term expires, shall be elected at the annual town meeting for the term of three years. The said commissioners shall receive such salaries or compensation as the town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act. Such commissioners shall be subject to such ordinances, rules and regulations in the execution of their trust, as the town may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of the Commonwealth.

Compensation  
to be fixed by  
town.

SECTION 5. For the purposes of defraying the cost and expenses which may be incurred under the provisions of this act, the town of Watertown, through its treasurer, shall have authority to issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof, "Watertown Water Scrip," to an amount not exceeding two hundred and fifty thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates, respectively. Said town of Watertown may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as it may deem proper. The said town of Watertown shall annually set apart from the surplus income received for the use of said water, after deducting all expenses, and charges of distribution, or if that shall be insufficient shall raise by taxation, upon the polls and estates in said town, a sum amounting to three per centum, annually, of the whole amount of the notes, bonds or certificates issued under this section, which sum, with the interest and accumulations thereon, shall constitute a sinking fund for the redemption at maturity of the notes, bonds or certificates of debt of said town, issued as aforesaid; and said sink-

Town may issue  
Watertown  
Water Scrip,  
not exceeding  
\$250,000.

Sinking fund to  
be established.

ing fund shall be appropriated and pledged to the payment and redemption of said notes, bonds or certificates of debt, and for no other purpose, until the same is fully redeemed and paid. There shall be elected by the legal voters of said town, at any meeting of the inhabitants of said town, duly notified and warned for such purpose, three commissioners of said fund, one of whom shall hold office until the annual town meeting in the year eighteen hundred and seventy-seven; one until the annual town meeting in the year eighteen hundred and seventy-eight; and one until the annual town meeting in the year eighteen hundred and seventy-nine; and each respectively until his successor is elected; and annually after said first election there shall be chosen by the inhabitants of said town at its annual meeting, one commissioner for the term of three years. Said commissioners shall annually, at their first meeting after their election choose one of their number as treasurer, who shall give a bond to the town of Watertown for the faithful discharge of his duties, in such sum and with such sureties, as shall be required by the board of selectmen of said town. The board of commissioners aforesaid shall invest the said sinking fund in the public funds of the United States, of any of the New England states, and of the counties, cities or towns of this Commonwealth, in the stock of any state or national bank located in this Commonwealth, and in loans secured by first mortgage of real estate in the counties of Middlesex or Suffolk; and they may sell, transfer and re-invest the stock and securities belonging to said sinking fund. The signatures of all said commissioners must be affixed to any instruments to bind them, or said town. They shall keep a record of their proceedings; and shall annually, in the month of February, make a written report to the said town, of the amount and condition of said fund and the income thereof for the year. Their record and the securities belonging to said fund, shall at all times be open to the inspection of the selectmen or any committee of said town duly authorized for that purpose. The necessary expenses of said commissioners shall be paid by said town; the treasurer of the board shall receive such compensation as shall be fixed by said town; but no other member of the board shall receive compensation for his services.

SECTION 6. Said town of Watertown shall be liable to pay all damages that shall be sustained by any person or

Commissioners  
of sinking fund.

To keep a  
record, and to  
make annual  
report to the  
town.

Compensation  
of treasurer of  
board.

Liability of  
town for dam-  
ages.

persons in their property, by the taking of the waters of Charles River, or any other source of supply, or any part thereof, as authorized by this act, or by the taking of any lands, rights of way, water-rights or easements, or by the erection of any dams, or the construction of any aqueducts, reservoirs, water-ways or other works for the purposes of this act, and if the owner or owners of any property which shall be taken as aforesaid, or other person or persons sustaining damages as aforesaid, shall not agree as to the damages to be paid therefor, he or they may apply by petition for an assessment of the damages at any time within three years from the taking of said property, or the construction of dams or other works occasioning damages as aforesaid, and not afterwards, to the superior court in the county of Middlesex. Such petition may be filed in the clerk's office of said court in vacation or in term time, and the clerk shall thereupon issue a summons to the said town of Watertown, returnable, if issued in vacation, at the next term of the said court, to be held after the expiration of fourteen days from the filing of said petition; and if in term time, returnable on such day as the court shall order, to appear and answer to the said petition. The said summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the clerk of said town. Said court may upon default or hearing of said town, appoint three disinterested persons, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained, as aforesaid, and the award of the said persons so appointed, or a major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered, and execution issued thereon for the prevailing party, with costs, unless one of said parties shall claim a trial by jury, as hereinafter provided.

SECTION 7. If either of the parties mentioned in the sixth section shall be dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine, at the bar of said court, all questions of facts relating to such damages, and to assess the amount thereof; and the verdict of said jury being

Parties dissatisfied with award may claim a trial by jury.

accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon; and costs shall be recovered by the said parties respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Town may tender a sum for damages.

SECTION 8. In every case of a petition to the superior court for the assessment of damages, as provided in this act, the town of Watertown may tender to the complainant, or his attorney, any sum that it shall think proper, or may bring the same into court, to be paid to the complainant for damages by him sustained or claimed in his petition; and if the complainant shall not accept the sum, with his costs up to that time, but shall proceed in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, and not afterwards, unless the complainant shall recover greater damages than were so offered.

Town may make dams, etc., for collecting water.

SECTION 9. The town of Watertown may, also, for the purpose of collecting water and supplying the same to Kendall's Pond, make and maintain upon or near said pond, or the streams flowing into the same, or at, upon, or near the source of said pond, or streams, any reservoirs, dams, or other suitable structures, and may take and hold, by purchase or otherwise, such real estate, water, water-rights, or easements, as may be necessary or convenient for that purpose; and may also take and hold, in like manner, such lands, not exceeding five rods in width, on and around the margin of said Kendall's Pond, as may be necessary for the preservation of the purity of the waters thereof.

May, by vote, declare amount of water to be taken from Charles River.

SECTION 10. The town of Watertown may, by a vote of said town, declare the quantity of water proposed to be taken from Charles River, not exceeding one million and a half gallons daily; such vote to be passed not less than three months before the waters shall be withdrawn from said river, and within one year from the passage of this act; and a copy of such vote shall be filed in the registry of deeds for the southern district of the county of Middlesex within sixty days thereafter; and the terms thereof shall be held to be the measure and limit of the right of said town of Watertown to take or divert the waters of said river under this act.

SECTION 11. It shall be the duty of said town of Watertown to provide some reliable means, or method, of measuring and registering the amount of water taken from Charles River, as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water-rights in the waters of said river and said town shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed upon the application of either party, by any justice of the supreme judicial court. And if at any time said town of Watertown shall take a larger quantity of water from Charles River than it shall have determined to take by said vote under the tenth section of this act, it shall be liable in an action of tort to any mill-owner for any additional damage he may have suffered, and may be restrained by injunction from taking such larger quantity of water in a suit in equity brought by any such mill-owner.

To provide method for measuring water taken from Charles River.

SECTION 12. No application shall be made to the court for the assessment of damages for the taking of any water-rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town of Watertown under the authority of this act.

No application to be made for damages until water is actually taken.

SECTION 13. Whoever wilfully corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said town for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above acts, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Penalty for corrupting or diverting water.

SECTION 14. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner shall also be liable, if, on being notified of such use, he does not object thereto.

Liability of owner and tenant for water rent.

SECTION 15. Nothing in this act shall be construed to affect any existing right of the town of Watertown to draw water from said river.

Existing rights not affected.

SECTION 16. The town of Watertown is hereby authorized to contract with the town of Belmont to furnish and provide said town of Belmont, from its aqueducts, conduits, pipes, or other works to be laid or constructed

Watertown may supply Belmont with water.

under the provisions of this act, sufficient water, for the use of said town of Belmont and its inhabitants, for the purposes mentioned in section one, upon such terms and conditions as may be agreed upon; or may furnish water for the purposes aforesaid to any inhabitants of Belmont, with the consent of the selectmen thereof; and said town of Belmont is hereby authorized, for the purposes aforesaid, to build reservoirs and lay down aqueducts, conduits and pipes within its limits, and to connect the same with any reservoir, aqueduct, conduit or pipe laid down or constructed within its limits, by the town of Watertown, under the provisions of this act; and to take and divert therefrom a sufficient supply of water for the uses and purposes aforesaid, subject, nevertheless, to the payment of an equitable and reasonable price and compensation for the same; and in case the said towns shall not agree upon the place, mode or extent of such connection or diversion, or upon the sum to be paid by said town of Belmont to the town of Watertown, for the water so to be taken and diverted, or upon any other terms or conditions of such taking and diversion, the same shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party, and after notice to the other party, whose award and determination in the premises, being returned into the clerk's office of said court, for the county of Middlesex, shall be final and binding upon the parties.

Belmont may take lands, etc., if supplied with water by Watertown.

SECTION 17. The said town of Belmont, in the event that it shall take water under any provisions of the preceding section, is hereby authorized to take and hold, by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes, or such other works as may be deemed necessary or proper for receiving, retaining, distributing or disposing of said water, and for the same purposes in such event, the said town of Belmont shall, within its own limits in respect to such taking, have all the powers, rights, and authorities given to the town of Watertown by this act, and all the provisions of this act shall extend and apply thereto, so far as the same shall be applicable.

To provide for a flow of water into Beaver Brook.

SECTION 18. The town of Watertown shall in the construction of any dam or other works at Kendall's Pond as authorized by this act, provide for and maintain a flow of water from said pond into Beaver or Clematis Brook to

the extent of at least two hundred thousand gallons for each and every day in the year.

SECTION 19. This act shall take effect upon its passage, and shall become void unless accepted and an election made as provided in section one by a vote of the legal voters of the town of Watertown, present and voting thereon, at a legal meeting held within two years from the passage of this act; and no action of the town, under the provisions of the act involving any appropriation of money, shall be valid, unless passed by a two-thirds vote of the voters present and voting thereon.

When to take effect.

*Approved May 10, 1875.*

AN ACT TO PROTECT THE BANKS OF THE CONNECTICUT RIVER BETWEEN HADLEY AND NORTHAMPTON.

*Chap. 200*

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

SECTION 1. The county commissioners of Hampshire shall, as soon as may be after the passage of this act, proceed to construct proper defences above the Northampton Bridge, to prevent the washing away of the banks of the Connecticut River in the towns of Hadley and Northampton, near said bridge, and they shall direct the expenses and charges for said work to be paid out of the treasury of said county.

County commissioners to prevent the washing away of the banks of Connecticut River.

SECTION 2. Upon the completion of said work, said commissioners shall make a record, in detail, of their doings and of the amount of actual expenditure incurred as herein provided, including such damages as may be assessed for land or property taken or injured in the execution of said work, and also the charges of said commissioners for their services. And the amount of such expenditures as aforesaid shall be borne by said county and such towns, persons and corporations, and in such proportions as the commissioners appointed as hereinafter provided, shall determine. And like proceedings shall be had for the collection of the same from such towns, persons and corporations, and like authority and power shall be vested in said county commissioners, as are provided in sections forty-nine and fifty of chapter forty-three of the General Statutes.

To make a record of doings, expenditures and damages.

Expense to be borne by county and towns.

SECTION 3. Upon the petition of the county commissioners the supreme judicial court sitting in any county, or any justice thereof, after such notice as they may order, shall appoint a board of three commissioners, and said

Three commissioners to be appointed by S. J. C.

To determine amounts to be paid by county, towns, corporations, etc.

commissioners, having first been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all parties interested, determine and decree what towns, persons and corporations, including said county, are benefited by said work, and what proportion of the cost of said work, as provided in section second of this act, shall be paid severally by them, and their determination and decree, or of a major part of them, shall be made in writing and reported to the supreme judicial court at a term of said court for said county of Hampshire, and notice thereof given to all parties interested, at least thirty days before the sitting of the court to which such report is made. Any party affected by the decree, and dissatisfied with the determination of the commissioners, may appeal to a jury from the award of the commissioners; and the supreme judicial court shall have authority to make all necessary orders and decrees in reference thereto. Any party so appealing who shall not obtain by verdict of said jury an award more favorable than by said decree, shall forfeit and pay all costs of hearing and trying such appeal. If no party shall so appeal to a jury during the term of the court to which such report is made, the decree shall be absolutely binding upon all parties interested therein, 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 said commissioners shall decree.

Commissioners may borrow \$30,000.

SECTION 4. Said commissioners are authorized to borrow upon the credit of the county a sum not exceeding thirty thousand dollars, for the purpose of carrying into effect the provisions of the first section of this act.

Damages to be estimated as in laying out highways.

SECTION 5. Upon the application of any party whose property is taken or injured, the county commissioners shall estimate the damages occasioned by such taking or injury in the manner provided in laying out highways.

Parties dissatisfied may apply for a jury.

SECTION 6. Any party dissatisfied with the estimate of the county commissioners, may, within one year after it is completed and returned, apply for a jury to assess the damages, and like proceedings shall be had on such applications as are provided in relation to the assessment of damages for land taken for highways.

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

*Approved May 10, 1875.*



AN ACT IN ADDITION TO AN ACT TO REGULATE THE FISHERY IN PALMER'S RIVER. *Chap. 201**Be it enacted, &c., as follows :*

SECTION 1. The sheriff of Bristol County or any of his deputies, or any constable or fish-warden of either of the towns of Swansea and Rehoboth, may without a warrant arrest any person whom he finds in the act of taking herring, alewives or shad from the waters of Palmer's River in either of said towns, in violation of the provision of chapter ninety-two of the acts of the year eighteen hundred and fifty-two; and may detain him in a place of safe-keeping, until a warrant can be procured against him upon a complaint for said offence: *provided*, that such detention without a warrant shall not exceed twenty-four hours.

Persons unlawfully taking shad, etc., may be arrested without a warrant.

Proviso.

SECTION 2. Whoever violates the provisions of chapter ninety-two of the acts of the year eighteen hundred and fifty-two, shall, in addition to the forfeitures therein provided, forfeit the seines or nets so used.

Additional forfeiture for violating provisions of 1852, 92.

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

*Approved May 10, 1875.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO CONSTRUCT A SEWER IN THE MYSTIC VALLEY. *Chap. 202**Be it enacted, &c., as follows :*

SECTION 1. The city of Boston is hereby authorized, for the purpose of preserving the purity and remedying the pollution of the water supplied to said city from Mystic Pond, so called, by virtue of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and the acts in addition thereto, and amendment thereof, to construct for that purpose a main sewer, with as many branches as may be from time to time deemed necessary, in the Mystic valley and on the easterly side of the ponds and streams which discharge into said Mystic Pond, commencing in the town of Woburn, running in a south-easterly direction through the town of Winchester into the town of Medford, and emptying into the lower Mystic Pond at some convenient point near the upper end thereof.

City of Boston may construct sewer in Mystic Valley.

Said city is authorized to extend or divert into said main sewer or any of its branches any streams or water-courses, whether natural or artificial, flowing directly or indirectly into Mystic Pond or its head-waters, or into any stream or pond connected with or discharging into

said Mystic Pond, which contain any sources of pollution.

May deepen channels and remove obstructions from water-courses.

Said city may also deepen the channel and remove obstructions from any such stream or water-course, and may wall in and cover over the same. It may take or purchase such land as may be necessary for this purpose not exceeding three rods in width on either side of such stream or water-course, or of any channel into which it may conduct or divert the same.

Said city is likewise authorized to extend or divert into said main sewer or any of its branches any drain or sewer emptying directly or indirectly into Mystic Pond, or into any stream or pond connected with or discharging into said Mystic Pond.

Said city is likewise authorized to conduct or divert into said main sewer or any of its branches, any sewage, drainage or pollution of any kind caused by any town, corporation, person or persons, which now finds or shall hereinafter be in danger of finding its way directly or indirectly into said Mystic Pond, or its head-waters or into any stream or pond connected with or discharging into said Mystic Pond.

May erect machinery, pumps, etc.

Said city may for the purposes aforesaid, erect such machinery, pumps and appliances of any kind which may be found necessary from time to time.

May take and hold lands and water-rights.

**SECTION 2.** The city of Boston may take and hold by purchase or otherwise, any lands, real estate, or water rights necessary for laying and maintaining said main sewer and its branches, and for the extension or diversion of any water-courses, natural or artificial, and of any drains or sewers which it may extend or divert, and for the construction of any works which it may erect by virtue of the provisions of this act.

May dig up roads or ways.

It may construct said main sewer and its branches, and conduct, extend or divert said water-courses, sewers or drains over or under any water-course, or any streets, turnpike roads, railroads, highways or other ways, and may enter upon and dig up such roads, streets or ways, for the purposes of construction, maintenance and repair, and in such a manner as not to render the same unnecessarily inconvenient for public travel during the work thereon, and in general may do other acts and things necessary and proper for the purposes of this act.

Said city of Boston may also, with the consent of the directors of the Boston and Lowell Railroad Company,

for the time being, change the grade or location of so much of said railroad as is situated in the Mystic valley. It may also change the grade of any highway, public street, or way of travel, within the towns of Medford, Woburn or Winchester, crossed by said sewer or any of its branches, subject to such reasonable regulations as may be prescribed by the selectmen of the town in which such highway or street is located.

SECTION 3. Wherever said main sewer or its branches shall intercept streams, drains or sewers existing at the date of the passage of this act, the said city of Boston shall connect the same with said main sewer or its branches or make such other provision as not to destroy or unnecessarily injure the flow of the same.

Flow of water in streams intercepted by sewers.

SECTION 4. Whenever the city of Boston shall dig up any street or way, as aforesaid, it shall restore the same to as good order and condition as the same shall be in when such digging commenced; and the city of Boston shall at all times indemnify and save harmless the town of Woburn, the town of Winchester, and the town of Medford against all damage which may be recovered against them, respectively, and shall reimburse to them, respectively, all expenses which they shall incur by reason of any defect or want of repair in any street or way, caused by the construction of said main sewer or any of its branches, or the extension or diversion of said water-courses, sewers or drains, or by the maintaining or repairing of the same: *provided*, that said city shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

To restore streets to good order and condition.

City of Boston liable for damages, etc.

SECTION 5. The main sewer and its branches, to be constructed under this act, shall be the property of the city of Boston; shall be substantially made with brick and stone, or with such other materials and in such manner as the board of aldermen of the city of Boston shall permit or direct, and shall be kept and maintained in good order by the city of Boston.

Sewer to be substantially made and kept in order by Boston.

The city of Boston shall at all times have the right to repair the same, and to remove stoppages therefrom, and may assess the expense, or any portion thereof, on all persons benefited by such repairs, or removal of obstructions, in the manner designated in the eleventh and twelfth sections of chapter forty-eight of the General Statutes of the Commonwealth, and the board of alder-

Expense of repairs to be assessed upon persons benefited.

men of the city of Boston shall have the powers therein granted to selectmen of towns, but no part of such expense shall be assessed upon towns, corporations or persons who do not use said main sewer or its branches, or who are lawfully entitled to discharge their sewage or drainage into said Mystic Pond or its head-waters at the date of the passage of this act. All juries applied for under this section shall be drawn from the county of Middlesex.

Liability for damages.

SECTION 6. The city of Boston shall be liable to pay all damages that shall be sustained by any person, town or corporation in his or its property by the taking of or injury to any land, real estate, water or water rights, or by the interference with or injury to the use of any water-course to which such person, town or corporation is legally entitled at the time of such taking; and in regard to such taking, injury, or interference and the ascertainment and payment of all such damages, the said city of Boston and all persons, towns or corporations claiming damages, shall have all the rights, immunities and remedies, and be subject to all the duties, liabilities and regulations, which are provided in the one hundred and sixty-seventh chapter of the acts of the year eighteen hundred and forty-six, the one hundred and eighty-seventh chapter of the acts of the year eighteen hundred and forty-nine, and the three hundred and sixteenth chapter of the acts of the year eighteen hundred and fifty.

Drainage of other towns, etc., not to enter main sewer without consent of Boston.

SECTION 7. No corporation, person or persons, shall hereafter discharge any sewage, drainage or pollution, of any kind, which they have not the legal right so to discharge at the date of the passage of this act, and no city or town shall discharge its public drainage or sewage into the said upper Mystic Pond, or any head-water, pond or stream running into, or connected therewith, or into the said main sewer or any of its branches, or into any drain or sewer directly or indirectly connected therewith, or into any stream or water-course diverted into said main sewer, or into the branches thereof, or into any drain, sewer or conduit emptying into said stream or water-course or its branches, without the permission of the city of Boston; but any such town, corporation, person or persons may, with the permission of the city of Boston, enter a drain or sewer into such main sewer or any of its branches, upon giving six months' notice to said city of Boston of their desire so to do, and upon payment of a reasonable compensation to said city for the use of the same.

If the city of Boston and said town, corporation, person or persons shall be unable to agree upon said compensation, either party may petition the supreme judicial court for the appointment of a commission of three suitable persons, who shall hear the parties and determine the compensation to be paid to the city of Boston. Such compensation may consist of a sum in gross, or of a yearly payment to be made to said city, as said commissioners may decide; and the report of said commissioners, or of a majority of them, being subject to the revision of, and being accepted by the supreme judicial court shall be final, and judgment shall issue thereon.

Compensation  
for use of sewer  
by other towns.

The entry of any drain or sewer into said main sewer or any of its branches, shall be made under the direction of the city of Boston, and subject to such reasonable rules and regulations as may be made by the city council thereof.

Upon the establishment by the towns of Woburn or Winchester or Medford of any system of sewerage or drainage, the sewers established by said towns to the northward and eastward of said system of sewers of the city of Boston, and through territory which naturally drains toward said main sewer of the city of Boston, or any of its branches, shall be entered into said sewers of said city of Boston, and compensation therefor shall be made severally by said towns to said city of Boston, and shall be determined, if the parties shall be unable to agree, in the manner herein before set forth: *provided*, that in all cases under this section no such town, corporation, person or persons shall be entitled to make such entry except by permission of the city of Boston, or upon such terms as shall be determined by the supreme judicial court.

SECTION 8. Nothing in this act shall be so construed as to impair the rights heretofore granted to the towns of Woburn and Winchester for supplying themselves with pure water; or to prohibit the saving and use of sewage and drainage matter for fertilizing purposes, or making any local disposition of the same, which shall not pollute the waters of said upper Mystic Pond.

Rights of Wo-  
burn and Win-  
chester not to  
be impaired.

SECTION 9. If any town, corporation, person or persons shall wantonly or maliciously discharge any sewage, drainage or cause of pollution into the said upper Mystic Pond or any head-water, pond or stream running into or connected therewith, such town, corporation, person or

Penalty for pol-  
luting water of  
Mystic Pond.

persons shall be liable to the penalties declared in the fifteenth section of the one hundred and sixty-seventh chapter of the acts of the year eighteen hundred and forty-six.

Penalty for unlawfully entering drain.

SECTION 10. If any town, corporation, person or persons shall, contrary to the provisions of this act, enter any drain or sewer, or conduct any sewage or drainage matter, or pollution of any kind, into any drain or sewer constructed by the city of Boston by virtue of this act, or into any water-course, stream or channel, natural or artificial, connected therewith, or shall wantonly or maliciously injure or destroy, or divert or obstruct any such drain or sewer, or destroy or injure any machinery or property held, owned or used by the said city, by the authority and for the purposes of this act, such town, corporation, person or persons, shall forfeit and pay to said city of Boston, three times the amount of the damages that shall be assessed therefor, to be recovered in any proper action.

Injunction may be granted by S. J. C.

SECTION 11. It shall be lawful for the supreme judicial court, upon application of the city of Boston, to grant an injunction against any unlawful use of or interference by any one with any sewers or drains constructed by the city of Boston under this act, or against the unlawful entry of any drain or sewer, directly or indirectly, into the same, or into any drain, sewer or water-course connected therewith, or against the unlawful pollution or corruption of the upper Mystic Pond, or its head-waters, or of any pond or stream flowing into or connected with the same; and damages therefor may be assessed by said court, as incident to such process.

Legislature may regulate disposition of sewage from time to time.

SECTION 12. This act shall not be construed to grant an interminable right to discharge sewage into Mystic Lower Pond, but the legislature may, from time to time, by law regulate and determine the disposition to be made of such sewage for the purpose of protecting the public health, and especially that of the inhabitants of Arlington and Medford, and preventing the existence of a nuisance, anything to the contrary in this act notwithstanding.

Mystic Sewer Bonds of the City of Boston may be issued.

SECTION 13. For the purpose of defraying all the cost and expenses incurred under this act, the said city of Boston is authorized to issue its bonds to such an amount as may be necessary therefor, but not exceeding the costs and expenses incurred under this act, bearing interest at the rate of six per centum per annum; and said interest

shall be payable semi-annually, and the principal shall be payable at periods not more than forty years from the issuing thereof; and said bonds shall be known as the Mystic Sewer Bonds of the City of Boston. And the said city may sell the same, or any part thereof, from time to time, by public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as it shall deem proper.

SECTION 14. This act shall take effect upon its acceptance by the city council of the city of Boston.

Subject to acceptance by city council.

*Approved May 10, 1875.*

AN ACT TO EXTEND THE TIME FOR ORGANIZING THE VINEYARD TELEGRAPH COMPANY.

*Chap. 203*

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

SECTION 1. The time for organizing the corporation established by chapter two hundred and twenty-five of the acts of the year eighteen hundred and seventy-two, entitled An Act to incorporate the Vineyard Telegraph Company, is hereby extended four years from the date of the passage of said act, anything contained in section two of chapter sixty-eight of the General Statutes to the contrary notwithstanding.

Time extended for organization.

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

*Approved May 12, 1875.*

AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION DOLLARS.

*Chap. 204*

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

SECT. 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 :—

Assessment of cities and towns.

BARNSTABLE COUNTY.

Barnstable County.

Barnstable, . . .	Four thousand one hundred and eighty dollars, . . .	\$4,180 00
Brewster, . . .	One thousand one hundred and forty dollars, . . .	1,140 00
Chatham, . . .	One thousand seven hundred dollars, . . .	1,700 00
Dennis, . . .	Two thousand four hundred and forty dollars, . . .	2,440 00
Eastham, . . .	Four hundred and twenty dollars, . . .	420 00
Falmouth, . . .	Two thousand and twenty dollars, . . .	2,020 00

## BARNSTABLE COUNTY—CONTINUED.

Harwich, . . .	One thousand nine hundred and eighty dollars, . . . . .	§1,980 00
Mashpee, . . .	One hundred and sixty dollars, . . . . .	160 00
Orleans, . . .	One thousand dollars, . . . . .	1,000 00
Provincetown, . .	Three thousand two hundred and eighty dollars, . . . . .	3,280 00
Sandwich, . . .	Two thousand three hundred and forty dollars, . . . . .	2,340 00
Truro, . . . .	Six hundred and sixty dollars, . . . . .	660 00
Wellfleet, . . .	One thousand four hundred and eighty dollars, . . . . .	1,480 00
Yarmouth, . . .	Two thousand two hundred and eighty dollars, . . . . .	2,280 00
		§25,080 00

Berkshire  
County.

## BERKSHIRE COUNTY.

Adams, . . . .	Nine thousand nine hundred and sixty dollars, . . . . .	§9,960 00
Alford, . . . .	Four hundred and forty dollars, . . . . .	440 00
Becket, . . . .	Eight hundred and eighty dollars, . . . . .	880 00
Cheshire, . . .	One thousand three hundred and eighty dollars, . . . . .	1,380 00
Clarksburg, . .	Four hundred and twenty dollars, . . . . .	420 00
Dalton, . . . .	One thousand four hundred and eighty dollars, . . . . .	1,480 00
Egremont, . . .	Eight hundred and sixty dollars, . . . . .	860 00
Florida, . . . .	Five hundred and forty dollars, . . . . .	540 00
Gt. Barrington, .	Six thousand three hundred and forty dollars, . . . . .	6,340 00
Hancock, . . . .	Seven hundred dollars, . . . . .	700 00
Hinsdale, . . .	One thousand four hundred dollars, . . . . .	1,400 00
Lanesborough, .	One thousand one hundred and eighty dollars, . . . . .	1,180 00
Lee, . . . . .	Two thousand seven hundred and forty dollars, . . . . .	2,740 00
Lenox, . . . . .	Two thousand and eighty dollars, . . . . .	2,080 00
Monterey, . . .	Five hundred and twenty dollars, . . . . .	520 00



## BERKSHIRE COUNTY—CONTINUED.

Mt. Washington,	One hundred and sixty dollars, . . . . .	\$160 00
New Ashford, . .	One hundred and sixty dollars, . . . . .	160 00
New Marlboro', .	One thousand four hundred and eighty dollars, . . . . .	1,480 00
Otis, . . . . .	Six hundred dollars, . . . . .	600 00
Peru, . . . . .	Three hundred and twenty dollars, . . . . .	320 00
Pittsfield, . . .	Eleven thousand eight hundred and forty dollars, . . . . .	11,840 00
Richmond, . . .	Eight hundred and eighty dollars, . . . . .	880 00
Sandisfield, . .	Nine hundred and twenty dollars, . . . . .	920 00
Savoy, . . . . .	Five hundred dollars, . . . . .	500 00
Sheffield, . . .	One thousand nine hundred and eighty dollars, . . . . .	1,980 00
Stockbridge, . .	Three thousand two hundred and eighty dollars, . . . . .	3,280 00
Tyringham, . . .	Four hundred and sixty dollars, . . . . .	460 00
Washington, . .	Four hundred and sixty dollars, . . . . .	460 00
W. Stockbridge,	One thousand five hundred dollars, . . . . .	1,500 00
Williamstown, .	Two thousand five hundred dollars, . . . . .	2,500 00
Windsor, . . . .	Five hundred and twenty dollars, . . . . .	520 00
		\$58,480 00

## BRISTOL COUNTY.

Bristol County.

Acushnet, . . . .	One thousand dollars, . . . . .	\$1,000 00
Attleborough, . .	Four thousand four hundred and forty dollars, . . . . .	4,440 00
Berkley, . . . . .	Five hundred and forty dollars, . . . . .	540 00
Dartmouth, . . .	Three thousand two hundred and sixty dollars, . . . . .	3,260 00
Dighton, . . . .	One thousand three hundred and eighty dollars, . . . . .	1,380 00
Easton, . . . . .	Four thousand and forty dollars, . . . . .	4,040 00
Fairhaven, . . .	Two thousand four hundred and forty dollars, . . . . .	2,440 00

## BRISTOL COUNTY—CONTINUED.

Fall River, . . .	Thirty-six thousand one hundred and sixty dollars, . . . . .	\$36,160 00
Freetown, . . .	One thousand two hundred and twenty dollars, . . . . .	1,220 00
Mansfield, . . .	One thousand five hundred and twenty dollars, . . . . .	1,520 00
New Bedford, . . .	Thirty-two thousand two hundred and eighty dollars, . . . . .	32,280 00
Norton, . . .	One thousand three hundred dollars, . . . . .	1,300 00
Raynham, . . .	One thousand six hundred and eighty dollars, . . . . .	1,680 00
Rehoboth, . . .	One thousand three hundred dollars, . . . . .	1,300 00
Seekonk, . . .	Eight hundred and eighty dollars, . . . . .	880 00
Somerset, . . .	One thousand five hundred and twenty dollars, . . . . .	1,520 00
Swansea, . . .	One thousand and forty dollars, . . . . .	1,040 00
Taunton, . . .	Twenty-one thousand dollars, . . . . .	21,000 00
Westport, . . .	Two thousand two hundred and eighty dollars, . . . . .	2,280 00
		<hr/> \$119,280 00

Dukes County.

## DUKES COUNTY.

Chilmark, . . .	Five hundred dollars, . . . . .	\$500 00
Edgartown, . . .	One thousand seven hundred and sixty dollars, . . . . .	1,760 00
Gay Head, . . .	Forty dollars, . . . . .	40 00
Gosnold, . . .	Two hundred dollars, . . . . .	200 00
Tisbury, . . .	One thousand one hundred and eighty dollars, . . . . .	1,180 00
		<hr/> \$3,680 00

Essex County.

## ESSEX COUNTY.

Amesbury, . . .	Four thousand two hundred and sixty dollars, . . . . .	\$4,260 00
Andover, . . .	Four thousand six hundred and twenty dollars, . . . . .	4,620 00

## ESSEX COUNTY—CONTINUED.

Beverly, . . .	Eight thousand and sixty dollars, . . .	\$8,060 00
Boxford, . . .	One thousand one hundred dollars, . . .	1,100 00
Bradford, . . .	One thousand seven hundred dollars, . . .	1,700 00
Danvers, . . .	Four thousand four hundred dollars, . . .	4,400 00
Essex, . . .	One thousand four hundred and twenty dollars, . . .	1,420 00
Georgetown, . . .	One thousand five hundred dollars, . . .	1,500 00
Gloucester, . . .	Eleven thousand six hundred and forty dollars, . . .	11,640 00
Groveland, . . .	One thousand three hundred and forty dollars, . . .	1,340 00
Hamilton, . . .	Seven hundred and sixty dollars, . . .	760 00
Haverhill, . . .	Thirteen thousand eight hundred and forty dollars, . . .	13,840 00
Ipswich, . . .	Two thousand six hundred and eighty dollars, . . .	2,680 00
Lawrence, . . .	Twenty-six thousand two hundred and sixty dollars, . . .	26,260 00
Lynn, . . .	Thirty thousand five hundred and eighty dollars, . . .	30,580 00
Lynnfield, . . .	Nine hundred and sixty dollars, . . .	960 00
Manchester, . . .	One thousand seven hundred and twenty dollars, . . .	1,720 00
Marblehead, . . .	Five thousand seven hundred and forty dollars, . . .	5,740 00
Methuen, . . .	Three thousand dollars, . . .	3,000 00
Middleton, . . .	Seven hundred dollars, . . .	700 00
Nahant, . . .	Six thousand and twenty dollars, . . .	6,020 00
Newbury, . . .	One thousand two hundred and twenty dollars, . . .	1,220 00
Newburyport, . . .	Eleven thousand nine hundred and sixty dollars, . . .	11,960 00
North Andover, . . .	Three thousand and sixty dollars, . . .	3,060 00
Peabody, . . .	Seven thousand eight hundred and forty dollars, . . .	7,840 00
Rockport, . . .	Two thousand seven hundred and twenty dollars, . . .	2,720 00
Rowley, . . .	Eight hundred and eighty dollars, . . .	880 00
Salem, . . .	Thirty-two thousand three hundred and eighty dollars, . . .	32,380 00

## ESSEX COUNTY—CONTINUED.

Salisbury, . .	Two thousand nine hundred and eighty dollars, . . . . .	\$2,980 00
Saugus, . . .	Two thousand and eighty dollars, .	2,080 00
Swampscott, .	Two thousand seven hundred and sixty dollars, . . . . .	2,760 00
Topsfield, . .	One thousand one hundred and twenty dollars, . . . . .	1,120 00
Wenham, . . .	Seven hundred and eighty dollars, .	780 00
West Newbury, .	One thousand seven hundred and twenty dollars, . . . . .	1,720 00
		<hr/> \$203,800 00

Franklin  
County.

## FRANKLIN COUNTY.

Ashfield, . . .	Nine hundred and twenty dollars, .	\$920 00
Bernardston, .	Seven hundred and forty dollars, .	740 00
Buckland, . . .	One thousand one hundred and sixty dollars, . . . . .	1,160 00
Charlemont, . .	Six hundred and eighty dollars, .	680 00
Colrain, . . . .	One thousand one hundred and forty dollars, . . . . .	1,140 00
Conway, . . . .	One thousand three hundred dollars, .	1,300 00
Deerfield, . . .	Two thousand three hundred and eighty dollars, . . . . .	2,380 00
Erving, . . . .	Four hundred and eighty dollars, .	480 00
Gill, . . . . .	Seven hundred dollars, . . . . .	700 00
Greenfield, . . .	Three thousand five hundred dollars, .	3,500 00
Hawley, . . . .	Three hundred and sixty dollars, .	360 00
Heath, . . . . .	Four hundred and eighty dollars, .	480 00
Leverett, . . . .	Six hundred and twenty dollars, .	620 00
Leyden, . . . .	Three hundred and eighty dollars, .	380 00
Monroe, . . . .	One hundred and twenty dollars, .	120 00
Montague, . . . .	One thousand seven hundred and sixty dollars, . . . . .	1,760 00
New Salem, . .	Six hundred and forty dollars, .	640 00

## FRANKLIN COUNTY—CONTINUED.

Northfield, . . .	One thousand three hundred dollars,	\$1,300 00
Orange, . . .	One thousand nine hundred and eighty dollars, . . . . .	1,980 00
Rowe, . . .	Three hundred and sixty dollars, .	360 00
Shelburne, . .	One thousand five hundred dollars,	1,500 00
Shutesbury, . .	Three hundred and eighty dollars, .	380 00
Sunderland, . .	Seven hundred dollars, . . . . .	700 00
Warwick, . . .	Five hundred dollars, . . . . .	500 00
Wendell, . . .	Three hundred and sixty dollars, .	360 00
Whately, . . .	One thousand one hundred and sixty dollars, . . . . .	1,160 00
		\$25,600 00

## HAMPDEN COUNTY.

Hampden  
County.

Agawam, . . .	One thousand five hundred dollars,	\$1,500 00
Blandford, . .	Eight hundred and forty dollars, .	840 00
Brimfield, . .	One thousand and eighty dollars, .	1,080 00
Chester, . . .	Eight hundred and eighty dollars, .	880 00
Chicopee, . . .	Seven thousand and twenty dollars,	7,020 00
Granville, . .	Eight hundred and forty dollars, .	840 00
Holland, . . .	Two hundred and forty dollars, .	240 00
Holyoke, . . .	Nine thousand four hundred and forty dollars, . . . . .	9,440 00
Longmeadow, .	One thousand six hundred and forty dollars, . . . . .	1,640 00
Ludlow, . . .	Seven hundred and eighty dollars,	780 00
Monson, . . .	Two thousand one hundred and forty dollars, . . . . .	2,140 00
Montgomery, .	Two hundred and sixty dollars, .	260 00
Palmer, . . .	Two thousand three hundred and twenty dollars, . . . . .	2,320 00
Russell, . . .	Four hundred and sixty dollars, .	460 00

## HAMPDEN COUNTY—CONTINUED.

Southwick, . . .	One thousand and sixty dollars, . . .	\$1,060 00
Springfield, . . .	Thirty-eight thousand three hundred and twenty dollars, . . .	38,320 00
Tolland, . . .	Four hundred and sixty dollars, . . .	460 00
Wales, . . .	Six hundred and twenty dollars, . . .	620 00
Westfield, . . .	Seven thousand four hundred and sixty dollars, . . .	7,460 00
W. Springfield, . . .	Two thousand nine hundred and eighty dollars, . . .	2,980 00
Wilbraham, . . .	One thousand four hundred and eighty dollars, . . .	1,480 00
		\$81,820 00

Hampshire  
County.

## H A M P S H I R E C O U N T Y .

Amherst, . . .	Four thousand four hundred and forty dollars, . . .	\$4,440 00
Belchertown, . . .	One thousand seven hundred and eighty dollars, . . .	1,780 00
Chesterfield, . . .	Six hundred and sixty dollars, . . .	660 00
Cummington, . . .	Six hundred and sixty dollars, . . .	660 00
Easthampton, . . .	Three thousand nine hundred dollars, . . .	3,900 00
Enfield, . . .	One thousand and sixty dollars, . . .	1,060 00
Goshen, . . .	Two hundred and sixty dollars, . . .	260 00
Granby, . . .	Eight hundred and twenty dollars, . . .	820 00
Greenwich, . . .	Five hundred and twenty dollars, . . .	520 00
Hadley, . . .	Two thousand one hundred and eighty dollars, . . .	2,180 00
Hatfield, . . .	Two thousand one hundred and forty dollars, . . .	2,140 00
Huntington, . . .	Eight hundred and eighty dollars, . . .	880 00
Middlefield, . . .	Six hundred and twenty dollars, . . .	620 00
Northampton, . . .	Ten thousand one hundred and eighty dollars, . . .	10,180 00
Pelham, . . .	Three hundred and eighty dollars, . . .	380 00
Plainfield, . . .	Four hundred and sixty dollars, . . .	460 00

## HAMPSHIRE COUNTY—CONTINUED.

Prescott, . . .	Three hundred and sixty dollars, . . .	\$360 00
South Hadley, . . .	Two thousand seven hundred and forty dollars, . . . . .	2,740 00
Southampton, . . .	Nine hundred and twenty dollars, . . .	920 00
Ware, . . . . .	Two thousand seven hundred and sixty dollars, . . . . .	2,760 00
Westhampton, . . .	Six hundred dollars, . . . . .	600 00
Williamsburg, . . .	Two thousand two hundred and twenty dollars, . . . . .	2,220 00
Worthington, . . .	Six hundred and forty dollars, . . . . .	640 00
		\$41,180 00

## MIDDLESEX COUNTY.

Middlesex  
County.

Acton, . . . . .	One thousand five hundred and eighty dollars, . . . . .	\$1,580 00
Arlington, . . . . .	Five thousand and sixty dollars, . . .	5,060 00
Ashby, . . . . .	Eight hundred and sixty dollars, . . .	860 00
Ashland, . . . . .	One thousand nine hundred dollars, . . .	1,900 00
Ayer, . . . . .	One thousand four hundred and forty dollars, . . . . .	1,440 00
Bedford, . . . . .	Eight hundred and twenty dollars, . . .	820 00
Belmont, . . . . .	Three thousand two hundred dollars, . . . . .	3,200 00
Billerica, . . . . .	Two thousand one hundred and forty dollars, . . . . .	2,140 00
Boxborough, . . . . .	Three hundred and eighty dollars, . . .	380 00
Burlington, . . . . .	Seven hundred dollars, . . . . .	700 00
Cambridge, . . . . .	Fifty-eight thousand five hundred and eighty dollars, . . . . .	58,580 00
Carlisle, . . . . .	Five hundred and forty dollars, . . . . .	540 00
Chelmsford, . . . . .	Two thousand four hundred and sixty dollars, . . . . .	2,460 00
Concord, . . . . .	Three thousand one hundred and forty dollars, . . . . .	3,140 00
Dracut, . . . . .	Two thousand dollars, . . . . .	2,000 00
Dunstable, . . . . .	Four hundred and eighty dollars, . . .	480 00

## MIDDLESEX COUNTY—CONTINUED.

Everett, . . .	Two thousand eight hundred and eighty dollars, . . . . .	\$2,880 00
Framingham, . . .	Five thousand three hundred and sixty dollars, . . . . .	5,360 00
Groton, . . .	Two thousand three hundred dollars, . . . . .	2,300 00
Holliston, . . .	Two thousand eight hundred and twenty dollars, . . . . .	2,820 00
Hopkinton, . . .	Three thousand three hundred dollars, . . . . .	3,300 00
Hudson, . . .	Two thousand two hundred and eighty dollars, . . . . .	2,280 00
Lexington, . . .	Three thousand dollars, . . . . .	3,000 00
Lincoln, . . .	Nine hundred and eighty dollars, . . . . .	980 00
Littleton, . . .	One thousand and forty dollars, . . . . .	1,040 00
Lowell, . . .	Thirty-eight thousand five hundred and eighty dollars, . . . . .	38,580 00
Malden, . . .	Eight thousand six hundred and eighty dollars, . . . . .	8,680 00
Marlborough, . . .	Five thousand one hundred and eighty dollars, . . . . .	5,180 00
Maynard, . . .	One thousand five hundred dollars, . . . . .	1,500 00
Medford, . . .	Eight thousand one hundred and sixty dollars, . . . . .	8,160 00
Melrose, . . .	Three thousand six hundred and sixty dollars, . . . . .	3,660 00
Natick, . . .	Four thousand nine hundred and sixty dollars, . . . . .	4,960 00
Newton, . . .	Twenty-three thousand five hundred and forty dollars, . . . . .	23,540 00
North Reading, . . .	Eight hundred and twenty dollars, . . . . .	820 00
Pepperell, . . .	One thousand seven hundred and sixty dollars, . . . . .	1,760 00
Reading, . . .	Two thousand five hundred and sixty dollars, . . . . .	2,560 00
Sherborn, . . .	One thousand three hundred dollars, . . . . .	1,300 00
Shirley, . . .	One thousand three hundred and twenty dollars, . . . . .	1,320 00
Somerville, . . .	Seventeen thousand nine hundred and sixty dollars, . . . . .	17,960 00
Stoneham, . . .	Three thousand six hundred and twenty dollars, . . . . .	3,620 00
Stow, . . .	One thousand one hundred and twenty dollars, . . . . .	1,120 00
Sudbury, . . .	One thousand four hundred and twenty dollars, . . . . .	1,420 00



## MIDDLESEX COUNTY—CONTINUED.

Tewksbury, .	One thousand three hundred and sixty dollars, . . . . .	\$1,360 00
Townsend, .	One thousand four hundred and twenty dollars, . . . . .	1,420 00
Tyngsborough, .	Five hundred dollars, . . . . .	500 00.
Wakefield, .	Four thousand five hundred and eighty dollars, . . . . .	4,580 00
Waltham, .	Ten thousand eight hundred and forty dollars, . . . . .	10,840 00
Watertown, .	Six thousand three hundred and forty dollars, . . . . .	6,340 00
Wayland, .	One thousand one hundred dollars, . . . . .	1,100 00
Westford, .	One thousand six hundred and sixty dollars, . . . . .	1,660 00
Weston, .	One thousand seven hundred and forty dollars, . . . . .	1,740 00
Wilmington, .	Seven hundred and eighty dollars, . . . . .	780 00
Winchester, .	Four thousand three hundred and sixty dollars, . . . . .	4,360 00
Woburn, .	Ten thousand five hundred and twenty dollars, . . . . .	10,520 00
		<hr/> \$280,580 00

## NANTUCKET COUNTY.

Nantucket  
County.

Nantucket, .	Three thousand four hundred and twenty dollars, . . . . .	\$3,420 00
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## NORFOLK COUNTY.

Norfolk County.

Bellingham, .	Eight hundred and eighty dollars, . . . . .	\$880 00
Braintree, .	Three thousand four hundred dollars, . . . . .	3,400 00
Brookline, .	Twenty-four thousand two hundred and sixty dollars, . . . . .	24,260 00
Canton, .	Three thousand nine hundred dollars, . . . . .	3,900 00
Cohasset, .	Two thousand six hundred dollars, . . . . .	2,600 00
Dedham, .	Six thousand four hundred and sixty dollars, . . . . .	6,460 00
Dover, .	Six hundred dollars, . . . . .	600 00

## NORFOLK COUNTY—CONTINUED.

Foxborough, . . .	Two thousand three hundred dollars,	\$2,300 00
Franklin, . . .	Two thousand three hundred dollars,	2,300 00
Holbrook, . . .	One thousand seven hundred and twenty dollars,	1,720 00
Hyde Park, . . .	Six thousand six hundred and eighty dollars,	6,680 00
Medfield, . . .	One thousand two hundred dollars,	1,200 00
Medway, . . .	Two thousand six hundred and sixty dollars,	2,660 00
Milton, . . .	Six thousand four hundred and twenty dollars,	6,420 00
Needham, . . .	Four thousand one hundred and eighty dollars,	4,180 00
Norfolk, . . .	Seven hundred and eighty dollars,	780 00
Norwood, . . .	One thousand seven hundred and twenty dollars,	1,720 00
Quincy, . . .	Seven thousand and sixty dollars,	7,060 00
Randolph, . . .	Three thousand one hundred and forty dollars,	3,140 00
Sharon, . . .	One thousand two hundred and forty dollars,	1,240 00
Stoughton, . . .	Three thousand seven hundred and sixty dollars,	3,760 00
Walpole, . . .	One thousand nine hundred and sixty dollars,	1,960 00
Weymouth, . . .	Seven thousand nine hundred and eighty dollars,	7,980 00
Wrentham, . . .	One thousand seven hundred and eighty dollars,	1,780 00
		\$98,980 00

Plymouth  
County.

## PLYMOUTH COUNTY.

Abington, . . .	Two thousand four hundred seventy-four dollars and forty-six cents,	\$2,474 46
Bridgewater, . . .	Three thousand three hundred and eighty dollars,	3,380 00
Brockton, . . .	Six thousand and twenty dollars,	6,020 00
Carver, . . .	Nine hundred and twenty dollars,	920 00
Duxbury, . . .	One thousand nine hundred and twenty dollars,	1,920 00

## PLYMOUTH COUNTY—CONTINUED.

E. Bridgewater,	Two thousand three dollars and ninety-seven cents, . . . . .	2,003 97
Halifax, . . . .	Five hundred and forty dollars, . . . . .	540 00
Hanover, . . . .	One thousand five hundred dollars, . . . . .	1,500 00
Hanson, . . . .	Nine hundred dollars, . . . . .	900 00
Hingham, . . . .	Four thousand six hundred and forty dollars, . . . . .	4,640 00
Hull, . . . . .	Three hundred and forty dollars, . . . . .	340 00
Kingston, . . . .	One thousand nine hundred and forty dollars, . . . . .	1,940 00
Lakeville, . . . .	Nine hundred and twenty dollars, . . . . .	920 00
Marion, . . . . .	Seven hundred and forty dollars, . . . . .	740 00
Marshfield, . . . .	One thousand three hundred and sixty dollars, . . . . .	1,360 00
Mattapoisett, . . . .	One thousand dollars, . . . . .	1,000 00
Middleborough,	Three thousand eight hundred and forty dollars, . . . . .	3,840 00
Pembroke, . . . .	One thousand and sixty dollars, . . . . .	1,060 00
Plymouth, . . . .	Five thousand four hundred and eighty dollars, . . . . .	5,480 00
Plympton, . . . .	Five hundred and forty dollars, . . . . .	540 00
Rochester, . . . .	Eight hundred and forty dollars, . . . . .	840 00
Rockland, . . . .	Two thousand eight hundred and thirty-two dollars, . . . . .	2,832 00
Scituate, . . . . .	One thousand eight hundred and twenty dollars, . . . . .	1,820 00
South Abington,	One thousand nine hundred nine dollars and fifty-seven cents, . . . . .	1,909 57
South Scituate, . . . .	One thousand five hundred and twenty dollars, . . . . .	1,520 00
Wareham, . . . . .	One thousand nine hundred and sixty dollars, . . . . .	1,960 00
W. Bridgewater,	One thousand three hundred and forty dollars, . . . . .	1,340 00
		53,740 00

## SUFFOLK COUNTY.

Suffolk County.

Boston, . . . . .	Eight hundred and two thousand one hundred and twenty dollars, . . . . .	802,120 00
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## SUFFOLK COUNTY—CONTINUED.

Chelsea, . . .	Seventeen thousand five hundred and sixty dollars, . . . . .	\$17,560 00
Revere, . . .	One thousand four hundred and twenty dollars, . . . . .	1,420 00
Winthrop, . . .	Seven hundred dollars, . . . . .	700 00
		<hr/>
		\$821,800 00

Worcester  
County.

## WORCESTER COUNTY.

Ashburnham, . . .	One thousand six hundred and twenty dollars, . . . . .	\$1,620 00
Athol, . . .	Three thousand two hundred and sixty dollars, . . . . .	3,260 00
Auburn, . . .	Eight hundred and twenty dollars, . . . . .	820 00
Barre, . . .	Two thousand six hundred and eighty dollars, . . . . .	2,680 00
Berlin, . . .	Seven hundred and forty dollars, . . . . .	740 00
Blackstone, . . .	Three thousand five hundred and forty dollars, . . . . .	3,540 00
Bolton, . . .	Nine hundred dollars, . . . . .	900 00
Boylston, . . .	Seven hundred and eighty dollars, . . . . .	780 00
Brookfield, . . .	Two thousand dollars, . . . . .	2,000 00
Charlton, . . .	One thousand six hundred dollars, . . . . .	1,600 00
Clinton, . . .	Four thousand four hundred and forty dollars, . . . . .	4,440 00
Dana, . . .	Five hundred dollars, . . . . .	500 00
Douglas, . . .	One thousand six hundred and twenty dollars, . . . . .	1,620 00
Dudley, . . .	One thousand six hundred and sixty dollars, . . . . .	1,660 00
Fitchburg, . . .	Fifteen thousand two hundred and forty dollars, . . . . .	15,240 00
Gardner, . . .	Two thousand eight hundred and twenty dollars, . . . . .	2,820 00
Grafton, . . .	Three thousand and twenty dollars, . . . . .	3,020 00
Hardwick, . . .	One thousand seven hundred and sixty dollars, . . . . .	1,760 00
Harvard, . . .	One thousand four hundred and eighty dollars, . . . . .	1,480 00
Holden, . . .	One thousand four hundred and eighty dollars, . . . . .	1,480 00

## WORCESTER COUNTY—CONTINUED.

Hubbardston, . . .	One thousand three hundred and eighty dollars, . . . . .	\$1,380 00
Lancaster, . . .	Two thousand eight hundred and eighty dollars, . . . . .	2,880 00
Leicester, . . .	Two thousand nine hundred and sixty dollars, . . . . .	2,960 00
Leominster, . . .	Four thousand three hundred and sixty dollars, . . . . .	4,360 00
Lunenburg, . . .	One thousand one hundred and twenty dollars, . . . . .	1,120 00
Mendon, . . .	One thousand and sixty dollars, . . . . .	1,060 00
Milford, . . .	Seven thousand eight hundred and eighty dollars, . . . . .	7,880 00
Millbury, . . .	Three thousand one hundred and twenty dollars, . . . . .	3,120 00
New Braintree, . .	Eight hundred dollars, . . . . .	800 00
Northborough, . .	One thousand seven hundred and eighty dollars, . . . . .	1,780 00
Northbridge, . . .	Two thousand eight hundred and sixty dollars, . . . . .	2,860 00
N. Brookfield, . .	Two thousand eight hundred and twenty dollars, . . . . .	2,820 00
Oakham, . . .	Six hundred and twenty dollars, . . . . .	620 00
Oxford, . . .	Two thousand one hundred dollars, . . . . .	2,100 00
Paxton, . . .	Five hundred and forty dollars, . . . . .	540 00
Petersham, . . .	One thousand one hundred and twenty dollars, . . . . .	1,120 00
Phillipston, . . .	Five hundred dollars, . . . . .	500 00
Princeton, . . .	One thousand three hundred and twenty dollars, . . . . .	1,320 00
Royalston, . . .	One thousand two hundred and sixty dollars, . . . . .	1,260 00
Rutland, . . .	Eight hundred and twenty dollars, . . . . .	820 00
Shrewsbury, . . .	One thousand six hundred and twenty dollars, . . . . .	1,620 00
Southborough, . .	One thousand nine hundred and eighty dollars, . . . . .	1,980 00
Southbridge, . . .	Three thousand seven hundred dollars, . . . . .	3,700 00
Spencer, . . .	Three thousand two hundred and eighty dollars, . . . . .	3,280 00
Sterling, . . .	One thousand seven hundred and sixty dollars, . . . . .	1,760 00
Sturbridge, . . .	One thousand five hundred and sixty dollars, . . . . .	1,560 00

## WORCESTER COUNTY—CONTINUED.

Sutton, . . .	One thousand eight hundred and eighty dollars, . . . . .	\$1,880 00
Templeton, . . .	One thousand nine hundred and sixty dollars, . . . . .	1,960 00
Upton, . . .	One thousand four hundred and twenty dollars, . . . . .	1,420 00
Uxbridge, . . .	Two thousand six hundred and eighty dollars, . . . . .	2,680 00
Warren, . . .	Two thousand two hundred and eighty dollars, . . . . .	2,280 00
Webster, . . .	Three thousand five hundred and forty dollars, . . . . .	3,540 00
Westborough, . . .	Three thousand and sixty dollars, . . . . .	3,060 00
West Boylston, . . .	One thousand seven hundred and eighty dollars, . . . . .	1,780 00
West Brookfield, . . .	One thousand three hundred and forty dollars, . . . . .	1,340 00
Westminster, . . .	One thousand four hundred and twenty dollars, . . . . .	1,420 00
Winchendon, . . .	Three thousand and twenty dollars, . . . . .	3,020 00
Worcester, . . .	Fifty-one thousand and twenty dollars, . . . . .	51,020 00
		<u>\$182,560 00</u>

Recapitulation  
by counties.

## RECAPITULATION.

Barnstable Co., . . .	Twenty-five thousand and eighty dollars, . . . . .	\$25,080 00
Berkshire Co., . . .	Fifty-eight thousand four hundred and eighty dollars, . . . . .	58,480 00
Bristol County, . . .	One hundred nineteen thousand two hundred and eighty dollars, . . . . .	119,280 00
Dukes County, . . .	Three thousand six hundred and eighty dollars, . . . . .	3,680 00
Essex County, . . .	Two hundred and three thousand eight hundred dollars, . . . . .	203,800 00
Franklin Co., . . .	Twenty-five thousand six hundred dollars, . . . . .	25,600 00
Hampden Co., . . .	Eighty-one thousand eight hundred and twenty dollars, . . . . .	81,820 00
Hampshire Co., . . .	Forty-one thousand one hundred and eighty dollars, . . . . .	41,180 00
Middlesex Co., . . .	Two hundred eighty thousand five hundred and eighty dollars, . . . . .	280,580 00
Nantucket Co., . . .	Three thousand four hundred and twenty dollars, . . . . .	3,420 00

## RECAPITULATION—CONTINUED.

Norfolk County,	Ninety-eight thousand nine hundred and eighty dollars, . . . . .	§98,980 00
Plymouth Co., .	Fifty-three thousand seven hundred and forty dollars, . . . . .	53,740 00
Suffolk County, .	Eight hundred twenty-one thousand eight hundred dollars, . . . . .	821,800 00
Worcester Co., .	One hundred eighty-two thousand five hundred and sixty dollars, . . . . .	182,560 00
		§2,000,000 00

SECTION 2. The treasurer 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 chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

Treasurer of Commonwealth to issue warrant.

SECTION 3. The treasurer in his 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 treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and seventy-five, 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 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 treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and, if the same remains unpaid after the first day of January next, an information may be filed, by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delin-

Treasurer of the Commonwealth to notify delinquent city or town treasurer.

quent 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 May 12, 1875.*

*Chap. 205* AN ACT TO ESTABLISH A SINKING FUND FOR THE COUNTY OF HAMPDEN.  
*Be it enacted, &c., as follows:*

Sinking fund to be established.

SECTION 1. The county commissioners of Hampden County, for the purpose of providing a sinking fund for the payment of the debt of said county at its maturity, are hereby authorized to loan and invest the proceeds from the sale of any real estate now owned by said county, together with such part of the unexpended appropriations of the year eighteen hundred and seventy-four as they may deem expedient, and hereafter in each year they shall include in their annual county estimates furnished to the legislature an estimate of the amount to be appropriated during such year for said sinking fund, which annual appropriations shall be sufficient, together with the accumulations, to extinguish said debt at its maturity.

Investments of fund.

SECTION 2. The fund so provided, and all appropriations hereafter made for said sinking fund, together with the accumulations thereon, shall be invested in the securities in which by law the funds of savings banks may be invested, except personal securities although guaranteed by sureties, and said sinking fund shall remain sacred and inviolate and pledged to the payment and redemption of said debt, and be used for no other purpose.

County commissioners to be commissioners of fund.

SECTION 3. The county commissioners of said county shall be *ex officio* commissioners of said sinking fund, and all securities for such loans and investments shall be made to them as commissioners of the sinking fund of the county of Hampden.

May direct county treasurer how to invest fund.

SECTION 4. Said county commissioners may in writing authorize and direct the treasurer of said county to take charge of said sinking fund and make such loans and investments and all necessary reinvestments in such manner as they shall determine, in accordance with the provisions of this act; and in such event, said treasurer shall include in his annual statement of receipts and expenditures, a report of the condition of said sinking fund.



SECTION 5. Neither said county commissioners nor said treasurer shall be entitled to receive any additional compensation for the performance of any duty required by the provisions of this act.

No compensation to be allowed for services.

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

*Approved May 12, 1875.*

AN ACT TO INCORPORATE THE MENAUIANT LAND AND WHARF COMPANY. *Chap. 206*  
*Be it enacted, &c., as follows :*

SECTION 1. Edwin J. Horton, Charles E. Hayward, B. J. Angell, G. M. Horton, O. L. Thayer, James J. Horton, their associates and successors, are hereby made a corporation by the name of the Menauhant Land and Wharf Company, for the purpose of improving and disposing of land now owned by them in common, in Falmouth, Massachusetts, and purchasing, holding, improving and disposing of lands adjoining thereto ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are or may hereafter be in force, applicable to similar corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may purchase land adjoining the land and wharf owned by said parties as aforesaid, and hold, improve and sell the same with buildings which may be erected thereon : *provided*, that the whole amount of land now held and to be held shall not exceed two hundred acres.

May purchase land.

SECTION 3. The capital stock of said corporation shall be thirty-five thousand dollars, which may by a vote of said corporation, be increased to an amount not to exceed fifty thousand dollars, to be divided into shares of one hundred dollars each : *provided, however*, said corporation shall not commence business or incur liability until fifteen thousand dollars of capital stock shall have been paid in, in cash.

Capital stock and shares.

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

*Approved May 12, 1875.*

AN ACT EXTENDING THE TIME FOR LOCATING AND CONSTRUCTING THE BOSTON, BARRE AND GARDNER RAILROAD, IN THE CITY OF WORCESTER. *Chap. 207*

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

SECTION 1. The provisions of chapter fourteen of the acts of the year eighteen hundred and seventy-three are extended to the first day of July in the year eighteen hundred and seventy-six.

Time extended for location and construction.

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

*Approved May 12, 1875.*

*Chap. 208* AN ACT TO AUTHORIZE THE TOWN OF WESTFORD TO RAISE, OR APPROPRIATE MONEY FOR THE PURPOSE OF ERECTING A MONUMENT.

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

May raise money for erection of a monument to Col. John Robinson.

SECTION 1. The town of Westford is authorized to raise by taxation, or to appropriate, a sum of money not exceeding three thousand dollars, for the purpose of erecting a monument to Colonel John Robinson, in commemoration of his patriotic services, in the battles of Concord, Lexington and Bunker Hill.

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

*Approved May 12, 1875.*

*Chap. 209* AN ACT TO REGULATE AND LIMIT MUNICIPAL INDEBTEDNESS.

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

Taxes to be assessed equal to aggregate of all sums appropriated, etc., since last annual assessment.

SECTION 1. The assessors of cities and towns shall each year assess taxes to an amount not less than the aggregate of all sums appropriated, granted or lawfully expended by their respective cities or towns since the last preceding annual assessment and not provided therein ; and of all sums which are required by law to be raised by taxation by the said cities or towns during said year ; and of all sums which are necessary to satisfy final judgments recovered against the said cities or towns ; but such assessments shall not include sums for the payment of which cities or towns have voted to contract debts according to the provisions of the third section of this act ; and the assessors may deduct from the amount required to be assessed, the amount of all the estimated receipts of their respective cities or towns (except from loans or taxes) which are lawfully applicable to the payment of the expenditure of the year, but such deduction shall not exceed the amount of such receipts during the preceding year ; and such assessments shall be made in the manner provided by law for the assessment of taxes ; and any assessor wilfully neglecting to make an assessment required by this act shall be subject to the penalties provided by law for neglecting to assess taxes.

Debts not to be incurred except by vote of the town for temporary loans.

SECTION 2. No debts shall hereafter be incurred by any city or town except debts for temporary loans in anticipation of the taxes of the year in which such debts are incurred, and of the year next ensuing and expressly made payable therefrom by vote of the said city or town ; and except as hereinafter provided.

SECTION 3. Debts, other than those authorized by the second section of this act, shall hereafter be incurred by a town, only by a vote of two-thirds of the legal voters present and voting at a legal meeting, and by a city, only by a vote of two-thirds of all the members of each branch of the city council, taken by yeas and nays, and, in any city where the mayor has the veto power, approved by the mayor; or, if he disapprove said vote, by another like vote taken after notice of such disapproval, which notice shall be given within ten days from the time in which the vote of the city council shall have been laid before the mayor; and if the mayor shall fail to give such notice to the branch of the city council in which said vote was first taken, he shall be deemed to have approved said vote of the city council.

Other debts to be incurred only by a two-thirds vote.

SECTION 4. Any debt contracted by a city or town, as provided by the third section of this act, shall be payable within a period not exceeding ten years from the time of contracting the same, and said city or town shall annually raise by taxation an amount sufficient to pay the interest thereon as it accrues, and shall also annually raise by taxation a sum not less than eight per centum of the principal thereof, until a sum is raised sufficient, with its accumulations, to extinguish the debt at maturity, which sum shall be set apart for that purpose and shall be used for no other purpose; and any balance required to extinguish said debt shall be raised by taxation at the annual assessment next preceding its maturity: *provided, however,* that debts incurred in constructing general sewers may be made payable at a period not exceeding twenty years from the time of contracting the same, and that debts incurred in supplying the inhabitants with pure water may be made payable at a period not exceeding thirty years from the time of contracting the same; and *provided, also,* that when the debt is, under the authority of this act, made payable at a period exceeding ten years from the time of contracting the same, said town or city shall, and when it is made payable at a period not exceeding ten years, said town or city may, besides paying the interest, as it accrues, from taxes assessed for the purpose, establish, at the time of contracting the debt, a sinking fund, and contribute thereto from year to year an amount raised annually by taxation, sufficient, with its accumulations, to extinguish the debt at maturity; and said sinking fund shall remain sacred and inviolate and pledged to the pay-

To be payable within ten years of time of contracting the same.

Provisos.

ment and redemption of said debt, and shall be used for no other purpose.

Commissioners  
of sinking funds  
to be elected.

SECTION 5. Any town establishing a sinking fund under the provisions of this act, shall, at the time of establishing the same, elect in the manner in which selectmen are by law required to be elected, three or six suitable persons as commissioners of its sinking funds, and any city establishing such a fund shall elect such commissioners by a concurrent vote of both branches of the city council. One-third of the number shall be elected for one, two and three years respectively. And annually thereafter, there shall be elected for a term of three years, a number equal to the number whose term of service then expires. Vacancies occurring in the board of commissioners shall, in towns, be filled by the remaining member or members and the selectmen, by a majority of ballots of the officers so entitled to vote, at a meeting called for the purpose by the selectmen, and in cities such vacancies shall be filled by the city council in the manner above provided for the election of the commissioners. The remaining member or members shall in case of a vacancy exercise the powers of the board till the vacancy is filled. The city or town treasurer shall not be eligible as a commissioner of sinking funds, and the acceptance of the office of treasurer by a commissioner already elected shall work a resignation of the office of commissioner. But the foregoing provisions as to the mode of electing commissioners and filling vacancies shall not apply to boards of sinking fund commissioners already established.

Vacancies.

Commissioners  
to choose a  
treasurer.

The commissioners shall choose a treasurer, who may be the city or town treasurer, and if the city or town treasurer shall be chosen, his bond shall apply to and include duties performed under this act. If any other person shall be chosen as treasurer, he shall give a bond, with sureties, to the satisfaction of the commissioners, for the proper discharge of the duties of his office.

The commissioners shall receive all sums contributed to a sinking fund and invest and reinvest the same, and the income thereof as it shall accrue, in the name of the board, in the particular scrip, notes or bonds for the redemption of which such sinking fund was established, or in other bonds of said town and city, which are secured by sinking funds, or in the securities in which by law the funds of savings banks may be invested, except personal

securities, although guaranteed by sureties; but no portion of the same shall be loaned to the city or town except as herein provided; and the commissioners may sell and reinvest such securities when required in their judgment for the good management of the fund. They shall keep a record of their proceedings; and shall annually, at the time when other municipal officers are required to make an annual report, make a written report to the city or town of the amount and condition of said funds and the income thereof, for the then preceding financial year. The record, and the securities belonging to said funds, shall at all times be open to the inspection of the selectmen, mayor and aldermen, or any committee of said city or town duly authorized for the purpose. The necessary expenses of the board shall be paid by said city or town; and the treasurer and secretary thereof shall receive such compensation as shall be fixed by the city or town, but no commissioner shall receive compensation for his services.

To keep record of proceedings.

When any securities issued by the city or town become a part of a sinking fund, the commissioners shall cause to be stamped or written on the face thereof a notice that they are a part of such sinking fund, and are not negotiable; and the coupons thereof, as they become due and are paid, shall be cancelled.

Securities in fund to be stamped as not negotiable.

SECTION 6. No city or town, except as hereinafter provided, shall become indebted to an amount (including existing indebtedness) exceeding in the aggregate three per centum on the valuation of the taxable property therein, to be ascertained by the last preceding city or town valuation for the assessment of taxes. In determining the amount of indebtedness under this act, the amount of the sinking funds shall be deducted from the gross indebtedness.

Cities and towns not to become indebted beyond three per cent. of valuation.

SECTION 7. Cities or towns indebted when this act takes effect, to an amount not less than two per centum on their valuation as aforesaid, may increase such indebtedness to the extent of an additional one per centum on their valuation, but no more; and when such indebtedness of any city or town exceeds five per centum on its valuation as aforesaid, such city or town shall raise annually by taxation a sum sufficient to pay the interest on its whole indebtedness, and to make the necessary contributions to a sinking fund which shall be established for the redemption of the same at a period not exceeding thirty

When indebted not less than two per cent. on valuation, may be increased one per cent.

When debt exceeds five per cent., sinking fund to be established, etc.

years from the time this act takes effect in the manner provided in the fourth and fifth sections of this act ; and any city or town indebted when this act takes effect to an amount less than five per centum and more than one per centum on its valuation as aforesaid, shall make like provision for the payment of the interest on its whole indebtedness, and for the extinction of such indebtedness within a period not exceeding twenty years from the time this act takes effect, but it shall be sufficient to make such provision for the extinction of indebtedness contracted in supplying the inhabitants with pure water within a period not exceeding thirty years from the time this act takes effect, and to make like provision for the extinguishment of any existing funded debts, when the same mature.

Payment of debts at earlier periods not prohibited by this act.

SECTION 8. Nothing contained in this act shall be construed as prohibiting the inhabitants of towns, or city councils, from paying or providing for the payment of any municipal debts at earlier periods than is herein required, or from renewing the same in securities payable within the period required for the final payment of the debt, or from adding to any sinking funds, or funds for the extinguishment of any debt, the excess of municipal appropriations over the amounts required for the purpose thereof, or any sums derived from taxation or special assessments, or other sources, which are not required by law to be otherwise expended ; and such additions may be made for the purpose of reducing the entire debt for the redemption of which the sinking fund was established, or of reducing the amount to be raised by taxation for such fund.

Loans from sinking funds of state not to be made to towns whose debt exceeds five per cent. on valuation.

SECTION 9. No part of the sinking funds of the Commonwealth shall hereafter, except for the renewal of existing loans, be loaned to any city or town the indebtedness of which shall exceed five per centum of its valuation as aforesaid, or which shall not comply with the provisions of this act ; but the certificate of the treasurer of any city or town as to the percentage of its indebtedness, and as to such compliance, shall be deemed satisfactory evidence thereof, for the justification of the treasurer of the Commonwealth in making any such loan, unless he has reasonable cause to suppose that the statements of such certificate are not true.

Towns, etc., not exempted from payment of debts lawfully contracted.

SECTION 10. The restrictions of this act shall not exempt any city or town from its liability to pay debts contracted for purposes for which cities or towns may

lawfully expend money; and the limits of municipal indebtedness prescribed by this act shall be exclusive of debts created for supplying the inhabitants with pure water, and its provisions shall not apply to subscriptions lawfully made to the capital stock or securities of railroad corporations.

SECTION 11. The supreme judicial court may, upon the suit or petition of the attorney-general, or of one or more taxable inhabitants of any city or town, or of any creditor to whom the said city or town appears to said court indebted in an amount not less than one thousand dollars, compel the said city or town and its assessors, collectors, treasurers, commissioners of sinking funds, and other proper officers, to enforce the provisions of this act by mandamus or other appropriate remedy, and hear and determine any cause of complaint in equity, where such remedy is more appropriate; and any justice of said court may in term time or vacation issue injunctions and make such orders and decrees as may be necessary or proper to enforce the provisions of this act, and to restrain or prevent any violation thereof.

*Approved May 14, 1875.*

Supreme judicial court may compel compliance by mandamus, etc.

AN ACT IN ADDITION TO THE PROVISIONS OF SECTION SIXTEEN OF CHAPTER NINETY-TWO OF THE GENERAL STATUTES CONCERNING THE CUSTODIANS OF WILLS.

*Chap. 210*

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

Every person named as executor in a will, and having custody thereof, shall, within thirty days after knowledge of the death of the testator, deliver such will into the probate court which has jurisdiction of the case; and if without reasonable cause he neglects to do so after being duly cited for that purpose by said court, he may be committed to jail by warrant of the court, there to be kept in close custody until he delivers the will as herein directed; and he shall be further liable to any party aggrieved for the damage sustained by such neglect.

*Approved May 14, 1875.*

Wills to be delivered into probate court within thirty days after notice of death of testator.

AN ACT TO REGULATE SPECIAL CONTRACTS FOR LABOR.

*Chap. 211*

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

SECTION 1. Any manufacturing establishment which shall require from an employé a notice of intention to leave the employment of such establishment, under penalty of forfeiture of any part of wages earned, shall be liable to the payment of a like forfeiture if they shall discharge an employé without notice, except for incapacity or

Employé required to give notice, is entitled to notice, under penalty.

misconduct; *provided, however*, that this act shall not apply in case of a general suspension of labor in said establishments.

Penalty for preventing persons from entering employment of another.

SECTION 2. Whoever shall by intimidation or force prevent or seek to prevent any other person or persons from entering or continuing in the employment of any corporation, company or individual, shall be punished therefor by a fine not exceeding one hundred dollars.

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

*Approved May 14, 1875.*

*Chap. 212* AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATING TO RULES OF PRACTICE IN THE SUPREME JUDICIAL AND SUPERIOR COURTS.

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

Notice for a trial by jury may be filed at any time before parties are at issue.

SECTION 1. The notice that a party desires a trial by jury, provided by the first section of the two hundred and forty-eighth chapter of the acts of the year eighteen hundred and seventy-four, may be filed at any time before the parties are at issue as well as at the times provided by said act.

Amendment to 1874, 248, § 3.

SECTION 2. Section three of chapter two hundred and forty-eight of the acts of the year eighteen hundred and seventy-four, is hereby amended by adding thereto the following: *provided*, that if upon the hearing under such order and notice, the court shall find that the action is not a proper case to be so advanced for speedy trial, it may in its discretion award the defendant such costs as may seem reasonable.

The same section is further amended by inserting after the words "twenty days after" the words "the expiration of the time allowed for filing." *Approved May 14, 1875.*

*Chap. 213* AN ACT RELATING TO THE CENTRAL DISTRICT COURT OF WORCESTER.

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

Expenses of court for rent, etc., to be allowed by justice, and paid out of county treasury.

SECTION 1. The reasonable expenses of the central district court of Worcester for rent, care of court rooms, fuel, record books, blanks, stationery, and other expenses incidental to maintaining said court, shall be examined and allowed by the justice of said court and paid out of the county treasury to the parties entitled thereto.

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

*Approved May 14, 1875.*



AN ACT TO PROVIDE FOR A CHANGE OF THE LOCATION AND TRACKS OF THE EASTERN RAILROAD COMPANY, THE BOSTON AND ALBANY RAILROAD COMPANY, AND THE BOSTON, REVERE BEACH AND LYNN RAILROAD COMPANY, IN EAST BOSTON.

*Chap. 214*

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

SECTION 1. The Eastern Railroad Company, the Boston and Albany Railroad Company, and the Boston, Revere Beach and Lynn Railroad Company are hereby authorized, on the request in writing of the mayor, duly authorized by the board of aldermen, of the city of Boston, to discontinue and remove, in whole or in part, such portion of the location and tracks of said corporations as are situated in that part of Boston known as East Boston, and to re-locate the same upon a new line, to the east of the present one, in such manner as may be agreed upon between said corporations and the said mayor and aldermen; and for this purpose they may purchase or take land and other property in the method provided for in chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four; and the said re-located road may be constructed over and across tide-waters lying to the eastward of said East Boston, in such manner as may be approved by the board of harbor commissioners.

Location and tracks of railroads may be changed in East Boston.

SECTION 2. Should the Eastern Railroad Company, the Boston and Albany Railroad Company, and the Boston, Revere Beach and Lynn Railroad Company, discontinue and re-locate their tracks on the request and in the manner specified in the preceding section, the cost of so doing shall be apportioned among the said Eastern Railroad Company, the Boston and Albany Railroad Company, the Boston, Revere Beach and Lynn Railroad Company and the city of Boston, by a commission which, upon the petition of said corporations, or either of them, shall be appointed, and shall proceed in the manner and with the powers set forth in sections ninety-eight and ninety-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four.

Expense of re-location to be apportioned among railroads and city of Boston.

SECTION 3. The amount, or any part thereof, assessed under this act against the city of Boston by said commissioners, may be levied upon the estates benefited by said re-location in the manner provided by law with respect to betterments upon the laying out and discontinuance of highways in said city of Boston: *provided*, that no estate shall be assessed with a betterment exceeding one-half its

Assessment for betterments.

Proviso.

increased value by reason of the change of location of said railroad companies; and *provided*, that the board of aldermen of the city of Boston shall determine that it is expedient that said amount, or any part thereof, assessed by said commissioners against said city, shall be raised by levying said betterments.

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

*Approved May 15, 1875.*

*Chap. 215* AN ACT TO AUTHORIZE THE BOSTON BEER COMPANY, TO INCREASE ITS CAPITAL STOCK.

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

May hold additional estate not exceeding \$200,000.

The Boston Beer Company is authorized to hold and possess, in addition to the real and personal estate it at present owns, real and personal estate, necessary and convenient for its purposes, not exceeding two hundred thousand dollars in value.

*Approved May 15, 1875.*

*Chap. 216* AN ACT CONCERNING THE ANNUAL RETURN OF PERSONS SUPPORTED AND RELIEVED.

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

Return to be made of number of persons supported, etc., and cost of support.

SECTION 1. Section two of chapter two hundred and nine of the acts of the year eighteen hundred and sixty-seven is hereby repealed, and the following shall stand instead thereof, to wit: An annual return of the numbers of persons supported and relieved, as enumerated in the first section, with the cost of such support and relief, and a record of those fully supported, shall be made by the overseers of the poor to the secretary of the board of state charities during the month of April in each year, and shall be for the year ending on the thirty-first day of March preceding: *provided*, that, for the present year, said returns shall be made on or before the thirty-first day of May. In the year eighteen hundred and eighty-five, and in every tenth year thereafter, the returns provided for in section twenty-three, chapter seventy of the General Statutes, shall be made and transmitted by overseers of the poor to the secretary of the board of state charities, during the month of April, and shall be for the year ending on the thirty-first day of March preceding.

Proviso.

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

*Approved May 19, 1875.*

AN ACT TO PROVIDE THE CITY OF TAUNTON WITH PURE WATER.

*Chap. 217*

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

SECTION 1. The city of Taunton is authorized to take and hold the waters of either Taunton River, in the city of Taunton, or in the town of Raynham, or Elders' and Assowompsett ponds in the towns of Lakeville, Middleborough and Rochester, and the waters in said towns which flow into said ponds, together with any water rights connected therewith, and may take and hold, by purchase or otherwise, such land around the margin of said ponds, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold such lands as are necessary for maintaining dams and reservoirs for the storage of said waters, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through said city of Taunton: *provided, however,* that if said city of Taunton take water from said Assowompsett Pond the said city shall construct and maintain a dam at the place where the Assowompsett Pond flows into Namasket River, not exceeding two and one-half feet in height above the mud sill as it now exists at said place; and *provided, further,* that if said dam shall not retain sufficient water for one year's supply for the city of Taunton, then said city shall have the right to, and shall raise said dam to such a height as will retain sufficient water for one year's supply for said city of Taunton. It is also provided that the natural flow of said Assowompsett Pond into the Namasket River shall at all times be maintained.

Taunton to be supplied with water.

SECTION 2. Said city of Taunton shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds in which by existing laws a deed of the same is required to be recorded, a description of land so taken, sufficiently accurate for identification, and state the purposes for which it is taken, and the title of all land so taken shall vest in said city. Any person injured in his property under this act, and failing to agree with said city as to the amount of damages, may have the same assessed and determined in the same manner as is provided where land is taken for highways.

To file in the registry of deeds a description of the land taken.

SECTION 3. Said city of Taunton may construct dams, reservoirs and aqueducts, and maintain the same by any works suitable therefor. Said city of Taunton may also

May construct dams, reservoirs, etc.

carry its conduits, pipes and drains over or under any water-course, street, railroad, highway or other way, in such a manner as not to obstruct the same, and may enter upon and dig up any road or way in such a manner as to cause the least hindrance to the travel thereon; and in general may do any other acts and things necessary, convenient or proper for the carrying out of this act.

Penalty for corrupting or diverting water.

SECTION 4. Whoever wilfully corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said city for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Taunton Water Loan not to exceed \$200,000.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, said city of Taunton, through its treasurer, shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof, "Taunton Water Loan," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than twenty years from the issuing of said notes, scrip or certificates of debt respectively. Said city may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as it may deem proper. Said city shall pay the interest as it accrues on said loan, and shall establish a sinking fund and shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain sacred and inviolate and pledged to the payment of said principal and shall be used for no other purpose.

Water commissioners to be chosen by city council in convention.

SECTION 6. Three commissioners shall be chosen by the city council in convention, one for the term of one year, one for the term of two years, and one for the term of three years from the first Monday of the January following the acceptance of this act by the city of Taunton as hereinafter provided, and until their successors respectively

are chosen. In each succeeding year one commissioner shall be so chosen for the term of three years and until his successor is chosen. The city council may in like manner fill any vacancy occurring in said board. And the said commissioners shall superintend and direct the execution and performance of all the works, matters and things mentioned in the preceding sections; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of this Commonwealth. A major part of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office.

SECTION 7. Said water commissioners shall so establish the rents for the use of said water, as to provide annually from the net income for the payment of the interest on the "Taunton Water Loan," and also after three years from the introduction of said water, for the further payment of not less than one per centum of the principal of said loan. The net surplus, after deducting all interest and expenses, shall be set apart as a sinking fund and applied solely to the payment of the principal of said water loan, until the same is fully paid and discharged. Said water commissioners shall be trustees of said sinking fund, and shall annually, or as often as said city may require, render an account of all the doings in relation thereto.

Commissioners  
to establish  
water rates.

SECTION 8. At any time after the expiration of three years from the introduction of said water, and before the reimbursement of the principal of said "Taunton Water Loan," if the net income from said water rents, at the rates established by the water commissioners, shall, for any two successive years, be insufficient to pay the accruing interest on said loan, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, upon the petition of twenty-five or more legal voters of said city, shall appoint three commissioners, who, upon due notice to the parties interested, may increase the price of said water, so far as may be necessary for the purposes aforesaid, but no further; and the award of said commissioners, or the major part of them, being returned and accepted by said court at the next term thereof, shall be binding and conclusive for not less than three years next after said acceptance.

Water rates  
may be in-  
creased if re-  
ceipts are not  
sufficient to pay  
interest on loan.

Liability of owner and tenant.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, if on being notified in writing of such use, he does not object thereto.

Rights of certain towns not affected.

SECTION 10. Nothing in this act shall affect any right of the town of Raynham to draw water from said river, or any rights of the towns of Lakeville, Middleborough and Rochester, to draw water from said pond or ponds, or of the city of New Bedford to draw water from Long Pond.

When to take effect.

SECTION 11. This act shall take effect upon its passage, and shall become void unless accepted within two years by a majority vote of the legal voters of the city of Taunton present and voting at a legal meeting called for that purpose, and held in the same manner as meetings for the election of municipal officers; the check list shall be used, and the voting of such meeting shall be by ballot, written or printed, yea or nay. *Approved May 19, 1875.*

*Chap. 218* AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEWTON.

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

City to be divided into seven wards.

SECTION 1. The third section of chapter three hundred and twenty-six of the acts of the year eighteen hundred and seventy-three, entitled An Act to establish the city of Newton, is hereby amended, as follows: The city council shall, in the year eighteen hundred and seventy-five, divide said city into seven wards, so that they shall contain, as nearly as may be consistent with well-defined limits to each ward, an equal number of voters in each ward; and hereafter, in every fifth year, the city council may in like manner make a new division of said wards according to the census to be taken in the month of May or June in said years.

Seven aldermen and fourteen common councilmen.

SECTION 2. The second section of said act is hereby amended so as to provide that the board of aldermen shall consist of seven aldermen, and that the common council shall consist of fourteen councilmen. The seventh section of said act is hereby amended so as to provide for the election of seven aldermen, one alderman being selected from each ward, instead of six, as is therein provided.

Seven overseers of the poor.

SECTION 3. Section eighteen of said act is hereby amended so as to provide for the election of seven persons to be overseers of the poor, one from each ward, instead of six, as is therein provided.

SECTION 4. Section twenty-one of said act is hereby amended so as to provide that the school committee of the city shall consist of the mayor, the president of the common council, and fourteen other persons, two of whom shall be selected from each ward. On the first Tuesday of December next, there shall be chosen two members of the school committee from ward seven, to serve, one for the term of two years, and one for the term of three years, commencing on the first Monday of January next, and at the expiration of their respective terms of office their successors therein, shall be elected to serve for the term of three years.

School committee to consist of mayor, president of council, and two persons from each ward.

SECTION 5. Nothing contained in this act shall affect the tenure of office of the members of the board of aldermen and of the common council now elected, and vacancies arising therein shall be filled in the manner now provided by law. On the first Tuesday of December next, and annually thereafter, the qualified voters in the several wards, as increased by virtue of this act, shall give in their votes for mayor, aldermen, councilmen and other officers, in accordance with the provisions of the act to which this is in addition, as modified and amended by this act; and said officers, so chosen, shall enter upon the duties of their respective offices, at the time and in the manner now provided by law as amended hereby.

Tenure of office of aldermen and councilmen not affected.

SECTION 6. All acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 7. This act shall not take effect, until accepted by the city council of Newton. *Approved May 19, 1875.*

AN ACT TO PROVIDE FOR THE ENFORCEMENT OF CERTAIN PROVISIONS OF CHAPTER THREE HUNDRED AND SEVENTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATIVE TO CROSSINGS OF RAILROADS BY HIGHWAYS.

*Chap. 219*

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

SECTION 1. The supreme judicial court may, by injunction or other suitable process in equity, compel a compliance with the provisions of sections eighty-seven and one hundred and twenty-four of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four.

Equity powers of S. J. C. 1874, 372, §§ 87, 124.

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

*Approved May 19, 1875.*

*Chap. 220* AN ACT MAKING APPROPRIATIONS TO ENABLE THE GOVERNOR AND COUNCIL TO PERFORM THE DUTIES IMPOSED UPON THEM BY THE ACT TO PROVIDE FOR THE MANAGEMENT OF THE HOOSAC TUNNEL AND THE TROY AND GREENFIELD RAILROAD, AND FOR OTHER PURPOSES.

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

Treasurer may issue scrip, etc., not exceeding \$1,300,000.

SECTION 1. For the purposes set forth in section four of this act, the treasurer of the Commonwealth is 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 one million three hundred thousand dollars, on the same terms and conditions as are provided in section three of chapter three hundred and thirty-three of the acts of eighteen hundred and sixty-eight.

Preparation and sale of scrip.

SECTION 2. The governor and council are hereby authorized and directed 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 for this purpose.

Premium on sales to be added to sinking fund.

SECTION 3. Whatever premium may 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 chapter two hundred and twenty-six of the acts of eighteen hundred and fifty-four.

Appropriation.

SECTION 4. Said sum of one million three hundred thousand dollars or so much thereof as may be necessary is hereby appropriated to enable the governor and council to perform the duties imposed upon them under the provisions of chapter seventy-seven of the acts of the present year, entitled "An Act to provide for the management of the Hoosac Tunnel and the Troy and Greenfield Railroad, and for other purposes."

Amendment to 1874, 402, § 1.

SECTION 5. Section one of chapter four hundred and two of the acts of the year eighteen hundred and seventy-four, is hereby amended by striking out the words "west of Bardwell's ferry."

Unexpended appropriations to be used for salaries, etc.

SECTION 6. The unexpended balances of appropriations heretofore made, after the completion of existing contracts for work, are hereby appropriated to be expended as the governor and council may direct, so far as the same



may be necessary to cover the cost of stations and sidings, and the salaries of officers and engineers for the present year.

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

*Approved May 19, 1875.*

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR A UNION PASSENGER STATION IN THE CITY OF WORCESTER. *Chap. 221*

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

SECTION 1. The time within which the Union Passenger Station in the city of Worcester, mentioned in section five of chapter three hundred and forty-three of the acts of the year eighteen hundred and seventy-one, shall be completed and ready for use is extended to the first day of October of the present year.

Time for completion of station extended.

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

*Approved May 19, 1875.*

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF FALL RIVER WITH PURE WATER. *Chap. 222*

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

SECTION 1. The city of Fall River is authorized to issue scrip, notes or certificates of debt, to be denominated "Water Bonds of the City of Fall River," to an amount not exceeding five hundred thousand dollars, in addition to the amounts authorized by chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-one, and by chapter three hundred and fifty-six of the acts of the year eighteen hundred and seventy-three, and by chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-four.

Water Bonds of the City of Fall River, \$500,000.

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

*Approved May 19, 1875.*

AN ACT IN RELATION TO THE FILING OF PETITIONS BEFORE COUNTY COMMISSIONERS. *Chap. 223*

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

SECTION 1. All petitions to the county commissioners relating to highways and town ways, and all petitions for the assessment of damages, or for a jury may be filed in the clerk's office in vacation, and entered before the county commissioners at their next meeting, whether the same be a regular meeting or an adjournment thereof; and the recognizance for costs may be taken by the clerk of said commissioners at the time of filing of the petition, and

Petitions may be filed in clerk's office in vacation, and entered at next meeting of commissioners.

the date of said filing shall be deemed the commencement of the proceeding.

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

*Approved May 19, 1875.*

*Chap. 224* AN ACT CONFIRMING A VOTE OF THE TOWN OF WESTBOROUGH, PASSED NOVEMBER FOURTH, EIGHTEEN HUNDRED AND FIFTY-SIX.

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

Vote of town confirmed.

The vote of the town of Westborough passed November fourth, eighteen hundred and fifty-six, "To discontinue one-half a rod on Davis and Bullard's land, and thence to land of R. G. Holmes to a point," passed upon an article contained in the warrant for the town meeting as follows: "To see if the town will discontinue any part of the road recently located from the Common to Cottage Street, or act anything thereon," is hereby made valid and confirmed to the same extent as if said town had authority in that manner to alter the width of the way; and said way is hereby laid out one rod and a half wide on that part, in accordance with the said vote and the plan on file in the town clerk's office of said town.

*Approved May 19, 1875.*

*Chap. 225* AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, CONCERNING MANUFACTURING AND OTHER CORPORATIONS.

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

Amendment to 1870, 224, § 8.

So much of section eight of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy as requires a corporation organized for the purpose of carrying on the business of a common carrier of persons under the provisions of said chapter, and of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and seventy-three, to assume as part of the name of such corporation the word "express," is hereby repealed.

*Approved May 19, 1875.*

*Chap. 226* AN ACT RELATING TO DIVORCE.

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

Divorce from the bonds of matrimony.

SECTION 1. When a divorce from bed and board, or a divorce *nisi* has been decreed, and the parties have lived separately for three consecutive years next after the decree, a divorce from the bonds of matrimony may be decreed upon the petition of the party in whose favor the decree was granted; and when the parties have lived separately for five consecutive years next after the decree,

a divorce from the bonds of matrimony may be decreed in favor of either party.

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

*Approved May 19, 1875.*

AN ACT TO AMEND AN ACT TO AUTHORIZE THE COMMISSIONERS ON PUBLIC LANDS TO RELEASE A CERTAIN PARCEL OF LAND IN EAST BOSTON.

*Chap. 227*

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

Section one of chapter one hundred and fifty-five of the acts of the present year is hereby amended by striking out the word "heirs" in the third line and inserting instead thereof the words "devisee under the will."

Amendment to 1875, 155, § 1.

*Approved May 19, 1875.*

AN ACT TO PRESERVE THE PURITY OF THE WATER OF LAKE COCHITUATE.

*Chap. 228*

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

SECTION 1. It shall be lawful for the supreme judicial court, upon the application of the city of Boston, to grant an injunction against the discharge of any drainage or sewage matter, or pollution of any kind into Lake Cochituate, or Pegan Brook, or any waters flowing into said lake or brook : *provided*, that this shall not be held to destroy the prescriptive right of any person or persons to discharge such matter into said lake or brook.

S. J. C. may restrain discharge of drainage, etc., into waters of Lake Cochituate.

Proviso.

SECTION 2. The town of Natick shall have the right to divert the waters of any brook, rivulet or stream now running into Lake Cochituate, into which the sewerage or drainage of Natick now empties : *provided*, that nothing in this act shall be construed so as to give any right to said town to divert such brook, rivulet or stream into Charles River.

Sewerage in Natick.

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

*Approved May 19, 1875.*

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, CONCERNING THE MASSACHUSETTS VOLUNTEER MILITIA.

*Chap. 229*

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

SECTION 1. The adjutant and assistant-surgeon of companies of cavalry and artillery, when attached to brigades as provided in section eighteen of chapter three hundred and twenty, of the acts of the year eighteen hundred and seventy-four, shall receive the same compensation as is allowed to other commissioned staff officers. Adjutants of such commands shall also be allowed the same sum

Compensation of adjutant and ass't-surgeon of companies of cavalry, etc., when attached to brigades.

annually as provided for adjutants of regiments by section one hundred and twenty-six of chapter three hundred and twenty, of the acts of the year eighteen hundred and seventy-four.

Four-gun  
batteries.

SECTION 2. In times of peace no more than four guns shall be allowed to a battery of artillery.

Chaplain and  
non-commis-  
sioned staff for  
battalions.

SECTION 3. There shall be allowed to each separate battalion one chaplain, one drum-major, one commissary-sergeant, who shall receive the same pay and allowance as other officers and enlisted men of their grade.

Aide-de-camp  
upon brigade  
staff.

SECTION 4. In each brigade there shall be one aide-de-camp upon the staff of the brigade commander in addition to the number of staff officers now allowed by law who shall receive the same pay and allowance as officers of the same grade.

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

*Approved May 19, 1875.*

*Chap. 230* AN ACT TO INCREASE THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT.

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

Associate jus-  
tice of the  
superior court.

SECTION 1. The number of associate justices of the superior court, shall be ten instead of nine, as now provided by law.

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

*Approved May 19, 1875.*

*Chap. 231* AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE PROVISIONS OF THE GENERAL STATUTES AND OF SUBSEQUENT GENERAL ACTS RELATING TO RAILROADS."

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

Members of  
commission to  
be appointed by  
a justice of  
S. J. C.

SECTION 1. The members of the special commission provided for in section ninety-eight of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, shall be appointed by any justice of the supreme judicial court, either in term time or vacation, upon motion of either party in interest, after such notice to all parties in interest as the said court may order. The commission shall meet as soon as may be after the several members are appointed, and in any case within thirty days after they are appointed as aforesaid, and may apportion charges, expenses and costs in the manner provided by said section ninety-eight; or, if the way in question is a highway, may assess the same upon

Commission to  
meet within  
thirty days of  
appointment.

the railroad corporation, and the town or city, and the county in which the crossing is situated, or either of them, or any two of them, in such proportions as may be deemed just and reasonable.

SECTION 2. Any party affected by any award mentioned in the one hundredth section of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, and made under the provisions of section ninety-eight of said chapter, if dissatisfied with said award or the determination in respect to any matters of fact found therein, may, within fourteen days after such award shall have been filed in the office of the board of railroad commissioners, as provided for in the said one hundredth section, apply to the superior court for the county in which said crossing is situated, for a jury to revise and determine any matter of fact or issue mentioned in said ninety-eighth section as hereby amended, which the special commission provided for therein could legally have determined in and by their award made under said last mentioned section, and thereupon said court, after due notice to all other parties interested in the matter of said award, shall order a trial by jury to be had at the bar of the court, in the same manner in which civil causes are therein tried by jury; and all cases so entered in said court under the provisions of this act, shall take precedence of all other business, and a trial shall be had thereon as soon as may be, and no continuance shall be granted unless the purposes of justice should require it; and the verdict of the jury in such case, when finally accepted by said superior court, shall be final; and in all cases where the jury shall be applied for, no party shall be entitled to have said award returned to the supreme judicial court for revision as provided for in the one hundredth section; but if no application shall be made by any party for a jury, as herein before provided, then any party affected by said award shall be entitled to have said award returned to the supreme judicial court, as provided in the one hundredth section, and the rights of all parties under said one hundredth section shall then remain the same as if this act had not been passed.

Parties dissatisfied with award may apply for a jury.

Cases in court, under this act, to take precedence of all other business.

SECTION 3. If a jury shall be applied for as provided in the second section of this act, and a verdict shall be rendered in the case, the rights of all parties under the one hundred and first section of said three hundred and

Rights of parties if jury is applied for, and verdict rendered.

seventy-second chapter, shall be the same under the verdict of a jury as it is now provided they shall be under the award of said special commission.

Repeal.

SECTION 4. Section ninety-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, and all acts and parts of acts inconsistent herewith are hereby repealed; but nothing in this act contained shall be construed to affect cases now pending in court which shall be tried and adjudicated as if this act had never been passed.

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

*Approved May 19, 1875.*

*Chap. 232* AN ACT RELATING TO CONTRACTS WITH CERTAIN PUBLIC OFFICERS.  
*Be it enacted, &c., as follows:*

Members of city council not to be interested in city contracts.

SECTION 1. No person shall be interested in a private capacity, either directly, or indirectly, in any contract or agreement wherein a city is a party interested, if he be a member of the city council of said city, or of either branch thereof, and if said contract, or agreement, be made by said city council or either branch thereof, or by authority derived therefrom.

Nor if he be a member of any municipal board in said city, and said contract or agreement be made by said board, or authority therefrom.

Nor if he, alone, or with others, represent said city in making such contract or agreement. Nor shall he, directly or indirectly, for himself or any other person, receive any commission, discount, bonus, present or reward from the person or persons making or performing such contract or agreement.

Members of legislature or executive council not to be interested in contracts, etc., wherein the state is a party.

SECTION 2. No person shall be interested in a private capacity, either directly or indirectly, in any contract or agreement wherein the state is a party interested, if he be a member of the legislature or executive council of this state, and said contract or agreement be made by said legislature or either branch thereof, or authority derived therefrom. Nor if he alone, or with others, represent said state in making such contract or agreement; nor shall he, directly or indirectly, for himself or any other person, receive any commission, discount, bonus, present or reward from the person or persons making or performing said contract or agreement. Nor if he be a member of any state commission, and said contract or agreement be made by said commission or authority derived therefrom.

SECTION 3. Whoever violates the provisions of this act shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by fine and imprisonment not exceeding one year, at the discretion of the court. Penalties.

SECTION 4. Chapter two hundred and seventy-four of the acts of the year eighteen hundred and seventy-two is hereby repealed. Repeal of 1872, 274.  
*Approved May 19, 1875.*

AN ACT TO DISPOSE OF THE BUILDING, LAND AND FUNDS OF DAY'S ACADEMY IN WRENTHAM. Chap. 233

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

SECTION 1. The trustees of Day's Academy, established in Wrentham, in the county of Norfolk, by an act approved March thirteenth, eighteen hundred and six, are hereby authorized and empowered to sell and convey to the inhabitants of the town of Wrentham, the tract of land upon which the academy building now stands, for the purpose of erecting thereon a school-house or building for the use of a high school and other schools in said Wrentham. Trustees may sell land.

SECTION 2. The trustees aforesaid are hereby authorized and empowered to remove the said academy building upon land of the First Congregational Society in Wrentham, a corporation created by an act passed February twenty-first, seventeen hundred and ninety-nine, upon procuring a sufficient guarantee from said society that said building shall hereafter be used for the exhibitions of the public schools of Wrentham, and of Sunday schools, for a public library, and for lectures under the control of the trustees of said Congregational society. May remove academy building.

SECTION 3. The trustees of said Day's Academy are hereby authorized to apply so much of the proceeds of the sale of said land, and of the funds of said Day's Academy, as may be necessary to remove and repair and put in proper order, said building for the purposes aforesaid in its new location, and shall render their account of said proceeds, funds and expenditures to the judge of probate for said county of Norfolk, and shall pay over the balance, if any, to said town of Wrentham, to become a part of its school fund : *provided, nevertheless,* that should the said Congregational society refuse to accept the building and funds as above provided, then the said trustees are authorized and empowered to sell said lot and building and devote the proceeds of such sale, together with the funds remaining in To render account of proceeds and expenditures to judge of probate.

*Proviso.*

the treasury of said Day's Academy, to the following purposes, to wit: one-half to be made and become part of the Wrentham town school fund, and the remaining half to be given to the First Congregational Society in said Wrentham.

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

*Approved May 19, 1875.*

*Chap. 234* AN ACT TO INCORPORATE THE WORCESTER PROTECTIVE DEPARTMENT.  
*Be it enacted, &c., as follows :*

Worcester Protective Department incorporated.

SECTION 1. John D. Washburn, Charles B. Pratt, Augustus N. Currier, Dana K. Fitch, George E. Kendall, and all other officers for the time being of any incorporated company or association, and any agent doing the business of fire insurance in the city of Worcester, who may become associated with them and their successors, are hereby created a body corporate, by the name of the "Worcester Protective Department," with power to sue and to be sued, and may hold by purchase, devise or otherwise, real and personal property, for the use of said corporation, to an amount not exceeding one hundred thousand dollars, and may sell and convey any part thereof, subject, however, to the laws of this Commonwealth.

May maintain a corps of men and officers.

SECTION 2. Said corporation shall have power to provide and maintain a corps of men, with proper officers, whose duty it shall be, so far as practicable, to discover and prevent fires, and shall provide suitable apparatus to save and preserve life and property at or after a fire; and power is hereby granted to such corps and its officers to enter any building on fire, or which in their judgment is immediately exposed to, or in danger of, taking fire from other burning buildings, to protect and save life and property therein, and to remove such property or any part thereof at or immediately after a fire: *provided, however,* that nothing in this act shall be so construed as to lessen in any way the authority of the officers or members of the Worcester Fire Department, or to warrant or justify any interference with them in the performance of their duties, nor shall it in any way justify the owner of any building or personal property in the abandonment of his property.

Department to have right of way while going to a fire.

SECTION 3. The officers and men of the Worcester Protective Department, with their teams and apparatus, shall have the right of way while going to a fire through any street, lane or alley in the city of Worcester, subject to such rules and regulations as the city council may pre-



scribe, and subject also to the rights of the Worcester Fire Department, and any violation of the street rights of the Worcester Protective Department shall be punished in the same manner as is provided for the punishment of violations of the rights of the fire department of the city of Boston, in chapter three hundred seventy-four of the acts of eighteen hundred seventy-three.

SECTION 4. In the month of June, eighteen hundred seventy-five, and in the month of June in every year thereafter, there shall be held a meeting of the corporation hereby created, of which ten days' previous notice shall be inserted in at least two newspapers published in the city of Worcester, at which meeting each incorporated insurance company or association doing business in the city of Worcester, whether its officers or its agents be members of this corporation or not, shall have the right to be represented by one of such officers or agents, and each organization represented at such meeting shall be entitled to one vote.

Annual meeting  
of the corpora-  
tion.

A majority of the whole number so represented, shall have the power to decide upon the question of sustaining the corps herein before mentioned, and of fixing the maximum amount of expenses which shall be incurred therefor during the fiscal year next to ensue; and the whole of such amount, or so much thereof as may be necessary, may be assessed upon the organizations belonging to this corporation, and upon all other organizations and agencies as herein before mentioned in proportion to the several amounts of premiums returned as received by each, as hereinafter provided, and such assessment shall be collectible by this corporation in any court of law in the state of Massachusetts.

SECTION 5. To provide for the payment of persons employed, and to maintain the apparatus for saving life and property contemplated, this corporation is empowered to require a statement to be furnished semi-annually by all corporations, associations, underwriters, agents, or persons, of the aggregate amount of premiums received for insuring property in the city of Worcester, for and during the six months next preceding the thirtieth day of June and the thirty-first day of December of each year, which statement shall be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting and effecting such insurance in said

Payment of  
employés pro-  
vided for.

city, and shall be handed to the treasurer of this corporation, within thirty days after the time to which such returns are to be made.

Penalty for neglecting to render account.

SECTION 6. It shall be lawful for the treasurer or other appointed officer of this corporation, within ten days after the first day of January, and the first day of July, in each year, by written or printed demand, signed by him, to require from every corporation, association, underwriter, agent or person engaged in the business of fire insurance, in the city of Worcester, the statement provided for in the last preceding section of this act; and every officer of such corporation or association, and every individual, agent, or underwriter, who shall for thirty days after such demand neglect to render the account, shall forfeit fifty dollars for the use of the corporation created by this act; and he shall also forfeit, for their use, five dollars in addition for every day he shall so neglect, after the expiration of the said thirty days; and such additional penalty may be computed and recovered up to the time of the trial of any suit for the recovery thereof, which penalty may be sued for and recovered, with cost of suit, in any court of record within this state.

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

*Approved May 19, 1875.*

*Chap. 235* AN ACT TO ENLARGE THE EQUITY JURISDICTION OF THE SUPREME JUDICIAL COURT.

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

Equity jurisdiction of S. J. C. enlarged.

SECTION 1. The supreme judicial court shall have jurisdiction in equity to reach and apply in payment of a debt any property, right, title or interest, real or personal, of a debtor, liable to be attached or taken on execution in a suit at law against him and fraudulently conveyed by him with intent to defeat, delay or defraud his creditors, or purchased or directly or indirectly paid for by him, the record or other title to which is retained in the vendor, or is conveyed to a third person with intent to defeat, delay or defraud the creditors of the debtor.

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

*Approved May 19, 1875.*

*Chap. 236* AN ACT IN RELATION TO THE PAYMENT OF TAXES BY CO-TENANTS.

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

Co-tenant to have lien upon land of other tenants, for taxes paid.

SECTION 1. Any co-tenant, who shall have paid the whole amount of tax assessed upon lands held by him and one or more other persons as joint tenants or as tenants in

common, shall have a lien upon the interest of each of his co-tenants in the said land, to secure the payment to him of the proportion of such tax due and payable by each of his co-tenants respectively, together with the costs for enforcing the same: *provided, however,* that any person whose tax shall have been so paid by his co-tenant, shall have the same rights in regard to recovering back taxes illegally assessed that he would have had if the tax had been paid under a protest by him in writing.

Proviso.

SECTION 2. Such lien shall be dissolved unless the person desiring to avail himself thereof shall file in the registry of deeds for the county in which the lands are situated, within thirty days from the actual day of payment of said tax, a certificate setting forth a description of the property intended to be covered by the lien, sufficiently accurate for identification, the names of the several co-tenants and the interest of each therein, the amount of tax paid and the amount due from each co-tenant, which certificate shall be subscribed and sworn to by the person claiming the lien or by some one in his behalf, and shall be recorded in a book to be kept for the purpose by the register of deeds in each county, who shall be entitled to the same fees therefor as for recording mortgages of equal length.

To file in registry of deeds a description of property covered by lien.

SECTION 3. Such lien shall not avail or be of force against any mortgage actually existing and duly recorded, prior to the recording of said certificate.

Lien not to avail against existing mortgage.

SECTION 4. Unless a suit for enforcing the lien is commenced within ninety days from the date of filing said certificate, the lien shall be dissolved.

Suit to be commenced within ninety days.

SECTION 5. The lien may be enforced in like manner as is provided in chapter one hundred and fifty of the General Statutes, for enforcing liens on buildings and lands, and any provisions therein contained which may be applicable, shall apply to liens created by this act.

Enforcement of lien.

*Approved May 19, 1875.*

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

*Chap. 237*

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

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

Appropriations.

acts and resolves of the present year, and for other purposes, to wit:—

Inspector of  
liquors.

In the act, chapter ninety-nine, entitled "An Act to regulate the sale of intoxicating liquors," for the salary of the inspector and assayer of liquors, a sum not exceeding one thousand eight hundred and seventy-five dollars.

Municipal court,  
South Boston.

In the act, chapter one hundred and eighty-two, fixing the salary of the clerk of the municipal court of the South Boston district, the sum of three hundred and seventy-five dollars, in addition to the amount heretofore appropriated for the present year.

Town of  
Waltham.

In resolve, chapter three, in favor of the town of Waltham, the sum of two hundred and sixty-two dollars and fifty cents, on account of armory rent.

Town of  
Scituate.

In the resolve, chapter four, in favor of the town of Scituate, the sum of one hundred and eighty-seven dollars and ten cents, to be paid from the Massachusetts school fund.

Discharged  
female prison-  
ers.

In the resolve, chapter five, in aid of discharged female prisoners, a sum not exceeding one thousand five hundred dollars.

Diseases among  
cattle.

In the resolve, chapter six, in relation to the extermination of contagious diseases among cattle, a sum not exceeding five hundred dollars.

Eye and Ear  
Infirmary.

In the resolve, chapter seven, in favor of the Massachusetts Charitable Eye and Ear Infirmary, the sum of seven thousand five hundred dollars.

John McGrath.

In the resolve, chapter eight, in favor of John McGrath, the same being payable to the overseers of the poor of the town of Framingham, for his benefit, the sum of one hundred dollars.

John H.  
Lamson.

In the resolve, chapter nine, in favor of John H. Lamson, the sum of three hundred and twenty-five dollars, on account of volunteer bounty.

Town of  
Greenfield.

In the resolve, chapter eleven, in favor of the town of Greenfield, the sum of two hundred dollars, on account of armory rent.

Lunatic hospi-  
tal, Taunton.

In the resolve, chapter twelve, in favor of the state lunatic hospital at Taunton, a sum not exceeding thirty-five thousand dollars, to be expended in accordance with the provisions of said resolve.

Charles W.  
Baxter.

In the resolve, chapter thirteen, in favor of Charles W. Baxter, the sum of one hundred and fifty dollars, for damages to a horse under his command in the state militia.

In the resolve, chapter fourteen, in favor of William S. Frost, the sum of forty dollars on account of duty performed in the volunteer militia. Wm. S. Frost.

In the resolve, chapter fifteen, authorizing the publication of a list of Massachusetts officers, sailors and marines who served in the navy in the late war, a sum not exceeding one thousand five hundred dollars. List of sailors and marines.

In the resolve, chapter sixteen, in favor of Peter Powers, the sum of three hundred and seventy-two dollars, on account of state aid. Peter Powers.

In the resolve, chapter seventeen, to furnish certain documents and standard weights and measures to the town of South Abington, a sum not exceeding seven hundred dollars. Town of South Abington.

In the resolve, chapter nineteen, providing for the preparation of a new catalogue of the state library, a sum not exceeding nine hundred dollars, to be expended in accordance with the provisions of said resolve. Catalogue, state library.

In the resolve, chapter twenty-one, in favor of the town of Middleborough, the sum of forty-six dollars, on account of armory rent. Town of Middleborough.

In the resolve, chapter twenty-two, in favor of the Massachusetts School for Idiotic and Feeble-minded Youth, the sum of twenty-five hundred dollars; said sum to be in addition to the appropriation heretofore made for the present year. Idiotic and Feeble-minded Youth.

In the resolve, chapter twenty-three, in favor of the town of Melrose, the sum of three hundred dollars, on account of armory rent. Town of Melrose.

In the resolve, chapter twenty-four, in favor of Edward Archibald and Percy Archibald, the sum of three hundred thirty-seven dollars and thirty-six cents, on account of the estate of Thomas Archibald, an alien. Edward and Percy Archibald.

In the resolve, chapter twenty-five, for the reimbursement of certain taxes overpaid by insurance agents, a sum not exceeding thirty-six dollars and fifty-three cents. Insurance agents.

In the resolve, chapter twenty-six, providing for suitable furniture for the executive chambers, a sum not exceeding six hundred and fifty dollars. Furniture, executive chamber.

In the resolve, chapter twenty-seven, in favor of the Deerfield Valley Agricultural Society, the sum of two hundred and eighty-one dollars and nine cents, on account of bounty to agricultural societies. Deerfield Valley Agricultural Society.

In the resolve, chapter twenty-eight, in favor of Maria Maria Gragg.

- Gragg, the sum of two hundred and thirty-two dollars, on account of state aid.
- Employment Bureau. In the resolve, chapter twenty-nine, in favor of the Disabled Soldiers' Employment Bureau, the sum of three thousand dollars.
- Anna Coleman. In the resolve, chapter thirty, in favor of Anna Coleman, the sum of two thousand and sixty-nine dollars and ninety-one cents, in accordance with the provisions of said resolve.
- Jerrie C. Vaughn. In the resolve, chapter thirty-one, in favor of Jerrie C. Vaughn, the sum of three hundred and twenty-five dollars, on account of volunteer bounty.
- Town of Beverly. In the resolve, chapter thirty-two, in favor of the town of Beverly, the sum of two hundred and sixty-two dollars and fifty cents, on account of armory rent.
- Hayden Tobacco Works. In the resolve, chapter thirty-three, in favor of the Hayden Tobacco Works, the sum of seventy-two dollars and ninety cents, on account of corporation tax.
- Charles W. Stephenson. In the resolve, chapter thirty-four, in favor of George H. McAllister, guardian of Charles W. Stephenson, the sum of three hundred and ninety-two dollars, on account of state aid.
- Normal schools. In the resolve, chapter thirty-five, in favor of the normal schools at Framingham, Westfield, Bridgewater and Salem, a sum not exceeding ten thousand nine hundred and fifty dollars, in accordance with the provisions of said resolve.
- Militia. In the resolve, chapter forty-four, in favor of company F, second regiment infantry, Massachusetts volunteer militia, a sum not exceeding two hundred dollars, on account of duty performed at the Mill River disaster.
- Albert F. Howland. In the resolve, chapter forty-five, in favor of Albert Franklin Howland, the sum of ninety dollars, on account of state aid.
- Rose Carpenter. In the resolve, chapter forty-six, in favor of Rose Carpenter, the sum of two hundred dollars, on account of state aid.
- Ellen Woods. In the resolve, chapter forty-eight, in favor of Ellen Woods, the sum of three hundred and twelve dollars, on account of state aid.
- Owen McDonald. In the resolve, chapter forty-nine, in favor of Owen McDonald, the sum of one hundred dollars, on account of injuries received at the Hoosac Tunnel.
- Fishway. In the resolve, chapter fifty, relating to the improve-

ment of the fish-way in the Merrimack River at Lawrence, a sum not exceeding two thousand dollars.

In the resolve, chapter fifty-one, in favor of company G, second regiment infantry, Massachusetts volunteer militia, a sum not exceeding two hundred and eight dollars and seventy-five cents, on account of duty performed at the Mill River disaster. Militia.

In the resolve, chapter fifty-two, in favor of the city of Fitchburg, the sum of eight hundred dollars, on account of armory rent. Fitchburg.

In the resolve, chapter fifty-three, in favor of the state almshouse at Tewksbury, a sum not exceeding seven thousand eight hundred dollars, to be expended in accordance with the provisions of said resolve. State almshouse.

In the resolve, chapter fifty-five, to authorize the purchase and distribution of Crocker's Notes on the General Statutes of Massachusetts, a sum not exceeding one thousand seven hundred and fifty dollars. Crocker's Notes on General Statutes.

In the resolve, chapter fifty-six, providing for printing the report of the board of education, and for other purposes, a sum not exceeding ten thousand and fifty-six dollars. Report of board of education.

For the publication of the Provincial Statutes, a sum not exceeding five thousand dollars. Provincial Statutes.

For printing and binding the militia law, a sum not exceeding five hundred dollars. Militia law.

For term reports, a sum not exceeding one thousand five hundred dollars, in addition to the appropriation heretofore made for the present year. Term reports.

For expenses of civil actions, to be expended under the direction of the attorney-general, a sum not exceeding two hundred and fifty dollars in addition to the appropriation heretofore made for the present year. Att'y-general—civil actions.

For expenses attending the celebrations at Lexington and Concord, a sum not exceeding six thousand dollars. Celebrations at Lexington and Concord.

For the services and expenses of the commissioners on lunacy, a sum not exceeding nine hundred and fifty dollars. Commissioners on lunacy.

For expenses incurred in connection with house number thirty-three Pemberton Square, in the year eighteen hundred and seventy-four, a sum not exceeding seven hundred and twenty-one dollars and eighty-five cents. House No. 33 Pemberton Sq.

For expenses attending the management of cases of settlement and bastardy, and in connection with com- Settlement and bastardy cases.

plaints of or in behalf of persons confined as lunatics, in eighteen hundred and seventy-five, a sum not exceeding two thousand dollars.

Military accounts.

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

Repairs of state house.

For repairs, improvements, and furniture at the state house, a sum not exceeding three thousand dollars, in addition to the appropriation heretofore made for the present year.

Visit to Hoosac Tunnel.

The expenses incurred by the visit of the house to the Hoosac Tunnel, under the order of May fourth, shall be paid from the appropriation for expenses of legislative committees of the present year.

Quartermasters' supplies.

For quartermasters' supplies, a sum not exceeding three thousand dollars, in addition to the appropriation heretofore made for the present year.

Military overcoats, etc.

The unexpended balance of the appropriation made the present year, for the purchase of uniforms for the volunteer militia, may be used for the purchase of military overcoats and equipments.

Expenditures incurred in previous years.

For any small items of expenditure incurred in previous years, appropriations for which have been exhausted, or have reverted to the treasury, a sum not exceeding one thousand dollars.

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

*Approved May 19, 1875.*

*Chap. 238*

AN ACT RELATING TO THE PROBATE OFFICE OF THE COUNTY OF SUFFOLK.

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

Assistant register, etc., not to receive fees arising from matter pending before probate court.

SECTION 1. The assistant-register of probate and insolvency for the county of Suffolk, and any other person engaged in the performance of any of the duties of the probate office of said county, shall not be interested in or benefited by the fees or emoluments arising from any suit or matter pending before the probate court of said county, nor be of council or attorney, either in or out of court, in any suit or matter pending before said court, nor in an appeal therefrom, nor be executor, administrator, guardian, commissioner, appraiser, divider or assignee of or upon any estate within the jurisdiction of said court, nor be interested in the fees or emoluments arising from either of said trusts.

Expense of recording proceedings to be paid by county.

SECTION 2. The expense of recording the probate proceedings in the county of Suffolk, shall be paid by said



county upon the official certificate of the register of probate and insolvency for said county, countersigned by the judge of said court, in the sums and to the persons named in such certificate; and the judge shall countersign such certificate if he is satisfied that the amounts are actually due to the persons named therein for recording such proceedings; *provided, however,* that such expense shall not exceed the sum of twelve hundred dollars in any one year.

Judge to countersign certificate.

SECTION 3. Chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-four is repealed.

Repeal of 1874, 361.

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

*Approved May 19, 1875.*

AN ACT IN RELATION TO THE COMMONWEALTH FLATS NEAR SOUTH BOSTON.

*Chap. 239*

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

SECTION 1. The governor, with the advice and consent of the council, shall appoint three persons to act as agents of the Commonwealth, with authority, subject to the provisions of this act, to make contracts for the improvement, filling, sale, use or other disposition of the lands at and near to South Boston in the county of Suffolk, known as the Commonwealth flats at South Boston, such contracts to be subject to the approval of the governor and council.

Agents to be appointed by governor and council.

SECTION 2. All such contracts for improvement, sale or use shall also be first subject to the approval of the board of harbor commissioners in regard to the lines upon the harbor, the method of construction of walls and piers, the maintaining of channels and the taking of material for filling from the harbor of Boston.

Contracts subject to approval by harbor commissioners.

SECTION 3. The governor and council may at any time remove such agents, and in case of a vacancy shall appoint a successor; they shall receive such compensation for their services, and such allowance for expenses as said governor and council may determine, and shall make an annual report to the governor of their doings under this act.

Agents may be removed, and successors appointed. Compensation.

SECTION 4. Said agents shall cause a general plan to be prepared of said lands, and shall designate thereon the portions which in their opinion should be devoted to railway or commercial purposes and the portions to be devoted to general purposes, and may enter into contracts with persons or corporations for the filling and use of such portions of the said lands as it may be decided by said agents, with the approval of the governor and council, ought to

General plan of lands to be prepared.

be devoted to railway or commercial purposes, or to general purposes, upon such terms and conditions as may be equitable, all such contracts to be approved by the governor and council; and all existing authority to dispose of said lands otherwise than is herein provided, is repealed.

Agents may make bargains for sale of flats.

SECTION 5. Said agents may, with the consent of the governor and council, make bargains for the sale of portions of the flats to any persons or corporations which shall undertake to construct and operate a junction railroad to connect one or more existing railroads with the said lands, upon such terms and conditions as are hereinafter provided.

Conditions of contract made with parties proposing to build junction railroad.

SECTION 6. If said agents shall enter into contract with any persons or corporations proposing to construct and operate such junction railroad, the contract shall provide that said railroad shall connect its track with other railroads within twenty miles of the city of Boston, and shall not cross, at grade, any other railroad, or any street or highway, within the limits of said city, and shall also provide that said persons or corporations constructing and operating said junction railroad, shall charge for the use of their tracks, to all railroads connecting therewith, a rate which shall be equal and without discrimination as to each kind of service so performed; and in case of any dispute upon said point, it shall be referred to the board of railroad commissioners for determination. And said agents shall make no conveyance of any portion of said lands to such junction railroad until it shall have completed at least one track of its road, from said lands to a point of connection with the track of a railroad corporation not now connecting with said territory: *provided, however*, that no conveyance of said flats shall be made until such railroad is completed, and in case such railroad is not completed within five years, any such contract made shall be null and void.

Proviso.

Agents shall not pledge credit of state.

SECTION 7. Said agents shall have no authority to bind the Commonwealth for the payment of any money whatsoever, or to pledge the credit of the Commonwealth.

No contract to bind state to convey lands until full price is paid.

SECTION 8. All contracts or bargains for a sale of lands which may be made by the said agents under the authority of this act, shall be so expressed that no conveyance of such lands or any part thereof shall be required to be made by the Commonwealth, until the purchaser shall have paid in full the price agreed upon for the same,

and that the contract or bargain shall be void in case of neglect or refusal to complete the payment of such price at or before a time to be fixed therein.

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

*Approved May 19, 1875.*

AN ACT IN ADDITION TO AN ACT AUTHORIZING THE FIRST PARISH IN NEWBURY TO SELL REAL ESTATE. *Chap. 240*

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

SECTION 1. The treasurer of the first parish in Newbury, when duly authorized by a vote of the proprietors of said parish may make and execute in behalf of the proprietors any deed or deeds necessary to convey any lands, which said proprietors are authorized to sell by the one hundred and fifty-third chapter of the acts of eighteen hundred and seventy-three.

Treasurer may execute deed.

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

*Approved May 19, 1875.*

AN ACT TO REORGANIZE THE SCHOOL COMMITTEE OF THE CITY OF BOSTON. *Chap. 241*

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

SECTION 1. The qualified voters of the city of Boston, at the annual municipal election occurring in the year eighteen hundred and seventy-five, shall elect twenty-four persons, inhabitants of the city, to constitute with the mayor of said city, who shall be *ex officio* chairman thereof, the school committee of said city, the members of which shall serve without compensation ; the eight persons who shall have received the largest number of votes shall hold their office for three years ; the eight persons who shall have received the next largest number of votes shall hold their office for two years ; and the eight persons who shall have received the next largest number of votes shall hold their office for one year. In case two or more persons elected shall have received an equal number of votes, those who are the seniors by age shall, for the division into classes hereby required, be classified as if they had received the largest number of votes in the order of ages. And thereafter the qualified voters shall annually elect eight persons ; inhabitants of the city, to serve as members of the school committee for the term of three years.

School committee to consist of mayor and twenty-four persons elected by the voters.

Eight members to be elected every year.

SECTION 2. It shall be the duty of the clerks of the several wards of said city to make returns to the city clerk, after each municipal election, of the votes cast in their

Clerks of wards to make returns of votes to city clerk.

several wards for members of the school committee, and after the entry by the city clerk of said returns, or of an abstract thereof, in the official book kept for such purpose, it shall be the duty of the board of aldermen to examine and compare said returns and thereupon to cause certificates of election to be issued to such and so many of the members of said school committee as appear to have been chosen at such election; but said school committee shall be the final judge of the qualifications and elections of its own members.

Organization of committee.

SECTION 3. The persons so chosen as members of the school committee shall meet and organize on the second Monday in January, in the year eighteen hundred and seventy-six, and annually thereafter, at such time and place as the mayor may appoint. The unexpired term of office of all members and officers of the school committee as hitherto organized and established shall terminate immediately upon the organization of the school committee elected under this act.

A majority shall constitute a quorum.

SECTION 4. A majority of all the members of the school committee shall be necessary to constitute a quorum for the transaction of business. They shall choose a secretary, not of their own number, who shall also serve as secretary to the board of supervisors, an auditing clerk, and such other subordinate officers as they may deem expedient, and shall define their duties, fix their compensation, and may remove them at pleasure.

Powers and duties of committee.

SECTION 5. The school committee shall have the supervision and direction of the public schools, and shall exercise the powers and perform the duties in relation to the care and management of schools which are now exercised and performed by the school committee of said city, except so far as they may be changed or modified by this act, and shall have the powers and discharge the duties which may hereafter be imposed by law upon the school committees of cities and towns. They may elect teachers, and may discharge those now in office, as well as those hereafter elected. They shall appoint janitors for the school-houses, fix their compensation, designate their duties, and may discharge them at pleasure. They may fix the compensation of the teachers, but the salaries established at the commencement of each school year shall not be increased during such year.

SECTION 6. Whenever, in the judgment of the school committee, a new building or any addition to or alteration of a building is needed for school purposes, of an estimated cost of over one thousand dollars, they shall make a statement in writing to the city council of the necessity of the proposed building, addition or alteration; and no contract for the purchase or lease of land, or for the erection, purchase or lease of any building, or for any addition to or alteration of any building for school purposes, shall be authorized by the city council until such statement has been made, nor until the locality and plans for the same have been approved by the school committee or by a sub-committee thereof, duly authorized to approve the same.

Building or altering school-houses.

SECTION 7. The school committee shall elect a superintendent of schools and a board of supervisors, consisting of not more than six members, and shall define their duties and fix their compensation. The superintendent and the members of the board of supervisors shall hold office for the term of two years, unless sooner removed; and they may be removed for cause at any time by the school committee. No member of either branch of the city council or of the school committee shall hold the office of superintendent or supervisor, and no member of either branch of the city council shall be a member of the school committee. The superintendent shall be a member of the board of supervisors, and shall, when present, preside at their meetings.

Superintendent and supervisors to be elected by committee.

SECTION 8. The votes of a majority of the whole number of members of the school committee, shall be necessary to elect the superintendent of schools, the supervisors, the head-masters of the Latin, normal and high schools, the masters of the grammar schools, or the director of a special study or exercise.

Majority of whole committee required to elect superintendent, masters, etc.

*Approved May 19, 1875.*

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

*Chap. 242*

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

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Appropriations.

Running streams, common sewers.

In the act, chapter one hundred and ninety-two, entitled "An Act to provide for an investigation of the question of the use of running streams as common sewers in its relation to the public health," a sum not exceeding ten thousand dollars.

Justices superior court.

In the act, to increase the number of the associate justices of the superior court, a sum not exceeding four thousand dollars.

Philip Mackay.

In the resolve, chapter fifty-seven, in favor of Philip Mackay, the sum of two hundred dollars, on account of injuries received at the Hoosac Tunnel.

Priscilla Freeman.

In the resolve, chapter fifty-eight, in favor of Priscilla Freeman, the sum of two hundred dollars.

Williamsburg.

In the resolve, chapter sixty-one, in favor of the town of Williamsburg, the sum of five hundred and sixty dollars.

Board of health.

In the resolve, chapter sixty-five, to provide for accommodations for the state board of health, a sum not exceeding one hundred and fifty dollars.

Reform school.

In the resolve, chapter sixty-nine, to provide for enlarged accommodations and classification of inmates at the state reform school at Westborough, a sum not exceeding ninety thousand dollars.

Walter and Francis Shanly.

In the resolve, chapter seventy-three, in favor of Walter and Francis Shanly, the sum of one hundred and thirty-one thousand dollars, to be paid in accordance with the provisions of said resolve.

State house improvements.

For carpets and other improvements authorized by the commissioners on the state house, during the year eighteen hundred and seventy-four, a sum not exceeding nine thousand seven hundred eighty dollars and seven cents.

Apportionment of taxes.

For expenses incurred under authority of "An Act to secure a more equal apportionment of state and county taxes upon the several cities and towns," a sum not exceeding five hundred dollars, the same to be in addition to the appropriations heretofore made for the present year.

Index, senate journals.

For preparing a general index of the senate journals from eighteen hundred and fifty-four to eighteen hundred and sixty-seven inclusive, in accordance with an order of the senate, a sum not exceeding five hundred dollars.

Commonwealth's flats.

In the act, in relation to the Commonwealth's flats in South Boston, a sum not exceeding two thousand dollars.

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

*Approved May 19, 1875.*

AN ACT TO AUTHORIZE THE DIVISION OF THE CITY OF BOSTON INTO TWENTY-FOUR WARDS, AND TO FIX THE NUMBER OF MEMBERS OF THE COMMON COUNCIL. *Chap. 243*

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

SECTION 1. It shall be the duty of the city council of the city of Boston, and it is hereby empowered during the year eighteen hundred and seventy-five, and each tenth year thereafter in which a census shall be taken by authority of the Commonwealth, to cause a new division of the city to be made into twenty-four 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 is made, the boundary lines of the wards shall remain as established.

City to be divided into twenty-four wards.

The city council may also, from time to time, prescribe a place in each ward at which elections shall be held.

SECTION 2. At the municipal election in the year eighteen hundred and seventy-five, and every year thereafter, the qualified voters of each ward shall bring in their votes for three able and discreet men, qualified voters in said ward, to be members of the common council for the ensuing year; and all the ballots so given in each ward, being sorted, counted and declared, a public declaration of the result shall be made by the warden in open ward meeting; and a record of such proceedings shall be kept by the clerk in his journal, stating the number of ballots given for each person, written in words at length.

Election of members of common council.

SECTION 3. The terms of office of all ward officers heretofore chosen shall expire on the day before the next annual municipal election; and the mayor and aldermen shall appoint from the legal voters of each ward as established under the first section of this act, a warden, clerk and four inspectors of elections, who shall officiate in their several capacities on the day of said municipal election upon being duly qualified, and who shall hold their several offices until the first Monday of January, eighteen hundred and seventy-six.

Ward officers.

At the municipal election of the year eighteen hundred and seventy-five, and every year thereafter, ward officers shall be elected according to law.

SECTION 4. Section twenty of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; but

Repeal of 1854, 448, § 20.

nothing contained in this act, or in the proceedings which may be had by virtue of the authority conferred by it upon the city council, shall be held to alter the method of election, or qualifications of the ward officers, or to alter the boundaries of the jurisdiction of the several municipal courts of the city of Boston, as they are now established by law.

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

*Approved May 19, 1875.*



## RESOLVES,

### GENERAL AND SPECIAL.

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RESOLVE ASSIGNING ADDITIONAL ROOMS FOR THE STATE NORMAL ART-SCHOOL. *Chap. 1.*

*Resolved,* That the sergeant-at-arms, with the assent and approval of the commissioners on the state house, be authorized to assign the rooms on the first and second floor of the house number twenty-four, Pemberton Square, to the board of education, for the use of the state normal art-school, during the present lease.

State normal art-school to have rooms in Pemberton Sq.

*Approved January 26, 1875.*

RESOLVE TO PROVIDE FOR THE PAYMENT FROM THE TREASURY OF CERTAIN EDUCATIONAL EXPENSES. *Chap. 2.*

*Resolved,* The treasurer and receiver-general is hereby directed to pay from the treasury the warrants drawn by the governor for educational expenditures, in accordance with the provisions of chapters thirteen and two hundred and thirty-four of the acts of the year eighteen hundred and seventy-four, making appropriations therefor: *provided* that the amount of such payments shall not exceed the sum of twenty thousand dollars, which sum is hereby appropriated therefor.

Educational expenses.

*Approved February 11, 1875.*

RESOLVE IN FAVOR OF THE TOWN OF WALTHAM.

*Resolved,* That there be allowed and paid to the town of Waltham the sum of two hundred and sixty-two dollars and fifty cents for rent of armory for company F, fifth regiment of infantry, Massachusetts volunteer militia, from July first eighteen hundred and seventy-four, to January first eighteen hundred and seventy-five.

Allowance to Waltham for armory rent.

*Approved February 11, 1875.*

*Chap. 4.*

Allowance to  
Scituate from  
school fund.

## RESOLVE IN FAVOR OF THE TOWN OF SCITUATE.

*Resolved*, That there be allowed and paid out of the moiety of the income of the school fund, distributable to towns, to the town of Scituate its share of the school fund for the year eighteen hundred and seventy-three.

*Approved March 4, 1875.*

*Chap. 5.*

Discharged  
female prison-  
ers.

## RESOLVE IN AID OF DISCHARGED FEMALE PRISONERS.

*Resolved*, That there be allowed and paid from the treasury, under the direction of the governor, a sum not exceeding fifteen hundred dollars, for the purpose of assisting discharged female prisoners.

*Approved March 9, 1875.*

*Chap. 6.*

Contagious  
cattle diseases.

## RESOLVE IN RELATION TO THE EXTERMINATION OF CONTAGIOUS CATTLE DISEASES.

*Resolved*, That there be allowed and paid out of the treasury a sum not exceeding five hundred dollars, to be expended under the direction of the cattle commissioners, for the purpose of exterminating contagious cattle diseases in the state.

*Approved March 9, 1875.*

*Chap. 7.*

Massachusetts  
Charitable Eye  
and Ear Infirmary.

## RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

*Resolved*, That there be allowed and paid out of the treasury, the sum of seven thousand five hundred dollars, to the Massachusetts Charitable Eye and Ear Infirmary; to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary, during the present year: and the said managers shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

*Approved March 11, 1875.*

*Chap. 8.*

Allowance to  
John McGrath.

## RESOLVE IN FAVOR OF JOHN McGRATH.

*Resolved*, That there be allowed and paid out of the treasury to the overseers of the poor of the town of Framingham, the sum of one hundred dollars for the benefit of John McGrath.

*Approved March 16, 1875.*

*Chap. 9.*

Allowance to  
John H. Lamson.

## RESOLVE IN FAVOR OF JOHN H. LAMSON.

*Resolved*, That there be allowed and paid out of the treasury to John H. Lamson of Cambridge, the sum of three hundred and twenty-five dollars.

*Approved March 19, 1875.*

RESOLVE IN RELATION TO MENEMSHA CREEK AND POND, IN THE TOWNS OF CHILMARK AND GAY HEAD. *Chap. 10.*

*Resolved*, That the board of harbor commissioners are directed to examine into the condition of Menemsha Creek and Pond in the towns of Chilmark and Gay Head, with reference to the shoaling of said creek and pond, and report thereon to the next general court, together with any recommendations that they may see fit to make.

Harbor commissioners to examine Menemsha Creek.

*Approved March 19, 1875.*

RESOLVE IN FAVOR OF THE TOWN OF GREENFIELD.

*Resolved*, That there be allowed and paid out of the treasury to the town of Greenfield, the sum of two hundred dollars, for rent of armory for the year eighteen hundred and seventy-four. *Chap. 11.*

Allowance to Greenfield for armory rent.

*Approved March 19, 1875.*

RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT TAUNTON. *Chap. 12.*

*Resolved*, That there be allowed and paid out of the treasury a sum not exceeding thirty-five thousand dollars to the trustees of the state lunatic hospital at Taunton, to be expended as follows :

Lunatic hospital at Taunton.

Twenty-five thousand dollars for the completion of the extensions of the hospital buildings ;

Ten thousand dollars to change and improve the heating apparatus and ventilation of the old portions to said hospital buildings.

*Approved March 19, 1875.*

RESOLVE IN FAVOR OF CHARLES W. BAXTER.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to Charles W. Baxter, the sum of one hundred and fifty dollars, for damages to a horse attached to his command in the state militia. *Chap. 13.*

Allowance to Chas. W. Baxter.

*Approved March 27, 1875.*

RESOLVE IN FAVOR OF WILLIAM S. FROST.

*Resolved*, That there be allowed and paid from the treasury to William S. Frost, the sum of forty dollars for pay and expenses incurred while detailed as a provost marshal in the year eighteen hundred and seventy-two, for which no provision had been made. *Chap. 14.*

Allowance to Wm. S. Frost.

*Approved March 27, 1875.*

RESOLVES TO AUTHORIZE THE PUBLICATION OF A LIST OF MASSACHUSETTS OFFICERS, SAILORS AND MARINES WHO SERVED IN THE NAVY IN THE LATE CIVIL WAR. *Chap. 15.*

*Resolved*, That the adjutant-general be instructed to prepare for publication, and cause to be printed and bound

List of Mass. officers, sailors, etc., who served

in late war, to  
be published.

uniform with "Record of Massachusetts Volunteers," already issued by the state, one thousand five hundred copies of a full list, as nearly as may be practicable, of the officers, sailors and marines of Massachusetts who served in the navy during the late civil war on the quota of Massachusetts; designating the name, age, rank and residence of each at the time of appointment or enlistment, with date of discharge or resignation, and the reason therefor; the vessels and squadrons to which attached; also, the name of town or city, if any, upon whose quota said officers or seamen were credited.

State printers  
may sell books  
at contract price.

*Resolved*, That the state printers may stereotype the above record, at their own expense, if they shall deem best so to do, and are hereby authorized to print and sell, at a sum not exceeding the contract price paid by the Commonwealth, such number of copies as the public may from time to time require.

Distribution.

*Resolved*, That the one thousand five hundred copies of the record herein before provided for shall be distributed as follows: Three hundred copies as provided by the General Statutes, chapter three, section two; to the adjutant-general, seventy-five copies; to the governor, ten copies; to the lieutenant-governor, five copies; to the president of the senate and speaker of the house, five copies each; to the members of the executive council, the senate and house of representatives, the chaplains and clerks of the two branches, the sergeant-at-arms, secretary of the Commonwealth, treasurer and auditor for the present year, two copies each.

The remainder shall be deposited in the document-room, under the charge of the secretary of the Commonwealth, to supply legitimate calls and for future exigencies, pursuant to the rules and orders.

The sergeant-at-arms is hereby authorized and directed, when said publication is ready for distribution, to deliver, upon personal application, to the members of the executive and legislative branches of the government for the present year, or, if requested so to do by written communication, to forward to their respective places of abode the copies to which any member may be entitled in conformity with the above.

*Approved March 31, 1875.*

*Chap. 16.*

Allowance to  
Peter Powers.

RESOLVE IN FAVOR OF PETER POWERS.

*Resolved*, That there be allowed and paid out of the treasury to Peter Powers, the sum of three hundred and

seventy-two dollars, as state aid from February first, eighteen hundred and sixty-nine, to April first, eighteen hundred and seventy-four.

*Approved March 31, 1875.*

RESOLVES TO FURNISH CERTAIN DOCUMENTS AND STANDARD WEIGHTS AND MEASURES TO THE TOWN OF SOUTH ABINGTON.

*Chap. 17.*

*Resolved,* That the secretary of the Commonwealth be authorized and directed to furnish the town of South Abington a full set of the reports of the decisions of the supreme judicial court, one copy of the General Statutes, and copies of all such books and documents in his office as may heretofore have been furnished by the Commonwealth to towns. And the secretary is hereby authorized to purchase such of the reports and statutes aforesaid as may be necessary to carry this resolve into effect.

Standard weights and measures to be furnished to South Abington.

*Resolved,* That the treasurer be authorized and directed to furnish said town with a complete set of standard weights, measures and balances, such as each town is by law required to keep for the use of its inhabitants.

*Approved March 31, 1875.*

RESOLVE GRANTING CERTAIN PIECES OF ORDNANCE TO THE CITY OF CAMBRIDGE.

*Chap. 18.*

*Resolved,* That there be granted and transferred to the city of Cambridge the three old iron British cannon and their carriages, now in the state arsenal yard in said city: *provided,* said city shall furnish a suitable platform for them on the Cambridge common, the first camp-ground of the Revolution, and keep said cannon thereon in good condition forever.

Grant of old cannon to Cambridge.

*Approved March 31, 1875.*

RESOLVE PROVIDING FOR THE PREPARATION OF A NEW CATALOGUE OF THE STATE LIBRARY.

*Chap. 19.*

*Resolved,* That a sum not exceeding six hundred dollars be allowed and paid out of the treasury to defray the expense of extra assistance in preparing a new catalogue of the state library; and a sum not exceeding three hundred dollars for shelves, repair of furniture and incidental expenses; said sums to be expended under the direction of the trustees and the librarian.

Catalogue for state library.

*Approved March 31, 1875.*

RESOLVE CONCERNING THE ESTABLISHMENT OF PIERS INSTEAD OF BUOYS IN THE BAYS OF CAPE COD, GURNET HEAD AND DUXBURY AND KINGSTON BAYS.

*Chap. 20.*

*Resolved,* That the harbor commissioners are directed to collect information in regard to the expediency of recommending to the government of the United States to

Harbor commissioners to report concerning placing piers at mouths of har-

hors on Cape  
Cod.

substitute permanent piers instead of temporary buoys at the mouth of various harbors on Cape Cod, where the wide range of flats, dangerous to navigation, prevents the proper sighting of headlands in foggy or stormy weather, and also the propriety of establishing breakwater piers at the outlet of Cut River and the Gurnet Head, and permanent buoys on the northerly end of Brown's Island, so called at the entrance of Plymouth, Duxbury and Kingston bays, and to report to the next general court such information and their conclusions thereon in their annual report.

*Approved March 31, 1875.*

*Chap. 21.*

Allowance to  
Middleborough  
for armory rent.

RESOLVE IN FAVOR OF THE TOWN OF MIDDLEBOROUGH.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to the selectmen of the town of Middleborough, the sum of forty-six dollars, being the amount paid by said town for rent of armory, for the use of company L, third regiment of Massachusetts infantry, for the year eighteen hundred and seventy-three.

*Approved March 31, 1875.*

*Chap. 22.*

Additional  
allowance of  
\$2,500.

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

*Resolved,* That there be allowed and paid to the Massachusetts School for Idiotic and Feeble-minded Youth the sum of twenty-five hundred dollars, in addition to the sum now authorized, to meet the increased wants of the school, as set forth in the annual report of the trustees.

*Approved March 31, 1875.*

*Chap. 23.*

Allowance for  
armory rent.

RESOLVE IN FAVOR OF THE TOWN OF MELROSE.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to the town of Melrose, the sum of three hundred dollars, being the amount paid by said town for rent of armory for a portion of battery C, from July first, eighteen hundred and seventy-two, to January first, eighteen hundred and seventy-four.

*Approved March 31, 1875.*

*Chap. 24.*

Allowance to  
Edward Archi-  
bald and Percy  
Archibald.

RESOLVE IN FAVOR OF EDWARD ARCHIBALD AND PERCY ARCHIBALD.

*Resolved,* That there be allowed and paid from the state treasury, to Edward and Percy Archibald, or the guardians of the same, the sum of three hundred thirty-seven dollars and thirty-six cents; this sum being the amount paid into the state treasury by Gordon M. Fisk, as public administrator for the estate of Thomas Archibald, October nineteenth, eighteen hundred and sixty-eight;

it appearing that the said Edward and Percy Archibald are the heirs of the said Thomas Archibald.

*Approved April 3, 1875.*

RESOLVE FOR THE REIMBURSEMENT OF CERTAIN TAXES OVERPAID  
BY INSURANCE AGENTS.

*Chap. 25.*

*Resolved*, That there be allowed and paid out of the treasury to R. B. Robinson, four dollars and eighty-two cents; to H. M. Daggett, Jr., two dollars and fifteen cents; to George H. Newton, forty cents; to Hiram Van Campen, ten dollars and fifty-one cents; to Edwards & Machell, forty-five cents; to John Edwards, five dollars and ninety-eight cents; to Royal E. Farwell, two dollars and sixty-seven cents; to George E. Underwood, eighty cents; to M. F. Plimpton & Co., four dollars and fifty-five cents; to Sumner A. Hayward & Co., four dollars and twenty cents, in reimbursement of taxes overpaid to the treasurer.

Reimbursement  
of taxes over-  
paid to insur-  
ance agents.

*Approved April 3, 1875.*

RESOLVE PROVIDING FOR SUITABLE FURNITURE FOR THE EXECUTIVE  
CHAMBERS.

*Chap. 26.*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, the sum of six hundred and fifty dollars, the same to be expended by and under the direction of the committee on the state house, for the purpose of providing suitable furniture for the rooms in the state house, assigned to the chief executive.

Furniture for  
executive cham-  
bers.

*Approved April 5, 1875.*

RESOLVE IN FAVOR OF THE DEERFIELD VALLEY AGRICULTURAL  
SOCIETY.

*Chap. 27.*

*Resolved*, That there be allowed and paid from the treasury, to the Deerfield Valley Agricultural Society, the sum of two hundred and eighty-one dollars and nine cents, due on the bounty for the year eighteen hundred and seventy-three, under chapter sixty-six of the General Statutes.

Allowance to  
Deerfield Valley  
Agricultural  
Society.

*Approved April 7, 1875.*

RESOLVE IN FAVOR OF MARIA GRAGG.

*Chap. 28.*

*Resolved*, That there be allowed and paid out of the treasury, to Maria Gragg, the sum of two hundred and thirty-two dollars, as state aid, from May first, eighteen hundred and seventy, to March first, eighteen hundred and seventy-five.

Allowance to  
Maria Gragg.

*Approved April 14, 1875.*

*Chap. 29.* RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Disabled Soldiers' Employment Bureau.

*Resolved,* That there be allowed and paid out of the treasury, the sum of three thousand dollars to the Disabled Soldiers' Employment Bureau.

*Approved April 14, 1875.*

*Chap. 30.*

Allowance to Anna Coleman.

## RESOLVE IN FAVOR OF ANNA COLEMAN.

*Resolved,* That there be allowed and paid out of the treasury, to Estes Howe, in trust for Anna Coleman, the sum of twenty hundred and sixty-nine dollars and ninety-one cents, the same being the balance of the estate of Sarah Craig, late of Boston, deceased, received into the treasury, September twenty-eighth, eighteen hundred and seventy-four, from Francis E. Parker, public administrator.

*Approved April 15, 1875.*

*Chap. 31.*

Allowance to Jerrie C. Vaughn.

## RESOLVE IN FAVOR OF JERRIE C. VAUGHN.

*Resolved,* That there be allowed and paid out of the treasury to Jerrie C. Vaughn, the sum of three hundred and twenty-five dollars, as state bounty, under chapter two hundred fifty-four of the acts of the year eighteen hundred and sixty-three.

*Approved April 15, 1875.*

*Chap. 32.*

Allowance to town of Beverly.

## RESOLVE IN FAVOR OF THE TOWN OF BEVERLY.

*Resolved,* That there be allowed and paid out of the state treasury to the town of Beverly the sum of two hundred and sixty-two dollars and fifty cents, for rent of armory for year eighteen hundred and seventy-four.

*Approved April 15, 1875.*

*Chap. 33.*

Allowance to Hayden Tobacco Works.

## RESOLVE IN FAVOR OF THE HAYDEN TOBACCO WORKS.

*Resolved,* That there be allowed and paid out of the treasury to the Hayden Tobacco Works the sum of seventy-two dollars and ninety cents, the same being the amount of tax paid to the state in the year eighteen hundred and seventy-four, by that corporation.

*Approved April 15, 1875.*

*Chap. 34.*

Allowance to Charles W. Stephenson.

## RESOLVE IN FAVOR OF GEORGE H. McALLISTER, GUARDIAN OF CHARLES W. STEPHENSON.

*Resolved,* That there be allowed and paid out of the treasury to George H. McAllister, guardian of Charles W. Stephenson, the sum of three hundred and ninety-two dollars, for state aid from December thirty-first, eighteen hundred and sixty-six, to March first, eighteen hundred and seventy-five.

*Approved April 15, 1875.*



RESOLVE IN FAVOR OF THE NORMAL SCHOOLS AT FRAMINGHAM, WESTFIELD, BRIDGEWATER AND SALEM. *Chap. 35.*

*Resolved*, That there be allowed and paid out of the treasury the following sums, expended and to be expended under the direction of the board of education, to wit:—

Normal schools at Framingham, Westfield, Bridgewater, and Salem.

For necessary apparatus and pipes, and laying the same for furnishing the boarding-house and school-building at the Framingham normal school with water, a sum not exceeding three thousand five hundred dollars.

For steam-heating and ventilating apparatus in the school-building at the Westfield normal school, purchased in the year eighteen hundred and seventy-four, the sum of five thousand six hundred dollars.

For fitting and furnishing a chemical laboratory in the building of the Bridgewater normal school, and for chemicals and apparatus, a sum not exceeding one thousand dollars; also for globe, mounted skeletons, and for models of architecture,—for illustrations in geography, physiology and drawing,—a sum not exceeding three hundred and fifty dollars.

For repairs upon the school-building of the normal school at Salem, a sum not exceeding five hundred dollars.

*Approved April 15, 1875.*

RESOLVE RELATIVE TO THE FISHERIES ON THE NORTH RIVER AND ITS TRIBUTARIES. *Chap. 36.*

*Resolved*, That the commissioners of inland fisheries are hereby required to make a full investigation into the condition of the fisheries on North River in Plymouth County, and its tributaries, and to recommend what legislation, if any, is necessary concerning the same, to the next general court.

Fisheries on North River, in Plymouth Co.

*Approved April 15, 1875.*

RESOLVE TO PROVIDE COMPENSATION FOR OBTAINING THE CENSUS AND INDUSTRIAL STATISTICS OF THE COMMONWEALTH FOR THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE. *Chap. 37.*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to each assessor, or other person as hereinafter provided, employed by the bureau of statistics of labor in the several cities and towns, in taking the decennial census and the industrial statistics of the Commonwealth, under the authority of chapter three hundred and eighty-six of the acts of the year eighteen hundred and seventy-four, the sum of three dollars for each day of ten hours actually employed in said service.

Census and Industrial Statistics.

In case the bureau of statistics of labor deem it expedient to appoint, in any city or town, some other person than an assessor, it may do so: *provided*, that such other person is an inhabitant of the city or town in which he is to perform the duty, and that his appointment is approved by the mayor and aldermen of the city or the selectmen of the town.

The number of persons to be appointed in each city and town, and to be paid from the state treasury at the rate aforesaid, shall not exceed one for every fifteen hundred polls therein, according to the enumeration made for city and town purposes in the year eighteen hundred and seventy-four, printed in public document number nineteen, and shall be as many less as may, in the opinion of the bureau of statistics of labor, be adequate for the duty: *provided*, that at least one person shall be so appointed and compensated in each city and town; and the account of each assessor or person so employed shall be verified by his affidavit, and if approved by the chief of said bureau, when audited and allowed by the auditor, shall be paid from the appropriation made for that purpose, in an act of the present year, entitled "An Act making appropriations to meet certain expenditures authorized the present year, and for other purposes."

*Approved April 16, 1875.*

*Chap. 38.*

Allowance to  
Clara E. Attle-  
ton.

RESOLVE IN FAVOR OF CLARA E. ATTLETON.

*Resolved*, That Clara E. Attleton, daughter of Joseph C. Attleton, a deceased soldier, shall be entitled to state aid at the rate of four dollars a month from and after May fifth, eighteen hundred and seventy-four.

*Approved April 17, 1875.*

*Chap. 39.*

Obstruction of  
Peabody Square  
by Eastern  
Railroad.

RESOLVE IN RELATION TO THE OBSTRUCTION OF PEABODY SQUARE BY THE TRACKS OF THE EASTERN RAILROAD COMPANY.

*Resolved*, That the petition of W. O. Batchelder and others, for legislation to prohibit the Eastern Railroad Company from obstructing the public square in Peabody, be referred to the board of railroad commissioners with instructions to report to the next general court what, if any, legislative action is necessary in the premises.

*Approved April 20, 1875.*

*Chap. 40.*

Allowance to  
George H. Hall.

RESOLVE IN FAVOR OF GEORGE H. HALL.

*Resolved*, That George H. Hall be entitled to the same state aid that he would be entitled to were he in receipt of a pension from the United States. *Approved April 24, 1875.*

## RESOLVE IN FAVOR OF RICHARD F. ANDREWS.

*Chap. 41.*

*Resolved*, That on and after the first day of January, eighteen hundred and seventy-five, Richard F. Andrews be entitled to receive the same amount of state aid, he would have been entitled to receive, had his disability been contracted during his original term of service.

Allowance to  
Richard F.  
Andrews.

*Approved April 24, 1875.*

## RESOLVE IN FAVOR OF LAURA J. BROWN.

*Chap. 42.*

*Resolved*, That on and after the first day of January, in the year eighteen hundred and seventy-five, Laura J. Brown, widow of William E. Brown, be entitled to receive state aid at the rate of four dollars a month.

State aid al-  
lowed to Laura  
J. Brown.

*Approved April 24, 1875.*

## RESOLVE IN FAVOR OF ISABELL CAMPBELL.

*Chap. 43.*

*Resolved*, That there be allowed to Isabell Campbell state aid from and after January first, in the year eighteen hundred and seventy-five, the same as she would have received had she been a resident of Massachusetts, April twenty-third, eighteen hundred and sixty-six.

Allowance to  
Isabell Camp-  
bell.

*Approved April 24, 1875.*

RESOLVE IN FAVOR OF COMPANY F, SECOND REGIMENT INFANTRY,  
MASSACHUSETTS VOLUNTEER MILITIA.*Chap. 44.*

*Resolved*, That there be allowed and paid out of the treasury, to the members of company F, second regiment infantry, Massachusetts volunteer militia, who performed duty at the Mill River disaster, the same compensation as allowed by law for the performance of duty under the orders of the commander-in-chief.

Allowance to  
Co. F, 2d Regt.  
Inf., M. V. M.

*Approved April 24, 1875.*

## RESOLVE IN FAVOR OF ALBERT FRANKLIN HOWLAND.

*Chap. 45.*

*Resolved*, That there be allowed and paid out of the treasury to Albert Franklin Howland the sum of ninety dollars, as state aid from January first, eighteen hundred and seventy-four, to April first, eighteen hundred and seventy-five; and that from and after said April first said Howland be entitled to receive state aid at the rate of six dollars per month.

Allowance to  
Albert F.  
Howland.

*Approved April 24, 1875.*

## RESOLVE IN FAVOR OF ROSE CARPENTER.

*Chap. 46.*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Rose Carpenter, the sum of two hundred dollars for state aid.

State aid al-  
lowed to Rose  
Carpenter.

*Approved May 1, 1875.*

*Chap. 47.*

State aid allowed to Louis A. De Ribas.

## RESOLVE IN FAVOR OF LOUIS A. DE RIBAS.

*Resolved*, That on and after the first day of January in the year eighteen hundred and sixty-seven, Louis A. De Ribas be entitled to receive the same amount of state aid that he would have been entitled to receive had he been born before the death of his father, Louis A. De Ribas.

*Approved May 1, 1875.*

*Chap. 48.*

State aid allowed to Ellen Woods.

## RESOLVE IN FAVOR OF ELLEN WOODS.

*Resolved*, That there be allowed and paid out of the treasury to Ellen Woods, the sum of three hundred and twelve dollars for state aid, it being an amount of state aid she would have received had her husband not been reported as a deserter.

*Approved May 1, 1875.*

*Chap. 49.*

Allowance to Owen McDonald.

## RESOLVE IN FAVOR OF OWEN McDONALD.

*Resolved*, That from the first day of January, eighteen hundred and seventy-five, there be paid from the treasury to Owen McDonald an annuity of one hundred dollars for the period of ten years should he so long survive, in consideration of injuries received at the Hoosac Tunnel while in the employ of the state.

*Approved May 1, 1875.*

*Chap. 50.*

Fishway in Merrimack River.

## RESOLVE RELATING TO THE IMPROVEMENT OF THE FISHWAY IN THE MERRIMACK RIVER AT LAWRENCE.

*Resolved*, That a sum not exceeding two thousand dollars be allowed and paid out of the treasury of the Commonwealth, which the commissioners on inland fisheries are hereby authorized to expend at their discretion, in improving and extending the fishway in the Merrimack River, at Lawrence.

*Approved May 1, 1875.*

*Chap. 51.*

Allowance to Co. G, 2d Regt. Inf., M. V. M.

## RESOLVE IN FAVOR OF COMPANY G, SECOND REGIMENT INFANTRY, MASSACHUSETTS VOLUNTEER MILITIA.

*Resolved*, That there be allowed and paid out of the treasury to the members of company G, second regiment infantry, Massachusetts volunteer militia, who performed duty at the Mill River disaster, the same compensation as allowed by law for the performance of duty under the orders of the commander-in-chief.

*Approved May 1, 1875.*

*Chap. 52.*

Allowance to Fitchburg for armory rent.

## RESOLVE IN FAVOR OF THE CITY OF FITCHBURG.

*Resolved*, That there be allowed and paid out of the treasury to the city of Fitchburg, the sum of eight hundred dollars, in reimbursement for rent paid by said city for armories for companies B and D of the tenth regiment

of infantry, Massachusetts volunteer militia, for the year ending December thirty-first, eighteen hundred and seventy-four.

*Approved May 3, 1875.*

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE, AT TEWKSBURY.

*Chap. 53.*

*Resolved*, That there be allowed and paid out of the treasury the sum of two thousand and five hundred dollars, for the alteration of the present asylum for the insane into rooms. Also, that there be allowed and paid out of the treasury the sum of twenty-six hundred dollars for the erection of a building to be occupied by the men as a keeping-room. Also, that there be allowed and paid out of the treasury the sum of twenty-seven hundred dollars, for increasing and improving the cooking apparatus. These several amounts are to be expended under the direction of the inspectors of the institution.

State almshouse  
at Tewksbury.

*Approved May 7, 1875.*

RESOLVE GRANTING COUNTY TAXES.

*Chap. 54.*

*Resolved*, That the sums placed against the names of the several counties in the following schedule, are granted as a tax for each county, respectively, to be collected and applied according to law:—

County taxes  
granted.

*Middlesex*.—One hundred and eighty thousand dollars: *provided*, that not less than five per centum of this sum so raised by taxation shall be applied to cancel the existing county debt.

*Worcester*.—One hundred and fifty thousand dollars: *provided*, that not less than forty-eight thousand dollars of the sum so raised by taxation shall be applied to cancel the existing county debt.

*Essex*.—One hundred and forty thousand dollars.

*Bristol*.—One hundred and five thousand dollars.

*Hampden*.—Eighty thousand dollars.

*Berkshire*.—Seventy-five thousand dollars.

*Norfolk*.—Sixty-seven thousand five hundred dollars.

*Plymouth*.—Forty-five thousand dollars.

*Hampshire*.—Thirty-eight thousand dollars: *provided*, that the proportion of said tax to be paid by the town of Williamsburg shall be at the rate of eighty-three cents on one thousand dollars, including polls at half a mill each, in lieu of one dollar eleven cents as prescribed by chapter two hundred and fifty-nine of the acts of eighteen hundred and seventy-two.

*Franklin*.—Thirty-five thousand dollars.

*Barnstable*.—Fifteen thousand dollars.

*Dukes.*—Six thousand five hundred dollars, and three thousand dollars of this grant shall be applied to cancel the county debt.

*Approved May 8, 1875.*

*Chap. 55.* RESOLVE TO AUTHORIZE THE PURCHASE AND DISTRIBUTION OF CROCKER'S NOTES ON THE GENERAL STATUTES OF MASSACHUSETTS.

Crocker's Notes on General Statutes to be distributed to cities and towns.

*Resolved,* That the secretary of the Commonwealth is authorized and directed to purchase a number, not exceeding three hundred and fifty copies, of the second edition of Crocker's Notes on the General Statutes of Massachusetts: *provided,* that the cost of the same shall not exceed five dollars per volume; and to distribute the same, one copy to each city and town.

*Approved May 8, 1875.*

*Chap. 56.* RESOLVE PROVIDING FOR PRINTING THE REPORT OF THE BOARD OF EDUCATION AND THE LAWS RELATING TO PUBLIC SCHOOLS, AND FOR OTHER PURPOSES.

Report of board of education and laws relating to public schools.

*Resolved,* That there be allowed and paid out of the treasury the following sums, to be expended under the direction of the board of education, to wit:—

For printing the thirty-eighth annual report of said board, with the accompanying documents, and for printing a revised edition of the laws relating to public schools, a sum not exceeding ten thousand dollars.

For expenses incurred by said board in preparing the report on the scientific survey of the Commonwealth, in accordance with an order of the legislature of eighteen hundred and seventy-four, the sum of fifty-five dollars and seventy-five cents.

*Approved May 8, 1875.*

*Chap. 57.* RESOLVE IN FAVOR OF PHILIP MACKEY.

Allowance to Philip Mackey.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Philip Mackey, the sum of two hundred dollars for injuries received in the Hoosac Tunnel, while in the employment of the Commonwealth.

*Approved May 12, 1875.*

*Chap. 58.* RESOLVE IN FAVOR OF PRISCILLA FREEMAN.

Allowance to Priscilla Freeman.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Priscilla Freeman the sum of two hundred dollars, which sum shall be in full of all claims of said Priscilla Freeman against the Commonwealth of every kind whatsoever.

*Approved May 12, 1875.*

RESOLVE CONCERNING THE CELEBRATION OF THE SEVENTEENTH OF JUNE, EIGHTEEN HUNDRED AND SEVENTY-FIVE. *Chap. 59.*

*Resolved*, That a sum not exceeding ten thousand dollars, be allowed and paid to defray the necessary expenses attending the reception and entertainment of the president and vice-president of the United States, and other distinguished guests of the Commonwealth, on the occasion of the celebration on the seventeenth of June next, the centennial of the battle of Bunker Hill; which sum, with the addition of a sum not exceeding six thousand dollars for the transportation of troops, is hereby appropriated: *provided*, that no part of said sum of ten thousand dollars shall be paid from the treasury without the approval in writing and signatures of a majority of the members of the joint special committee of the legislature appointed to make arrangements for said celebration.

Centennial celebration of the seventeenth of June.

*Approved May 12, 1875.*

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE. *Chap. 60.*

*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 rates of interest as shall be found necessary; and that he repay any sum he may borrow under this resolve, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Treasurer authorized to borrow money in anticipation of revenue.

*Approved May 12, 1875.*

RESOLVE IN FAVOR OF THE TOWN OF WILLIAMSBURG. *Chap. 61.*

*Resolved*, That there be allowed and paid to the town of Williamsburg the sum of five hundred and sixty dollars.

Allowance to Williamsburg.

*Approved May 12, 1875.*

RESOLVE CONCERNING THE ANNUAL ELECTION SERMON. *Chap. 62.*

*Resolved*, That the annual election sermon shall hereafter be preached in some house of religious worship in the city of Boston, to be designated each year by the governor, under whose general direction proper arrangements for the service shall be made, including the appointment of a time when it shall take place; and that chapter seventy-three of the resolves of the year eighteen hundred and seventy-two is hereby repealed.

Election sermon to be preached in a church in Boston.

*Approved May 12, 1875.*

*Chap. 63.* RESOLVE IN RELATION TO CHANGING THE SITE SELECTED FOR A NEW STATE PRISON.

Site for new state prison may be changed.

*Resolved,* That the commissioners who by chapter one hundred and fifty-five of the acts of the year eighteen hundred and seventy-three were authorized to select a site for and to construct a new state prison, are hereby authorized, with the approval of the governor and council, to change the site so selected, provided they shall deem it expedient.

*Approved May 19, 1875.*

*Chap. 64.*

Allowance to state board of health for books, etc.

RESOLVE IN FAVOR OF THE STATE BOARD OF HEALTH.

*Resolved,* That the state board of health be authorized to expend the sum of five hundred dollars in the purchase of books, journals and maps, relative to sanitary matters, to be kept for their use in the office assigned to them by the legislature, and the above-named sum is hereby appropriated.

*Approved May 19, 1875.*

*Chap. 65.* RESOLVE PROVIDING ACCOMMODATIONS FOR THE STATE BOARD OF HEALTH, AND FOR THE EXPENSE OF FURNISHING THE SAME.

State board of health to have rooms in state house.

*Resolved,* That the sergeant-at-arms be instructed to furnish and provide suitable accommodations, in the state house, for the state board of health; and that there be allowed and paid out of the treasury, the sum of one hundred and fifty dollars, to be expended by the sergeant-at-arms in furnishing the same.

*Approved May 19, 1875.*

*Chap. 66.* RESOLVE AUTHORIZING THE ISSUE OF ARMS TO HARVARD COLLEGE.

Arms may be issued to Harvard College.

*Resolved,* That the governor be and he is hereby authorized to issue to the president and fellows of Harvard College, such arms and accoutrements for the use of the college, as in his judgment may be so distributed without detriment to the militia service, and without expense to the state: *provided,* that the corporation shall be held responsible for the return of said arms and accoutrements, in good order and condition, whenever the governor shall so direct.

*Approved May 19, 1875.*

*Chap. 67.* RESOLVE DIRECTING THE BOARD OF RAILROAD COMMISSIONERS TO REPORT TO THE NEXT LEGISLATURE UPON THE EXPEDIENCY OF PRESCRIBING SUCH RULES AS WILL PROVIDE FOR UNIFORMITY IN KEEPING THE ACCOUNTS OF RAILROAD CORPORATIONS

Accounts of railroad corporations.

*Resolved,* That the board of railroad commissioners be directed to inquire into the expediency of such legislation as will prescribe rules, under which the accounts of all railroad corporations shall be kept; all sums received by them uniformly credited; and all sums expended by them,



whether on account of operating expenses or permanent investments, be uniformly charged; and to report upon the same to the next general court. *Approved May 19, 1875.*

RESOLVE IN RELATION TO THE RETURNS FROM SAVINGS BANKS.

*Chap. 68.*

*Resolved,* That every savings bank and institution for savings in this Commonwealth, state in its returns to the commissioner for the present year the number of its outstanding loans which are of an amount not exceeding three thousand dollars, and the aggregate amount of the same.

Returns from savings banks.

*Approved May 19, 1875.*

RESOLVE PROVIDING FOR ENLARGED ACCOMMODATIONS AND CLASSIFICATION OF THE INMATES OF THE STATE REFORM SCHOOL AT WESTBOROUGH

*Chap. 69.*

*Resolved,* That there be allowed and paid out of the treasury a sum not exceeding ninety thousand dollars for the enlargement of the state reform school at Westborough, for the purpose of a better classification of the inmates, and instructing them in trades. This sum, or such part of it as may be needed, to be expended under the direction of the trustees of said school, with the approval of the governor and council.

State reform school at Westborough.

*Approved May 19, 1875.*

RESOLVE TO PROVIDE FOR CERTAIN EXPENSES IN CONNECTION WITH THE CENTENNIAL CELEBRATION OF THE SEVENTEENTH OF JUNE.

*Chap. 70.*

*Resolved,* That the sum of five thousand dollars be allowed and paid, and is hereby appropriated for the purposes hereinafter named, to wit:

Centennial celebration of the seventeenth of June.

For compensation for the volunteer militia, three thousand dollars.

For transportation of the volunteer militia, two thousand dollars.

Said sums to be in addition to any appropriations heretofore made during the present year for similar purposes.

Expenditures under this resolve shall be paid upon rolls as provided in chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four.

*Approved May 19, 1875.*

RESOLVE IN RELATION TO THE REPRESENTATION OF MASSACHUSETTS AT THE CENTENNIAL EXHIBITION AT PHILADELPHIA.

*Chap. 71.*

*Resolved,* That the governor and council are hereby authorized to take such steps and do all such things as to them shall seem proper for securing at the exhibition at Philadelphia a due representation of the different arts, industries and institutions of the Commonwealth, and to

Centennial exhibition at Philadelphia.

expend at their discretion for such purpose such sums as may be required, not exceeding in the aggregate fifty thousand dollars, which is hereby appropriated; and such sum or sums shall be allowed and paid out of the treasury, on warrant drawn by the governor, at such time or times as shall to him seem expedient, not exceeding the amount appropriated.

*Approved May 19, 1875.*

*Chap. 72.* RESOLVE PROVIDING FOR THE PAYMENT FOR CERTAIN REPAIRS HERETOFORE MADE ON THE STATE HOUSE.

Repairs on the state house.

*Resolved,* That there be appropriated and paid out of the treasury for certain repairs on the state house, in addition to the unexpended balance of one hundred and twenty dollars, the sum of five thousand eight hundred and thirty-three dollars and eighty-six cents, as follows:—

George E. Lemoyne, thirty-three dollars.

Edward Rolfe, four dollars twenty-two cents.

Cook & Rymes, three hundred and nine dollars eighty-one cents.

Morss & Whyte, one hundred and forty-two dollars twenty-three cents.

Edward F. Meany, seven hundred and eighty-eight dollars thirteen cents.

Cyrus T. Clark, two hundred and nine dollars ninety-four cents.

C. S. Parker & Sons, eight hundred and ninety-six dollars sixty-three cents.

Hicks & Badger, two hundred and ninety dollars thirty-five cents.

J. W. Bartlett, two hundred and thirty-two dollars and thirty-seven cents.

Richard Powers & Sons, three hundred and thirty-five dollars and two cents.

James Barrett, two thousand seven hundred and twenty-two dollars sixty-one cents.

*Approved May 19, 1875.*

*Chap. 73.*

RESOLVE IN FAVOR OF WALTER AND FRANCIS SHANLY.

Allowance to Walter and Francis Shanly.

*Resolved,* That there be allowed and paid out of the treasury to Walter and Francis Shanly, the sum of one hundred and thirty-one thousand dollars in full settlement of all claims on account of the construction of the Hoosac Tunnel.

*Approved May 19, 1875.*

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS UPON  
THE STATE HOUSE.*Chap. 74.*

*Resolved*, That there be allowed and paid out of the treasury a sum not exceeding fifteen hundred dollars, for repairs and improvements on the state house, to be expended by the sergeant-at-arms, under the direction and with the approval of the commissioners on the state house, and the same is hereby appropriated.

Repairs upon  
state house.*Approved May 19, 1875.*RESOLVE TO PROVIDE FOR FENCING THE STATE CAMP GROUND AT  
SOUTH FRAMINGHAM.*Chap. 75.*

*Resolved*, That a sum not exceeding four thousand five hundred dollars be allowed and paid, and the same is hereby appropriated to be expended under the direction of the quartermaster-general, with the approval of the governor and council, for fencing the state camp ground at South Framingham. The fencing to be erected by contract, and provided that no part of this sum be expended to widen the streets of Framingham. *Approved May 19, 1875.*

State camp-  
ground at Fram-  
ingham.

## RESOLVE IN RELATION TO THE MASSACHUSETTS SCHOOL FUND.

*Chap. 76.*

*Resolved*, That the commissioners of the Massachusetts school fund be, and they hereby are, authorized and directed to cancel to the board of education its obligations now held by said fund, for fifty-three thousand dollars, given pursuant to sundry resolves heretofore passed, for the erection of boarding-houses connected with the normal schools at Bridgewater and Framingham; and that the board of education be, and they hereby are, requested to include in their next annual report, a full statement of the facts with regard to said obligations, and of their opinions and recommendations of the policy which in their judgment should be adopted with regard to the increase or limitation of the school fund, and the best manner of meeting expenditures for educational purposes, and the reasons in favor of such policy. *Approved May 19, 1875.*

Massachusetts  
school fund.RESOLVE RELATIVE TO THE CENTENNIAL CELEBRATION OF THE  
SEVENTEENTH OF JUNE OF THE PRESENT YEAR.*Chap. 77.*

*Resolved*, That the sum of two thousand dollars in addition to the amount heretofore appropriated, be allowed and paid out of the treasury under direction of the committee on the celebration of the seventeenth of June of the present year, for the purposes set forth in the several orders defining the duties of that committee, and the same is hereby appropriated. *Approved May 19, 1875.*

Centennial cele-  
bration of the  
seventeenth of  
June.

*Chap. 78.*

Parades in public with arms.

## RESOLVE CONCERNING PARADES IN PUBLIC WITH ARMS.

*Resolved*, That students in educational institutions furnished with arms by this Commonwealth be permitted to drill and parade with arms in public, under the superintendence of their teachers, unless prohibited by the order of the governor, for any length of time.

*Approved May 19, 1875.*

THE General Court of 1875, during its annual session, passed two hundred and forty-three Acts and seventy-eight Resolves, all of which received the approval of the Governor.

The Acts may be classified as follows: General Statutes, or Acts of a public character, ONE HUNDRED AND EIGHTY-SIX. Special Acts, relating to private property, persons and corporate bodies, FIFTY-SEVEN.

The General Court was prorogued on Wednesday, May 19, the session having occupied one hundred and thirty-four days.

## PROPOSED AMENDMENTS TO THE CONSTITUTION.

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The following proposed Articles of Amendment to the Constitution of this Commonwealth, having been officially certified and deposited in this department, under requirement of chapter 156, Acts of 1865, if agreed to by the General Court, next to be chosen in the manner provided by the Constitution, may be submitted to the people for their ratification, in order that it may become a part of the Constitution of this Commonwealth:—

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION  
IN RELATION TO SHERIFFS.

*Resolved*, By both houses (the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon) that it is expedient to alter the constitution of this Commonwealth by adopting the subjoined article of amendment: and that the same, as thus agreed to, be entered on the journals of both houses with the yeas and nays taken thereon and referred to the general court next to be chosen, and that the same be published to the end that, if agreed to by the general court next to be chosen in the manner provided by the constitution, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of this Commonwealth.

## ARTICLE OF AMENDMENT.

So much of the nineteenth article of the amendments of the constitution as relates to the election of sheriffs is hereby annulled: and sheriffs shall be nominated and appointed by the governor by and with the advice and consent of the council.

SENATE, February 18, 1875. The foregoing article of amendment is agreed to by the Senate, a majority of the members present and voting thereon, having voted in the

## PROPOSED AMENDMENTS TO CONSTITUTION.

affirmative; and the same is referred to the General Court next to be chosen.

Sent down for concurrence.

GEO. B. LORING, *President*.

HOUSE OF REPRESENTATIVES, February 27, 1875. The foregoing article of amendment is agreed to by the House, two-thirds of the members present voting in the affirmative; and the same is referred, in concurrence, to the General Court next to be chosen.

JOHN E. SANFORD, *Speaker*.

RESOLVE PROVIDING FOR AN AMENDMENT OF THE CONSTITUTION  
IN RELATION TO COMMISSIONERS OF INSOLVENCY.

*Resolved*, By both houses (the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon) that it is expedient to alter the constitution of this Commonwealth by adopting the subjoined article of amendment; and that the same, as thus agreed to, be entered on the journals of both houses with the yeas and nays taken thereon and referred to the general court next to be chosen, and that the same be published, to the end that, if agreed to by the general court next to be chosen in the manner provided by the constitution, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of this Commonwealth.

ARTICLE OF AMENDMENT.

So much of the nineteenth article of the amendments of the constitution of this Commonwealth as relates to the election of commissioners of insolvency is hereby annulled.

SENATE, February 18, 1875. The foregoing article of amendment is agreed to by the Senate, a majority of the members present and voting thereon having voted in the affirmative; and the same is referred to the General Court next to be chosen.

Sent down for concurrence.

GEO. B. LORING, *President*.

HOUSE OF REPRESENTATIVES, February 27, 1875. The foregoing article of amendment is agreed to by the House,

two-thirds of the members present, voting in the affirmative, and the same is referred, in concurrence, to the General Court next to be chosen.

JOHN E. SANFORD, *Speaker*.

RESOLVE PROVIDING FOR AN AMENDMENT OF THE CONSTITUTION  
IN RELATION TO DISTRICT ATTORNEYS.

*Resolved*, By both houses (the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon) that it is expedient to alter the constitution of this Commonwealth by adopting the subjoined article of amendment, and that the same as thus agreed to be entered on the journals of both houses, with the yeas and nays taken thereon and referred to the general court next to be chosen, and that the same be published to the end that, if agreed to by the general court next to be chosen in the manner provided by the constitution, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of this Commonwealth.

ARTICLE OF AMENDMENT.

So much of the nineteenth article of the amendments of the constitution of this Commonwealth as relates to the election of district-attorneys is hereby annulled: and district-attorneys shall be nominated and appointed by the governor, by and with the advice and consent of the council.

SENATE, February 18, 1875. The foregoing article of amendment is agreed to by the Senate, a majority of the members present having voted in the affirmative; and the same is referred to the general court next to be chosen.

Sent down for concurrence.

GEO. B. LORING, *President*.

HOUSE OF REPRESENTATIVES, February 27, 1875. The foregoing article of amendment is agreed to by the House, two-thirds of the members present voting in the affirmative, and the same is referred, in concurrence, to the general court next to be chosen.

JOHN E. SANFORD, *Speaker*.

## PROPOSED AMENDMENTS TO CONSTITUTION.

RESOLVE PROVIDING FOR AN AMENDMENT OF THE CONSTITUTION IN  
RELATION TO CLERKS OF COURTS.

*Resolved*, By both houses (the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon) that it is expedient to alter the constitution of this Commonwealth by adopting the subjoined article of amendment, and that the same, as thus agreed to, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen; and that the same be published, to the end that if agreed to by the general court next to be chosen in the manner provided by the constitution, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of this Commonwealth.

## ARTICLE OF AMENDMENT.

So much of the nineteenth article of the amendments of the constitution of this Commonwealth as relates to the election of clerks of courts is hereby annulled and clerks of courts shall be nominated and appointed by the governor, by and with the advice and consent of the council.

SENATE, April 20, 1875. The foregoing article of amendment is agreed to by the Senate, a majority of the members present and voting thereon, having voted in the affirmative, and the same is referred to the general court next to be chosen.

Sent down for concurrence.

GEO. B. LORING, *President*.

HOUSE OF REPRESENTATIVES, April 24, 1875. Referred in concurrence to the general court next to be chosen, two-thirds of the House of Representatives, present and voting, having voted in the affirmative.

JOHN E. SANFORD, *Speaker*.



## INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM GASTON.

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At one and a half o'clock on Thursday, the seventh 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:*

You enter upon your duties at a time when there can be no doubt that the people are more anxious for honest and intelligent legislation, and for a prompt and faithful execution of the laws, than for political victory or party supremacy,—at a time when all political parties in the State are in substantial accord upon many of the great national questions which have been subjects of discussion in the past.

The war has ended, bringing, at its termination, results as great as they are beneficent. These results are, as I believe, gladly accepted by the people, without reference to party distinctions. The government is certainly not now committed or bound by any compact, convention or compromise to surround any form of oppression with its supporting influence and power, or to protect any opinion or

institution which offends the public conscience. There is certainly now no pretence for opposing or resisting that principle which demands that law shall recognize the doctrine so essential to the existence of a full and complete personal liberty; namely, that the rights of all, as well as the duties of all, are equal, without reference to race, color or previous condition of servitude. These and the other results of that protracted and costly conflict of arms are secured so far as legislation can secure them, for they are guarded and protected by the fundamental law of the land. These matters are, therefore, settled, and well settled, and I believe that there is no desire on the part of any of the people of this Commonwealth to open or disturb them. The results of the labors and the sacrifices of the past being thus secured, we may well direct our attention and our energies to the interests of the present and of the future, and seek by prudent measures to give vigor to the industries, trade and commerce of the people. We need a currency which shall rest upon the only basis which can secure stability and safety, and which shall neither have the name nor the character of inflation. We should insist upon ability and absolute purity in the public service; oppose, by all legal and appropriate methods, the encroachments of Federal power and the tendencies towards centralization, and resist all the claims and exactions of an unprincipled partisanship.

I believe that it is the general sentiment of the people of the State that all attempts to resist or oppose the authority of the government, or deprive of their rights those who have recently passed from servitude into citizenship, shall be suppressed by law, aided, if need be, by arms; but I believe that the opinion is equally strong that there should be no use of Federal power for the purpose of controlling elections, or for imposing upon a State which recognizes its relations and obligations to the Union a government which is not of its own choice.

The relations of two sections of the country have been those of conflict,—a conflict of arms, out of which asperities in feeling naturally grow. But we have now had nearly ten years of peace, and it is time that the spirit of peace should prevail. The cherishing of old resentments from generation to generation is characteristic of a barbarous age, and is unworthy of a Christian people. I know of no excuse for continued sectional animosity and hatred.

There is now no line, on the one side of which is freedom, and on the other side slavery. Events have obliterated that line from the map of the country; and there is now no reason why opinions should be dependent on degrees of latitude and longitude, or be bounded by territorial lines.

In the Farewell Address of Washington, we find these words of warning:—

“In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern that any ground shall have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party, to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations.”

Any attempt to engender strife between different sections of a great nation, all of whose moral and material interests are to be found in harmony and peace, is an offence against the spirit of a Christian civilization. True patriotism will find its best service in uniting all sections with the bonds of a common interest and of a common pride in the prosperity and glory of the country.

A return to good feeling and to amicable relations will aid largely in restoring prosperity to portions of the country which present scenes almost of desolation and ruin, and will assist in lifting our own business interests above the depressing influences which now affect them.

The presence of an armed force of the United States in the legislative halls of a State, for the purpose of settling an election contest between political parties, is a matter of grave concern to the people of all the States,—more especially in a case where the possible effect of such presence may be to subvert the popular will, and impose upon a people rulers whom they have not selected. I invite the immediate attention of the Legislature to this subject.

The important interests of the State, so far as they can be affected by legislation, are committed to your care for the current year; and I desire to invite your attention to the consideration of some of the questions of State policy, which will demand your attention during your term of service.

## STATE FINANCES.

The debt of the State amounts to nearly twenty-nine and one-half millions of dollars. More than half of this debt has been contracted for the purpose of assisting railroad enterprises.

The sinking funds created for its redemption amount to nearly eleven millions of dollars; so that the net debt is less than nineteen millions of dollars.

From this general statement it appears that the financial condition of the Commonwealth is one which justifies the high credit which it maintains at home and abroad.

Within the last fourteen years, large public debts have necessarily been created. These debts are in the form of national, state and municipal obligations. These have their ample security in the good faith and honor of the people. They must and will be paid. From these debts necessarily come large burdens, which appear in the form of direct and indirect taxes. The fact of their existence is not a subject of complaint; but their magnitude makes strict economy a duty. The means of the State are large, and there is no occasion for diminishing its great charities, or for omitting to make such expenditures as may be necessary for developing its resources.

The present depression in business matters furnishes reasons too strong to be disregarded against increasing these burdens by unnecessary expenditures. When gains are small, the capacity for payment is diminished. The experience of the war has made us familiar with large figures and large obligations. The day of large gains has passed by, and we must now deal with smaller figures, and must limit our obligations, so as to make them correspond with our diminished capacity to meet them.

The following exhibit presents more in detail our financial condition :—

## FINANCIAL EXHIBIT.

During the past year, loans to the amount of \$1,519,400 have been negotiated upon favorable terms, on account of the Troy & Greenfield Railroad, the Harbor Improvement and the Danvers Lunatic Hospital. The payment of maturing obligations has amounted to \$532,000. So that the net increase of the funded debt is \$987,400.

The following statement shows the amount and character of the funded debt, January 1, 1875 :—

Aggregate funded debt, January 1, 1874, \$28,477,804 00

Scrip issued during the year :—

Troy & Greenfield Rail- road loan, . . . .	\$469,400 00	
Harbor Improvement loan, Danvers Lunatic Hospital loan, . . . . .	400,000 00	
	650,000 00	
	<u>                    </u>	1,519,400 00
		<u>                    </u>
		\$29,997,204 00

Paid during the year :—

State House Enlargement loan, . . . . .	\$100,000 00	
Almshouse loan, . . . .	49,000 00	
Union Fund loan, . . . .	290,000 00	
Taunton Lunatic Hospital loan, . . . . .	93,000 00	
	<u>                    </u>	532,000 00
		<u>                    </u>

Present funded debt, . . . . . \$29,465,204 00

Classification of the debt :—

Railroad loans, . . . .	\$14,971,016 00
War loans, . . . . .	12,936,188 00
Ordinary loans, . . . .	1,558,000 00
	<u>                    </u>
	\$29,465,204 00

Twenty-one thousand dollars of debt, already matured, has not yet been called for.

There will mature during the current year: Of the Harbor Improvement loan, \$230,000, and of the Union Fund loan, \$420,000; in all, \$650,000, the payment of which is amply provided for.

The sinking funds amount to \$10,989,595.16, nearly all of which sum is productive.

These funds, together with unsold Back Bay lands, estimated at \$1,300,000, the South Boston flats, believed to be of large value, and some other property (all of which are, by existing laws, pledged to the sinking funds), will, with perhaps the exception of the Troy & Green-

field Railroad loan and the Danvers Lunatic Hospital loan, be sufficient, with their accruing accumulations, for the redemption of the entire outstanding debt at its maturity.

*Estimates for 1875.*

The ordinary expenditures and payments from the revenue the present year are estimated at . . . . .	\$5,214,550 00
And the ordinary revenue of the year, including revenue cash in the treasury, is estimated at . . . . .	\$3,568,983 55

These estimates do not include any new or extraordinary expenditures or grants by the Legislature which may be made at its present session. It is apparent that a state tax of \$2,225,000 will be requisite to meet expenditures and leave a sufficient amount of cash in the treasury at the close of the year to answer the calls upon the treasury till the ordinary revenue of the succeeding year shall begin to be realized.

STATE CHARITIES.

Among the important subjects annually brought before the Legislature by the reports of the departments of state administration, few are more worthy of careful consideration than that relating to the State Charities. Under this title may be included not only the establishments and bureaus for the relief of poverty, but also the hospitals for the insane, the reformatory schools, and the agencies maintained or aided by the Commonwealth, for the care of neglected children, the aid of discharged convicts, and for the removal of the poor to their homes.

Prisons do not come within this classification; but there is one large prison (the Bridgewater State Workhouse) which, from its peculiar character, belongs rather among the charitable than among the penal institutions.

In the maintenance of these public charities, the Commonwealth now expends yearly more than \$600,000. It either supports entirely, or materially aids in the support of, sixteen institutions, all of which are under the supervision of the Board of State Charities, whose report will be submitted to you.

In a work so varied and extensive, there will always be much diversity of opinion as to the methods to be adopted,

and much opportunity for criticism. The systems of administration of the great and increasing charities of the State are constantly requiring changes to meet recurring exigencies, and the demands of a progressive philanthropy.

Among the more recent changes is the amendment of the law relating to the settlement of paupers, by which a large class, heretofore supported by the State, will obtain legal settlements in cities or towns, and receive their support from the municipalities to which they belong. This law will, in the course of a few years, accomplish important changes in the method of supporting the poor. The legislative committee which had the matter in charge, in their report, express the opinion that "it does not change existing settlements"; that "it does not interrupt or defeat any settlement in process of acquisition"; that "it provides liberally for the unsettled by giving all a settlement who can show a continuous residence of five years and the payment of three taxes within that time, whether the residence and taxation be wholly before or wholly after or partly before and partly after its enactment"; that "it relieves the most pressing claim brought to the attention of the Legislature by giving women a settlement by five years' residence, providing that within that time they have not been paupers"; and that "it exempts from its benefits the present state pauper inmates of the public institutions, to the end that no injustice may be done to any city or town."

The policy of creating great public institutions for the reception of the poor, the insane and the younger wards of the State, has of late been questioned. It has been claimed that experience has proved that such large and overgrown establishments have a tendency to create and perpetuate the evils they were designed to cure, and that separation and classification of the inmates is the true policy to be adopted, and that such separation and classification cannot be thoroughly accomplished in very large institutions.

These and other important considerations affecting the administration of the great charities of the Commonwealth will, I have no doubt, be ably and intelligently presented to you in the report of the Board of State Charities, and I respectfully commend that report to your careful consideration. I know that the members of this Board bring to the discharge of their duties, intelligence, fidelity and zeal.

The yearly expenditure of the State for the maintenance of its public charities has already been stated to be about \$600,000. This sum (as I have been informed) is applied substantially as follows:—

For the support and relief of paupers in almshouses and hospitals for the insane, \$200,000; for the support of children in preventive and reformatory schools, and their supervision in families, \$120,000; for the support of pauper convicts in the state workhouse, \$35,000; for the removal and burial of the poor, \$20,000; for the support of state pupils in schools for the blind, deaf-mute and idiotic children, \$80,000; for aid to other establishments, \$20,000; for expenses connected with the late epidemic of small-pox, \$105,000; for the general supervision of immigration, pauperism, insanity, etc., \$30,000.

About \$100,000 of the above-mentioned expenditure is exceptional; but the average cost of constructing and enlarging the state buildings devoted to these charities is nearly \$100,000 a year, in a period of ten years, so that the sum stated may be taken as about the average yearly cost at the present time.

This sum is a very large one. We should all be rejoiced if we could diminish it; but we do not wish to diminish it by withdrawing from the recipients of our charities any aid or protection which they may need. If the money is economically expended, it is certainly well expended. The purpose needs no commendation; the methods are always legitimate subjects of examination and inquiry.

#### EDUCATION.

I know that I need not commend to a Massachusetts Legislature the subject of education. It has long received from the State most generous aid and support. Our colleges are not under the control of either the legislative or executive departments of the government. There are many private schools throughout the State of the highest character. With these schools the authorities of the State have, of course, no official relations. The public schools exist under the laws of the State, but are largely under the control of local authorities. Those who have the immediate charge of them, however, derive their power from the statutes of the Commonwealth.

In order that we may avail ourselves of the improved systems and methods of instruction which an advancing



civilization and an increasing general culture are constantly creating and perfecting, it will be necessary for us to cause our legislation to keep pace with the progress which intelligent educators are making in other States and countries as well as in our own.

There is a form of education which is rapidly gaining favor elsewhere, and which I rejoice to know has not been neglected here. I refer to what is ordinarily called Art Education. This is not confined to instruction in that kind of art which simply gratifies the taste. Although the possession of the products of this form of art has been largely confined to those who have private wealth, and although its cultivation has been supposed to be intended largely for their gratification, yet, if the time ever existed, it has certainly long since passed, when the love of art, and the taste for it, were the exclusive possessions of the rich or of the highly cultivated.

But I do refer to that kind of education which, while it is refining in its character, instructs the pupil in matters which aid him in performing the practical duties of a life of labor and of toil,

It has been well said—

“That perhaps the most practically important view of the subject of art education is its value commercially. In an essentially utilitarian age, things are judged by the standard of usefulness, rather than sentiment; and wherever we find great success following the experiment of introducing art education, it is where business-men have forwarded and developed it as a question of dollars and cents.

“Such instruction will make our nation richer by making our artisans more tasteful and skilful, and by developing the latent talent of the industrial classes. Without this cultivation no people can aspire to become a first-class manufacturing nation, nor will they be able to compete successfully with the products of skilled industry in the great markets of the world. Mechanics are the sinews of our Commonwealth, and deserve the highest consideration of educators.”

The Act of 1870, chapter 248, adds drawing to the branches of learning required to be taught in the public schools, and provides that any city or town may, and every city or town having more than ten thousand inhabitants shall, annually, make provision for free instruction in industrial or mechanical drawing to persons over fifteen years of age. It is believed that nearly all the cities and

towns in the Commonwealth, within the provisions of this statute, have complied with its terms.

A Resolve, approved May 14, 1873, chapter 47, appropriated seven thousand five hundred dollars for the expenses of a State Normal Art-School, to be expended under the direction of the Board of Education; and by another Resolve of the same year, chapter 61, rooms were assigned to the Board of Education for the use of this art-school.

I regard the legislation already adopted on this subject as of great importance to the moral and material interests of the people of Massachusetts. There is no stronger safeguard for the protection and preservation of the high character of a people, than the full employment of their powers on objects worthy of pursuit; and their manliness and independence have no greater security than a well-founded consciousness of their ability to meet with credit and success all honorable competition and rivalry.

The prominent position of the French nation in manufactures requiring the highest taste and skill, was made most apparent at the Exposition in London in 1851.

At that time, Great Britain, in her own capital, in this class of manufactures, was found among the great nations to be below all other exhibitors, except the United States of America. This disclosure stimulated the pride and courage of the English Government and people, and induced them to start art-schools, the result of whose training was manifest at the Exposition in Paris, in 1867, when Great Britain was placed among the first of her distinguished rivals. With Germany and many other countries of Continental Europe, the same spirit prevails, and to-day we are far behind all of these countries, in the development of the skill which commands the markets of the world, by its fabrics of taste and beauty.

I earnestly commend to your careful consideration this great subject of skilled labor. It is of vital interest to a manufacturing people, and I trust that your fostering care of it will be apparent in such legislation as may promote the welfare and renown of our Commonwealth and country.

The Act of 1867, chapter 285, provides that no child under the age of ten years shall be employed in any manufacturing or mechanical establishment, and no child between the ages of ten and fifteen years shall be so employed, unless he has attended school for three months

in the year next preceding such employment, nor unless he shall attend school at least three months in each year during the continuance of such employment.

The Act of 1874, chapter 221, provides that no minor under the age of eighteen years, and no woman over that age, shall be employed in any manufacturing establishment more than ten hours in any one day, or sixty hours in any week.

These two Acts affect deeply the welfare of the Commonwealth. They both have my cordial approval. To carry out the spirit of such legislation, the education of the operatives in Massachusetts should receive the thoughtful consideration of the Legislature. For persons so employed, half-time schools, which have been introduced with great success into both the manufacturing and agricultural districts of Great Britain, seem to me the best expedient. The problem has already been presented, —whether in a public school, instruction in practical pursuits, which may enable, or assist in enabling, the pupil to earn a livelihood in early years, should not be joined with the customary tuition. In manufacturing communities, this form of instruction cannot be properly or safely neglected. The necessities of the pupil and the public interests alike demand that those whose inheritance is that of labor, shall have both the time and opportunity for instruction, and for a kind of instruction which shall give to labor intelligence, and consequently increased value and compensation. Half-time schools have in some cases divided the hours of the day between instruction and labor; others have taken entire days for each; while others, again, preserving the alternations, have taken entire periods, consisting of several weeks for each. The selection between these plans may be influenced by the kind of industry in which persons are engaged. As a general rule, the evidence of experience is in favor of the division of each day. It is shown by those engaged in instruction, that half-time scholars, as a rule, are quite equal in average attainments to those who have full school-hours without the alternations of work.

A Resolve of 1874, chapter 62, directs the labor bureau to prepare a plan for the education of the children employed in manufacturing establishments, and report the same to this General Court. I commend the whole subject to your thoughtful consideration.

That system which shall give to labor the time and opportunity for education and culture, will never injure the moral or material interests of a people, or withdraw from wealth or capital any of its rightful possessions.

#### THE MILITIA.

The militia has during the past year maintained, in all its parades, whether voluntary or made under orders, its high reputation for efficiency and discipline.

There are now upon the rolls the names of four hundred and six officers, and six thousand and forty-two enlisted men.

The Act of last year provides for a gradual reduction of the force, and provides that "no new company shall be organized, if thereby the whole force shall exceed five thousand officers and men." In consequence of this Act, the applications for organization of new companies have been refused.

At the encampments of the militia during the year 1874, there were present for duty 5,880 officers and enlisted men. This number largely exceeded the number present in the year 1873, when one of the regiments did not go into camp.

The expenditures for services of officers and men during the last year were as follows:—

For inspection in the month of May, . . .	\$16,361 50
For elementary drills and transportation, . . .	3,105 43
For expenses of encampment, . . .	93,755 00
For transportation, . . .	10,474 19
For services of mustering officers, . . .	1,326 56
Total, . . . . .	<u>\$125,022 68</u>

To this sum is to be added the amount of certain expenditures made under an appropriation for the militia.

These expenditures were as follows:—

For instruction and orderly books, . . .	\$798 90
For quartermasters' supplies, . . .	14,954 66
For military accounts, . . .	4,589 74
For rent of armories and headquarters (estimated), . . . . .	39,000 00
	<u>\$59,343 30</u>

The Legislature of 1874 appropriated the sum of \$195,000 for uniforms. This sum has proved insufficient to furnish uniforms for the whole force. It is estimated that an additional sum of at least \$73,800 will be required to provide uniforms for that part of the force which has not as yet received them.

A special appropriation of \$4,000 was made by the last Legislature for grading and fencing the State Camp Ground at South Framingham, and of this sum \$3,653.32 have been expended. There is still a large amount of work to be done on these grounds, which can be accomplished gradually and without detriment to the occupation of the same by the troops. The arsenal built last year is already in use for the storage of state property, and very general advantage has been taken of the provision of law giving the quartermaster-general authority to receive (at the expense and risk of the owner) any personal property of officers and men used for military camping purposes. This feature results in a large saving to the respective companies in the matter of transportation.

A dwelling-house for the keeper of the arsenal and grounds is now being erected. A special appropriation of \$6,000 was made to cover the cost of its construction, and this amount will all be needed to complete the building.

The adjutant-general's office has a force of seven extra clerks, whose work is kept up promptly. This force will be needed for the present year. The records of the volunteers in the army and navy are being gradually completed. Of the importance of these records, I cannot speak in too strong terms. They are in constant use for reference in cases of military settlement, bounty and pension claims, and are therefore of great value.

The expenses in this department are very large. One of the objects of the statement which I have made is to bring this fact to your attention. I recommend that an inquiry be made for the purpose of ascertaining whether a reduction of the cost of maintaining this important force cannot be made without materially diminishing its efficiency.

#### STATE PRISON.

By an Act passed by the Legislature in the year 1873, the Governor, with the advice and consent of the Council, was authorized to appoint a board of commissioners con-

sisting of three persons, with full powers to select a plan for a state prison from such as might be presented, to purchase an eligible site for the same, and to cause to be erected thereon a suitable prison. Certain amendments to this Act relating to size and other matters of detail, were passed by the Legislature of last year. In pursuance of the authority given by the original Act commissioners were appointed. These commissioners have purchased land for a site in the town of Concord, and have also selected plans for the structures, and have submitted them to my predecessor and the Executive Council for approval. These plans, I have been informed, failed to receive Executive approval, and the construction of buildings has not been commenced. The matter is therefore subject to the control of this Legislature.

The reasons assigned for the erection of a new prison in another locality are (as I have been informed), that the existing structures are insufficient in size and accommodations; that a large amount of money would have to be expended to increase them to an extent sufficient to meet the present demands; that the prison at Charlestown is by reason of its location and its form of construction, unhealthy; and that the lands on which the existing structures stand are very valuable, and can be sold for enough, or nearly enough, to pay for the construction of a larger and more properly arranged and appointed prison in a far better locality.

The opponents of this measure believe that the situation of the existing prison is not an unhealthy one; that the location at Charlestown is much more favorable for rendering the labor of the convicts profitable to the State, than the one selected at Concord; that the value of the lands at Charlestown has been overestimated, and the cost of the new structures underestimated; and that the true and economical policy for the Commonwealth to adopt is either to enlarge the prison at Charlestown, or keep it in use as it is, and construct a smaller one upon another site, for the purpose of supplying the demands which the existing prison fails to meet.

My time and opportunity have not permitted me to determine whether the present site and structure are obnoxious to all the objections which have been made against them. If they are, another prison in another place should be furnished by the State. The strength of the

law is tempered with humanity. The law punishes convicts by confinement and hard labor, but it does not intend to consign them to prisons which are unfit for habitation.

If the objections (so far as they relate to health) made against the present site and structure are not well founded, then the policy of constructing such a prison as is contemplated by the Acts of 1873 and 1874 is a questionable one.

I invite your early attention to this subject.

#### PRISON FOR WOMEN.

By an Act passed in 1873, the Commissioners of Prisons were authorized to select a plan and purchase a site and cause to be erected thereon a suitable structure for a reformatory prison for women convicts. In pursuance of the authority granted by the Act, a site in the town of Sherborn, containing about thirty acres, has been selected, and the selection has been approved in the manner required by the Act.

Plans have also been selected, but, as I have been informed, have not as yet received Executive approval.

This measure is one of the results of a beneficent movement, initiated a few years since, for the purpose of improving generally the administration of the county prisons; and particularly of placing convict women under a system more likely to secure their reformation, than is possible while they are distributed as they now are in jails and houses of correction. The absolute separation of convicts of different sexes, not merely by division walls of the same prison, but by committing them to different prisons, is insisted upon by all who have given earnest thought to the subject. Any additional legislation that may be required to carry into effect the purposes of this Act, deserves your favorable consideration.

#### PROHIBITORY LAW.

There is a subject which you will be called upon to consider, that largely affects the public interests of the State; but it still more largely affects the private interests and morals of the people. I refer to the subject of legislation respecting the sale and manufacture of intoxicating liquors. It presents a problem not of easy solution. Difficulties always have surrounded and always will

surround it. The temperance cause is a high moral one; but it has unfortunately been dragged from the house of its friends, and thrown into the arena of party strife. From that arena, I trust that an attempt will be made to rescue it, and to lift it up to that place which its high moral dignity demands. While, like every other moral cause, it finds its highest form of triumph in arguments and persuasions which convince the judgment, and in appeals which reach the conscience, it is still entitled to all the aid which legislation can give it, and I believe legislation can aid it; but experience has shown that it is a fatal mistake to rely upon law as the sole or principal agency in promoting the cause of temperance. That loyalty to duty, and that determination to perform it, which are the fruits of conscientious conviction, have a steadfastness and power which do not belong to enforced virtue. Many will resist force who will yield to persuasion. I fear the tendency of late has been to rely too much upon the strength of the law, and too little upon more potent instrumentalities.

I think the opinion is well-nigh universal that there should be, at least, restraint in the sale of intoxicating liquors; and this opinion will give a strength to restraining legislation, which absolute prohibition certainly does not now possess. Let law sustain the appeals to the judgment and moral sense of the community.

I feel it to be my duty to say that, while considering this subject, you should keep in constant remembrance the fact that intemperance has been the most prolific source of poverty, wretchedness and crime; that it has filled the State and the country with its destructive influences; and that its progress everywhere heralds only misfortune, misery and degradation. The barriers which you may seek to raise against it should be as strong as you, acting within the proper limits of legislation, can make them. That which will most effectually diminish an evil which I fear legislation cannot wholly destroy, will best subserve the cause of morals, most thoroughly promote the interest of the State, and most successfully advance the prosperity and virtue of the people.

Your action on this subject should be earnest, faithful and determined. Nothing less will satisfy the people. Nothing less ought to satisfy your own consciences.

More than twenty years ago, the law known as the Pro-



hibitory Law was enacted. With the exception of a single year, that law, or a law of similar character, has been on the statute-book. The people, at the time of its enactment, were anxious to aid the cause of temperance by legislation. They, therefore, through their representatives in the Legislature, passed the law. They have tried it, and they have patiently waited for more than twenty years for its predicted blessings. To-day, the public sentiment demands the repeal of the law. The people do not desire this repeal because their zeal in the cause of temperance is less than it was twenty years ago, but because they believe that the law has signally failed to accomplish the great and beneficent purposes for which it was enacted.

It was claimed by its opponents, at the time of enactment, that it was "unsound in theory and inconsistent with the traditional rights and liberties of the people"; that it transcended the proper domain and limits of legislation; that it was too far in advance of the habits of the people to meet with any practical success; and that, in the sale of intoxicating liquors, regulation was attainable and practicable, but that absolute prevention of such sale was impossible. And during the existence of the law, the principles upon which it rests have been the subjects of earnest public discussion, as well as exhaustive legislative examination and inquiry.

It is not necessary or useful for me to enter upon the discussion of these questions now, for the law has made a history for itself, and many of the objections made to it, which were in the nature of prophecies at the time of its enactment, have become facts now. By its history it must be judged, and receive either approval or condemnation.

The law has had many attendant influences, which, if it had possessed an inherent power for good, would have given it additional strength.

It has had behind it a strong moral support, in the high character of many of its advocates. These advocates have given to it the strength which always comes from intelligence and virtue. The purpose, too, which it was designed to accomplish, seemed to surround it with its own pure influences, and to lend to it its aid.

In addition to all these, the great power of the State was behind it. An extraordinary police force was created, mainly to assist in its enforcement. Never in this Commonwealth did a law have more potent and unusual

agencies to give it strength and power ; but these agencies have served only to demonstrate its weakness, and make its failure the more conspicuous.

I am opposed to this law because of this failure, and because I believe that its execution, or what has been called its execution, has tended to corrupt the administration of law in the State. During its existence, the Executive chair of the Commonwealth has been occupied by gentlemen, for whose ability, intelligence and virtue the people have had the highest respect. That respect has been deserved. These gentlemen, clothed with the power of the State, have sought to enforce the law, through the agencies provided by the statute. And yet, with all these favoring circumstances, it has been constantly losing respect from the method of its execution as well as from its want of success. The appointing power has always sought for honest and worthy men to enforce it, and has undoubtedly obtained many worthy men for that purpose ; but it is believed (whether correctly or not, you must judge) that the temptations to corruption which the law presents, have proved too strong for many of the subordinate officers who have been charged with its execution ; so that (at least in many parts of the State) it has practically degenerated from a prohibitory law of the most stringent form, to a license law of the most corrupt character. When the terrors of the law are used for the purposes of private gain and political influence, the cause of morals is not advancing.

In the report of the majority of the committee on the liquor law made to the last Legislature, I find the following :—

“The legislation of the State should ever be parental, for home is the foundation, and should be the type, of all representative government. We should make laws to protect our homes ; to guard the weak ; to guide aright the blind and erring ; to prevent temptation, not to license it ; to remember the weakness of humanity in its best estate, its proneness to be enslaved by appetite and passion, and make law have a lifting, elevating power.”

If I believed that the Prohibitory Law had accomplished such results, I would not recommend its repeal. But has it prevented temptation ? Has it not rather practically licensed it ? Has it protected the weak, and guided aright the erring ? And has it been a lifting and elevating power ?

If the statistics and statements contained in the report of the minority of the same committee are reliable, and fairly made (as I am bound to believe they are), then they present fearful evidence to the contrary. But I need not refer to statistics. There are facts enough, obvious to a common observation, to demonstrate that the results which the majority of the committee say ought to be accomplished by legislation, have not been among the fruits of the existing law.

I believe that the sale of intoxicating liquors in many of our cities and towns has never been larger, or more open, bold or undisguised, than during these twenty years of prohibitory history.

If there ever was a time when the law could have been enforced, it was when the popular judgment was, or was believed to be, in its favor. Nothing less than the united moral influence of the people of the Commonwealth can give to such a law practical strength and power. Such a united influence, the present law is far from possessing. It has undoubtedly still a large number of friends and supporters, whose character and whose motives are pure, and whose earnestness and whose zeal in the cause of temperance cannot be questioned.

But it is equally beyond a doubt that it finds among its opponents a large number of persons of equal purity and intelligence, having a kindred zeal in the same cause. The latter believe that its continued existence will retard, rather than advance, the cause of temperance, and that it will, by the influences which it has created and the agencies to which it has given birth, continue to corrupt the administration of law and to degrade political action.

With such a sentiment existing against it, its friends can scarcely hope for it any substantial success,—certainly not, unless it can gain a respect which it does not now possess. But events have shown that instead of gaining it has been losing public favor, that the number of its friends has been diminishing and the number of its opponents increasing, and that the popular judgment is now against it.

If such are the facts, then there is reason to fear that the future of the law (if it shall continue to exist) may be more objectionable than its past has been, both in the character of its results and in the method of its administration; and this no good citizen can desire.

If you shall come to the conclusion, for the reasons

which I have stated, or for any other reasons, that the existing law ought to be repealed, then it will be your duty to supply its place with some other form of legislation, restraining and controlling a traffic which cannot be entirely abolished; for I believe that no man who has given the subject earnest and candid thought can be in favor of the unrestricted sale of intoxicating liquors. I should be surprised to find in the Legislature an advocate of such a policy, and I dismiss it as unworthy of discussion. I recommend the repeal of the existing prohibitory law, and I also recommend the enactment of a law in its stead which shall place the sale of intoxicating liquors in responsible hands, and shall surround such sale with the strongest practicable limitations, restraints and safeguards.

I have already indicated the general character of the legislation on this subject which commends itself to my judgment. Its details cannot be properly considered within the limits which, for a single subject, belong to this occasion.

While I entertain no doubt that a large majority of the people of the State are opposed to the existing Prohibitory Law, I am well aware that there exist wide differences of opinion as to the best form of legislation to accomplish the object which all good citizens have at heart; viz., the limitation of the evils of intemperance. Representing all shades of these differences, you will consider this difficult problem with a wise regard to the traditions of our people, to the rights of our citizens, and to the best interests of the cause of temperance. Entertaining quite decided opinions as to the general character of the legislation best adapted to accomplish these objects, I doubt if it is within my proper province to seem to dictate, or even suggest, details of legislation upon this subject to the representatives of the people. But I shall be most happy to coöperate with you in any legislation which, while free from constitutional objections and from clear invasions of personal rights, shall tend to promote the beneficent purposes which legislation, upon this subject, should aim to accomplish.

I cannot doubt that you will meet this question with an earnest purpose, and give to it that careful deliberation which its importance demands.

Of the law known as the Constabulary Law, I have but little to say. What I have already said renders discussion of it unnecessary. I recommend its repeal, and in its

place I recommend the enactment of a law creating and providing for a police force, in the nature of a detective force, sufficient to properly aid the executive officers of the State in the preservation of order and in the enforcement of all the laws of the Commonwealth.

#### CONSTITUTIONAL AMENDMENT.

Nearly twenty years ago, an amendment to our Constitution was adopted, which required the Legislature to prescribe, by general laws, for the election of sheriffs, registers of probate, commissioners of insolvency, clerks of courts and district-attorneys by the people. The wisdom of the amendment, as it now stands, has been doubted by many who originally favored it. Recent investigations, the results of which will be submitted to you, have attracted attention to this subject, and I respectfully commend it to your careful consideration.

#### RAILROADS.

For a number of years past legislation relating to railroads has occupied a very large share of the attention of the Legislature. Since 1869, the Board of Railroad Commissioners has been established, the general railroad law has been passed, the question of municipal subscription to railroad enterprises has been regulated, the rights and duties of connecting railroads towards each other have been defined, and the general principles preventing discrimination in rates of fares and freight have been laid down. By an Act of the last Legislature, these and all other statutes affecting railroads were codified and brought into a simple and comprehensible shape. During the past year, as I have been informed, an unusually small number of complaints have been preferred before the Board of Railroad Commissioners against railroad corporations; and from this fact the Legislature has a legitimate right to assume that the working of the system is satisfactory. The general railroad law certainly has in its operation been far more beneficial than even its friends claimed that it would be. It will, doubtless, greatly diminish, if it does not entirely prevent, the continued legislative contests, which were formerly of annual recurrence. Under its charters are now obtained without difficulty, and apparently under sufficient restrictions.

Under these circumstances, it seems very desirable that, for the present at least, the existing legislation should be disturbed as little as possible. Great influences are very obviously at work which, in the course of years, cannot but essentially modify the relations between this immense system and the community. These, however, are as yet but partially understood, and must have further development before they can be dealt with. Meanwhile, so far as the immediate future is concerned, the railroad legislation of the State seems to be as complete and in as satisfactory condition as can reasonably be expected. There seems, therefore, no good reason why general questions connected with it should occupy any considerable share of the time of the present session.

There are, however, some questions relating to railroads (but not connected with general legislation upon the subject) which will require your attention.

Among these, the question relating to the Hoosac Tunnel is of the most importance, and to this I shall hereafter advert. There is, also, the subject of the proposed junction railroad communicating with the South Boston flats, which was referred by chapter 88 of the Resolves of the last Legislature to a special committee of that body, to consider and report upon. To this important subject, and to the report of a committee which has given the matter great labor and intelligent consideration, I invite your attention.

A special commission was authorized by chapter 79 of the Resolves of the same Legislature to examine into and report upon the affairs of the Lee and New Haven Railroad Company.

The recent financial disturbance was undoubtedly in part occasioned by excessive railroad construction, and was felt by railroads more severely than by many other interests; but it did not affect the railroad corporations of Massachusetts at all in the same degree as it did those of other sections of the country. This was mainly due to the fact that the affairs of the Massachusetts corporations were established on a much firmer financial basis than those of other sections.

Although the construction of new roads in the State has been less during the past year than in the year preceding, yet (as I am informed) there has been no diminution in the aggregate of business done by the existing rail-

roads, and but a comparatively small diminution of their receipts.

The receipts of the roads for the last year were \$34,632,483; those of the year preceding were \$34,930,527.

During the year the companies handled 12,014,812 tons freight, and carried 42,480,494 passengers, the largest aggregate yet reported.

The number of accidents during the past year has been very small, for which result the roads deserve great credit. Of the forty-two millions of persons carried by them, but a single one was killed, and but seven were injured, except as the result of their own carelessness and indiscretion. It is a matter for congratulation that this important business interest furnishes such evidence of prosperity.

#### HOOSAC TUNNEL.

The Tunnel through the Hoosac Mountain has so nearly reached its completion, that the question of its future use is now forced upon the attention of the Legislature. Its cost has been large, to an extent, I believe, beyond all anticipation. But the time for any useful discussion of the wisdom of the expenditure has long since passed by. The question now presenting itself for solution—and it is one of great importance as well as one of great difficulty—is, What form of use of the Tunnel, and of the property of the State connected with it, will best develop and promote the industries, the commerce and the trade of the State, and give to the Commonwealth the largest return on the immense sum which it has expended in the enterprise? It is certainly desirable that the Tunnel should be made an agency for extending and increasing, as fast as possible, the lines of railway communication between Massachusetts and the West, thereby enlarging the facilities and diminishing the expense of the transportation. Unless these things can in some form, or by some methods, be accomplished, the results of the enterprise will be insignificant in comparison with the magnitude of its cost.

The Tunnel line (by which I mean the Tunnel and the railroad belonging to the State now connected with it) as an independent one, disconnected with any other lines of railway, will, whether under public or private control, be feeble, and will entirely fail to accomplish the anticipated results. It will only be by consolidation, or by some other

permanent form of connection with other important railroads, that it can meet the hopes or expectations of the people of the State, or at all fulfil the prophecies of its projectors.

To attain success, it must become a part of a great through line, which shall be under strong, vigorous and energetic management. Shall the State become the entire and absolute owner of such a through line? This would involve an additional outlay far exceeding that already made. I think that such an outlay, or indeed any outlay by the State much beyond the amount of existing appropriations, would be unwise.

I think, therefore, it is the policy of the State to connect the Tunnel, and the railroad which belongs to it with other important railroads, and make the property owned by the State a part of a through line. How, with whom, and on what terms, shall such union be made, are difficult questions, involving much care and negotiation.

The Legislature of last year, recognizing and appreciating the difficulties which surround the question, as well as the fact that no intelligent disposition of it could be made without a careful and thorough examination of the important facts and large interests connected with it, and also recognizing the necessity of some immediate action for the purpose of controlling the property and preparing it for future use, very wisely, as I think, passed an Act authorizing the Governor, with the advice and consent of the Council, to appoint five persons to be a body corporate, to continue one year from the first day of July, 1874, whose duty it should be to have charge of all the property of the Commonwealth in the Southern Vermont Railroad and in the Troy and Greenfield Railroad, with authority to control and use the same so far as may be necessary to secure the objects of the Act; to hold and faithfully apply all moneys received from the operating of these railroads and the Tunnel and all moneys appropriated by the Commonwealth for the completion, extension and improvement of the railroads and Tunnel and their equipment, and to relocate, where necessary, the tracks of the Troy and Greenfield Railroad, and complete the construction of the railroad and Tunnel and prepare the same in all respects for the reception of the traffic of a through line. The incorporators were also by the Act required to furnish in their report to be made to this Leg-



islature during the first week of its session, full, accurate and specific information on certain important subjects named in the Act, a knowledge of which is essential to any intelligent action upon this important matter.

The persons selected, and appointed under the provisions of the Act as corporators, are gentlemen of great ability and intelligence, and they have brought to the discharge of their duties, as their report will show, both industry and energy. With these gentlemen, I have had, during the last two months, the privilege of consultation and conference, and I have received from them the results of their examination and deliberation. The fact that these corporators have for months made this matter a subject of especial and intelligent inquiry and thought, and the fact that the results of their labors will be submitted to you during the present week, make it unnecessary for me further to discuss a question which will be clearly and ably presented to you by persons selected for that purpose. I concur in the general conclusions arrived at in their report, and I commend it to your favorable consideration. It also appears to me that this important and vexatious question, which has engaged the attention of several successive Legislatures, and has been most elaborately discussed from every point of view, should receive your immediate attention, and be settled in the early part of your session.

I have been informed that the Governor and Council have made a settlement with W. & F. Shanly, the contractors for the completion of the Tunnel, and that it has been surrendered by them to the State. The entire amount of the contract was \$4,594,268. In the settlement, a deduction was made on account of railway track not laid, and on account of the unfinished condition of the central drain. This deduction amounted to \$36,547.54. The previous payments had amounted to \$4,101,705.60. The balance of \$456,014.82 was paid on the twenty-second day of December last.

The contractors presented a claim for extra work, amounting to \$70,404.53, upon which the sum of \$27,115.47 was allowed and paid.

They have given notice that they shall make application to the Legislature for the payment of the balance of this claim, and for the payment of certain other claims which they regard as equitable. The whole amount of the claim

which they intend to present is (as I have been informed) about \$126,000.

The total amount of payments from the treasury on account of the railroad and Tunnel, up to January 1, 1875, including interest paid on scrip issued, was, after deducting receipts for rents, etc., \$12,973,822.31.

#### CENTENNIAL CELEBRATIONS.

The year upon which we are now entering will be one of peculiar interest to the American people, and especially to the people of our own Commonwealth, as it completes the century from the opening scenes of the War of the Revolution. The one hundredth anniversary of the 19th of April, 1775, the day "which made conciliation impossible and independence certain" in the conflict between Great Britain and her colonies, will be celebrated by the people of Massachusetts during the term for which we have been elected.

On the seventeenth day of June, 1775, occurred that great historic event, the battle of Bunker Hill. Its one hundredth anniversary will be celebrated on the seventeenth day of June, 1875, in a manner worthy of the dignity of such an occasion.

I am sure that you will unite with me in the hope and the endeavor that this centennial year shall be made the occasion for quenching party animosities, reviving patriotic sentiments, and devoting ourselves in the spirit of our fathers to the public service.

I take pleasure in communicating to you an invitation from the inhabitants of the town of Concord to the two branches of the General Court, to be present as the guests of the town on the 19th of April next, and take part in a fitting commemoration of the events which make the day famous. A similar invitation from Concord was accepted by your predecessors twenty-five years ago; and I commend this invitation to your favorable consideration.

Nearly a century has elapsed since, at Philadelphia, "the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the World for the rectitude of their intentions," did, "in the name and by the authority of the good people of the colonies, solemnly publish and declare that the United Colonies were, and of right ought to be, free and independent States." "And for the support of that declaration"

did, "with a firm reliance on the protection of Divine Providence, mutually pledge to each other their lives, their fortunes, and their sacred honor."

To the celebration of this great event, which will occur in Philadelphia in the year 1876, I invite the attention of the Legislature.

As we are passing from the first century of our existence as free and independent States, and are about stepping upon the threshold of the second, it certainly is an appropriate time for us to look back to our early history, and seek from it, as we well may, a guide for the future.

This centennial anniversary will be of incalculable benefit, if it shall recall to our minds that primitive time, when high office was held as a great and sacred trust, and when official position was sought for the opportunity which it furnished for honest and faithful public service, and not as a means of personal emolument or gain.

This celebration will be one in which all parts of the country can cordially unite. The memory of this grand event can awaken no emotions except those of pride, either in the North or in the South, in the East or in the West. Its celebration belongs to the whole country. Here all can stand on common ground, and can, as heirs of a common glory, rejoice together. This celebration will fail in one of the purposes which ought to be accomplished by it, if it shall not tend to allay sectional hatred and sectional strife, and to give new life to the spirit of that ancient patriotism which had no boundary lines except those of the whole country. If it shall tend, to any large extent, to accomplish such results, then the fourth day of July, 1876, will be a day worthy of future remembrance.

#### SHORT SESSIONS.

I find upon examination of the messages of my predecessors, that short sessions have long been among the subjects of Executive commendation. Upon examination of the length of sessions, I find that their advice has not produced flattering results. Although somewhat discouraged by this circumstance, I shall venture to follow in the line of their example and give similar advice, as I believe that this year presents unusual opportunities and inducements for abbreviating the length of the session. Some of the subjects that have hitherto occupied much of the time of the Legislature have, by the effect of general laws, been

withdrawn from its attention, and this is especially a time when economy in the public service is demanded.

In addition to these considerations is another of not less importance. The legislation of the State is becoming too voluminous and complex, and I know of no better remedy for this evil than short sessions.

*Senators and Representatives :*

The people have committed to us high trusts. With more than ordinary emphasis, they demand that these trusts shall be executed with fidelity. Our duties will not be well performed if we suffer ourselves to be controlled by the influences of a calculating partisanship. Higher motives guided the people on the day of our election ; and we shall prove faithless representatives, if we shall fail to bring to our service a spirit as liberal and as pure as that which committed to us the labors and the duties upon which we now enter.

Let us give all our energies to the promotion of the interests of our ancient Commonwealth, which has so long been blessed with the benefactions of that Divine Providence in which our fathers so implicitly and so wisely trusted.

## SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS  
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,  
DURING THE ANNUAL SESSION.

[To the Senate, January 8.]

It becomes my duty to inform you that a vacancy exists in the Executive Council, by reason of the death of the Hon. Alfred Macy, of Nantucket, who was elected Councillor from the First District for the current political year.

[To the Senate and House of Representatives, January 12.]

I have the honor to transmit herewith, for the information of the general court, the annual reports, for 1874, of the Surgeon-General of the Commonwealth; the Commissioners of Inland Fisheries; the Chief Constable of the Commonwealth; and the Deputy State Constable, detailed to execute "the laws relating to the schooling and hours of labor of children, employed in manufacturing and mechanical establishments."

I also lay before the general court a report of the pardons granted by the Governor and Council during the year 1874, left with me for transmission by my predecessor.

BY HIS HONOR, THOMAS TALHOT, LIEUT.-GOV.

[To the Senate and House of Representatives, January 7.]

In compliance with the provisions of chapter 50 of the Resolves of 1860, I have the honor herewith to lay before the General Court a report of the pardons issued by the Governor and Council during the year 1874, and to January 7, 1875. Of the eighty-seven convicts thus set at liberty, eighty were pardoned in 1874; twenty-four were in the state prison; sixty-two in houses of correction; and one in the house of industry at Deer Island. In nineteen cases sickness was the controlling reason for granting the pardon, and in nine of these cases it has been

ascertained that death took place within a few weeks. Every pardon granted contained the condition, that, if the person to whom it was issued should, before the expiration of his sentence, be convicted of any crime punishable by imprisonment, he would be held to serve out the remainder thereof.

No. 1. JOSEPH GOULD. Convicted of assault: Superior Court, Essex County, February 18, 1873. Sentenced to eighteen months in house of correction. Pardon granted January 14, 1874, on petition and recommendation of Dr. Y. G. Hurd, keeper and physician of the house of correction at Ipswich, who certified that the prisoner had lost his right eye from inflammation during his imprisonment, and that he would lose the other eye also unless proper medical treatment therefor were afforded him. This he could not receive in house of correction.

No. 2. EDWARD GLYNN. Convicted of assault: Municipal Court, Dorchester, December 24, 1873. Sentenced to pay fine of twenty-five dollars and costs, and committed to house of correction for non-payment. Pardon granted January 15, 1874, on petition of his wife. Prisoner had five children, oldest ten years of age, youngest two months old. Family in destitute circumstances. Was drunk when assault was committed. Never was arrested before. Signed the pledge, and, on his release, was given steady work by his former employers, Bently & Richardson.

No. 3. HENRY D. PRINDLE. Convicted of larceny from Fitchburg Railroad Co.: First District Court of Northern Middlesex, June 7, 1873. Sentenced to one year in house of correction. Pardon granted January 20, 1874, for the reason that the judge who imposed sentence was satisfied that the same was too severe, new facts having come to his knowledge. Pardon was recommended by W. B. Stearns, President, and C. L. Heywood, Superintendent, of Fitchburg Railroad Co., and others.

No. 4. ERASTUS W. HARRIS. Convicted of larceny from the person: Police Court of Salem, October 1, 1873. Sentenced to three months from December 1, 1873 (date of expiration of sentence for an assault), in house of correction. Pardon granted January 20, 1874, for the reason that the judge who imposed sentence was satisfied that it was too severe, and himself strongly recommended the pardon.

No. 5. PATRICK QUIRK. Convicted of larceny: Supe-

rior Court, Worcester County, January 30, 1873. Sentenced to two years in the state prison. Pardon granted January 27, 1874, on account of illegality of sentence. The property stolen was less than a hundred dollars in value, and under Gen. Stats., chap. 161, sect. 18, prisoner could not legally be sentenced for more than one year.

NO. 6. SAMUEL K. ELLIOT. Convicted of forgery: Superior Court, Worcester County, May 21, 1873. Sentenced to two years in house of correction. Pardon granted January 29, 1874, on the recommendation of Hon. E. B. Stoddard, John A. Dana, Esq., and others, of Worcester, on account of the sickness of the prisoner. Dr. Rufus Woodman certified that, "so far as human foresight could determine, he would not live out the term of his sentence."

NO. 7. JOHN MINNEHAN. Convicted of keeping liquor nuisance: Superior Court, Bristol County, December 30, 1873. Sentenced, beside fine and costs, to three months in house of correction. Pardon granted February 4, 1874, on the petition of Hon. R. T. Davis, Hon. Charles P. Stickney, Hon. George O. Fairbanks, S. C. Wrightington, and Hon. James F. Davenport, mayor of Fall River. The judge who imposed sentence stated that facts had since come to his knowledge which, if known on the trial, would have prevented him from ordering prisoner to any term of imprisonment. The district-attorney agreed in opinion expressed by the judge.

NO. 8. JOHN BANNON. Convicted of assault: Superior Court, Suffolk County, October, 1873. Sentenced to six months in house of correction. Pardon granted February 10, 1874, on petition of the officers of the Architectural Iron Works, of New York, it appearing that the prisoner's previous character had been good; that this was his first offence; that he had a wife and four children in need of his support; that he was a good workman, and could at once obtain employment.

NO. 9. LEVI GOLDSTEIN. Convicted of forgery: Superior Court, Suffolk County, August, 1873. Sentenced to two and one-half years in the house of correction. Pardon granted February 18, 1874, on petition of prisoner's father, recommended by Hon. Ginery Twitchell. The prison physician also urged a pardon, and certified that prisoner showed signs of incipient consumption; that

before the expiration of his term of sentence, the disease would doubtless be firmly seated beyond recovery.

NO. 10. ELLEN TUCKER. Convicted of obtaining money by false pretences: Municipal Court, Dorchester, February 10, 1874. Sentenced to three months in house of correction. Pardon granted February 18, 1874, on the recommendation of J. P. Bradlee, Esq., President of Board of Directors of Public Institutions in Boston, and by the prison physician, who certified that prisoner was in a very low state of health, and had been delirious the greater portion of the time during her imprisonment.

NO. 11. JOHN McDONOUGH. Convicted of breaking and entering: Superior Court, Essex County, February 2, 1872. Sentenced to three years in state prison. Pardon granted February 18, 1874, on recommendation of Harmon Hall, Esq., on account of the severe illness of the prisoner. The prison physician certified that prisoner was in last stages of consumption, and could live but a short time. He died within a month after his release.

NO. 12. JOHN PHILLIPS. Convicted of murder in second degree: Supreme Judicial Court, Norfolk County, May 26, 1870. Sentenced to state prison for life. Pardon granted February 28, 1874, solely on account of prisoner's extreme ill health. He died March 27, 1874.

NO. 13. EDWARD SHANNON. Convicted of larceny on three indictments: Superior Court, Middlesex County, February, 1871. Sentenced to four years in house of correction. Pardon granted February 27, 1874, on recommendation of Gen. B. F. Butler, Hon. K. S. Chaffee, Hon. Isaac Bradford, Judge Ladd, of Cambridge, and others, among whom were the complainants. It appeared that the offences charged were all committed on the same day, while prisoner was intoxicated. His previous character had been good.

NO. 14. GEORGE MOORE. Convicted of indecent assault: Municipal Court, Dorchester, September 22, 1873. Sentenced to six months in house of correction. Pardon granted February 27, 1874, on recommendation of Messrs. Williams & Everett, Nathan A. Brickett and John Parker, for the reason that prisoner was evidently insane when the assault was committed, and had served nearly his full sentence.

NO. 15. WILLIAM H. CHASE. Convicted of breaking and entering: Superior Court, Essex County, November



14, 1866. Sentenced to ten years in state prison. Pardon granted March 4, 1874, on petition of prisoner's wife, who was quite low in consumption, and for the reason that the sentence imposed appeared to be too long for the offence committed. Pardon was recommended by Hon. Daniel Saunders, Hon. N. P. H. Melvin, Hon. Milton Bonney, George S. Merrill, and many other prominent citizens of Lawrence.

No. 16. JOHN LOONEY. Convicted of assault on an officer: Superior Court, Worcester County, May 23, 1873. Sentenced to one year in house of correction. Pardon granted March 4, 1874, on petition of Hon. Henry Chapin, Hon. Isaac Davis, John Gates, George W. Gill, and fifteen other citizens of Worcester. Recommended by Hon. E. B. Stoddard, and also by officer assaulted. For this reason, and because sentence appeared too long, pardon was granted.

No. 17. GEORGE CLARK. Convicted of assault and robbery from the person, being armed with a dangerous weapon: Superior Court, Hampden County, December 15, 1871. Sentenced to state prison for life. Pardon granted March 11, 1874, on account of severe illness. The prison physician certified that prisoner was suffering from acute phthisis, and could live but a short time. He died six days after his release.

No. 18. HORACE L. DAVIS. Convicted of manslaughter: Supreme Judicial Court, Essex County, May, 1864. Sentenced to twenty years in state prison. Pardon granted March 18, 1874, on petition of Hon. R. G. Usher, Hon. James N. Buffum, T. B. Newhall, and others, of Lynn. Prison physician certified that prisoner was in last stages of consumption. He was pardoned solely on account of sickness, and died in Lynn, May 9, 1874.

No. 19. MARTIN HEBERT. Convicted of larceny: Police Court of Salem, February 16, 1874. Sentenced to two months in house of correction. Pardon granted March 24, 1874, on the petition of Edward Story, Oliver Byron, the complainant, and a dozen other citizens of Essex, for the reason that there was a doubt of the guilt of the prisoner, and the pardon was recommended by the judge who imposed sentence.

No. 20. EDWARD LONG. Convicted of larceny: First District Court of Eastern Worcester, April 4, 1874. Sentenced to three months in house of correction. Pardon

granted April 15, 1874, on petition of the justice who imposed sentence, he stating that the complaint and the conviction were the result of a misapprehension.

NO. 21. EDWARD BROPHY. Convicted of being a common drunkard: Trial justice Henry B. Terry, Hyde Park, March 31, 1874. Sentenced to four months in house of correction. Pardon granted April 15, 1874, on his own petition. It appeared that the prosecution was prompted solely by a desire for revenge, and the prisoner promised to abstain from the use of intoxicants for a year.

NO. 22. GEORGE NORTHROP. Convicted of polygamy: Superior Court, Hampden County, December, 1872. Sentenced to two and a half years in house of correction. Pardon granted April 22, 1874, on petition of Hon. E. H. Lathrop, M. Chamberlain, Jr., P. Wentworth, George Thayer, and about twenty other citizens of Holyoke. Recommended by S. W. Bowles, Joshua Coit, and others, of Springfield, and by the district-attorney. Prison physician certified that he was fatally sick with pulmonary consumption.

NO. 23. CHARLES MONAHAN. Convicted of assault with pistol: Superior Court, Worcester County, October 29, 1873. Sentenced to one year in house of correction. Pardon granted April 29, 1874, on petition of prisoner's mother, recommended by district-attorney, Hon. W. W. Rice, and Hon. Adin Thayer. The party assaulted was a desperado of the worst character, and the assault was committed only after serious provocation. Prisoner had reputation of being a peaceable and industrious young man.

NO. 24. MICHAEL QUINN. Convicted of assault: Superior Court, Suffolk County, September 12, 1871. Sentenced to three years in house of correction. Pardon granted May 4, 1874, on recommendation of master of house of correction, solely on account of the serious illness of the prisoner. He had been under medical treatment most of the time since his commitment. There was no hope of his recovery, though he might live out his term.

NO. 25. WILLIAM REED. Convicted of attempt at rape: Superior Court, Norfolk County, September 15, 1870. Sentenced to four years in state prison. Pardon granted May 14, 1874, on petition of S. W. Hartshorn, J. Edward Stone, James A. Dupee, and some forty others,

solely on account of prisoner's serious illness. Prison physician certified that prisoner was in consumption, and could live but a very short time. He died in prison the next day after his pardon.

No. 26. WILLIAM ROACH. Convicted of larceny: Police Court, Lawrence, March 7, 1874. Sentenced to ten months in house of correction. Pardon granted May 20, 1874, on account of severe illness, on earnest recommendation of Sheriff Herrick. The prison physician certified that prisoner was in last stages of consumption, and could live but few days. He died May 26, 1874, within a week after his pardon was granted.

No. 27. FREDERICK W. MITEEN. Convicted of indecent exposure: Superior Court, Suffolk County, April 13, 1872. Sentenced to three years in house of correction. Pardon granted May 27, 1874, on petition of Hon. Albert Palmer, John Backup, H. M. King, Dr. H. G. Morse, and others, of Boston Highlands. Prisoner's previous reputation was good; offence was committed while he was drunk. He had served two-thirds of sentence, and was thought to be sufficiently punished.

No. 28. ROBERT PEMBERTON. Convicted of breaking and entering: Superior Court, Suffolk County, August, 1872. Sentenced to two years in state prison. Pardon granted May 27, 1874, on petition of prisoner's wife, endorsed by Col. Wm. T. Grammar and some thirty other citizens of Woburn. Recommended by Hon. A. W. Boardman. Prisoner's first offence; previous reputation excellent. Council believed that had this appeared at the trial a lighter sentence would have been imposed.

No. 29. WILLIAM F. PERKINS. Convicted of assault on two complaints: Trial Justice Andrews, of Danvers, December 5, 1873. Sentenced to one year in house of correction. Pardon granted June 2, 1874, on petition of complainant, the selectmen of Middleton, and others. The sentence seemed too severe. The general conduct of prisoner has been good.

No. 30. HENRY O'BRIEN. Convicted of larceny: Superior Court, Suffolk County, August, 1873. Sentenced to one year in house of correction. Pardon granted June 25, 1874, solely on account of prisoner's severe illness. Prison physician certified that consumption was making rapid progress, so that prisoner's life hung on a thread, and he could live but a few days.

NO. 31. MICHAEL CARTY. Convicted of rape: Superior Court, Berkshire County, January 16, 1871. Sentenced to state prison for life. Pardon granted June 26, 1874, on petition of Hon. S. W. Bowerman, Hon. E. H. Kellogg, Hon. E. Learned, and others, of Pittsfield; Hon. John Branning, Alexr. Hyde, and other most prominent men of Lee and vicinity. Petition virtually endorsed by district-attorney. Previous character of prisoner good; he was young, and committed offence when intoxicated. Many extenuating circumstances surrounded the case, and at time of trial the law gave the court no discretion in matter of sentence.

NO. 32. THOMAS R. STACKPOLE. Convicted of felonious assault: Superior Court, Essex County, October 23, 1863. Sentenced to twenty years in state prison. Pardon granted June 27, 1874, on earnest recommendation of Councillor D. H. Stickney, who had known the prisoner for years. Prisoner's conduct in prison had been exemplary, and the warden had recommended him for a Thanksgiving pardon in 1873. He was nearly sixty years old, and had served a large part of his sentence.

NO. 33. PETER DALY. Convicted of assault: District Court of Central Berkshire, June 13, 1874. Sentenced to thirty days in house of correction. Pardon granted June 30, 1874, on petition of the judge who imposed sentence, new evidence appearing which was not presented at the trial. Prisoner had wife and six children dependent on him, and had borne a good character up to this time.

NO. 34. CHARLES F. ROGERS. Convicted of forgery, before Judge Forsaith, Trial Justice of Juvenile Offenders: Suffolk County, June 5, 1873. Sentenced to two years in house of correction. Pardon granted June 30, 1874, on petition of prisoner's father, endorsed by Collector Simmons, Hon. T. N. Stone, Hon. F. A. Nye, L. L. Goodspeed, and others. He was a mere lad when offence was committed, and was thought to be sufficiently punished by the justice who imposed sentence, who accordingly recommended his pardon.

NO. 35. THOMAS J. HAMILTON. Convicted of drunkenness: Police Court, Salem, June 25, 1874. Sentenced to four months in house of correction. Pardon granted July 14, 1874, on petition of prisoner's wife, the Council being satisfied that the prisoner was sentenced under a misapprehension of the facts.

NO. 36. **TERENCE CONLAN.** Convicted of breaking and entering: Superior Court, Middlesex County, February 18, 1874. Sentenced to eight months in house of correction. Pardon granted July 22, 1874, for the reason that the prisoner was in the last stages of consumption, and prison physician certified that he could live but a short time. He died the latter part of August, 1874.

NO. 37. **WILLIAM R. SCOTT.** Convicted of manslaughter: Superior Court, Essex County, October 26, 1871. Sentenced to six years in state prison. Pardon granted July 22, 1874, on petitions signed by a large number of the citizens of Milford, Lawrence and Holliston. Prisoner was rather weak-minded, and in love with a young lady; the two intended suicide; each voluntarily took a dose of poison administered by the other, prisoner having purchased it. The young lady died from the effects of the poison. Council regarded the crime as purely technical, and considered that it had been fully expiated.

NO. 38. **ERLON H. BENJAMIN.** Convicted of larceny; five indictments: Superior Court, Hampshire County, June 23, 1871. Sentenced to six years, in all, in state prison. Pardon granted July 22, 1874, on petition of a large number of the citizens of Pelham, including selectmen, endorsed by Hon. S. T. Spaulding and Sheriff Longley. Prisoner was young, led to wrong-doing by his associate, who had been previously pardoned.

NO. 39. **CORNELIUS J. SULLIVAN.** Convicted of larceny: Trial Justice of Juvenile Offenders, Judge Forsaith, Suffolk County, June 2, 1874. Sentenced to six months in house of correction. Pardon granted July 28, 1874, on petition of prisoner's mother, who had purchased tickets for herself and family, intending to return to Wales, her native country. Pardon granted on condition that prisoner go to Wales with his parents, which he promised to do.

NO. 40. **PATRICK WALSH.** Convicted of receiving stolen goods: Superior Court, Worcester County, May 21, 1873. Sentenced to two years in house of correction. Pardon granted August 4, 1874, on petition of Hon. Henry Chapin, Wm. P. Chase, Samuel Brown, C. C. Houghton. Recommended by the district-attorney, and by the officer who made the complaint. The amount of property stolen was small, and the Council regarded the prisoner as having been sufficiently punished. Conduct in prison was good.

No. 41. CHRISTOPHER GAGIN. Convicted of assault with intent to commit rape: Superior Court, Suffolk County, February 24, 1872. Sentenced to three years in house of correction. Pardon granted August 4, 1874, on petition of John S. Smith, Patrick Collins, Dennis Cawley, Jr., and about twenty other citizens of Boston, on account of sickness. In opinion of prison physician, prisoner could not survive the term for which he was sentenced. He died soon after his release.

No. 42. JOHN McCORT. Convicted of manslaughter: Superior Court, Middlesex County, December 11, 1868. Sentenced to fourteen years in state prison. Pardon granted August 19, 1874, on petition of a very large number of the most prominent and respectable citizens of Somerville. Strongly recommended by Councillor Brastow. The crime was committed under great provocation, and the Governor and Council were satisfied that the prisoner did not intend harm to his wife. District-Attorney Morse was of opinion that the sentence was for too long a period. Prisoner's conduct in prison was excellent, and his previous reputation and character good.

No. 43. MICHAEL COLBERT. Convicted of assault: Superior Court, Suffolk County, November, 1873. Sentenced to eighteen months in house of correction. Pardon granted September 1, 1874, on petition of Hon. Hugh J. Toland, James J. Flynn, P. Barry, Thomas F. Fitzgerald, and other citizens of South Boston. Prisoner was first tried before Municipal Court, by which a sentence of only six months was imposed. On appeal he was sentenced as above. Offence was not a serious one; sentence seemed too severe, and prisoner was thought to have been sufficiently punished.

No. 44. RICHARD CARLIN. Convicted of assault: Municipal Court, Boston, May 13, 1874. Sentenced to four months in house of correction. Pardon granted September 1, 1874, on petition of prisoner's wife, who made the complaint. She was in destitute circumstances, and needed the help of her husband, who could have work if pardoned. Pardon was recommended by the judge who imposed sentence.

No. 45. ROBERT CHEEVER. Convicted of larceny: Municipal Court, Charlestown, June 11, 1874. Sentenced to six months in house of correction. Pardon granted September 1, 1874, on his own petition. The complain-

ant and the judge who imposed sentence both certified that they had good cause to doubt the guilt of prisoner from facts learned since trial, and recommended pardon. No other criminal charge ever brought against prisoner, so far as known.

NO. 46. WILLARD H. HIGGINS. Convicted of intent to defraud boarding-house keeper: South Boston Municipal Court, August 4, 1874. Sentenced to pay fine of twenty-five dollars and costs. Committed for non-payment. Fine remitted and pardon granted, August 11, 1874, on petition of complainant and father of prisoner. Prisoner disclaimed intent to defraud; paid all money due for board immediately on arrest; had none left to pay fine. Father was poor, resided in Maine, and would take son home if pardoned. This was prisoner's first offence, and the Council believed the sentence was imposed under a misapprehension.

NO. 47. TIMOTHY CADIGAN. Convicted of larceny: Superior Court, Hampden County, December, 1869. Sentenced to five years and three months in state prison. Pardon granted September 1, 1874, on petition of prisoner's sister, Thomas B. Aikens, Joel Kenney, A. R. Quimby, and others, of Springfield; endorsed by Hon. Eliphalet Trask. District-attorney interposed no objections to pardon, as parties whose property was stolen thought prisoner had been sufficiently punished. Prisoner and a twin brother were both convicted of same offence. Prisoner's sentence was three months longer than his brother's. The brother was to be released September 1, 1874. Prisoner was pardoned on same day, in order that the twin-brothers, who had never been separated, might leave prison together.

NO. 48. THOMAS LEARY. Convicted of breaking and entering, and of an assault: Superior Court, Essex County, February 6, 1874. Sentenced on both indictments to two years in house of correction. Pardon granted September 22, 1874, on the recommendation of keeper of house of correction, Dr. Y. G. Hurd, solely for the reason that prisoner was hopelessly sick with pulmonary consumption. He died in Lawrence about three weeks after his release.

NO. 49. NICHOLAS J. O'BRIEN. Convicted of assault: Superior Court, Suffolk County, April 19, 1873. Sentenced to two years in house of correction. Pardon granted September 26, 1874, on petition of prisoner's

mother, endorsed by Hon. P. A. Collins, Hon. Hugh J. Toland, Hon. Geo. A. Shaw, T. J. Dacey, E. B. Rankin, and some twenty other members of the legislature of 1874. Prisoner committed the assault under very great aggravation, and the Council were inclined to believe the sentence too long. In this the assistant district-attorney apparently coincided.

No. 50. FREEMAN CLARK. Convicted of adultery: Superior Court, Plymouth County, June 18, 1873. Sentenced to two years in house of correction. Pardon granted September 26, 1874, on petition of a very large number of citizens of Mattapoisett. Council felt that there was reason to believe that the witnesses on whose testimony prisoner was convicted were guilty of perjury.

No. 51. DANIEL WILSON. Convicted of robbery: Superior Court, Suffolk County, January 14, 1873. Sentenced to five years in house of correction. Pardon granted September 26, 1874, on petition of citizens of Millville, New Jersey, where mother and brothers of the prisoner reside. Prison physician certified that prisoner was afflicted with cancers; was reduced to a very low state of health; was constantly losing ground, and could live but short time.

No. 52. JOHN DONOVAN. Convicted of breaking and entering: Superior Court Middlesex County, February 18, 1873. Sentenced to two years in house of correction. Pardon granted October 2, 1874, on petition of J. H. Cotton, E. T. Swift, and others, of Charlestown, for the reason that prisoner was a mere lad when the offence was committed, was intoxicated at the time, and was believed to have been sufficiently punished.

No. 53. JOHN QUINN. Convicted of breaking and entering: Superior Court, Middlesex County, February 18, 1873. Sentenced to two years in house of correction. Pardon granted October 2, 1874, on petition of J. H. Cotton, E. T. Swift, Alexander Campbell, and others, of Charlestown, for the reasons that when offence was committed, prisoner was very young, was intoxicated, and is believed now to be reformed. The sentence seemed severe and disproportionate to the offence committed.

No. 54. HENRY GOODEN. Convicted of drunkenness, and of assault: Municipal Court, Boston, August 24, 1874. Sentenced to pay fine of three dollars and costs, and to house of industry for three months. Pardon



granted October 5, 1874, on petition of Rev. Robert Fulton, Hon. Martin Griffin, Patrick Donahoe, and others, of Boston. Prisoner's wife was in delicate health and needed his assistance. Former employers, T. S. Clogston & Co., certified to prisoner's previous good character and industrious habits. He was intoxicated when offence was committed, and there was doubt of his intent to commit an assault. The judge who imposed sentence inclined to favor a pardon.

NO. 55. MICHAEL LARKIN. Convicted of maintaining liquor nuisance: Superior Court, Worcester County, May 25, 1874. Sentenced to pay a fine of fifty dollars and costs, and be imprisoned nine months in house of correction. Pardon granted October 15, 1874, on petition of Hon. Alvah Crocker, Hon. Amasa Norcross, Col. J. W. Kimball, Henry S. Hitchcock, the complainant, and other citizens of Fitchburg. Sentence imposed by lower court was a fine of fifty dollars and costs only. On appeal to superior court, prisoner was sentenced as above. This was the *first* conviction for the offence named, and a very unusual sentence therefor. Governor and Council considered it excessive, and pardon was granted on payment of fine by prisoner. District-attorney approved pardon, and thought sentence severe.

NO. 56. JAMES C. MURPHY. Convicted of keeping liquor nuisance: Superior Court, Worcester County, May 18, 1874, on two indictments. Sentenced on both to pay fine of one hundred dollars and costs, and to six months in house of correction. Pardon granted October 15, 1874, on petition of Hon. Amasa Norcross, Hon. Alvah Crocker, Col. J. W. Kimball, and others, of Fitchburg, to take effect on payment of the fine. Prisoner had wife and five children dependent upon him, who were in a suffering condition. The sentence was considered to be too severe.

NO. 57. CORNELIUS COUGHLIN. Convicted of breaking and entering: Superior Court, Suffolk County, October, 1873. Sentenced to two years in house of correction. Pardon granted October 20, 1874, on petition of prisoner's mother, who was aged and infirm. Recommended by J. H. Bufford & Sons, John G. Healy, and J. D. Van Duzee, because of sickness of prisoner. Prison physician certified that, under continued imprisonment, the scrofula, which was undermining the prisoner's health,

would soon involve the lungs, and that death would rapidly follow.

No. 58. PATRICK DOHERTY. Convicted of larceny from building: Superior Court, Suffolk County, December 16, 1873. Sentenced to one year in house of correction. Pardon granted October 28, 1874, on petition of prisoner's brother. Prisoner had never before been arrested for, or charged with, any crime, and had borne an excellent character. He committed the offence when intoxicated. From evidence submitted, Governor and Council believed prisoner wholly reformed, and that he would make a good citizen.

No. 59. JEREMIAH HARRINGTON. Convicted of breaking and entering: Superior Court, Middlesex County, October, 1872. Sentenced to three years in state prison. Pardon granted October 28, 1874, on petition of Hon. A. J. Bailey, Robert R. Wiley, S. S. Willson, and other citizens of Charlestown. Recommended by E. T. Swift, chief of police at time of prisoner's arrest. This was the only complaint ever brought against prisoner, so far as known; his previous character had been good, and the Council believed that he had been sufficiently punished.

No. 60. WILLIAM ROSS. Convicted of assault: Municipal Court, Boston, October 8, 1874. Sentenced to pay fine of thirty dollars and costs, and committed to house of correction for non-payment. Pardon granted October 28, 1874, on petition of his mother, who resides in St. John, N. B. She was poor; needed prisoner's assistance. Prisoner was young; had been but short time in Boston; was naturally well-disposed, but had been in bad company since coming here. He was pardoned on condition that he return immediately to St. John, with his mother, which he did the same day.

No. 61. WILLIAM R. SMITH. Convicted of drunkenness,—second offence: Police Court, Salem, September 24, 1874. Sentenced to two months in house of correction. Pardon granted October 30, 1874, on petition of Walter A. Kegar, Eben N. Walton, Ira H. Bigelow, and some fifteen other citizens of Salem. Prisoner was a smart, capable, industrious man when not in liquor. Had an occasional spree, which seemed his only failing. His business and family were suffering for want of his care, and the Council thought that the punishment he had received

was sufficient to justify a belief that he would conduct himself better hereafter.

NO. 62. **FREDERICK S. BLODGETT.** Convicted of rape: Superior Court, Worcester County, October 27, 1868. Sentenced to state prison for life. Pardon granted October 30, 1874, on petition of Hon. Luther Hill, William Upham, the selectmen and other prominent citizens of Spencer. Recommended by the woman on whom the rape was committed, and by her husband also. Offence was not committed under circumstances of special aggravation. Prisoner was intoxicated at the time. Court then had no discretion in matter of sentence. District-attorney felt sure that under present law, prisoner would have received but five or six years' sentence. He therefore recommended a pardon.

NO. 63. **JOHN DONOVAN.** Convicted of assault: Boston Municipal Court, September 15, 1874. Sentenced to three months in house of industry, Pardon granted October 30, 1874, on petition of prisoner's wife, on whom assault was committed; recommended by Patrick Donahoe. Granted for the reason that prisoner's wife was in a delicate state of health, and it was believed that prisoner would do better in the future. Was intoxicated at time of assault.

NO. 64. **JAMES CROWLEY.** Convicted of highway robbery: Superior Court, Suffolk County, July, 1872. Sentenced to three years in house of correction. Pardon granted November 19, 1874, on petition of prisoner's father, endorsed by the Hon. Geo. A. Shaw and Patrick Donahoe, solely for the reason that the prisoner was in last stages of consumption. His pardon was earnestly recommended by the prison physician, who thought he could live but a few weeks.

NO. 65. **JOHN FLANAGAN.** Convicted of breaking and entering, and larceny, two indictments: Superior Court, Suffolk County, January 21, 1873. Sentenced on both to two and half years in house of correction. Pardon granted November 23, 1874, on petition of William Eustace, Patrick Donahoe, Francis H. Ward, and others. Prisoner was young; his previous character had been good; had never been arrested before. At time offence was committed prisoner was intoxicated, and led on by an old offender, whose conviction was secured by information furnished by prisoner. His pardon was recommended by his former employer, Moses K. Abbott, whose store was

entered, and who promised again to take him into his employ.

NO. 66. WILLIAM UNDERWOOD. Convicted of burning a building: Superior Court, Middlesex County, July 3, 1873. Sentenced to two and half years in house of correction. Pardon granted November 25, 1874, on petition of Hon. E. D. Winslow, A. I. Benyon, Eben Tourjée, and some ninety other prominent citizens of Newton. It was strongly recommended by the district-attorney, who tried the indictment, for the reasons that prisoner furnished evidence, as a government witness, which led to conviction of an older offender; that he was very young; had been influenced by others; and had previously borne a good character.

NO. 67. MICHAEL EAGAN. Convicted of assault on officer: Municipal Court, Charlestown, September 11, 1874. Sentenced to pay fine of twenty dollars and costs, and committed to jail for non-payment. Fine remitted and pardon granted November 25, 1874, on petition of Horace Chapin, secretary of overseers of the poor at Somerville. Prisoner was poor; unable to pay fine; had a wife and four children, who were a public charge during his imprisonment; he was generally steady and industrious; was intoxicated when he committed the assault; promised to sign the pledge, if pardoned, and could at once obtain steady employment.

NO. 68. WILLIAM McGRATH. Convicted of murder, second degree: Supreme Judicial Court, Worcester County, June, 1868. Sentenced to state prison for life. Pardon granted for Thanksgiving day. Crime was committed under very great provocation, and there was no positive evidence that it was premeditated. Prisoner's conduct and character, previous to commission of this act, had been good. He had worked about twenty years for one corporation in Worcester, and had been generally respected, no other charge than this ever having been brought against him. His pardon had previously been asked for by Hon. Henry Chapin, Hon. Clark Jillson, C. W. Rice, and others, of Worcester. He was recommended by the warden for a Thanksgiving pardon.

NO. 69. MICHAEL RYAN. Convicted of robbery: Superior Court, Suffolk County, June, 1866. Sentenced to twelve years in state prison. Pardon granted for Thanksgiving day, on recommendation of the warden.

His conduct in prison had been excellent; he had served more than two-thirds of his sentence, when credited with the reductions of time earned by good behavior.

NO. 70. TIMOTHY CRONAN. Convicted of rape: Superior Court, Suffolk County, July, 1862. Sentenced to state prison for life. Pardon granted November 25, 1874. Petitioned for by Albert Bowker, Nehemiah Gibson, Hon. Elisha Pote, D. D. Kelley, and others, of East Boston. Offence committed when drunk. At time of sentence, court had no discretion in matter of sentence. Under existing laws, prisoner would probably have received a sentence no longer than the time he has already served. His pardon was recommended by the warden on account of exemplary conduct during imprisonment.

NO. 71. JOHN RYAN. Convicted of manslaughter: Supreme Judicial Court, Suffolk County, October, 1865. Sentenced to fifteen years in state prison. Pardon granted for Thanksgiving day, prisoner having been recommended therefor by the warden on account of his exemplary conduct during imprisonment. The Council believed the crime to have been wholly unpremeditated.

NO. 72. HORACE BRIGGS. Convicted of larceny: Superior Court, Suffolk County, December, 1873. Sentenced to one year in house of correction. Pardon granted December 9, 1874, on his own petition, endorsed by Oliver Dean, I. W. Wattles, and some thirty other citizens of Canton and adjoining towns. His previous character had been good; conduct during imprisonment excellent. His term would have expired December 15, and his friends urged that the effect of a pardon would be beneficial, and stimulate prisoner to good behavior.

NO. 73. HENRY THOMAS. Convicted of assault: Superior Court, Suffolk County, March, 1874. Sentenced to one year in house of correction. Pardon granted December 15, 1874, on petition of prisoner's wife, James Alexander, agent of Cunard Steamship Company, Maj. Lewis Gaul, and others. The assault was committed in one of the most disreputable drinking and gaming houses in Boston, the prisoner being provoked thereto by one of the proprietors of said house, whom the Council believed to be the more guilty party.

NO. 74. WILLIAM ROSS. Convicted of larceny: Superior Court, Suffolk County, February, 1874. Sentenced to eighteen months in house of correction. Pardon granted

December 15, 1874, on petition of Messrs. Gibbs & Stinson, who were the complainants. Prisoner was a Scotchman, had been but about six months in this country, in employ of complainants. He had no friends here, and the prospect of losing situation prompted him to commit the crime, prior to which he had always been regarded as an honest and faithful clerk. Property taken was all returned by prisoner, and complainants urged his pardon, and promised again to take him into their employ.

No. 75. WILLIAM ENRIGHT. Convicted of larceny: Superior Court, Berkshire County, July 24, 1874. Sentenced to one year in house of correction. Pardon granted December 22, 1874, on petition of Hon. E. H. Kellogg, O. W. Robbins, James A. Burbank, and fifteen other citizens of Pittsfield, and among them the complainant. Prisoner was advised to plead guilty of larceny of a coat, —which was of small value,—against his own protestations of innocence of any intentional larceny. His pardon was recommended by Sheriff Root, and also by the district-attorney, who stated that the coat was taken under circumstances which would not have sustained charge of larceny, if prisoner had not lied about it afterwards.

No. 76. JOHN SULLIVAN. Convicted of malicious mischief and larceny, two complaints: Police Court, Cambridge, August 27, 1874. Sentenced to eight months in house of correction. Pardon granted December 22, 1874, on petition of his father, endorsed and recommended by the complainant, and the chief of police of Cambridge. Pardon was also favored by the judge who imposed sentence. Previous character of prisoner was good; had never before been charged with crime.

No. 77. JOHN O'CONNELL. Convicted of larceny in building, on four complaints: Central District Court of Worcester, July 27, 1874. Sentenced on all to eight months in house of correction. Pardon granted December 22, 1874, on petition of George Crompton, and others, of Worcester. The larcenies were all committed at the same time, prisoner having taken some tools belonging to four different individuals, amounting in value to thirty dollars. Had all belonged to one person, sentence would have been much shorter. Pardon was approved by complainants and by the judge who imposed sentence.

No. 78. MARIA COSTELLO. Convicted of larceny: Police Court, Lynn, October 12, 1874. Sentenced to

four months in house of correction. Pardon granted December 22, 1874, on petition of prisoner's father, endorsed by T. B. Newhall,\* of Lynn. Prisoner was quite young, her mother was not living, and the care of quite a family of smaller children devolved upon her. This was her first offence, and her previous conduct had been exemplary. Pardon was favored by the judge who imposed sentence.

NO. 79. JAMES ALBERT SNOW. Convicted of sodomy : Superior Court, Suffolk County, March, 1873. Sentenced to seven years in state prison. Pardon granted December 22, 1874, on petition of Hon. Mellen Chamberlain, Hon. Chas. H. Ferson, Wm. R. Pearmain, Hon. Eustace C. Fitz, and some twenty-five other of the most prominent citizens of Chelsea, strongly urged by Councillor Frost. Prisoner's conduct had always been good, never having been charged with any offence before the commission of this crime. It was clearly shown to the Council that his previous character had been above reproach; they felt some doubt as to his guilt of the offence charged, and believed that the punishment endured would have upon him as good an effect as if he served his whole sentence.

NO. 80. THOMAS HUGHES. Convicted of breaking and entering, and larceny : Superior Court, Suffolk County, November, 1872. Sentenced to three years in house of correction. Pardon granted December 28, 1874, on petition of Peter McNaught, E. E. Stone, Robert F. Scotland, and a dozen other citizens of Boston. This was prisoner's first offence; he had served more than two-thirds of his sentence, had behaved well in prison, and he was represented to have been a sober and industrious man. Council was assured that, if released, he could at once obtain work, and would be looked after by his friends.

NO. 81. WILLIAM EMERSON. Convicted of rape : Superior Court, Middlesex County, March 12, 1874. Pardon granted January 1, 1875, on petition prisoner's father, Rev. Dr. Edson, Hon. John A. Knowles, Henry B. Perkins, and some twenty other prominent citizens of Lowell. The boy was young, and it was extremely doubtful whether he participated in the crime other than by his presence, which was accidental. Several others who were present acknowledged their own guilt, and asserted Emerson's innocence. Prisoner had never before this been arrested for, or charged with, any crime; was steady and industri-

ous, and well known in Lowell, where public sentiment, as represented by mayor Jewett, City Marshal Clemence, and a large number of business men, who appeared before the pardon committee, strongly urging a pardon, sustained the belief in the boy's innocence of the crime charged.

No. 82. ORLANDO BARROWS. Convicted of larceny from building: Superior Court, Bristol County, December 15, 1873. Pardon granted January 1, 1875, on his own petition, strongly urged and recommended by Dr. H. B. Wheelwright. Judge Fox, before whom prisoner was first arraigned, and the district-attorney, both stated that facts coming to light since trial, show that the offence was not so great as at that time appeared. Sheriff Cobb coincided in this opinion, and recommended a pardon. Prisoner was weak-minded, and arrangements had been made by which he would hereafter be properly cared for.

No. 83. FRANK W. EASTMAN. Convicted of arson: Superior Court, Berkshire County, July 13, 1870. Sentenced to five years in state prison. Pardon granted January 2, 1875, on the petition of W. F. Darby, C. Bailey, S. Blackinton, H. P. Goodrich, and some twenty-five other residents of Adams, strongly recommended by Hon. Shepard Thayer, and not opposed by the district-attorney. Prior to this offence, prisoner had borne good character; was never previously charged with any crime. He was weak-minded; was compelled by older offenders to take the part he did in this crime, after he had become partially stupefied by liquor forced upon him by them. One of prisoner's associates in this crime has already been pardoned on account of sickness, and since died. Prisoner is believed to be reformed. But a few months more of his sentence remained to be served.

No. 84. HIRAM D. PIERCE. Convicted of adultery: Superior Court, Berkshire County, January 25, 1873. Sentenced to two and half years in house of correction. Pardon granted January 2, 1875, on petition of George M. Mowbray, Hon. Sylvander Johnson, John F. Arnold, Lyman F. Flagg, and about a hundred other respectable men of Adams. Prisoner's character had been good previous to this offence; he had served honorably in the late war of the rebellion in the quota of New York; had never before been charged with any crime; had served nearly his full sentence, which is much more severe than is usually imposed upon persons convicted of the offence charged.



No. 85. **BURTON C. HARDING.** Convicted of forgery : Superior Court, Berkshire County, January 23, 1873. Sentenced to four years in house of correction. Pardon granted January 5, 1875, on petition of prisoner's wife, R. B. Cheney, Albert Tolman, H. M. Peirson, Rev. Thomas Crowther, and fifteen other citizens of Pittsfield. The prisoner, prior to this offence, had been a sober, industrious man, of good moral character, and was respected by all who knew him. It appeared to the Council that he forged the paper under financial embarrassment, with no intent to defraud, but meaning subsequently to redeem it. Party whose name was forged signed the petition. The Council believed prisoner had been sufficiently punished.

No. 86. **JOHN O'BRIEN.** Convicted of rape : Superior Court, Middlesex County, November 27, 1865. Sentenced to state prison for life. Pardon granted January 6, 1875, on petition largely signed by residents of Hopkinton. Recommended by Hon. Charles R. Train, Theo. C. Hurd, A. C. Mayhew, and others. Prisoner had served in the United States army during late war, and was honorably discharged at its close. At time of prisoner's trial the Court had no discretion in matter of sentence. Under existing laws, he probably would not have received a longer sentence than the term already served. His conduct during imprisonment had been good.

No. 87. **ROBERT JOHNSON.** Convicted of keeping liquor nuisance : Superior Court, Suffolk County, December, 1874. Sentenced to pay fine of seventy-five dollars and costs, and to three months in house of correction. Pardon granted January 6, 1875, on petition of Geo. Lane, H. G. Tucker, Hugh & Rumney, and some twenty-five other business men and firms of Boston, and recommended strongly by Hon. J. A. Harwood. The pardon was granted on condition that the fine be paid by prisoner. It appeared that he was respectably connected, had borne a good reputation, sullied only by the nature of his business for which he was convicted. He had abandoned the liquor business at the time of his sentence, and his friends guaranteed that he would not again resume it.

## SPECIAL MESSAGES.

[To the Senate and House of Representatives, January 13.]

I have the honor herewith to lay before the General Court the Report of the Commissioners on the Lee & New Haven Railroad.

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{To the House of Representatives, January 20.]

I have the honor to transmit herewith the Annual Report of the Adjutant-General of the Commonwealth for the year ending the 31st of December, 1874.

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[To the Senate, January 22.]

I have the honor to transmit herewith certain Resolutions of the legislature of the State of Virginia in reference to Federal interference in the civil affairs of the State of Louisiana.

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[To the Senate and House of Representatives, February 9.]

In compliance with the request of the legislature, I have the honor herewith to transmit for the information of the General Court copies of such papers relating to the erection of a new State Prison as are on the files of the Executive Department for the year 1874.

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[To the Senate, March 4.]

I have the honor herewith to transmit for the information and use of the General Court, the last Annual Report of the Trustees of the Massachusetts Agricultural College, with accompanying documents.

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[To the Senate and House of Representatives, March 6.]

I have the honor to transmit herewith, for appropriate disposition by the General Court, copies of Joint Resolutions of the legislatures of the States of Georgia, Missouri, Pennsylvania, Ohio, Delaware and West Virginia.

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[To the Senate and House of Representatives, April 1.]

I have the honor to inform the legislature that, in compliance with its request, I have caused the Regimental color of the 54th Regiment of Massachusetts Volunteers to be placed with the battle-flags in Doric Hall, where the National color of this regiment and the staff from which this flag was torn in action were long ago placed. For the possession of this flag I am indebted to the courtesy of Gen. R. S. Ripley, a copy of whose letter I transmit herewith. I have also, in further compliance with the request of the legislature, acknowledged the receipt of the flag by

a letter to Gen. Ripley, a copy of which I also transmit herewith.

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[To the House of Representatives, April 30.]

In compliance with the request of the House of Representatives, I have the honor to transmit herewith, for the information of the General Court, an estimate of the sums of money needed to enable the Governor and Council to perform the labor imposed upon them by chapter seventy-seven of the Acts of the present year.



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CHANGE OF NAMES.

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## 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.
<b>1874.</b>			
Jan. 5, . . . . .	Robert Bulling, . . . . .	Robert Burlen, . . . . .	Boston.
5, . . . . .	Frances Elizabeth Bulling, . . . . .	Frances Elizabeth Burlen, . . . . .	Boston.
5, . . . . .	Alfred Henry Bulling, . . . . .	Alfred Henry Burlen, . . . . .	Boston.
5, . . . . .	Edith Frances Bulling, . . . . .	Edith Frances Burlen, . . . . .	Boston.
5, . . . . .	Estella Boynton,* . . . . .	Sarah Humphrey Buck,. . . . .	New Haven, Ct.
12, . . . . .	Maud May Guptill,* . . . . .	Carrie Green Barnes, . . . . .	Boston.
19, . . . . .	Patrick Henry Horan,* . . . . .	Henry Horan McCann, . . . . .	Boston.
26, . . . . .	Nathan Boenstein,* . . . . .	Nathan Smith, . . . . .	Boston.
Feb. 2, . . . . .	Elizabeth Kearney,* . . . . .	Abby Harriet Furber, . . . . .	Boston.
2, . . . . .	Frank Swett, . . . . .	Frank Sweet, . . . . .	Chelsea.

CHANGE OF NAMES.

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Feb. 9, . . . . .	Mary Ellen Maguire,*	. . . . .	Minna Trabandt,	. . . . .	Boston.
9, . . . . .	Charles Pottsdamer,*	. . . . .	Charles Jefferson Hatch,	. . . . .	Boston.
16, . . . . .	Mary Moore Walker,*	. . . . .	Mary Moore Dean,	. . . . .	Boston.
16, . . . . .	Abbie Hedge Crowell,	. . . . .	Abbie Hedge Hills,	. . . . .	Boston.
Mar. 2, . . . . .	Minnie Ekta Smith,*	. . . . .	Ada Louise Burroughs,	. . . . .	Boston.
23, . . . . .	Willie Edmund Kirk,*	. . . . .	Willie Kirk Tirrell,	. . . . .	Chelsea.
23, . . . . .	Gilbert Edward Frazier,*	. . . . .	Charles Fazier Raymond,	. . . . .	Boston.
30, . . . . .	George Quinn,*	. . . . .	Moses Myers,	. . . . .	Boston.
30, . . . . .	Fanny Blake,*	. . . . .	Fanny Maria Cartwright,	. . . . .	Boston.
Apr. 6, . . . . .	Bessie Ann Christie,*	. . . . .	Bessie Ann George,	. . . . .	Boston.
13, . . . . .	Belle Wallace Thorndike,*	. . . . .	Belle Wallace Brown,	. . . . .	Camden, Me.
13, . . . . .	Millie Louisa Robiison,*	. . . . .	Millie Louisa Wentworth,	. . . . .	Boston.
20, . . . . .	Grace Darling McAbee,*	. . . . .	Grace McAbee Perham,	. . . . .	Zanesville, Ohio.
20, . . . . .	George Prescott Tay,*	. . . . .	George Clinton Clark,	. . . . .	West Springfield.
20, . . . . .	Patrick Lynch,*	. . . . .	Francis Louis Monjet,	. . . . .	Chelsea.
27, . . . . .	John Murphy,	. . . . .	John Downing Murphy,	. . . . .	Boston.
May 11, . . . . .	Alice Mason Sumner,	. . . . .	Alice Mason,	. . . . .	Boston.
11, . . . . .	Mary Eliza Russell,*	. . . . .	Florence Ring,	. . . . .	Boston.
25, . . . . .	Francis Eldorus Dwyer,*	. . . . .	Francis Eldorus Heminway,	. . . . .	Boston.

\* Names changed by reason of adoption.

SUFFOLK COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1874.</b>			
May 25, . . . . .	Jane Broderick,* . . . . .	Menagh Jane Clarke, . . . . .	Boston.
June 15, . . . . .	Joseph Paysant Bull, . . . . .	Joseph Payzant Bullard, . . . . .	Boston.
15, . . . . .	Charles Thompson,* . . . . .	Charles Collins, . . . . .	Boston.
15, . . . . .	Clara Bell,* . . . . .	Ora F. Buck, . . . . .	Boston.
22, . . . . .	Nellie May Eaton,* . . . . .	Phebe Johnson Woodman, . . . . .	Boston.
22, . . . . .	Sarah Ellen McQuade,* . . . . .	Sarah Gertrude Sullivan, . . . . .	Lawrence.
29, . . . . .	Albert Frederick Walsh,* . . . . .	Albert Frederick Hennessey, . . . . .	Biddeford, Me.
29, . . . . .	Joseph Geo. Lewis Nelson,* . . . . .	Joseph George Fitzmorris, . . . . .	Boston.
July 6, . . . . .	David Cunningham,* . . . . .	David O'Hanlon, . . . . .	Boston.
6, . . . . .	Margaret Cunningham, . . . . .	Margaret O'Hanlon, . . . . .	Boston.
20, . . . . .	Martha Ellen Warner,* . . . . .	Grace Ellen Dunklee, . . . . .	Boston.
27, . . . . .	Margaret Warner,* . . . . .	Lucy Ashcroft, . . . . .	Boston.
27, . . . . .	George Jepson Smith,* . . . . .	George Jepson, . . . . .	Grand Menan, Me.
Aug. 17, . . . . .	Leonora Chamberlin,* . . . . .	Leonora May Walker, . . . . .	Boston.
24, . . . . .	Ida Marsh,* . . . . .	Ada Brewster Richardson, . . . . .	Boston.
Sept. 7, . . . . .	Mary R. Belden,* . . . . .	Mary Belden Wells, . . . . .	Boston.
7, . . . . .	George Bohring,* . . . . .	George Thomas Ritchie, . . . . .	Boston.



CHANGE OF NAMES.

Sept. 7,	Emma Dora Thayer,*	Emma Dora Gray,	Boston.
14,	Hannah Brown,*	Hannah Stone,	Boston.
14,	Susan A. Murray,*	Susan A. Libby,	Boston.
21,	William Hudson Parshley,	William Hudson,	Boston.
Oct. 26,	Eliza Bartlett,	Eliza Bartlett Seymour,	Boston.
26,	Mabel Campbell,*	Mabel C. Goodwin,	Boston.
26,	John Golding,*	Charles Wallace,	Bridgewater.
26,	Fanny Davis,*	Bessie Lockwood Tucker,	Boston.
26,	William Otis Booth,*	Williard Otis Barnes,	Boston.
26,	Samuel James Staples,*	Karl Adolp Spangenberg,	Boston.
26,	Viola Estella Whittier,*	Viola Estella McDonald,	Boston.
Nov. 16,	Ottmar Kammerar,	Edward Kammerer,	Boston.
16,	Emma Petis,*	Emma Seamon,	Boston.
30,	Anna M. A. Matson,*	Cornelia Lee Munson,	Boston.
Dec. 7,	Charlotfe Elizabeth Taylor,*	Charlotfe Elizabeth Morrison,	Boston.
7,	Charles Smith Osborn,*	James Richards Williams,	Boston.
14,	Mary Walcott Almon,	Mary Elizabeth Almon,	Boston.
14,	Cora Lawrence,*	Ada Seymour,	Boston.

\* Names changed by reason of adoption.

## ESSEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1874.</b>			
Jan. 6, . . . . .	Richard Trask Eaton, . . . . .	Allen Leach Eaton, . . . . .	Beverly.
20, . . . . .	Charles Martins, . . . . .	Clarimundo Martins, . . . . .	Salem.
20, . . . . .	Benjamin Franklin Vollar, . . . . .	Benjamin Franklin Buffum, . . . . .	Salem.
Feb. 3, . . . . .	Eddie Reed Flint, . . . . .	Eddie Flint Leach, . . . . .	Manchester.
10, . . . . .	Minnie A. Mitchell, . . . . .	Maud Adelpia Gilbert, . . . . .	Gloucester.
Mar. 10, . . . . .	Frank Graham, . . . . .	Frank Godin, . . . . .	Haverhill.
17, . . . . .	Ella Lee Trask, . . . . .	Ella Lee Wilson, . . . . .	Beverly.
Apr. 7, . . . . .	Charles Steele, . . . . .	Charles Wallis Steele, . . . . .	Salem.
7, . . . . .	Warren Horne, . . . . .	Joseph Warren Caldwell, . . . . .	Ipswich.
7, . . . . .	James Trimble, . . . . .	James May, . . . . .	Lawrence.
7, . . . . .	Sarah C. Tuller, . . . . .	Sarah C. Pulsifer, . . . . .	Gloucester.
14, . . . . .	Ernest Hawkins, . . . . .	Ernest H. Winson, . . . . .	Salem.
14, . . . . .	Mary Edith Griffin, . . . . .	Mary Edith Knight, . . . . .	Gloucester.
21, . . . . .	Hattie Isabel Waldron, . . . . .	Hattie Isabel Towne, . . . . .	Topsfield.
21, . . . . .	Charles Horace Dixon, . . . . .	Charles Horace Coppen, . . . . .	West Newbury.
21, . . . . .	Jessie Dixon, . . . . .	Jessie Coskery, . . . . .	West Newbury.
May 5, . . . . .	Charles Gibson, . . . . .	James P. Clark, . . . . .	Gloucester.

## MIDDLESEX COUNTY.

May 5, . . . . .	Katie Strickland, . . . . .	Katie S. Plummer, . . . . .	Swampscott.
July 7, . . . . .	Alice A. Mason, . . . . .	Alice Mason North, . . . . .	Lawrence.
Oct. 5, . . . . .	Sarah Ellen A. Winkley, . . . . .	Sarah Ellen A. Chadwick, . . . . .	Rockport.
Nov. 2, . . . . .	Anna Elizabeth Currier, . . . . .	Anna Elizabeth Proctor, . . . . .	Manchester.
9, . . . . .	Frank Dolliver, . . . . .	Frank Orison Freethy, . . . . .	Lawrence.
9, . . . . .	Mary Myrtle, . . . . .	Mary Myrtle Pierce, . . . . .	Lawrence.
MIDDLESEX COUNTY.			
Jan. 6, . . . . .	Lucy Ann Rahr, . . . . .	Lucy Rahr Emerson, . . . . .	Wakefield.
20, . . . . .	Albert Sibley, . . . . .	Albert Sibley Lyon, . . . . .	Wayland.
27, . . . . .	Etta Childs, . . . . .	Etta Childs Madigan, . . . . .	Natick.
27, . . . . .	Lucy Ann Gould, . . . . .	Annie Black, . . . . .	Cambridge.
Mar. 10, . . . . .	Minnie Coreoran, . . . . .	Marion Lulu Stanley, . . . . .	Malden.
17, . . . . .	Lizzie Jane Frasier, . . . . .	Lizzie Jane Hubert, . . . . .	Malden.
17, . . . . .	Mary Jane Louisa Dooley, . . . . .	Mary Jane Louisa Johnson, . . . . .	Lowell.
Apr. 7, . . . . .	Sarah Ann Hyde, . . . . .	Sarah Ann Umpleby, . . . . .	Lowell.
10, . . . . .	Charles Benjamin Connor, . . . . .	Charles Bradley Manning, . . . . .	Cambridge.
May 20, . . . . .	Catharine Riley, . . . . .	Catharine Rick, . . . . .	Dracut.
June 2, . . . . .	William P. Small, . . . . .	William S. Richards, . . . . .	Cambridge.

MIDDLESEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1874.</b>			
June 9, . . . . .	Arthur H. Russell, . . . . .	Arthur Walker, . . . . .	Marlborough.
July 7, . . . . .	Mary Gray, . . . . .	Caroline Elizabeth Brooks, . . . . .	Concord.
7, . . . . .	Marshia Magee, . . . . .	Marshia Bachelder, . . . . .	Cambridge.
14, . . . . .	Isabel Beedem, . . . . .	Lena Blanch Slack, . . . . .	Malden.
14, . . . . .	Anthony Lamb, . . . . .	Samuel Treat Lamb, . . . . .	Cambridge.
28, . . . . .	Ellen Kearney, . . . . .	Ellen Stephens, . . . . .	Medford.
Sept. 1, . . . . .	Emeline C. Loek, . . . . .	Martha Hildreth, . . . . .	Natick.
1, . . . . .	John Riley, . . . . .	John Rick, . . . . .	Dracut.
22, . . . . .	Evalina Wier, . . . . .	Evalina Wier French, . . . . .	Tewksbury.
Oct 13, . . . . .	Ann Elizabeth Rush, . . . . .	Ann Elizabeth Edds, . . . . .	Lowell.
27, . . . . .	Flora Mabel Place, . . . . .	Flora Mabel Fuller, . . . . .	Natick.
27, . . . . .	Edith Blanchard Saunders, . . . . .	Bessie Nichols, . . . . .	Natick.
27, . . . . .	Agnes Garrison Freeman, . . . . .	Eleanor Isabella Anderson, . . . . .	Cambridge.
27, . . . . .	Ida May Anderson, . . . . .	Ida May Fatal, . . . . .	Cambridge.
27, . . . . .	Ellen Stewart, . . . . .	Nellie May Miller, . . . . .	Cambridge.
Nov. 10, . . . . .	Margaret C. O'Hare, . . . . .	Margaret Catharine Grimes, . . . . .	Lowell.
10, . . . . .	Albert Rodney Drake, . . . . .	Albert Rodney Parker, . . . . .	Malden.

WORCESTER COUNTY.

Nov. 10, . . . . .	Mary Louisa Cowdry, . . . . .	Mary Louisa Tilton, . . . . .	Lowell.
17, . . . . .	William Badger West, . . . . .	William Badger Lawrence, . . . . .	Medford.
24, . . . . .	Alvin Drake Moonie, . . . . .	Alvin Moonie Wyman, . . . . .	Arlington.
Dec. 8, . . . . .	Lilla Frances Avery, . . . . .	Lilla Frances Brooks, . . . . .	Lowell.
Jan. 6, . . . . .	- . . . .	Mary Edna Wakefield, . . . . .	Millbury.
20, . . . . .	Francis Agan, . . . . .	Francis Willis Brown, . . . . .	Uxbridge.
Feb. 3, . . . . .	Nellie Delia Deane, . . . . .	Nellie Delia Plimpton, . . . . .	Dudley.
3, . . . . .	Lewis Harlan Gilman, . . . . .	Lewis Harlan Gale, . . . . .	Worcester.
3, . . . . .	William T. Flint, . . . . .	William Flint Smith, . . . . .	Phillipston.
3, . . . . .	Fanny Maria Flint, . . . . .	Fanny Maria Smith, . . . . .	Phillipston.
17, . . . . .	Belle Mariam Baldwin, . . . . .	Belle Mariam Bailey, . . . . .	Athol.
Mar. 3, . . . . .	Anne Elizabeth Widdup, . . . . .	Anne Elizabeth Bray, . . . . .	Worcester.
17, . . . . .	Mary McGauran, . . . . .	Emma Addie Ellsworth, . . . . .	Boston.
Apr. 7, . . . . .	William Henry Swan, . . . . .	Theodore William Aldrich, . . . . .	Mendon.
7, . . . . .	Elizabeth C. Swan, . . . . .	Elizabeth C. Aldrich, . . . . .	Mendon.
7, . . . . .	— Owens, . . . . .	Ruth Whittemore, . . . . .	Worcester.
7, . . . . .	Johanna Crowley, . . . . .	Johanna Murphy, . . . . .	Worcester.

WORCESTER COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1874.</b>			
Apr. 7, . . . . .	John Wilson Welch, . . . . .	John Lincoln Harris, . . . . .	Worcester.
21, . . . . .	Nellie Bonner, . . . . .	May Violet Montreuil, . . . . .	Worcester.
May 5, . . . . .	Joseph Chaffin, . . . . .	Engene Richard McCoy, . . . . .	Worcester.
12, . . . . .	Alice Lilian Bowen, . . . . .	Alice Lillian Fisher, . . . . .	Royalston.
12, . . . . .	Minnie Gertrude Knapp, . . . . .	Minnie Gertrude Fisher, . . . . .	Royalston.
13, . . . . .	Lizzie Sherburne, . . . . .	Elizabeth Maria Ayres, . . . . .	Petersham.
13, . . . . .	Lacy Edith Howe, . . . . .	Edith Wetherell Howe, . . . . .	Petersham.
19, . . . . .	Ella A. Baker, . . . . .	Ella A. B. Tenney, . . . . .	Worcester.
June 2, . . . . .	Augustus Hector, . . . . .	Richard Augustus Ford, . . . . .	Worcester.
16, . . . . .	Edith Annette Fuller, . . . . .	Edith Annette Fuller Lemoine, . . . . .	Webster.
July 7, . . . . .	David Alexander Allen, . . . . .	James Cook Allen, . . . . .	Worcester.
21, . . . . .	Hannah Read Tilden, . . . . .	Anna Read Tilden, . . . . .	Milford.
21, . . . . .	Ida Lizzie Hapgood, . . . . .	Mabel Hapgood Holden, . . . . .	Barre.
21, . . . . .	William Edward Conkling, . . . . .	William Edward Lovell, . . . . .	Worcester.
Sept. 1, . . . . .	Alice Bell, . . . . .	Alice Bell Proctor, . . . . .	Bolton.
1, . . . . .	Charles F. Safford, . . . . .	Charles Hermon Sawyer, . . . . .	Lancaster.
Oct. 6, . . . . .	Mary Olive Given Rankin, . . . . .	Minnie Olive Given Wasson, . . . . .	Boston.

Nov. 3, . . . . .	Emily Morris, . . . . .	Lula Agnes Vinton, . . . . .	Southbridge.
17, . . . . .	Margaret Klane, . . . . .	Margaret Allen, . . . . .	Charlton.
17, . . . . .	Albert Curtis Maynard, . . . . .	Albert Maynard Rood, . . . . .	Worcester.
Dec. 1, . . . . .	Mabel Wallace Veazie, . . . . .	Mabel May, . . . . .	North Brookfield.
1, . . . . .	Nancy T. Stone, . . . . .	Nancy T. Stevens, . . . . .	Northborough.
15, . . . . .	— Wheelock, . . . . .	Arthur Willis Newell, . . . . .	Gardner.

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H A M P S H I R E C O U N T Y .

Feb. 3, . . . . .	Nellie Luden, . . . . .	Mary Eastman Buckman, . . . . .	Northampton.
June 9, . . . . .	Lola Frances Kennard, . . . . .	Frances L. Bridgman, . . . . .	Belchertown.
July 7, . . . . .	Francis Albert Hawkes, . . . . .	Frank Herbert Witherell, . . . . .	Pelham.

H A M P D E N C O U N T Y .

Mar. 3, . . . . .	Henry Francoeur,* . . . . .	Henry Fontaine, . . . . .	Northampton.
Apr. 7, . . . . .	Minnie Roberts,* . . . . .	Lucy Agnes Reed, . . . . .	Hartford, Ct.
7, . . . . .	Grace Emma Larkins,* . . . . .	Grace Emma Larkins Webber, . . . . .	Minneapolis, Minn.
May 5, . . . . .	John Frederick Gruendler,* . . . . .	John Frederic Buschman, . . . . .	Westfield.
5, . . . . .	Grace Taylor,* . . . . .	Grace Hunt Dawes, . . . . .	Northampton.

\* Names changed by reason of adoption.

HAMPDEN COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1874.</b>			
June 2, . . . . .	Lucy Jane Orcutt,*	Lucy Josephine Ames, . . . . .	Washington, Mass.
July 7, . . . . .	Mary Eleanor Emrich,*	Grace Evelyn Perry, . . . . .	Westfield.
Sept. 1, . . . . .	Louis Laplant, Jr.*	Louis Cummings, . . . . .	Springfield.
1, . . . . .	Annie Laplant,*	Annie Cummings, . . . . .	Springfield.
15, . . . . .	Mary Abbie Ingraham,*	Mary Abbie Miles, . . . . .	Greenwich, N. Y.
Oct. 6, . . . . .	Cora Etta Coleman,*	Cora Etta Howe, . . . . .	Springfield.
Dec. 1, . . . . .	Martha W. Blackwell,*	Martha B. Blackstone, . . . . .	Lake City, Minn.
15, . . . . .	Sulena Grover,*	Sulena Washington, . . . . .	Westfield.

FRANKLIN COUNTY.

Feb. 10, . . . . .	Cora F. Wilcox,*	Cora F. Gilman, . . . . .	Shelburne.
Mar. 3, . . . . .	Charles Whitney,*	Charles Andrew Moore,	New Salem.
3, . . . . .	Mary E. Watson,*	May E. Haynes, . . . . .	Charlemon.
3, . . . . .	Emma J. Ellor,*	Alice J. Dodge, . . . . .	Greenfield.
10, . . . . .	George M. Moore,*	George M. Mayo, . . . . .	Orange.
May 26, . . . . .	Amelia M. Streeter,*	Cora May Bond, . . . . .	Buckland.



June 2, . . . . .	Caroline Gould,* . . . . .	Caroline Emon, . . . . .	Montague.
2, . . . . .	Mary J. Gould,* . . . . .	Mary J. Saro, . . . . .	Montague.
2, . . . . .	Margaret Gould,* . . . . .	Margaret Levielle, . . . . .	Montague.
2, . . . . .	Willie Grant Wilcox,* . . . . .	Willie G. Underwood, . . . . .	Heath.
July 7, . . . . .	(Infant) Clark,* . . . . .	Lottie Graves Purrinton, . . . . .	Buckland.
7, . . . . .	(Infant) Clark,* . . . . .	Lula Salinia King, . . . . .	Buckland.
Sept. 8, . . . . .	Horace A. Dewey,* . . . . .	William Frederick Hough, . . . . .	Coleraine.

BERKSHIRE COUNTY.

Jan. 6, . . . . .	Marvin Dole, . . . . .	William Worth, . . . . .	Clarksburg.
8, . . . . .	Alice M. Clark, . . . . .	Alice M. Baker, . . . . .	North Adams.
May 5, . . . . .	Katie Jane Campbell, . . . . .	Katie Campbell Southwick, . . . . .	Adams.
6, . . . . .	Fanny E. Ingraham, . . . . .	Fanny E. Orton, . . . . .	Great Barrington.
June 2, . . . . .	Hannah Dickinson, . . . . .	Annie Dickinson Newton, . . . . .	Lanesborough.
July 23, . . . . .	William Hills, . . . . .	William Howard, . . . . .	Ad ms.

\* Names changed by reason of adoption.

## NORFOLK COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1874.</b>			
Jan. 7, . . . . .	William Percy Austin, . . . . .	Percy Austin, . . . . .	West Roxbury.
7, . . . . .	Gracie Carlson, . . . . .	Gracie Whiting, . . . . .	Hyde Park.
Feb. 25, . . . . .	Sarah Ann Lamb, . . . . .	Lillian Louise Bronsdon, . . . . .	Milton.
25, . . . . .	Agnes May, . . . . .	Mary Agnes O'Neil, . . . . .	Hyde Park.
Apr. 15, . . . . .	Asa Ansel Jones, . . . . .	Asa Jones Adams, . . . . .	Hyde Park.
15, . . . . .	Lewis Herbert Skinner, . . . . .	Lewis Herbert Hammond, . . . . .	Norfolk.
June 17, . . . . .	Ellely B. Folsey, . . . . .	Ellely B. Clark, . . . . .	Wrentham.
17, . . . . .	Elizabeth A. Folsey, . . . . .	Elizabeth A. Clark, . . . . .	Wrentham.
July 8, . . . . .	Effie Mabel Benson, . . . . .	Mabel Cooper Snow, . . . . .	Hyde Park.
22, . . . . .	Charles Francis Pero, . . . . .	Charles Pero Niles, . . . . .	Randolph.
Dec. 2, . . . . .	Annette Baldwin, . . . . .	Jennie Garside, . . . . .	Unknown.
23, . . . . .	Alice Maud Kaymes, . . . . .	Alice Maud Newton, . . . . .	Cambridge.

## BRISTOL COUNTY.

Jan. 2, . . . . .	John William Bradley, . . . . .	John William France, . . . . .	Fall River.
Feb. 6, . . . . .	Edith E. Dodge, . . . . .	Edith E. Cole, . . . . .	Nova Scotia.

# CHANGE OF NAMES.

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Feb. 6, . . .	Jenny Buffinton, . . .	Jenny Buffinton Ball, . . .	. . .	Fall River.
Mar. 6, . . .	Sarah Frances Gidley, . . .	Sarah Frances Royce, . . .	. . .	Dartmouth.
Apr. 17, . . .	Alice Maud Thompson, . . .	Mary Jane Day, . . .	. . .	Chesterfield, N. H.
July 10, . . .	Nameless, . . .	Sarah E. Cook, . . .	. . .	Fall River.
10, . . .	Annie A. Andrews, . . .	Annie A. Robinson, . . .	. . .	Tiverton.
10, . . .	Harriet S. Motsler, . . .	Harriet S. Ginnodo, . . .	. . .	Attleborough.
10, . . .	John G. Motsler, . . .	John G. Ginnodo, . . .	. . .	Attleborough.
10, . . .	Emma A. Washburn, . . .	Emma Sumner Green, . . .	. . .	Attleborough.
Sept. 4, . . .	Nameless, . . .	Jane E. Read, . . .	. . .	Dartmouth.
4, . . .	William Edward Coffin, . . .	Edward William Gifford, . . .	. . .	New Bedford.
Nov. 6, . . .	Nameless, . . .	Mabel Frances Gurney, . . .	. . .	Fairhaven.
6, . . .	Engene Herbert Albro, . . .	Engene Herbert Cornell, . . .	. . .	New Bedford.
6, . . .	Nameless, . . .	Elisa Annie Butts, . . .	. . .	Fall River.
Dec. 4, . . .	Betsey Ann Maria Carr, . . .	Annie Maria Carr Rounds, . . .	. . .	Fall River.
PLYMOUTH COUNTY.				
Jan. 10, . . .	Lizzie S. Holmes,* . . .	Fanny L. Hodge, . . .	. . .	Plymouth.
Feb. 9, . . .	Delbert E. Thompson,* . . .	George D. Deane, . . .	. . .	Marion.
Apr. 13, . . .	Isaac M. Rashkowsky, . . .	Isaac Marks, . . .	. . .	Rockland.

\* Names changed by reason of adoption.

PLYMOUTH COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1874.</b>			
May 25, . . . . .	Aby Fisher,*	Katie L. Drew, . . . . .	Kingston.
25, . . . . .	Zina Cochran,*	Zina Cannaway, . . . . .	Rockland.
25, . . . . .	— Roper,*	William F. Meserve, . . . . .	Abington.
Dec. 14, . . . . .	Edith H. Lincoln,*	Edith H. L. Hersey, . . . . .	Hingham.
14, . . . . .	Sarah E. Whitney,*	Sarah E. Denham, . . . . .	Mattapoisett.
14, . . . . .	Etta Hiller,*	Etta Norvell, . . . . .	Middleborough.
28, . . . . .	Albert Kurz,*	Albert O. Nichols, . . . . .	Plymouth.
BARNSTABLE COUNTY.			
June 16, . . . . .	Lacy P. Bangs, . . . . .	Lizzie Gertrude Myrick, . . . . .	Provincetown.
Oct. 29, . . . . .	Nehemiah Harding Fisher, . . . . .	Irving Harrison Fisher, . . . . .	Provincetown.
NANTUCKET COUNTY.			
Mar. 12, . . . . .	Cora Francis, . . . . .	Cora M. Sandsbury, . . . . .	Nantucket.

\* Names changed by reason of adoption.

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THE  
CIVIL GOVERNMENT  
OF THE  
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR  
THE POLITICAL YEAR

1875.

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# EXECUTIVE DEPARTMENT.

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HIS EXCELLENCY

WILLIAM GASTON,  
GOVERNOR.

GEORGE H. CAMPBELL, . . . . . *Private Secretary.*

---

HIS HONOR

HORATIO G. KNIGHT,  
LIEUTENANT-GOVERNOR.

---

## COUNCIL—(BY DISTRICTS).

I.—JOSEPH K. BAKER.  
II.—SETH TURNER.  
III.—ALDEN LELAND.  
IV.—EDWARD H. DUNN.

V.—ROBERT COUCH.  
VI.—GEORGE O. BRASTOW.  
VII.—GEORGE WHITNEY.  
VIII.—E. H. BREWSTER.

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OLIVER WARNER,

SECRETARY OF THE COMMONWEALTH.

BENJAMIN C. PIPER, *1st Clerk.*

HENRY J. COOLIDGE, *2d Clerk.*

CHARLES ADAMS, JR.,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.*

ARTEMAS HARMON, *2d Clerk.*

CHARLES ENDICOTT,

AUDITOR.

EDWARD S. DAVIS, *1st Clerk.*

AUGUSTUS BROWN, *2d Clerk.*

CHARLES R. TRAIN,

ATTORNEY-GENERAL.

WILLIAM G. COLBURN, . . . . . *Assistant Attorney-General.*

# LEGISLATIVE DEPARTMENT.

## GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

## SENATE.

*President*—GEORGE B. LORING.

District.	Name of Senator.	Residence.
First Suffolk, . .	Eustace C. Fitz, . .	Chelsea.
Second " . .	Timothy J. Dacey, . .	Boston.
Third " . .	M. J. Flatley, . .	Boston.
Fourth " . .	Francis D. Stedman, . .	Boston.
Fifth " . .	Jonathan A. Lane, . .	Boston.
Sixth " . .	Hugh J. Toland, . .	Boston.
First Essex, . .	Thomas Ingalls, . .	Marblehead.
Second " . .	George B. Loring, . .	Salem.
Third " . .	George L. Davis, . .	North Andover.
Fourth " . .	Zenas C. Wardwell, . .	Groveland.
Fifth " . .	Charles Fitz, . .	Manchester.
First Middlesex, . .	Robert R. Wiley, . .	Charlestown.
Second " . .	Christopher E. Rymes, . .	Somerville.
Third " . .	Ezra Parmenter, . .	Cambridge.
Fourth " . .	Ezra D. Winslow, . .	Newton.
Fifth " . .	Joseph A. Harwood, . .	Littleton.

District.	Name of Senator.	Residence.
Sixth Middlesex,	Richard Britton,	Wakefield.
Seventh “	William E. Livingston,	Lowell.
First Worcester,	George F. Verry,	Worcester.
Second “	Jeremial Gatchell,	Blackstone.
Third “	Washington Tufts,	Brookfield.
Fourth “	Moses O. Ayres,	Oakham.
Fifth “	C. H. B. Snow,	Fitchburg.
First Hampden,	Henry S. Hyde,	Springfield.
Second “	Henry Fuller,	Westfield.
Hampshire,	Francis Edson,	Hadley.
Franklin,	Andrew J. Clark,	Orange.
Berkshire,	William H. Phillips,	Pittsfield.
Berksh'e & Hampsh'e,	Lysander J. Orcutt,	Cummington.
First Norfolk,	Albert Palmer,	Boston.
Second “	Henry Smith,	Boston.
Third “	J. White Belcher,	Randolph.
First Plymouth,	Tisdale S. White,	Plymouth.
Second “	Henry W. Robinson,	Brockton.
Norfolk & Plymouth,	E. A. Hunt,	Weymouth.
First Bristol,	W. C. Lovering,	Taunton.
Second “	John A. Hawes,	Fairhaven.
Third “	Jonathan Jones,	Berkley.
Cape	Thomas N. Stone,	Wellfleet.
Island	Ezra C. Howard,	Sandwich.

STEPHEN N. GIFFORD, *Clerk.*GEORGE F. WARREN, *Chaplain.*  
O. F. MITCHELL, *Sergeant-at-Arms.*



## HOUSE OF REPRESENTATIVES.

*Speaker*—JOHN E. SANFORD.

## COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Nathaniel Seaver, . Dexter A. Tompkins, . Daniel J. Sweeney, .	Boston. Boston. Boston.
2d,	Boston, Ward 2,	{ Patrick Collins, . Michael Carney, . Neil Doherty, .	Boston. Boston. Boston.
3d,	Boston, Ward 3,	{ George P. Kingsley, . Nathaniel J. Rust, . James L. Locke, .	Boston. Boston. Boston.
4th,	Boston, Ward 4,	{ Charles Hale, . . . Samuel Talbot, Jr., . John H. Woodbury,	Boston. Boston. Boston.
5th,	Boston, Ward 5,	{ Francis M. Hughes, . Edward B. Rankin, . Horace L. Bowker, .	Boston. Boston. Boston.
6th,	Boston, Ward 6,	{ Charles R. Codman, . William E. Perkins, . John T. Morse, Jr., .	Boston. Boston. Boston.
7th,	Boston, Ward 7,	{ Thos. F. Fitz Gerald, . John B. Martin, . James T. Mahony, .	Boston. Boston. Boston.
8th,	Boston, Ward 8,	{ Amasa W. Bailey, . . Daniel Noonan, . . William Woods, . .	Boston. Boston. Boston.
9th,	Boston, Ward 9,	{ Moses Kimball, . . William Frost, . .	Boston. Boston.
10th,	Boston, Ward 10,	{ John J. McNutt, . . Joseph F. Paul, . .	Boston. Boston.

HOUSE OF REPRESENTATIVES.

SUFFOLK COUNTY—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, .	{ Richard H. Stearns, William B. Merrill, . Wallace F. Robinson,	Boston. Boston. Boston.
12th,	Boston, Ward 12, .	{ Richard Pope, . Thomas Johnson, .	Boston. Boston.
13th,	{ Chelsea, . . . Revere, . . . Winthrop, . . .	{ Isaac Stebbins, . Charles A. Rogers, . Henry T. Holmes, .	Chelsea. Chelsea. Chelsea.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . Amesbury, . . . West Newbury, . . .	{ Charles M. Brown, . William Chase, .	Salisbury. Amesbury.
2d,	{ Haverhill, . . . Bradford, . . .	{ William E. Blunt, . James H. Carleton, . Benj. F. Leighton, .	Haverhill. Haverhill. Haverhill.
3d,	{ Lawrence, . . . Methuen, . . .	{ William S. Knox, . Byron Truell, . . Ebenezer Sawyer, .	Lawrence. Lawrence. Methuen.
4th,	{ Andover, . . . North Andover, . . .	{ John L. Smith, .	Andover.
5th,	{ Georgetown, . . . Groveland, . . . Boxford, . . .	{ Daniel P. Hopkinson,	Groveland.
6th,	{ Newburyport, . . . Newbury, . . .	{ Ben C. Currier, . Michael Atkinson, . Daniel D. Bailey, .	Newburyport. Newburyport. Newbury.
7th,	{ Ipswich, . . . Rowley, . . .	{ John H. Blake, .	Ipswich.
8th,	{ Gloucester, . . . Essex, . . .	{ John J. Babson, . Charles H. Pew, 2d, Epes Davis, . . .	Gloucester. Gloucester. Gloucester.
9th,	Rockport, . . .	{ Henry Dennis, Jr., .	Rockport.
10th,	{ Beverly, . . . Manchester, . . . Hamilton, . . .	{ John I. Baker, . . . John H. Woodbury,	Beverly. Beverly.

COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	{ Danvers, . . . } { Wenham, . . . }	John L. Robinson, .	Wenham.
12th,	Peabody, . . .	Stephen F. Blaney, .	Peabody.
13th,	{ Salem, Wards 1, 2 } { and 3, . . . }	Willard P. Phillips, . Charles S. Osgood, .	Salem. Salem.
14th,	Salem, Wards 4 and 6,	John H. Bell, . . .	Salem.
15th,	{ Marblehead, and } { Ward 5, Salem, . }	William B. Howard, Harrison Closson,* .	Marblehead. Marblehead.
16th,	{ Lynn, Ward 4, and } { Nahant, . . . }	Edward J. Johnson,	Nahant.
17th,	Lynn, Wards 2 and 5,	Nathan M. Hawkes,	Lynn.
18th	{ Lynn, Ward 3, and } { Swampscott, . . }	John C. Stimpson, .	Swampscott.
19th,	{ Lynn, Wards 1, 6 } { and 7, . . . }	W. Stanley Newhall,	Lynn.
20th,	{ Saugus, . . . } { Lynnfield, . . . } { Middleton, . . . } { Topsfield, . . . }	John H. Potter, † .	Topsfield.

COUNTY OF MIDDLESEX.

1st,	Charlest'n, W'd 1, †	James A. McDonald,	Boston.
2d,	Charlest'n, W'd 2, † {	John D. Flynn, . . . John Sanborn, . . .	Boston. Boston.
3d,	Charlest'n, W'd 3, † {	Joseph W. Hill, . . . Samuel R. Brintnal,	Boston. Boston.
4th,	{ Somerville, . . . } { Malden, § . . . }	James Pierce, . . . John A. Cummings, Selwyn Z. Bowman,	Malden. Somerville. Somerville.
5th,	Medford, . . .	Daniel W. Lawrence,	Medford.

\* Seat contested and given to Wm. A. Haskell, of Marblehead.

† Seat contested and given to Salmon D. Hood of Topsfield.

‡ Annexed to Boston in 1873. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

§ Town of Everett incorporated March 9, 1870, embracing a portion of the town of Malden. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF MIDDLESEX—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Arlington, . . . } { Winchester, . . . }	A. B. Coffin, . . .	Winchester.
7th,	{ Cambridge, Ward 1, } { " " Ward 5, }	Levi L. Cushing, Jr.,	Cambridge.
8th,	{ Cambridge, Ward 2, } { " " Ward 4, }	Daniel H. Thurston, Austin C. Wellington, Edward Kendall, . . .	Cambridge. Cambridge. Cambridge.
9th,	Cambridge, Ward 3,	Jerem'h W. Coveney,	Cambridge.
10th,	{ Newton, . . . } { Brighton,* . . . }	Isaac T. Burr, . . . Isaac Pratt, Jr., . . .	Newton. Boston.
11th,	{ Watertown, . . . } { Belmont, . . . }	Franklin G. Morris, .	Watertown.
12th,	Waltham, . . .	William E. Bright, .	Waltham.
13th,	Natick, . . .	John B. Fairbanks, .	Natick.
14th,	{ Holliston, . . . } { Sherborn, . . . }	Lowell Coolidge, .	Sherborn.
15th,	{ Hopkinton, . . . } { Ashland, . . . }	Clement Meserve, .	Hopkinton.
16th,	Framingham, . . .	George Haven, . . .	Framingham.
17th,	Marlborough, . . .	Francis C. Curtis, .	Marlborough.
18th,	{ Hudson, . . . } { Stow,† . . . } { Boxborough, . . . } { Littleton, . . . }	Wilbur F. Brigham,	Hudson.
19th,	{ Acton, . . . } { Sudbury,† . . . } { Wayland, . . . }	William H. Bent, . . .	Wayland.
20th,	{ Concord, . . . } { Lincoln, . . . } { Weston, . . . }	George Heywood, . . .	Concord.

\* Annexed to Boston in 1873. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Town of Maynard incorporated April 19, 1871, embracing portions of the towns of Stow and Sudbury. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

# HOUSE OF REPRESENTATIVES.

## COUNTY OF MIDDLESEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Lexington, . . . } Bedford, . . . } Burlington, . . . } Carlisle, . . . }	William Winn, .	Burlington.
22d,	Woburn, . . .	Walter Wyman, .	Woburn.
23d,	{ Stoneham, . . . } Wakefield, . . . } Melrose, . . . }	Elbridge H. Goss, . John Best, . . .	Melrose. Stoneham.
24th,	{ Reading, . . . } North Reading, . . . } Wilmington, . . . }	Augustine P. Cook, .	No. Reading.
25th,	{ Chelmsford, . . . } Billerica, . . . } Tewksbury, . . . }	Albert J. Trull, .	Tewksbury.
26th,	{ Lowell, Ward 1, . . . } " Ward 2, . . . } " Ward 6, . . . }	Artemas S. Tyler, . Charles A. F. Swan,	Lowell. Lowell.
27th,	Lowell, Ward 3, .	James E. Hill, . .	Lowell.
28th,	Lowell, Ward 4, .	Joel Knapp, . . .	Lowell.
29th,	Lowell, Ward 5, .	Cyrus K. Russell, .	Lowell.
30th,	{ Draeut, . . . . } Tyngsborough, . . . } Dunstable, . . . } Westford, . . . }	Gayton M. Hall, .	Draeut.
31st,	{ Groton,* . . . . } Pepperell, . . . }	E. Crosby Willard, .	Ayer.
32d,	{ Townsend, . . . . } Ashby, . . . . } Shirley,* . . . . }	E. E. Spaulding, .	Townsend.

## COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } Winchendon, . . . }	Wilbur F. Whitney,	Ashburnham.
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\* Town of Ayer incorporated February 14, 1871, embracing portions of the towns of Groton and Shirley. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF WORCESTER—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Royalston, . . . } { Athol, . . . }	Edwin Ellis, . . .	Athol.
3d,	{ Gardner, . . . } { Templeton, . . . }	Edward Sanderson, . .	Templeton.
4th,	{ Petersham, . . . } { Dana, . . . } { Phillipston, . . . } { Hubbardston, . . . } { Barre, . . . } { Hardwick, . . . } { New Braintree, . . . }	Henry S. Miner, . . . Albert E. Rice, . . .	Phillipston. Barre.
5th,	{ Westminster, . . . } { Fitchburg, . . . } { Lunenburg, . . . } { Leominster, . . . }	George Hall, . . . Amos B. Holden, . . . F. S. Coolidge, . . .	Leominster. Westminster. Westminster.
6th,	{ Lancaster, . . . } { Bolton, . . . } { Harvard, . . . }	J. C. Richmond, . . .	Harvard.
7th,	{ Clinton, . . . } { Berlin, . . . } { Northborough, . . . }	John C. Bickford, . .	Berlin.
8th,	{ Sterling, . . . } { West Boylston, . . . } { Boylston, . . . }	Moses B. Heywood, . .	Sterling.
9th,	{ Rutland, . . . } { Holden, . . . } { Princeton, . . . } { Oakham, . . . }	Joseph Fobes, . . .	Oakham.
10th,	{ Worcester, Ward 1, } { " Ward 2, } { " Ward 3, } { " Ward 8, } { Paxton, . . . }	William W. Rice, . . . Samuel R. Heywood, . . Enoch H. Towne, . . .	Worcester Worcester. Worcester.
11th,	{ Worcester, Ward 4, } { " Ward 5, } { " Ward 6, } { " Ward 7, }	Andrew Athy, . . . James E. Estabrook, . . Osgood Bradley, Jr, . .	Worcester. Worcester. Worcester.
12th,	{ Grafton, . . . } { Shrewsbury, . . . }	Thomas T. Griggs, . .	Grafton.

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
13th,	{ Westborough, . . } { Southborough, . . }	Reuben Boynton, .	Westborough.
14th,	{ Northbridge, . . } { Upton, . . . . }	Cyrus F. Baker, .	Northbridge.
15th,	{ Milford, . . . . }	Albert Smith, . .	Blackstone.
	{ Mendon, . . . . }	James Bergin, . .	Milford.
	{ Blackstone, . . }	Albert W. Gaskill, .	Mendon.
	{ Uxbridge, . . . . }		
16th,	{ Douglas, . . . . }	M. M. Hovey, . .	Sutton.
	{ Webster, . . . . }	C. W. Duggan, . .	Millbury.
	{ Dudley, . . . . }	E. F. Smith, . .	Dudley.
	{ Oxford, . . . . }		
	{ Sutton, . . . . }		
	{ Millbury, . . . . }		
17th,	{ Auburn, . . . . }	Pliny T. Litchfield, .	Southbridge.
	{ Leicester, . . . . }	Samuel May, . .	Leicester.
	{ Spencer, . . . . }		
	{ Charlton, . . . . }		
	{ Southbridge, . . }		
18th,	{ Sturbridge, . . . }	Charles B. Sanford, .	W. Brookfield.
	{ Brookfield, . . . }	George T. Lincoln, .	Sturbridge.
	{ North Brookfield, . }		
	{ West Brookfield, . }		
	{ Warren, . . . . }		

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . }	William M. Gaylord,	Northampton.
	{ Huntington, . . . }	Isaac Stone, . . .	Northampton.
	{ Northampton, . . }		
	{ Southampton, . . }		
	{ Westhampton, . . }		
2d,	{ Chesterfield, . . }	Lafayette Stevens, .	Worthington.
	{ Cummington, . . }		
	{ Goshen, . . . . }		
	{ Middlefield, . . }		
	{ Plainfield, . . . }		
	{ Worthington, . . }		
3d,	{ Hadley, . . . . }	Henry L. James, .	Williamsburg.
	{ Hatfield, . . . . }		
	{ Williamsburg, . . }		

## HOUSE OF REPRESENTATIVES.

## COUNTY OF HAMPSHIRE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Amherst, . . . South Hadley, . . }	James W. Gaylord, .	South Hadley.
5th,	{ Belchertown, . . . Granby, . . . Pelham, . . . }	Wm. E. Bridgman, .	Belchertown.
6th,	{ Enfield, . . . Greenwich, . . . Prescott, . . . Ware, . . . }	Benjamin F. Davis, .	Enfield.

## COUNTY OF HAMPDEN.

1st,	{ Monson, . . . Brimfield, . . . Holland, . . . Wales, . . . }	Daniel G. Green, .	Monson.
2d,	{ Palmer, . . . Wilbraham, . . . }	Charles L. Gardner,	Palmer.
3d,	{ Springfield, Ward 1, " Ward 2, " Ward 3, }	Charles L. Shaw, . T. D. Beach, . .	Springfield. Springfield.
4th,	{ Springfield, Ward 4, " Ward 6, }	James Abbe, . .	Springfield.
5th,	{ Springfield, Ward 5, " Ward 7, " Ward 8, }	A. M. Copeland, .	Springfield.
6th,	{ Holyoke, . . . Chicopee, . . . Ludlow, . . . }	Jacob W. Davis, S. A. Jacobs, . .	Holyoke. Chicopee.
7th,	{ Granville, . . . Southwick, . . . Agawam, . . . West Springfield, . . Longmeadow, . . }	Emerson Geer, Samuel Flower, .	W.Springfield. Agawam.
8th,	Westfield, . . .	Reuben Noble, . .	Westfield.
9th,	{ Chester, . . . Blandford, . . . Montgomery, . . . Russell, . . . Tolland, . . . }	Edward E. Gibbs, .	Russell.



COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	Willard Putnam, .	N. Salem.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	Sylvester W. Bowen,	Wendell.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	Charles H. Greene, . William Keith, .	Northfield. Greenfield.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	Frederick G Howes, George W. Jones, .	Ashfield. Deerfield.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Edmond M. Vincent,	Heath.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Joseph White, .	Williamstown.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	James W. Dwyer, . William Martin, .	Adams. Adams.
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	Thomas F. Plunkett, Owen Coogan, .	Pittsfield. Pittsfield.

## COUNTY OF BERKSHIRE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . Hinsdale, . . . Peru, . . . Washington, . . . Windsor, . . . }	Alanson B. Pomeroy,	Washington.
5th,	{ Lenox, . . . Stockbridge, . . . West Stockbridge, . . }	William D. Curtis, .	Lenox.
6th,	{ Lee, . . . Monterey, . . . Otis, . . . Tyringham, . . . }	Edward S. May, .	Lee.
7th,	{ Alford, . . . Egremont, . . . Great Barrington, . . Mount Washington, }	John M. Seeley, .	Gt. Barrington.
8th,	{ New Marlborough, Sandisfield, . . . Sheffield, . . . }	Henry M. Wilcox, .	Sandisfield.

## COUNTY OF NORFOLK.

1st,	Dedham,* § . . .	Lewis Day, . . .	Norwood.
2d,	West Roxbury,† . .	Joseph S. Ropes, .	Boston.
3d,	{ Roxbury,‡ Ward 2, " Ward 3, " Ward 4, " Ward 5, }	William S. King, . Henry W. Fuller, . Ebenezer Adams, .	Boston. Boston. Boston.
4th,	Roxbury, Ward 1, . .	Austin H. Connell, .	Boston.
5th,	Dorchester,* . . .	{ Fred'k P. Moseley, . Gardn'r A. Churchill, .	Boston. Boston.
6th,	Quincy, . . . . .	William A. Hodges,	Quincy.

\* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11; Dorchester annexed to Boston in 1869. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Annexed to Boston in 1873. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

‡ Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

§ Town of Norwood incorporated February 23, 1872, embracing portions of Dedham and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
7th,	Braintree, . .	Cranmore N. Wallace,	Braintree.
8th,	Weymouth, . .	{ George L. Newton, . George W. Dyer, .	Weymouth. Weymouth.
9th,	Randolph,* . .	E. Everett Holbrook,	Holbrook.
10th,	Stoughton, . .	Leonard A. Thayer, .	Stoughton.
11th,	{ Canton, . . . Milton, † . . . Walpole, ‡ . . . Sharon, . . .	Edward L. Pierce, . Samuel Allen, . .	Milton. Walpole.
12th,	{ Foxborough, . . . Wrentham, † . . . Medway, ‡ . . .	George M. Warren, . Wm. A. Thompson, .	Wrentham. Foxborough.
13th,	{ Franklin, † . . . Bellingham, . . .	Joseph T. Massey, .	Bellingham.
14th,	{ Needham, . . . Medfield, . . . Dover, . . .	Joseph H. Baker, .	Medfield.
15th,	Brookline, . .	Moses Williams, Jr.,	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	Felix G. Whitney, .	Attleborough.
2d,	{ Mansfield, . . . Norton, . . .	David E. Harding, .	Mansfield.
3d,	{ Easton, . . . Raynham, . . .	Alpheus Fobes, .	Easton.
4th,	Taunton, . . .	{ John E. Sanford, . Cyrus Savage, . . Fred'k L. Bosworth,	Taunton. Taunton. Taunton.

\* Town of Holbrook incorporated February 29, 1872, embracing a portion of the town of Randolph. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

‡ Town of Norfolk incorporated February 23, 1870, embracing portions of Wrentham, Franklin, Medway and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BRISTOL—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . } { Rehoboth, . . . } { Dighton, . . . } { Berkley, . . . }	Thomas Rich, . . .	Seekonk.
6th,	{ Somerset, . . . } { Swansea, . . . } { Freetown, . . . }	Nathan M. Wood, . . .	Swansea.
7th,	Fall River, . . .	{ Southard H. Miller, . . . } { William Carroll, . . . } { Nicholas Hatheway, . . . }	Fall River. Fall River. Fall River.
8th,	Westport, . . .	Benjamin Gifford, . . .	Westport.
9th,	Dartmouth, . . .	Abraham H. Smith, . . .	Dartmouth.
10th,	{ New Bedford, W'ds } { 1, 2 and 3, . . . }	Chas. M. Peirce, Jr., . . . Jos. Buckminster,* . . .	New Bedford. New Bedford.
11th,	{ New Bedford, W'ds } { 4, 5 and 6, . . . }	Chas. R. Tucker, Jr., . . . Giles G. Barker, . . .	New Bedford. New Bedford.
12th,	{ Fairhaven, . . . } { Acushnet, . . . }	Daniel J. Lewis, . . .	Fairhaven.

## COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . } { Scituate, . . . }	George Beal, . . .	Cohasset.
2d,	{ Hingham, . . . } { Hull, . . . }	John D. Long, . . .	Hingham.
3d,	{ South Scituate, . . . } { Hanover, . . . } { Hanson, . . . }	George H. Torrey, . . .	So. Scituate.
4th,	{ Marshfield, . . . } { Pembroke, . . . } { Halifax, . . . }	Harrison D. Packard, . . .	Halifax.
5th,	{ Duxbury, . . . } { Kingston, . . . }	Stephen M. Allen, . . .	Duxbury.

\* Seat contested and given to Frederick P. Shaw of New Bedford.

HOUSE OF REPRESENTATIVES.

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COUNTY OF PLYMOUTH—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
6th,	{ Plymouth, . . . } Carver, . . . } Plympton, . . . }	Stephen C. Phinney, Isaiah Churchill, .	Plymouth. Plympton.
7th,	{ Wareham, . . . } Marion, . . . }	John Savery, . .	Wareham.
8th,	{ Mattapoisett, . . } Rochester, . . . } Lakeville, . . . }	John S. Ryder, .	Rochester.
9th,	Middleborough, .	John B. Le Baron, .	Middleboro'.
10th,	{ Bridgewater, . . } West Bridgewater, }	Philo Keith, . .	Bridgewater.
11th,	{ East Bridgewater, . } Brockton,* . . . }	Ziba C. Keith, . . Isaac N. Nutter, .	Brockton. E. Bridgew'r.
12th,	Abington,† . . . {	George W. Reed, . . Dexter Grose, . . }	Abington. Abington.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable,‡ . . . } Sandwich, . . . } Falmouth, . . . } Yarmouth, . . . }	Levi L. Goodspeed, Joshua C. Robinson, Isaac N. Keith, . .	Barnstable. Falmouth. Sandwich.
2d,	{ Dennis, . . . } Harwich, . . . } Brewster, . . . }	George D. Smalley, Luther Fisk, . . .	Harwich. Dennis.
3d,	{ Chatham, . . . } Orleans, . . . }	Solomon E. Hallett, .	Chatham.
4th,	{ Eastham, . . . } Wellfleet, . . . } Truro, . . . } Provincetown, . . }	Isaiah A. Small, . . Edward W. Noble, .	Provincetown. Truro.

\* Name of North Bridgewater changed to Brockton, by Act approved March 28, 1874.

† Town of Rockland incorporated March 9, 1874, embracing portions of Abington.

‡ Town of Mashpee incorporated May 28, 1870, embracing the territory in Barnstable County known as the District of Marshpee. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Town.	Name of Representative.	Residence.					
One,	<table border="0"> <tr> <td rowspan="4" style="font-size: 3em; vertical-align: middle;">{</td> <td>Edgartown, . . .</td> </tr> <tr> <td>Tisbury, . . .</td> </tr> <tr> <td>Chilmark,* . . .</td> </tr> <tr> <td>Gosnold, . . .</td> </tr> </table>	{	Edgartown, . . .	Tisbury, . . .	Chilmark,* . . .	Gosnold, . . .	Beriah T. Hillman, .	Chilmark.
{	Edgartown, . . .							
	Tisbury, . . .							
	Chilmark,* . . .							
	Gosnold, . . .							

COUNTY OF NANTUCKET.

One,	Nantucket, . . .	Joseph Mitchell, 2d,	Nantucket.
------	------------------	----------------------	------------

<p>GEORGE A. MARDEN, <i>Clerk.</i></p>	<p>O. F. MITCHELL, <i>Serg't-at-Arms.</i> ROBT G. SEYMOUR, <i>Chaplain.</i></p>
--	---

\* Town of Gay Head incorporated April 30, 1870, embracing the territory in Dukes County known as the District of Gay Head. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

# JUDICIAL DEPARTMENT.

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## SUPREME JUDICIAL COURT.

### CHIEF JUSTICE.

HORACE GRAY, . . . . of *Boston.*

### ASSOCIATE JUSTICES.

JOHN WELLS, . . . . of *Brookline.*  
JAMES D. COLT, . . . . of *Pittsfield.*  
SETH AMES, . . . . of *Brookline.*  
MARCUS MORTON, . . . . of *Andover.*  
WILLIAM C. ENDICOTT, . . . . of *Salem.*  
CHARLES DEVENS, JR., . . . . of *Worcester.*

---

## SUPERIOR COURT.

### CHIEF JUSTICE.

LINCOLN F. BRIGHAM, . . . . of *Salem.*

### ASSOCIATE JUSTICES.

JULIUS ROCKWELL, . . . . of *Lenox.*  
OTIS P. LORD, . . . . of *Salem.*  
EZRA WILKINSON, . . . . of *Dedham.*  
JOHN P. PUTNAM, . . . . of *Boston.*  
FRANCIS H. DEWEY, . . . . of *Worcester.*  
ROBERT C. PITMAN, . . . . of *New Bedford.*  
JOHN W. BACON, . . . . of *Natick.*  
WILLIAM ALLEN, . . . . of *Northampton.*  
P. EMORY ALDRICH, . . . . of *Worcester.*  
WALDO COLBURN,\* . . . . of *Dedham.*

\* Acts of 1875, chap. 230.

## JUDICIAL DEPARTMENT.

## JUDGES OF PROBATE AND INSOLVENCY.

ISAAC AMES, Boston, . . . . .	SUFFOLK.
GEORGE F. CHOATE, Salem, . . . . .	ESSEX.
GEORGE M. BROOKS, Concord, . . . . .	MIDDLESEX.
HENRY CHAPIN, Worcester, . . . . .	WORCESTER.
SAMUEL T. SPAULDING, Northampton, . . . . .	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield, . . . . .	HAMPDEN.
CHESTER C. CONANT, 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.
JOSEPH T. PEASE, Edgartown, . . . . .	DUKES.
THADDEUS C. DEFRIEZ, Nantucket, . . . . .	NANTUCKET.

## REGISTERS OF PROBATE AND INSOLVENCY.

PATRICK R. GUINEY, Boston, . . . . .	SUFFOLK.
ABNER C. GOODELL, Salem, . . . . .	ESSEX.
JOSEPH H. TYLER, Cambridge, . . . . .	MIDDLESEX.
CHARLES E. STEVENS, Worcester, . . . . .	WORCESTER.
LUKE LYMAN, Northampton, . . . . .	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield, . . . . .	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield, . . . . .	FRANKLIN.
ANDREW J. WATERMAN, Lenox, . . . . .	BERKSHIRE.
JONATHAN H. COBB, Dedham, . . . . .	NORFOLK.
DANIEL E. DAMON, Plymouth, . . . . .	PLYMOUTH.
WILLIAM E. FULLER, Taunton, . . . . .	BRISTOL.
CHARLES THACHER, 2d, Yarmouth, . . . . .	BARNSTABLE.
HEBRON VINCENT, Edgartown, . . . . .	DUKES.
SAMUEL SWAIN, Nantucket, . . . . .	NANTUCKET.

## DISTRICT-ATTORNEYS.

OLIVER STEVENS, Boston, . . . . .	SUFFOLK.
GEORGE STEVENS, Lowell, . . . . .	NORTHERN.
EDGAR J. SHERMAN, Lawrence, . . . . .	EASTERN.
ASA FRENCH, Braintree, . . . . .	SOUTH-EASTERN.
GEORGE MARSTON, New Bedford, . . . . .	SOUTHERN.
HAMILTON B. STAPLES, Worcester, . . . . .	MIDDLE.
EDWARD H. LATHROP, Springfield, . . . . .	WESTERN.
SAMUEL T. FIELD, Shelburne, . . . . .	NORTH-WESTERN.



SHERIFFS.

JOHN M. CLARK, Boston, . . . . .	SUFFOLK.
HORATIO G. HERRICK, Lawrence, . . . . .	ESSEX.
CHARLES KIMBALL, Lowell, . . . . .	MIDDLESEX.
AUGUSTUS B. R. SPRAGUE, Worcester, . . . . .	WORCESTER.
HENRY A. LONGLEY, Northampton, . . . . .	HAMPSHIRE.
ADDISON M. BRADLEY, Springfield, . . . . .	HAMPDEN.
SOLOMON C. WELLS, Greenfield, . . . . .	FRANKLIN.
GRAHAM A. ROOT, Pittsfield, . . . . .	BERKSHIRE.
JOHN W. THOMAS, Dedham, . . . . .	NORFOLK.
WILLIAM S. COBB, New Bedford, . . . . .	BRISTOL.
JAMES BATES, Plymouth, . . . . .	PLYMOUTH.
DAVID BURSLEY, Barnstable, . . . . .	BARNSTABLE.
FRANCIS C. SMITH, Edgartown, . . . . .	DUKES.
JOSIAH F. BARRETT, 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., . . . . .	
JOHN P. MANNING, Boston, Criminal T., . . . . .	} SUFFOLK.
ALFRED A. ABBOTT, Peabody, . . . . .	
THEODORE C. HURD, Framingham, . . . . .	MIDDLESEX.
JOSEPH MASON, Worcester, . . . . .	WORCESTER.
WILLIAM P. STRICKLAND, Northampton, . . . . .	HAMPSHIRE.
ROBERT O. MORRIS, Springfield, . . . . .	HAMPDEN.
EDWARD E. LYMAN, Greenfield, . . . . .	FRANKLIN.
HENRY W. TAFT, Pittsfield, . . . . .	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham, . . . . .	NORFOLK.
SIMEON BORDEN, Fall River, . . . . .	BRISTOL.
WILLIAM H. WHITMAN, Plymouth, . . . . .	PLYMOUTH.
JAMES B. CROCKER, Yarmouth, . . . . .	BARNSTABLE.
SAMUEL KENISTON, Jr., Edgartown, . . . . .	DUKES.
GEORGE W. JENKS, Nantucket, . . . . .	NANTUCKET.

## MEMBERS OF THE FORTY-FOURTH CONGRESS.

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[The Commonwealth as districted for members of Congress, Acts of 1872, Chap. 300.]

---

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GEORGE S. BOUTWELL, . . . *of Groton.*  
 HENRY L. DAWES, . . . *of Pittsfield.*

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 III.—HENRY L. PIERCE, . . . *of Boston.*  
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 VIII.—WILLIAM WIRT WARREN, . . . *of Boston.*  
 IX.—GEORGE F. HOAR, . . . *of Worcester.*  
 X.—JULIUS H. SEELYE, . . . *of Amherst.*  
 XI.—CHESTER W. CHAPIN, . . . *of Springfield.*

\* Deceased, vacancy not filled.

Commonwealth of Massachusetts.

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SECRETARY'S DEPARTMENT, BOSTON, }  
June 15, 1875. }

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.*



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