

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1879,

TOGETHER WITH

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

PUBLISHED BY THE

SECRETARY OF THE COMMONWEALTH.



BOSTON:

Band, Aberg, & Co., Printers to the Commonwealth,

117 FRANKLIN STREET.

1879.

A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

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

Objects of government.

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

Body politic,
how formed.
Its nature.

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

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

PART THE FIRST.

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

Equality and natural rights of all men.

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

Right and duty of public religious worship.

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

Protection therein.

Amendment, Art. XI., substituted for this.

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

Legislature empowered to compel provision for public worship;

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

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

and to enjoin attendance thereon.

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

Exclusive right of electing religious teachers secured.

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

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

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

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

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

Right of self-government secured.

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

Accountability of all officers, &c.

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

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

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

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

Right of people
to secure rota-
tion 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 office.

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

Right of protec-
tion 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 found-
ed on consent.

Private prop-
erty not to be
taken for pub-
lic uses with-
out, &c.

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

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

Prosecutions
regulated.

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

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 otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

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

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

Liberty of the press.

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

Right to keep and bear arms. Standing armies dangerous.

Military power subordinate to civil.

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

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

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.

PART THE SECOND.

The Frame of Government.

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

Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

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

Legislative department.

The legislative body [shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved

See amendments, Art. X.

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, notwithstanding.

See amendments, Art. I.

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

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

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

Courts, &c., may administer oaths.

IV. And further, full power and authority are hereby

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

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.

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

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.

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

The selectmen of the several towns shall preside at such

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

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

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to

Selectmen to
preside at town
meetings.

Return of votes.

See amend-
ments, Art. I.

Amendments,
Art. X.

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

Plantation meet-
ings.
See amend-
ments, Art. X.

Assessors to
notify, &c.

Governor and
council to ex-
amine and count
votes, and issue
summonses.

See amend-
ments, Art. X.

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 members.

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

Vacancies, how filled.

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.]

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

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

Senate not to adjourn more than two days.

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

Shall choose its officers and establish its rules.

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

Shall try all impeachments.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the

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

Oath.

Limitation of sentence.

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

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.

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

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

Proviso as to towns having less than 150 ratable polls.

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

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in

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

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

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

House alone can impeach.

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

House to originate all money bills.

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

Not to adjourn more than two days at a time.

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

Quorum. See amendments, Art. XXI.

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

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

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

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.

Privileges of members.

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.

Senate.

Governor and council may punish.

General limitation.

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.

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, 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

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

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

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 to 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.]

Governor and
council may ad-
journ the gen-
eral court in
cases, &c., but

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 gen-

eral court, not exceeding ninety days, as he shall determine the public good shall require.

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

Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and

Governor and
council may pardon
offences, except, &c

with the advice of council; but no charter of 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 advice of council, shall appoint suitable persons to fill such offices.

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

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

Adjutants, &c., how appointed.

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

Adjutant-general. Army officers, how appointed.

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

Organization of militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in

force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

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, except, &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 officers to make quarterly returns.

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

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

Salary of governor.

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.

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.]

President of council.

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

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

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

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

CHAPTER II.

SECTION III.

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

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 of 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, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

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

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.]

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Secretary, &c.;
by whom and
how chosen.
See amend-
ments, Arts. IV.
and XVII.

Treasurer in-
eligible for more
than five succe-
ssive years.

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

Secretary to
keep records; to
attend the gov-
ernor and coun-
cil, &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.

CHAPTER III.

JUDICIARY POWER.

Tenure of all
commission offi-
cers to be ex-
pressed.

Judicial officers
to hold office
during good be-
havior, except,
&c.

May be removed
on address.

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

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.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid

Harvard College.

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

Property devised.

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, deviser or devisors.

Gifts, grants, and conveyances confirmed.

Board of Overseers established by general 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

Overseers established by constitution.

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.

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.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before

Declaration of executive and

legislative officers.

See amendments, Art. VII.

he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

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

See amendments, Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in

each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury.""]

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 affirmations, 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 offices prohibited to governor, &c., except, &c.

See amendments, 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 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.

Incompatible offices.

See amendments, Art. VIII. and XXVII.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall

Same subject.

accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, &c.,
operates dis-
qualification.

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 quali-
fications.

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 amend-
ments, Art.
XIII.

Provisions re-
specting com-
missions.

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 re-
specting 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, ex-
cept, &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.

Benefit of
habeas corpus
secured, except,
&c.

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

The enacting
style.

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

Officers of for-
mer government
continued until,
&c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other offi-

cers 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.

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.

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

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

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Common-

General court empowered to charter cities.

wealth, 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. 11 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.

Notaries public, how appointed and removed.

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

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

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

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 subjoining, 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.

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 accept-

Incompatibility of offices.

ance 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

and termination.

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.

Meetings for the
choice of gover-
nor, lieutenant-
governor, &c.,

[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.]

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.

Towns may unite into representative districts.

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.

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

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 district 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 district 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 town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

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

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, as

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.

The governor and council to apportion the number of representatives of each town once in every ten years. Councillors to be chosen from the people at large.

See amend-
ments, Art.
XVI.
Qualifications of
councillors.

sembled 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 gov-
ernor and legis-
lature.

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 council-
lors to be chosen
by the people.

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 council-

Legislature to
district state.

Eligibility de-
fined.

Day and manner
of election, &c.

lors, 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.

Vacancies, how filled.

Organization of the government

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

Election of secretary, treasurer, auditor and attorney-general by the people

Vacancies, how filled.

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.

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

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.

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

See General Stat. chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one

thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the

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.

Qualifications of representatives.

Districts to be numbered, de-

scribed and certified.

One hundred members a quorum.

Census of voters and inhabitants to be taken.

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Sixteen members a quorum.

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.

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

[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 two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this Commonwealth as relates to persons holding the office of president, professor or instructor of Harvard College, is hereby annulled.

Officers of Harvard College may be elected members of general court.

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 ratified and adopted, 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 and ratified by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved and ratified 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 and ratified 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 were approved 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 were approved 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 was approved 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 were approved 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 was approved and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

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GENERAL STATUTES AND SPECIAL ACTS
OF
MASSACHUSETTS.

1879.

 The General Court of 1879 assembled on Wednesday, the first day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency THOMAS TALBOT and His Honor JOHN D. LONG, on Thursday, the second day of January, in the presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT TO REPEAL THE LAW TO PROVIDE ADDITIONAL PAY TO POOR AND INDIGENT SOLDIERS AND SAILORS. *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. Chapter two hundred and eighty-two of the acts of the year eighteen hundred and seventy-eight, except so much thereof as relates to the reimbursement by the Commonwealth to cities and towns of sums of money heretofore paid by them under said chapter, to the manner of such reimbursement, and to the liability which any city or town may have incurred for relief or support heretofore furnished by any person, is hereby repealed.

State aid to soldiers and sailors.
Repeal, 1878, 282.

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

Approved January 22, 1879.

AN ACT RELATING TO ELECTIONS IN TOWNS.

Chap. 2

Be it enacted, &c., as follows:

SECTION 1. Meetings in towns for the election of national, state, district and county officers, shall be opened as early as twelve o'clock, noon, of the election day. The polls shall be kept open at least four hours, and for such longer time as a majority of the voters present shall by vote direct.

Meetings to be opened as early as noon.

SECTION 2. At any town meeting for the election of any officers, when the presiding officer shall have announced a time at which the meeting has directed the polls to be closed, the polls shall not be closed until that time has arrived, excepting that in no case shall the polls be kept open after the hour of sunset.

Time of closing polls.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved January 30, 1879.

Chap. 3 AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF HAVERHILL.

Be it enacted, &c., as follows:

Mayor elected by a plurality of votes.

SECTION 1. In all elections for mayor of the city of Haverhill the person receiving the highest number of votes therefor shall be declared elected.

Seven members in the board of aldermen; one to be elected at large.

SECTION 2. The board of aldermen of the city of Haverhill shall consist of seven members, one of whom shall be chosen annually from and by the qualified voters of the city at large, and the others as now provided by law; and at any time after the acceptance of this act, as hereinafter provided, the board of aldermen of said city may issue a warrant for the election of one additional member of said board by the qualified voters of the city at large, to serve until the expiration of the present municipal year.

Vacancy in office of assistant assessor to be filled by joint ballot.

SECTION 3. Whenever a vacancy shall occur in the office of assistant assessor of the city of Haverhill, the city council shall in convention, on joint ballot, elect a person to fill such vacancy.

Subject to acceptance by the city council.

SECTION 4. This act, or any section or sections thereof, shall take effect upon the same being accepted by a two-thirds vote of each branch of the city council of said city of Haverhill, present and voting thereon, but shall be void unless so accepted within sixty days after its passage.

Repeal.

SECTION 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved January 30, 1879.

[Accepted February 11, 1879.]

Chap. 4 AN ACT CONCERNING CASES TRIED WITHOUT A JURY.

Be it enacted, &c., as follows:

Parties to action tried without a jury, to be notified when decision is made.

SECTION 1. When any action is tried in the supreme judicial court or superior court, without a jury, the clerk shall notify the parties thereto, when a decision is made. And parties shall be allowed three days after receiving such notice, in which they may file exceptions or a motion for a new trial. But nothing herein contained shall be so construed as to prevent the court from further extending the time as now provided by law.

Exceptions. Motion for new trial.

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

Approved January 30, 1879.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE QUARTER ENDING ON THE THIRTY-FIRST DAY OF MARCH OF THE PRESENT YEAR. *Chap. 5*

Be it enacted, &c., as follows:

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 quarter ending on the thirty-first day of March, in the year eighteen hundred and seventy-nine, to wit:—

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court, seven hundred and fifty dollars. *Clerk.*

For the salary of the reporter of decisions of the supreme judicial court, seventy-five dollars. *Reporter.*

For clerk hire and incidental expenses of the reporter of decisions of said court, three hundred and seventy-five dollars. *Clerk hire and expenses.*

SUPERIOR COURT.

For the salary of the chief justice of the superior court, one thousand three hundred and twenty-five dollars. *Chief justice.*

For the salaries of the ten associate justices of said court, twelve thousand five hundred dollars. *Associate justices.*

COURTS OF PROBATE AND INSOLVENCY.

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

For the salary of the judge of probate and insolvency for the county of Middlesex, six hundred and twenty-five dollars. *Middlesex.*

For the salary of the judge of probate and insolvency for the county of Worcester, six hundred and twenty-five dollars. *Worcester.*

For the salary of the judge of probate and insolvency for the county of Essex, six hundred and twenty-five dollars. *Essex.*

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

For the salary of the judge of probate and insolvency for the county of Bristol, four hundred and fifty dollars. *Bristol.*

For the salary of the judge of probate and insolvency for the county of Plymouth, three hundred and seventy-five dollars. *Plymouth.*

Berkshire.	For the salary of the judge of probate and insolvency for the county of Berkshire, three hundred dollars.
Hampden.	For the salary of the judge of probate and insolvency for the county of Hampden, four hundred and fifty dollars.
Hampshire.	For the salary of the judge of probate and insolvency for the county of Hampshire, three hundred and fifty dollars.
Franklin.	For the salary of the judge of probate and insolvency for the county of Franklin, three hundred and fifty dollars.
Barnstable.	For the salary of the judge of probate and insolvency for the county of Barnstable, two hundred and fifty dollars.
Nantucket.	For the salary of the judge of probate and insolvency for the county of Nantucket, one hundred and twenty-five dollars.
Dukes County.	For the salary of the judge of probate and insolvency for the county of Dukes County, one hundred and twenty-five dollars.
Register and assistant regis- ter— Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, seven hundred and fifty dollars; and for the salary of the assistant register for said county, three hundred and seventy-five dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, five hundred dollars; and for the salary of the assistant register for said county, three hundred and seventy-five dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, five hundred dollars; and for the salary of the assistant register for said county, three hundred and seventy-five dollars.
Essex.	For the salary of the register of probate and insolvency for the county of Essex, five hundred dollars; and for the salary of the assistant register for said county, three hundred and seventy-five dollars.
Norfolk.	For the salary of the register of probate and insolvency for the county of Norfolk, three hundred and seventy-five dollars; and for the salary of the assistant register for said county, two hundred and seventy-five dollars.
Register — Bristol.	For the salary of the register of probate and insolvency for the county of Bristol, four hundred and fifty dollars.
Plymouth.	For the salary of the register of probate and insolvency for the county of Plymouth, three hundred and seventy-five dollars.
Hampden.	For the salary of the register of probate and insolvency for the county of Hampden, four hundred dollars.
Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, three hundred dollars.

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

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

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

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

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

For the salary of the clerk for the register of Suffolk County, three hundred dollars. Clerk for register in Suffolk.

For expenses of the courts of insolvency, a sum not exceeding five hundred dollars. Expenses of courts.

DISTRICT ATTORNEYS.

For the salary of the attorney for the county of Suffolk, one thousand two hundred and fifty dollars; and for the salary of his clerk, two hundred and fifty dollars. Attorney and clerk — Suffolk.

For the salary of the assistant attorney for the county of Suffolk, seven hundred and fifty dollars. Assistant attorney.

For the salary of the second assistant attorney for the county of Suffolk, five hundred dollars. Second assistant attorney.

For the salary of the attorney for the eastern district, five hundred dollars. Attorney — Eastern district.

For the salary of the attorney for the northern district, five hundred dollars. Northern district.

For the salary of the attorney for the southern district, five hundred dollars. Southern district.

For the salary of the attorney for the middle district, five hundred dollars. Middle district.

For the salary of the attorney for the south-eastern district, five hundred dollars. South-eastern district.

For the salary of the attorney for the western district, five hundred dollars. Western district.

For the salary of the attorney for the north-western district, three hundred and seventy-five dollars. North-western district.

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

Approved January 30, 1879.

Chap. 6 AN ACT IN ADDITION TO “AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE QUARTER ENDING ON THE THIRTY-FIRST DAY OF MARCH OF THE PRESENT YEAR.”

Be it enacted, &c., as follows:

Appropriations
for the quarter
ending March
31, 1879.

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 quarter ending on the thirty-first day of March, in the year eighteen hundred and seventy-nine, to wit:—

LEGISLATIVE DEPARTMENT.

Clerks of senate
and house.

For the salaries of the clerks of the senate and house of representatives, seven hundred and fifty dollars each.

Sergeant-at-
arms.

For the salary of the sergeant-at-arms, seven hundred and fifty dollars.

Engineer,
watchmen, and
firemen.

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

EXECUTIVE DEPARTMENT.

Lieutenant-gov-
ernor and coun-
cil.

For the compensation of the lieutenant-governor, six hundred and twenty-five dollars; and for the executive council, a sum not exceeding two thousand four hundred dollars. For the travelling expenses of said council, a sum not exceeding two hundred dollars.

SECRETARY'S DEPARTMENT.

Secretary.

For the salary of the secretary of the Commonwealth, seven hundred and fifty dollars.

First clerk.

For the salary of the first clerk in the secretary's department, five hundred dollars.

Second clerk.

For the salary of the second clerk in the secretary's department, four hundred and twenty-five dollars.

Messenger.

For the salary of the messenger in the secretary's department, two hundred and fifty dollars.

Additional
clerical assist-
ance.

For such additional clerical assistance as the secretary may find necessary, a sum not exceeding three thousand dollars.

TREASURER'S DEPARTMENT.

Treasurer.

For the salary of the treasurer and receiver-general, one thousand two hundred and fifty dollars.

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

For the salary of the cashier in the treasurer's department, five hundred dollars. Cashier.

For the salary of the first assistant clerk in the treasurer's department, four hundred and fifty dollars. First assistant clerk.

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

TAX COMMISSIONER'S BUREAU.

For the salary of the deputy tax commissioner, and commissioner of corporations, seven hundred and fifty dollars. Deputy tax commissioner.

For the salary of the first clerk of the tax commissioner, four hundred and fifty dollars. First clerk.

For the salary of the second clerk of the tax commissioner, three hundred and twenty-five dollars. Second clerk.

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

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, seven hundred and fifty dollars. Auditor of accounts.

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

For the salary of the second clerk in the auditor's department, four hundred and fifty dollars. Second clerk.

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

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, one thousand two hundred and fifty dollars. Attorney-general.

For the salary of the assistant attorney-general, six hundred and twenty-five dollars. Assistant attorney-general.

COMMISSIONERS AND OTHERS.

For the salaries of the commissioners of savings banks, one thousand six hundred and fifty dollars. Commissioners of savings banks.

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

Deputy.	For the salary of the deputy insurance commissioner, six hundred and twenty-five dollars.
First clerk.	For the salary of the first clerk of the insurance commissioner, five hundred dollars.
Second clerk.	For the salary of the second clerk of the insurance commissioner, three hundred and seventy-five dollars.
Extra clerk.	For the salary of one extra clerk of the insurance commissioner, three hundred dollars.
Additional clerical assistance.	For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding two thousand five hundred dollars, payable from fees received for the valuation of life policies.
Inspector of gas-meters.	For the salary and expenses of the inspector of gas-meters, seven hundred and fifty dollars.
Secretary of board of health.	For the salary of the secretary of the state board of health, six hundred and twenty-five dollars.
Secretary of commissioners of prisons.	For the salary of the secretary of the commissioners on prisons, five hundred dollars.
Railroad commissioners.	For the salaries of the railroad commissioners, three thousand dollars.
Clerks.	For the salaries of the clerks of the railroad commissioners, one thousand two hundred and fifty dollars.
Assayer and inspector of liquors.	For the salary of the assayer and inspector of liquors, six hundred and twenty-five dollars.
Bureau of statistics of labor.	For the salary of the chief of the bureau of statistics of labor, six hundred and twenty-five dollars.
First clerk.	For the salary of the first clerk in the bureau of statistics of labor, three hundred and seventy-five dollars.
Additional clerical assistance.	For the compensation of other clerical assistance, and for expenses of the bureau of statistics of labor, one thousand two hundred and fifty dollars.
Land commissioners.	For the compensation of the land commissioners, a sum not exceeding one thousand dollars.

AGRICULTURAL DEPARTMENT.

Secretary.	For the salary of the secretary of the board of agriculture, six hundred and twenty-five dollars.
Clerical services.	For the salary of the clerk of the secretary of the board of agriculture, three hundred dollars; and for such other clerical services in the office of the secretary of said board, one hundred dollars.

CHARITABLE DEPARTMENT.

State charities—Secretary.	For the salary of the secretary of the board of state charities, six hundred and twenty-five dollars.
----------------------------	---

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding one thousand one hundred and fifty dollars.

Clerical assist-
ance.

For the salary of the general agent of the board of state charities, seven hundred and fifty dollars.

General agent.

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

Clerical and
other assist-
ance.

For the salary of the visiting agent of the board of state charities, six hundred and twenty-five dollars.

Visiting agent.

For such clerical and other assistance as the visiting agent of the board of state charities may find necessary, a sum not exceeding two thousand one hundred and twenty-five dollars.

Clerical and
other assist-
ance.

For the salary of the agent of the sick state poor, a sum not exceeding seven dollars and a half per day for each day of actual service.

Agent of sick
state poor.

For such clerical and other assistance as the agent of the sick state poor may find necessary, a sum not exceeding one thousand two hundred and fifty dollars.

Clerical and
other assist-
ance.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, seven hundred and twenty-five dollars.

Board of edu-
cation —
Secretary.

For the salary of the assistant librarian and clerk of the board of education, five hundred dollars.

Assistant libra-
rian and clerk
of board.

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

Additional
clerical assist-
ance.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, six hundred and twenty-five dollars.

Adjutant-
general.

For the salary of the first clerk of the adjutant-general, five hundred dollars.

First clerk.

For the salary of the second clerk of the adjutant-general, four hundred and fifty dollars.

Second clerk.

For the salary of the surgeon-general, six hundred and twenty-five dollars.

Surgeon-
general.

For the salary of the first clerk of the surgeon-general, five hundred dollars.

First clerk.

For the salary of the second clerk of the surgeon-general, three hundred and twenty-five dollars.

Second clerk.

Messenger.	For the salary of the messenger of the surgeon-general, two hundred and fifty dollars.
Employés at arsenal.	For the compensation of the employés at the state arsenal, a sum not exceeding nine hundred dollars.
Clerical assistance.	For such clerical assistance as the adjutant-general may find necessary in preparing for publication "a list of Massachusetts officers, sailors, and marines, who served in the navy in the late war," a sum not exceeding six hundred and fifty dollars; and for assistance in the issuing of diplomas to soldiers and sailors of the late war, a sum not exceeding two hundred and fifty dollars.
List of sailors and marines.	
Diplomas.	
Additional clerical assistance.	For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding one thousand two hundred and fifty dollars.

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

Approved January 30, 1879.

Chap. 7 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, 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, for the purposes specified, to wit:—
Senators — Compensation.	For the compensation of senators, a sum not exceeding fifteen thousand dollars.
Representatives — Compensation.	For the compensation of representatives, a sum not exceeding one hundred thousand dollars.
Preacher of election sermon.	For the compensation of the preacher of the election sermon, one hundred dollars.
Chaplains.	For the compensation of the chaplains of the senate and house of representatives, four hundred dollars.
Doorkeepers and messengers.	For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding ten thousand dollars.
Witnesses before committees.	For the expenses of summoning witnesses before committees, and for fees of such witnesses, a sum not exceeding two 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 five thousand dollars.

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

Approved January 31, 1879.

AN ACT TO AMEND CHAPTER FOURTEEN OF THE GENERAL STATUTES RELATING TO THE DUTIES OF THE ATTORNEY-GENERAL. *Chap. 8*

Be it enacted, &c., as follows:

SECTION 1. Section twenty-two of chapter fourteen of the General Statutes is hereby amended by inserting, after the word "auditor" and before the word "or," the words "insurance commissioner."

Attorney-general to advise insurance commissioner on questions of law, when required.

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

Approved February 3, 1879.

AN ACT TO CHANGE THE NAME OF THE LITCHFIELD SHUTTLE COMPANY OF SOUTHBRIDGE. *Chap. 9*

Be it enacted, &c., as follows:

SECTION 1. The name of The Litchfield Shuttle Company of Southbridge is hereby changed to The Litchfield Shuttle Company.

Name changed.

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

Approved February 3, 1879.

AN ACT TO AUTHORIZE THE MIDDLESEX CENTRAL RAILROAD COMPANY TO CROSS CERTAIN LAND OF THE COMMONWEALTH IN THE TOWN OF CONCORD. *Chap. 10*

Be it enacted, &c., as follows:

SECTION 1. The Middlesex Central Railroad Company may construct and maintain its railroad across the land in Concord, owned by the Commonwealth, which is within the limits of the location of the railroad of said company, as filed and recorded with the county commissioners for the county of Middlesex, upon such terms and conditions, and for such compensation, as may be prescribed by the county commissioners for said county.

May construct road across land of Commonwealth in Concord.

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

Approved February 4, 1879.

AN ACT TO ANNEX A PART OF THE TOWN OF ANDOVER TO THE CITY OF LAWRENCE. *Chap. 11*

Be it enacted, &c., as follows:

SECTION 1. All that part of the town of Andover, with the inhabitants and estates therein, comprised within the following described lines, to wit: —

Part of the town of Andover annexed to the city of Lawrence.

Beginning at an existing monument on the present boundary line between Lawrence and Andover, about thirty feet easterly of the easterly side line of Chickering Street, thence running south-easterly in a straight line about forty-seven hundred and eighty feet to the intersection of the present boundary line between Andover and

North Andover with the northerly side line of Railroad Street, containing about thirty-six acres, is hereby set off from the town of Andover, and annexed to the city of Lawrence.

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

Approved February 4, 1879.

Chap. 12 AN ACT TO AMEND CHAPTER SIXTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, ENTITLED "AN ACT TO INCORPORATE THE BOSTON PROTECTIVE DEPARTMENT."

Be it enacted, &c., as follows:

Boston Protective Department —
Amendment to 1874, 61, § 4.

SECTION 1. Section four of chapter sixty-one of the acts of the year eighteen hundred and seventy-four is hereby amended by adding, after the word "Massachusetts," in the last line thereof, the words, "*provided*, that the premiums received for insuring buildings shall be subject to but one-half of the rate of assessment laid on premiums received for insuring other property."

Amendment to 1874, 61, § 5.

SECTION 2. Section five of said act is hereby amended by striking out the word "property" in the seventh line thereof, and inserting in place thereof, the words "buildings, and of the aggregate amount of premiums received for insuring other property."

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

Approved February 4, 1879.

Chap. 13 AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE VARIOUS CHARITABLE AND REFORMATORY INSTITUTIONS, 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, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the quarter ending on the thirty-first day of March, in the year eighteen hundred and seventy-nine, to wit:—

State almshouse, Tewksbury.

For the payment of salaries and wages at the state almshouse at Tewksbury, a sum not exceeding five thousand dollars; and for other current expenses of said institution, a sum not exceeding eighteen thousand dollars.

State primary school, Monson.

For the payment of salaries and wages at the state primary school at Monson, a sum not exceeding four thousand dollars; and for other current expenses of said institution, a sum not exceeding ten thousand dollars.

For the payment of salaries and wages at the state prison, a sum not exceeding twelve thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding nineteen thousand dollars.

State prison.

For the payment of salaries and wages at the state prison for women, a sum not exceeding twelve thousand dollars; and for other current expenses of said institution, a sum not exceeding eighteen thousand five hundred dollars.

State prison
for women.

For the payment of salaries and wages at the state reform school for boys, a sum not exceeding six thousand dollars; and for other current expenses of said institution, a sum not exceeding ten thousand dollars.

State reform
school for boys.

For the payment of salaries and wages at the state industrial school for girls, a sum not exceeding one thousand nine hundred dollars; and for other current expenses of said institution, a sum not exceeding four thousand dollars.

State industrial
school for girls.

For the payment of salaries and wages at the state workhouse at Bridgewater, a sum not exceeding two thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding eight thousand dollars.

State work-
house, Bridge-
water.

For the salary of the agent for the relief of discharged convicts, two hundred and fifty dollars; and for the expenses of said agent, seven hundred and fifty dollars.

Discharged con-
victs.

For the salary of the chief of the state detective force, six hundred and twenty-five dollars; for the compensation of the detectives, a sum not exceeding nine thousand dollars; for travelling expenses actually paid by said detectives, a sum not exceeding one thousand eight hundred dollars; and for incidental and contingent expenses, a sum not exceeding one thousand dollars.

State detective
force.

For expenses of the board of prison commissioners, a sum not exceeding four hundred dollars.

Prison commis-
sioners.

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

Board of state
charities —
Agent's ex-
penses.

For expenses of the secretary of the board of state charities, a sum not exceeding one hundred and fifty dollars.

Secretary's ex-
penses.

For expenses of the visiting agent of the board of state charities, a sum not exceeding one thousand one hundred dollars.

Visiting agent's
expenses.

For expenses of the agent for the sick state poor, a sum not exceeding six hundred dollars.

Agent of sick
state poor.

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

Approved February 4, 1879.

Chap. 14 AN ACT IN ADDITION TO "AN ACT RELATING TO THE ATTORNEY IN THIS COMMONWEALTH OF INSURANCE COMPANIES OF OTHER STATES AND COUNTRIES."

Be it enacted, &c., as follows:

Fee paid for copy of process to be recovered by plaintiff, if he prevails.

SECTION 1. In all cases where lawful process shall be served upon the insurance commissioner, the fee prescribed in section two of chapter thirty-six of the acts of the year eighteen hundred and seventy-eight, shall be paid by the plaintiff at the time of such service, the same to be recovered by him as part of the taxable costs, if he prevails in the suit.

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

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

Approved February 4, 1879.

Chap. 15 AN ACT TO ANNEX A PART OF THE TOWN OF NORTH ANDOVER TO THE CITY OF LAWRENCE.

Be it enacted, &c., as follows:

Part of town of North Andover annexed to the city of Lawrence.

SECTION 1. All that part of the town of North Andover, with the inhabitants and estates therein, comprised within the following described lines, to wit:—

Beginning at the intersection of the present boundary line between Lawrence and North Andover with the easterly side line of Salem Turnpike, so called, thence running south-easterly about twenty-two hundred and seventy feet on said easterly side line of Salem Turnpike to its intersection with the northerly side line of Railroad Street, so called, thence running south-easterly about ten hundred and fifty feet on said northerly side line of Railroad Street to its intersection with the present boundary line between North Andover and Andover, containing about one hundred and six acres, is hereby set off from the town of North Andover, and annexed to the city of Lawrence.

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

Approved February 4, 1879.

Chap. 16 AN ACT TO AMEND SECTION THIRTY-SEVEN OF CHAPTER ONE HUNDRED AND SIXTY-FIVE OF THE GENERAL STATUTES RELATING TO THE VIOLATION OF SEPULTURE.

Be it enacted, &c., as follows:

Amendment to G. S. 165, § 37.

SECTION 1. Section thirty-seven of chapter one hundred and sixty-five of the General Statutes is hereby

amended by striking out the words "not exceeding one year or in the jail not exceeding two," and inserting instead thereof the words "three years or in the jail not exceeding three:" *provided*, that nothing herein contained shall apply to any case now pending or any offence heretofore committed.

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

Approved February 7, 1879.

AN ACT TO AUTHORIZE THE PROPRIETORS OF HARVARD CHAPEL
TO SELL REAL AND PERSONAL ESTATE.

Chap. 17

Be it enacted, &c., as follows:

SECTION 1. The Harvard Chapel, a religious corporation, in that part of Boston formerly called Charlestown, is hereby authorized to sell and convey all its real estate and personal property, and to use the proceeds thereof, after paying the debts of said society, as shall be decreed by the supreme judicial court sitting in equity, upon proper application thereto.

Harvard Chapel may sell real and personal estate.

Proceeds to be applied under decree of S.J.C.

SECTION 2. Said society may, after the disposal of all its corporate property and estate, and the payment and discharge of all debts outstanding against it, dissolve itself and cease to hold any corporate powers.

Corporation may be dissolved after payment of debts.

SECTION 3. This act shall not take effect, unless accepted by a vote of two-thirds of the members of said society present and voting thereon, at a legal meeting called for that purpose.

Subject to acceptance by the society.

Approved February 7, 1879.

AN ACT RELATIVE TO THE MASSACHUSETTS BAPTIST CONVENTION.

Chap. 18

Be it enacted, &c., as follows:

SECTION 1. So much of chapter sixty-one of the acts of the year eighteen hundred and eight, entitled "An Act to incorporate the members of a society by the name of the Baptist Missionary Society in Massachusetts," as restricts said society, now known as the "Massachusetts Baptist Convention," as to the names and manner of electing its officers, is hereby repealed.

Mass. Baptist Convention. Election of officers. 1808, 61.

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

Approved February 7, 1879.

AN ACT TO EXTEND THE CHARTER OF THE WINNISIMMET RAILROAD COMPANY, WITH POWER TO ALTER PRESENT LEASE OR MAKE A NEW ONE.

Chap. 19

Be it enacted, &c., as follows:

SECTION 1. So much of section fifteen of chapter two

Charter ex-

tended without
limitation of
time.

hundred and twenty-seven of the acts of the year eighteen hundred and fifty-seven as limits the existence of the Winnisimmet Railroad Company to the period of fifty years from the passage of said act is hereby repealed; and the existence of said corporation shall remain subject only to the general provisions of law.

May alter pres-
ent lease or
make a new one.

SECTION 2. The Winnisimmet Railroad Company is hereby authorized to alter its present lease to the Lynn and Boston Railroad Company, and is also hereby authorized, instead of such alteration or in addition thereto, to make a new lease of its road and other property to said Lynn and Boston Railroad Company on such terms and conditions as may be approved by a majority in interest of the stockholders of said companies respectively present and voting at meetings legally held for that purpose.

Subject to ap-
proval by stock-
holders.

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

Approved February 7, 1879.

Chap. 20 AN ACT TO SUPPLY THE TOWN OF MIDDLEBOROUGH WITH PURE WATER.

Be it enacted, &c., as follows:

Water supply
for town of
Brockton.

SECTION 1. The town of Middleborough is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; to establish fountains and hydrants; to regulate their use, and re-locate or discontinue the same; and to fix and collect rents for the use of said water.

May take waters
of Namasket
River.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the water, or so much thereof as may be necessary, with the water rights connected therewith, of the Namasket River, or of any springs, natural ponds, brooks or other water sources, within its own limits; and may also take and hold all necessary lands 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, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works; and for that purpose may construct and lay down conduits, pipes and other works under or over any lands, water courses or roads, and along any street, highway or other way, in such manner as when completed not unnecessarily to obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of

May take and
hold land.

May erect dams.

May lay down
pipes and con-
duits.

this act, may dig up, raise and embank any such lands, highways or other ways, in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water sources or water rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Plymouth, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the commissioners hereinafter named.

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

SECTION 3. The said town of Middleborough shall be liable to pay all damages sustained by any persons or corporations in their property, by the taking of any lands, water, water sources or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person, persons or corporations sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he or they may have them assessed by the county commissioners for the county of Plymouth, by making a written application therefor within two years after the taking of such land or water sources, or rights, or other injury done as aforesaid under this act, but not thereafter; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner, as is provided for by law with respect to damages for land taken for highways.

Liability for damages.

Assessment of damages.

Party aggrieved may apply for a jury.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority to issue notes, bonds or scrip, from time to time, signed by the treasurer, and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Middleborough Water Loan," to an amount not exceeding sixty-five thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper. And said town shall pay the interest on said loans as it accrues; and shall establish, at the time of contracting said debt, a sinking fund, and contribute thereto

Water loan not to exceed \$65,000.

Sinking fund to be established.

Water commis-
sioners to be
trustees of fund.

Penalty for di-
verting water
or rendering
it impure.

Three water
commissioners
to be elected.

Vacancies in
board.

Commissioners
to contract for
and superintend
construction of
water works.

Rents to be so
fixed that inter-
est on loan may
be paid from
net income.

Net surplus to
be set apart as
sinking fund.

from year to year a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt, and shall be used for no other purpose. The board of water commissioners hereinafter named shall be the trustees of said fund and shall report the condition of the same annually to the town.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes, or diverts any of the water taken under this act, or uses the same for any purpose, without consent of the town, or destroys or injures any dam, conduit, hydrant, machinery, or other works or property, held, owned or used by said town under authority of and for the purposes of this act, shall forfeit and pay to the said town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the acts aforesaid may be punished also by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

SECTION 6. At the meeting hereinafter provided for the acceptance of this act, there shall be elected by ballot a board of three water commissioners; one to serve till the next annual meeting of the town thereafter, in March or April; one for a term one year longer, and the third for a term two years longer than the first; after which first election one member of the said board, as the term expires, shall be elected at the annual meeting to serve for three years. Vacancies in the board may be filled at any town meeting duly called for the purpose. Said commissioners shall contract for and superintend the construction and completion of the said water works, and have charge of the same when completed, and may exercise all rights, powers and privileges for the purposes herein granted, subject to the instructions of the town; and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works, and as trustees of the sinking fund.

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 "Middleborough 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.

SECTION 8. At any time after the expiration of three years from the introduction of said water, and before the re-imbursement of the principal of said "Middleborough 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 town, 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 a majority 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.

If income is insufficient to pay interest, &c., price of water may be increased.

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.

Liability of occupant and owner.

SECTION 10. This act shall take effect upon its passage; but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of a majority of the legal voters of said town, present and voting thereon, 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. And this act shall be void unless so accepted by said town within three years from the date of its passage.

No liability to be incurred until act is accepted by the town.

Act void, unless accepted within three years.

Approved February 11, 1879.

AN ACT TO PROVIDE A PENALTY FOR WITHHOLDING INFORMATION SOUGHT BY SCHOOL COMMITTEES OR THEIR AGENTS.

Chap. 21

Be it enacted, &c., as follows:

SECTION 1. Every person having under his control a child between the ages of eight and fourteen years, who shall withhold the information in his possession and sought by the school committee or their agents as required by chapter three hundred and three of the acts of the year eighteen hundred and seventy-four, or falsify in regard to the same, shall be punished by a fine not

Penalty for withholding information sought by school committee.

exceeding twenty dollars, or by imprisonment in the county jail for a term not exceeding thirty days.

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

Approved February 12, 1879.

- Chap. 22* AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, ENTITLED "AN ACT TO INCORPORATE THE TRUSTEES OF THE HOME FOR AGED FEMALES, IN THE CITY OF WORCESTER."

Be it enacted, &c., as follows:

Charter amended.
1869, 265, § 4.

SECTION 1. Section four of chapter two hundred and sixty-five of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking out the words, "and the secretary of the corporation shall be the secretary of the board of visitors, and keep a record of their acts and doings in the same book in which he keeps the record of the corporation."

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

Approved February 12, 1879.

- Chap. 23* AN ACT TO AUTHORIZE THE TRUSTEES OF THE DELTA PSI SOCIETY OF WILLIAMS COLLEGE TO HOLD MEETINGS IN THE CITY OF NEW YORK.

Be it enacted, &c., as follows:

May hold meetings in the city of New York.

SECTION 1. The Trustees of the Delta Psi Society of Williams College are hereby authorized to hold meetings for the purposes mentioned in their act of incorporation, in the city of New York, as well as in this Commonwealth.

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

Approved February 12, 1879.

- Chap. 24* AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY THE ADMINISTRATOR OF THE ESTATE OF MICHAEL F. WELLS FOR LABOR AND MATERIALS FURNISHED BY SAID WELLS TO SAID CITY, WHILE A MEMBER OF ITS CITY COUNCIL.

Be it enacted, &c., as follows:

City may pay for materials furnished by Michael F. Wells while a member of the city council.

SECTION 1. The city of Boston is hereby authorized to pay to the administrator of the estate of Michael F. Wells the sum of fifty-seven dollars and fifteen cents, for labor and materials furnished by said Wells to the fire department of the city of Boston in the month of June in the year eighteen hundred and seventy-three, while said Wells was a member of the city council of said city.

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

Approved February 12, 1879.

AN ACT IN ADDITION TO "AN ACT TO ESTABLISH A FREE BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN SPRINGFIELD AND AGAWAM."

Chap. 25

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of Hampden County may borrow on the credit of said county an additional sum of money not exceeding fifteen thousand dollars, to pay the expenses of building and constructing the free bridge and highway across the Connecticut River at Springfield, provided for by chapter two hundred of the acts of the year eighteen hundred and seventy-three; said sum to be borne and paid in the manner provided by section four of said act.

May borrow money to build bridge across Connecticut River.
1873, 200.

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

Approved February 14, 1879.

AN ACT TO UNITE THE FIRST CONGREGATIONAL SOCIETY IN SOUTH HADLEY FALLS AND THE SOUTH RELIGIOUS SOCIETY IN SOUTH HADLEY.

Chap. 26

Be it enacted, &c., as follows:

SECTION 1. The First Congregational Society in South Hadley Falls and the South Religious Society in South Hadley are hereby united in one religious society under the name of the Congregational Society in South Hadley Falls; and all the powers, privileges, franchises and property now enjoyed and possessed by said two corporations are hereby vested in said united society.

Societies united under name of the Congregational Society in South Hadley Falls.

SECTION 2. All property now held in trust for said corporations severally, by separate boards of trustees, shall be hereafter vested in and held by one board of trustees chosen by said united society and remain subject to all the conditions and trusts to which the same is now subject.

Property to be vested in one board of trustees.

SECTION 3. The agreement into which said corporations have entered for the purpose of effecting such union and which is recorded in the records of each of said corporations, is hereby ratified and confirmed, and shall be recorded in the records of said Congregational Society in South Hadley Falls.

Agreement between corporations ratified and confirmed.

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

Approved February 14, 1879.

AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO PURCHASE THE LOWELL AND LAWRENCE RAILROAD AND THE SALEM AND LOWELL RAILROAD, AND TO AMEND ITS CHARTER.

Chap. 27

Be it enacted, &c., as follows:

SECTION 1. The Boston and Lowell Railroad Corpora-

Boston and

Lowell Railroad Corporation may purchase the Lowell and Lawrence, and Salem and Lowell Railroads.

Powers and duties.

Proviso.

May increase capital stock.

May increase number of directors.

tion is authorized to purchase the rights, franchise and property of the Lowell and Lawrence Railroad Company and the Salem and Lowell Railroad Company, or either of them, and the said Lowell and Lawrence Railroad Company and Salem and Lowell Railroad Company, or either of them, are authorized to convey and assign to the said Boston and Lowell Railroad Corporation, their franchises and property, and all the rights, easements, privileges and powers granted them or either of them, and the said Boston and Lowell Railroad Corporation, shall upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property, and be subject to all duties, liabilities, obligations and restrictions, to which said Lowell and Lawrence Railroad Company and said Salem and Lowell Railroad Company, or either of them, may be subject: *provided, however*, that such purchase or sale shall not be valid unless agreed to by the directors of the contracting corporations, and approved by the majority of the votes at meetings of the stockholders of each corporation called for that purpose, and by the board of railroad commissioners.

SECTION 2. For the purpose of providing means for the expenditures authorized by the preceding section, the said Boston and Lowell Railroad Corporation is hereby authorized to increase its capital stock by issuing, in addition to the amount now allowed by law to be issued, an amount not exceeding six hundred and twenty thousand dollars.

SECTION 3. The Boston and Lowell Railroad Corporation is hereby authorized to increase the number of its directors from five to seven.

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

Approved February 14, 1879.

Chap. 28 AN ACT PROHIBITING INTERMENTS UNDER SAINT PAUL'S CHURCH IN BOSTON, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Proprietors may take tombs under the church after appraisal.

SECTION 1. The proprietors of Saint Paul's Church in Boston may take all tombs under said church, and all rights of interment therein, the same having been first appraised by three disinterested persons to be chosen by the wardens and vestry of said Saint Paul's Church; or said proprietors may agree with any owner or owners of said tombs or rights for the purchase of said tombs, and the extinguishment of all rights of interment therein.

SECTION 2. Whenever the wardens and vestry shall,

by vote at a meeting legally called for that purpose, determine to take such tombs or rights, and shall have had the same appraised as provided in section one, they shall give notice to all persons interested in such tombs, either by serving such notice upon at least one owner of each tomb, or by publishing the same for three successive weeks in two newspapers at least, printed in the city of Boston, that all bodies and remains interred in tombs under said church, the same having become dangerous to public health, must be removed within sixty days after such notice or after said first publication; and in case said bodies or remains shall not have been removed within said sixty days, said wardens and vestry may, at the expense of said proprietors, cause the same to be removed and interred in some suitable place, in which case said wardens and vestry may deduct from the appraised value of the tombs and rights aforesaid, so much thereof as shall be necessary to pay the reasonable expenses of such removal, and of the purchase of suitable places for the interment of said bodies and remains, and the balance shall within thirty days after demand be paid over to the person or persons entitled to receive the same.

vestry to have tombs appraised and to notify all persons interested.

Remains to be removed within sixty days.

SECTION 3. Any owner of said tombs or rights, who is aggrieved by the doings of said appraisers, may apply by petition to the superior court for the county of Suffolk, at any term thereof within six months after the service or first publication of notice as provided in section two, and after due notice to said proprietors a trial shall be had at the bar of the court in the same manner in which other civil causes are there tried by a jury; but in entering judgment the court shall take into account the sum, if any, to be deducted under the provisions of section two, and if either party request it the jury shall view the place in question.

Party aggrieved may apply by petition to superior court for the county of Suffolk.

SECTION 4. The further use of the tombs under Saint Paul's Church for interments, or the temporary deposit of the dead, is hereby prohibited.

Interments prohibited.

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

Approved February 14, 1879.

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

Chap. 29

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid from the ordinary revenue, to meet the current expenses of the

Appropriations.

year ending on the thirty-first day of December in the year eighteen hundred and seventy-nine, to wit: —

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

Printing and binding ordered by legislature.

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

Senate stationery.

For stationery for the senate, purchased by the clerk thereof, a sum not exceeding nine hundred dollars.

House stationery.

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

Stationery, etc., ordered by sergeant-at-arms.

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

Stationery, etc., for the council.

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

Contingent expenses of the council.

For contingent expenses of the executive council, a sum not exceeding seven hundred and fifty dollars.

STATE HOUSE EXPENSES.

State house — Fuel and lights.

For fuel and lights at the state house, a sum not exceeding one thousand dollars.

Furniture and repairs.

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

Contingent expenses of legislature.

For the 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.

Expenses of house in Pemberton Square.

For rent, taxes and other expenses connected with house number thirty-three Pemberton Square, a sum not exceeding ten thousand dollars.

INCIDENTAL AND CONTINGENT EXPENSES.

Incidental expenses — Secretary.

For incidental expenses of the secretary's department, a sum not exceeding seven hundred and fifty dollars.

Treasurer.

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

Tax commissioner.

For expenses of the tax commissioner, a sum not exceeding seven hundred dollars.

Auditor.

For expenses of the auditor's department, a sum not exceeding two hundred dollars.

Insurance commissioner.

For expenses of the insurance commissioner's department, a sum not exceeding one thousand dollars.

Supreme judicial court.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

Attorney-general.

For expenses of the attorney-general's department, a

sum not exceeding one thousand two hundred dollars; and for expenses of civil actions, a sum not exceeding three hundred dollars. Civil actions.

MILITARY DEPARTMENT.

For expenses of the adjutant-general's department, a sum not exceeding seven hundred and fifty dollars. Adjutant-general.

For expenses of the bureau of the quartermaster-general, a sum not exceeding eight hundred dollars. Quartermaster-general.

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

MISCELLANEOUS.

For rent of office and contingent expenses of the railroad commissioners, a sum not exceeding six hundred dollars. Railroad commissioners.

For the compensation and expenses of the commissioners on inland fisheries, a sum not exceeding one thousand dollars. Commissioners on inland fisheries.

For the travelling and incidental expenses of the commissioners on savings banks, a sum not exceeding four hundred dollars. Commissioners, savings banks.

For expenses of the state board of health, a sum not exceeding six hundred and fifty dollars. State board of health.

For expenses of the commissioner of corporations, a sum not exceeding one thousand five hundred dollars. Commissioner of corporations.

For the compensation and expenses of the harbor commissioners, a sum not exceeding three thousand dollars. Harbor commissioners.

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

Approved February 14, 1879.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENDITURES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT.

Chap. 30

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid from the ordinary revenue, for the purposes specified herein, to wit:— Appropriations.

For stationery, postage, &c., ordered by the sergeant-at-arms, forty-two dollars and eighty-two cents. Stationery, etc., sergeant-at-arms.

For mileage of the lieutenant-governor and council, a sum not exceeding five hundred dollars. Lieutenant-governor and council. Mileage.

For printing the general laws, nine hundred sixty-three dollars and ninety-four cents. Printing general laws.

For expenses of courts of insolvency, a sum not exceeding two thousand dollars. Courts of insolvency.

Railroad
commissioners.

For expenses of the railroad commissioners, a sum not exceeding one hundred thirty-three dollars and seventy-two cents.

Re-imburse-
ment for sums
paid to Mass.
volunteers.

For the re-imbursement of cities and towns for sums paid to Massachusetts volunteers and their families, a sum not exceeding seventeen thousand three hundred eighty-three dollars and sixty-one cents.

Soldiers' lot at
Dedham.

For expenses incurred in connection with the soldiers' lot at Dedham, forty-seven dollars and seventy-five cents.

Lunatic state
paupers.

For the support of lunatic state paupers, a sum not exceeding fifteen thousand dollars.

Removal of pris-
oners to prison
for women.

For the removal of prisoners to the prison for women, a sum not exceeding one hundred and seventy-five dollars.

Normal schools.

For the support of normal schools, a sum not exceeding two hundred and two dollars and eighty-two cents.

Normal school
buildings at
Westfield.

For expenses incurred in connection with the normal school buildings at Westfield, eighty-four dollars and four cents.

State primary
school at
Monson.

From the appropriation made the previous year for the current expenses of the state primary school at Monson, there may be paid a sum not exceeding one thousand eight hundred and four dollars and nine cents, for salaries and wages at said institution.

Reform school
for boys.

From the appropriation made the previous year for salaries and wages at the reform school for boys, there may be paid a sum not exceeding two thousand eight hundred and thirteen dollars and seventy-one cents, for the current expenses of said institution.

Teachers'
institutes.

The appropriation made the previous year for teachers' institutes, is hereby made applicable for the payment of expenses incurred in the preparation of statistics for the report of the board of education.

State detectives.

For the travelling expenses of the state detectives, a sum not exceeding one thousand seven hundred dollars.

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

Approved February 14, 1879.

Chap. 31 AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, ENTITLED "AN ACT RELATING TO THE RIGHTS OF HUSBANDS AND WIVES AND FOR THE PROTECTION OF MINOR CHILDREN."

Be it enacted, &c., as follows:

Attachment of
husband's prop-
erty may be
made upon peti-
tion filed under
1874, 205.

SECTION 1. Upon any petition filed under chapter two hundred and five of the acts of the year eighteen hundred and seventy-four, entitled "An Act relating to the rights of husbands and wives and for the protection of minor

children," an attachment of the husband's property may be made as is now provided by law in cases of libel for divorce; and the provisions of sections twenty-two, forty-five and fifty-three of chapter one hundred and seven of the General Statutes shall apply to proceedings under said act, so far as the same may be applicable.

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

Approved February 14, 1879.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE VETERAN ASSOCIATION OF THE INDEPENDENT CORPS OF CADETS."

Chap. 32

Be it enacted, &c., as follows:

SECTION 1. Chapter eight of the acts of the year eighteen hundred and seventy-seven is hereby amended so that the association incorporated by said act shall have power to hold property, real and personal, to an amount not exceeding one hundred and twenty-five thousand dollars.

Real and personal estate not to exceed \$125,000.

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

Approved February 18, 1879.

AN ACT TO AUTHORIZE THE TOWN OF WILMINGTON TO PAY A CERTAIN BOUNTY TO JOHN H. SIMPSON AND GEORGE H. BAIRD, FOR SERVICE IN THE LATE WAR AS PART OF THE QUOTA OF SAID TOWN.

Chap. 33

Be it enacted, &c., as follows:

SECTION 1. The town of Wilmington is hereby authorized to raise money, and pay to John H. Simpson and George H. Baird, or either of them, the sum of one hundred and twenty-five dollars each as a bounty for service in the late war as a part of the quota of said town: *provided*, that said town shall not be reimbursed by the Commonwealth for the money so paid under this act.

Town may raise money and pay bounties.

Not to be reimbursed by Commonwealth.

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

Approved February 18, 1879.

AN ACT TO INCORPORATE THE HOME FOR AGED WOMEN IN WALTHAM.

Chap. 34

Be it enacted, &c., as follows:

SECTION 1. Frederick M. Stone, Thomas F. Fales, Charles Dix, Daniel French, their associates and successors, are hereby made a corporation by the name of the Home for Aged Women in Waltham, for the purpose of providing a home for, and otherwise assisting respectable, aged and indigent women; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all the general laws which now are or may hereafter be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

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

Approved February 18, 1879.

Chap. 35 AN ACT TO ESTABLISH THE SALARY OF THE GOVERNOR, AND TO FIX THE COMPENSATION OF THE LIEUTENANT-GOVERNOR AND COUNCIL AND EMPLOYÉS OF THE EXECUTIVE DEPARTMENT.

Be it enacted, &c., as follows :

Salaries — Governor.

SECTION 1. The governor shall receive out of the treasury a salary of four thousand dollars a year, and shall be entitled to no fees or perquisites of office.

Lieutenant-governor and council.

SECTION 2. The lieutenant-governor and council shall receive per year, and at the same rate for any fraction thereof, as follows, namely: — The lieutenant-governor, two thousand dollars; members of the council, eight hundred dollars each.

Travelling expenses.

SECTION 3. 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 expenditures.

Private secretary. Messengers.

SECTION 4. The private secretary of the governor, and the messenger and assistant messenger in the executive department, shall receive per year, and at the same rate for any fraction thereof, in full compensation for their services, the following sums, to wit: — The private secretary, fifteen hundred dollars; the messenger, eight hundred dollars; and the assistant messenger, six hundred dollars.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take effect.

SECTION 6. This act shall take effect upon its passage, except as to so much thereof as relates to the salary of the governor, which shall take effect at the commencement of the next political year. *Approved February 18, 1879.*

Chap. 36 AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENSES OF CHARITABLE AND REFORMATORY INSTITUTIONS, 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, for the purpose of

meeting certain charitable and reformatory expenses, during the year ending on the thirty-first day of December, eighteen hundred and seventy-nine, to wit:—

For travelling and other expenses of the board of state charities, a sum not exceeding six hundred dollars.

Travelling expenses of the board.

For the support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, a sum not exceeding twenty-five thousand dollars.

Support of insane state paupers.

For the support of state paupers by cities and towns, a sum not exceeding five thousand dollars.

Support of state paupers by towns.

For the burial of state paupers by cities and towns, a sum not exceeding one thousand three hundred dollars.

Burial of state paupers.

For the temporary support of state paupers by cities and towns, a sum not exceeding six thousand dollars.

Temporary support.

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

Indian state paupers.

For the support of pauper convicts; a sum not exceeding one hundred and twenty-five dollars.

Pauper convicts.

For the re-imbursement of the Massachusetts Infant Asylum, for the support of infants having no known settlement in the Commonwealth, a sum not exceeding three thousand dollars.

Infant asylum.

For the transportation of state paupers, to be expended under the direction of the agent of the board of state charities, a sum not exceeding two thousand five hundred dollars.

Transportation of state paupers.

For the re-imbursement of cities and towns for expenses incurred in the transportation of state paupers to the state almshouse, a sum not exceeding one thousand dollars.

Re-imbursement for transportation to almshouse.

For expenses attending the management of cases of settlement and bastardy, and in connection with complaints of, or in behalf of, persons confined as lunatics, a sum not exceeding five hundred dollars.

Cases of settlement, bastardy, etc.

For expenses incurred in connection with small pox and other diseases dangerous to the public health, a sum not exceeding one thousand dollars.

Dangerous diseases.

For the Massachusetts School for Idiotic and Feeble-minded Youth, a sum not exceeding five thousand dollars.

Idiotic and feeble-minded youth.

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

Johannot annuities.

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

Annuities.

For pensions, a sum not exceeding seven hundred and sixteen dollars.

Pensions.

Advisory board
of women.

For expenses incurred by the advisory board of women for sundry institutions, a sum not exceeding fifty dollars.

Fugitives from
justice.

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

Medical exam-
inations and
inquests.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding two thousand dollars.

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

Approved February 18, 1879.

Chap. 37 AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE KEEP-
ING OF REGISTERS OF VOTERS IN TOWNS.

Be it enacted, &c., as follows :

Registration to
cease on Satur-
day next before
election.

SECTION 1. In all towns in this Commonwealth registration of voters shall cease at ten o'clock in the afternoon on the Saturday next preceding the day of any election.

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

Approved February 18, 1879.

Chap. 38 AN ACT IN RELATION TO THE LICENSES OF INNOLDERS AND
COMMON VICTUALLERS IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Innholders, etc.,
to be licensed
by police com-
missioners.

SECTION 1. All provisions of law applying to the mayor and aldermen of the city of Boston relative to the licensing of innholders and common victuallers, shall hereafter apply to the board of police commissioners in said city, instead of said mayor and aldermen; but no innholder's or common victualler's license issued by said board shall be valid unless signed by a majority of the members thereof.

Licenses to ex-
pire on the first
day of May.

SECTION 2. All licenses hereafter issued to innholders and common victuallers in said city shall expire on the first day of May next after they take effect. Such licenses, for one year, may be granted during the month of April, to take effect on the first day of May next following, and such licenses may be granted at any time for the remainder of the year. The licenses already granted to innholders and common victuallers in said city, to expire on the first day of April next, shall, unless sooner revoked for cause, continue in force until the first day of May next.

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

Approved February 18, 1879.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-FIVE
OF THE GENERAL STATUTES RELATING TO INJURING MEMORI-
ALS OF THE DEAD.

Chap. 39

Be it enacted, &c., as follows :

Section thirty-nine of chapter one hundred and sixty-five of the General Statutes is hereby amended by striking out the words, "five hundred dollars nor less than ten dollars, or by imprisonment in the jail not exceeding one year," and inserting instead thereof the words, "one thousand dollars, or by imprisonment in the jail or house of correction not exceeding three years," *provided*, that nothing herein contained shall apply to any case now pending, or to any offence heretofore committed.

Penalties for in-
juring memori-
als of the dead.
G. S. 165, § 39.

Approved February 18, 1879.

AN ACT TO INCORPORATE THE BILLERICA AND BEDFORD NAR-
ROW GAUGE RAILROAD COMPANY.

Chap. 40

Be it enacted, &c., as follows :

SECTION 1. William W. Warren, Francis V. Noyes, Paul Hill, William R. Hayden, Joshua B. Holden, and their associates and successors, are hereby made a corporation by the name of the Billerica and Bedford Narrow Gauge Railroad Company, for the purpose of locating, constructing, maintaining and operating a railroad in the towns of Billerica and Bedford, the southern terminus of which shall be at or near the Bedford station of the Middlesex Central Railroad, and the northerly terminus at or near the North Billerica station of the Boston and Lowell Railroad. Said corporation may locate and construct its railroad over the lands of the Billerica and Bedford Railroad Company, and with a gauge of two feet; but in all other respects shall be subject to the same restrictions, duties and liabilities and shall have the same powers and privileges as if formed and organized under the general laws relating to railroad corporations.

Corporators.

Name and pur-
pose.

Powers and
duties.

SECTION 2. Said corporation may purchase, acquire and hold the railroad, franchise and property of said Billerica and Bedford Railroad Company, which now are in the hands of its assignees in bankruptcy or of their grantee or grantees; and it is hereby authorized to file a new location of said railroad, to maintain and operate the same, and it shall have and possess all the powers, privileges and franchises conferred upon said Billerica and Bedford Railroad Company by the general laws of this

May purchase
franchise and
property of
Bedford and
Billerica Rail-
road Company.

May file new
location of
road.

Commonwealth and by chapter ninety-nine of the acts of the year eighteen hundred and seventy-six.

Capital stock
not to exceed
\$30,000.

SECTION 3. The capital stock of the corporation hereby created shall be fixed by the directors, and shall not exceed thirty thousand dollars. And said corporation shall have the same power to increase its capital stock as if organized under the general laws.

Towns of Bil-
lerica and Bed-
ford may take
stock.

SECTION 4. The towns of Billerica and Bedford are hereby authorized to subscribe to the capital stock of the corporation hereby created to an amount which, together with all previous subscriptions to the stock or securities of railroad corporations, shall not exceed the amount now authorized by the general laws of this Commonwealth for such purposes; and said subscription shall be under the restrictions and conditions required by said general laws.

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

Approved February 19, 1879.

Chap. 41 AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF ABBOTT FEMALE ACADEMY IN ANDOVER.

Be it enacted, &c., as follows:

Name changed.

SECTION 1. The corporate name of the "Trustees of Abbott Female Academy," is hereby changed to "The Trustees of Abbott Academy."

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

Approved February 19, 1879.

Chap. 42 AN ACT FOR THE PROTECTION OF MARRIED WOMEN.

Be it enacted, &c., as follows:

Husband, con-
victed of an as-
sault upon his
wife, may be or-
dered to recog-
nize to keep the
peace for two
years.

SECTION 1. When before any court or trial justice of this Commonwealth any person shall be convicted of an assault committed on his wife after this act takes effect, said court or justice may, in addition to the other penalties inflicted, or in lieu of said penalties, order such person to recognize with surety or sureties to keep the peace for any term not exceeding two years.

Order for recog-
nizance may be
revoked.

SECTION 2. Said court or justice may at any time for good cause revoke the order for a recognizance, or reduce the amount required, or direct that the defendant's recognizance be taken without surety. And if the recognizance be not given in court, it may be taken at the jail or other place of confinement by any person authorized to take bail in criminal cases.

Approved February 19, 1879.

AN ACT TO AMEND CHAPTER SEVENTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT EXTENDING THE POWERS OF ASSESSORS OF TAXES. *Chap. 43*

Be it enacted, &c., as follows :

SECTION 1. Section one of chapter seventy-seven of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the words "two years from the time of its assessment," and inserting instead thereof the words "the calendar year in which the tax is assessed."

Abatement of taxes.
1878, 77, § 1.

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

Approved February 19, 1879.

AN ACT TO CHANGE THE NAME OF THE WEST PARISH CONGREGATIONAL SOCIETY OF AMESBURY. *Chap. 44*

Be it enacted, &c., as follows :

SECTION 1. The name of the West Parish Congregational Society of Amesbury is hereby changed to the "First Orthodox Congregational Society of Merrimac."

Name changed.

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

Approved February 21, 1879.

AN ACT TO ESTABLISH AN ALEWIFE FISHERY IN EASTHAM. *Chap. 45*

Be it enacted, &c., as follows :

SECTION 1. The town of Eastham is hereby authorized to make the necessary improvements for the preservation and taking of alewives in the Great Pond, so called, in the town of Eastham and the waters connected therewith and the outlet therefrom to the sea, and may take land and do all acts necessary for the purpose of establishing, protecting and regulating an alewife fishery in said waters.

Preservation and taking of alewives in Great Pond in Eastham.

SECTION 2. The said town of Eastham shall be liable to pay all damages that shall be sustained in any way by any persons in their property, in carrying into effect this act. If any person sustaining damage as aforesaid, shall not agree with the selectmen of the town upon the amount of damage to be paid therefor, he may have his damage assessed and paid in the manner provided by law in respect to land taken for highways.

Town liable for damages.

SECTION 3. Any fishery so created shall be deemed to be the property of said town of Eastham, and said town may make any proper regulations concerning the same, and may lease such fishery for a period not exceeding five years, upon such terms as may be agreed upon between said town and the lessees of the same.

Fishery to be the property of the town.

SECTION 4. No persons without the permission of said

Alewives not to be taken with-

out permission
of the town.

Forfeitures.

Prosecutions to
be within thirty
days of commit-
ment of offence.

town or of the lessees of said fishery shall take, kill or haul on shore any alewives in the fishery so created by the town.

SECTION 5. Whoever violates any of the provisions of this act or any of the regulations of the town regarding said fishery shall forfeit and pay a sum not less than five nor more than fifty dollars for each offence, to be recovered by prosecution before any court in the county of Barnstable competent to try the same. Said forfeiture shall accrue to the benefit of the inhabitants of the town.

SECTION 6. All prosecutions under the preceding section shall be instituted within thirty days from the time the offence was committed.

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

Approved February 21, 1879.

Chap. 46

AN ACT TO AUTHORIZE THE ONSET BAY GROVE ASSOCIATION TO CONSTRUCT AND MAINTAIN A BRIDGE OVER TIDE WATER.

Be it enacted, &c., as follows:

Association
may maintain
bridge across
Swift Narrows.

SECTION 1. The Onset Bay Grove Association is hereby authorized to construct and maintain a bridge without a draw, connecting their lands and crossing the creek called Swift Narrows, provided the license of the board of harbor commissioners is first obtained, as provided by law in cases above the line of some existing bridge or other structure authorized by law in which there is in fact no draw, and in which the law does not require that a draw be constructed or maintained.

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

Approved February 21, 1879.

Chap. 47

AN ACT TO PROTECT THE EEL FISHERIES IN NORTH RIVER AND ITS TRIBUTARIES IN THE COUNTY OF PLYMOUTH.

Be it enacted, &c., as follows:

Eels not to be
caught other
than by spear,
or by hook and
line.

SECTION 1. Whoever takes, catches or destroys any eels in North River or its tributaries, in the county of Plymouth, in any other manner than by spear, or hook and line, shall forfeit for every eel so taken, caught or destroyed, not less than one dollar nor more than five dollars; a half of said fine to be paid to the complainant.

Free passage of
eels not to be
obstructed,
under penalty.

SECTION 2. Whoever wilfully places any obstruction, or otherwise interferes with the free passage of eels in said river or its tributaries, shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence.

Fines and pen-
alties.

SECTION 3. All fines or penalties for violating this act, with costs, may be recovered by complaint or action of tort in any court of competent jurisdiction.

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

Approved February 21, 1879.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE SIGMA PHI SOCIETY OF WILLIAMS COLLEGE TO HOLD MEETINGS IN THE CITY OF NEW YORK.

Chap. 48

Be it enacted, &c., as follows:

SECTION 1. The trustees of the Sigma Phi Society of Williams College are hereby authorized to hold meetings, for the purposes mentioned in their act of incorporation, in the city of New York, as well as in this Commonwealth.

May hold meetings in the city of New York.

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

Approved February 21, 1879.

AN ACT TO AUTHORIZE THE NORTH PARISH OF WRENTHAM TO SELL ITS MEETING-HOUSE AND LAND TO THE TOWN OF NORFOLK.

Chap. 49

Be it enacted, &c., as follows:

SECTION 1. The North Parish of Wrentham is hereby authorized to sell its right and title to the meeting-house and land now owned or occupied by said parish to the town of Norfolk.

May sell meeting-house and land.

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

Approved February 21, 1879.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-TWO, RELATING TO THE FIRST DISTRICT COURT OF NORTHERN MIDDLESEX.

Chap. 50

Be it enacted, &c., as follows:

Section four of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and seventy-two is hereby amended by striking out the words "first Monday," and inserting in place thereof the words "first and third Mondays."

Court for civil business, on first and third Mondays in each month.

Approved February 21, 1879.

AN ACT IN ADDITION TO CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES, RELATING TO INSURANCE COMPANIES.

Chap. 51

Be it enacted, &c., as follows:

SECTION 1. The provisions of section twenty-one of chapter fifty-eight of the General Statutes, relating to loans by insurance companies, shall be extended and applied to all insurance companies that are organized or incorporated under the laws of this Commonwealth.

Investing officers not to borrow of company, nor be surety for loans to others.

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

Approved February 21, 1879.

Chap. 52 AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SEVEN, RELATIVE TO THE REDEMPTION OF THE GUARANTEE CAPITAL OF MUTUAL FIRE INSURANCE COMPANIES.

Be it enacted, &c., as follows:

Semi-annual dividends.

SECTION 1. The provisions of section one of chapter one hundred and seventy-five of the acts of the year eighteen hundred and seventy-seven are hereby extended to all mutual fire insurance companies with a guarantee capital organized or incorporated under the laws of this Commonwealth.

Redemption of guarantee capital. Repeal.

SECTION 2. Section two of chapter one hundred and seventy-five of the acts of the year eighteen hundred and seventy-seven is hereby repealed.

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

Approved February 21, 1879.

Chap. 53 AN ACT IN ADDITION TO "AN ACT CONCERNING ATTACHMENTS."

Be it enacted, &c., as follows:

Attachment of property or arrest under a special precept. 1876, 167, § 1. 1877, 18, § 1.

SECTION 1. Section one of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and seventy-six is hereby amended by inserting before the word "police" in the third line of said section the words "trial justice."

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

Approved February 21, 1879.

Chap. 54 AN ACT IN RELATION TO PRINTING BRIEFS IN CRIMINAL CASES.

Be it enacted, &c., as follows:

Briefs for state may be printed, and expense taxed like other costs.

SECTION 1. In any criminal case in which questions of law are carried to the supreme judicial court by the defendant upon exceptions, appeal or otherwise, the attorney-general may have the necessary copies of the brief for the Commonwealth printed, and the expense thereof shall be taxed and paid as the other costs in the case are taxed and paid.

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

Approved February 21, 1879.

Chap. 55 AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT RELATING TO SEWERS AND DRAINS.

Be it enacted, &c., as follows:

Sewers and drains. Amendment to 1878, 232, § 3.

SECTION 1. Section three of chapter two hundred and thirty-two of the acts of the year eighteen hundred and seventy-eight is hereby amended by adding at the end

thereof the following words, "*provided, however*, that in respect to any estate fronting upon such street or way which by reason of its grade or level, or for any other cause, cannot be drained into such sewer, the selectmen shall not ascertain, assess and certify the assessment thereon or give notice of such assessment to the owner of such estate, until the incapacity of such estate to be drained into such sewer has been removed.

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

Approved February 21, 1879.

AN ACT TO AMEND CHAPTER FIFTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SEVEN FOR THE PROTECTION OF CAMP MEETINGS.

Chap. 56

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter fifty-nine of the acts of the year eighteen hundred and sixty-seven is hereby amended by striking out the word "twelve," and inserting in place thereof the word "thirty."

Camp meeting officers may exercise for 30 consecutive days in a year, the powers conferred by 1867, 59.

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

Approved February 21, 1879.

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO LOAN MONEY UPON THE PERSONAL NOTE OF DEPOSITORS.

Chap. 57

Be it enacted, &c., as follows:

SECTION 1. Any savings bank or institution for savings may loan upon the personal note of any of its depositors a sum not exceeding a half of his deposit in said bank; the deposit and the book of such depositor to be held by said bank as collateral security for the payment of said loan.

Loans to depositors; bank books, etc., as security.

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

Approved February 26, 1879.

AN ACT IN RELATION TO THE ELECTION OF DIRECTORS OF CERTAIN INSURANCE COMPANIES.

Chap. 58

Be it enacted, &c., as follows:

SECTION 1. All mutual fire insurance companies organized or incorporated under the laws of this Commonwealth, and insuring manufacturing property and buildings or stock appurtenant thereto only, may annually elect by ballot a portion, not exceeding one-fourth part in number, of their board of directors from members of said company residing outside the limits of this Commonwealth.

One-fourth of directors may reside outside the state.

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

Repeal.

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

Approved February 26, 1879.

Chap. 59 AN ACT TO PROVIDE FOR LICENSING CONDUCTORS, DRIVERS
AND DESPATCHERS OF STREET RAILWAY CARS IN THE CITY OF
BOSTON.

Be it enacted, &c., as follows:

Conductors and
drivers of street
cars in Boston
to be licensed
by police com-
missioners.

License may be
revoked for
cause.

Fee for license
not to exceed
twenty-five
cents.

Record of
licenses to be
open to inspec-
tion of presi-
dents, etc., of
roads.

Notice to presi-
dents, etc., when
license is re-
voked.

Police commis-
sioners to en-
force all laws,
etc., relating to
use of tracks, etc.

Police officers
to secure testi-
mony and report
violations of
law.

SECTION 1. The board of police commissioners of the city of Boston shall, upon the recommendation of the president, superintendent, or board of directors of any street railway corporation using the streets of said city, issue licenses from time to time to the conductors and drivers of the street cars of the said several street railway corporations, and also to the persons employed to start or despatch the cars of said corporations from the stables, stations, depots and other places within said city; and said board of police commissioners may revoke any such license at any time for sufficient cause. Such licenses shall continue and remain in force until surrendered by the licensee or until revoked by said board of police commissioners, and shall contain such provisions and conditions as said board shall determine: *provided, however*, that the fee to be paid for each license shall not exceed the sum of twenty-five cents.

SECTION 2. A record of the issue, surrender and revocation of such licenses shall be kept at the office of said board of police commissioners, and shall be open at all times to the inspection of the presidents and superintendents of the several street railways using the streets in said city; and whenever any such license is revoked by the board of police commissioners, notice thereof shall be transmitted to the presidents or superintendents of said street railways and to the licensee.

SECTION 3. Said board of police commissioners shall require the members of their department to observe and direct the persons licensed under this act, and to cause them to conform to the laws of the Commonwealth, the ordinances of the city of Boston, the regulations of the board of aldermen of said city, and the rules of said board of police commissioners relating to the use of the tracks, the speed of the horses, and especially to the obstructions of public travel, by the management of the street cars; said police officers shall secure the necessary testimony, and shall report to the board of police commissioners every instance of the wilful or persistent violation by any licensee of any such law, ordinance, regulation or rule, or any refusal

to obey the request of said officers respecting the management of any street car.

SECTION 4. Any person who shall drive any horses attached to any street car in any street in the city of Boston, except at the stables of said corporations, or shall act in the capacity of conductor, starter or despatcher at any place within the limits of said city, without being licensed therefor, as herein provided, or who shall act in such capacity in violation of the provisions or conditions, or after the revocation of such license, shall forfeit and pay a sum not exceeding twenty dollars for each offence.

Penalty for acting as driver, conductor or starter, without a license.

SECTION 5. No person whose license shall have been revoked pursuant to the provisions of this act, shall be re-instated, or receive a new license as conductor, driver, starter or despatcher on any street railway in the city of Boston, within a period of twelve months from the date of the revocation of his license.

Not to receive new license within twelve months of revocation.

Approved February 26, 1879.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE ENTITLED "AN ACT TO AUTHORIZE THE TOWN OF MEDFORD TO BUILD A BRIDGE ACROSS MYSTIC RIVER."

Chap. 60

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-three, is hereby amended by striking out all of said section after and including the word "provided."

Span bridge across Mystic River.
1873, 130, § 1.

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

Approved February 26, 1879.

AN ACT TO AUTHORIZE THE TOWN OF FOXBOROUGH TO MAKE CERTAIN PAYMENTS TO THE WIDOW AND CHILDREN OF JOHN A. DAVIS.

Chap. 61

Be it enacted, &c., as follows:

SECTION 1. The town of Foxborough is hereby authorized to raise by taxation and appropriate annually for the term of ten years, a sum not exceeding one hundred and twenty dollars; the same to be paid in quarterly payments of thirty dollars each to Ella A. Davis, the widow of John A. Davis, of said town, or to their children as the town may deem expedient.

Town may raise money to be paid to widow and children of John A. Davis.

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

Approved February 26, 1879.

Chap. 62 AN ACT TO AUTHORIZE THE SUPREME COUNCIL OF THE ROYAL ARCANUM TO HOLD ITS ANNUAL MEETINGS WITHOUT THE COMMONWEALTH.

Be it enacted, &c., as follows:

May hold annual meetings without the Commonwealth.

The Supreme Council of the Royal Arcanum may hold its annual meetings in any state wherein a grand council of said association is established; and its acts at such meetings shall have the same effect as if done within the Commonwealth.

Approved February 26, 1879.

Chap. 63 AN ACT TO AMEND THE CHARTER OF THE FANEUIL HALL INSURANCE COMPANY.

Be it enacted, &c., as follows:

May take marine risks.

SECTION 1. The provisions of chapter one hundred and eighty-two of the acts of the year eighteen hundred and seventy-three are hereby extended to the Faneuil Hall Insurance Company.

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

Approved February 27, 1879.

Chap. 64 AN ACT CONCERNING JUVENILE OFFENDERS IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Juvenile offenders in Boston, may have punishment remitted and be placed upon probation.

SECTION 1. The board of directors for public institutions of the city of Boston are authorized to remit the punishment of, and place upon probation, any person now or hereafter committed to the house of employment and reformation for juvenile offenders established in said city of Boston, upon such conditions, with such restrictions and under such limitations as they deem proper.

May be remanded, if conditions of remission are violated.

SECTION 2. If any person whose punishment is remitted and who is placed upon probation as provided by section one of this act shall, in the opinion of said board of directors, violate any condition, restriction or limitation of such remission or probation, said board of directors may at any time, without further warrant or authority, cause him to be arrested and remanded, and confined for the unexpired term of his sentence.

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

Approved February 27, 1879.

Chap. 65 AN ACT TO AMEND CHAPTER FORTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND THREE RELATIVE TO THE PRIVILEGE OF TAKING CERTAIN FISH IN MYSTIC RIVER IN MEDFORD.

Be it enacted, &c., as follows:

Fish committee in Medford to

SECTION 1. Section three of chapter forty of the acts of the year eighteen hundred and three is hereby amended

by striking out the word "freeholders," in the third line of said section, and inserting in place thereof the word "inhabitants."

consist of three inhabitants.

SECTION 2. This act shall take effect upon its passage.
Approved February 27, 1879.

AN ACT TO AMEND THE CHARTER OF THE SIMONDS MANUFACTURING COMPANY.

Chap. 66

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter forty-eight of the acts of the year eighteen hundred and sixty-nine is hereby amended by inserting after the words "machine knives of all kinds," in the sixth line thereof, the words "saws and edge-tools."

May manufacture saws and edge-tools.

SECTION 2. This act shall take effect upon its passage.
Approved February 27, 1879.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE HARBOR IMPROVEMENT LOAN.

Chap. 67

Be it enacted, &c., as follows:

SECTION 1. The treasurer and receiver-general is hereby authorized to call in and pay the harbor improvement loans authorized by chapters three hundred and twenty of the acts of the year eighteen hundred and seventy-two, and one hundred and seventy-one of the acts of the year eighteen hundred and seventy-six, at such times as the same shall become redeemable at the option of the Commonwealth, and said treasurer may, with the approval of the governor and council, sell any stocks or bonds in his possession, not otherwise appropriated, and use such part of the proceeds thereof, as may be necessary in the redemption of said loans.

Treasurer may call in harbor improvement loans.

May sell stocks and bonds for redemption of loans, with approval of governor and council.

SECTION 2. This act shall take effect upon its passage.
Approved February 27, 1879.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATING TO ELECTIONS.

Chap. 68

Be it enacted, &c., as follows:

Section four of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out the word "twenty," wherever the same occurs in said section, and inserting instead thereof the words "twenty-five;" also by striking out the word "fifteen," wherever the same occurs in said section, and inserting instead thereof the word "twenty."

Lists of persons, who have paid state or county taxes, to be returned to selectmen, etc., not more than 25 days nor less than 20 days before elections.

Approved February 27, 1879.

- Chap. 69* AN ACT TO AMEND CHAPTER TWELVE OF THE GENERAL STATUTES RELATIVE TO ADVERTISEMENT OF SALES OF REAL ESTATE TAKEN FOR TAXES.

Be it enacted, &c., as follows:

Advertisement
of sales of real
estate taken for
taxes.

SECTION 1. Section twenty-eight of chapter twelve of the General Statutes is hereby amended by striking out the words "of the county where the real estate lies," and inserting in place thereof the words "published in the city or town where the premises to be sold for taxes are situated," and also by striking out the words "an adjacent county," and inserting in place thereof the words "the county where the real estate lies."

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

Approved February 27, 1879

- Chap. 70* AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT TO PREVENT TRESPASS ON LAND.

Be it enacted, &c., as follows:

Trespass on
land.

SECTION 1. Section one of chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-eight is hereby amended by inserting after the word "sheep," the word "goats," and also by inserting after the word "writing," in the sixth line, the words "or by notice posted thereon."

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

Approved February 27, 1879.

- Chap. 71* AN ACT TO AMEND CHAPTER NINETY-SEVEN OF THE GENERAL STATUTES, IN RELATION TO THE PAYMENT OF DEBTS BY EXECUTORS AND ADMINISTRATORS.

Be it enacted &c., as follows:

Proceedings
when right of
action accrues
after two years.

SECTION 1. Section eight of chapter ninety-seven of the General Statutes is hereby amended by inserting after the words "that the same is," in the fifth line of said section, the words "or may become."

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

Approved February 28, 1879.

- Chap. 72* AN ACT IN RELATION TO THE ASSESSMENT OF PERSONAL PROPERTY AND MAKING RETURNS THEREOF BY ASSESSORS.

Be it enacted, &c., as follows:

Assessment of
personal prop-
erty, and re-
turns by
assessors.

SECTION 1. In making the estimate of the personal property of any assessable person as provided for in sections twenty-seven and twenty-eight of chapter eleven of the General Statutes, the assessors shall specify the amount of each class of personal property mentioned in clauses

numbered *eighth, ninth, tenth* and *eleventh*, in section two of this act, and enter the same in column number five, upon the blank books furnished under the provisions of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and sixty-one: *provided, however*, that any error or over-estimate of any class shall not be taken into account in determining whether any person is entitled to an abatement, but only the aggregate amount of such estimate.

SECTION 2. Section three of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and sixty-one is hereby amended by striking out the clauses numbered "second" to "twelfth" inclusive, after the clause numbered "*First*," and inserting the following:—

Tables of aggregates.

"*Second*.—The tax on each poll.

Third.—The total value of personal estate.

Fourth.—The total value of real estate.

Fifth.—The total valuation of the city or town.

Sixth.—The total tax for state, county, and town purposes, including highway tax.

Seventh.—The rate per cent. of total tax, or rate per one thousand dollars.

Eighth.—The total amount as valued for assessment of money at interest, and other debts due the persons assessed more than they are indebted or pay interest for, specifying how much of said amount is debts secured by mortgage, and how much unsecured debts.

Ninth.—The amount of money on hand, including deposits taxable as valued for assessment.

Tenth.—The total amount of public stocks and securities as valued for assessment.

Eleventh.—The total amount of stocks in corporations without the state as valued for assessment.

Twelfth.—Total number of horses assessed.

Thirteenth.—Total number of cows assessed.

Fourteenth.—Total number of sheep assessed.

Fifteenth.—Total number of dwelling-houses assessed.

Sixteenth.—The total number of acres of land assessed in the city or town."

And the secretary of the Commonwealth shall cause the tables of aggregates provided for by section one of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and sixty-one to be so amended as to conform to the requirements of this act.

Secretary to cause tables to conform to requirements of act.

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

Approved February 28, 1879.

Chap. 73 AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT, RELATING TO THE COLLECTION OF TAXES.

Be it enacted, &c., as follows:

Amendment to
1878, 266, § 14.
[See G. S. 12,
§ 36.]

SECTION 1. Section fourteen of chapter two hundred and sixty-six of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the words "provided in section eleven of this act," and inserting in place thereof the words "allowed to him when he exercises the power of taking."

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

Approved February 28, 1879.

Chap. 74 AN ACT IN RELATION TO INTEREST UPON TAXES.

Be it enacted, &c., as follows:

Interest on un-
paid taxes not
to exceed seven
per cent.

SECTION 1. Section one of chapter two hundred and twenty-five of the acts of the year eighteen hundred and seventy-three is amended by striking out the words "one per centum per month," wherever they occur in said section, and inserting instead thereof the words "seven per centum per annum."

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

Approved February 28, 1879.

Chap. 75 AN ACT AUTHORIZING AGENTS OF BOARDS OF HEALTH TO MAKE COMPLAINTS FOR VIOLATION OF THE LAWS RELATING TO PUBLIC HEALTH.

Be it enacted, &c., as follows:

Agent of board
of health may
make complaint
for violation of
laws relating to
public health.

SECTION 1. In cases of violation of any law, ordinance, or by-law, relating to the public health in any city or town, complaint may be made by any agent of the board of health of such city or town appointed to make sanitary inspections, as well as by the persons now authorized by law to make such complaints.

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

Approved February 28, 1879.

Chap. 76 AN ACT AMENDING CHAPTER FORTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE, RELATING TO THE TERM OF SERVICE OF JURORS IN THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows:

Term of service
of jurors in the
county of Suff-
olk.
1873, 44, § 1.

SECTION 1. Section one of chapter forty-four of the acts of the year eighteen hundred and seventy-three is hereby amended by inserting therein after the word "court," in the third line thereof, the words "nor in the

trial of criminal cases more than one term thereof during the year."

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

Approved February 28, 1879.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

Chap. 77

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 wit:—

Appropriations.

For the support of normal schools, a sum not exceeding twenty thousand dollars; to be paid out of the moiety of the income of the school fund applicable to educational purposes.

Normal schools.

For the support of the state normal art school, the same to include rent, taxes, etc., a sum not exceeding five thousand dollars.

Normal Art School.

For the Massachusetts teachers' association, three hundred dollars.

Teachers' association.

For salaries and expenses of the agents of the board of education, a sum not exceeding one thousand three hundred dollars.

Board of education.

For teachers' institutes, a sum not exceeding two thousand dollars.

Teachers' institutes.

For county teachers' associations, a sum not exceeding three hundred dollars.

County teachers' associations.

For aid to pupils in the state normal schools, a sum not exceeding two thousand dollars; payable in semi-annual payments, to be expended under direction of the board of education.

Aid to pupils in normal schools.

For the Perkins institution and the 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 the deaf and dumb, and in other institutions of the same character, a sum not exceeding five thousand dollars.

Asylum for deaf mutes.

The income of the Rogers book fund, of the Todd normal school fund, and of the agricultural college fund, shall be expended in accordance with the provisions of the various acts relating thereto.

Income of Agricultural College Fund, Rogers book fund, etc.

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

Approved February 28, 1879.

Chap. 78 AN ACT FIXING THE COMPENSATION OF MEMBERS OF THE LEGISLATURE AND ESTABLISHING THE SALARIES OF THE CLERKS AND ASSISTANT CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES, THE SERGEANT-AT-ARMS, DOORKEEPERS, ASSISTANT DOORKEEPERS, POSTMASTER, MESSENGERS, PAGES AND CHAPLAINS OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND THE COMPENSATION OF THE PREACHER OF THE ELECTION SERMON.

Be it enacted, &c., as follows:

Compensation
of members of
senate and
house of repre-
sentatives.
Travel.

President and
speaker.

Clerks of the
senate and
house.

Assistant
clerks.

Sergeant-at-
arms.

Doorkeepers.

Messengers.

Pages.

Chaplains.

Preacher of
election sermon.

Number of
doorkeepers,
etc., not to ex-
ceed twenty-
five.

Repeal.

SECTION 1. Each member of the senate and house of representatives shall receive five hundred dollars for the regular annual session for which he is elected, and one dollar for every five miles' travel from his place of abode, once in each session, to the place of the sitting of the general court; and the president of the senate and the speaker of the house of representatives shall receive double the compensation provided for each individual member by this act, except for travel.

SECTION 2. The salaries of the clerks of the senate and house of representatives shall be two thousand dollars each per annum.

SECTION 3. The salaries of the assistant clerks of the senate and house of representatives shall be eight hundred dollars each per annum.

SECTION 4. The salary of the sergeant-at-arms shall be two thousand dollars per annum.

SECTION 5. The salaries of the doorkeepers, assistant doorkeepers and postmaster, shall be four dollars for each day's service.

SECTION 6. The salaries of the messengers of the senate and house of representatives shall be four dollars for each day's service.

SECTION 7. The salaries of the pages of the senate and house of representatives shall be two dollars for each day's service.

SECTION 8. The salaries of the chaplains of the senate and house of representatives shall be two hundred dollars each per annum.

SECTION 9. The compensation of the preacher of the election sermon shall be fifty dollars.

SECTION 10. The number of doorkeepers, assistant doorkeepers and messengers and pages of the senate and house of representatives shall not exceed in all twenty-five.

SECTION 11. Section one of chapter forty-eight of the acts of the year eighteen hundred and seventy-five, and all acts and parts of acts inconsistent herewith, are hereby

repealed, and section one of chapter three hundred and twenty-eight of the acts of the year eighteen hundred and seventy-two is hereby amended so that the rate therein provided for, shall be five hundred dollars.

SECTION 12. This act shall take effect upon the first day of March of the present year.

To take effect
March 1, 1879.

Approved February 28, 1879.

AN ACT TO FIX THE SALARY OF THE SECRETARY OF THE COMMONWEALTH, AND THE SALARIES AND COMPENSATION OF THE PERSONS EMPLOYED IN THE SECRETARY'S DEPARTMENT.

Chap. 79

Be it enacted, &c., as follows:

SECTION 1. The salary of the secretary of the Commonwealth shall be twenty-five hundred dollars a year, and at the same rate for any portion of a year.

Salary of the
secretary.

SECTION 2. The secretary may employ in his office three permanent clerks; the first at a salary of eighteen hundred dollars a year; the second at a salary of fifteen hundred dollars a year, and the third at a salary of twelve hundred dollars a year, and at the same rate for any portion of a year. He may employ such additional clerks, messenger and other assistance as may be necessary for the despatch of public business, at an expense of not exceeding eight thousand dollars a year: *provided*, that no person so employed shall receive compensation or salary to exceed the rate of eleven hundred dollars per annum.

Salaries of per-
manent clerks.

Additional
clerks and
messenger.

Proviso.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon the first day of March of the present year.

To take effect
March 1, 1879.

Approved February 28, 1879.

AN ACT TO ESTABLISH THE SALARIES OF THE TREASURER AND RECEIVER-GENERAL AND OF THE CLERKS IN HIS DEPARTMENT.

Chap. 80

Be it enacted, &c., as follows:

SECTION 1. The salary of the treasurer and receiver-general of the Commonwealth shall be four thousand dollars a year, and at the same rate for any part of a year.

Salary of the
treasurer.

SECTION 2. The treasurer may employ in his office two permanent clerks; the first at a salary of twenty-three hundred dollars a year; the second at a salary of eighteen hundred dollars a year; and the cashier at a salary of eighteen hundred dollars a year, and at the same rate for any part of a year. He may also employ two extra clerks, each at a salary of eleven hundred dollars a year and at the same rate for any part of a year.

Salaries of per-
manent clerks.

Extra clerks.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
March 1, 1879.

SECTION 4. This act shall take effect upon the first day of March of the present year.

Approved February 28, 1879.

Chap. 81 AN ACT ESTABLISHING THE SALARY OF THE AUDITOR AND OF THE CLERKS IN HIS DEPARTMENT.

Be it enacted, &c., as follows :

Salary of the
auditor.

SECTION 1. The salary of the auditor of the Commonwealth shall be twenty-five hundred dollars a year, and at the same rate for any portion of a year.

Salaries of per-
manent clerks.

SECTION 2. The salary of the first clerk in the auditor's department shall be eighteen hundred dollars a year, and of the second clerk fifteen hundred dollars a year, and at the same rate for any portion of a year.

Extra clerks.

SECTION 3. The salary of the two extra clerks in the auditor's department shall not exceed eleven hundred dollars each a year and shall not exceed the same rate for any portion of a year.

Additional
clerical assist-
ance.

SECTION 4. The compensation of all other clerical assistance in the auditor's department shall not exceed for the year or any part thereof, the rate of five hundred dollars a year.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
March 1, 1879.

SECTION 6. This act shall take effect upon the first day of March of the present year.

Approved February 28, 1879.

Chap. 82 AN ACT REGULATING THE SALARY OF THE ENGINEER, WATCHMEN AND FIREMEN AT THE STATE HOUSE, AND OF THE FIREMAN AND JANITOR IN PEMBERTON SQUARE.

Be it enacted &c., as follows :

Salary of the
engineer.

SECTION 1. The salary of the engineer at the state house shall be twelve hundred dollars a year, and at the same rate for any part of a year.

Watchmen.

SECTION 2. The salary of the four watchmen employed at the state house shall be one thousand dollars each a year, and at the same rate for any part of a year; and they shall perform such duties as messengers as shall be required by the sergeant-at-arms.

Assistant
watchman.

SECTION 3. The salary of the assistant watchman shall be seven hundred and fifty dollars a year, and at the same rate for any part of a year.

SECTION 4. The salary of the fireman at the state house shall be eight hundred dollars a year, and of the fireman and janitor of the building in Pemberton Square, Boston, hired by the state, eight hundred dollars a year, and at the same rate for any part of a year.

Firemen and
janitor.

SECTION 5. The salary of the assistant fireman at the state house, for such time as he may be employed shall not exceed two dollars and one-half per day.

Assistant fire-
man.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.
Approved February 28, 1879.

AN ACT FOR THE BETTER PROTECTION OF THE SHAD AND ALEWIFE
FISHERY IN TAUNTON GREAT RIVER.

Chap. 83

Be it enacted, &c., as follows :

Any person who shall wilfully drive or stick any stake in or upon any fishing ground or privilege duly located in Taunton Great River, or who shall, by throwing into the waters thereof any substance or thing, or in any other manner, prevent, obstruct or impede any purchaser or purchasers of such ground or privilege or their agents from seining or fishing thereon at such time and manner as provided by law, shall for each offence be punished by a fine not exceeding ten dollars. *Approved February 28, 1879.*

Penalty for
obstructing
seining or fish-
ing, in Taunton
Great River.

AN ACT TO CHANGE THE NAME OF THE CAPE ANN ISINGLASS AND
GLUE COMPANY IN ROCKPORT.

Chap. 84

Be it enacted, &c., as follows :

The name of the Cape Ann Isinglass and Glue Company in Rockport, is changed to that of the Cape Ann Isinglass Company. *Approved February 28, 1879.*

Name changed

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-TWO OF
THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SEVEN,
RELATING TO THE CONSTRUCTION OF THE EXTENSION OF FOSTER
STREET IN THE CITY OF WORCESTER.

Chap. 85

Be it enacted, &c., as follows :

SECTION 1. Section one of chapter one hundred and fifty-two of the acts of the year eighteen hundred and seventy-seven, is hereby amended, so that the bridge over the extension of Foster Street, where said extension crosses the viaduct as provided in said chapter, may be constructed with three spans, the aggregate length of which shall not be less than sixty feet in the clear measured at right angles with said extension.

Bridge may be
constructed
with three
spans.

Grade of street
may be raised.

Damages.

Not to affect
any thing done
in construction,
etc.

SECTION 2. The mayor and aldermen are authorized to raise the grade of said street as now fixed, between a point thereon opposite the easterly line of the estate of William Dickinson, and the bridge across the viaduct over said street, not to exceed in any place three feet. And any damage occasioned to any person or corporation by raising the grade of said street, shall be assessed by said mayor and aldermen in the first instance, and shall be subject to revision by a jury in the manner provided by law in the laying out of townways and shall be paid by said city.

SECTION 3. This amendment shall not in any other way affect any thing which has been done in the laying out and construction of said street nor the liability of estates receiving benefit and advantage from the laying out of said extension to assessment therefor as provided in said chapter.

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

Approved February 28, 1879.

Chap. 86 AN ACT CONCERNING LETTERS OF ATTORNEY FOR THE CONVEYANCE OF THE REAL ESTATE OF MARRIED WOMEN.

Be it enacted, &c., as follows :

Acknowledg-
ment and regis-
try of letters of
attorney for
conveyance of
real estate.

SECTION 1. Section twenty-nine of chapter eighty-nine of the General Statutes is hereby amended by striking out all after the word "estate," in the third line.

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

Approved February 28, 1879.

Chap. 87 AN ACT TO AMEND "AN ACT RELATING TO BAIL IN CRIMINAL CASES," AND ENLARGING THE POWER OF COURTS TO TAKE BAIL.

Be it enacted, &c., as follows :

Person forfeit-
ing bail in a
criminal case
not to go at
large on further
bail, without an
order of the
court, for good
cause shown.

SECTION 1. Section one of chapter three hundred and six of the acts of the year eighteen hundred seventy-four is hereby amended by striking out the words "after showing some reasonable excuse for his previous default or forfeiture," and inserting in place thereof the words "for good cause shown."

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

Approved March 4, 1879.

Chap. 88 AN ACT RELATING TO THE SUPPORT OF PAUPERS IN THE LUNATIC HOSPITALS.

Be it enacted, &c., as follows :

Expense of sup-
port of insane
state paupers

SECTION 1. Section one of chapter one hundred and five of the acts of the year eighteen hundred and seventy

is hereby amended by striking out the words "and fifty cents," in the sixth line thereof.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed, saving all rights accrued or accruing, and suits or proceedings had or commenced, prior to the date at which this act takes effect.

SECTION 3. This act shall take effect upon the first day of April eighteen hundred and seventy-nine.

Approved March 5, 1879.

not to exceed \$3 per week.

Repeal.

Suits commenced, etc., not affected.

To take effect April 1, 1879.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY OF THE GENERAL STATUTES AS TO BAIL IN CRIMINAL CASES.

Chap. 89

Be it enacted, &c., as follows:

SECTION 1. Section thirty-seven of chapter one hundred seventy of the General Statutes is hereby amended by inserting after the words "officer by whom he was committed," the words "or after hearing the officer in whose custody the prisoner is held."

Admission to bail, of prisoner committed without amount of recognizance being fixed.

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

Approved March 6, 1879.

AN ACT TO ENABLE STOCKHOLDERS IN STREET RAILWAY CORPORATIONS TO SUBSCRIBE FOR ADDITIONAL STOCK.

Chap. 90

Be it enacted, &c., as follows:

SECTION 1. The provisions of section one of chapter eighty-four of the acts of the year eighteen hundred and seventy-eight shall apply to street railway corporations.

Subscriptions for new stock.

SECTION 2. If after the expiration of the notice provided for in section one of chapter eighty-four of the acts of the year eighteen hundred and seventy-eight any shares of such additional stock remain unsubscribed for, by the stockholders entitled to take them, the directors may sell the same at public auction in the principal town or city in which such street railway is located, and public notice of such sale shall be given by advertisement, at least once a week, for three successive weeks, in one or more newspapers to be specified by the board of railroad commissioners.

Stock may be sold at auction, if not taken.

SECTION 3. Chapter three hundred and five of the acts of the year eighteen hundred and seventy-three is hereby repealed.

Approved March 6, 1879.

Repeal.

AN ACT TO INCORPORATE THE TRUSTEES OF THAYER ACADEMY.

Chap. 91

Be it enacted, &c., as follows:

SECTION 1. There is hereby established in the town of Braintree an institution of learning by the name of the

Thayer Academy.

Thayer Academy, for the purposes set forth in the will of Sylvanus Thayer, late of Braintree, deceased, bearing date the tenth day of July, in the year eighteen hundred and seventy-one, and proved and allowed at the probate court holden at Dedham, within and for the county of Norfolk, on the ninth day of October in the year eighteen hundred and seventy-two.

Corporators
and trustees.

Ebenezer Alden of Randolph, William S. Dexter of Boston, Asa French of Braintree, George A. Thayer of Boston, Seth Turner of Randolph, and Solomon Lincoln of Hingham, in the state of Massachusetts, surviving persons named as trustees in said will, are hereby appointed trustees of said academy; and they are hereby incorporated into a body politic by the name of the Trustees of Thayer Academy. And they and their successors shall be and continue a body politic and corporate by the same name forever; with all the powers and privileges requisite for carrying into full effect the provisions of said will, and with all the powers, rights and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or may hereafter be in force and applicable to such corporations, not inconsistent with the provisions of said will.

Powers and
privileges.

May take and
hold estates be-
queathed by
Sylvanus
Thayer.

SECTION 2. Said corporation may take and hold all and singular the estates, real and personal, devised and bequeathed by the said Sylvanus Thayer, in his said will, to the trustees therein named, for the purposes aforesaid, and may take and hold any other and further estates, real or personal, which may be acquired by them by gift, devise or purchase, or otherwise, for the same purposes: *provided, however*, that the actual value of the real and personal estates, by them so held or possessed, shall not exceed the amount of three hundred and fifty thousand dollars, all of which estates shall be devoted and appropriated exclusively for the purposes of education in the manner set forth in said will.

Proviso.

No tuition fee
as long as fund
is \$200,000, and
income there-
from is \$12,000.

SECTION 3. So long as the fund held by said corporation, the income of which can be applied to the maintenance of instruction in said academy, shall, at its fair market value, be equal to two hundred thousand dollars, and the net annual income therefrom, available for said purpose, shall be not less than twelve thousand dollars, no tuition fee shall be required from any scholar in said academy who shall have been born in either of the towns of Braintree, Quincy, Randolph or Holbrook, or whose parents either or both, shall reside in one of said towns, at

the time of his or her admission, and during his or her continuance as a pupil of said academy.

SECTION 4. Nothing herein contained shall be so construed as to limit or control the right of the trustees to establish and maintain free scholarships in their discretion, in the manner provided in the will of Sylvanus Thayer.

Free scholarships.

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

Approved March 6, 1879.

[Accepted April 10, 1879.]

AN ACT TO INCORPORATE THE NEW ENGLAND FURNITURE EXCHANGE.

Chap. 92

Be it enacted, &c., as follows:

SECTION 1. Francis M. Holmes, Frank A. Brown, William A. Haskell, Christopher Blake, Charles H. Gilman, George S. Harrington, their associates and successors, are hereby made a corporation by the name of the New England Furniture Exchange, for the purpose of promoting the general welfare of the furniture trade and its branches in New England; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or hereafter may be in force concerning such corporations: *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Corporators.

Name and purpose.

Corporation not to traffic in wares or merchandise.

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

Real and personal estate not to exceed \$100,000.

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

Approved March 6, 1879.

AN ACT TO AUTHORIZE THE TOWN OF NORTH READING TO PAY CERTAIN BOUNTIES.

Chap. 93

Be it enacted, &c., as follows:

SECTION 1. The town of North Reading is hereby authorized to raise money, and pay to Walter Rayner, Edwin Eaton, Osro Mason and Joseph H. Abbott, or either of them, the sum of one hundred and twenty-five dollars each, as a bounty for service in the late war as a part of the quota of said town: *provided*, that said town shall not be re-imbursed by the Commonwealth for the money as paid under this act.

May raise money to pay soldiers' bounties.

Not to be re-imbursed by the state.

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

Approved March 7, 1879.

Chap. 94 AN ACT TO AMEND "AN ACT IN RELATION TO THE COLLECTION OF TAXES."

Be it enacted, &c., as follows:

Amendment to
1878, 266, § 14.
(See G.S. 12,
§ 36.)

SECTION 1. Section fourteen of chapter two hundred and sixty-six of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out in the thirteenth and fourteenth lines these words, viz.: "and the sum of five dollars for examination of title," and inserting instead thereof these words, viz.: "and a sum not exceeding three dollars, for examination of title, a deed of conveyance or release, and all other necessary intervening charges."

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

Approved March 10, 1879.

Chap. 95 AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN OF THE GENERAL STATUTES RELATING TO COURTS OF INSOLVENCY.

Be it enacted, &c., as follows:

Wages of clerk
and servant to
amount of \$100,
to be paid in
full.

SECTION 1. Section ninety-six of chapter one hundred and eighteen of the General Statutes is hereby amended by inserting between the words "operative" and "to," in the first line of the second clause thereof, the words "clerk and servants," and also by striking out the word "fifty" in the second line of said clause and inserting in its place the words "one hundred."

Vote for
assignee by pre-
ferred creditor.

SECTION 2. In all cases arising under said chapter no party or person having a preferred claim shall vote thereon for assignee except on so much of said claim as exceeds the amount preferred by law. *Approved March 10, 1879.*

Chap. 96 AN ACT TO CONSOLIDATE THE OFFICES OF ADJUTANT-GENERAL AND INSPECTOR-GENERAL IN TIMES OF PEACE.

Be it enacted, &c., as follows:

Adjutant-gen-
eral to be in-
specter-general
in times of
peace.

SECTION 1. Section eleven of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight is hereby amended by inserting the words "inspector general," after the words "the adjutant general shall be," and before the words "quartermaster general," in the last line but one of said section.

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

Approved March 10, 1879.

Chap. 97 AN ACT RELATIVE TO PENSIONS TO DISABLED POLICE OFFICERS OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Pensions to dis-
abled police-
men.

SECTION 1. Section five of chapter two hundred and forty-four of the acts of the year eighteen hundred and

seventy-eight shall be construed to apply to the police officers therein named who have become connected with the police department of the city of Boston by the annexation of any other city or town to said city of Boston; and the service of such officers in any such city or town before annexation, shall be reckoned in making up the number of years' service required under said section; and any such officer who has been discharged from said department since said section went into effect shall be entitled to the benefits of said section from the date of such discharge.

in the city of
Boston.

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

Approved March 10, 1879.

AN ACT IN RELATION TO THE DISCHARGE OF SEWAGE INTO THE
ROXBURY CANAL.

Chap. 98

Be it enacted, &c., as follows:

SECTION 1. The city of Boston is hereby authorized to divert by temporary structures the sewage now discharged into the Roxbury Canal west of the easterly line of East Chester Park, so that it shall discharge into said canal east of said easterly line; and said diversion may continue until the system of improved sewerage now being constructed in said city shall be in practical operation, but no longer.

City may divert
sewage now dis-
charged into
Roxbury Canal.

SECTION 2. The city of Boston is hereby authorized to construct and maintain a storm overflow from said system of improved sewerage, the said storm overflow to empty into said Roxbury Canal east of the easterly line of East Chester Park.

May construct
and maintain a
storm overflow.

SECTION 3. Whenever in the opinion of twenty or more property tax payers of the city of Boston, resident within the ward or wards in which that portion of Roxbury Canal east of Chester Park lies, that part of the canal used as a storm overflow canal or basin shall require cleansing or dredging, they shall state the fact in writing to the state board of health who shall within thirty days after receipt of such notice inspect said canal or basin, and if in their judgment it shall require cleansing or dredging they shall direct the city of Boston so to cleanse or dredge within thirty days after the receipt of such notice, and when so directed the city of Boston shall within the time specified cleanse or dredge such basin or channel in a manner satisfactory to the state board of health, who shall upon the completion of the work indorse upon the order directing the same to be done, its approval thereof, with the date of said indorsement.

Canal to be
dredged by the
city whenever
so ordered by
the state board
of health.

Expense of dredging to be assessed upon abutters.

SECTION 4. Upon the completion of said cleansing or dredging by the city of Boston, and the receipt of the approval of the state board of health thereon, the city of Boston may submit to the state board of health sworn itemized statements of the costs thereof with vouchers therefor, of which sum the board of health shall then proceed to assess such portion or portions as they shall deem just and equitable, upon the wharves and lands adjoining or abutting upon said canal or basin; but they shall have power to make assessments upon the several wharves and lands, only for the expense of removing deposits caused by the owners or occupants thereof respectively.

Assessments to be a lien upon wharves and lands so assessed.

SECTION 5. All assessments made under this act shall constitute a lien upon the wharves and lands so assessed for one year after the assessment is made and as provided in section four of this act, and may be enforced in the same manner with like charges for cost and interest as provided by law for the collection of taxes; and all said assessments which shall remain unpaid after the same become due or payable shall draw interest from the time the same become due or payable until the time of payment thereof.

If assessment is invalid, by error in making, it may be made anew.

SECTION 6. Any assessment made under this act which is invalid by reason of any error or irregularity in the making thereof, and which has not been paid, or which has been recovered back, may be made by said state board of health to the amount for which the original assessment ought to have been made, and the same if made upon a wharf or land shall be a lien upon such wharf or land and be collected in the same manner as re-assessed taxes are.

Person aggrieved may apply to superior court within one year.

SECTION 7. Any person aggrieved by an assessment made under this act may apply by petition to the superior court for the county of Suffolk, at any term thereof within one year after said assessment is made; and after due notice to the city of Boston a trial shall be had at the bar of the court in the same manner in which other civil causes are there tried by jury.

Recovery of costs.

SECTION 8. If the jury shall not reduce the amount of the assessment complained of, the city of Boston as respondent shall recover costs against the petitioner, which costs shall be a lien upon said wharves and land and be collected in the same manner as the assessment, but if the jury shall reduce the amount of said assessment the petitioner shall recover costs from said city of Boston, and all assessments shall be a lien upon said wharves and lands, for one year after the final judgment, in any suit or pro-

Assessments to be lien upon lands, etc., for one year after final judgment.

ceeding where the amount or validity of the same is in question, and be collected in the same manner as original assessments.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

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

Approved March 10, 1879.

AN ACT AUTHORIZING THE NEW HAVEN AND NORTHAMPTON COMPANY TO ISSUE BONDS.

Chap. 99

Be it enacted, &c., as follows:

SECTION 1. The New Haven and Northampton Company is hereby authorized to issue its bonds, signed by its president, and countersigned by its treasurer, to an amount not exceeding twelve hundred thousand dollars, for the purpose of retiring its bonds due in the years eighteen hundred and eighty and eighteen hundred and eighty-two, and paying its floating debt, upon being empowered by a majority of the votes of its stockholders at a meeting called for the purpose. Said bonds shall be for one thousand dollars each, payable not more than thirty years from date and bearing interest not exceeding six per centum per annum, payable semi-annually, and shall be registered in the office of the comptroller of the state of Connecticut, and a certificate thereof shall appear on the face of each bond.

May issue bonds not exceeding \$1,200,000, for retiring other bonds and paying floating debt.

SECTION 2. Said New Haven and Northampton Company may secure said bonds by a mortgage of its railroad, stations, rolling stock, equipments, property and franchises wherever situate, to trustees, for the holders of said bonds, and provide a sinking fund for the payment of said bonds at maturity: *provided*, that the mortgage bonds of said company outstanding at any one time, shall not exceed two million five hundred thousand dollars.

Bonds to be of \$1,000 each, not more than thirty years to run, interest not exceeding 6 per cent.

May secure bonds by a mortgage of its property.

Sinking fund. Proviso.

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

Approved March 10, 1879.

AN ACT TO CHANGE THE NAME OF THE CALVINIST SOCIETY OF WORCESTER, AND FOR OTHER PURPOSES.

Chap. 100

Be it enacted, &c., as follows:

SECTION 1. The Calvinist Society in Worcester, incorporated under and by virtue of an act approved the eighth day of February in the year eighteen hundred and twenty-five, shall hereafter be known and called by the name of The Central Society in Worcester, and as such shall continue to hold and possess all the property and be

Name changed.

entitled to all the rights and privileges and be subject to all the liabilities of said corporation, in the same manner and to the same extent as if this act had not been passed. And all the officers of said society shall continue to hold and exercise their respective offices in the same manner they would have done had not the name of said society been changed.

Officers to continue to hold their offices.
Name changed. SECTION 2. The corporation called "The Trustees of the Parochial Funds of the Calvinist Society in Worcester," established under and by virtue of an act approved the second day of February in the year eighteen hundred and twenty-seven, shall hereafter be known and called by the name of "The Trustees of the Parochial Funds of the Central Society in Worcester," and as such shall continue to hold and possess all the property, and enjoy and exercise all the rights, privileges and powers of said corporation in as full and ample a manner as though this act had not been passed.

Officers to continue to hold their offices.
Vacancies in board of trustees. SECTION 3. The officers of said corporation mentioned in section two of this act shall continue to hold and exercise their respective offices in the same manner they would have done had not the name of said corporation been changed; and whenever any vacancy or vacancies shall hereafter occur in said board of trustees, the same shall be filled from the members of said Central Society by election by ballot at a meeting of said society duly called for that purpose.

Property and rights not surrendered. SECTION 4. Nothing contained in this act shall be construed as a surrender or forfeiture, or as affecting a surrender or forfeiture, of any of the property or rights of property, or any of the powers, privileges or rights of either of the aforesaid corporations.

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

Approved March 10, 1879.

Chap. 101

AN ACT CONCERNING THE LANCASTER RAILROAD COMPANY.

Be it enacted, &c., as follows :

Charter revived. SECTION 1. Chapters two hundred and fourteen of the acts of the year eighteen hundred and seventy, and one hundred and thirty of the acts of the year eighteen hundred and seventy-one, concerning the Lancaster Railroad Company, are hereby revived; and all the franchises, rights, powers, authorities, privileges, immunities and property granted by said acts are hereby revived and re-granted to said company.

The time within which said Lancaster Railroad was, by

section five of chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy, to be located, is hereby extended two years from the passage of this act, and the time within which by the same section it was ordered to be constructed is hereby extended four years from the passage of this act.

Time for location extended.

SECTION 2. All claims for damage for land or other property taken by the location and construction of the road of said Lancaster Railroad Company, not heretofore settled and paid, are hereby revived and continued in force; and all proceedings pending in any of the courts of the Commonwealth instituted for the recovery of said damages, as well as judgments recovered and not satisfied, are hereby revived, preserved and continued in full force, with the same lien, security, and remedy to enforce final judgment, as existed by law at the date of the expiration of the charter of said Lancaster Railroad Company, subject only to such alterations and amendments of law as have since been made, applicable to the recovery of claims for damages in like cases.

Claims for damages revived.

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

Approved March 10, 1879.

AN ACT CONCERNING PAWNBROKERS.

Chap. 102

Be it enacted, &c., as follows:

SECTION 1. When any article shall be hereafter deposited in pawn with a licensed pawnbroker, it shall, unless redeemed by the owner thereof or by some one in his behalf, be retained by said pawnbroker on the premises occupied by him for his business, for at least four months from the date of deposit, if not of a perishable nature; and if perishable, for at least one month from said date. And if the money to be paid or other thing to be done is not paid or performed, or tender thereof made, within such times, the pawnbroker so holding any article, goods, or chattels in pawn may sell the same at public auction, and apply the proceeds thereof in satisfaction of the debt or demand, and the expense of the notice and sale, and any surplus shall be paid to the party entitled thereto on demand; and no article, goods, or chattels hereafter taken in pawn by a licensed pawnbroker, exceeding in value the sum of twenty-five dollars, shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding.

Articles in pawn, unless perishable, to be retained by pawnbrokers for four months.

Perishable articles.

If money is not paid, articles may be sold at auction.

SECTION 2. The board of officers licensing pawnbrokers in any place may fix the rate of interest, which

Licensing officers may fix rates of interest.

Penalty.

such pawnbrokers may charge and receive on loans, and may fix different rates for different amounts of money loaned. And it shall be unlawful for any licensed pawnbroker to charge or receive a greater rate of interest than the rate so fixed. And any licensed pawnbroker who shall violate any of the provisions of this or the preceding section shall be punished by fine not exceeding fifty dollars for each offence.

Fee for license in Boston.

SECTION 3. The fee for a pawnbroker's license hereafter granted in the city of Boston shall be ten dollars.

Approved March 12, 1879.

Chap. 103 AN ACT FORBIDDING THE DETENTION OF POOR CHILDREN IN ALMSHOUSES.

Be it enacted, &c., as follows:

Pauper children under four years of age to be placed in respectable families.

SECTION 1. It shall be the duty of the overseers of the poor in any city of the Commonwealth to place all pauper children, who are in their charge and who are over four years of age, in some respectable family in the state, or in some asylum therein, to be supported there by said city, according to the laws relating to the support of the poor, until they can be otherwise cared for. And the overseers shall visit such children in person or by agent at least once in three months, and make all needful inquiries as to their treatment or welfare.

To be visited by the overseers once in three months.

Not to apply to children having no legal settlement, etc.

SECTION 2. It shall be unlawful to retain in any almshouse any such child, that can be cared for as above directed, without inordinate expense: *provided*, that nothing herein contained shall apply to any child, that has no legal settlement in the state, nor to any child, that is idiotic or otherwise so defective bodily or mentally as to make such child's retention in an almshouse desirable, nor to any child under the age of eight years whose mother is an inmate of the almshouse, and a suitable person to aid in taking care of such child.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 12, 1879.

Chap. 104 AN ACT TO AMEND AN ACT RELATING TO PUBLIC WAREHOUSES.

Be it enacted, &c., as follows:

Railroad corporations may be licensed to be public warehousemen.

SECTION 1. Any railroad corporation established by law in this Commonwealth may be licensed and appointed, under the provisions of chapter two hundred and six of the acts of the year eighteen hundred and sixty, to be a public warehouseman, but in that capacity it shall not be

required to give any sureties on its bond, to exhibit any entries on its books, except to the person or corporation actually interested in the goods to which such entry relates, or to receive any goods, except those which have been, or are forthwith to be, transported over its road, and it may itself insure any goods left or placed with it on storage instead of causing the same to be insured by any other insurer.

SECTION 2. This act shall take effect upon its passage.
Approved March 12, 1879.

AN ACT TO AMEND CHAPTER EIGHTY-THREE OF THE GENERAL STATUTES REGULATING THE TAKING OF SHELL-FISH.

Chap. 105

Be it enacted, &c., as follows :

SECTION twelve of chapter eighty-three of the General Statutes is hereby amended by adding thereto at the end thereof after the word "annually," the words "not exceeding in any week the quantity of two bushels including shells."

Permits may be given to take oysters for family use, not to exceed two bushels a week.

Approved March 12, 1879.

AN ACT CONCERNING SIGNS AT RAILROAD STATIONS.

Chap. 106

Be it enacted, &c., as follows :

SECTION 1. Every railroad corporation operating a railroad in this Commonwealth shall indicate to its passengers the name of each way station upon said railroad, by placing at or near the same a proper and conspicuous sign or signs.

Name of each way station to be indicated by conspicuous sign or signs.

SECTION 2. Any railroad corporation violating the provisions of this act shall forfeit for each offence the sum of fifty dollars.

Penalty.

Approved March 12, 1879.

AN ACT RELATING TO PUBLICATION OF NOTICE IN INSOLVENCY CASES.

Chap. 107

Be it enacted, &c., as follows :

SECTION 1. Section eighteen of chapter one hundred and eighteen of the General Statutes is hereby amended by inserting next after the word "such," in the eighth line thereof, the words "newspaper or."

Amendment to G. S. 118, § 18.

SECTION 2. This act shall take effect upon its passage.
Approved March 12, 1879.

AN ACT TO AUTHORIZE THE INCORPORATION OF ROMAN CATHOLIC CHURCHES.

Chap. 108

Be it enacted, &c., as follows :

SECTION 1. Any Roman Catholic church now or hereafter existing in this Commonwealth, may become incorporated according to the provisions of this act. The Ro-

Roman Catholic churches may become incorporated.

Certificate to be
in duplicate.

One certificate
to be filed in
office of secre-
tary, the other
in the registry
of deeds.

Trustees may
hold and man-
age the prop-
erty.

Proviso.

man Catholic archbishop or bishop of the diocese in which such church may be erected or intended so to be, the vicar-general of such diocese and the pastor of such church for the time being, respectively, or a majority of them, may associate with themselves two laymen, members of said church, and may, together with such laymen, sign a certificate in duplicate, showing the name or title by which they and their successors shall be known and distinguished as a body corporate by virtue of this act, which certificate shall be duly acknowledged in the same manner as conveyances of real estate; and one of such certificates shall be filed in the office of the secretary of the Commonwealth, and the other shall be recorded in the registry of deeds in the county in which such church may be erected or intended so to be; and thereupon such church shall be a body corporate, by the name or title expressed in such certificate, and the said persons so signing the same shall be the trustees thereof. The successors of any archbishop, bishop, vicar-general, or pastor, respectively for the time being, shall, by virtue of his office, be the trustee of such church in place of his predecessor; and such laymen shall hold office respectively for one year; and whenever the office of any such laymen shall become vacant by death, removal, resignation or otherwise, his successor shall be associated in the same manner as herein provided for his original selection, for the unexpired term.

SECTION 2. Such trustees may receive, hold, and manage all the property, both real and personal, belonging to such church, and sell and convey the same, and hold in trust gifts, grants, bequests or donations made to such church for the support of public worship and other religious purposes: *provided*, that all the property belonging to any one church or parish and held by trustees incorporated by this act shall never exceed one hundred thousand dollars, over and above its church buildings; and *provided further*, that all powers derived under the provisions of this act may be revoked by the legislature.

Approved March 12, 1879.

Chap. 109 AN ACT TO FIX THE SALARIES OF THE INSURANCE COMMISSIONER, HIS DEPUTY AND CLERKS.

Be it enacted, &c., as follows:

Insurance com-
missioner,
salary estab-
lished.

SECTION 1. The insurance commissioner, who shall also act as actuary, shall receive in full compensation for all services, both as commissioner and actuary, a salary of three thousand dollars a year, and at the same rate for any

part of a year; and his deputy shall receive a salary of two thousand five hundred dollars a year, and at the same rate for any part of a year.

Salary of
deputy.

SECTION 2. The clerks of the insurance commissioner shall receive salaries as follows, viz: the first clerk eighteen hundred dollars a year; the second clerk fifteen hundred dollars a year; one extra clerk one thousand dollars a year; and at the same rate for any part of a year. There may also be employed in said office such additional clerks and other assistants as may be necessary for the despatch of public business, at an expense of not exceeding seven thousand dollars a year.

Salaries of
clerks.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon the first day of March of the present year.

To take effect
March 1, 1879.

Approved March 12, 1879.

AN ACT REGULATING THE TAKING OF PERCH IN THE TOWN OF
PLYMOUTH.

Chap. 110

Be it enacted, &c., as follows:

SECTION 1. Whoever takes or catches any white or red perch, except with naturally or artificially baited hooks and lines, in any of the ponds or streams within the limits of the town of Plymouth, shall for each offence forfeit not less than two nor more than twenty dollars.

Perch fishing in
Plymouth regu-
lated.

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

Approved March 12, 1879.

AN ACT TO AUTHORIZE A LEASE OF THE BOSTON AND CHELSEA
RAILROAD, AND TO EXTEND THE CHARTER THEREOF.

Chap. 111

Be it enacted, &c., as follows:

SECTION 1. The Boston and Chelsea Railroad Company, the Middlesex Railroad Company and the Lynn and Boston Railroad Company are hereby authorized to execute and deliver, each to the others, an instrument in three parts, whereby the railroad, and rights and franchises necessary to operate the same, of the said Boston and Chelsea Railroad Company shall be leased to said Middlesex Railroad Company, and said lease shall be assigned by said Middlesex Railroad Company to said Lynn and Boston Railroad Company, subject to such reservations as may be agreed upon by the parties, and the concurrent use of the tracks of said Middlesex Railroad Company in Boston shall be given to said Lynn and Boston Railroad Company, together with such other conditions, covenants and agreements as may be assented to by all said parties.

The Boston and
Chelsea Rail-
road may be
leased.

Lynn and Bos-
ton Railroad
may use tracks
of Middlesex
Railroad in
Boston.

If parties disagree, existing contract may be confirmed.

SECTION 2. In case of any disagreement between the parties, the said Boston and Chelsea Railroad Company, the Middlesex Railroad Company and the Lynn and Boston Railroad Company are hereby authorized to re-execute and confirm the existing contract of lease between them.

Charter of Boston and Chelsea Railroad Company extended.

SECTION 3. So much of section fourteen of chapter four hundred and forty-five of the acts of the year eighteen hundred and fifty-four as limits the existence of said Boston and Chelsea Railroad Company to the period of fifty years from the passage of said act, is hereby repealed and the existence of said corporation shall remain subject only to the general provisions of law.

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

Approved March 12, 1879.

Chap. 112 AN ACT TO REVIVE THE CHARTER OF THE FALL RIVER STREET RAILWAY COMPANY, AND TO AUTHORIZE THE ISSUE OF BONDS.

Be it enacted, &c., as follows :

Fall River Street Railway Company, charter revived.

SECTION 1. Chapter one hundred and twenty of the acts of the year eighteen hundred and seventy-three is hereby revived and continued in force.

May issue bonds, and mortgage property and franchise.

SECTION 2. The Fall River Street Railway Company may issue bonds and secure the same by a mortgage on its tracks, equipment, franchise and other property, real or personal ; to an amount which shall not exceed the capital stock of said company actually paid in cash and in full into its treasury and applied to the construction or equipment of its road, as certified to upon examination by the board of railroad commissioners, whose certificate shall be recorded with said mortgage.

Approved March 12, 1879.

Chap. 113 AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY OF THE GENERAL STATUTES RELATIVE TO THE JURISDICTION OF POLICE, DISTRICT AND MUNICIPAL COURTS, AND TRIAL JUSTICES, TO ENFORCE MECHANICS' LIENS.

Be it enacted, &c., as follows :

Lien may be enforced by police courts, etc., when claim does not exceed \$300.

SECTION 1. Chapter one hundred and fifty of the General Statutes is hereby amended by striking out section nine and inserting in place thereof the following. to wit :
 " When the amount of the claim does not exceed three hundred dollars, the lien may be enforced by petition to a police, district, or municipal court, or trial justice ; and such courts, and justices shall have like power and authority within their jurisdiction as are herein conferred upon

the superior court, with like rights of appeal to the parties as exist in other civil cases."

SECTION 2. This act shall take effect upon its passage; but nothing herein contained shall affect any proceedings commenced before this act takes effect.

Approved March 13, 1879.

AN ACT RELATING TO BOARDS OF HEALTH IN THE SEVERAL CITIES
OF THE COMMONWEALTH.

Chap. 114

Be it enacted, &c., as follows:

SECTION 1. It shall be the duty of the mayor and aldermen in each of the cities of the Commonwealth, which have not already voted to accept chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-seven, to notify and warn the legal voters of said cities to vote upon the acceptance of said act at the then next meeting in said cities respectively, for the election of city officers: *provided*, the mayor and aldermen have been requested in writing so to do, thirty days prior to the time of holding said meeting, by fifty voters residing therein.

Cities to vote upon acceptance of chapter 133 of acts of 1877.

SECTION 2. In case of a severe epidemic, or of danger to the public health, the mayor and aldermen of any city in the Commonwealth, where there is no board of health, may appoint such a board in accordance with the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-seven: *provided*, they have been requested to do so by one hundred voters in said city.

Board of health may be appointed in cities, in case of severe epidemic.

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

Approved March 13, 1879.

AN ACT IN ADDITION TO "AN ACT IN RELATION TO SAVINGS
BANKS AND INSTITUTIONS FOR SAVINGS."

Chap. 115

Be it enacted, &c., as follows:

SECTION 1. So much of the deposits in savings banks as are invested in real estate, the title to which has been acquired by the completion of foreclosure or by purchase under the provisions of section twenty-six of chapter two hundred and three of the acts of the year eighteen hundred and seventy-six, shall be exempt from taxation under the provisions of chapter three hundred and fifteen of the acts of the year one thousand eight hundred and sixty-eight, for the period named in said section twenty-six.

Deposits invested in certain real estate exempt from taxation.

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

Approved March 13, 1879.

Chap. 116

AN ACT IN RELATION TO RETURNS OF MARRIAGES.

Be it enacted, &c., as follows:

Marriages
among Friends
or Quakers.
Record and
return.

SECTION 1. Every justice of the peace, minister, and clerk, or keeper of the records of the meeting wherein any marriages among the Friends or Quakers are solemnized, shall make a record of each marriage solemnized before him, together with all facts relating to the marriage required by law to be recorded. He shall also between the first and tenth days of each month return a copy of the record for the month next preceding, to the clerk or registrar of the city or town in which the marriage was solemnized, and shall, when one or both of the parties to a marriage resides in a city or town other than that in which the marriage is solemnized, return a copy of the record of such marriage to the clerk or registrar of the city or town in which either party resides, and to both cities or towns when the parties reside in different places. All marriages so returned shall be recorded by the clerk or registrar.

Penalty for
neglect.

SECTION 2. Every person neglecting to make the returns required by the preceding section shall forfeit for each neglect not less than twenty nor more than one hundred dollars.

Repeal of G. S.
106, §§ 16, 17.

SECTION 3. Sections sixteen and seventeen of chapter one hundred and six of the General Statutes are hereby repealed.

*Approved March 13, 1879.**Chap. 117*

AN ACT TO ABOLISH THE BUREAU OF THE SURGEON-GENERAL.

Be it enacted, &c., as follows:

Surgeon-general.
Bureau abolished.

SECTION 1. On and after the first day of April of the present year the duties and compensation of the surgeon-general shall be such only as are prescribed or provided for by chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight, and such other duties as he may be required to perform as commissioner under the provisions of the laws granting state aid. And the offices of the clerks and messenger of the surgeon-general's bureau are hereby abolished.

Prosecution of
claims to be
conducted by
adjutant-general.

SECTION 2. On and after the first day of April of the present year the prosecution of claims as heretofore conducted under the direction of the surgeon-general shall be transferred to the adjutant-general, and shall be performed under his supervision, subject to such restrictions as may be imposed by the commander-in-chief.

Adjutant-general
may ap-

SECTION 3. The adjutant-general, under the direction of the commander-in-chief, may appoint an additional clerk

in his department at a salary not exceeding sixteen hundred dollars per annum.

point an additional clerk.

SECTION 4. All books and records relating to claims hitherto prosecuted, and all books and records pertaining to the militia of the Commonwealth, except such as are of professional character of the medical department of the militia, now in custody or possession of the surgeon-general, shall on the first day of April of the present year, be turned over to the adjutant-general.

Books and records to be turned over to adjutant-general.

SECTION 5. Chapter two hundred and forty-one of the acts of the year eighteen hundred and seventy-six, and all acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of 1876, 241.

SECTION 6. This act shall take effect on the first day of April in the current year. *Approved March 13, 1879.*

To take effect April 1, 1879.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND EIGHTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, RELATING TO THE STATE WORKHOUSE AT BRIDGEWATER.

Chap. 118

Be it enacted, &c., as follows:

SECTION 1. Chapter two hundred and eighty-eight of the acts of the year eighteen hundred and seventy is hereby repealed.

Inmates of state almshouse not to be sentenced to state workhouse.

SECTION 2. This act shall take effect upon its passage; but shall not be construed to revive any act or part of an act hitherto repealed. *Approved March 13, 1879.*

AN ACT FOR THE PROTECTION OF THE FISHERIES OF MILL RIVER AND ITS TRIBUTARIES IN THE TOWN OF ESSEX.

Chap. 119

Be it enacted, &c., as follows:

SECTION 1. The owners and proprietors of dams on Mill River or Brook, in the town of Essex, are hereby required to erect and maintain fishways over or around said dams, and they shall be subject to all the powers given to the commissioners on inland fisheries under the laws of the Commonwealth.

Fishways to be erected.

SECTION 2. No person shall take, catch, or cause to be taken or caught, by any means whatsoever, in said river or its tributaries, or the ponds and connecting streams out of which said river and tributaries flow, any of the fish called alewives or shad, nor any land-locked salmon in said ponds and connecting streams, until the first day of May in the year eighteen hundred and eighty-four.

Shad, alewives, etc., not to be taken until May 1, 1884.

SECTION 3. The inhabitants of the town of Essex may make all proper regulations concerning said fisheries in said Mill River and its tributaries, within said town of

Town may regulate the fisheries.

Essex, provided they do not conflict with the general laws relating to inland fisheries.

Penalties.

SECTION 4. Any person offending against any of the provisions of this act shall forfeit for each offence a sum not less than five nor more than thirty dollars, and shall be subject to all further penalties in such cases as is by law made and provided.

Approved March 13, 1879.

Chap. 120 AN ACT TO REVIVE AND CONTINUE THE CHARTER OF THE ALLEGHANY RIVER OIL COMPANY FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows:

Corporation revived for the final settlement of its concerns.

SECTION 1. The existence of the corporation heretofore known as the Alleghany River Oil Company, having its usual place of business in Boston, is hereby revived and continued for a period not exceeding three years, for the purpose of enabling said corporation by its last duly elected treasurer to recover by suit at law or bill in equity or otherwise, all its estate, credits and effects, in the name of said corporation, to sell all its real and personal estate, and execute, acknowledge and deliver all deeds or other instruments in writing necessary to pass its title thereto, and to do such other acts as are necessary for the final settlements of its concerns, but for no other purpose whatsoever.

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

Approved March 13, 1879.

Chap. 121 AN ACT TO INCORPORATE THE PHOENIX BREWING COMPANY OF LAWRENCE.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Thomas Carberry, Charles H. Nichols, John H. Nolan and George A. Mead, their associates and successors, are made a corporation by the name of The Phoenix Brewing Company, for the purpose of malting and brewing lager beer, with the powers and privileges and subject to the duties, restrictions and liabilities contained in the general laws which now are or hereafter may be in force and applicable to such corporations, and subject also to the laws which now are or hereafter may be in force in regard to intoxicating liquors.

Name and purpose.

Powers and duties.

Capital stock.

SECTION 2. The capital stock of said corporation shall be one hundred thousand dollars.

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

[The foregoing Act having been laid before the Governor on the 12th of March, and not returned by him with his objections within five days after receiving the same, as prescribed by the Constitution, had the force of law the 18th of March, 1879.]

AN ACT FOR THE PROTECTION OF THE EEL FISHERIES IN THE TOWN OF EDGARTOWN. *Chap. 122*

Be it enacted, &c., as follows:

SECTION 1. Whoever takes, catches, or destroys any eels in any of the ponds or streams within the town of Edgartown in any other manner than by pots, spear, hand net, or hook and line, shall forfeit for every eel so taken, caught or destroyed, not less than one dollar nor more than five dollars; a half of said fine to be paid to the complainant.

Eel fisheries regulated.

Penalties.

SECTION 2. All fines and penalties for violating this act, with costs, may be recovered, by complaint or action of tort, in any court of competent jurisdiction.

Recovery of fines and penalties.

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

Approved March 20, 1879.

AN ACT TO ESTABLISH THE SALARIES OF THE ATTORNEY-GENERAL AND THE ASSISTANT ATTORNEY-GENERAL. *Chap. 123*

Be it enacted, &c., as follows:

SECTION 1. The attorney-general shall receive a salary of four thousand dollars a year, and at the same rate for any part of a year.

Salaries. — Attorney-general.

SECTION 2. The assistant attorney-general shall receive a salary of two thousand dollars a year, and at the same rate for any part of a year.

Assistant attorney-general.

SECTION 3. All acts and part of acts inconsistent herewith are hereby repealed.

Repeal.

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

Approved March 21, 1879.

AN ACT TO FIX THE SALARIES OF THE COMMISSIONERS OF SAVINGS BANKS. *Chap. 124*

Be it enacted &c., as follows:

SECTION 1. The commissioners of savings banks shall each receive, together with their actual necessary traveling and office expenses not exceeding the amount actually paid by them, the sum of two thousand five hundred dollars a year, and at the same rate for any part of a year.

Salaries established.

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

Repeal.

SECTION 3. This act shall take effect upon the first day of March of the present year.

To take effect March 1, 1879.

Approved March 21, 1879.

Chap. 125 AN ACT PROVIDING FOR THE SALE OF ESTATES ENCUMBERED BY CHARGES FOR THE PAYMENT OF MONEY.

Be it enacted, &c., as follows:

Sale of estates charged with payments of money, may be made by order of the S. J. C. in equity.

SECTION 1. When lands have been by deed or will charged with payment of money, either in fixed sums or in annuities for a life or lives, or for years, the supreme judicial court, sitting in equity in the county where the lands or any part of them lie, may, upon the petition of the persons holding title to said lands subject to the charge of such payments, authorize them, after notice and hearing, to sell and to convey by private sale or public auction the whole or any portion of such lands, in fee simple, free from such charges, whether the same be present or future, certain or contingent, and shall in such case, by its decree, provide for the payment of the sums charged upon said lands by placing the whole or any portion of such proceeds in the hands of a trustee, to be appointed by the court, or by the purchase of annuities for the persons entitled to such charges, or by any other means which shall be deemed just and reasonable.

Trustee may be appointed by the court.

Trustee to give bond.

SECTION 2. In case of the appointment of such trustee he shall give bond in such sum as the court shall order, shall manage and account for the trust fund under the direction of the court, and shall distribute the income according to its decree.

Approved March 21, 1879.

Chap. 126 AN ACT ALLOWING A DEPOSIT OF MONEY IN LIEU OF SURETIES ON RECOGNIZANCES.

Be it enacted, &c., as follows:

Persons arrested on criminal process, may deposit money instead of giving sureties.

SECTION 1. Whenever a person arrested on criminal process has been ordered to recognize with sureties for his appearance before any court or trial justice, he may, instead of giving sureties, at any time, give his personal recognizance and deposit with the trial justice or clerk of the court before which he is ordered to appear, and in case there is no clerk, with the justice of said court, the amount of the bail which he is ordered to furnish, and said clerk, justice or trial justice shall give him a certificate thereof, and upon delivering to the officer in whose custody he is, said certificate, he shall be discharged from custody.

Defendant may surrender himself.

SECTION 2. In case money has been deposited as aforesaid, the defendant at any time before default may surrender himself in the same manner that sureties in criminal cases may now surrender their principal, and upon such surrender the money so deposited shall be returned to the defendant or his order.

SECTION 3. In case of the default of the defendant the court may at any time thereafter order the money deposited as aforesaid to be forfeited, and the said justice, trial justice, or clerk with whom said deposit is made, shall thereupon pay over said money so deposited to the county treasurer.

In case of default, money to be paid to county treasurer.

SECTION 4. At any time after a default the defendant may surrender himself in the manner provided in section two, and the court may thereupon order the whole or any part of the money so as aforesaid deposited to be returned to the defendant as justice may require.

Surrender after default.

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

Approved March 21, 1879.

AN ACT TO AMEND CHAPTER EIGHTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, "TO PROTECT THE RIGHTS OF OWNERS OF PONDS."

Chap. 127

Be it enacted, &c., as follows:

Section one of chapter eighty-two of the acts of the year eighteen hundred and seventy-four, is hereby amended by striking out the words "or artificial" in the second line of said section, and by inserting after the word "acres" in the fourth line, the words "or of any artificial pond of any size, in which fishes are lawfully cultivated or maintained."

Amendment to 1874, 82, § 1.

Approved March 21, 1879.

AN ACT CONCERNING THE PAYMENT OF LABORERS' WAGES BY CITIES.

Chap. 128

Be it enacted, &c., as follows:

It shall hereafter be the duty of all cities in this Commonwealth to pay, at intervals not exceeding seven days, all laborers who are employed by them at a rate of wages not exceeding two dollars a day, if such payment shall be demanded.

Laborers to be paid weekly.

Approved March 21, 1879.

AN ACT RELATING TO COÖPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Chap. 129

Be it enacted, &c., as follows:

SECTION 1. The commissioners of savings banks are hereby authorized and required to perform, in reference to any coöperative saving fund and loan association, the same duties, and shall have the same powers, as are now required of them or given to them in reference to savings banks and institutions for savings. And it shall be the duty of any officer of such association, upon being required by the commissioners of savings banks, to make true answers to

Commissioners of savings banks to supervise coöperative saving fund and loan associations.

any inquiries made of such officers by said commissioners, and to make any returns which may be required by said commissioners.

To make annual report to the legislature.

SECTION 2. The commissioners of savings banks shall annually make report to the legislature of such facts and statements respecting such associations and in such form as the commissioners shall deem that the public interest requires.

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

Approved March 21, 1879.

Chap. 130 AN ACT IN RELATION TO CERTAIN FOREIGN INSURANCE COMPANIES.

Be it enacted, &c., as follows :

Foreign companies restricted to one class of insurance.

SECTION 1. Whenever any insurance company of another state or country, which by its charter or the laws under which it is organized is authorized to transact more than one class or kind of insurance business, makes application for authority to transact business in this Commonwealth, it shall elect and express in such application one class or kind of business which it desires to transact in this Commonwealth, and if such company is subsequently admitted it shall be restricted in its business in this Commonwealth to the class or kind of business so chosen and determined.

To elect and express to commissioner, class of insurance, etc.

SECTION 2. Any such company now doing business in this state shall on or before the first day of July next elect and express to the insurance commissioner one class or kind of insurance to which its business in this Commonwealth shall thereafter be confined.

Not to apply to certain companies.

SECTION 3. This act shall not apply to companies transacting the business of marine insurance in connection with fire insurance, or accident insurance in connection with life insurance.

Approved March 21, 1879.

Chap. 131 AN ACT TO AMEND THE LAW RELATING TO APPEALS FROM PROBATE COURTS.

Be it enacted, &c., as follows :

Appeals from probate courts, when to be claimed and entered.

SECTION 1. Section nine of chapter one hundred and seventeen of the General Statutes is hereby amended by adding at the end thereof the following words, "or at any previous rule day after the claim and notice of appeal: *provided*, that at least fourteen days' service is made upon the adverse party as provided in section ten of this chapter."

SECTION 2. Whenever an appeal is to be entered at any such previous rule day, it shall be stated in the reasons of appeal at what rule day the appeal is to be entered.

Rule day to be stated in reasons of appeal.

Approved March 21, 1879.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-ONE, IN RELATION TO THE DISCHARGE OF PERSONS CONFINED AS INSANE.

Chap. 132

Be it enacted, &c., as follows:

Section five of chapter three hundred and twenty-one of the acts of the year eighteen hundred and seventy-one is amended by inserting after the word "insane" the words "or that he is not dangerous to himself or to others, and ought not longer to be so confined."

Discharge of persons confined as insane.

Approved March 21, 1879.

AN ACT CONCERNING GIFTS TO MARRIED WOMEN FROM THEIR HUSBANDS.

Chap. 133

Be it enacted, &c., as follows:

SECTION 1. The wearing apparel and articles of personal ornament of a married woman and articles necessary for her personal use, acquired by gift from her husband, not exceeding two thousand dollars in value, shall be and remain her sole and separate property: *provided, however,* that nothing herein contained shall be construed to authorize suits between husband and wife or to make valid any gift or transfer by a husband in fraud of his creditors.

Gifts from husband to wife to be her sole and separate property.

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

Approved March 21, 1879.

AN ACT TO EXTEND TO THE CITY OF SALEM THE PROVISIONS OF CHAPTER NINETEEN OF THE GENERAL STATUTES IN RELATION TO THE CONSTRUCTION OF THE WORDS "MAYOR AND ALDERMEN."

Chap. 134

Be it enacted, &c., as follows:

SECTION 1. Section seventeen of chapter nineteen of the General Statutes is amended by striking out the word "city," and inserting instead thereof the word "cities," and by inserting after the word "Boston" the words "and Salem."

Charter of city of Salem, words "mayor and aldermen" construed.

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

Approved March 21, 1879.

Chap. 135 AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE FRYE'S MILLS.

Be it enacted, &c., as follows :

City may take Frye's Mills and flats in Mill-pond.

SECTION 1. If, for the purpose of carrying off or otherwise disposing of any drainage, filth or pollution, the city of Salem shall find it advisable to take Frye's Mills, so called, in said Salem, or any or all of the lands or flats connected therewith, and the privileges and franchises belonging and appurtenant thereto, and any or all of the flats in Frye's Millpond, said city is hereby authorized to take the same.

Description of land to be filed in registry of deeds.

SECTION 2. The mayor of said city, within sixty days after the taking of any of the lands, real estate, franchises or water rights as aforesaid, shall file in the registry of deeds for the county of Essex a description thereof sufficiently accurate for identifying the same.

Liability for damages.

SECTION 3. Said city of Salem shall be liable to pay all damages sustained by any persons or corporations in their property by the taking as aforesaid of any land, water, water rights, franchises or property. If any person or corporation sustaining damage as aforesaid cannot agree with said city upon the amount of said damages, such person or corporation may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways.

SECTION 4. This act shall take effect upon its passage.
Approved March 21, 1879.

Chap. 136 AN ACT TO INCORPORATE THE FALL RIVER INSURANCE BRIGADE.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel D. Howland, J. Augustus Remington, William S. Greene, Griffiths M. Haffards, Jeremiah M. Shepard, Jr., Albion K. Slade, Jr., 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 Fall River, who may become associated with them, and their successors, are hereby created a body corporate by the name of the "Fall River Insurance Brigade," with power to sue and be sued, and may hold by purchase, devise, or otherwise, real or 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.

Name.

Capital stock.

May maintain a corps of men for

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 Fall River 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.

prevention and discovery of fires, etc.

Proviso.

SECTION 3. The officers and men of the Fall River Insurance Brigade, 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 Fall River, subject to such rules and regulations as the city council may prescribe, and subject also to the rights of the Fall River Fire Department; and any violation of the street rights of the Fall River Insurance Brigade 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 the year eighteen hundred and seventy-three.

To have right of way while going to a fire, subject to rights of fire department.

SECTION 4. In the month of June, eighteen hundred and seventy-nine, 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 Fall River, at which meeting each incorporated insurance company or association doing business in the city of Fall River, 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 agent, and each organization represented at such meeting shall be entitled to one vote. A majority of the whole number so represented shall have 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,

Meetings of the corporation.

Expenses.

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 Commonwealth: *provided*, that the premiums received for insuring buildings shall be subject to but a half of the rate of assessment laid on premiums received for insuring other property.

Assessments
collectible in any
court of law.

Proviso.

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 buildings, and of the aggregate amount of premiums received for insuring other property in the city of Fall River, for and during the six months next preceding the first day of March and the first day of September 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 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.

Treasurer may
require state-
ment to be
made, of premi-
ums, etc.,
received.

SECTION 6. It shall be lawful for the treasurer or other appointed officer of this corporation, within ten days after the first day of March and the first day of September 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 Fall River, the statement provided for in section five 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 said 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.

Penalties.

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

Approved March 21, 1879.

AN ACT FOR THE BETTER PROTECTION OF THE FISHERY OF THE *Chap. 137*
NINE MILE POND FISHING COMPANY.

Be it enacted, &c., as follows:

SECTION 1. Whoever takes or catches any alewives in Centreville River, so called, in the town of Barnstable, between that part of said river where the mouth of the canal of the Nine Mile Pond Fishing Company opens into the same, and a point fifteen rods above said mouth, shall forfeit and pay a fine of not less than five, nor more than fifty dollars for each offence.

Alewife fishery in Barnstable.

SECTION 2. Nothing herein contained shall be construed to authorize the taking of alewives by any person between said mouth of said canal and tide water.

Alewives not to be taken between mouth of canal and tide water.

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

Approved March 21, 1879.

AN ACT TO AMEND THE CHARTER OF THE CITY OF LOWELL. *Chap. 138*

Be it enacted, &c., as follows:

SECTION 1. Section twenty-six of chapter one hundred and seventy-three of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out the words "owners thereof," in the twelfth and thirteenth lines and inserting in place thereof the words "abutters thereon."

City charter.

Amendment to 1875, 173, § 26.

SECTION 2. Section twenty-seven of said chapter is hereby amended by inserting the words "the city," between the words "and" and "shall" in the sixth line.

Amendment to 1875, 173, § 27.

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

Approved March 21, 1879.

AN ACT TO INCORPORATE THE HINGHAM WATER COMPANY. *Chap. 139*

Be it enacted, &c., as follows:

SECTION 1. John D. Long, Samuel Downer, Charles B. Barnes, E. Waters Burr, David Cushing, Junior, William J. Nelson, George P. Hayward, Ebed L. Ripley, Starkes Whiton, Elijah Shute, Edmund Hersey and George Cushing, their associates and successors, are hereby made a corporation by the name of the Hingham Water Company, for the purpose of furnishing the inhabitants of Hingham with pure water for the extinguishment of fires, generation of steam, domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, so far as the same may be applicable to this corporation.

Corporators.

Name and purpose.

May take waters
of Accord Pond.

SECTION 2. Said corporation, for the purposes aforesaid, may take, hold and convey into and through the town of Hingham, or any part thereof, the waters of Accord Pond, so called, situate in the towns of Hingham, South Scituate and Rockland, and the waters which flow into and from the same, together with any water rights connected therewith; and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the said waters, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and for the purpose of making all needed repairs or service connections may lay its water pipes through any private lands, with the right to enter upon the same and dig therein, and for any of the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such 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 other way, in such manner as least to obstruct the same, for the purpose of laying or repairing its aqueducts, pipes, or other works, and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

May enter upon
and dig up
roads under
direction of
selectmen.

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

SECTION 3. Said corporation shall, within ninety days after the taking of any land under this act, otherwise than by purchase, file in the registry of deeds for the county of Plymouth, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the president of the corporation; and the title of the land so taken shall vest in the said corporation.

Assessment of
damages.

SECTION 4. Any person or corporation injured in property by any of the acts of said corporation under this act, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways, but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter, and no suit for injury to person shall be brought after two years from the alleged date of the receipt of injury.

Application to
be made for
damages, within
three years.

SECTION 5. If any person shall use any of said water taken under this act without the consent of said corporation, or shall divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of, and used for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage assessed therefor to be recovered in an action of tort; and on conviction of either of the acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 6. Said corporation may distribute the water through said Hingham; may establish and fix from time to time rates for the use of said water and collect the same; and may make such contracts with the town of Hingham, or with individuals or corporations, to supply water for fire, or other purposes, as may be agreed upon by said town, individuals or corporation and said corporation.

May distribute water through town of Hingham.

SECTION 7. The said Hingham Water Company, for the purpose of supplying that part of the town of Hull called Nantasket and Nantasket Beach with pure water for domestic, fire and other purposes, is hereby authorized to extend its water pipes or conduits to the said Nantasket and Nantasket Beach and shall have the same rights and powers in and for these said localities that are granted it by the other sections of this act in and for the town of Hingham, whenever the said town of Hull shall, by a majority of the voters present and voting thereon at a town meeting duly called for the purpose, accept the provisions of this act so far as applicable to them: *provided*, that whenever for any reason the supply of water shall not be more than sufficient for the needs of the residents of the town of Hingham, the residents of the town of Hingham shall be first supplied.

May extend pipes to Nantasket and Nantasket Beach.

Proviso.

SECTION 8. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in.

Capital stock and shares.

SECTION 9. Manufacturing and other corporations doing any business in said towns of Hingham and Hull are hereby authorized to subscribe for and hold stock of said Hingham Water Company.

Corporations may take stock in company.

Town of Hingham may take stock.

SECTION 10. The town of Hingham may take and hold twenty-five per centum of the capital stock of said corporation, and have a proportionate voice in the management of the affairs of said corporation, provided it shall vote so to do by a two-thirds vote of the voters present and voting thereon at any legal meeting called for the purpose.

Town may purchase property and rights of company.

SECTION 11. The town of Hingham shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property, and all the rights and privileges of said company at the actual cost of the same, together with interest thereon at a rate not exceeding ten per centum per annum, said cost to include all actual loss or damage paid or suffered by said company for injury to person or property, deducting from said cost any and all dividends which may have been paid by said corporation, or at such a price as may be mutually agreed upon between said corporation and the town of Hingham; and the said corporation is authorized to make sale of the same, and this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any annual meeting, or at a legal meeting called for that purpose.

Town may issue scrip for defraying cost of property.

SECTION 12. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purposes aforesaid, the town of Hingham through its treasurer may from time to time issue notes, bonds, scrip or certificates of debt, to be denominated on the face thereof "Hingham Water Loan," to an amount not exceeding the amount paid by the town for said purchase, and bearing interest at a rate not exceeding six per centum per annum, payable semi-annually; and the principal being payable at periods not more than thirty years from the issuing of said notes, bonds, scrip, or certificates of debt respectively. Said treasurer, under the authority of the town, may sell such notes, bonds, scrip or certificates of debt, or any part thereof, from time to time, or pledge the same for any money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town may further make appropriations, and assess from time to time, amounts not exceeding in any one year the sum of five thousand dollars, towards payment of the principal of the money borrowed as aforesaid, and also a sum sufficient to pay the interest thereon in the same manner as money is assessed and appropriated for other town purposes.

Hingham Water Loan.

Town may appropriate money for payment of principal and interest.

SECTION 13. In case the town of Hingham shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants or agents as the town may direct, and the town shall be liable to pay all damages for land, water or water rights taken for the purposes set forth in this act which shall not have been previously paid by said corporation.

Liabilities of town in case of purchase.

SECTION 14. In case the town of Hingham shall accept chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-six, within the time and in the manner therein provided, and shall also, within three months after so accepting the same, vote to construct the works contemplated therein, and to raise and appropriate the necessary sum of money therefor, this act shall be void, otherwise this act shall take effect at and upon the expiration of the time granted to said town in said chapter, within which to accept the same, and said chapter one hundred and thirty of the year eighteen hundred and seventy-six shall become void. *Approved March 21, 1879.*

If town accepts chap. 130 of the acts of 1876, this act to be void.

AN ACT TO AUTHORIZE THE BOSTON, CLINTON, FITCHBURG AND NEW BEDFORD RAILROAD COMPANY TO ISSUE BONDS.

Chap. 140

Be it enacted, &c., as follows:

SECTION 1. The Boston, Clinton, Fitchburg and New Bedford Railroad Company, is hereby authorized by vote at a meeting called for the purpose, to issue bonds in sums of not less than one hundred dollars each, payable at periods not exceeding thirty years from the date thereof, and bearing interest not exceeding the rate of six per centum a year, payable semi-annually, to an amount not exceeding the sum of three million five hundred thousand dollars, the proceeds thereof to be used exclusively for the payment of the debt of the corporation now outstanding; and the interest upon all or any portion of said bonds may be secured by the Old Colony Railroad Company, by an agreement in writing thereon, according to the provisions of the existing lease, to said last named company of the Boston, Clinton, Fitchburg and New Bedford Railroad.

May issue bonds, not exceeding \$3,500,000, for payment of outstanding debt.

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

Approved March 21, 1879.

Chap. 141 AN ACT RELATING TO RECEIPTS AND EXPENDITURES OF THE
TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Be it enacted, &c., as follows :

Receipts to be
paid monthly, to
the treasurer
and receiver-
general.

SECTION 1. The treasurer of the Troy and Greenfield Railroad and Hoosac Tunnel shall, every month or oftener, pay to the treasurer and receiver-general of this Commonwealth all moneys received on account of said railroad and tunnel, accompanied by a statement explanatory of the same ; and he shall, within the first ten days of every month, deliver to the auditor of accounts, bills of all dues that may have become payable on account of said railroad and tunnel, with a statement of the particular account for which they were respectively incurred, and when allowed, the amounts of such bills may be paid upon the warrants of the governor and council to said treasurer or to the disbursing officer of said railroad and tunnel: *provided*, that there may be paid to said treasurer in advance, from the earnings of said railroad and tunnel, a sum not exceeding one thousand dollars, to be accounted for to the auditor of accounts in the monthly settlements of said treasurer.

Proviso.

Manager to re-
port annually to
the legislature.

SECTION 2. The manager of said railroad and tunnel shall make a report to the legislature annually, on or before the first Wednesday in January, of his doings and of the earnings and expenses of said railroad and tunnel, which report shall likewise contain a detailed estimate of all sums to be required for the year next ensuing and the reasons for the same.

Repeal.

SECTION 3. Chapter two hundred and twenty-six of the acts of the year eighteen hundred and seventy-eight, and all acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved March 21, 1879.

Chap. 142 AN ACT TO AUTHORIZE THE APPOINTMENT OF AN ADDITIONAL
MASTER IN CHANCERY FOR THE COUNTY OF ESSEX.

Be it enacted, &c., as follows :

Additional mas-
ter in chancery
for Essex
County.

SECTION 1. The governor, by and with the advice and consent of the council, is hereby authorized to appoint an additional master in chancery in and for the county of Essex, and hereafter the number of masters in chancery for said county shall be nine.

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

Approved March 21, 1879.

AN ACT TO AUTHORIZE THE HIGHLAND STREET RAILWAY COMPANY TO OBTAIN LOCATIONS OF TRACKS IN THE TOWN OF BROOKLINE. *Chap. 143*

Be it enacted, &c., as follows:

SECTION 1. The Highland Street Railway Company is hereby authorized to obtain locations of tracks in the town of Brookline. May obtain locations of tracks in Brookline.

SECTION 2. The selectmen of said town shall have no authority to allow said company to use the tracks of any other street railway located in said town, neither shall they have authority to allow any other street railway to use the tracks of the Highland Street Railway which may be located in said town. Street railways not to use tracks of other street railways.

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

Approved March 21, 1879.

AN ACT TO INCORPORATE THE WORCESTER CONTINENTALS. *Chap. 144*

Be it enacted, &c., as follows:

SECTION 1. William S. B. Hopkins, Joseph A. Titus, Edward J. Russell, Edwin A. Wood, Willard F. Pond, Frank A. Kelly, George A. Bates, C. M. Lamson, William G. Strong, George H. Harlow, M. E. Walker, Nathaniel Paine, W. F. Ewell, Charles D. Holmes, George F. Verry, A. P. Pond, A. M. Bigelow, Charles H. Bowker, and such other persons as may so elect, who are now associated as the Worcester Continentals of the City of Worcester, or may be hereafter associated with them, are hereby made a body corporate to be located at said city of Worcester, and to have the name of the Worcester Continentals, and as such body corporate shall have the privileges and be subject to the duties and liabilities set forth in all general laws now or hereafter enacted relating to such corporations. Corporators.

SECTION 2. The objects of this corporation shall be military organization, drill, discipline, and parade, and the preservation of military associations and spirit. Objects of the corporation.

SECTION 3. The said corporation shall have power to make and adopt by-laws, rules and regulations, not inconsistent with the laws of this Commonwealth, for the admission, withdrawal, suspension and expulsion of members, and their government, the election of officers and prescribing their duties, and for the safe keeping of its property and funds, and from time to time to alter or repeal such by-laws, rules and regulations. May make by-laws and regulations.

SECTION 4. The said corporation shall have the power to hold property, real and personal, to an amount not exceeding seventy-five thousand dollars. Real and personal property.

May parade in public with side-arms.

SECTION 5. The members of said corporation may parade in public with side-arms.

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

Approved March 21, 1879.

Chap. 145

AN ACT TO EXTEND THE TIME AND TO AMEND THE ACT FOR BUILDING THE SQUANTUM FREE BRIDGE.

Be it enacted, &c., as follows:

Time for building bridge, extended.

SECTION 1. The time fixed in section four of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and seventy-three, for building and finishing the Squantum Free Bridge, is hereby extended five years, from the thirtieth day of March, in the year eighteen hundred and seventy-nine.

Corporators may assign their rights to city of Boston or to commissioners of Norfolk County.

SECTION 2. Said act is hereby amended so as to allow the corporators in said act to assign to the city of Boston, or to the county commissioners for the county of Norfolk, or both, all their rights and authority under said act, in case either the said city of Boston, or the said county commissioners, or both jointly, shall determine to construct and maintain said bridge, under the second section of said act; and said act is also so amended that sections one and three of said act shall have no binding effect upon either the said city of Boston, or the said county commissioners.

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

Approved March 21, 1879.

Chap. 146

AN ACT TO AMEND "AN ACT TO ESTABLISH THE CITY OF SOMERVILLE."

Be it enacted, &c., as follows:

City charter amended.

SECTION 1. Chapter one hundred and eighty-two of the acts of the year eighteen hundred and seventy-one, being an act to establish the city of Somerville, is hereby amended as follows: —

Aldermen to be elected for two years.

At the next municipal election in said city there shall be elected by the qualified voters of the city at large, voting in their respective wards, eight persons to serve as aldermen, two residing in and being selected from each ward of said city, one of whom shall be designated and elected to serve one year, and the other, two years; and annually thereafter, there shall be elected in manner and form as is now provided, one person in each ward of said city to serve as alderman for two years. Said aldermen shall hold their offices for the municipal year or years, as the case may be, next following their election and until

a majority of the new board shall be elected and qualified in their places.

SECTION 2. And the common council elected at the next municipal election shall be elected as follows; namely, two persons shall be chosen by and from the voters of each ward of said city to serve as common councilmen for one year, and two persons by and from the voters of each ward of said city to serve as common councilmen for two years; and annually thereafter there shall be elected two persons by and from the voters of each ward of said city to serve as common councilmen for two years. Said councilmen shall hold their offices for the municipal year or years, as the case may be, next following their election and until a majority of the new board shall be elected and qualified in their places.

Common councilmen to be elected for two years.

SECTION 3. Sections eight and nine of chapter one hundred and eighty-two of the acts of the year eighteen hundred and seventy-one are hereby repealed.

Repeal of 1871, 182, §§ 8, 9.

SECTION 4. At the annual election, on the Tuesday next after the first Monday of November next, this act shall be submitted to the legal voters of the city of Somerville; and, if a majority of such voters present and voting thereon by ballot shall determine to adopt the same, it shall then take effect, but not otherwise.

Subject to acceptance by the legal voters.

Approved March 21, 1879.

AN ACT TO PRESERVE THE PURITY OF THE WATER SUPPLY OF
THE CITY OF SPRINGFIELD.

Chap. 147

Be it enacted, &c., as follows:

SECTION 1. No person shall take any fish from any reservoir or canal held or owned by the city of Springfield for the purpose of supplying the inhabitants of said city with water, without the permission of the board of water commissioners of said city.

Fish not to be taken from reservoir without consent of commissioners.

SECTION 2. No person shall put or place any boat in or upon the waters of any of the reservoirs or canals aforesaid, without the permission of said board of water commissioners.

Boats not to be put in reservoirs without consent, etc.

SECTION 3. Whoever violates any provisions of this act shall be punished by a fine of not less than two nor more than fifty dollars, to be recovered on complaint before any court of competent jurisdiction.

Penalties.

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

Approved March 25, 1879.

Chap. 148 AN ACT TO AUTHORIZE THE CITY OF SALEM TO CONSTRUCT A MAIN DRAIN OR SEWER IN THE NORTH RIVER.

Be it enacted, &c., as follows:

May construct a main drain in the North River.

SECTION 1. For the purpose of taking and carrying away the waters of Tapley's, Goldthwait's or Proctor's Brooks, or their tributaries, and the sewage, drainage or pollution therein, and for the purpose of taking and carrying away the sewage of the city of Salem, said city is hereby authorized to construct a main drain or sewer, with as many branches as may from time to time be deemed necessary, from the line between said city of Salem and the town of Peabody, at or near the head of Frye's Millpond, running in a southerly and easterly direction along said millpond and the North River to some point below the North Bridge in said Salem, and to conduct and direct into said sewer the said brooks or either of them, or their tributaries, and any sewage, drainage or pollution which may be therein. Said sewer may be of the width of thirty feet, and may be walled in and covered in such manner as said city may see fit, or may be left as an open canal. Said sewer shall be substantially made with such materials and in such manner as the city council may direct, and shall be kept and maintained in good order by said city of Salem.

May take and hold all the flats in Frye's Millpond.

SECTION 2. For the purposes aforesaid the city of Salem may take and hold, by purchase or otherwise, all the flats in said Frye's Millpond, and fill up the same; and may take by purchase or otherwise, any lands, real estate, franchises or water rights, necessary for laying and maintaining said main sewer and its branches, or for the better carrying off of said waters.

Mayor to file in registry of deeds a description of the land, etc., taken.

SECTION 3. The mayor of said city, within sixty days after the taking of any of the lands, real estate, franchises or water rights as aforesaid, shall file in the registry of deeds for the county of Essex a description thereof sufficiently accurate for identifying the same.

Liability of city for damages.

SECTION 4. Said city of Salem shall be liable to pay all damages sustained by any persons or corporations in their property by the taking for such purpose of any land, water, water rights, franchises or property, or by the constructing of said drain. If any person or corporation sustaining damage as aforesaid cannot agree with said city upon the amount of said damages, such person or corporation may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways.

SECTION 5. Wherever said main sewer or its branches shall intercept or cut off streams, drains or sewers, existing at the date of the passage of this act, said city of Salem 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; and shall make such provision, whether the flow of any such stream shall be in its natural channel, or in any new or artificial channel which may be constructed for it by the town of Peabody or others.

Interception of streams or drains.

SECTION 6. Upon the establishment hereafter by the town of Peabody of a system of drainage or sewerage, whereby new or further drainage, sewage or pollution, shall be directed into said brooks or either of them, or their tributaries, and shall be carried through said main drain or sewer, the town of Peabody shall pay the city of Salem a reasonable compensation for conducting said new or further sewage, drainage or pollution, along said main drain to the outlet thereof; and if said town and city cannot agree upon the amount of 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, if any, to be paid to the city of Salem. Such compensation may consist of a sum in gross or of a yearly payment, to be made to said city, as said commissioners or a majority of them shall decide, being subject to the revision of, and being accepted by the supreme judicial court, shall be final, and judgment shall be entered thereon.

Town of Peabody to compensate city of Salem for conducting further sewage, etc.

SECTION 7. No corporation, person or persons shall hereafter discharge any sewage, drainage or pollution of any kind, into said main drain or any of the branches thereof, except as the same may come through said brooks or either of them, or their tributaries, without the permission of the said city of Salem: *provided, however*, that any such corporation, person or persons, may enter a drain or sewer into said main sewer or either of its branches, upon giving six months' notice of their desire to do so, and upon payment of a reasonable compensation to said city for the use of the same. The entry of any drain or sewer into said main drain or any of its branches, shall be made under the direction of the city of Salem, and subject to such reasonable rules and regulations as may be made by the city council thereof.

Sewage not to be discharged into main drain without consent of city of Salem.

Proviso.

SECTION 8. If any town, corporation, person or persons shall, contrary to the provisions of this act, enter any

Penalty for entering, injuring

or obstructing
drain.

drain or sewer, or conduct any sewage or drainage matter or pollution of any kind, into any drain or sewer constructed under the provisions of this act, or shall wantonly or maliciously injure or destroy or divert or obstruct any such drain or sewer, or destroy or injure any property owned or used by said city of Salem by the authority and for the purposes of this act, such town, corporation, person or persons, shall forfeit and pay to said city of Salem three times the amount of the damages that shall be assessed therefor, to be recovered in any proper action. Whoever wantonly or maliciously injures or destroys such drain or sewer, or destroys or injures any property owned or used by the said city of Salem by the authority or for the purposes of this act, may be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

City of Salem
may take flats
for abating a
nuisance.

SECTION 9. For the purpose of abating the nuisance in the city of Salem, in said Frye's Millpond, and in that part of the North River lying in Salem above North Bridge, and in certain portions of the south side of said city of Salem, the said city may from time to time purchase or otherwise take any or all of the flats lying in said Frye's Pond south of the dividing line between Salem and Peabody, and any or all of the flats in the said North River, lying in Salem above said bridge, or lying below said bridge, and southerly of the Essex Railroad and Eastern Railroad, and any flats lying in Palmer's Cove, so called, and in the dock lying on the eastern side of Lafayette Street, known as Bowker's Dock, and fill and raise the same to such grade as may be deemed necessary or expedient. Such city shall within sixty days from the time it shall take for such purpose said flats, or any of them, file in the office of the registry of deeds for the county of Essex a description of the flats so taken, as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the mayor of said city, and the title of all flats so taken shall vest in the city of Salem; and the same may be sold and conveyed by said city in such manner as the city council may determine; and if any party whose flats are taken shall agree with said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith.

To file in regis-
try of deeds a
description of
the land taken.

Claims for
damages.

SECTION 10. Any person entitled to any estate or easement in any part of the lands so taken may, at any time

within one year from the time when the same shall be taken, as well in his own behalf as in behalf of all other persons having estates or interest in lands or flats affected by the same taking, file a bill in equity in the supreme judicial court in the county of Essex, setting forth the taking of the complainant's flats by said city, and whether the complainant claims any and what damages against the said city of Salem for said taking, and praying an assessment of damages therefor. And upon the filing of such bill said court shall cause notice of the pendency of such bill to be given to all persons in whose behalf such bill shall be filed, to appear and become parties thereto, if they should see fit to do so. Said court shall prescribe how such notice shall be given, and what length of time shall be allowed for appearing and becoming a party to such suit. Any party failing so to appear shall be forever barred from recovering damages on account of such taking. Each person so appearing and becoming a party shall file a written description of the flats in which he claims an estate, together with a plan thereof, so as clearly to distinguish the same from all other lands, and shall also declare what estate he claims therein.

SECTION 11. Upon the expiration of the time allowed for the appearance to the said bill, the said court shall appoint three commissioners, who shall receive such compensation as the said court shall fix, to be paid by the city of Salem. It shall be the duty of the said commissioners, after due notice to hear each of the said parties, including the said city of Salem, and to assess and award the value at the time of the taking of each parcel of the said land, and of any easement claimed by any party so appearing, which shall be taken by said city. And the said commissioners shall make or cause to be made a survey of the lands of the complainants and other parties to such bill, and of all other lands adjacent and owned by other parties whose rights may be affected in determining the lines of such complainant's lands; and said commissioners shall determine the boundary lines of all such lands within said district, and report to the court the boundaries established for such owner of such lands, with a plan of the several portions of land within said district, showing the lines established for said owner; which plan, after its approval, shall by order of the court be recorded in the registry of deeds for the county of Essex. Said commissioners or the major part of them shall, within three months after said hearing make report to the said court of their doings, and

Commissioners
to be appointed
to assess dam-
ages.

To report to the
court.

when requested by any party, of the evidence touching any exception intended to be taken by him.

Parties
aggrieved may
apply for a jury.

SECTION 12. Any party aggrieved by any findings or doings of said commissioners may apply for a jury to revise the same, by petition to the supreme judicial court at the same term thereof at which said commissioners shall make their report, or at the next term thereof; and thereupon said court shall order a trial by jury to be had at the bar of the court in the same manner in which trials are held in the superior court to assess the damages for the lands taken for the laying out of highways in the county of Essex. And any party aggrieved by any ruling of law made by said commissioners, or by said court, may except to said ruling, and have the exceptions heard and determined by the said court, sitting in banc, according to its course as a court of equity. The respective rights and remedies of persons having different or separate interests or estates in the same property as to the disposition of the damages awarded or agreed to under this act, and the manner of assessing damages for the taking of such property, shall be in all respects the same as they now are in the case of property taken for the laying out of highways.

Separate de-
crees to be
entered.

SECTION 13. When it shall be finally determined what amount of damages any party is entitled to recover against the city of Salem, or any other party defendant, a separate decree shall be entered accordingly, and execution therefor shall be issued without regard to the pendency of the claims of any other party or parties.

Recovery of
costs.

SECTION 14. If any party shall apply for and obtain a trial by jury, he shall recover his legal costs after such application, if he shall recover a greater amount than the award of the commissioners with the accrued interest thereon; otherwise he shall be liable for the legal costs of the other party.

Court may order
a party to give
security for
damages or
costs.

SECTION 15. Said court may make all orders and decrees necessary to carry into effect the intent of this act, and may at its discretion, at any stage of the proceedings, order a party to give security for the payment of damages or costs.

Payment of
costs.

SECTION 16. All legal costs which shall accrue in the proceedings under this act, not otherwise provided for, shall be paid as the said court shall order.

City may lay out
streets over
flats.

SECTION 17. The city council of the city of Salem is hereby authorized to lay out, in the manner prescribed by the charter of said city, any street or way over any of the flats referred to in this act.

SECTION 18. The powers granted to the mayor and aldermen of said city by chapter one hundred and eleven of the acts of the year eighteen hundred and sixty-nine, are hereby so far extended as to enable said mayor and aldermen to lay, make and maintain drains and common sewers through or over the flats within the limits of said city.

Drains and sewers may be laid through flats within the city limits.

SECTION 19. For the purpose of defraying the cost of constructing said main drain, and the cost of such franchises, property, lands, flats, water and water rights as are taken, purchased or held for the purposes aforesaid, and of taking and filling flats as provided in section nine, the city council shall have authority to issue scrip, bonds or certificates of debt, to be denominated on the face thereof "City of Salem Sewerage Loan," to an amount not exceeding in the whole the sum of one hundred and twenty-five thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, said interest to be payable semi-annually, and the principal to be payable at periods not more than twenty years from the time of issuing said scrip, notes, bonds or certificates respectively. Said city council may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid; but the same shall not be sold or pledged at less than the par value thereof.

"City of Salem Sewerage Loan" not to exceed \$125,000.

SECTION 20. There shall be set apart annually from the amount raised by the annual tax of said city a sum not less than five per cent. of the principal of the "City of Salem Sewerage Loan" as a sinking fund, and applied solely to the payment of the principal of said loan until the same is fully paid and discharged. Commissioners for said fund shall be elected in the manner provided for the election of commissioners of municipal sinking funds by section five of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five.

Sinking fund to be established for payment of loan.

SECTION 21. This act shall take effect on its acceptance by a majority of the legal voters of the city of Salem present and voting as hereinafter provided: First, at meetings held simultaneously for that purpose in the several wards on some day, within seven months from the passage of this act, to be designated by the mayor and aldermen and of which notice shall be given at least seven days before the time of holding such meetings, or Second, at the municipal election holden on the second Tuesday of December of the current year, in case the act shall fail to be accepted at the first meetings.

Subject to acceptance by the legal voters of the city.

Approved March 25, 1879.

Chap. 149 AN ACT IN RELATION TO LICENSING VEHICLES TO CONVEY PERSONS TO AND FROM THE STATE MUSTER-FIELD IN THE TOWN OF FRAMINGHAM.

Be it enacted, &c., as follows:

Vehicles for conveyance of passengers to and from state muster-field in Framingham, to be licensed.

SECTION 1. Either the adjutant-general or the selectmen of the town of Framingham may license vehicles used in conveying persons for pay to or from the state muster-field in the town of Framingham, upon such terms and conditions as he or they deem reasonable; and the party granting any such license may revoke and suspend the same at pleasure, and the fee for each license shall be twenty-five cents, to be paid into the town treasury.

Penalty for using vehicle without a license.

SECTION 2. Whoever uses or causes to be used any vehicle or vehicles for conveying any person or persons for pay to or from the state muster-field in the town of Framingham, during the time any portion of the volunteer militia is encamped thereon as provided by law, without such license, shall be punished by a fine not exceeding twenty dollars for each offence.

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

Approved March 25, 1879.

Chap. 150 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A DIKE IN THE TOWN OF WESTFIELD.

Be it enacted, &c., as follows:

Town may construct a dike on south side of Westfield Great River.

SECTION 1. The inhabitants of the town of Westfield are hereby authorized to locate and construct, in the town of Westfield, a dike on the south side of Westfield Great River, for the purpose of protecting highways and other property, public and private, from damage in times of freshets and flood, and after its construction to maintain, repair and rebuild the same.

Meeting to be held to hear parties concerning location.

SECTION 2. Before proceeding to locate said dike, said town shall cause to be published for two successive weeks, in The Western Hampden Times and News Letter, a notice of the time and place at which they will meet to fix and determine the location of said dike, and hear all parties in relation to the same. In locating said dike, said town may fix and determine the number of private crossings, and the place and manner in which, and the persons by whom, such crossings shall be constructed and thereafter maintained; and no person shall cross said dike with teams or animals at any other place than at such private crossings. A description of the location of the dike with such private crossings shall be recorded in the office of the town clerk of Westfield and in the registry of deeds for

Private crossings.

Description of location to be recorded.

the county of Hampden, within thirty days from such determination. No private crossing shall be thereafter established over said dike except in the mode prescribed by law for the location of private ways.

SECTION 3. Said town, or any person employed by, or acting under any contract or authority from said town, to construct, repair or rebuild said dike, shall have authority at any and all times, to enter upon the lands on which said dike may be located, and upon any land adjoining or in the vicinity of said dike, and to take and remove therefrom the soil and other material which may be needed to construct, maintain, repair and rebuild said dike.

Town may enter upon lands, and take soil, etc., therefrom.

SECTION 4. Within two months after the completion of said dike, or after the completion of any repairs thereon, or any rebuilding of said dike, said town shall determine the amount of damages sustained by each of the owners of land so entered upon, and shall, as soon as practicable thereafter, give to said owners notice of such determination, by giving to each owner a copy in writing of such determination, and when such owner is not a resident of Westfield, by mailing a copy, postage prepaid, addressed to such owner at his place of abode, if known to the person giving such notice, and when such owner or his place of abode is not known, by posting a copy on or near the premises so entered upon, and shall also deposit a list of such owners with the amount of damages awarded to each, in the office of the town clerk of Westfield. In estimating said damages there shall be allowed by way of set-off, the benefit, if any, to the property of the party by reason thereof.

Determination of damages.

Betterments.

SECTION 5. Within two months after notice has been given as aforesaid, and said list has been deposited as aforesaid, any person or corporation aggrieved by such determination, may apply for a jury to revise such determination, and the proceedings thereupon shall be the same as in the case of a jury called to revise the judgment of the county commissioners in awarding damages for laying out, altering or discontinuing highways: *provided*, such applications shall contain specifications of the objections of the party applying for a jury to the determination of the town, to which specifications the party shall be confined at the hearing before the jury. If upon the hearing, the jury do not increase the amount allowed as damages by the town, the costs incurred by reason of the application shall be paid by the person who recognizes for the

Parties aggrieved may apply for a jury.

Proviso.

Proviso.

payment of costs, otherwise such costs shall be paid by the town. Any person or corporation, who shall neglect to make application as herein provided, shall be concluded upon the question of damages by the determination of the town; *provided*, that any person not a resident of the town of Westfield who shall not have seasonably received said notice of said determination and who shall be aggrieved by said determination may apply for a jury as aforesaid at any time within one year after said list has been deposited as aforesaid.

Town may cut down trees, and remove obstructions from the river.

SECTION 6. Said town is hereby authorized to enter upon any lands in said town lying between the banks of said river, or contiguous thereto, and cut down and carry away any trees or bushes there growing or being, and remove and carry away any logs, drift wood, stones, earth or other obstructions which may impede the free passage of water down the channel or along the banks of said river, and shall have authority to enter upon a certain tract of land in said Westfield called the Town Island and between the old Pochassie road and the extreme south bank of said river, and dig and excavate a channel for the passage of water through said tract, and maintain and keep open said channel at all times thereafter, and also to cut down and remove any trees or brush growing on said tract, and to remove and carry away any logs, stones, earth or other material on said tract, at any and all times hereafter, which shall hinder the free passage of water down said river, but this section shall not authorize the removal of any dam, bridge, or building, in or across said river or upon the bank thereof.

May make a channel through Town Island.

Damages.

SECTION 7. If any damages are sustained by any party under the provisions of the preceding section, the amount thereof shall be determined and notice shall be given, a list deposited and the party aggrieved entitled to a jury in like manner as is provided in sections four and five of this act.

Town may purchase lands, etc.

SECTION 8. Said town may take by purchase, and hold, any lands needed to carry into effect the provisions of this act. The dike constructed under the provisions of this act shall be the property of the town. All damages sustained by any party and all expenses incurred by said town under this act shall be borne and paid by said town, and the amount thereof assessed and collected as other town taxes are assessed and collected.

Dike to be property of the town.

Authority conferred may be

SECTION 9. All authority conferred upon said town under this act may be exercised by any special committee

of the inhabitants of said town, chosen at any legal town meeting specially called for that purpose.

exercised by a committee.

SECTION 10. Any person who shall wilfully injure said dike shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the house of correction not exceeding two years, and shall be liable to said town in an action of tort for all damages.

Penalties for injuring dike.

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

Approved March 25, 1879.

AN ACT TO AUTHORIZE THE HIGHLAND STREET RAILWAY COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 151

Be it enacted, &c., as follows:

SECTION 1. The Highland Street Railway Company is hereby authorized to increase its capital stock to an amount not exceeding one million of dollars.

May increase capital stock.

SECTION 2. Three hundred thousand dollars of said stock shall be applied to the payment or redemption of the bonds of said company already issued under the following named dates, to wit: — the fifth day of August in the year eighteen hundred and seventy-three, the first day of May in the year eighteen hundred and seventy-seven, and the first day of January in the year eighteen hundred and seventy-eight, at or before maturity; and the issue of said bonds is hereby legalized and made valid, and the holders thereof may convert them into stock as said bonds mature, unless redeemed by the company before maturity.

Issue of bonds legalized.

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

Approved March 25, 1879.

AN ACT TO INCORPORATE THE INTERNATIONAL TRUST COMPANY.

Chap. 152

Be it enacted, &c., as follows:

SECTION 1. William Gaston, Charles Marsh, Patrick A. Collins, Samuel Carr, William T. Parker, their associates and successors, are hereby made a corporation by the name of the International Trust Company, to be located at Boston, for the purpose of receiving on deposit money, government securities, stocks, bonds, coin, valuable papers, documents and evidences of debt, and of collecting and disbursing the principal, interest and income of said property; and may act as agents for the purpose of registering and countersigning bonds, stocks, certificates or evidences of debt.

Corporators.

Name and purpose.

SECTION 2. The capital stock of this corporation shall be one hundred thousand dollars, with the right to increase the same to five hundred thousand dollars, and to

Capital stock and shares.

commence business when the sum of one hundred thousand dollars shall have been paid in in cash. No certificate of shares shall be issued until the par value of such shares shall have been paid in in cash. When the deposits exceed the sum of one million of dollars, the capital stock shall be increased from time to time in the ratio of ten thousand dollars to each one hundred thousand dollars of deposits or the major part thereof, until the whole of the capital stock hereby authorized shall have been subscribed and paid in in cash.

To have a reserve on hand equal to fifty per cent. of its deposits.

SECTION 3. Said corporation shall at all times have on hand, as a reserve, United States bonds and lawful money to an amount equal to at least fifty per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand: *provided*, in lieu of lawful money one-third of said fifty per centum may consist of balances payable on demand due from any national bank or banks doing business in this Commonwealth.

Courts, trustees, etc., may make deposits.

SECTION 4. Any administrator, assignee, guardian or trustee, any court of law or equity, including courts of probate and insolvency, may deposit or direct, any moneys, bonds, stocks, coin, valuable papers, documents and evidences of debt, to be deposited with said corporation.

Loans and investments.

SECTION 5. All moneys received under the provisions of this act shall be loaned on or invested only in the authorized loans of the United States, or of the State of New York or of the New England States, or of the authorized loans of the counties, cities and towns of the New England States, contracted for county or municipal purposes.

Commissioners of savings banks to have supervision.

SECTION 6. The commissioners of savings banks shall inspect, examine and inquire into the affairs, have access to the vaults, books and papers, of said corporation; and said corporation shall make returns to the savings bank commissioners in such manner as may be prescribed by them, once in each year at least, and at other times when said commissioners shall by written notice direct the same to be made, and to the same extent as if this corporation were a savings bank.

Subject to provisions of 1865, 253.

SECTION 7. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and any acts now existing, or which may hereafter be passed in amendment or lieu thereof.

Returns to be made to the tax

SECTION 8. Said corporation shall also annually, between the first and tenth days of May, return to the tax

commissioner, a true statement, verified by the oath of the president and treasurer of the corporation, of the amount of all sums deposited with it on interest other than those specified in section ten of this act; together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns under a like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths of the rate ascertained and determined by him under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment thereof.

commissioner
under oath.

SECTION 9. No taxes shall be assessed in any city or town, for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest, or for investment; but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve and thirteen, the last paragraph of section fifteen and section seventeen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Taxation.

SECTION 10. Deposits with said corporation which can be withdrawn on demand or upon not exceeding ten days' notice, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable.

Deposits with-
drawable on
demand, to be
deemed money
in possession of
depositor.

SECTION 11. The shareholders of this corporation shall be individually responsible equally and ratably, and not one for the other, for all contracts, debts and engagements of said corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Liabilities of
stockholders.

Duties and liabilities of corporation.

SECTION 12. This corporation shall be subject to the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 13. This act shall take effect upon its passage.

Approved March 25, 1879.

Chap. 153 AN ACT TO INCORPORATE THE MASSACHUSETTS PUBLIC HEALTH ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Edward Everett Hale, Henry I. Bowditch, Alexander D. Sinclair, William Gaston, Charles R. Codman, Martin Brimmer, Robert Treat Paine, Jr., John G. Cushing, Arthur Lincoln, John Cummings, Francis H. Peabody, James H. Blake, Nathaniel J. Bradlee, William Watson, Rufus S. Frost, Elisha S. Converse, Samuel B. Rindge, Amory A. Lawrence, E. F. Bowditch, John C. Phillips, Nathan Appleton, Hamilton A. Hill, Francis Shaw, George T. Angell and William Emerson Baker, their associates and successors, are hereby made a corporation by the name of The Massachusetts Public Health Association, for the purpose of taking measures for protecting and improving the health of the people of this Commonwealth, with all powers, rights and privileges conferred, and subject to all duties, limitations and restrictions imposed, by general laws upon corporations established for benevolent or charitable purposes.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. The said corporation may hold real estate to an amount not exceeding one hundred thousand dollars, and personal estate to an amount not exceeding one hundred thousand dollars, and may lease, hold, purchase or erect suitable buildings for its accommodation ; but said real and personal estate shall not be exempted from taxation.

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

Approved March 25, 1879.

Chap. 154 AN ACT RELATING TO THE CIVIL JURISDICTION OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Civil jurisdiction of the court.

The civil jurisdiction of the municipal court of the city of Boston, subject to the same limitations as to amounts as are now provided by law, and when the plaintiff resides or has his usual place of business within the county of Suffolk or resides out of the Commonwealth, shall include personal actions wherein the defendant is not an inhabit-

ant of the state: *provided*, that personal service of the writ, or an effectual attachment of property, be made within the county of Suffolk. Proviso.

Approved March 25, 1879.

AN ACT TO AUTHORIZE THE SUPERIOR COURT TO COMPEL THE ATTENDANCE OF WITNESSES AND THE GIVING OF TESTIMONY BEFORE THE RAILROAD COMMISSIONERS.

Chap. 155

Be it enacted, &c., as follows:

In all cases where the railroad commissioners are or shall be empowered by law to summon witnesses before them, and to administer oaths and take testimony, any justice of the superior court, either in term time or vacation, upon application of said commissioners, may at his discretion compel the attendance of witnesses and the giving of testimony before said commissioners in the same manner and to the same extent as before the superior court. Attendance of witnesses and the giving of testimony before railroad commissioners.

Approved March 25, 1879.

AN ACT CONCERNING THE CHANGE OF THE GAUGE OF THEIR TRACKS BY RAILROAD CORPORATIONS.

Chap. 156

Be it enacted, &c., as follows:

SECTION 1. No railroad corporation organized to construct its road on a gauge of three feet shall change such gauge to four feet eight and a half inches in the manner provided in section twenty-one, and clause two of section thirty of the general railroad act of the year eighteen hundred and seventy-four, without complying with all provisions of law in relation to the capital stock of roads of the gauge last named; and the fact that such provisions of law have been complied with must be shown to the satisfaction of the board of railroad commissioners and endorsed by the clerk of said board upon the certificate of such change of gauge before the filing of such certificate in the office of the secretary of the Commonwealth. Change of gauge. Commissioners to certify that law has been complied with, before certificate is filed.

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

Approved March 25, 1879.

AN ACT CONCERNING THE BONDS OF TOWN TREASURERS AND COLLECTORS.

Chap. 157

Be it enacted, &c., as follows:

SECTION 1. No assessors of any town shall commit any tax list to the collector of taxes until the bonds of such collector and of the treasurer of said town have been given and approved as now required by law; and the Tax list not to be committed to collector, until collector and treasurer have given bonds.

selectmen shall upon the receipt and approval of such bonds, give written notice thereof to said assessors.

Office may be declared vacant, if treasurer fails to give bond, etc.

SECTION 2. The selectmen may, if any town treasurer shall fail for ten days after his election to give his bond as required by law, declare his office vacant.

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

Approved March 25, 1879.

Chap. 158 AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE, RELATIVE TO RELIGIOUS INSTRUCTION IN PRISONS.

Be it enacted, &c., as follows :

Religious worship in prisons, etc.

SECTION 1. Section one of chapter one hundred and twenty-six of the acts of the year eighteen hundred and seventy-five is hereby amended by adding after the word "correction," in the second line thereof, the following words, "public charitable or reformatory institution"; and section two of said chapter is amended by inserting after the word "prison," in the second line thereof, the words, "jail, house of correction or public charitable or reformatory institution."

Assembly in chapel for general religious instruction.

SECTION 2. Nothing in this act shall be so construed as to prevent the assembling of all the inmates of any state or other public institution in the chapel thereof, for general religious instruction, including the reading of the Bible, as the board having charge of the institution may deem wise and expedient.

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

Approved March 25, 1879.

Chap. 159 AN ACT IN ADDITION TO AN ACT CONCERNING OFFENCES AGAINST CHASTITY, MORALITY AND DECENCY.

Be it enacted, &c., as follows :

Offences against chastity, morality and decency.

SECTION 1. Any person who shall within this Commonwealth sell or lend, or give away, or in any manner exhibit or shall offer to sell, or to lend, or to give away any instrument or other article intended to be used for self abuse, or any drug or medicine or any instrument or article whatever for the prevention of conception or for causing unlawful abortion, or shall advertise the same or shall write or print or cause to be written or printed any card, circular, book, pamphlet, advertisement or notice of any kind stating when, where, how, or of whom, or by what means any of the articles in this section hereinbefore mentioned can be purchased or obtained, or shall manufacture or in any wise make any of such articles or things, shall

on conviction thereof be imprisoned in the state prison for not more than five years, or in any jail or house of correction not more than three years, or fined not less than one hundred dollars nor more than one thousand dollars. Penalties.

SECTION 2. All the articles and things described in section one of this act, and all articles of raw materials found in the possession of any person or persons intending to manufacture the same into such articles and things, and also all tools, machinery, implements, instruments, and personal property found in the place or building where the articles and things described in section one of this act are found or seized and used or intended to be used in the manufacture of such articles or things, may be seized and shall be forfeited. And any police, district or municipal court, or trial justice, may issue a warrant, for the purpose of searching for any of the articles or things mentioned in section one, in the manner provided in chapter one hundred seventy of the General Statutes, and all such things found by an officer in executing such warrant shall be safely kept so long as is necessary for the purpose of being used as evidence in any case, and as soon as may be afterward shall be destroyed by order of the court or justice before whom the same are brought. Materials for manufacture may be seized and forfeited.

Search warrants may be issued.

Approved March 26, 1879.

AN ACT IN RELATION TO THE APPRAISAL OF ANIMALS DISEASED WITH GLANDERS OR FARCY.

Chap. 160

Be it enacted, &c., as follows:

SECTION 1. In all cases of glanders or farcy the appraisal of the animal so diseased shall be based on its value in its diseased condition, and the appraisers shall be the following persons. First, one member of the board of commissioners on contagious diseases among cattle. Second, one veterinary surgeon selected by said commissioner. Third, one reputable person who may be selected by the owner of the animal, if he choose to do so, otherwise the two appraisers above named shall select the third.

Appraisal of animals diseased with glanders or farcy.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed. *Approved March 26, 1879.*

AN ACT IN RELATION TO PROBATE ACCOUNTS.

Chap. 161

Be it enacted, &c., as follows:

SECTION 1. When upon the filing of or hearing on any account by a trustee or guardian in the probate court, it appears to the court that the interest of any person unborn, unascertained, or otherwise legally incompetent, is

When interest of a person is not represented, court may appoint guardian *ad litem*.

not represented otherwise than by the accountant, the court may, and, upon the request of any person interested, shall, appoint some competent and disinterested person to act as guardian *ad litem* or next friend for such person to represent his interest in the case.

Person appointed to be sworn.

SECTION 2. Such person so appointed shall make oath to perform his duty faithfully and impartially, and shall be entitled to such reasonable compensation for his services as the court may allow.

Decree of the court to be final.

SECTION 3. The decree of the court having jurisdiction, allowing any account of a trustee or guardian, shall be final and conclusive against all persons interested and legally competent at the date thereof and against all other persons interested, or who might by possibility be interested, although unborn, unascertained, or otherwise legally incompetent, whose guardian *ad litem* or next friend after having been duly qualified, has assented thereto, or been heard thereon, unless the same is appealed from in the manner, and within the time provided by chapter one hundred and seventeen of the General Statutes, except always in case of fraudulent concealment or fraudulent misrepresentation on the part of the accountant.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved March 26, 1879.*

Chap. 162 AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BEDFORD.
Be it enacted, &c., as follows :

Salary of the mayor.

SECTION 1. The salary of the mayor of the city of New Bedford shall be twelve hundred dollars per annum.

Subject to acceptance by the voters.

SECTION 2. This act shall take effect upon its passage, but be void unless accepted by the qualified voters of the city of New Bedford present and voting by ballot "Yes" or "No," at meetings warned for the purpose in the several wards by the board of aldermen, to be held within ninety days after the passage of this act.

Approved March 26, 1879.

Chap. 163 AN ACT IN ADDITION TO "AN ACT IN RELATION TO REGISTRATION AND ELECTIONS IN THE CITY OF BOSTON."

Be it enacted, &c., as follows :

Voting precincts in wards 23, 24, and 25, in city of Boston.

SECTION 1. On or before the first day of May in the current year the board of assessors of taxes in the city of Boston shall divide the wards numbered twenty-three, twenty-four and twenty-five of said city into the same number of voting precincts to which said wards were entitled, under chapter two hundred and forty-three of the

acts of the year eighteen hundred and seventy-eight; said division to have reference to convenience of neighborhoods, and to remain in force until the new division of wards shall take effect as provided in said chapter two hundred and forty-three.

SECTION 2. The wardens and clerks chosen in the several voting precincts of the city of Boston at the last state election shall hold their respective offices until the next annual city election, and until their successors are chosen. In case any ward shall be divided into new voting precincts under the provisions of this act, the wardens and clerks chosen within the limits of such wards at the last state election shall, until others are chosen, act in the voting precinct which shall bear the same numerical designation as that for which they were respectively chosen at said state election. The mayor and aldermen shall, previous to any election during the current year, appoint from the legal voters in each additional voting precinct which may be established, one warden, one clerk and two inspectors. The inspectors so appointed shall be selected from different political parties, and all such officers shall hold office until others are chosen in their place as now provided by law.

Wardens and clerks to hold office until successors are chosen.

Wardens and clerks, in wards divided into new precincts.

Warden, clerk and inspectors to be appointed, etc.

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

Approved March 26, 1879.

AN ACT TO AUTHORIZE THE TOWN OF CUMMINGTON TO RAISE MONEY FOR CELEBRATING THE CENTENNIAL ANNIVERSARY OF ITS INCORPORATION.

Chap. 164

Be it enacted, &c., as follows:

SECTION 1. The town of Cummington is hereby authorized to raise money by taxation to an amount not exceeding five hundred dollars, for the purpose of commemorating, on the twenty-third day of June in the year eighteen hundred and seventy-nine, the centennial anniversary of its incorporation, and for publishing the doings of said celebration; and the vote of said town to that effect passed on the third day of March of this year is hereby legalized, ratified and made valid.

Town may raise money for commemorating centennial anniversary.

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

Approved March 26, 1879.

AN ACT TO PROVIDE FOR SUPPLYING THE STATE PRISON AT CONCORD WITH PURE WATER.

Chap. 165

Be it enacted, &c., as follows:

The governor and council are hereby authorized to con-

Water supply
for state prison.

tract with any person or corporation to supply the state prison at Concord with pure water, for such compensation and for such term of time as the governor and council shall deem to be for the interest of the Commonwealth.

Approved March 28, 1879.

Chap. 166

AN ACT RELATING TO SEWERAGE IN THE CITY OF CHELSEA.

Be it enacted, &c., as follows:

May take land
for purposes of
health and
drainage.

SECTION 1. The city of Chelsea shall have authority, in addition to the powers now possessed by it, for the purpose of laying and maintaining a main sewer, to drain the westerly portion of said city, to take any lands, or any portion of Island End River lying east of the dike, so called, and within the limits of said city, that may be necessary for the purpose of laying out, constructing and maintaining a storage basin or reservoir to be used as an overflow for storm water from said sewer, and for such other purposes of health and drainage as may be found necessary. Said city shall have the right to construct and maintain such tide gates, pipes, conduits, sewers and other structures within the limits of said city, as may be necessary for the construction, maintenance and utilization of such basin, and may use the same as a flushing basin for the improvement of the channel of said Island End River.

May maintain
tide gates and
other
structures.

Chelsea and
Everett may
support a sewer
in common.

SECTION 2. The city of Chelsea and the town of Everett may contract with each other for the construction, use and support in common of any sewer, in either said city or town, or in both, that may be necessary for the drainage of any territory bordering on the boundary line between said city and town.

Damages.

SECTION 3. All damages for lands and buildings taken or injured under this act, in case the parties cannot agree, shall be ascertained in the same manner prescribed by law in the case of land taken for highways, and shall be paid by said city.

City of Chelsea
may fill river
east of dike.

SECTION 4. Said city shall have the right to fill or order filled any portion of said river lying east of said dike, for the improvement of its drainage or the health of its inhabitants; and said city shall further have the right to fill or otherwise improve said basin if it may subsequently become unnecessary as a part of its system of sewerage.

An interminable
right not
granted.

SECTION 5. This act shall not be construed to grant an interminable right to discharge sewage into Island End River, but the legislature may, from time to time, regulate and determine by law the disposition to be made of such

sewage, for the purpose of protecting the public health, and especially that of the inhabitants of Chelsea and Everett, and preventing the existence of a nuisance, any thing in this act to the contrary notwithstanding; nor shall this act be construed to deprive the town of Everett of any existing right to use said river for drainage purposes.

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

Approved March 28, 1879.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL HARBOR MASTER AT OAK BLUFFS, MARTHA'S VINEYARD.

Chap. 167

Be it enacted, &c., as follows:

SECTION 1. The harbor commissioners may appoint a special harbor master for Oak Bluffs, Martha's Vineyard, and make such rules and regulations for the discharge of his duties as they may deem expedient, subject to the general laws of the Commonwealth.

Special harbor master for Oak Bluffs.

SECTION 2. The compensation of the harbor master, provided by section one of this act, shall be such as may be determined by the Oak Bluffs Land and Wharf Company and the railroad and steamboat companies using the wharves at Oak Bluffs, and shall be paid by said companies in such proportion as they may mutually determine.

Compensation.

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

Approved March 28, 1879.

AN ACT TO PUNISH PERSONS RETAINING PROPERTY OBTAINED BY CRIME, AFTER CONVICTION THEREOF.

Chap. 168

Be it enacted, &c., as follows:

Any person who has been or shall be convicted, either as principal or accessory, of burglary or robbery, or of either of the offences described in sections twenty-two, twenty-three, twenty-four or twenty-five of chapter one hundred and sixty of the General Statutes, or of the offence of breaking and entering any building with intent to commit robbery or larceny; or of entering any building with intent to commit robbery or larceny; and after conviction thereof shall have in his possession or control any money, goods, bonds or bank notes, or any paper of value, or any thing of the property of another, which was obtained or taken by means of the crime of which said person has been convicted, and, on being requested by the lawful owner thereof to deliver the same to him, shall refuse or fail so to do, while having power to deliver the same, shall be punished by imprisonment in the state

Penalty on person convicted of larceny, robbery, etc., and refusing to deliver up property obtained by the crime.

prison not more than five years, or in jail or the house of correction not more than two years.

Approved March 28, 1879.

Chap. 169 AN ACT IN ADDITION TO "AN ACT IN RELATION TO THE COLLECTION OF TAXES."

Be it enacted, &c., as follows:

Validity of tax titles. Proceedings under 1878, 266, §§ 2, 7, may be regulated by ordinance.

SECTION 1. Every city by ordinance, and every town by by-law, may provide regulations not inconsistent with the laws of the Commonwealth, under which the collector thereof shall exercise the powers given by sections two and seven of chapter two hundred and sixty-six of the acts of the year eighteen hundred and seventy-eight; but the passage of any such ordinance or by-law shall not render invalid any proceedings of the collector under said sections commenced before the passage of such ordinance or by-law.

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

Approved March 28, 1879.

Chap. 170 AN ACT IN ADDITION TO AN "ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT, 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, for the purposes specified herein, to wit:

House stationery.

For stationery ordered by the clerk of the house of representatives, four hundred forty-nine dollars and fifty-five cents.

Private secretary to governor.

For the salary of the private secretary to the governor, the sum of one thousand six hundred sixty-six dollars and sixty-six cents.

Messengers to governor and council.

For the salaries of the messengers to the governor and council, the sum of one thousand four hundred fifty-four dollars and seventy-six cents.

Executive contingent expenses.

For contingent expenses of the executive department, a sum not exceeding three thousand dollars.

Indexing state archives.

For expenses relating to the indexing of state archives, a sum not exceeding one thousand one hundred thirty-three dollars and thirty-three cents.

Massachusetts infant asylum.

For the support of state beneficiaries in the Massachusetts infant asylum in previous years, a sum not exceeding four thousand dollars; and for burials, a sum not exceeding six hundred dollars.

For expenses incurred in connection with a case of settlement of a pauper, during the previous year, a sum not exceeding one hundred twenty-five dollars and eight cents.

Settlement of a pauper.

For expenses incurred in connection with the prison for women at Sherborn, during the previous year, a sum not exceeding two thousand eight hundred twenty-seven dollars and twenty cents.

Prison for women.

For the transportation of property to the state prison at Concord, a sum not exceeding four hundred thirty-three dollars and fifty cents.

Transportation of property to state prison.

For expenses incurred in connection with the commitment of prisoners to the prison for women, during the previous year, a sum not exceeding seventy-five dollars.

Commitments to prison for women.

For the re-imbursement of cities and towns for amounts paid to Massachusetts volunteers and their families, as state aid, a sum not exceeding two thousand dollars.

Re-imbursement for state aid.

For sheriffs' accounts of previous years, a sum not exceeding five hundred twelve dollars and sixteen cents.

Sheriff's accounts.

For the purchase of books and incidental expenses of the state library, a sum not exceeding two thousand three hundred dollars; and for preparing a catalogue of said library, a sum not exceeding six hundred dollars.

State library.

From the appropriation authorized in section three of chapter sixty-one of the resolves of the year eighteen hundred and seventy-seven, there may be used under the immediate direction of the land commissioners, a sum not exceeding three thousand three hundred dollars for the purposes of said resolve.

Plats at South Boston.

The unexpended balance of the appropriation made in chapter two hundred and eighty-three of the acts of the year eighteen hundred and seventy-eight, for sewerage, and drainage at the Salem normal school, may be used for such expenses in connection with said school as the board of education may approve.

Normal school at Salem.

For incidental expenses of the board of education, a sum not exceeding one thousand dollars.

Board of education.

For expenses of the land commissioners, a sum not exceeding two hundred dollars.

Land commissioners.

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

Approved March 29, 1879.

AN ACT TO AMEND CHAPTER FORTY-NINE OF THE GENERAL STATUTES, RELATING TO THE INSPECTION AND PACKING OF FISH.

Chap. 171

Be it enacted, &c., as follows:

SECTION 1. Section thirty-six of chapter forty-nine of

Pickled fish.

Inspection,
packing and
branding.

the General Statutes is hereby amended by striking out all after the words "in half barrels containing each one hundred pounds" in the ninth and tenth lines and before the words "every cask" in the thirteenth line, and inserting the following words; "or in packages containing each less than one hundred pounds, on which the number of pounds therein shall be plainly and legibly branded."

Fee for in-
spection.

SECTION 2. Section forty-seven of said chapter is hereby amended by adding after the words "half barrel" the words "and all packages less than one hundred pounds or more than fifty pounds, one-half cent, and on all packages of fifty pounds and less, one-quarter of a cent each."

Inspector-gen-
eral may enter
stores, etc., to
examine fish.

SECTION 3. The inspector-general of fish or some one deputy especially thereto authorized by him for that purpose, shall have the right to enter at all reasonable times, upon any wharf, and into any store, warehouse or other place, where the packing of pickled fish is carried on in this state, for the purpose of inspecting, examining and supervising the packing and inspecting of such fish, and to examine and weigh any packages of such fish, for the purpose of ascertaining if the same are fit for exportation, in accordance with the requirements of the law.

Repeal.

SECTION 4. Sections forty and forty-one of said chapter are hereby repealed.

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

Approved April 1, 1879.

Chap. 172 AN ACT TO ESTABLISH THE SALARY OF THE INSPECTOR OF GAS METERS AND OF ILLUMINATING GAS.

Be it enacted, &c., as follows:

Salary
establsbed.

SECTION 1. The inspector of gas meters and of illuminating gas shall receive a salary of two thousand dollars a year, and at the same rate for any part of a year, which shall include his office rent and expenses, to be paid out of the treasury on the warrant of the governor.

Repeal.

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

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

Approved April 1, 1879.

Chap. 173 AN ACT TO SET OFF A PART OF THE CITY OF TAUNTON TO THE TOWN OF BERKLEY.

Be it enacted, &c., as follows:

Part of Taunton
annexed to
Berkley.

SECTION 1. All that part of the city of Taunton, with the inhabitants and estates therein, lying southerly of the following line, to wit: — Beginning at the easterly corner

of the town of Berkley, thence running south forty-eight degrees east to a stake in the line of the town of Lakeville for a corner, is hereby set off from the city of Taunton and annexed to the town of Berkley.

SECTION 2. All taxes already assessed and that may be assessed before this act is accepted by the town of Berkley, by the city of Taunton upon the inhabitants of said territory hereby set off and annexed, shall be paid by them to said city of Taunton as if this act had not been passed.

Taxes assessed to be paid to city of Taunton.

SECTION 3. The town of Berkley shall annually pay to the city of Taunton, from and after the time this act shall take effect, the proportionate part of 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.

Town of Berkley to pay to Taunton certain taxes until new apportionment.

SECTION 4. The town of Berkley shall be liable for the support of all persons who now or shall hereafter stand in need of relief as paupers, whose settlement was acquired from the territory hereby annexed to said town.

Support of paupers.

SECTION 5. The town of Berkley shall, within three months after this act is accepted by said town, pay to the city of Taunton the sum of eight hundred dollars, and this sum shall be a full settlement of all claims against the town of Berkley growing out of the provisions of this act; and the schoolhouse and lot with the furniture and fixtures therein and all other public property of the city of Taunton situate in the territory hereby annexed shall hereafter vest in said town of Berkley.

Town of Berkley to pay to city of Taunton eight hundred dollars.

SECTION 6. This act shall take effect upon its passage, and shall be null and void unless accepted within six months by a majority vote of the legal voters of said town of Berkley present and voting at a legal meeting called for that purpose, at which meeting the check list shall be used and the voting of such meeting shall be by ballot, written or printed "yea" or "nay."

Act void unless accepted within six months.

Approved April 1, 1879.

AN ACT TO ANNEX A PORTION OF THE TOWN OF DRACUT TO THE CITY OF LOWELL.

Chap. 174

Be it enacted, &c., as follows:

SECTION 1. So much of the town of Dracut in the county of Middlesex, with all the inhabitants and estates thereon, thus bounded and described, to wit: — Beginning at a stone bound marked "D and L" on the boundary

Part of town of Dracut annexed to the city of Lowell.

line between said town and said city and about two feet westerly from Totman Street; thence north thirty-eight degrees twenty-five minutes west two hundred and forty-five and seventy-eight one-hundredths rods to a stone bound which stands in the boundary line between the towns of said Dracut and Tyngsborough; thence north eighty-seven degrees twenty-five minutes west one hundred and fifty-three and ninety-four one-hundredths rods along the boundary line of said Tyngsborough to a stone at an angle in said line; thence south thirty-three degrees west one hundred and eighty-nine and sixty-six one-hundredths rods along the boundary line of said Tyngsborough to a stone post in Scarlet Brook, so called; thence in a south-easterly direction down said brook eighty-seven rods along the boundary line of said Tyngsborough to a stone bound at the boundary line of the city of Lowell; thence north eighty-five degrees forty-five minutes east along said last line three hundred and seventy-one and thirty-three one hundredths rods to the point of beginning,—is hereby set off from the town of Dracut, and annexed to the city of Lowell, and shall constitute a part of the fifth ward thereof until a new division of wards is made.

Payment of assessed taxes.

SECTION 2. The territory and the inhabitants thereon hereby annexed to the city of Lowell shall be holden to pay all such taxes as are already assessed by said town of Dracut in the same manner as if this act had not been passed; and all paupers who have gained a settlement in said town by a settlement gained or derived within said territory shall be relieved or supported by said city in the same manner as if they had a legal settlement in said city: *provided*, that John Ditson shall not become a charge to the said city of Lowell but shall be and continue a charge upon said town of Dracut.

Support of a pauper.

Election of representatives to the general court.

SECTION 3. The inhabitants upon the territory hereby annexed to the city of Lowell shall continue to be a part of the town of Dracut for the purpose of electing representatives to the general court, until the next apportionment shall be made; and it shall be the duty of the mayor and aldermen of said city to make a true list of the persons on the territory hereby annexed, qualified to vote at such elections, and post up the same in said territory and correct the same as required by law, and deliver the same to the selectmen of said town seven days at least before any such election, and the same shall be taken and used by the selectmen of said town for such election in the same manner as if it had been prepared by themselves.

Approved April 1, 1879.

AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO
EXTEND A BRANCH RAILROAD OVER LAND OF THE COMMON-
WEALTH AT CONCORD.

Chap. 175

Be it enacted, &c., as follows :

SECTION 1. Whenever the Fitchburg Railroad Company shall, pursuant to the provisions of the general laws applicable thereto, locate and construct a branch track or tracks from its main tracks in Concord near the crossing of the Framingham and Lowell Railroad Company, to the lands of the Commonwealth adjacent to the state prison, said Fitchburg Railroad Company may, subject to the approval of the inspectors of said prison, and upon payment of such compensation as may be prescribed by the county commissioners for the county of Middlesex, locate and extend said branch track or tracks over lands of the Commonwealth as far as the state prison yard, and connect the same with the track of the Commonwealth at the rear gate of said yard : *provided*, that the governor and council may make and enforce any rules with regard to the use of the tracks and may cause said branch track or tracks over the Commonwealth's land to be removed at any time, and may discontinue the further use thereof by said Fitchburg Railroad Company.

May construct branch track over Commonwealth's land as far as state prison yard.

Proviso.

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

Approved April 1, 1879.

AN ACT CONCERNING TRUSTS CREATED BY WILL.

Chap. 176

Be it enacted, &c., as follows :

SECTION 1. Whenever all the parties living interested as beneficiaries in any trust created by will proved and allowed in this Commonwealth reside out of the Commonwealth, the probate court having jurisdiction of the trust may on application of the parties in interest or of the executor, administrator, or trustee, if it shall deem it just and expedient, authorize the executor, administrator, or trustee, to pay over the fund to a trustee appointed by the proper court in any other state or country provided all the *cestuïs que trust* who are living and the executor, administrator, or trustee signify their consent, and the court is satisfied that the laws of such other state or country secure the due performance of said trust, and upon such payment, shown to the satisfaction of said probate court, the executor, administrator or trustee appointed here may be discharged by decree of said court from further responsibility.

Court may authorize payment of trust fund to trustee duly appointed in any other state or country.

SECTION 2. Where there are contingent interests in

Interests of
minors, etc., to
be represented
by guardian
ad litem.

said trust fund, whether the persons who may be entitled to the same are in being or not, and where any of the *cestuis que trust* are minors, the court before making order or decree in the premises, shall cause such interests and minors to be properly represented by guardian *ad litem*, or otherwise, at its discretion.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 1, 1879.

Chap. 177 AN ACT CONCERNING THE MALICIOUS STOPPING OF TRAINS ON RAILROADS.

Be it enacted, &c., as follows:

Penalty for wil-
fully stopping
railroad train.

Whoever wilfully and maliciously stops or causes to be stopped any train on a railroad for the purpose of entering, leaving or wantonly delaying the same, shall be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding one month.

Approved April 1, 1879.

Chap. 178 AN ACT TO AMEND CHAPTER TWENTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT RELATING TO CONTAGIOUS AND INFECTIOUS DISEASES AMONG DOMESTIC ANIMALS.

Be it enacted, &c., as follows:

Diseases among
cattle.
Amendment to
1878, 24, § 2.

SECTION 1. Chapter twenty-four of the acts of the year eighteen hundred and seventy-eight is hereby amended as follows, to wit: — By striking out section two and substituting therefor the following: — “SECTION 2. The penalties imposed by chapters two hundred and twenty and two hundred and twenty-one of the acts of the year eighteen hundred and sixty entitled, respectively, ‘An Act concerning Contagious Diseases among Cattle’ and ‘An Act in addition to an Act concerning Contagious Diseases among Cattle,’ are hereby made applicable to the diseases in horses, asses and mules, known as farcy and glanders, and to contagious or infectious diseases in domestic animals.”

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

Approved April 1, 1879.

Chap. 179 AN ACT CONCERNING THE CARE OF ABANDONED AND ABUSED CHILDREN.

Be it enacted, &c., as follows:

SECTION 1. It shall be lawful for the probate court of

any county, when it appears that any minor resident therein under the age of fourteen years is without a legally appointed guardian, and that such minor is entirely abandoned, or treated with gross and habitual cruelty, by the parent or other person having the care or custody of such minor, or that such minor is illegally deprived of liberty, to appoint as guardian of such minor "The Massachusetts Society for the Prevention of Cruelty to Children" for such period as seems fit to the court; and the society shall thereupon become entitled to the custody of such minor child to the exclusion of any other person, but shall not be entitled to the minor's goods and chattels. Said court may at any time, for good cause, revoke their decree.

Probate court may appoint the Massachusetts Society for the prevention of cruelty to children, guardians of abused children.

SECTION 2. The parents or surviving parent or guardian unable to support a child under the age of fourteen years may place such child in the charge of said society, which shall thereupon have custody of the child as aforesaid, provided that the agreement shall be in writing, signed by the parents, or surviving parent, or guardian, and fixing the terms of said custody.

Children under fourteen years may be put in charge of the society by their parents.

SECTION 3. Upon the complaint of said society that any child under the age of five years has been abandoned and deserted in any street or public place, or in any vacant building, any judge or justice of any court within his jurisdiction may give the custody of such child to said society for a period not exceeding thirty days; and the society shall thereupon give notice, under the direction of said judge or justice, by advertisement in some newspaper published in the county where such child is found; and, if said child is claimed by its parent, parents or guardian, it may be returned to them by said judge or justice.

Deserted children under age of five years may be put in charge of society, temporarily.

SECTION 4. Nothing in this act shall be construed to oblige said society to receive the custody of any child.

Society not obliged to receive any child.

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

Approved April 1, 1879.

AN ACT RELATING TO EXECUTORS AND ADMINISTRATORS RESIDING OUT OF THE STATE AND TO SERVICE OF PROCESS UPON THEM.

Be it enacted, &c., as follows:

SECTION 1. Executors and administrators appointed in this state but residing out of the state shall, before entering upon the duties of their trusts, appoint in writing an agent or attorney residing in the state, and said writing or power of attorney shall stipulate and agree on the part of such executors or administrators, that any legal process

Chap. 180

Executors, etc., residing out of state to appoint an agent upon whom process may be served.

against them as such executors or administrators, which shall be served on said agent or attorney, shall be of the same legal force and validity as if served on such executors or administrators within the state; which said power of attorney shall give the proper address of said agent or attorney and shall be filed in the probate office, and the required notice of appointment of such executor or administrator shall state the name and address of his agent or attorney.

Executors, etc., removing from state to appoint agent.

SECTION 2. Executors and administrators removing from the state, or residing out of the state, having been appointed herein, shall appoint in writing a like agent or attorney with like stipulation, and cause said appointment to be filed in the office of the probate court having jurisdiction.

In case of death or removal, new agent to be appointed.

SECTION 3. In case of the death or removal from the state of any agent or attorney appointed under the provisions of this act, before the final settlement of the estate, another like appointment shall be made and filed as above provided.

Agency not to cease until final settlement of estate.

SECTION 4. No agency as above provided shall be revoked until final settlement of the estate, unless other like agent or attorney be appointed and such appointment filed as above provided.

Executor may be removed for non-compliance.

SECTION 5. Neglect or refusal to comply with any requirement of this act on the part of such executors or administrators may be deemed good cause for their removal.

Service upon agents to be legal.

SECTION 6. Service of all legal process upon agents or attorneys appointed under the provisions of this act shall be of the same legal force and validity as if made upon their principals when in the state.

Approved April 1, 1879.

Chap. 181

AN ACT REGULATING PUNISHMENTS IN THE PENAL AND CHARITABLE INSTITUTIONS OF THE STATE.

Be it enacted, &c., as follows:

The "gag" not to be used as a punishment.

Punishment by the use of the "gag" shall not be allowed in any of the penal or charitable institutions of the state; and any officer of any such institution using such a method of punishment shall on conviction thereof be punished by a fine not exceeding fifty dollars.

Approved April 1, 1879.

AN ACT RELATING TO THE FEES OF JURORS.

Chap. 182

Be it enacted, &c., as follows:

The fees for attending as grand juror or traverse juror in any court, and the fees for attending as a juror before a sheriff, shall be three dollars a day for attendance, and eight cents a mile for travel out and home. The fees of jurors in all other cases shall remain as now fixed by law.

Jurors' fee for attendance and travel.

Approved April 1, 1879.

AN ACT CONCERNING THE JURISDICTION OF THE SUPREME JUDICIAL COURT AND PROBATE COURTS AS TO WILLS.

Chap. 183

Be it enacted, &c., as follows:

SECTION 1. The supreme judicial court and the probate courts in the several counties may, on petition, hear and determine all matters and questions arising under wills: *provided, however*, that any party aggrieved by the decision of the probate court thereon, may appeal therefrom to the supreme judicial court as now provided by law.

May hear and determine all matters and questions concerning wills. Proviso.

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

Approved April 2, 1879.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINE OF THE GENERAL STATUTES, RELATING TO GUARDIANS AND WARDS.

Chap. 184

Be it enacted, &c., as follows:

Section fifteen of chapter one hundred and nine of the General Statutes is hereby amended by adding after the word "sixteen" the words "and all acts in addition thereto, or in amendment thereof."

Amendment to G. S. 109, § 15.

Approved April 2, 1879.

AN ACT RELATING TO PROOF OF FOREIGN WILLS.

Chap. 185

Be it enacted, &c., as follows:

SECTION 1. A will made out of this state which is valid according to the laws of the state or country in which it was made without probate thereof, may be proved and allowed in this state in the same manner and with the same effect as is provided in relation to wills proved and allowed under sections twenty-one, twenty-two and twenty-three of chapter ninety-two of the General Statutes: *provided*, that instead of the copy of the probate of the will required by said section twenty-one, a copy of such will duly authenticated by the proper officer having custody thereof according to the laws of such other state or country, or a copy of the official record thereof in such state or country and of the execution thereof, shall be pro-

Proof of wills made in another state or country.

duced, and such additional proof of the authenticity and execution of said will as the judge of the probate court may require.

Repeal of 1878,
201.

SECTION 2. Chapter two hundred and one of the acts of the year eighteen hundred and seventy-eight is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved April 2, 1879.

Chap. 186

AN ACT RELATING TO PROCEEDINGS IN PROBATE COURTS.

Be it enacted, &c., as follows:

In probate proceedings, interrogatories may be filed to be answered on oath.

SECTION 1. In proceedings in probate courts the petitioner and the respondent may, at any time after the filing of the petition, file in the register's office interrogatories for the discovery of facts and documents material to the support or defence of the proceeding, to be answered on oath by the adverse party, in the same manner, and subject to the same restrictions and regulations, as are now provided by chapter one hundred and twenty-nine of the General Statutes, with reference to interrogatories in civil actions.

Upon neglect to answer, petition may be dismissed or other order made.

SECTION 2. If a party neglects or refuses to expunge, amend, or answer according to the requisitions of chapter one hundred and twenty-nine of the General Statutes, the petition shall be dismissed or its prayer granted, or such other order or decree may be entered as the case may require.

Approved April 2, 1879.

Chap. 187

AN ACT TO SUPPRESS PIGEON SHOOTING AND SIMILAR SPORTS.

Be it enacted, &c., as follows:

Pigeon shooting, etc., for amusement, prohibited.

Any person who shall keep or use any live pigeon, fowl, or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship; and any person who shall shoot at any bird as aforesaid or be a party to any such shooting of any fowl or bird; and any person who shall rent any building, shed, room, yard, field or premises, or shall knowingly suffer or permit the use of any building, shed, room, yard, field or premises for the purpose of shooting any fowl or bird as aforesaid, shall be punished by fine not exceeding fifty dollars or by imprisonment in jail not exceeding thirty days or by both such fine and imprisonment. Nothing herein contained shall apply to the shooting of any wild game in its wild state.

Penalty.

Approved April 2, 1879.

AN ACT TO AMEND CHAPTER SEVENTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE RELATING TO THE SALARIES OF THE ASSISTANT CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 188

Be it enacted, &c., as follows :

SECTION 1. Section three of chapter seventy-eight of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the words "per annum" at the end of said section, and inserting in place thereof the words "for the session."

Salaries of assistant clerks of the senate and house.

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

Approved April 2, 1879.

AN ACT IN RELATION TO THE GRADE CROSSING OF THE VERMONT AND MASSACHUSETTS, AND CONNECTICUT RIVER RAILROADS IN DEERFIELD.

Chap. 189

Be it enacted, &c., as follows :

SECTION 1. The Fitchburg Railroad Company and the Connecticut River Railroad Company may provide, by agreement, for altering, and may alter according to their agreement, the construction of the Vermont and Massachusetts Railroad and of the Connecticut River Railroad in such way that the one railroad may pass under the other at their grade crossing near Cheapside Bridge in Deerfield, and the Fitchburg Railroad Company may relocate such part of the Vermont and Massachusetts Railroad, and the Connecticut River Railroad Company such part of its railroad as may be necessary therefor, and either of such railroad companies may take such land in Deerfield as may be necessary for the purpose aforesaid, and may retain its present land for side tracks: *provided*, that the method of obviating said grade crossing agreed upon by said companies and the alterations proposed and the quantity and width of the land to be taken therefor shall be approved by the railroad commissioners.

Vermont and Massachusetts and Connecticut River Railroads in Deerfield; either road may pass under the other at crossing.

Proviso.

SECTION 2. All persons sustaining damages by reason of the alterations hereby authorized shall have the same rights and remedies as are provided by general law for persons sustaining damage by the laying out and making of a railroad.

Damages.

SECTION 3. If it shall be necessary for the purposes of this act to take any land at or near the former junction of the Troy and Greenfield and Vermont and Massachusetts Railroads in said Deerfield, in which the Commonwealth may have an interest, the consent of the Commonwealth to such taking of land as may be necessary for

Land of Commonwealth may be taken with consent of the governor and council.

the purposes of this act, so far as the interest of the Commonwealth therein is concerned, may be given by the governor and council, on payment, of such sum of money as they may deem proper, into the treasury.

Approved April 2, 1879.

Chap. 190 AN ACT RELATING TO THE ELECTION OF ASSESSORS AND ASSISTANT ASSESSORS IN THE CITY OF CAMBRIDGE.

Be it enacted, &c., as follows:

Board of assessors to consist of three persons.

SECTION 1. The board of assessors of the city of Cambridge shall consist of three persons, who shall exercise the powers, and be subject to the duties and liabilities of assessors of towns.

Assessors now in office to continue until terms expire.

SECTION 2. The assessors now in office shall continue therein until the expiration of the terms for which they were respectively elected, namely: the assessor elected in December in the year eighteen hundred and seventy-six until the first Monday of January in the year eighteen hundred and eighty, the assessor elected in December in the year eighteen hundred and seventy-seven until the first Monday of January in the year eighteen hundred and eighty-one, and the assessor elected in December in the year eighteen hundred and seventy-eight until the first Monday of January in the year eighteen hundred and eighty-two, — and until their successors, respectively, shall be chosen and duly qualified as herein provided.

One assessor for term of three years, to be elected annually.

SECTION 3. The city council in the month of December next, and annually thereafter in the month of December, shall in joint convention elect by ballot one person to be assessor for the term of three years from the first Monday of the following January, and until his successor shall be chosen and qualified.

Assistant assessors.

SECTION 4. The city council shall in the month of December, annually, elect in like manner such number of assistant assessors as now are or hereafter may be provided for by the ordinances of the city. Such assistant assessors shall hold office for the term of one year, from the first Monday of January following their election.

Vacancies in office of assessor or assistant.

SECTION 5. Vacancies in the board of assessors, from any cause, shall, whenever occurring, be filled by the city council in the manner above provided for the election of assessors; and the person elected to fill a vacancy shall hold office until the expiration of the term in which the vacancy exists, and until his successor shall be chosen and qualified. Vacancies in the office of assistant assessor may at any time be filled in like manner.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall be submitted to the legal voters of the city of Cambridge at the annual election on the Tuesday next after the first Monday of November next, and if a majority of such voters present and voting thereon, by ballot, shall determine to adopt the same, it shall then take effect, but not otherwise.

Subject to acceptance by the legal voters.

Approved April 2, 1879.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A HARBOR MASTER
FOR THE PORT OF LYNN.

Chap. 191

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the city of Lynn may, if they deem it expedient, annually appoint from the police force a harbor master for the port of Lynn, who before entering upon the duties of his office shall be sworn. He shall hold his office for one year and until another shall be appointed in his place, or until he shall be removed by said mayor and aldermen ; and in case of the sickness or disability of said harbor master, he may appoint a deputy from the said police force subject to the approval of said mayor and aldermen, to perform his duties during such sickness or disability ; and said harbor master shall not be allowed or paid out of the city treasury any salary for his services as harbor master.

Harbor master for the port of Lynn.

SECTION 2. It shall be the duty of said harbor master to enforce all laws of the Commonwealth relating in any way to said harbor. And said harbor master shall also have authority so to regulate the anchorage of vessels, that any and all vessels may pass to and from the wharves unobstructed, and in case any vessel or vessels shall in the judgment of said harbor master obstruct said passage, he may order the removal of any such vessel or vessels, and cause the same to be removed in obedience to such order at the expense of the master or owners thereof, and if any person shall obstruct said harbor master in the performance of his duties or refuse to obey any lawful order made by said harbor master, he shall be liable to a penalty of not exceeding twenty dollars for each offence, to be recovered by indictment, for the use of the city of Lynn.

Powers and duties.

Penalty for obstructing harbor master in the performance of his duties.

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

Approved April 2, 1879.

Chap. 192 AN ACT TO LEGALIZE THE ACTION OF THE TOWN MEETING OF BARNSTABLE HELD THE THIRD DAY OF MARCH IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE.

Be it enacted, &c., as follows:

Action at
annual meeting
legalized.

SECTION 1. The action of the town of Barnstable at its last annual meeting, held on the third day of March in the year eighteen hundred and seventy-nine, and all its votes at said meeting are hereby ratified, legalized and made valid.

SECTION 2. This act shall take effect upon its passage.
Approved April 2, 1879.

Chap. 193 AN ACT CONCERNING THE OFFICERS IN ATTENDANCE UPON THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows:

Officers may
summon wit-
nesses from any
part of the
state, on behalf
of the state.

SECTION 1. The officers in attendance upon the sessions of the superior court for criminal business in the county of Suffolk, shall summon witnesses, and have authority to summon them, from any part of the Commonwealth, on behalf of the Commonwealth, receiving no further compensation than is provided by chapter one hundred and sixty-nine of the acts of the year eighteen hundred and seventy-seven, except that they shall be allowed for expenses actually incurred and paid.

Expenses to be
paid.

Repeal.

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

SECTION 3. This act shall take effect upon its passage.
Approved April 2, 1879.

Chap. 194 AN ACT TO CONFIRM AND MAKE VALID THE ELECTION AND ORGANIZATION OF "THE TRUSTEES OF THE EGLESTON SQUARE METHODIST EPISCOPAL CHURCH" IN BOSTON.

Be it enacted, &c., as follows:

Election and
organization
confirmed.

SECTION 1. The election and organization of "The Trustees of the Egleston Square Methodist Episcopal Church" in Boston, to wit: Sidney L. Burr, Samuel N. Ryder, Abner L. Baker, Russell R. Knapp, Albert B. Putney, William G. Lavers, Vincent Ballard, John H. Alton and Joseph B. Hamblen, senior, as a corporation, which was effected on the fourth day of February in the year eighteen hundred and seventy-eight under the general laws, and all gifts, devises, bequests and conveyances to them, or it, as a corporation, of real or personal estate, and all conveyances of real or personal estate, and all contracts made by, and subsequent proceedings of, said trustees, as a corporation, are hereby ratified and confirmed and the

same shall be taken to be good and valid in law to all intents and purposes whatsoever, and the several persons now appearing by the records of said corporation to have been chosen as officers thereof are hereby authorized to perform all their respective official duties until their successors shall be chosen and qualified; and all acts done and performed by said officers in their supposed official capacities as officers of said corporation or by committees are hereby fully ratified, confirmed, and made valid in law to all intents and purposes whatsoever.

Election of officers made valid.

SECTION 2. The corporate name of said corporation shall be "The Trustees of the Egleston Square Methodist Episcopal Church in Boston."

Corporate name.

Approved April 2, 1879.

AN ACT CONCERNING THE COMMITMENT OF LUNATICS TO HOSPITALS.

Chap. 195

Be it enacted, &c., as follows:

SECTION 1. Each justice of the supreme judicial court and of the superior court in any county where he may at any time be, and each justice of any municipal, police or district court within the county where established, shall have the same power, with all the incidents thereof, to commit insane persons to lunatic hospitals that judges of probate courts have within their counties.

Justices of the supreme judicial and superior courts may commit insane persons to lunatic asylums.

SECTION 2. No person shall be committed to any lunatic hospital, or asylum or other receptacle for the insane, public or private, without an order for such commitment signed by a justice of the supreme judicial court or superior court then being in the county where such person then is or resides, or by a judge of the court of probate for said county, or by a justice of a municipal, police or district court in the county where established, and said person being or residing within such jurisdiction. Such order shall state, that the justice or judge finds, that the person committed is insane and is a fit person for treatment in an insane asylum. And said justice or judge shall see and examine the person alleged to be insane, or state in his final order the reason why it was not deemed necessary or advisable to do so. The hearing, except when a jury is summoned, shall be at such place as the judge or justice shall appoint.

No person to be committed without an order of court.

Order to state that person committed is insane.

SECTION 3. No person shall be committed as above, unless, in addition to the oral testimony there shall have been filed with the judge or justice a certificate signed by two physicians, each of whom shall be a graduate of some

Certificate of insanity signed by two regular physicians to be filed with judge.

legally organized medical college, shall have practised three years in the state, and neither of whom shall be connected with any hospital or other establishment for treatment of the insane. Each must have personally examined the person alleged to be insane within five days of signing the certificate; and each shall certify, that, in his opinion said person is insane and a proper subject for treatment in an insane hospital. And he shall specify the facts, on which his opinions are founded. A copy of the certificate, attested by the judge or justice committing, shall be delivered by the officer or other person making commitment to the superintendent of the hospital or other place of commitment, and shall be filed and kept with the order.

Counsel for insane person may visit client.

SECTION 4. Any counsellor at law, regularly retained as counsel by or on behalf of any person committed to any lunatic hospital or asylum, or other receptacle for the insane, shall be admitted to visit such client at all reasonable times, if in the opinion of the superintending officer of such hospital, asylum or receptacle, such visit would not be injurious to such person, or if any judge of the supreme judicial, superior or probate court in any county shall first in writing order that such visits be allowed.

Approved April 2, 1879.

Chap. 196 AN ACT TO SUPPLY THE VILLAGE OF FOXBOROUGH WITH PURE WATER.

Be it enacted, &c., as follows:

Foxborough Water Supply District, made a body corporate.

SECTION 1. The inhabitants of the village of Foxborough in the county of Norfolk, liable to taxation in the town of Foxborough, and residing within a radius of half a mile from the centre of the public common in said village, shall constitute a water district, and are made a body corporate by the name of The Foxborough Water Supply District, for the purpose of supplying themselves with pure water for extinguishing fires, and for manufacturing, domestic and other uses, with power to take and hold property for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

May take water from Governor's Brook.

SECTION 2. Said district for the purpose aforesaid is authorized to convey water within its limits, to establish public fountains and hydrants and regulate or discontinue their use, and to fix and collect rents for the use of such water; and it may take and hold the water, with the water rights connected therewith, of Governor's Brook, or

of any springs, natural ponds, brooks or other water sources within the limits of the town of Foxborough, together with all necessary lands for raising, holding, making available and preserving such water and carrying the same to any and all parts of said district, and may erect thereon necessary dams, buildings, fixtures and other structures, and make excavations and procure and operate machinery therefor, with such other means and appliances as may be necessary for complete and efficient water works ; and for that purpose may construct and lay down conduits, pipes and other works, under or over any lands, water courses or roads, and along any street, highway or other way, in such manner as when completed not unnecessarily to obstruct the same ; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up, raise and embank any such lands, highways or other ways, in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water sources or water rights, as aforesaid, otherwise than by purchase, said district shall file in the registry of deeds for the county of Norfolk, an accurate description thereof, with a statement of the purpose for which the same is taken signed by the commissioners hereinafter named.

May erect dams,
and lay down
pipes.

To file in regis-
try of deeds a
description of
the land, etc.,
taken.

SECTION 3. The said district shall be liable to pay all damages sustained by any persons or corporations in their property, by the taking of any lands, water, water sources or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. Any persons or corporations injured in their property under this act, and failing to agree with said district as to the amount of damages, may have them assessed and determined in the same manner as is provided where land is taken for highways, by making a written application therefor within one year after the taking of such land, water sources or water rights, or other injury done as aforesaid under this act, but not thereafter. 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 district under the authority of this act.

Liability for
damages.

SECTION 4. For the purposes of paying all necessary expenses and liabilities incurred under the provisions of this act, said district may issue bonds, notes, or scrip, from time to time, signed by the clerk and countersigned by the

" Foxborough
Water Loan "
not exceeding
\$50,000.

water commissioners, to be denominated on the face thereof "Foxborough Water Loan," to an amount not exceeding fifty thousand dollars, payable at periods not exceeding thirty years from the date of issue, with interest, payable annually, at a rate not exceeding six per centum per annum. And said district may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. And said district shall pay the interest on said loan as it accrues, and shall provide for the payment of the principal at maturity by establishing at the time of contracting said debt a sinking fund, or, from year to year by regular and uniform instalments. In case said district shall decide to establish a sinking fund, it 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 inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said district shall decide to pay the principal of said loan by instalments it shall issue coupon bonds bearing, in addition to the regular rate of interest as provided above, interest at a rate not exceeding three per centum on the principal, which additional interest shall be applied annually and directly to the payment of said loan.

Interest on
loan.

Sinking fund.

Sufficient to
pay current
expenses and
interest, to be
raised by tax-
ation.

SECTION 5. Said district shall raise by taxation annually, a sum which, with the income derived from the sale of water shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district, together with such payments on the principal as may be required under the provisions of this act.

May raise
money for en-
larging works.

SECTION 6. Said district is further authorized to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing necessary additional appliances and fixtures connected therewith, not exceeding two thousand dollars in any one year, in the same way as money is raised for ordinary town expenses.

Assessors of
town to assess
the taxes.

SECTION 7. Whenever a tax is duly voted by said district, the clerk shall render a certified copy of the record to the assessors of the town of Foxborough, who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are by law required to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of school district taxes,

and shall deposit the proceeds thereof with the town treasurer. Said district may collect interest on taxes when overdue, at a rate not exceeding one per centum per month, in the same manner as interest is authorized to be collected on town taxes: *provided*, said district at the time of voting to raise a tax shall so determine and shall also fix a time for the payment thereof.

Interest on taxes
overdue.

SECTION 8. The first meeting of said district shall be called on petition of seven or more legal voters therein, by a warrant from the selectmen of the town directed to one of the petitioners requiring him to give notice of the meeting by posting copies of said warrant in three or more public places in said district, seven days at least before the time of said meeting, and by publishing such notice thereof as the warrant may require in the Foxborough Times, published in said town. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for said meeting, the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority of the voters present and voting thereon, it shall go into operation and the meeting may then proceed to act on the other articles contained in the warrant.

First meeting of
district.

One of the
selectmen to
preside until
a clerk is
chosen.

SECTION 9. The district shall choose by ballot, a board of three water commissioners, one to serve till the next annual meeting of the district, one for a term one year longer, and the third for a term two years longer than the first; after which first election one member of the said board, as the term expires, shall be elected at the annual meeting to serve for three years. Said commissioners shall have in charge the construction and maintenance of the works herein provided, and may exercise all rights, powers and privileges for these purposes herein granted, subject to the instructions of the district, and shall be the trustees of any fund or funds established or accumulated by said district under this act. A majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to their trusteeship of any funds belonging to the district. No money shall be drawn from the treasury of the town except by a written order of the commissioners or a majority of them. Said commissioners shall annually make a full report to the district in writing, of their doings and expenditures. Vacancies in the board may be filled at a regular meeting of the voters of said district called for the purpose.

Three water
commissioners
to be elected.

To have charge
of construction
and mainte-
nance of works.

To make report
annually.

SECTION 10. Whoever wilfully corrupts, pollutes or

Penalty for diverting water, or rendering the same impure.

diverts any of the water taken under this act, or injures any dam, reservoir, conduit, pipe or other property owned or used by said district, shall forfeit and pay to said district 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 in jail not exceeding one year, or by both fine and imprisonment.

Manner of calling meetings.

SECTION 11. The said district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called on application of seven or more legal voters in said district by warrant from the selectmen on such notice as may be prescribed therein. The district may also provide rules and regulations on other subjects not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Choice of officers.

SECTION 12. This act shall take effect upon its passage.

Approved April 4, 1879.

Chap. 197

AN ACT TO ESTABLISH THE SALARIES OF THE ADJUTANT-GENERAL AND THE SEVERAL EMPLOYÉS IN THE MILITARY DEPARTMENT.

Be it enacted, &c., as follows:

Salary of adjutant-general.

SECTION 1. The salary of the adjutant-general shall be twenty five hundred dollars a year, and at the same rate for any part of a year.

First and second clerks.

SECTION 2. The salary of the first clerk in the adjutant-general's bureau shall be eighteen hundred dollars a year, and of the second clerk sixteen hundred dollars a year, and at the same rates for any part of a year.

Extra clerks and messenger.

SECTION 3. The adjutant-general may employ two extra clerks at a salary of twelve hundred dollars each a year, and a messenger at a salary of eight hundred dollars a year, and at the same rates for any part of a year.

Additional clerks and assistants.

SECTION 4. The adjutant-general may employ such additional clerks and other assistants as may be necessary to conduct the business of his bureau and may also employ such persons as may be necessary in the quartermaster's and ordnance bureau at an expense in all not exceeding five thousand five hundred dollars a year.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed, except chapter one hundred and seventeen of the acts of the present year, which shall not be affected hereby.

SECTION 6. This act shall take effect upon its passage.
Approved April 4, 1879.

AN ACT IN RELATION TO THE COMPENSATION OF STREET COMMISSIONERS OF THE CITY OF BOSTON.

Chap. 198

Be it enacted, &c., as follows:

SECTION 1. Section four of chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy is hereby amended by striking out the words "three thousand" therein, and inserting instead thereof the words "two thousand."

Compensation of street commissioners of Boston.

SECTION 2. This act shall take effect upon its passage.
Approved April 9, 1879.

AN ACT RELATING TO CONVEYANCES OF LAND ON THE BACK BAY.

Chap. 199

Be it enacted, &c., as follows:

SECTION 1. The land commissioners are hereby authorized to sell and convey single lots of land belonging to the Commonwealth on the Back Bay, not exceeding one hundred feet frontage of any one lot, on the same conditions and by the same form of deed, with conveyances heretofore made, and at such prices as the governor and council may approve.

Commissioners may sell single lots of land on Back Bay.

SECTION 2. This act shall take effect upon its passage.
Approved April 9, 1879.

AN ACT TO INCORPORATE THE SUBTERRANEAN CABLE COMPANY OF BOSTON.

Chap. 200

Be it enacted, &c., as follows:

SECTION 1. James W. Brown, Charles A. Stearns, James H. Freeman and Ethan R. Cheney, their associates and successors, are hereby incorporated as the Subterranean Cable Company of Boston, for the purpose of constructing, maintaining, operating and leasing lines of telegraph, over or under the streets, lanes, foot-paths, alleys and other ways in the cities of Boston and Cambridge for the private use of individuals, firms and corporations, municipal and general business, and for police, fire-alarm, and messenger business, and for the transaction of any business in which electricity over or through wires may be used; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, except as herein otherwise provided, set forth in all general laws which now are or hereafter may be in force relative to such corpora-

Corporators.

Name and purpose.

Powers and duties.

tions: *provided*, that no such line of telegraph shall be constructed or maintained over or under any private street or way without permission obtained from the owner or owners of said private street or way.

Capital stock.

SECTION 2. The capital stock of such corporation shall be one hundred and fifty thousand dollars, all of which shall be paid in in cash before said corporation shall commence business.

Election of officers.

SECTION 3. The stockholders of the said corporation, by a stock vote, shall annually in the month of April, at a meeting duly called for that purpose, elect a board of five directors of said corporation who shall hold their offices for one year from the date of their election. Said directors shall annually in the month of April elect a president, clerk and treasurer, in whom shall be vested the powers, and who shall perform the duties usually exercised by such officers. Any vacancy in the board of directors, or in the office of president, clerk or treasurer may at any time be filled until the next annual election in the same manner as herein provided for the election of said directors and other officers respectively.

Consent of board of aldermen to be obtained.

SECTION 4. Before commencing the construction of any line of telegraph under the authority given by this act said corporation shall obtain permission from the board of aldermen of the city within which it proposes to construct such line, and said board of aldermen shall designate the streets, lanes, foot-paths, alleys or other ways, over or under which such lines may be constructed, and may impose and from time to time modify the terms and conditions upon which such line of wires may be constructed and maintained.

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

Approved April 9, 1879.

Chap. 201

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES AND CLERKS OF THE DISTRICT COURTS IN THE COUNTY OF BRISTOL.

Be it enacted, &c., as follows:

Salaries.
First district
court of Bristol.

SECTION 1. The standing justice of the first district court of Bristol shall receive a salary of fourteen hundred dollars a year, and at the same rate for any part of a year; the clerk of said court shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year.

Third district
court.

SECTION 2. The standing justice of the third district court of Bristol shall receive a salary of fourteen hundred dollars a year, and at the same rate for any part of a year;

the clerk of said court shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year.

SECTION 3. The standing justice of the second district court of Bristol shall receive a salary of twenty-five hundred dollars a year, and at the same rate for any part of a year; the clerk of said court shall receive a salary of eighteen hundred dollars a year, and at the same rate for any part of a year.

Second district court.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 5. This act shall take effect on the first day of April in the year eighteen hundred and seventy-nine.

To take effect April 1, 1879.

Approved April 9, 1879.

AN ACT TO AUTHORIZE THE SUPPLYING STEAM AND HOT WATER
BY GAS COMPANIES AND OTHER CORPORATIONS.

Chap. 202

Be it enacted, &c., as follows:

SECTION 1. For the purpose of making and selling gas for light, or for the purpose of generating and furnishing steam or hot water for heating, cooking, and mechanical power, in any city or town, or for either or both of said purposes, ten or more persons may associate themselves with a capital of not less than five thousand nor more than five hundred thousand dollars under the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy; and the provisions of section fifty-six of said chapter are hereby extended to apply to all such corporations.

Corporations may be formed for furnishing steam or hot water.

SECTION 2. Any gas company organized or chartered before the passage of this act may engage in the business of generating and furnishing steam or hot water as aforesaid, by a vote of four-fifths of the stockholders representing not less than two-thirds of the stock, at a meeting duly called for that purpose, on complying with the provisions of section four of chapter one hundred and seventy-seven of the acts of the year eighteen hundred and seventy-five, as to the certificate and fee therein provided for.

Gas companies may engage in the same business.

SECTION 3. Section five of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy is hereby repealed.

Repeal of 1870, 224, § 5.

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

Approved April 9, 1879.

Chap. 203 AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, CONCERNING ELECTIONS.

Be it enacted, &c., as follows :

Penalty on clerk for examining ballots, 1876, 1ss, § 1.

Chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-six is hereby amended by adding at the end of section one the following words : “ and any such clerk, who shall examine such ballots, or permit them to be examined, shall forfeit a sum not exceeding two hundred dollars, to be recovered on complaint before any court of competent jurisdiction.”

Approved April 9, 1879.

Chap. 204 AN ACT RELATING TO THE DIVISION OF THE ESTATES OF INSOLVENT DEBTORS.

Be it enacted, &c., as follows :

Wages due to an operative from an operative working under contract, to be preferred claim to amount of \$100.

SECTION 1. The estate of an insolvent debtor shall be liable for wages due to any operative, from another operative who shall have contracted or agreed to do certain specified work for said debtor, to the amount of one hundred dollars, for labor actually performed on such work within one year next preceding the publication of the notice of insolvency, and in the division of the estate such wages shall have the priority or preference given to wages due to operatives under the provisions of section ninety-six of chapter one hundred and eighteen of the General Statutes, and of acts in amendment thereof or in addition thereto : *provided*, that all payments made under the provisions of this act shall be charged to the account of the operative who, as principal, has contracted or agreed to do the work, and that such payments, and the liability herein imposed, shall not exceed the amount due such principal operative for such work performed within the time herein before mentioned ; *and provided, further*, that this act shall not be construed to apply to cases covered by the provisions of chapter three hundred and fifty-three of the acts of the year eighteen hundred and seventy-three.

Proviso.

Proviso.

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

Approved April 9, 1879.

Chap. 205 AN ACT CONCERNING THE FENCING OF RAILROADS.

Be it enacted, &c., as follows :

Railroad corporations to fence entire length of road.

SECTION 1. Except at places where and so long as specially exempted from the duty of so doing by the county commissioners of the county in which such places

are situate, every railroad corporation shall erect and maintain suitable fences with convenient bars, gates or openings therein, upon both sides of the entire length of its railroad, except at the crossings of a turnpike, highway or other way, or in places where the convenient use of the road would be thereby obstructed; and shall also construct and maintain sufficient barriers at such places as may be necessary, where it shall be practicable to do so, to prevent the entrance of cattle upon the road. A corporation unreasonably neglecting to comply with the provisions of this act, shall, for every such neglect, forfeit a sum not exceeding two hundred dollars for every month during which the neglect continues; and the supreme judicial court, or any justice thereof, either in term time or vacation, may, by injunction or other suitable process in equity, compel the corporation to comply with such provisions, and, upon such neglect, may restrain and prohibit the corporation from crossing any turnpike, highway or townway, or using any land, until such provisions are complied with.

Penalties.

SECTION 2. Whenever the duty of erecting or maintaining fences along any part of the line of any railroad corporation has been or is by law or contract imposed upon any person other than said corporation, the said corporation shall hereafter erect such fences or keep the same in repair as provided in the preceding section, and may recover the reasonable cost thereof in an action of contract from such person. Whenever such duty has been or is so imposed upon an owner of land adjoining such line with respect to said land, said corporation shall also have a lien upon said land for labor performed and furnished and all materials furnished and used by it in erecting and repairing such fences, and for the costs which may arise in enforcing such lien. Said lien shall be enforced in the manner provided for enforcing mechanics' liens in chapter one hundred and fifty of the General Statutes, and the acts amendatory of the same.

Corporation may erect fence, and recover reasonable cost therefor, if person liable fails to fence.

SECTION 3. Sections eighty-three and eighty-four of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four are hereby repealed; but such repeal shall not affect any action already commenced, or any forfeiture already incurred.

Repeal of 1874, 372, §§ 83, 84.

Approved April 9, 1879.

Chap. 206 AN ACT CONCERNING THE TRANSPORTATION OF MILK ON RAILROADS.

Be it enacted, &c., as follows:

Tariff of prices
for transporta-
tion of milk.

SECTION 1. No railroad corporation shall contract with any person or corporation to furnish facilities for the transportation of milk, or shall itself carry the same in large quantities, over any portion of its line, without at the same time establishing a tariff under which it will receive, forward and deliver milk by the can over the same portion of its line for any person tendering the same, in such way that the milk so tendered by the can shall be carried under fairly proportionate advantages in every respect, including price, time, and reasonable care for the same, as the milk carried in large quantities, or through facilities furnished by contract.

Commissioners
to see that rates
are reasonable
for carriage of
small quantities.

SECTION 2. On the petition of any person desiring to forward milk over any railroad, it shall be the duty of the board of railroad commissioners to investigate and ascertain at what rates facilities for the carriage of milk under contract or in large quantities are furnished by the corporation operating such railroad, and to compare the same with the tariff of said corporation for the carriage of milk from and to the same places by the single can, including a reasonable compensation for the care of the same; and if the tariff for the care and carriage of such milk by the can is found to be unreasonably more than the rate charged for its carriage under contract, or in larger quantities, said board of railroad commissioners shall revise said tariff, and fix such rates therefor as shall be fairly proportionate with such contract or large quantity rates, and notify the corporation of such revision: *provided*, that milk received by one corporation from another shall not be considered as milk received at the point of junction of the roads of such corporations, so as to regulate the rates charged on milk tendered for carriage at such point of junction.

May revise
tariff, etc.

Proviso.

Penalty on cor-
poration for
neglect, etc.

SECTION 3. A corporation which shall refuse or neglect to receive, forward or deliver milk by the can at the tariff rates fixed and notified to it by the board of railroad commissioners in the manner provided in the preceding section, shall forfeit to the person tendering such milk the sum of ten dollars for each and every can which it so refuses to receive, or neglects to forward or deliver, to be recovered in an action of tort.

Approved April 9, 1879.

AN ACT TO AMEND "AN ACT TO REGULATE THE HOURS OF
LABOR IN MANUFACTURING ESTABLISHMENTS." *Chap. 207*

Be it enacted, &c., as follows:

Chapter two hundred and twenty-one of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out the word "wilfully" wherever it occurs. At the trial of any person for a violation of the provisions of said chapter, a certificate of the age of any minor made or signed by him and his parent or guardian, at the time of his employment in any manufacturing establishment, shall be conclusive evidence of that fact.

Minors under eighteen years and women, not to be employed in manufacturing establishments more than ten hours a day under penalty. Certificate to be conclusive evidence of age.

Approved April 9, 1879.

AN ACT AUTHORIZING A FUND FOR THE EXPENSES OF THE EX-
ECUTIVE DEPARTMENT. *Chap. 208*

Be it enacted, &c., as follows:

SECTION 1. There shall be allowed and paid annually from the treasury of the Commonwealth, a sum not exceeding three thousand dollars, for such expenses of the executive department as the governor may find necessary.

Allowance for expenses of executive department.

SECTION 2. Chapter two hundred and fifty of the acts of the year eighteen hundred and seventy is hereby repealed.

Repeal of 1870, 250.

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

Approved April 11, 1879.

AN ACT FOR THE PROTECTION AND PRESERVATION OF BIRDS,
BIRDS' EGGS, DEER AND GAME. *Chap. 209*

Be it enacted, &c., as follows:

SECTION 1. Whoever in this Commonwealth takes or kills any woodcock, or any ruffed grouse, commonly called partridge, between the first day of January and the first day of September in any year, or any quail between the first day of January and the fifteenth day of October in any year, or within the respective times aforesaid sells, buys, has in possession, or offers for sale, any of said birds, shall, upon conviction, be punished by a fine of twenty dollars for each and every such bird: *provided*, that any person may buy, sell, or have in possession, quail, and pinated grouse commonly called prairie chicken, during the months of January, February, March and April, provided the same are not taken or killed contrary to the provisions of this act.

Woodcock and partridge not to be killed between Jan. 1 and Sept. 1. Quail not to be killed between Jan. 1 and Oct. 15.

Proviso.

SECTION 2. Whoever in this Commonwealth takes or kills any wood or summer duck, black duck, or teal, between the first day of May and the first day of September

Teal, etc., not to be killed between May 1 and Sept. 1.

in any year, or within said time sells, buys, has in possession, or offers for sale, any of said birds, shall, upon conviction, be punished by a fine of twenty dollars for each and every such bird.

Plover, snipe and certain beach birds not to be killed between April and July 15.

SECTION 3. Whoever in this Commonwealth takes or kills any plover, snipe, sandpiper, rail, or any of the so called marsh, beach, or shore birds, except black breasted plover (*Squatarola helvetica*), red breasted sandpiper (*Tringa canutus*), chicken plover (*Streptilas interpres*), winter yellow-leg (*Totanus melanoleucus*), and Wilson's snipe (*Gallinago Wilsoni*), between the first day of April and the fifteenth day of July in any year, or within said time sells, buys, has in possession, or offers for sale, any of said birds, shall, upon conviction, be punished by a fine of ten dollars for each such offence.

Wild pigeons not to be killed upon breeding ground.

SECTION 4. Whoever in this Commonwealth takes or kills upon their breeding ground any wild or passenger pigeon, or takes, kills, or has in possession, any Carolina or turtle dove, herring gull, tern, sea swallow, or mackerel gull, between the first day of May and the first day of September in any year, shall, upon conviction, be punished by a fine of ten dollars for each such offence.

Other undomesticated birds, except birds of prey, etc., not to be killed at any time.

SECTION 5. Whoever in this Commonwealth takes or kills, at any season of the year, any undomesticated birds not named in the preceding sections of this act, except birds of prey, crows, crow-blackbirds, jays, wild geese, herons, bitterns, and such fresh water or sea fowl as are not named in the preceding sections of this act, or wilfully destroys, disturbs, or takes the nests or eggs of, any undomesticated birds, except the nests and eggs of birds of prey, crows, crow-blackbirds, and jays, shall, upon conviction, be punished by a fine of ten dollars for each such offence: *provided*, that any person above the age of sixteen years, having a certificate from the curator of the Museum of Comparative Zoölogy at Cambridge, the president of the Massachusetts Agricultural College at Amherst, the Boston Society of Natural History, the Worcester Lyceum and Natural History Society, the Peabody Academy of Science at Salem, or from any incorporated society of natural history or college in the state, to the effect that said person is engaged in the scientific study of ornithology, or is collecting in the interests of and for said institutions, or any one of them, may take the nests and eggs of, or at any season of the year take or kill, any undomesticated birds; but this provision shall not apply to the birds, or eggs of birds, named in section one of this act.

Nests or eggs not to be disturbed.

Proviso.

SECTION 6. Whoever in this Commonwealth, at any season of the year, takes, kills, or destroys any game bird, hare, or rabbit, by means of traps, snares, nets, or springes, or whoever, for the purpose of taking or killing any game bird, hare, or rabbit, shall construct or set any trap, snare, net, or springe, or whoever shoots at or kills any wild fowl, or any of the so called shore, marsh, or beach birds, with or by the use of any battery, swivel, or pivot gun, or by the use of any torch, jack, or artificial light, shall, upon conviction, be punished by a fine of twenty dollars for each such offence: *provided*, the provisions of this section shall not apply to the trapping or snaring of ruffed grouse commonly called partridge, hare, or rabbit, by owners of land, upon their land between the first day of September and the first day of January of any year; and *provided*, also, that owners shall not lease said lands for such purposes, nor under any circumstances allow any other person to snare or trap upon their lands.

Traps and snares not to be used.

Use of battery, pivot gun and jack light prohibited.

Proviso.

Proviso.

SECTION 7. Whoever in this Commonwealth, at any season of the year prior to the first day of October in the year eighteen hundred and eighty, and whoever thereafter between the first day of December in any year and the first day of October following, takes or kills any deer (except his own tame deer kept on his own grounds), shall, upon conviction, be punished by a fine of one hundred dollars for every such offence: and any person may kill any dog found chasing or hunting deer where the dog is used for that purpose with the knowledge of his owner or keeper; and the owner or keeper of such dog shall, upon conviction, be punished by a fine of fifty dollars.

Deer hunting regulated.

Dog found chasing deer with owner's knowledge, may be killed by any person.

SECTION 8. Whoever between the first day of March and the first day of September in any year takes or kills any gray squirrel, hare, or rabbit, shall, upon conviction, be punished by a fine of ten dollars for each such offence.

Gray squirrel and rabbit not to be killed between Mar. 1 and Sept. 1.

SECTION 9. Whoever in this Commonwealth, at any season of the year, takes or kills any pinnated grouse commonly called prairie chicken, unless upon ground owned by him, and grouse placed thereon by the owner, shall, upon conviction, be punished by a fine of twenty dollars for each bird so taken or killed.

Prairie chicken not to be killed at any time, except by owner.

SECTION 10. In all prosecutions under the provisions of this act, the possession, except as provided in section one, by any person or corporation of any deer, hare, rabbit, or gray squirrel, or of birds mentioned as protected by this act, during the time within which the taking or the killing of the same is prohibited, shall be *prima facie* evidence to convict under this act.

Possession of game, during prohibited time to be *prima facie* evidence to convict.

Disposition of
fines.

SECTION 11. All fines accruing under this act shall be paid, a half to the complainant, and a half to the city or town where the offence is committed.

Municipal
authorities,
police officers
and constables
to cause act to
be enforced.

SECTION 12. The mayor or aldermen of any city, the selectmen of any town, and all police officers and constables within this Commonwealth, shall cause the provisions of this act to be enforced in their respective cities and towns.

Repeal.

SECTION 13. Chapter ninety-five of the acts of the year eighteen hundred and seventy-seven, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 11, 1879.

Chap. 210 AN ACT TO AMEND "AN ACT CONCERNING MANUFACTURING AND OTHER CORPORATIONS."

Be it enacted, &c., as follows:

Coöperative
corporations.
Capital not to
exceed \$100,000.

Section three of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy is hereby amended by striking out the word "fifty" in the last line and inserting in place thereof the words "one hundred."

Approved April 11, 1879.

Chap. 211 AN ACT TO ENABLE THE TOWN OF NORTHAMPTON TO REALIZE THE VALUE OF CERTAIN STOLEN BONDS AND COUPONS.

Be it enacted, &c., as follows:

Town may give
bond of indemn-
ity to Ohio and
Mississippi
Railway Com-
pany upon pay-
ment of certain
stolen coupons.

SECTION 1. The town of Northampton, by its treasurer, is hereby authorized to execute a sufficient bond of indemnity to the Ohio and Mississippi Railway Company, its successors, assigns or legal representatives, whenever and as often as payment shall be made to said town by said railway company, its successors, assigns or legal representatives, in money or new bonds, of any of the coupons of the second mortgage bonds of said railway company, which were owned by said town on the twenty-sixth day of January in the year eighteen hundred and seventy-six, and were, together with said bonds, on that day stolen from the vault of the Northampton National Bank.

May give bond
of indemnity
upon issue of
new bonds.

SECTION 2. In case said Ohio and Mississippi Railway Company, its successors, assigns or legal representatives, shall issue new bonds to the town of Northampton, in place of the above mentioned stolen bonds, the said town, by its treasurer, is hereby authorized to execute a sufficient bond of indemnity to said railway company, its successors, assigns or legal representatives.

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

Approved April 11, 1879.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING QUINSIGAMOND AVENUE IN THE CITY OF WORCESTER. *Chap. 212*

Be it enacted, &c., as follows :

SECTION 1. The time within which the city of Worcester may construct the street extending from Southbridge Street to Cambridge Street in said city and called Quinsigamond Avenue, laid out and established by decree of the city council, adopted on the twenty-ninth day of April in the year eighteen hundred seventy-eight, and assess benefits upon the estates benefited thereby, as provided by chapter three hundred eighty-two of the acts of the year eighteen hundred seventy-one, is hereby extended to the twenty-ninth day of April in the year eighteen hundred and eighty-one. And if said city shall complete said street before that time, said city may assess upon the estates benefited thereby the value of the benefit and advantage derived therefrom as provided in said statute in the same manner and with the same effect as if said street had been completed and said assessments had been made within two years from the passage of said decree.

Time extended for construction of Quinsigamond Avenue.

Assessment upon estates benefited.

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

Approved April 11, 1879.

AN ACT TO CONFIRM THE CORPORATE ORGANIZATION OF THE TRUSTEES OF THE WOBURN SOCIETY OF THE METHODIST EPISCOPAL CHURCH. *Chap. 213*

Be it enacted, &c., as follows :

The corporate organization of the Trustees of the Woburn Society of the Methodist Episcopal Church, under that name, is hereby confirmed and made valid. All the deeds, acts and proceedings of said corporate board of trustees are confirmed and made valid so far as such validity may have depended upon the name of the corporation under which they were made or transacted.

Organization of corporation and acts of trustees, confirmed.

Approved April 11, 1879.

AN ACT TO PROVIDE FOR THE DISPOSAL OF THE SEWAGE OF THE REFORMATORY PRISON FOR WOMEN AT SHERBORN. *Chap. 214*

Be it enacted, &c., as follows :

SECTION 1. The superintendent and board of commissioners of the reformatory prison for women in the town of Sherborn, are hereby prohibited from causing or permitting the discharge, through any sewer or drain, of any portion of the sewage of said prison into Lake Cochituate or any of its tributaries: *provided*, that the effluent waters of lands hereafter acquired and used for sewage irrigation

Sewage of prison not to be discharged into Lake Cochituate.

Proviso.

purposes for said prison shall not be included in the provisions of this section unless at any time they shall, in the opinion of the state board of health, become of such nature as to constitute a pollution within the meaning of chapter one hundred and eighty-three of the acts of the year eighteen hundred and seventy-eight; which opinion, being expressed in writing to the said board of commissioners, shall make said effluent waters subject to all the provisions of this section.

Commissioners may take land for storage or disposition of sewage.

SECTION 2. The said board of commissioners of the reformatory prison for women is hereby authorized on behalf of the Commonwealth to take and hold, by purchase or otherwise, under the direction and approval of the governor and council, such lands as may be necessary for the proper conveyance, storage or distribution of the sewage of the reformatory prison for women, and may take and hold, by purchase or otherwise, the buildings situate on any such land, or erect or repair thereon such buildings, dams, works and machinery as may be necessary for the disposal of the sewage of said prison, and may take and hold, by purchase or otherwise, all or any rights or easements in such land, with all rights of way, through, over or under any private lands, road, water course, or other way, and may enter upon and dig thereon for the purposes of construction and of making all necessary repairs, and may carry its drains through or under any street or highway or other ways in such manner as not unnecessarily to obstruct the same, and may, under the direction of the selectmen of the town of Sherborn, enter upon and dig up any such road or way for the purposes of laying or repairing its sewers or drains; and said commissioners may construct and maintain all necessary pipes, conduits, works and machinery necessary for the proper conveyance of the sewage of said prison to such lands and its distribution thereon in such manner as said commissioners, with the approval of the governor and council, shall determine: *provided*, that not more than two thousand dollars of the sum appropriated for the purposes of this act shall be expended in the repairs of any buildings which may be acquired with any land taken, by purchase or otherwise, for the purposes of this act; and *provided*, that within sixty days after the taking of any lands or buildings, rights or easements in such lands, under this act, the said commissioners shall file in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a

May dig up roads, etc., under direction of selectmen.

Proviso.

Description of land taken, to be filed in registry of deeds.

statement of the purpose for which the same is taken, and signed by said commissioners or a majority of them; and the title thereto shall thereupon vest in the Commonwealth, but no such record shall be valid unless accompanied by the certificate of approval of the governor and council, to be filed therewith.

SECTION 3. Any person or corporation injured or damaged by any thing done by said commissioners under authority of this act, and failing to agree with said commissioners as to the amount of such damages, may have them assessed and determined in the manner provided where land is taken for highways; but all such claims for assessment of damages shall be instituted within one year of the taking complained of, and the damages so assessed and determined shall be paid out of the treasury of the Commonwealth.

Assessment of damages.

SECTION 4. The said commissioners are hereby authorized to carry out the provisions of this act at an expense not exceeding thirteen thousand dollars, and all moneys therefor shall be expended under and by the approval of the governor and council.

Expenses not to exceed \$13,000.

SECTION 5. The provisions of section one of this act shall take effect at such time as the governor and council shall determine that the sewage works contemplated and provided for by section two of this act have substantially been put in operation. The remaining sections of the act shall take effect upon the passage of the act.

When to take effect.

Approved April 11, 1879.

AN ACT AMENDING CHAPTER TWO HUNDRED AND EIGHTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT, RELATIVE TO THE DEMAND OF GEORGE CLAPP AND FREDERIC K. BALLOU AGAINST THE COMMONWEALTH.

Chap. 215

Be it enacted, &c., as follows:

SECTION 1. The harbor commissioners are hereby authorized to agree with Clapp and Ballou to extend the time within which the award of the arbitrators may be made, whose appointment is provided for by chapter two hundred and eighty-one of the acts of the year eighteen hundred and seventy-eight, to the first day of October next, upon the further terms and conditions of this act.

Time for making award may be extended by agreement.

SECTION 2. Said arbitrators may, in the exercise of judicial discretion, allow any amendment of the statement of the demands submitted to them: *provided*, that said Clapp and Ballou shall not be entitled to recover more than the aggregate amount of the demands heretofore

Arbitrators may allow amendment of statement of demands. Proviso.

submitted, and interest thereon; and *provided, further*, that all the claims and demands of said Clapp and Ballou, in their own right and as assigns, shall be submitted to said arbitrators; and said award, having been reported to and accepted and confirmed by the supreme judicial court as provided by chapter two hundred and eighty-one of the acts of the year eighteen hundred and seventy-eight, shall be a final adjudication upon all claims and demands of said Clapp and Ballou and their assigns against the Commonwealth, and shall be binding upon all parties.

Award to be final.

Assigns to consent in writing.

SECTION 3. The assigns of said Clapp and Ballou having an interest in said claims and demands shall consent in writing to said submission, and agree to be bound by the award.

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

Approved April 11, 1879.

Chap. 216 AN ACT IN 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, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, the same to be in addition to the appropriations heretofore made for the quarter ending on the thirty-first day of March of the present year.

Salaries.
Clerks of senate
and house.

For the salaries of the clerks of the senate and house of representatives, two thousand eight hundred thirty-three dollars and thirty-two cents.

Sergeant-at-
arms.

For the salary of the sergeant-at-arms, one thousand four hundred sixteen dollars and sixty-six cents.

Engineer,
watchmen and
firemen.

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

Senators.

For the compensation of senators, a sum not exceeding five thousand five hundred dollars, and for travelling expenses, a sum not exceeding fifty dollars.

Representa-
tives.

For the compensation of representatives, a sum not exceeding twenty thousand five hundred dollars, and for travelling expenses, a sum not exceeding five hundred dollars.

Lieutenant-
governor.

For the compensation of the lieutenant-governor, one thousand four hundred thirty-seven dollars and fifty cents; and for the executive council, four thousand four hundred dollars.

For the salary of the secretary of the Commonwealth, one thousand eight hundred thirty-three dollars and thirty-four cents. Secretary.

For the salary of the first clerk in the secretary's department, one thousand three hundred thirty-three dollars and thirty-three cents. First clerk.

For the salary of the second clerk in the secretary's department, one thousand one hundred eight dollars and thirty-three cents. Second clerk.

For the salary of the third clerk in the secretary's department, one thousand dollars. Third clerk.

For such additional clerical and other assistance as the secretary may find necessary, a sum not exceeding five thousand six hundred dollars. Additional clerical and other assistance.

For the salary of the treasurer and receiver-general, two thousand nine hundred sixteen dollars and sixty-seven cents. Treasurer and receiver-general.

For the salary of the first clerk in the treasurer's department, one thousand seven hundred eight dollars and thirty-three cents. First clerk.

For the salary of the cashier in the treasurer's department, one thousand three hundred thirty-three dollars and thirty-three cents. Cashier.

For the salary of the second clerk in the treasurer's department, one thousand three hundred and fifty dollars. Second clerk.

For such other clerical assistance as the treasurer may find necessary, a sum not exceeding one thousand six hundred sixteen dollars and sixty-six cents. Additional clerical assistance.

For the salary of the auditor of accounts, one thousand eight hundred thirty-three dollars and thirty-four cents. Auditor.

For the salary of the first clerk in the auditor's department, one thousand three hundred thirty-three dollars and thirty-three cents. First clerk.

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

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding two thousand five hundred sixty-six dollars and sixty-six cents. Additional clerical assistance.

For the salary of the insurance commissioner, two thousand one hundred sixty-six dollars and sixty-seven cents. Insurance commissioner.

For the salary of the deputy insurance commissioner, one thousand eight hundred and seventy-five dollars. Deputy.

For the salary of the first clerk of the insurance commissioner, one thousand three hundred thirty-three dollars and thirty three cents. First clerk.

Second clerk.	For the salary of the second clerk of the insurance commissioner, one thousand one hundred and twenty-five dollars.
Extra clerk.	For the salary of one extra clerk of the insurance commissioner, seven hundred thirty-three dollars and thirty-three cents.
Additional clerical assistance.	For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding five thousand dollars.
Reimbursement for state aid to soldiers.	For the reimbursement of cities and towns for money paid on account of state aid to Massachusetts volunteers and their families, and for expenses incurred in connection therewith, under the provisions of chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-seven, a sum not exceeding three hundred and seventy-five thousand dollars.
Reimbursement for relief of indigent soldiers.	For the reimbursement of cities and towns for money paid as relief of indigent soldiers and sailors, under the provisions of chapter two hundred and eighty-two of the year eighteen hundred and seventy-eight, a sum not exceeding one hundred and sixty-five thousand dollars.
Printing and binding for legislature.	For printing and binding ordered by the senate or house of representatives, or by the concurrent order of both branches, a sum not exceeding fifteen thousand dollars.
Stationery for house.	For stationery for the house of representatives, ordered by the clerk thereof, a sum not exceeding eight hundred dollars.
Stationery, etc., ordered by sergeant-at-arms.	For books, stationery, printing and advertising ordered by the sergeant-at-arms, a sum not exceeding five hundred dollars.
Fuel and lights.	For fuel and lights at the state house, a sum not exceeding two thousand five hundred dollars.
Repairs and furniture.	For repairs, improvements and furniture of the state house, a sum not exceeding three thousand dollars.
Incidental expenses. Secretary.	For incidental expenses of the secretary's department, a sum not exceeding two thousand two hundred and fifty dollars.
Treasurer.	For incidental expenses of the treasurer's department, a sum not exceeding seven hundred and fifty dollars.
Expenses. Tax commissioner.	For expenses of the tax commissioner, a sum not exceeding two thousand four hundred dollars.
Auditor.	For expenses of the auditor's department, a sum not exceeding five hundred dollars.
Insurance commissioner.	For expenses of the insurance commissioner's department, a sum not exceeding three thousand dollars.
Railroad commissioners.	For expenses of the railroad commissioners, a sum not

exceeding two thousand three hundred and seventy-five dollars.

For expenses of the commissioners on inland fisheries, a sum not exceeding four thousand dollars.

Commissioners on inland fisheries.

For expenses of the commissioners on savings banks, a sum not exceeding one thousand one hundred dollars.

Commissioners on savings banks.

For expenses of the harbor commissioners, a sum not exceeding eight thousand five hundred dollars.

Harbor commissioners.

For expenses of the bureau of statistics of labor, a sum not exceeding three thousand two hundred and fifty dollars.

Bureau of statistics of labor.

For printing and binding the public series of documents, a sum not exceeding thirty thousand dollars.

Printing and binding public documents.

For printing the pamphlet edition of the general laws of the present year, for distribution in the Commonwealth, a sum not exceeding six thousand dollars.

General laws.

For printing and binding 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 three thousand dollars.

"Blue book" edition of acts and resolves.

For the newspaper publication of the general laws, and all information for the public, a sum not exceeding five hundred dollars.

Newspaper publication of general laws.

For editing the supplement to the General Statutes, the sum of two hundred dollars; and for the publication of the same, a sum not exceeding eight hundred and fifty dollars.

Supplement to the General Statutes.

For assessors' books and registration blanks, a sum not exceeding one thousand five hundred dollars.

Assessors' books and registration blanks.

For the publication of the Provincial Statutes, a sum not exceeding five thousand dollars.

Provincial Statutes.

For expenses of the adjutant-general's department, a sum not exceeding two thousand two hundred and fifty dollars.

Expenses. Adjutant-general.

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

Quartermaster-general.

For quartermasters' supplies, a sum not exceeding five thousand five hundred dollars.

Quartermasters' supplies.

For the compensation of officers and men of the volunteer militia, for military duty, a sum not exceeding sixty-two thousand dollars.

Militia. Compensation.

For the transportation of officers and men of the volunteer militia, while on military duty, a sum not exceeding ten thousand dollars.

Transportation.

Military
accounts.

For military accounts, in connection with the volunteer militia, not otherwise provided for, a sum not exceeding five thousand dollars.

Rent of head-
quarters and
armories.

For rent of brigade and battalion head-quarters and company armories, a sum not exceeding thirty-one thousand six hundred dollars.

Military
elections.

For military elections, a sum not exceeding one hundred and fifty dollars.

Soldiers'
Records.

For expenses incurred in connection with the revision of the "Soldiers' Records", the sum of two hundred and fifty dollars.

Medical sup-
plies.

For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.

Surgeon-gen-
eral.

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

Books of
instruction.

For books of instruction for the use of the volunteer militia, a sum not exceeding two hundred dollars.

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

Approved April 15, 1879.

Chap. 217

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN TO BORROW MONEY TO REPAIR OR ENLARGE THE JAIL IN SAID COUNTY.

Be it enacted, &c., as follows:

Commissioners
may borrow
money for
repairs, etc., of
jail and house of
correction.

SECTION 1. The county commissioners of the county of Franklin are hereby authorized to borrow, on the credit of said county, such sums not exceeding in all ten thousand dollars as may be necessary to be expended in repairs or enlargement of the jail and house of correction in said county.

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

Approved April 16, 1879.

Chap. 218

AN ACT TO ENABLE THE NEWTON CEMETERY CORPORATION TO PURCHASE CERTAIN LAND FOR THE PROTECTION OF ITS CEMETERY.

Be it enacted, &c., as follows:

May purchase
land for supply
of earth for grad-
ing cemetery.

SECTION 1. The Newton Cemetery Corporation is hereby authorized to purchase a parcel of land upon Walnut Street, in Newton, opposite the cemetery of said corporation, and bounded, westerly by Walnut Street, northerly by Homer Street, easterly by land now or formerly of J. D. Towle, and southerly by land now or formerly of Josiah Rutter, and to hold and use said land for the purpose of supplying earth and gravel for grading its cemetery, and to protect said cemetery from nuisance

or injury; and said corporation shall not be required to devote said land to the purposes mentioned in chapter twenty-eight of the General Statutes or the acts in addition thereto.

SECTION 2. Said corporation is hereby authorized to mortgage said land or any part of the same to secure the whole or any part of the purchase money thereof, and in case it shall hereafter desire to do so, to sell and convey said land or any part of the same to any purchaser.

May mortgage or sell such land.

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

Approved April 16, 1879.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES AND CLERKS OF THE DISTRICT AND POLICE COURTS IN THE COUNTY OF BERKSHIRE.

Chap. 219

Be it enacted, &c., as follows:

SECTION 1. The standing justice of the district court of Central Berkshire shall receive a salary of twelve hundred dollars a year, and at the same rate for any part of a year; the standing justice of the district court of Northern Berkshire shall receive a salary of one thousand dollars a year, and at the same rate for any part of a year; the standing justice of the district court of Southern Berkshire shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year; the standing justice of the police court of Lee shall receive a salary of six hundred dollars a year, and at the same rate for any part of a year; the standing justice of the police court of Williamstown shall receive a salary of three hundred dollars a year, and at the same rate for any part of a year.

Salaries of justices of district and police courts.

SECTION 2. The clerk of the district court of Central Berkshire shall receive a salary of six hundred dollars a year, and at the same rate for any part of a year; the clerk of the district court of Northern Berkshire shall receive a salary of five hundred dollars a year, and at the same rate for any part of a year; and the clerk of the district court of Southern Berkshire shall receive a salary of four hundred dollars a year, and at the same rate for any part of a year.

Salaries of clerks of district and police courts.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 4. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

To take effect May 1, 1879.

Approved April 16, 1879.

Chap. 220 AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK OF THE DISTRICT COURT OF EASTERN NORFOLK.

Be it enacted, &c., as follows:

Salaries of justice and clerk.

SECTION 1. The standing justice of the district court of Eastern Norfolk shall receive a salary of twelve hundred dollars a year, and at the same rate for any part of a year; the clerk of said court shall receive a salary of six hundred dollars a year, and at the same rate for any part of a year.

Repeal.

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

To take effect May 1, 1879.

SECTION 3. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 16, 1879.

Chap. 221 AN ACT TO AMEND "AN ACT TO PERMIT THE ESTABLISHMENT OF A UNION FREIGHT DEPOT IN GREENFIELD."

Be it enacted, &c., as follows:

Union Freight Depot in Greenfield.
1878, 278, § 1.

SECTION 1. Section one of chapter two hundred and seventy-eight of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the words "Troy and Greenfield Railroad Company" after the words "purchased by the," and inserting in place of the words stricken out the word "Commonwealth."

Amendment to 1878, 278, § 3.

SECTION 2. Section three of said chapter is hereby amended by striking out the words "or the Vermont and Massachusetts Railroad, and by the Connecticut River Railroad Company" after the words "operating or using the Troy and Greenfield Railroad," and inserting in place of the words stricken out the words "by such other railroad corporation or corporations named in section one as may be provided for by the agreement."

Amendment to 1878, 278, § 4.

SECTION 3. Section four of said chapter is hereby amended by striking out the words "and arbitration as to questions arising relative thereto may be provided for," after the words "provided for by said agreement," and inserting in place of the words stricken out the words "and may be re-adjusted or changed from time to time as the railroad commissioners on the petition of any party interested may determine," and is further amended by adding at the end of said section the words "any party aggrieved by any decision as to the amount of rental or tolls to be paid as provided, may within three months from the date thereof appeal from the same to the superior court, and have his case tried by a jury at the bar of that court in the county of Franklin, whose ver-

diet accepted by said court shall be final until another readjustment or change as before provided."

SECTION 4. Section five of said chapter is hereby repealed; and the following words, constituting a new section, are substituted therefor, and inserted in place thereof, namely:—"SECTION 5. No rights shall be gained by virtue of this act or any contract under it in or upon the lands of the Commonwealth or of the Troy and Greenfield Railroad which may not be terminated at the pleasure of the Commonwealth at any time; but all contracts made under the provisions of this act may be terminated at any time by laws which may be enacted by the general court on providing for the payment of suitable damages to all parties injured; and in case of any termination of the agreement the tracks and location of the Troy and Greenfield Railroad may be re-located as now established by law, and the tracks and location of the Vermont and Massachusetts Railroad may be re-located to connect with the same. No agreement made by virtue of this act shall bind the Commonwealth except so far as its interests in the premises are concerned or operate to prevent any assignment or transfer of its rights in and under the same."

Repeal and
substitute.
1878, 278, § 5.

Approved April 16, 1879.

AN ACT CONCERNING THE FEE FOR CERTIFICATES OF INSANITY.

Chap. 222

Be it enacted, &c., as follows:

SECTION 1. The fee for giving the certificate required by section eight of chapter two hundred and twenty-three of the acts of the year eighteen hundred and sixty-two, and by the acts amending the same, is hereby fixed at two dollars for each physician, with twenty cents for each mile travelled one way.

Fee of physician
for certificate of
insanity.

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

Approved April 16, 1879.

AN ACT TO GIVE WOMEN THE RIGHT TO VOTE FOR MEMBERS OF SCHOOL COMMITTEES.

Chap. 223

Be it enacted, &c., as follows:

SECTION 1. Every woman who is a citizen of this Commonwealth, of twenty-one years of age and upwards, and has the educational qualifications required by the twentieth article of the amendments to the constitution, excepting paupers and persons under guardianship, who shall have resided within this Commonwealth one year and within the city or town in which she claims the right to vote six months next preceding any meeting of citizens

Women, who
are citizens,
may vote for
members of
school com-
mittees.

either in wards or in general meeting for municipal purposes, and who shall have paid by herself, or her parent, or guardian, a state, or county tax, which within two years next preceding such meeting has been assessed upon her in any city or town, shall have a right to vote, at such town or city meeting, for members of school committees.

Assessment of taxes.

SECTION 2. Any female citizen of this Commonwealth may, on or before the fifteenth day of September in any year, give notice in writing to the assessors of any city or town, accompanied by satisfactory evidence, that she was on the first day of May of that year an inhabitant thereof and that she desires to pay a poll tax and furnish under oath a true list of her estate, both real and personal, and she shall thereupon be assessed for her poll and estate and the assessors shall, on or before the first day of October in each year, return her name to the clerk of the city or town in the list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and the collector shall collect and pay over the same in the manner specified in his warrant.

Registration laws to apply.

SECTION 3. All laws in relation to the registration of voters shall apply to women upon whom the right to vote is heréin conferred, provided that the names of such women shall be placed on a separate list.

Separate day for election may be appointed.

SECTION 4. The mayor and aldermen of cities and the selectmen of towns may in their discretion appoint and notify a separate day for the election of school committees: *provided*, that such meeting shall be held in the same month in which the annual town meeting or the municipal election occurs.

Approved April 16, 1879.

Chap. 224 AN ACT TO PRESERVE THE PURITY OF THE WATER SUPPLY OF TOWNS AND CITIES.

Be it enacted, &c., as follows:

Penalty for rendering impure, water used for domestic water supply.

SECTION 1. Whoever shall wilfully deposit any excrement or any foul or decaying solids or fluids in any water used for the purpose of domestic water supply or upon the shore thereof within five rods of the water shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days; and any constable or policeman of a city or town in which such water is either wholly or in part situated may, within the limits of said city or town, arrest without a warrant any person found by him in the act of violating the provisions of this section; and may, at the next sitting of any trial justice or court

Constables may arrest without a warrant.

of competent jurisdiction within the district or county in which such offence was committed, bring the person so arrested before such trial justice or court.

SECTION 2. Any executive officer or agent of any water board, or of any board of water commissioners or water company, furnishing water for domestic purposes, shall have and may exercise upon lands or water actually owned or held by such boards or company, or under their care or management, the powers conferred by section one of this act upon policemen and constables: *provided*, that the powers of such officers or agents shall not be exercised upon any land situate more than five rods from such water.

Agent of water board may exercise the powers conferred upon constables.

SECTION 3. None of the provisions of this act shall be so construed as to interfere with the sewage of towns, cities, or public institutions, or to prevent boating on or bathing or fishing in such water, or the enriching of land by the owner or occupant thereof for agricultural purposes.

Public sewage not to be interfered with.

SECTION 4. This act shall take effect upon its passage.
Approved April 16, 1879.

AN ACT CONCERNING SET-OFF OF DEBTS DUE FROM LEGATEES UNDER WILLS AND FROM DISTRIBUTEES OF INTESTATE ESTATES.

Chap. 225

Be it enacted, &c., as follows:

SECTION 1. Whenever it shall appear to the probate court, in the settlement of the estate of a deceased person therein, that there is any debt due to a testator or intestate, or to his estate, from a legatee, heir or distributee, such debt shall be considered as part of the testator's, or intestate's estate so far as regards the payment of the legacy to such legatee, or the division and distribution of such estate among the heirs and distributees, and shall be taken by such legatee towards his legacy, and by such heir and distributee towards his share in the estate of the intestate.

Debt due from an heir, etc., to be taken by him towards his share in the estate.

SECTION 2. The probate court shall hear and determine as to the validity and amount of the indebtedness of any legatee, heir or distributee, to a testator or intestate or to his estate, and make all necessary and proper orders and decrees in relation thereto, and to the application of the same as provided in the preceding section.

Court to determine validity and amount of indebtedness.

SECTION 3. Any person aggrieved by any order, or decree of the probate court, in reference to any matters in this chapter mentioned, may appeal therefrom to the supreme judicial court.

Right of appeal.

Not to prevent
other remedy
for recovery of
debt.

SECTION 4. Nothing in this act contained shall prejudice any other remedy that an executor or administrator may have for the recovery of a debt due to the testator, or intestate, or his estate, from such heir, legatee or distributee, or release such legatee, heir or distributee from the surplus of his indebtedness above the amount of his legacy or distributive share in the estate.

Approved April 16, 1879.

Chap. 226

AN ACT RELATING TO FEES AND COSTS IN CIVIL ACTIONS.

Be it enacted, &c., as follows:

Fee of \$1 for
entry of civil
action in dis-
trict, police and
municipal
courts.

SECTION 1. The plaintiff shall pay a fee of one dollar at the entry of an action, or filing of a complaint, in civil causes, in any district, municipal, or police court, which fee shall cover the filing of papers, examining, allowing and taxing the bills of costs, entering up the judgment and recording the same; and he shall also pay for a writ of execution twenty-five cents; which fees shall be allowed to the plaintiff if he recovers costs.

Recovery of
costs when sev-
eral actions are
against same
defendant.

SECTION 2. When a plaintiff, whether in the same or different courts, brings several actions against the same defendant upon demands or causes of action which might have been joined in one, or brings separate actions against defendants who might have been sued together, he shall recover costs in one action only, unless the court shall otherwise order after having heard the parties thereon.

Repeal.

SECTION 3. Section ten of chapter one hundred and fifty-six of the General Statutes, and all acts and parts of acts so far as they are inconsistent herewith are hereby repealed.

Not to apply to
pending cases.

SECTION 4. This act shall take effect upon its passage but shall not apply to pending cases.

Approved April 16, 1879.

Chap. 227

AN ACT CONCERNING THE FEES OF DEPUTY SHERIFFS.

Be it enacted, &c., as follows:

Fees of deputy
sheriffs, for at-
tendance at
court.

SECTION 1. Deputy sheriffs shall be paid for attendance upon the supreme judicial court or the superior court four dollars a day; and for travel out and home once a week during such attendance five cents a mile, to be paid out of the county treasury: *provided, however*, that this act shall not apply to the officers in attendance upon the sessions of the supreme judicial court or the superior court for civil and criminal business in the county of Suffolk.

Not to apply to
Suffolk County.

Salaried officers
not to attend
court.

SECTION 2. No deputy sheriff or constable in receipt of a salary from the county treasury shall be designated

to attend as an officer upon the sessions of the supreme judicial court or superior court.

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

Approved April 16, 1879.

AN ACT TO AUTHORIZE TRIAL JUSTICES TO ADMIT PRISONERS TO BAIL.

Chap. 228

Be it enacted, &c., as follows:

SECTION 1. Section four of chapter three hundred and six of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting after the word "chancery" at the end of the sixth line thereof the words "or a trial justice."

Trial justices may admit prisoners to bail. G. S. 179, § 36. 1874, 306, § 4.

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

Approved April 16, 1879.

AN ACT RELATING TO COMMITMENTS TO THE REFORMATORY PRISON FOR WOMEN.

Chap. 229

Be it enacted, &c., as follows:

SECTION 1. Any woman convicted of the offence of drunkenness by the voluntary use of intoxicating liquor, who has been before convicted of that offence, may be punished by imprisonment in the reformatory prison for women for not less than four months and not more than two years.

Commitment to reformatory prison upon second conviction of drunkenness.

SECTION 2. The commissioners of prisons whenever they shall judge that there is good cause so to do, may, by an order in writing, transfer any woman from the reformatory prison for women to the state workhouse at Bridgewater, or to the state almshouse at Tewksbury, there to be detained until the expiration of the term of time for which such woman was ordered to be imprisoned in the reformatory prison for women.

Commissioners may transfer prisoners to state workhouse or state almshouse.

SECTION 3. The commissioners of prisons, whenever they shall judge that there is good cause so to do, may, with the consent of any woman, who may be imprisoned in the reformatory prison for women, contract to have such woman employed in domestic service upon such terms as shall seem to said commissioners fit, having regard to her welfare and reformation, for a term of time, not exceeding the term of imprisonment, as they shall approve. And if after such contracting for domestic service the conduct of such woman during the term of imprisonment shall not, in the opinion of said commissioners, be good, they may order the return of such woman to the reformatory prison for women, there to be detained to the end of the original term of imprisonment.

May contract to have prisoner employed in domestic service, with her consent.

Service of order
of removal and
payment of
costs.

SECTION 4. Service of any order of removal made under the provisions of this act shall be made, and the costs thereof shall be paid, according to the provisions of section eighteen of chapter three hundred and eighty-five of the acts of the year eighteen hundred and seventy-four.

Approved April 16, 1879.

Chap. 230

AN ACT IN ADDITION TO "AN ACT TO EMPOWER THE CITY OF BOSTON TO LAY AND MAINTAIN A MAIN SEWER DISCHARGING AT MOON ISLAND IN BOSTON HARBOR, AND FOR OTHER PURPOSES."

Be it enacted, &c., as follows:

Additional pow-
ers to city of
Boston for lay-
ing main sewer
to Moon Island
in the harbor.

SECTION 1. The city of Boston shall have authority, in addition to the powers now possessed by it, for the purpose of laying and maintaining a main sewer running south-easterly from the direction of Charles River, to build and maintain wharves, pumping works, reservoirs and other structures on the main land, at or near the shore of the Calf Pasture, so called, in Dorchester Bay, thence to conduct said sewer by means of embankments and of a tunnel or siphon, not less than six thousand five hundred feet long, under the bottom of the harbor to that part of the town of Quincy called Squantum, thence along or across said Squantum and the flats and waters adjacent thereto to Moon Island; or said city may build the sewer or siphon under the bottom of the harbor on a nearly direct line from said Calf Pasture to Moon Island. Said city shall have authority to build and maintain a reservoir or reservoirs, a pumping station, wharves and dwelling houses, and such other works as are essential to a proper and convenient discharge of the sewage at Moon Island. Said city shall have further authority to connect Moon Island with Squantum by means of a bridge or embankment to be used as a roadway. In any construction over tide water said city shall be subject to the direction of the harbor commissioners in the manner pointed out in chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

City may build
reservoir and
pumping-
station.

May take land
and buildings.

SECTION 2. The city of Boston shall have authority to take such lands, buildings, wharves and structures as may be necessary to accomplish the objects of the preceding section; and all damages to private property, and for lands, buildings, wharves or structures taken under this act, shall be ascertained as prescribed in chapter forty-three of the General Statutes, and paid by the city of Boston.

Damages.

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

Approved April 16, 1879.

AN ACT RELATIVE TO THE SESSIONS OF THE SECOND DISTRICT COURT OF PLYMOUTH.

Chap. 231

Be it enacted, &c., as follows:

SECTION 1. Section six of chapter three hundred and fifty of the acts of the year eighteen hundred and seventy-four is hereby amended by adding the following words, to wit: —

Sessions of the court.

Said second district court of Plymouth shall be held for civil and criminal business daily, except on Sundays and legal holidays. All writs in said court shall be made returnable at Abington in said district; and Wednesday of each week shall be the return day of such writs. Any action may upon motion of either party thereto, be put upon the trial list to be tried on any day in either of the court towns in said district on such notice as the court by rule may order. Said court may adjourn from one court town to the other in said district, and hold a session therein; and in the absence of the justice, the court may be so adjourned by the sheriff of the county or either of his deputies.

Writs returnable at Abington.

Adjournment from one court town to another.

SECTION 2. This act shall take effect on the first day of June eighteen hundred and seventy-nine.

To take effect June 1, 1879.

Approved April 16, 1879.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES OF THE DISTRICT AND POLICE COURTS IN THE COUNTY OF HAMPDEN, AND OF THE CLERK OF THE POLICE COURT OF SPRINGFIELD.

Chap. 232

Be it enacted, &c., as follows:

SECTION 1. The standing justice of the police court of Springfield shall receive a salary of eighteen hundred dollars a year, and at the same rate for any part of a year; the clerk of said court shall receive a salary of one thousand dollars a year, and at the same rate for any part of a year.

Salaries. — Police court of Springfield.

SECTION 2. The standing justice of the police court of Holyoke shall receive a salary of fifteen hundred dollars a year, and at the same rate for any part of a year; the standing justice of the police court of Chicopee shall receive a salary of one thousand dollars a year, and at the same rate for any part of a year; the standing justice of the district court of Eastern Hampden shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year.

Police courts of Holyoke and Chicopee.

District court of Eastern Hampden.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 4. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

To take effect May 1, 1879.

Approved April 16, 1879.

Chap. 233 AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES AND CLERKS OF THE DISTRICT AND POLICE COURTS IN THE COUNTY OF WORCESTER.

Be it enacted, &c., as follows:

Salaries. —
Central district
court of Worces-
ter.

SECTION 1. The standing justice of the central district court of Worcester shall receive a salary of twenty-five hundred dollars a year, and at the same rate for any part of a year; the clerk of said court shall receive a salary of two thousand dollars a year, and at the same rate for any part of a year; the assistant clerk of said court shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year.

Third district
court of South-
ern Worcester.

SECTION 2. The standing justice of the third district court of Southern Worcester shall receive a salary of fourteen hundred dollars a year, and at the same rate for any part of a year; the standing justice of the second district

Second district
court of Eastern
Worcester.

court of Eastern Worcester shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year; the standing justices of the first and second

First and second
district courts
of Southern
Worcester.

district courts of Southern Worcester shall receive salaries of one thousand dollars each a year, and at the same rate for any part of a year; the standing justice of the

First district
court of Eastern
Worcester.

first district court of Eastern Worcester shall receive a salary of seven hundred dollars a year, and at the same rate for any part of a year; the standing justice of the

Police court of
Fitchburg.

police court of Fitchburg shall receive a salary of one thousand dollars a year, and at the same rate for any part of a year. The clerk of said police court shall receive a salary of five hundred dollars a year, and at the same rate for any part of a year.

Clerk of second
district court of
Eastern
Worcester.

SECTION 3. The clerk of the second district court of Eastern Worcester shall receive a salary of four hundred dollars a year, and at the same rate for any part of a year.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
May 1, 1879.

SECTION 5. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 16, 1879.

Chap. 234 AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES AND CLERKS OF THE DISTRICT AND POLICE COURTS IN THE COUNTY OF ESSEX.

Be it enacted, &c., as follows:

Salaries. —
First district
court of Essex.

SECTION 1. The standing justice of the first district court of Essex shall receive a salary of sixteen hundred dollars a year, and at the same rate for any part of a year;

the clerk of said court shall receive a salary of one thousand dollars a year, and at the same rate for any part of a year.

SECTION 2. The standing justices of the police courts of Gloucester, Haverhill and Lynn shall receive salaries of fourteen hundred dollars each a year, and at the same rate for any part of a year; the clerks of the police courts of Gloucester and Haverhill shall receive salaries of six hundred dollars each a year, and at the same rate for any part of a year; and the clerk of the police court of Lynn shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year.

Police courts of
Gloucester,
Haverhill and
Lynn.

SECTION 3. The standing justice of the police court of Lawrence shall receive a salary of eighteen hundred dollars a year, and at the same rate for any part of a year; the clerk of said court shall receive a salary of one thousand dollars a year, and at the same rate for any part of a year.

Police court of
Lawrence.

SECTION 4. The standing justice of the police court of Newburyport shall receive a salary of seven hundred dollars a year, and at the same rate for any part of a year; the clerk of said court shall receive a salary of six hundred dollars a year, and at the same rate for any part of a year.

Police court of
Newburyport.

SECTION 5. The judicial district now under the jurisdiction of the police court of Newburyport is enlarged by including within the jurisdiction of said police court the town of Newbury: *provided*, that nothing herein contained shall affect any proceeding duly commenced when this act shall take effect before any trial justice theretofore having jurisdiction of the same.

Jurisdiction en-
larged.

Proviso.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 7. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

To take effect
May 1, 1879.

Approved April 16, 1879.

AN ACT ESTABLISHING THE SALARIES OF THE SECRETARY AND
CLERK OF THE BOARD OF AGRICULTURE.

Chap. 235

Be it enacted, &c., as follows:

SECTION 1. The secretary of the board of agriculture shall receive a salary of two thousand dollars a year, and at the same rate for any part of a year. The salary of the clerk of said board shall be one thousand dollars a year, and at the same rate for any part of a year.

Salaries of secre-
tary and clerk.

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

Repeal.

To take effect
May 1, 1879.

SECTION 3. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 16, 1879.

Chap. 236

AN ACT IN RELATION TO OFFICE HOURS OF STATE DEPARTMENTS.

Be it enacted, &c., as follows:

Office hours of
state depart-
ments.

SECTION 1. The offices of all the departments of the state government shall be open to the public, for the transaction of business, daily, except on Sundays and legal holidays, from nine o'clock in the forenoon until five o'clock in the afternoon; and except on Saturdays when they may be closed at two o'clock in the afternoon.

Repeal of 1866,
67.

SECTION 2. Chapter sixty-seven of the acts of the year eighteen hundred and sixty-six is hereby repealed.

To take effect
May 1, 1879.

SECTION 3. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 16, 1879.

Chap. 237

AN ACT TO PROVIDE FOR THE RECOVERY OF LANDS UNLAWFULLY HELD AFTER THE FORECLOSURE OF MORTGAGES.

Be it enacted, &c., as follows:

Recovery of
land unlawfully
held after fore-
closure of
mortgage.

SECTION 1. When a mortgage of real estate is foreclosed by a sale under a power contained therein, or otherwise, and the person having a valid title to such estate is kept out of possession by any person without right, he may recover such possession in the manner provided in chapter one hundred and thirty-seven of the General Statutes for the recovery of lands unlawfully held by tenants; but the condition of the recognizance required in case of appeal or removal on the part of the defendant shall be, to enter the action, and to pay to the plaintiff a reasonable sum as rent of the premises, from the day the mortgage is foreclosed until such possession is obtained, together with all costs, if the final judgment is for the plaintiff.

Condition of
recognizance.

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

Approved April 18, 1879.

Chap. 238

AN ACT TO ESTABLISH THE SALARIES OF THE DISTRICT ATTORNEYS AND THE ASSISTANT DISTRICT ATTORNEYS, AND THE CLERK OF THE DISTRICT ATTORNEY FOR THE SUFFOLK DISTRICT.

Be it enacted, &c., as follows:

Salaries of dis-
trict attorneys.

SECTION 1. The salaries of the district attorneys for the northern, eastern, south-eastern, southern, middle, and western districts shall be sixteen hundred dollars each a year; for the north-western district, twelve hundred dol-

lars a year; for the Suffolk district, forty-five hundred dollars a year; and at the same rates for any part of a year.

SECTION 2. The salary of the first assistant district attorney for the Suffolk district shall be twenty-four hundred dollars a year; the salary of the second assistant district attorney for the Suffolk district shall be two thousand dollars a year; the salary of the clerk of the district attorney for the Suffolk district shall be one thousand dollars a year; and at the same rates for any part of a year.

Salaries of assistant district attorneys for Suffolk.

Salary of clerk.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

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

Approved April 18, 1879.

AN ACT TO REVIVE "AN ACT TO SUPPLY THE TOWN OF WATERTOWN WITH PURE WATER."

Chap. 239

Be it enacted, &c., as follows:

Chapter one hundred and ninety-nine of the acts of the year eighteen hundred and seventy-five, being "An Act to supply the town of Watertown with pure water," is hereby revived and continued in force for two years from the date of the passage of this act.

Act revived and continued in force for two years.
1875, 189.

Approved April 18, 1879.

AN ACT TO REVIVE "AN ACT TO SUPPLY THE CITY OF NEWBURYPORT WITH WATER."

Chap. 240

Be it enacted, &c., as follows:

Chapter two hundred and forty of the acts of the year eighteen hundred and seventy-eight, being "An Act to supply the city of Newburyport with Water," is hereby revived and continued for two years from the passage of this act.

Act revived and continued in force for two years.
1878, 240.

Approved April 18, 1879.

AN ACT RELATING TO THE RE-CONSTRUCTION OF BRIDGES BY THE FALL RIVER, WARREN AND PROVIDENCE RAILROAD COMPANY OVER COLE'S RIVER AND LEE'S RIVER.

Chap. 241

Be it enacted, &c., as follows:

SECTION 1. The Fall River, Warren and Providence Railroad Company, in the re-construction of its bridges across Cole's River and Lee's River shall build the same upon plans to be approved by the harbor commissioners, who shall also determine from time to time whether either or both of said bridges shall have a draw; and any order

Bridges across Cole's River and Lee's River.

of said commissioners in regard to said draws made at or after the construction of said bridges shall be carried out by said railroad company at the expense of said company.

Repeal.

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

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

Approved April 18, 1879.

Chap. 242 AN ACT TO AMEND "AN ACT CONCERNING THE SETTLEMENT OF PAUPERS."

Be it enacted, &c., as follows :

Settlement of paupers.

SECTION 1. Section one of chapter one hundred and ninety of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out, in the sixth clause thereof, the words "without receiving relief as a pauper," and by adding at the end of said section the words following: "*provided, however,* that nothing in this section contained shall be construed to give to any person the right to acquire a settlement, or be in process of acquiring a settlement while receiving relief as a pauper, unless within five years from the time of receiving such relief he shall reimburse the cost thereof to the city or town furnishing the same."

Married women and widows.

SECTION 2. The provisions of said sixth clause shall be held to apply to married women who have not a settlement derived by marriage under the provisions of the first clause, and to widows; and a settlement thereunder shall be deemed to have been gained by any unsettled woman upon the completion of the term of residence therein mentioned, although the whole or a part of the same accrues before the passage of this act. *Approved April 22, 1879.*

Chap. 243 AN ACT TO AMEND CHAPTER SEVENTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE, IN RELATION TO THE PAYMENT OF DEBTS BY EXECUTORS AND ADMINISTRATORS.

Be it enacted, &c., as follows :

Estate in process of settlement not to be affected by 1879, 71.

SECTION 1. The provisions of chapter seventy-one of the acts of the year eighteen hundred and seventy-nine shall not apply to, or affect, any estate in process of settlement at the time of the passage thereof.

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

Approved April 22, 1879.

AN ACT IN ADDITION TO "AN ACT TO AMEND CHAPTER FORTY-FOUR OF THE GENERAL STATUTES IN RELATION TO THE REPAIR OF HIGHWAYS, AND REMEDIES FOR INJURIES SUSTAINED THEREON."

Chap. 244

Be it enacted, &c., as follows:

SECTION 1. Section four of chapter two hundred and thirty-four of the acts of the year eighteen hundred and seventy-seven is hereby amended by striking out the words "or to any police officer," in the fourth and fifth lines of said section, and by adding after the word "behalf," in the eighth line, the words "and shall in every case be in writing signed by the person injured, or by some person thereto by him duly authorized."

Notice to be given of injury received upon a highway.

SECTION 2. This act shall not affect any action now pending or cause of action now existing.

Pending action, etc., not affected.

Approved April 22, 1879.

AN ACT CONCERNING ESTATES OF INSOLVENT DEBTORS.

Chap. 245

Be it enacted, &c., as follows:

SECTION 1. Section twenty-five of chapter one hundred and eighteen of the General Statutes is hereby amended by inserting before the word "no" in the last line but one, the following: — "When any of the property of a debtor shall consist of a lease or agreement in writing, whereby he is liable for the rent therein reserved or for the use and occupation of premises as therein stipulated, the assignee at any time may, and at the request in writing of either the debtor, or of the lessor, or of those having his estate in the premises, shall, within twenty days after such request, by a written instrument filed with the records of the case, elect either to accept and hold under said lease or agreement in writing, or to disclaim the same; and, if he elects to disclaim, such lease or agreement in writing shall thereupon be deemed to have been surrendered as of the day on which said disclaimer was so filed. And the debtor, provided he obtains his discharge in said proceedings in insolvency, shall be discharged from all liability under or by reason of said lease or agreement in writing, whether the assignee does or does not disclaim the same as aforesaid; and the lessor, or those having his estate in the premises, may prove such damages, if any, as are caused by such surrender, as a debt against the estate of the debtor; but this section shall not apply to leases or agreements in writing as aforesaid now in force."

Lease may be held or disclaimed by assignee.

Debtor not to be further liable, if he obtains his discharge in insolvency.

Lessor may prove damage, as debt against the estate.

SECTION 2. Section thirty of said chapter is hereby amended by inserting after the word "made," in the first

Before whom
oath to be taken
for proof of
claim.

line, the words "within this state;" and by inserting after the word "peace," in the same line, the following: "and, without the state, before a notary public or commissioner for Massachusetts, and, if the creditor is in a foreign country, before a minister, consul, or vice-consul, of the United States.

Effect of
assignment.
G. S. 118, § 44.

SECTION 3. Section forty-four of the same chapter is hereby amended by inserting after the word "warrant," in the fifth line, the following: "in case of voluntary proceedings, and at the time of the first publication of notice of the filing of the petition in cases of involuntary proceedings."

Effect of
discharge.
G. S. 118, § 76.

SECTION 4. Section seventy-six of said chapter is hereby amended by adding thereto the following:—"Such discharge may be pleaded by a simple averment, that on the day of its date such discharge was granted to the debtor, setting forth a full copy of the same in its terms, as a full and complete bar to all suits brought on any such debts or demands. The certificate shall be conclusive evidence in favor of such debtor of the fact and regularity of such discharge. Any creditor of a debtor whose debt was proved or provable against the estate in insolvency, who desires to contest the validity of the discharge on the ground that it was fraudulently obtained, may at any time within two years after the date thereof apply to the court which granted it to annul the same. The application shall be in writing, and shall specify which in particular of the several acts mentioned in section eighty-seven it is intended to prove against the debtor, and set forth the ground of avoidance; and no evidence shall be admitted as to any other of such acts, but the application shall be subject to amendment at the discretion of the court. The court shall cause reasonable notice of the application to be given to the debtor, and order him to appear and answer the same within such time as to the court shall seem proper. If upon the hearing of the parties the court finds that the fraudulent acts, or any of them, set forth by the creditor against the debtor, are proved, and that the creditor had no knowledge of the same until after the granting of the discharge, judgment shall be given in favor of the creditor, and the discharge of the debtor shall be annulled; but if the courts find that the fraudulent acts, and all of them, so set forth, are not proved, or that they were known to the creditor before the granting of the discharge, judgment shall be given in favor of the debtor, and the validity of his discharge shall not be affected by the proceedings."

Discharge of
debtor to be
annulled, in case
of fraud.

SECTION 5. Section seventy-nine of said chapter is hereby amended by inserting after the word "estate," in the fourth line, the following: "or a debt created by the fraud or embezzlement of the debtor."

Debts from fraud or embezzlement not discharged.

SECTION 6. Section ninety-five is amended by adding thereto the following: "but the judge, at any time after the assignment, on the request of the assignee or any creditor, and upon such notice to creditors and assignee as he shall think proper, may in his discretion order the payment in whole or in part, of claims entitled to priority or preference under the provisions of this chapter."

Payment of preferred claims by order of judge.

SECTION 7. Section one hundred and three of said chapter is hereby amended by striking out the clause beginning with the words "or if," in the sixth line, and ending with the words "twenty-three," in the eleventh line; also by inserting after the word "property," in the seventeenth line, the following: "or who being a banker, broker, merchant, trader, manufacturer, or minor, has fraudulently stopped payment, or who has stopped or suspended and not resumed payment, of his commercial paper within a period of fourteen days;" also by adding at the end of said section the following:—"And the register shall cause a notice of the filing of such petition to be inserted at least once a week, for three successive weeks, in one or more newspapers, but in no event exceeding two, published in said county, and shall immediately make and file with the papers in the case a certificate of the fact and date of publication; and the actual expense of such publication shall constitute one of the legal charges in the case, to be paid, and secured to be paid, in the same manner as the fee for issuing the warrant. And the judge may, after the commencement of proceedings by or against the debtor, and before the time of hearing on the petition, by injunction restrain the debtor and any other person from making any transfer or disposition of any part of the debtor's property not by law exempt from attachment, and from any interference therewith; and if it shall appear that there is probable cause for believing that the debtor is about to conceal or remove from the state his goods and chattels or his evidence of property, or any part of the same, or to make any fraudulent conveyance or disposition thereof, the judge may issue a warrant under his hand to the sheriff of the county, or either of his deputies, directing him forthwith as messenger to take possession of all the estate, real and personal, of the debtor, not by law exempt from attachment, and safely keep the same until the further order of the court."

Applications by creditors.

Publication of notice of filing petition.

Transfer of property may be restrained by injunction.

Fees for issuing
warrant, order-
ing dividend,
etc.

Deposit for pay-
ment of fees.

Proviso.

Assignee may
be required at
any time to give
bond.

Bond to be ap-
proved by judge.

Repeal.

SECTION 8. Section one hundred and twenty-five of said chapter is hereby amended by striking out the word "five," in the third and fifth lines, and inserting in place thereof the word "three;" and by striking out the word "seven," in the fourth line, and inserting in place thereof the word "five;" also by inserting after the clause ending with the word "register," in the twelfth line, the following: — "all moneys so deposited to secure the payment of fees shall be applied by the register to the payment of fees accrued, and the expenses of publication, if any be incurred by him, on the days on which he is to pay over money in his hands to the treasurer of the Commonwealth, unless such payment is made before said days, out of the assets of the estate, and the surplus, if any, shall be paid over to the assignee in the case as assets of the estate; and whenever in any case the full amount of the deposit shall have been applied to the payment of said fees, a further deposit may be required: *provided, however,* that in cases where the deposit is made by parties other than the debtor, the amount of the same shall be repaid to the depositor out of the assets remaining in the hands of the assignee upon settlement of his account before any dividend is ordered, or so much of said amount as said assets shall be sufficient to pay. The judge may in his discretion order the fees for a special meeting, or an adjournment of any meeting, to be paid by the party applying for the same."

SECTION 9. The judge at any time may, and upon the request filed in writing of one-fourth in number and value of the creditors who have proved their claims shall, require the assignee to give good and sufficient bond to the judge and his successors in office, with a condition for the faithful performance and discharge of his duties. The bond shall be approved by the judge by his indorsement thereon, shall be filed with the record of the case, and inure to the benefit of all creditors proving their claims, and may be prosecuted in the manner provided for the prosecution of administration bonds.

SECTION 10. Section four of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and sixty-two, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 22, 1879.

AN ACT FIXING THE SALARIES OF COUNTY TREASURERS.

Chap. 246

Be it enacted, &c., as follows:

SECTION 1. The treasurers of the several counties of the Commonwealth hereinafter named shall receive an annual salary, in full for all services by them performed, as follows:—For the county of Berkshire, twelve hundred dollars; for the county of Hampden, twelve hundred dollars; for the county of Hampshire, six hundred dollars; for the county of Norfolk, twelve hundred dollars; for the county of Middlesex, eighteen hundred dollars.

Salaries of county treasurers.

SECTION 2. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

To take effect
May 1, 1879.*Approved April 22, 1879.*

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES AND CLERKS OF THE DISTRICT AND POLICE COURTS IN THE COUNTY OF MIDDLESEX.

Chap. 247

Be it enacted, &c., as follows:

SECTION 1. The standing justices of the police courts of Lowell and Cambridge shall receive salaries of eighteen hundred dollars each a year, and at the same rate for any part of a year; the clerks of said courts shall receive salaries of one thousand dollars each a year, and at the same rate for any part of a year.

Salaries.—
Police courts of
Lowell and
Cambridge.

SECTION 2. The standing justices of the police court of Somerville, the first district court of Southern Middlesex, and the first district court of Eastern Middlesex, shall receive salaries of twelve hundred dollars each a year, and at the same rate for any part of a year; the clerk of the first district court of Eastern Middlesex shall receive a salary of eight hundred dollars a year, and the clerk of the first district court of Southern Middlesex, and of the police court of Somerville, shall receive salaries of six hundred dollars each a year, and the clerk of the first district court of Northern Middlesex, a salary of four hundred dollars a year, and at the same rate for any part of a year.

Police court of
Somerville, and
first district
courts of South-
ern, Eastern
and Northern
Middlesex.

SECTION 3. The standing justice of the first district court of Northern Middlesex shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year; the standing justice of the district court of Central Middlesex shall receive a salary of six hundred dollars a year, and at the same rate for any part of a year.

District court of
Central Middle-
sex and first
district court of
Northern Mid-
dlesex.

SECTION 4. The standing justice of the police court of Newton shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year; and the

Police court of
Newton.

clerk of said court shall receive a salary of four hundred dollars a year, and at the same rate for any part of a year.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
May 1, 1879.

SECTION 6. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 22, 1879.

Chap. 248 AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES AND CLERKS OF THE DISTRICT COURTS OF THE COUNTY OF PLYMOUTH.

Be it enacted, &c., as follows :

Salaries of
justices.
District courts
of Plymouth.

SECTION 1. The standing justice of the first district court of Plymouth shall receive a salary of ten hundred dollars a year; the standing justice of the second district court of Plymouth shall receive a salary of eleven hundred dollars a year; the standing justice of the third district court of Plymouth shall receive a salary of seven hundred dollars a year; and the standing justice of the fourth district court of Plymouth shall receive a salary of eight hundred dollars a year; and each at the same rate for any part of a year.

Salaries of
clerks.

SECTION 2. The clerk of the first district court of Plymouth shall receive a salary of four hundred dollars a year; the clerk of the second district court of Plymouth shall receive a salary of five hundred dollars a year; the clerk of the third district court of Plymouth shall receive a salary of three hundred dollars a year; and the clerk of the fourth district court of Plymouth shall receive a salary of four hundred dollars a year; and each at the same rate for any part of a year.

Jurisdiction of
second district
court enlarged.

SECTION 3. The judicial district, now under the jurisdiction of the second district court of Plymouth, in said county, is hereby enlarged by including within the jurisdiction of the said second district court of Plymouth the town of Scituate in said county.

Sessions of
third district
court.

SECTION 4. The third district court of Plymouth shall be holden at Plymouth in said county for the transaction of criminal business, daily, except on Sundays and legal holidays, and for civil business on Monday of each week.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
June 1, 1879.

SECTION 6. This act shall take effect on the first day of June in the year eighteen hundred and seventy-nine.

Approved April 22, 1879.

AN ACT TO PROVIDE FOR THE FURTHER PROTECTION OF THE TOWN OF WESTFIELD FROM FLOODS. *Chap. 249*

Be it enacted. &c., as follows :

SECTION 1. The town of Westfield may at any time within two years after the passage of this act extend the dam across Westfield River, near the "Great River Mills," so called, in said town, belonging to Samuel Horton, at the southerly end of said dam, at a uniform height with the present dam, to a length not exceeding ninety feet in addition to the present dam; or may entirely remove the present dam, and construct a new one in or near substantially the same place as the present dam, of the same height and of the same length, or of any greater length, not exceeding ninety feet as aforesaid; or may construct such new dam, as a permanent dam, at a height not more than three feet below the top of the present dam, and adapt such new dam to and provide it with flash-boards at the time of its erection, not more than three feet high, and capable of sustaining a body of water not more than four feet above the top of the present dam, or may construct such new dam without flash-boards; or may entirely remove the present dam, and not rebuild the same. Said town may enter upon any lands lying upon the southerly side of said river, within the limits of said town, and remove and take away and appropriate to its own use any earth, gravel, stones, walls or other materials there being, or any buildings standing thereon, for the purpose of securing the free and unobstructed flow of the water of said river over said dam as the same may be lengthened or rebuilt, and down said river. And said town may purchase and hold all or any part of the real estate, including the present dam and the water power connected therewith, now owned by Samuel Horton, lying in said town upon and near said river, and upon both sides thereof, for the purpose of carrying out the provisions of this act, and may convey all or any part of the same.

Town may extend dam across Westfield River, or erect new dam.

May enter upon lands and take away earth, etc.

May purchase dam and water power owned by Samuel Horton.

SECTION 2. Said town shall do no act under the preceding section until such act shall be authorized by a vote of the inhabitants of said town at a legal town meeting specially called for that purpose, and held within six months from the passage of this act; and except in conformity with such vote, said dam if entirely removed, in pursuance of a vote passed by said town, as above provided, to remove and not to rebuild the same, shall not again be rebuilt; and except as aforesaid if it shall be lengthened or rebuilt with or without flash-boards, it shall not thereafter be re-

Subject to a vote of the town at a special meeting.

Length and height of dam and flash-boards.

County commissioners to be notified.

Plan to be recorded.

Application for damages.

Party aggrieved entitled to a jury.

Damages and expenses to be paid by the town.

Powers may be exercised by a committee.

duced in length or increased in height, or the flash-boards increased in height, or made capable of sustaining a body of water more than four feet higher than the top of the present dam.

SECTION 3. As soon as practicable after said dam has been lengthened or rebuilt in conformity with the provisions of this act, said town shall give notice thereof to the county commissioners of the county of Hampden; and said commissioners shall then cause a permanent mark of the height thereof and a plan and description of said dam and its flash-boards, if any, indicating the length and height of said dam and flash-boards, to be made, and said plan and description shall be recorded in the registry of deeds for said county.

SECTION 4. Any person injured in his property by the removal of said dam, or by any act done by said town under the authority of this act, if he cannot agree with said town as to the amount of his damages, may at any time within three years from the passage of this act apply to the county commissioners for the county of Hampden to estimate his damages occasioned thereby; and the proceedings thereon shall be the same as are by law now provided in the case of damages occasioned by the laying out or alteration of highways. Any party aggrieved by the decision of the county commissioners shall be entitled to a jury to determine the amount of his damages, unless he agrees with the parties adversely interested to have the same determined by a committee to be appointed under the direction of the commissioners, if applied for at a meeting at which the decision of the county commissioners is rendered, or at the next regular meeting thereafter, but not afterwards; and the proceedings thereon shall be the same as now provided in the case of highways.

SECTION 5. All damages sustained by any party, and all expenses incurred by said town, under this act, shall be borne and paid by said town, and the amount thereof assessed and collected as other town taxes are assessed and collected; and any or all the authority conferred upon said town under this act may be exercised by any special committee of the inhabitants of said town chosen at any legal town meeting specially called for that purpose.

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

Approved April 22, 1879.

AN ACT TO AUTHORIZE THE WORCESTER AND NASHUA RAILROAD COMPANY TO MORTGAGE ITS ROAD. *Chap. 250*

Be it enacted, &c., as follows:

SECTION 1. The Worcester and Nashua Railroad Company is authorized under the provisions of the statutes of the Commonwealth of Massachusetts to mortgage the whole or any part of its property, real or personal, including its franchise, not exceeding in amount at any time the capital paid in for the purpose of securing such bonds as have been, or may be issued by said company, and its pre-existing debts and liabilities: *provided*, that any such mortgage shall be so drawn as to secure the bonds of the Nashua and Rochester Railroad guaranteed by the Worcester and Nashua Railroad Company, equally with the bonds of said Worcester and Nashua Railroad Company, and the annual rental or interest on the capital stock of said Nashua and Rochester Railroad according to the terms of the lease existing between it and the Worcester and Nashua Railroad Company, or any modification thereof at the time of said mortgage; *and provided*, said mortgage shall not affect or discharge any valid attachment or lien on the property of said Worcester and Nashua Railroad Company existing at the date of said mortgage, and *provided*, also, said mortgage shall not affect the liabilities, if any there are, of the said company to the bondholders and stockholders of the Lancaster Railroad Company.

May mortgage franchise and property.

Proviso.

Proviso.

SECTION 2. At the request of any owner or holder of any coupon bonds lawfully issued, the said Worcester and Nashua Railroad Company may issue new coupon bonds in exchange for and in lieu of them, upon such terms and under such regulations as may be prescribed by the board of directors of said company, with the consent and approval of the trustees to whom any mortgage or pledge shall be executed. Such exchange of bonds shall not affect the said mortgage, and said mortgage shall remain in force for such new bonds: *provided*, that the old bonds shall be cancelled and destroyed at the same time the new bonds are exchanged in lieu thereof.

May issue new coupon bonds.

Proviso.

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

Approved April 22, 1879.

Chap. 251 AN ACT TO EXTEND THE TIME WITHIN WHICH THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY MAY ERECT BUILDINGS UPON CERTAIN LAND IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Time for erection of building, extended.

SECTION 1. Chapter one hundred and thirty-one of the acts of the year eighteen hundred and seventy-seven is hereby so amended that the time within which the Massachusetts Institute of Technology may erect a suitable building for the permanent use of said institute, upon the land described in chapter one hundred and seventy-four of the acts of the year eighteen hundred and seventy-three, shall be extended for the term of two years from the eleventh day of April in the year eighteen hundred and seventy-nine.

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

Approved April 22, 1879.

Chap. 252 AN ACT FOR THE BENEFIT OF INDIGENT SOLDIERS AND SAILORS.

Be it enacted, &c., as follows :

Cities and towns may raise money for indigent soldiers and sailors.

SECTION 1. Any city or town may raise money and under the direction of its mayor and aldermen or selectmen may, under the following conditions, pay sums thereof to or expend them for any worthy person having his settlement under the pauper laws in such city or town, who shall have the description and qualifications of the first class of persons described in section two, or of the second class described in section three, of this act.

First class. Qualifications.

SECTION 2. Each person of the first class shall be qualified as follows :—

First. He shall have served as a soldier, sailor, or commissioned officer, in the army or navy of the United States, to the credit of this Commonwealth, or, having been an actual resident of this state at the time of his enlistment, he shall have served to the credit of any other state between the nineteenth day of April in the year eighteen hundred and sixty-one and the eighteenth day of March in the year eighteen hundred and sixty-two, and shall have been honorably discharged from such service.

Second. He shall be a poor and indigent person, standing in need of relief, by reason of sickness or other physical disability, who would otherwise be entitled to relief under the pauper laws.

Third. He shall not be, directly or indirectly, in the receipt of any other pension or state aid.

Fourth. He shall not be entitled, under the laws of the United States, or under the rules governing such institu-

tions, to admission to any national soldiers' or sailors' home; and his disability must have arisen from causes independent of his service aforesaid, except in such cases of applicants for pensions while their applications are pending, as the mayor and aldermen or selectmen are satisfied upon evidence first reported to the commissioners named in section six of this act, and satisfactory to them, that justice and necessity require such aid to prevent actual suffering, and, in case of such unmarried applicants, that they cannot obtain assistance at a national soldiers' home.

SECTION 3. Each person of the second class shall be qualified as follows: He shall be an invalid pensioner, married before the date of this act, and living with his wife in marital relations in this Commonwealth, and entitled to receive state aid under the provisions of chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-seven, whose pension and state aid shall be inadequate for his relief, and who would otherwise receive relief under the pauper laws: *provided*, that no person receiving aid under this act shall receive aid under the provisions of chapter one hundred and ninety-two aforesaid; and any person receiving aid under this act may be required by the mayor and aldermen or the selectmen granting him the same, or by the commissioners of state aid, as a condition of granting said aid, to pay over his pension to said mayor and aldermen or selectmen, to be expended for his relief before he shall receive aid under this act; but no person shall be compelled to receive aid under this act without his consent.

Second class.
Qualifications.

SECTION 4. All aid furnished under the provisions of this act shall be applied solely for the benefit of the person for whom it is intended, and no greater sum shall be paid to or for any person under this act than shall be necessary to furnish him reasonable relief or support; and no sum shall be paid to or for any person competent to support himself, or in receipt of income or in ownership of property sufficient for his own support, nor to or for any person more than is necessary in addition to his income and property for his personal relief or support. And no relief shall be given under this act to or for any person whose necessity therefor is caused by voluntary idleness, or who is known to be in the practice of vicious and intemperate habits.

Amount of aid
to be furnished.

SECTION 5. No person shall be required to receive the relief or support furnished under this act in any almshouse or public institution, unless his physical or mental condi-

No person to
receive aid un-
less he desires
it.

tion requires it, or he chooses to do so; and except in such cases it shall be paid to, or expended for, only those persons who live separately from persons receiving support as paupers.

Commissioners
of state aid.

SECTION 6. The auditor of the Commonwealth, the adjutant-general, and some competent third person to be appointed by the governor and council, with a salary to be fixed by them not exceeding fifteen hundred dollars per annum, who shall devote his whole time to the duties of his office, shall be commissioners of state aid, and shall perform the duties required of such commissioners by this act, and by chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-seven and other laws. Said commissioners shall investigate all payments of money under any and all of said acts, so far as the interests of the Commonwealth may require.

Amount exp-
ended, etc., to
be certified un-
der oath to the
auditor.

SECTION 7. When any sum shall have been expended under and according to this act, the full amount so expended, the names of the persons receiving the same, and the names of the companies and regiments or vessels, if any, in which they respectively enlisted, and in which they last served, the sums received by each, and the reasons for the expenditure in each case, with such other details as the commissioners of state aid may require, shall be certified under oath to the auditor in manner approved by him, by the mayor and a majority of the board of aldermen of any city, or by a majority of the selectmen of any town disbursing the same, within ten days after the first day of the month next after the expenditure is made; and the commissioners of state aid shall examine the certificates thereof, and allow and indorse upon the same such sums as in their judgment have been paid and reported according to this act. In the allowance of said commissioners, they may consider and decide upon the necessity of the amount paid in each case, and they may allow any portion thereof which they may deem proper and lawful. Said commissioners with the approbation of the governor may appoint, as occasion may require, a disinterested person, whose duty it shall be to investigate any claim or claims made against the Commonwealth for reimbursement, who may examine any persons receiving relief under this act, and investigate the reasons therefor, and all matters relating to the granting of such relief, and report his doings to said commissioners. The reasonable expenses of the commissioners, and expenses and compensation of any such disinterested person, approved by said commis-

Commissioners
to allow pay-
ments as they
deem proper.

Expenses of
commissioners
to be paid by
the state.

sioners, and allowed by the governor and council, shall be paid from the treasury of the Commonwealth. Of the sums so allowed and indorsed by said commissioners one-half and no more shall be reimbursed by the Commonwealth to the town or city expending the same on or before the first day of December in the year next after the year in which the same have been paid.

Reimburse-
ments to towns
and cities.

SECTION 8. Moneys paid under this act shall be held to be military aid, and the payment thereof to or for any person shall create in him no disqualification to vote.

Military aid.

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

Approved April 23, 1879.

AN ACT IN RELATION TO THE MASSACHUSETTS CENTRAL RAILROAD COMPANY.

Chap. 253

Be it enacted, &c., as follows:

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 eighteen hundred and eighty-one, and the provisions of chapter two hundred and sixty of the acts of the year eighteen hundred and sixty-nine, and of section two of chapter one hundred and forty-eight of the acts of the year eighteen hundred and seventy-five, are hereby revived and continued in force.

Time extended
for location and
construction of
road.

SECTION 2. The Massachusetts Central Railroad Company is hereby authorized to extend its railroad, from some point on its line of location in the town of Weston, to a point of intersection with the tracks of the Boston and Lowell Railroad Corporation, in the city of Cambridge or the city of Somerville: *provided*, said extension shall be so located and constructed as not to cross any existing railroad at grade; and is also authorized to extend its railroad from some point on its line of location in the town of Amherst to a point of intersection with the tracks of the Troy and Greenfield Railroad in the town of Deerfield or the town of Conway, and said extensions shall be located within two years and constructed within four years from the passage of this act.

May extend
road from Wes-
ton to Boston
and Lowell
Railroad in
Cambridge or
Somerville.

Proviso.

May extend
road from Am-
herst to Troy
and Greenfield
Railroad.

SECTION 3. That portion of the Massachusetts Central Railroad from Amherst to Northampton shall be completed on or before the completion of the extension hereby authorized from Amherst to the line of the Troy and Greenfield Railroad, and the work of construction upon the easterly extension hereby authorized shall at no time be further advanced than it is between said extension and

Railroad to be
completed from
Amherst to
Northampton
on or before
extension from
Amherst.

the Worcester and Nashua Railroad in the town of West Boylston, and the laying of the track shall not be begun on said easterly extension until the board of railroad commissioners shall certify in writing that the entire grading, masonry and bridging, have been so far completed between the easterly terminus of said easterly extension and said Worcester and Nashua Railroad, in said town of West Boylston, as to allow the laying of the track continuously to that point; and shall further certify that the work of construction west of the Worcester and Nashua Railroad has been so far advanced as to admit of the completion of the entire line to Northampton within the time specified in section one of this act.

Location and construction of extensions.

SECTION 4. The extensions authorized by this act shall be located and constructed, and the routes thereof through any town or city shall be fixed in conformity with and subject to all the provisions of the general railroad acts of the year eighteen hundred and seventy-four, and of all acts in amendment thereof, in the manner therein provided for railroads and extensions; but except as herein provided said extensions may be located or constructed before or after the completion of the main line of said Massachusetts Central Railroad.

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

Approved April 23, 1879.

Chap. 254

AN ACT PROVIDING FOR THE DESIGNATION OF CERTAIN JUSTICES OF THE PEACE TO ISSUE WARRANTS AND TAKE BAIL.

Be it enacted, &c., as follows:

Certain justices of the peace may be designated to issue warrants and take bail.

SECTION 1. The governor, with the advice and consent of the council, may, from time to time, upon the petition of the selectmen of any town included within the judicial district of any district or police court, and wherein neither any justice nor the clerk of said court resides, designate and commission some justice of the peace residing in said town, who shall have authority to issue warrants in criminal cases returnable to said court, and shall also have authority to take bail therein. Said justices and the special justices of any such court shall draw from the county treasury the sum of one dollar for each warrant so issued and returned to said court, and shall receive no other compensation for any warrant issued or bail taken by him as aforesaid.

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

Approved April 23, 1879.

AN ACT TO PROVIDE A REMEDY FOR PERSONS HAVING CLAIMS *Chap. 255*
AGAINST THE COMMONWEALTH.

Be it enacted, &c., as follows:

SECTION 1. The superior court shall have jurisdiction of all claims against the Commonwealth, which are founded on contract for the payment of money, or which may have arisen under sections ninety-eight and one hundred and sixteen of chapter sixty-three of the General Statutes before the repeal thereof; and petitions setting forth such claims may be brought before said court sitting for the county of Suffolk, and shall be returnable on the return day of any regular term thereof.

Superior court to have jurisdiction of claims against Commonwealth founded on contract.

SECTION 2. Service of said petition shall be made by the sheriff of Suffolk county or either of his deputies, by leaving an attested copy thereof in the hands or in the office of the attorney-general, and another like copy in the hands or in the office of the secretary of the Commonwealth, thirty days at least before the return day aforesaid. And the attorney-general or his assistant shall appear, and act as counsel for the Commonwealth.

Service of petition.

Attorney-general to appear for the Commonwealth.

SECTION 3. The petition shall contain a clear and brief statement of the claim, and of the damages demanded. The cause shall be tried in the same manner, in all respects, as suits at common law; and the provisions of law in relation to tender, and offer of judgment, shall be applicable thereto; but trials shall be, in all cases, by the court without a jury: *provided*, that when the amount claimed exceeds one thousand dollars, the trial shall be had before three justices of said court. All hearings shall be in open court. Questions of law arising by exception or otherwise, shall be carried to the supreme judicial court with the same proceedings as in suits at common law.

Petition to contain clear statement of claim, and cause to be tried as suits at common law.

Questions of law.

SECTION 4. If the final decision is in favor of the claimant, the chief justice of the superior court shall certify the amount found due, with the legal costs, to the governor; and the governor shall draw his warrant for said amounts on the treasurer and receiver-general, who shall pay such sums from any appropriations made for the purpose by the legislature. And if the decision is in favor of the Commonwealth, judgment for costs and execution thereon shall issue in its favor against the claimant; and if such judgment is final the claim shall be forever barred.

Payment to claimant.

Judgment for costs.

SECTION 5. All the existing provisions of law relating to the limitation of personal actions shall apply to claims against the Commonwealth, and to the remedy herein provided; but this section shall not take effect for two years after the passage of this act.

Laws relating to limitation of personal actions to apply.

Not to apply to redemption of any mortgage held by the state.

Troy and Greenfield Railroad and Hoosac Tunnel.

SECTION 6. Nothing in this act contained shall apply to or authorize any proceedings for the redemption of any mortgage held by the Commonwealth, or affect the jurisdiction of any tribunal heretofore specially authorized to adjudicate any claim: This act shall not be held to give any jurisdiction to any court in any case affecting the title of the Commonwealth to the Troy and Greenfield Railroad and Hoosac Tunnel; nor to apply to any claims arising out of the rights, if any, of any person or corporation to redeem said railroad or tunnel; nor to any claims arising out of any acts, doings or default of the Commonwealth, or its agents or employés, hitherto done or performed in the location, construction, or management of said railroad or tunnel, except such claims as may have arisen under sections ninety-eight and one hundred and sixteen of chapter sixty-three of the General Statutes, before the repeal thereof; but this act shall not be held to create or recognize any liability of the Commonwealth in any such case.

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

Approved April 23, 1879.

Chap. 256 AN ACT RELATIVE TO AUDITING THE ACCOUNTS OF THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows:

Auditor of city of Boston to be auditor of Suffolk county.

SECTION 1. The auditor of accounts of the city of Boston shall be the auditor of the county of Suffolk; and hereafter all bills for county salaries, expenses and disbursements shall be examined, audited and allowed by said auditor prior to the payment thereof.

Allowance of \$300 a year.

SECTION 2. There shall be paid to said county auditor by the county of Suffolk a sum not exceeding eight hundred dollars a year, and at the same rate for any part of a year, the same to be in full for all services rendered by him and for all clerical assistance.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect May 1, 1879.

SECTION 4. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 24, 1879.

Chap. 257 AN ACT RELATING TO THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Salary of assistant clerk for civil business.

SECTION 1. There shall be one assistant clerk of the municipal court of the city of Boston for civil business, who shall be appointed as now provided by law and shall

receive a salary of eighteen hundred dollars a year, and at the same rate for any part of a year. The clerk of said court for civil business shall hereafter be paid by the county of Suffolk a sum not exceeding eleven hundred dollars a year, to be expended by him for extra clerical assistance.

Allowance for extra clerical assistance.

SECTION 2. There shall be three assistant clerks of the municipal court of the city of Boston for criminal business, who shall be appointed as now provided by law, and shall be known as first assistant clerk, who shall receive a salary of two thousand dollars a year; second assistant clerk, who shall receive a salary of eighteen hundred dollars a year; and third assistant clerk, who shall receive a salary of sixteen hundred dollars a year; and at the same rates for any part of a year. The clerk of said court for criminal business shall hereafter be paid by the county of Suffolk a sum not exceeding sixteen hundred dollars a year, to be expended by him for extra clerical assistance.

Salaries of assistant clerks for criminal business.

Allowance for extra clerical assistance.

SECTION 3. There shall be two constables of the municipal court of the city of Boston for civil business, who shall be appointed by the justices of said court, and shall receive a salary of one thousand dollars each a year, and at the same rate for any part of a year. There shall be six constables of said court for criminal business, who shall be appointed by the justices of said court, and shall receive salaries of twelve hundred dollars each a year, and at the same rate for any part of a year.

Salaries of constables.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 5. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

To take effect May 1, 1879.

Approved April 24, 1879.

AN ACT CONCERNING THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 258

Be it enacted, &c., as follows:

SECTION 1. The sum of thirty-two thousand dollars is hereby granted to pay the indebtedness of the Massachusetts Agricultural College, the same to be paid out of any unappropriated funds belonging to the Commonwealth.

College granted \$32,000.

SECTION 2. The expenses of the institution shall be kept within the income to which it is legally entitled, and the board of trustees shall be personally liable for any debt contracted for any purpose in excess of the assured income of the college, or for the payment of which money has not been previously provided.

Expenses to be kept within income.
Personal liability of trustees.

Governor and council to report concerning college to next legislature.

SECTION 3. The governor and council are hereby requested to examine the affairs of said college and report to the next general court some plan for its permanent continuance with its relations to the state definitely fixed, or some plan for its discontinuance; but with the provision in any event, that its finances shall from this time be finally separated from the treasury of the Commonwealth.

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

Approved April 24, 1879.

Chap. 259

AN ACT TO AUTHORIZE THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN WINCHENDON TO CONVEY THEIR PARSONAGE.

Be it enacted, &c., as follows:

May sell parsonage.

SECTION 1. Authority is hereby given to the trustees of the Methodist Episcopal Church in Winchendon to sell and convey the real estate, occupied as a parsonage by said corporation, by deed or deeds of mortgage, quitclaim, warranty or otherwise, and to pass a valid title to the same.

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

Approved April 25, 1879.

Chap. 260

AN ACT TO CONFIRM THE ORGANIZATION AND DOINGS OF THE SECOND CONGREGATIONAL SOCIETY IN WESTFIELD.

Be it enacted, &c., as follows:

Organization and proceedings confirmed and ratified.

SECTION 1. The organization of the "Second Congregational Society in Westfield," formed in the year eighteen hundred and fifty-seven, and all the acts and proceedings in organizing said society, of the persons who associated themselves in said year for the purpose of organizing a corporation under the aforesaid title, and all other acts and proceedings of said corporation, so far as the same may be defective or invalid, are hereby ratified and confirmed, and said corporation shall hereafter be known as the "Second Congregational Society in Westfield."

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

Approved April 25, 1879.

Chap. 261

AN ACT RELATIVE TO ALTERATION OF THE CROSSING OF CLAY HILL STREET IN GREENFIELD AND THE TROY AND GREENFIELD AND CONNECTICUT RIVER RAILROADS.

Be it enacted, &c., as follows:

Laws relating to alteration of crossings of railroads and

SECTION 1. The laws relating to the alteration of crossings of railroads and highways, including sections ninety-six, ninety-seven, ninety-eight and one hundred and

one of the general railroad act, of the year eighteen hundred and seventy-four, and chapter one hundred and seventy-five of the acts of the year eighteen hundred and seventy-eight shall be held to apply to the crossing of the highway and the Troy and Greenfield Railroad at Clay Hill Street in Greenfield, subject to the limitations herein provided, and for all the purposes of this act so far as the Troy and Greenfield Railroad and the interests of the Commonwealth therein are concerned, the manager of said railroad may be made a party in all proceedings and shall have the rights and obligations provided in such laws for railroad corporations and the directors thereof. But no authority shall be given by this act to alter the location of the tracks of said railroad or to interfere with the use thereof for the business of said railroad.

highways to
apply.

SECTION 2. No alteration of said crossing shall be commenced until suitable provision shall have been made under said laws, or by agreement of parties interested, (to which agreement said manager shall be made a party to the extent necessary to give him power to compel compliance therewith), to the satisfaction of the county commissioners of the county of Franklin, for the alteration of the crossing of said highway and the Connecticut River Railroad in the manner and limits said commissioners may prescribe suitable for the connection and permanent public use of said highway under both said railroads; and the work of alteration of the crossing first named shall only proceed subsequently to, or concurrently with, the work of such alteration of the crossing of said highway and the Connecticut River Railroad. And the superior court shall have jurisdiction in equity to compel compliance with the decisions of the county commissioners and of the special commissioners provided for and made under this act, and said laws as to the making of the alterations decided upon in the crossing of said highway and either of said railroads, and, on the petition of said manager or other party, to compel the specific performance of any agreement entered into by the parties interested as aforesaid and to make and enforce such other orders and decrees in the premises as justice may require, and for the purposes of this act shall have the jurisdiction of the supreme judicial court provided for in said section ninety-eight.

Agreement to
be made satis-
factory to coun-
ty commission-
ers, in regard
to crossing of
highway and
Connecticut
River Railroad.

Superior court
may compel
compliance with
decisions of
commissioners.

SECTION 3. In the proceedings under this act and the laws herein referred to, for the appointment of special commissioners in the case of any alteration decided upon of the crossing of said highway and either of said rail-

Appointment of
special commis-
sioners.

Towns to be notified.

roads the inhabitants of any town in the county of Franklin, besides and in addition to the town of Greenfield, claimed to be benefited by the alterations proposed, may, on the petition of any party interested, be notified by order of the court authorized to appoint said commissioners, or any judge of said court, in term time or vacation, by such notice served at least fourteen days before the first day of the term of hearing as said court or judge may order, to appear and be heard relative to the appointment of said commissioners, and they shall have the right to be heard as a party relative thereto, and in such case the special commissioners appointed in the case shall notify and admit such town to be heard as a party in the premises, in addition to the other parties liable by law to be assessed for the payment of expenses, charges and costs, and may apportion the payment of any of the charges, expenses and costs in such case, referred to in said section ninety-eight, upon such town, to be recovered as provided by law from the other parties assessed, and such town shall have the rights of parties provided for in section two of chapter one hundred and seventy-five aforesaid.

Appropriation.

SECTION 4. For the purposes of this act a sum not exceeding seven thousand dollars is hereby appropriated to be paid from the treasury of the Commonwealth.

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

Approved April 25, 1879.

Chap. 262 AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-ONE RELATING TO THE ACQUIRING OF LAND FOR LIGHT-HOUSES BY THE UNITED STATES.

Be it enacted, &c., as follows:

Title to lands ceded to United States for light-house purposes.

SECTION 1. Chapter two hundred and thirty-three of the acts of the year eighteen hundred and seventy-one is hereby amended so that the petition therein provided for may be filed in vacation or in term time in the county where the tract of land to be taken lies, and if filed in vacation the court sitting in any county may order the notice therein required to be given to the owners of said tract.

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

Approved April 25, 1879.

AN ACT TO ESTABLISH A BOARD OF HARBOR AND LAND COM- *Chap. 263*
MISSIONERS.

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall, before the first day of July next, appoint three competent persons, who shall constitute a board of harbor and land commissioners, and who shall hold their offices from the dates of their respective appointment, and for the terms of one, two, and three years, respectively, from the first day of July next. The governor shall in like manner, before the first day of July in each year, appoint a commissioner, to continue in office for the term of three years from said day; and, in case of any vacancy occurring in the board by resignation or otherwise, he shall in like manner appoint a commissioner for the residue of the term, and may in like manner remove any of said commissioners. And the compensation of each of said commissioners shall be five dollars per day for time actually employed in the service of said commission, to be paid out of the treasury of the Commonwealth.

Board of harbor
and land com-
missioners
established.

Compensation.

SECTION 2. Said board of harbor and land commissioners shall have all the powers and shall perform all the duties required by law of the board of harbor commissioners and of the board of land commissioners. They shall be furnished with an office in the state house, or in some other suitable place in the city of Boston, in which the maps, charts, plans, records of all their doings, and all documents relating to their business, shall be kept. They shall keep an account of their actual services and necessary expenses, to be allowed by the governor and council, and paid out of the treasury.

Powers and
duties.

To keep account
of services and
expenses.

SECTION 3. Said commissioners shall be sworn to the due and faithful performance of the duties of their office before entering upon the discharge of the same. They shall report in print to the legislature annually, on or before the tenth day of January, their doings during the year preceding, in like manner as the boards hereby abolished are by law required to do.

To be sworn.

To report
annually.

SECTION 4. The board of harbor commissioners and the board of land commissioners are hereby abolished.

Boards
abolished.

SECTION 5. This act shall take effect upon its passage, so far as the appointing, commissioning, and qualifying of said harbor and land commissioners are concerned, and shall take full effect on the first day of July next.

When to take
effect.

Approved April 25, 1879.

Chap. 264 AN ACT RELATIVE TO THE CLERKS, ASSISTANT CLERKS, AND CONSTABLES OF THE DISTRICT, POLICE, AND MUNICIPAL COURTS.

Be it enacted, &c., as follows:

Clerks and constables not to receive fees in connection with admission to bail.

SECTION 1. No person holding the office of clerk, assistant clerk, or constable of any district, police, or municipal court, shall receive, in addition to his salary, any fee or compensation for inquiring into the case of and admitting to bail, in court, any prisoner held under arrest or committed for a bailable offence, whether on a warrant or without one, or for furnishing or making out any of the papers relating to the taking of bail in such case. And it shall be the duty of constables attending the sessions of the courts, to prepare the necessary bail papers, during such session, without extra compensation.

Repeal.

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

To take effect May 1, 1879.

SECTION 3. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 25, 1879.

Chap. 265 AN ACT IN ADDITION TO THE ACTS ESTABLISHING THE SEVERAL MUNICIPAL COURTS IN THE CITY OF BOSTON AND THE POLICE COURT OF THE CITY OF CHELSEA.

Be it enacted, &c., as follows:

Municipal court. Salaries of justices.

SECTION 1. The chief justice, and each of the associate justices of the municipal court of the city of Boston, shall receive a salary of three thousand dollars a year, and at the same rate for any part of a year.

Salaries of clerks.

SECTION 2. The salaries of the clerks of the municipal court of the city of Boston shall be twenty-two hundred and fifty dollars a year each, and at the same rate for any part of a year.

Municipal court of Roxbury district. Salaries.

SECTION 3. The standing justice of the municipal court of the Roxbury district in the city of Boston shall receive a salary of two thousand dollars a year, and at the same rate for any part of a year; the clerk of said court shall receive a salary of twelve hundred dollars a year, and at the same rate for any part of a year. The assistant clerk of said court shall receive a salary of six hundred dollars a year, and at the same rate for any part of a year.

Municipal courts of South Boston and Charlestown districts. Salaries.

SECTION 4. The standing justice of the municipal court of the South Boston district in the city of Boston shall receive a salary of eighteen hundred dollars a year; the standing justice of the municipal court of the Charlestown district in the city of Boston shall receive a salary of fifteen hundred dollars a year, and at the same rates for

any part of a year; the clerks of said courts shall receive salaries of twelve hundred dollars a year each, and at the same rate for any part of a year.

SECTION 5. The standing justices of the municipal courts of the Dorchester, West Roxbury, Brighton, and East Boston districts in the city of Boston shall receive salaries of twelve hundred dollars each a year, and at the same rate for any part of a year; the clerk of the municipal court of the East Boston district in the city of Boston shall receive a salary of eight hundred dollars a year, and at the same rate for any part of a year.

Municipal courts of Dorchester, West Roxbury, Brighton and East Boston districts. Salaries.

SECTION 6. The standing justice of the police court of the city of Chelsea shall receive a salary of sixteen hundred dollars a year, and at the same rate for any part of a year.

Police court of Chelsea. Salary.

SECTION 7. The office of clerk of the municipal courts of the Dorchester, West Roxbury, and Brighton districts in the city of Boston, and the office of clerk of the police court of the city of Chelsea, is hereby abolished.

Office of clerk abolished.

SECTION 8. The office of constable or officer of the municipal courts of the Dorchester, West Roxbury, and Brighton districts is hereby abolished. There shall be one constable in each of the municipal courts of the Roxbury, Charlestown, South Boston, and East Boston districts, to be appointed by the standing justices of said courts. Said constables of the municipal courts of the Roxbury, Charlestown, and South Boston districts shall each be paid a salary of one thousand dollars a year, and at the same rate for any part of a year. Said constable of the municipal court of the East Boston district shall be paid a salary of eight hundred dollars a year, and at the same rate for any part of a year; which salaries shall be paid by the treasurer of the city of Boston. And section fourteen of chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-two shall not apply to the county of Suffolk.

Office of constable abolished in Dorchester, West Roxbury and Brighton courts.

Salaries of constables in Roxbury, Charlestown, and South Boston courts.

SECTION 9. The compensation of the special justice of the municipal court of the city of Boston shall not exceed ten dollars for each day's service; and said compensation for services rendered in any year in excess of fifteen days in the whole shall be deducted by the county treasurer from the salary of the standing justice of said court for whom said special justice is called upon to sit, or whom he is called upon to assist. The compensation of the special justices of the municipal courts of the Roxbury, Dorchester, West Roxbury, Brighton, Charlestown, South Boston,

Compensation of special justices.

and East Boston districts in the city of Boston, and of the police court of the city of Chelsea, shall not exceed five dollars for each day's service; and the compensation of the special justices of any of said courts for services rendered in any year in excess of fifteen days in the whole shall be deducted by the county treasurer from the salary of the standing justices of said courts for whom they are called upon to sit, or whom they are called upon to assist.

Repeal.

SECTION 10. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
May 1, 1879.

SECTION 11. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 25, 1879.

Chap. 266 AN ACT PROVIDING FOR THE TRANSFER OF RECORDS OF ATTACHMENTS FROM THE CLERK'S OFFICE IN THE COUNTY OF MIDDLESEX TO THE REGISTRY OF DEEDS IN SAID COUNTY.

Be it enacted, &c., as follows:

Records of
attachment to
be transferred to
registry of
deeds.

The clerk of courts for the county of Middlesex is hereby directed to transfer the records of attachments and papers relating thereto, now in his office, to the registry of deeds for the southern district of said county.

Approved April 25, 1879.

Chap. 267 AN ACT TO ESTABLISH THE COMPENSATION OF THE SPECIAL JUSTICES OF THE POLICE AND DISTRICT COURTS IN THE COMMONWEALTH.

Be it enacted, &c., as follows:

Compensation
of special
justices of police
and district
courts.

SECTION 1. The compensation of the special justices of the police and district courts in the Commonwealth shall be five dollars for each day's service; and the compensation of the special justices of any court for services rendered in any year, in excess of fifteen days in all (except for services in holding one of two or more sessions at the same time according to law), shall be deducted by the county treasurer from the salary of the standing justice of said court: *provided*, that the rate of compensation, and the rate per diem of the deduction herein provided for, shall in no case exceed the rate per diem of the salary of the standing justice of the court; but the compensation of any such special justice shall not be less than two dollars and fifty cents for each day's service.

Repeal.

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

To take effect
May 1, 1879.

SECTION 3. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 25, 1879.

AN ACT TO PROMOTE UNIFORMITY IN THE RECORDS OF THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT. *Chap. 268*

Be it enacted, &c., as follows :

SECTION 1. The supreme judicial court may, by general rule or special order, direct what portion of the papers in causes entered in said court and in the superior court shall be extended upon the records after final judgment or otherwise.

Court may direct what papers shall be extended upon records.

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

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

Approved April 25, 1879.

AN ACT FIXING THE SALARIES OF SHERIFFS. *Chap. 269*

Be it enacted, &c., as follows :

SECTION 1. The sheriffs of the several counties of the Commonwealth, hereinafter named, shall receive annual salaries, payable quarterly from the treasuries of their respective counties, as follows :—

Salaries of sheriffs.

Of the county of Berkshire, one thousand dollars; of the county of Dukes County, three hundred dollars; of the county of Essex, eighteen hundred dollars; of the county of Franklin, eight hundred dollars; of the county of Hampshire, eight hundred dollars; of the county of Middlesex, two thousand dollars; of the county of Worcester, two thousand dollars.

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

SECTION 3. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

To take effect May 1, 1879.

Approved April 25, 1879.

AN ACT TO PROVIDE FOR CERTAIN RETURNS TO BE MADE BY WATER BOARDS, WATER COMMISSIONERS AND WATER COMPANIES. *Chap. 270*

Be it enacted, &c., as follows :

SECTION 1. The several water boards, water commissioners and water companies making use as a source of water supply, of any pond, lake, river, brook, stream, reservoir or well, within the Commonwealth, and distributing the waters thereof for public, domestic and general uses, are hereby required to make true and correct returns to the state board of health on or before the first day of November in every third year, beginning with the year eighteen hundred and seventy-nine, of the facts as hereinafter enumerated : *provided*, that the expense incurred by said

Water boards and water companies to make annual returns to the state board of health.

boards, commissioners or companies shall not exceed fifty dollars. And said board of health shall publish triennially, in its report to the legislature, the returns received, arranged by counties separately, and those from each county alphabetically.

Form of return.

SECTION 2. Each of the several water boards, commissioners and companies, required to make returns by the provisions of section one of this act, shall state in the proper places on the blanks which the state board of health shall, on application, furnish for the purpose, — 1. Its name, charter or other legal basis, and place of business. 2. The source or sources of its water supply, and the name, if any, and location of each. 3. The superficial area of its water surface, if lake, pond, reservoir or large well. 4. The area of water shed supplying such source or sources. 5. The general geological and topographical character of the water shed. 6. The estimated capacity of each such source by average daily flow. 7. The estimated capacity of each such source by minimum daily flow. 8. Whether the water shed is also wholly or in part that of other lakes, rivers, ponds or reservoirs, besides that used by the party making return; and if so, to what extent. 9. Whether or not the source employed by the party making return is used jointly by some other for a water source; and if so, by whom. 10. Whether there are other sources within ten miles, not already appropriated by law, that could be availed of in connection with the source or sources now enjoyed by the party making return; and if so, what, and their location, area, water shed, and the means necessary to connect, with the distance from present source, and from territory to be supplied. 11. What danger of contamination the waters at present held are liable to. 12. Whether or not an analysis has been made of the water at present used, and the results of any such; by whom and where. 13. Whether the waters at present used have been stocked with fish; if so, to what extent, by whom, and where. 14. What, up to date, has been the cost of the water works in use; including rights, lands taken, and all damages paid; stating cost of water rights separately, and to whom paid. 15. Whether the storage capacity of the present source can be increased, and at what probable cost, exclusive of damage by flowage, and at what damage to private parties or corporations. 16. Whether any town, village, or city, discharges its sewers or drains into the source used by the returning party, or their tributaries. 17. The population

of the town, city or village, so discharging its sewers or drains into said source, and the character of its manufactures: and, 18. The apparent results of such sewage. 19. The average daily consumption, for the year, of the population supplied by the party making return. 20. The per centum used by families. 21. The average consumption per family, per diem. 22. The probable increase of demand, as near as can be estimated for the next year. 23. The water rates established. 24. The system of distribution, whether by gravity, stand pipe, direct pumping, reservoir or otherwise. 25. The condition of water debt and sinking fund. 26. How the effluent water is now got rid of. 27. Into what stream or body of water it finally flows. 28. What protection against impurity of present source not now provided is desired. 29. What additional expense such protection would involve, and to whom.

Form of return.

SECTION 3. The state board of health shall prepare and furnish the requisite and proper blanks for said returns, on application from the parties whose duty it is, or shall be, to make said returns; and any water board, commissioners or company required by the provisions of this act to make such returns shall, for every neglect or failure so to do, forfeit and pay the sum of fifty dollars to the use of the local board of health, or the proper officers acting as such, of the city or town in which such delinquent water board, commissioners or company has its principal office. And the state board of health shall prosecute, by an action of tort, in the name of the Commonwealth, for the recovery of the penalty or forfeit herein imposed.

State board of health to furnish the blanks for returns.

Penalty for neglect to make return.

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

Approved April 25, 1879.

AN ACT IN RELATION TO THE STOCK OF THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY OWNED BY THE COMMONWEALTH.

Chap. 271

Be it enacted, &c., as follows:

SECTION 1. Chapter sixty-seven of the acts of the year eighteen hundred and seventy-nine entitled "An Act to provide for the payment of the Harbor Improvement Loan" is hereby repealed.

Harbor improvement loan. Repeal of 1879, 67.

SECTION 2. Nothing contained in any other act shall be so construed as to authorize the sale of any of the stock of the New York and New England Railroad Company owned by the Commonwealth, and said stock shall be held for the purpose of redeeming and paying the principal and interest of the outstanding scrip issued by the

State stock in New York and New England Railroad not to be sold.

Commonwealth in aid of the Boston, Hartford and Erie Railroad Company; but no sale thereof shall be made without the authority of the general court.

SECTION 3. This act shall take effect upon its passage.
Approved April 28, 1879.

Chap. 272 AN ACT TO AUTHORIZE THE BOSTON, BARRE AND GARDNER RAILROAD CORPORATION TO MORTGAGE ITS PROPERTY.

Be it enacted, &c., as follows :

May issue bonds
not exceeding
\$100,000.

The Boston, Barre and Gardner Railroad Corporation is hereby authorized to issue bonds to an amount not exceeding one hundred thousand dollars, payable within twenty years from date, for the purpose of providing for the payment of its present floating indebtedness, and to make a mortgage upon its real and personal property for the purpose of securing the payment of said bonds only: *provided*, that nothing contained in this act shall affect any claim now pending against said corporation for damage caused by the construction of said railroad, or any existing rights of said claimants to secure the payment thereof.

Proviso.

Approved April 28, 1879.

Chap. 273 AN ACT TO CONFIRM THE ORGANIZATION OF THE SOCIETY OF ST. VINCENT DE PAUL OF THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Proceedings
toward organi-
zation, ratified
and confirmed.

SECTION 1. All the acts and proceedings done toward the organization of the Society of St. Vincent de Paul of the city of Boston, incorporated by chapter one hundred and ninety-seven of the acts of the year eighteen hundred and sixty-nine, by the corporators and their associates, and all other acts done by them as members of said corporation, so far as they are defective and invalid, are hereby ratified and confirmed.

Organization
may be com-
pleted.

SECTION 2. Said corporation may complete its final organization in accordance with the provisions of chapter sixty-eight of the General Statutes at any time before the first day of July next.

SECTION 3. This act shall take effect upon its passage.
Approved April 28, 1879.

Chap. 274 AN ACT IN ADDITION TO THE "GENERAL RAILROAD ACT" OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, TO AUTHORIZE THE FORMATION OF CORPORATIONS TO CONSTRUCT RAILROADS IN FOREIGN COUNTRIES.

Be it enacted, &c., as follows :

Corporations
may be formed
to construct

SECTION 1. Any number of persons, not less than fifteen, a majority of them being inhabitants of this state,

may associate themselves together by articles in writing, with the intention of forming a corporation with authority to construct and operate a railroad, or railroad and telegraph, in any foreign country, but in accordance with the laws of the country in which they may be located; and, upon complying with the provisions of section three of this act, shall, with their associates and successors, be and remain a corporation for the purpose aforesaid, with the powers necessary and incident thereto, and with such powers and privileges, and subject to such duties, liabilities and restrictions, as may be fixed by the country in which the same may be located, as to the location, construction, maintenance and operation of its railroad and telegraph, and the transfer of its property by mortgage, lease, or otherwise.

railroads in foreign countries.

SECTION 2. The articles of association shall set forth the name of the corporation, and, as far as may be practicable, the termini of the railroad and telegraph to be built, and the names of at least nine persons to act as a board of directors until others are chosen, and the amount of its capital stock. Each associate shall subscribe to the articles his name, residence, post office address, and the number of shares of stock which he agrees to take; but no subscriber shall be bound to pay beyond ten per centum of the amount of his subscription, unless a corporation is duly established.

Articles of association.

SECTION 3. Whenever it is shown to the satisfaction of the board of railroad commissioners that the requirements of this act have been complied with, the clerk of said board, upon their order, shall indorse upon the articles of association or annex thereto a certificate, setting forth the fact that the requirements of the law appear to have been complied with. The directors shall thereupon file the articles of association, with the certificate indorsed thereon or annexed thereto, in the office of the secretary of the Commonwealth, who, upon the payment to him of a fee of fifty dollars (to be included in his return of fees, and paid into the treasury), shall record the said articles of association, and certificate indorsed thereon, in a book to be kept for that purpose, and shall issue a certificate substantially in the following form:—

Articles to be indorsed by clerk of railroad commissioners, when requirements have been complied with.

COMMONWEALTH OF MASSACHUSETTS.

Be it known, that whereas [names of the subscribers to the articles of association] have associated themselves with the intention of forming a corporation, under the name of the [name of the corporation],

Charter or certificate of incorporation to be issued by secretary of the Commonwealth.

for the purpose of locating, constructing, maintaining, and operating a railroad [or railroad and telegraph] [description of the road as in the articles of association], and have complied with the statutes of this Commonwealth in such cases made and provided: Now, therefore, I [name of the secretary], secretary of the Commonwealth of Massachusetts, do hereby certify that the persons aforesaid, their associates and successors, are legally established as a corporation, under the name of the [name of the corporation], with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in chapter _____ of the acts of the year eighteen hundred and seventy-nine.

In witness whereof, I have hereunto subscribed my official signature, and affixed the seal of said Commonwealth, this _____ day of _____, in the year [day, month, and year.]

The certificate so executed shall be recorded with the articles of association; and the original certificate, or a duly certified copy of the record thereof, shall be conclusive evidence of the establishment of the corporation at the date of such certificate.

Capital stock may be increased or reduced.

SECTION 4. The corporation may from time to time, at a meeting of directors called for the purpose, reduce the amount of the capital stock, or increase it for the purpose of constructing and equipping its road and any extensions or branches thereof. If any such increase or reduction is made, a certificate of the fact, signed by the president of the corporation, shall, within thirty days thereafter, be filed in the office of the secretary of the Commonwealth.

Subject to certain provisions of 1874, 372.

SECTION 5. Such corporation shall be subject to the provisions of sections forty, forty-three, forty-four, forty-five, fifty-four, and the first division of section thirty, of the General Railroad Act.

Subject to 1865, 283, § 8, for purposes of taxation.

SECTION 6. For purposes of taxation, such corporation shall be subject to the provisions of section eight of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five; but no other provisions of said act relating to the assessment of taxes upon corporations or the shareholders therein shall apply thereto. Such corporation shall annually, between the first and tenth day of May, return to the tax commissioner, under the oath of its treasurer, a complete list of the shareholders, with their places of residence, the number of shares belonging to each on the first day of May, the amount of the capital stock of the corporation, and the par value and the market value of the shares on said first day of May. Such corporation shall be relieved from making the returns required by chapter two hundred and one of the acts of the year eighteen hundred and sixty-four.

Returns to be made to tax commissioner.

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

Approved April 28, 1879.

AN ACT RELATIVE TO CAPITALIZING THE INDEBTEDNESS OF *Chap. 275*
 BANKRUPT AND INSOLVENT CORPORATIONS.

Be it enacted, &c., as follows:

SECTION 1. Any or all of the creditors of any bankrupt or insolvent corporation existing by authority of this Commonwealth, organized or chartered for any of the purposes designated in chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, and the acts in amendment thereof and addition thereto, or any or all persons for whose benefit such corporation has assigned the whole or any part of its property, and such person or persons in either case as they may associate with them, may unite themselves together under the provisions of said chapter two hundred and twenty-four, and the acts in amendment thereof and addition thereto, for the purpose of constituting a corporation to acquire the whole or any part of the property belonging to such bankrupt or insolvent corporation, or assigned for the benefit of its creditors, and to carry on the business previously authorized to be carried on by said bankrupt or insolvent corporation.

Creditors of bankrupt or insolvent corporation, may be incorporated to continue the business or acquire its property.

SECTION 2. Any claim or claims held by any creditor against such bankrupt or insolvent corporation, or the whole or any part of the property conveyed by it for the benefit of its creditors, may be assigned and conveyed to any corporation organized for the declared purpose of acquiring such claims or property in accordance with the provisions of the first section of this act, in payment for shares of the capital stock thereof at a fair and reasonable valuation, such valuation to be determined and approved by the commissioner of corporations in manner and form provided by chapter one hundred and seventy-seven of the acts of the year eighteen hundred and seventy-five relative to the conveyance of real and personal property to corporations in payment for stock; and his decision that such valuation is fair and reasonable, when made and certified as required by said chapter one hundred and seventy-seven, shall be final and conclusive.

Claims of creditors, etc., may be assigned to new corporation in payment for shares.

SECTION 3. No claim shall be assigned or conveyed as aforesaid unless the same shall be so assigned or conveyed within three years from the date when such corporation was adjudicated bankrupt or insolvent, or made such assignment for the benefit of its creditors.

Claims to be assigned within three years.

SECTION 4. Any corporation which has made an assignment of its property for the benefit of its creditors shall be considered to be a bankrupt or insolvent corporation for the purposes of this act, as well as a corporation

Corporation making an assignment to be considered

bankrupt or
insolvent.

which has, by some court of competent jurisdiction, been adjudged bankrupt or insolvent.

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

Approved April 28, 1879.

Chap. 276

AN ACT TO EXTEND THE TIME WITHIN WHICH THE CAPITAL STOCK OF THE FIDELITY ASSURANCE COMPANY OF MASSACHUSETTS MAY BE PAID IN.

Be it enacted, &c., as follows:

Time for paying
in capital,
extended.

SECTION 1. The time within which the capital stock of the Fidelity Assurance Company of Massachusetts may be paid in is hereby extended to the first day of May in the year eighteen hundred and eighty.

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

Approved April 29, 1879.

Chap. 277

AN ACT TO INCORPORATE THE HOOSAC TUNNEL DOCK AND ELEVATOR COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Frederick L. Ames, W. H. Lincoln, Charles U. Cotting, Robert Codman, Hugh J. Jewett, Thomas Dickson, their associates and successors, are hereby made a corporation by the name of "The Hoosac Tunnel Dock and Elevator Company," to be established in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, except so far as otherwise especially provided by this act.

Powers and
duties.

May construct
wharves, docks
and elevators.

SECTION 2. Said corporation is hereby authorized to construct and maintain docks, wharves, elevators, warehouses, and other buildings and structures suitable for terminal facilities for the reception, storing, delivering and forwarding of freight to be received or sent through the Hoosac Tunnel; also to transact all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight at the seaboard; and for that purpose may be appointed public warehouseman pursuant to the laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise. Said corporation may lay and maintain railroad tracks upon any of its wharves or terminal grounds and may, with the consent of, and in the methods and under the conditions imposed by the board of alder-

May be appoint-
ed a public ware-
houseman.

men of the city of Boston, and with the consent of the board of railroad commissioners, connect the same with the tracks of any railroad corporation which shall have or lay tracks in any street adjoining the lands of this corporation. It may also lay tracks, to be operated by steam power, in such streets in that part of Boston called Charlestown as the board of aldermen of the city of Boston may permit, and subject to such regulations and conditions as said board may prescribe; but said board may at any time revoke such permission, and discontinue any such location, upon due notice and hearing of the parties in interest.

May lay railroad tracks.

SECTION 3. The crossing and use of all streets in the city of Boston, easterly of the freight-yard of the Fitchburg Railroad, in that part of said Boston formerly Charlestown, by the locomotives and cars upon the tracks of any railroad leading to the dock, wharf, elevator, warehouse, or other building or structure, of said corporation, shall be under such rules and regulations, and upon such conditions, as the board of aldermen of said city may prescribe.

Crossing of streets to be under rules prescribed by board of aldermen.

SECTION 4. Said corporation, for the purposes set forth in the preceding sections, at any time within one year from the passage of this act, may take and hold, by purchase or otherwise, any or all that parcel of land, with the wharves, docks and buildings thereon, lying between the commissioners' line and Water Street, and between the easterly line of wharf and dock formerly owned by the late Frederick Tudor, known as Tudor's Wharf, and the Navy Yard, in that part of Boston formerly Charlestown; and may at any time purchase and hold for said purposes any such wharves, land, docks and buildings thereon, as may be convenient and necessary therefor. Such corporation shall, within sixty days from the time it takes any land otherwise than by purchase, file in the office of the registry of deeds for the county of Suffolk a description of each parcel of land so taken, as certain as is required in a common conveyance of land, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation: *provided, however*, that no land or tracks of any railroad corporation shall be taken or interfered with, except for the connections required by section nine, without its consent; but any railroad corporation, having tracks in any street or location adjacent to the lands of the corporation hereby created, may, by agreement with said corpora-

May take and hold lands.

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

Proviso.

tion, under the limitations of this act, re-locate its tracks, either upon lands of said corporation, or upon other lands, if any, belonging to such railroad corporation as may be necessary for connection with the tracks of said corporation.

Capital stock.

SECTION 5. The capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, nor more than two million dollars, to be fixed and increased as may be necessary, from time to time, by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each, but said corporation shall not take any land or commence the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in in cash agreeably to the provisions of the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by section thirty-two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

Damages.

SECTION 6. When any land or real estate shall be taken under the provisions of this act, said corporation shall pay all the damages occasioned thereby; and said damages shall, in case the parties fail to agree upon the same, be determined and recovered in the manner provided in the general laws in respect to land and real estate taken by railroad corporations for the location and making of their railroads, or for depot and station purposes: *provided*, that any person or persons, or corporation, any part or portion of whose lands, lying in the same body, shall be taken by said corporation under this act, shall be entitled to surrender, by tender of a good and sufficient deed thereof to said corporation, the residue of their said land within six months from said taking, and in that case to recover the damages occasioned by taking the whole of said parcel, in the manner herein before provided.

Proviso.

Certain railroad and steamship companies may hold stock.

SECTION 7. Any railroad corporation within or without the Commonwealth, owning a railroad, the tracks of which connect, either directly or over intervening roads, with the Troy and Greenfield Railroad, any steamship company engaged in the carriage of freight between the port of Boston and any foreign port, and any incorporated land transportation company, may subscribe for and hold stock in said Hoosac Tunnel Dock and Elevator Company, and in such case may be represented and vote at all meetings of said last named corporation by its president, or any agent appointed by its board of directors for the purpose.

SECTION 8. Said corporation may, with the approval of the harbor commissioners, extend its wharves beyond the commissioners' line, in such manner and to such extent as the commissioners may deem proper; but in case of such extension, said corporation shall pay into the treasury of the Commonwealth such sum as said commissioners shall award as compensation for the extension of said wharves over the land of the Commonwealth.

Extension of wharves beyond the commissioners' line.

SECTION 9. The tracks of this corporation on their terminal grounds named in section four, in that part of Boston formerly Charlestown shall be connected with the tracks of the Fitchburg Railroad at or within the limits of said grounds, and any other railroad corporation which may hereafter be authorized to lay tracks in any street adjacent to such terminal grounds may connect its tracks with said tracks of this corporation; and if this corporation and the Fitchburg Railroad Company, or any such corporation authorized to connect, shall not agree upon the methods thereof they may be prescribed and altered by the railroad commissioners; but no change of the tracks of the Fitchburg Railroad or of any other railroad in the streets of the city of Boston shall be made for the purpose without the consent of the board of aldermen of said city. It shall be the duty of said corporation hereby created, to receive and store at reasonable rates and under reasonable regulations, and so far as their capacity may admit, all freights received, or to be sent through the Hoosac Tunnel, that shall be offered to said company.

Tracks to be connected with Fitchburg Railroad.

Storage of freight.

Said corporation shall make no discrimination for or against any railroad corporation desiring to do business on its premises, but if it shall not at any time have facilities for transacting all the business offering, it shall give preference to freights received, or to be sent, through the Hoosac Tunnel.

No discrimination to be made.

SECTION 10. Said corporation may issue its bonds, and secure them by mortgage of its property and franchise, to an amount not exceeding its capital stock then paid in.

May issue bonds.

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

Approved April 29, 1879.

AN ACT FIXING THE SALARY OF THE INSPECTOR AND ASSAYER OF LIQUORS.

Chap. 278

Be it enacted, &c., as follows:

SECTION 1. The inspector and assayer of liquors shall receive a salary of five hundred dollars a year, and at the same rate for any part of a year.

Salary established.

Repeal.

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

To take effect
May 1, 1879.

SECTION 3. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

Approved April 29, 1879.

Chap. 279 AN ACT TO FIX THE SALARIES OF THE JUSTICES OF THE SUPERIOR COURT.

Be it enacted, &c., as follows:

Salaries
established.

SECTION 1. The chief justice of the superior court shall receive an annual salary of forty-eight hundred dollars, and each of the associate justices of said court an annual salary of forty-five hundred dollars, payable in the manner now provided by law.

SECTION 2. This act shall take effect upon the first day of July next.

Approved April 29, 1879.

Chap. 280 AN ACT RELATING TO THE PUBLICATION OF THE DECISIONS OF THE SUPREME JUDICIAL COURT.

Be it enacted, &c., as follows:

Publication of
reports of
decisions of the
supreme judicial
court.

SECTION 1. The secretary of the Commonwealth is hereby authorized and directed to enter into a contract in writing, on behalf of the Commonwealth, with the firm of Little, Brown and Company of Boston, for the publication of the decisions of the supreme judicial court from and including volume one hundred and twenty-six of the series of Massachusetts Reports, upon the following terms:—

Price per copy.

Said firm shall agree to print and publish the reports promptly and within the time now required by law, from the manuscript to be supplied to them by the reporter, uniform in size, style and form with volume one hundred and twenty-four of said series and not inferior thereto in quality of work or material; to keep always on hand for sale in Boston a sufficient number of the volumes which they shall so publish to supply the public demand therefor; to furnish to the state a number of copies of each volume equal to the number of towns and cities in this Commonwealth at any time during the term of said contract, and one hundred copies in addition at the price of one dollar and seventy-five cents per copy; and to sell the same to the public in this state at the price of three dollars and twenty-five cents per copy at retail; and to pay to the reporter in equal monthly instalments the sum of four thousand five hundred dollars per annum, for and towards his compensation and clerk hire. But in case the number of

Compensation
of reporter.

volumes to be published during the term of the contract shall fall short of two volumes per annum on the average the amount to be paid to the reporter shall be reduced proportionately. Said contract shall continue for the period of five years from its date, with the option on the part of the Commonwealth to extend the same for a further period of five years by a written notice given at any time before the expiration of said first period by the secretary of the Commonwealth, who is hereby authorized in his discretion so to extend the same, and the performance thereof on the part of said Little, Brown and Company shall be secured by a bond in the penal sum of twenty thousand dollars with sureties satisfactory to the secretary and treasurer of the Commonwealth, and the form of said contract and bond shall be approved by the attorney-general.

Contract to continue for five years.

Publisher to give bond.

SECTION 2. During the term of the contract herein provided for, the reporter of decisions of the supreme judicial court shall not be required or allowed to publish the reports thereof, but shall prepare and furnish the same to said Little, Brown and Company seasonably for publication according to said contract and the existing requirements of law, and shall prepare and furnish therefor suitable head notes, tables of cases, and indexes, and shall, in the usual manner of authors, superintend the publication, correction, and proof reading of such reports, and shall perform the other duties of his office according to the present requirements of law, and shall receive from the treasury of the Commonwealth a salary of three hundred dollars a year, and in the same proportion for any part of a year, which sum with the amount to be paid to him under the said contract shall be in full compensation for his services and for clerk hire and the incidental expenses of his office; and the stereotype plates and copyright of the volumes published under said contract shall be the property of said firm.

Reporter not permitted to publish reports.

Salary from state.

SECTION 3. All sums of money received by the reporter for the copies of opinions, rescripts and other papers shall be paid over by him quarterly to the treasurer of the Commonwealth, with a detailed statement of the same.

To pay over to treasurer money received for copies, etc.

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

Approved April 29, 1879.

Chap. 281 AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE VARIOUS CHARITABLE AND REFORMATORY INSTITUTIONS, 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, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, for the year ending on the thirty-first day of December; the same to be in addition to the appropriations heretofore made on account of the present year.

Salaries and wages. — State almshouse.

For the payment of salaries and wages at the state almshouse at Tewksbury, a sum not exceeding thirteen thousand dollars; and for other current expenses of said institution, a sum not exceeding fifty-one thousand dollars.

State primary school.

For the payment of salaries and wages at the state primary school, a sum not exceeding twelve thousand dollars; and for other current expenses of said institution, a sum not exceeding twenty-seven thousand dollars.

State prison.

For the payment of salaries and wages at the state prison, a sum not exceeding thirty-seven thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding fifty-six thousand eight hundred dollars.

State prison for women.

For the payment of salaries and wages at the state prison for women, a sum not exceeding twelve thousand dollars; and for other current expenses of said institution, a sum not exceeding forty-five thousand five hundred dollars.

State reform school for boys.

For the payment of salaries and wages at the state reform school for boys, a sum not exceeding fourteen thousand seven hundred dollars; and for other current expenses of said institution, a sum not exceeding twenty-five thousand one hundred and seventy-five dollars.

State industrial school for girls.

For the payment of salaries and wages at the state industrial school for girls, a sum not exceeding three thousand one hundred dollars; and for other current expenses of said institution, a sum not exceeding eight thousand five hundred dollars.

State workhouse.

For the payment of salaries and wages at the state workhouse at Bridgewater, a sum not exceeding seven thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding twenty-eight thousand dollars.

For the support and relief of state lunatic paupers in

state hospitals, and in the state asylum for chronic insane at Worcester, a sum not exceeding seventy-five thousand dollars.

State lunatic paupers.

For the support of state paupers by cities and towns, a sum not exceeding seventeen thousand dollars.

Support of state paupers by cities and towns.

For the burial of state paupers by cities and towns, a sum not exceeding three thousand seven hundred dollars.

Burial of state paupers.

For the temporary support of state paupers by cities and towns, a sum not exceeding nineteen thousand dollars.

Temporary support of state paupers.

For the salary of the secretary of the board of state charities, six hundred and twenty-five dollars; for such clerical assistance as said secretary may find necessary, a sum not exceeding one thousand one hundred and fifty dollars; and for incidental expenses, a sum not exceeding one hundred and fifty dollars.

Board of state charities.
Salary of secretary.

Expenses.

For the salary of the general agent of the board of state charities, seven hundred and fifty dollars; for such clerical assistance as said agent may find necessary, a sum not exceeding two thousand five hundred dollars; and for incidental expenses, a sum not exceeding six hundred and fifty dollars.

Salary of general agent.

Clerical assistance and expenses.

For the salary of the visiting agent of the board of state charities, six hundred and twenty-five dollars; for such clerical assistance as said visiting agent may find necessary, a sum not exceeding two thousand one hundred and thirty dollars; and for incidental expenses, a sum not exceeding one thousand five hundred dollars.

Salary of visiting agent.

Clerical assistance and expenses.

For the salary of the agent of the sick state poor, a sum not exceeding seven dollars and a half per day for each day of actual service; for such clerical assistance as said agent may find necessary, a sum not exceeding one thousand dollars; and for incidental expenses, a sum not exceeding eight hundred and fifty dollars.

Salary of agent of sick state poor.

Clerical assistance and expenses.

For the transportation of state paupers, a sum not exceeding seven thousand five hundred dollars.

Transportation of state paupers.

For expenses attending the management of cases of settlement and bastardy, or in connection with complaints of, or in behalf of, persons confined as lunatics, a sum not exceeding one thousand five hundred dollars.

Management of cases of settlement, etc.

For the Massachusetts school for idiotic and feeble minded youth, a sum not exceeding twelve thousand five hundred dollars.

Idiotic and feeble minded youth.

For the support of state beneficiaries in the Massachusetts infant asylum, a sum not exceeding nine thousand dollars.

Infant asylum.

For the salary of the agent for discharged convicts, the

Agent for
discharged
convicts.

sum of seven hundred and fifty dollars; and for the expenses of said agent, a sum not exceeding two thousand two hundred and fifty dollars.

Commitments
to prison for
women.

For expenses incurred in the removal and commitment of prisoners to the prison for women, a sum not exceeding five hundred dollars.

Commissioners
of prisons.

For the salary of the secretary of the commissioners of prisons, one thousand five hundred dollars; and for clerical and other expenses of said commissioners, a sum not exceeding twelve hundred dollars.

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

Approved April 29, 1879.

Chap. 282

AN ACT TO AMEND "AN ACT IN RELATION TO THE TRANSPORTATION OF INTOXICATING LIQUORS IN VIOLATION OF LAW."

Be it enacted, &c., as follows:

Transportation
of intoxicating
liquors.

SECTION 1. Section one of chapter two hundred and seven of the acts of the year eighteen hundred and seventy-eight is hereby amended by inserting in the second line thereof after the word "licenses," the words "of the first, second, third, fourth and fifth classes."

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

Approved April 29, 1879.

Chap. 283

AN ACT CONCERNING THE EXAMINATION OF PERSONS ARRESTED ON MESNE PROCESS OR EXECUTION, AND OF JUDGMENT DEBTORS.

Be it enacted, &c., as follows:

Examination
of persons
arrested for
debt.

SECTION 1. All hearings and examinations under chapter two hundred and fifty of the acts of the year eighteen hundred and seventy-seven, shall be oral unless the parties, or one of them, shall request the same to be in whole, or in part, in writing.

Magistrates
before whom
hearings may
be held.

SECTION 2. The magistrates before whom hearings and examinations may be held under the provisions of chapter two hundred and fifty of the acts of the year eighteen hundred and seventy-seven, shall be the magistrates named in section nine of chapter one hundred and twenty-four of the General Statutes.

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

Approved April 29, 1879.

Chap. 284

AN ACT TO PREVENT THE DANGERS AND ANNOYANCES CAUSED BY THE ESCAPE OF STEAM FROM LOCOMOTIVES.

Be it enacted, &c., as follows:

Mufflers to be
used upon
vacuum-brakes.

SECTION 1. Any railroad corporation making use of any vacuum brake, so called, shall provide and use on

every locomotive equipped with said brake, except locomotives on which some appliance shall be used as herein-after permitted for purposes of experiment, such a muffler or other appliance for deadening the noise incident to its operation as shall have received the written approval of the board of railroad commissioners: *provided*, that any other appliance may be used for the purpose of experiment only, but for not more than thirty days upon any locomotive, nor upon more than two locomotives of the same corporation at any one time.

Proviso.

SECTION 2. Any corporation making use upon its locomotives of a pop or other safety valve shall provide and use therewith a suitable and sufficient appliance for deadening the sound made by steam escaping therefrom: *provided, however*, that if such appliance materially retards the escape of steam, or increases the pressure upon the boiler, an additional safety valve, without such appliance, shall be used; which additional valve shall be set at a higher point than the other, but below the point at which explosion is likely to occur.

Appliance to be used for deadening sound of steam escaping from safety valve.

Proviso.

SECTION 3. All applications to the board of railroad commissioners under this act, for approval of appliances, shall be in writing, and such approval when given shall at all times be subject to be revoked by said board, by written notice to each corporation.

Applications for approval to be in writing.

SECTION 4. Any corporation violating any of the provisions of this act shall forfeit a sum of not less than one hundred or more than three hundred dollars for every locomotive used by it in violation of any of such provisions, and a further sum of five dollars for each and every day upon which such locomotive shall thereafter be run in violation of any of said provisions.

Penalties.

SECTION 5. This act shall take effect on the first day of October eighteen hundred and seventy-nine.

To take effect Oct. 1, 1879.

Approved April 29, 1879.

AN ACT CONCERNING ACCOUNTS OF SAVINGS BANKS.

Chap. 285

Be it enacted, &c., as follows:

SECTION 1. The commissioners of savings banks may prescribe the manner and form of keeping and auditing the books and accounts of any savings bank or institution for savings.

Commissioners may prescribe forms of accounts.

SECTION 2. In addition to the statements now required in the annual returns of savings banks and institutions for savings, each treasurer thereof shall state the number of deposits of one thousand dollars and upwards, the num-

Statements in annual returns of banks.

ber and amount of deposits of two hundred dollars and less, of one hundred dollars and less, and of fifty dollars and less, respectively; also the number and amount of deposits held by women, by guardians, in trust, and by charitable associations, respectively.

Approved April 29, 1879.

Chap. 286

AN ACT TO PRESERVE THE PURITY OF ELECTIONS.

Be it enacted, &c., as follows:

Ballots not to be marked.

SECTION 1. It shall be unlawful at any election for the choice of any national, state, district, county, city or town officers to mark the ballot of any voter, or to deliver to any voter such marked ballot for the purpose of ascertaining how he shall vote at such election.

To be of plain white paper.

SECTION 2. All ballots used at any such election shall be of plain white paper, in weight equal to that of ordinary printing paper, without any impression, device or mark whatsoever to distinguish one ballot from another in appearance, except the names of the several candidates and of their residences, words designating the several offices to be filled, and words at the head of the ballot, all of which shall be written or printed with black ink; and in case the names of candidates are printed upon any ballot, the same shall be in letters of a uniform size.

To be printed with black ink.

Size of ballot.

Each ballot having the names of more than three candidates thereon shall be four and a half inches in width, or within one-fourth of an inch of such width, and twelve inches in length, or within a half of an inch of such length. And it shall be unlawful for any person to print for distribution at the polls, or distribute to any voter, or cast any ballot, printed or written, contrary to the provisions of this act: *provided*, that nothing herein contained shall be construed to prohibit the erasure, correction, or insertion of any name, by pencil mark or otherwise, upon the face of the printed ballot, or authorize the rejection of any ballot, after it has been received into the ballot box, for any want of conformity with the requirements of this act.

Proviso.

Names, in letters less than one-half the size in which a majority are printed, not to be counted.

SECTION 3. In the counting of the ballots at any such election, the name of any candidate printed upon any ballot in letters less than one-half the size of the letters in which a majority of the names of candidates on the same ballot are printed shall not be counted nor be held to be of any effect whatever.

Penalties.

SECTION 4. Any person or persons offending against sections one and two of this act shall be deemed guilty of

a misdemeanor, and, on conviction thereof before any court of competent jurisdiction, shall be fined in a sum not exceeding one hundred dollars, and imprisoned in the county jail not exceeding sixty days.

SECTION 5. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

Approved April 29, 1879.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE RAILROAD COMMISSIONERS, AND TO LIMIT THE COMPENSATION OF THEIR ACCOUNTANT.

Chap. 287

Be it enacted, &c., as follows:

SECTION 1. The annual salary of the chairman of the board of railroad commissioners shall be four thousand dollars, and of the remaining members of said board thirty-five hundred dollars each, and that of the clerk of the board of railroad commissioners shall be two thousand dollars; and the compensation allowed to the accountant, authorized under section three of chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-six, shall not exceed two thousand dollars per year.

Salaries
established.

SECTION 2. This act shall take effect on the first day of May of the present year.

To take effect
May 1, 1879.

Approved April 30, 1879.

AN ACT TO FIX THE SALARIES OF THE DEPUTY TAX COMMISSIONER AND COMMISSIONER OF CORPORATIONS, AND THE PERSONS EMPLOYED IN HIS DEPARTMENT.

Chap. 288

Be it enacted, &c., as follows:

SECTION 1. The salary of the deputy tax commissioner and commissioner of corporations shall be twenty-seven hundred and fifty dollars a year, and at the same rate for any part of a year, and the same shall be in full compensation for the duties of both offices.

Salary of
deputy tax
commissioner.

SECTION 2. There may be employed in the office of the deputy tax commissioner and commissioner of corporations two permanent clerks; the first at a salary of eighteen hundred dollars a year, the second at a salary of thirteen hundred dollars a year, and at the same rate for any part of a year. There may also be employed in said office such additional clerks and other assistance as may be necessary for the despatch of public business, at an expense not exceeding eleven thousand dollars a year: *provided*, that no such clerk or assistant shall receive compensation or salary at a rate of exceeding one thou-

Salaries of
clerks.

sand dollars a year, and that in the payment of additional clerks no distinction on account of sex shall be made in the rate of compensation or salary for the same kind of service performed.

Repeal. SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 30, 1879.

Chap. 289 AN ACT TO AMEND "AN ACT CONCERNING THE PREPARATION, PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS."

Be it enacted, &c., as follows :

Report of the
board of prison
commissioners.

Section one of chapter two hundred and sixty-four of the acts of the year eighteen hundred and seventy-eight is hereby amended by inserting at the end of said section the following words, viz.:—

"Report of the board of prison commissioners, one thousand copies."

Approved April 30, 1879.

Chap. 290 AN ACT MAKING APPROPRIATIONS FOR THE IMPROVEMENT AND MAINTENANCE OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sum of one hundred and twenty-nine thousand seven hundred and eighty-five dollars is hereby appropriated, to be expended under the direction of the governor and council, for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel, as follows, namely:—

Troy and Green-
field Railroad.
Double tracks.

A sum not exceeding sixty thousand dollars for the expenses of double tracking the Troy and Greenfield Railroad between North Adams and the state line of the state of Vermont.

Steel rails.

A sum not exceeding four thousand five hundred dollars for steel rails.

Land for
sidings.

A sum not exceeding fifteen thousand dollars for sidings, and for land for sidings, gravel pits, and other purposes.

Arch and
ventilating flues.

A sum not exceeding twenty thousand dollars for constructing an arch and one or more ventilating flues at the central shaft of the Hoosac Tunnel.

Excavating for
and building
brick arch.

A sum not exceeding five thousand two hundred and eighty-five dollars to excavate for and construct a brick arch between stations two thousand and twenty and two thousand and fifty-five in the Hoosac Tunnel.

Iron bridge at
Deweyville.

A sum not exceeding twenty-five thousand dollars for constructing a double track iron bridge at Deweyville.

Any balance of the foregoing appropriations unexpended after the fulfilment of the purpose for which it is made may be used for constructing sidings or in ballasting under the track in the Hoosac Tunnel. The foregoing sums shall be taken from time to time as required from the balance of the Troy and Greenfield Railroad fund in the treasury of the Commonwealth.

Unexpended
balances to be
used for sidings
and ballasting.

To be taken
from earnings.

The sums of money required under chapter two hundred and seventy-seven of the acts of the year eighteen hundred and seventy-eight shall be paid from the treasury of the Commonwealth instead of from the earnings of the said railroad and tunnel.

Money required
under 1878, 277,
to be paid from
the state
treasury.

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

Approved April 30, 1879.

AN ACT TO CREATE A STATE BOARD OF HEALTH, LUNACY AND CHARITY.

Chap. 291

Be it enacted, &c., as follows:

SECTION 1. The state board of health, the board of state charities, the boards of trustees of the state reform school and the state industrial school, the boards of inspectors of the state primary school, the state almshouse, and the state workhouse, the advisory boards of women to the inspectors of the state almshouse and of the state primary school, and to the trustees of the state reform school, and the visiting agency created by chapter three hundred and fifty-nine of the acts of the year eighteen hundred and seventy, are hereby abolished.

Certain state
boards
abolished.

SECTION 2. The governor, with the advice and consent of the council, shall appoint nine persons, who shall constitute a state board of health, lunacy and charity. They shall hold their offices for five years: *provided*, that the terms of office of the nine first appointed shall be so arranged that the term of one shall expire in five years, and the terms of two in four, three, two years, and one year respectively; and the vacancies so created, as well as all vacancies occurring otherwise shall be filled by appointment or re-appointment by the governor and council.

State board of
health, lunacy
and charity
established.

Terms of office.

SECTION 3. The board shall have all the powers and duties and may exercise all the functions of the boards abolished by section one hereof, and of all their bureaus and agents, including the agency thereby abolished, except as hereinafter provided; and said board may assign any of its powers and duties to agents appointed for the purpose, and may execute any of its functions by such agents, or by committees appointed from and by said board.

Powers and
duties.

Board to have supervision of charitable and reformatory institutions.

SECTION 4. Said board shall have general supervision over all the state, charitable and reformatory institutions mentioned herein, including the state lunatic hospitals, the state almshouse, the state workhouse, the state primary school, the state reform school, and the state industrial school for girls. And said board may, when directed by the governor, assume and exercise the powers of the boards of trustees of said institutions, in any matter relating to the management thereof, excepting the trusts herein mentioned.

To act as commissioners of lunacy.

SECTION 5. Said board shall act as commissioners of lunacy, with power to investigate the question of the insanity and condition of any person committed to any lunatic hospital or asylum, public or private, or restrained of his liberty by reason of alleged insanity, at any place within this Commonwealth; and shall discharge any person, so committed or restrained, if in their opinion such person is not insane, or can be cared for after such discharge, without danger to others, and with benefit to such person. And the members of said board, in person or by agents, shall visit and inspect every private asylum or receptacle for the insane within the Commonwealth, at least once in every six months.

To inspect private asylums for the insane.

Contagious and infectious diseases.

SECTION 6. In case of small pox, or other contagious or infectious disease dangerous to the public health, existing or likely to exist in any place within the state, said board shall investigate the same, and the means of preventing the spread thereof; and shall consult thereon with the local authorities and shall have co-ordinate powers as a board of health, in every place, with the board of health or health officer thereof, and with the mayor and aldermen or the selectmen, when no such board or officer exists in such place.

To appoint officers and fix compensation.

SECTION 7. Said board, with the consent of the governor, shall appoint such officers as are necessary, and fix their compensation, within the limits of the annual appropriation. Said board shall be provided with rooms at the state house, and shall hold meetings each month on a day fixed by said board, and at such other times as may be needful. The board shall make its own by-laws, and shall make a report of its doings to the governor and council, on or before the thirty-first day of December in each year, such report being made up to the thirtieth day of September inclusive. It shall embody in its report a properly classified and tabulated statement of the receipts and expenses of said board and of each of the several institutions named

To hold monthly meetings.

Annual report.

in this act for the said year, and a corresponding classified and tabulated statement of their estimates for the year ensuing, with its opinion as to the necessity or expediency of appropriations in accordance with said estimates; but this provision shall not apply to estimates for the ordinary expenses of lunatic hospitals. Said report shall also present a concise review of the work of the several institutions herein named for the year preceding, with such suggestions and recommendations as to said institutions, and the charitable, reformatory, and health interests of the state, as may be deemed expedient. The members of said board and the members of the boards of trustees of the state institutions herein named shall receive no compensation for their services; but their travelling and other necessary expenses shall be allowed and paid; and no person employed by the board shall be a member thereof.

To serve without compensation.

SECTION 8. The governor, with the advice and consent of the council, shall appoint a board of seven trustees, two of whom shall be women, who shall have charge of the government of the state reform school at Westborough, the state industrial school for girls at Lancaster, and the state primary school at Monson; and shall be known as the Trustees of the State Primary and Reform Schools. They shall hold office five years: *provided*, that the terms of the seven first appointed shall be so arranged that the term of two shall expire in one year, two in two years, one in three years, one in four years and one in five years; and the vacancies so arising, as well as vacancies otherwise occurring, shall be filled by appointment or re-appointment by the governor and council. And no person employed by the board and receiving compensation shall be a member thereof. Said board of trustees shall be a corporation, for the purpose of taking, holding and investing, to themselves and their successors, in trust for the Commonwealth, any grant or devise of lands, and any gift or bequest of money or other personal property, made for the use of the institutions of which they are trustees, or either of them; and they shall succeed to the trusts and powers heretofore held or acquired by the boards of trustees, and the treasurers of the state reform and the state industrial schools, and said board of trustees shall have the powers and perform the duties of the trustees and inspectors of the institutions named in this section, except as otherwise provided in this act.

Board of trustees to be appointed.

Terms of office.

To be a corporation for purpose of holding gifts, grants or bequests.

To succeed to former trusts and powers.

Powers and duties.

SECTION 9. The governor, with the advice and consent of the council, shall appoint five persons, including two

Trustees of state almshouse.

women, who shall be known as the Board of Trustees of the State Almshouse, and who shall have the powers and perform the duties now had and performed by the inspectors of said almshouse. They shall hold office for three years; but of the five first appointed, two shall hold office for three years, two for two years and one for one year; and all vacancies so occurring as well as vacancies otherwise arising shall be filled as above by appointment or re-appointment. And a like board of five shall be appointed and commissioned as above, and shall be known as the Board of Trustees of the State Workhouse, and shall have all the powers, and perform all the duties now had and performed by the inspectors of said workhouse, and make all rules and regulations for the government of the same. And no person employed by either board shall be a member thereof.

Trustees of
state work-
house.

Superintendents
and physicians
to be elected
annually and
compensation
fixed by
trustees.

SECTION 10. The superintendents and physicians of all the state institutions herein named, except the lunatic hospitals, shall be elected annually and their compensation fixed by the board of trustees having charge of each institution respectively, said compensation having first been approved by the governor and council; and the other officers shall be hereafter appointed, and their compensation fixed by the superintendents with the approval of the trustees: *provided*, that the amount paid for such salaries shall not exceed in the aggregate the sum appropriated by the legislature for the purpose. The officers of the state lunatic hospitals shall be appointed and paid as they now are.

Proviso.

Laws applying
to boards, etc.,
abolished, to
apply to new
board.

SECTION 11. All laws applying to the boards, bureaus and agencies hereby abolished shall apply to the board created by section two of this act. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take
effect.

SECTION 12. This act shall take effect on the first day of July in the year eighteen hundred and seventy-nine: *provided*, that the members of said boards may be appointed at any time after the passage of this act, and may appoint agents and officers, and assign their duties before said first day of July.

Approved April 30, 1879.

Chap. 292 AN ACT RELATING TO THE PROBATE OFFICES OF THE SEVERAL COUNTIES.

Be it enacted, &c., as follows:

Judges, regis-
ters, etc., not to

SECTION 1. No judge, register, or assistant register of probate and insolvency in any county, or any other person

engaged in the performance of any of the duties of the probate office in any county, shall be interested in or benefited by the fees or emoluments arising from any suit or matter pending before the probate court of such county; nor act as counsel 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 such court; nor be interested in the fees or emoluments arising from either of said trusts: *provided*, that nothing herein contained shall be construed to cause the removal of any executor, administrator or guardian, now acting as such, except upon petition and cause shown.

receive fees nor
act as counsel.

Not to be execu-
tor, administra-
tor, etc.

Proviso.

SECTION 2. The register of probate and insolvency for the county of Bristol may annually be allowed, if deemed necessary by the judge of probate and insolvency in said county, a sum not exceeding one-third of the salary of the said register for extra clerical assistance actually performed, and the same shall be paid by the treasurer of the Commonwealth. Said allowance may date from the first day of March of the current year. The judge of the said court shall audit and approve the accounts of the register.

Register for
Bristol County
may be allowed
for extra cler-
ical assistance.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 4. This act shall take effect on the first day of May in the year eighteen hundred and seventy-nine.

To take effect
May 1, 1879.

Approved April 30, 1879.

AN ACT TO PROVIDE FOR THE AUDITING OF THE ACCOUNTS OF
COUNTY OFFICERS.

Chap. 293

Be it enacted, &c., as follows:

SECTION 1. The county commissioners, sheriffs, jailers, treasurers, clerks of courts and bail commissioners in the several counties shall keep an accurate record of, and shall on or before the tenth day of January in each year make return under oath to the commissioners of savings banks of, all sums of money which have in any way been received by them or to their use, by reason or on account of their said offices, or in their official capacity, and also of all expenditures made or incurred by them by reason or on account of the same, for the calendar year next preceding. The commissioners of savings banks shall examine the same and compile the material parts thereof in tabular form, and on or before the tenth day of February in each year report the same to the legislature.

County officers
to make return
under oath of
sums of money
received by
them, to bank
commissioners.

Commissioners
to examine and
report to the
legislature.

Commissioners
to examine
accounts and
vouchers.

SECTION 2. The commissioners of savings banks are hereby directed to inspect personally the accounts of the above named officers at least once a year in each of said counties, without previous notice to said officers, and to examine the vouchers for all expenditures made by said officers or for their account or upon their authority, and said commissioners of savings banks shall endeavor so far as is possible to secure uniformity and correctness in the method of keeping said accounts, and shall, together with the returns required by section one of this act, make such suggestions and recommendations to the legislature as will in their opinion tend to secure such results. It shall be their duty, if in their judgment the circumstances of any case shall require it, to subject the books, accounts and papers of any such officer to the examination of an expert, and for this purpose, as well as for the personal examination by said commissioners, said books, accounts, and papers shall at all times be open to their inspection.

May subject
accounts to the
examination of
an expert.

Allowance for
clerical assist-
ance.

SECTION 3. Said commissioners of savings banks shall be allowed for clerical assistance in the duties imposed by this act and in their other duties, the sum of one thousand dollars a year, the same to be expended under their direction, and the actual expenses incurred in travelling, and three hundred dollars each as salary, in addition to the amount authorized by law.

Compensation.

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

Approved April 30, 1879.

Chap. 294

AN ACT TO ESTABLISH A BOARD OF COMMISSIONERS OF PRISONS.
Be it enacted, &c.. as follows:

Board of com-
missioners of
prisons estab-
lished.

SECTION 1. The governor, with the advice and consent of the council, shall, as soon as may be after the passage of this act, appoint five commissioners of prisons, two of whom shall be women, whose terms of office shall expire as provided in this section. On the first Wednesday of July in each year, the term of office of the senior member of the board, as they stand arranged in the list of their appointments, shall terminate, and the name of the person appointed to fill the vacancy shall be placed at the bottom of the list; and other vacancies may at any time be filled, and the name of the person appointed substituted in the list for the remainder of the vacant term. No member of the board of commissioners of prisons shall receive any compensation; but the actual personal expenses of any member while engaged in official duties shall be allowed and paid. No member of the board of commissioners of

To serve with-
out compensa-
tion.

prisons shall be concerned or interested, directly or indirectly, in any contract, purchase, or sale, made on account of any prison in the Commonwealth.

SECTION 2. The commissioners of prisons shall elect a secretary, who shall be their executive officer, and shall hold his office during their pleasure. He shall perform or superintend the work prescribed in this act, and such other duties as the commissioners may require. He shall receive from the treasury an annual salary, payable in the manner prescribed by law, of two thousand dollars, and his necessary expenses incurred in the performance of his official duties. The secretary of said board shall not be *ex officio* a member thereof, but the board may, whenever they deem it necessary, elect one of their members secretary *pro tempore*, who may in the absence of the secretary perform the duties of that officer.

Secretary to be elected by the board.

Salary.

SECTION 3. The commissioners of prisons shall, as far as practicable, classify all prisoners held under sentence in all the jails and houses of correction in the state, or that may be committed thereto at any time hereafter, having reference to sex, age, character, condition, and offences, and in such a manner as to promote the reformation, safe custody, and economy of support, of the prisoners, and the separation of male and female prisoners; and for this purpose may remove prisoners from one jail to another jail in the same or in any other county, and from one house of correction to another in the same or in any other county; and the said prisoners shall serve the remainder of their terms of sentence in the prisons to which they shall be so removed from time to time.

Commissioners to classify prisoners.

May remove prisoners from one jail to another.

SECTION 4. The commissioners of prisons may remove from time to time female prisoners held under sentence in any jail or house of correction in the Commonwealth, the work-house at Bridgewater, or in the house of industry at Deer Island, to the reformatory prison for women, or therefrom to any of the aforesaid institutions, where the said prisoners shall serve the remainder of their terms of sentence.

May remove female prisoners to or from reformatory prison for women.
1879, 229, § 3.

SECTION 5. Upon the application of the county commissioners of any county, the commissioners of prisons may cause any person confined in any house of correction under sentence imposed for any offence mentioned in section twenty-eight of chapter one hundred and sixty-five of the General Statutes, and chapter two hundred and thirty-five of the acts of the year eighteen hundred and sixty-six, to be transferred with the mittimus to the state work-

May transfer, upon application of county commissioners, from house of correction to state work-house.

house, there to be kept during the remainder of the sentence in the same manner as if such person had been originally committed thereto; and the transfer shall be made in the manner prescribed in sections seven, eight, and nine of this act. The commissioners of prisons shall have the same power to discharge any person so removed as is now vested in the county commissioners.

Support of persons transferred.

SECTION 6. The county from which any person is removed under the provisions of section five of this act shall pay for his support such sum per week as may be fixed by the board of state charities, and all moneys so received shall be paid into the state treasury in the manner now provided by law.

Officer authorized to serve criminal process may remove prisoner.

SECTION 7. Any officer authorized to serve criminal processes in the county from which a prisoner is sentenced or removed under the provisions of this act may serve the process by which such prisoner is committed or removed to any other county, or to the reformatory prison for women, or to the state work-house.

Costs and expenses of removal.
1879, 229, § 4.

SECTION 8. All the costs and expenses of the commitment and removal of any prisoner under this act shall be paid by the county from which such prisoner is removed, and shall be taxed and allowed in the same manner as other criminal costs are now taxed and allowed.

Order for removal to be signed by secretary.

SECTION 9. Every order for the removal of prisoners under the provisions of this act shall be signed by the secretary of the commissioners of prisons, and directed to the officer who is to make such removal. All mittimus, processes, and other official papers, or the attested copies thereof, by which a prisoner is committed or held, shall, at the time of such removal, be transferred, together with the order therefor, to the prison to which said prisoner is removed, there to be kept in the same manner as if such prisoner was originally committed thereto.

Commissioners may prepare rules for direction of officers and government of prisoners.

SECTION 10. The commissioners of prisons shall from time to time prepare rules and regulations, consistent with the laws of the state, for the direction of the officers of each of the jails or houses of correction in discharge of their duty, the government, employment, and discipline of the convicts, and the custody and preservation of the public property; and they shall cause authentic copies thereof to be laid before the governor and council, who may approve, annul, or modify the same. All jailers of jails, masters or keepers of houses of correction, county commissioners, and the directors of public institutions in the city of Boston, shall continue to have and exercise the

same powers and duties in reference to said jails and houses of correction that they now have, except so far as is otherwise provided in this act; but they shall not make any rules and regulations inconsistent with the rules and regulations established by the commissioners of prisons under this act.

SECTION 11. The commissioners of prisons, or one of them, shall visit all the jails and houses of correction in the state once in six months, and oftener if they see fit, for the purpose of inspecting the books and all the concerns of said jails and houses of correction, and ascertaining whether the laws, rules, or regulations are duly observed, the officers competent and faithful, and the convicts properly governed and employed; and for this purpose shall have all the powers in respect to such jails and houses of correction that the county commissioners or the directors for public institutions in the city of Boston now have as inspectors of prisons in their several counties.

To visit jails and houses of correction as often as once in six months.

SECTION 12. The commissioners of prisons shall have the general supervision of the state prison and of the reformatory prison for women, and shall make all necessary rules and regulations, consistent with the laws of the Commonwealth, for the government and direction of the officers of the said prisons in the discharge of their duties, the government, employment, discipline, and instruction of the convicts therein, and the custody and preservation of the property connected with said prisons. And they shall have placed in each of the institutions herein named a lock letter-box, accessible to the inmates, the key of which shall be kept by the commissioners, and every inmate shall have the right to deposit therein any communication in writing under seal, addressed to the commissioners or any member of the board. They shall also make such regulations in regard to the rations, clothing, and bedding of the convicts in said prisons, as the health, well being, and circumstances of each convict may require; but all diet, rations, clothing, beds, and bedding shall be of good quality, and in sufficient quantity for the sustenance and comfort of the convicts; and said bedding shall include mattress, blanket and pillow. No intoxicating liquors shall be furnished to the convicts. Said commissioners, with the warden of the state prison, and with the superintendent of the reformatory prison for women, respectively, shall cause provision to be made in said prisons or their dependencies for keeping the convicts therein employed in some useful labor suited to their respective capacities. As

To have supervision of state prison and reformatory prison for women.

Letter-box for use of inmates.

Intoxicating liquors not to be furnished to convicts.

Labor of convicts.

soon as may be after the establishment of any rules or regulations in regard to said prisons, as provided in this section, the commissioners of prisons shall cause authentic copies thereof to be laid before the governor and council, who shall approve, annul, or modify the same.

Deputy-warden and other officers, except assistant watchmen, to be appointed by warden with approval of commissioners.

SECTION 13. The deputy-warden, and all other officers of the state prison except the assistant watchmen, shall be appointed by the warden, subject to the approval of the commissioners of prisons, and shall hold their offices during the pleasure of the warden and said commissioners. The assistant watchmen shall be appointed by the warden, and shall hold office during his pleasure. The warden shall immediately report to the commissioners of prisons all appointments made by him.

Commissioners, or one of them, to visit state prison and reformatory prison at least once in each month.

SECTION 14. The commissioners of prisons, or one of them, shall visit the state prison and the reformatory prison for women at least once in each month; and said prisons shall be visited by a majority of the board of commissioners once in three months, and oftener if they think necessary, for the purpose of inspecting the books and all the concerns of the prisons, and ascertaining whether the laws, rules, and regulations relating to the said prisons are duly observed, the officers competent and faithful, and the convicts properly governed and employed. The full board of commissioners shall also visit said prisons semi-annually, and make a thorough examination thereof.

Full board to examine prisons semi-annually.

Violations of law and omissions of duty to be reported to governor and council.

SECTION 15. The commissioners of prisons shall forthwith report to the governor and council all violations of law, and omissions of duty, which shall come to their knowledge, on the part of the warden, chaplain, or physician and surgeon, of the state prison, or on the part of the superintendent, treasurer and steward, or chaplain or physician, of the reformatory prison for women.

Officers, if unfaithful or incompetent or using intoxicating liquors as a beverage, to be forthwith removed.

SECTION 16. Every officer of the state prison holding his place at the pleasure of the warden of the state prison and the commissioners of prisons, and every officer and employee of the reformatory prison for women holding a position at the pleasure of the superintendent of said prison and said commissioners, shall, if found unfaithful or incompetent, or known to use intoxicating liquors as a beverage, be by them forthwith removed. In case of a disagreement between said warden or said superintendent and the commissioners of prisons in relation to the removal of any such officer or employee, the subject may be referred to the governor and council, who may make such removal.

SECTION 17. All books and documents relating to the concerns of the state prison and the reformatory prison for women shall at all times be open to the examination of the commissioners of prisons, who shall semi-annually carefully examine said books, and compare them with the vouchers and documents relating thereto. They may employ an expert accountant to make an examination of said books, vouchers, and documents, if at any time they deem such an examination necessary.

Books and documents relating to state prison and reformatory prison, to be subject to examination of commissioners.

PRISON CONTRACTS.

SECTION 18. All bills contracted by the warden, or treasurer and steward, for purchases on account of said prisons, shall be approved by a majority of the commissioners of prisons before payment.

Bills to be approved by commissioners before payment.

SECTION 19. All contracts on account of the state prison and the reformatory prison for women shall be made by the warden of the state prison, or the treasurer and steward of the reformatory prison for women, respectively, in writing, and, when approved in writing by the commissioners of prisons, shall be binding, except that contracts for the labor of the inmates of the reformatory prison for women shall be made by the superintendent thereof: *provided, however*, that no contract for the labor of prisoners in either of said prisons shall be made without the approval of the governor and council. Said warden, and treasurer and steward, or their successors, may sue or be sued upon any contract made in accordance with the provisions of this act to final judgment or execution. No such suit shall abate by reason of said offices becoming vacant; but any successor of either of said officers, pending such suit, may take upon himself the prosecution or defence thereof; and upon motion of the adverse party, and notice, he shall be required so to do.

All contracts to be approved by commissioners.

Proviso.

Warden, and treasurer and steward, may sue and be sued.

SECTION 20. When a controversy arises respecting any contract made by the warden, or treasurer and steward, as aforesaid, or a suit is pending thereon, the said warden, or treasurer and steward, may submit the same to the final determination of arbitrators or referees to be approved by the commissioners of prisons.

Matters in controversy may be submitted to arbitrators.

SECTION 21. When, in the opinion of the commissioners of prisons, it can be advantageously done, the principal articles purchased for the use of the prisons aforesaid shall be contracted for by the year. The warden, or treasurer and steward, as the case may be, shall give previous public notice, in two newspapers at least, of the articles

Principal articles to be purchased may be contracted for by the year.

Advertisement for proposals.

wanted, the quantity and quality thereof, the time and manner of delivery, and the period during which proposals therefor will be received; which notice shall be published a sufficient time for the information of persons who may desire to offer proposals.

Proposals to be
in writing.

SECTION 22. All such proposals shall be in writing, and sealed; and on the day appointed they shall be opened by the warden, or treasurer and steward, in presence of the commissioners of prisons, who shall cause them to be entered in a book, and compared. The persons offering the best terms, with satisfactory security for the performance, shall be entitled to the contract, unless it appears to the said commissioners that it is not for the interest of the state to accept any of the proposals; in which case no offer shall be accepted, and the warden, or treasurer and steward, with the consent of the said commissioners, may proceed to make contracts for any of the articles wanted, in the best way in which it can be done for the interest of the Commonwealth. Every contractor shall give a bond in a reasonable sum, with satisfactory surety or sureties, for the performance of his contract.

Contractor to
give bond.

THE REFORMATORY PRISON FOR WOMEN.

Officers appointed
by the super-
intendent.

SECTION 23. All officers and employees of the reformatory prison for women, except the superintendent, treasurer and steward, and chaplain, and physician, shall be appointed by the superintendent, subject to the approval of the commissioners of prisons, and shall hold their offices during the pleasure of the superintendent and said commissioners.

Compensation
of engineer,
farmer, etc.,
determined by
commissioners.

SECTION 24. The commissioners of prisons shall be authorized to employ, and determine the compensation to be paid to the engineer, the farmer, the gatekeeper, the stablemen, if any, and other necessary male servants or hired laborers of the reformatory prison for women; which compensation shall be paid by the treasurer of said prison.

Discharge of
prisoners.

SECTION 25. The commissioners of prisons shall have the same power of discharging persons confined for any cause in the reformatory prison for women that county commissioners have of discharging prisoners from houses of correction. There shall also be vested in said commissioners of prisons all the powers in relation to the reformatory prison for women (which are not by the provisions of chapter three hundred and eighty-five of the acts of the year eighteen hundred and seventy-four given to the

superintendent, and treasurer and steward) that county commissioners have in relation to houses of correction.

SECTION 26. The keepers of jails, and masters of houses of correction, and the superintendents of houses of industry and work-houses, shall, whenever a female is committed to the prison under their respective charge, forthwith transmit to the secretary of the commissioners of prisons such an abstract of the mittimus on which she is committed as the said commissioners may prescribe.

Jailers, etc., to send abstract of mittimus to commissioners when a female is committed.

AIDING DISCHARGED CONVICTS.

SECTION 27. The commissioners of prisons may expend for the assistance of convicts discharged from the state prison a sum not exceeding three thousand dollars annually; and for the assistance of convicts discharged from the reformatory prison for women, a sum not exceeding fifteen hundred dollars annually. The commissioners of prisons may employ, at a salary not exceeding one thousand dollars annually, a person to act as their agent in aiding convicts discharged from the state prison. Said agent shall, under the direction of the commissioners, counsel and advise, and, when and as he deems proper and expedient, furnish with clothing, board, and tools suitable for their employment, such discharged convicts of the state prison as may seek his aid; and shall take measures to procure employment for such of them as may desire it, by correspondence with persons in mechanical and agricultural pursuits, and with benevolent persons and associations.

Aid to discharged convicts.

Agent may be appointed.

SECTION 28. The commissioners of prisons shall cause to be kept an account of the moneys expended by said agent for the necessary expenses of the service required by section twenty-seven of this act, for correspondence and travel to procure employment for discharged convicts, for furnishing the clothing, board, and tools required by law, and for conveying discharged convicts to their homes, or places of employment, when said agent deems it proper to pay therefor; which being approved by the auditor of accounts, the governor shall, at the end of each month, draw his warrant on the treasury therefor.

Account to be kept of moneys expended by agent.

SECTION 29. The warden of the state prison may in his discretion pay to said agent such sums of money as he is authorized by section sixty-three of chapter one hundred and seventy-nine of the General Statutes to pay to convicts. The agent shall expend what he thus receives for

Warden may pay over to agent, money authorized to be paid to convict.

the benefit of such convicts, and account therefor to the commissioners of prisons.

Agent to make annual report of his doings to commissioners.

SECTION 30. The said agent shall, on or before the fifteenth day of October in each year, cause to be made to the commissioners of prisons a full and detailed account of his doings as such agent for the year ending on the last day of the preceding month, which report shall be included by the commissioners of prisons in their annual report; and the commissioners shall also submit a full and detailed account of all moneys expended by them in aid of discharged female convicts.

Reports and returns to be made to commissioners.

SECTION 31. All the reports and returns now required by law to be made by the warden of the state prison, the superintendent of the reformatory prison for women, by the jailers of the jails, by the masters or keepers of houses of correction, or by the county commissioners, in respect to the jails or houses of correction, or by the directors of public institutions in the city of Boston, shall hereafter be made to the commissioners of prisons. That the report and returns made in pursuance of this chapter may be properly compiled for presentation to the legislature, the commissioners of prisons are hereby authorized to expend not exceeding one hundred and fifty dollars annually for blanks, and not exceeding seven hundred dollars annually for clerical assistance.

Allowance for clerical assistance and blanks.

Prisoners in state prison and reformatory prison may be employed in making needed articles, each for the other.

SECTION 32. The commissioners of prisons are authorized, whenever they deem it expedient, to cause the unemployed prisoners in the state prison to be employed in the manufacture or repair of articles needed at the reformatory prison for women, and the unemployed prisoners at the reformatory prison for women in the manufacture or repair of articles needed at the state prison. The commissioners of prisons shall, in their annual report, submit a statement showing the estimated value of all labor performed under this section.

Report of value of labor.

REPORTS.

Commissioners to report annually to the legislature.

SECTION 33. The commissioners of prisons shall annually, in the first week of the month of January, make to the legislature a full and complete report of their doings during the year preceding, stating fully and in detail all expenses incurred, and showing the actual condition on the thirtieth day of September of the state prison, the reformatory prison for women, and the jails and houses of correction in all the counties of the state, the number of inmates in each, with such suggestions and recommendations.

tions as they may deem proper. Said report shall embrace statements which shall be made to them by the warden of the state prison, and the superintendent and treasurer and steward of the reformatory prison for women, of the general condition of said prisons, the amount of liabilities and of outstanding claims, giving the names of debtors and creditors, the sums due to or from each, and time when payable. It shall also contain detailed accounts of the expenditures for the said prisons for the year ending on the thirtieth day of September; the cost of all changes made in the buildings of said prisons; the names, position, pay, and allowances of the several officers and employees; the amount received for the labor of prisoners; the names of contractors for whom the labor was performed; a copy of all contracts for the labor of prisoners in said prisons; the kinds of labor; the number of days, and pay per day, of each prisoner; the average cost of the support of each inmate; the number of volumes in the libraries in said prisons; and such other facts in relation to said state prison and said reformatory prison for women as they deem proper. They shall also present in said report estimates of the sums which will be required to meet the expenses of said prisons for the following year, specifying in detail the amount for salaries, for subsistence, for clothing, for bedding, for fuel, for repairs, and for incidentals, together with the probable income of each prison from labor and from all other sources.

Statements of warden, superintendent, and treasurer and steward.

Detailed account of expenditures.

Amount received for labor.

Estimates of sums required for the year.

SECTION 34. The power and authority given to the warden and inspectors in section forty-three of chapter one hundred and seventy-nine of the General Statutes, and the power and authority given to, and the duties required of, the inspectors of prisons, in the several sections of said chapter not repealed by or incorporated in this act, are hereby transferred to the commissioners of prisons.

Certain powers of warden and inspectors transferred to commissioners.

Instruction.

SECTION 35. The board of inspectors of the state prisons, the commissioners of prisons, the agent for discharged convicts, and the advisory board of women to said commissioners, are hereby abolished.

Certain boards, etc., abolished.

SECTION 36. Sections ten, eleven, fourteen, fifteen, sixteen, seventeen, eighteen, thirty-two, thirty-three, thirty-four, thirty-five, forty-three, forty-five, forty-six, forty-seven, fifty-nine, sixty-one, sixty-four, sixty-five, sixty-six, sixty-seven, and sixty-eight, of chapter one hundred and seventy-nine of the General Statutes; sections one, two, three, five, six, seven, eight, nine, ten, eleven, and twelve, of

Repeal.

chapter three hundred and seventy of the acts of the year eighteen hundred and seventy; chapter ninety-six of the acts of the year eighteen hundred and seventy-six; chapter one hundred and twenty of the acts of the year eighteen hundred and seventy-seven; and sections seven, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, twenty and twenty-two, of chapter three hundred and eighty-five of the acts of the year eighteen hundred and seventy-four, are hereby repealed.

SECTION 37. This act shall take effect upon its passage.

Approved April 30, 1879.

Chap. 295

AN ACT FIXING THE SALARIES OF COUNTY COMMISSIONERS.

Be it enacted, &c., as follows:

Salaries of
county com-
missioners and
special com-
missioners.

SECTION 1. The commissioners and special commissioners of the several counties of the Commonwealth shall receive from the county treasuries of their respective counties, in equal semi-annual payments, in January and July, in full payment for all their services and travel, payable as now provided by law, the following annual salaries: —

Barnstable.	For the county of Barnstable, eleven hundred dollars.
Berkshire.	For the county of Berkshire, sixteen hundred dollars.
Bristol.	For the county of Bristol, two thousand dollars.
Dukes County.	For the county of Dukes County, four hundred dollars.
Essex.	For the county of Essex, thirty-two hundred dollars.
Franklin.	For the county of Franklin, eleven hundred dollars.
Hampden.	For the county of Hampden, sixteen hundred dollars.
Hampshire.	For the county of Hampshire, twelve hundred dollars.
Middlesex.	For the county of Middlesex, thirty-six hundred dollars.
Norfolk.	For the county of Norfolk, nineteen hundred dollars.
Plymouth.	For the county of Plymouth, nineteen hundred dollars.
Worcester.	For the county of Worcester, thirty-four hundred dollars.
Repeal.	SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
July 1, 1879.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and seventy-nine.

Approved April 30, 1879.

Chap. 296

AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit: —

In the resolve, chapter two, in favor of the widow of James Long, the sum of five hundred dollars.

Widow of James Long.

In the resolve, chapter eight, in favor of the Massachusetts charitable eye and ear infirmary, the sum of nine thousand dollars.

Eye and Ear Infirmary.

In the resolve, chapter twelve, in favor of the disabled soldiers' employment bureau, the sum of three thousand dollars.

Disabled soldiers' employment bureau.

In the resolve, chapter thirteen, in favor of the reform school at Westborough, a sum not exceeding two thousand five hundred dollars.

Reform School.

In the resolve, chapter fifteen, in favor of the state almshouse at Tewksbury, a sum not exceeding seven thousand five hundred dollars, in accordance with the provisions of said resolve.

State Almshouse.

In the resolve, chapter seventeen, in favor of the town of Williamstown, the sum of one hundred thirty-eight dollars and seventy-nine cents.

Town of Williamstown.

In the resolve, chapter eighteen, in favor of George White, the sum of three hundred fifty-two dollars and fifty-four cents.

George White.

In the resolve, chapter twenty-one, reimbursing the city of Chelsea and the towns of Northampton and Brockton for payments made on account of rent of armories, a sum not exceeding five hundred eighty-three dollars and forty-seven cents.

City of Chelsea and towns of Northampton and Brockton.

In the resolve, chapter twenty-three, in favor of James Melvin, a sum not exceeding ninety dollars.

James Melvin.

In the resolve, chapter twenty-six, in favor of Maria H. Sargent, the sum of two hundred dollars.

Maria H. Sargent.

In the resolve, chapter twenty-nine, to reimburse the city of Boston for abating a nuisance, the sum of eight thousand one hundred eighty-seven dollars and thirty cents.

City of Boston.

In the resolve, chapter thirty-two, in favor of Mark Pickering, the sum of two hundred dollars.

Mark Pickering.

In the resolve, chapter thirty-three, in favor of John Donnelly, the sum of one hundred dollars.

John Donnelly.

In the resolve, chapter thirty-four, in favor of the state beneficiaries in the asylums for the deaf and dumb, the sum of eleven thousand one hundred thirty-seven dollars and thirty-five cents.

Deaf and dumb.

In the act, chapter seventy-eight, establishing the compensation of the assistant clerks of the senate and house, the sum of one thousand six hundred dollars.

Assistant clerks of senate and house.

In the act, chapter one hundred and twenty-three, estab-

Attorney-general and assistant.

lishing the salary of the attorney-general and his assistant, a sum not exceeding one thousand eight hundred seventeen dollars and sixteen cents for the former, and a sum not exceeding one thousand four hundred thirty-two dollars and seventy-eight cents for the latter.

Commissioners on savings banks.

In the act, chapter one hundred and twenty-four, establishing the compensation of the commissioners on savings banks, a sum not exceeding three thousand six hundred sixteen dollars and sixty-six cents.

Inspector of gas meters.

In the act, chapter one hundred and seventy-two, establishing the compensation of the inspector of gas-meters, a sum not exceeding one thousand five hundred dollars.

Adjutant-general and employees.

In the act, chapter one hundred and ninety-seven, establishing the salaries of the adjutant-general and the employees in his department, a sum not exceeding twelve thousand one hundred thirty-eight dollars and thirty-one cents.

Bureau of statistics.

For the salary of the chief of the bureau of statistics of labor, a sum not exceeding one thousand eight hundred and seventy-five dollars; and for the salary of his clerk, a sum not exceeding one thousand one hundred and twenty-five dollars.

Agricultural societies.

For bounties to agricultural societies, a sum not exceeding sixteen thousand eight hundred dollars.

Board of agriculture.

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

Deaf and dumb.

For the board and tuition of state beneficiaries in the asylums for the deaf and dumb, a sum not exceeding twenty-five thousand dollars.

Normal schools.

For the support of normal schools, a sum not exceeding thirty-five thousand dollars; to be paid from the moiety of the income of the school fund applicable to educational purposes.

Normal school building.

For repairs upon the Bridgewater normal school building, a sum not exceeding five hundred dollars; and for insurance of the boarding houses at the normal schools, a sum not exceeding three hundred dollars, which may be allowed and paid; but hereafter no board or officer shall be allowed to insure any property of the Commonwealth without special authority of law.

For the support of the state normal art school, a sum not exceeding thirteen thousand dollars.

Normal Art School.

For the salaries and expenses of the agents of the board of education, a sum not exceeding four thousand nine hundred dollars.

Board of Education.

For expenses incurred in the construction and repair of roads in the town of Mashpee, a sum not exceeding three hundred dollars.

Roads in town of Mashpee.

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

Approved April 30, 1879.

AN ACT TO PROVIDE FOR THE RECOVERY OF DAMAGES FOR INJURIES CAUSED BY THE USE OF INTOXICATING LIQUORS.

Chap. 297

Be it enacted, &c., as follows :

SECTION 1. Every husband, wife, child, parent, guardian, employer, or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person; and any person or persons owning, renting, leasing, or permitting the occupation of, any building or premises, and having knowledge that intoxicating liquors are to be sold therein, or who, having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors, shall, if any such liquors sold or given therein, have caused, in whole or in part, the intoxication of any person, be liable, severally or jointly, with the person or persons selling or giving intoxicating liquors as aforesaid, for all damages sustained, and the same may be recovered in an action of tort: *provided, however,* that no owner or lessor of any building or premises held under lease at the date of the passage of this act shall be liable, under the provisions of this act, for any damage resulting from the lawful sale or giving away of spirituous or intoxicating liquors on said premises during the term of such lease. A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use; and all damages recovered by a minor, under this act, shall be paid either to such minor, or to such person, in trust for him, and on such terms, as the court may direct. In case of the death of either party, the action, and right of action, shall survive to or against his executor or administrator.

Recovery of damages for injuries caused by the use of intoxicating liquors.

Proviso.

Married woman may bring action in her own name.

License not to be granted without written consent of owner of building.

Owner may recover of tenant.

SECTION 2. No license for the sale of intoxicating liquors shall hereafter be granted without the consent, in writing, of the owner or lessor of the building or premises upon which the business is to be conducted; and the paper containing said written consent shall be kept on file by the clerk of the city or town in which said license is issued.

SECTION 3. Any owner or lessor of real estate, who shall pay any money on account of his liability incurred under this act, for any act of his tenant, may, in an action of contract, recover of such tenant the money so paid.

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

Approved April 30, 1879.

Chap. 298 AN ACT TO APPORTION AND ASSESS A STATE TAX OF FIVE HUNDRED THOUSAND DOLLARS.

Be it enacted, &c., as follows:

State tax of \$500,000.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule; that is to say:—

Barnstable County.

BARNSTABLE COUNTY.

Barnstable . .	Seven hundred and eighty dollars .	\$780 00
Brewster . .	Two hundred and five dollars .	205 00
Chatham . .	Two hundred and fifty dollars .	250 00
Dennis . .	Four hundred and sixty dollars .	460 00
Eastham . .	Sixty-five dollars	65 00
Falmouth . .	Six hundred and eighty-five dollars	685 00
Harwich . .	Three hundred and twenty-five dollars,	325 00
Mashpee . .	Thirty dollars.	30 00
Orleans . .	One hundred and fifty dollars .	150 00
Provincetown .	Five hundred and fifty dollars .	550 00
Sandwich . .	Four hundred and five dollars .	405 00
Truro . .	Ninety dollars	90 00
Wellfleet . .	Two hundred and seventy dollars .	270 00
Yarmouth . .	Four hundred and twenty dollars .	420 00
		<hr/> \$4,685 00

BERKSHIRE COUNTY.

Berkshire
County.

Adams . .	Six hundred and thirty dollars .	\$630 00
Alford . .	Eighty dollars	80 00
Becket . .	One hundred and forty dollars .	140 00
Cheshire . .	Three hundred and five dollars .	305 00
Clarksburg . .	Seventy-five dollars	75 00
Dalton . .	Three hundred and sixty-five dollars	365 00
Egremont . .	One hundred and seventy dollars .	170 00
Florida . .	Sixty dollars	60 00
Gt. Barrington .	Nine hundred and fifty-five dollars.	955 00
Hancock . .	One hundred and twenty-five dollars	125 00
Hinsdale . .	Two hundred and forty dollars .	240 00
Lanesborough .	Two hundred and twenty dollars .	220 00
Lee	Five hundred and sixty dollars .	560 00
Lenox . . .	Four hundred dollars	400 00
Monterey . .	Eighty dollars	80 00
Mt. Washington	Twenty-five dollars	25 00
New Ashford .	Twenty-five dollars	25 00
New Marlboro' .	Two hundred and forty dollars .	240 00
North Adams .	One thousand two hundred and fifteen dollars	1,215 00
Otis	Eighty dollars	80 00
Peru	Forty-five dollars	45 00
Pittsfield . .	Two thousand five hundred and thirty dollars	2,530 00
Richmond . .	One hundred and sixty-five dollars	165 00
Sandisfield . .	One hundred and twenty-five dollars	125 00
Savoy . . .	Sixty-five dollars	65 00
Sheffield . .	Three hundred and thirty-five dollars	335 00

Berkshire
County.

BERKSHIRE COUNTY—CONCLUDED.

Stockbridge .	Seven hundred and eighty-five dol- lars	\$785 00
Tyringham .	Seventy-five dollars	75 00
Washington .	Seventy dollars	70 00
W. Stockbridge	Two hundred and fifty dollars .	250 00
Williamstown .	Five hundred and twenty dollars .	520 00
Windsor . .	Sixty-five dollars	65 00
		<hr/> \$11,020 00

Bristol County.

BRISTOL COUNTY.

Acushnet . .	One hundred and seventy dollars .	\$170 00
Attleborough .	One thousand two hundred and nine- ty-five dollars	1,295 00
Berkley . .	Ninety dollars	90 00
Dartmouth .	Five hundred and twenty-five dollars	525 00
Dighton . .	Two hundred and thirty-five dollars	235 00
Easton . .	Eight hundred and thirty dollars .	830 00
Fairhaven . .	Four hundred and forty-five dollars	445 00
Fall River .	Thirteen thousand three hundred and fifty-five dollars	13,355 00
Freetown . .	Two hundred and ten dollars . .	210 00
Mansfield . .	Three hundred and thirty-five dollars	335 00
New Bedford .	Seven thousand two hundred and ninety dollars	7,290 00
Norton . .	Two hundred and forty-five dollars	245 00
Raynham . .	Three hundred and fifty dollars .	350 00
Rehoboth . .	Two hundred and thirty dollars .	230 00
Seekonk . .	One hundred and seventy-five dollars	175 00
Somerset . .	Three hundred dollars	300 00
Swansey . .	One hundred and ninety-five dollars	195 00

BRISTOL COUNTY—CONCLUDED.

Bristol County.

Taunton . .	Four thousand seven hundred and eighty-five dollars	4,785 00
Westport . .	Four hundred and ten dollars . .	410 00
		<hr/> \$31,470 00

DUKES COUNTY.

Dukes County.

Chilmark . .	Eighty-five dollars	\$85 00
Edgartown . .	Four hundred and eighty-five dollars	485 00
Gay Head . .	Five dollars	5 00
Gosnold . .	Fifty dollars	50 00
Tisbury . .	Two hundred dollars	200 00
		<hr/> \$825 00

ESSEX COUNTY.

Essex County.

Amesbury . .	Five hundred and ten dollars . .	\$510 00
Andover . .	One thousand and seventy-five dollars	1,075 00
Beverly . .	Two thousand three hundred and eighty dollars	2,380 00
Boxford . .	One hundred and seventy dollars .	170 00
Bradford . .	Three hundred and ninety dollars .	390 00
Danvers . .	One thousand and seventy dollars .	1,070 00
Essex . .	Two hundred and seventy-five dollars	275 00
Georgetown . .	Three hundred dollars	300 00
Gloucester . .	Two thousand five hundred dollars .	2,500 00
Groveland . .	Two hundred and fifty dollars .	250 00
Hamilton . .	One hundred and fifty dollars .	150 00
Haverhill . .	Three thousand dollars	3,000 00
Ipswich . .	Six hundred and five dollars . .	605 00

Essex County.

ESSEX COUNTY — CONCLUDED.

Lawrence . .	Six thousand three hundred and fifteen dollars	\$6,315 00
Lynn . .	Seven thousand four hundred and sixty dollars	7,460 00
Lynnfield . .	Two hundred and twenty-five dollars	225 00
Manchester . .	Four hundred and ninety dollars	490 00
Marblehead . .	One thousand one hundred and eighty-five dollars	1,185 00
Merrimac . .	Two hundred and eighty dollars	280 00
Methuen * . .	Six hundred and seventy dollars	670 00
Middleton . .	One hundred and thirty-five dollars	135 00
Nahant . .	Two thousand and seventy dollars	2,070 00
Newbury . .	Two hundred and eighty-five dollars	285 00
Newburyport . .	Two thousand one hundred and eighty-five dollars	2,185 00
North Andover . .	Six hundred and twenty dollars	620 00
Peabody . .	One thousand eight hundred and twenty-five dollars	1,825 00
Rockport . .	Six hundred and ten dollars	610 00
Rowley . .	One hundred and sixty dollars	160 00
Salem . .	Seven thousand three hundred and forty-five dollars	7,345 00
Salisbury . .	Six hundred and fifteen dollars	615 00
Saugus . .	Five hundred and ten dollars	510 00
Swampscott . .	Seven hundred and fifteen dollars	715 00
Topsfield . .	Two hundred and fifteen dollars	215 00
Wenham . .	One hundred and sixty-five dollars	165 00
West Newbury . .	Three hundred and ten dollars	310 00
		<hr/> \$47,065 00

FRANKLIN COUNTY.

Franklin
County.

Ashfield . .	One hundred and fifty-five dollars .	\$155 00
Bernardston . .	One hundred and twenty dollars .	120 00
Buckland . .	One hundred and seventy-five dollars	175 00
Charlemont . .	One hundred and five dollars . .	105 00
Colrain . .	One hundred and ninety-five dollars	195 00
Conway . .	Two hundred and thirty dollars .	230 00
Deerfield . .	Four hundred and seventy-five dol- lars	475 00
Erving . .	One hundred dollars	100 00
Gill . .	One hundred and thirty-five dollars	135 00
Greenfield . .	Eight hundred and eighty-five dol- lars	885 00
Hawley . .	Fifty dollars	50 00
Heath . .	Fifty-five dollars	55 00
Leverett . .	Ninety-five dollars	95 00
Leyden . .	Sixty-five dollars	65 00
Monroe . .	Fifteen dollars	15 00
Montague . .	Five hundred and seventy-five dol- lars	575 00
New Salem . .	Ninety-five dollars	95 00
Northfield . .	Two hundred and fifteen dollars .	215 00
Orange . .	Four hundred and forty-five dollars	445 00
Rowe . .	Fifty dollars	50 00
Shelburne . .	Two hundred and sixty-five dollars	265 00
Shutesbury . .	Fifty dollars	50 00
Sunderland . .	One hundred and thirty-five dollars	135 00
Warwick . .	Eighty-five dollars	85 00
Wendell . .	Fifty dollars	50 00
Whately . .	Two hundred and twenty dollars .	220 00
		<hr/> \$5,040 00

Hampden
County.

HAMPDEN COUNTY.

Agawam . .	Three hundred and fifty-five dollars	\$355 00
Blandford . .	One hundred and fifteen dollars .	115 00
Brimfield . .	One hundred and sixty-five dollars .	165 00
Chester . .	One hundred and fifty-five dollars .	155 00
Chicopee . .	One thousand six hundred and fif- teen dollars	1,615 00
Granville . .	One hundred and twenty dollars .	120 00
Holland . .	Thirty-five dollars	35 00
Holyoke . .	Two thousand eight hundred and eighty dollars	2,880 00
Longmeadow .	Three hundred and eighty dollars .	380 00
Ludlow . .	One hundred and fifty-five dollars .	155 00
Monson . .	Four hundred and five dollars . .	405 00
Montgomery .	Forty dollars	40 00
Palmer . .	Five hundred and twenty dollars .	520 00
Russell . .	One hundred and fifteen dollars .	115 00
Sontheick . .	One hundred and seventy-five dollars	175 00
Springfield .	Eleven thousand and fifteen dollars	11,015 00
Tolland . .	Sixty-five dollars	65 00
Wales . .	One hundred and twenty-five dollars	125 00
Westfield . .	One thousand nine hundred and eighty-five dollars	1,985 00
W. Springfield .	Eight hundred and thirty dollars .	830 00
Wilbraham . .	Two hundred and seventy-five dollars	275 00
		<hr/> \$21,525 00

Hampshire
County.

HAMPSHIRE COUNTY.

Amherst . .	Seven hundred and five dollars .	\$705 00
Belchertown .	Three hundred dollars	300 00
Chesterfield .	Ninety dollars	90 00

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
County.

Cummington . .	One hundred and twenty dollars . .	\$120 00
Easthampton . .	Seven hundred and five dollars . .	705 00
Enfield	Two hundred and ten dollars	210 00
Goshen	Thirty-five dollars	35 00
Granby	One hundred and forty-five dollars . .	145 00
Greenwich . . .	Eighty-five dollars	85 00
Hadley	Four hundred and five dollars . .	405 00
Hatfield	Three hundred and fifty-five dollars .	355 00
Huntington . . .	One hundred and forty-five dollars . .	145 00
Middlefield . . .	One hundred and five dollars	105 00
Northampton . .	Two thousand one hundred and fifteen dollars	2,115 00
Pelham	Fifty dollars	50 00
Plainfield . . .	Sixty-five dollars	65 00
Prescott	Fifty-five dollars	55 00
South Hadley . .	Five hundred and twenty-five dollars .	525 00
Southampton . .	One hundred and forty dollars	140 00
Ware	Five hundred and thirty-five dollars .	535 00
Westhampton . .	Eighty dollars	80 00
Williamsburg . .	Three hundred and eighty dollars . .	380 00
Worthington . . .	One hundred dollars	100 00
		<hr/> \$7,450 00

MIDDLESEX COUNTY.

Middlesex
County.

Acton	Three hundred and sixty dollars . .	\$360 00
Arlington . . .	One thousand six hundred and seventy dollars	1,670 00
Ashby	One hundred and fifty dollars	150 00
Ashland	Four hundred and five dollars	405 00

Middlesex
County.

MIDDLESEX COUNTY — CONTINUED.

Ayer . . .	Three hundred and five dollars .	\$305 00
Bedford . . .	Two hundred and five dollars .	205 00
Belmont . . .	One thousand one hundred and twenty dollars	1,120 00
Billerica . . .	Four hundred and seventy-five dol- lars	475 00
Boxborough . .	Seventy-five dollars	75 00
Burlington . .	One hundred and forty-five dollars .	145 00
Cambridge . .	Seventeen thousand three hundred and eighty-five dollars . . .	17,385 00
Carlisle . . .	One hundred and five dollars . . .	105 00
Chelmsford . .	Four hundred and fifteen dollars .	415 00
Concord . . .	Eight hundred and forty dollars .	840 00
Dracut	Two hundred and eighty dollars .	280 00
Dunstable . . .	Ninety-five dollars	95 00
Everett	One thousand one hundred and sixty dollars	1,160 00
Framingham . .	One thousand three hundred and five dollars	1,305 00
Groton	Six hundred and ten dollars . . .	610 00
Holliston . . .	Five hundred and twenty dollars .	520 00
Hopkinton . .	Six hundred and forty dollars . .	640 00
Hudson	Four hundred and seventy-five dol- lars	475 00
Lexington . . .	Eight hundred and fifteen dollars .	815 00
Lincoln	Two hundred and thirty-five dollars	235 00
Littleton . . .	Two hundred and ten dollars . . .	210 00
Lowell	Ten thousand five hundred and fifty dollars	10,550 00
Malden	Two thousand six hundred dollars .	2,600 00
Marlborough . .	Nine hundred and forty dollars .	940 00
Maynard	Three hundred and sixty-five dollars	365 00
Medford	Two thousand five hundred and sixty-five dollars	2,565 00

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
County.

Melrose . .	One thousand one hundred and ninety dollars	\$1,190 00
Natick . .	One thousand and thirty-five dollars	1,035 00
Newton . .	Eight thousand and forty dollars .	8,040 00
North Reading .	One hundred and twenty-five dollars	125 00
Pepperell . .	Four hundred dollars	400 00
Reading . .	Six hundred and fifty dollars . .	650 00
Sherborn . .	Two hundred and fifty dollars .	250 00
Shirley . .	Two hundred and sixty-five dollars .	265 00
Somerville .	Seven thousand seven hundred and twenty dollars	7,720 00
Stoneham . .	Eight hundred and sixty dollars .	860 00
Stow . . .	One hundred and ninety-five dollars	195 00
Sudbury . .	Two hundred and eighty dollars .	280 00
Tewksbury .	Two hundred and fifty dollars .	250 00
Townsend . .	Two hundred and thirty dollars .	230 00
Tyngsborough .	Eighty-five dollars	85 00
Wakefield . .	One thousand two hundred and seventy dollars	1,270 00
Waltham . .	Two thousand seven hundred and thirty-five dollars	2,735 00
Watertown . .	Two thousand one hundred and forty dollars	2,140 00
Wayland . .	Three hundred and ten dollars .	310 00
Westford . .	Three hundred and ten dollars .	310 00
Weston . .	Four hundred and sixty dollars .	460 00
Wilmington .	One hundred and fifty dollars .	150 00
Winchester .	One thousand two hundred and fifty- five dollars	1,255 00
Woburn . .	Two thousand three hundred and seventy-five dollars	2,375 00
		<hr/> \$79,600 00

Nantucket
County.

NANTUCKET COUNTY.

Nantucket . .	Six hundred and sixty-five dollars .	\$665 00
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Norfolk County.

NORFOLK COUNTY.

Bellingham . .	One hundred and fifty dollars . .	\$150 00
Braintree . .	Seven hundred and fifty dollars .	750 00
Brookline . .	Seven thousand nine hundred and five dollars	7,905 00
Canton . .	Eight hundred and seventy dollars .	870 00
Cohasset . .	Six hundred and forty dollars .	640 00
Dedham . .	One thousand six hundred and sixty- five dollars	1,665 00
Dover . .	One hundred and twenty dollars .	120 00
Foxborough . .	Four hundred and eighty-five dollars	485 00
Franklin . .	Four hundred and fifteen dollars .	415 00
Holbrook . .	Four hundred and thirty dollars .	430 00
Hyde Park . .	One thousand seven hundred and forty-five dollars	1,745 00
Medfield . .	Two hundred and eighty dollars .	280 00
Medway . .	Five hundred and ten dollars . .	510 00
Milton . .	Two thousand one hundred and forty dollars	2,140 00
Needham . .	One thousand two hundred and twenty dollars	1,220 00
Norfolk . .	One hundred and fifty-five dollars .	155 00
Norwood . .	Four hundred and seventy dollars .	470 00
Quincy . .	One thousand nine hundred and fifty dollars	1,950 00
Randolph . .	Six hundred and eighty-five dollars	685 00
Sharon . .	Two hundred and sixty-five dollars	265 00
Stoughton . .	Six hundred and ninety-five dollars	695 00
Walpole . .	Four hundred and fifteen dollars .	415 00

NORFOLK COUNTY — CONCLUDED.

Norfolk
County.

Weymouth . .	One thousand six hundred and ninety dollars	\$1,690 00
Wrentham . .	Three hundred and twenty-five dol- lars	325 00
		<hr/> \$25,975 00

PLYMOUTH COUNTY.

Plymouth
County.

Abington . .	Four hundred and seventy dollars .	\$470 00
Bridgewater . .	Seven hundred and fifteen dollars .	715 00
Brockton . .	One thousand five hundred and sixty-five dollars	1,565 00
Carver . . .	One hundred and sixty-five dollars	165 00
Duxbury . .	Three hundred and seventy-five dol- lars	375 00
E. Bridgewater .	Three hundred and eighty-five dol- lars	385 00
Halifax . . .	Eighty-five dollars	85 00
Hanover . . .	Two hundred and seventy-five dollars	275 00
Hanson . . .	One hundred and sixty-five dollars .	165 00
Hingham . . .	Nine hundred and seventy-five dollars	975 00
Hull	One hundred and sixty dollars .	160 00
Kingston . . .	Four hundred and sixty-five dollars	465 00
Lakeville . . .	One hundred and sixty dollars .	160 00
Marion . . .	One hundred and thirty-five dollars	135 00
Marshfield . .	Two hundred and seventy-five dollars	275 00
Mattapoisett . .	Three hundred and forty dollars .	340 00
Middleborough .	Seven hundred and twenty dollars .	720 00
Pembroke . . .	Two hundred dollars	200 00
Plymouth . . .	One thousand two hundred and forty dollars	1,240 00
Plympton . . .	Ninety dollars	90 00
Rochester . . .	One hundred and forty dollars .	140 00

Plymouth
County.

PLYMOUTH COUNTY — CONCLUDED.

Rockland . .	Five hundred and seventy-five dollars	\$575 00
Scituate . .	Four hundred and five dollars . .	405 00
South Abington.	Three hundred and ninety dollars .	390 00
South Scituate .	Three hundred and ten dollars .	310 00
Warcham . .	Three hundred and twenty-five dol- lars	325 00
W. Bridgewater.	Two hundred and sixty dollars .	260 00
		\$11,365 00

Suffolk County.

SUFFOLK COUNTY.

Boston . .	Two hundred and six thousand three hundred and seventy dollars,	\$206,370 00
Chelsea . .	Four thousand nine hundred and ten dollars	4,910 00
Revere . .	Five hundred and twenty dollars .	520 00
Winthrop . .	Two hundred and eighty dollars .	280 00
		\$212,080 00

Worcester
County.

WORCESTER COUNTY.

Ashburnham .	Three hundred and fifteen dollars .	\$315 00
Athol . .	Seven hundred and eighty-five dol- lars	785 00
Auburn . .	One hundred and sixty-five dollars .	165 00
Barre . .	Five hundred and thirty dollars .	530 00
Berlin . .	One hundred and forty dollars .	140 00
Blackstone .	Five hundred and ninety-five dollars	595 00
Bolton . .	One hundred and fifty-five dollars .	155 00
Boylston . .	One hundred and sixty dollars .	160 00
Brookfield .	Three hundred and ninety-five dol- lars	395 00
Charlton . .	Two hundred and eighty dollars .	280 00

WORCESTER COUNTY — CONTINUED.

Worcester
County.

Clinton . .	One thousand two hundred and thirty-five dollars	\$1,235 00
Dana . .	Eighty-five dollars	85 00
Douglas . .	Two hundred and sixty-five dollars	265 00
Dudley . .	Two hundred and ninety-five dollars	295 00
Fitchburg . .	Three thousand five hundred and forty-five dollars	3,545 00
Gardner . .	Five hundred and ninety dollars .	590 00
Grafton . .	Five hundred and forty-five dollars	545 00
Hardwick . .	Three hundred and five dollars .	305 00
Harvard . .	Three hundred and five dollars .	305 00
Holden . .	Two hundred and seventy-five dol- lars	275 00
Hubbardston . .	Two hundred and forty-five dollars	245 00
Lancaster . .	Six hundred and thirty-five dollars	635 00
Leicester . .	Five hundred and ninety-five dollars	595 00
Leominster . .	One thousand and seventy-five dol- lars	1,075 00
Lunenburg . .	Two hundred and fifteen dollars .	215 00
Mendon . .	One hundred and eighty-five dollars	185 00
Milford . .	One thousand four hundred and thirty dollars	1,430 00
Millbury . .	Seven hundred and thirty-five dollars	735 00
New Braintree . .	One hundred and thirty-five dollars	135 00
Northborough . .	Three hundred and fifty-five dollars	355 00
Northbridge . .	Six hundred and twenty-five dollars	625 00
N. Brookfield . .	Five hundred and twenty dollars .	520 00
Oakham . .	One hundred dollars	100 00
Oxford . .	Four hundred and thirty dollars .	430 00
Paxton . .	Ninety dollars	90 00
Petersham . .	One hundred and ninety-five dollars	195 00
Phillipston . .	Ninety dollars	90 00

Worcester
County.

WORCESTER COUNTY — CONCLUDED.

Princeton . .	Two hundred and fifty-five dollars .	\$255 00
Royalston . .	Two hundred and ten dollars . .	210 00
Rutland . .	One hundred and thirty dollars .	130 00
Shrewsbury . .	Three hundred and fifteen dollars .	315 00
Southborough . .	Three hundred and eighty-five dol- lars	385 00
Southbridge . .	Eight hundred and seventy-five dol- lars	875 00
Spencer . .	Seven hundred and seventy dollars .	770 00
Sterling . .	Three hundred and twenty dollars .	320 00
Sturbridge . .	Three hundred and twenty dollars .	320 00
Sutton . .	Four hundred and ten dollars . .	410 00
Templeton . .	Three hundred and seventy dollars .	370 00
Upton . .	Two hundred and forty-five dollars .	245 00
Uxbridge . .	Five hundred and ten dollars . .	510 00
Warren . .	Four hundred and thirty-five dollars	435 00
Webster . .	Seven hundred dollars	700 00
Westborough . .	Six hundred and seventy-five dollars	675 00
West Boylston . .	Three hundred and thirty dollars .	330 00
West Brookfield . .	Two hundred and forty dollars .	240 00
Westminster . .	Two hundred and forty-five dollars	245 00
Winchendon . .	Six hundred and twenty dollars .	620 00
Worcester . .	Fourteen thousand two hundred and fifty-five dollars	14,255 00
		<u>\$41,235 00</u>

Recapitulation
by counties.

RECAPITULATION.

Barnstable Co. .	Four thousand six hundred and eighty-five dollars	\$4,685 00
Berkshire Co. .	Eleven thousand and twenty dollars	11,020 00

RECAPITULATION — CONCLUDED.

Bristol Co. .	Thirty-one thousand four hundred and seventy dollars	\$31,470 00
Dukes Co. .	Eight hundred and twenty-five dollars	825 00
Essex Co. .	Forty-seven thousand and sixty-five dollars	47,065 00
Franklin Co. .	Five thousand and forty dollars .	5,040 00
Hampden Co. .	Twenty-one thousand five hundred and twenty-five dollars . . .	21,525 00
Hampshire Co. .	Seven thousand four hundred and fifty dollars	7,450 00
Middlesex Co. .	Seventy-nine thousand six hundred dollars	79,600 00
Nantucket Co. .	Six hundred and sixty-five dollars .	665 00
Norfolk Co. .	Twenty-five thousand nine hundred and seventy-five dollars . . .	25,975 00
Plymouth Co. .	Eleven thousand three hundred and sixty-five dollars	11,365 00
Suffolk Co. .	Two hundred and twelve thousand and eighty dollars	212,080 00
Worcester Co. .	Forty-one thousand two hundred and thirty-five dollars	41,235 00
		<hr/> \$500,000 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 the 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 tenth day of December in the year one thousand eight hundred and seventy-nine, the sums set against said cities and 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.

To notify treasurers of delinquent cities and towns.

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, dated on and after the tenth day of December next; and if the same remains unpaid after the first of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes, under such penalties as said court or the justice thereof before whom the hearing is had shall order.

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

Approved April 30, 1879.

Chap. 299

AN ACT TO REGULATE THE ASSESSMENT OF TAXES.

Be it enacted, &c., as follows:

State and county taxes to be assessed upon polls.

Amount in excess of one dollar to be assessed upon property.

Certificate of assessor to state portions assessed as state, county and town taxes, respectively.

Entire and indivisible tax.

Repeal.

SECTION 1. The assessors of the several cities and towns shall in each year assess upon the polls the state and county taxes authorized or required by law: *provided, however,* that in case either of said taxes shall exceed in amount the sum of one dollar upon each poll, the excess above said amount and in every case the whole amount assessed for other purposes shall be apportioned upon property as provided by chapter eleven of the General Statutes.

SECTION 2. The assessors of any city or town shall, upon application to any one of them by any person assessed therein, give such person a certificate, which shall state what portion of the whole amount of such person's tax is assessed as state tax, county tax, and town tax, respectively; in such case the collector shall receive and receipt for either of such taxes separately, or for all together, as may be desired by the tax payer; and in such case also the state tax assessed upon poll and property, and the county tax assessed upon poll and property, shall each constitute an entire and indivisible tax.

SECTION 3. Section thirty-one of chapter eleven of the General Statutes, and all other acts or parts of acts inconsistent herewith are hereby repealed; but this repeal

shall not affect any rights already accrued, or obligations already incurred, under existing laws.

SECTION 4. This act shall take effect upon its passage, and its provisions shall apply to the assessment of taxes to be assessed for the year eighteen hundred and seventy-nine.

Approved April 30, 1879.

To apply to assessment for the year 1879.

AN ACT RELATIVE TO CLERKS OF COURTS.

Chap. 300

Be it enacted, &c., as follows:

SECTION 1. Section twenty-two of chapter one hundred and twenty-one of the General Statutes is hereby amended by striking out the word "except," in the fourth line of said section, and inserting in place thereof the word "including;" and by adding after the word "furnish." in said line, the words "fees and moneys in proceedings relating to naturalization or for naturalization certificates, and all fees and moneys of whatever description or character received by them, or by any assistant, or other person in the offices of said clerks, or in their employ, for any acts done or services rendered in connection with their said offices." Section twenty-three of said chapter is hereby amended by inserting in the fifth line thereof, after the word "county," the words "without any abatement or deduction for expenses of clerk hire, or other expenses." Section one of chapter two hundred and ninety-five of the acts of the year eighteen hundred and sixty-seven is hereby amended by striking out the words "and to be accounted for as now provided by law," and by inserting after the word "county," in the last line of said section, the words "without any abatement or deduction for expenses of clerk hire, or other expenses."

Clerks to account under oath for all fees received.

To pay over fees to county treasurer.

SECTION 2. In case the clerks of the several courts shall cause any of the copies which they are required by law to furnish to be printed, they shall make no charge for such printed copies in excess of the amount actually paid for the printing thereof, and they may require the estimated cost of said printing to be paid in advance; and it shall be their duty to supervise the printing and correct the proof without charge. All written copies, including those prepared for printing, shall be charged for at the rate of twenty cents for each page of two hundred and twenty-four words.

Fees for copies.

SECTION 3. The fee to be charged and collected by the clerk for the primary declaration or application for the naturalization of aliens shall be one dollar. The fee to be charged and collected for the final declaration or applica-

Fees for naturalization.

tion for the naturalization of aliens shall be two dollars. The fee to be charged and collected for making out the papers for either of said declarations shall be one dollar.

Allowance for
clerical assist-
ance.

SECTION 4. The sums which the clerks of the several counties shall be allowed for extra clerical assistance shall be such as the county commissioners in their respective counties, and in the county of Suffolk the board of mayor and aldermen, shall approve and allow for extra clerical work actually performed. Said sum shall be paid in monthly instalments by the treasurers of the respective counties, to the person or persons employed on the certificates of the clerks of said counties that the work has actually been performed, the time occupied, and that the same was necessary, with the name of the person or persons employed, and the amounts due, and said certificates shall be approved and signed by at least a majority of the board of county commissioners, in their respective counties, and in Suffolk county by the vote of the board of mayor and aldermen.

Repeal.

SECTION 5. So much of section nine of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and sixty-six as allows the clerk of the superior court for civil business in Suffolk county to retain the sum of five hundred dollars out of the half surplus payable to the county; chapter two hundred and twenty-nine of the acts of the year eighteen hundred and seventy-three; chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-four; chapter twenty-six of the acts of the year eighteen hundred and seventy-five, and all other acts and parts of acts inconsistent herewith are hereby repealed.

To take effect
July 1, 1879.

SECTION 6. This act shall take effect on the first day of July in the year eighteen hundred and seventy-nine.

Approved April 30, 1879.

Chap. 301

AN ACT TO PROVIDE FOR THE PAYMENT OF STATE AID TO DISABLED SOLDIERS AND SAILORS AND THEIR FAMILIES, AND THE FAMILIES OF DECEASED SOLDIERS AND SAILORS.

Be it enacted, &c., as follows:

State aid to
disabled soldiers
and sailors and
their families,
and families of
deceased
soldiers and
sailors.

SECTION 1. Any city or town may raise money for the purposes of this act; and the treasurers thereof may, under the direction of the mayor and aldermen or the selectmen thereof, under the following conditions, pay state aid to, or expend it for, any person having a residence and actually residing in such city or town, who is not receiving aid from any other state, nor from any other

city or town in this state, and who was an actual resident of this state on the twenty-third day of April in the year eighteen hundred and sixty-six, and who shall be in such necessitous circumstances as to require further public assistance, and who shall belong to either of the following classes; to wit:—

First Class.—Invalid pensioners of the United States who served in the army or navy to the credit of the state of Massachusetts between the nineteenth day of April in the year eighteen hundred and sixty-one, and the first day of September in the year eighteen hundred and sixty-five, or, being actual residents of this state at the time of their enlistment, served to the credit of any other state between the nineteenth day of April in the year eighteen hundred and sixty-one, and the eighteenth day of March in the year eighteen hundred and sixty-two, who have been honorably discharged from said service, and who are so far disabled by their service in the army or navy as aforesaid, as to prevent them from following their ordinary and usual vocation. Invalid pensioners.

Second Class.—Dependent relatives of soldiers or sailors who have served in the manner and under the limitations described for the service of invalid pensioners of the first class, and have, if not dying in such service, been honorably discharged therefrom, as follows; namely:—The widows, children, and widowed mothers, of soldiers or sailors dying in such service, or dying after their honorable discharge therefrom of wounds or disease incurred in said service, or dying while in the receipt of a pension of the United States and the state aid of this state, and the wives, children, and widowed mothers of invalid pensioners of the first class receiving from the United States at least one-half the amount allowed for total disability. Dependent relatives of soldiers and sailors.

Third Class.—Dependent relatives of soldiers or sailors who served as aforesaid to the credit of the state of Massachusetts between the nineteenth day of April in the year eighteen hundred and sixty-one, and the first day of September in the year eighteen hundred and sixty-five, who appear on the rolls of their respective regiments or companies, in the office of the adjutant-general, to be missing, or to have been captured by the enemy, and who have not been exchanged, and have not returned from captivity, and who are not known to be alive, as follows; namely:—The widows, or wives, children, and widowed mothers, of such soldiers or sailors: *provided*, that no such relative of any such soldier or sailor shall belong to this class, or Dependent relatives.

Proviso.

be aided as such, if the municipal authorities granting the aid shall have good and sufficient reason to believe that such soldier or sailor deserted, or that he is still living, and wilfully absent from his family.

Persons receiving state aid prior to April 11, 1867.

Proviso.

Fourth Class. — Persons who were receiving state aid prior to the eleventh day of April in the year eighteen hundred and sixty-seven, and who were precluded therefrom by the provisions of the act of that date: *provided*, the mayor and aldermen or selectmen shall in each case be satisfied upon evidence first reported to the commissioners of state aid, and satisfactory to them, that justice and necessity require a continuance of the aid to prevent actual suffering.

Wife or widow not to receive aid unless married before discharge of soldier, etc., from service.

Commissioned officers.

SECTION 2. No wife or widow of any discharged soldier or sailor shall be held to belong to either of the foregoing classes, or be aided as such, unless she was married to him prior to his final discharge from the service aforesaid. No person shall be held to be a child in either the second, third or fourth classes above named, or shall be aided as such, who is over fourteen years of age, or who was born after the father's discharge from the service aforesaid, or who was born after the first day of September in the year eighteen hundred and sixty-five; but the term "children" may be held to include any child born after the death of the father in said service. The words "invalid pensioners," "soldiers," and "sailors," singular or plural, used in this act, shall be held to include commissioned officers.

Persons paid aid under special acts to be classified under this act.

Special acts and resolves repealed.

SECTION 3. All persons specifically referred to, and to or for whom state aid is paid under any special act or resolve now in force, shall be held to belong to their appropriate classes under this act. — namely, soldiers and sailors to the first class, and the dependent relatives of soldiers and sailors to the second class, — notwithstanding the limitations of such classes; and state aid may be paid to or for such persons after the first day of January in the year eighteen hundred and eighty, in the same manner and under the same limitations that state aid is paid to other persons of their respective classes under this act. All special acts and resolves granting state aid are hereby repealed, the repeal thereof to take effect on the first day of January in the year eighteen hundred and eighty; but no state aid shall be paid under any such special act or resolve to or for any child over fourteen years of age of any soldier or sailor after the passage of this act, nor to any child of any soldier or sailor after the first day of Sep-

tember in the current year: *provided, however*, that this section shall not be held to apply to or to refer to chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, nor to any resolve specifically granting an annual sum to any soldiers or sailors for life, or for a term of years specified in such resolve.

Proviso.

SECTION 4. No state aid shall be paid under this act to or for any person of the first class to an amount exceeding three-fourths of the monthly amount of his pension, nor more than six dollars in any one month; and, if pensioned as a commissioned officer, he shall only be paid such proportion of state aid as he would be entitled to receive if his pension were based upon the rank of a private. No state aid shall be paid under this act to or for any person of the second, third or fourth classes, to an amount exceeding four dollars in any one month; and no more than eight dollars shall be paid to or for all the dependent relatives of any one soldier or sailor in any one month.

Limitation of payments.

SECTION 5. All aid furnished under this act shall be paid to or for the persons for whom it is intended for their future benefit; and no assignment thereof shall be valid or recognized, and it shall not be subject to trustee process. No back state aid shall be paid. No greater sum shall be paid to or for any person under this act than shall be necessary to furnish such person reasonable relief; and no aid shall be paid under its provisions to or for any person competent to support himself or herself, or in receipt of income, or in ownership of property, sufficient for his or her own support, nor to or for any person more than is necessary in addition to the income and property of such person for his or her personal relief, and no aid shall be paid under this act to any person not in such necessitous circumstances as to require further public assistance. No aid shall be paid under this act to or for any pensioner or dependent relative when the necessity therefor arises from the continuance in vicious or intemperate habits of said pensioner, or of the soldier or sailor on whose account the same is paid. No aid shall be paid under this act to or for any person convicted of any criminal offence, unless or until the municipal authorities and the commissioners of state aid otherwise determine.

Assignment invalid.

Not subject to trustee process.

Not to be paid to persons of intemperate habits.

SECTION 6. Persons making application for aid in any city or town under this act shall, as a basis for the first payment thereof, state in writing, under oath, the age and residence of the party for whom such aid is claimed; the relation of the claimant to the party who rendered the

Mode of application for aid.

service for which aid is claimed ; the company and regiment, or the vessel, if any, in which the officer, soldier or sailor enlisted, and in which he last served ; the date and place of such enlistment, when known ; the duration of such service, and the reason upon which the claim for aid is founded ; and furnish such official certificates of record, evidence of enlistment, service, and discharge, as may be required. Municipal authorities granting to such claimant any subsequent aid shall from time to time make such investigation into the necessities of said claimant and the facts of the case as to preclude any payment thereof contrary to the terms of this act. The original papers in each case shall be filed with the commissioners of state aid if required. It shall be the duty of the auditor to furnish from time to time to each city and town a sufficient number of suitable blank forms for the use of applicants for aid under this act.

Blank forms to be furnished by auditor.

Commissioners of state aid.

Board of appeal.

SECTION 7. The commissioners of state aid, appointed under chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, shall perform the duties of such commissioners under this act. Said commissioners shall constitute a board of appeal for invalid pensioners to decide upon all disputed questions relating to claims for aid arising between them and the municipal authorities under this act. Their decisions shall be final upon the points in question. Said commissioners may, upon appeals, decide or refuse to decide, upon the necessity of the claimant for the aid ; and if they shall decide upon that question, and that he is in all respects entitled to aid under this act, they may authorize its monthly payment to him according to this act, under such limitations as they may impose, for a term not exceeding one year, but not after this act shall become void. Said commissioners shall investigate all payments of state aid under this act, so far as the interests of the Commonwealth may require.

Investigation of claims for reimbursement.

Said commissioners may with the consent of the governor appoint, as occasion may require, a disinterested person whose duty it shall be to investigate any claim or claims made against the Commonwealth for reimbursement under this act, who may examine any persons to or for whom state aid has been paid under this act, and investigate the reasons therefor, and all matters relating to the granting of such aid, and report his doings to said commissioners. The reasonable expenses of the commissioners and the expenses and compensation of any such

disinterested person approved by said commissioners, and allowed by the governor and council, shall be paid from the treasury of the Commonwealth.

SECTION 8. When any sum shall have been expended under and according to this act, the full amount so expended, the ages and names of the persons aided and the classes to which they severally belong, and the several sums paid to or for each person, and the reasons for the expenditure in each case, and the names of the persons on account of whose services the aid was granted, and the names of the regiments and vessels, if any, in which they respectively enlisted and in which they last served, and the relationship of each dependent relative aided to the person on account of whose services the aid was granted, with such other details as the commissioners of state aid may require, shall be certified under oath to the auditor, in manner approved by him, by the mayor and a majority of the board of aldermen of any city, or by a majority of the selectmen of any town, disbursing the same, within ten days after the first day of the month next after the expenditure is made; and the commissioners of state aid shall examine the certificates thereof, and allow and endorse upon the same such sums as in their judgment have been paid and reported according to this act. In the allowance of said commissioners they may consider and decide upon the necessity of the amount paid in each case, and they may allow any portion thereof which they may deem proper and lawful, but they shall allow and endorse the sums they have specifically authorized to be paid, under and according to their decisions authorized and provided for by section seven. The sums legally paid as aforesaid, and so allowed and endorsed by said commissioners, shall be reimbursed from the treasury of the Commonwealth to the several towns and cities expending the same, on or before the first day of December in the year next after the year in which the same have been paid, but none of the expenses attending the payment of state aid shall be reimbursed.

Cities and towns to certify under oath to the auditor.

Allowance by the commissioners.

Reimbursement from the state.

SECTION 9. Moneys paid under this act shall be held to be military aid, and the payment thereof to or for any person shall create in him no disqualification to vote.

Not to cause disqualification to vote.

SECTION 10. The provisions of this act shall continue in force until the first day of January in the year eighteen hundred and eighty-five and no longer; and no special act or resolve hereafter passed granting state aid to persons therein named, or their dependent relatives, shall continue

To continue in force until Jan. 1, 1885.

in force after that date unless otherwise expressly provided. But the expiration of this act shall not be held to revive any act or resolve, or any part thereof, in this act repealed.

Repeal of 1877,
192.

SECTION 11. Chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-seven is hereby repealed; but this act shall not be held to revive any act or resolve, or any part thereof, heretofore repealed; and wherever in section three of chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, reference is made to said chapter one hundred and ninety-two, such reference shall be held to be made to this act in place thereof.

To take effect
June 1, 1879.

SECTION 12. This act shall take effect upon the first day of June in the current year.

Approved April 30, 1879.

Chap. 302 AN ACT TO CONFIRM THE DOINGS OF THE FIRST CONGREGATIONAL SOCIETY OF LEE.

Be it enacted, &c., as follows:

Proceedings
ratified and con-
firmed.

SECTION 1. The proceedings of the First Congregational Society of Lee, relating to the election of its collectors and treasurers heretofore, are hereby ratified and confirmed, any defects or informalities therein to the contrary notwithstanding; and all the acts done by any and all of said collectors and treasurers are made valid and confirmed to the same extent as though they had been severally sworn and qualified to discharge the duties of their respective offices; and the officers chosen at the last annual meeting of said society are hereby declared to be duly elected officers of said society; and all other acts and proceedings of said corporation, so far as the same may be defective or invalid, are hereby ratified and confirmed.

Officers declared
to be duly
elected.

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

Approved April 30, 1879.

Chap. 303 AN ACT RELATING TO THE APPOINTMENT OF ASSISTANT CLERKS IN THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Appointment of
assistant clerks.

SECTION 1. The assistant clerk of the municipal court of the city of Boston for civil business shall hereafter be appointed in the manner provided by section twenty of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-four; and the assistant clerks of the municipal court of the city of Boston for criminal business shall hereafter be appointed in the manner provided by section six of chapter two hundred and

seventy-nine of the acts of the year eighteen hundred and sixty-six.

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

SECTION 3. This act shall take effect upon its passage.
Approved April 30, 1879.

AN ACT TO AMEND CHAPTER SEVENTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE, RELATING TO THE COMPENSATION OF THE CHAPLAINS, DOORKEEPERS, ASSISTANT DOORKEEPERS, POSTMASTER, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 304

Be it enacted, &c., as follows:

SECTION 1. The chaplains, doorkeepers, and assistant doorkeepers of the senate and house of representatives, and the postmaster, shall receive one hundred dollars each, the messengers shall receive fifty dollars each, and the pages twenty-five dollars each, for the regular annual session, in addition to the compensation provided for them in sections five, six, seven and eight of chapter seventy-eight of the acts of the year eighteen hundred and seventy-nine.

Salaries of chaplains, postmaster and doorkeepers.

SECTION 2. This act shall take effect upon its passage.
Approved April 30, 1879.

AN ACT TO CONSTITUTE A DISTRICT POLICE, AND TO ABOLISH THE STATE DETECTIVE FORCE.

Chap. 305

Be it enacted, &c., as follows:

SECTION 1. The governor may appoint in each district attorney's district not exceeding two officers, who shall be known as district police. Their term of office shall be three years; but any member thereof may be at any time removed by the governor. No person shall be appointed as a district police officer under this act unless first examined as to his character and qualifications for the duties of such office by or under the direction of some justice of the superior court sitting within the district for which such appointment is especially to be made, and unless a certificate thereof recommending such person for appointment is forwarded to and received by the governor.

District police. Two officers in each district attorney's district.

SECTION 2. Said district police shall have and exercise, not only within the district for which each member thereof shall be especially appointed, but also throughout the Commonwealth, all the common law and statutory powers of constables, except the service of civil process, and also all the statutory powers of police officers or watchmen, and may be transferred from one district to another; and

May exercise powers throughout the Commonwealth.

the governor may at any time command the services of said district police in suppressing riots and in preserving the peace.

Chief of district police.

SECTION 3. The governor shall designate one of said district police to be and to act as chief thereof, who shall, with the approval of the governor, make all needful rules for their government in the discharge of their duties, and the reports to be made by them; and shall have his office in the city of Boston, to be also approved by the governor. He shall have all the powers, and perform all the duties, conferred on the chief of the state detective force by section nine of chapter one hundred and sixty-two of the acts of the year eighteen hundred and seventy-six.

Officers to be sworn and give bonds.

SECTION 4. Each member of said district police shall, before entering upon the discharge of his official duties, be sworn to the faithful performance thereof, and shall give to the treasurer of the Commonwealth such bonds with sureties as the governor shall approve, in the penal sum of three thousand dollars, with condition that he shall faithfully perform his official duties, and account for all property which *ex officio* may come into his possession; and he may be, from time to time, required by the governor to renew said bonds; and, unless such oath of office is taken and said bond approved and filed within ten days from date of appointment, such appointment shall, at the expiration of that time, be deemed null.

Salaries and travelling expenses.

SECTION 5. The said district police shall each be paid out of the treasury of the Commonwealth an annual salary of twelve hundred dollars, in equal monthly payments, together with their actual and necessary travelling expenses when on duty, not exceeding the amounts actually paid out by them; and the officer designated as chief shall receive a sum, to be fixed by the governor, not exceeding five hundred dollars additional. All fees which under the laws the said district police 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 officer until he has made oath that he has paid over all such fees. All accounts of said officers 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.

Fees to be paid into treasury.

Not to receive money for official services, under penalty.

SECTION 6. Any person appointed as a district police officer under this act, who shall receive, directly or indirectly, any share in rewards, gift, or gratuity, on account of his official services, shall be punished by a fine not ex-

ceeding one hundred dollars, or imprisonment in the house of correction not exceeding three months, and shall also be dishonorably discharged from his office.

SECTION 7. The police commissioners of the city of Boston, and the mayor and aldermen of any city of twenty thousand inhabitants or upwards, may license any citizen of their respective cities to act as a private detective, for the detection, prevention, and punishment of crime, for the term of one year, unless his license is sooner revoked for cause. The fee for such license shall be ten dollars, to be paid into the city treasury; and each person so licensed shall give bond with two sureties to the city treasurer, to be approved by the board giving such license, in the sum of three thousand dollars, conditional for the proper discharge of the services which he may perform by virtue of such license; but nothing herein contained shall be construed to confer, on any person licensed as aforesaid, any of the power and authority of constables or police officers.

Private
detectives to be
licensed.

Fee for license.

SECTION 8. Whoever, not being licensed as provided in section seven of this act, shall engage in the general business of a private detective, or advertise, or hold himself out as a private detective for the detection, prevention, and punishment of crime or for any other purpose, or who shall falsely assume or pretend to be a district policeman, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the house of correction not exceeding six months, or by both such fine and imprisonment: *provided*, that nothing herein contained shall be held to apply to any detective of another state coming within this Commonwealth in the performance of his duties.

Penalties for
acting without
license.

Proviso.

SECTION 9. So much of chapter fifteen of the acts of the year eighteen hundred and seventy-five, and acts in amendment thereof, as provides for the establishment and maintenance of a state detective force, is hereby repealed, and the offices created thereby are abolished.

Repeal.

SECTION 10. All property seized under warrants by state detectives in the execution of any law or process, and remaining in their custody, or in the custody of the chief of the state detective force, shall be delivered by them to the sheriff of the county in which it was seized; and said sheriff or his deputies shall 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 detectives or said chief would have been authorized to do.

Property seized
by state detec-
tives, to be
turned over to
the sheriff of
the county.

SECTION 11. All the property of the Commonwealth now in the keeping of said chief or of said detectives, in-

Property of the
Commonwealth

to be turned over.

cluding all books and records, shall, upon the passage of this act, be transferred to such state officer as the governor shall designate, and shall be disposed of by the governor and council.

Powers of chief of state detective force conferred upon chief of district police.

SECTION 1. The duties, obligations, and powers of the chief of the state detective force, under chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy-seven, shall be conferred upon and transferred to the chief of said district police. The governor shall appoint two or more of said district police to act as inspectors of factories and public buildings. Said members of the district police so appointed shall have the powers conferred upon and perform the duties required of such inspectors under said chapter.

Inspectors of factories and public buildings.

SECTION 13. This act shall take effect upon its passage.
Approved April 30. 1879.

Chap. 306 AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES."

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified; and shall be held to be in addition to any sums heretofore appropriated therefor the present year.

Sewage at state prison for women.

For expenses incurred under authority of chapter two hundred and fourteen of the acts of the present year, relative to sewage at the state prison for women, a sum not exceeding thirteen thousand dollars.

Indigent soldiers and sailors.

For expenses incurred under authority of chapter two hundred and fifty-two of the acts of the present year, entitled "An Act for the benefit of Indigent Soldiers and Sailors," a sum not exceeding three thousand dollars.

Fanny Ross.

In the resolve, chapter thirty-eight, in favor of Fanny Ross, the sum of two hundred dollars.

Counsel in suit brought by Troy and Greenfield Railroad.

In the resolve, chapter four, directing the attorney-general to protect the interests of the Commonwealth in the suit brought by the Troy and Greenfield Railroad Company, a sum not exceeding five thousand dollars; and the governor, with the advice and consent of the council, is hereby authorized and required to provide such additional counsel as, in their discretion, may be necessary to aid the attorney-general in his duties under said resolve, and the expense of the same may be paid from this appropriation.

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

Mileage of senators.

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

Mileage of representatives.

For the compensation of doorkeepers, messengers and pages to the legislature, a sum not exceeding four thousand dollars.

Doorkeepers and messengers.

The appropriation heretofore made for expenses of legislative committees may be held applicable for the payment of expenses incurred by any committee authorized to sit during the recess.

Expenses of legislative committees.

For the salary of the deputy tax commissioner and commissioner of corporations, the sum of two thousand two hundred and fifty dollars.

Deputy tax commissioner.

For the salary of the first clerk of the tax commissioner, the sum of one thousand three hundred and fifty dollars.

First clerk.

For the salary of the second clerk of the tax commissioner, the sum of nine hundred and seventy-five dollars.

Second clerk.

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

Additional clerical assistance.

For the salary of the secretary of the state board of health, the sum of six hundred and twenty-five dollars.

Secretary of state board of health.

For expenses of the board of health, a sum not exceeding six hundred dollars.

Expenses.

For the compensation and expenses of the inspector of gas-meters, the sum of one thousand five hundred dollars.

Inspector of gas-meters.

For the salary and expenses of the secretary of the board of education, the sum of two thousand one hundred and seventy-five dollars.

Secretary of board of education.

For the salary of the assistant librarian, the sum of one thousand five hundred dollars.

Assistant librarian.

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

Additional clerical assistance.

For the salary of the secretary of the board of agriculture, one thousand five hundred forty-one dollars and sixty-six cents; and for the salary of the clerk for said secretary, seven hundred sixty-six dollars and sixty-six cents.

Secretary of board of agriculture, and clerk.

For the salary of the attorney for the county of Suffolk, the sum of three thousand four hundred dollars.

Attorney for Suffolk.

For the salaries of the attorneys for the northern, eastern, south-eastern, southern, middle and western districts, the sum of one thousand one hundred fifty-three dollars and thirty-three cents each.

Northern, eastern, south-eastern, southern, middle and western districts.

North-western district.	For the salary of the attorney for the north-western district, the sum of nine hundred and fifteen dollars.
Assistant attorneys for Suffolk.	For the salary of the assistant attorney for the county of Suffolk, the sum of one thousand eight hundred and thirty dollars; and for the salary of the second assistant attorney for the county of Suffolk, the sum of one thousand five hundred dollars.
Clerk.	For the salary of the clerk of the attorney for the county of Suffolk, the sum of seven hundred and fifty dollars.
Clerk of supreme judicial court.	For the salary of the clerk of the supreme judicial court, the sum of two thousand two hundred and fifty dollars.
Reporter.	For the salary of the reporter of decisions of the supreme judicial court, the sum of two hundred and twenty-five dollars.
Clerk hire and incidentals.	For clerk hire and incidental expenses of the reporter of decisions of the supreme judicial court, a sum not exceeding one hundred and twenty-five dollars.
Contagious and infectious diseases.	For expenses incurred under authority of chapter twenty-four of the acts of the year eighteen hundred and seventy-eight, the sum of eighty-four dollars and eighty cents.
Land commissioners.	For the compensation and expenses of the land commissioners, a sum not exceeding one thousand two hundred and fifty dollars.
Soldiers' bounties.	For the payment of bounties due to Massachusetts volunteers, a sum not exceeding five hundred dollars.
Military supplies.	Any sums of money received under the provisions of section eighty-six of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight, and from the sale of grass at the state camp-ground, may be expended by the quartermaster-general under the direction of the governor and council for the purchase of other military supplies, and for the care and improvement of said ground.
Camp ground.	
Small items of expenditure.	For small items of expenditure for which appropriations have been exhausted, or have reverted to the treasury in previous years, a sum not exceeding three hundred dollars.
Railroad commissioners.	For the salaries of the railroad commissioners, the sum of nine thousand dollars; and for the salaries of the clerks of said commission, the sum of three thousand seven hundred and fifty dollars.
Commissioners of prisons.	For expenses of the commissioners of prisons, a sum not exceeding five hundred and twenty-five dollars.
Courts of insolvency.	For expenses of courts of insolvency, a sum not exceeding one thousand five hundred dollars.

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

Approved April 30, 1879.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 307

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, unless otherwise ordered, for the purposes specified herein, and shall be held to be in addition to any appropriations heretofore made for like purposes, the present year:

Appropriations.

In the act, chapter two hundred and ninety-one, to create a state board of health, lunacy and charity, a sum not exceeding twenty-one thousand dollars.

Board of health, lunacy and charity.

In the act, chapter two hundred and ninety-two, relating to probate offices in the several counties, a sum not exceeding five hundred dollars.

Probate offices.

In the act, chapter two hundred and ninety-three, to provide for auditing the accounts of county officers, a sum not exceeding one thousand five hundred dollars.

Auditing accounts of county officers.

In the act "to provide for the payment of state aid to disabled soldiers and sailors and their families, and the families of deceased soldiers and sailors," a sum not exceeding one thousand dollars for expenses incurred in connection therewith.

State aid.

For the compensation of doorkeepers, messengers and pages to the legislature, a sum not exceeding two thousand one hundred dollars.

Doorkeepers and messengers.

For the compensation of the chaplains of the senate and house, the sum of one hundred dollars each.

Chaplains.

In the act "to establish a district police and abolish the state detective force," a sum not exceeding nine thousand dollars for the compensation of said police; a sum not exceeding five thousand dollars for their travelling expenses; and a sum not exceeding one thousand two hundred dollars for the incidental and contingent expenses.

District police.

In the resolve, in favor of Charles J. Cox, the sum of six hundred dollars.

Charles J. Cox.

In the settlement of claims under authority of chapter two hundred and fifty-five of the acts of the present year, or in settlement of cases now pending, there may be paid from any unappropriated moneys in the treasury such sum or sums as shall meet with the approval of the governor and council.

Claims against the Commonwealth.

For the salary of the chief justice of the superior court, the sum of three thousand seven hundred and twenty-five dollars.

Superior court: chief justice.

Associate justices.	For the salaries of the ten associate justices of the superior court, the sum of forty thousand dollars.
Probate and insolvency judges.	For the salaries of the judges of probate and insolvency, the sum of eighteen thousand four hundred and fifty dollars.
Registers and assistants.	For the salaries of the registers of probate and insolvency, the sum of sixteen thousand two hundred dollars; and for the salaries of the assistant registers of probate and insolvency, the sum of five thousand three hundred and twenty-five dollars.
Clerk.	For the salary of the clerk for the register of Suffolk county, the sum of nine hundred dollars.
Assayer of liquors.	For the salary of the assayer and inspector of liquors, the sum of five hundred forty-one dollars and sixty-six cents.
Term reports.	For term reports, a sum not exceeding three thousand five hundred dollars.
Normal schools.	For aid to attendants in normal schools, a sum not exceeding two thousand dollars.
Weights and measures.	For weights, measures, etc., for the use of towns, a sum not exceeding eight hundred dollars.
Surgeon-general.	For expenses of the surgeon-general, a sum not exceeding five hundred dollars.
Attorney-general.	For expenses of the attorney-general's department, a sum not exceeding five hundred dollars.
Prison commissioners.	For fitting up the room at the state house for the use of the commissioners on prisons, a sum not exceeding three hundred dollars.
Back Bay lands.	The residue of the moiety of proceeds of Back Bay lands applicable to improvements is hereby appropriated in accordance with the statutes.
Arsenal buildings at Cambridge.	Any sums of money received for rents of the arsenal buildings at Cambridge, may be used for the repair of said buildings, or for the purchase of supplies for the use of the militia as the quartermaster-general with the approval of the governor and council may direct.
Printing and binding for legislature.	For printing and binding for the senate and house of representatives, a sum not exceeding seven thousand dollars.
Public documents.	For printing and binding the public series of documents, a sum not exceeding five thousand dollars.
State detective force.	For the salary of the chief of the state detective force, a sum not exceeding two hundred eight dollars and thirty-three cents; for the compensation of detectives, a sum not exceeding three thousand dollars; for travelling expenses of said detectives, a sum not exceeding two

thousand dollars; and for incidental and contingent expenses, a sum not exceeding three hundred dollars.

From the appropriation made in chapter two hundred and sixteen of the acts of the present year, for reimbursement to cities and towns for amounts paid as "relief to indigent soldiers and sailors," there may be used such sums as may be required for expenses in connection therewith.

Indigent
soldiers and
sailors.

The balance of the moiety of the income of the Massachusetts school fund, over and above what is required for the support of normal schools, shall be held applicable for the payment of other educational expenses for which appropriations have been made from the ordinary revenue of the present year.

Educational
expenses.

The appropriations heretofore made for the compensation and expenses of the harbor and land commissioners shall be held applicable under the provisions of chapter two hundred and sixty-three of the acts of the present year, for the compensation and expenses of the commission created thereby.

Harbor and land
commissioners.

For printing and binding extra copies of sundry public documents as authorized by the present legislature, a sum not exceeding four thousand dollars.

Extra public
documents.

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

Approved April 30, 1879.

RESOLVES, GENERAL AND SPECIAL.

Chap. 1 RESOLVE CONFIRMING THE ACTS OF THOMAS P. PROCTOR, AS A JUSTICE OF THE PEACE.

Acts done as justice of the peace, confirmed.

Resolved, That all acts done by Thomas P. Proctor, as a justice of the peace within and for the county of Suffolk, since the fourth day of November in the year eighteen hundred and seventy-seven, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved January 24, 1879.

Chap. 2 RESOLVE IN FAVOR OF THE WIDOW OF JAMES LONG.

Allowance to the widow of James Long.

Resolved, That there be allowed and paid to the widow of James Long, late a member of the House, the sum of five hundred dollars, being the amount of salary to which he would have been entitled had he lived until the close of the present session.

Approved February 7, 1879.

Chap. 3 RESOLVE CONFIRMING THE ACTS OF THOMAS CUNNINGHAM, AS A JUSTICE OF THE PEACE.

Acts done as a justice of the peace, confirmed.

Resolved, That all acts done by Thomas Cunningham, as a justice of the peace within and for the county of Middlesex, since the ninth day of May in the year eighteen hundred and seventy-three, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved February 7, 1879.

Chap. 4 RESOLVE DIRECTING THE ATTORNEY-GENERAL TO PROTECT THE INTERESTS OF THE COMMONWEALTH IN THE SUIT BROUGHT BY THE TROY AND GREENFIELD RAILROAD COMPANY.

Interests of the state to be protected, in a suit brought by the

Resolved, That the attorney-general be and hereby is directed to protect the interests of the Commonwealth in the suit brought by the Troy and Greenfield Railroad

Company to redeem a mortgage of the railroad and tunnel known as the Troy and Greenfield Railroad and Hoosac Tunnel; but no agent or attorney of the Commonwealth shall have any authority by his acts under this resolve or under any existing law, to alter or enlarge the jurisdiction of any court, or to give jurisdiction to any court in any suit concerning the redemption of said railroad or tunnel.

Troy and Greenfield Railroad Company.

Jurisdiction of courts not to be altered or enlarged.

Approved February 7, 1879.

RESOLVE RELATIVE TO STEREOTYPE AND OTHER PLATES, AND WOOD-CUTS BELONGING TO THE COMMONWEALTH.

Chap. 5

Resolved, That all stereotype, electrotype, steel and copper plates, and wood-cuts, owned by the Commonwealth, shall henceforth be in the charge and custody of the secretary of the Commonwealth, to be by him cared for and disposed of as in his judgment the best interests of the Commonwealth may require.

Stereotype plates, etc., to be in charge of the secretary of the Commonwealth.

Approved February 12, 1879.

RESOLVE RELATIVE TO THE DISTRIBUTION OF CERTAIN DOCUMENTS.

Chap. 6

Resolved, That the copies of the reports, which by section five of chapter two hundred and forty-eight of the acts of the year eighteen hundred and seventy-seven, belonging to the series of eighteen hundred and seventy-eight, were to be sold under the direction of the secretary of the Commonwealth, be released from the conditions of sale provided in said act, and placed in the hands of the secretary of the Commonwealth for general distribution.

Distribution of certain documents.

Approved February 14, 1879.

RESOLVE RELATING TO THE TRANSFER OF CERTAIN RECORD OF MARRIAGES FOR THE COUNTY OF SUFFOLK FROM THE YEAR SEVENTEEN HUNDRED AND SIXTEEN TO THE YEAR SEVENTEEN HUNDRED AND THIRTY-ONE.

Chap. 7

Resolved, That the clerk of the supreme judicial court for the county of Suffolk transfer to the city registrar of the city of Boston, the volume containing the record of marriages in Suffolk county from the year seventeen hundred and sixteen to the year seventeen hundred and thirty-one, inclusive.

Transfer of record of marriages in Suffolk county.

Approved February 19, 1879.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Chap. 8

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of nine thousand dollars, to the Massachusetts Charitable Eye and Ear In-

Allowance to Eye and Ear Infirmary.

firmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary for 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 February 21, 1879.*

- Chap. 9* RESOLVE PROVIDING FOR PAYMENT OF EXPENSES INCURRED IN BUILDING AN ADDITIONAL WORKSHOP AT THE NEW STATE PRISON.

Additional workshop at new state prison.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, a sum not exceeding two thousand one hundred and fifty dollars and twenty-two cents, to defray expenses incurred in building an additional workshop at the new state prison at Concord.

Approved February 21, 1879.

- Chap. 10* RESOLVE PROVIDING FOR THE PRINTING OF FIVE HUNDRED EXTRA COPIES OF THE REPORT OF THE COMMISSIONERS OF PRISONS RELATIVE TO THE REFORMATORY PRISON FOR WOMEN.

Report of commissioners of prisons.

Resolved, That five hundred extra copies of the report of the commissioners of prisons relative to the reformatory prison for women be printed for the use of said commissioners.

Approved February 26, 1879.

- Chap. 11* RESOLVES CONCERNING THE FISHERY CLAUSES OF THE TREATY OF WASHINGTON.

Fishery clauses of the Treaty of Washington.

Resolved, That justice to the fishermen and to the fishing interests of the country requires that articles eighteen and twenty-one of the treaty concluded between the United States and the government of Great Britain on the eighth day of May, A.D. eighteen hundred seventy-one, should be terminated at the earliest possible period.

Resolved, That a copy hereof be sent to each of our senators and representatives in Congress,

Approved February 27, 1879.

- Chap. 12* RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Soldiers' employment bureau.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Disabled Soldiers' Employment Bureau, the sum of three thousand dollars: *provided,* that there shall not be paid to the superintendent of said bureau, as a salary for the present year, a sum exceeding fifteen hundred dollars.

Approved February 28, 1879.

RESOLVE IN FAVOR OF THE STATE REFORM SCHOOL AT WESTBOROUGH. *Chap. 13*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand five hundred dollars to the Trustees of the state reform school at Westborough; the same to be expended by them for the purchase of boilers for said institution, and the proper setting of the same.

State Reform School at Westborough.

Approved February 28, 1879.

RESOLVE RELATING TO REPAIRS AT THE OLD STATE PRISON. *Chap. 14*

Resolved, That there be allowed and paid a sum not exceeding one thousand dollars for necessary repairs, to be made under the direction of the governor and council, at the old state prison, and the same is hereby appropriated, to be taken from the rents of said property paid into the state treasury.

Appropriation for repairs at old state prison.

Approved February 28, 1879.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY. *Chap. 15*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the superintendent and board of inspectors of the state almshouse at Tewksbury, the sum of forty-five hundred dollars for increased facilities for obtaining water; also the sum of three thousand dollars for erecting and completing water closets for the eastern end of the asylum for the insane at said almshouse.

State almshouse at Tewksbury.

Approved March 6, 1879.

RESOLVES RELATIVE TO THE CLAIMS OF SOLDIERS AND SAILORS OF THE LATE WAR. *Chap. 16*

Resolved, That the senators and representatives in Congress from this Commonwealth be and they are hereby requested to use their best exertions for the purpose of forwarding the claims of the soldiers and sailors of this state, now pending at the pension department at Washington.

Members of Congress requested to have pending claims forwarded.

Resolved, That a copy of this resolve be transmitted by the secretary of the Commonwealth to each of our senators and representatives in Congress.

Approved March 6, 1879.

RESOLVE IN FAVOR OF THE TOWN OF WILLIAMSTOWN. *Chap. 17*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of one hundred and thirty-eight dollars and seventy-nine cents to the town

Allowance to town of Williamstown.

of Williamstown, to re-imburse said town for certain money expended for the support of Betsey Haley and child, state paupers.

Approved March 6, 1879.

Chap. 18

RESOLVE IN FAVOR OF GEORGE WHITE.

Allowance to George White, judge of probate.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George White, judge of probate for the county of Norfolk, the sum of three hundred and fifty-two dollars and fifty-four cents, for performing the duties of judge of probate for the county of Worcester, during the vacancy caused by the death of Henry Chapin, judge of probate for said county of Worcester, in the year eighteen hundred and seventy-eight.

Approved March 6, 1879.

Chap. 19

RESOLVE IN FAVOR OF THE EXECUTORS AND DEVISEES UNDER THE WILL OF DAVID MILLER, LATE OF BOSTON, DECEASED.

Executors and devisees under will of David Miller, may sell and convey land devised by will of William Miller.

Resolved, That the executors and devisees under the will of David Miller, late of Boston, in the county of Suffolk, deceased, or their heirs, devisees, or legal representatives, are hereby authorized to sell and convey in fee-simple, free from all charges and conditions created by the will of William Miller, late of Roxbury, in the county of Norfolk, deceased, the lands devised by the will of said William Miller, deceased, to said David Miller, deceased, in the manner and upon the terms following; that is to say, —

May apply for apportionment into nine parts.

Said executors and devisees, or their heirs, devisees, or legal representatives, may apply by petition to the probate court for the county of Suffolk, praying that said lands devised as aforesaid to David Miller aforesaid, deceased, may be apportioned into nine parts, which shall be of equal value. Said probate court after notice to all parties interested, and after appointing a suitable person to represent the interests of all minors, and all persons not now in being, who can by any possibility be interested in said apportionment, and after hearing, shall, by its decree, apportion said lands into nine parts, in such manner that the value of all of said parts shall be the same, said parts being described by metes and bounds. At any time after such apportionment, said executors and devisees, or their heirs, devisees, or legal representatives, may sell, successively either at private sale or by public auction, at their discretion, each of said parts for any price which shall exceed the aggregate of these two sums; to wit: first, one-ninth of the whole sum, which, at the time of such sale, would purchase in the Massachusetts Hospital Life

Insurance Company of Boston, annuities for the persons entitled to annuities under the will of said William Miller, deceased, for the years and months during which they are entitled to such annuities under said will, but no longer; and, second, one-ninth of twenty-two thousand dollars. But said executors and devisees, and their heirs, devisees, and legal representatives, shall receive from the purchase money only the excess thereof above the aggregate of said two sums; and the purchaser, upon receiving his title-deed, shall pay the aggregate of said two sums to Uriel H. Crocker, Esq., of Boston, trustee, who shall apply the first of said two sums to the purchase in the Massachusetts Hospital Life Insurance Company of Boston of annuities for the persons entitled to annuities under the will of said William Miller, deceased, in the proportion to the whole amounts established by said will as the annuities for each of said annuitants respectively, and for the time during which said persons are entitled to annual payments under said will, and no longer, and who shall hold the residue of the money received by him upon the following trusts; that is to say, to invest and manage the same, and to receive the annual income thereof, and during the lifetime of both Maria D. Miller and Almira D. Moore, formerly Almira D. Miller, two of said annuitants, to pay over said annual income to said executors and devisees under the will of said David Miller, or their heirs, devisees, and legal representatives, in semi-annual payments. Upon the decease of either said Maria or said Almira in the lifetime of the other, leaving a child or children of her body, said trustee shall at once pay to such child or children one-half of the principal of the trust-fund in his hands, in case such half does not exceed ten thousand dollars, upon the terms defined by the will of said William Miller, deceased, for the payments to such child or children. If, however, such half of the principal of the trust-fund in his hands shall, at the decease of either said Maria or said Almira in the lifetime of the other, leaving a child or children of her body, exceed the sum of ten thousand dollars, the excess of such half of said principal above ten thousand dollars shall, upon such decease, be paid by said trustee to the executors and devisees under the will of David Miller, their heirs, devisees, or legal representatives. After the decease of either said Almira or said Maria in the lifetime of the other, the said trustee shall, during the lifetime of the survivor, pay in semi-annual payments the annual income of the remaining

Annuities.

Massachusetts
Hospital Life
Insurance
Company.Maria D. Miller
and Almira D.
Moore.Payments by
trustee, after
decease of
Almira or
Maria.

principal of the trust-fund to the executors and devisees under the will of said David Miller, or their heirs, devisees, or legal representatives ; and, upon the decease of such survivor, the remaining principal of the trust-fund shall be paid to the child or children of the body of such survivor, if any such there be, upon the terms defined for such payments to said child or children by the will of said William Miller. If, however, such remaining principal shall exceed ten thousand dollars, only that sum of ten thousand dollars shall be paid to said child or children ; but the excess of such residue above ten thousand dollars shall be paid to the executors and devisees under the will of said David Miller, their heirs, devisees, or legal representatives.

In case either said Maria or said Almira shall die in the lifetime of the other, leaving no child nor children of her body, the trustee shall at once pay one-half of the principal of the trust-fund in his hands to the executors and devisees under the will of said David Miller, their heirs, devisees, or legal representatives ; and in case of the decease of the survivor of said Maria and said Almira, leaving no child nor children of her body, the whole of the trust-fund in the hands of the trustee shall be at once paid to the executors and devisees under the will of said David Miller, their heirs, devisees, or legal representatives.

Trustee to give
bond.

Said trustee shall give bond, conditioned for the faithful performance of his trust, in the sum of twenty-five thousand dollars, to the satisfaction of the judge of said probate court. In case of the refusal, disability, or removal of the trustee herein named, said court may appoint a trustee to exercise all the powers of the trustee within named ; and said trustee shall render annual accounts to said court.

Said executors and devisees under the will of said David Miller, their heirs, devisees, and legal representatives, may at any time pay to said trustee the whole sum of money necessary to purchase annuities in the Massachusetts Hospital Life Insurance Company of Boston, for the persons entitled to such annuities under the will of said William Miller, for the time during which they are entitled to annuities under said will, but no longer ; or they may pay said trustee at any time any portion of said whole sum ; and, after such whole or partial payment, they shall be relieved from the payment of the whole or a just proportion of said annuities.

Resolve void un-
less executors

This resolve shall become void unless said executors and devisees under the will of said David Miller shall,

within nine months from the passage of this resolve, sell a sufficient portion of said lands to enable them to pay to said trustee from the proceeds thereof the proportional sums prescribed herein, the annuities due for the years ending May first eighteen hundred seventy-eight, and May first eighteen hundred seventy-nine, and the taxes now due upon said lands, and shall pay the same.

sell land within
nine months.

Said executors and devisees under the will of David Miller, and their heirs, devisees, and legal representatives, may, if they elect, without any application to the probate court, sell at any time the whole of said lands at once for any price which exceeds the aggregate of the sums to be paid for the purchase of said annuities and the said sum of twenty-two thousand dollars, which sums shall be applied by the trustee in the manner herein before directed.

Lands may be
sold without
application to
the probate
court.

All payments of annuities by the Massachusetts Hospital Life Insurance Company after the purchase of annuities as herein provided, and all payments by the trustee under the provisions hereof to beneficiaries other than said executors and devisees under the will of David Miller shall be made in behalf of said executors and devisees.

Payments of
annuities to be
made in behalf
of executors
and devisees.

Approved March 6, 1879.

RESOLVE CONCERNING THE REBUILDING OF WORKSHOPS AT THE
NEW STATE PRISON.

Chap. 20

Resolved, That there be allowed and paid out of the treasury, and the same is hereby appropriated, a sum not exceeding twenty-two thousand six hundred and six dollars, for expenses incurred in the rebuilding of workshops burned at the state prison.

Approved March 10, 1879.

Appropriation
for workshops
at new State
Prison.

RESOLVE RE-IMBURSING THE CITY OF CHELSEA AND THE TOWNS OF
NORTHAMPTON AND BROCKTON, FOR PAYMENTS MADE ON AC-
COUNT OF RENT OF ARMORIES.

Chap. 21

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to the city of Chelsea and the towns of Northampton and Brockton, the sums herein below set against their names, in re-imbursement of payments made for rent of armories in the year eighteen hundred and seventy-six, to wit:—Chelsea, two hundred and twenty-seven dollars and forty cents; Northampton, one hundred and sixty-six dollars and fifty-seven cents; Brockton, one hundred and eighty-nine dollars and fifty cents.

Approved March 12, 1879.

Re-imbursement
to Chelsea and
Northampton
and Brockton
for rent of
armories.

Chap. 22 RESOLVES IN RELATION TO BACK BAY LANDS AND SEWERAGE.

Commissioners
may sell land to
the Boston and
Albany Rail-
road Company.

Resolved, That the land commissioners or their successors in office or authority may sell and convey to the Boston and Albany Railroad Company the land on the corner of Boylston and Exeter streets, adjoining land now owned by said company, together with the passage-way on the southerly line of the aforesaid land of the Commonwealth, on such terms and conditions as the governor and council may approve.

May convey to
Boston certain
passage-way
sewers.

Resolved, That the land commissioners or their successors in office or authority may convey to the city of Boston so many of the passage-way sewers, belonging to the Commonwealth on the Back Bay territory, as may be deemed expedient, on such terms as the governor and council may approve.

Approved March 12, 1879.

Chap. 23 RESOLVE IN FAVOR OF JAMES MELVIN.

Allowance to
James Melvin.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to James Melvin, of Concord, a private in Company E., sixth regiment Massachusetts volunteers, six dollars per month from the first day of October eighteen hundred and seventy-eight, and during his disability.

Approved March 12, 1879.

Chap. 24 RESOLVE IN RELATION TO THE USE OF SIGNALS ON RAILROADS.

Commissioners
to investigate
subject of rail-
road signals,
and report.

Resolved, That the board of railroad commissioners be instructed to investigate the subject of railroad signals, and to report the result of their investigations to the several railroad corporations in this Commonwealth, and to the next general court.

Approved March 20, 1879.

Chap. 25 RESOLVE IN RELATION TO THE DISCRIMINATION IN FARE ON BRANCH RAILROADS.

Commissioners
to investigate
concerning dis-
crimination in
fare on branch
railroads.

Resolved, That the petition of Joseph Graves 4th, and others of Marblehead, for legislation to prevent a railroad operating two branches between any two points, from making any discrimination in the rate of fare over either branch, be referred to the board of railroad commissioners with instructions to report their conclusions to the railroad corporations so operating two branches, and to the next general court.

Approved March 20, 1879.

Chap. 26 RESOLVE IN FAVOR OF MARIA H. SARGENT.

Allowance to
Maria H. Sar-
gent.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Maria H. Sargent of Cambridge, an annuity of two hundred dollars for the

term of five years, as state aid, from the first day of January in the year eighteen hundred and seventy-nine, payable in equal quarterly instalments.

Approved March 21, 1879.

RESOLVE RELATING TO IMPROVEMENTS AT THE STATE PRISON IN
CONCORD.

Chap. 27

Resolved, That the unexpended balance of the appropriation made in chapter thirty-three of the Resolves of the year eighteen hundred and seventy-eight, for the purchase of lumber for fencing and other purposes at the new state prison, may be and is hereby made applicable for the payment of expenses incurred in the construction of a wall and for other improvements, as provided for in said resolve, the same to be expended under the approval of the governor and council.

Re-appropriation for improvements at state prison.

Approved March 21, 1879.

RESOLVE IN FAVOR OF THE COUNTY OF HAMPSHIRE.

Chap. 28

Resolved, That in accordance with the provisions of section thirty-two of chapter one hundred and sixty-one of the General Statutes there be allowed and paid, and the same is hereby appropriated, a sum not exceeding seven thousand one hundred and ninety-six dollars and eighty-seven cents, in re-imbursement of the county of Hampshire for expenses incurred in the arrest and conviction of persons engaged in the robbery of the Northampton National Bank.

Allowance to the county of Hampshire.

Approved March 21, 1879.

RESOLVE TO RE-IMBURSE THE CITY OF BOSTON FOR ABATING A
NUISANCE.

Chap. 29

Resolved, That there be paid out of the treasury of the Commonwealth to the city of Boston, the sum of eight thousand one hundred and eighty-seven dollars and thirty cents, being the amount expended by the board of health of the city of Boston for the filling of land belonging to the Commonwealth, lying in the rear of the state prison at Charlestown; such filling having become necessary for the abatement of a nuisance dangerous to the public health, and said sum being in full discharge of all claims of the city of Boston against the Commonwealth growing out of said transaction.

City of Boston to be reimbursed for abating a nuisance.

Approved March 25, 1879.

RESOLVE IN RELATION TO THE EMPLOYMENT BY RAILROAD CORPORATIONS OF PERSONS AFFLICTED WITH COLOR BLINDNESS.

Chap. 30

Resolved, That the board of railroad commissioners be instructed to consider whether any legislation is expedient

Commissioners to investigate

concerning railroad employes afflicted with color blindness.

or needful with reference to the employment by railroad corporations of persons afflicted with color blindness; and report thereon to the next general court.

Approved March 25, 1879.

Chap. 31 RESOLVE IN RELATION TO THE USE OF SAFETY SWITCHES ON RAILROADS.

Commissioners to investigate subject of safety switches.

Resolved, That the board of railroad commissioners be instructed to investigate the subject of safety switches on railroads, and report the result of their investigations to the railroad corporations and to the next general court.

Approved March 26, 1879.

Chap. 32 RESOLVE IN FAVOR OF MARK PICKERING.

Allowance to Mark Pickering.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Mark Pickering, of Boston, an annuity of two hundred dollars, for the term of three years from the first day of January in the year eighteen hundred and seventy-nine, payable in equal quarterly instalments.

Approved March 26, 1879.

Chap. 33 RESOLVE IN FAVOR OF JOHN DONNELLY.

Allowance to John Donnelly.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to John Donnelly, of Worcester, the sum of one hundred dollars, as state aid, payable on the first day of April in the year eighteen hundred and seventy-nine.

Approved March 26, 1879.

Chap. 34 RESOLVE IN FAVOR OF THE STATE BENEFICIARIES IN THE ASYLUMS FOR THE DEAF AND DUMB.

State beneficiaries in asylums for the deaf and dumb.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of eleven thousand one hundred and thirty-seven dollars and thirty-five cents, for the board and tuition of state beneficiaries in the asylums for the deaf and dumb during the year eighteen hundred and seventy-eight.

Approved March 28, 1879.

Chap. 35 RESOLVE IN RELATION TO STATE EXPENDITURES BY DEPARTMENTS AND OFFICIALS.

Expenditures may be continued until further appropriations are made.

Resolved, All heads of departments and officials having supervision or charge of expenditures in behalf of the Commonwealth for which limited appropriations have been made, are hereby authorized to continue the several departments of service under their charge until further appropriations are made therefor, or the pleasure of the present legislature is made known thereon.

Approved March 28, 1879.

RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT DANVERS. *Chap. 36*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, the sum of thirty thousand dollars, as follows: — A sum not exceeding five thousand dollars for the maintenance of the state lunatic hospital at Danvers during the year eighteen hundred and seventy-eight; a sum not exceeding twenty thousand dollars for the maintenance of said hospital during the year eighteen hundred and seventy-nine; and a sum not exceeding five thousand dollars, to be expended in furnishing the attic or fourth story rooms of said hospital; said sums of money to be expended under the direction of the trustees of said hospital.

Approved March 31, 1879.

Appropriation
for state
lunatic
hospital at
Danvers.

RESOLVE RELATIVE TO A UNIFORM SYSTEM OF LAWS IN CERTAIN STATES REGULATING THE HOURS OF LABOR. *Chap. 37*

Resolved, That the Massachusetts bureau of statistics of labor is hereby directed to collect and present such data to the legislatures of the neighboring states of Rhode Island, Connecticut, New Hampshire and New York, as will tend to show the desirableness of a uniform system of laws regulating the hours of labor.

Approved April 1, 1879.

To present data,
to neighboring
states, showing
desirableness
of uniform sys-
tem of laws reg-
ulating hours of
labor.

RESOLVE IN FAVOR OF FANNY ROSS.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Fanny Ross of Cambridge, an annuity of two hundred dollars for the term of three years from the first day of January in the year eighteen hundred and seventy-nine, payable in equal quarterly instalments.

Approved April 2, 1879.

Chap. 38

Allowance to
Fanny Ross.

RESOLVE IN FAVOR OF THE COMMISSIONERS ON CONTAGIOUS DISEASES AMONG CATTLE. *Chap. 39*

Resolved, That the sum of one thousand dollars be appropriated for the use of the commissioners on contagious diseases among cattle, for the year eighteen hundred and seventy-nine.

Approved April 9, 1879.

Contagious dis-
eases among
cattle.
Appropriation.

RESOLVE CONFIRMING THE ACTS OF JAMES M. MORTON AS A JUSTICE OF THE PEACE. *Chap. 40*

Resolved, That all acts done by James M. Morton, as a justice of the peace within and for the county of Bristol, since the twenty-sixth day of May in the year eighteen hundred and seventy-five, are hereby made valid and con-

Acts done as
justice of the
peace, con-
firmed.

firmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved April 9, 1879.

Chap. 41

Allowance to
Sarah F.
Lawrence.

RESOLVE IN FAVOR OF SARAH F. LAWRENCE.

Resolved, That from and after the first day of January in the year eighteen hundred and seventy-nine, there be allowed and paid to Sarah F. Lawrence, widow of William H. Lawrence, the same amount of state aid she would have been entitled to receive had the name of her husband, at the time of his death, been borne upon the rolls as a part of the quota of the Commonwealth.

Approved April 22, 1879.

Chap. 42 RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Treasurer may
borrow money
in anticipation of
the revenue.

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 sums he may borrow under this resolve, as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

Approved April 22, 1879.

Chap. 43

Allowance to
Caroline E.
Caswell.

RESOLVE IN FAVOR OF CAROLINE E. CASWELL.

Resolved, That from and after the first day of January, in the year eighteen hundred and seventy-nine, there be allowed and paid to Caroline E. Caswell, widow of Samuel H. Caswell, the same amount of state aid she would have been entitled to receive had the name of her husband, at the time of his death, been borne upon the rolls as a part of the quota of the Commonwealth.

Approved April 24, 1879.

Chap. 44

Appropriation
for repairs on
the state house.

RESOLVE IN RELATION TO REPAIRS ON THE STATE HOUSE.

Resolved, That there be allowed and paid out of the treasury a sum not exceeding thirty-five hundred dollars, for putting in and repairing steam pipes, and making such repairs as are necessary in connection therewith, in the state house; the same 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.

Approved April 24, 1879.

RESOLVE IN RELATION TO THE COMMONWEALTH FLATS AT SOUTH BOSTON.

Chap. 45

Resolved, That the petition of Edward Atkinson, on behalf of the Boston and Northwestern Railroad Association, for an act of incorporation with certain powers, and the order relative to a railroad to connect existing railroads with the Commonwealth Flats at South Boston, be referred to a commission to consist of the board of railroad commissioners and the board of land commissioners, with instructions to investigate the subject and report their conclusions to the next general court.

Petition of Edward Atkinson on behalf of the Boston and Northwestern Railroad Association referred to a commission.

Approved April 25, 1879.

RESOLVE RELATING TO THE SURVEY OF INDIAN LANDS AT GAY HEAD.

Chap. 46

Resolved, That there be allowed and paid, and the same is hereby appropriated, a sum not exceeding two thousand nine hundred and eight dollars and fifty-three cents, for the compensation and expenses of the commissioners on the survey of Indian lands at Gay Head, in accordance with the provisions of section six of chapter two hundred and thirteen of the acts of the year eighteen hundred and seventy.

Appropriation for survey of Indian lands at Gay Head.

Approved April 25, 1879.

RESOLVE ASSIGNING ROOMS FOR THE USE OF THE PRISON COMMISSIONERS.

Chap. 47

Resolved, That the sergeant-at-arms, with the assent and approval of the commissioners on the state house, be authorized to assign the suite of rooms, heretofore occupied by the bureau of the surgeon-general, in the basement of the state house, to the prison commissioners.

Prison commissioners to have rooms at state house.

Approved April 29, 1879.

RESOLVE RELATING TO THE PROTECTION OF THE STATE PRISON BUILDINGS.

Chap. 48

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding ten thousand dollars, and the same is hereby appropriated, to be expended under the approval of the governor and council, for the purchase of steam fire apparatus and the erection of a building for the same at the state prison in Concord. But in case a contract is made for supplying said prison with water, under the provisions of chapter one hundred and sixty-five of the acts of the present year, the governor and council may use such portion of the aforesaid sum as they may deem necessary for such pipes

Appropriation for steam fire apparatus at state prison.

and hydrants as may be requisite for the protection of the prison against fire.

Approved April 30, 1879.

Chap. 49

Annuity for
Charles J. Cox.

RESOLVE IN FAVOR OF CHARLES J. COX.

Resolved, That there be allowed and paid out of the treasury to Charles J. Cox, of Duxbury, (who lost both eyes by reason of a sun stroke received while in the service of the United States, as a member of the eighteenth regiment of Massachusetts volunteers,) the sum of five hundred dollars; and that from and after the first day of January, eighteen hundred and seventy-nine, there be allowed and paid to said Cox an annuity of one hundred dollars, payable quarter-yearly during his natural life, in consideration of his mutilation and suffering in the war of the rebellion.

Approved April 30, 1879.

Chap. 50

Appropriation
for state camp
ground at
Frammingham.

RESOLVE RELATING TO THE STATE CAMP GROUND AT FRAMMINGHAM.

Resolved, That there be allowed and paid out of the treasury, and the same is hereby appropriated, a sum not exceeding eight hundred dollars, in payment for such parcel or parcels of land as the governor and council may designate for the purposes of the state camp ground, as provided in chapter two hundred and forty-seven of the acts of the year eighteen hundred and seventy-three.

Approved April 30, 1879.

Chap. 51

Appropriation
for fence and
grading at state
camp ground.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AND REPAIRS AT THE STATE CAMP GROUND AT FRAMMINGHAM, AND THE STATE ARSENAL AT CAMBRIDGE.

Resolved, That the adjutant-general be authorized to complete the construction of a fence on the southerly side of the state camp ground, at South Frammingham, at an expense not exceeding two hundred dollars; to expend a sum not exceeding three hundred dollars in grading and filling at said camp ground; to procure proper fire extinguishers for the state arsenal, at an expense not exceeding three hundred dollars; and to repair the arsenal buildings at Cambridge, at an expense not exceeding four hundred dollars; and the sums herein before named are hereby appropriated.

Approved April 30, 1879.

Chap. 52

County taxes
granted.

RESOLVE GRANTING COUNTY TAXES.

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.

Barnstable. Seventeen thousand seven hundred and seventeen dollars. County taxes granted.

Berkshire. Seventy-four thousand two hundred dollars.

Bristol. One hundred and ten thousand eight hundred dollars.

Dukes. Seven thousand two hundred and fifty dollars.

Essex. One hundred fifty-three thousand seven hundred dollars.

Franklin. Twenty-seven thousand five hundred and fifty-eight dollars.

Hampshire. Thirty-seven thousand dollars.

Hampden. Sixty-eight thousand five hundred dollars.

Middlesex. One hundred and fifteen thousand dollars.

Norfolk. Sixty-eight thousand two hundred dollars.

Plymouth. Forty-four thousand three hundred and fifty dollars.

Worcester. One hundred and thirty-four thousand five hundred dollars.

Approved April 30, 1879.

RESOLVE TO AUTHORIZE THE BUREAU OF STATISTICS OF LABOR
TO PRINT ADDITIONAL COPIES OF ITS TENTH ANNUAL REPORT.

Chap. 53

Resolved, That the chief of the bureau of statistics on the subject of labor be and he hereby is authorized to publish an edition, not exceeding one thousand copies, of the tenth annual report of said bureau, to be sold at cost: *provided*, the expense of said edition can be met out of the contingent appropriation for said bureau for the year eighteen hundred and seventy-nine. All receipts from sales of said edition shall be turned into the treasury, to the credit of such contingent appropriation.

Additional
copies of report.

Proviso.

Approved April 30, 1879.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

THE following proposed Articles of Amendment to the Constitution of this Commonwealth, have been officially certified and deposited in the Secretary's Department, as required by chapter 156 of the Acts of 1865, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection: —

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION
TO PROVIDE FOR BIENNIAL ELECTIONS, AND BIENNIAL SES-
SIONS OF THE LEGISLATURE.

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 the Commonwealth.

The general court shall direct the manner of voting by the people upon the proposed amendment, and enact all such laws as shall be necessary to procure a free and fair vote thereon, and to give effect to the provisions hereof.

ARTICLE OF AMENDMENT.

The legislative body shall assemble on the first Wednesday of January, biennially. Senators and Representatives shall be elected biennially, and hold office two years, commencing on the first Wednesday of January following their election.

The term of office of the Governor, Lieutenant-Gov-

ernor, and Councillors, respectively, shall commence on the first Wednesday of January, and shall continue for the term of two years, and until their successors shall be chosen and qualified.

The term of office of the Secretary, Treasurer and Receiver-General, Auditor, and Attorney-General, respectively, shall commence on the third Wednesday of January, and shall continue for the term of two years, and until their successors shall be chosen and qualified; and the same person shall be eligible as Treasurer and Receiver-General for six years successively, and no more.

The first election under this article of senators and representatives, and to the offices herein named, shall be on the Tuesday next after the first Monday of November, in the year eighteen hundred and eighty, in the manner prescribed by the Constitution of the Commonwealth, and thereafter on said Tuesday of November biennially; and the first session of the legislative body under the provisions hereof shall commence on the first Wednesday of January, eighteen hundred and eighty-one.

It shall be the duty of the legislature first to assemble after the adoption of this article to make all necessary provisions of law concerning the tenure of office of all county officers, and concerning the reports of the treasurer and receiver-general and other state officers and institutions, and to make all such provisions of law as may be required in consequence of the change from annual to biennial elections, and from annual to biennial sessions of the legislature.

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

SENATE, March 17, 1879.

The foregoing Article of Amendment is agreed to, a majority of the members of the Senate present and voting thereon having voted in the affirmative, and the same is referred to the general court next to be chosen.

JNO. B. D. COGSWELL, *President*.

HOUSE OF REPRESENTATIVES, March 28, 1879.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative, and the same is referred in concurrence to the general court next to be chosen.

LEVI C. WADE, *Speaker*.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION
TO PREVENT THE DISFRANCHISEMENT OF CERTAIN SOLDIERS
AND SAILORS BECOMING PAUPERS.

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.

No person having served in the army or navy of the United States in time of war and while he was a citizen of this Commonwealth, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper.

SENATE, April 25, 1879.

The foregoing Article of Amendment is agreed to, a majority of the members of the Senate present and voting thereon having voted in the affirmative; and the same is referred to the general court next to be chosen.

JOHN B. D. COGSWELL, *President*.

HOUSE OF REPRESENTATIVES, April 29, 1879.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative, and the same is referred in concurrence to the general court next to be chosen.

LEVI C. WADE, *Speaker*.

The General Court of 1879, during its annual session, passed three hundred and six acts and fifty-three resolves, which received the approval of his Excellency the Governor. In addition to these, an act entitled "An Act to incorporate the Phoenix Brewing Company of Lawrence," was laid before the Governor, and having failed of his approval, and not having been returned within five days after receiving the same, the Legislature not having adjourned in the meantime, said act acquired the force of law and has been so certified.

An act entitled "An Act to provide for the more accurate Registration of Vital Statistics" was laid before the Governor, for his approval, and was returned by him to the House of Representatives, in which it originated, with his objections thereto. The House of Representatives proceeded to reconsider the same agreeably to the provisions of the Constitution, and the vote being taken on passing said act, the objections of the Governor to the contrary notwithstanding, the same was rejected, two-thirds of the members present and voting thereon not having voted in the affirmative.

The General Court of 1879 was prorogued on Wednesday, April 30, the session having occupied one hundred and twenty days.

INAUGURAL ADDRESS
OF
HIS EXCELLENCY THOMAS TALBOT.

AT one o'clock on Thursday, the second 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.*

Called by the suffrages of the people to the chief magistracy of the Commonwealth, I approach my official duties with a deep sense of the grave and unusual responsibility attending their present discharge.

The exhaustive discussion of public issues during the past few months, reaching and pervading the most secluded districts of the State, has developed and consolidated a public sentiment which finds expression in a general call for retrenchment and re-organization. These are not the mere watchwords of a partisan campaign, but the expression of an abiding conviction in the hearts of the people. The lessons of adversity have had their uses. The compelled economy in each home is a daily reminder of the folly and sin of national, state, and municipal extravagance. The denial of accustomed comforts to his

family kindles and keeps alive in the citizen a resentment, as for a personal wrong, against any form of public wastefulness. This popular feeling is honorable, creditable, and assuring. It must be recognized, respected, and obeyed, by all public servants.

So far as the actual power and the rightful influence of the chief executive can reach, within the bounds of official courtesy and constitutional prerogative, I shall conform my future policy to the methods of economy I have advocated in the past. I shall insist that faith be kept with the people; that they shall not be mocked with a delusive show of retrenchment; and that all needed reduction shall be effected in every branch of the public service, so far as it can be done without crippling its efficiency, or adding to the sum of human suffering.

In this, — the people's own work, — I invite, with the fullest confidence of receiving it, the cordial co-operation of the people's own representatives, which is indispensable to success; so that with accuracy of information, calmness of deliberation, and wisdom of counsel, without partiality and without prejudice, it may be done as they desire, — judiciously, thoroughly, and *quickly*.

To this end I present to you a brief and general statement of the financial condition of the State, and a more detailed exhibit of the total expenditure, which I shall classify as legislative, judicial, executive, and exceptional.

THE PUBLIC DEBT.

The following statement shows the present funded debt, with its appropriate classification: —

Amount outstanding Jan. 1, 1878	\$33,220,464
Matured and paid during the year, Union Fund Loan of 1862	200,000
Total funded debt, Jan. 1, 1879	\$33,020,464

CLASSIFICATION.

Railroad loans	\$17,738,996
War loans	10,468,188
Loans for public buildings, etc.	4,813,280
	<hr/> \$33,020,464

The \$200,000 matured in 1878 was the last instalment of the Union Fund Loan of 1862, and was paid from its own sinking fund. The balance of that fund was then transferred to the Troy and Greenfield Railroad sinking

fund as required by law. No further portion of the public debt will mature before 1880, when a steady and material reduction will commence and continue.

Amid the general depression of industrial interests, the credit of the Commonwealth continues unimpaired. It is our common duty to see that it remains so during the term of our mutual responsibility. The reduction of the public debt in the past year, though small, is a step in the right direction. Under no circumstances should I be willing to assent to its increase, or to entail upon posterity the burdens we should assume ourselves. To pay as you go, is the true policy of governments, as well as of individuals. The nation which consistently pursues it, free from debt and enjoying unlimited credit, is more respected and safer than if guarded by a standing army.

The State has now no temporary loan, the entire indebtedness being funded. The several sinking funds, now amounting to nearly \$12,000,000, if they accumulate in the average ratio of the past, will be ample to retire five-sixths of the aggregate debt at maturity. The balance will be provided for long before it becomes due in 1900, from other resources of the State, including the proceeds of the public lands, already reserved by law for this purpose.

EXPENSES AND REVENUES FOR 1879.

The estimates for the current year are necessarily based mainly upon the results of the last, and upon existing statutes regulating expenditure and revenue. From the best data now accessible, the following estimates are believed to be practically accurate:—

Payments from revenue, ordinary and exceptional, including taxes returnable	\$4,240,250
Ordinary revenue, cash on hand	3,917,643
<hr/>	
Leaving an apparent deficit to be provided for by taxation of	\$323,643

RETRENCHMENT.

Habits of extravagance, public and private, were contracted during the War of the Rebellion, and continued during the period of prosperity succeeding it. Individuals, municipalities, and states shared alike in the error, and have alike suffered its consequences. I deem it unfair to impose upon any party the responsibility for a mistake committed by all the people, which all the people should

unite to retrieve. But, for its continuance, the dominant party will be, and ought to be, held responsible.

In all matters requiring change, the final decision rests with the Legislature. The labor of investigation falls upon its committees. But the duty of recommendation is vested in the Executive. I have therefore made the necessary examinations, as carefully as the brief time would allow, and in treating of each department shall make such suggestions as my experience and judgment may dictate.

The necessity of a change of policy was comprehended by our predecessors; and due credit should be awarded for their efforts in this direction. The decrease of the State debt the past year has been small; but the arrangements for its prospective diminution and final extinguishment are judicious, and will impose no perceptible burden on the people. The State tax has fallen from \$2,000,000 in 1875 to \$1,000,000 in 1878, with such a prospect of decrease that its continuance is virtually in your hands. The net reduction of expenses, ordinary and exceptional, for the past year, will be nearly \$200,000, or five per cent on the whole amount.

In this connection I beg to remind you that the burden of taxation, so oppressive and so obnoxious to the people, is created mainly by excessive municipal and county expenditure; the rate of State taxation being only 63.7 cents on each thousand of a reduced valuation, while the average municipal rate, including the State tax, is \$12.54 per thousand.

The gross expenditure for 1878 was in round numbers \$4,000,000, which may be divided as follows:—

Legislative expenses	.	.	.	.	.	\$251,000
Judicial expenses	.	.	.	.	.	192,000
Executive expenses	.	.	.	.	.	1,297,000
Exceptional expenses	.	.	.	.	.	2,260,000

This will be reduced by repayments to the treasurer, or reimbursements to the towns, by about \$200,000, leaving the net State expenditure about \$3,800,000.

Before examining separately each branch of expenditure, I invite your careful scrutiny of the expenses of the Governor and Council, which were \$25,700 for 1878, — a reduction of \$6,000 from the preceding year. It seems to be conceded, that, under the provisions of the Constitution, the Legislature cannot reduce the salary of a chief magistrate while in office, but may establish in advance that of his successor. I desire to remove all embarrassment on

this point, by suggesting that this salary should be made to conform to the standard existing before the war, and by stating that the present Executive will content himself with the sum you may deem "honorable" and "sufficient" for his successor.

To the other expenses of the Executive, I shall apply the same rules that I should expect to be observed in subordinate departments.

The legislative expenses for 1878, \$251,000, are more than double those of 1860, which were but \$111,000. The protracted sessions induce a higher compensation. They greatly enhance the cost of printing, attendance, and incidentals. The regulation of these matters is entirely your own. They will, I doubt not, be arranged with the utmost care and judgment, aided by a knowledge of the wishes of your constituents.

The lengthened hearings before the committees, often the mere rehearsal of the arguments of previous years, or attempts to secure legislative aid for private schemes, might, I think, be abridged, without curtailing the rights of the people. Reports could then be made promptly, and many matters disposed of in the earlier part of the session. In the first two months of the session of 1878, only thirty-one acts received the approval of the Governor, including the regular appropriation bills, prepared in the office of the Auditor.

Much, too, can be accomplished by simply enforcing the law relating to petitions. There seems to be no good reason why parties desiring legislation should be allowed to set at naught a positive statute, requiring early notice of their intention. Nor is there any reason why parties, having given legal notice, should be permitted to withhold their petitions for a long period, while the Legislature is in session. Indeed, there is cause for suspecting a bad motive for such delay. It is intimated, that it sometimes results from a wish to obtain undue influence before presenting a petition. Certainly it is unwise to notify the public that they may defy the law, and protract the session, by holding back their business.

The expenses of the judiciary department have increased heavily. In 1860 they were \$149,000: in 1877, \$317,000. This is due to the multiplication of courts, and to the increase of salaries.

The opinion of our best jurists has been, that the provision of the Constitution, securing permanent salaries to the justices of the Supreme Judicial Court, forbids a re-

duction. I accede to this interpretation the more readily, believing that the dignity of the court, no less than the ability, learning, and labor expected of its members, requires a proportionate compensation. No such restriction on legislative power applies to the other courts, or to any other officers of the courts. It is a question for the Legislature to consider, whether these judges and officers should not share in the general reduction, made necessary by the depression of business, and easier to bear by the fall in prices.

The large items of expenditure for police, municipal, and district courts, will henceforth disappear from the Auditor's Report, because these expenses are now borne by the counties. But this does not relieve the people from the burden, which I believe to be excessive, and needing a legislative remedy, especially as the counties have no representative assembly to speak for them; which makes it easy for abuses to continue in county expenses without attracting attention. I believe some of these courts unnecessary, and others needlessly expensive. I do not doubt that distance makes justice costly, and that the cost and inconvenience often cause justice to fail, and crime to go unpunished. It is alleged that the municipal courts in Suffolk County are needlessly multiplied, and extravagantly expensive; and that the general convenience and interest, both of suitors and of the public, would be promoted by a more economical re-organization. The system, in my judgment, should be revised at once, and energetic measures be taken at the same time to reduce the considerable expenses of our counties, and establish a rigorous responsibility.

The whole matter of the costs of litigation and of fees exacted has been neglected too long: it is an indirect tax upon the people, of which they should be relieved as far and as soon as possible.

It has been suggested, that much expense might be saved, and relief afforded to the justices of the Supreme Court, by allowing questions of law to be finally decided in the Superior Court, when the amount involved is small, and no title to real estate is involved. In such case the Superior Court should have the power to send such cases to the higher court, when, in their opinion, the question of law is important. This seems worthy of consideration.

The apparent cost of the executive department for 1878 is \$1,297,000, which, by repayments and reimburse-

ments, will be reduced to about \$1,100,000. This includes all payments on account of the Governor and Council, the departments of state, the several commissions and bureaus, and the maintenance of the prisons and other public institutions. I shall presently indicate the changes, which, in my judgment, will conduce to a safe economy; but the matter of revision of salaries, with a view to such just reduction as will correspond to the times, is in your hands exclusively, and requires the most careful scrutiny. I desire to say, in the interest of all the people, that, for the transaction of its business, the State should have as good service as is secured by corporations and individuals; that its work should be performed with intelligence and precision; and that the compensation should be proportioned to the ability and exertion required, which have a well-known and generally accepted value. The interests at stake are too weighty to be intrusted to cheap and ill-paid labor; and the State cannot afford to lose the services of some of its oldest and most faithful officers.

I trust that this revision of salaries will receive your earliest attention, through the medium, should you judge it best, of special committees; and that, while temporary provision is made for the immediate needs of the departments, no final appropriations for the year will be voted till the question is definitely settled.

The exceptional expenditures are \$2,260,000. They include, among other items, the interest on the debt, the outlay for public enterprises, and the large amount paid out for the relief of soldiers and sailors. The first concerns the honor of the State, and will decrease only as the debt is paid. The second you will doubtless speedily terminate. The last, which has now reached the enormous sum of \$75,000 per month, or \$900,000 per annum, will attract your attention at once. Of this amount about \$31,000 per month is disbursed under chap. 192 of the Acts of 1877, and \$44,000 per month under chap. 282 of the Acts of 1878. The effect of the latter act is to discriminate most unjustly against the wounded, mutilated, and otherwise disabled soldiers and sailors of the Union, and in favor of those who have become "poor and indigent" from no disability acquired in the service. The former are limited to State aid not exceeding six dollars per month, while the latter claim full support, and are actually receiving, in hundreds of cases, four times as much as their crippled comrades. I believe that all fair and reasonable provision should be made for the needy

survivors of the war, who cannot maintain themselves. But the objectionable features of the statute of 1878, so thoroughly condemned by the according voice of the local authorities, should be removed at once. Upon the action taken by you in these measures of relief, depends materially, as I learn from the Auditor of Accounts, the question of State taxation for ensuing years.

After a careful review of our finances, I am led to base on present estimates my conclusion that a State tax of \$500,000 will suffice for the wants of 1879. But with a just reduction in salaries and current expenses, a firm refusal of all subsidies, the limitation of direct grants to the lowest possible sum, and especially a shortened session, the tax may be reduced to its amount in 1861, — the smallest for eighteen years, — \$300,000.

CHARITIES AND REFORMS.

So much has been written and spoken about the charities, so diverse have been the opinions, and so bitter the controversies, that I have felt much embarrassment in approaching this topic. But after careful inquiry and much reflection I have reached conclusions which seem to me practicable. They result from the impressions and convictions naturally attending a view of the subject from a business stand-point; and though they may be imperfect, they are at least sincere, and mainly in harmony with the recorded opinions of the Board of State Charities.

Let me say first that it is quite time that the bickerings and jealousies in this department should cease. The State expects of every officer not only loyalty to duty, but cordial co-operation with his associates. Friction not only reduces the production, but finally ruins the machine. There must be complete system, subordination, and discipline, throughout the department. There must be somewhere a right to control, involving the duty to obey.

In thus speaking, I mean no reflection on the Board, whose unpaid services for many years have contributed so largely to the good repute of Massachusetts, and to a better knowledge of the methods of dealing with the dependent classes; nor on its faithful officers, who, working at great disadvantage, have saved the State large sums of money, and show a record comparing most favorably, with one or two exceptions, both in the number of dependants and the cost of the work, with the figures of twenty years ago. But even they must know that the cumbrous and

old-fashioned machinery, which has hindered them so long, should give way to newer and more effective contrivances. The parts are too many, too clumsy, and too costly to run. There must be more simplicity and compactness : therefore we must have consolidation. Economy demands it ; efficiency requires it ; it is essential to harmony, and therefore to success. But I need not argue the case : the change is needed. The Board approves of it ; its officers admit it ; the public expects it : then let it come. But let it be made with all wisdom and caution, and with due regard to the advice and warnings of practical men, lest the remedy prove worse than the disease.

In any attempt to reduce our charitable expenses, the objective point is the source of the outlay. This is the presence of public dependants legally chargeable to the State. Two methods of relief occur to me. The first follows the earnest recommendation of Gov. Andrew to extend the laws of settlement, so as to distribute equitably among the towns, and leave to municipal management, the larger portion of this class ; the second, to revise the laws in relation to the removal of strangers. The remainder would be so small as to require little State machinery or expense for their control and maintenance.

The Legislature can reduce, if it sees fit, the direct grants made to sundry institutions ; and it alone can lessen the rate of board of lunatics. As the three old hospitals are more than self-supporting, and as the State has furnished their building and most of their land and equipment, I recommend that this rate be reduced to three dollars per week.

This will relieve the State of the payment of at least \$18,000 per annum, and the towns of about \$25,000 more. In any case, however, it will be necessary to make a special appropriation for the current expenses of the Danvers Lunatic Hospital, which will more than offset any saving to the State treasury that may be effected in the other hospitals.

Many excellent citizens have long felt great uneasiness on account of the alleged facilities for committing and detaining sane persons in lunatic hospitals for illegal purposes. This feeling finds expression in an urgent and persistent call for a Commission on Lunacy. While I do not altogether share their fears, especially as to our public hospitals under their present management, it is certainly wise to make sure of sufficient safeguards. As the unsound mind so constantly results from or accompanies an

unsound body, lunacy, as a public question, has a close connection with the subject of the public health. But, again, the discussion of the public health can hardly be separated from the condition of poverty, where sanitary neglect is always breeding epidemic disease, which, in turn, must be cared for by public charity.

The close relation of these three subjects, of such vital importance, has suggested to me the expediency of committing them to a common Board, strong in intelligence, experience, and scientific acquirements. I cannot help thinking that the constant investigation and comparison of the three subjects together will lead to more accurate and satisfactory results; and I am very confident that we can do the State no better or more practical service than to secure for its crowded institutions, for its outside sick, and its victims of contagious disease, the inspection and advice of the expert members of a competent Board of Health. In this way we can dispense with one existing Board, and avoid any supposed necessity of creating a Commission on Lunacy.

I therefore recommend the abolition of the Board of State Charities, with all its bureaus, and of the Board of Health; and the creation, in place thereof, of a State Board of Health, Lunacy, and Charity, which shall possess all the powers and perform all the functions of the discontinued Boards, with such added duties as the Legislature may designate. Included among these should be the special oversight of lunatics, both in regard to their treatment and the legality and propriety of their detention. We should thus have all the advantages which could possibly be derived from a Commission on Lunacy, without creating a new Board, or incurring any additional expense.

The proposed Board should have full control of all matters relating to charity and reform, save that, in cases of serious difference with the management of the institutions, an appeal might lie to the Governor and Council, and the Legislature. It should assign its own work, select its own officers, and fix their compensation within the limits of the yearly appropriations. It should make but a single annual report, brief, compact, and free from repetitions of facts, or duplication of statistics. No officer or employé should be a member of the Board, unless it should be deemed best to make its chairman its executive officer, with a salary fixed by the Legislature sufficient to secure the services of an able and thoroughly competent man.

Such a Board, constituted without reference to sect, party, or sex, and kept free from all political affiliations, would, in my judgment, establish and maintain system and subordination throughout its jurisdiction, and secure and retain the respect and confidence of the people. Its administration would be free from all complexity; and the consolidation should save at least \$10,000 annually.

The trustees of the several lunatic hospitals are corporations holding in trust public property, and, in some cases, funds derived from bequests or otherwise. Many of their inmates are private patients, paying a sufficient and sometimes a liberal rate of board; and their friends feel that they are entitled to consideration in the supervision. Furthermore, a strong disinclination to a change has been manifested by the people. Hence I recommend that their management remain as heretofore. I advise also, that the State Almshouse and State Workhouse be left under the care of Boards of Inspectors, the salaries to cease, but reasonable travelling expenses to be allowed. There is a great discrepancy in the number of the members of the Supervising Boards of the institutions of reform at Lancaster, Westborough, and Monson; the first-named having ten trustees, the second seven, while three inspectors suffice for the last. These numbers might be reduced and equalized with advantage. The importance of rescuing the young children at Monson from pauperism by placing them in judiciously selected families cannot be over estimated: it removes them from an exceptional class, and puts them in the way to become useful and productive citizens. I trust that more vigorous efforts may be made in this direction; and that if means are lacking, or unusual obstacles exist, the one may be supplied, and the other removed, by proper legislation. The propriety of female supervision over institutions containing so many of their own sex, and particularly young children, has long been conceded. But, should the policy I have suggested be adopted, the presence of women on the central Board will obviate the necessity of the "Advisory Board of Women," which should in that case be abolished. The appointment of the several superintendents, except of the lunatic hospitals, should be vested in the Governor and Council; but their salaries should be fixed by the Legislature. All minor appointments, with the compensation therefor, may safely be left to the local Boards.

THE STATE PRISON.

The new prison was opened for occupation in May, 1878, and soon incurred the loss by fire of a large portion of its workshops. This, with other outlays required to complete or equip, will swell its cost to \$1,050,000. Deeming the original plans defective, I refused them my official sanction in 1874, and then, as now, believed the project uncalled for, and the removal from Charlestown not only a costly experiment, but a grave and dangerous mistake. But, on the whole, I consider the prison strongly built; and, if a location were to be chosen away from Charlestown, its site seems as eligible as any other proposed.

I commend to your most careful consideration the financial methods adopted at the prison. It seems to me highly important that all receipts of money, from whatever source, should be paid into the treasury at stated and frequent periods; and that, aside from current expenses, no outlay be permitted, except from appropriations specifically made. Any other course can only lead to extravagance, and be a temptation to misappropriation. I advise, further, that all contracts for the labor of convicts shall be invalid without approval by the Governor and Council.

An appropriation of \$40,000 is recommended by the inspectors for procuring water from Nagog Pond, four miles away; which I am informed by the warden is required only in case of fire. No necessity exists for this step. There is a constant and plentiful supply of water from the river near by. And, further, there is no certainty that the necessary outlay could be limited to the sum suggested, as the damages claimed by mill-owners would be uncertain. For these and other reasons I entirely dissent from the proposition. There is certainly danger of fire, especially as much of the work done in the main workshop is unusually hazardous. But applying the same rules as would govern my private business, I should remove this work to smaller and separate buildings, and put in an additional force-pump with suitable fire-apparatus.

In my judgment the shops are inadequate for the number of men employed, and the steam-power will soon be insufficient. The convicts being employed on wages ranging from forty to fifty cents a day only, the prison necessarily fails to be self-supporting; and I regret exceedingly the large deficiency thus entailed on the treasury.

THE REFORMATORY PRISON FOR WOMEN.

The Woman's Prison at Sherborn has now been occupied for more than a year, and for much of that time has been unexpectedly crowded with inmates. Its managers have been unable to classify the inmates as thoroughly, or to employ them as constantly and profitably, as they hope to do hereafter. It must be regarded as an experiment in the right direction, needing time, patience, and prudence for its complete success.

At present it is under the direction of the Prison Commission, consisting of four members, aided by an Advisory Board of three women. This Board employs a secretary and two clerks, at the annual cost of about \$3,500. An agent for discharged prisoners is also employed by the State, at a cost for salary and expenses of something less than \$3,500. It has been suggested that the Prison Commission, the Advisory Board of Women, the Board of Inspectors of the State Prison, and the Agency for discharged convicts as a separate bureau, be abolished, and a single Board substituted for the four Boards and bureaus above named; that this Board should consist of five members, two of whom should be women, and should have the direct supervision and control of the two prisons, the general oversight of the jails and houses of correction as exercised by the present Commission, and the care of discharged convicts, under the present methods if none better can be devised. It is claimed, with apparent reason, that this arrangement will be more economical: it will certainly be more efficient. It will simplify what is now confused, and will consolidate a divided responsibility. It is also alleged that under this plan the two prisons would be brought into such mutual relations as would make the industry of each available to the other, and reduce the cost of both. For instance, the labor of the women at Sherborn, who are now largely unemployed from the difficulty of procuring suitable work, might be utilized in making and caring for the clothing and bedding required at Concord; while the male convicts, in return, might manufacture the shoes and sundry other articles needed for the Woman's Prison. As this plan will reduce four Boards to one, the number of officials from eleven to five, do away with the salary of the inspectors, and dispense, under a consolidated Board, with several paid officers now in the service of the individual Boards, I commend it to your careful examination.

THE STATE DETECTIVE FORCE.

The continuance of a special force for the detection of crime, at the expense of the State, I deem neither advantageous nor desirable. This duty should be performed by local officers, under the direction and pay of local authorities. Should these prove unequal to any emergency, the skill and experience of private detectives can readily be secured. It is impolitic to the last degree to lessen local interest in the safety of life and property by usurping the functions of local officers under the sanction of a higher authority than the county or the town.

Without detracting from the personal merits of its members, I must declare my conviction that the present force, being too numerous for a detective body and too limited for a constabulary, is unsuited to its avowed purpose, and useless for any other. The Executive does not need it. The people have little knowledge of its operations, and no desire for its retention. It has failed to abate the tramp nuisance; and its results seem entirely incommensurate with its considerable cost. I therefore recommend its complete abolition at an early day.

The duty of the inspection of factories and public buildings, now required by law, can properly be transferred to the Bureau of Statistics, with the assurance of its intelligent and judicious discharge. To the same hands might be intrusted the execution of the laws in regard to the hours of labor, and the education of children working in factories,—a matter so important to employers and employed as to require its commitment to an authority which will command implicit confidence and respect.

SAVINGS BANKS.

The total amount of deposits in the savings banks (including those in the hands of receivers) at the close of business, Oct. 31, 1878, was \$217,115,751.03.

The decrease for the fiscal year was \$27,480,863.15.

The number of depositors was 659,992; being 79,767 less than at the same date the previous year. This is the first year since 1865 in which there has been a decrease both in the total of deposits and in the number of depositors.

The passage of the "Act for the Better Protection of Depositors in Savings Banks" (ch. 73, Acts of 1878) was deemed at the time to be of doubtful expediency. Its

provisions have been applied thus far to twenty-one institutions, but the commissioners deem the time of its operation too brief as yet to form any opinion as to its effects. The expediency of repealing the act at present would seem to be at least as doubtful as that of its passage.

As a rule, the savings banks are working clear of the embarrassments caused by the depreciation of their securities; and their depositors seem to have made up their minds to accept a low rate of interest. It is hoped that the crisis has passed, and that with the return of business prosperity the banks will soon recover the strong position they occupied before the period of inflation.

TAXATION.

While the burden of taxation is felt so heavily throughout the State, it is a relief to know that the tide has turned, and that the amount of the municipal tax levy is steadily and materially decreasing.

That amount for the last five years has been as follows :

1874	.	.	.	.	.	.	.	\$28,700,605
1875	.	.	.	.	.	.	.	27,712,760
1876	.	.	.	.	.	.	.	24,778,803
1877	.	.	.	.	.	.	.	23,916,939
1878	.	.	.	.	.	.	.	21,761,637

Showing a reduction for the whole period of \$6,938,968, and for the past year of \$2,145,302. The maximum of taxation was reached in 1874, and the decrease since is more than one-fourth of the levy for that year. During the same period the State tax has been reduced from \$2,000,000 in 1874 to \$1,000,000 in 1878. Meanwhile, the aggregate net debt of the municipalities has considerably decreased, and effective provision has commenced for the extinction of the debt which existed in 1875.

Notwithstanding this, the pressure of taxation is severely felt by all classes of property holders; and attention has been directed to the existing system, and especially to the basis of valuation for imposing taxes. There are instances of injustice in this system, especially in the method of taxing property subject to mortgage, which in my judgment deserve and require the careful and considerate attention of the Legislature. While all classes feel the weight to be severe, it will be borne patiently now, as other and greater burdens have been borne in the past, if it is felt to press equally on all.

The result of the examination of our system four years

since by a commission of intelligent and competent gentlemen, and the judgment of two successive Legislatures, appear to have been that the admitted inequality of the present system would be exaggerated by any change which has yet been proposed. It seems to me quite clear that any relief afforded should directly benefit the owner of the encumbered property, rather than the holder of the loan.

Intimately connected with this question is the taxation of savings banks. By the last annual report, these institutions held mortgages on real estate to the amount of \$116,241,038. Should it be deemed wise to assess the mortgagee to the extent of the value of his interest in the mortgaged property, in the place where the estate is situated, the burden upon these institutions would be so great as to require a very large reduction of the present savings bank tax, from which the State now derives a revenue of more than a million and a half of dollars.

Should the mortgagor be taxed in the place where the property is situated only for the value of his interest in it, and the mortgagee taxed in the place of his domicile for the value of his interest, as personal property is now taxed, it will impose a most grievous burden upon places having a large number of encumbered estates.

It will be the duty of the Legislature, in seeking a remedy for the apparent inequality in our system of taxation, to examine the subject carefully in all its bearings, that the wisest possible results may be attained. And in this connection it must be remembered that the institutions for savings are seeking a reduction of taxation to one-half of one per cent. This reduction would involve an increase in the State tax of more than \$500,000. When it is understood that the average rate throughout the State is more than \$12 per thousand, it may well be asked if these institutions cannot more easily pay \$7.50 per thousand, than to put that additional burden on property already groaning under taxation.

This subject is one of confessed difficulty; and I shall deem it a fortunate consummation, should you be able to remove what is felt by many to be an injustice, by the adoption of any practicable means of relief for one class which shall not impose an undue weight upon another. It must be remembered, on the other hand, that, in complex systems of taxation, no radical changes can be suddenly adopted without working much temporary hardship and even injustice, and that such changes, to be permanent, must be gradual.

EDUCATION.

On this topic, so near to the hearts of the people of Massachusetts, the elaborate statements of my predecessors, and the voluminous reports of the Board of Education, have left me nothing new to say. We admit education to be the foundation of our civilization. We recognize intelligent labor, in all callings, as the unfailing source of national prosperity. It is, then, at once the interest and the imperative duty of the State to secure to every inhabitant such instruction as will develop his capacity as a producer of values, and best qualify him to discharge his obligations to government.

The rush to cities, in the haste to be rich, causes an aggregation of poverty and ignorance, directly inducing vice and crime. Hence the risk of an ignorant and venal ballot, endangering the stability of free institutions. The generous appropriations of the cities and larger towns open to all who can spare the time an equal opportunity for a higher culture or a special training; but they hardly reach this class of the population which is constantly changing, and, in the struggle to provide for the body, has neither time nor inclination to improve the mind, and which comes at last to regard those who have passed them in the race with suspicion and distrust. Compulsory education, thoroughly enforced, may do something to mitigate this evil; but the natural and sufficient offset is a large and intelligent rural population. Herein, it seems to me, lie our safety and our hopes for the future. Therefore it is that I hold fast by the common schools, and, while friendly to every proper means of advancing knowledge, believe that the money of the State should be used mainly to insure their worth and efficiency. We thus secure to our children throughout the country towns sure advantages sufficient for the needs of every-day life, though the exigencies of that life may forbid them to advance farther. While the State owes to all the best it can provide, the many must be served fairly before the few receive their more liberal share. The thoughtful citizen will hesitate long before he consents to lower the standard of knowledge among the masses, that the attainments of a few may add to our scientific repute. He will hold the safeguards of civil liberty of more account than stores of special learning. Therefore, so long as there are rural towns in Massachusetts which have to impose a tax of five to seven dollars on the thousand to maintain very indifferent common

schools for only one-half the year, I cannot regard with favor any large diversion from our school-fund for special education.

In common with the other departments of the State, it seems to me that the methods and the expenditures of the Board of Education should be thoroughly examined, to the end that every dollar of the income of the school-fund may tell to the utmost for the advantage of our children.

AGRICULTURE.

As the main source of national wealth, agriculture should be carefully fostered by the State, as well as the general government. It is man's natural calling. Its accumulations, though slow, are certain, under reasonable management. It tends to health, good morals, and obedience to law; and, in a strictly farming community, crime and pauperism, originating on the spot, are of rare occurrence.

For many years our Legislature has made liberal appropriations to promote it; and the crowded festivals of the farmers would seem to indicate a general and lively interest. But in spite of legislative effort, and the apparent concern of the people, agriculture, properly so called, seems to be declining in the Commonwealth. The young people are attracted elsewhere. Farms are deserted. The population and valuation of most of the farming towns are steadily decreasing. I say this with great regret; but the United States census of 1870 and our own of 1875 make it only too apparent.

It seems incredible, that with land and buildings so cheap, a market so near, the conveniences of life, with churches, schools, and physicians, so accessible, and prices of produce comparatively so high, any New England farmer should exchange his position for the privations, the severe toil, and numerous risks of a frontier life; but the facts are undeniable. I am informed that for some years the Board of Agriculture has exerted itself to check this tendency, with some degree of success. But I would recommend an earnest and thorough investigation of this subject by the proper committee, and trust that means will be found by which the considerable appropriation of the Board may be made available for checking yet further this process of depletion. I shall be happy to co-operate in measures tending to this end, and to promote in every suitable way the true interests of the practical farmer.

HOOSAC TUNNEL AND TROY AND GREENFIELD RAILROAD.

The Manager's Report of the Troy and Greenfield Railroad shows a considerable increase in its business and receipts for the year ending Sept. 30, 1878.

It appears that the total earnings, under the existing *pro rata* arrangement, were \$301,662.72, of which $33\frac{1}{4}$ per cent., or \$100,554.24, were deducted by the connecting roads for operating expenses, leaving \$201,108.48 as gross income to the State. From this the further sum of \$80,428.34 was paid for repairs, wages, salaries, and other expenses; leaving \$120,680.14, or 40 per cent. of gross earnings, to be paid into the treasury as net income for the year.

The amount of freight transported was about double that of the previous year; but the extremely low rates obtained, and the somewhat onerous conditions of the contract with connecting roads, have prevented a proportionate increase of income.

The prospective increase of business, both from the through connections already established, and those nearly completed, is very gratifying, and warrants the confidence that this line will soon occupy its deserved place among the great avenues connecting the seaboard with the staple-producing interior of the continent. It is not probable, however, that even a large increase of business will bring any considerable income into the treasury of the Commonwealth at present; for though the tunnel was declared completed by order of the Executive Council, June 30, 1876, much and expensive work is needed, according to the report of its manager, to make it in all respects fit and safe for the transaction of the business which we may reasonably expect will soon be offered.

The items of immediate necessity presented by him are as follows:—

For arching at the central shaft . . .	\$27,677 50	
arching between stations 2,020 and		
2,055, 35 feet	6,160 00	
clearing loose rock and rubbish . . .	2,700 00	
niches for cars and manholes . . .	6,600 00	
double track in tunnel	41,225 00	
		\$84,362 50
For rebuilding Deweyville bridge . . .	\$25,000 00	
sidings	20,000 00	
sidings and gravel-pits, land, etc. .	12,000 00	
100 tons of steel rails	4,500 00	
station at Charlemont	1,500 00	
		\$63,000 00
Grand total		\$147,362 50

It will be for you, gentlemen, to decide what and how much of this work shall be undertaken the present year; but I respectfully suggest that the amount be limited to the needs of absolute safety till connecting roads shall bring their own lines up to equal efficiency and equipment; that our own improvements shall progress so far and so fast only as they shall maintain that equality, and at all events no faster than they can be paid for from the current income of the road, without a call for any additional appropriation.

I feel it my duty to say that I do not approve of the present system of managing this property. I indorse the opinion expressed on several occasions by my predecessor, that the "management of a railroad enterprise by the Governor and Council is not in accordance either with the best interests of the property, nor with the proper functions of the executive department of the government."

However the method may have answered during the completion of the tunnel and railroad, and their preparation for business (and I have the same eminent and experienced authority for the opinion that it was far from satisfactory even then), I am certain it will be utterly inadequate to deal with the diversity of interests and the complicated questions constantly arising hereafter from the new connections and the increasing traffic.

This railroad should be managed as if it belonged to a private corporation, by persons specially chosen for fitness and experience. They should possess character and responsibility entitling them to the confidence of the community. Their tenure of office should be sufficiently firm to enable them to develop fully such plans as they may devise for the benefit of the road. The body now having it in charge has not been chosen for this purpose; it is subject to annual changes; and above all, amid the great variety of its duties, has insufficient time to give this great matter the careful attention it demands.

It is not in this way that those great corporations with which the State must compete in the keenest of rivalries manage their affairs. The interest of the Commonwealth in this enterprise (upwards of \$18,000,000) is too weighty to allow of any experiments in management or otherwise, or of any policy except such as the experience of other roads has proved most economical and effective. In my opinion the Commonwealth will never reap any thing approaching an adequate return for its enormous investment

until this road, totally divoreed from the public treasury, takes its place, with all the weight and influence belonging to its capital and position, in a strong, wealthy, energetic, through line, consolidated if need be, to the Mississippi River or the Sierra Nevada. Only then will the tunnel be able to justify its existence, and secure its share of the profit to be earned by railroads under the necessity now common to all, — namely, the necessity of doing the largest amount of business possible, with the most approved outfit, and at the lowest possible rates.

Upon inquiry, I find a lack of business method in the immediate financial management of the line. A portion of the outlay for improvements is paid by legislative appropriation from its earnings, and the remainder from specific appropriations from the treasury. In my judgment the total of net earnings should be paid into the treasury at stated and frequent periods; and all expenditures, sanctioned by the proper authorities, should be defrayed from a special appropriation for that purpose.

I commend this, by far the largest pecuniary interest of the State, to your earnest and thoughtful attention.

THE MILITIA.

The volunteer militia of the Commonwealth was re-organized in December, 1878, by order of the commander-in-chief. It is represented to me as being in a high state of efficiency as regards equipment, subordination, and discipline. I am pleased to learn from most competent judges that the conduct and appearance of the enlisted men in camp and on parade were such as to command general approval and respect, and to merit the thanks of the commander-in-chief.

The force as re-organized includes 330 commissioned officers, and 4,436 enlisted men; making the aggregate of both 4,766. It consists of sixty companies of infantry, three companies of cavalry, and three batteries of artillery, arranged into two brigades of infantry containing six regiments, one battalion each of cavalry and artillery, with one unattached company of cavalry and battery of artillery.

The expenses of the whole military department for 1878 were about \$151,000. But \$8,200 of this cannot justly be charged to the current expenses of the volunteer militia; as about \$6,000 was paid on account of matters growing out of the Rebellion, and \$2,200 for repairs to buildings,

for fences, and a soldiers' burial-lot at Dedham. The sum expended for the maintenance of the force for 1878, in current expenses only, appears, then, to be about \$143,000; of which \$26,500 was paid for salaries, and over \$8,000 was charged to incidental expenses. It seems to me that this large executive expenditure might be curtailed, without impairing the efficiency of the force. I would also suggest that the cities and towns where the several armories are located should share with the State the cost of their rent, which for the last year amounted to \$32,000. In case of local disorder, the military are at their immediate service; and it is only just that they should make an equitable return for this advantage.

It would be a further safeguard, were it provided by law that all important purchases on military account should be ordered, after due investigation, by the Governor and Council, by whom all bills therefor should be approved before payment.

The time has arrived when the bureau of the Surgeon-General can safely be abolished. To the propriety of this course I understand the present incumbent of the office to accede, whenever it shall be deemed expedient by the commander-in-chief. Assigned early in the war of the Rebellion by the late Gov. Andrew to new and most responsible duties, he discharged them with signal ability and fidelity, and since the advent of peace has devoted himself with equal zeal to the needs of the surviving soldiers. Should the Legislature concur in my recommendation, he will bear with him in his retirement from this special charge the gratitude of thousands whom he has aided, the thanks of the executive, and the good will of the people of Massachusetts. It is due to his past services that he be retained upon the staff with his present rank, and with the customary pay when upon active duty. The duties of the bureau should be transferred to the departments of the Auditor and the Adjutant-General.

THE HARBOR AND LAND COMMISSIONERS.

The main work of the Harbor Commissioners during the past year has been the re-survey of the harbor of Boston, to delineate its boundaries, and make comparisons with old surveys, that shoalings, if any, may be discovered, and encroachments by abutters be ascertained. It happily appears that the channels in this harbor are in

good condition, no damaging changes having occurred. This Board is doing good service in establishing a system of harbor lines and of granting licenses.

They have completed their work of survey; and there remains the office-duty of arranging and compiling the field-notes, — putting the results in proper form for future reference. When these are finished, I shall hope for a large reduction in the expenses of the office, which for the last year have slightly exceeded \$11,000.

The consolidated body known as the Land Commissioners has charge of the Commonwealth's interest in the Back-bay lands, the Charles-river basin, and the South Boston flats. As to the first, their position is still one of expectancy. No sales have been made during the year, and 400,000 superficial feet of land still remain unsold. No action has been taken in regard to the flats in the basin, the Park Commissioners of Boston not being ready to proceed with their work.

The tardy return of business prosperity still delays the utilization of the South Boston flats; though a lease has been negotiated with the New York and New England Railroad of above twenty-five acres, for one year, at \$500 per month. This lease requires the construction by the State of platforms, &c., involving a cost of \$50,000. Any further expenditure of magnitude, in advance of business demands, would seem to me at present uncalled for and unwarrantable. The time will doubtless arrive when the needs of commerce will greatly enhance the value of this property, and any further improvements may well be postponed till then.

The controversy with the Boston and Albany Railroad still remains unsettled, but I see no reason why this and all other disputed questions should not be adjusted at an early day.

As the work of the Harbor Commissioners has so much decreased, and that of the Land Commissioners is not very onerous, it would seem that the policy of consolidation, so successfully tried in 1877, might be now repeated with advantage. I therefore recommend the abolition of both Boards, and the creation of a new one, to assume the duties of the two, and to be known as the Land and Harbor Commissioners.

CLAIMS AGAINST THE STATE.

This is an increasing source of annoyance and delay in

legislation, and some means should be devised to relieve the General Court of questions that should properly be settled elsewhere.

A defect seems to exist in the judicial system of the State, inasmuch as no way is provided for proving any claim against the Commonwealth. Parties having such claims are therefore compelled to petition the Legislature, often with great expense and delay to themselves and loss of time to that body, which is not a convenient tribunal for the trial of legal questions. No statute of limitation bars such applications; and they may be repeated from year to year, no decision being final unless satisfactory to the claimant. It is believed that this system, or want of system, results, on the whole, in wrong to the State.

I would suggest that jurisdiction of claims against the Commonwealth be given to the Superior Court, sitting without a jury, with the right of appeal or exception for either party on questions of law. At the hearing of such claims, the Attorney-General should appear in behalf of the State.

Should the petitioner prevail, the Court might issue its certificate to the Governor, and he might issue a warrant to be paid for money appropriated to satisfy claims. Such suits or petitions should be barred by the general statute of limitations, or by special statute applicable to claims on the State. Perhaps some better plan may be devised; but the foregoing seems to me more simple, sensible, and feasible than any plan thus far suggested.

THE TRUSTEE PROCESS.

Great hardship has arisen from use of the trustee process in collecting small debts, especially by the attachment of wages. The costs are often excessive and inordinate, and the annoyance great; nor has the evil been wholly cured by the statutes restricting this means of collecting debts. I would suggest that all wages due for labor be exempt from attachment. The probable result of such a law would be a tendency to deal for cash, a benefit alike to buyer and seller.

LEGISLATION ON TEMPERANCE.

The discussion of temperance for two centuries has resulted in merely restrictive laws. They have accom-

plished little. The unchecked appetite evades law, and mocks its officers. In this and other States dissatisfied citizens have sought a remedy in prohibition. This I deem a step in the right direction. I have heretofore officially expressed my opinions thereon, and I still maintain them. Disdaining evasion or concealment, I add my deliberate judgment that any permanent advance must be secured by prohibitory enactments.

But, wherever government is of and by and for the people, public opinion controls law. Enactments which they permit, but do not approve up to the line of thorough enforcement, may be useful as monitory, but are abortive as preventives. The majesty of the law commands the reverence of the people, only because it is the essence of their expressed will. Any legislation, then, on temperance will disappoint its advocates unless the people demand it, and will see to and aid it in its enforcement.

The course of elections since 1873 has indicated most clearly that the people will not intrust the execution of restrictive or prohibitory laws to special instrumentalities. The local authority will not enforce a statute obnoxious to their constituents, in the very places where it is most needed. The executive has no means of enforcing any such statute.

In the presence of these embarrassments, I feel that this question must be left with representatives fresh from the people, who know their opinions and their wishes, and who, in the light of this knowledge will act according to their judgment and their conscience.

CONSTITUTIONAL AMENDMENTS.

There is a growing feeling among the people, that frequent elections unsettle the public mind by the attendant excitement; that they interfere with business, create deplorable animosities, and occasion a needless waste of time and money; furthermore, that annual legislative sessions are a heavy draft upon the treasury, and offer by their length opportunities for projects of doubtful utility, which are annually pressed by their promoters in the hope of ultimate success. They tend also to cumber the statute-books with crude laws requiring interpretation by the courts, and often speedy amendment or repeal. The people want clearness and permanence of law. They are annoyed and perplexed at its amount, its obscurity and constant change. The same causes hinder greatly the officers of the departments in discharging their public duties.

In deference to this public sentiment, I recommend that the question of biennial State elections, with a legislative session in alternate years, be referred to the judgment of the people.

I further recommend that the sessions be limited to one hundred days each, and that it be made incompetent by the Constitution for any Legislature to fix its own pay; while by the same authority it should be made its duty to establish the compensation of the next succeeding.

The present method of classifying the towns for the choice of representatives is not satisfactory. It deprives the State of the continued services of many valuable members, and returns to each successive House a large majority of new and inexperienced men. This retards the despatch of business, and tends to defective legislation. If, while making the changes above suggested, a way could be found to restore, at least in some degree, the former right of town representation, so highly cherished by the people, it would restore a long missing element in the General Court, to wit, the frequent return by the towns of their best citizens, whose local knowledge and experience are invaluable in legislation. With a limited biennial session, an increase in the number of representatives could well be afforded.

To prevent delay in the public business, I recommend that the Governor be authorized to return, without his approval, clauses of appropriation bills from which he may dissent.

Our courts of justice, so long a source of pride and satisfaction to the people, should be protected in their surroundings from political influences, and remain unaffected by the excitement of partisan warfare. To secure this end, and to insure the requisite capacity and discretion in the administration of justice, I deem it essential that sheriffs and district-attorneys should be appointed by the Governor; and that all other officers connected with the courts should hold their positions by executive or judicial selection.

I deem the foregoing changes so vital to a full compliance with the people's demand for a simpler and more economical administration of public affairs, that I should — though deeply regretting the necessity — favor the calling of a Constitutional Convention, if they can be secured in no other way.

The claims of women to the right of suffrage have too firm a basis in natural justice, and too many earnest and

able advocates, to be thrust lightly aside. It seems only reasonable and fair that these claims should be laid before the people for acceptance or rejection, in the form of a constitutional amendment, thus transferring their examination and discussion from the Legislature, which can ill spare the time, to a wider arena, and remitting them at once for decision to the final tribunal.

Senators and Representatives.

With such detail as circumstances will allow, I have set before you the measure of consolidation of bureaus and discontinuance of offices, which I deem to be consistent with the proper execution of the laws. The interests of the Commonwealth require the severance of ties long existing, and the displacing of officers who have deserved well of the State. The task is distasteful and even painful. But we must not pause in our duty, for the public necessity is plain. For the recommendations presented, I assume my whole share of the responsibility; and whether you concur in my judgment, or arrive, in your wisdom, at other conclusions, it will still be the duty of the Executive to scrutinize every branch of the public service, under his legal supervision, to see that no superfluous office is retained, and no needless expenditure incurred. I am well aware that the amount from which any saving may thus be effected is but a fraction of that intrusted to your exclusive control: I mean the direct grants of money, and the legislative and exceptional expenditures. It is therefore that I rely with confidence upon your wisdom and zeal to inaugurate such a permanent system of economy as will satisfy the reasonable hopes of our common constituents.

This duty of economy is not ours alone. To repair the waste of war, to recover financial strength, and resume our proper place among the nations, is the task of the whole people. It rests with us to secure the government of Massachusetts upon a safe business basis, and render at the close of our official term a satisfactory account of the trust confided to us.

This done, let us hope that with a sound and stable currency, reviving trade and commerce, busy workshops, and the equal rights of all, civil and political, with one consent maintained throughout our borders, we shall realize the full enjoyment of the blessings of liberty in a united and prosperous Republic.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

[To the House of Representatives, January 6.]

I have the honor herewith to transmit for the information of the General Court the Annual Reports for the year 1878, of the Inspectors of the State Prison; the Agent for aiding Discharged Convicts; the Trustees of the Lunatic Hospital at Danvers; the Trustees of the State Reform School; the Trustees of the Industrial School for Girls; the Trustees of the Lunatic Hospital at Northampton; the Trustees of the Lunatic Hospital at Taunton; the Trustees of the Lunatic Hospital at Worcester; and of the Asylum for the Chronic Insane; the Inspectors of the State Workhouse; the Inspectors of the State Primary School; the Inspectors of the State Almshouse; the Treasurer and Superintendent of the Massachusetts Employment Bureau for Disabled Soldiers.

[To the Senate, January 7.]

I have the honor herewith to transmit for the consideration of the General Court the Report of the Commissioners of Prisons, under sect. 22 of the Act to establish the Reformatory Prison for Women, being for the first eleven months of the operation of the prison.

[To the House of Representatives, January 9.]

I have the honor herewith to transmit for the use and information of the General Court the Report of the Commissioners on Inland Fisheries for the year ending September 30, 1878.

[To the Senate, January 9.]

I have the honor herewith to present to the General Court a Report of the pardons granted by the Governor and Council during the year 1878, left with me for transmission by my predecessor.

BY HIS EXCELLENCY ALEXANDER H. RICE.

[To the Senate and House of Representatives, DECEMBER 31, 1878.]

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 1878. Of the seventy-three convicts thus set at liberty, fourteen were in the state prison, fifty in houses of correction, six in jails, two in the reformatory prison for women, and one in the house of industry at Deer Island. In twenty-one cases sickness was the controlling reason for granting the pardon, and in eight 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. J. W. DOUGLAS. Convicted of assault and battery: Police Court of Holyoke, Hampden County, November 1, 1877. Sentenced to four months in jail. Pardon granted January 7, 1878, because the magistrate who sentenced him certified that he would have made a different disposition of the case had he known some facts in relation thereto which have since come to his knowledge. The prisoner's wife was in delicate health, and the family in a pitiable and destitute condition, needing the presence and aid of the husband and father.

NO. 2. CHARLES TAYLOR. Convicted of breaking and entering: Superior Court, Worcester County, January 24, 1876. Sentenced to two years and four months in house of correction. Pardon granted January 24, 1878, on account of severe illness of the prisoner, which, the prison physician certified, must soon result fatally. He had friends who received him, and would care for him while he lived.

NO. 3. JOHN O'KANE. Convicted of assault with intent to kill: Superior Court, Berkshire County, July term,

1876. Sentenced to the state prison for three years. Pardon granted January 24, 1878, because many prominent citizens of Pittsfield united with the complainant in asking for the pardon, and there was abundant evidence that public sentiment was favorable to the exercise of executive clemency. The prisoner gave evidence of penitence, and the Committee were satisfied that he would hereafter be a sober and law-abiding citizen. Employment was given him immediately upon his release.

NO. 4. JOHN SQUIRE. Convicted of adultery: Superior Court, Worcester County, February 5, 1877. Sentenced to the house of correction for two years. Pardon granted January 24, 1878, upon the recommendation of the District Attorney and many prominent citizens of Worcester. The prisoner, who was an Englishman, had been separated from his wife for many years, and, after living some time in this country, married again in ignorance of our laws. The parties were innocent of criminal intent, and appeared to be respectable and worthy people. The pardon was granted upon condition that the unlawful connection should not be resumed.

NO. 5. FREDERICK JEROME. Convicted of breaking and entering: Superior Court, Hampden County, June 2, 1877. Sentenced to the house of correction for two years. Pardon granted January 25, 1878, on account of severe illness, which terminated fatally a short time after his release.

NO. 6. JAMES E. FENNELLY. Convicted of breaking and entering before Joseph D. Fallon, Esq., Trial Justice of juvenile offenders for Suffolk County, September 29, 1876. Sentenced to two years in the house of correction. Pardon granted February 7, 1878, on account of severe illness, which, the prison physician certified, must soon terminate fatally. His family furnished satisfactory evidence of their ability to give him better care and more comfort than he could obtain in the prison hospital.

NO. 7. CHARLES L. SPOONER. Convicted of violating the license law: Superior Court, Bristol County, December 31, 1877. Sentenced to the house of correction for six months, and to pay a fine of \$100 and costs. Pardon granted February 7, 1878, upon the payment of the fine and costs, because the Committee were satisfied, from evidence presented to them, that the sentence of imprisonment, in addition to a fine, was imposed under a misapprehension of the important fact that this was the prisoner's first offence, and not his second.

NO. 8. CATHERINE SWEENEY. Convicted of violating the license law: Superior Court, Norfolk County, December 20, 1877. Sentenced to the house of correction for six months. Pardon granted February 7, 1878, because of the discovery of important facts, which, had they been known at the time of trial, would have led to a different sentence. The family were in a destitute condition, and the District Attorney and many prominent citizens of Hyde Park considered it a worthy case.

NO. 9. JOHN F. CASEY. Convicted of violating the license law: Superior Court, Essex County, October 31, 1877. Sentenced to the house of correction for three months, and to pay a fine of \$150 and costs. Pardon granted February 19, 1878, because the prisoner was wholly unable to pay the fine, and had a family dependent upon him for support. He had friends who were ready to give him employment; and public sentiment in Lynn, where he lived, seemed to be strongly in favor of his release. The Committee were satisfied that no public interest would be subserved by his longer confinement.

NO. 10. CHARLES H. EVELETH. Convicted of larceny: Superior Court, Suffolk County, August term, 1877. Sentenced to one year in the house of correction. Pardon granted February 19, 1878, on the recommendation of the District Attorney, for the reason that the case would have been placed on file, and sentence suspended, but for a mistake or misunderstanding on the part of the prisoner's friends, who had arranged for such a disposition of the matter.

NO. 11. JAMES P. HOWARD. Convicted of attempting to break and enter: Superior Court, Essex County, May 16, 1876. Sentenced to the house of correction for two years. Pardon granted February 19, 1878, on account of the prisoner's severe sickness, which terminated fatally in about three months after his release.

NO. 12. JAMES SCANNELL. Convicted of breaking and entering: Superior Court, Suffolk County, October term, 1876. Sentenced to the house of correction for two years. Pardon granted February 20, 1878, for the reason that a different disposition of the case would have been made, or a milder sentence imposed, had certain extenuating facts which were shown in the lower court been presented at the time of sentence in the higher court. The Committee were satisfied of the young man's penitence, and that the ends of justice had been secured by his sixteen months' imprisonment.

No. 13. **FARNUM W. LINDSEY.** Convicted of assault and battery: Superior Court, Worcester County, October 18, 1877. Sentenced to house of correction for eight months. Pardon granted February 20, 1878, on the urgent recommendation of the District Attorney and of the Representative from the town where the prisoner resided. The Committee were satisfied that public sentiment was strongly in favor of his release. His wife was sick, and his family needed his assistance. The case appeared to be one where a small fine or a short imprisonment would have been ample punishment.

No. 14. **JAMES WALKER.** Convicted of assault with intent to commit rape: Superior Court, Berkshire County, January term, 1874. Sentenced to state prison for twelve years. Pardon granted February 28, 1878. Evidence beyond a reasonable doubt was presented to the Committee that the young man was not guilty of so heinous a crime as that to which he, under advice, plead guilty. At the time of the commission of the offence alleged, the boy was but fourteen years old. He had no counsel, and no means with which to obtain any. Prominent citizens of Williamstown and vicinity who were familiar with the case desired his pardon, and it was strongly urged by the District Attorney who conducted the prosecution.

No. 15. **WILLIAM L. JOYCE.** Convicted of arson: Superior Court, Plymouth County, June 24, 1875. Sentenced to the state prison for five years. Pardon granted February 28, 1878. The offence of which the prisoner was technically guilty was a high crime, the nature of which was not appreciated by him, he being then but fifteen years of age. The Committee believed that neither the good of the boy nor the protection of society required his longer imprisonment for what was more a youthful indiscretion than a deliberate crime, and that the probabilities of his becoming a good citizen would be greatly increased by his release. Many prominent citizens of Brockton united in a petition for his pardon, and interested themselves with much zeal in his behalf. He was given permanent and useful employment immediately upon his release.

No. 16. **JOHN J. McMANUS.** Convicted of rape: Superior Court, Suffolk County, November term, 1875. Sentenced to eight years in the state prison. Pardon granted March 22, 1878, because there was abundant evidence that the complainant, whose true character was unknown to the Court, and upon whose unsupported testi-

mony the prisoner was convicted, was an untruthful witness, and that the prisoner was only guilty of a crime for which the maximum penalty is a lighter sentence than the imprisonment he had already undergone.

No. 17. **GEORGE H. PARDOE.** Convicted of arson: Superior Court, Worcester County, January term, 1875. Sentenced to five years in the house of correction. Pardon granted March 22, 1878, on the recommendation of the District Attorney, the Sheriff of Worcester County, the Mayor of the city of Worcester, and others, because the Committee believed that the ends of justice had been secured by three years' imprisonment, and that, while no good would result to any one from his longer confinement, his pardon would encourage him to lead a useful life. He was but sixteen years of age at the time of the commission of the crime, and during his imprisonment conducted himself in the most exemplary manner. All who were familiar with the case believed that he sinned from a sudden and uncontrollable impulse which he has outgrown, and that his future course would be honest and upright.

No. 18. **RICHARD WILLIAMS.** Convicted of larceny: Municipal Court, Boston, March 18, 1878. Sentenced to jail for thirty days. Pardon granted April 4, 1878, upon the petition of Sheriff Clark. Williams and Harrington — two school-boys, aged fifteen years, who had borne good characters — were accused of stealing three cents from another boy. The evidence was very conflicting; but the Committee were satisfied that there was no criminal intent, and the alleged larceny was merely a boyish quarrel. No public interest would have been subserved by their longer imprisonment.

No. 19. **JAMES HARRINGTON** was convicted at the same time and for the same offence as Richard Williams, No. 18; and the circumstances were precisely the same as in that case.

No. 20. **THOMAS FLANAGAN.** Convicted of larceny: Superior Court, Suffolk County, December 11, 1876. Sentenced to the house of correction for two years. Pardon granted April 18, 1878, on account of the serious illness of the prisoner, which terminated fatally a short time after his release.

No. 21. **CHARLES VAHEY.** Convicted of arson: Superior Court, Suffolk County, September term, 1870. Sentenced to the state prison for life. Pardon granted April 30, 1878, upon the recommendation of the Mayor (who was the sufferer from the crime), the City Solicitor, and

many other prominent citizens of Chelsea, who represented that the sentiment there was that the law had been vindicated, and that no public interest would be endangered by his release. The prisoner had probably served as long a term as would be imposed under the present law. His conduct while in prison was good, and he seemed thoroughly penitent. The Committee were satisfied that the crime was committed from a mischievous rather than malicious intent. The prisoner was but seventeen years of age at the time, and was under the influence of liquor. The building stood in an isolated position, was not a dwelling-house, and was but slightly damaged.

NO. 22. FRANK E. HALL. Convicted of violating the license law: Superior Court, Essex County, November 2, 1877. Sentenced on two indictments to six months in the house of correction, and to pay a fine of \$100 and costs. Pardon granted April 30, 1878, upon the recommendation of the Representative, Selectmen, and prominent citizens of Merrimac. The Committee found that public sentiment in the town where he resided was unanimously in favor of his pardon, and that he was thoroughly reformed. His family, who were entirely dependent upon him, were in great distress; and the Committee were of the opinion that his longer imprisonment was not necessary to satisfy the ends of justice.

NO. 23. CHARLES HAMILTON. Convicted of larceny: Superior Court, Worcester County, August 16, 1877. Sentenced to the house of correction for two years. Pardon granted April 30, 1878, because the prisoner was sick with consumption, and could be made more comfortable outside of prison walls. He died May 11.

NO. 24. ENOCH BAILEY. Convicted of violating the license law: Superior Court, Essex County, May term, 1877. Sentenced on four indictments to the house of correction for four months, and to pay a fine of \$200 and costs. Pardon granted May 7, 1878. The prisoner had served the four months' direct sentence of imprisonment, and eight months more for the non-payment of a fine which he was utterly unable to pay. His family were in great poverty, and must soon have become a public charge. Evidence was furnished the Committee that he would receive immediate and honorable employment; and they were satisfied that the demand of the law had been fully met by his one year's imprisonment.

NO. 25. JOHN LARAGAY. Convicted of breaking and entering: Superior Court, Middlesex County, July 2, 1877.

Sentenced to eighteen months in the house of correction. Pardon granted May 7, 1878, on account of severe and probably incurable sickness, as certified by the physician and master of the house of correction, and by members of the Council who visited him. Upon his release he was sent to the home of his parents in New Jersey, where he would receive good care while he lived.

NO. 26. MARY B. KNIGHT. Convicted of malicious mischief: Municipal Court, Boston, April 27, 1878. Sentenced to the house of industry for two months. Pardon granted May 8, 1878, at the request of the magistrate who committed her, and with the assent of the complainant. Facts were brought to the attention of the Committee, which, had they been known at the time of the trial, would have resulted in the dismissal of the complaint.

NO. 27. HERBERT N. DAY. Convicted of assault with intent to rape: Superior Court, Suffolk County, September term, 1874. Sentenced to twenty years in the state prison. Pardon granted May, 16, 1878, on the petition of Hon. F. W. Bird and others, for the following reasons: His former good reputation in all places where he had resided; evidence beyond a reasonable doubt that the crime, which was committed under the influence of liquor, was wholly unpremeditated, and that he was unconscious of his criminal act; his sincere purpose to lead in all respects a correct life, in which purpose he will be aided by his excellent wife and by many highly respectable friends. The complainant appeared before the Committee, and made no objection to the pardon. The Committee had repeated interviews with the prisoner, and were convinced that he did not belong to the criminal class, and would in the future lead an honorable life.

NO. 28. WILLIAM C. KEILEY. Convicted of violating the license law: Superior Court, Middlesex County, March 22, 1878. Sentenced to three months in the house of correction, and to pay a fine of \$100 and costs. Pardon granted May 31, 1878, on account of the death of one of his children, and the serious illness of other members of his family.

NO. 29. JOHN T. FORD. Convicted of being present at a prize-fight: Superior Court, Middlesex County, March 15, 1877. Sentenced to two years in the house of correction, East Cambridge. Pardon granted June 15, 1878. John T. Ford, John Green, and Frank D. Parsons, were pardoned at the same time, and for the same reasons: viz., that they were led into the crime by an older and more

intelligent man; that they did not know that their presence at the fight was a violation of law; that a strong public sentiment, as evidenced by a petition signed by many of the most prominent and influential citizens of Lowell, favored their release; and that neither any public interest nor their own welfare would be served by longer imprisonment. The young men had previously borne good characters, and did not in any sense belong to the criminal class.

NO. 30. JOHN GREEN. Was convicted at the same time and for the same offence as John T. Ford, No. 29; and the circumstances were precisely the same as in that case.

NO. 31. FRANK PARSONS was also convicted at the same time, and for the same offence, as Ford and Green, Nos. 29 and 30; and the circumstances were the same.

NO. 32. GEORGE E. HENDRY. Convicted of breaking and entering: Police Court, Cambridge, March 25, 1878. Sentenced to six months in house of correction, East Cambridge. Pardon granted June 25, 1878, upon the petition of the Mayor and Chief of Police and many prominent citizens of Cambridge. The magistrate who sentenced him certified, that, had he known all the facts in the case at the time of trial, he would have imposed a sentence of three instead of six months. The parties who suffered from his crime asked for his release, and he was promised useful and permanent employment. The prisoner had previously borne a good character; and the Committee were satisfied of his penitence, and that he would in future lead an honest life.

NO. 33. ANDREW J. TILTON. Convicted of larceny and drunkenness: Police Court, Fitchburg, November 26, 1877. Sentenced on two indictments to the house of correction, Fitchburg, for thirteen months. Pardon granted June 28, 1878, upon the petition of the Justice who sentenced him, the party who complained of him, and many respectable citizens of Leominster. Satisfactory evidence, which was not known at the time of trial, was presented to the Committee, that he was guilty only of drunkenness, and not of larceny; and for this he had been sufficiently punished.

NO. 34. THOMAS DOLAN. Convicted of assault and battery with a knife: Superior Court, Suffolk County, December term, 1877. Sentenced to nine months in house of correction. Pardon granted June 28, 1878, because the Committee were satisfied, from newly discovered evi-

dence, that Dolan was the assaulted party, and acted in self defence when he committed the crime alleged against him. He was convicted upon the testimony of a man who has since been convicted of manslaughter, and that of a companion who was shown to be a worthless fellow.

NO. 35. PATRICK SHUCKROW. Convicted of robbery: Superior Court, Worcester County, May 26, 1877. Sentenced to two and one-half years in house of correction, Worcester. Pardon granted June 28, 1878. Shuckrow was convicted on the unsupported testimony of a man who was soon thereafter found to be insane, and is now an inmate of an asylum. The Committee considered it very doubtful if the man whom the prisoner is alleged to have robbed was really robbed at all. Evidence was presented at the hearing, which showed, beyond reasonable doubt, that, if a crime was committed, Shuckrow was not the guilty party. The District Attorney and the grand jury strongly favored a pardon.

NO. 36. O. J. SMITH. Convicted of violating the license law: Superior Court, Norfolk County, December 12, 1877. Sentenced to the house of correction for nine months in default of payment of a fine of \$300 and costs. Pardon granted July 11, 1878, upon the petition of Mayor Richardson, District Attorney Stevens, Senator Abbott, and other prominent citizens of Lowell, and with the assent of the District Attorney who prosecuted the case, because his family, who relied upon him for support, were entirely destitute, and unable to pay the fine. The Committee were satisfied, also, that the prisoner had no interest in the place where the liquor was sold, other than to receive a salary from the owner, who was absent at the time of the arrest. He expressed sincere repentance of his crime, and promised never again to engage in any similar business.

NO. 37. ALBERT STANHOPE. Convicted of larceny: Superior Court, Suffolk County, December term, 1877. Sentenced to one year in the house of correction. Pardon granted July 11, 1878, on account of the youth and impaired health of the prisoner, who, upon his release, was taken to his family in Maine, who would care for his health, protect his morals, and furnish him with useful employment when he became able to work. The complainant, who was the sufferer by the crime, strongly urged his release. The prisoner had always borne a good reputation, and the Committee were satisfied that he was led into crime by an older and worse man.

No. 38. THOMAS O'NEIL. Convicted of breaking and entering: Superior Court, Suffolk County, March term, 1878. Sentenced to one year in the house of correction. Pardon granted July 12, 1878, on account of sickness, which terminated fatally a short time after his release.

No. 39. FRANK BRADY. Convicted of being present at a prize-fight: March 16, 1877. Sentenced to the house of correction, East Cambridge, for two years. Pardon granted July 17, 1878, on the petition of many leading citizens of Lowell, including members and ex-members of the legislature and of the city government, who represented that public sentiment was strongly favorable to a pardon. The Council believed that his sentence would have been less severe had his counsel been present to represent certain mitigating circumstances; and they also believed that he was not aware, at the time of committing the offence, that it was a violation of law to be present at a prize-fight.

No. 40. ALBERT HILTON. Convicted of adultery: Superior Court, Middlesex County, November 5, 1877. Sentenced to one year in jail. Pardon granted July 24, 1878, on account of the sickness of the prisoner, which terminated fatally within four weeks of his release.

No. 41. MARGARET RILEY. Convicted of violating the license law: Superior Court, Norfolk County, April term, 1878. Sentenced to three months in the house of correction, and to pay a fine of \$50 and costs. Pardon granted July 24, 1878, because she had a large family of small children dependent on her for support, and was unable to pay the fine, for which the money was once obtained, and lost or squandered by her daughter, who was an unreliable girl. The District Attorney strongly urged her pardon.

No. 42. WILLIAM GETCHELL. Convicted of larceny: Municipal Court, Boston, July 25, 1878. Sentenced to jail for thirty days in default of payment of a fine of five dollars and costs. Pardon granted August 14, 1878, upon the petition of the magistrate who committed him, because of the youth of the prisoner, who stole a few cents' worth of food to satisfy his hunger, and was unable to pay the fine and costs. It appeared that the prisoner's family were in abject poverty, and that he could not obtain sufficient food at home. The Council considered that the ends of justice had been satisfied by his three weeks' imprisonment.

No. 43. JOSEPH WILLIAMS. Convicted of assault:

Superior Court, Suffolk County, August term, 1877. Sentenced to house of correction for two years. Pardon granted August 30, 1878, on account of illness, which terminated fatally a short time after his release.

NO. 44. CLARK RYDER. Convicted of attempting to escape from the Westborough Reform School: Superior Court, Worcester County, January 26, 1877. Sentenced to two years and ten months in house of correction, Worcester. Pardon granted August 30, 1878, because satisfactory evidence of the reformation of the prisoner was presented to the Committee. The District Attorney and the Sheriff advised his release, on the ground that it would aid the discipline of the prison, and be in accordance with wise public policy. The Committee concurred in this opinion.

NO. 45. CHARLES ZIMMERMAN. Convicted of breaking and entering: Superior Court, Suffolk County. Sentenced to state prison for five years. Pardon granted August 30, 1878, for the reason that the prisoner had been sick in the prison hospital for several months, with small prospect of recovery, and had friends in another state, who would receive him and care for him while he lived.

NO. 46. AUGUSTUS SACKETT. Convicted of assault and battery: Superior Court, Hampden County, January 11, 1878. Sentenced to eighteen months in the house of correction. Pardon granted September 10, 1878, on account of the ill health of the prisoner, as certified by the prison physician, and by a member of the Council who visited him. The Council were satisfied that the man was low with consumption, and not likely to live many weeks. He was removed to his home in Westfield, where he would receive good care and attention.

NO. 47. CHARLES COX, *alias* CHARLES FOSTER. Convicted of larceny: Superior Court, Suffolk County. September term, 1874. Sentenced to state prison for six years. Pardon granted September 24, 1878, on account of the impaired health of the prisoner, and his thorough reformation. He belonged to a respectable family in Maine, and came to Boston to seek employment. Here he fell among bad associates, and was led into crime. The Committee investigated the case with much care, and were unanimously of the opinion that no public interest would be subserved by his longer confinement. His friends in Maine promised to give him a home and employment, and to surround him with good influences.

NO. 48. JOHN HAYES. Convicted of breaking and

entering: Superior Court, Suffolk County, December term, 1876. Sentenced to two years in house of correction. Transferred to Taunton Lunatic Hospital, May 12, 1878. Pardon granted September 28, 1878, at the request of the General Agent of the Board of State Charities, who presented satisfactory evidence of the prisoner's insanity. He had a settlement in Connecticut, and friends there who would care for him, and thus relieve this Commonwealth from any charge for his support.

NO. 49. MARGARET McCULLOUGH. Convicted of being a common drunkard: Municipal Court, Boston, June 25, 1878. Sentenced to the reformatory prison for one year. Pardon granted September 28, 1878. The prisoner had three small children, who needed her care. Her husband, a worthy and temperate man, had moved to New Salem after she was committed. Upon her release she went thither, where she would not be exposed to the temptations that formerly surrounded her in the city, but would be under good influences, and be aided in her purpose to abstain from the use of intoxicants. The Committee were satisfied of her penitence, and desire to lead a sober and correct life.

NO. 50. WILLIAM GARLAND. Convicted of forgery: Superior Court, Suffolk County, January term, 1876. Sentenced to state prison for eight years. Pardon granted October 2, 1878, on account of the greatly impaired and rapidly failing health of the prisoner, which would probably result fatally in a short time. It has been ascertained that death took place within a few weeks from the time of his release.

NO. 51. EDWARD B. HALL. Convicted of an attempt to rape: Superior Court, Plymouth County, November 5, 1873. Sentenced to state prison for seven years. Pardon granted October 2, 1878, because the prisoner was very low with consumption, and, in the opinion of the prison physician, could not live until the expiration of his sentence. He had friends who would give him the best of care, and surround him with every comfort while he lived.

NO. 52. ARTHUR BIBLE. Convicted of larceny in a building: Superior Court, Suffolk County, July term, 1878. Sentenced to two years in the house of correction. Pardon granted October 18, 1878, because the prisoner was sick with consumption, which, the prison physician certified, must terminate in death before the expiration of his sentence. The Committee felt that his comfort would be promoted and his life prolonged by release from the

depressing influences of prison life. His friends were able and willing to give him proper care and attention.

NO. 53. WARREN SHEDD. Convicted of larceny from a building: Superior Court, Middlesex County, February 26, 1877. Sentenced to the state prison for two years. Pardon granted October 31, 1878, upon the petition of Governor Talbot, the Selectmen, and many prominent and respectable citizens of Billerica, who represented that public sentiment was strongly in favor of a pardon, and that the ends of justice were satisfied by the imprisonment he had already suffered. The Committee, upon investigation, concurred in this opinion, and were impressed by the strong evidence of the prisoner's reformation, and his promise to become a law abiding citizen.

NO. 54. CHARLES H. STOWELL. Convicted of polygamy: Superior Court, Franklin County, March 26, 1878. Sentenced to the house of correction for one year. Pardon granted October 31, 1878, for the reason that satisfactory and conclusive evidence was presented to the Committee that the prisoner was not morally guilty, but violated the law ignorantly. Public sentiment in the community where he resided was strongly in favor of his release, and it was believed that no public interest would be subserved by his longer confinement.

NO. 55. EDWARD SLAVIN. Convicted of assault and battery: Superior Court, Middlesex County, July 16, 1878. Sentenced on two indictments to six months in house of correction, East Cambridge. Pardon granted November 12, 1878, because the Committee were satisfied, from the evidence presented at a hearing, that but for sickness and death in the prisoner's family, which prevented his attendance upon the court and caused him to be defaulted, the case would have been otherwise disposed of, and probably placed on file.

NO. 56. JOHN O'KEEFE. Convicted of violating the license law: Superior Court, Suffolk County, September 18, 1878. Sentenced to the jail for three months in default of payment of a fine of \$100 and costs. Pardon granted November 12, 1878, on account of the destitute and pitiable condition of the prisoner's family, including an infant born during his imprisonment, and one child dangerously sick. He was given honest employment upon his release.

NO. 57. WILLIAM *alias* JAMES CARNEY. Convicted of breaking and entering: Superior Court, Suffolk County, February term, 1877. Sentenced to state prison for seven years. Pardon granted November 12, 1878, because the

prisoner was sick with acute consumption, which, the prison physician certified, must soon terminate fatally. His mother had a comfortable home, where he would receive the best of care and nursing.

NO. 58. BENJAMIN FREEBY. Convicted of assault and battery and carrying concealed weapons: District Court, East Middlesex, August 3, 1878. Sentenced on two indictments to house of correction, East Cambridge, for six months, in default of payment of a fine of \$35 and costs. Pardon granted November 12, 1878, at the request of the magistrate who committed him, and several leading citizens of Wakefield, because of the discovery since the trial of evidence, which, had it then been known, would have led to a different disposition of the case, or a lighter sentence.

NO. 59. CHARLES GREEN. Convicted of assault: Police Court, Lowell, August 5, 1878. Sentenced to the house of correction, East Cambridge, for six months. Pardon granted November 12, 1878, on the petitions of the Justice who sentenced him, the person upon whom he committed the assault, and the Sheriff of the county, because of the distressed and destitute condition of his family, and the fact that permanent employment would be given him by a barrel manufacturer. The Committee were satisfied of his penitence, and his firm purpose to lead a sober and honest life.

NO. 60. WILLIAM W. ARMINGTON. Convicted of adultery: Superior Court, Hampden County, January 11, 1878. Sentenced to house of correction for eighteen months. Pardon granted November 22, 1878, because of evidence discovered since the trial that showed, beyond reasonable doubt, that Armington was "more sinned against than sinning." Councillor Haynes (who repeatedly visited him), the Sheriff, and officials of the house of correction, and many gentlemen in Springfield familiar with the case, represented public sentiment as favorable to a release, and that the ends of justice had been assured by the imprisonment he had already undergone, and that no public interest would be subserved by his longer confinement. The man had always borne a good character, gave evidence of deep penitence for his crime, and promised to lead a correct life in the future.

NO. 61. JOHN MURPHY. Convicted of breaking and entering: Superior Court, Suffolk County, May term, 1877. Sentenced to house of correction for two years. Pardon granted November 30, 1878, on account of severe

and probably fatal sickness, as certified by the prison physician, who stated that he was rapidly failing from consumption, and could live but a short time. He had a comfortable home, where he could be well cared for.

NO. 62. NELLIE O'HARE. Convicted of larceny: Municipal Court, Boston, June 27, 1878. Sentenced to the reformatory prison for six months. Pardon granted November 30, 1878, that she might attend the funeral of a sister. As less than a month of her sentence remained unexpired, the Committee believed that the influence of the funeral occasion would be more beneficial to her than the brief term of imprisonment remaining.

NO. 63. GEORGE W. DORR. Convicted of larceny: Superior Court, Essex County, February 8, 1878. Sentenced to fifteen months in the house of correction. Pardon granted December 10, 1878, upon the petition of the town officials and leading citizens of Ipswich, who represented public sentiment as being favorable to a pardon. The Committee were of the opinion that the best interests of society, and the future welfare of the prisoner, who was very young, required his pardon. He had friends in comfortable circumstances, who would give him useful employment, and surround him with good influences. He had always previously borne a good character, was led into crime by vicious companions, and gave every evidence of thorough penitence and reformation.

NO. 64. JOHN LYNCH. Convicted of larceny: Police Court, Cambridge, August 30, 1878. Sentenced to one year in house of correction, East Cambridge. Pardon granted December 10, 1878, upon the certificate of the prison physician that the prisoner was very low and rapidly failing from consumption, and could not survive many months. He was removed by his family, who possessed a comfortable home, where he could receive proper care.

NO. 65. JAMES E. TONER. Convicted of extortion: Superior Court, Suffolk County, April term, 1876. Sentenced to state prison for five years. Pardon granted December 10, 1878, at the request of the District Attorney, and with the assent of the complainant, because of the discovery of evidence which proved, beyond a reasonable doubt, that, had all the facts in the case been known and made to appear at the time of the trial, the result would have been acquittal, or a much lighter sentence.

NO. 66. WILLIAM A. NICKERSON. Convicted of adultery: Superior Court, Suffolk County, October term, 1877. Sentenced to house of correction for two years. Pardon

granted December 10, 1878, on account of mitigating facts and circumstances, which were not understood at the time of sentence. His family needed his care, and he would receive useful employment.

NO. 67. EDWARD RANDALL. Convicted of larceny: Municipal Court, Boston, May 21, 1878. Sentenced to house of correction for one year. Pardon granted December 10, 1878, on account of the discovery of evidence since the trial, which, could it have then been presented, would have caused a different disposition of the case. The complainant admitted that the larceny, which was merely technical, was unpremeditated, and that the affair was the result of a drunken frolic. The prisoner was a man of good general deportment, and did not belong to the criminal class.

NO. 68. CHARLES FLOYD. Convicted of circulating obscene literature: Superior Court, Worcester County, August 16, 1878. Sentenced to house of correction, Fitchburg, for three months, and to pay a fine of \$100. Pardon granted December 10, 1878, at the request of the District Attorney, because the prisoner had served his direct sentence of imprisonment, and one month in addition on account of the fine, which he was unable to pay, and which, the Committee believed from trustworthy evidence, would not have been imposed but for the statutory requirement in such cases.

NO. 69. ALEXANDER J. HATHAWAY. Convicted of larceny: Superior Court, Bristol County, March 20, 1878. Sentenced to house of correction for eighteen months. Pardon granted December 19, 1878, on the petition of the Selectmen of the towns of Sandwich and Wareham, and many prominent citizens of that vicinity, because of the destitute and pitiable condition of the prisoner's family, which included five small children, and the abundant evidence which was presented that public sentiment strongly favored the release. The complainant has received pecuniary satisfaction for his loss by the prisoner's crime, and the Committee felt that no public interest would be subserved by longer imprisonment.

NO. 70. JAMES PIERCE. Convicted of larceny: Superior and Municipal Courts, Suffolk County, August 2, 1877. Sentenced on two indictments to the house of correction for two years and one-half. Pardon granted December 23, 1878, upon the recommendation of the District Attorney, on account of the prisoner's youth, his previous good character, his sorrow and penitence for his

crime, and his evident determination to lead an honest life, in which he will be assisted by influential and worthy citizens of South Boston, one of whom gave him employment and a good home. He had an aged grandmother dependent upon his wages for support.

NO. 71. ADAM COLE. Convicted of burglary: Superior Court, Berkshire County, January term, 1870. Sentenced on four indictments to sixteen years in state prison. Pardon granted December 23, 1878. Cole had served nine of the sixteen years of his sentence, and his good record in prison had gained him nearly two years' commutation. The crimes for which he was sentenced were all committed in one night, and might properly have been treated as one offence. Nearly all the property stolen was immediately recovered, and restored to the owner. He had a sister—a most estimable woman—living in Albany, N.Y., who, by a series of domestic misfortunes, had become very poor, and was unable, on account of sickness, to contribute to the support of herself and her family, and needed her brother's assistance. Upon his release Cole went to Albany, where he was given permanent and useful employment, and made his home with his sister, whom he would support. The Committee believed that the chief object of his imprisonment had been accomplished, and that he would in the future be an industrious and law-abiding citizen.

NO. 72. WILLIAM D. PERKINS. Convicted of breaking and entering (three indictments): Superior Court, Suffolk County, April term, 1877. Sentenced to three years in the house of correction. Pardon granted December 31, 1878, because the Committee, after visiting him in prison, were satisfied of his true repentance, and desire to lead an upright life. They believe that he would be encouraged and helped in his endeavors by a pardon, while no public interest would suffer on account of his release. He would be surrounded by good home influences, and receive the watchful care of his family and friends.

NO. 73. JOHN CARNES. Convicted of assault and battery: Superior Court, Suffolk County, October term, 1878. Sentenced to four months in house of correction. Pardon granted December 31, 1878, on the petition of the party assaulted, and the Mayor and many prominent citizens of Chelsea. The prisoner was an aged man, and very feeble. The prison physician certified that his health was rapidly failing under confinement, and that he would soon die if not released. The assault complained of was not at

all aggravated, and was the result of a quarrel with a fellow-workman.

[To the Senate and House of Representatives, January 14.]

I have the honor to inform the General Court that a vacancy exists in the Board of State Directors of the Boston and Albany Railroad, by reason of the resignation, on the fourteenth day of December, 1878, of Thomas Talbot of Billerica, who was elected by the General Court on the nineteenth day of February, 1878, to serve for the term of two years.

[To the Senate, January 22.]

I have the honor herewith to transmit, for the use of the General Court, the Annual Report of the Commissioner of the Mystic River Corporation.

[To the House of Representatives, January 24.]

I have the honor herewith to transmit for the use and information of the General Court the annual report of the Board of Land Commissioners for the year 1878.

[To the Senate and House of Representatives, January 31.]

I have the honor herewith to transmit to the General Court, for its information and such consideration as the subject may require, a communication from the Attorney-General relative to a proceeding in equity against the Commonwealth, brought by the Troy and Greenfield Railroad Company for the redemption of the Hoosac Tunnel.

[To the Senate, January 31.]

I have the honor herewith to present for the consideration of the General Court the sixteenth annual report of the Massachusetts Agricultural College.

[To the Senate and House of Representatives, February 4.]

Representations have been made to me that an important interest of Massachusetts is in imminent peril. It is asserted by parties conversant with the business, and entitled to full credence, that the longer continuance of the provisions of the treaty between the United States and Great Britain permitting the free importation of fish from the British Provinces will be most disastrous to the fishing interest of this Commonwealth, and that the permanent maintenance of this policy will insure its complete destruction. This would result in the decay of our fishing ports,

the loss of millions of capital, and drive from their occupation thousands of deserving citizens.

Massachusetts cannot look with indifference upon the impending ruin of a class of her people to whom, in common with the whole nation, she owes so much of her past prosperity. This class has been the nursery of the navy of the Union. It has manned our mercantile marine. Its prompt courage and patriotism, exhibited both on land and sea, in every national exigency, have been equalled only by its enterprise and industry in peace.

I deem it, therefore, a duty, which I must not omit, to suggest to the Legislature the expediency of interposing the whole influence of the State to secure an exhaustive investigation of the entire question, and, if the existing apprehensions should prove well founded, of calling formally upon our senators and representatives in Congress to use every honorable effort to avert the anticipated evil.

[To the Senate and House of Representatives, February 10.]

I have the honor herewith to present to the General Court a copy of certain resolutions adopted by the General Assembly of Alabama, and transmitted to me by the Governor of that State.

This action on my part I consider due to official courtesy. From the doctrine which underlies the resolutions I utterly dissent.

[To the Senate and House of Representatives, March 12.]

I have the honor herewith to transmit, for the information of the General Court, the Report of the Manager of the Troy and Greenfield Railroad and Hoosac Tunnel for the year ending December 31, 1878.

[To the House of Representatives, March 20.]

I have the honor herewith to transmit, for the information of the General Court, the accompanying communication to the Executive from the Land Commissioners.

[To the House of Representatives, April 8.]

I return herewith to the House of Representatives, in which it originated, an "Act to provide for the More Accurate Registration of Vital Statistics."

The provisions of this act, so far as covered by its title, commend themselves to my judgment, and would receive a prompt approval; but I find in the second section a clause which appears to be alien to the letter and the spirit

of the title, conferring powers and compelling action clearly beyond the domain of vital statistics, and open to weighty objections. It is eminently proper, that, upon the death of inmates of public institutions supported in life at the public charge, instant notice should be forwarded to friends or relatives. It is wise to transmit a copy of the notice, with the cause of death duly certified, to the local clerk or registrar. But the remaining provision, that "said bodies shall be prepared for removal by authorities, and, if not called for within two days after death, shall be delivered up for the promotion of anatomical science at the expiration of that time," is repugnant to my feelings, and at variance with my judgment. I am, therefore, compelled to withhold my signature from the act in its present form, and to ask of the Legislature the renewed consideration and more careful scrutiny of these provisions.

I appreciate fully the value and importance of anatomical science. Its needs are imperative, and must be satisfied. The people understand this, and will sustain any reasonable legislation to this end; but they will not submit to any measure which shocks the public sentiment, or wounds the sensibilities of friends. Such legislation would insure its own repeal, and harm the cause it was meant to serve. The existing provisions of law on this subject, contained in chap. 27 of the General Statutes, would seem to be sufficiently liberal; but, if the public necessity requires something more, I shall interpose no objection, provided the statute shall be so framed and guarded, as, in the language of that chapter, "in no event to outrage the public feeling."

The specific objections to this clause are, —

First, That it is too sweeping. It may happen to any one of us, or of our households, to be smitten with sudden and fatal disease among strangers, and taken to a public hospital. Immediate identification is impossible, and in two days the surgeon and the scalpel must follow.

Second, It is too vague. Who is to decide the rival claims of applicants for a body? Under existing laws, officers may grant such bodies to any physician or surgeon, "to be used within the State for the advancement of science," preference being given to medical schools. Under the proposed law, the delivery may be made to any one for use anywhere.

Third, The time is insufficient for friends to claim their dead. Our postal arrangements will not permit it. The towns are numerous in this State between which letters cannot be exchanged within forty-eight hours.

Fourth, It allows no discretion to the local authorities. A mother arriving an hour too late, and pleading with tears for the body of her child, must be denied the privilege of burying it among its kindred. The law is mandatory. It must go to the dissecting-room. It may be said, that, in such a case, the law would be disregarded; but we are not to pass laws in the faith that they will be set at naught.

Fifth, It requires no bond, as provided in the General Statutes. The propriety of an express provision on this point needs no discussion.

Sixth, Worst of all, it disregards the requests of the dying, so carefully guarded in the existing statute, which provides, that if, in his last sickness, the deceased requested to be buried, the body shall not be surrendered for dissection, but shall be buried. The provisions of the proposed act are plainly inconsistent with the humane provisions referred to, and would, therefore, repeal them.

The desire for sepulture is coeval with our race. It is common alike to savage and civilized man. The sanctity of religion hallows it; the affections of the people guard it; the demands of science must not overrule it. The friendless poor should have the full protection of those who make and those who execute the laws, and their plea for Christian burial should never be refused in a Christian land. To any act which denies it I cannot set my hand.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties:—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
Jan. 7.	Henry Malone *	Charles Howard Lombard	Boston.
7.	Lillian Eva Tucker *	Lillian Eva Brickett	Lawrence, Mass.
7.	Lily O'Rourke *	Eva Minerva Smith	Boston.
14.	Gertrude Maud Williams *	Gertrude Susan Sherwin	Boston.
14.	Annie Dillminard *	Alberta Waters	New York City.
14.	M. Stanislaus Oehls	Stanislaus Xavier Boswin	Boston.
21.	Ellen Judge *	Nellie Judge Harrison	Boston.
21.	Allie Jeanette Austin *	Allie Jeanette Squire	Boston.
21.	Alna Jane Austin *	Alna Jane Squire	Boston.
21.	Edith Elizabeth Leach, formerly Lizzie Cronin *	Nellie McLaud	Boston.

21.	Joseph Jacob Hoffert	.	.	.	Joseph Homer	.	.	.	Boston.
Feb. 4.	Mary Moore Dean *	.	.	.	Mary Moore Walker	.	.	.	Boston.
4.	William McDonald *	.	.	.	George Edmond Dunham	.	.	.	Boston.
11.	Colestia Mary Smith *	.	.	.	Marabell Ruth Mason	.	.	.	Boston.
18.	Alice Richardson *	.	.	.	Lina Gertrude Hanson	.	.	.	Boston.
18.	Lizzie Mabel Norcross *	.	.	.	Hattie Mabel Tate	.	.	.	Boston.
18.	Elizabeth Augusta Elliott *	.	.	.	Elizabeth Elliott Reed	.	.	.	Boston.
18.	Louis Roberts Whitehouse *	.	.	.	Lon Allen Whitehouse Browne	.	.	.	Boston.
25.	Arthur Adams *	.	.	.	Arthur Howard Whitney	.	.	.	Boston.
25.	Ellen Frances Hews *	.	.	.	Emma Nickerson	.	.	.	Boston.
25.	Mary Elizabeth Hoffer *	.	.	.	Mary Lizzie Sprague	.	.	.	Boston.
Mar. 4.	Lizze Wood Marple *	.	.	.	Lizzie Wood Thompson.	.	.	.	Boston.
4.	Emma Celia Whittemore *	.	.	.	Pamelia Dana Whitney.	.	.	.	Boston.
4.	Francis Henry Mattrass*] 1.	.	.	.	Francis Henry Cowin	.	.	.	Boston.
4.	Edward Everett Kidney *	.	.	.	Edward Everett Balch	.	.	.	Boston.
4.	Maud — *	.	.	.	Olla Maud Blackwood	.	.	.	Boston.
11.	Emma Marshall *	.	.	.	Gertie May Wainwright	.	.	.	Boston.
11.	Frankie Brown *	.	.	.	Frank Walter Bishop	.	.	.	Boston.
11.	Marietta Wallace *	.	.	.	Alice Frances Raymond	.	.	.	Boston.
18.	Mary Jane Gereett *	.	.	.	Adrieth Hoyt	.	.	.	Boston.

* Names changed by reason of adoption.

SUFFOLK COUNTY — CONTINUED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
Mar. 18.	James Albert Fletcher *	James Albert Hanscom .	Boston.
25.	Gertrude Musso Purrington *	Josie Ella Silsby .	Boston.
April 1.	Mary Brown Noyes *	Harriet Allen Bedlington	Boston.
15.	Mary Donovan *	Mary Emma Whiteside.	Boston.
15.	Mary Stewart *	Cora Edith Burnham .	Boston.
22.	Oscar Alexis Simmerström	Oscar Alexis Norman .	Boston.
29.	Isabella Graham *	Isabella Frances Belcher	Boston.
29.	Mary Elizabeth Hayes *	Rebecca Eunice Hill .	Boston.
29.	Blanche May Howe *	Blanche May Gerrish .	Boston.
May 6.	Dora Bachelder *	Dora Smith .	Wakefield, Mass.
6.	Leland Peters *	Leland Weeks .	Boston.
6.	Francis James Peters *	Francis James Weeks .	Boston.
6.	John Wood Goldthwait *	Frank Ayres Daggett .	Boston.
6.	Eugene Sanborn *	Asa Howard Emery .	Boston.
13.	Leroy Owens *	Cuthbert Parkhurst Redder	Boston.
13.	Edwin Bliss Wright *	George Otis Eaton .	Boston.
20.	Willy Curley *	Willie Weeks .	Boston.

20 .	Jennie Marzynski .	.	.	Jennie Mason .	.	Boston.
20 .	Waldo Henry Marzynski	.	.	Waldo Henry Marzynski Mason	.	Boston.
20 .	Henry Marzynski .	.	.	Henry Marzynski Mason	.	Boston.
20 .	William Myers *	.	.	Frederick Mercer .	.	Boston.
20 .	Alice Loring *	.	.	Florence Isabelle Garrett	.	Boston.
20 .	Richard Tuttle Bradlee *	.	.	Willy Charles Erras .	.	Boston.
27 .	Rollin Allain Goodenough	.	.	Stanislas Allain Farley .	.	Boston.
27 .	Alfred O'Connor, <i>alias</i> Grant *	.	.	Frederick Grant Young.	.	Boston.
27 .	Frank Henry Dewey *	.	.	Frank Dewey Hodgkins	.	Boston.
27 .	Wendell Jones Faber *	.	.	Ernest McGauley .	.	Boston.
27 .	Henry Frank Dewey *	.	.	Henry Dewey Hodgkins	.	Boston.
27 .	Eleanor Shattuck Goodenough	.	.	Eleanor Shattuck Farley	.	Boston.
June 3 .	John Thomas Tyman *	.	.	George Herbert Cameron	.	Boston.
3 .	Eva Hyde *	.	.	Ella Frances Pierce .	.	Boston.
3 .	Grace Richards Hitt	.	.	Grace Richards Drake .	.	Boston.
3 .	Fred Crouse Piper .	.	.	Fred Crouse Raymond .	.	Boston.
3 .	Josiah Fletcher Osgood .	.	.	Fletcher Osgood .	.	Chelsea.
10 .	George Peterson *	.	.	Thomas Charles Robertson	.	Boston.
10 .	Carrie May Hurley *	.	.	Carrie May Dodge .	.	Boston.
17 .	Ruth Preston *	.	.	Ida May Clifford .	.	Boston.

* Names changed by reason of adoption.

SUFFOLK COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
June 17 .	William Williams *	Frank Crane	Boston.
17 .	Eva Adeline Brown *	Eva Adeline Black	Boston.
24 .	Arthur Henry Crompton *	Arthur Henry Wright	Boston.
July 22 .	Lillian Wilkinson Spellman *	Lillian Wilkinson Potter	Boston.
22 .	Gertrude Fuller *	Rae Blanche Silsby	Boston.
29 .	Mary C. Clark	Mary C. Reynolds	Chelsea.
29 .	Agnes Gardner *	May Marcy Henderson	Boston.
Aug. 19 .	Luey Evans *	Jennie Alice Boyver	Boston.
19 .	Grace Gouldrop *	Bertha Viola Grindle	Boston.
Sept. 16 .	Lillian Bell Lyon *	Ethel Elmira Ford	Boston.
23 .	John Christopher Brickley	John Christopher Brickley Bryant	Boston.
23 .	Bertha Elsasser *	Bertha Elsasser Ryan	Boston.
23 .	Catherine Elsasser *	Catherine Elsasser Russell Laforme	Boston.
30 .	Frank Chapman *	William Howard Hill	Boston.
30 .	Augusta Frederika Moses *	Augusta Frederika Reuter	Boston.
Oct. 7 .	Laura Louise Hall *	Laura Louise Morse	Lowell, Mass.
7 .	Grace Lillian Partridge *	Grace Helen Clifford	Boston.

7.	Lizzie Florence Partridge *	.	.	Angie May Robinson	.	.	Boston.
28.	Child of Annie E Newell *	.	.	Ethlyn Gertrude Wood	.	.	Boston.
28.	Katie Alma West *	.	.	Kathleen Hamilton Malloch	.	.	Boston.
28.	Mary Eliza Lee *	.	.	Ethel Mary Cheney	.	.	Boston.
Nov. 4.	Mary Jane Gordon, otherwise Mary Hines *	.	.	Ellen Maria Murphy	.	.	Boston.
Dec. 9.	Patrick Francis Flaherty	.	.	Patrick Flaherty Ferris	.	.	Boston.
16.	Grace Elizabeth Madden *	.	.	Florence Agnes Humphrey	.	.	Boston.
23.	Flora Fleming *	.	.	Ruth Ruby Frost	.	.	Boston.
23.	Lucius Clark Edwards, jun. *	.	.	Louis Shirley Chase	.	.	Boston.
23.	Minnie Engel Schemmel *	.	.	Georgianna Williams	.	.	Boston.
30.	Minnie Smith *	.	.	Lillian Pierce Howard	.	.	Boston.

ESSEX COUNTY.

Jan. 7.	Emma Bohring *	.	.	Emma Brown	.	.	Salisbury.
19.	Susan Myrtle *	.	.	Susan Gardner	.	.	Methuen.
28.	Caroline Goldie *	.	.	Eva Maud Emlyn	.	.	Lynn.
Feb. 4.	Arthur P. Lincoln *	.	.	Arthur P. Poor	.	.	Danvers.
18.	Josephine Rollins *	.	.	Josephine Beaver	.	.	Salem.

* Names changed by reason of adoption.

ESSEX COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
Feb. 27.	Eva Louisa Dalrymple . . .	Eva Louisa Creesy . . .	Salem.
April 1.	Paul Sieber, <i>alias</i> Jacob Sieber*	Willie Everett Hollis . . .	Lynn.
1.	Elizabeth Adelaide Stevens*.	Elizabeth Florence Potter . . .	Boxford.
8.	Charles A. Kent* . . .	Charles A. Clark . . .	Beverly.
15.	Frank Perry* . . .	Frank Hoyt . . .	Newburyport.
15.	Hattie Childs* . . .	Helen Adelaide Butler . . .	Lynn.
22.	Margaret Florence Charlotte Olson*	Ann Allison Crawford . . .	Lawrence.
May 6.	Frederick Norman Sherwood*	Frederick Sherwood Webb . . .	Salem.
13.	Eleanor May* . . .	Gertrude May Banks . . .	Haverhill.
27.	Mary E. O'Brine . . .	Mary E. Emerson . . .	Haverhill.
June 10.	James Goodhue* . . .	James Goodhue Tuttle . . .	Salem.
24.	Elizabeth W. Soule . . .	Elizabeth W. Pike . . .	Salisbury.
Oct. 7.	Jessie M. Noyes* . . .	Jessie Malcolm Hutchins . . .	Lynn.
Dec. 15.	Charles Walter Allston . . .	Charles Walter Allston Thurston . . .	Lynn.

MIDDLESEX COUNTY.

Jan. 1.	Susan Parsons	Miniola Landry	Lowell.
1.	Lilly Abbott, <i>alias</i> Lilly Edinborough .	Eva Carrie Wright	Medford.
15.	Frederick H. Hathaway	George Melvin Wascott	Newton.
22.	Hattie Livingstone	Hattie Jane Buchanan	Lowell.
Feb. 5.	Charles Frederick Gifford	Charles Frederick Raymond	Cambridge.
5.	Emma Anderson	Anna Maria Newhall Clough	Cambridge.
5.	Herbert Lincoln Crawford	Lincoln Crawford Heywood	Belmont.
5.	Clara Forbush Cutler	Clara Adelaide Forbush	Natick.
12.	Marion Marks	Harriet Hartwell Knowlton	Lowell.
Mar. 5.	Esther Ann Roberts	Mary Etta Kimball	Wakefield.
5.	William T. Pierson	Harrie Elton Ward	Somerville.
12.	Emma Axtell	Emma Louisa Hinckley	Malden.
19.	Susan E. Chase	Susan Everline Wheeler	Somerville.
26.	Mary Jones	Grace Emily Cooper	Natick.
April 9.	Maude Florence McInnes	Maude Florence Collins	Medford.
23.	Harold Moore	Harold Woodbury Davis	Waltham.
23.	Albert James Fisher Kelley	Ralph Ernest Mayhew	Cambridge.
May 7.	Charles Miller	Henry Parks Sherman	Wayland.

* Names changed by reason of adoption.

MIDDLESEX COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
May 14 .	Grace Abbie Colburn .	Grace Abbie Gates .	Framingham.
21 .	Gertrude Ball .	Gertrude Fairchild .	Stoneham.
28 .	Frank P. Burgin .	Frank Penly Briggs .	Ayer.
28 .	Fred B. Burgin .	Fred Byron Briggs .	Ayer.
June 4 .	May A. Colburn .	Maud Coburn .	Hopkinton.
25 .	Lydia Lincoln Choate .	Lydia Lincoln Choate Wright .	Sudbury.
July 16 .	Louis James Munroe .	Louis James McDonnell .	Lowell.
16 .	Jennette Lizzie James .	Jennette Lizzie Stratton .	Lincoln.
23 .	Mary Adallah Thayer .	Mary Adallah Howorth .	Malden.
Aug. 6 .	Isabella White .	Isabella Stephenson .	Cambridge.
6 .	Harriet Thompson .	Harriet Louise Symmes .	Arlington.
Sept. 3 .	Name unknown .	Charlotte Marie Therese Wieland .	Medford.
17 .	Jennie E. Clifton .	Mabel Jane Trombley .	Lowell.
24 .	Arthur W. Richardson .	Arthur Warren Richardson .	Woburn.
Oct. 22 .	Susie McGonigle .	Susie Doherty .	Stoneham.
22 .	Mabel Jane Trombley .	Maud Clifton Pinkham .	Lowell.
Nov. 19 .	Nellie E. Freeman .	Nellie Endora Booby .	Lowell.

19.	Edith White.	.	.	.	Edith Brookings White Sanborn	.	Somerville.
19.	Gertrude Black	.	.	.	Gertrude Beatrice Gregg	.	Watertown.
26.	Evangeline Longfellow	.	.	.	Grace Morrill Teele	.	Somerville.

WORCESTER COUNTY.							
Jan. 1.	Mary Robinson	.	.	.	Lizzie Scott Buckley	.	Northbridge.
1.	Lizzie Bohring	.	.	.	Lizzie Jeannette Perry	.	Athol.
1.	Willie Ethan Allen	.	.	.	William Ethan Allen	.	Worcester.
15.	Maria Leahey	.	.	.	Maud Anne Kelley	.	Oxford.
Feb. 5.	Katie Baldwin	.	.	.	Florence May Litchfield	.	Lunenburg.
5.	— — —	.	.	.	Freddie Gilbert Hale	.	Royalston.
5.	Elizabeth A. Patrick	.	.	.	Elizabeth Adelaide Potter	.	Worcester.
19.	Caroline Callon	.	.	.	Ellen Caroline Gleason	.	Sturbridge.
Mar. 5.	Michael Harrigan	.	.	.	Frank Webster Allen	.	Warren.
19.	Isabella Gould	.	.	.	Mary Bell Harris	.	Worcester.
19.	Mabel Pierson Percy	.	.	.	Alice Mabel Talbot	.	Hubbardston.
19.	Blanche Pigeon	.	.	.	Jennie Blanche Thompson	.	Worcester.
April 2.	Addie Laura Foster	.	.	.	Addie May Willoughby	.	Fitchburg.
2.	Eugene Brigham Fuller.	.	.	.	Frank Eugene Brigham	.	Oakham.

WORCESTER COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
April 9 .	Sarah Jaques	Sarah Elizabeth Bradbury . . .	Millbury.
May 7 .	Edward Basset, <i>alias</i> Edward Hoxie .	Charles Sumner Whitney Wright .	Harvard.
7 .	Carl Klinschuster	Carl Mohr	Worcester.
21 .	Sylvia Ann Byam	Sylvia Sabry Bemis	Royalston.
21 .	Wallace L. Lane	Wallace L. Sargent	Lancaster.
Sept. 3 .	Sannel Parkinson	Minot Volney Bastian	Clinton.
3 .	Bessie Maria Acres	Bessie Elizabeth Parmenter . . .	Princeton.
17 .	Susie Lewis	Lizzie Mabel Austin	Oakham.
Nov. 7 .	Sarah J. Woodward	Sarah J. Billings	Athol.
19 .	George Washington Onthank . . .	George Washington Rice	Southborough.
26 .	Kate Boyle	Maud Rena Walker	Fitchburg.
Dec. 17 .	— — —	Frances Louisa Doane	Warren.
17 .	Mabel Arbing	Ethel Marion Lillie	Milford.
HAMPSHIRE COUNTY.			
Mar. 6 .	Charles Washington	Charles Arthur Cole	Northampton.
April 3 .	Mary Hannah Fitzgerald	Mary Hannah Eager	Northampton.

HAMPDEN COUNTY.

June 4.	Agnes Bolton	Agnes Bolton Howard	Amherst.
July 2.	Florence Ann Frizello	Hattie Mary Redding	Amherst.
Dec. 17.	Emma Louisa Barton	Emma M. Sprague	Ware.
Feb. 5.	Lottie Annie Estella Lee	Lottie Annie Estella Manegin	Longmeadow.
Mar. 11.	Foundling	Gertrude May Smith	Holyoke.
April 2.	Gracie Mieliez	Grace Judson Root	Hartford, Conn.
May 7.	Dwight Varnum Dixon	Harry Dwight Tuttle	Holyoke.
June 4.	Ralph Howard Farrington	Ralph Howard Nevins	Holyoke.
July 3.	Desmond Annis Taisey	Bertha Augusta Smith	Holyoke.
3.	Frederick Lapworth Eastman	George Gilbert Tucker	Westfield.
Aug. 1.	Annie May Ross	Annie May Coomes	Springfield.
Sept. 4.	Henry Powell Hughes	Henry Powell Tye	Chicopee
Nov. 6.	Mabel Chaudler	Lucy Augusta Barton	West Springfield.
Dec. 3.	Lena Davis	Lena Jones	Chicopee.

FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
Jan. 15.	— — — *	Nettie L. Hale	Gill.
Mar. 5.	Isaletia B. Smith *	Isaletta B. Thompson	New Salem.
May 7.	Mary A. Burnham *	Eva Turner	Greenfield.
21.	Ella A. Anthoine *	Ella O. Holman	Montague.
June 4.	Emma F. Smith	Emma F. Clifford	Northfield.
4.	Lucinda A. Hore *	Angeline Freeman	Conway.
Sept. 3.	Bela A. Wilds *	George N. Bryant	Ashfield.
3.	Ellen L. Flagg *	Ellen L. Mack	Orange.
Dec. 3.	Walter H. Saxton *	William M. Fisher	Montague.
10.	James E. Bliss *	James E. Luisea	Orange.

BERKSHIRE COUNTY.

Feb. 5.	Alton Wesley Fielding	Alton Wesley Rouse	Tyringham.
6.	Elizabeth Peterson	Mary Elizabeth Olds	Pittsfield.
April 3.	Willard Bainbridge Brown	Charles William Ackerson	Lee.
June 4.	Gratia A. Burr	Gratia A. Chamberlin	Dalton.

4 .	Hattie Maria Degothard	Hattie Maria Hall	West Stockbridge.
July 16 .	Gertrude Horan	Gertrude Eaton	Pittsfield.
16 .	Evyline Cadwell	Evyline Cadwell Shaw	West Stockbridge.
16 .	Ellen A. Welch	Ellen A. Dwyre	Hinsdale.
16 .	Thomas John Francis Welch	Thomas Francis O'Conner	Dalton.
18 .	Fred Darwin Mosher	Fred Darwin Field	Adams.
Sept. 3 .	Charles P. Welch	Charles P. Ryan	Hinsdale.
Nov. 6 .	Charles Henry Schultz	George Herman Knapp	Pittsfield.

NORFOLK COUNTY.

Mar. 6 .	Sarah Alice Hoyt	Grace Lillian Bill	Chelsea.
20 .	John Isaac Willett	John Lewis Caldwell	Hanson.
Apr. 17 .	Mary Dodge	Mary Ella Newton	Boston.
May 22 .	Marian Chester Flynn	Marian Chester Deane	Machiasport, Me.
July 17 .	Mary Elizabeth Anderson	Marian Lewis Pierce	Boston.
Nov. 20 .	William Francis Rourke	Frank Long	Medfield.

* Names changed by reason of adoption.

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1878.			
Feb. 8.	James B. T. Robinson .	James B. Thomas .	New Bedford.
Mar. 15.	Fernando Franklin Hart	Frank Hart Gifford	Dartmouth.
22.	Anne Sophia Swain .	Edith Gray Silva .	New Bedford.
April 5.	Sarah Elizabeth Harding	Sarah Elizabeth Burgess Harding .	Somerset.
5.	Mary A. H. Shepherd .	Mary A. H. Clark .	New Bedford.
May 3.	Annie Bismore .	Annie Bismore Barrett .	Dartmouth.
3.	Isabel Swain Bismore .	Isabel Swain Barrett .	Dartmouth.
3.	William Henry Peck .	James Butler Sanford .	New Bedford.
17.	Arthur Herbert Wordell	Arthur Herbert Hack .	New Bedford.
24.	William Goodwin .	William Goodwin Jenney .	Foxborough.
24.	Elle Perett .	Minnie Kinghorn Crossley .	Fall River.
July 5.	Charles Sanford Almy.	Charles Sanford Remington	Mattapoisett.
Aug. 2.	Edmund Baylies .	Edmund Lincoln Baylies .	Taunton.
Sept. 6.	Alvin H. Mills .	Alvin H. Young .	Westport.
20.	Lizzie Terry .	Lizzie Terry Williston .	New Bedford.
Oct. 11.	Bertha Leavett Jackson .	Bertha Scott Frink .	Attleborough.
Nov. 7.	Eliza J. Luscomb .	Eliza J. Culver .	New Bedford.

Dec. 6.	Mary Ellen Sullivan	.	.	.	Mary Ellen Cavanaugh	.	.	Fall River.
6.	Nellie Clifton Gifford	.	.	.	Nellie Clifton Devoll	.	.	New Bedford.
17.	Willie Carlton Sherman	.	.	.	Willie Carlton Cook	.	.	Mansfield.
PLYMOUTH COUNTY.								
Jan. 14.	Joanna O'Donnell *	.	.	.	Isabel Maria Damon	.	.	Scituate.
Apr. 15.	Unknown *	.	.	.	Arthur S. Studley.	.	.	South Scituate.
May 13.	John F. Callahan *	.	.	.	Edgar S. Hills	.	.	Scituate.
13.	Mabel A. Blankenship *	.	.	.	Mabel Augusta Curtis	.	.	South Scituate.
13.	Charles E. Glass *	.	.	.	Charles E. Soule	.	.	Duxbury.
13.	Jeremiah Sullivan	.	.	.	Walter Pierce	.	.	Hanover.
Aug. 26.	Laura A. Walker *	.	.	.	Bertha M. Dobson	.	.	South Abington.
Sept. 26.	Mary Shefford *	.	.	.	Charlotte Kierstead	.	.	Plymouth.
Nov. 11.	Unknown *	.	.	.	Ella Frances Kenerson	.	.	Hingham.
25.	Gertrude B. Gray *	.	.	.	Gertrude Borden Otis	.	.	South Scituate.
Dec. 9.	Annie Warren *	.	.	.	Annie Warren Bartlett	.	.	Kingston.
BARNSTABLE COUNTY.								
Aug. 13.	David Look Hallet	.	.	.	Leander Lothrop Hallet	.	.	Dennis.

* Names changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH, FOR
THE POLITICAL YEAR

1879.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

THOMAS TALBOT,
GOVERNOR.

WILLIAM M. OLIN *Private Secretary.*

HIS HONOR

JOHN D. LONG,
LIEUTENANT-GOVERNOR.

COUNCIL — (By Districts).

I.—JOHN S. BRAYTON	Fall River.
II.—WILLIAM O. TAYLOR	Boston.
III.—GEORGE P. CARTER	Cambridge.
IV.—CHARLES McLEAN	Boston.
V.—HARMON HALL	Saugus.
VI.—JOSEPH A. HARWOOD	Littleton.
VII.—WILLIAM UPHAM	Spencer.
VIII.—TILLY HAYNES	Springfield.

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*
GEORGE G. SPEAR, *Jun., 3d Clerk.*

CHARLES ENDICOTT,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* JOHN Q. ADAMS, *2d Clerk.*

CHARLES R. LADD,*

AUDITOR.

AUGUSTUS BROWN, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

GEORGE MARSTON,

ATTORNEY-GENERAL.

FREDERIC H. GILLET *Assistant Attorney-General.*

* Appointed by the Governor, May 2; qualified May 5, 1879; Vice Julius L. Clarke, resigned.

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1876.

SENATE.

President — JOHN B. D. COGSWELL.

District.	Name of Senator.	Residence.
First Suffolk . .	Eben Hutchinson . .	Chelsea.
Second “ . .	Eugene L. Norton . .	Boston.
Third “ . .	William Taylor . .	Boston.
Fourth “ . .	James White . .	Boston.
Fifth “ . .	John B. Martin . .	Boston.
Sixth “ . .	Alvah A. Burrage . .	Boston.
Seventh “ . .	Albert Palmer . .	Boston.
Eighth “ . .	Joseph S. Ropes . .	Boston.
First Essex . .	Nathan M. Hawkes . .	Lynn.
Second “ . .	Stephen F. Blaney . .	Peabody.
Third “ . .	Jonas H. French . .	Gloucester.
Fourth “ . .	George W. Cate . .	Amesbury.
Fifth “ . .	Stephen Osgood . .	Georgetown.
Sixth “ . .	Jacob Emerson . .	Methuen.
First Middlesex . .	Benjamin F. Hayes . .	Medford.
Second “ . .	Robert R. Bishop . .	Newton.
Third “ . .	Asa P. Morse . .	Cambridge.

District.	Name of Senator.	Residence.
Fourth Middlesex .	Samuel N. Aldrich . .	Marlborough.
Fifth " . .	E. Dana Bancroft . .	Ayer.
Sixth " . .	Daniel Russell . . .	Melrose.
Seventh " . .	Francis Jewett . . .	Lowell.
First Worcester .	Henry C. Rice . . .	Worcester.
Second " . .	William Knowlton . .	Upton.
Third " . .	James W. Stockwell .	Sutton.
Fourth " . .	Alpheus Harding . .	Athol.
Fifth " . .	Charles H. Merriam . .	Leominster.
First Hampden .	Charles L. Gardner . .	Palmer.
Second " . .	A. C. Woodworth . .	Chicopee.
Hampshire . .	John L. Otis . . .	Northampton.
Franklin . . .	Henry Winn . . .	Buckland.
North Berkshire .	Dallas J. Dean . . .	Adams.
South " . .	Justin Dewey . . .	Gt. Barrington.
First Norfolk .	Nathaniel Wales . .	Stoughton.
Second " . .	Frederick D. Ely . .	Dedham.
First Plymouth .	Joseph S. Beal . . .	Kingston.
Second " . .	Jonathan White . . .	Brockton.
First Bristol . .	Ezra Davol . . .	Taunton.
Second " . .	Weaver Osborn . . .	Fall River.
Third " . .	Hosea M. Knowlton . .	New Bedford.
Cape . . .	John B. D. Cogswell .	Yarmouth.

STEPHEN N. GIFFORD Clerk.

ISAAC DUNHAM Chaplain.

O. F. MITCHELL Sergeant-at-Arms.

HOUSE OF REPRESENTATIVES.

Speaker — LEVI C. WADE.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1 . {	George T. Sampson . Richard Beeching .	Boston. Boston.
2d,	Boston, Ward 2 . {	William J. Burke . William A. Foss .	Boston. Boston.
3d,	Boston, Ward 3 . {	John B. Norton . Jeremiah J. Crowley,	Boston. Boston.
4th,	Boston, Ward 4 .	Joseph W. Davis .	Boston.
5th,	Boston, Ward 5 . {	John H. Dee . John H. Sherburne .	Boston. Boston.
6th,	Boston, Ward 6 . {	James L. Quigley . Cornelius Desmond .	Boston. Boston.
7th,	Boston, Ward 7 . {	Neil Henry . Richard Roach .	Boston. Boston.
8th,	Boston, Ward 8 . {	Dennis O'Connor . James L. Locke .	Boston. Boston.
9th,	Boston, Ward 9 . {	Edward F. Thayer . George W. Lowther .	Boston. Boston.
10th,	Boston, Ward 10 . {	Thomas Russell . Arthur J. C. Sowdon,	Boston. Boston.
11th,	Boston, Ward 11 . {	Charles J. Prescott . Hamilton A. Hill .	Boston. Boston.
12th,	Boston, Ward 12 . {	Patrick F. Murphy . Edward J. Jenkins *	Boston. Boston.
13th,	Boston, Ward 13 . {	James A. McGeough, Thomas F. FitzGerald,	Boston. Boston.

* Resigned April 3.

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	Boston, Ward 14 . {	Charles J. Noyes . George H. Bond .	Boston. Boston.
15th,	Boston, Ward 15 . {	Alonzo Warren . John F. McMahon .	Boston. Boston.
16th,	Boston, Ward 16 . {	Joseph H. O'Neil . Timothy B. Spillane,	Boston. Boston.
17th,	Boston, Ward 17 . {	John Q. A. Brackett, John Sweetser .	Boston. Boston.
18th,	Boston, Ward 18 . {	Henry D. Hyde . Lewis Coleman .	Boston. Boston.
19th,	Boston, Ward 19 . {	John Joyce . Francis E. Hines .	Boston. Boston.
20th,	Boston, Ward 20 . {	Payson E. Tucker . James B. Graham .	Boston. Boston.
21st,	Bofton, Ward 21 . {	Henry W. Fuller . Arthur W. Tufts .	Boston. Boston.
22d,	Boston, Ward 22 .	William H. Carberry,	Boston.
23d,	Boston, Ward 23 . {	Matthew Bolles . H. Aug. Johnson .	Boston. Boston.
24th,	Boston, Ward 24 . {	Joseph Wiswell . Edward B. Callender,	Boston. Boston.
25th,	Boston, Ward 25 .	Joseph Bennett .	Boston.
26th,	{ Chelsea . . . } { Revere . . . } { Winthrop . . }	Elbridge C. Donnell, Charles H. Ferson . Rufus Trussell .	Chelsea. Chelsea. Chelsea.

COUNTY OF ESSEX.

1st,	{ Rockport Gloucester, Wd. 7 . }	Amos Rowe . .	Rockport.
2d,	{ Gloucester, Wds. 1, } 2, 3, 4, 5, 6 . }	Stephen Rich . . Charles H. Wonson .	Gloucester. Gloucester.
3d,	{ Gloucester, Wd. 8 . } Essex . . . Manchester . . Hamilton . . }	John F. James .	Essex.

COUNTY OF ESSEX—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Wenham . . . } { Danvers . . . }	J. Albert Blake .	Danvers.
5th,	Beverly . . .	John I. Baker . .	Beverly.
6th,	Salem, Wds. 1, 2, 5, {	Charles S. Osgood .	Salem.
		George D. Glover .	Salem.
7th,	Salem, Wds. 3, 4, 6, {	Horace Brown . .	Salem.
		Nathaniel A. Horton,	Salem.
8th,	{ Marblehead . . . } { Swampscott . . . }	William P. Proctor, jr.	Marblehead.
		Charles H. Litchman,	Marblehead.
9th,	Lynn, Ward 3 . .	Amasa C. Robinson,	Lynn.
10th,	{ Lynn, Wards 1, 2, 4, } { 5, 7 . . . } { Nahant . . . }	C. A. Wentworth, 2d,	Lynn.
		Daniel R. Pinkham .	Lynn.
		William Lyon . . .	Lynn.
11th,	Lynn, Ward 6 . .	Thomas H. Day . .	Lynn.
12th,	Peabody . . .	Henry Wardwell .	Peabody.
13th,	{ Saugus . . . } { Lynnfield . . . } { Middleton . . . } { Topsfield . . . }	Dudley Bradstreet .	Topsfield.
14th,	{ Andover . . . } { North Andover . . }	Newton P. Frye . .	No. Andover.
15th,	{ Boxford . . . } { Rowley . . . } { Ipswich . . . }	William S. Coggin .	Boxford.
16th,	{ Newbury . . . } { Newburyport . . . } { Wds. 1, 2, 3, 4, 5, 6, }	Benj. F. Atkinson* .	Newburyport.
		Samson Levy . . .	Newburyport.
17th,	{ Georgetown . . . } { Groveland . . . } { Bradford . . . }	Albert Kimball . .	Bradford.
18th,	{ West Newbury . . . } { Salisbury . . . } { Amesbury . . . } { Merrimac . . . }	Orin Warren . . .	W. Newbury.
		Albert S. Adams . .	Amesbury.

* Resigned April 29.

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Haverhill, Wards 1, } 2, 3, 4, 5, 6. . } { Methuen . . }	William A. Brooks . D. Smith Kimball *. Edmund P. Sargent,	Haverhill. Haverhill. Methuen.
20th,	{ Lawrence, Wards 1, } 2, 3 . . . }	Abel Webster . Joseph J. Nichols .	Lawrence. Lawrence.
21st,	{ Lawrence, Wards 4, } 5, 6 . . . }	Levi Emery . Jesse Moulton .	Lawrence. Lawrence.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } 1, 5 . . }	Edwin B. Hale . George W. Park .	Cambridge. Cambridge.
2d,	{ Cambridge, Wards } 2, 4 . . }	Lucius R. Paige . A. Carter Webber . James H. Sparrow .	Cambridge. Cambridge. Cambridge.
3d,	Cambridge, Ward 3,	Joseph J. Kelley .	Cambridge.
4th,	Somerville, Ward 1,	Richard E. Nickerson,	Somerville.
5th,	Somerville, Ward 2,	James Long † .	Somerville.
6th,	Somerville, Wds. 3, 4,	Jacob T. Glines .	Somerville.
7th,	Medford . . .	John H. Hooper .	Medford.
8th,	{ Malden . . . } { Everett . . . }	Elisha S. Converse . James P. Magee .	Malden. Malden.
9th,	Melrose . . .	Joseph D. Wilde .	Melrose.
10th,	Stoneham . .	John F. Berry .	Stoneham.
11th,	Wakefield . .	Azel Ames, jun. .	Wakefield.
12th,	{ Reading . . . } { North Reading . . } { Wilmington . . }	Daniel H. Wadlin .	Reading.
13th,	Woburn . . .	Montessor S. Seeley,	Woburn.
14th,	{ Arlington . . . } { Winchester . . }	Josiah F. Stone .	Winchester.

* Seated by resolution of House; Charles E. Kelly received certificate of election, but declined seat because of error in the returns of votes.

† Deceased January 28; Charles S. Lincoln elected February 18.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Watertown . . . } { Belmont . . . }	William H. Ingraham,	Watertown.
16th,	{ Newton, Wards 1, 2, } { 3, 4, 5, 6, 7 . }	Levi C. Wade . Charles E. Ranlett .	Newton. Newton.
17th,	Waltham . . .	David Randall . .	Waltham.
18th,	{ Lexington . . . } { Burlington . . . } { Bedford . . . } { Billerica . . . }	Augustus E. Scott .	Lexington.
19th,	{ Tewksbury . . . } { Chelmsford . . . } { Tyngsborough . . } { Dracut . . . }	John W. Peabody .	Dracut.
20th,	Lowell, Ward 1 .	William M. Hoar .	Lowell.
21st,	Lowell, Ward 2 .	Leavitt R. J. Varnum,	Lowell.
22d,	Lowell, Ward 3 .	Robert E. Crowley .	Lowell.
23d,	Lowell, Ward 4 .	James W. Bennett .	Lowell.
24th,	Lowell, Ward 5 .	William H. Wiggin,	Lowell.
25th,	Lowell, Ward 6 .	John J. Pickman .	Lowell.
26th,	{ Concord . . . } { Acton . . . } { Carlisle . . . } { Lincoln . . . }	Richard Barrett .	Concord.
27th,	{ Weston . . . } { Wayland . . . } { Sudbury . . . } { Maynard . . . }	Alonzo S. Fiske .	Weston.
28th,	Natick . . .	Francis Bigelow .	Natick.
29th,	{ Holliston . . . } { Sherborn . . . }	Jonathan Holbrook .	Sherborn.
30th,	{ Hopkinton . . . } { Ashland . . . }	Jonathan Whittemore,	Hopkinton.
31st,	Framingham . .	Joel C. Clark . .	Framingham.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
32d,	Marlborough . . .	Daniel S. Mooney .	Marlborough.
33d,	{ Hudson . . . Stow . . . Boxborough . . . Littleton . . . }	Edwin Whitney .	Stow.
34th,	{ Westford . . . Groton . . . Dunstable . . . Pepperell . . . }	Sumner P. Lawrence,	Pepperell.
35th,	{ Ayer . . . Shirley . . . Townsend . . . Ashby . . . }	Francis W. Wright .	Ashby.

COUNTY OF WORCESTER.

1st,	{ Blackstone . . . Uxbridge . . . }	Frederick Thayer .	Blackstone.
2d,	{ Mendon . . . Milford . . . Upton . . . }	Homer W. Darling . Isaac N. Crosby .	Mendon. Milford.
3d,	{ Northbridge . . . Grafton . . . }	Francis E. Fowler .	Northbridge.
4th,	{ Westborough . . . Southborough . . . }	George Otis Brigham,	Westborough.
5th,	{ Clinton . . . Berlin . . . Bolton . . . Sterling . . . Lancaster . . . Harvard . . . Lunenburg . . . }	Samuel R. Damon . Abner Barnard .	Lancaster. Harvard.
6th,	Fitchburg . . .	Charles T. Crocker . Luther J. Brown .	Fitchburg. Fitchburg.
7th,	{ Winchendon . . . Ashburnham . . . Gardner . . . Westminster . . . Princeton . . . }	William H. Brown . Wilder P. Clark .	Princeton. Winchendon.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Athol . . . } { Royalston . . . }	Leander B. Morse .	Athol.
9th,	{ Petersham . . . } { Phillipston . . . } { Templeton . . . } { Hubbardston . . . }	Lyman Clark . .	Petersham.
10th,	{ Dana } { Hardwick } { Barre } { Oakham } { New Braintree . . }	Chauncy Loring .	Barre.
11th,	{ Rutland } { Holden } { Paxton } { Leicester }	Charles R. Bartlett .	Rutland.
12th,	{ West Brookfield . . } { Warren } { Brookfield } { North Brookfield . . } { Sturbridge }	Theodore C. Bates . Joseph Smith . .	N. Brookfield. Warren.
13th,	{ Spencer } { Charlton } { Southbridge } { Oxford }	Samuel C. Paine . George D. Woodbury,	Oxford. Charlton.
14th,	{ Douglas } { Webster } { Dudley }	Robert Humphrey .	Webster.
15th,	{ Auburn } { Millbury } { Sutton }	George W. Rice .	Sutton.
16th,	{ Shrewsbury } { Northborough } { Boylston } { West Boylston . . . }	David F. Wood .	Northborough.
17th,	Leominster . . .	George F. Colburn .	Leominster.
18th,	Worcester, Ward 1,	Thomas J. Hastings,	Worcester.
19th,	Worcester, Ward 2,	William A. S. Smyth,	Worcester.
20th,	Worcester, Ward 3,	Frank D. Leary .	Worcester.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	Worcester, Ward 4,	Matt. J. McCafferty,	Worcester.
22d,	Worcester, Ward 5,	James H. Mellen .	Worcester.
23d,	Worcester, Ward 6,	Joseph H. Walker .	Worcester.
24th,	Worcester, Ward 7,	Calvin L. Hartshorn,	Worcester.
25th,	Worcester, Ward 8,	John D. Washburn,*	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton . . . Northampton . . . Southampton . . }	William M. Gaylord, Henry S. Sheldon .	Northampton. Southampton.
2d,	{ Hadley . . . Hatfield . . . Westhampton . . Williamsburg . . }	Royal M. Montague,	Hadley.
3d,	{ Chesterfield . . . Cummington . . . Goshen . . . Huntington . . . Middlefield . . . Plainfield . . . Worthington . . }	Alvan Barrus . .	Goshen.
4th,	{ Amherst . . . Pelham . . . Prescott . . . South Hadley . . }	Edward P. Crowell .	Amherst.
5th,	{ Belchertown . . . Enfield . . . Granby . . . Greenwich . . . Ware . . . }	Frederick N. Hosmer,	Ware.

COUNTY OF HAMPDEN.

1st,	{ Monson . . . Brimfield . . . Holland . . . Wales . . . }	William J. Ricketts,	Monson.
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* Resigned; J. Marcus Rice elected February 11.

COUNTY OF HAMPDEN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Palmer . . . } { Wilbraham . . . } { Hampden * . . . } { Ludlow . . . }	Benjamin F. Burr .	Ludlow.
3d,	Chicopee . . .	Frank H. Morton .	Chicopee.
4th,	{ Springfield, Wards } { 1, 2 . . . }	William Pynchon . Jonathan E. Shipman,	Springfield. Springfield.
5th,	{ Springfield, Wards } { 3, 6 . . . }	Charles R. Ladd .	Springfield.
6th,	{ Springfield, Wards } { 4, 7 . . . } { Longmeadow . . . }	Eleazer S. Beebe .	Longmeadow.
7th,	{ Springfield, Wards } { 5, 8 . . . }	Elisha B. Maynard .	Springfield.
8th,	{ Holyoke, Wards 1, } { 2, 3, 4, 5 . . . }	Thomas L. Keough .	Holyoke.
9th,	{ Holyoke, Wds. 6, 7, } { West Springfield . . }	Joseph Murray .	Holyoke.
10th,	{ Westfield . . . } { Agawam . . . } { Montgomery . . . }	Merritt Van Deusen, James H. Bryan .	Westfield. Westfield.
11th,	{ Southwick . . . } { Granville . . . } { Tolland . . . } { Blandford . . . } { Chester . . . } { Russell . . . }	Ethan D. Dickinson,	Granville.

COUNTY OF FRANKLIN.

1st,	{ Erving . . . } { Warwick . . . } { Orange . . . } { New Salem . . . }	Rufus Livermore .	Orange.
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* Town of Wilbraham divided and Hampden incorporated March 23, 1873.

COUNTY OF FRANKLIN — CONCLUDED.

District.	Town.	Name of Representative.	Residence.
2d,	<div> <div>Montague . . .</div> <div>Sunderland . . .</div> <div>Leverett . . .</div> <div>Shutesbury . . .</div> <div>Wendell . . .</div> </div>	Joseph F. Bartlett .	Montague.
3d,	<div> <div>Greenfield . . .</div> <div>Gill . . .</div> <div>Shelburne . . .</div> </div>	Eben A. Hall . .	Greenfield.
4th,	<div> <div>Deerfield . . .</div> <div>Conway . . .</div> <div>Whately . . .</div> </div>	Charles P. Aldrich .	Deerfield.
5th,	<div> <div>Northfield . . .</div> <div>Bernardston . . .</div> <div>Leyden . . .</div> <div>Colrain . . .</div> <div>Heath . . .</div> </div>	Richard H. Hoyt .	Bernardston.
6th,	<div> <div>Ashfield . . .</div> <div>Buckland . . .</div> <div>Charlemont . . .</div> <div>Hawley . . .</div> <div>Rowe . . .</div> <div>Monroe . . .</div> </div>	Leonard B. Rice .	Charlemont.

COUNTY OF BERKSHIRE.

1st,	<div> <div>Hancock . . .</div> <div>Lanesborough . . .</div> <div>New Ashford . . .</div> <div>Williamstown . . .</div> <div>Clarksburg . . .</div> </div>	Benj. F. Mather, jr.	Williamstown.
2d,	<div> <div>Adams . . .</div> <div>North Adams* . . .</div> </div>	<div>Horace M. Holmes .</div> <div>William F. Darby .</div>	<div>Adams.</div> <div>North Adams.</div>
3d,	<div> <div>Pittsfield . . .</div> <div>Dalton . . .</div> </div>	<div>Francis W. Rockwell,</div> <div>Solomon N. Russell .</div>	<div>Pittsfield.</div> <div>Pittsfield.</div>
4th,	<div> <div>Florida . . .</div> <div>Savoy . . .</div> <div>Cheshire . . .</div> <div>Windsor . . .</div> <div>Washington . . .</div> <div>Peru . . .</div> <div>Hinsdale . . .</div> </div>	Leonard McCulloch .	Savoy.

* Town of Adams divided and North Adams incorporated April 16, 1878.

COUNTY OF BERKSHIRE—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
5th,	{ Becket . . . Lee . . . Otis . . . Tyringham . . . }	Elizur Smith . . .	Lee.
6th,	{ Richmond . . . Lenox . . . Stockbridge . . . West Stockbridge . . . }	Samuel M. Reynolds,	Richmond.
7th,	{ Alford . . . Egremont . . . Great Barrington . . . Monterey . . . }	Walter B. Peck . .	Egremont.
8th,	{ Mt. Washington . . . New Marlborough . . . Sandisfield . . . Sheffield . . . }	Maloy J. Smith . .	Sheffield.

COUNTY OF NORFOLK.

1st,	{ Dedham . . . Norwood . . . }	Tyler Thayer . . .	Norwood.
2d,	Brookline . . .	Edward I. Thomas .	Brookline.
3d,	Hyde Park . . .	William J. Stuart .	Hyde Park.
4th,	{ Milton . . . Canton . . . }	Horace E. Ware . .	Milton.
5th,	{ Quincy . . . Weymouth . . . }	Edwin W. Marsh . . Edwin B. Pratt . . Freeman Hollis . .	Quincy. Quincy. Weymouth.
6th,	{ Braintree . . . Holbrook . . . }	George D. Willis . .	Braintree.
7th,	{ Randolph . . . Stoughton . . . Sharon . . . Walpole . . . }	John T. Flood . . . Henry S. Clarke . .	Randolph. Walpole.
8th,	{ Franklin . . . Foxborough . . . Wrentham . . . Bellingham . . . Medway . . . }	Hiram Whiting . . . Elijah B. Daniels . .	Bellingham. Medway.

HOUSE OF REPRESENTATIVES.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham . . . } { Dover . . . } { Medfield . . . } { Norfolk . . . }	William S. Tilden .	Medfield.

COUNTY OF BRISTOL.

1st,	{ Attleborough . . } { Norton . . . } { Mansfield . . . }	John Stanley . . William D. Witherell,	Attleborough. Norton.
2d,	{ Easton . . . } { Raynham . . . }	Elmer Lincoln . .	Raynham.
3d,	{ Taunton . . . } { Berkley . . . }	John W. Hart . . William Reed, jr. . John D. Reed . .	Taunton. Taunton. Taunton.
4th,	{ Acushnet . . . } { Fairhaven . . . } { Freetown . . . }	Elbridge G. Morton, jr.	Fairhaven.
5th,	{ New Bedford, Wds. } { 1, 2, 3 . . . }	Rufus A. Soule . . James M. Lawton .	New Bedford. New Bedford.
6th,	{ New Bedford, Wds. } { 4, 5, 6 . . . }	Andrew Bulloch . . William Sanders .	New Bedford. New Bedford.
7th,	{ Westport . . . } { Dartmouth . . . }	Wm. P. Macomber .	Westport.
8th,	{ Fall River, Wards } { 1, 2, 3, 4 . . . }	Patrick M. McGlynn, John W. Cummings, Marcus Leonard .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards } { 5, 6 . . . } { Somerset . . . }	Andrew J. Jennings, Daniel Wilbur .	Fall River. Somerset.
10th,	{ Seekonk . . . } { Swanzey . . . } { Rehoboth . . . } { Dighton . . . }	Jas. E. Easterbrooks,	Swanzey.

COUNTY OF PLYMOUTH.

District.	Town.	Name of Representative.	Residence.
1st,	{ Hingham . . . } { Hull . . . }	Arthur Lincoln .	Hingham.
2d,	{ Cohasset . . . } { Scituate . . . } { South Scituate . }	William C. Litchfield,	So. Scituate.
3d,	{ Marshfield . . . } { Pembroke . . . } { Hanson . . . } { Halifax . . . }	George F. Stetson .	Hanson.
4th,	{ Duxbury . . . } { Kingston . . . } { Plympton . . . } { Carver . . . }	William Savery .	Carver.
5th,	Plymouth . . .	Charles H. Howland,	Plymouth.
6th,	{ Wareham . . . } { Rochester . . . } { Marion . . . } { Mattapoisett . . }	Judah Hathaway .	Rochester.
7th,	{ Middleborough . . } { Lakeville . . . }	Matthew H. Cushing,	Middleboro'.
8th,	{ Bridgewater . . . } { East Bridgewater . }	George Pratt Harden,	Bridgewater.
9th,	{ Rockland . . . } { Hanover . . . }	John W. Everson .	Hanover.
10th,	{ Brockton . . . } { West Bridgewater . }	Henry Copeland . Alfred C. Monroe .	W. Br'gewater. Brockton.
11th,	{ Abington . . . } { South Abington . }	Henry W. Powers .	So. Abington.

COUNTY OF BARNSTABLE.

1st,	{ Sandwich . . . } { Falmouth . . . }	Isaiah Fish . . .	Sandwich.
2d,	{ Barnstable . . . } { Mashpee . . . }	Andrew Lovell .	Barnstable.
3d,	{ Yarmouth . . . } { Dennis . . . }	Thomas P. Howes .	Dennis.

COUNTY OF BARNSTABLE—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
4th,	{ Harwich . . . } { Chatham . . . }	Rufus Smith . . .	Chatham.
5th,	{ Brewster . . . } { Orleans . . . } { Eastham . . . } { Wellfleet . . . }	Elisha Crocker, jr. . .	Brewster.
6th,	{ Truro . . . } { Provincetown . . . }	Bangs A. Lewis . . .	Provincetown.

COUNTY OF DUKES.

1st,	{ Chilmark . . . } { Edgartown . . . } { Gay Head . . . } { Gosnold . . . } { Tisbury . . . }	Benjamin Clough . . .	Tisbury.
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COUNTY OF NANTUCKET.

1st,	Nantucket . . .	Henry Paddack . . .	Nantucket.
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[Congressional districts established by Chap. 300, Acts of 1872, and Chap. 113, Acts of 1876.]

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Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON,
June 26, 1879.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns in this Department.

HENRY B. PEIRCE,
Secretary of the Commonwealth.

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