

STATE HOUSE
COUNSEL TO THE SENATE
STATE HOUSE
BOSTON

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BOSTON

OF KENTUCKY



ACTS

AND

RESOLVES

PASSED BY THE

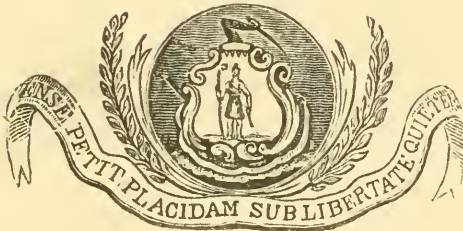
General Court of Massachusetts,

IN THE YEARS

1849, 1850, 1851 :

TOGETHER WITH THE MESSAGES.

PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH.




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GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1849.

An Act in addition to "An Act to increase the Capital Stock of the People's Bank." *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 :

SECT. 1. The President, Directors and Company of the People's Bank, in Roxbury, are hereby authorized to divide the addition to their present capital stock, granted to them by the act of one thousand eight hundred and forty-eight, chapter one hundred and twenty-five, into shares of fifty dollars each; and the time within which the same shall be paid in, is hereby extended to the first Monday in April next.

1833, ch. 165.
1834, ch. 188.
1836, ch. 233.
1837, ch. 105.
1848, ch. 125.

People's Bank, in Roxbury may divide their additional capital stock into shares of \$50.
1848, ch. 125.
Time for paying in extended.

SECT. 2. So much of the act above named, as is inconsistent with the provisions of this act, is hereby repealed. [Approved by the Governor, January 24, 1849.]

1848, ch. 125.
Modified.

An Act to incorporate the Columbian Fire and Marine Insurance Company. *Chap. 2.*

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

SECT. 1. William Savage, Augustus Hemenway, and Joseph Day, their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the Columbian Fire and Marine Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans, and insurance against mar-

Corporators.
20 years.
In Boston.

Powers and duties.
R. S. ch. 37, 44.

itime losses, and against losses by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Real estate,
\$30,000.

Capital stock,
\$200,000.

SECT. 2. Said company may hold real estate for its use, not exceeding in value thirty thousand dollars; and its capital stock shall be two hundred thousand dollars. [*Approved by the Governor, February 3, 1849.*]

Chap. 3.

1847, ch. 16.

An Act to increase the Capital Stock of the Bay State Bank.

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

Capital stock may be increased, by adding \$100,000.

Shares \$100.

Proriso,—when to be paid in.

SECT. 1. The President, Directors and Company of the Bay State Bank, in Lawrence, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine; *provided*, that the whole amount shall be paid in within one year from the first Monday in April, one thousand eight hundred and forty-nine.

Liabilities, &c., as in original act.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate, that the additional stock is paid in, to be returned to the office of secretary of State.

SECT. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, February 6, 1849.*]

Chap. 4.

1813, ch. 175.
1814, ch. 147.
1815, ch. 80.
1823, ch. 130.
1830, ch. 53.
1832, ch. 111.

An Act to increase the Capital Stock of the Dedham Bank.

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

Capital stock may be increased, by adding \$50,000, in shares of \$100.

Proriso, as to time of paying in.

SECT. 1. The President, Directors and Company of the Dedham Bank are hereby authorized to increase their capital stock, by an addition of fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct; *provided*, that the whole amount shall be paid on or before the first day of April, in the year of our Lord one thousand eight hundred and fifty.

SECT. 2. The additional stock aforesaid shall be subject

to the like tax, regulations, and provisions, to which the present capital of said bank is now subject.

Liabilities, &c., as in original act, &c.

SECT. 3. Before said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, February 6, 1849.*]

Certificate, that additional stock is paid in, to be returned to the office of secretary of State.

An Act to restrain printing or circulating Shop-bills of the similitude of Bank Bills.

Chap. 5.

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

If any person shall engrave, print, issue, utter, or circulate, any shop-bill or advertisement, in similitude, form and appearance, like a bank bill, on paper similar to paper used for bank bills, and with vignettes, figures, or decorations, used on bank bills, or having the general appearance of a bank bill, every such person, so offending, shall forfeit a sum not exceeding fifty dollars for every such offence, to be recovered by indictment, or he shall be imprisoned in the common jail, for a term not exceeding ninety days, at the discretion of the court. [*Approved by the Governor, February 6, 1849.*]

Penalty for engraving &c., shop-bills resembling bank bills.

Fine or imprisonment.

An Act to increase the Capital Stock of the Ames Manufacturing Company.

Chap. 6.

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

The Ames Manufacturing Company are hereby empowered to increase their capital stock, by an amount not exceeding fifty thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation. [*Approved by the Governor, February 8, 1849.*]

1834, ch. 31,
1846, ch. 12.

Additional capital stock,
\$50,000

May be invested in real or personal estate.

An Act concerning the Essex Railroad Company.

Chap. 7.

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

SECT. 1. The Essex Railroad Company are hereby authorized and empowered to file a location of their railroad as specified and defined by their charter, and in the acts in addition thereto, on or before the seventh day of March, in the year one thousand eight hundred and fifty.

1846, ch. 79.
1847, ch. 239.
1848, ch. 263.

Location, when to be filed.

Time extended to complete the road.

SECT. 2. Said company is allowed the further time of two years from the seventh day of March, in the year one thousand eight hundred and forty-nine, within which to complete the construction of their said railroad.

May contract with B. and M. R. R. Corporation, for use of tracks from Andover to Lawrence.

SECT. 3. Said company are hereby authorized and empowered to contract with the Boston and Maine Railroad Corporation for the use of its tracks from North Andover to Lawrence, upon such terms as shall be approved of by the respective corporations.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 8, 1849*]

Chap. 8.

An Act in addition to An Act to establish the Boston and Worcester Railroad Corporation.

1831, ch. 72.
1832, ch. 153.
1833, ch. 91.
1841, ch. 123.
1848, ch. 253.

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

Time of holding annual meeting changed.

From and after the first Monday of June next, the annual meeting of the Boston and Worcester Railroad Corporation shall be held on the first Wednesday of February. [*Approved by the Governor, February 8, 1849.*]

Chap. 9.

An Act establishing the Salaries of the Justices of the Court of Common Pleas.

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

Salaries, chief justice, \$2,300; associates, \$2,100, each.

SECT. 1. The chief justice of the court of common pleas shall receive an annual salary of twenty-three hundred dollars, and each of the other justices of said court shall receive an annual salary of twenty-one hundred dollars; and the said salaries shall be paid in quarterly payments out of the treasury of the Commonwealth, and in the same proportion for any part of a quarter.

When to take effect.

SECT. 2. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and forty-nine. [*Approved by the Governor, February 9, 1849.*]

Chap. 10.

An Act concerning the Salem and Lowell Railroad.

1848, ch. 223.

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

Time for filing location extended.

The time fixed for filing the location of the Salem and Lowell Railroad is hereby extended one year beyond the twenty-sixth day of April, in the year one thousand eight hundred and forty-nine. [*Approved by the Governor, February 9, 1849.*]

An Act to increase the Capital Stock of the Merrimack Manufacturing Company, *Chap. 11.*

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

1821, ch. 46.
1823, ch. 17.
1828, ch. 5.

The Merrimack Manufacturing Company are hereby authorized to increase their capital stock by adding thereto an amount not exceeding five hundred thousand dollars, and to invest such increase in personal estate as may be necessary and convenient for carrying on the business of said corporation. [*Approved by the Governor, February 9, 1849.*]

Capital stock increased, by not exceeding \$500,000.

How invested.

An Act concerning the Taunton and Middleborough Railroad Company. *Chap. 12.*

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

1848, ch. 162.

The time for locating and constructing the Taunton and Middleborough Railroad, is hereby extended one year from the period fixed in the act incorporating said company, passed April the twenty-first, in the year one thousand eight hundred and forty-eight. [*Approved by the Governor, February 9, 1849.*]

Time for location, &c., extended.

An Act to incorporate the Town of South Scituate. *Chap. 13.*

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

SECT. 1. All that part of the town of Scituate, which lies southwesterly of the following described line, namely ; beginning at a stone monument, on the patent line between the towns of Hingham and Scituate, on the Mount Blue road, and thence running in a straight line to a point on the westerly line of the highway, northerly of the dwelling-house of Thomas Ellmes, and distant from the northeasterly corner of the same, fifteen rods ; thence in a straight line to the southwesterly corner of the town house lot ; then in a right line to the central point, where the highway on the northeasterly side of Cushing O. Briggs' dwelling-house intersects the highway leading from the south parish meeting-house, to the harbor ; and thence, in the same right line, from the town house lot, as aforesaid, to a point on North River, is hereby incorporated into a separate town, by the name of South Scituate. And the said town of South Scituate is hereby vested with all the powers, privileges, rights, and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected, by the Constitution and laws of this Commonwealth.

Boundaries.

Powers and duties.

Concerning tax-
es.

SECT. 2. The inhabitants of said town of South Scituate shall be holden to pay, to the collector of the town of Scituate, all arrearages of taxes legally assessed on them, in the said town of Scituate, before the passage of this act; and shall also be holden to pay their proportion of state and county taxes, that may be assessed upon them previously to the taking of the next valuation; said proportion to be ascertained and determined by the town valuation of the town of Scituate, next preceding the passage of this act. And the said town of South Scituate shall be holden to pay their just and equitable proportion of the debts due, and owing, from the town of Scituate; and shall be entitled to receive an equal share of all the corporate property, school, and surplus revenue funds, and other assets, now owned and held by said town of Scituate; and shall be liable to refund any portion of said surplus revenue which they shall receive, when the same is called for, according to the provisions of law.

Debts.

Corporate prop-
erty.

Surplus reve-
nue.

Support of
paupers.

SECT. 3. Said towns of Scituate and South Scituate shall be respectively liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within their respective limits.

Scituate and
South Scituate
to elect repre-
sentatives, &c.,
together until
next census.

SECT. 4. Said town of South Scituate shall continue to be a part of the town of Scituate, for the purpose of electing representatives to the General Court, State officers, senators, representative to Congress, and electors of president and vice president of the United States, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment of the Constitution; and all meetings for the choice of said officers shall be called by the selectmen of Scituate, and shall be holden in the town of Scituate. The selectmen of South Scituate shall make a true list of persons, within their town, qualified to vote at every such election, and shall post up the same in said town of South Scituate, and shall correct the same, as required by law, and shall deliver the same to the selectmen of Scituate before any such election, by whom the same shall be taken and used, in the same manner as if it had been prepared by themselves.

Duty of select-
men in such
elections.

How meeting of
new town to be
called.

SECT. 5. Any justice of the peace for the county of Plymouth may issue his warrant, directed to any principal inhabitant of said town of South Scituate, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are, by law, authorized and required to choose at

their annual meetings. And said warrant shall be served by posting up copies thereof, all attested by the person to whom the same is directed, in four public places in said town, seven days, at least, before the time of meeting. The selectmen of Scituate shall, before said meeting, prepare a list of voters in said town of South Scituate, qualified to vote at said meeting, and shall deliver the same to the person presiding at said meeting, before the choice of a moderator thereof.

SECT. 6. In case said towns should not agree in respect to a division of property, funds, debts, or town paupers, or state or county taxes, the court of common pleas for the county of Plymouth shall, upon petition of either town, appoint three competent and disinterested persons to hear the parties, and award thereon; and their award, or that of any two of them, accepted by the court, shall be final.

The two towns not agreeing as to division of property, how to proceed.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, February 14, 1849.*]

An Act ceding to the United States Jurisdiction over a lot of land on Palmer's Island, in the Harbor of New Bedford, and over a lot of land on Wing's Neck, in the town of Sandwich.

Chap. 14.

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

SECT. 1. Jurisdiction is hereby ceded and granted to the United States of America, over a lot of land, not exceeding two acres, on such part of Palmer's Island, in the harbor of New Bedford, as has been selected by the competent authorities of the said United States, for the erection of a lighthouse, and for other lighthouse purposes: And also, over a lot of land, not exceeding six acres, on Wing's Neck, in the town of Sandwich, on Buzzard's Bay, which lot also has been selected by the aforesaid authorities, for the erection of a lighthouse, and for other lighthouse purposes: *provided*, that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction, with the United States, in and over each and both of said lots of land, so far that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said lots of land, or in any building which may be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid.

Jurisdiction ceded for a lighthouse.

Same.

Proviso.

Concurrent jurisdiction.

SECT. 2. This act shall be void unless suitable plans of said several parcels of land, mentioned in the first section, shall be made and filed by the United States, in the office

Condition of this act.

of the secretary of this Commonwealth, within one year from the passing of this act.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 14, 1849.*]

Chap. 15.

An Act to incorporate the Cordaville Manufacturing Company.

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

Persons incor-
porated.

To manufacture
cotton and
woolen goods in
Southboro'.

Powers and du-
ties, R. S. ch.
38, 44.

Real Estate.

Capital Stock,
\$120,000.

SECT. 1. Oliver S. Sanford, Milton H. Sanford, Thomas S. Nelson, their associates and successors, are hereby made a corporation, by the name of the Cordaville Manufacturing Company, for the purpose of manufacturing cotton and woolen goods, in the town of Southborough, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding in value sixty thousand dollars, and the whole capital stock shall not exceed one hundred and twenty thousand dollars. [*Approved by the Governor, February 14, 1849.*]

Chap. 16.

An Act in addition to "An Act to establish the City of Worcester."

1848, ch. 32.

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

Power of mayor
and aldermen to
fix places for
ward meetings
beyond limits of
wards.

SECT. 1. The mayor and aldermen of the city of Worcester are authorized, when no convenient ward room for holding ward meetings of the citizens of either of the wards of the city can be had within the territorial limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and proximate place within the limits of any other of the wards of said city; and, for such purposes, the place so assigned for the meeting of such ward shall be deemed and taken to be included in and part of said ward, as though the same was within the territorial limits thereof.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 14, 1849.*]

Chap. 17.

An Act to incorporate the Lawrence Gas Company.

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

Persons incor-
porated.

SECT. 1. Charles S. Storrow, Samuel Lawrence, Wil-

liam Gray, their associates and successors, are hereby made a corporation, by the name of the Lawrence Gas Company, for the purpose of manufacturing and selling gas in the town of Lawrence, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture gas in Lawrence.
Powers and duties.
R. S. ch. 38, 44.

SECT. 2. Said corporation may hold such real and personal estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of one hundred thousand dollars.

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

SECT. 3. Said corporation, with the consent of the selectmen of said town of Lawrence, shall have power and authority to open the ground in any part of the streets, lanes, and highways, in said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes, or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being shall, at all times, have the power to regulate, restrict, and control the acts and doings of said corporation, which may in any manner affect the health, safety, or convenience of the inhabitants of said town. [*Approved by the Governor, February 14, 1849.*]

Powers.

Duties.

Penalty.

Proviso, as to powers, &c., of the selectmen.

An Act concerning the Fitchburg and Worcester Railroad.

Chap. 18.

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

1846, ch. 247.
1847, ch. 101.
1848, ch. 34.

SECT. 1. The time for the filing of the location and the completion of the Fitchburg and Worcester Railroad, is hereby extended to the first day of May, in the year one thousand eight hundred and fifty.

Time for locating and completing extended.

SECT. 2. The Fitchburg and Worcester Railroad Company are hereby authorized, and fully empowered, to unite their railroad and franchise with, or sell and convey the same to, the Worcester and Nashua Railroad Company, the Vermont and Massachusetts Railroad Company, the Fitchburg Railroad Company, or the Cheshire Railroad Company, on such terms and conditions as the directors of the contracting companies may agree upon, subject to the approval of a majority of the stockholders, in number and value, of each of the contracting companies, who shall be present and vote thereon, at legal meetings called for that purpose.

How the company may dispose of the road, and on what terms.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 14, 1849.*]

Chap. 19. AN ACT giving further Time to the President, Directors, and Company, of the Middlesex Bank, to close their concerns.

1830, ch. 141.
1847, ch. 6.

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

Time extended
to April 4, 1850.

The President, Directors, and Company of the Middlesex Bank are hereby continued a body corporate, for the period of one year from the fourth day of April, in the year one thousand eight hundred and forty-nine, with all the powers and privileges, and subject to the limitations set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, February 14, 1849.*]

R. S. ch. 44, § 7.

Chap. 20. AN ACT to continue in force the Acts incorporating the Neptune Insurance Company in the city of Boston, and to authorize an increase of its Capital Stock.

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

1830, ch. 8.

1831, ch. 25.

Continued 20
years to 5th
June, 1870.

Powers and
duties.

R. S. ch. 37, 44,
and subsequent
statutes.

SECT. 1. The act passed on the fifth day of June, in the year one thousand eight hundred and thirty, entitled, "An Act to incorporate the Charlestown Fire and Marine Insurance Company," and the act in alteration and amendment thereof, passed on the fifteenth day of June, in the year one thousand eight hundred and thirty-one, shall be and remain in force for the term of twenty years from and after the fifth day of June, in the year one thousand eight hundred and fifty; and said company shall be continued as a corporation, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which have been or shall be hereafter passed relative to insurance companies.

Capital stock
increased.
Shares \$100.

SECT. 2. Said corporation is hereby authorized to increase its capital stock by an addition thereto of a sum not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be collected and paid in such instalments, and under such provisions and penalties, as the president and directors of said corporation may appoint: *provided*, that such increase of its capital stock shall be made and paid in within two years from and after the fifth day of June, in the year one thousand eight hundred and fifty. [*Approved by the Governor, February 16, 1849.*]

Proviso, as to
time of paying
in.

An Act to incorporate the United Interest Insurance Company in Boston.

Chap. 21.

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

SECT. 1. William Parker, Calvin W. Haven, Amos Cummings, their associates and successors, are hereby made a corporation, by the name of the United Interest Insurance Company, for the purpose of making insurance against losses by fire, with all the rights and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and of all other general laws which have been or shall be, hereafter passed, relative to insurance companies.

Persons incorporated.

Fire insurance.

Powers and duties.

R. S. ch. 37, 44, and subsequent statutes.

SECT. 2. The said corporation may take and hold real and personal estate for the use of said company : *provided*, that the real estate shall not exceed, in value, ten thousand dollars, excepting such as may be taken for debt or held as collateral security for money due to said company.

Real and personal estate.

Proviso.

SECT. 3. The capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in by such instalments as the president, directors, and company, shall order and appoint : *provided*, that the whole shall be paid within one year from the passing of this act, and that their place of business shall be located and kept south of Bedford Street. [*Approved by the Governor, February 16, 1849.*]

Capital stock, \$100,000.
Shares, \$100 each.

Proviso as to time of paying in.

An Act to incorporate the United States Glass Company.

Chap. 22.

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

SECT. 1. Jabez Swift, Aaron Cornish, William Nye, junior, their associates and successors, are hereby made a corporation, by the name of the United States Glass Company, for the purpose of manufacturing glass ware in the town of Falmouth, county of Barnstable, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

For manufacturing glass ware in Falmouth.

Powers and duties.

R. S. ch. 38, 44.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in value twenty-five thousand dollars. [*Approved by the Governor, February 16, 1849.*]

Estate not to exceed \$25,000 in value.

Chap. 23.

An Act to incorporate the Cambridge Atheneum.

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

Persons incorporated.

SECT. 1. Robert Fuller, Thomas Whittmore, Charles Valentine, their associates and successors, are hereby made a corporation, by the name of the Cambridge Atheneum, for the purpose of establishing and maintaining, in the city of Cambridge, in the county of Middlesex, a lyceum, public library, reading room, lectures on scientific and literary subjects, and for promoting such other kindred objects as the members of said corporation shall, from time to time, deem advisable and proper, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

For a lyceum, library, &c.

Powers and duties.
R. S. ch. 44.

Real and personal estate.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and personal estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of fifty thousand dollars. [*Approved by the Governor, February 19, 1849.*]

Capital stock, \$50,000.

Chap. 24.

An Act to protect Sidewalks in Towns.

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

Authorizing the construction and protection of sidewalks.

SECT. 1. It shall be lawful for any person owning or occupying lands adjoining a highway or road, to construct a sidewalk within such highway or road, and along the line of such land, indicating the width of such sidewalk by trees, posts or curbstones, set at reasonable distances apart, or by a railing erected thereto ; and, where a sidewalk shall be so constructed, every person who shall ride or drive a horse or team upon and along the same, shall forfeit the sum of one dollar to the use of such owner or occupant, to be sued for in any court proper to try the same.

Penalty for riding, &c., upon sidewalks.

Authority of surveyors not affected.

SECT. 2. This act shall not diminish or interfere with the authority of surveyors of highways, or any other authority that can be now legally exercised over highways or roads, nor shall it in any manner diminish the liability of any person for unreasonably obstructing highways or roads.

SECT. 3. This act shall not apply to cities. [*Approved by the Governor, February 22, 1849.*]

An Act to incorporate the Nautilus Life Preserving Company.

Chap. 25.

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

SECT. 1. William Aspinwall, John William Hyde Bennett, John G. Tappan, their associates and successors, are hereby made a corporation, by the name of the Nautilus Life Preserving Company, for the purpose of manufacturing life preservers, life buoys, tubes for lifting vessels in the water, and any other buoyant tubes, in the counties of Norfolk and Suffolk, or either of them, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

To manufacture life preservers, buoys, &c., in Suffolk and Norfolk.

Powers and duties.
R. S. ch. 38, 44.

SECT. 2. Said corporation may hold, for the purpose aforesaid, real estate not exceeding in value one hundred thousand dollars, and their whole capital stock shall not exceed two hundred thousand dollars.

Real estate.

Capital stock
\$200,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 24, 1849.*]

An Act concerning the Boston and Lowell Railroad.

Chap. 26.

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

1830, ch. 4 ;
1847, ch. 185,
253.

SECT. 1. The Boston and Lowell Railroad Corporation are hereby authorized to locate, construct, and maintain a branch railroad in Lowell, beginning at the point where their main railroad track crosses Thorndike street ; thence, diverging by a curve from said main railroad, in a westerly direction, and crossing the Pawtucket Canal, by a bridge between the present bridge of said main railroad, and that which connects Thorndike street and Fletcher street ; thence, crossing the tracks of the Nashua and Lowell Railroad, and Dutton street, at grade ; and thence, proceeding to a lot of land situated and bounding on the westerly side of said Dutton street, and between said Fletcher street and the Western Canal.

Corporation may build a branch railroad in Lowell.

Route.

SECT. 2. The said corporation are hereby authorized to widen their present bridge across Charles River, on the east side thereof, between the existing pier, upon which the draw now slides, and the solid ground lying southeast of the same, and opposite the southerly end of the said bridge : *provided*, the structure, erected for the purpose of widening said bridge, shall not exceed twenty-two feet in width at said draw pier, and thirty-seven feet in width at said solid ground : *and provided further*, that said addition or widen-

May widen bridge across Charles River.

Proviso.

Proviso.

ing shall be built on piles, and in a manner least to obstruct the flow of the water, and under the direction, and to the satisfaction, of a commissioner, to be appointed by the governor and council, at the expense of said company.

Powers and duties.

SECT. 3. The said corporation shall, with respect to the branch aforesaid, in Lowell, hereby authorized, be subject to all the duties, liabilities, and restrictions, and shall have all the powers and privileges, provided in the thirty-ninth chapter of the Revised Statutes, and all general laws which are now, or may hereafter be, in force, relating to railroad corporations in this Commonwealth, and any special acts which may be hereafter passed relating to said branch.

R. S. ch. 39, and subsequent statutes.

Lowell to be indemnified.

SECT. 4. The said railroad corporation shall indemnify the city of Lowell against all loss or damage which they may suffer or incur, or which may be recovered against the said city, by reason of the said branch crossing Dutton street.

Motive power.

SECT. 5. The motive power to be used by the said railroad corporation, upon the said branch, and the rate of speed thereon, may be regulated and controlled by any ordinance of the city of Lowell.

Not to interfere with Pawtucket Canal.

SECT. 6. The said railroad corporation, in the construction of said branch road, shall not, in any manner, obstruct the Pawtucket Canal, or the tow-path by the side of the same.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 2, 1849.*]

Chap. 27.

An Act in addition to "An Act to establish the City of Charlestown."

1847, ch. 29, 258.

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

Time of election changed.

SECT. 1. The election of mayor, aldermen, common councilmen, school committee, and overseers of the poor, and such other officers of the city of Charlestown as are now, by law, to be chosen on the second Monday in March, annually, shall, after the present year, be made on the second Monday in December, annually; and the said officers, so chosen, shall hold their respective offices for the same term of time, and the same proceedings shall be had, in relation to such elections, as is provided in and by the act to which this act is in addition; and the officers chosen for the municipal year commencing with the first Monday of April, for the present year, shall hold their offices until the first Monday of January ensuing.

Officers chosen, when to enter on their duties.

SECT. 2. The officers chosen under and by virtue of this act, shall enter on the duties of their respective offices

on the first Monday in January, in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers, to which the said officers are respectively subject or entitled, under and by virtue of the act to which this is an addition.

SECT. 3. On the second Monday in December, annually, the qualified voters, in each ward, shall give in their votes for mayor, aldermen, common councilmen, school committee, overseers of the poor, warden, clerk, and inspectors, as provided in the act to which this is an addition, as amended by the act to amend the same, passed on the twenty-fourth day of April, in the year eighteen hundred and forty-seven.

Annual elections.

1847, ch. 258.

SECT. 4. This act shall be void, unless the citizens of Charlestown, at the meetings of their several wards, duly warned, by public notice of at least fourteen days, by the mayor and aldermen, shall, within sixty days from the passing hereof, by written votes, accept the same; at which meetings, the polls shall be kept open not less than six hours, and the wardens shall not receive any vote, unless the name of the voter shall be first found, and checked on the check lists, by the inspectors, as provided in elections of State and city officers.

This act to be void, unless adopted by vote of the citizens of Charlestown.

SECT. 5. All the provisions of former acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

Repeal.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1849.*]

An Act to incorporate the Worcester Medical Institution.

Chap. 28.

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

SECT. 1. Calvin Newton, Walter Burnham, and Isaac M. Comings, their associates and successors, are hereby made a corporation, by the name of the Worcester Medical Institution, to be established in the city of Worcester, in the county of Worcester; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes; *provided*, that nothing in this act shall be considered as authorizing the said corporation to confer degrees or grant licenses to practice medicine.

Persons incorporated.

As a medical institution in Worcester.

Powers and duties.
R. S. ch. 44.

Proviso, as to degrees.

SECT. 2. The said corporation may hold real and personal estate to the amount of one hundred thousand dollars, to be devoted exclusively to the purposes of medical education. [*Approved by the Governor, March 10, 1849.*]

Real and personal estate, \$100,000 in value.

Chap. 29.

An Act for the protection of Pigeon Beds.

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

Penalty for killing, or frightening pigeons from beds.

SECT. 1. If any person shall wilfully commit any trespass, by killing or frightening pigeons from beds, made for the purpose of taking them in nets, by firing guns, or in any other manner, within one hundred rods of the same, except on lands lawfully occupied by himself, he shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding twenty dollars, and shall also be liable for the actual damages to the owner or occupant of such beds.

Repeal.

SECT. 2. The "act for the protection of pigeon beds," passed March thirty-first, one thousand eight hundred and forty-eight, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1849.*]

Chap. 30.

An Act establishing an Annual Term of the Court of Probate, at Pawtucket, in the County of Bristol.

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

Probate court at Pawtucket, annually, in April.

SECT. 1. A probate court shall be held every year, at Pawtucket, in the county of Bristol, on the Friday next after the first Tuesday of April.

Repeal as to Dighton, R. S. ch. 83, § 55.

SECT. 2. So much of the fifty-fifth section of the eighty-third chapter of the Revised Statutes, as requires a probate court to be annually held on the day aforesaid, at Dighton, in said county, is hereby repealed.

Add. act, 1849, ch. 178.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1849.*]

Chap. 31.

An Act concerning Appeals to the Municipal Court in the County of Suffolk.

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

Appeal allowed from justices of the peace, or police court.

SECT. 1. Every person convicted in the county of Suffolk, before any justice of the peace, or any police court, may appeal therefrom to the municipal court of the city of Boston; and the appeal shall be entered at the next term of the said municipal court, and shall be conducted and disposed of, in all respects, like appeals in criminal cases, from justices of the peace to the court of common pleas in other counties.

R. S. 87 ch., 8th sec. repealed.

SECT. 2. The eighth section of the eighty-seventh chapter of the Revised Statutes, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1849.*]

AN ACT concerning Stockholders in Banks.

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

SECT. 1. The holders of stock in any bank, at the time when such bank shall stop payment, shall be liable, in their individual capacities, for the payment and redemption of all bills which may have been issued by such bank, and which shall remain unpaid, in proportion to the stock they may respectively hold at the time aforesaid.

SECT. 2. If any stockholder in a bank, having reasonable cause to believe that such bank is about to stop payment, shall transfer his shares, or any part thereof, to any person or corporation, with intent to escape from the liability created by the preceding section, such transfer shall be deemed void, and of no effect, so far as respects the liability aforesaid.

SECT. 3. If a stockholder in any bank, having reasonable cause to believe such bank to be insolvent, shall, within six months before the expiration of the charter of said bank, transfer his shares, or any part thereof, with intent to avoid the liability created by the thirty-first section of the thirtysixth chapter of the Revised Statutes, such transfer shall be deemed void, and of no effect, so far as respects said liability. [*Approved by the Governor, March 13, 1849.*]

AN ACT to incorporate the Boston Musical Fund Society.

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

SECT. 1. Thomas Comer, Shadrack S. Pearce, and Joseph N. Pierce, their associates and successors, are hereby made a corporation, by the name of the Boston Musical Fund Society, for the advancement of the science and practice of music, and the establishment of a charity fund for the benefit of indigent members of the society, their widows and children ; and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold, for the purposes aforesaid, personal estate to the amount of twenty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1849.*]

Chap. 32.

Stockholders in banks stopping payment, liable individually, &c.

Transfer of stock, in such case, void.

Transfer also void, if made within six months of expiration of charter, in certain cases.

Chap. 33.

Corporators.

For advancing musical science, and a charity fund.

Powers and duties, R. S. ch. 44.

Personal estate, \$20,000.

When to take effect.

Chap. 34.

An Act concerning Alien Passengers.

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

Stat. 1848, ch. 313, sect. 7, repealed as to passengers not bonded.

SECT. 1 So much of the seventh section of an act passed the tenth day of May, in the year one thousand eight hundred and forty-eight, entitled "An Act concerning Alien Passengers," as relates to alien passengers not bonded, is hereby repealed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1849.*]

Chap. 35.

An Act empowering the County Commissioners of Barnstable County to lay out a Highway, and cause to be built a Bridge across Navigable Waters in Dennis.

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

Location of bridge described.

The county commissioners of Barnstable County are hereby empowered, if, in their opinion, public convenience and necessity require the same, to lay out a highway and cause to be built a bridge across navigable waters leading from Bass River to Grand Cove, in the town of Dennis, near the westerly end of Long Neck, to a point near the dwelling-house of Francis Small: *provided*, the same be constructed with a suitable draw for the accommodation of such vessels as may have occasion to pass the same, and the space between the abutments be not less than twenty-two feet. [*Approved by the Governor, March 16, 1849.*]

Proviso as to draw, &c.

Chap. 36.

An Act to protect the Trout Fishery in Marshpee River.

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

Trout not to be taken between Sept. 15th and April 1st.

SECT. 1. No person shall take any trout in Marshpee River, in the district of Marshpee, in the county of Barnstable, from the fifteenth day of September in each year, to the first day of April in the year next ensuing.

Who may take trout.

SECT. 2. No person, except the proprietors of said district, shall take any trout in said river, at any time, without a written permit from the treasurer of Marshpee, which shall specify the time when, and the places where, the person holding the same is allowed to take fish; and no person shall, at any time, use any other means of taking trout in said river, than by angling with hooks and lines.

District of Marshpee may

SECT. 3. The said district may, by vote in legal meeting, make any regulations or by-laws respecting said fishery,

which may not be repugnant to the provisions of this act ; and the income from said fishery shall enure wholly to said district.

make by-laws concerning the fishery.

SECT. 4. Any person offending against the provisions of this act, or any regulations or by-laws passed by authority of the third section of this act, shall forfeit and pay a fine of five dollars for each and every offence, to be recovered by prosecution before any justice of the peace in the county of Barnstable, to the benefit of said district ; and the proprietors of said district shall be competent witnesses on the trial of any such process.

Penalty for offending against this act.

SECT. 5. Any person who shall have in his possession any trout, taken from said river contrary to the provisions of this act, knowing the same to have been so taken, shall forfeit the sum of fifty cents, for every trout so found in his possession.

Penalty for having trout in possession contrary to this act.

SECT. 6. If any minor shall offend against the provisions of this act, the parent, master, or guardian of such minor, shall be liable, and may be prosecuted accordingly therefor.

Penalty where minor offends.

SECT. 7. All prosecutions under this act shall be commenced within sixty days from the time when the offence is committed.

Limitation of prosecution.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1849.*]

An Act to authorize the Towns of Dennis and Yarmouth to regulate the Fisheries in Bass River.

Chap. 37.

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

SECT. 1. The towns of Dennis and Yarmouth, in the county of Barnstable, are hereby authorized and empowered, at any legal meeting of the inhabitants of said towns, to choose three persons in each town for a fish committee, who shall be inhabitants of the town for which they shall be chosen, and who shall be sworn to the faithful performance of their duty. The said committees shall meet together, annually, on or before the twentieth day of April, at such time and place as a majority of them may appoint ; and, when so united, shall be considered a joint committee for enforcing the provisions of this act ; the major part of this joint committee, present at such meeting, or at any subsequent meeting, before the said twentieth day of April, in each year, are hereby authorized and empowered to order the time, place, and manner, in which it may be lawful to take any of the fish called herrings or alewives, and perch, in Bass River, or in the ponds and streams connected there-

Dennis and Yarmouth may choose a fish committee.

To be sworn.
When to meet.

To regulate the fishery in Bass River.

with, and may prescribe the length of the seines, nets, and other instruments, which may be used for taking such fish, together with the length of the lines attached thereunto, and may appoint and grant permits to suitable persons, being inhabitants of one of said towns, to catch any of the said fish in the said river, or in the ponds and streams connected therewith, and fix the compensation to be paid to the said towns for such permits, and shall determine the quantity of said fish which each family in said towns shall receive from such catchers, and establish the price therefor; and, when directed by a vote of both the said towns, may sell at auction, or otherwise, the exclusive right of fishing in said river and its waters, to one or more persons for a term of time not longer than one fishing season, at one sale, upon such terms and conditions as the said towns, or said joint committee, may direct.

Sale of exclusive right to fish.

If one town neglect to choose.

SECT. 2. If either of the said towns of Dennis or Yarmouth shall have chosen its fish committee, according to the provisions of this act, and the other town shall neglect or refuse so to do, then the committee, which is lawfully chosen, shall have all the power and authority which is intended by this act to be conferred on the said joint committee.

Powers of committee as to obstructions.

SECT. 3. The said committee, or a majority of them, are hereby fully authorized and empowered to cause the natural streams, through which the said fish pass, to be kept open and without obstruction; to remove such obstructions as may be found therein, and to make the said passage-ways wider and deeper, if they shall judge necessary; and the said committee, or either of them, by paying a reasonable consideration therefor, if demanded, shall have authority, for these purposes, to go on the land or meadow of any person through which the said streams run, without being considered as trespassers; and any person or persons, who shall molest, or in any way hinder, the said committee, or either of them, in the execution of the duties of their office, or shall obstruct any passage-way in the said Bass River, or in the ponds and streams connected therewith, otherwise than may be allowed by the said committee, shall forfeit and pay a fine not exceeding twenty dollars for every such offence.

Penalty for interfering with the committee.

Penalty for taking fish contrary to regulations of committee.

SECT. 4. If any person, or persons, shall take any of the said fish called alewives, herrings, or perch, in the said Bass River, or in the ponds and streams connected therewith, or within half a mile, in any direction, from the mouth of said river, at any time or place, or in any manner, other than may be allowed by the said committee, each person, so offending, shall, for each and every such offence, upon conviction thereof, forfeit and pay a fine not exceeding ten

dollars, if the quantity of fish, so taken, shall be less than one barrel; but, if the quantity of fish, so taken, shall be one barrel or more, such person, or persons, so offending, shall forfeit and pay, for every barrel of fish, so taken, a sum not more than twenty dollars nor less than ten dollars.

SECT. 5. If any vessel, boat, or craft, shall be found within the limits of the said river, or the ponds or streams connected therewith, or within half a mile of the said river's mouth, with any more of the said fish on board the same than is allowed by said committee, or if any person, or persons, with any such vessel, boat, or craft, shall be detected in taking, or in attempting to take, any of the said fish, in any manner different from the regulations of said committee, or with seines, nets, or other instruments, of a kind or size different from that established by the said committee, it shall be the duty of such committee, or either one of them, and they are hereby authorized to seize such vessel, boat, or craft, seine, or other instruments, and detain the same, not exceeding forty-eight hours, in order that the same may be attached or arrested by due process of law, and made answerable for said fines and forfeitures incurred, with costs of suit.

In what cases vessels, boats, craft, &c., may be seized.

SECT. 6. All fines and forfeitures, incurred under this act, shall go, one half to the said towns of Dennis and Yarmouth, and the other half to the persons who shall prosecute for the same, excepting that, when the said committee, or either one of them, shall prosecute, then the forfeitures shall accrue wholly to the said towns, to be recovered by complaint before a justice of the peace, or any court competent to try the same.

Fines, &c., how disposed of.

SECT. 7. All laws heretofore passed, regulating the fisheries in either of the towns of Dennis and Yarmouth, which are inconsistent with the provisions of this act, are hereby repealed, excepting that a fish committee, which may be chosen the present year, under the provision of any existing law, shall be considered the committee of such town under the operation of this act.

Repeal.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1849.*]

An Act to alter the Name of the Hopkinton High School.

Chap. 38.

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

The Hopkinton High School hereafter shall be called and known by the name of the Hopkinton Academy. [*Approved by the Governor, March 16, 1849.*]

To take the name of Hopkinton Academy.

Chap. 39. An Act establishing additional Terms of the Court of Common Pleas, in the County of Essex.

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

New terms specified.

First.

Second.

Third.

SECT. 1. There shall be holden, in the county of Essex, three additional terms of the court of common pleas, as follows, to wit: the first term shall be holden on the fourth Monday of May next, at Newburyport; the second term shall be holden on the second Monday of October next, at Ipswich; and the third term shall be holden on the fourth Monday of January next, at Salem; and terms of the said court shall be holden on the same days, and at the several places respectively herein prescribed, in each year thereafter, for the disposition of the criminal business of said county.

Of appeals, recognizances, &c.

SECT. 2. All appeals, recognizances, and processes, and every other matter and thing of a criminal nature, which would be returnable to, and have day in, the court of common pleas, to be holden at Salem, within and for said county, on the third Monday of March, instant, if this act had not been passed, shall be returnable to, and have day in, said court, at the term thereof hereby established, at Newburyport, on the fourth Monday of May next.

Criminal business alone at the new terms.

SECT. 3. The civil business of the court of common pleas, in said county, shall be transacted only at the terms of said court, heretofore established by law; and the criminal business thereof shall be acted upon only at the terms of the said court herein appointed to be holden. And all continuances of civil or criminal business shall be, without any special order therefor, to the next term of said court, to be holden for the transaction of business of the same description.*

Grand Jurors.

SECT. 4. The grand jurors of the said county of Essex shall be required to attend only at the said terms established for the transaction of criminal business.

Term transferred from Ipswich to Lawrence.

SECT. 5. The term of the court of common pleas, for said county, now holden at Ipswich, on the third Monday of December, of each year, shall hereafter be holden at Lawrence, in said county, on the third Monday of December, annually: *provided*, that the inhabitants of said town of Lawrence shall, on or before the first day of September next, provide a suitable place for the holding of said term of the court, to the satisfaction of the county commissioners of said county, and without any expense to said county during the term of ten years.

Proviso.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1849.*]

An Act ceding to the United States Jurisdiction over a Lot of Land in the Town of Truro. Chap. 40.

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

SECT. 1. Jurisdiction is hereby granted to the United States, in and over a certain lot or parcel of land, situate in the town of Truro, on the north side of Pamet Harbor, for the purpose of erecting a lighthouse on the same, bounded as follows, to wit : commencing at a stake at the southerly end of the salt works ; thence, running north eleven degrees, west, two hundred and forty feet, to a stake, thence, turning and running west twenty-two degrees south, one hundred and thirty-eight feet to the sea-shore ; thence turning and running on the sea-shore two hundred and fifty feet to a stake ; thence, turning and running one hundred and fifty feet to the stake first mentioned ; containing about three fourths of an acre : *provided*, that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction with the United States, in and over said land, so far that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected on the same, in the same way and manner as if jurisdiction had not been granted as aforesaid.

Description of land ceded.

Proviso as to concurrent jurisdiction.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1849.*]

An Act concerning the Probate Court in the County of Berkshire.

Chap. 41.

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

SECT. 1. There shall be a probate court held each year at Great Barrington, on the Wednesday next after the first Tuesday in February, May, August, and November, respectively ; and so much of the fifty-fifth section of the eighty-third chapter of the Revised Statutes, as provides for a court at Great Barrington, and so much of the same section as provides for a court at Lenox, on Wednesday, next after the first Tuesday in February, May, August, and November, is hereby repealed.

Terms at Great Barrington.

R. S. ch. 83, ch. 55, modified.

SECT. 2. All processes and matters returnable to the court at Great Barrington, on the second Tuesday in May next, may be acted upon at the court to be held on Wednesday, next after the first Tuesday in May.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1849.*]

Chap. 42. An Act to incorporate the Trustees of the School Funds, in the Town of Chicopee.

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

Trustees.

SECT. 1. James T. Ames, Adolphus G. Parker, and Ezekiel Blake, all of the town of Chicopee, and their successors, are hereby constituted a body corporate, by the name of the Trustees of the School Funds, in the Town of Chicopee, with all the powers and privileges, and subject to all the liabilities, provided in the forty-fourth chapter of the Revised Statutes.

General powers and duties, R. S. ch. 44.

Town may elect two more trustees.

SECT. 2. The inhabitants of said town may, if they shall determine it to be expedient, at any meeting legally called for such purpose, elect two other persons, inhabitants of said town, to be added to the number of said trustees. Said inhabitants may also, at any meeting duly called therefor, remove any of said trustees, who may, from age, infirmity, misconduct, or absence, become unfit or incapable to discharge the duties of said trust; and they may, from time to time, fill up, from the inhabitants of said town, any vacancy, in the number of said trustees, which may happen, by death, resignation, removal, or otherwise.

May remove for cause, and fill vacancies.

One of the trustees to be treasurer.

Bond.

SECT. 3. Said trustees shall, from time to time, appoint one of their number to act as treasurer, who shall, before entering upon the duties of his office, give bond to said trustees, with sufficient sureties, faithfully to discharge all the duties of his said office, and to account for all moneys which may come into his hands by virtue of the same.

What funds trustees to manage.

Stat. 1848, ch. 233.

SECT. 4. The portion of the school funds heretofore vested in the "Trustees of the School Funds in the Town of Springfield," which said town of Chicopee is entitled to receive by virtue of an act of the Legislature, passed April twenty-ninth, in the year one thousand eight hundred and forty-eight, dividing said town of Springfield and incorporating said town of Chicopee from a part thereof, and of the award of commissioners, appointed under the provisions of said act to divide said funds between said towns, shall be vested in said Trustees of the School Funds in the Town of Chicopee, who shall be entitled to receive, manage, and hold the same, for the uses and purposes hereinafter named.

What additions to funds.

Said trustees may also receive any gift, grant, bequest, or devise of real or personal estate; and any funds which may be specially appropriated by said town, for the use of schools therein, and which said town shall direct to be entrusted to the care of said trustees; and they may hold, manage, and improve the same, in trust, for the maintenance of schools, in said town, according to the provisions hereinafter made.

SECT. 5. Such of the lands belonging to said town of Chicopee as the town may, at any time, direct to be sold for the use of schools in said town, or shall authorize said trustees to hold or dispose of, and also the income or proceeds of sales of lands, appropriated by said town, for the use of schools, shall become and be vested in said trustees and their successors; and said trustees are hereby authorized and empowered to sell and convey the whole, or any part, of the lands so vested in them, and also any other lands held by them, a conveyance of which shall not be inconsistent with the terms or intent of the original gift, grant, or devise of the same, to said trustees; and to make and execute a good and sufficient deed, or deeds, thereof, which, subscribed by their treasurer, by direction of said trustees, with their seal affixed, and by him duly acknowledged, shall be effectual, in law, to pass and convey all the right of said town, or of said trustees, in and to said land, to the purchaser thereof, to all intents and purposes whatever.

Lands to be sold for use of schools.

Trustees to sell and convey.

SECT. 6. All such funds and moneys as said trustees may acquire and receive, as hereinbefore provided, or in any other way whatever, shall, as soon as may be, be put at interest, secured by sufficient mortgages of real estate, or by two or more sufficient sureties, besides the principal debtor, or invested in dividend-paying stocks; and the whole annual interest and income thereof, together with the whole income of such other estate, real or personal, as said trustees may hold, shall be paid over, yearly, by them to the treasurer of the town of Chicopee, for the time being, to be by him paid out for the benefit and support of the public schools in said town, in such proportions to the several school districts as the said town shall direct.

Funds, how to be secured.

Income to be paid to town treasurer, for benefit of schools.

SECT. 7. The said fund shall always be held and deemed to be inalienable, and no part thereof shall be used or applied to any other purpose than the support of schools in said town. And the said trustees, their officers, agents, or attorneys, shall never receive any compensation for any services performed under this act, or in relation to said trust, from any part of said fund.

Fund solely for school purposes.

No compensation to trustees, &c

SECT. 8. Each of said trustees shall be personally answerable to the inhabitants of said town, in a special action on the case, for any neglect or misconduct in relation to said trust.

Trustees answerable personally.

SECT. 9. The said trustees shall cause to be kept a fair record of their proceedings, which shall, at all times, be open for inspection by the officers of said town. They shall also make and exhibit to the town, at their annual meeting for

To keep a record of their doings.

Annual report. the choice of town officers, a yearly report of their doings in relation to said trust, together with a full and explicit statement of the funds and estate in their possession, and of the income received therefrom. [*Approved by the Governor, March 20, 1849.*]

Chap. 43. An Act to incorporate the Fall River Fire and Marine Insurance Company.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Nathan Durfee, Nathaniel B. Borden and William Munday, their associates and successors, are hereby made a corporation, by the name of the Fall River Fire and Marine Insurance Company, for the purpose of making insurance against maritime losses and against losses by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all other general laws, which have been or shall be hereafter enacted, relating to insurance companies, for the term of twenty years.

For fire and marine insurance.
 Powers and duties.
 R. S. ch. 37, 44, and subsequent statutes.

Capital stock. **SECT. 2.** The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint. [*Approved by the Governor, March 22, 1849.*]

Chap. 44. An Act to continue in force "An Act to incorporate the West Newbury Mutual Fire Insurance Company."

1827, ch. 51. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The act to incorporate the West Newbury Mutual Fire Insurance Company, passed on the eighth day of February, in the year one thousand eight hundred and twenty-eight, shall be and remain in force for the term of twenty-eight years from the eighth day of February, in the year one thousand eight hundred and fifty-six; and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes which have been or may hereafter be passed relating to mutual insurance companies. [*Approved by the Governor, March 22, 1849.*]

Continued for 28 years from 8th February, 1856.

R. S. ch. 37, 44, and subsequent statutes.

An Act ceding to the United States Jurisdiction over a part of the Island of Great Brewster, in the Harbor of Boston. Chap. 45.

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

SECT. 1. The consent of this Commonwealth is hereby granted to the United States of America, to purchase so much of the Great Brewster Island, situate at the entrance of Boston harbor, in the town of Hull, in the county of Plymouth, and Commonwealth of Massachusetts, as has been, or may be, conveyed by the city of Boston to the said United States, for the purpose of the erection and maintenance thereon of a sea-wall, for the preservation of said island, the evidence of the said purchase to be entered and recorded in the registry of deeds, in the county of Suffolk and Commonwealth aforesaid, and the jurisdiction over the said portion of the said Great Brewster Island, is hereby granted and ceded to the United States: *provided, always,* and the cession and consent aforesaid are granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States, in and over the said portion of the island aforesaid so far as that all civil processes, and such criminal processes as may issue, under the authority of this Commonwealth, against any person or persons charged with crimes committed without the said portion of the island aforesaid, may be executed therein in the same way and manner as though this cession and consent had not been made and granted. Cession. Proviso as to jurisdiction.

SECT. 2. The property over which jurisdiction is granted, by this act, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed, under the authority of this Commonwealth, while the said premises shall be used for the purposes intended by this act. Exonerated from taxation.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1849.*]

An Act to incorporate the Bay State Steamboat Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : Chap. 46.

SECT. 1. Richard Borden, Jefferson Borden, and James S. Warner, their associates and successors, are hereby made a corporation, by the name of the Bay State Steamboat Company, for the purpose of navigating, by steam, the waters of New York, Mount Hope, and Narragansett Bays, the intervening waters, and those connected therewith; with all the powers and privileges, and subject to all the duties, Corporators. For 20 years.

Powers and duties.
R. S. ch. 33, 44.

restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, for the term of twenty years.

May build and purchase steam-boats.

SECT. 2. The said company is hereby authorized and empowered to build, purchase, hold, convey, hire, and employ, one or more steamboats, with such apparatus and appendages as may be found necessary for steam navigation, and the transportation of passengers and merchandise, in any, and all, of the waters aforesaid.

Estate in Fall River.

SECT. 3. The said company may hold real estate, situate in Fall River, in the county of Bristol, not exceeding in value fifty thousand dollars, and personal property, to an amount not exceeding four hundred and fifty thousand dollars, to be divided into such number of equal shares, as the said company, by its by-laws, shall determine. [*Approved by the Governor, March 22, 1849.*]

Chap. 47.

An Act respecting Sales by Executors and Administrators.

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

Mortgaged estate may be sold by executor, &c., in the same manner as personal estate.

SECT. 1. Any real estate, held by an executor or administrator in mortgage, or taken in execution by him, may be sold at any time before the right of redemption is foreclosed, in the same manner as the personal estate of a deceased person may be sold by an executor or administrator.

R. S. ch. 65,
§ 11, modified.

SECT. 2. That portion of the fourteenth section of the sixty-fifth chapter of the Revised Statutes, which is inconsistent with the foregoing provision, is hereby repealed. [*Approved by the Governor, March 22, 1849.*]

Chap. 48.

An Act to regulate the Weight of Clam Bait.

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

The barrel to be 230 lbs.

SECT. 1. Whenever clam bait is sold by the barrel, it shall be understood to mean two hundred and thirty pounds, avoirdupois, of clams, and all contracts hereafter made, concerning clam bait sold in this manner, shall be understood and construed accordingly.

Where buyer and seller disagree.

SECT. 2. If any disagreement shall arise between the purchaser and seller of clam bait, respecting the weight of said bait, either party may have said bait weighed, and if it shall not weigh two hundred and thirty pounds to the barrel, the seller shall pay the expense of weighing and cooperating the same; but, if said bait shall weigh two hundred and thirty pounds, or more, to the barrel, the buyer shall pay the expense of weighing and cooperating the same.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1849.*]

An Act to prevent Prize-Fighting.

Chap. 49.

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

SECT. 1. Every person who shall, by previous appointment or arrangement, meet another person and engage in a fight, shall be punished by imprisonment in the State Prison not more than ten years, or by fine not exceeding five thousand dollars.

Penalty, imprisonment or fine.

SECT. 2. Every person who shall be present at such fight, as an aid, second, or surgeon, or who shall advise, encourage, or promote such fight, shall be punished by imprisonment in the State Prison, not more than five years, or by imprisonment in the county jail, not more than three years, and fine not exceeding one thousand dollars.

Penalty for aiding, advising, &c.

SECT. 3. Every person, an inhabitant, or resident of this State, who shall, by previous appointment or engagement, made within this State, leave the State and engage in a fight with another person, without the limits thereof, shall be punished by imprisonment in the State Prison, not more than five years, or fine not exceeding five thousand dollars.

Penalty for going out of the State, and engaging in a fight.

SECT. 4. This act shall not affect the provisions of the one hundred and twenty-fifth chapter of the Revised Statutes, against duelling. [*Approved by the Governor, March 22, 1849.*]

An Act to authorize David Conwell to build a Wharf.

Chap. 50.

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

David Conwell is hereby authorized to build and maintain a wharf from his land, into the harbor of Provincetown, bounding on the easterly side thereof by a four feet passage-way, and to extend the same, twenty-two feet wide, to low water mark; and shall have the right to lay vessels at the end and side of said wharf, and receive wharfage and dockage therefor; *provided* this act shall not, in any manner, interfere with the legal rights of any person whatever. [*Approved by the Governor, March 23, 1849.*]

Boundaries.

Proviso.

Chap. 51. An Act to authorize Gideon Bowly and Joshua E. Bowly, to build a Wharf, in Provincetown.

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

Wharf to low water mark.

Gideon Bowly and Joshua E. Bowly, are hereby authorized to build and maintain a wharf from their land, into the harbor of Provincetown, and to extend the same, not exceeding fifty feet in width, to low water mark; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor; *provided*, this act shall not, in any manner, interfere with the legal rights of any person whatever. [*Approved by the Governor, March 23, 1849.*]

Proviso.

Chap. 52. An Act in addition to "An Act to authorize Amasa Nickerson and others, to build a Wharf."

1848, ch. 55.

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

At Deep Hole, in Harwich.

Amasa Nickerson and his associates, in addition to the power granted to them by an act passed on the twenty-second day of March, in the year one thousand eight hundred and forty-eight, to build a wharf, at a place called Deep Hole, in Harwich, are hereby authorized to build and maintain a wharf from their land, adjoining the harbor of Harwich, to the extent of six hundred feet, from the shore, and to lay vessels at the end and sides thereof, and receive dockage and wharfage therefor; *provided*, that this act shall not, in any manner, impair the legal rights of any person whatever. [*Approved by the Governor, March 23, 1849.*]

Proviso.

Chap. 53. An Act to alter the Times of holding certain Terms of the Court of Common Pleas for the County of Hampden.

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

Terms in March and October.

SECT. 1. There shall be a term of the court of common pleas, within and for the county of Hampden, respectively, on the second Monday of March, and the first Monday of October annually, instead of the second Mondays of February and October, as now provided by law.

R. S. ch. 82, § 40, and stat. 1844, ch. 171, modified.

SECT. 2. So much of the fortieth section of the eighty-second chapter of the Revised Statutes, and of the act passed March sixteenth, one thousand eight hundred and forty-four, entitled, "An act to alter the Times of holding the Terms of the Court of Common Pleas for the county of Hampden," as is inconsistent with this act, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 23, 1849.*]

An Act to authorize Stephen Cook to extend his Wharf.

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

Stephen Cook is hereby authorized to extend and maintain the wharf now owned by him, and adjoining his land, into the harbor of Provincetown, to low water mark, and shall have the right to lay vessels at the end and side of said wharf, and receive wharfage and dockage therefor : *provided* this act shall not in any manner interfere with the legal rights of any person whatever. [*Approved by the Governor, March 23, 1849.*]

Chap. 54.

Wharf in Provincetown.

Proviso.

An Act extending the Time for constructing the Barre and Worcester Railroad, and for changing its Name.

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

SECT. 1. The time allowed to the Barre and Worcester Railroad Company, by an act passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-seven, for constructing their railroad, is hereby extended to the twenty-sixth day of April, in the year one thousand eight hundred and fifty-one.

SECT. 2. The Barre and Worcester Railroad Corporation, after the passing of this act, shall be known and called by the name of the Boston, Barre, and Gardner Railroad Corporation.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1849.*]

Chap. 55.

1847, ch. 276.

Time extended to April 26, 1851.

Name of corporation changed.

An Act to establish the Office of Auditor of Accounts.

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

SECT. 1. There shall be elected, by the two branches of the Legislature, by joint ballot, during the present session, and in the month of February in each succeeding year, an officer, to be styled Auditor of Accounts, who shall continue in office one year, and until a successor be duly chosen and qualified. He shall give bond to the treasurer, with sufficient sureties, to be approved by the governor, with the advice and consent of the council, in the penal sum of five thousand dollars, for the faithful dis-

Chap. 56.

Auditor to be chosen annually by the Legislature.

To give bond.

Case of vacancy.

charge of the duties of his office. In case of any vacancy in said office, by death, resignation, or otherwise, a successor shall be appointed according to the above provisions: *provided*, that, if such vacancy happen during the recess of the Legislature, such successor may be appointed by the governor, with the advice and consent of the council, and shall hold his office till a successor be chosen by the Legislature, and qualified.

Proviso.

Duties.

SECT. 2. The auditor shall examine all accounts and demands against the Commonwealth, except for such sums as may be due on account of the principal or interest of any public debt, or of the pay-rolls of the council, senate, or house of representatives, and shall certify the amount due on any such demand, the head of expenditure to which the same is to be charged, and the law authorizing the payment thereof, to the governor, who may draw a warrant therefor, as provided by the constitution, and all such certificates shall be recorded by the auditor, in a book to be kept for that purpose. No warrant shall be drawn for the payment of any account or demand, except the said pay-rolls, which has not been certified as above. And all receipts given by the treasurer shall be approved and countersigned by the auditor, and no such receipt shall be valid until so countersigned. And, as soon as may be after the drawing of any warrant, the secretary shall transmit to the auditor a written statement of the amount and purport of the same.

Treasurer's accounts to be countersigned by auditor.

To keep accounts of receipts and expenditures,

SECT. 3. The auditor shall keep, at all times, a distinct account of all public receipts and expenditures under appropriate heads, and shall charge, against each head, all expenditures properly belonging thereto; and, in case the sum allowed by law shall have been expended or drawn for, shall communicate such fact, in writing, to the secretary, who shall lay the same before the governor and council as soon as may be. He shall also keep a like statement of the school fund, and all other public property, and of all debts and obligations due to and from the Commonwealth; and, for the above purposes, shall have free access to any books or papers in the offices of the secretary, the treasurer, or the land agent.

Also of school fund, debts, obligations, &c.

Auditor to examine treasurer's accounts, &c., and report to Legislature.

General report in January annually.

SECT. 4. The auditor shall annually, in the month of January, carefully examine all the books and accounts of the treasurer, with all the vouchers of such accounts, and shall report thereon to the Legislature. He shall, on or before the fifteenth day of January annually, exhibit to the Legislature a complete statement of the public property of the Commonwealth, its debts and obligations of every kind,

its revenue and expenses during the preceding year, and the balance left in the treasury at the close of such year, explaining whether such balance resulted from an excess over current expenses, or otherwise. He shall likewise submit, at the same time, an estimate of expenses for the current year, distinguishing those which are ordinary and current from those which are extraordinary, together with an estimate of the ordinary income of the Commonwealth, and of all other means which he may be able to point out for the defraying of expenditures, and shall annex, to the said statements or estimates, such representations or suggestions as he may deem necessary.

SECT. 5. The books and accounts of the auditor shall be carefully examined, at least once during the recess of the Legislature, by a committee of the council, or such other person as the governor, by and with the advice and consent of the council, may appoint; and shall also be carefully examined by the committee of accounts, in the month of January annually.

Auditor's books, &c., to be examined during recess of Legislature.

SECT. 6. The salary of the auditor shall be fifteen hundred dollars per annum, payable quarter-yearly. He shall keep his office in such place as the governor, with the advice of the council, may direct; and a further sum, not exceeding three hundred and fifty dollars, is hereby appropriated to defray such expenses as may be necessary for the establishment of the auditor's office, and support of the same, during the present year.

Salary, \$1,500.
Place for office.

SECT. 7. The auditor shall, at all times, comply with any regulations, in relation to the duties of his office, not repugnant to the provisions of this act, which may be transmitted to him in writing by the governor and council.

Regulations for auditor from governor and council.

SECT. 8. So much of any act or resolve, heretofore passed, as may be inconsistent with the provisions of this act, is hereby repealed.

Repeal.

SECT. 9. This act shall go into operation from and after its passage. [Approved by the Governor, March 24, 1849.]

An Act to establish a Portion of Boundary Line between the Towns of Middleborough and Carver.

Chap. 57.

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

That part of the boundary line between the towns of Middleborough and Carver, which lies between High Stone, so called, and Rocky Point, so called, is hereby established, as follows: beginning at the High Stone, on the descent of of Great Hill, so called, twenty rods southerly of the place

Boundary line defined.

where Spring Brook connects with Rocky Meadow Brook, (an acknowledged monument on the line between the towns aforesaid,) thence, running south, twelve degrees east, one hundred and fourteen rods, to a stake; thence, south, fifty-two and one half degrees east, one hundred and sixteen rods to the highway, near the house of Otis Thomas; thence, continue the same course, eleven rods, to a stake; thence south, one degree west, eighty-one rods, to a stake; thence, south, fifty degrees east, forty-eight and one half rods, to a stake; thence, south, eighty-four degrees east, thirty rods, to a stake; thence, south, twenty-one and one half degrees east, one hundred and two rods, to a white pine tree; thence, south, six and one half degrees west, one hundred rods to a stake; thence, south, thirty-three and one half degrees west, forty-eight rods, to a stake; thence, south, one degree west, thirty-six rods, to a stake; thence, south, twenty-seven degrees east, eighty-one rods, to a stake; thence east, seven and one half rods, to a high stone near the end of rocky point, a point well known and established as a bound between the towns of Middleborough and Carver. [*Approved by the Governor, March 24, 1849.*]

Chap. 58.

An Act to change the Name of Nathaniel Merrill Leathers.

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

Name.

From and after the passage of this act, Nathaniel Merrill Leathers, of Danvers, in the county of Essex, may take the name of Nathaniel Merrill Warren, and he shall thereafter be known and called by that name, and the same shall thereafter be considered as his only legal and proper name. [*Approved by the Governor, March 24, 1849.*]

Chap. 59.

An Act to prevent Disturbances of Schools and Public Meetings.

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

Penalty, imprisonment, or fine.

Every person who shall wilfully interrupt or disturb any school or other assembly of people, met for a lawful purpose, within the place of such meeting, or out of it, shall be punished by imprisonment in the county jail, not more than thirty days, or by fine not exceeding fifty dollars. [*Approved by the Governor, March 27, 1849.*]

An Act to authorize Nathan Fisk and his Associates, to build a Bridge across Swan Pond River, in the Town of Dennis. *Chap. 60.*

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

SECT. 1. Nathan Fisk, Hiram Baker, Nathan Baker, Hiram Chase, and their associates, are hereby authorized to construct a bridge over certain tide waters, called Swan Pond River, in the town of Dennis, in the county of Barnstable, near the north end of the salt works of Theophilus Nickerson ; *provided*, the consent of the riparian owners be first obtained, and that said bridge be built eight feet above ordinary high water, and with an open and unobstructed space in the channel twenty feet wide, between the abutments of said bridge.

Persons incorporated.

Location.

Proviso as to obstruction of river.

SECT. 2. If, at any annual meeting of said town, in the month of February, the town, by a majority of votes, shall elect to build said bridge, they are hereby authorized so to do. [*Approved by the Governor, March 27, 1849.*]

Town of Dennis may vote to build the bridge.

An Act authorizing the Building of a Bridge over Red River, in the Town of Chatham. *Chap. 61.*

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

Levi Eldridge, Ezra Bearse, Freeman Eldridge, with their associates, are hereby authorized and empowered to build a bridge over certain tide waters, known as Red River, in the town of Chatham, in the county of Barnstable : *provided* the consent of the riparian owners be first obtained, and said bridge be constructed with open spaces of the width of fifteen feet between the piling or piers of said bridge. [*Approved by the Governor, March 27, 1849.*]

Persons incorporated.

Location.

Proviso as to obstructing the river.

An Act relating to Teachers' Institutes.

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

SECT. 1. The Board of Education are authorized to determine the length of time during which the Teachers' Institutes, established under the ninety-ninth chapter of the statutes of the year eighteen hundred and forty-six, and the tenth chapter of the statutes of the year eighteen hundred and forty-eight, shall remain in session.

Length of sessions to be fixed by Board of Education.

SECT. 2. Any thing contained in the acts aforesaid, contrary to the provisions of this act, is hereby repealed. [*Approved by the Governor, March 27, 1849.*]

Chap. 63.

An Act to incorporate the Norfolk Agricultural Society.

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

Corporators.

SECT. 1. Marshall P. Wilder, Charles F. Adams, B. V. French, their associates and successors, are hereby made a corporation, by the name of the Norfolk Agricultural Society, for the encouragement of agriculture and horticulture, manufacturing and mechanic arts, in the county of Norfolk, by premiums and other means; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-second and forty-fourth chapters of the Revised Statutes; and said corporation may hold and manage real estate not exceeding in value twenty-five thousand dollars, and personal estate not exceeding a like sum, for the purposes aforesaid.

For agriculture, horticulture, and mechanic arts.

Powers and duties.

R. S. ch. 42, 44.

Real and personal estate.

Acceptance of this act.

SECT. 2. This act may be accepted by the society, at any meeting called according to the provisions of its constitution. [*Approved by the Governor, March 27, 1849.*]

Chap. 64.

An Act authorizing the Erection of a Fish Weir in the Town of Eastham.

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

Location.

SECT. 1. Joshua Higgins, Junior, Scotto Cobb, and their associates, of Eastham, in the county of Barnstable, are hereby authorized to erect and maintain, in said town, a weir for taking fish, on their land, at or near a place called Cook's Brook, on the bay side of said town, extending from the upland to low water mark; *provided*, that the said weir shall not be so constructed or maintained, as to obstruct the navigation at said place.

Proviso, as to navigation.

Fine for injuring the weir, taking fish without leave, &c.

SECT. 2. If any person shall wilfully injure or destroy said weir, or any part thereof, or shall, without leave of the owners thereof, take from the same any fish found therein, he shall, upon conviction, forfeit and pay, to the use of the owners of said weir, a sum not exceeding twenty dollars, to be recovered in any court of competent jurisdiction, and shall moreover be liable to the parties injured, for all damages, in a civil suit. [*Approved by the Governor, March 29, 1849.*]

Chap. 65.

An Act concerning the Distribution, Custody, and Preservation of School Returns and other Documents and Papers relating to Schools.

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

SECT. 1. It shall be the duty of the secretary of the

Board of Education, to cause the blank forms of inquiry, the school registers, the abstract of school returns, and the annual report of the Board of Education, and that of its secretary, to be forwarded to the sheriffs of the several counties, for distribution to the clerks of the several towns and cities within their counties respectively, and it shall be the duty of the sheriff so to distribute them; and he shall be entitled to receive three cents a copy for each copy of said several documents so distributed, to be paid by the treasurer of the Commonwealth.

School documents to be transmitted by secretary of Board of Education, to sheriffs, for the clerks of towns and cities.

Fee of sheriffs.

SECT. 2. It shall be the duty of the clerk of each of the several cities or towns, to deliver the blank forms of inquiry, and the registers, when the same shall be received by him, to the school committee; it shall also be his duty to deliver one copy of the said abstract and reports, to the secretary of the school committee of the city or town, to be by him carefully kept for the use of the said committee, and handed over to his successor in office; and also two additional copies of said reports, for the use of said committee; and, further, it shall be the duty of the clerks of the several cities or towns, to deliver one copy of the said reports to the clerk of each of the school districts in the respective cities or towns, to be by him deposited in the district school library, if there be one, and if not, to be by him carefully kept for the use of the prudential committee, the teachers, and the inhabitants of the district, during his continuance in office, and then to be handed over to his successor; and, in case the city or town shall not be districted, the said reports shall be delivered to the school committee, and so placed by them, that they shall be accessible to the several teachers, and to the citizens; and they shall be deemed to be the property of the town or city, and not of any officer, teacher, or citizen thereof.

How to be distributed by town and city clerks.

Duty of school committee.

Duty of clerks of districts and prudential committees.

SECT. 3. The one hundredth chapter of the acts passed in the year one thousand eight hundred and forty-five, is hereby repealed. [*Approved by the Governor, March 30, 1849.*]

Stat. 1845, ch. 100, repealed.

An Act in relation to Paupers.

Chap. 66.

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

The penalty provided in the twenty-fourth section of the forty-sixth chapter of the Revised Statutes, for bringing into, and leaving, any poor and indigent person, in any town of this State, wherein such pauper is not lawfully settled, knowing him to be poor and indigent, and with

Penalty imposed by R. S. ch. 46, § 24, to ensure to the use of the town, into which paupers are brought, not

having a settle- intent to charge such town with his support, shall be forfeited to the use of, and may be sued for and recovered by, the town intended to be so charged. [*Approved by the Governor, March 30, 1849.*]

Chap. 67. An Act to cede to the United States of America Jurisdiction over certain Land in Barnstable.

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

Cession for light-house.

The jurisdiction of the tract of land, purchased by Joseph T. Pease, for the United States of America, of one Lot Crocker, for the site of a light-house, and which is situated at Hyannis, in the town of Barnstable, is hereby granted to the United States of America, for the purpose of erecting a light-house thereon, and for no other purpose whatever: *provided, however,* that the Commonwealth shall retain, and it does hereby retain, concurrent jurisdiction with the United States, in and over all said land, so far that civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid. [*Approved by the Governor, March 30, 1849.*]

Proviso, as to jurisdiction.

Chap. 68.

An Act concerning Insane Persons charged with Criminal Offences.

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

Persons indicted, insane at the time of trial, to be removed to the State Lunatic Hospital.

SECT. 1. Whenever any person, indicted for any capital or other offence, shall be, at the time appointed for the trial, found, to the satisfaction of the court before whom the said offence is to be tried, to be insane, the said court is hereby authorized to cause such person to be removed to the State Lunatic Hospital at Worcester, for such term, and under such limitations, as the said court may direct. And all such persons, now in confinement in any of the jails, as the court shall have heretofore found insane at the time appointed for their trial, may be removed forthwith to said hospital, under an order from either of the justices of the supreme judicial court, for such term, and under such limitations, as he may direct.

Also, persons now in confinement, heretofore found insane by the court.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 4, 1849.*]

An Act to authorize Jesse Nickerson to build a Wharf.

Chap. 69.

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

Jesse Nickerson is hereby authorized to build and maintain a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf to low water mark, and shall have the right to lay vessels at the side and end thereof, and receive wharfage and dockage therefor; *provided* this act shall in no way impair the legal rights of any person or persons whatever. [*Approved by the Governor, April 4, 1849.*]

Location.

Proviso.

An Act in addition to "An Act for incorporating certain Persons for the purpose of building a Bridge over Merrimack River, between the Towns of Haverhill and Newbury, in the County of Essex, and for supporting the same."

Chap. 70.

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

Special Laws,
vol. 1, p. 523.
Do. vol. 2, p. 69.
1810, ch. 107,
1812, ch. 1,
1827, ch. 117.

SECT. 1. For the safer and more convenient passage of vessels through the draw or passage-way of the Merrimack Bridge, over the Merrimack River, between the towns of Haverhill and West Newbury, authorized by an act to which this is an addition, the proprietors of said bridge shall cause to be placed, and extended from the inner corners of each of the piers of said draw or passage-way, a floating spar seventy-five feet in length, and not less than eighteen inches in diameter in the smallest part, which spars shall be suitably fastened by chains to said piers, at or near said inner corners, and shall extend, diverging up and down the river, so that the extreme ends of said spars, above and below said piers, shall be seventy-five feet apart; and each of them, at their outer ends, shall be properly and sufficiently moored by a chain to a rock or rocks, which shall be of at least four tons weight, and in each end of said four spars shall be placed a suitable iron ringbolt for fastening vessels thereto.

Provision for more convenient passage of vessels through the draw.

SECT. 2. The said proprietors shall plank up the inside of said draw piers with planks, not exceeding three inches in thickness, running lengthwise, the whole length of said piers, said planking to be three feet in width, and the top of it eighteen inches above common high water.

Inside of the draw to be planked.

SECT. 3. The additions and improvements mentioned in the first two sections shall be made and maintained by the proprietors of said bridge, constantly, hereafter, during the whole of each navigable season on said river, so long as said bridge is maintained.

These improvements to be maintained by the proprietors of the bridge.

Confirmation of rights of property to the proprietors.

SECT. 4. The said draw and piers, as now constructed, and with the additions and improvements aforesaid, be, and they are hereby confirmed to the proprietors of said bridge, any thing in any preceding acts to the contrary notwithstanding. [*Approved by the Governor, April 4, 1849.*]

Chap. 71.

Special Laws, vol. 1, p. 223.

Corporators to have the same rights and powers, which are given to church wardens, &c., &c., by R. S. ch. 20.

An Act, in addition to "An Act incorporating the Wardens and Vestry of Christ Church, (so called,) in Boston, for certain purposes."

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

The Wardens, the Rector, Wardens and Vestry, and the Wardens and Vestry of Christ Church, in the city of Boston, shall have the same respective corporate rights and powers which are given to the church wardens, the rector, church wardens and vestries, and the church wardens and vestries, respectively, of all churches or religious societies, by the twentieth chapter of the Revised Statutes of this Commonwealth, notwithstanding any thing to the contrary, contained in the act, entitled, "An Act, incorporating the Wardens and Vestry of Christ Church (so called) in Boston, for certain purposes," passed January the thirtieth, in the year one thousand seven hundred and eighty-nine. [*Approved by the Governor, April 4, 1849.*]

Chap. 72.

An Act to authorize Joshua Lewis and Benjamin Lewis to build a Wharf.

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

Location.

Joshua Lewis and Benjamin Lewis are hereby authorized to build and maintain a wharf, from their own land adjoining the harbor of Provincetown, and to extend said wharf to low water mark, not exceeding fifty feet in width, and shall have the right to lay vessels at the sides and ends thereof, and receive wharfage and dockage therefor; *provided* this grant shall in no wise impair the legal rights of any persons whatever. [*Approved by the Governor, April 4, 1849.*]

Extent and width.

Proviso.

Chap. 73.

1843, ch. 160.

Time for locating and building extended for one year.

An Act concerning the Waltham and Newton Branch Railroad.

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

The time for locating and constructing the Waltham and Newton Branch Railroad is hereby extended one year from the period fixed in the act of incorporation, passed April the twenty-first, in the year one thousand eight hundred and forty-eight. [*Approved by the Governor, April 4, 1849.*]

An Act in addition to "An Act concerning Jails and Houses of Correction." *Chap. 74.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : 1840, ch. 15.

SECT. 1. It shall be the duty of the secretary of the Commonwealth to amend the blank form of return, required by the act of March third, in the year one thousand eight hundred and forty, so that accurate information shall be obtained in relation to such insane and idiotic persons as are under the charge of the keepers of jails or houses of correction, or other county receptacles for these purposes, in the following particulars, viz: The number, name, age, birth-place, duration of insanity, duration of confinement, means of support, place of confinement, specifying whether in jails, houses of correction, or in buildings specially provided for the purpose, cause of commitment, by whom committed, whether previously subjected to any curative treatment and at what place, their present condition, whether they are furnished with employment, under whose care they are now placed, and if any of them are under the superintendence of convicts. Of the blank form of return.

SECT. 2. The secretary shall embody these returns in such manner as he shall deem advisable. [*Approved by the Governor, April 4, 1849.*]

An Act to authorize Frederick Scudder and others to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : *Chap. 75.*

Frederick Scudder and his associates are hereby authorized to build and maintain a wharf, from their land in the harbor of Hyannis, and to extend said wharf nine hundred feet; *provided* the same shall not obstruct the safe anchorage of vessels in the harbor, and shall not exceed one hundred and sixty feet in width; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall not interfere with the legal rights of any person whatever. Wharf in Hyannis.
[*Approved by the Governor, April 4, 1849.*] *Proviso.*

An Act to authorize Richard Taylor and others to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : *Chap. 76.*

Richard Taylor, and his associates, are hereby authorized to build and maintain a wharf, from their land, at a place called Stage Harbor, in Chatham Neck, and to extend said Location.

- Proviso.* wharf three hundred feet; *provided* the same shall not occupy the channel, so as to obstruct vessels, and shall not exceed sixty feet in width; and shall have the right to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor; *provided*, that this act shall not interfere with the legal rights of any person whatever. [*Approved by the Governor, April 4, 1849.*]
- Proviso.*

Chap. 77. An Act to authorize Laban Snow, Junior, and others, to build a Wharf in Harwich.

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

- Location.* Laban Snow, junior, and his associates, are hereby authorized to build and maintain a wharf from their premises adjoining the harbor, called Marsh Bank, in the town of Harwich; said wharf not to exceed six hundred feet in length, and sixty feet in width, except that the pier at the lower end may be one hundred and fifty feet in width; and to lay vessels at the sides and end thereof, and receive wharfage and dockage therefor; *provided* said wharf shall not extend into the channel of said harbor so as to impede the navigation thereof, and that this act shall in no way interfere with the legal rights of any person or persons whatever. [*Approved by the Governor, April 4, 1849.*]
- Length and width.*
- Proviso.*

Chap. 78. An Act authorizing Loring Crocker, and others, to build a Dyke across Rendezvous Creek, in Barnstable.

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

- Location.* Loring Crocker, Waterman Eldridge, Thomas Smith, Mary Tobey, Nathaniel Holmes, E. H. Eldridge, E. T. Cobb, and Heman Foster, of Barnstable, in the county of Barnstable, their heirs and assigns, are hereby authorized to build and maintain a dyke across Rendezvous Creek, so called, in the north part of said town of Barnstable, from the land of the said Watermen Eldridge and E. H. Eldridge, to land of said Cobb and Smith, with the privilege of letting the water in and out at pleasure, by a sluice constructed for that purpose; *provided*, that said dyke shall be at least sixteen feet wide at its top. [*Approved by the Governor, April 4, 1849.*]
- Proviso.*

An Act to authorize Anthony Killey and others to build a Wharf.

Chap. 79.

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

Anthony Killey and his associates, are hereby authorized to build and maintain a wharf, from their land adjoining the harbor known by the name of Shad Hole, in the town of Dennis, said wharf not to exceed five hundred feet in length and sixty feet in width, except the pier at the lower end, which may be two hundred feet in width, and shall have the right to lay vessels at the sides and end thereof, and receive wharfage and dockage therefor : *provided* said wharf shall not extend into the channel of said harbor so as to impede the navigation thereof, and that this act shall in no way impair the legal rights of any person or persons whatever. [*Approved by the Governor, April 4, 1849.*]

Location in
Dennis.

Length and
width.

Proviso.

An Act to change the Name of the Scituate Institution for Savings.

Chap. 80.

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

1835, ch. 197.

The Scituate Institution for Savings may take and hereafter be known by the name of the South Scituate Savings Bank. [*Approved by the Governor, April 4, 1849.*]

Name.

An Act relating to School Libraries and School Apparatus.

Chap. 81.

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

SECT. 1. The inhabitants of any school district, in any city or town, and of any city or town not divided into school districts, in this Commonwealth, may, at any meeting called for that purpose, raise money for the purchase of libraries, and necessary school apparatus, in the same manner as school districts may now raise money for erecting and repairing school houses in their respective districts.

School districts
may raise
money for libra-
ries and appa-
ratus.

SECT. 2. The one hundred and forty-seventh chapter of the statutes passed in the year one thousand eight hundred and thirty-seven, is hereby repealed. [*Approved by the Governor, April 5, 1849.*]

Repeal, 1837,
ch. 140.

An Act to establish a Fire Department in the Town of Dorchester.

Chap. 82.

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

A fire department is hereby established in the town of Dorchester, subject to all the duties and liabilities, and with

Powers and duties.

1839, ch. 138.

all the powers and privileges, set forth and contained in an act entitled, "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, April 5, 1849.*]

Chap. 83.

1843, ch. 296,
297.

Time for filing location extended one year.

An Act concerning the Union Railroad Company.

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

The time allowed for filing the location of the Union Railroad, as provided in the tenth section of the act incorporating the company, passed May tenth, in the year one thousand eight hundred and forty-eight, is hereby extended one year from the expiration of the period fixed in said act. [*Approved by the Governor, April 5, 1849.*]

Chap. 84.

An Act concerning Houses of Ill-Fame.

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

Penalty of fine,
R. S. ch. 130,
§ 8, repealed.

So much of the eighth section of the one hundred and thirtieth chapter of the Revised Statutes, as provides for the punishment of the offence, therein described, by fine, shall be, and the same is, hereby repealed. [*Approved by the Governor, April 5, 1849.*]

Chap. 85.

An Act to authorize Lot Paine to build a Wharf.

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

Location in Provincetown.

Lot Paine is hereby authorized to build and maintain a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf to low water mark; and shall have the right to lay vessels at the side and end thereof, and receive wharfage and dockage therefor; *provided* this act shall not, in any manner, impair the legal rights of any person or persons whatever. [*Approved by the Governor, April 5, 1849.*]

Proviso.

Chap. 86.

An Act to establish a Police Court in the Town of Lynn.

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

Powers and duties of the justice.

SECT. 1. A police court is hereby established in the town of Lynn, to consist of one learned, able, and discreet person, to be appointed and commissioned by the governor,

pursuant to the constitution, to take cognizance of all crimes, offences, and misdemeanors, committed within the town of Lynn, whereof justices of the peace now have, or may have, jurisdiction. And the court hereby established shall hear and determine all suits, complaints and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are, or may be, vested in justices of the peace, and shall do all acts necessary to, and consistent with, such powers and authority.

And the said police court shall also have original jurisdiction and cognizance of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined, before any justice of the peace in the county of Essex, and exclusive jurisdiction, whenever all the parties reside in Lynn, and service of the writ is had on the defendant in said county; and no writ, in any such suit or action, shall be made returnable before any justice within said town of Lynn, but to said police court only; and an appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent, that appeals are now allowed by law from judgments of justices of the peace; and the justice of said police court shall not be of counsel or attorney to any party in any matter or thing whatsoever, which may be pending in said court.

Appeals.

SECT. 2. All warrants issued by said court, or by any justice of the peace within said town, shall be made returnable, and be returned, before said court; and if any warrant shall be issued by any justice of the peace, returnable before said court, the lawful fees payable therefor shall not be paid or allowed, unless, on examination or hearing, before said court, it shall appear that there was reasonable cause for issuing said warrant; in which cases, such fees and costs shall be allowed and taxed, in like manner, as though said warrant had been issued by a justice of the peace, according to the law now in force.

Of issuing and returning warrants.

Fees.

SECT. 3. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into, the hands of the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties for neglect, as are by law prescribed in the case of justices of the peace; and all costs in such prosecutions, not thus received, shall be made up, taxed, certified, and allowed, and shall be paid and satisfied in like manner as is provided by law in cases of justices of the peace.

Of fines, forfeitures, and costs—how accounted for.

SECT. 4. The costs taxed, allowed, and certified, by the special justices, shall be paid to the standing justice.

Costs.

Court, when and where to be held.

SECT. 5. A court shall be held by said justice, at some suitable and convenient place to be provided at the expense of said town of Lynn, on two several days of each week, at nine o'clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and, on one day in each fortnight, at ten o'clock in the forenoon, and may be adjourned, from day to day, by the justice thereof, and at such other times as may be necessary, for the trial of civil suits and actions; and the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

Rules.

Of paying fees to treasurer.

SECT. 6. The justice of said court shall, twice in every year, account for, and pay over to, the treasurer, of the said town of Lynn, all fees, of every description received by him, which are, in other cases, retained by justices of the peace, in the course of his judicial proceedings, civil or criminal.

Record.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return, to the several courts, of all legal processes and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also annually, in the month of January, exhibit, to the selectmen of said town of Lynn, a true and faithful account of moneys by him received as fees.

Account of fees received.

Salary.

SECT. 8. The justice of said court shall receive, from the treasury of the said town of Lynn, an annual salary of eight hundred dollars, in quarterly payments.

Of suits, &c., before justices of the peace.

SECT. 9. All suits, actions, and prosecutions, which shall be instituted and pending before any justice of the peace, within the town of Lynn, when this act shall take effect, shall be heard and determined as though this act had not been passed.

Two special justices.

SECT. 10. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court; and whenever it shall happen, that the standing justice of said court shall be interested in any suit or prosecution, cognizable in said court, said suit or prosecution shall be considered, heard, and disposed of, by one of the said special justices; and, whenever said standing justice shall be unable, from necessary absence from town, or sickness, or other cause, to perform his duties, either of the said special justices may exercise all the powers of the standing justice, until such disability be removed; and when a vacancy occurs in the office of standing justice, either of the said special justices may exercise all the powers of the office until the vacancy be supplied; and such special

Duties.

justice shall be paid by the standing justice, out of his salary, such sums as justices of the peace are paid for like services. Fees of.

SECT. 11. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices, at any time after the passing of this act. Appointment.
[Approved by the Governor, April 5, 1849.]

AN ACT concerning Intestate Estates.

Chap. 87.

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

When any person shall die seized of any real estate, in fee simple, or for life of another, not having devised the same, and shall leave no kindred, so that such real estate would, by law, escheat to the Commonwealth, if such intestate shall leave a widow, such widow shall be entitled to take and hold such real estate, in the same manner as she would have taken the same had she been heir to the intestate. Right of widow in estate that would escheat to Commonwealth.
[Approved by the Governor, April 5, 1849.]

AN ACT to incorporate the Worcester Children's Friend Society.

Chap. 88.

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

SECT. 1. Marcia Knowlton, Rebecca Newton, Anstis K. Miles, their associates and successors, are hereby made a corporation, by the name of the Worcester Children's Friend Society, for the purpose of providing for the support and education of indigent children, of both sexes, not otherwise provided for, and who, for want of paternal care, are in a suffering and dangerous condition, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Persons incorporated, in Worcester for support of indigent children.

SECT. 2. Said corporation may, for the purpose aforesaid, take and hold real and personal property, to an amount not exceeding fifty thousand dollars. Estate.

SECT. 3. Said society may admit into their institution any indigent child, at the request of its parent or guardian, and accept from its father, or, in case it has no father living, from its mother, or guardian, a surrender, in writing, of any such child, to the care and direction of said corporation; and also may admit any other indigent children, who have no parent, or guardian, within the Commonwealth. And all children, so admitted, shall be maintained and employed, by said society, and shall be instructed in Of receiving and educating indigent children.

moral and religious duties and the branches of learning usually taught in the Commonwealth.

Of managing and binding out such children.

SECT. 4. Said society may retain and employ such children, after they are of suitable age to be bound out as apprentices, or may bind out such children, when of suitable age as domestics in virtuous families, or as apprentices at any reputable trade until the age of twenty-one years, if males, or of eighteen years, if females, in like manner, and on the same conditions, as overseers of the poor may by law bind out the children of poor persons in their respective towns; or said society may place such children in the families of virtuous and respectable citizens, to be brought up in such families as adopted children and members thereof. [*Approved by the Governor, April 5, 1849.*]

Chap. 89.

An Act to establish the City of Lynn.

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

Lynn to be a city.

SECT. 1. The inhabitants of the town of Lynn shall continue to be a body politic and corporate, under the name of the city of Lynn, and, as such, shall have, exercise, and enjoy, all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to, said town, as a municipal corporation.

Mayor, 8 aldermen, 25 common council, without compensation.

SECT. 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of eight, to be called the board of aldermen; and one council of twenty-five, to be called the common council;—which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business, and no member of either board shall receive any compensation for his services.

Eight wards, as specified.

SECT. 3. It shall be the duty of the selectmen of the town of Lynn, as soon as may be, after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into eight wards, as follows, to wit:—To constitute the peninsula of Nahant one ward, which ward shall be entitled to one member of the common council, and one member of the school committee, and to continue the division lines of school district number one, which ward shall be entitled to two members of the com-

mon council, and one member of the school committee ; to continue the division lines of school district number seven, to form one ward, which shall be entitled to one member of the common council, and one member of the school committee ; and school wards number three and nine shall be united to constitute one ward, and shall have two members of the common council, and one member of the school committee ; and to continue the division lines of school district number two, to form one ward, which shall have four members of the common council, and two members of the school committee ; also, to continue the division lines of school districts numbers four, five and six, which shall form three wards, and each shall be entitled to five members of the common council, and each two members of the school committee ; and the school committee so chosen shall have the care and superintendence of the public schools, and shall serve without compensation. And the city council shall, once in five years, revise and alter, if it be needful, the boundaries of the wards, by the vote of a majority, present and voting thereon.

Lines of wards
to be revised
once in five
years.

SECT. 4. On the second Monday in March, annually, there shall be chosen, by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such warden to preside at all ward meetings, with the power of moderators of town meetings ; and if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot. And if, at any meeting, the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all the proceedings and certify the votes given, and deliver over, to his successor in office, all such records and journals, together with all other documents and papers held by him in said capacity. And it shall be the duty of the inspectors of elections to assist the warden, in receiving, assorting, and counting the votes. And the warden, clerk, and inspectors, so chosen, shall respectively make oath, or affirmation, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Essex. All warrants for meetings of the citizens for municipal purposes, to be held either in wards, or in general meetings, shall be issued by the mayor

Ward officers.

Their duties.

Warrants for
meetings.

and aldermen, and shall be in such form, and shall be served, executed and returned, in such manner, and at such times, as the city council may, by any by-law, direct.

Election of mayor, aldermen, common council men, and school committee.

SECT. 5. The mayor and aldermen, to be selected from the city at large, shall be elected by the qualified voters, voting in their respective wards; and not more than two aldermen shall be taken from any one ward. The common council men and school committee shall be elected from, and by the voters of, each ward, and shall be residents of the wards in which they are elected. All said officers shall be chosen by ballot, and shall hold their offices for one year, from the first Monday in April, or until others shall be elected and qualified.

Time and manner of voting for city officers.

SECT. 6. On the second Monday in March, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, and common council men, school committee, warden, clerk, and inspectors, as provided in the preceding sections; and all the votes, so given, shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records, in words at length. The clerk of the ward, within twenty-four hours after such election, shall deliver, to the persons elected members of the common council, and school committee, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver, to the city clerk, a copy of the records of such elections, certified in like manner; *provided, however,* that, if the choice of the common council men and school committee cannot be conveniently effected on that day, the meeting may be adjourned from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor, to be notified, in writing, of his election; but, if it shall appear that no person has received a majority of all the votes, or, if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are herein before provided, for the choice of a mayor, and repeated, from time to time, until a mayor shall be chosen.

Vacancy in office of mayor.

In case of the decease, resignation, or absence of the mayor, or his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council, in convention, to elect a mayor to serve during the unexpired term, or until the occasion, causing the

vacancy, is removed. And if it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had, as are herein before provided for choice of mayor. Each alderman shall be notified, in writing, of his election, by the mayor and aldermen for the time being.

Notice of election.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Essex.

Oaths.

The aldermen and common council men elect shall, on the first Monday of April, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Essex; and a certificate of such oath, having been taken, shall be entered on a journal of the mayor and aldermen, and of the common council, by their respective clerks.

And whenever it shall appear that no mayor has been elected previously to the said first Monday in April, the mayor and aldermen for the time being shall make a record of that fact; an attested copy of which, the city clerk shall read at the opening of the convention to be held as aforesaid.

After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, who shall be sworn to the faithful performance of their duties.

Organization.

In case of the absence of the mayor elect, on the first Monday in April, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches.

In the absence of the mayor, the board of aldermen may choose a chairman *pro tempore*, who shall preside at joint meetings of the two boards.

Absence of mayor.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and, in case of failure of an election, or in case of any vacancy declared by either board, the mayor and aldermen shall order a new election.

Record of proceedings.

SECT. 7. The mayor thus chosen and qualified, shall be the chief executive officer of said city. It shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and keep a general supervision over the conduct of all subordinate officers, and to cause their neg-

Duties of mayor.

lect of duty to be punished. He may call special meetings of the boards of aldermen and common council, or either of them, when necessary, in his opinion, by causing notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures, as, in his opinion, the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two boards; but shall have a casting vote only. His salary shall be, for the first year under this charter, five hundred dollars, and no more. He shall afterwards receive, for his services, such salary as the city council shall determine, and shall receive no other compensation; but such salary shall not be increased, or diminished, during his continuance in office.

Salary.

Executive power in mayor and aldermen.

SECT. 8. The executive power of said city generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Lynn, shall be vested in the mayor and aldermen as fully as if the same were herein specially enumerated.

Police officers.

And the mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers; and may remove the same, when, in their opinion, sufficient cause for removal exists.

City officers, overseers of poor, &c., &c.

All other powers, now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. But the city council shall, annually, as soon after their organization as may be convenient, elect, by joint ballot, in convention, the overseers of the poor, and these shall be selected in manner as follows, viz., one overseer of the poor, at least, shall be taken from each ward; also, city treasurer and collector, firewards, city clerk, assessors and assistant assessors, and shall, in such manner as said city council shall determine, by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties, and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of this Commonwealth.

Appropriations of money.

All sittings of the common council shall be public, and all sittings of the mayor and aldermen, when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury

unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons trusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold, except the common; and to purchase property, real or personal, in the name, and for the use of the city, whenever its interest or convenience may, in their judgment, require it.

And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

Receipts and expenditures.

SECT. 9. In all cases, in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, such nomination, however, being subject to be confirmed or rejected by the board of aldermen: *provided, however*, that no person shall be eligible to any office, the salary of which is payable out of the city treasury, who, at the time of his appointment, shall be a member either of the board of aldermen or common council; and neither the mayor, nor any alderman, or member of common council, shall, at the same time, hold any other office under the city government: *provided, however*, that the mayor and president of the common council shall be, *ex officio*, members of the school committee; and *provided, further*, that said mayor and aldermen, and one common council man from each ward, shall be overseers of the poor, if said city council shall so determine.

Mayor to nominate.

Provido, as to salaries.

SECT. 10. Said city council shall have power to choose a city clerk, who shall be clerk of the board of aldermen. He shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Lynn.

City clerk.

Duties.

SECT. 11. Three assessors shall be annually chosen by the city council, who shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in the Commonwealth may exercise or be subject to, under existing laws.

Assessors.

And the city council shall appoint one person in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in their several wards, and who shall be sworn to the faithful performance of their duty.

All taxes shall be assessed, apportioned and collected in

the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Streets and
town-ways.

SECT. 12. The city council shall have exclusive authority and power to lay out any new street or town-way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way, shall first be acted upon by the mayor and aldermen.

And any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of the Commonwealth, in cases where persons are aggrieved by the assessment of damages by the selectmen, in the twenty-fourth chapter of Revised Statutes.

Health.

SECT. 13. All power and authority now by law vested in the board of health for the town of Lynn, or in the selectmen of said town, shall be transferred to, and invested in, the city council, to be carried into execution in such manner as the city council shall deem expedient.

Drains, &c.

SECT. 14. The city council shall have authority to cause drains and common sewers to be laid down through any streets or private lauds, paying the owners such damage as they may sustain thereby; and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer.

Inspection of
lumber, &c.

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement, and sale of lumber, wood, coal, and bark, brought into the city for sale.

City council to
determine number
of representatives.

SECT. 15. It shall be the duty of the city council, in the month of October, annually, to meet in convention and determine the number of representatives to be sent to the General Court, by said city in such year, and to publish such determination, which shall be conclusive; and the number thus determined shall be specified in the warrant calling a meeting for the election of representatives.

Election of
county, state
and U. S. officers.

SECT. 16. All elections for county, state, and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and, at such meetings, all the votes, given for said several officers respectively, shall be assorted, counted, declared and registered in open ward meeting, by causing the names of all persons voted for, and

the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections.

The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

SECT. 17. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors, assistant assessors, and city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such lists. Lists of voters.

SECT. 18. General meetings, of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. General meetings.

And such meetings may and shall be duly warned, by the mayor and aldermen, upon the requisition of fifty qualified voters.

SECT. 19. The city council shall have power to make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court, or other authority whatever: *provided, however,* that all laws and regulations, now in force in the town of Lynn, shall, until they shall By-laws.

Proviso.

expire by their own limitation, or be revised or repealed by the city council, remain in force, and all fines and forfeitures, for the breach of any by-law, or ordinance, shall be paid into the city treasury.

Fines, &c., for
breach of
by-laws.

SECT. 20. All fines, forfeitures, and penalties, accruing for the breach of any by-laws of the city of Lynn, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered, before the police court in said city of Lynn, by complaint or information, in the same way and manner in which other criminal offences are now prosecuted before the police courts within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas, then next to be held in the county of Essex, from the judgment and sentence of the police court.

And the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein in the same manner, as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this Commonwealth.

And it shall be sufficient, in all such prosecutions, to set forth, in the complaint, the offence fully, plainly, substantially, and formally; and it shall not be necessary to set forth such by-law, ordinance or order, or any part thereof.

All fines, forfeitures, and penalties, so recovered and paid, shall be paid to the treasurer of the city of Lynn, and shall enure to such uses as said city council shall direct.

When any person, upon any conviction before the police court, for any breach of any by-law of said city of Lynn, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture, provided by any such by-law, ordinance, or order, or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and, in the mean time, to keep the peace, and be of good behavior; and, upon not paying the fine, penalty, or forfeiture, and cost so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, forfeiture or penalty, and costs, or be otherwise discharged according to law.

The provisions of this section shall also apply to all prosecutions founded on the by-laws or ordinances of the town of Lynn, which may continue in force after this act shall go into operation, and all the powers of the police court, already established, shall be continued to it.

SECT. 21. For the purpose of organizing the system of government hereby established, and putting the same into operation, in the first instance, the selectmen of the town of Lynn for the time being, shall, on some day during the months of May or June, of the present year, issue their warrants, seven days at least previous to the day so appointed for calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors for each ward, and all other officers, whose election is provided for in the preceding sections of this act, and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and, in case said elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed; and to give notice thereof, in the manner hereinbefore provided, to the several persons elected.

First organization of city government.

And, at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And, at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided. And the selectmen shall appoint such time for the first meeting of the city council, as they may judge proper, after the choice of city officers, as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and forty-nine, and shall also fix upon the place and the hour of said first meeting, and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers chosen as provided in this section.

And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified.

SECT. 22. All officers of the town of Lynn, having the care and custody of any records, papers, or property, be-

City clerk to have custody of all records, &c.

longing to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

Repeal.

SECT. 23. All such acts, and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

Power of legislature over this charter.

SECT. 24. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same whenever they shall deem it expedient.

This act to be void if rejected by the citizens.

SECT. 25. This act shall be void, unless the inhabitants of the town of Lynn, at a legal meeting called for that purpose, at which meeting the selectmen shall preside, and the check-list used in the same manner as at meetings called to choose State officers, and the polls be kept open at least six hours, shall, by a vote of a majority of the voters present, and voting thereon, yea or nay, by a written ballot, determine to adopt the same within twenty days from and after its passage.

SECT. 26. This act shall go into operation from and after its passage. [*Approved by the Governor, April 9, 1849.*]

Chap. 90.

An Act to incorporate the Pittsfield Young Ladies' Institute.

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

Corporators.

SECT. 1. Heman Humphrey, John Todd, Moses H. Baldwin, their associates and successors, are hereby made a corporation, by the name of the Pittsfield Young Ladies' Institute, for the education of youth, to be established in Pittsfield, in the county of Berkshire; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

For education of youth.
Powers and duties.
R. S. ch. 44.

Estate.

SECT. 2. The corporation may hold real estate, not exceeding in value thirty thousand dollars, and personal estate, to the amount of ten thousand dollars, to be devoted exclusively to purposes of education. [*Approved by the Governor, April 9, 1849.*]

Chap. 91.

An Act giving the Cohannet Bank further Time to close its Concerns.

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

1828, ch. 126.
1836, ch. 110.
1846, ch. 146.
1847, ch. 84.
1848, ch. 250.

Eighteen months further allowed.

The President, Directors and Company of the Cohannet Bank are hereby continued a body corporate, for the period of one year and six months from the first day of October,

in the year one thousand eight hundred and forty-nine; with all the powers and privileges, and subject to all the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, April 9, 1849.*]

An Act concerning Stony Beach, in Hull.

Chap. 92.

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

Any person or persons who shall take or carry away any sand, gravel, or stone, from Stony Beach, in the town of Hull, shall forfeit and pay, to the use of the town of Hull, for each offence, a sum not exceeding one hundred dollars, nor less than twenty-five dollars, to be recovered by indictment, in any court competent to try the same. [*Approved by the Governor, April 9, 1849.*]

Penalty for taking or carrying away sand, gravel, &c.

An Act concerning Electric Telegraph Companies and Electric Telegraphing.

Chap. 93.

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

SECT. 1. Every company, for the transmission of intelligence by electricity, which now is, or may be, incorporated, and every owner, or association, engaged in telegraphing for the public, by electricity, in this State, shall be subject to the liabilities and governed by the provisions contained in this act.

All telegraph companies subject to this act.

SECT. 2. Any company incorporated for the purpose, may construct lines of electric telegraphs, upon and along any of the highways and public roads, and across any of the waters within the limits of this State, by the erection of necessary fixtures, including posts, piers, or abutments, for sustaining the wires of such lines; *provided* the same shall be so constructed as not to incommode the public use of said highways or roads, or endanger or interrupt the navigation of said waters; nor shall this act be so construed as to authorize the erection of any bridge across any of the waters of this State.

Telegraph lines may be established along all highways, &c.

Proviso.

SECT. 3. The selectmen of any town, or mayor and aldermen of any city, through which the lines of such company are to pass, shall give said company their writing, specifying where the posts may be located, the kind of posts that may be used, the height at which, and the places where, the wires may be run, which writing shall be recorded in said town or city, and such company, in building its line, shall follow the regulations of such writ-

Selectmen, &c., to direct where, and what posts, may be fixed, &c.

ing. After the erection of said telegraph lines, the said selectmen and mayor and aldermen shall have power to direct any alteration in the location or erection of said posts, piers, or abutments, and also in the height at which the wires may run, having first given such company or its agents opportunity to be heard on such alteration, and such decision shall be recorded in the registry of said town or city.

And may direct alterations, &c.

Proviso.

Owners of land may apply for damages, to selectmen, &c.

SECT. 4. Any person owning land or tenements, near to or adjoining a highway or road, along which said lines shall be constructed by any incorporated company, who shall consider himself in any manner damaged thereby, may apply to the selectmen of any town, or mayor and aldermen of any city, in which said lands lie, within three months after such construction, to assess and appraise his damage. The appraisers, aforesaid, before they enter upon their duties, shall severally take an oath, or affirmation, before a justice of the peace, faithfully and impartially to perform the duties required of them by this act; and said appraisers shall, on view, make a just appraisal of the loss or damage to the applicant by reason of said construction, duplicates of which appraisal shall be made in writing, signed by said appraisers, one copy of which shall be delivered to said applicant, and the other to said company, or its agent, on demand. If said appraisers assess any damage to said applicant, said company shall pay said damages, with the costs of the appraisers; but, if said appraisers award that the applicant has suffered no damage, the said applicant shall pay the costs of the appraisers.

May have a jury.

R. S. ch. 24.

Any person, aggrieved by the assessment of damages provided for in this section shall be entitled to have the matter of his complaint determined by a jury, and, in case application for a jury be made, the proceedings shall be according to the provisions of the seventy-sixth section of the twenty-fourth chapter of the Revised Statutes, concerning town ways and private ways. If the jury increase the damages, the damages and all charges shall be paid by the company, otherwise the charges, arising on such application, shall be paid by the applicant.

Compensation.

SECT. 5. The said selectmen and mayor and aldermen shall have and receive, for their services performed under this act, each the sum of two dollars per day.

Duties of telegraph companies.

SECT. 6. Every such company and every owner or association, engaged in telegraphing for the public, by electricity, in this State, shall receive despatches from and for other telegraph lines, companies, and associations, and from and for any individual; and, on payment of the usual

charges for transmitting despatches, according to the regulations of such company, owner, or association, shall transmit the same faithfully and impartially; and, for every wilful neglect or refusal so to do, the company, owner, or association, as the case may be, shall be liable to a penalty of not more than one hundred dollars, with costs of suit, to be recovered in the name and for the benefit of the person or persons, association, or company, sending, or desiring to send, such despatch.

Penalty for neglect.

SECT. 7. Any person who shall unlawfully and intentionally, injure, molest, or destroy, any of the lines, wires, posts, piers, or abutments, or any of the materials or property of such company, owner, or association, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both, at the discretion of the court having cognizance thereof.

Penalty for injuring, &c., any of the lines, wires, &c.

SECT. 8. Any railroad corporation, chartered by this State, may become a stockholder in a telegraph company, whose line of telegraph connects, or is to connect, two or more places, on the line of said railroad, to an amount not exceeding two hundred dollars for each mile of said railroad so connected.

Railroad corporations may hold stock in telegraph companies.

SECT. 9. Telegraphic corporations shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, April 9, 1849.*]

General powers and duties. R. S. ch. 44.

An Act concerning the Newburyport Railroad Company.

Chap. 94.

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

1846, ch. 90.
1848, ch. 285.

The time specified for completing the Newburyport Railroad, as specified in the fourth section of an act, entitled "An Act to establish the Newburyport Railroad Company," passed on the eleventh day of March, in the year one thousand eight hundred and forty-six, is extended one year beyond the time fixed in said act. [*Approved by the Governor, April 9, 1849.*]

Time for completing road extended one year.

An Act to incorporate the Proprietors of the Lee Street Church, in Lowell.

Chap. 95.

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

SECT. 1. James G. Carney, Jonathan White, Hazen Elliott, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Lee Street

Corporators.

Powers and duties.
R. S. ch. 20, 44. Church, in Lowell; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the twentieth and forty-fourth chapters of the Revised Statutes.

Estate. SECT. 2. Said corporation may hold real and personal estate, exclusive of their meeting-house and land sufficient for the accommodation of the same, the annual income of which shall not exceed two thousand dollars; *provided, however,* that the same be applied exclusively to parochial purposes.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 9, 1849.*]

Chap. 96.

An Act to incorporate the Trustees of the Smith Charities.

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

Trustees named. SECT. 1. That Osmyn Baker, of Northampton, John Dickinson, junior, of Amherst, and Austin Smith, of Hatfield, who have been duly chosen trustees of the funds created, for charitable purposes, by the will of Oliver Smith, Esquire, late of Hatfield, deceased, by the towns interested therein, and their successors in said trust, are hereby made a corporation, by the name of the Trustees of the Smith Charities, for the purpose of managing said funds, and dispensing said charities with greater facility and security; with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

To manage funds under will of Oliver Smith.

Powers and duties.
R. S. ch. 44.

Powers of corporation.

SECT. 2. Said corporation may hold all such notes, bonds, deeds, and certificates of stock, as may have been given or transferred to the trustees aforesaid, in their said capacity; and may sue, and recover upon the same, without any special or further conveyance or transfer thereof to the said corporation; and may hold real estate, if deemed necessary for the convenient management of their affairs, not exceeding twenty thousand dollars in value: *provided, however,* that real estate to any amount, which may be taken as security for, or in payment of, any debt due to said corporation, may be held and disposed of by said corporation.

Proviso.

Nothing herein to interfere with the provisions of the will.

SECT. 3. Nothing in this act contained, shall be construed as altering the mode of electing the trustees, which is provided in said will; nor as relieving such trustees from the obligation of giving bonds, as is therein required, or from any liability which they may incur by virtue of said bonds; nor as restricting, enlarging, or in any way chang-

ing, the provisions of said will, or the scheme of charity therein set forth.

SECT. 4. No part of the funds aforesaid shall, by the operation of this act, be exempted from taxation ; but, for the purpose of taxation, said funds shall be equally apportioned among the eight towns named in said will, to wit : Northampton, Hadley, Amherst, Hatfield, Williamsburg, Whately, Deerfield, and Greenfield, or such of them as shall not have forfeited their rights therein ; and said apportionment shall be made, and the assessors of each of said towns shall be notified of the same by the trustees provided for in said will, on or before the first day of May annually ; and the portions of said funds, thus assigned to the said towns respectively may be assessed therein, in all the taxes legally voted and assessed by said towns : *provided, however*, that all the real estate shall be taxed in the towns where the same is situate.

The funds to be subject to taxation.

How to be taxed.

Proviso as to real estate.

SECT. 5. This act shall be null and void, unless, within six months from its passage, it shall be accepted by the electors according to the provisions of said will.

This act to be accepted.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1849.*]

An Act to incorporate the Conway Mutual Fire Insurance Company.

Chap. 97.

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

James S. Whitney, Asa Howland, and Franklin Childs, their associates and successors, are hereby made a corporation, by the name of the Conway Mutual Fire Insurance Company in the town of Conway, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, within this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and of all other general laws which have been, or shall be hereafter enacted, relating to mutual fire insurance companies : *provided*, that no policy shall be issued by this company, until the sum of one hundred thousand dollars shall have been subscribed to be insured. [*Approved by the Governor, April 13, 1849.*]

Persons incorporated for mutual fire insurance, in Conway, for 28 years.

Powers and duties.

R. S. ch. 37, 44.

Proviso.

Chap. 98.

An Act concerning the Rights of Mill Owners.

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

Penalty for raising water of dam within or out of this State, so as to injure any mill belonging to a citizen.

If any person, by erecting or maintaining a dam, either within or without the limits of this Commonwealth, shall knowingly cause the water of any river or stream to be raised so as to flow upon or injure any mill, lawfully existing in this Commonwealth, and belonging to any citizen or citizens thereof, without right, as against the owner or owners of such mill, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding six months: *provided*, that this act shall have no effect in cases where the courts of this Commonwealth have jurisdiction to abate any dam so raised or maintained, as aforesaid. [*Approved by the Governor, April 13, 1849.*]

Proviso, where courts have power to abate a dam.

Chap. 99.

An Act in addition to "An Act to incorporate the Housatonic Agricultural Society."

1843, ch. 101.

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

The Housatonic Society may receive the same bounty as county agricultural societies.
R. S. ch. 42.

The Housatonic Agricultural Society shall be entitled, on the same terms as other incorporated agricultural societies, to receive annually, out of the treasury of the Commonwealth, such sum as any other agricultural society may receive, under the provisions of chapter forty-two of the Revised Statutes, notwithstanding the restrictions of section seven of that chapter; and said society shall embrace, within its limits, the territory of the county of Berkshire. [*Approved by the Governor, April 13, 1849.*]

Chap 100.

An Act to cede to the United States Jurisdiction over certain Land in Nantucket.

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

Cession.

For a lighthouse in Nantucket.

Boundaries.

Jurisdiction is hereby granted to the United States of America, for the purpose of erecting a lighthouse thereon, over that tract of land containing about ten acres, situate at Sancoty Head, in the town of Nantucket, which is bounded and described thus, namely:—Bounded northerly by land of Frederick W. Mitchell; easterly, by the shore of the sea; southerly, by land of George Myrick; and westerly, by a way, being the same land which has been

sold to the United States for the purpose of erecting a lighthouse thereon: *provided, however*, that this Commonwealth shall retain, and does hereby retain, in and over said tract of land, jurisdiction concurrent with the United States, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or any buildings which may be erected thereon, in the same way and manner as though this act had not been passed. [*Approved by the Governor, April 13, 1849.*]

Proviso, as to jurisdiction.

An Act concerning the Massachusetts Charitable Eye and Ear Infirmary.

Chap 101.

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

The Massachusetts Charitable Eye and Ear Infirmary may hold real estate not exceeding the value of seventy thousand dollars, in addition to the amount they are authorized to hold by the act incorporating said infirmary. [*Approved by the Governor, April 13, 1849.*]

May hold, not exceeding \$70,000, additional, in real estate.

An Act authorizing a Highway across East Harbor, in Truro.

Chap 102.

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

The county commissioners of the county of Barnstable are hereby empowered, if, in their opinion, the public convenience and necessity require it, to lay out a highway over tide waters, from the end of Beach Point, across an inlet of shallow water known as East Harbor, in Truro, to the opposite shore in Provincetown, at the most practicable point: *provided*, not less than three fourths of the expense of constructing the same, over said tide waters, be paid out of the treasury of said county: *and provided also*, that the remaining cost of building said highway, and keeping the same in repair, shall be equally borne by the towns of Truro and Provincetown. [*Approved by the Governor, April 13, 1849.*]

County commissioners may lay out a highway in Truro.

Location.

Proviso as to expense.

An Act to authorize George H. Rogers to build a Wharf.

Chap 103.

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

George H. Rogers is hereby authorized to build and maintain a wharf, at Fort Point, in the harbor of Gloucester, and to extend said wharf from land owned by him, one hundred and twenty feet from the northeasterly corner of the present

Wharf in Gloucester.

Extent and direction.

abutment wall, on a line with the northerly side of said wall, thence, running southerly, at a right angle, not exceeding two hundred and sixty feet, thence, westerly, by the southerly side of said Fort Point, three hundred feet, not exceeding sixty feet from low water mark, at either extremity of the last named line; and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 13, 1849*]

Proviso.

Chap 104.

An Act concerning Mutual Fire Insurance Companies.

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

May insure in the states specified.

SECT. 1. All mutual fire insurance companies, that have been, or that shall hereafter be, incorporated in this Commonwealth, are hereby empowered to insure any property included in the terms of their charters, and situated in the States of New York, Vermont, New Hampshire, Maine, Rhode Island, and Connecticut.

Property insured, of two classes; 1st, less hazardous; 2d, more hazardous.

SECT. 2. All property that shall hereafter be insured by said companies may be divided, by the directors thereof, into two distinct and separate classes. In the first class, shall be insured the less hazardous description of property; and, in the second class, shall be insured the more hazardous description of property. The policy of each member of

Policy to designate the class.

any company, so classifying its risks, shall designate the class of risks with which he is associated; and the premiums and deposit notes of each class, and the assessments, for which members may become liable, shall be held and assessed to pay the losses, occurring in the class to which they belong, and no other: *provided, however*, that no policy shall be issued by any company to cover property in any separate class, until the amount of one hundred thousand dollars shall be subscribed to be insured in such class.

Proviso.

General expenses, how apportioned.

SECT. 3. The general expenses of any company, not strictly applicable to either class, shall be apportioned to each class, according to the amount insured in each; and, in any division of the funds of any company, and in all returns of premiums and deposits, each member shall be entitled to receive only his proportional part of the funds belonging to the class of risks with which he is associated.

Annual returns to be made to the secretary of the Commonwealth.

SECT. 4. The secretary of each mutual fire insurance company in this Commonwealth shall make annual returns of the state and condition of the affairs of the company, made up to the first day^o of December, in each year, according to the form prescribed for the returns to be made by

mutual marine and mutual fire and marine insurance companies, in the first section of the ninth chapter of the acts of the year one thousand eight hundred and forty-two, and every company adopting the classification of risks provided for in the second section of this act, shall designate, in their returns, the amount insured, the premiums and deposit notes taken, and the losses sustained in each class, which returns shall be transmitted to the Secretary of the Commonwealth, on or before the fifteenth day of December, in each year, and shall be signed by the president and secretary of such insurance company, who shall make oath before some justice of the peace, to the truth of said return, according to their best knowledge and belief.

According to Stat. 1842, ch. 9, § 1.

SECT. 5. Every such insurance company, neglecting to comply with the provisions of the preceding section, shall forfeit, to the use of the Commonwealth, to be recovered by the treasurer thereof, one hundred dollars for each and every day's neglect.

Penalty for neglecting to make return.

SECT. 6. The Secretary of the Commonwealth shall furnish four printed copies of the form of the return required by this act to the secretary of every such insurance company, in the months of March or April, annually.

Secretary of the Commonwealth to furnish blank forms.

SECT. 7. The first and second sections of this act shall not take effect in reference to any company, until the same shall be adopted at a meeting of such company called for the purpose; and any member of a company adopting the said sections, or either of them, who shall dissent from such adoption, shall have the right, at any time within three months after such adoption, to cancel his policy, after having discharged all assessments and sums due from him under his policy. [*Approved by the Governor, April 14, 1849.*]

First two sections not in force till adopted by insurance company.

Proviso as to members dissenting.

An Act to annex a part of the Town of Newton to the Town of Waltham.

Chap 105.

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

SECT. 1. So much of the town of Newton, in the county of Middlesex, as lies northerly of a line, beginning at the point where the present boundary lines of Weston, Waltham, and Newton, meet, and running, in a straight line, to the point where the present boundary lines of Waltham, Watertown, and Newton, meet, with all the inhabitants and estates thereon, is hereby set off from the town of Newton, and annexed to the town of Waltham: *provided,* that no part of the town of Waltham shall be included in the town of Newton, by this act.

Description of part set off.

Proviso.

SECT. 2. The said inhabitants and estates, so set off,

Of taxes.

shall be liable to pay all taxes that have been legally assessed on them by the town of Newton, in the same manner as if this act had not been passed.

Waltham to pay Newton \$1,000.

SECT. 3. The town of Waltham shall pay, to the town of Newton, within one year from the passage of this act, the sum of one thousand dollars, which said sum it shall be lawful for the said town of Waltham to assess upon the real estate of the district hereby set off, and to collect, in the same manner that State, town, and county taxes are now assessed and collected.

Support of paupers.

SECT. 4. If any persons, who have heretofore gained a legal settlement in the town of Newton, by reason of residence on the territory set off, as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall come to want, and stand in need of relief and support, they shall be relieved and supported by the town of Waltham, in the same manner as if they had gained a legal settlement in that town.

Congressional district, how effected.

SECT. 5. The territory hereby set off shall remain a part of the eighth congressional district until an election shall have been made, in the fourth congressional district, of a member of the thirty-first Congress, and, from and after that time, said territory shall constitute a part of the fourth congressional district.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1849.*]

Chap 106.

An Act relating to Chelsea Point Bridge.

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

May be purchased by city of Boston.

SECT. 1. The city of Boston is hereby authorized and empowered to purchase the franchise of Chelsea Point Bridge, with all the rights and property incident thereto.

Mayor and aldermen authorized to lay out a highway over a portion of the bridge, and a highway to be laid out over the other portion.

SECT. 2. The mayor and aldermen of the city of Boston, as county commissioners therein, are hereby authorized and empowered to lay out a highway over so much of Chelsea Point Bridge, and the tide waters thereat, as is within the city of Boston; and the commissioners appointed by the court of common pleas, holden at Boston, by the order of said court, dated the fifteenth day of March, in the year one thousand eight hundred and forty-eight, to perform the duties of county commissioners, as in said order specified, or those at any time hereafter holding the like authority, are hereby authorized and empowered to lay out a highway over so much of said Chelsea Point Bridge,

and the tide waters thereat, as is within the town of North Chelsea: *provided*, the assent of the proprietors of Chelsea Point Bridge shall be first obtained.

Proviso, as to assent of the proprietors.

SECT. 3. The commissioners appointed by the court of common pleas, as aforesaid, or those who may hereafter be appointed to the like authority, are hereby authorized and empowered to lay out and construct a highway over the tide waters between the easterly shore of Pulling Point, and the neck of land leading to Point Shirley, in North Chelsea, so as to form a continuous highway from East Boston to Point Shirley.

Highway authorized over certain tide waters.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1849.*]

An Act authorizing the Disposal of the Property of the East Parish in Amesbury.

Chap 107.

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

SECT. 1. The judge of probate, for the county of Essex, is hereby authorized to appoint three trustees to take and hold in trust all the property, real and personal, belonging to the East Parish in Amesbury, including the proceeds of the sale of the old meeting-house and rents of the parsonage house and lands; and said trustees are hereby authorized and empowered to sell and convey, in the manner they may think best, all the real estate of the said East Parish, and to execute good and sufficient deeds for the same.

Judge of probate, of Essex, to appoint three trustees, to hold the real and personal estate of East Parish in Amesbury.

Trustees authorized to sell the real estate.

SECT. 2. The trustees shall invest, and keep invested, the proceeds of the said property, and shall annually pay the interest thereof to the Rev. Benjamin Sawyer, who was installed pastor of said parish in the year one thousand eight hundred and sixteen, and whose connection with said parish has never been dissolved.

The proceeds, how invested, and income, how paid over.

SECT. 3. After the death of the said Rev. Benjamin Sawyer, the said trustees shall pay over all the amount of funds in their hands, formerly belonging to said East Parish in Amesbury, one moiety thereof to the treasurer of the Congregational Society of Salisbury and Amesbury, in Amesbury, and the other moiety thereof to the treasurer of the Union Evangelical Society of Salisbury and Amesbury in Salisbury.

Further duties of trustees as to funds in their hands.

SECT. 4. The said societies in Amesbury and Salisbury shall each hold their respective portions of said property in trust, and shall invest and keep the same invested as each society may direct, and the income and interest only shall be applied to the support of the ministry of each society.

The societies in Amesbury and Salisbury to hold their respective portions of the property in trust, for the support of the ministry.

Vacancies in
board of
trustees.

SECT. 5. Whenever a vacancy occurs in the board of trustees, the judge of probate for said county is authorized to fill the same.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1849.*]

Chap 108.

1843, ch. 307.

Location may
be varied.

An Act concerning the Troy and Greenfield Railroad.

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

The Troy and Greenfield Railroad Corporation are hereby authorized to vary the location of their road, as defined in their charter, so that the same may be located and constructed through the towns of Ashfield and Plainfield. [*Approved by the Governor, April 17, 1849.*]

Chap 109.

An Act relating to Chelsea Free Bridge.

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

Highway to be
laid out over
Chelsea Free
Bridge and the
tide waters
thereat.

SECT. 1. The mayor and aldermen of the city of Boston, as county commissioners therein, be, and hereby are, authorized and empowered to lay out and construct a highway over so much of Chelsea Free Bridge, and the tide waters thereat, as are within the city of Boston; and the county commissioners appointed by the court of common pleas, of the Commonwealth of Massachusetts, holden at Boston, in and for the county of Suffolk, by the order of said court, dated the sixteenth day of October, in the year one thousand eight hundred and forty-eight, to perform the duties of county commissioners, as in said order specified, or those at any time hereafter holding the like or similar authority, be, and hereby are, authorized and empowered to lay out and construct a highway, over so much of Chelsea Free Bridge, and the tide waters thereat, as are within the town of Chelsea. The said bridge to be maintained with good and sufficient materials, and not less than twenty-five feet wide, with sufficient railings for the protection of passengers, and a good and sufficient draw, not less than twenty feet wide, with proper piers above and below said draw, for the accommodation of vessels passing through the same.

Bridge how to
be maintained.

Draw.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1849.*]

An Act in addition to "An Act for the more Equal Assessment of Taxes."

Chap 110.

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

It shall be the duty of the cashiers of the several banks, the treasurers of the several savings institutions, and the clerks of all insurance companies, in this Commonwealth, annually, between the first and the tenth day of May, to make returns, in person, or by mail, to the assessors of every city and town in this Commonwealth, in which any borrower of money, on the collateral security hereinafter mentioned, shall reside in manner following, viz :—The return shall state the number of shares of corporate stock, of any and all kinds, held, by such corporation, as collateral security for the debt, or liability of each person, residing in such city or town, on the first day of May, in that year, giving the name of such person, the number of shares, the denomination of such stock, and the par value thereof, if known to such officer making the return. [*Approved by the Governor, April 17, 1849.*]

Return of stock in banks, savings institutions, and insurance companies, to be made annually to assessors.

What the return shall contain.

An Act to increase the Capital Stock of the Appleton Bank.

Chap 111.

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

SECT. 1. The President, Directors, and Company, of the Appleton Bank, in Lowell, may increase their present capital stock, by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in, on or before the first Monday of April, in the year one thousand eight hundred and fifty.

\$50,000 additional capital.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject.

Additional stock to be under same liabilities as original stock.

SECT. 3. Before said bank shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, April 18, 1849.*]

Certificate, that the new stock has been paid in, to be returned to the office of the secretary of state.

Chap 112.

An Act to increase the Capital Stock of the Holyoke Bank.

1848, ch. 188.

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

§50,000 additional capital.

SECT. 1. The President, Directors, and Company of the Holyoke Bank in Northampton, may increase their present capital stock by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in on or before the first Monday of April in the year one thousand eight hundred and fifty.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject.

New stock subject to same tax, &c., as original stock.

Certificate to be returned to secretary of the Commonwealth.

SECT. 3. Before said bank shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned to the secretary of the Commonwealth. [*Approved by the Governor, April 18, 1849.*]

Chap 113.

An Act to increase the Capital Stock of the Taunton Bank.

1812, ch. 49.

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

§50,000 additional stock.

SECT. 1. The President, Directors, and Company of the Taunton Bank, in Taunton, may increase their present capital stock, by an addition thereto of fifty thousand dollars, which amount may be so added to their present number of shares as to make them one hundred dollars each, which shall be paid in such instalments as the president and directors shall determine: *provided*, that the whole amount shall be paid in on or before the first Monday of April in the year one thousand eight hundred and fifty.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject.

Liable to same tax, &c., as original stock.

Certificate to be returned to secretary of the Commonwealth.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, April 18, 1849.*]

An Act to extend the Time for paying in the Capital Stock of the Traders Fire and Marine Insurance Company in Boston. *Chap 114.*

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

The time within which the capital stock of the Traders' Fire and Marine Insurance Company, in Boston, is by law required to be paid in, is hereby extended to the twenty-sixth day of April, in the year one thousand eight hundred and fifty. [*Approved by the Governor, April 18, 1849.*]

1847, ch. 263.
1843, ch. 253.

Time extended to April 26, 1850.

An Act confirming the Doings of the Boston and Lowell Railroad Corporation. *Chap 115.*

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

The location of the branches of the Boston and Lowell Railroad Corporation, authorized by an act passed April the fourteenth, in the year one thousand eight hundred and forty-seven, filed with the commissioners of the county of Middlesex, on the third day of March, in the year one thousand eight hundred and forty-nine, is hereby confirmed, and declared to be of the same force and effect, as if the same had been filed in pursuance of law. And the rights and remedies of all parties interested in, or affected by, said location, shall be the same as if the time of filing such location had been, by the act aforesaid, extended to the said third day of March, in the year one thousand eight hundred and forty-nine: *provided, however,* that said corporation shall, with respect to said branches, and said act authorizing said branches, and this act, be subject to any and all laws which shall be hereafter enacted concerning the same. [*Approved by the Governor, April 18, 1849.*]

1847, ch. 185.

Location confirmed.

Rights and remedies of parties interested.

Proviso.

An Act concerning Proceedings in Insolvency.

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

All proceedings instituted or had, in any case of insolvency, before any commissioner of insolvency, in this Commonwealth, between the sixth day of June, and the sixth day of July, in the year one thousand eight hundred and forty-eight, so far as the same may want effect or validity, by reason that such commissioner was not duly commissioned, or by reason that such commissioner was not duly sworn or qualified, under his commission, are hereby confirmed, and the same shall be taken and deemed good and valid, in law, to all intents and purposes whatsoever. [*Approved by the Governor, April 18, 1849.*]

Chap 116.

Proceedings between 6th of June and 6th of July 1848, confirmed.

Chap 117. An Act to amend "An Act relating to the Duties of School Committees, and the Distribution of the Income of the School Fund."

1846, ch. 223.

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

School committees to return all persons between five and fifteen.

SECT. 1. The school committees of the several cities and towns, instead of ascertaining the number of persons between the ages of four and sixteen years, belonging to such cities and towns respectively, as required by the second section of the act, of which this is an amendment, approved by the governor, on the fifteenth day of April, in the year one thousand eight hundred and forty-six, shall ascertain the number of persons between the ages of five and fifteen years, and shall alter the form of the certificates, required from them by the said section, accordingly.

Income of school fund to be apportioned accordingly.

SECT. 2. The income of the Massachusetts School Fund shall hereafter be apportioned to the several cities and towns according to the number of persons therein, between the ages of five and fifteen, instead of four and sixteen, as required by the fifth section of the aforesaid act of the fifteenth of April, in the year one thousand eight hundred and forty-six.

Sum to be raised on each person between five and fifteen.

SECT. 3. The sum required to be raised by any city or town, as one of the conditions of receiving its portion of the income of the school fund, shall be, at least, equal to one dollar and fifty cents, instead of one dollar and twenty-five cents, as required by said act, of which this is an amendment, for each person between the ages of five and fifteen years, belonging to said city or town.

Proviso.

SECT. 4. Nothing in this act contained shall be considered as prohibiting the attendance upon the schools, of scholars under five or over fifteen years of age.

Repeal.

SECT. 5. All acts, and parts of acts, and all resolves, and parts of resolves, inconsistent with the provisions of this act, are hereby repealed.

When to take effect.

SECT. 6. This act shall take effect on and after the first day of May, in the year one thousand eight hundred and forty-nine. [*Approved by the Governor, April 18, 1849.*]

Chap 118.

An Act to increase the Capital Stock of the Bristol County Bank.

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

§100,000 additional stock.

SECT. 1. The President, Directors, and Company of the Bristol County Bank, in Taunton, may increase their present capital stock, by an addition thereto of one hundred thousand dollars, to be divided into shares of one hundred

dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in, on or before the first Monday of April, in the year one thousand eight hundred and fifty. *Proviso.*

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject. *Subject to like liabilities as original stock.*

SECT. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, April 19, 1849.*] *Certificate that additional stock is paid in, to be returned to the office of the Secretary of State.*

An Act to increase the Capital Stock of the Greenfield Bank.

Chap 119.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows: *1821, ch. 43. 1830, ch. 105. 1833, ch. 159.*

SECT. 1. The President, Directors, and Company of the Greenfield Bank, in Greenfield, are hereby authorized to increase their present capital stock, by an addition thereto, of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, the whole amount shall be paid in on or before the first day of April, in the year one thousand eight hundred and fifty. *§50,000 additional stock. Proviso.*

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject. *Same tax, &c., as on original stock.*

SECT. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, April 19, 1849.*] *Certificate to be returned to Secretary of State.*

An Act to increase the Capital Stock of the Springfield Bank.

Chap 120.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows: *1813, ch. 90.*

SECT. 1. The President, Directors, and Company of the *§50,000 additional stock.*

Springfield Bank, in Springfield, may increase their present capital stock by an addition thereto of fifty thousand dollars, and, when added, their whole capital stock may be divided into shares of one hundred dollars each; the additional capital shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in on or before the first Monday of April, in the year one thousand eight hundred and fifty.

Proviso.

Same tax, &c.,
as on original
stock.

SECT. 2. The additional stock of said bank, when paid in, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject.

Certificate to be
returned to
Secretary of
Commonwealth.

SECT. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, April 19, 1849.*]

Chap 121.

1836, ch. 251.

An Act to increase the Capital Stock of the Freeman's Bank.

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

§50,000 addi-
tional stock.

SECT. 1. The President, Directors and Company of the Freeman's Bank, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine; *provided*, that the whole amount shall be paid in on or before the first Monday in April, in the year one thousand eight hundred and fifty.

Proviso.

Same tax, &c.,
as on original
stock.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate to be
returned to sec-
retary of Com-
monwealth.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, April 19, 1849.*]

An Act in relation to Union Bridge.

Chap 122.

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

1840, ch. 60.

SECT. 1. The county commissioners of the county of Plymouth are hereby directed and authorized to claim and exercise, in behalf of the Commonwealth, all the rights reserved or provided for by the fourth section of an act entitled "An Act in addition to an act concerning Union Bridge, so called," and to take possession of the same so soon as, by the terms of said act, it shall have reverted to, and become the property of, the Commonwealth; and they are further empowered to require, from said Union Bridge Corporation, a full and particular statement of all the tolls received for the use of said bridge, and shall receive all moneys collected by said corporation after said bridge shall have reverted to, and become the property of, the Commonwealth by virtue of the act aforesaid.

Power to county commissioners on the bridge reverting to Commonwealth.
1840, ch. 60, § 4.

May require a statement of tolls.

SECT. 2. Whenever said commissioners shall have taken possession of said bridge, in behalf of the Commonwealth, and until the same shall have been laid out as a public highway, as hereafter provided, the said commissioners shall claim and receive all tolls payable for the use of said bridge, as now established by law.

Commissioners to receive the tolls until, &c.

SECT. 3. The said county commissioners are hereby authorized and empowered to lay out and cause said bridge, as now constructed, to be a free public highway, whenever, in their opinion, the public convenience and necessity shall require it; and, when said bridge shall be so laid out as a public highway, the said commissioners shall pay, in equal parts, to the towns of South Scituate and Marshfield, all money which shall have been received by said commissioners from said corporation, or otherwise, on account of said bridge, after deducting the cost of any repairs made upon said bridge, and of collecting the tolls. [*Approved by the Governor, April 19, 1849.*]

Bridge to be made free, when, &c.

South Scituate and Marshfield to receive the money paid to commissioners; in what manner, &c.

An Act in further addition to "An Act providing for the Appointment of Public Administrators."

Chap 123.

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

SECT. 1. When any public administrator, in any county, shall die, resign, or be removed, the judge of probate for that county shall issue his warrant to some other public administrator, in the same county, upon his application therefor, requiring him to examine the accounts of such

Judges of probate, how to proceed on the death, &c., of a public administrator.

late public administrator, touching the estates on which he shall have taken out letters of administration, and to return, into the probate court, a statement of all such estates not fully administered, and of the balance of each estate remaining in the hands of the late administrator at the time of his death, resignation, or removal. And thereupon the said judge of probate shall issue to the public administrator, making the return, he having given the requisite bonds, letters of administration upon the several estates so returned, to administer the estate, not already administered, notwithstanding, in any case, the personal estate, not administered, may not amount to twenty dollars; and the provisions of this section shall, in like manner, apply to any estates partially administered by any public administrator who has already died, resigned, or been removed, but whose accounts relating to such estates have not been finally settled.

Of bonds.

SECT. 2. Any public administrator, instead of giving a separate bond for each estate, may give a general bond for the faithful administration of all estates, on which letters of administration shall be granted to him, as public administrator. Such bond shall be given with sufficient surety or sureties, in such sum as the judge of probate shall order, payable to the said judge, or to his successors, with condition substantially as follows:—

Conditions.
To make re-
turn.

First, to make and return, into the probate court, within three months from the time of granting to him, as public administrator, letters of administration on the estate of any person who shall have deceased, a true inventory of all the real estate, and the goods, chattels, rights and credits of such person deceased, which have or shall come to his possession or knowledge:

To administer
according to
law.

Secondly, to administer according to law all the goods, chattels, rights and credits of every such person deceased, and the proceeds of all his real estate, that may be sold for the payment of his debts, which shall, at any time, come to the possession of the said administrator, or to the possession of any other person for him:

To render an
account, on
oath.

Thirdly, to render, upon oath, a true account of his administration of every such estate, within one year from the date of his letters of administration thereon, and, at least once in each year, until the said trust shall have been fulfilled, and at any other times, when required by the judge of probate:

To pay balance
as judge of pro-
bate shall di-
rect.

Fourthly, to pay any balance of every such estate remaining in his hands, upon the settlement of his accounts, to such persons as the judge of probate shall lawfully di-

rect; and, when such estate shall have been fully administered, and the debts paid according to law, to deposit the whole amount thereof that may remain in his hands with the treasurer of the Commonwealth for the time being.

Fifthly, to deliver the letters of administration on the estate of any person deceased, into the probate court, in case any will of such person deceased shall be thereafter duly proved and allowed; and, upon the appointment of a successor as administrator of any such estate, to surrender and deliver up his said letters of administration into the said court, with an account of his doings therein, under oath; and, upon a just settlement of his said account, to pay over to his said successor all sums of money remaining in his hands, and also deliver to him all the property, effects, and credits, of the said deceased, not administered.

In case of will being found, &c.

SECT. 3. Every public administrator who shall have given such general bond, as is above provided for, shall, at the probate court first held in the county after the first day of January, in each year, render to the judge of probate an account, under oath, of all balances of estates then remaining in his hands; and the judge of probate may, at any time, require additional sureties to be furnished upon the bond, or a new bond to be given. And those periods prescribed by law, which fix the times when executors and administrators shall first become liable, and when they shall cease to be liable, to the suits of creditors of the deceased, and the times within which notice of their appointment shall be given and recorded, and other acts performed, which periods, in the case of other administration bonds, begin to run from the time of giving the bond, shall, in the case of such general bond, for all the purposes of each particular estate, begin to run from the date of the letters of administration on such estate.

Account rendered to judge of probate.

Judge may require additional sureties.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1849.*]

An Act in relation to Interest on Judgments.

Chap 124.

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

Whenever judgments are made up, upon awards of county commissioners, committees, or verdicts of juries, assessing damages for land, or materials taken, or injury done in making highways, townways, or railroads, interest shall be computed upon the amount of the award, or verdict, as the case may be, from the time when made, to the time of the making up of the judgment, and added thereto: and the war-

Interest, how computed, on awards or verdicts assessing damages for land, &c., taken for roads.

rant issued thereon shall specify the day upon which judgment is rendered, and shall require the collection of the amount of such judgment, with interest thereon, from the day of its rendition. [*Approved by the Governor, April 19, 1849.*]

Chap 125. An Act to incorporate the Boston and New York Telegraph Company.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Joseph W. Clark, Alvin Adams, and Abel G. Farwell, their associates and successors, are hereby made a corporation, by the name of the Boston and New York Telegraph Company, for the purpose of constructing and using lines of telegraph within this Commonwealth, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To construct and use telegraphs.
 Powers and duties.
 R S. ch. 38, 44.
 Capital stock. **SECT. 2.** The capital stock of the said company shall be one hundred and twenty thousand dollars, with liberty to increase the same by an addition thereto of a sum not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each : *provided*, that no shares in the capital stock of said corporation shall be issued, for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Proviso. **SECT. 3.** This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1849.*]

Chap 126. An Act for the Protection and Regulation of Lieutenant's Island, and the Flats adjacent, in the Town of Wellfleet.

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

Town may choose annually, three freeholders, to be overseers of the island and flats.
SECT. 1. The town of Wellfleet is authorized and empowered, at their annual town meeting, to choose three persons, being freeholders in said town, to inspect and oversee the island known as Lieutenant's Island, together with the flats in common, adjacent thereto, lying in the southerly part of said town, between Black Fish Creek, so called, and the town of Eastham : *provided, however*, if the said town meeting has been held for the current year, the selectmen are hereby authorized to call a meeting for the purpose of electing said overseers, to hold their offices till the next annual meeting of said town.

Proviso. **SECT. 2.** The said overseers shall be chosen and qualified in the same manner, with like powers and duties as are provided in "An Act to prevent damage being done to the

How to be chosen and qualified.

harbor of Wellfleet, in the county of Barnstable, by excessive numbers of cattle, sheep and horse kind feeding on the beach and islands adjoining the westerly side of said harbor," passed June nineteenth, in the year one thousand eight hundred and one.

SECT. 3. All the provisions, restrictions, and penalties of the aforesaid act of June nineteenth, in the year eighteen hundred and one, shall be, and the same are hereby applied to the protection and regulation of the said Lieutenant's Island, and the flats and land described in the first section of this act. [*Approved by the Governor, April 20, 1849.*]

Powers and duties, as in act of June 19, 1801, Sp. Laws, vol. 2, p. 448.

Provisions of that act, how far applicable.

An Act to establish a Police Court in the Town of Taunton.

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

Chap 127.

SECT. 1. A police court is hereby established in the town of Taunton, to consist of one competent and discreet man, to be appointed and commissioned by the governor, pursuant to the constitution, as standing justice.

Police court established.

SECT. 2. The said court shall have original and exclusive jurisdiction over all crimes, offences, and misdemeanors, committed within said town of Taunton, whereof justices of the peace now have, or may have, jurisdiction; also of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined, before any justice of the peace, in the county of Bristol, whenever all the parties shall reside in Taunton, and service of the writ is had on the defendant in said county.

Jurisdiction.

The said court shall have original and concurrent jurisdiction, with justices of the peace in said county of Bristol, over all crimes, offences, and misdemeanors, whereof justices of the peace, within the county of Bristol, now have, or may have, jurisdiction; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Bristol.

Concurrent jurisdiction.

SECT. 3. An appeal shall be allowed from all judgments of said police court in like manner, and to the same extent, that appeals are now allowed by law from judgments of justices of the peace. The justice of said police court shall not be of counsel to any party in any cause which may be pending in said court.

Appeals.

SECT. 4. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the same persons in the same

Fines, &c., how received and accounted for.

manner, and under the same penalties, as are by law prescribed in the case of justices of the peace.

All costs in such prosecutions, not thus received, shall be made up, taxed, certified, and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace.

Compensation
of justice.

SECT. 5. The justice of said court shall be allowed to retain, for his annual compensation, out of the fees received by him for his services, as said justice, the sum of five hundred dollars for each year, and in the same proportion for any part of a year; and he shall, on or before the first day of January of each year, pay over, to the county treasurer of the county of Bristol, all the surplus of fees received by him over and above the said sum of five hundred dollars.

Courts, when
to be held.

SECT. 6. A court shall be held, by said justice, at some suitable place in said town, on one day of each week, at ten o'clock in the forenoon, and as much oftener as may be deemed necessary, to take cognizance of crimes, offences, and misdemeanors; also a court shall be held on one day of each week for the trial of civil actions and suits. The justice of said court may adjourn said court as justices of the peace may now adjourn the same hearings or trials. The said justice may, from time to time, establish all necessary rules for the orderly and uniform conducting of the business of said police court.

Rules and regu-
lations.

Record, and
return of doings.

SECT. 7. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also annually, in the month of January, exhibit to the county treasurer of the said county of Bristol, a true and faithful account of all moneys by him received as fees.

Special justice.

Powers.

SECT. 8. There shall be appointed, by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest, or any other disability, of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending therein, the said cause being assigned on the record by the standing or by the special justice. The said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to receive for the same services.

Compensation.

Pending suits,
&c.

SECT. 9. All suits, actions, and prosecutions, which shall be pending within the said town of Taunton, before

any justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said standing justice and special justice, at any time after the passage of this act. [*Approved by the Governor, April 20, 1849.*]

Time of appointment.

An Act to prevent the Seining of Fish, in the Harbors of New Bedford and Fairhaven.

Chap 128.

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

No person shall set, draw or use any seine or net, in the harbors of New Bedford and Fairhaven, or the waters falling into said harbors, north of a line drawn due east from the alms-house in New Bedford, to Fairhaven, for the purpose of taking any description of fish, other than menhaden, and any person offending against the provisions of this act, shall forfeit and pay the sum of twenty dollars for each offence, to be recovered by complaint before the justice of the police court in New Bedford, or any justice of the peace, to the use of the complainant. [*Approved by the Governor, April 20, 1849.*]

Boundaries, within which seining, &c., are prohibited.

Forfeiture for offences against this act.

An Act to incorporate the Blackstone Savings Bank.

Chap 129.

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

Welcome Farnum, S. H. Kimball, Michael Burdett, their associates and successors, are hereby made a corporation, by the name of the Blackstone Savings Bank, to be established in the town of Blackstone, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings. [*Approved by the Governor, April 20, 1849.*]

Corporators.

Powers and duties.
R. S. ch. 36,
and other general laws.

An Act to incorporate the Worcester Insurance Company.

Chap 130.

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

SECT. 1. John Green, Isaac Davis, Pliny Merrick, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Worcester Insurance Company, in the

Corporators,
for 20 years.

city of Worcester, in the county of Worcester, for the purpose of making insurance against loss by fire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Fire insurance.
Powers and duties.
R. S. ch. 37, 44.

ESTATE. **SECT. 2.** Said corporation may hold any estate, real or personal, for the use of said company: *provided*, that the real estate shall not exceed twenty thousand dollars in value, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Estate.
Proviso.

CAPITAL STOCK. **SECT. 3.** The capital stock of said company shall be fifty thousand dollars, with liberty to increase it to an amount not exceeding two hundred and fifty thousand dollars: *provided*, that not less than fifty thousand dollars shall be paid in as capital within one year, fifty thousand dollars more in two years, and fifty thousand dollars more within three years from the passage of this act. [*Approved by the Governor, April 21, 1849.*]

Capital stock.

Proviso.

Chap 131.

An Act relating to Railroad Plans and Profiles.

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

1848, ch. 327,
sec. 1, repealed.

SECT. 1. The first section of an act, entitled "An Act relating to railroad plans and profiles," passed the tenth day of May, in the year one thousand eight hundred and forty-eight, be, and the same is, hereby repealed.

Description of
map to accom-
pany petitions
for railroads.

SECT. 2. No petition for the establishment of any railroad shall be acted upon, unless the same is accompanied with a map of the proposed route, projected upon an appropriate scale; and also, with a profile of said route, projected with a vertical scale, comparing with the horizontal scale, in the proportion of ten to one. [*Approved by the Governor, April 23, 1849.*]

Chap 132.

An Act to extend the Jurisdiction of Police Courts in certain cases.

R. S. ch. 37.

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

Concurrent jurisdiction with municipal court of city of Boston and the court of common pleas in certain cases.

SECT. 1. The several police courts of this Commonwealth shall have concurrent jurisdiction with the municipal court of the city of Boston and the court of common pleas, of all cases of assault and battery committed upon any constable, police officer, or watchman, while in the discharge of his duty as such officer, except in cases where such assault and battery shall be committed with a dangerous or deadly weapon, or with intent to kill, or when life is

endangered. And, for such assault and battery, said police courts may punish by fine, not exceeding thirty dollars, or by improvement in the house of correction, not exceeding six months. Punishment.

SECT. 2. The said police courts shall have concurrent jurisdiction with said municipal court and court of common pleas, of all larcenies mentioned in the seventeenth section of the one hundred and twenty-sixth chapter of the Revised Statutes, when the money, or other property stolen, shall not be alledged to exceed the value of twenty-five dollars; in all which cases, the punishment shall be by fine not exceeding thirty dollars, or by confinement in the house of correction, not more than six months. Farther concurrent jurisdiction of larcenies under R. S. ch. 126, § 17.

SECT. 3. The said police courts shall have concurrent jurisdiction with said municipal court and court of common pleas, of all cases arising under the fifth section of the one hundred and thirtieth chapter of the Revised Statutes, in which cases the punishment shall be by imprisonment in the county jail, not more than three months, or by fine not exceeding thirty dollars. Punishment.

SECT. 4. Any person, convicted under the provisions of this act, may appeal to the municipal court or court of common pleas; and the appeal shall be allowed on the same terms, and the proceedings therein conducted in all respects as provided in the one hundred and thirty-eighth chapter of the Revised Statutes respecting appeals from justices of the peace. Appeals.

SECT. 5. All provisions of law, inconsistent herewith, are hereby repealed, [*Approved by the Governor, April 23, 1849.*]

An Act concerning Sidewalks in Unaccepted Streets in the City of Boston.

Chap 133.

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

SECT. 1. When any street or way, which now is, or hereafter shall be opened, in the city of Boston, over any private land, by the owners thereof, and dedicated to, or permitted to be used by, the public, before such street shall have been accepted, and laid out, according to law, it shall be the duty of the owners of lots abutting thereon, to construct convenient sidewalks on each side of such street or way, at their own expense, in such manner as the safety and convenience of the public shall, in the opinion of the mayor and aldermen of said city, require; and, if the owners of such abutting lots shall, after reasonable notice given by the said mayor and aldermen, neglect or refuse to con-

Sidewalks, how to be constructed in streets over private land.

Expenses.

On neglect or refusal of mayor and aldermen to construct walk and assess the abutters.

struct said sidewalks in such street or way, in manner aforesaid, it shall be lawful for the said mayor and aldermen to cause the same to be constructed as aforesaid; and the expense thereof shall, after due notice to the parties interested, be equitably assessed upon the owners of such abutting lots, by the said mayor and aldermen, in such proportions as they shall judge reasonable; and all assessments so made shall be a lien upon such abutting lands, in like manner as taxes are now a lien upon real estate: *provided, always*, that nothing contained in this act, shall be construed to affect any agreement heretofore made respecting any such street or way, as aforesaid, between such owners and said city: *provided, also*, that any such constructing of sidewalks in any street or way, by the mayor and aldermen, as aforesaid, shall not be construed to be an acceptance of such street or way by the city of Boston.

Proviso.

Proviso.

City council may vote not to accept this act.

SECT. 2. This act shall not take effect if, within thirty days from the passage thereof, the city council of said city shall vote not to accept the same. [*Approved by the Governor, April 23, 1849.*]

Chap 134.

An Act to establish the Franklin County Bank.

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

Bank in Greenfield.

SECT. 1. Almon Brainard, Henry W. Cushman, and John S. Ward, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Franklin County Bank, to be established in the town of Greenfield, in the county of Franklin, and shall so continue until the first day of October, which shall be in the year one thousand eight hundred and sixty-nine, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the general laws of this Commonwealth, relative to banks and banking.

Powers and duties. R. S. ch. 36, and other general laws.

Stock, how transferable.

SECT. 2. The stock in said bank shall be transferred only at its banking-house, and in its books.

Capital stock, \$100,000.

SECT. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in on or before the first day of April, in the year one thousand eight hundred and fifty. [*Approved by the Governor, April 24, 1849.*]

Proviso.

An Act to incorporate the Springfield Fire and Marine Insurance Company. *Chap 135.*

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

SECT. 1. Edmund Freeman, George Dwight, and John L. King, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Springfield Fire and Marine Insurance Company, for the purpose of making insurance against losses by fire and against maritime losses, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which have been, or shall hereafter be passed, relative to insurance companies.

Company established for 20 years.

What insurance.

Powers and duties.

R. S. ch. 37, 44, and other general laws.

SECT. 2. The said corporation may hold any estate, real and personal, for the use of said company : *provided*, that the real estate shall not exceed fifteen thousand dollars in value, excepting such as may be taken for debt, or held as collateral security.

Estate.

Proviso.

SECT. 3. The capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and shall be paid in by such instalments as the president and directors shall order : *provided*, that one third thereof shall be paid in one year, one third in two years, and the residue in three years, from the passage of this act.

Capital stock, \$150,000.

Proviso, as to paying in.

SECT. 4. The said company may issue policies whenever fifty thousand dollars of the capital shall be paid in : *provided*, that no more than ten per cent. of the capital paid in shall be taken on any one risk. [*Approved by the Governor, April 24, 1849.*]

Company may issue policies when \$50,000 are paid in.

An Act concerning the Harvard Branch Railroad Company.

Chap 136.

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

1848, ch. 107.

The time allowed by law for filing the location of the Harvard Branch Railroad is hereby extended to the seventeenth day of July, in the year one thousand eight hundred and forty-nine, and the time for constructing the said railroad is hereby extended to the seventeenth day of July, in the year one thousand eight hundred and fifty. [*Approved by the Governor, April 24, 1849.*]

Time for locating and building, extended.

Chap 137. An Act extending the Jurisdiction of Justices of the Peace, in Suffolk County.

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

Justices of the peace in Chelsea and North Chelsea to have the same jurisdiction as justices in the Commonwealth generally.

SECT. 1. Justices of the peace in the county of Suffolk, except in the city of Boston, shall have the same jurisdiction in all civil actions, which justices of the peace have in other counties of this Commonwealth.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1849.*]

Chap 138.

An Act concerning the Tax on Sales by Auction.

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

No tax on articles of the growth, &c., of the U. States, when sold at auction.

SECT. 1. No sales, by auction, of ships, vessels, utensils of husbandry, horses, neat cattle, swine, sheep, or of articles of the growth, produce, or manufacture of the United States, except distilled spirits, shall be hereafter subject to any tax to the Commonwealth.

The tax specified on articles of foreign growth, &c.

SECT. 2. The tax upon all sales, by auction, of any goods, wares, merchandise, and effects, imported from any place beyond the Cape of Good Hope, shall be one fourth of one per cent. on the amount thereof; and, of all other goods, wares, merchandise, and effects, which are the production of any foreign country, one half of one per cent. on the amount thereof, instead of the tax now by law provided.

SECT. 3. All acts and parts of acts, inconsistent with this act, are hereby repealed. [*Approved by the Governor, April 25, 1849.*]

Chap 139.

An Act to prevent the Explosion of Steam Boilers.

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

All steam engines to be provided with a safety plug.

SECT. 1. No person, or corporation, shall use, or cause to be used, any locomotive, or other steam engine, in this Commonwealth, unless the boiler of the same be provided with a fusible safety plug, to be made of lead, or some other equally fusible material, and to be of a diameter of not less than one half an inch, which plug shall be placed in the roof of the fire-box, when a fire-box is used, and, in all cases, shall be placed in a part of the boiler fully exposed to the action of the fire, and as near the top of the water line as any part of the fire surface of the boiler.

SECT. 2. If any person shall, without just and proper cause, remove, from the boiler of a steam engine, the safety plug thereof, or shall substitute therefor any material more capable of resisting fire than the said safety plug so removed, he shall be punished by a fine not exceeding one thousand dollars.

Fine for removing the safety plug from a steam boiler, &c.

SECT. 3. If any person or corporation, shall use, or cause to be used, in this Commonwealth, for the space of six consecutive days, a steam engine unprovided with the safety plug, as described in the first section, such person, or corporation, so offending, shall be punished by a fine not exceeding one thousand dollars. [*Approved by the Governor, April 25, 1849.*]

Fine for using an engine without a safety plug.

An Act in addition to "An Act to incorporate the Hingham Wharf and Land Company, in the Town of Hingham." *Chap 140.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : 1847, ch. 108.

SECT. 1. The Hingham Wharf and Land Company are hereby authorized to build and maintain a dam across Broad Cove so called, in the town of Hingham, extending from a place called Major's Wharf, or some point near the same, to Otis' Hill; of sufficient width, not exceeding one hundred feet, for a safe and convenient road over the same.

Company may build a dam, &c.

SECT. 2. The said company are authorized to erect a mill on said dam, with suitable flood-gates and sluice-ways, and to retain the tide within said dam, for the use of said mill, whether for grinding or for other purposes.

And may erect a mill.

SECT. 3. Nothing herein contained shall authorize said company to appropriate, for said dam, the property or lands of others, except in the manner now provided by law. [*Approved by the Governor, April 25, 1849.*]

Proviso.

An Act to allow Women Divorced from the Bonds of Matrimony to resume their Maiden Names. *Chap 141.*

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

Whenever a married woman shall obtain a decree of divorce from the bonds of matrimony, it shall be in the power of the judge granting the decree, to allow said woman to resume her maiden name. [*Approved by the Governor, April 25, 1849.*]

Court may allow women divorced to resume maiden name.

Chap 142. An Act to increase the Salary of the District Attorney of the Western District.

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

Salary to be hereafter \$1000.

The annual salary of the district attorney of the Western district of this Commonwealth, shall hereafter be one thousand dollars, to be paid to him out of the treasury of the State, in quarterly payments, and in that proportion for any part of a quarter. [*Approved by the Governor, April 25, 1849.*]

Chap 143.

An Act regulating the Sale of Anthracite Coal.

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

To be sold by weight in greater quantities than 500 pounds.

SECT. 1. All anthracite, hard, or mineral coal, when sold in greater quantities than five hundred pounds, except by the cargo, shall be sold by weight, and two thousand pounds, avoirdupois, shall be the standard for the ton, by which the same shall be sold and weighed.

Duty of owner before delivery of coal.

SECT. 2. Before any such coal, so sold, shall be delivered to the buyer, it shall be the duty of the owner thereof to cause the same to be weighed by a sworn weigher, of the town or city in which the same shall be sold and delivered, and a certificate of the weight thereof, signed by the weigher, shall be delivered to the buyer at the time of the delivery of such coal.

Forfeiture.

SECT. 3. Any person who shall offend against the provisions of this act, shall, for each offence, forfeit the sum of five dollars to the use of the town or city where the offence shall be committed.

Weighers, how to be appointed.

SECT. 4. The mayor and aldermen of any city, and the selectmen of any town, are hereby authorized and required to appoint one or more person or persons, to be weighers of such coal, who shall be sworn to the faithful discharge of their duties, and shall be entitled to such fees as the mayor and aldermen, and selectmen, shall determine, which shall be paid by the seller. [*Approved by the Governor, April 26, 1849.*]

Chap 144.

An Act concerning School Committees.

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

Of vacancies arising after date of warrant for annual town meeting.

Whenever, in consequence of vacancies occurring in the school committee of any city or town in this Commonwealth, after the date of the warrant for the annual town

meeting for the election of their successors, or the inability arising after the said date, of any of the members of said committee to act, such committee shall be reduced to a minority of its original number, the remaining members of said committee shall be competent to make the returns required to be made and transmitted to the office of the Secretary of the Commonwealth; and such returns shall be accompanied by a certificate of the person or persons so making them, setting forth the existence of such vacancies or disabilities, and the time when the same arose. [*Approved by the Governor, April 26, 1849.*]

Of school returns in such case.

An Act to incorporate the Cape Cod Bank.

Chap 145.

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

SECT. 1. Joseph P. Johnson, Lemuel Cook, Thomas Hilliard, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Cape Cod Bank, to be located in the town of Provincetown, and to continue a corporation until the first day of October, in the year one thousand eight hundred and sixty-nine; and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Bank established in Provincetown.

Powers and duties.
R. S. ch. 36, and other general laws.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each; to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole amount be paid in on or before the first Monday in April, in the year one thousand eight hundred and fifty.

Capital stock, \$100,000.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and in its books. [*Approved by the Governor, April 26, 1849.*]

Stock how transferable.

An Act in relation to the Concealment of Wills, or Testamentary Papers, of Deceased Persons.

Chap 146.

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

SECT. 1. Upon complaint made, under oath, to the judge of probate, by any person claiming to be interested in the estate of any person deceased, against any one suspected of retaining, or concealing, or conspiring with others to retain, or conceal, any will or testamentary instrument

Course of proceeding against one suspected of concealing a will, &c.

Judge of probate to examine on oath.

of said deceased, the judge may cite such suspected persons to appear before him, and be examined on oath, upon the matter of such complaint ; and if the person, so cited, shall refuse to appear, and submit to such examination, or to answer such interrogatories, as shall be lawfully propounded to him, or to obey any lawful order of said judge, the judge may commit such person, so refusing, to the common jail of the county, there to remain in close custody, until he shall submit to the order of the court. And all such interrogatories and answers shall be in writing, and shall be signed by the party examined, and filed in the probate court : *provided*, that nothing in this act contained, shall be deemed to authorize the judge to require any person to criminate himself.

Interrogatories, &c., to be in writing, &c.

Proviso.

Of costs.

SECT. 2. On such complaint, costs may be awarded by the judge, in his discretion, to be paid by either party to the other, and he may issue execution therefor.

SECT. 3. This act shall take effect, from and after its passage. [*Approved by the Governor, April 26, 1849.*]

Chap 147.

1836, ch. 136.

An Act to increase the Capital Stock of the Haverhill Bank.

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

§50,000 additional stock.

SECT. 1. The president, directors and company of the Haverhill Bank, may increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine : *provided*, that the whole amount shall be paid in on or before the first Monday in April, in the year one thousand eight hundred and fifty.

Proviso.

Same tax, &c., as on original stock.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject.

Certificate to be returned to the Secretary of the Commonwealth.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, April 26, 1849.*]

An Act relating to Discharged Convicts.

Chap 148.

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

SECT. 1. The warden of the State Prison is hereby directed to pay over to the agent of the State for aiding discharged convicts, to be expended by him for their benefit, such sums of money as he is now authorized, by section fifty-third, chapter one hundred and forty-fourth, of the Revised Statutes, to pay to the convicts themselves ; and the said agent shall account therefor to the inspectors of the State Prison.

Warden of State Prison to pay over to agent of discharged convicts, money in certain cases.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed. [*Approved by the Governor, April 26, 1849.*]

An Act concerning the Taxation of Income.

Chap 149.

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

Income, from any profession, trade, or employment, shall not be construed to be personal estate, for the purposes of taxation, except such portion of said income as shall exceed the sum of six hundred dollars per annum ; *provided, however,* that no income shall be taxed which is derived from any property or estate which is the subject of taxation. [*Approved by the Governor, April 26, 1849.*]

Of the taxation of income from a profession, trade, &c.
Proviso.

An Act to authorize the City of Boston to establish a Cemetery.

Chap 150.

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

The city of Boston is hereby authorized to purchase and hold land, for a public cemetery, in any town in this Commonwealth, and to make and establish all suitable rules, orders, and regulations, for the interment of the dead therein, to the same extent that the said city of Boston is now authorized to make such rules, orders, and regulations, for the interment of the dead, within the limits of the said city ; *provided,* that the consent of any town, in which the said cemetery is proposed to be located, shall first be obtained for the purpose. [*Approved by the Governor, April 26, 1849.*]

City of Boston may establish a cemetery in any town in the Commonwealth, with its consent.

Chap 151.

An Act relating to the Settlement of certain Pauper Accounts.

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

Of the rendition of accounts for paupers sick with infectious disease.

SECT. 1. All accounts against the Commonwealth for allowance to cities and towns for support of State paupers sick with an infectious disease, dangerous to the public health, shall be so made out, as to include all claims for such support up to the first day of November, annually; and shall be rendered to the secretary of the Commonwealth, on or before the third Wednesday of said November.

Of such as are for lunatic paupers.

SECT. 2. All accounts against the Commonwealth for allowance for the support of lunatic State paupers, shall be so made out, as to include all claims for such support up to the first day of December, annually, and shall be rendered to the secretary of the Commonwealth, on or before the third Wednesday of said December.

No account for State paupers to be allowed, unless, &c.

SECT. 3. No account for the support of any State pauper shall be allowed by the auditor of accounts, unless the same shall be rendered within the time specified by law.

Secretary of State to transmit all claims against the Commonwealth, to the auditor.
Repeal.

SECT. 4. It shall be the duty of the secretary of the Commonwealth to transmit all claims against the Commonwealth, rendered to his office, to the auditor of accounts.

SECT. 5. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, April 28, 1849.*]

Chap 152.

An Act concerning the Vermont and Massachusetts Railroad Company.

1848, ch. 268.

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

Time for constructing, extended to January 1, 1851.

The time allowed by law for constructing the Greenfield and Fitchburg Railroad, as provided in the two hundred and sixty-eighth chapter of the laws of the year one thousand eight hundred and forty-eight, is hereby extended to the first day of January, in the year one thousand eight hundred and fifty-one. [*Approved by the Governor, April 28, 1849.*]

Chap 153.

An Act concerning Railroad Corporations.

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

Applications to estimate damages.

The application to the county commissioners to estimate the damages occasioned by laying out, and making, and maintaining, any railroad over the land of any person, may

be made by the corporation owning such road, as well as by the owner of such land. [*Approved by the Governor, April 28, 1849.*]

An Act in addition to "An Act to incorporate the Pitchawam Manufacturing Company." Chap 154.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : 1848, ch. 80.

The Pitchawam Manufacturing Company are hereby authorized to manufacture paper, or cotton goods, under the act passed on the twenty-fourth day of March, in the year one thousand eight hundred and forty-eight. [*Approved by the Governor, April 28, 1849.*]

Company may manufacture paper, or cotton goods.

An Act relating to the State Library.

Chap 155.

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

SECT. 1. The secretary of the Board of Education shall be the librarian of the State Library, with power to appoint an assistant, who shall also act, when necessary, as clerk of the board. Secretary of Board of Education to be librarian.

SECT. 2. All laws, documents, and other publications, belonging to the State, and for public use, shall be deposited in the library, which shall be kept open every day in the year except Sundays, and the usual public holidays. Laws, &c., to be placed in the library.

SECT. 3. Said librarian shall report to the Legislature, annually, in the month of January, the receipts and expenditures on account of the library, with a list of all books, maps, and charts, acquired since the last report, specifying those obtained by exchange, donation, or purchase; and those, if any, which have been lost or are missing; and make such suggestions in relation to the library as may lead to its improvement. [*Approved by the Governor, April 28, 1849.*]

Librarian to make report annually to the Legislature.

An Act to incorporate the Mansfield Coal and Mining Company.

Chap 156.

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

SECT. 1. Alfred Hardon, James C. Tallman, B. F. Sawyer, their associates and successors, are hereby made a corporation, by the name of the Mansfield Coal and Mining Company, and, for the purposes of digging and mining coal, and other minerals, and converting the same to useful purposes, and prosecuting the mining business in all its

Persons incorporated.
For mining.

Powers and duties. R. S. ch. 38, 44. branches, in the town of Mansfield, in the county of Bristol, are hereby invested with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in chapters thirty-eight and forty-four of the Revised Statutes.

Real estate. Capital stock. *Proviso.* SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, not exceeding, in value, fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 30, 1849.*]

Chap 157. 1836, ch. 203. An Act to increase the Capital Stock of the Shoe and Leather Dealers' Bank. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. The President, Directors, and Company of the Shoe and Leather Dealers Bank, in Boston, may increase their present capital stock, by an addition thereto of two hundred and fifty thousand dollars in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in on or before the first Monday in April, in the year one thousand eight hundred and fifty.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, April 30, 1849.*]

Chap 158. An Act for the better Preservation of Useful Birds. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. If, in any suit or prosecution, under either section of chapter fifty-third of the Revised Statutes, except the seventh, any birds, therein specified, are found in the possession of any person or persons, at any time respectively limited by said chapter, or this act, in which it is

\$250,000 additional stock.

Proviso.

Same tax, &c., as on original stock.

Certificate to be returned to the secretary of the Commonwealth.

Of the evidence under the acts against killing birds within prohibited periods.

made unlawful to take or kill such birds, the legal presumption shall be that such birds were taken or killed within the limits of the Commonwealth, and, if the defendant wish to prove that such birds, so found in his possession, were taken or killed without the limits of the Commonwealth, the burden of proof shall be upon him.

SECT. 2. The time specified in the first section of said chapter, in which it is made unlawful for any person to kill or destroy any birds called woodcocks, snipes, larks, or robins, shall be extended from the fourth day of July to the first day of August.

Limitation in 1st sect. of 53d ch. of R. S. extended.

SECT. 3. The time specified in the third section of said chapter, in which it is made unlawful to kill or destroy any birds on salt marshes, shall hereafter extend only from the first day of March to the first day of July.

Limitation in 3d section modified.

SECT. 4. The time specified in the fifth section of said chapter, in which it is made unlawful for any person to take, confine, kill, or destroy, any of the birds called plover, curlew, dough-bird, or chicken-bird, shall hereafter extend only from the twentieth day of April to the first day of July.

Limitation in 5th section modified.

SECT. 5. Half of every penalty recovered for a violation of the provisions of said chapter, or of this act, shall enure to the use of the prosecutor, and the other half to the overseers of the town or city in which the offence was committed, to be used for the benefit of the poor of such town or city. [*Approved by the Governor, April 30, 1849.*]

Of penalties.

An Act authorizing Railroad Corporations to alter the Direction of Highways. Chap 159.

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

SECT. 1. If any railroad corporation, which has been or may be established, shall think proper to alter the course of any highway, or townway, for the purpose of facilitating the crossing of the same by their railroad, or for the purpose of permitting their railroad to pass at the side of such way, without crossing the same, they may make such alteration in such manner as shall be directed by the commissioners of the county where such way is situated: *provided* the commissioners, after due notice to the selectmen of the town where such way is situated, shall be of opinion that such alteration will not essentially injure such way: *and provided, further,* that any damage occasioned to private property thereby shall be paid by the corporation, as in case of land taken for the construction of the railroad.

Proceedings by railroad corporations to avoid crossing highways, &c.

R. S. ch. 39,
§ 70, repealed.

SECT. 2. The seventieth section of the thirty-ninth chapter of the Revised Statutes is hereby repealed. [*Approved by the Governor, April 30, 1849.*]

Chap 160.

An Act to incorporate the Cochituate Bank.

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

Bank estab-
lished in Boston.

SECT. 1. Samuel S. Perkins, John W. Warren, Jr., Isaac Carey, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Cochituate Bank, to be located south of Boylston Street in the city of Boston, and to continue a corporation until the first day of October, in the year one thousand eight hundred and sixty-nine, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Powers and
duties.
R. S. ch. 36,
and other gen-
eral laws.

Capital stock
\$150,000.

SECT. 2. The capital stock of said bank shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, that the whole be paid in on or before the first day of April, in the year one thousand eight hundred and fifty.

Proviso.

Stock, how
transferable.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. [*Approved by the Governor, April 30, 1849.*]

Chap 161.

An Act concerning Railroads.

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

Rear car in
every freight
train must have
brake and
brakeman.

SECT. 1. No railroad corporation shall run, or permit to be run, upon their road, any train of cars for the transportation of merchandise, unless the rear or hindmost car of such train shall be provided with a good and sufficient brake, nor unless there shall be placed, and permanently stationed on such car, one trusty and skilful brakeman, under a penalty of not exceeding the sum of one hundred dollars for each offence, to be recovered in any court competent to try the same.

When to take
effect.

SECT. 2. This act shall take effect at the expiration of three months from its passage. [*Approved by the Governor, April 30, 1849.*]

An Act to incorporate the Association for the Relief of Aged Indigent Females. *Chap 162.*

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

Moses Grant, Charles F. Barnard, and Lewis E. Caswell, their associates and successors, are hereby made a corporation, by the name of the Association for the Relief of Aged Indigent Females, for the purpose of providing for the support of aged indigent females, not otherwise provided for; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and, for the purposes aforesaid, may take and hold real estate to an amount not exceeding fifty thousand dollars, and personal property to an amount not exceeding twenty-five thousand dollars. [*Approved by the Governor, April 30, 1849.*]

Persons incorporated.

For the support of aged females.

Powers and duties.
R. S. ch. 44.

Real estate,
\$50,000.
Personal estate,
\$25,000.

An Act in relation to the Old Colony Railroad Corporation.

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

SECT. 1. The Old Colony Railroad Corporation may omit to complete, and may discontinue any portion of their railroad in the city of Boston; and, by such omission or discontinuance, shall not lose or impair their rights and privileges, conferred by their original charter: *provided*, that this act shall not be construed to continue any right to construct any portion of such railroad in said Boston, after the time specified in their original charter, nor shall this act be construed to admit the right of said corporation to construct any such portion of said railroad.

SECT. 2. The said corporation are hereby authorized to carry out their contract to lease the South Shore Railroad, a copy of which is annexed to their annual report of January, in the year one thousand eight hundred and forty-eight. [*Approved by the Governor, May 1, 1849.*]

Chap 163.

1844, ch. 150,
1845, ch. 120,
126, 241,
1846, ch. 273,
1847, ch. 85,
1848, ch. 84.

Of the discontinuance of any part of their road in Boston, &c.

Proviso.

Corporation may carry out their contract with South Shore Railroad Company.

An Act in addition to "An Act to incorporate the Proprietors of the Mill Dam Foundry." *Chap 164.*

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

The Proprietors of the Mill Dam Foundry are hereby authorized to purchase and hold, as part of their capital stock, the mill known by the name of the Baldwin Mills, in the city of Boston, with the land and privileges thereto

1831, ch. 51.

Authorized to purchase the Baldwin Mills in Boston, and certain other real estate.

belonging, and such other real estate as may be necessary for carrying on the business of said mill, and for no other purpose. [*Approved by the Governor, May 1, 1849.*]

Chap 165.

An Act to incorporate the Long Island Company.

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

Persons incor-
porated.

SECT. 1. Benjamin Smith, David W. Barnes, S. Hillman Barnes, their associates and successors, are hereby made a corporation, by the name of the Long Island Company, with power to purchase and hold, in fee simple, or otherwise, all or any part of that tract of land lying in Boston harbor, and known as Long Island, and all the rights, easements, privileges, and appurtenances, thereto belonging; and said corporation may, within the limits aforesaid, construct and maintain docks and wharves, erect buildings, and so manage and improve said property, as to them may seem expedient: *provided*, that nothing herein contained shall authorize said corporation to infringe upon the legal rights of any person or corporation whatever, or in any manner to impede navigation in the harbor of Boston.

To hold Long
Island, in Bos-
ton harbor.

May construct
docks, wharves,
&c.

Proviso.

General powers
and duties.
R. S. ch. 33, 44.

SECT. 2. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Personal prop-
erty, \$50,000.
Real estate,
\$100,000.

SECT. 3. Said corporation may hold personal property, not exceeding in amount fifty thousand dollars, and real estate, not exceeding in value the sum of one hundred thousand dollars.

No share to be
of less than the
par value of
original shares.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 1, 1849.*]

Chap 166.

An Act to incorporate the Fitchburg Hotel Company.

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

Persons incor-
porated.

SECT. 1. Abial J. Towne, Nathaniel Wood, Ivers Phillips, their associates and successors, are hereby made a corporation, by the name of the Fitchburg Hotel Company, for the purpose of erecting, in said town of Fitchburg, buildings necessary and convenient for a public house; with all the powers and privileges, and subject to all the

duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold such real and personal property, as may be necessary and convenient for the purposes aforesaid, not exceeding in amount sixty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. And if any ardent spirits, or intoxicating drinks of any kind whatever, shall be sold by said company, or by their agents, lessees, or persons in their employ, contrary to law, in any of said buildings, then this act shall be void. [*Approved by the Governor, May 1, 1849.*]

Powers and duties.
R. S. ch. 44.

Estate,
\$60,000.

Proviso, as to value of shares.

Act to be void, if ardent spirits are sold, &c.

An Act to incorporate the Assabet Manufacturing Company.

Chap 167.

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

SECT. 1. William H. Knight, Amory Maynard, Charles L. Field, their associates and successors, are hereby made a corporation, by the name of the Assabet Manufacturing Company, for the purpose of manufacturing wool, cotton, hemp, and flax, in the towns of Sudbury and Stow, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For manufacturing in Sudbury and Stow.

Powers and duties, R. S. ch. 38, 44.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in amount one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Real estate, capital stock, \$300,000

Proviso as to value of shares.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

An Act to establish the Loughton Bank, in Lynn.

Chap 168.

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

SECT. 1. Francis S. Newhall, George W. Raddin, Ezra Baker, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Loughton Bank, to be established in Lynn,

Bank established in Lynn.

Powers and duties R. S. ch. 36, and other general laws.

in the county of Essex, and shall so continue until the first day of October, which shall be in the year one thousand eight hundred and sixty-nine, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Stock, how transferable.

SECT. 2. The stock in said bank shall be transferred only at its banking-house and in its books.

Capital stock \$100,000.

SECT. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided* the whole be paid in, on or before the first day of January next. [*Approved by the Governor, May 1, 1849.*]

Proviso.

Chap 169.

An Act to establish the Fairhaven Branch Railroad.

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

Corporators.

SECT. 1. Nathaniel Church, Warren Delano, Ezekiel Sawin, Zaccheus M. Barstow, Loring Meiggs, Stephen C. Luce, Gilbert Hathaway, their associates and successors, are hereby made a corporation, by the name of the Fairhaven Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes, relating to railroad corporations, and in all general laws which are now, or may be hereafter, in force, respecting railroads in this Commonwealth.

Powers and duties, R. S. ch. 44, 39, and other general laws.

SECT. 2. The said corporation is hereby authorized and empowered to locate, construct, and maintain a railroad, with one or more tracks, commencing at some convenient point in the village of Fairhaven, in the county of Bristol; thence, running in an easterly and northerly direction to, and intersecting the Cape Cod Branch Railroad, at or between the South Middleborough Station, and the South Wareham Station, in the county of Plymouth, and to use the same, or any part thereof, according to the provision of law; the said Fairhaven Branch Railroad to be located within one mile of the village of Mattapoissett, in the town of Rochester, and within three fourths of one mile of Mendell and Leonard's store, in Sippican quarter of said town of Rochester.

Route of road.

Capital stock.

SECT. 3. The capital stock of said corporation shall consist of not more than twenty-five hundred shares, the

number of which shall be determined, from time to time, by the directors of said corporation; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and said corporation may take, purchase, and hold such real estate, and may purchase and hold such engines, cars, and other things, as may be necessary for the purposes of their incorporation. All shares in the capital stock of said corporation shall be issued for the same value or amount, to be actually paid in on each.

Of assessments.

Real estate.

Proviso, as to value of shares.

SECT. 4. If the location of the said railroad, as provided for in the second section, be not filed, according to law, within two years, and if said railroad be not constructed within four years from the passage of this act, this act shall be void.

Location in two years.

To be completed in four years.

SECT. 5. Said corporation is hereby authorized to enter upon and unite their railroad, by proper means, with the Cape Cod Branch Railroad, as aforesaid; and also to use said Cape Cod Branch Railroad, Fall River Railroad, and the Old Colony Railroad, paying therefor such a rate of toll as may be mutually agreed upon by the parties, or as the General Court may, from time to time, prescribe.

May enter upon Cape Cod Branch R. R. Fall River R. R. and the Old Colony R. R.

SECT. 6. The General Court may authorize any company to enter, with another railroad upon, and use said Fairhaven Branch Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Fairhaven Branch Railroad Company may prescribe, or as may be determined by the provisions of law.

Other railroads may be authorized to enter upon this.

SECT. 7. The General Court may, after the expiration of four years from the time when said railroad may be opened for use, from time to time, alter and reduce the rate of tolls or profits upon said railroad; but said tolls or profits shall not be so reduced, without the consent of said corporation, as to produce, with said profits, less than ten per centum per annum upon the investment of said corporation.

After four years tolls may be reduced.

Proviso.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

An ACT to incorporate the Charles River Branch Railroad Company.

Chap 170.

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

SECT. 1. Otis Pettee, Edgar K. Whitaker, Elijah Perry, their associates and successors, are hereby made a corporation, by the name of the Charles River Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in

Corporators.

Powers and duties.

R. S. ch. 44, 39,
and other gen-
eral laws.

the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes which relates to railroad corporations, and in all general laws which have been, or may be, hereafter passed, relating to such corporations.

Route of road.

SECT. 2. Said company may locate, construct, and maintain a railroad, with one or more tracks, from some convenient point on the Boston and Worcester Railroad near Angier's Corner, in Newton, or from a point at or near the western terminus of the Brookline Branch of said Boston and Worcester Railroad, in Brookline, as the corporation hereby created, when lawfully organized, shall elect; and through Newton and East Needham to some convenient point in Dover, passing near the villages of Newton Centre, Upper Falls, and East Needham, with liberty to enter upon and use said Boston and Worcester Railroad, or said Brookline Branch, as the case may be, in the manner that is or may be prescribed by the laws of this Commonwealth.

Capital stock.

SECT. 3. The capital stock of said corporation shall consist of not more than three thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share. And the said corporation may take, purchase, and hold, such real estate, and may purchase and hold such engines, cars, and other things, as may be necessary or convenient for the use of said railroad, and for the transportation of passengers, goods, and merchandise: *provided, however*, that the said corporation shall construct its said railroad over the Boston Aqueduct in Newton or Brookline, in such manner as not to injure the same.

Real estate.

Proviso.

Location.

SECT. 4. If the location of said railroad be not filed according to law, within two years from the passage of this act, or if the said railroad shall not be completed, with at least one track, from its said terminus at Dover to said Boston and Worcester Railroad, or to said Brookline Branch, within three years from the passage of this act, the same shall be void.

Completion.

Other roads
may be author-
ized to enter on
this.

SECT. 5. The Legislature may authorize any company to enter, with another railroad, upon, and use the railroad hereby established, or any part thereof, by complying with such reasonable rules and regulations as the said Charles River Branch Railroad Company may prescribe, or as may be determined according to law.

Tolls may be
reduced after
five years.

SECT. 6. The Legislature may, after the expiration of five years from the time when said railroad shall be opened for use, from time to time, reduce the rates of toll, or other

profits, upon said railroad ; but the same shall not, without the consent of said corporation, be so reduced as to produce less than ten per cent. per annum upon the investment of said company.

SECT. 7. All shares in the capital stock of said corporation shall be for the same value or amount, to be actually paid in. [*Approved by the Governor, May 1, 1849.*]

Value of shares.

An ACT to incorporate the Cocasset Coal Mining Company.

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

Chap 171.

SECT. 1. Thomas M. George, Edward Kingman, Foster Bryant, their associates and successors, are hereby made a corporation, by the name of the Cocasset Coal Mining Company, for the purpose of digging and mining coal and other minerals, and converting the same to useful purposes, and prosecuting the mining business in all its branches, in the town of Mansfield, in the county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For mining,
&c., in Mans-
field.

Powers and
duties.
R. S. ch. 38, 44.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, not exceeding in value, fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 1, 1849.*]

Real estate.

Capital stock.
Provido, as to
value of shares.

An ACT concerning Accidents upon Railroads.

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

Chap 172.

SECT. 1. Whenever any accident shall occur upon any railroad in this Commonwealth, attended with loss of life, it shall be the duty of the coroner of the county whose residence is nearest to the place where such accident shall occur, to take an inquest upon view of the dead body or bodies of such persons as shall have come to their death by such accident, in the manner provided by the one hundred and fortieth chapter of the Revised Statutes.

Duties of coro-
ners in case of
accidents on
railroads.

R. S. ch. 140.

SECT. 2. It shall be the duty of every railroad corporation, on whose road any such accident shall occur, to cause immediate notice to be given to such coroner of the occur-

Railroad corpo-
rations to give
notice to coro-
ners.

rence of such accident. [*Approved by the Governor, May 1, 1849.*]

Chap 173.

An Act to abolish Corporal Punishment in the State Prison.

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

No blows to be inflicted, except in self-defence, &c.

No officer in the State Prison shall inflict any blows whatever upon any convict, unless in self-defence, or to suppress a revolt or insurrection. If, in the opinion of the warden of the prison, it shall be deemed necessary, in any case, to inflict unusual punishment, in order to produce the entire submission or obedience of any convict, it shall be his duty to confine such convict immediately in a cell, upon a short allowance, and to retain him therein until he shall be reduced to submission and obedience. The short allowance to each convict, so confined, shall be prescribed by the physician, whose duty it shall be to visit such convict, and examine daily into the state of his health, until the convict be released from solitary confinement and returned to his labor. [*Approved by the Governor, May 1, 1849.*]

What extraordinary punishment allowed.

Chap 174.

An Act to incorporate the Milford Bank.

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

Bank in Milford.

SECT. 1. A. C. Mayhew, D. S. Godfrey, W. A. Hayward, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Milford Bank, to be located in the town of Milford, and to continue a corporation until the first day of October, in the year one thousand eight hundred and sixty-nine, and shall be entitled to all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Powers and duties.

R. S. ch. 36, and other general laws.

Capital stock, \$100,000.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in on or before the first day of April, in the year one thousand eight hundred and fifty.

Proviso.

Stock, how transferable.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and in its books. [*Approved by the Governor, May 1, 1849.*]

An Act to incorporate the Rollstone Bank, in Fitchburg.

Chap 175.

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

SECT. 1. Alvah Crocker, Nathaniel Wood, Daniel Putnam, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Rollstone Bank, to be located in the town of Fitchburg, and shall so continue until the first day of October, in the year one thousand eight hundred and sixty-nine, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth in relation to banks and banking.

Bank in Fitchburg.

Powers and duties.

R. S. ch. 36, and other general laws.

SECT. 2. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each; to be paid in such instalments as the stockholders may direct: *provided*, that the whole be paid in on or before the first Monday in April next.

Capital stock.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. [*Approved by the Governor, May 1, 1849.*]

Stock, how transferable.

An Act to establish the Union Bank in Haverhill.

Chap 176.

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

SECT. 1. Alfred Kittredge, James Noyes, Charles Porter, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Union Bank, to be established in the town of Haverhill, in the county of Essex, and shall so continue until the first day of October, which shall be in the year one thousand eight hundred and sixty-nine, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Bank in Haverhill.

Powers and duties.

R. S. ch. 36, and other general laws.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in on or before the first day of April, in the year one thousand eight hundred and fifty.

Capital stock.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and in its books. [*Approved by the Governor, May 1, 1849.*]

Stock, how transferable.

Chap 177.

An Act to incorporate the Western Bank.

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

Bank in Springfield.

SECT. 1. Eliphalet Trask, Samuel Bailey, Samuel S. Day, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Western Bank, to be located in the town of Springfield, and to continue a corporation until the first day of October, in the year one thousand eight hundred and sixty-nine, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

Powers and duties.

R. S. ch. 36, and other general laws.

Capital stock.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each ; to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, that the whole be paid in on or before the first Monday in April, in the year one thousand eight hundred and fifty.

Proviso.

Stock, how transferable.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and on its books. [*Approved by the Governor, May 1, 1849.*]

Chap 178.

An Act to confirm the Doings of the Probate Court at Dighton.

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

Ante, ch. 30.

Doings of the probate court, April 6, 1849, confirmed.

SECT. 1. The probate court held at Dighton, in and for the county of Bristol, on the sixth day of April, in the year one thousand eight hundred and forty-nine, shall be deemed a court duly and lawfully held, any thing in the act passed on the thirteenth day of March, in the year aforesaid, entitled "An Act establishing an annual term of the court of probate at Pawtucket, in the county of Bristol," to the contrary notwithstanding ; and the doings of the said court at Dighton are hereby ratified and confirmed, and all decrees and orders passed, and all business transacted and proceedings had in the said last named court, are declared to be, and they are, as valid and effectual, to all intents and purposes, as the same would have been, if the act above named had not been passed : *provided*, that any person whose rights were affected by any proceeding had by said court, may file, with the register of said court, his objections to the same at any time within sixty days from the passage hereof. In case any such objection shall be filed, the proceeding objected to shall be considered a nul-

Proviso as to rights affected by any proceeding at said court.

lity, and like proceedings shall be had in the matter as if no court had been held in Dighton.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

An Act concerning the First Baptist Society of Lancaster.

Chap 179.

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

The proceedings of the First Baptist Society of Lancaster, as recorded in their books of record, in reference to the past, are hereby confirmed and made valid, notwithstanding any defects which may appear to exist in regard to the record of the administration of the oath to the clerk of said society, or in regard to an informality in the manner of recording the doings of said society, by the omission of the said clerk to attest the same. [*Approved by the Governor, May 1, 1849.*]

Proceedings confirmed.

An Act to incorporate the Dorchester and Milton Extension Railroad Company.

Chap 180.

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

SECT. 1. Edmund P. Tileston, Nathan Carruth, and Edward King, their associates and successors, are hereby made a corporation, by the name of the Dorchester and Milton Extension Railroad Company, with all the powers and privileges, and subject to all the liabilities, duties, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all general statutes, that have been, or may hereafter be, passed relating to such corporations.

Corporators.

Powers and duties.

R. S. ch. 44, 39, and the other general laws.

SECT. 2. Said company are hereby authorized and empowered to locate, construct, and maintain a railroad, with one or more tracks, from some convenient point on the Dorchester and Milton Branch Railroad, near its terminus, at Dorchester Upper Mills, through portions of Dorchester and Milton, to some convenient point of intersection with the Boston and Providence Railroad, at or near the intersection of the Dedham Branch thereof, or between said intersection, and the Monterey station, so called, on said Boston and Providence Railroad.

Route of railroad.

SECT. 3. The capital stock of said company shall consist of not more than five hundred shares, the number of which shall be determined, from time to time, by the di-

Capital stock.

Real estate. ractors thereof; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and said corporation may take, purchase, and hold such real estate, and may purchase and hold such engines, cars, and other things, as may be necessary for the use of said railroad, and for the transportation of passengers, goods, and merchandise. All shares in the capital stock of said corporation shall be issued for the same value, or amount, to be actually paid in on each.

Location. SECT. 4. If the location of said railroad be not filed, according to law, within one year, and, if the said railroad shall not be completed within two years from the passage of this act, then this act shall be void.

Completion. SECT. 5. Said company are hereby authorized to enter upon and unite their railroad, by proper means, with the May be united with D. & M. Branch Railroad. Dorchester and Milton Branch Railroad, and to use the same agreeably to the provisions of law.

Also with the B. & P. Railroad. SECT. 6. Said company may also enter upon and unite their railroad, by proper means, with the Boston and Providence Railroad, but the Boston and Providence Railroad Corporation shall not, at any time, be compelled to transport, on any part of their road, any freight, or passengers, brought upon their road by the corporation hereby established, except upon such terms, as shall be agreed upon by the said two corporations; *provided, however*, that the Boston and Providence Railroad Corporation shall not charge, for the transportation of such freight and passengers, at a higher rate than they may charge for the transportation of freight and passengers on the main line of their road.

Proviso. SECT. 7. The Boston and Providence Railroad Corporation may, at any time within one year from the passage of this act, take, purchase, and hold, the railroad herein authorized, upon payment, to the corporation herein created, of the full amount of the expenditure made by them upon said railroad, with six per cent. interest on the same; and, upon such taking or purchase, the corporation herein created may close up its affairs, and, upon payment of all liabilities against it, and the division of its assets, shall cease to exist.

Proviso. SECT. 8. The General Court may, from time to time, reduce the rate of toll, or other receipts, on said railroad, whenever the net income thereof shall exceed ten per cent. per annum; but such tolls or receipts shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum, on the investment of said company.

B. & P. Railroad Corporation may purchase this road. SECT. 9. The General Court may authorize any com-

Rate of toll may be reduced.

pany to enter, with their railroad, at any point on said railroad, and use the same, or any part thereof, agreeably to the provisions of law.

Any other road may be authorized to enter upon this.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

An Act to incorporate the Bristol County Coal Mining Company.

Chap 181.

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

SECT. 1. Thomas S. Ridgeway, James Tolman, Stephen M. Allen, their associates and successors, are hereby made a corporation, by the name of the Bristol County Coal Mining Company, for the purpose of digging and mining coal, and other minerals, and converting the same to useful purposes, and prosecuting the mining business in all its branches, in the town of Mansfield, in the county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For mining in Mansfield.

Powers and duties.

R. S. ch. 33, 44.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, not exceeding in value, fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars; *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 1, 1849.*]

Real estate.

Capital stock.

Proviso, as to value of shares.

An Act respecting the Collection of Taxes in the City of Lowell.

Chap 182.

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

SECT. 1. Any collector of taxes for the city of Lowell may resign his office at any time; *provided*, the city council of the said city consent to such resignation.

Collector of taxes may resign.

Proviso.

SECT. 2. The said city council, by concurrent vote of both boards, may, at any time, remove from office any collector of taxes, whenever such removal shall, in their opinion, be necessary or expedient.

City council may remove a collector.

SECT. 3. In the event of any such resignation or removal, the said council shall forthwith proceed to elect a new collector of taxes, who shall have authority to complete the collection of the taxes which had been committed to such retiring officer, in the same manner, with

Vacancy may be filled by city council.

the same powers and duties, and subject to the same rules, as said original officer would have had, or been subject to, if he had remained in office.

Of the surrender of records, books, &c.

SECT. 4. It shall be the duty of every such collector of taxes, on such resignation or removal, to surrender and deliver up all his official records, books, and papers, on demand, to the said city council, or to such other person or persons as they may appoint to receive the same.

Collector, resigning or removed, to account and pay over, &c.

SECT. 5. Any collector, so resigning or removed, shall, as soon as thereto requested, account for and faithfully pay over to the city treasurer all the taxes actually collected by him and not already accounted for, and also all taxes that may have been lost through neglect or default on his part, with interest on the balance due from him from the date of such resignation or removal; and every such collector, upon accounting and paying, as aforesaid, shall be entitled to be discharged from all further liability upon his official bond to the said city. [*Approved by the Governor, May 1, 1849.*]

Chap 183.

An Act to incorporate the West Dedham Branch Railroad Company.

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

Corporators.

SECT. 1. Joseph Fisher, Merrill D. Ellis, and Oliver Capen, their associates and successors, are hereby made a corporation, by the name of the West Dedham Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, relating to railroad corporations, and in all other general laws which have been, or shall be hereafter passed, relative to railroad corporations in this Commonwealth.

Powers and duties.
R. S. ch. 39, 44, and all other general laws.

Railroad to be built.

SECT. 2. Said company is hereby authorized to locate, construct, and maintain, with one or more tracks, a railroad from West Dedham to the railroad which the Boston and Providence Railroad Company was authorized to construct by the two hundred and seventy-third chapter of the acts of the year one thousand eight hundred and forty-eight, in Dedham or West Roxbury.

1843, ch. 273.

Capital stock.

SECT. 3. The capital stock of said company shall consist of not more than fifteen hundred shares; the number of shares shall be determined by the directors of the company; no share shall be assessed more than one hundred dollars in all; said company may invest and hold such of its property in real and personal estate, as may be fit and needed for the purposes of its incorporation. And all shares in the capital

Real and personal estate.

Value of shares.

stock of said corporation shall be issued for the same value or amount, to be actually paid in on each.

SECT. 4. The location of said road shall be filed within one year; and said road shall be constructed within two years from the passage of this act, or the same shall be void.

Location.

Completion.

SECT. 5. The General Court, after five years from the time when said road shall go into actual operation, may reduce the rate of profits and tolls upon said road, but the same shall not, without consent of said company, be so reduced as to yield less than ten per cent. per annum on the investments of said company.

Rate of toll may be reduced after 5 years.

SECT. 6. Said company may enter upon and use the Boston and Providence Railroad, and the road which the Boston and Providence Railroad Company was authorized to construct through Roxbury, by the two hundred and seventy-third chapter of the acts of the year one thousand eight hundred and forty-eight, upon such terms as said companies may agree upon, or shall be established by laws now in force, or to be hereafter enacted.

May enter upon B. and P. Railroad, &c.

SECT. 7. The General Court may authorize any other railroad corporation to enter with a railroad upon said road, paying such tolls as may be agreed upon by the respective corporations, or as shall be fixed by any general law of the Commonwealth. [*Approved by the Governor, May 1, 1849.*]

Any other railroad may be authorized to enter upon this.

AN ACT to authorize the Norfolk County Railroad Company to construct a Branch Railroad.

Chap 184.

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

SECT. 1. The Norfolk County Railroad Company are hereby authorized and empowered to locate, construct, and maintain a branch railroad, commencing at some convenient point on their railroad, near Scott's Hill, in the town of Bellingham, and thence to the dividing line between this Commonwealth and the State of Rhode Island, in the direction of the village of Woonsocket, in said Rhode Island.

Branch Railroad described.

SECT. 2. If the said company shall not file the location of said branch railroad with the county commissioners of the counties of Norfolk and Worcester, within one year from the passage of this act, or if the said branch shall not be completed within two years, this act shall be void.

Location.

Completion.

SECT. 3. In locating, constructing, maintaining, and operating, said branch railroad, the said company shall have all the powers and privileges, and be subject to all the liabilities, duties, and restrictions, which are granted to, or

Powers and duties as in original charter, &c.

imposed upon them, by their original charter, and by such other provisions of law relating to railroads as have been subsequently passed.

Of a connection with a railroad from Woonsocket in Rhode Island leading to the line of Massachusetts.

SECT. 4. The said Norfolk County Railroad Company are hereby authorized and empowered to connect the branch railroad herein authorized, at the line of the State of Massachusetts, with any railroad that may be constructed from the terminus of said branch, at said line, to the village of Woonsocket, in the State of Rhode Island, and may lease the said railroad in Rhode Island, for such time, and upon such terms, as may be agreed upon, and may make any contract, or contracts, with the corporation, or persons, owning the same, for the use and maintenance of such railroad, and the property connected therewith; and, in case such railroad in Rhode Island shall not be constructed within the time herein limited for the location and construction of the branch railroad herein granted, then, in addition to the times hereinbefore specified, for the location and construction of the said branch railroad, this act shall be in force, and the said Norfolk County Railroad Company are authorized to locate and construct such branch railroad at any time within one year from the construction of such railroad, in said Rhode Island, from the said village of Woonsocket to the line of this Commonwealth, in a direction towards said Norfolk County Railroad, within five years.

Company authorized to increase capital stock.

SECT. 5. The said Norfolk County Railroad Company is hereby authorized to increase its capital stock to an amount not exceeding fifty thousand dollars.

Value of shares.

SECT. 6. No shares in the capital stock hereby authorized, shall be issued for a less amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

Chap 185.

An Act to incorporate the Worcester County Bank.

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

Bank established in Blackstone.

SECT. 1. Welcome Farnum, S. H. Kimball, Dan Hill, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Worcester County Bank, to be located in the town of Blackstone, and to continue a corporation until the first day of October, in the year one thousand eight hundred and sixty-nine, and shall be entitled to all the powers and priv-

Powers and duties.

ileges, and be subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth, relative to banks and banking.

R. S. ch. 36,
and other gen-
eral laws.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, and be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct; *provided*, that the whole be paid in, on or before the first day of April, in the year one thousand eight hundred and fifty.

Capital stock.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and in its books. [*Approved by the Governor, May 1, 1849.*]

Transfer of
stock.

An Act to establish the Office of Attorney General.

Chap 186.

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

SECT. 1. There shall be an attorney general of this Commonwealth, to be appointed and commissioned by the governor, with the advice and consent of the council, in the manner prescribed by the constitution, who shall have, hold, and exercise, all the powers and duties by law appertaining to that office in this Commonwealth.

Attorney gen-
eral.

SECT. 2. The attorney general shall appear for the Commonwealth, in the supreme judicial court, when held by three or more justices thereof, in all prosecutions for crimes punishable with death, and also in the trial and argument, in said court, of all causes, criminal or civil, in which the Commonwealth may be a party, or be interested.

Duties.

SECT. 3. The attorney general shall also, when required by the governor, or either branch of the Legislature, appear for the Commonwealth, in any court or tribunal, in any other causes, criminal or civil, in which the Commonwealth may be a party, or be interested.

Shall appear
when and where
required by the
governor, or
either branch of
the Legislature.

SECT. 4. The attorney general shall consult with and advise district attorneys, whenever requested by them, in all matters appertaining to the duties of their offices, and shall prepare, from the returns of the district attorneys, and transmit to the Legislature, annually, as early in the month of February as is practicable, such abstracts and tabular statements as will show the nature and extent of crime in this Commonwealth, and in the several counties thereof; the number of prosecutions, and the results thereof, and the punishments awarded; particularly discriminating between those crimes which are perpetrated against the person, and against the rights of property, and whether with

To consult with
and advise dis-
trict attornies,
and make
annual reports
to the Legisla-
ture.

violence or without violence ; the amount of the costs arising in such prosecutions, and whether the same are paid by the persons accused or not ; with all such other information as may present full and complete statistics of crime, and the operation of criminal laws in this Commonwealth, and with such observations and statements as, in his opinion, the criminal jurisprudence, and the proper and economical administration of the criminal law, shall warrant and require.

District attorneys to make report to attorney general.

SECT. 5. The Commonwealth's attorney for the county of Suffolk, and the several district attorneys, shall make the annual returns, which they are now by law required to make to the secretary of the Commonwealth, to the attorney general.

Attorney general to attend the Legislature.

SECT. 6. The attorney general shall, when required, attend the Legislature during their sessions, and shall give his opinion upon all questions of law submitted to him by either branch of the Legislature, or by the governor and council ; and shall give his aid and advice in the arrangement and preparation of legislative documents and business, when required by either branch of the Legislature.

To consult and advise with the officers of the government.

SECT. 7. The attorney general shall, when required by the treasurer and receiver general of the Commonwealth, the secretary, adjutant general, and land agent, consult and advise with them respectively, on any questions of law that may arise in the course of their official business.

To supervise the management of funds for public charities, &c.

SECT. 8. The attorney general shall see that all funds given and appropriated to public charities within this Commonwealth, are duly applied to their respective objects ; and he is hereby authorized and required to use all lawful process to prevent the misapplication thereof, and to apply all lawful remedies to the correction of abuses, and breaches of trust, in the administration of the same, and shall further see that such corporations as are bound by law to make returns to the Legislature, shall comply with the requisitions of law in that respect.

And to see that corporations make returns to the Legislature.

To file informations in cases specified.

SECT. 9. The attorney general is hereby authorized, whenever in his judgment the interests of the Commonwealth shall require it, to file informations, or other proper process, against all persons who intrude, without right, on the lands, rights, or property of the Commonwealth, or commit or erect nuisance thereon, and prosecute the same to final judgment.

To assist the attorney for Suffolk district.

SECT. 10. The attorney general shall attend to all proceedings for additional punishment against convicts in the State prison ; and shall also assist the attorney for the Suffolk district, by attending the grand jury for the county of Suffolk, whenever such attorney is required to be in

court, or whenever he is unable to attend such grand jury for any cause whatever.

SECT. 11. The attorney general shall hold his office for the term of five years from the date of his commission, unless sooner removed by the governor and council. Term of office.

SECT. 12. The attorney general shall receive a salary of two thousand five hundred dollars a year, to be paid out of the treasury of the Commonwealth in equal quarterly payments, in full of all services rendered by him in said office. Salary.

SECT. 13. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECT. 14. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

An Act in addition to "An Act for supplying the City of Boston with Pure Water."

Chap 187.

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

1846, ch. 167.

SECT. 1. In addition to the notes, scrip, or certificates of debt, authorized to be issued by the ninth section of the act entitled "An Act for supplying the city of Boston with pure water," passed on the thirtieth day of March, in the year one thousand eight hundred and forty-six, being chapter one hundred and sixty-seven of the acts of that year, the city council of the city of Boston are hereby authorized to issue, from time to time, notes, scrip, or certificates of debt, to be denominated, on the face thereof, "Boston Water Scrip," to an amount not exceeding, in the whole, the further sum of one million five hundred thousand dollars, for the same purposes, and in the same manner, and upon the terms and conditions specified in said section.

Additional notes, scrip, or certificates of debt may be issued by city council of Boston.

SECT. 2. Whenever any damages shall have been sustained by any persons in their property, by the taking of any land, water, or water-rights, or by the constructing of any aqueducts, reservoirs, or other works, for the purposes of this act, and of the act to which this is in addition, and such persons shall neglect to institute proceedings against the city of Boston, according to the provisions of the said act, for the space of five months, it shall be lawful for the city of Boston to commence such proceedings, which shall go on, and be determined, in the same manner as if commenced by the persons who shall have sustained such damage; and, if such persons, on receiving due notice, shall not come in and prosecute the proceedings so instituted, judgment shall be entered against them, and they shall be forever barred from recovering any damages under said act.

Of proceedings for damages done to individuals, how prosecuted;

—how barred.

Water of Long Pond may be conveyed to East Boston through Charlestown and Chelsea.

Of conveying water over or under tide-waters ;

proviso, appointment of commissioner and consent of city council.

This act to be accepted by city council.

SECT. 3. The city of Boston is hereby authorized to convey the water of Long Pond to, into, and through, that part of Boston called East Boston, by laying their aqueduct, or water pipes, through the city of Charlestown and town of Chelsea ; and, for that purpose, may have all the rights and privileges, and shall be subject to all the liabilities, mentioned in the act to which this is in addition. And the said city of Boston may make any suitable structures for the purpose of conveying the said water over or under the tide waters within the jurisdiction of this Commonwealth, provided that such structures shall be approved of by a commissioner, to be appointed for that purpose by the governor and council, and to be compensated by the city of Boston : *provided, further*, that the authority granted by this section shall not be exercised without the consent of the city council of said city first had and obtained.

SECT. 4. This act shall not take effect unless accepted by the city council of the city of Boston. [*Approved by the Governor, May 1, 1849.*]

Chap 188. An Act authorizing Abel Fitz, John Wesson, and John Gary, to extend their Wharves in Charlestown.

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

Location of wharves to be extended.

Abel Fitz, John Wesson, and John Gary, proprietors of a wharf, or wharves, situate in Charlestown, in the county of Middlesex, between the Warren Bridge and the adjoining wharf and flats of Rhoades G. Lockwood, and others, are authorized to extend and maintain their said wharves, upon, and into, that part of the channel, or harbor, which lies between said Warren Bridge and a line drawn parallel with the eastern boundary of Warren or Boston Avenue, and the line of said boundary continued south, in the same direction, and distant seventy-one feet easterly therefrom, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed March seventeenth, in the year one thousand eight hundred and forty, or may hold, use, and enjoy the same, in part for the extension of their said wharves, and in part for a dock connected therewith, as they may, at any time, see fit, and shall have the right to lay vessels at the ends of their said wharves, and receive wharfage and dockage therefor : *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to

1840, ch. 35.

Proviso.

the commissioners' line: *and provided, also*, that so much *Proviso.*
of said wharf as may be constructed below low water
mark shall be built on piles, which piles shall not be nearer
to each other than six feet in the direction of the stream,
and eight feet in a transverse direction, and that this act
shall in no wise impair the legal rights of any persons or
corporations whatever. [*Approved by the Governor, May*
1, 1849.]

An Act to incorporate the Indian Orchard Railroad Corporation.

Chap 189.

BE it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows:

SECT. 1. Warren Delano, Junior, Timothy W. Carter, *Corporators.*
Addison Ware, and Frederick A. Barton, their associates
and successors, are hereby made a corporation, by the name
of the Indian Orchard Railroad Corporation, with all the *Powers and*
powers and privileges, and subject to all the duties, liabili-
ties, and restrictions, set forth in the forty-fourth chapter of *duties.*
the Revised Statutes, and in that part of the thirty-ninth *R. S. ch. 39, 44,*
chapter of said statutes which relates to railroad corpora-
tions, and in all general laws which are now, or may be *and other gen-*
hereafter, in force, relating to railroad corporations in this *eral laws.*
Commonwealth.

SECT. 2. The capital stock of said corporation shall not *Capital stock.*
exceed fifty thousand dollars, divided into shares of one
hundred dollars each, the number of which shall be deter-
mined by the directors, from time to time; and said corpo-
ration may purchase and hold such real and personal estate *Real and per-*
as may be necessary for the purposes of their incorporation. *sonal estate.*
All shares in the capital stock of said corporation shall be *Value of shares.*
issued for the same value or amount, to be actually paid in
on each.

SECT. 3. The said corporation may locate, construct, *Route of road.*
maintain, and use a railroad, with one or more tracks, from
some convenient point on the land of the Indian Orchard
Canal Company, upon and near the southerly side of Chicopee
River, in the town of Springfield, passing in the most
convenient and feasible direction to the Western Railroad,
within the said town of Springfield, uniting with said
Western Railroad at a point within two miles of the nine-
ty-third milestone upon said Western Railroad.

SECT. 4. The said corporation may enter upon and *Road may be*
unite their railroad, by proper turnouts and switches, with *united to West-*
the said Western Railroad, at the point of intersection with *ern Railroad.*
the same, and may use the same under the provisions and
restrictions of the laws relating to railroads.

Location. **SECT. 5.** If said corporation be not organized, and if the location of their road be not filed according to law, within one year, or if their railroad be not completed within two years, this act shall be void.

Completion. **SECT. 6.** The General Court may, after the expiration of five years from the time when said railroad shall be opened for use, from time to time, alter or reduce the rate of tolls or other profits upon said railroad; but the said tolls, or profits, shall not, without the consent of said corporation, be so reduced as to produce less than ten per cent. per annum, upon the investment of said corporation, from the time the same may be paid in by the stockholders.

Rate of toll may be altered after five years. **SECT. 7.** The Indian Orchard Canal Company may become stockholders in said corporation, and may take a lease of said railroad and its privileges and appurtenances, and may use and run the same upon such terms and conditions as may be mutually agreed upon between the said parties.

Indian Orchard Canal Company may hold stock in railroad, &c. - **SECT. 8.** The said corporation may transfer all its property, rights, privileges, and franchise, to the Western Railroad Corporation, which may receive, hold, and use the same, upon such terms and conditions as may be agreed upon between the said two corporations; but the said Indian Orchard Railroad Corporation shall thereafter preserve their corporate organization, and perform all the duties required of them by law, as fully as if such transfer or lease had not been made.

Of transfer to Western Railroad Corporation. **SECT. 9.** This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

Chap 190.

An Act to incorporate the Edgeworth Company.

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

Corporators. **SECT. 1.** Charles J. Hendee, Gardiner G. Hubbard, George B. Jones, their associates and successors, are hereby made a corporation, by the name of the Edgeworth Company, with power to purchase and hold, in fee simple, or otherwise, all, or any part, of the following described tracts of land, situated in the towns of Malden and Medford,

To hold lands in Malden and Medford. lying on the west side of Malden Creek, and comprised within the following bounds:—Commencing in Malden at the crossing of the Boston and Maine Extension Railroad over the road leading from Malden to Medford; thence running southerly, by said railroad, six hundred and seventy-five feet, or thereabout, to Malden Creek; thence running by said creek and a branch thereof, called Medford

Boundaries.

Brook, to the westerly side of said railroad ; thence running southerly by land of said railroad corporation to land of the Medford Branch Railroad Corporation ; thence running northwesterly and westerly by land of said Medford Branch Railroad Corporation, four thousand five hundred feet, crossing the boundary line between Medford and Malden ; thence turning and running north, thirteen degrees east, seven thousand feet parallel to said boundary line, crossing said road leading from Malden to Medford ; thence turning and running due east to the land of said Boston and Maine Extension Railroad Corporation ; thence by land of said corporation to point of beginning, together with all rights, easements, and appurtenances thereto belonging, and said company may so manage, improve, and dispose of said property, as to them shall seem expedient.

SECT. 2. Said corporation is hereby authorized, first obtaining consent of Otis Tufts, to construct and maintain a bridge over Malden Creek, from its land to land of said Tufts, on the east side of said creek : *provided*, that said corporation shall make and keep in repair, in said bridge, a suitable draw of proper width for the accommodation of all vessels navigating said creek, and shall afford all suitable facilities to vessels passing through said draw.

Bridge over
Malden Creek.

Proviso.

SECT. 3. Said corporation is authorized to straighten and deepen the channel of said creek, and to erect, construct, and maintain wharves from its land into said creek, and may lay vessels at said wharves and receive dockage and wharfage therefor : *provided*, said wharves shall not extend into said creek so far as to impede the navigation thereof.

Channel of said
creek to be
deepened, &c.

Wharves.

Proviso.

SECT. 4. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers and
duties.

R. S. ch. 44.

SECT. 5. Said corporation may hold real and personal estate, necessary and convenient to carry into effect the objects of this act, not exceeding, in amount, three hundred thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Real and per-
sonal estate.

Proviso.

Value of shares

SECT. 6. Nothing contained in this act shall authorize said corporation to infringe upon the legal rights of any person or corporation whatever. [*Approved by the Governor, May 1, 1849.*]

Chap 191.

✓ An Act to amend An Act relating to Railroad Corporations.

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

Annual railroad
returns to Leg-
islature.

SECT. 1. The annual report now by law required to be made by the directors of the several railroad corporations, within this Commonwealth, shall hereafter contain full information upon the several items hereinafter enumerated, to wit:—

FORM OF RAILROAD RETURN TO THE LEGISLATURE.

Capital stock, \$
 Increase of capital since last report,
 Capital paid in per last report, \$
 Capital paid in since last report,
 Total amount of capital stock paid in,
 Funded debt per last report,
 Funded debt paid since last report,
 Funded debt, increase of, since last report,
 Total present amount of funded debt,
 Floating debt per last report,
 Floating debt paid since last report,
 Floating debt, increase of, since last report,
 Total present amount of floating debt,
 Total present amount of funded and floating debt,
 Average rate of interest per annum paid during the year,
 Maximum amount of debt for each month during the year,
 viz: January, \$, February, \$, March, \$,
 April, \$, May, \$, June, \$, July, \$, Au-
 gust, \$, September, \$, October, \$, Novem-
 ber, \$, December, \$.

COST OF ROAD AND EQUIPMENT.

For graduation and masonry per last report,
 For graduation and masonry paid during the past year,
 Total amount expended for graduation and masonry,
 For wooden bridges per last report,
 For wooden bridges paid during the past year,
 Total amount expended for wooden bridges,
 Total amount expended for iron bridges, (if any,)
 For superstructure, including iron, per last report,
 For superstructure, including iron, paid during the past year.
 Total amount expended for superstructure, including iron.
 For stations, buildings, and fixtures, per last report,
 For stations, buildings, and fixtures, paid during the past
 year,
 Total amount expended for stations, buildings, and fixtures,
 For land, land-damages, and fences, per last report.

For land, land-damages, and fences, paid during the past year,
 Total amount expended for land, land-damages, and fences,
 For locomotives, per last report,
 For locomotives paid during the past year,
 Total amount expended for locomotives,
 For passenger and baggage cars, per last report,
 For passenger and baggage cars, paid during the past year,
 Total amount expended for passenger and baggage cars,
 For merchandise cars, per last report,
 For merchandise cars, paid during the past year,
 Total amount expended for merchandise cars,
 For engineering, per last report,
 For engineering, paid during the past year,
 Total amount expended for engineering,
 For agencies and other expenses, per last report,
 For agencies and other expenses, paid during the past year,
 Total amount expended for agencies and other expenses,
 Total cost of road and equipment,

CHARACTERISTICS OF ROAD.

Length of road,
 Length of single main track,
 Length of double main track,
 Length of branches owned by the company, stating whether they have a single or double track,
 Aggregate length of sidings and other tracks, excepting main track and branches,
 Weight of rail per yard, in main road, } Specify the different weights per
 Weight of rail per yard, in branch } yard,
 road,
 Maximum grade, with its length in main road,
 Maximum grade, with its length in branch roads,
 Total rise and fall in main road,
 Total rise and fall in branch roads,
 Shortest radius of curvature, with length of curve in main road,
 Shortest radius of curvature, with length of curve in branch roads,
 Total degrees of curvature in main road,
 Total degrees of curvature in branch roads,
 Total length of straight line in main road,
 Total length of straight line in branches,
 Aggregate length of wooden truss bridges,
 Aggregate length of all other wooden bridges,
 Aggregate length of iron bridges,
 Whole length of road unfenced on both sides.

Number of public ways crossed at grade,
 Number of railroads crossed at grade,
 Remarks,
 Way stations for express trains,
 Way stations for accommodation trains,
 Flag stations,
 Whole number of way stations,
 Whole number of flag stations,

DOINGS DURING THE YEAR.

Miles run by passenger trains,
 Miles run by freight trains,
 Miles run by other trains,
 Total miles run,
 Number of passengers carried in the cars,
 Number of passengers carried one mile,
 Number of tons of merchandise carried in the cars,
 Number of tons of merchandise carried one mile,
 Number of passengers carried one mile to and from other roads,
 Number of tons carried one mile to and from other roads,
 Rate of speed adopted for express passenger trains, including stops,
 Average rate of speed actually attained by express passenger trains, including stops and detentions,
 Rate of speed adopted for accommodation trains,
 Rate of speed actually attained by accommodation trains, including stops and detentions,
 Average rate of speed actually attained by special trains, including stops and detentions,
 Average rate of speed adopted for freight trains, including stops,
 Estimated weight, in tons, of passenger cars, [not including passengers] hauled one mile,
 Estimated weight, in tons, of merchandise cars, [not including freight] hauled one mile,

EXPENDITURES FOR MAKING THE ROAD.

For repairs of road, maintenance of way, exclusive of wooden bridges and renewals of iron,
 For repairs of wooden bridges,
 For renewals of iron, including laying down,
 For wages of switchmen, (average per month, \$)
 For wages of gate-keepers, (average per month, \$)
 For wages of signal-men, (average per month, \$)
 For wages of watchmen, (average per month, \$) } Total.
 Number of men employed, exclusive of those engaged in construction,

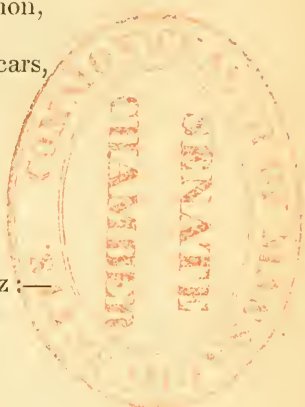
- For removing ice and snow, [this item to include all labor, tools, repairs, and extra steam power used,]
- For repairs of fences, gates, houses for signal-men, gate-keepers, switchmen, tool-houses,
- Total for maintenance of way,

MOTIVE POWER AND CARS.

- For repairs of locomotives,
- For new locomotives to cover depreciation,
- For repairs of passenger cars,
- For new passenger cars to cover depreciation,
- For repairs of merchandise cars,
- For new merchandise cars to cover depreciation,
- For repairs of gravel and other cars,
- Total for maintenance of motive power and cars,
- Number of engines,
- Number of passenger cars,
- Number of baggage cars,
- Number of merchandise cars,
- Number of gravel cars,

MISCELLANEOUS.

- For fuel used by engines during the year, viz:—
 - Wood,
 - Coal,
- For oil used by cars and engines,
- For waste and other material for cleaning,
- For salaries, wages, and incidental expenses chargeable to passenger department,
- For salaries, wages, and incidental expenses chargeable to freight department,
- For gratuities and damages,
- For taxes and insurance,
- For ferries,
- For repairs of station buildings, aqueducts, fixtures, furniture,
- For interest,
- For amount paid other companies, in tolls, for passengers and freight carried on their roads, specifying each company,
- For amount paid other companies as rent for use of their roads, specifying each company,
- For salaries of president, treasurer, superintendent, law expenses, office expenses of the above offices, and all other expenses, not included in any of the foregoing items,
- Total miscellaneous,
- Total expenditures for working the road.



INCOME DURING THE YEAR.

For passengers :—

1. On main road, including branches owned by company,
2. To and from other roads, specifying what,

For freight :—

1. On main road and branches owned by company,
2. To and from other connecting roads,

U. S. mails,

Rents,

Total income,

Net earnings, after deducting expenses,

DIVIDENDS.

per cent., total, \$

Surplus not divided,

Surplus last year,

Total surplus,

ESTIMATED DEPRECIATION BEYOND THE RENEWALS, VIZ :

Road and bridges,

Buildings,

Engines and cars,

Penalty for
fraudulent eva-
sion as to tolls
or fare, &c.

SECT. 2. Any person who shall fraudulently evade, or attempt to evade, the payment of any toll or fare, lawfully established by any railroad corporation, either by giving a false answer to the collector of the toll or fare, or by travelling beyond the point to which he may have paid his toll or fare, or by leaving the train without having paid the toll or fare established for the distance travelled, or otherwise, shall, upon conviction thereof, before any justice of the peace, in any county where such offence may have been committed, be punished by a fine of not less than five, nor more than twenty dollars for every such offence, together with the costs of prosecution. And no person who shall not, upon demand, first pay such established toll or fare, shall be entitled to be transported over said railroad. Every railroad corporation shall be held to furnish reasonable accommodations for passengers, with reference to their convenience and safety; and, in every case of wilful neglect to provide the same, any corporation, so offending, shall be subject to a penalty of not less than five, nor more than twenty dollars, to be recovered as above provided in this section.

SECT. 3. The first section of the two hundred and fifty-first chapter of the laws, passed in the year one thousand eight hundred and forty-six, is hereby repealed.

SECT. 4. The duties enjoined by the second, third, and fourth sections of the act, to which this act is in addition, and applicable to the first section thereof, shall continue and be

R. R. corpora-
tions to furnish
reasonable ac-
commodations
for passengers.
Penalty for neg-
lect.

applicable to the first section of this act. [*Approved by the Governor, May 1, 1849.*]

An Act to incorporate the Mattapan Bank.

Chap 192.

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

SECT. 1. John H. Robinson, Axel Dearborn, Edward King, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Mattapan Bank, to be located in the easterly part of Dorchester, and to continue a corporation, until the first day of October, in the year one thousand eight hundred sixty-nine, and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Bank established in Dorchester.

Powers and duties.

R. S. ch. 36, and other general laws.

Capital stock.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in on or before the first Monday in April, in the year one thousand eight hundred and fifty.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking-house, and in its books. [*Approved by the Governor, May 1, 1849.*]

Transfer of stock.

An Act to incorporate the Medway Branch Railroad Company.

Chap 193.

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

SECT. 1. Samuel Frothingham, Eliab Gilmore, Julius C. Hurd, their associates and successors, are hereby made a corporation, by the name of the Medway Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, which relates to railroad corporations, and in all general laws which have been, or may be hereafter passed, relating to such corporations.

Corporators.

Powers and duties.
R. S. ch. 44, 39, &c.

SECT. 2. Said company may locate, construct, and maintain a railroad, with one or more tracks, commencing from or near to the station 190, on the Norfolk County Railroad in North Wrentham, thence running westerly through East Medway to some convenient point at the Medway Factory

Route of road.

Village, passing between Rockville, so called, and the house of Seneca Barber, Esq., and southerly of the Old Hartford Road, and the house of Asa Clapp, in said Medway, to the terminus at the village aforesaid, with liberty to enter upon and use the said Norfolk County Road, and the Boston and Providence Railroad, and its branches, in such manner as is, or may be, prescribed by the laws of this Commonwealth.

Capital stock.

SECT. 3. The capital stock of said corporation shall consist of not more than seven hundred and fifty shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share. And the said corporation may take, purchase, and hold such real estate, and may purchase and hold such engines, cars, and other things, as may be necessary and convenient for the use of said railroad, and for the transportation of passengers, goods and merchandise.

Real estate.

Location.

SECT. 4. If the location of the said Medway Branch Railroad shall not be filed within six months from the first day of January last, or if the said branch railroad shall not be completed, with at least one track, from said terminus at North Wrentham to the terminus at said Medway Village, within one year from the passage of this act, the same shall thereafter be null and void.

Completion.

May transfer rights, &c., to Norfolk County Railroad Corporation.

SECT. 5. The corporation hereby created is also authorized and empowered to transfer all its property, rights, privileges, and franchise, under this charter, to the Norfolk County Railroad Corporation, by lease or otherwise, and the said Norfolk County Railroad are hereby authorized to receive and hold the same, whenever a majority in interest of the stockholders of the two corporations respectively, shall elect so to do. And, for this purpose, the said last named corporation may increase their capital stock to the amount of the seventy-five thousand dollars aforesaid.

This road may be used by other companies.

SECT. 6. The Legislature may authorize any company to enter with another railroad upon and use the railroad hereby established, or any part thereof, by complying with such reasonable rules and regulations as the said Medway Branch Railroad Company, or their assigns or lessees, may prescribe, or as may be determined according to law.

Rate of toll may be reduced after five years.

SECT. 7. The Legislature may, after the expiration of five years from the time when said branch railroad shall be opened for use, from time to time, alter or reduce the rate of toll, or other profits, on said railroad; but the same shall

not, without the consent of said corporation, be so reduced as to produce less than ten per cent. upon the investment of said company.

SECT. 8. All shares in the capital stock of said corporation shall be for the same amount to be actually paid in on each. Value of shares.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

An Act to incorporate the Southbridge and Blackstone Railroad Company. Chap 194.

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

SECT. 1. Horatio N. Slater, Ebenezer D. Ammidown, and Welcome Farnum, their associates and successors, are hereby made a corporation, by the name of the Southbridge and Blackstone Railroad Company, with all the powers and privileges, and subject to all the liabilities, restrictions, and duties, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all statutes which have been, or may hereafter be passed, relating to railroad corporations. Corporators.
Powers and duties.
R. S. ch. 44, 39,
&c.

SECT. 2. Said company is hereby authorized and empowered to construct a railroad, with one or more tracks, from some convenient point in the town of Southbridge, through the towns of Dudley, Webster, north of Fenner's Cotton Mill, Douglas, and Uxbridge, to some convenient point on the Norfolk County Railroad, in the town of Blackstone. Route of road.

SECT. 3. The capital stock of said company shall consist of not more than eight thousand shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may purchase and hold such real estate, and such engines, cars, and other things, as may be necessary for the use of said railroad, and for the transportation of passengers, goods, and merchandise thereon. All shares in the capital stock of said company shall be issued for the same value or amount, to be actually paid in on each. Capital stock.
Value of shares.

SECT. 4. If the location of said railroad be not filed, according to law, within two years, and if the same shall not be completed within four years from the passage of this act, then this act shall be void. Location.
Completion.

SECT. 5. If, in the construction of said railroad, it shall

Of crossing
the line of
Connecticut.

be necessary to cross over the dividing line between this Commonwealth and the State of Connecticut, in order to get a better route for the same, in any instance, and the crossing of said line and the construction of any portion of said railroad, in said Connecticut, shall be authorized by said State, the said company is hereby authorized and empowered to lease or purchase, or, with the authority of said State, to construct, hold, and maintain, such portions of their railroad.

This road may
be united with
other roads.

SECT. 6. Said company is hereby authorized to enter upon and unite their railroad, by proper means, with the Norfolk County Railroad, and with the Providence and Worcester Railroad, and with the Norwich and Worcester Railroad, and to use the same agreeably to the provisions of law.

Rate of toll may
be reduced.

SECT. 7. The General Court may, from time to time, reduce the rate of toll, or other receipts, on said railroad, whenever the net income thereof shall exceed ten per cent. per annum; but the toll, or other receipts, shall not, without the consent of the company, be so reduced as to produce less than ten per centum per annum on the investment in said company.

Other compa-
nies may be
authorized to
enter on this
road.

SECT. 8. The General Court may authorize any company to enter, with their railroad, at any point on the said road, and use the same, or any part thereof, agreeably to the provisions of law.

SECT. 9. This road shall be constructed as an entire route, and not by sections. [*Approved by the Governor, May 1, 1849.*]

Chap 195.

An Act to incorporate the Mount Pleasant Branch Railroad Company.

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

Corporators.

SECT. 1. Isaac McLellan, Marshall P. Wilder, John L. Whipple, E. P. Tileston, and F. Gleason, their associates and successors, are hereby made a corporation, by the name of the Mount Pleasant Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and subject to all other general laws which have been, or shall be hereafter passed, relative to railroad corporations.

Powers and
duties.

R. S. ch. 39, 44,
&c.

Route of road.

SECT. 2. Said company may locate, construct, and maintain a railroad, with one or more tracks, commencing at some convenient point near the town-house, in Dor-

chester, in the county of Norfolk, and running thence in a northerly direction about one mile; thence, in a north-easterly direction, easterly of and near the estate of Marshall P. Wilder, following nearly the course of the Roxbury Brook to Stoughton Street; thence, in an easterly direction, to some convenient point of junction with the Old Colony Railroad near Little Neck, so called; but the said company shall not lay out their road after it crosses Stoughton Street, south of the most northerly boundary line of the passage-way leading from said Stoughton Street, over the land of the heirs of the late Gov. Eustis, deceased, to land of Elijah Vose, without the consent of said Vose, nor south of the most northerly boundary line between the estates of said Vose and Samuel Phipps, on the one side, and land of the heirs of said Eustis on the other. And the said company shall, provided the owners of the Dorchester Turnpike request them so to do, raise the said turnpike where their railroad crosses the same, so that the railroad shall pass under said turnpike road, and, during the time they are raising said turnpike, if the same shall be raised, they shall provide, by a turnout, or other means, so as not to interrupt the travel on said turnpike.

SECT. 3. The capital stock of said company shall consist of not more than fifteen hundred shares, the number of which shall, from time to time, be determined by the directors of said company, and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such parts thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital stock.

Real and personal estate.

SECT. 4. All shares in the capital stock of said corporation shall be issued for the same value or amount, to be actually paid in on each.

Value of shares.

SECT. 5. If the location of said road be not filed according to law within one year, or if the said road be not completed with at least one track, within two years from the passage of this act, then this act shall be void.

Location.

Completion.

SECT. 6. The said company is hereby authorized to enter upon and unite their railroad, by proper turnouts and switches, with the said Old Colony Railroad, and to use the same, or any part thereof, paying therefor such a rate of toll as may be mutually agreed upon by the parties, or as the General Court may, from time to time, prescribe.

May be united with Old Colony Railroad.

SECT. 7. The General Court may authorize any company to enter, with another railroad upon, and to use said Mount Pleasant Branch Railroad, or any part thereof, by

Other roads may enter on this.

complying with such reasonable rules and regulations as the said Mount Pleasant Branch Railroad Company may prescribe, or as may be determined according to the provisions of law.

Rate of toll
may be reduced
after 5 years.

SECT. 8. The General Court may, after the expiration of five years from the time that said Mount Pleasant Branch Railroad shall be opened for use, from time to time, alter and reduce the rate of toll or profits upon said road; but said toll shall not be so reduced, without the consent of said company, as to yield, with the said profits, to the stockholders thereof, less than ten per centum per annum, upon the investment of said company. [*Approved by the Governor, May 1, 1849.*]

Chap 196.

An Act concerning the Lancaster and Sterling Branch Railroad.

1846, ch. 239.

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

Time extended
15 months.

SECT. 1. The limitation contained in the seventh section of the charter of the Lancaster and Sterling Branch Railroad, chapter 239, Acts of 1846, is hereby extended fifteen months, any thing in said act to the contrary notwithstanding.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1849.*]

Chap 197.

An Act to change the Names of the Persons therein mentioned.

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

Suffolk.

Thomas Vaughan Baron may take the name of Thomas Barry; Lydia Bradford Orcutt may take the name of Lydia Bradford; George Colburn, a minor, may take the name of George Colburn Cabot; John Cutts Smith may take the name of John Smith Cutts; Charles Gillpatrick may take the name of Charles Gill; Catharine Coolidge Gates may take the name of Catharine Gates Thaxter; James Morss Williams may take the name of James Morss William Williams; Virginia Albina Williams, a minor, may take the name of Virginia Albina Fullick; Charles Rollins Torrey, a minor, may take the name of Rollins Torrey; Jeremiah Buxton Favor may take the name of Frank Favor; Elijah Baldwin may take the name of Elijah Shirman Baldwin; George Hastings may take the name of George Russel Hastings; George Hoogs may take the name of George H. Francis; his minor son, George A. Hoogs, may

take the name of George A. H. Francis; Alfred White Chamberlain may take the name of Alfred White Sprague; William McNaught may take the name of William Henry Thomas; Naomi Porter Shaw, a minor, may take the name of Naomi Porter Mace; Arabella M. Livingston may take the name of Imogene De Errence, and her minor son, Alfred Maitland Livingston, may take the name of Ivan Marion De Errence; Michael Collins may take the name of Michael Henry Collins; Thomas M. Center, George F. Center, and Emma L. Center, minors, may assume the surname of Dickinson; William Gordon may take the name of William George Gordon; Mary Rhoades Josselyn may take the name of Mary Rhoades Darling; all of the county of Suffolk.

Nathaniel Conant, 2d, of Danvers, may take the name Essex. of Nathaniel P. Conant; Elizabeth E. Swan, a minor, of Newburyport, may take the name of Elizabeth Esther Page; Ayer Spofford, of Bradford, may take the name of Mary Ayer Spofford; Abby Faltch, of Salisbury, may take the name of Abby Phenietta Dennitt; Richard Wilson, of Newbury, may take the name of Richard Burritt Wilson; Marcus Marcellus Danforth, of Bradford, may take the name of George Edwin Danforth; Joseph Warren Smith, of Bradford, may take the name of Austin F. Smith; Gorham Parsons, 3d, of Gloucester, may take the name of Gorham M. Parsons; John Ober, of Beverly, may take the name of John Thissell Ober; Matilda Wardwell, of Andover, minor, may take the name of Eliza Dodge Wardwell; Mary Elizabeth Boody, of Danvers, may take the name of Mary E. B. Gillion; Elneline Eliza Hill, of Danvers, may take the name of Emily Eliza Hill; James McBride, of Lawrence, may take the name of James Brooks; John Albree Downie, of Salem, minor, may take the name of John Albree; Harriet Nowell, of Salem, may take the name of Harriet Nowell Howard; James Mooney, of Lynn, may take the name of James Forrest; Benjamin Franklin Newhall, Junior, of Saugus, may take the name of Benjamin Newhall; Lydia Eveline Wyman, of Danvers, may take the name of Lydia Eveline Peirce; Henry Phillips, of Salem, may take the name of Edward B. Phillips; Ruby Mellen Moore, of Salem, minor, may take the name of Abby Moore Kimball; Edwin Moody Burbank, of Bradford, may take the name of George Byron Sanford; Charles Dearborn Nowell, of Salem, may take the name of Charles Dearborn Howard; Gideon Barstow Monarch, of Salem, may take the name of Gideon B. Moore; his minor children, Charles James Monarch, may take the name of

Charles James Moore; Gideon B. Moore Monarch may take the name of Gideon B. Moore; Frederick Moore Monarch may take the name of Frederick Moore; and John Moore Monarch may take the name of John Moore; John Abbott Johnson, of Danvers, may take the name of Abbott Johnson; Timothy Ross, of Ipswich, may take the name of Timothy Burnham Ross; all of the county of Essex.

Middlesex.

Charles Pratt Houghton, of Cambridge, minor, may take the name of Charles Houghton Pratt; Charles McElroy, of Charlestown, may take the name of Charles Leroy; Samuel William Wyman, of Medford, may take the name of Frank Peirce; Ann Elizabeth Perley, of Lowell, minor, may take the name of Ann Elizabeth Wright; Abraham Raud Thompson, of Charlestown, minor, may take the name of Abraham Warren Thompson; William Parsons, of Charlestown, may take the name of William Alfred Parsons; Frances Ann Huggins, of Dracut, minor, may take the name of Frances Ann Stearns; Lucinda Frost, of Natick, minor, may take the name of Isadore Edwards; Walter Hayes, of Tyngsborough, minor, may take the name of Walter Hayes Farwell; William Brown Chase, of Marlborough, may take the name of William Chase; Frances Wright Faulkner Jones, of Acton, may take the name of Frances Jones; Silas Proctor Pingrey, of Marlborough, may take the name of Proctor Pingrey; William Higgins, of Charlestown, may take the name of William Franklin Higgins; John Beasley, of Cambridge, may take the name of Peter Manning; Henry Ward Hitchcock, of Charlestown, a minor, may take the name of Henry Ward Johns; all in the county of Middlesex.

Worcester.

Joseph Badger, of Leominster, may take the name of Joseph Badger Brown; Samuel F. Hill, of Sturbridge, may take the name of Samuel Fairbanks; his wife, Mary Ann Hill, may take the name of Mary Ann Fairbanks; and their minor children, viz: Elizabeth, Loring H., and John A., may severally take the surname of Fairbanks; Victoria Keith, of Shrewsbury, minor, may take the name of Jane Maria Allen; Sarah Ann Hair, of Hubbardston, minor, may take the name of Sarah Ann Lucy Hunting; John Laughna, of Hubbardston, minor, may take the name of Charles Lawrence Laughna; Nancy Hunstable Hosmer, of Worcester, may take the name of Anna Hunstable Hosmer; Marion Eleri Allen, of Shrewsbury, minor, may take the name of Marion Irene Hemmenway Allen; George F. Hoar, of Worcester, may take the name of George F. Baker; Ziba Bass Cary Dunham, of Leominster, may take

the name of Howard Cary Dunham ; Edward N. Divoll, of North Brookfield, may take the name of Edward Newell ; Solomon B. J. Howe, of New Braintree, may take the name of Bolivar J. Howe ; Lydia Lucebia Bartlett, of Berlin, minor, may take the name of Selucia Ann Bartlett ; Milton Morse, of Worcester, may take the name of Milton M. Morse ; all of the county of Worcester.

Wealthy Healy, of Worthington, may take the name of Hampshire. Wealthy Deborah Howard ; Mary Ann Moody Ferry, of Belchertown, minor, may take the name of Mary Ann Ferry ; Hemy White, of South Hadley, may take the name of Henry Kirk White ; Polly Garside, of South Hadley, may take the name of Mary Alvord ; Merrick Orson Graves, of Williamsburg, minor, may take the name of Orson Merrick Graves ; Ella Warner Smith, of Enfield, minor, may take the name of Ella Frances Gross ; Emily Evelina Bement, of Easthampton, minor, may take the name of Emily Bement Smith ; Harriet Clark Hawks, of Easthampton, minor, may take the name of Eliza Hawks Smith ; Ellen M. H. Paine, of Greenwich, minor, may take the name of Ellen M. H. Johnson ; all of the county of Hampshire.

Chander Brown, of Ashfield, minor, may take the name of Franklin. Chander Eugene Smith ; Ellen Streeter, of Montague, a minor, may take the name of Ellen Elvira Horton ; Ellen Eliza Leonard, of Conway, minor, may take the name of Ellen Leonard Childs ; Anna Eloisa Field, of Northfield, minor, may take the name of Anna Eloisa Mary Field ; all of the county of Franklin.

George Sidebottom, of Adams, may take the name of Berkshire. George Nottingham ; and his wife, Sarah Sidebottom, may take the name of Sarah Nottingham ; George William Sidebottom, of Adams, may take the name of George William Nottingham ; and his wife, Sarah Walbridge, and his minor son, may severally take the surname of Nottingham ; John Race, of Great Barrington, may take the name of John Franklin Race ; all of the county of Berkshire.

Daniel Houghton Goodspeed, of West Springfield, may take the name of Hampden. Daniel Houghton ; Julia Ann Harger, of West Springfield, may take the name of Julia Ann Moore ; all of the county of Hampden.

Phillip Pear, of Roxbury, may take the name of Norfolk. Phillip Montague Pier ; Eliza Charles Davis Parker, of Dedham, may take the name of Eliza Davis Parker ; Israel Putnam Richardson, of Medway, minor, may take the name of Putnam Richardson Clark ; John Bullough, Junior, of Needham, may take the name of John Ballou ; and his wife, Sarah, and their minor children, John Warren, Sarah

Eliza, William Henry, and Joseph Willard Bullough, may severally take the surname of Ballou; all of the county of Norfolk.

Plymouth.

Eliot Benjamin Sheffield, of Rochester, minor, may take the name of Stafford Benjamin Brownell; Daniel Howard, 2d, of North Bridgewater, may take the name of Daniel S. Howard; Joshua Crooker, 3d, of North Bridgewater, may take the name of Allen Jay Crooker; Martha Proctor Ball, of Hingham, minor, may take the name of Martha Ball Cortell; Charles Seaver Burt, of West Bridgewater, may take the name of Charles Seaver; and his wife, Celinda Taylor Burt, may take the name of Celinda Taylor Seaver; and their minor son, Charles, may take the surname of Seaver; Charles Henry Lovett, of Hingham, minor, may take the name of Charles Augustine Lovett; all of the county of Plymouth.

Bristol.

Alfred Heyer, of New Bedford, minor, may take the name of Alfred H. Perry; Almira Frances Reed, of New Bedford, may take the name of Almira Frances White; Arthur Donley, of Berkley, may take the name of George Burt; Peter Stewart, his wife, Anna C., and their children, Caroline Amelia, Catharine Gibbs, and Henry Ridgway, of Attleborough, may severally take the surname of Bishop; all of the county of Bristol.

Barnstable.

Michael Angelo Nuzze, of Provincetown, may take the name of William Gale; Elizabeth Taylor, of Yarmouth, may take the name of Elizabeth Joice Taylor; Vinson Cahoon, Junior, of Harwich, may take the name of Vinson Franklin Cahoon; Polly Hallett Berry, of Yarmouth, may take the name of Mary Hallett Berry; Reuben Cahoon, of Harwich, may take the name of Reuben Calhoon; Flora Augustine Childs, of Barnstable, may take the name of Adulsa Nickerson Childs; Isaiah Nickerson Handy, of Barnstable, may take the name of Robert Childs Handy; Lewis Thacher Crowell, of Barnstable, minor, may take the name of Timothy Baker Crowell; Jesse Hall, of Dennis, minor, may take the name of Jesse Sumner Hall; all of the county of Barnstable.

And the several persons before mentioned, from and after the passage of this act, shall be known and called by the names which, by this act, they are respectively allowed to assume as aforesaid, and said names shall hereafter be considered as their only proper and legal names, to all intents and purposes. [*Approved by the Governor, May 2, 1849.*]

An Act concerning the Fall River Railroad Company.

Chap 198.

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

SECT. 1. The Fall River Railroad Company, and the Cape Cod Branch Railroad Company, are hereby authorized to change their respective locations in the town of Middleborough, near their intersection: *provided*, that in so doing, they cross with their railroads no highway or townway other than is now crossed by the said railroads, as already located: *and provided also*, that the said companies respectively file their locations with the commissioners of the county of Plymouth, in one year from the passage of this act.

Fall River Railroad Company, and Cape Cod Branch Railroad Company, may change location in Middleborough, on certain conditions.

SECT. 2. The Fall River Railroad Company is hereby authorized to increase its capital stock one hundred and fifty thousand dollars: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [*Approved by the Governor, May 2, 1849.*]

Capital stock increased.
Proviso as to value of shares.

An Act to incorporate the Georgetown and Andover Railroad Company.

Chap 199.

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

SECT. 1. Jedediah H. Barker, William Johnson, and Joshua T. Day, their associates and successors, are hereby made a corporation, by the name of the Georgetown and Andover Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all other laws which have been, or shall be, passed, relative to railroad corporations.

Corporators.

Powers and duties.

R. S. ch. 44, 39, &c.

SECT. 2. Said company may locate, construct, and maintain a railroad, with one or more tracks, from some convenient point on or near the Newburyport Railroad in the village of Georgetown, through the town of Boxford, to some convenient point on or near the Essex Railroad, near the centre of the North Parish in Andover, at which points the said company may enter upon, and unite their railroad, by proper turnouts and switches, with the Newburyport Railroad and with the Essex Railroad, and may use the same, under the provisions and restrictions of the laws relating to railroads.

Route of road.

Capital stock. **SECT. 3.** The capital stock of this company shall consist of not more than fifteen hundred shares, the number of which shall, from time to time, be determined by the directors of said company, and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation. All shares in the capital stock of said corporation shall be issued for the same value or amount, to be actually paid in on each.

Estate.

Value of shares.

Rate of tolls may be reduced after five years.

SECT. 4. The General Court may, after the expiration of five years from the time when the said railroad shall be opened for use, from time to time, reduce the rates of tolls and other profits upon said road; but the same shall not be so reduced, without the consent of said company, as to yield, with said profits, less than ten per centum per annum to the stockholders.

Other roads to enter on this.

SECT. 5. The General Court may authorize any other company to enter, with another railroad, upon, and use the said Georgetown and Andover Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Georgetown and Andover Railroad Company may prescribe, or as may be determined according to the provisions of law.

Location.

SECT. 6. If the location of said railroad shall not be filed within one year from the first day of September next, and if said railroad be not completed within two years from said first day of September, then this act shall be void. [Approved by the Governor, May 2, 1849.]

Completion.

Chap 200.

An Act in relation to the Laying out of Highways and other Ways.

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

Time extended within which a jury may be applied for in the matter of laying out, &c. of highways, &c.

In all cases, where any suit shall hereafter be brought, wherein the validity or legal effect of the proceedings of any county commissioners, selectmen, town, city, or mayor and aldermen, in respect to the laying out, altering, or discontinuing of any way, which laying out, altering, or discontinuing shall take place after the passage of this act, shall be drawn in question, the time limited for applications for a jury to assess the damages caused by such laying out, alteration, or discontinuance, shall be so far extended, that such application may be made at any time within one year after the final determination of any such suit: *provided*, that such suits shall have been brought within one year

Proviso.

from the time of such laying out, altering, or discontinuance. [Approved by the Governor, May 2, 1849.]

An Act authorizing the Eastern Railroad Company to extend their Road. *Chap 201.*

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

SECT. 1. The Eastern Railroad Company are hereby authorized to locate, construct, and complete an extension of their railroad, with one or more tracks, from some convenient point in their railroad, in North Chelsea, to the Salem Turnpike, and near the same point at which the Grand Junction and Depot Company are authorized to cross said turnpike; thence crossing Island End River, by a suitable bridge and draw, and crossing the dam and dyke at such a grade, and in such a manner, as not to impair the same, to a point in Malden, westerly of the United States Marine Hospital, near the junction of said Island End River with Mystic River; thence crossing said Mystic River, with the necessary draws in the bridge, at the channels of said river, of not less than forty feet space, to a point in the city of Charlestown, westerly of the Salem Turnpike; thence, by the most convenient line, through said city of Charlestown to Thompson's Wharf, in said Charlestown; thence crossing Charles River to the wharf owned or occupied by the Gas Company, in Boston, below Charles River Bridge, making and maintaining a suitable and convenient draw in the bridge, at the channel, to Commercial street, in Boston; *provided*, that no bridge shall be constructed over any of the rivers aforesaid, exceeding thirty feet in width; and the same shall be constructed under the direction of a commissioner, to be appointed by the governor and council, and paid by the Eastern Railroad Company; and any bridge, so constructed, shall be deemed to be the limit of the location across said rivers.

SECT. 2. Said company shall provide such effectual security against any danger to the travel over Charles River Bridge, as the governor and council may, from time to time, require.

SECT. 3. The mayor and aldermen of the city of Charlestown, for the time being, may regulate the rate of speed at which the engines and trains may pass over such portions of said railroad as may cross the streets of said city at grade.

SECT. 4. No stone, gravel, or other building materials, shall be taken by said company from the lands of the Winnisimmet Company, without the consent of said com-

1836, ch. 232.
1837, ch. 152,
190.

1838, ch. 193.
1844, ch. 133.
1846, ch. 215.
1847, ch. 70,
182, 203.
1848, ch. 186,
292.

Route of extension described.

Security to travel, such as governor and council may require.

Mayor and aldermen of Charlestown may regulate the rate of speed.

Of the removal of stone, gravel, &c.

Of streets and ways divided by railroad.

pany, excepting only the land, over or upon which said railroad shall be actually located, as aforesaid. And said company, and other proprietors of the marsh within said dam on Island End River, shall have the right to build and maintain continuous streets and ways, connecting their estates divided by said railroad, and cross, and recross, the same, over, under, or on a level with it, where it divides their said estates, or separates them from Island End River, as they shall find most convenient, not obstructing the locomotives and cars running on the said railroad, as allowed in the acts heretofore passed in relation thereto.

This act to be accepted by the stockholders.

SECT. 5. This act shall be void, unless the same shall be accepted by the stockholders of said company, at a meeting of the same, called for the purpose, and unless the road shall be located within two years from the passage of this act; and unless the road shall be completed within two years from the time said location shall be filed.

Location and completion.

New stock.

Proviso, as to value of shares.

SECT. 6. For the purposes of this act, said Eastern Railroad Company may create new stock, to an amount not exceeding five hundred thousand dollars; *provided*, that no shares in the capital stock hereby authorized, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

Of water pipes laid by city of Boston, to East Boston.

SECT. 7. It shall be lawful for the city of Boston, under the direction of the commissioner aforesaid, to lay and construct their water pipes under, or by the side of said bridges, for the purpose of conveying water into and through East Boston, without compensation to the said railroad corporation; *provided, however*, that said pipes shall be so laid, maintained, and repaired, as not to retard, or in any manner obstruct, the regular and convenient use of said bridges, for all the uses of said railroad company.

Proviso.

Grand Junction Railroad and Depot Company may use this road.

SECT. 8. The Grand Junction Railroad and Depot Company may enter upon and use the road, or any part thereof, that may be constructed by said Eastern Railroad Company, within the limits herein chartered, according to the provisions of law. [*Approved by the Governor, May 2, 1849.*]

Chap 202.

An Act relating to the Registration of Births, Marriages, and Deaths.

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

Duty of town and city clerks.

SECT. 1. Town and city clerks are hereby authorized and required to obtain, record, and index, the information concerning births, marriages, and deaths, now required by

law. Towns and cities, containing more than ten thousand inhabitants, may choose a person, other than the town or city clerk, to be town or city registrar, to perform this duty instead of the town or city clerk; and said registrar shall take an oath faithfully to perform the duties of the office.

Town and city registrar may be chosen in certain cases; to be under oath.

SECT. 2. The fees of the clerk and registrar, for obtaining, recording, and indexing the information required by this act, shall be as follows:—For each birth, twenty cents; for each intention of marriage, including the certificate to the parties, fifty cents; for each marriage solemnized, ten cents; for each death, five cents; and the undertaker shall be allowed ten cents for information concerning each death which he returns to the clerk or registrar; said fees for births, deaths, and marriages solemnized, shall be paid by the town; and, for intentions of marriage, by the parties having such intentions; *provided, however*, that the aggregate compensation, allowed to any clerk or registrar, may be limited by any town or city containing over ten thousand inhabitants, but, in no case, so as to prevent the full execution of this act.

Fees.

Provido.

SECT. 3. Any undertaker, or other person, having the superintendence of the burial of any deceased person, who shall neglect or refuse to obtain and return the information required by this act, concerning each person deceased, whose burial shall come under his superintendence, shall be liable to a penalty not exceeding twenty dollars for each neglect, and, if an undertaker, to be deprived of his office. And every clerk or registrar, who wilfully neglects or refuses to perform the duties herein prescribed, shall be liable to a penalty of not less than twenty, nor more than one hundred dollars, for each neglect or refusal. All penalties and forfeitures, under this act, may be recovered by any person who shall sue for the same, one half thereof to the use of said complainant, and the other half to the use of the town or city in which the forfeiture shall have been incurred.

Penalty for neglect.

Penalties, how recovered, &c.

SECT. 4. The returns required to be made on the first day of February, in the year one thousand eight hundred and fifty, shall include the births, deaths, and marriages, from the first day of May, in the year one thousand eight hundred and forty-eight, to said day of return.

The returns for 1850 to begin with May, 1848.

SECT. 5. Copies of records, in the several towns and cities, of the births, marriages, and deaths, which occurred during the next preceding year, ending December thirty-first, shall be returned to the Secretary of State, annually, on or before the first day of February. The blank forms

Returns to be made to Secretary of State, annually.

of said returns shall be printed on paper of uniform size ; and those for each year, when filled out and returned to the office of the Secretary of State, shall be bound together, in one or more volumes, and shall be furnished with an index. Blank books for indexes to the town registrars, shall be prepared by the Secretary of State, and furnished to the several towns and cities at the expense of the Commonwealth.

Blanks to be furnished.

Repeal.

SECT. 6. All parts of acts inconsistent with the provisions of this act are hereby repealed. [*Approved by the Governor, May 2, 1849.*]

Chap 203.

An Act authorizing Rhoades G. Lockwood, and others, to extend their Wharves in Charlestown.

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

Rhoades G. Lockwood, and the devisees of Hamilton Davidson, deceased, who are proprietors in common of a wharf, or wharves, situated in Charlestown, in the county of Middlesex, between Charles River Bridge and the wharf or wharves of Abel Fitz, John Wesson, and John Gary, are authorized to extend and maintain said wharf, or wharves, upon, and into, that part of the channel, or harbor, which lies between a line drawn parallel with the easterly boundary line of Warren Avenue, so called, and the line of said boundary continued south, in the same course, and distant seventy-one feet easterly therefrom, and their other wharf adjoining Charles River Bridge, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed March seventeenth, in the year one thousand eight hundred and forty, or may hold, use, and enjoy the same, in part for the extension of their said wharves, and in part for a dock connected therewith, as they may, at any time, see fit, and shall have the right to lay vessels at the ends of their said wharves, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the commissioners' line: *and provided, also,* that so much of said wharf as may be constructed below low water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any persons or corporations whatever. [*Approved by the Governor, May 2, 1849.*]

Wharves extended.

Description.

1840, ch. 35.

Proviso.

Proviso.

An Act to preserve that part of the Harbor of Boston, called Chelsea Creek, and to prevent Encroachments therein. *Chap 204.*

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

SECT. 1. In that part of the harbor of Boston, lying between East Boston and Chelsea, and known as Chelsea Creek, the lines hereinafter described, which are the same lines reported by the commissioners, authorized by a Resolve of the General Court, passed on the tenth day of May, in the year one thousand eight hundred and forty-eight, "to define, upon a plan or plans, such lines," in said part of said harbor, "as they shall think expedient to establish, beyond which no wharves or other structure shall be extended into and over the tide waters of the Commonwealth," and by them drawn and defined upon certain plans taken by them, and deposited in the library, are hereby established, as the lines beyond which no wharf or pier shall ever hereafter be extended into or over the tide water of said part of said harbor.

Lines in Chelsea Creek, beyond which no wharf to be extended.

SECT. 2. The line on the East Boston side of said creek, commences at a point on the westerly side of East Boston, which point is the northerly terminus of the commissioners' line, heretofore established round East Boston, said point being denoted by the letter A on said plans,—thence running northeasterly from said point, about five hundred and thirty-eight feet, to a point marked B, fixed at the distance of nine hundred and fifty-six feet from the intersection of the easterly line of Meridian Street, and the northerly line of Condor street, measuring, in a right line, northwesterly from said intersection, at an angle of one hundred and forty degrees with the northerly side of said Condor Street; thence again northeasterly, about nine hundred and ninety-six feet, to a point marked C, situate eleven hundred and forty-seven feet from the northerly side of Condor Street, measuring northerly, and at right angles thereto, and from a point one hundred and eighteen feet and nine inches easterly from the intersection of the easterly line of Meridian Street, and northerly line of Condor Street; thence easterly about four hundred and five feet, to a point marked D, situate one thousand and seventy-two feet from the northerly side of Condor Street, measuring northerly, and at right angles thereto, from a point in said side of said street, nineteen hundred and twenty feet westerly from the intersection therewith of the easterly side of Knox Street; thence again easterly, about seven hundred and fifty-three feet, to a point marked E, situate eight

Line on East Boston side.

hundred and forty-two feet from the northerly side of Condor Street, measuring northerly, and at right angles thereto, from a point in said side of said street twelve hundred feet westerly from the intersection therewith of the easterly side of Knox Street; thence again, easterly, about thirteen hundred and fifteen feet, to a point marked F, being the northwesterly corner of the westerly pier of the Glendon Rolling Mill Company's Wharf, said corner being at the distance of eight hundred and sixty feet from the northerly side of Eagle Street, measuring northerly, and at right angles thereto; thence again, easterly, by the face of the two piers of said wharf, about two hundred and seventy-two feet, to the point marked G, being the north-easterly corner of the easterly pier of said wharf; thence again, easterly, about four hundred and sixty feet to a point marked H, situate eight hundred and fourteen feet from the northerly side of Eagle Street, measuring northerly, and at right angles thereto, from a point in said side of said street four hundred and sixty feet westerly, from the intersection therewith of the westerly side of Chelsea Street; thence northeasterly about four hundred and fifteen feet to a point marked I, situate six hundred and eighty-five feet from the westerly side of Chelsea Street, measuring northwesterly, and at right angles thereto, from a point in said side of said street, six hundred and eighty-five feet northerly from the intersection therewith of the northerly side of Eagle Street; thence northeasterly again, about one thousand and fifteen feet, to a point marked K, on the west side of Chelsea Free Bridge, said point being one hundred and fifty-eight feet, northerly, from the face of the south abutment of said bridge.

Line on Chelsea side.

The line on the Chelsea side of said creek commences at a point on the west side of Chelsea Free Bridge, situate two hundred and two feet southerly, from the intersection of the same with the southerly line of Marginal Street, in the town of Chelsea, said point being marked L on the plan; thence running southwesterly about nine hundred and fifty-five feet to a point marked M, situate three hundred and six feet from the south line of Marginal Street, measuring southerly, and at right angles thereto, from a point in said side of said street, fifteen feet easterly from the first bend therein, west of Chelsea Free Bridge, aforesaid; thence again, southwesterly, about three hundred and seventeen feet to a point marked N, situate three hundred and ninety-four feet from the southerly side of Marginal Street, measuring southerly, and at right angles thereto, from a point in said side of said street, sixty feet

westerly from the aforementioned bend therein; thence westerly, about three hundred and eighty-six feet, to a point marked O, situate four hundred and fifty-five feet from the southerly side of Marginal Street, measuring southerly, and at right angles thereto, from a point in said side of said street, four hundred and forty feet westerly from the aforementioned bend therein; thence again, westerly, about two hundred and ten feet, to a point marked P, being the southwesterly corner of the Glendon Rolling Mills Company's Pier on the Chelsea Flats, situate in the division line of the Winnisimmet Company's water lots, numbered 21 and 22, and four hundred and sixty-five feet from the southerly side of Marginal Street, measuring southerly and at right angles thereto; thence again westerly, about thirteen hundred and thirty feet, to a point marked Q, situate in the division line between Austin & Carruth's Wharves, and two hundred and forty-eight feet, from the southerly side of Marginal Street, measuring southerly and at right angles thereto; thence again, westerly, about seven hundred and forty feet, to a point marked R, situate in the line of the southerly side of Hawes' Wharf continued and three hundred feet from the southerly side of Marginal Street, measuring southerly and at right angles thereto; thence again, westerly, about six hundred and thirty-three feet, to a point marked S, situate four hundred and five feet from the southerly side of Marginal Street, measuring southerly, in the line of the easterly side of the Winnisimmet Company's solid wharf; thence southwestwardly about four hundred and eighty-five feet, to a point marked T, being the southeasterly corner of the small pier of the Winnisimmet Company, on the easterly side of their ferry slip; thence again southwestwardly, about sixty feet, to a point marked U, being the southerly extremity of the easterly line of spring piling of the aforesaid ferry slip; thence westerly across the mouth of said slip about one hundred and twelve feet to a point marked V, being the southerly extremity of the westerly line of the spring piling of said ferry slip, and situate two hundred and twenty feet southwestwardly from the intersection of the Winnisimmet Company's existing sea-wall, on the westerly side of the aforesaid ferry slip, with the continuation of the west side of Winnisimmet Street, measuring in the line of said continuation; thence southwestwardly about eight hundred feet to a dolphin driven into the flats and marked W, situate eight hundred feet from the easterly side of Chelsea Toll Bridge, measuring easterly, and at right angles thereto, from a point in said side of said bridge

four hundred and ten feet south of the north abutment of said bridge.

No wharf, &c., beyond said lines.

SECT. 3. No wharf, pier, or structure, of any kind, shall ever hereafter be extended beyond said lines, into or over the tide water in said part of said harbor.

Penalty for offending against this act.

SECT. 4. Every person offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be liable to be prosecuted therefor, by indictment or information, in any court of competent jurisdiction, and, on conviction, shall be punished by a fine not less than one hundred dollars, nor more than one thousand dollars, for every offence; and any erection or obstruction which shall be made contrary to the provisions and intent of this act, shall be liable to be removed and abated as a public nuisance, in the manner by law provided for the removal and abatement of nuisances on the public highways.

Structures abated.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1849.*]

Chap 205. An Act concerning Powers of Attorney authorizing the Conveyance of Real Estate.

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

Such powers of attorney to be acknowledged and registered like deeds.

The provisions of law concerning the acknowledgment and registry of deeds of real estate, shall apply to all letters of attorney which shall be made by virtue whereof any conveyance of real estate shall hereafter be executed; and if the same shall be made by husband and wife, for the purpose of authorizing conveyances of her real estate, (and not merely for the release of dower by the wife,) such letters of attorney shall be acknowledged by both husband and wife before the same shall be recorded. [*Approved by the Governor, May 2, 1849.*]

When of wife's estate her acknowledgment necessary.

Chap 206. An Act in relation to School Districts.

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

Of taxation of lands.

No town shall be districted anew, for school purposes, so as to change the taxation of lands of proprietors, into districts using different schoolhouses, oftener than once in ten years. [*Approved by the Governor, May 2, 1849.*]

An Act relative to State Lunatic Paupers.

Chap 207.

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

Whenever any county of this Commonwealth shall present any claim or claims for the support of any State lunatic pauper, it shall be the duty of said county to present satisfactory evidence to the committee, to which such claim or account may be referred, that said insane person has been supported in a suitable and comfortable manner, and at an expense equal to the amount to be allowed by the Commonwealth, and that no allowance or payment shall be made unless this act shall have been complied with. [*Approved by the Governor, May 2, 1849.*]

Of the evidence to sustain claims of counties for support of lunatic paupers.

An Act in relation to the Pay of Witnesses summoned by the General Court.

Chap 208.

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

SECT. 1. Each person summoned by the General Court, or either branch thereof, and attending as a witness in any case pending before the General Court, shall be entitled to receive, for such attendance, from the treasury of the Commonwealth, the sum of one dollar per day, and if he lives without the city of Boston, four cents per mile for his travel to and from the place of his abode; and for the service of subpoenas, issued by order of the General Court, or either branch thereof, by any sheriff, deputy sheriff, or constable, the same fee shall be allowed and paid as is allowed by law for the service of subpoenas issuing from any of the courts of this Commonwealth.

Witnesses to receive \$1 per day, and travel 4 cents per mile.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1849.*]

Sheriffs, &c., to have the usual fee for service of subpoenas.

An Act concerning School Registers.

Chap 209.

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

SECT. 1. Instead of the school registers, in book form, now transmitted to school committees, the secretary of the Board of Education is hereby required to transmit registers in such form as the said board shall prescribe; and no school teacher shall be entitled to receive payment for his or her services, until the register of his or her school, properly filled up and completed, shall be deposited with the school committee, or with such person as they may designate to receive it.

Board of Education to prescribe form of school registers.

Duty of school teachers in regard to registers.

1845, ch. 157,
repealed.

SECT. 2. The act entitled an act relating to common schools, passed on the eighteenth day of March, in the year one thousand eight hundred and forty-five, is hereby repealed. [*Approved by the Governor, May 2, 1849.*]

Chap 210.

An Act in addition to "An Act to establish the City of Worcester."

1848, ch. 32.

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

Compensation
of justices.

SECT. 1. The standing justice of the police court, for the city of Worcester, shall be entitled to retain to his own use, out of any moneys received by him, in each year, for fees, fines, and penalties, an amount equal to the sum or sums he may be required by law to pay over, in each year, to the special justices of said court, for services rendered by them.

Repeal.

SECT. 2. So much of the act entitled "An Act to establish the city of Worcester," passed the twenty-ninth day of February, in the year eighteen hundred and forty-eight, as is inconsistent with this act, is hereby repealed.

Police justice to
render account
of fees to county
treasurer.

SECT. 3. The justice of said police court shall hereafter exhibit, in the month of October, of each year, to the county treasurer of the county of Worcester, a true and particular account, under oath, of all sums of money by him received in his capacity as justice, other than in civil suits and actions between private parties; and shall, immediately after so exhibiting his said account, pay over to said county treasurer the balance, if any, which may appear to be in the hands of said justice after deducting the sum which by law he is allowed to retain for his own use.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1849.*]

Chap 211.

An Act in relation to Public Health.

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

Powers of city
councils in re-
gard to public
health.

SECT. 1. All the powers vested in, and the duties prescribed to, boards of health of towns, by the general laws, shall be vested in, and prescribed to, city councils of cities, in case no special provision to the contrary is made in such laws themselves, or in the special laws applicable to any particular city.

How these
powers to be
exercised.

SECT. 2. The powers and duties above named may be exercised and carried into effect by city councils, in any manner which they may prescribe, or through the agency of any persons to whom they may delegate the same, not-

withstanding a personal exercise of the same, collectively or individually, is prescribed in the instance of towns, as above referred to. And city councils are hereby authorized to constitute either branch, or any committee of their number, whether joint or separate, the board of health for all, or for particular purposes, within their own cities.

SECT. 3. Whenever any nuisance, source of filth, or cause of sickness, shall be found on private property, within any city, the board of health, or health officer, shall order the owner, or occupant thereof, to remove the same, at his own expense, within twenty-four hours, or such other time, as they shall deem reasonable, after notice served, as provided in the succeeding section; and if the owner, or occupant, shall neglect so to do, he shall forfeit a sum not exceeding twenty dollars, for every day during which he shall knowingly permit such nuisance or cause of sickness to remain, after the time prescribed as aforesaid, for the removal thereof.

Nuisances, &c.,
how to be
removed.

Penalty for
neglecting to
remove nu-
isance.

SECT. 4. The order mentioned in the last section shall be communicated by a written notice, served personally upon the owner or occupant, or their authorized agent, by any person competent to serve a notice in a civil suit; or such notice may be left at the owner, occupant, or agent's last and usual place of abode, if the same be known, and is within the State; and, if the owner or agent's residence is unknown, or without the State, the premises being unoccupied, then such notice may be served by posting up the same on the premises, and by advertising in one or more public newspapers, in such manner, and for such length of time, as the board of health, or health officer, shall deem expedient.

Of the order to
remove nu-
isances.

SECT. 5. If the owner or occupant shall not comply with the order above mentioned, the board of health may cause the said nuisance, source of filth, or cause of sickness, to be removed, and all expenses, incurred thereby, shall be paid by the said owner or occupant, or by such other person as shall have caused or permitted the same, if such owner or occupant, or such other person, shall have had actual notice from the board of health of the existence of said nuisance, source of filth, or cause of sickness.

If order not
complied with,
proceedings.

SECT. 6. All expenses incurred by any town or city in the removal of nuisances, or for the preservation of the public health, and which are recoverable of any private person or corporation, by virtue of any provisions of law, may be sued for and recovered in an action of debt before any court having jurisdiction of the amount claimed.

Expenses of
removing nu-
isances, how
recovered.

SECT. 7. All fines and forfeitures incurred under the

Of fines and
forfeitures.

general laws, or the special laws applicable to any town or city, or the ordinances, by-laws, and regulations of any town or city, relating to health, shall enure to the use of such town or city; and may be recovered by complaint, in the name of the treasurer, before any justice of the peace of the county, or police court of the city, in which the offence may have been committed.

R. S. ch. 21, §§ 10, 11, 46, repealed, and 1816, ch. 44, partly.

SECT. 8. The tenth, eleventh, and forty-sixth sections of the twenty-first chapter of the Revised Statutes, and so much of the act of one thousand eight hundred and sixteen, chapter forty-four, relating to the board of health of the town of Boston, as is inconsistent with the foregoing provisions, are hereby repealed, saving all proceedings and causes of proceeding and forfeitures incurred under and by virtue of such repealed acts. [*Approved by the Governor, May 2, 1849.*]

Chap 212.

An Act to establish the Middleborough and Plympton Railroad Company.

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

Corporators.

SECT. 1. Zechariah Eddy, Oliver Parker, Ebenzer Lobdell, their associates and successors, are hereby made a corporation, by the name of the Middleborough and Plympton Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in that part of the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof, relating to railroad corporations, and in all other general laws which have been, or shall hereafter be passed, relative to railroad corporations.

Powers and duties.

R. S. ch. 39, 44, and other general laws.

Route of railroad.

SECT. 2. Said corporation is hereby authorized and empowered to locate, construct, and maintain a railroad, with one or more tracks, from the depot of the Old Colony Railroad, in the town of Plympton, to some convenient point at or near the depot of the Fall River Railroad, in the town of Middleborough, either on the Cape Cod Branch Railroad or the Fall River Railroad, or to said Fall River Railroad, near to the Mutton Village, in said Middleborough, and to use the same, or any part thereof, according to the provisions of law.

Capital stock.

SECT. 3. The capital stock of said corporation shall not exceed fifteen hundred shares, the number of which shall be determined, from time to time, by the directors of said corporation, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said corporation may purchase and hold such

Real estate.

real estate as may be necessary for the purposes of their incorporation. All shares in the capital stock of said corporation shall be issued for the same value or amount, to be actually paid in on each.

Value of shares.

SECT. 4. If the location of this road be not filed within two years, and if said railroad be not constructed within three years, from the passage of this act, this act shall be void.

Location.

Completion.

SECT. 5. The General Court may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, alter and reduce the rate of tolls or profits upon said road; but said toll or profits shall not be so reduced, without the consent of said corporation, as to produce, with said profits, less than ten per cent. per annum upon the investment of said corporation.

Tolls may be reduced after 4 years.

SECT. 6. The General Court may authorize any corporation to enter, with another railroad, upon, and use the Middleborough and Plympton Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Middleborough and Plympton Railroad Company may prescribe, or as may be determined according to the provisions of law. [*Approved by the Governor, May 2, 1849.*]

Other railroads may be authorized to use this.

An Act concerning the Sale of Real Estate for Taxes.

Chap 213.

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

SECT. 1. No sale of any real estate, for taxes, shall affect the rights of any person not taxable therefor: *provided*, that any mortgagee, upon taking possession of said real estate by force of his mortgage, shall be liable to pay all taxes then due, and the costs and expenses of any sale that shall have taken place.

Who liable on sale of real estate for taxes.

Proviso.

SECT. 2. In all cases of sales of real estate for the payments of taxes, the supreme judicial court shall have full equity powers. [*Approved by the Governor, May 2, 1849.*]

Supreme judicial court, equity.

An Act making a further Appropriation for the Completion and Support of the State Reform School.

Chap 214.

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

SECT. 1. The sum of twenty-five thousand dollars, in addition to all former appropriations, shall be allowed and paid to the trustees of the State Reform School, for the completion and support of said institution; and his excel-

\$25,000.

lency the governor, by and with the advice and consent of the council, is authorized to draw his warrants accordingly.

Scrip may be issued.

SECT. 2. In order to defray any expenses incurred in pursuance of the preceding section, or to repay any sums borrowed, as hereafter authorized, the treasurer is hereby empowered, under the direction of the governor, by and with the advice and consent of the council, to issue scrip, or certificates of debt, in the name and behalf of the Commonwealth, to an amount not exceeding twenty-five thousand dollars, redeemable in eight years from the date thereof, and bearing interest at the rate of five per cent. per annum, payable semi-annually. And all such scrip shall be countersigned by his excellency the governor, and the faith of the Commonwealth is hereby pledged for the redemption of the same, as above provided. And the treasurer may, under the direction of the governor, by and with the advice and consent of the council, dispose of any portion of said scrip at any price not less than the original par value.

Redeemable in 8 years.

Money may be borrowed in anticipation of the issue of scrip.

SECT. 3. The treasurer, under the direction of the governor, by and with the advice and consent of the council, may borrow, in anticipation of the issue of any of the scrip authorized as above, of any of the banks in this Commonwealth, or of any corporations, or individuals, such sums as may be necessary for the purposes of this act: *provided*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall, at no time, exceed the amount of twenty-five thousand dollars.

SECT. 4. This act shall go into operation from and after its passage. [*Approved by the Governor, May 2, 1849.*]

Chap 215. An Act in relation to the Office of the Secretary of the Board of Education.

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

Duties of secretary of Board of Education.

SECT. 1. The secretary of the Board of Education, in addition to the duties imposed on him by law as recording and corresponding secretary of the said board, and as state librarian, shall obtain and diffuse information relating to the public schools of the Commonwealth; suggest to said board and to the General Court improvements in the present system of common schools; visit, as often as his other duties will permit, different parts of the Commonwealth for the purpose of arousing and guiding public sentiment in relation to the practical interests of education; collect in his office such school-books, apparatus, maps, and charts, as can be obtained without expense to the Commonwealth, and also to purchase, at an expense not exceeding fifty

dollars a year, rare and valuable works on education for the use of the said board, and for the benefit of teachers, authors, and others, who wish to consult them; receive and arrange, in his office, the reports, returns, and registers, of the common schools now and hereafter in the office of the secretary of the Commonwealth, and receive, preserve, or distribute the state documents in relation to the common school system.

SECT. 2. The secretary of the Board of Education shall receive an annual salary of sixteen hundred dollars, to be paid in quarterly payments out of the treasury of the Commonwealth. Salary.

SECT. 3. All necessary travelling expenses, incurred by the secretary of the Board of Education in the performance of his official duties, after being approved by the said board, shall be paid out of the treasury of the Commonwealth; and all postages and other necessary expenses, arising in the office of the said secretary, shall be paid in the same manner as those of the other departments of the government. Other expenses. [Approved by the Governor, May 2, 1849.]

An Act relating to Agents and Factors.

Chap 216.

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

SECT. 1. Whenever any person entrusted with merchandise, and having authority to sell or consign the same, shall ship, or otherwise transmit or deliver the same to any other person, such other person shall have a lien thereon :— Lien of 2d consignees, &c.

First.—For any money or merchandise advanced, or negotiable security given by him, on the faith of such consignment, to or for the use of the person in whose name such consignment or delivery was made :—

Second.—For any money, or negotiable security, or merchandise, received for the use of such consignee, by the person in whose name such consignment or delivery was made.

SECT. 2. Such lien shall not exist for any of the purposes aforesaid, if such consignee shall not have probable cause to believe, at the time of such advance or receipt, that the person, in whose name such merchandise was shipped, transmitted, or delivered, was the actual owner thereof, or had a legal interest in said property, equal to the amount of said lien. Condition of such lien.

SECT. 3. Whenever any consignee or factor, having possession of merchandise with authority to sell the same, or having possession of any bill of lading, permit, certifi- Lien of persons with whom consignees deposit or pledge property on advances.

cate, or order, for the delivery of merchandise, with the like authority, shall deposit or pledge such merchandise, or any part thereof, or such document, with any other person, as a security for any money or merchandise advanced, or negotiable instrument given by him, in good faith, upon the credit thereof, such other person shall acquire, by virtue of such contract, the same interest in, and authority over, the said merchandise and documents, as he would have acquired thereby, if such consignee or factor had been the actual owner thereof; notwithstanding the person making such advances upon the faith of such deposit or pledge, may have had notice that the person with whom he made such contract was only an agent: *provided, however*, that this act shall give validity only to such contracts, and shall protect only such loans, advances, and exchanges, as shall be made in good faith, and with probable cause to believe that the agent making such contracts had authority so to do, and was not acting fraudulently therein, against the owner of such merchandise.

Proviso.

When deposit
or pledge is for
antecedent
debt.

SECT. 4. If any person shall accept such merchandise or document from any such consignee or factor, in deposit or pledge for any antecedent debt due from such consignee or factor, such person shall thereby acquire no other or further right or interest in, or authority over, or lien upon, such merchandise or documents, than such consignee or factor might himself have enforced against the actual owner of the same.

Restrictions
and limitations
of this act.

SECT. 5. Nothing in this act contained shall be construed or taken:—

First.—To affect the lien of any consignee or factor, at law, for the expenses and charges attending the shipment, transportation and care of any merchandise entrusted to him:

Second.—Nor to prevent the actual owner from recovering such merchandise from such consignee or factor, previous to the pledge thereof, as aforesaid, or from his assignees in case of his insolvency:

Third.—Nor to prevent such owner from recovering any merchandise or document, so as aforesaid deposited or pledged, upon tender of the money, and restoration of the negotiable security or property so advanced to such consignee or factor; and upon tender of such further sum of money, and restoration of such negotiable instrument or property as may have been advanced or given by such consignee or factor, to such owner; or upon tender of a sum of money equal to the amount or value thereof:

Fourth.—Nor to prevent such owner from recovering,

from the person with whom such merchandise may have been so deposited or pledged, any balance of money remaining in his hands as the proceeds of the sales thereof, after deducting the amount of the moneys so advanced thereon, or the amount of the negotiable security so given, as an advancement as aforesaid.

SECT. 6. If any consignee or factor shall deposit or pledge any merchandise, or document, as aforesaid, consigned or entrusted to him as a security for any money borrowed, or negotiable instrument received by him, and shall dispose of, or apply the same, to his own use, in violation of good faith, and with intent to defraud the owner of such merchandise; or if any consignee or factor shall, with the like fraudulent intent, apply or dispose of, to his own use, any money or negotiable instrument, raised or acquired by the sale or other disposition of such merchandise, such consignee or factor shall, in every such case, be deemed and adjudged guilty of a misdemeanor, and shall be punished therefor by a fine not exceeding five thousand dollars, and by imprisonment for a term not exceeding five years. [*Approved by the Governor, May 2, 1849.*]

Penalty if consignees deposit or pledge property fraudulently, &c.

An Act in relation to the Renewal of Bank Charters.

Chap 217.

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

SECT. 1. The several corporations hereinafter named, which, by their respective charters, have been heretofore incorporated and established at the several places named herein, be, and the same are hereby, continued corporations, for the purposes of banking, until the first day of January, which shall be in the year one thousand eight hundred and seventy; notwithstanding any limitation in their respective charters of incorporation to the contrary, viz:—The president, directors, and company of the Boston Bank, in Boston; the president, directors, and company of the City Bank, in Boston; the president, directors, and company of the Eagle Bank, in Boston; the president, directors, and company of the Freeman's Bank, in Boston; the president, directors, and company of the Granite Bank, in Boston; the president, directors, and company of the Mechanics Bank, in Boston; the president, directors, and company of the New England Bank, in Boston; the president, directors, and company of the Shawmut Bank, in Boston; the president, directors, and company of the State Bank, in Boston; the president, directors, and company of the Danvers Bank, in Danvers; the president, directors,

Banking corporations continued till January 1st, 1870.

and company of the Warren Bank, in Danvers; the president, directors, and company of the Gloucester Bank, in Gloucester; the president, directors, and company of the Lynn Mechanics Bank, in Lynn; the president, directors, and company of the Marblehead Bank, in Marblehead; the president, directors, and company of the Asiatic Bank, in Salem; the president, directors, and company of the Exchange Bank, in Salem; the president, directors, and company of the Salem Bank, in Salem; the president, directors, and company of the Appleton Bank, in Lowell; the president, directors, and company of the Railroad Bank, in Lowell; the president, directors, and company of the Newton Bank, in Newton; the president, directors, and company of the Fitchburg Bank, in Fitchburg; the president, directors, and company of the Leicester Bank, in Leicester; the president, directors, and company of the Blackstone Bank, in Uxbridge; the president, directors, and company of the Citizens Bank, in Worcester; the president, directors, and company of the Northampton Bank, in Northampton; the president, directors, and company of the Greenfield Bank, in Greenfield; the president, directors, and company of the Agawam Bank, in Springfield; the president, directors, and company of the Lee Bank, in Lee; the president, directors, and company of the Dedham Bank, in Dedham; the president, directors, and company of the Quincy Stone Bank, in Quincy; the president, directors, and company of the Wrentham Bank, in Wrentham; the president, directors, and company of the Fairhaven Bank, in Fairhaven; the president, directors, and company of the Massasoit Bank, in Fall River; the president, directors, and company of the Marine Bank, in New Bedford; the president, directors, and company of the Merchants Bank, in New Bedford; the president, directors, and company of the Bristol County Bank, in Taunton; the president, directors, and company of the Taunton Bank, in Taunton; the president, directors, and company of the Old Colony Bank, in Plymouth; the president, directors, and company of the Wareham Bank, in Wareham; the president, directors, and company of the Barnstable Bank, in Yarmouth; and the said corporations, respectively, shall be entitled to all the powers and privileges, and shall be subject to all the duties, liabilities, requirements, and restrictions, contained in such acts as are now in force, and to such other acts as may hereafter be passed, by the General Court, in relation to banks and banking.

Powers and duties.

Banking corporations continued till 1st of January, 1875.

SECT. 2. The several corporations hereinafter named, which, by their respective charters, have been heretofore

incorporated and established at the several places named herein, be, and the same are, hereby continued corporations, for the purposes of banking, until the first day of January, which shall be in the year one thousand eight hundred and seventy-five; notwithstanding any limitation in their respective charters of incorporation to the contrary, viz:—The president, directors, and company of the Boylston Bank, in Boston; the president, directors, and company of the Columbian Bank, in Boston; the president, directors, and company of the Exchange Bank, in Boston; the president, directors, and company of the Globe Bank, in Boston; the president, directors, and company of the Grocers Bank, in Boston; the president, directors, and company of the Hamilton Bank, in Boston; the president, directors, and company of the Merchants Bank, in Boston; the president, directors, and company of the North Bank, in Boston; the president, directors, and company of the Shoe and Leather Dealers Bank, in Boston; the president, directors, and company of the Tremont Bank, in Boston; the president, directors, and company of the Washington Bank, in Boston; the president, directors, and company of the Village Bank, in Danvers; the president, directors, and company of the Haverhill Bank, in Haverhill; the president, directors, and company of the Bay State Bank, in Lawrence; the president, directors, and company of the Grand Bank, in Marblehead; the president, directors, and company of the Commercial Bank, in Salem; the president, directors, and company of the Mercantile Bank, in Salem; the president, directors, and company of the Naumkeag Bank, in Salem; the president, directors, and company of the Cambridge Bank, in Cambridge; the president, directors, and company of the Bunker Hill Bank, in Charlestown; the president, directors, and company of the Framingham Bank, in Framingham; the president, directors, and company of the Lowell Bank, in Lowell; the president, directors, and company of the Waltham Bank, in Waltham; the president, directors, and company of the Lancaster Bank, in Lancaster; the president, directors, and company of the Central Bank, in Worcester; the president, directors, and company of the Holyoke Bank, in Northampton; the president, directors, and company of the Hampshire Manufacturers Bank, in Ware; the president, directors, and company of the Springfield Bank, in Springfield; the president, directors, and company of the Chicopee Bank, in Springfield; the president, directors, and company of the Agricultural Bank, in Pittsfield; the president, directors, and company of the People's Bank, in Roxbury; the president, directors,

and company of the Neponset Bank, in Canton; the president, directors, and company of the Union Bank of Weymouth and Braintree, in Weymouth; the president, directors, and company of the Fall River Bank, in Fall River; the president, directors, and company of the Bedford Commercial Bank, in New Bedford; the president, directors, and company of the Mechanics Bank, in New Bedford; the president, directors, and company of the Hingham Bank, in Hingham; the president, directors, and company of the Plymouth Bank, in Plymouth; the president, directors, and company of the Falmouth Bank, in Falmouth; the president, directors, and company of the Pacific Bank, in Nantucket; and the said corporations, respectively, shall be entitled to all the powers and privileges, and shall be subject to all the duties, liabilities, requirements, and restrictions, contained in such acts as are now in force, and to such acts as may hereafter be passed, by the General Court, in relation to banks and banking.

Powers and duties.

In case of remonstrance by stockholders against the continuance of a banking corporation, proceedings.

SECT. 3. If there be, on the part of the stockholders, or any of them, any remonstrance against the continuance of any of the said corporations, the said remonstrance shall be made in writing, to the several cashiers of such banks, on or before the first day of January, in the year one thousand eight hundred and fifty; and no one of the said corporations, whereof persons so objecting legally represent one fourth part of the capital stock, shall be entitled to the benefit of this act.

Three commissioners to be appointed by governor and council, to examine all the banks.

SECT. 4. There shall be appointed by the governor, with the advice of council, three commissioners, who shall exercise the powers, and perform the duties hereinafter specified, until the fifteenth day of January, in the year one thousand eight hundred and fifty-one: *provided*, that the governor, with the advice of the council, may, at any time, remove from office one or all of said commissioners, and fill all vacancies. And said commissioners, or any two of them, shall visit each and every bank in this Commonwealth, whose charter is, by present limitation, to expire in the year one thousand eight hundred and fifty-one, and shall have free access to their vaults, books, and papers; and shall thoroughly inspect, and examine, all the affairs of said corporations; and make any and all such inquiries as may be considered necessary, to ascertain their condition and ability to fulfil all the engagements made by them; and whether they have complied with the requisitions of the statutes, in regard to banks and banking. And said commissioners may summon and examine, under oath, all the officers of said banks, and such other persons as may be

thought proper, in relation to the conduct and affairs of said banks.

SECT. 5. Before they shall enter on the duties of their office, the said commissioners shall formally make oath before some justice of a court of record, or before any two justices of the peace of this Commonwealth, that they will, faithfully and impartially, discharge and perform all the duties incumbent upon them, in their said office.

To be under oath.

SECT. 6. It shall be the duty of said commissioners to make a careful examination of the general laws of this Commonwealth, relating to banks and banking, and of the operation of the same, in providing a currency best adapted to the wants and interests of the people; and, within ten days from the commencement of the next session of the General Court, to report the result of their investigations, and whether any and what alterations may be made in said laws, which shall be mutually advantageous to the banking institutions and the community.

To report to next Legislature on the laws concerning banks, and their operation.

SECT. 7. Said commissioners, in the month of January, in the year one thousand eight hundred and fifty-one, shall make a report to the Legislature, within ten days from the commencement of the session thereof, of the general conduct and condition of the corporations visited by them; and if the said commissioners shall be of opinion that any one of said banks is insolvent, or that its condition is such as to render its farther progress hazardous to the public, or that such bank has so far exceeded its powers, or has so far failed to comply with the rules, restrictions, and conditions of the statutes, in relation to banks and banking, that it should not be continued a corporation beyond the time now limited by law; and if the said commissioners shall file a certificate thereof, in the office of the secretary of the Commonwealth, on or before the fifteenth day of January, in the year one thousand eight hundred and fifty-one, then such bank shall not be entitled to the benefits of this act.

Report to the Legislature, what and when.

Banks not to be entitled to the benefits of this act,—on what certificate of commissioners.

SECT. 8. Each of said commissioners shall receive, as a compensation for his services, five dollars, for each and every day employed by him, and at the rate of one dollar for every ten miles actually travelled by him, in the performance of the duties prescribed by this act; and the governor is hereby authorized to draw his warrants on the treasury therefor. [*Approved by the Governor, May 2, 1849.*]

Compensation.

Chap 218.

An Act concerning the Militia.

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

Duties and compensation of volunteer companies.

SECT. 1. In lieu of the duty heretofore prescribed by law, to the volunteer companies of militia of this Commonwealth, and in lieu of the compensation heretofore allowed by law for said duty—the duty prescribed, and the compensation allowed therefor, shall be as follows, to wit :

On the last Wednesday of May, in each year, at two o'clock of the afternoon, each and every company of the volunteer militia of this Commonwealth shall be paraded for inspection and discipline, by order of the commanding officer thereof.

It shall be the duty of every such commanding officer, at said parade, thoroughly to inspect the arms, uniforms, and equipments of every description, belonging to his company, and to every member thereof, or contained in the armory, or other place of deposit of the company—to enforce the regulations and penalties by law provided for any neglect or deficiencies, and to cause the same to be remedied without delay, in such manner as to ensure the perfect order and efficiency of the company, and its arms, and equipments, of every description.

And further, thoroughly to drill and exercise his company in the manual and manœuvres, and all other particulars of military discipline, according to the system of tactics prescribed by the commander in chief, and by the laws of the State, and the United States.

And further, to make return of the condition of his command, in manner and form, as is hereinafter provided.

Camp duty.

SECT. 2. And further, to perform two days' duty in camp, annually, as follows, to wit :—

It shall be the duty of every commanding officer of brigade, to issue his orders for an encampment of his brigade, for the space of two successive days, at such time and place as he shall designate ; between the middle of July and middle of October, in each year, under his own command, at least thirty days before the time appointed for said encampment. Or, if he shall deem it more suitable and convenient, to issue his orders to the commanding officers of the regiments composing his brigade, to order out their respective regiments, separately, for the purpose aforesaid, at such time and place as the said commanding officer of the brigade shall appoint, or, in case the said commanding officer of the brigade shall not see fit to specify the time or place, then at such time and place as the command-

ing officers of the respective regiments shall see fit to appoint; said regimental orders to be issued at least twenty days before the time appointed for such encampment: *pro-* *Proviso.*
vided, that regard shall be had to the limitation aforesaid, from the middle of July to the middle of October, and also to the greatest convenience and proximity of the troops to be assembled, and to all other considerations of suitability for the purpose aforesaid.

Provided, also, that it shall be competent to the commander in chief, if he shall think fit to issue his orders, specifying the time, and place, and manner of assembling the brigades or regiments as aforesaid. *Proviso.*

Provided, also, that the troops shall not be ordered upon said duty, upon the day of any election, or the day before or subsequent to any day of election, appointed within the limits of the brigades or regiments to be ordered upon said duty, except on the last Wednesday of May, abovementioned, or in case of riot, or invasion, or insurrection, actual or threatened, or by order of the commander in chief. *Proviso.*

SECT. 3. The adjutant general, in capacity of inspector general, shall be authorized—unless the commander in chief shall choose to discharge the duty in person—to assume the superintendence and command of the troops in the encampment aforesaid, when he may think it necessary and proper, and, when on such duty, he shall be considered as representing the person of the commander in chief, and be, in all particulars, respected and obeyed accordingly. And the adjutant general shall be further authorized to employ, on such occasions, any officer he may think proper, from among the officers of the militia, or otherwise—to act under his orders, as an inspecting, and drill staff-officer, who shall be respected and obeyed, according to such orders as the adjutant general may issue; and who shall be paid for his services by the adjutant general, at a rate not exceeding five dollars per day, and his necessary expenses, while in the performance of said duty. Duty of adjutant general as to camp service.

General, field and staff officers, company officers, and privates and musicians, may, by permission of the officer in chief command, and of their own immediate superiors, drill and manœuvre in camp, in undress uniform or fatigue dress; and officers, usually mounted, may discharge the same duties on foot, by consent of the officer in chief command, as aforesaid.

The regular officers of the line and staff, attached to the troops on such duty, shall retain and exercise their proper rank and command, and discharge their respective functions, such as they are entitled and bound to possess, exer-

cise and discharge, when acting under the command of a superior officer of the line.

Regimental
bands.

Proviso.

SECT. 4. The commanding officer of each regiment, when encamped upon said duty, shall order on duty his regimental band, for the time the troops are to remain in camp: *provided*, that, when the troops are encamped by brigade, the brigadier general shall issue his orders for a distribution of the duty as equally as possible among the bands attached to the various regiments in the brigade, in such manner that one band, and no more, may be on duty each day.

Companies,
how exercised
in camp.

SECT. 5. The troops so encamped shall be carefully and thoroughly exercised, partly under command of the company officers, and partly in battalions or brigades, in the whole routine of camp and field duty, according to the tactics prescribed from time to time, as shall be ordered by the officer in chief command.

Companies to be
distinguished,
in what man-
ner.

Upon the last day of said duty in camp, the troops shall be inspected, reviewed, and manœuvred in company and battalion, by the commanders of brigades, if in regiments, and by the major general, if in brigades, in presence of such general and other officers as may be present; and all the officers present, above the rank of company officers, shall, by vote among themselves, decide upon two companies in every regiment, or one in every battalion, who shall have shown, in their judgment, the most thorough and perfect discipline, according to the tactics prescribed for the militia.

The company or companies so designated, by vote, as aforesaid, shall be honorably mentioned and declared by the officer in command, at the evening parade, on the last day of camp duty.

Cavalry.

SECT. 6. Companies of cavalry, or of any other description, annexed to regiments or battalions, shall do the camp duty above described, with the corps to which they are annexed; and companies not annexed to any regiment or battalion, may be, with their own consent, permanently annexed to the most convenient regiment or battalion, or temporarily annexed to any brigade, regiment, or battalion, either as a component part of such corps or battalion, for the time being, or as a separate battalion, at the option of the commanding officer of the larger body, and under his command. Their rank and position, in such case, to be determined by the ordinary military rules applicable to the case.

But if such companies, not embodied in any regiment, shall choose to do said camp duty separately, they shall receive orders therefor from the proper officer, and do said

duty under the orders of their own commander, subject, as above provided in the case of other troops, to the supervision of the adjutant general.

COMPENSATION.

SECT. 7. That each and every officer and member of the volunteer companies shall receive compensation for the military duty performed by them, according to the foregoing provisions, as follows, viz:—

For the May inspection, the sum of one dollar and fifty cents, and, for each day's duty in camp, the sum of two dollars and fifty cents per day; the said sums to be computed upon the pay roll of each company, to be made out and certified by the commanding officers of companies, as is now by law provided, and to be returned to the adjutant general's office, within ten days after the last day's duty, and by him examined and certified, and returned to the mayor and aldermen, or selectmen of the several towns and cities, who shall, upon receipt thereof, pay over to the persons named therein the sums specified. And the pay rolls shall be returned by the mayor and aldermen, or selectmen of the towns and cities, to the adjutant general's office, on or before the thirty-first day of December, annually, to be by him presented, for allowance, to the governor, as now by law provided, for the reimbursement of the same, from the State treasury.

And each and every field officer and general officer, of line or staff, shall receive, for each day's duty in camp, and each officer on the staff of regiments, three dollars per day for said duty, according to the returns of the inspecting officers of said encampments, as hereinafter provided, and to be paid them from the State treasury, in manner and form as is now provided for the payment for duty at the fall inspection and review, upon the warrant of the governor and council, and according to a pay roll to be made up in the office of the adjutant general.

The members of the regimental or battalion bands shall be paid at and after the rate of three dollars per day, while on duty, in manner and form, as is provided for officers and members of companies, according to pay roll, to be made up by the master thereof, as by law provided.

SECT. 8. All members of the active volunteer militia shall be entitled to exemption from duty as jurymen, in all cases, by pleading and proving the fact by their own oath, in court, or by leaving a certificate of the fact, duly certified by the commanding officer of the company, or any general or field officer of line, or staff, with the authorities

Exemption from
duty as jurors.

of the town or city in which they reside, who may be entrusted with the drawing of jurymen; and said authorities shall, upon receipt of such certificate, exclude the names of such active members from the jury box.

RETURNS.

By commanders of companies.

SECT. 9. It shall be the duty of every commanding officer of a company, within ten days after the inspection in May, to make out correct duplicate returns of the company under his command, one of which he shall transmit to the commanding officer of his regiment, and the other to the office of the adjutant general.

And further, at the conclusion of each tour of camp duty, to make out correct duplicate returns of the company under his command, for each day of encampment, one of which he shall deliver to the brigade major, or other inspecting officer on duty in the camp, and the other he shall transmit, within ten days after said tour of camp duty, to the office of the adjutant general.

And further, within ten days after said tour of camp duty, to make out a correct pay roll of his company, showing the duty done throughout the year by each member thereof, and transmit the same to the office of the adjutant general.

Penalty for neglect.

And, for the omission or neglect of any of the returns above, every commanding officer of a company shall be liable to a fine of twenty-five dollars for each offence, and, for making a false return in any case, every such officer shall be liable to a penalty of one hundred dollars, to be prosecuted for and recovered by any officer, to whom the returns should be made, in any court of record of the Commonwealth, to the use of the Commonwealth.

By commanders of regiments or battalions.

SECT. 10. It shall be the duty of every commanding officer of a regiment or battalion, within twenty days after the May inspection, to make out, from the company returns and the roster, a correct return of his regiment or battalion, and transmit the same to the commanding officer of his brigade, (or brigade major.)

And further, on the last day of each tour of camp duty, to make out a correct duplicate roll of the field and staff officers of his command on duty, for each day, specifying the names and amount of duty done by each officer, and deliver one of the same to the brigade major, or the inspecting officer of the camp, and transmit the other, within ten days thereafter, to the office of the adjutant general.

Penalty for neglect.

And every such officer, for neglect or omission of said returns, shall forfeit, for each offence, the sum of fifty dol-

lars; and, for false return in any such case, the sum of two hundred dollars, to be prosecuted for and recovered by any officer, to whom the returns should be made, in any court of record of the Commonwealth, to the use of the Commonwealth.

SECT. 11. It shall be the duty of every commanding officer of a brigade, on or before the first day of July, to make out a correct return of his brigade, and transmit the same to the commanding officer of the division.

By commanders of brigades.

And it shall be the duty of each brigade major, within twenty days after each tour of camp duty, done by his brigade, or the regiments or battalions thereof, to make out a correct duplicate return of the brigade, and transmit one to the commanding officer of the brigade, and the other to the office of the adjutant general.

By brigade majors.

And further, to make out, at the same time, a correct duplicate roll of the field, general, and staff officers belonging to the brigade; their name, rank and duty done by them, in manner and form, as is now provided in relation to returns of such officers at Fall inspection and review, and to transmit the same, one to the commanding officer of the division, and one to the office of the adjutant general.

And every major of brigade shall forfeit, for neglect or omission of either of said returns, the sum of seventy-five dollars, and, for false return, in any such case, the sum of three hundred dollars, to be prosecuted for and recovered by any officer, to whom the returns should be made, in any court of record of the Commonwealth, to the use of the Commonwealth.

Penalty for neglect.

SECT. 12. It shall be the duty of every commanding officer of division, to make a correct return of the state of his division, and transmit the same to the adjutant general, on or before the first day of August, in each year.

By commanders of divisions.

And further, on or before the first day of November, in each year, to make out a correct roll of the general, field, and staff officers in his division; their name, rank and duty done by them, in manner and form as is now provided, in relation to returns of such officers at fall inspection and review, and transmit the same to the office of the adjutant general. And every such officer shall forfeit, for neglect or omission of either of said returns, the sum of one hundred dollars; and, for false returns, in any such case, the sum of five hundred dollars, to be prosecuted for and recovered by the officer to whom the returns should be made, in any court of record of the Commonwealth, to the use of the Commonwealth.

Forfeitures for neglect or omission.

SECT. 13. All regiments and companies of artillery shall

Artillery companies, batteries, &c.

henceforth be equipped and drilled as infantry, in time of peace. But they shall be allowed to retain their cannon and apparatus thereto belonging, if they shall so elect, keeping the same in good repair and order, at their own charge, under such regulations and conditions as the quarter master general may think necessary for their safe keeping, and subject to his supervision and order, if he shall, at any time, think proper to require the return of the same. The commissioned officers of the companies, being responsible to the Commonwealth, as heretofore, for the observance of said conditions, and for the proper care of the State property. Or the cannon and apparatus, and other artillery equipments thereto belonging, may be returned to the quarter master general, and the regiments or companies be converted into light infantry, at their option, with the consent of the commander in chief.

At all encampments, as above provided, whether by regiment or brigade, the commanding officer of the troops to be assembled, shall designate, in his orders, a battery of two or four guns, at his option, having regard to proximity and convenience, to be stationed in the encampment, and to be manœuvred by such detachments or companies as may be detailed for that duty. Powder, horses, and other expenses attending said duty, to be paid for by the quarter master general, on all occasions when a battery may be ordered out by an officer of competent authority for camp or salute duty. Allowances of powder and ball for company practice to be hereafter discontinued, except when a state of war, or danger thereof, may render target practice expedient, in the opinion of the commander in chief. And such battalions and companies of artillery, when not detailed for duty as artillerists, shall be incorporated and drilled with the light infantry regiments, and do duty on the same footing with them, retaining, however, their relative rank and precedence as artillery. [*Approved by the Governor, May 2, 1849.*]

Chap. 219 An Act in addition to an Act entitled "An Act to prevent the Seining of Fish in the Harbors of New Bedford and Fairhaven."

Ante, ch. 128.

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

Restriction of original act, *ante*, ch. 128.

Nothing contained in the act, entitled "An Act to prevent the seining of fish in the harbors of New Bedford and Fairhaven," passed the twentieth day of April, in the year one thousand eight hundred and forty-nine, shall be construed to apply to the herring fisheries in Acushnet River,

from Island Marsh so called, in said river, northwardly, to the head waters thereof. [*Approved by the Governor, May 2, 1849.*]

An Act concerning the Employment of Children in Manufacturing Establishments.

Chap 220.

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

1836, ch. 245.

SECT. 1. The meaning of the first section of the act passed on the sixteenth day of April, in the year one thousand eight hundred and thirty-six, entitled "An Act to provide for the better instruction of youth employed in manufacturing establishments," is hereby declared to be, that no child under the age of fifteen years shall be employed in any manufacturing establishment, unless such child shall have attended some public or private day school, where instruction is given by a teacher qualified according to the first section of the twenty-third chapter of the Revised Statutes, at least one term of eleven weeks of the twelve months next preceding the time of such employment, and for the same period during any and every twelve months in which such child shall be so employed; but the provisions of this act, and of the act above named, shall not apply to any child who shall have removed into this Commonwealth, from any other state or country, until such child shall have resided six months within this Commonwealth.

Meaning of 1st sec. of ch. 245, 1836.

Proviso, as to children removed into this State.

SECT. 2. The second section of the act passed on the third day of March, in the year one thousand eight hundred and forty-two, entitled "An Act concerning the employment of children in manufacturing establishments," and the second section of the act passed April sixteenth, eighteen hundred and thirty-six, entitled "An Act to provide for the better instruction of youth employed in manufacturing establishments," are hereby repealed.

1842, ch. 60, § 2, and 1836, ch. 245, § 2, repealed.

SECT. 3. The owner, agent, or superintendent of any manufacturing establishment, who shall employ any child in such establishment, contrary to the provision of this act, shall forfeit a sum not exceeding fifty dollars for each offence, to be recovered by indictment, to the use of common schools in the towns respectively, where said establishment may be situated. [*Approved by the Governor, May 2, 1849.*]

Penalty for employing children in manufactories, contrary to the provisions of this act.

Chap 221.

An Act to incorporate the South Lee Manufacturing Company.

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

Corporators.

SECT. 1. Charles M. Owen, Thomas Hurlburt, Edward H. Owen, their associates and successors, are hereby made a corporation, by the name of the South Lee Manufacturing

To manufacture paper, iron, &c.

Company, for the purpose of manufacturing paper, iron, and lumber, in the town of Lec, county of Berkshire; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers and duties.
R. S. ch. 38, 44.

Real estate.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate, not exceeding in amount one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars; *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Capital stock.

Proviso, as to value of shares.

Chap 222.

An Act in relation to Railroad Crossings.

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

Of applications in Boston, as to railroads crossing other roads, &c.

SECT. 1. The application now required by the eightieth section of the thirty-ninth chapter of the Revised Statutes, to be made by selectmen to county commissioners, in the matter of a crossing, by a railroad, of any turnpike, highway, or townway, may, when said crossing is within the limits of the city of Boston, be made by any two inhabitants of said city, to the mayor and aldermen thereof, and such inhabitants shall be liable for costs when the railroad corporation shall be the prevailing party, and, before the hearing of the application, shall give bonds, with sufficient surety, for the payment of such costs, if the mayor and aldermen shall so adjudge.

Extent of these and similar provisions.

SECT. 2. The foregoing provisions, and the provisions of the seventy-ninth, eightieth, and eighty-first sections of the thirty-ninth chapter of the Revised Statutes, are hereby declared applicable to all crossings by railroads of any highway, turnpike, townway, or travelled place, upon the same level therewith, which now does or may hereafter exist; *provided*, that whenever it shall be adjudged that a railroad corporation shall provide security against a travelled place, not laid out and adjudged to be a townway or highway, the said corporation shall provide a gate for the same or bars, as the county commissioners shall order.

Proviso.

SECT. 3. The county commissioners may direct gates to be built across the turnpike, highway, or townway, when the same crosses such railroad, instead of across said railroad.

Power of county commissioners, as to gates.

SECT. 4. The original jurisdiction of all questions touching obstructions to turnpikes, highways, or townways, caused by the construction or operation of railroads, shall be vested in the county commissioners of the respective counties wherein such obstructions shall occur.

Jurisdiction of questions as to obstructions by railroads.

SECT. 5. The supreme judicial court shall have jurisdiction in equity, and may compel railroad corporations to raise or lower any turnpike, highway or townway, when the county commissioners have decided, or may decide, in due and legal form, that such raising or lowering of any such way is necessary for the security of the public, and to compel railroad corporations to comply with the orders, decrees, and judgments of county commissioners, in all cases touching obstructions, by railroads, in any of said ways. [Approved by the Governor, May 2, 1849.]

S. J. Court in equity, to enforce decisions of county commissioners.

AN ACT to establish the Waltham and Watertown Branch Railroad.

Chap 223.

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

SECT. 1. Seth Bemis, Josiah Beard, Isaac Parker, their associates and successors, are hereby made a corporation, by the name of the Waltham and Watertown Branch Railroad Company; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and subject to all other general laws which have been, or which shall be, hereafter passed, relative to railroad corporations.

Corporators.

Powers and duties. R. S. ch. 44, 39, and other general laws.

SECT. 2. Said company is hereby empowered to locate, construct, and maintain, with one or more tracks, a branch railroad, commencing at a point on the main railroad of the Fitchburg Railroad Company, in Waltham, at or near the Upper Factory depot, and thence running easterly along the north side of Charles River, to enter upon and unite with the Waltham and Newton Branch Railroad, at a convenient point near the Waltham Lower Factory.

Route of railroad.

SECT. 3. In case the Waltham and Newton Branch Railroad shall not be located within the time limited by the act passed at the present session of the General Court, granting an extension of the time of such location, or in case of the surrender and transfer, by the corporators of

In what case the route may be further extended.

said railroad, of all right to so much of said railroad as lies between the Waltham Lower Factory and the westerly termination of the Watertown branch of the Fitchburg Railroad, as provided in the following section, said Waltham and Watertown Branch Railroad Company is hereby empowered to locate, construct, and maintain their railroad, as granted in the preceding section, farther easterly from the termination therein named, at or near the Waltham Lower Factory, to a convenient point on the Watertown Branch Railroad, at or near Bemis' Factory, there to enter upon and unite with said Watertown Branch Railroad.

Waltham and Newton Branch Railroad Company may surrender to this company.

SECT. 4. The Waltham and Newton Branch Railroad Company is hereby authorized to transfer and surrender, to the Waltham and Watertown Branch Railroad Company, by a formal vote of a majority of the corporators present at a meeting specially called for that purpose, so much of their railroad, or the right to locate, construct, and maintain, so much of the same as lies easterly of the Waltham Lower Factory, and between said factory and the westerly termination of the Watertown Branch Railroad; and said Waltham and Watertown Branch Railroad Company is hereby authorized to accept such transfer and surrender, and to locate, construct, and maintain, their railroad, through the extent named, with all the powers and privileges, and subject to all the duties and liabilities, hereinbefore mentioned.

This company may connect with Fitchburg R. R., &c.

SECT. 5. The Waltham and Watertown Branch Railroad Company is hereby authorized to enter upon and unite their railroad, by proper turnouts and switches, with the main road of the Fitchburg Railroad Company, and also with the Waltham and Newton Branch Railroad; or, in case the branch railroad, last named, shall not be located and constructed as aforesaid, or, in case of a transfer and surrender, as provided in the preceding section, then with the Watertown Branch Railroad; and to use said main railroad, and one or both of said branches, or any part thereof, agreeably to the provisions of law.

Capital stock.

SECT. 6. The capital stock of the company hereby established shall consist of not more than one thousand shares, the number of which shall, from time to time, be determined by the directors of said company; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation. All the shares in the capital stock of said corporation shall be issued for the

Estate, real and personal.

Value of shares.

same value or amount, to be actually paid in on each ; and if said branch railroad shall be built by the Fitchburg Railroad Company, as hereby provided, then no shares shall be issued for a less amount, to be actually paid in on each, than the par value of the shares in the present capital stock of the Fitchburg Railroad Company.

SECT. 7. If the location of the railroad, herein granted, shall not be filed within two years, and if the railroad shall not be constructed within three years from the passage of this act, this act shall be void.

Location.
Completion.

SECT. 8. The General Court may authorize any company to enter, with another railroad, upon, and to use said Waltham and Watertown Branch Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Waltham and Watertown Branch Railroad Company may prescribe, or as may be determined according to the provisions of law.

Other companies may be authorized to use this road.

SECT. 9. The General Court may, from time to time, after the expiration of five years from the time when said Waltham and Watertown Branch Railroad shall be opened for use, alter and reduce the rate of toll or profits upon said road ; but said toll shall not be so reduced, without the consent of said company, as to yield, with said profits, to the stockholders thereof, less than ten per cent. per annum, upon the investment of said company.

Tolls may be reduced after 5 years.

SECT. 10. The Fitchburg Railroad Company may, by a vote at a meeting of the stockholders, specially convened for that purpose, within two years from the passage of this act, and at any time before the filing of the location of the railroad hereby established, accept the charter hereby granted ; and, in that case, may locate, construct, and maintain, said railroad, and shall succeed to, hold, and enjoy, all the franchise, rights, and privileges, hereby conferred, and shall be subject to all the duties, restrictions, and liabilities, hereby imposed, and may increase their capital stock to the extent hereby authorized, which increase of capital stock shall be used for building said branch ; and, upon such acceptance, the rights of the corporators first named shall cease and determine.

This charter may be accepted by Fitchburg R. R. Co.

Duties in that case.

SECT. 11. The Waltham and Watertown Branch Railroad Company, at any time subsequent to the filing of their location, as before mentioned, is hereby authorized and empowered to transfer all its property, rights, privileges, and franchise, under this act, to the Fitchburg Railroad Company ; and said last named company is hereby authorized to receive and hold the same, whenever a majority, in interest, of the stockholders of the two corporations, re-

This company may transfer, &c., to Fitchburg R. R. Co.

spectively, at meetings specially called for such purposes, shall elect so to do; and, in case of such transfer and acceptance, the Fitchburg Railroad Company may increase their capital stock to the amount above named, which increase of capital stock shall be used for purchasing said branch road. [*Approved by the Governor, May 2, 1849.*]

Chap 224.

An Act to incorporate the Boston and Vermont Telegraph Company.

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

Corporators.

SECT. 1. Benjamin P. Cheney, James C. Dunn, and William Warner, their associates and successors, are hereby made a corporation, by the name of the Boston and Vermont Telegraph Company, for the purpose of constructing and using lines of telegraph within this Commonwealth, to connect with lines of telegraph which may belong to the Vermont and Boston Telegraph Company, a company incorporated by the authority of the state of Vermont, in the year one thousand eight hundred and forty-eight.

To construct lines of telegraph.

Powers and duties.

Said Boston and Vermont Telegraph Company shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

R. S. ch. 44.

Capital stock.

SECT. 2. The capital stock of the said corporation shall be a sum not exceeding seventy-five thousand dollars, to be divided into shares of fifty dollars each: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Proviso, as to value of shares.

Chap 225.

An Act to incorporate the Eagle Manufacturing Company.

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

Corporators.

SECT. 1. Nathaniel Pierce, Charles Barrett, George Davis, their associates and successors, are hereby made a corporation, by the name of the Eagle Manufacturing Company, for the purpose of manufacturing cotton goods, in the town of Ashburnham, in the county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture cotton goods in Ashburnham.

Powers and duties.

R. S. ch. 33, 44.

Real estate.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, not exceeding in amount forty thousand dollars, and their whole capital stock shall not exceed

Capital stock.

one hundred thousand dollars; *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Proviso, as to value of shares.

An Act to increase the Capital Stock of the Boston and Maine Railroad Company. Chap 226.

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

The Boston and Maine Railroad Company are hereby authorized to increase their capital stock, by an amount not exceeding six hundred thousand dollars, by adding thereto, from time to time, at their discretion, an additional number of shares, not exceeding six thousand, of one hundred dollars each; *provided*, that no shares in the capital stock hereby authorized, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [*Approved by the Governor, May 2, 1849.*]

§600,000 additional stock.

Proviso, as to value of shares.

An Act to incorporate the Boston Bagging Company.

Chap 227.

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

SECT. 1. Henry Edwards, Henry Hoyt, and James A. Dorr, their associates and successors, are hereby made a corporation, by the name of the Boston Bagging Company, for the purpose of manufacturing cotton, grain, salt, and other kinds of bags, in the city of Boston, by the means of the sewing machine, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For manufacturing bags in Boston by sewing machines.

Powers and duties.

R. S. ch. 33, 44.

SECT. 2. Said corporation may take and hold such real and personal estate, as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of fifty thousand dollars; *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Real and personal estate not to exceed \$50,000.

Proviso, as to value of shares.

Chap 228.

An Act to incorporate the South Bay Mill Company.

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

Corporators.

SECT. 1. Jonas Chickering, Samuel Nicholson, Jonathan F. Barrett, their associates and successors, are hereby made a corporation, by the name of the South Bay Mill Company, for the purpose of sawing, carving, and otherwise manufacturing all kinds of lumber, in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

For sawing
lumber in
Boston.

Powers and
duties.

R. S. ch. 33, 44.

Estate.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, not exceeding in amount, fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred and fifty thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Capital stock.

Proviso, as to
value of shares.

Chap 229.

An Act to incorporate the Massachusetts Glass Company.

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

Corporators.

SECT. 1. Waitstill Hastings, John L. King, Charles Stearns, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Glass Company, for the purpose of manufacturing glass, in the town of Cheshire, and county of Berkshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture
glass in Chesh-
ire.

Powers and
duties.

R. S. ch. 33, 44.

Estate.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, not exceeding in amount, twenty-five thousand dollars, and their whole capital stock shall not exceed fifty thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Capital stock.

Proviso, as to
value of shares.

An Act to incorporate the Quanapowitt Railroad Company.

Chap 230.

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

SECT. 1. Edward A. Smith, Otis H. Weed, Alfred Mudge, their associates and successors, are hereby made a corporation, by the name of the Quanapowitt Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all general laws which have been, or shall be hereafter passed, relating to railroad corporations.

Corporators.
Powers and duties, R. S. ch. 44, 39, and other general laws.

SECT. 2. Said corporation is hereby authorized and empowered to locate, construct, maintain, and use a railroad, with one or more tracks, from some convenient point on the Boston and Maine Railroad, north of Winn's Bridge, in South Reading, and not more than two hundred feet from said bridge ; thence on the easterly side of said Boston and Maine Railroad by a convenient route to and upon Quanapowitt Island, so called, with authority, at said point of junction with the Boston and Maine Railroad, to enter upon and unite their said railroad with said Boston and Maine Railroad, and also with authority to construct side or other tracks over and upon any land which may be owned by said Quanapowitt Railroad Company, and uniting, with their main track, at any point, or points, not less than one hundred feet distant from the located limits of said Boston and Maine Railroad: *provided, however*, that said side, or other tracks, shall not cross any highway established before the construction of said tracks.

Route of railroad.

Proviso.

SECT. 3. The Legislature may authorize any other company to enter, with another railroad, upon, and use the said Quanapowitt Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Quanapowitt Railroad Company may prescribe, or as may be determined according to the provisions of law.

Other companies may use this road.

SECT. 4. The capital stock of said company shall consist of not more than six hundred shares, the number of which shall be determined, from time to time, by the directors of said company, and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share ; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purpose of their incorporation.

Capital stock.

Estate.

Location.

SECT. 5. If the location of said main track shall not be filed within one year, and if said track shall not be completed within two years from the passage of this act, the same shall be void.

Completion.

Value of shares.

SECT. 6. All shares in the capital stock of said corporation, which shall be issued, shall be for the same amount, to be actually paid in on each.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1849.*]

Chap 231.

An Act concerning Public Amusements.

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

Licensing in cities and towns.

SECT. 1. The mayor and aldermen of any city, or the selectmen of any town, may license all theatrical exhibitions, public shows, public amusements, and exhibitions of every description, to which admission is obtained upon payment of money, or the delivery of any valuable thing, or by any ticket, or voucher obtained for money, or any valuable thing, upon such terms and conditions as they shall think reasonable; and they may revoke or suspend the same whenever there shall appear to them to be sufficient cause for such revocation or suspension.

Licenses may be revoked or suspended.

Penalty for exhibiting without license.

SECT. 2. Any person who shall offer to view, or shall set up, set on foot, maintain or carry on, or shall publish, or otherwise assist in or promote any such exhibition, show, or amusement, as mentioned in the preceding section, without a license as therein specified, shall be punished by a fine not exceeding five hundred dollars for each offence.

Penalty for masked balls, &c.

SECT. 3. Any person who shall get up and set on foot, or cause to be published, or otherwise aid in getting up and promoting any masked ball, or other public assembly, at which the company wear masks, or other disguises, and to which admission is obtained upon payment of money, or the delivery of any valuable thing, or by any ticket or voucher obtained for money, or any valuable thing, shall be punished by a fine not exceeding five hundred dollars; and, for a repetition of the offence, by imprisonment in the common jail or house of correction, not exceeding one year. [*Approved by the Governor, May 2, 1849.*]

An Act to incorporate the Springfield and Longmeadow Railroad Corporation.

Chap. 232.

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

SECT. 1. John Mills, Marvin Chapin, Caleb Rice, George Bliss, Willis Phelps, their associates and successors, are hereby made a corporation, by the name of the Springfield and Longmeadow Railroad Corporation ; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in all that part of the thirtieth chapter of said statutes relating to railroad corporations, and all other general laws which have been, or shall be passed, relative to railroad corporations, in this Commonwealth.

Corporators.

Powers and duties.
R. S. ch. 44, 39,
and other general laws.

SECT. 2. Said corporation may locate, construct, and maintain, a railroad, with one or more tracks, from some convenient point on the line of the Western Railroad, easterly of the depot of said railroad, in Springfield, by the most convenient route, southeasterly, to the line of the State, at the south line of the east parish in Longmeadow.

Route of railroad.

SECT. 3. The capital stock of said corporation shall consist of not more than one thousand and five hundred shares, the number of which shall, from time to time, be determined by the directors of said corporation, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share ; and said corporation may invest, and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation. All shares in the capital stock of said corporation, shall be issued for the same value or amount, to be actually paid in on each.

Capital stock.

Estate.

Value of shares.

SECT. 4. Said corporation may enter upon, and unite their railroad with, the Western Railroad, at some convenient point in Springfield, easterly of the depot of the Western Railroad, and may use the same, under the provisions and restrictions of the laws relating to railroads in this Commonwealth.

May unite with Western Railroad.

SECT. 5. If said corporation shall not be organized, and if the location of the route of said road shall not be filed with the county commissioners of the county of Hampden, within one year after the passage of this act, and if said corporation shall fail to complete said road, to some point within the town of Longmeadow, within two years from the passage of this act, then this act shall be void.

Location.

Completion.

SECT. 6. The Legislature may, after the expiration of five years from the time when said railroad shall be opened

Tolls may be reduced after 5 years.

for use, from time to time, reduce the rates of toll, or other profits upon said road, but the same shall not be so reduced, without the consent of said corporation, as to yield, with said profits, less than ten per cent. per annum to the stockholders.

Other companies may use this road.

SECT. 7. The General Court may authorize any other railroad company to enter, with their railroad, at any point on the Springfield and Longmeadow Railroad, and use the same, or any part thereof, by complying with such reasonable rules and regulations as the said Springfield and Longmeadow Railroad Corporation may prescribe, or as may be determined according to the provisions of law. [*Approved by the Governor, May 2, 1849.*]

Chap 233.

An Act to incorporate the Taunton Carpet Company.

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

Corporators.

SECT. 1. Samuel B. King, Samuel L. Crocker, Horatio Gilbert, their associates and successors, are hereby made a corporation, by the name of the Taunton Carpet Company, for the purpose of manufacturing woolen carpets, in the town of Taunton, and county of Bristol; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Woolen carpets.

Powers and duties.

R. S. ch. 38, 44.

Estate.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, in amount not exceeding seventy-five thousand dollars, and their whole capital stock shall not exceed one hundred and fifty thousand dollars; *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Capital stock.

Proviso, as to value of shares.

Chap 234.

An Act to incorporate the Lowell Gas Light Company.

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

Corporators.

SECT. 1. Seth Ames, Ransom Reed, Samuel Lawrence, their associates and successors, are hereby made a corporation, by the name of the Lowell Gas Light Company, for the purpose of manufacturing and disposing of gas, in the city of Lowell, and its immediate vicinity; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture gas, &c.

Powers and duties.

R. S. ch. 38, 44.

SECT. 2. The said corporation, for the purposes aforesaid, may hold real estate, not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars; *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Real estate.

Capital stock.

Proviso, as to value of shares.

SECT. 3. The said corporation, with the consent of the mayor and aldermen of said city of Lowell, shall have power and authority to open the ground in any part of the streets, lanes, and highways, in the said city, for the purpose of sinking, extending, altering, and repairing such pipes and conductors as it may be necessary to lay down for the purposes of this act; and the said corporation, after opening the ground, as aforesaid, shall be held to put the same again in repair with all reasonable despatch, under the penalty of being prosecuted for a nuisance; *provided*, that the said mayor and aldermen, for the time being, shall, at all times, have power to regulate, restrict, and control the acts and doings of the said corporation, which may, in any manner, affect the health, safety, or convenience of the inhabitants of said city. [*Approved by the Governor, May 2, 1849.*]

Power as to opening ground in highways, &c.

Proviso, as to power of city government to control, &c.

An Act to incorporate the Ludlow Manufacturing Company.

Chap 235.

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

SECT. 1. James Stebbins, John B. M. Stebbins, Timothy W. Carter, their associates and successors, are hereby made a corporation, by the name of the Ludlow Manufacturing Company, for the purpose of creating a water power, to be used by said corporation, for manufacturing articles from cotton, wool, iron, wood, and other materials, and to be sold or leased to other persons and corporations, to be used for manufacturing and mechanical purposes, in the towns of Ludlow, Springfield, and Wilbraham, at the village of Jencksville, in the county of Hampden; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

To create water power and manufacture cotton and other goods, in Ludlow, Springfield, and Wilbraham.

Powers and duties.
R. S. ch. 38, 44.

SECT. 2. Said corporation may hold real estate, not exceeding in value three hundred thousand dollars, and their whole capital stock shall not exceed six hundred thousand dollars, which shall be divided into shares of one hundred dollars each; *provided*, that no shares in the capital stock

Real estate.

Capital stock.

Proviso, as to value of shares.

of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Chap 236.

An Act to incorporate the Corbitant Manufacturing Company.

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

Corporators.

SECT. 1. Oliver S. Hawes, Lazarus Borden, Nathan Durfee, their associates and successors, are hereby made a corporation, by the name of the Corbitant Manufacturing Company, for the purpose of manufacturing cotton and woolen yarn, and cloth, in the town of Fall River, county of Bristol ; and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Cotton and woolen goods, in Fall River.

Powers and duties.

R. S. ch. 38, 44.

Real and personal estate.

SECT. 2. Said corporation may hold such real and personal estate, as may be necessary and convenient for the purposes aforesaid, not exceeding in value four hundred thousand dollars ; *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Proviso as to value of shares.

Chap 237.

An Act to incorporate the Silver Lake Branch Railroad Company.

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

Corporators.

SECT. 1. Ebenezer Lobdell, Seth D. Eaton, Ebenezer T. Lobdell, their associates and successors, are hereby made a corporation, by the name of Silver Lake Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and subject to all other laws which have been or shall be passed, relative to railroad corporations.

Powers and duties.

R. S. ch. 44, 39, and other general laws.

Route of railroad.

SECT. 2. Said company may locate, construct, and maintain, a railroad, with one or more tracks, from some convenient point on the Old Colony Railroad, not more than twelve hundred feet easterly from the present station-house, in Halifax, and may enter upon said Old Colony

Railroad, with proper turnouts and switches; thence easterly, to Jones River Pond; thence branching north and south by the margin thereof, a distance not exceeding one and one half miles.

SECT. 3. The Legislature may authorize any other company to enter with another railroad upon and use the Silver Lake Branch Railroad, or any part thereof, by complying with such reasonable rules and regulations, as the Silver Lake Branch Railroad Company shall prescribe, or as may be determined according to the provisions of law.

Other companies may use this road.

SECT. 4. The capital stock of said company shall consist of not more than three hundred and fifty shares, the number of which shall be determined, from time to time, by the directors of said company, and no assessment shall be laid thereon, to a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation. All shares in the capital stock of said company shall be issued for the same value or amount, to be actually paid in on each.

Capital stock.

Estate.

Value of shares.

SECT. 5. If the location of said branch railroad shall not be filed within ten months, and if said branch railroad be not completed within one year from the passage of this act, then this act shall be void.

Location.

Completion.

SECT. 6. The corporation hereby established is authorized to sell and transfer all its property, rights, privileges, and franchises, under this charter, to the Old Colony Railroad Corporation, or its successors, whenever the last named corporation, or its successors, shall elect to purchase and receive the same, in such manner, and upon such terms, as shall be mutually agreed upon; and, upon such transfer, said Old Colony Railroad Corporation shall enjoy, and be invested with, all the powers, privileges, and franchises, hereby granted, and shall be subject to all the restrictions and liabilities, hereby imposed. [*Approved by the Governor, May 2, 1849.*]

May transfer, &c., to Old Colony Railroad Corporation.

An Act to increase the Capital Stock of the Lancaster Mills.

Chap 238.

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

1844, ch. 20.
1847, ch. 37.

The Lancaster Mills are hereby authorized to increase their capital stock, by adding thereto an amount not exceeding three hundred thousand dollars; and to invest such increase in personal estate, necessary and convenient for the purpose of carrying on the business of said corporation:

\$300,000 additional stock.

Investment.

Proviso, as to value of shares.

provided, that no shares in the capital stock hereby authorized, shall be issued for a less sum or amount, to be actually paid in on each, than the average par value of the shares in the present capital stock of said corporation, and new certificates shall then be issued for all the shares in the capital stock of said corporation, expressing the then existing par value, and no others shall be subsequently issued at any less rate; *provided, further*, that this act shall not confirm or authorize any issue of shares in a manner now illegal. [Approved by the Governor, May 2, 1849.]

Proviso.

Chap 239. An Act to increase the Capital Stock of the Hampshire Flax and Hemp Company.

1848, ch 215.

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

§150,000 additional capital stock.

The Hampshire Flax and Hemp Company are hereby authorized to increase their capital stock, by an amount not exceeding one hundred and fifty thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [Approved by the Governor, May 2, 1849.]

Proviso, as to value of shares.

Chap 240. An Act to increase the Capital Stock of the Amesbury Flannel Manufacturing Company.

1822, ch. 18.

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

§100,000 additional capital stock.

The Amesbury Flannel Manufacturing Company are hereby authorized to increase their capital stock by an amount not exceeding one hundred thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [Approved by the Governor, May 2, 1849.]

Proviso, as to value of shares.

An Act to incorporate the Westfield Water Power Company.

Chap 241.

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

SECT. 1. James Fowler, Abner Post, Ira Yeomans, Junr., their associates and successors, are hereby made a corporation, by the name of the Westfield Water Power Company, for the purpose of creating a water power, for manufacturing purposes, with power to use, sell, or lease the same, and shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

To create water power.

Powers and duties.
R. S. ch. 33, 44.

SECT. 2. Said corporation may hold real estate, not exceeding in value ten thousand dollars, exclusively of improvements, and the capital stock of said company shall not exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Estate.

Capital stock.

Proviso, as to value of shares.

SECT. 3. Said corporation shall have power to construct and maintain a dam across Westfield Little River, at or near the place of the present dam, at a height not exceeding that of the present dam, with power to conduct the water of said Little River, and the water of Sackett's Brook, so called, into Westfield Great River. [*Approved by the Governor, May 2, 1849.*]

To build dam, &c.

An Act to incorporate the Shawsheen Company.

Chap 242.

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

SECT. 1. Levi B. Merriam, Edmund L. Benzon, Frederick W. G. May, their associates and successors, are hereby made a corporation, by the name of the Shawsheen Company, for the purpose of manufacturing cotton, woolen, and worsted goods, and also machinery and engines, in the town of Andover, in the county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Cotton and other goods.

Andover.

Powers and duties.
R. S. ch. 33, 44.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, not exceeding in amount, one hundred thousand dollars, and their whole capital stock shall not exceed two hundred thousand dollars: *provided*, that no

Estate.

Capital stock.

Proviso, as to
value of shares.

shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, May 2, 1849.]

Chap 243.

An Act to incorporate the Williams Market.

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

Corporators.

SECT. 1. Henry Williams, William H. Guild, and George H. Sweetser, their associates and successors, are hereby made a corporation, by the name of the Williams Market, for the purpose of erecting and managing a market for the sale and storage of country produce, and other merchandise, to be located in or near Dover Street, in the southerly section of the city of Boston, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that nothing contained in this act shall be construed to authorize said corporation to engage in buying or selling produce or merchandise of any description.

For a market,

in Boston.

Powers and duties.
R. S. ch. 44.

Proviso, not to engage in buying or selling produce, &c.

Estate.

SECT. 2. Said corporation may hold real and personal estate, for the purpose aforesaid, not exceeding in amount one hundred thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Value of shares.

City government may make regulations for the market.

SECT. 3. The city of Boston may, by its city council, or by any person or body to whom said council shall delegate its power, make and enforce suitable and proper police regulations, in and around said market and its appurtenances.

City of Boston may purchase the market, &c., within five years.

Conditions.

SECT. 4. The city of Boston may, at any time within five years from the passage of this act, purchase of said corporation the said market, and all the franchise, property, rights and privileges of said corporation, on paying therefor the amount expended in erecting said market, with interest thereon, at the rate of ten per centum per annum, deducting therefrom all sums that shall have been received by the members of said corporation, as dividends of income or profits, and also the amount of all reserved profits possessed by the corporation at the time of said purchase; and whenever the city of Boston shall have determined to purchase said market, the directors of said corporation shall, upon reasonable notice, make out a statement of the amount to be paid according to the foregoing provisions, and shall

exhibit their books and papers in verification of said statement, and upon the payment, by said city of Boston, of the sum which shall be found to be payable, as hereinbefore provided, said corporation shall make, execute and deliver, all such deeds, conveyances, and assurances, as may be necessary to invest, in said city, the said market, and all the franchise, property, rights, and privileges of said corporation.

SECT. 5. This act shall take effect from and after its passage, and shall be void unless said market shall be located and built within three years thereafter. [*Approved by the Governor, May 2, 1849.*]

Market to be built within three years.

An Act to incorporate the Ashley Falls Company.

Chap 244.

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

SECT. 1. William Ashley, William G. Bates, Edward F. Ensign, their associates and successors, are hereby made a corporation, by the name of the Ashley Falls Company, for the purpose of manufacturing cotton and woolen goods, and lumber, and grinding of grain, in the town of Sheffield, in the county of Berkshire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Cotton goods, &c., in Sheffield.
Powers and duties, R. S. ch. 38, 44.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, not exceeding in amount, thirty thousand dollars, and their whole capital stock shall not exceed eighty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 2, 1849.*]

Estate.

Capital stock.
Provido, as to value of shares.

An Act to establish the Superior Court of the City of Boston.

Chap 245.

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

SECT. 1. There shall be, and hereby is, established, in the city of Boston, a court to be called the Superior Court of the City of Boston; and there shall be appointed, commissioned and qualified, in the manner prescribed by the Constitution, three meet persons, learned in the law, to be justices of the said court, one of whom shall be appointed and commissioned as chief justice of the said court.

Superior court in Boston, of three justices.

SECT. 2. The clerk of the municipal court of the city of

Clerk for criminal business.

Boston shall perform the duties of clerk of the said superior court at the terms thereof, held for the transaction of criminal business, and his duties, compensation, and tenure of office, as clerk of the said superior court for criminal business, shall be the same as are now provided by law in respect to the clerk of the said municipal court; and the said superior court shall have the same power to fill vacancies in the office of clerk of the said court for criminal business, and to appoint and qualify a clerk *pro tempore*, for such criminal business, as the said municipal court, or court of common pleas now have, and shall fix the compensation of such clerk *pro tempore*, to be paid out of the fees received by the said clerk, or clerks, under this act; and the said clerk or clerks of the said superior court, for the criminal business thereof, shall be entitled to receive, for their services, the same fees which are now allowed by law to the clerk of the said municipal court, for similar services.

Clerks for civil business.

SECT. 3. The clerks, for the time being, of the supreme judicial court, in the county of Suffolk, shall also be the clerks of the said superior court, at the terms thereof, held for the transaction of civil business, and shall perform all the duties of clerk of the said superior court, in relation to the civil business thereof, and shall be entitled to receive, for their services, the same fees which are now allowed by law to the clerks of the supreme judicial court, and court of common pleas, for similar services in the county of Suffolk; and the said superior court shall have power to appoint and qualify a clerk *pro tempore*, for the civil business of the said court, who shall act as clerk of the said superior court, in the absence or inability of both of the said clerks of the supreme judicial court, and shall also have power to fix the compensation of such clerk *pro tempore*, which shall be paid out of the fees received by the said clerks of the supreme judicial court, and the clerk of the criminal sessions, under this act.

Two criers.

SECT. 4. The said superior court shall have power to appoint two criers of the said court, one for the civil and one for the criminal side thereof, each of whom shall receive, for his attendance and services, the same fees as are now allowed by law to the crier of the supreme judicial court in the county of Suffolk; and they shall also have power to appoint a messenger or messengers of the said court; and the fees of such criers, and the compensation of such messenger or messengers, shall be paid by the city of Boston, in the manner hereinafter provided.

Messengers.

Expenses not provided for in this act, to be

SECT. 5. The mayor and aldermen of the said city of Boston shall have power, and it shall be their duty, to pro-

vide, from time to time, for the payment, by the said city, of all expenses attending the sessions of the said court, and the transaction of its business, not herein specially provided for.

paid by city of Boston.

SECT. 6. The salaries established, and all expenses incurred in the administration of justice, under this act, shall be paid by the city of Boston; *provided*, that the treasurer of the said city may be allowed to retain, out of the fees, fines, forfeitures, or costs accruing, or incurred, in the court hereby established, or in the police, or justices' court of said city, an amount sufficient to pay the salaries established by this act, and all expenses incurred in the administration of justice, under this act, and shall account to the Commonwealth for the balance which shall then remain in his hands.

Salaries, &c., to be paid by city of Boston.
Proviso.

SECT. 7. It shall be the duty of the city council of the said city of Boston to establish, by ordinance, the salaries of the justices of the said superior court, within sixty days after the passage of this act; *provided*, that the salaries so established, shall never exceed three thousand dollars a year for each justice; but the same shall not commence until this act shall take effect; and no salary shall be reduced during the continuance in office of any of the said justices, to whom such salary shall be payable. And it shall also be the duty of the said city council, thirty days at least before this act shall take effect, to provide, by ordinance, for the payment, by the said city, of all other expenses attending the sessions of the said court, or the transaction of its business, not herein otherwise provided for, so far as the same shall then have been ascertained; *provided* this act shall first have been accepted by the said city of Boston, in the manner hereinafter provided.

Salaries to be fixed by city council of Boston.

Proviso.

SECT. 8. The said superior court shall have exclusive, original jurisdiction of all suits in equity, to be commenced after this act shall take effect, of which the supreme judicial court, and the court of common pleas, within the county of Suffolk, or either of them, now have original jurisdiction; but, any party aggrieved by any final decree of the said superior court, in any suit or proceeding in equity, may appeal therefrom to the supreme judicial court; *provided*, that such appeal shall be claimed within fifteen days after the entering of such final decree; unless the said superior court shall, for cause shewn, allow a further time therefor. And if, upon such appeal, the supreme judicial court shall reverse the decree of the said superior court, the supreme judicial court shall enter such decree as the superior court ought to have entered; unless further proceed-

Jurisdiction in equity.

Appeals.

Proviso.

ings in the cause should be necessary ; in which case, the cause shall be remitted to the superior court for such further proceedings. And, whenever the decree of the superior court shall be confirmed by the supreme judicial court, the party appealing shall be decreed to pay, to the appellee, the costs, and all the reasonable expenses occasioned by such appeal, to be taxed by the clerk, and revised by the supreme judicial court, or some justice thereof, if either party shall so require. And no appeal shall be allowed, until the party appealing shall have recognized, with sufficient surety or sureties, to prosecute such appeal with effect, and to pay the costs and such reasonable expenses as he may be decreed to pay by the supreme judicial court.

Recognition on appeal.

Jurisdiction in real and civil actions.

SECT. 9. The said superior court shall also have exclusive, original jurisdiction of all real actions commenced after this act shall take effect, and of all civil actions commenced after this act shall take effect, of which any court of this Commonwealth, in the county of Suffolk, now has jurisdiction, in which the debt or damages demanded, or the property claimed, shall exceed, in amount or value, the sum of three hundred dollars, and in which the plaintiff, or some one in his behalf, shall, before service of the writ, make oath, or affirmation, before some justice of the peace, that the matter, sought to be recovered, actually exceeds, in amount or value, the sum of three hundred dollars, a certificate of which oath, or affirmation, shall be endorsed on, or annexed to, the writ. And the said superior court shall also have exclusive jurisdiction of all appeals, to be claimed after this act shall take effect, from decrees of the judge of probate for the county of Suffolk, which are now by law cognizable by the supreme judicial court, with the powers and authority now vested in the supreme judicial court, concerning such appeals. And they shall also have exclusive, original jurisdiction of all petitions or complaints, for damages caused by the laying out, or discontinuance of highways in the city of Boston, which shall be instituted after this act shall take effect, of which the court of common pleas now has jurisdiction, with the powers and authority now vested in the court of common pleas, concerning such petitions or complaints. And the said superior court shall also have power to grant writs of review of their own judgments, or of the judgments of the court of common pleas, within the county of Suffolk. The supreme judicial court, within the county of Suffolk, shall retain exclusive jurisdiction of all libels for divorce, and shall have the sole and exclusive power to issue writs of certiorari, mandamus, prohibition, and quo warranto ; but the

Appeals from probate court.

Damages by highways.

Writs of review.

Exclusive jurisdiction of supreme judicial court, in Suffolk.

said superior court, and the justices thereof, shall have concurrent authority, with the supreme judicial court in the county of Suffolk, and the justices thereof, to issue writs of habeas corpus, and to adopt all such measures, in regard thereto, as are provided in the one hundred and eleventh chapter of the Revised Statutes, or are otherwise provided by law: *provided, however*, that if any citizen of this Commonwealth, not living in the city of Boston, shall be the defendant in any action at law, returnable into the said superior court, he may, at the time when he shall enter his appearance, move the said court, in writing, for an order of removal, and thereupon it shall be the duty of the said court to enter an order that the said action be removed for trial, to the court of common pleas; and, whenever such order shall be made, it shall be the duty of the plaintiff in such action, to enter the same, at the term of the court of common pleas holden within and for the county of Suffolk, next after such order of removal shall be made; and the said court of common pleas shall have power to try and determine such action, in like manner, as if the same had been originally commenced therein.

Concurrent jurisdiction.

Proviso, where defendant is not resident in Boston.

Order for removal of action.

SECT. 10. The said superior court shall also have exclusive original jurisdiction of all crimes, offences, and misdemeanors whatsoever, which are now cognizable by the supreme court, within the county of Suffolk, or by the municipal court of the city of Boston; and they shall likewise have the same appellate jurisdiction which the municipal court of the city of Boston now has, of all offences which shall be tried and determined before the police court of the city of Boston, or before any justice of the peace for the county of Suffolk. And the said court shall possess and exercise all the powers now possessed and exercised by the said municipal court, not inconsistent with the provisions of this act.

Jurisdiction in criminal cases, &c.

Appellate.

SECT. 11. Any party aggrieved by any opinion, direction, or judgment, of the said superior court, in matter of law, in any civil action, suit, or proceeding, whatever, not being a suit in equity, whether it be according to the course of the common law, or otherwise, shall have the same right to allege exceptions thereto, and to have the same allowed, as now exists in civil actions, suits, or proceedings, in the court of common pleas; and, thereupon, such exceptions, having been allowed, the case shall be removed to, and entered in, the supreme judicial court, in the same manner, and shall be disposed of by the same proceedings, as are now required, or authorized, by law, in respect of cases carried, by exceptions from the court of

Exceptions to opinions, &c., of the court in civil actions.

- common pleas, to the supreme judicial court; save in the case of probate appeals, in which the supreme judicial court shall either enter such decree as the probate court should have entered, or remit the case either to the probate court or the said superior court, with such directions for further proceedings as the case may require. And any party aggrieved by the final judgment or decision of the said superior court, founded on matter of law, apparent on the record, may appeal therefrom to the supreme judicial court, which appeal shall be claimed and entered, in like manner as similar appeals from judgments of the court of common pleas are now required to be claimed and entered.
- Appeals.**
- And when any person, convicted in the said superior court, shall think himself aggrieved by any opinion, direction, or judgment of the court, in any matter of law, he may allege exceptions thereto, in the same manner that a person, convicted in the municipal court of the city of Boston, may now allege exceptions, and the case shall, thereupon, be removed to the supreme judicial court, and be there disposed of, as is now by law provided, in regard to cases removed by exceptions from the said municipal court, and, if such matter of law be apparent on the record, the party aggrieved may appeal, in like manner as is provided in this section, respecting civil actions.
- Exceptions in criminal cases.**
- Writs of error.** **SECT. 12.** Final judgments in the said superior court, in civil actions, and in all criminal cases, may be reëxamined upon a writ of error, and reversed or affirmed in the supreme judicial court, for any error in law or in fact; and, when the judgment shall be reversed, the supreme judicial court shall render such judgment as the said superior court ought to have rendered.
- New trials.** **SECT. 13.** A majority of the justices of the said superior court may, at any time before judgment in any civil action, set aside the verdict, and order a new trial, for any cause for which, by law, a new trial may and ought to be granted, and they may also, at any time within one year after judgment in any criminal prosecution, grant a new trial for any cause for which, by law, a new trial may or ought to be granted, in the manner provided in the one hundred and thirty-eighth chapter of the Revised Statutes.
- Seal of the court.** **SECT. 14.** The justices of the said superior court shall establish a seal for the said court, and all writs and processes, issuing from the said superior court, shall be under the seal of the court, and signed by the clerk thereof, and may run into any county, and shall be obeyed and executed throughout the Commonwealth.
- Forms of writs, &c.** **SECT. 15.** The said court shall issue all writs and pro-

cesses that may be necessary or proper to carry into effect the powers granted to them; and, when no form for any such writ or process is prescribed by statute, the court shall frame one, in conformity with the principles of law, and the usual course of proceedings in the courts of this Commonwealth.

SECT. 16. The said superior court shall be holden by one or more of the justices thereof, on the first Monday of every month, except the months of August and September, for the disposition of suits at law and in equity; and, on the third Monday of each month, the said court shall be holden by one or more of the justices thereof, for the disposition of criminal business; but, upon the trial of any indictment for a capital offence, the said court shall be holden by all the justices thereof.

Terms of the court.

SECT. 17. The civil business of the said court shall be transacted exclusively at the terms thereof appointed for the disposition of civil business; and the criminal business of the said court shall be transacted exclusively at the terms appointed for the disposition of criminal business.

Civil business.

Criminal.

SECT. 18. Each term of the said court, for the transaction of civil business, may be continued and held until, and including, the last Saturday of the month in which the same shall commence; and each term of the said court, for the transaction of criminal business, may be continued and held until, and including, the Saturday preceding the first day of the next term: *provided, however*, that, if any case should be on trial at the end of any term, such trial may be continued and finished during the next succeeding term.

Length of terms.

Proviso.

SECT. 19. Once in every four months, grand jurors shall be selected, and required to attend the said superior court, at the terms thereof for the transaction of criminal business, in the manner prescribed in the one hundred and thirty-sixth chapter of the Revised Statutes; and they shall be held to serve in the said superior court, at each term, holden for the transaction of criminal business, until another grand jury shall be empannelled in their stead.

Grand jurors.

SECT. 20. Traverse jurors shall also be selected and required to attend the said superior court, at the respective terms thereof, in the same manner in which traverse jurors are now by law selected and required to attend the terms of the supreme judicial court, in the county of Suffolk, and of the municipal court of the city of Boston.

Traverse jurors.

SECT. 21. The judges of said superior court shall have power, from time to time, to make any rules, not contrary to any statutes of this Commonwealth, regulating the

Pleadings, practice, &c., in law and equity.

pleadings, practice, and business of the said court, both at law and in equity; and, more especially, they shall have power, and it shall be their duty, from time to time, to frame such rules as shall avoid all useless technicalities, and, at the same time, cause the points really in issue between the parties, to be distinctly and fully presented, on the part of the defendant, as well as on the part of the plaintiff, so that surprise, loss of time, and useless expense, may be avoided, and trials shortened, and the just decision of causes expedited, as much as is practicable; and also such rules as shall cause the progress of all suits and proceedings in equity, to a just, final decree, to be as speedy as possible.

Two sessions.

SECT. 22. At any term of the said superior court, for the transaction of civil business, whenever the public convenience shall require it, two sessions of the said court may be held in different places, each by one of the justices thereof; and such division may be made of the business of the court, at any time, as may conduce to the more speedy and convenient disposal of the same.

When no justice is present.

SECT. 23. When no justice of the said superior court shall be present at the time and place appointed for holding a court, whether at the beginning of a term, or at any adjournment thereof, the sheriff of the county of Suffolk, or either of his deputies, may adjourn the court, from day to day, or from time to time, as the circumstances may require, or as may be ordered by any of the said justices; and he shall give notice of such adjournment, by making public proclamation in the court house, and by a notification thereof, posted on the door of the court house, or published in some newspaper.

Transfer of business of municipal court.

SECT. 24. All indictments, complaints, informations, appeals, and all other matters, which may be pending in the municipal court of the city of Boston, and all writs, warrants, recognizances, precepts, and processes, returnable to the said municipal court, and which would have had day therein, if this act had not been passed, shall, after this act shall take effect, be returnable to, and have day in, and be fully acted upon by, the said superior court, at the first term thereof, to be held for the transaction of criminal business, next after this act shall take effect. And all parties, jurors, witnesses, and others, who would have been held to appear at the said municipal court, then next to be held in the city of Boston, and after this act shall take effect, shall be held to appear at the said first term of the said superior court, for the transaction of criminal business; and, on the first day of the term last aforesaid, of the said supe-

rior court, the said municipal court of the city of Boston shall be, and the same hereby is, abolished.

That court abolished.

SECT. 25. This act shall be void unless it shall be accepted by the said city of Boston, by the concurrent vote of the city council of the said city of Boston, within sixty days after its passage; and it shall be the duty of the mayor of the said city, within ten days after such acceptance, to certify the same to the Secretary of the Commonwealth.

This act subject to acceptance by city council.

SECT. 26. This act, if accepted by the city of Boston, shall take effect, from and after the first day of October next; but the Governor, by and with the advice and consent of the council, may appoint the justices of the said superior court, at any time after the acceptance of this act, in the manner provided in the preceding section. [*Approved by the Governor, May 2, 1849.*]

When to take effect.

Appointment of justices.

An Act to increase the Capital Stock of the Pocasset Manufacturing Company.

Chap 246.

1821, ch. 61.

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

The Pocasset Manufacturing Company are hereby authorized to increase their capital stock by adding thereto an amount not exceeding four hundred thousand dollars, and to invest such increase in real and personal estate, as may be necessary and convenient for carrying on the business of said corporation: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [*Approved by the Governor, May 2, 1849.*]

\$400,000 additional capital stock.

Proriso, as to value of shares.

An Act to increase the Capital Stock of the Connecticut River Railroad Company.

Chap 247.

1845, ch. 8.
1847, ch. 184.
1848, ch. 137.

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

The Connecticut River Railroad Company are hereby authorized to increase their capital stock, by an amount not exceeding two hundred and fifty thousand dollars, by adding thereto, from time to time, at their discretion, an additional number of shares, not exceeding two thousand and five hundred shares, of one hundred dollars each: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [*Approved by the Governor, May 2, 1849.*]

\$250,000 additional stock.

Proriso as to value of shares.

Chap 248. An Act to increase the Capital Stock of the Salisbury Manufacturing Company.

1822, ch. 50.
1825, ch. 131

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

§300,000 additional capital stock.

The Salisbury Manufacturing Company are hereby authorized to increase their capital stock, by an amount not exceeding three hundred thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation:

Proviso, as to value of shares.

provided, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [*Approved by the Governor, May 2, 1849.*]

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

EXTRA SESSION OF 1848.

RESOLVE for the Pay of the Chaplains of the Legislature.

Chap. 1.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the chaplain of the Senate, and to the chaplains of the House of Representatives, each, the sum of two dollars, for each and every day's attendance of the present session of the Legislature, and that warrants be drawn accordingly. [*Approved by the Governor, November 25, 1848.*]

Chaplains to receive, each, \$2 per day.

RESOLVE for the Pay of the Clerks of the Legislature, and others.

Chap. 2.

Resolved, That there be allowed and paid, to the clerks of the Legislature, and to the doorkeepers, messengers, and pages of the Senate and House of Representatives, the same pay for their services, for each day of the present session, as was allowed to them, respectively, by the several Resolves of the last session of the present general court, providing for their compensation, and that warrants be drawn accordingly. [*Approved by the Governor, November 25, 1848.*]

Same pay as at the last session, to clerks, doorkeepers, messengers, and pages.

SESSION OF 1849.

RESOLVE concerning the Quarter Master General's Department.

Chap. 1.

Resolved, That the sum of three thousand two hundred dollars be hereby appropriated to defray the expenses of the Quarter Master General's Department, for the past year, and that warrants be drawn accordingly. [*Approved by the Governor, January 20, 1849.*]

\$3,200, to defray expenses.

Chap. 2. RESOLVE to pay the Expenses of the Funeral of the late Treasurer and Receiver General of the Commonwealth.

§35 allowed. *Resolved*, That there be paid, out of the treasury of this Commonwealth, to the sergeant-at-arms to the general court, the sum of thirty-five dollars, to enable him to defray the expenses of the funeral of the late treasurer and receiver general, and that warrants be drawn accordingly. [*Approved by the Governor, January 23, 1849.*]

Chap. 3. RESOLVE to establish the Boundary Line between the Towns of Williamsburg and Whately.

Boundary line described and fixed. *Resolved*, That the true and actual boundary line between the towns of Williamsburg and Whately, is a line commencing at a point on the south line of the town of Conway, at a stone monument marked W. C. W. 1847., and from that point running south eleven and a half degrees west, in a straight line to the southwest corner of the town of Whately, and on the south line of Whately to a stone monument marked W. W., and, from that station, easterly, in a straight line, to the northwest corner of the town of Hatfield, and that the same be hereafter considered as the true and actual boundary line between said towns. [*Approved by the Governor, February 2, 1849.*]

Chap. 4. RESOLVE on the Petition of Martin Wheelock.

Allowance of \$30 for three years. *Resolved*, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Martin Wheelock, of Gardner, in the county of Worcester, the sum of thirty dollars a year, for the term of three years from the twelfth day of June, in the year one thousand eight hundred and forty-eight, should he live so long, and that warrants be drawn therefor accordingly. [*Approved by the Governor, February 2, 1849.*]

Proviso.

Chap. 5. RESOLVE for the Distribution of the Eighth Volume of the Special Laws.

Resolved, That the secretary of the Commonwealth cause to be distributed to each member of the present Legislature, one copy of the eighth volume of the Special Laws, and that the remaining copies be distributed according to the provisions of the second chapter of the Revised Statutes. [*Approved by the Governor, February 3, 1849.*]

R. S. ch. 2.

Chap. 6. RESOLVE providing for Repairs upon the State House.

§1,000 allowed. *Resolved*, That the sum of one thousand dollars be appropriated for a new floor of hard pine in the Doric Hall, and other necessary repairs upon the State House, and that the same be expended under the direction of the sergeant-

at-arms, the accounts thereof to be audited and paid agreeably to the provisions of the act passed on the eighteenth day of March, in the year one thousand eight hundred and forty-one, entitled, "An Act relating to the State House." [Approved by the Governor, February 6, 1849.]

Accounts to be audited according to stat. 1841, ch. 130.

RESOLVE in favor of Francis W. Emmons.

Resolved, That there be allowed and paid, to Francis W. Emmons, representative for the town of Sturbridge, in the last General Court, the sum of sixty-six dollars, for his detention by sickness in attending and returning from the session thereof, and that a warrant be drawn accordingly. [Approved by the Governor, February 8, 1849.]

Chap. 7.

Allowance of \$66 for sickness at last session.

RESOLVE relating to the State Map.

Resolved, That the secretary of the Commonwealth be authorized to procure not exceeding one hundred copies of the State map, for exchange or distribution, from time to time, as he shall deem expedient, among literary and scientific men, and institutions in this and other states and countries. [Approved by the Governor, February 8, 1849.]

Chap. 8.

One hundred copies to be procured for distribution.

RESOLVE concerning Medals.

Resolved, That all medals belonging to the Commonwealth be deposited in the library, to be there kept, in suitable cases, in charge of the librarian. [Approved by the Governor, February 8, 1849.]

Chap. 9.

All medals to be deposited in the library.

RESOLVE for the Pay of a Deputy Clerk of the House of Representatives.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to Joseph H. Buckingham, the sum of thirty dollars, in full compensation for services rendered by him as deputy clerk during the absence of the clerk of the house of representatives, and that a warrant be drawn therefor accordingly. [Approved by the Governor, February 14, 1849.]

Chap. 10.

Allowance of \$30.

RESOLVE on the Petition of William W. Bullock.

Resolved, That, for reasons set forth in the petition of William W. Bullock, there be allowed and paid him the sum of forty dollars, and that a warrant therefor be drawn accordingly. [Approved by the Governor, February 14, 1849.]

Chap. 11.

Allowance of \$40.

RESOLVE concerning the Plates of the State Map.

Resolved, That the secretary of the Commonwealth be, and he hereby is, authorized to cause the plates of the

Chap. 12.

Plates to be repaired, expense not to exceed \$300.

State map to be sufficiently repaired: *provided*, that the expense thereof do not exceed three hundred dollars, and that warrants be drawn accordingly. [*Approved by the Governor, February 16, 1849.*]

Chap. 13.

RESOLVE on the Petition of William D. Winter, Guardian.

Authorized to sell certain estates in Boston.

Resolved, for reasons set forth in said petition, that William D. Winter, of Clinton, in the state of Louisiana, counsellor at law, guardian of his minor child, Samuel Winter, of said Clinton, be, and he is, hereby authorized and empowered to sell, at public auction or private sale, all the interest of said Samuel Winter in and to five certain lots of land, with the buildings thereon, situated in Boston, in the county of Suffolk and Commonwealth of Massachusetts, and, together, bounded west on Washington Street about one hundred feet; north, on Pine Street, about one hundred and sixteen feet; east, on other land formerly belonging to the estate of Henry Bass, on two lines, one, about thirty-one feet two and one half inches, the other about forty-five feet; south, by land now or late of Parker, about eighty feet; and all real estate, which was formerly the property of Henry Bass, of said Boston, deceased, intestate, and which descended to said Samuel Winter from his mother, Lucretia B. Winter, deceased, a daughter of said Henry Bass, and to make, execute, acknowledge, and deliver good and sufficient deeds thereof to the purchaser or purchasers thereof: *provided*, the said guardian shall first give bond to the judge of probate for said county of Suffolk, with good and sufficient surety or sureties, conditioned that said guardian will execute the powers herein granted according to his best judgment, and apply and invest the proceeds of such sale according to law. [*Approved by the Governor, February 24, 1849.*]

Description.

To give deeds.

Proviso as to bonds.

Chap. 14.

RESOLVES concerning Slavery and the Slave Trade.

Resolved, That, in the present posture of the deliberations of Congress upon the subject of slavery in the territories of the Union, Massachusetts will fail to do her duty if she do not again utter her sentiments upon the subject of those deliberations.

Slavery in the territories.

Resolved, That Congress has full power to legislate upon the subject of slavery in the territories of the Union; that it has freely exercised such power from the adoption of the Constitution to the present time, and that it is its duty to exercise the power for the perpetual exclusion of the institution from those territories that are free, and for the extinction of the same in territories where it exists.

Resolved, That, when Congress furnishes governments for the territories of California and New Mexico, it will be its duty to establish therein the fundamental principle of the ordinance of seventeen hundred and eighty-seven, upon the subject of slavery, to the end that the institution may be perpetually excluded therefrom beyond every chance and uncertainty.

Ought to be excluded.

Resolved, That the slave trade ought not to exist in the District of Columbia, and it is the duty of Congress immediately to abolish the same.

Against the slave trade in District of Columbia.

Resolved, That slavery ought not to exist in the District of Columbia, and that it is the duty of Congress to devise the most just, practicable, and expeditious mode for abolishing the same.

Slavery in same ought to be abolished.

Resolved, That the legislation pointed out in the foregoing Resolves does not violate, but pursues, the compromises between the North and South, that secured the adoption of the Constitution; and that, as our forefathers intended to secure the non-extension of slavery, while they were seeking to establish the Union, so we, their descendants, in seeking to secure the non-extension of slavery, are acting in the very spirit in which that Union was founded.

Resolved, That His Excellency the Governor be requested to transmit copies of these Resolves to our Senators and Representatives in Congress, to be by them laid before the two houses of Congress, as an expression of the sentiments and wishes of the people of Massachusetts. [*Approved by the Governor, February 27, 1849.*]

RESOLVE authorizing the Treasurer to borrow Money in anticipation of the Revenue.

Chap. 15.

Resolved, That the treasurer of this Commonwealth be, and he hereby is authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or of any corporation therein, or of any individual or individuals, such sum or 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, and that he repay any sum he may borrow as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not, at any time, exceed the sum of two hundred thousand dollars. [*Approved by the Governor, February 28, 1849.*]

Authorized to borrow, not exceeding \$200,000.

Chap. 16.

Allowance of
\$1780, for ship
fever paupers,
in 1847 and
1848.

§124 for small
pox pauper.

Proviso, §100
to attending
physician.

RESOLVE on the Petitions of Town Officers of the Town of Lawrence.

Resolved, for the reasons set forth in said petitions, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Lawrence, the sum of seventeen hundred and eighty dollars in full for expenses incurred by said town in the care of State paupers infected with ship fever during the years eighteen hundred and forty-seven, and eighteen hundred and forty-eight; and the further sum of one hundred and twenty-four dollars, incurred in the care of a State pauper, infected with the small pox, prior to March first, eighteen hundred and forty-eight: *provided*, that the sum of one hundred dollars be paid, out of the above mentioned sum of seventeen hundred and eighty dollars, to Dr. Lamb, the attending physician; and that the Governor draw his warrant accordingly. [Approved by the Governor, March 7, 1849.]

Chap. 17.

\$73,069 85
allowed.

Proviso, towns
to refund where
charges are
found to be
illegal.

RESOLVE for the Payment of certain Pauper Accounts.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the several corporations and persons mentioned in the accompanying roll, the sum of seventy-three thousand and sixty-nine dollars and eighty-five cents, in full discharge of the accounts to which it refers, and that a warrant be drawn accordingly: *provided*, that all payments made under this resolve shall be made upon the condition that the cities, towns, and individuals so receiving the same, shall respectively refund, to the treasurer of the Commonwealth, such sums as shall be found to have been illegally charged in the accounts upon which such payments are made. [Approved by the Governor, March 7, 1849.]

Chap. 18.

§4,200 to be
paid to warden.

RESOLVE for supplying a Deficiency in the Revenue of the State Prison.

Resolved, That there be paid, out of the treasury of the Commonwealth, to Frederick Robinson, the warden of the State Prison, or to his successor in office, the sum of four thousand two hundred dollars, to supply a deficiency in the revenue of said institution; and that warrants be drawn accordingly. [Approved by the Governor, March 13, 1849.]

Chap. 19.

§94 34 for ser-
vices, in part,
as commission-
er.

RESOLVE in favor of Johnson Gardner.

Resolved, That there be allowed and paid, to Johnson Gardner, out of the treasury of the Commonwealth, ninety-four dollars and thirty-four cents, in full for his services and expenses in relation to his report made to the last Leg-

islature, as commissioner upon the boundary between this Commonwealth and the state of Rhode Island, according to his petition and account; and that a warrant be drawn accordingly. [*Approved by the Governor, March 13, 1849.*]

RESOLVE on the Petition of the Treasurer of the District of Marshpee.

Chap. 20.

Resolved, That there be allowed and paid, out of the State treasury, to Charles Marston, treasurer of the Indian District of Marshpee, the sum of three hundred and eighty-nine dollars and seventy-five cents, in full for money actually expended by him in the support of sundry State paupers in said district, from the first day of November, in the year eighteen hundred and forty-seven, to the first day of November, in the year eighteen hundred and forty-eight; and that a warrant be drawn accordingly. [*Approved by the Governor, March 13, 1849.*]

§389 75 for
State paupers.

RESOLVE in favor of Amos Shumway, Guardian of the Dudley Indians.

Chap. 21.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, the sum of two hundred and ninety-five dollars and twenty-one cents, to Amos Shumway, guardian of the Dudley Indians, in full of his said guardianship account to January first, one thousand eight hundred and forty-nine; and that a warrant be drawn accordingly. [*Approved by the Governor, March 17, 1849.*]

§295 21 for ser-
vices as guar-
dian.

RESOLVE in favor of Thomas French, Guardian of the Punkapog Indians.

Chap. 22.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, the sum of seventy-four dollars and forty-one cents, to Thomas French, guardian of the Punkapog Indians, in full of his said guardianship account to January first, one thousand eight hundred and forty-nine, and that a warrant be drawn accordingly. [*Approved by the Governor, March 17, 1849.*]

§74 41 for ser-
vices as guar-
dian.

RESOLVE in favor of Holder Wordell, late Guardian of the Troy Indians.

Chap. 23.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, the sum of one hundred and seven dollars and seventy-five cents, to Holder Wordell, late guardian of the Troy Indians, in full of all accounts, as such guardian, and that a warrant be drawn accordingly. [*Approved by the Governor, March 17, 1849.*]

§107 75 for ser-
vices as guar-
dian.

RESOLVE in favor of Benjamin F. Winslow, Guardian of the Troy Indians.

Chap. 24.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, the sum of two hundred

§291 00 for services as guardian.

and ninety-one dollars, to Benjamin F. Winslow, in full of his account, as guardian of the Troy Indians, to January first, in the year one thousand eight hundred and forty-nine; and that a warrant be drawn accordingly. [*Approved by the Governor, March 17, 1849.*]

Chap. 25.

RESOLVE in favor of Charles B. Orcutt.

§75 annually, for four years.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Charles B. Orcutt, of Tewksbury, the sum of seventy-five dollars per annum, for the term of four years, if he shall so long live, from the first day of March, in the year one thousand eight hundred and forty-nine, for a great injury sustained by him, while in the performance of military duty; and that a warrant be drawn accordingly. [*Approved by the Governor, March 20, 1849.*]

Military service.

Chap. 26.

RESOLVE in favor of Daniel Woodward.

§75 annually, for life.

Revolutionary services.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Daniel Woodward, of Hubbardston, in the county of Worcester, for service in the army of the Revolution, at several times, amounting, in all, to four months and twenty-six days, the sum of seventy-five dollars per year, during his natural life; said sum to be paid, annually, on the fourth day of April; and that warrants be drawn accordingly. [*Approved by the Governor, March 20, 1849.*]

Chap. 27.

RESOLVE on the Petition of Benjamin Wheeler and another, Executors.

Authorized to sell estate in Boston.

Resolved, for the reasons in said petition set forth, that James Wyman, of said Boston, gentleman, be, and he is, hereby authorized and empowered to sell, either at public or private sale, for cash or on credit, and to convey in fee simple, by good and sufficient deeds, discharged from all trusts and liability for the application of the purchase money, that portion of the estate situate in Boylston Street, in said Boston, described in said petition, which, by said will, was devised to said Benjamin Wheeler, one of said petitioners, during his life, and after his death to his children; said devise being of one third part of a certain estate situate in Boylston Street, fronting the south part of the Common in said Boston, say west side, twenty-three feet four inches, the whole of said estate measuring in front, on said street, seventy feet, and the same in the rear, and one hundred and thirty-seven feet from front to rear: *provided, however,* that said Wyman shall first give such bond, with sureties to the judge of probate, for the time being of the county of Suffolk, as said judge shall approve, conditioned

Description.

Proviso as to bond.

faithfully to exercise all and singular the powers hereby granted; and said bond shall provide that the proceeds of such sale shall be placed at interest, secured by mortgages of real estate, and such interest be paid to said Benjamin Wheeler during his life, and that the principal shall be held for the benefit of the children of said Wheeler at his decease: *and provided, also*, that said Benjamin Wheeler shall join in the deeds to be given as aforesaid, thereby conveying his interest in the said estate in Boylston Street. [*Approved by the Governor, March 20, 1849.*]

RESOLVE on the Petition of John A. Mason and others.

Resolved, That there be allowed and paid, to the adjutant general, out of the treasury of the Commonwealth, the sum of two hundred and twenty-one dollars, for the use of Company C., first regiment of artillery, and that he pay the same to the non-commissioned officers and privates of said company according to the pay-roll thereof in his office, and that a warrant be drawn accordingly. [*Approved by the Governor, March 20, 1849.*]

Chap. 28.

§221 for the use of Company C, 1st reg. art.

RESOLVE on the Petition of the Selectmen of the Town of Lancaster.

Resolved, for the reasons set forth in the petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Lancaster, the sum of two hundred and seventy-five dollars in full for expenses incurred, by the said town, in the support of State paupers during the year eighteen hundred and forty-seven, while sick with ship fever, and that a warrant be drawn accordingly. [*Approved by the Governor, March 20, 1849.*]

Chap. 29.

§275 for State paupers.

RESOLVE granting Taxes for the several Counties.

Resolved, That the sums, placed against the names of the several counties in the following schedule, are hereby granted, as a tax for each county respectively, to be assessed, paid, collected and applied according to law, viz:—Essex County, thirty-two thousand six hundred dollars; Middlesex County, sixty-five thousand six hundred and forty-two dollars and fifty cents; Worcester County, thirty-five thousand dollars; Hampshire County, eight thousand dollars; Hampden County, seventeen thousand dollars; Franklin County, nine thousand dollars; Berkshire County, fifteen thousand dollars; Norfolk County, twenty-one thousand dollars; Plymouth County, fourteen thousand dollars; Bristol County, twenty-five thousand dollars; Barnstable County, six thousand five hundred dollars; Dukes County,

Chap. 30.

two thousand dollars. [*Approved by the Governor, March 22, 1849.*]

Chap. 31.

RESOLVE on the Petition of Sarah W. Hale.

Authorized to
sell estate in
Newburyport.

Description.

Resolved, for reasons set forth in the said petition, that the said Sarah W. Hale be, and she is, hereby authorized and empowered to sell, at any time, at public or private sale, at her discretion, and convey any and all of the real estate hereinafter described, to wit:—One lot or parcel of land situated in Newburyport, in the county of Essex, and Commonwealth of Massachusetts, containing about one hundred and ten rods, more or less, and bounded southwesterly by Merrimack Street; northwesterly by land of the heirs of John B. Titcomb, deceased; northeasterly by Merrimack River; and southeasterly by Brown's Upper Wharf, so called, to the street aforesaid, with a dwelling-house, and two shops thereon. One other lot situated in said Newburyport, and bounded southeasterly by Green Street; southwesterly on Brown's Square, so called; northwesterly by land of J. B. Swasey and others; and northeasterly by land of said Sarah W. Hale, containing about eighty rods, more or less, and on which are a dwelling-house and shop. One other lot, situated in said Newburyport, containing about ten rods, more or less, and bounded easterly by Market Street, southwesterly on land formerly of Nathan Hoyt, deceased; northwesterly on land of the heirs of Peter Morss, and on land of the heirs of James Horton, deceased; northeasterly by land of James Horton, and on land of the heirs of James Horton deceased, with half a dwelling-house thereon. One other lot, situated in said Newburyport, containing about ten rods, more or less, and bounded southeasterly by Dove Street; southwesterly on land formerly of Daniel Merrill; northwesterly by land formerly of James Chase, junior; and northeasterly by land formerly of John Tufts, with a house thereon. One other lot, situated in said Newburyport, containing about one hundred and sixteen rods, more or less; and bounded southeasterly on Pond Street; southwesterly on a street leading by the burying ground; northerly by a passageway between it and Frogpond; and easterly by land formerly of Theophilus Jaques, with a house and barn thereon. One other lot, situated in said Newburyport, containing about twenty rods, more or less, and bounded northwesterly by Federal Street; northeasterly and southeasterly by land formerly of William Bartlett, Esq., deceased, and southwesterly by Beck Street. One other lot, situated in said Newburyport, containing about sixteen rods, more or

less, and bounded northwesterly by Franklin Street; northeasterly by land of Benjamin Jaques; southeasterly by land of Eleazer Short and others, and southwesterly by land of Peter Sanford, with a dwelling-house thereon. Also one lot, situated in Salisbury, in the county of Essex aforesaid, containing about twenty-five acres, more or less, and bounded southwesterly by Merrimack River; northwesterly by land of David J. Merrill; northeasterly and southeasterly by a creek and a ditch, excepting so much as has been taken out for roads, one leading from Newburyport Bridge to Ring's Island, and one leading from the said bridge to Seabrook, and so much also as has been taken out by the Eastern Railroad Company. And one other lot situated in said Salisbury, containing about twenty-two acres, more or less, and bounded southwesterly by Merrimack River; northwesterly by a creek and brook; northeasterly by land of — —, and southeasterly by land of J. W. Buswell. And the said Sarah W. Hale shall pay over the proceeds of such sales to the surviving trustee, appointed in and by the last will and testament of Moses Brown, late of Newburyport aforesaid, merchant, deceased; and the said trustees shall hold and securely invest the same upon the same limitations, and for the same uses and ultimate disposal, as is provided in the will aforesaid, respecting the said real estate: *provided*, that, before any such sale shall be made, the said Sarah W. Hale shall give satisfactory bonds, with good and sufficient surety or sureties to the judge of probate, for the county of Essex, that she will faithfully execute the power hereby given to her, and will pay over, to the said trustee, the proceeds of any and all sales made by her under this resolve: *and provided*, *also*, that the said trustee shall first give like satisfactory bonds to the said judge of probate, that he will faithfully hold and invest, agreeably to the requirements of this resolve, all moneys, or other proceeds, that shall be received by him for or on account of any sales made under the same. [*Approved by the Governor, March 22, 1849.*]

Estate in Salisbury.
Description.

Proceeds, how to be disposed of.

Proviso as to bonds.

Proviso as to bonds by trustee.

RESOLVE in favor of Benjamin Savery and Alexander Kenrick.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Benjamin Savery, of Wareham, the sum of seven dollars, and to Alexander Kenrick, of Orleans, the sum of four dollars, in full for errors in computing their mileage as members of the General Court for the year one thousand eight hundred and forty-eight, and that warrants be drawn accordingly. [*Approved by the Governor, March 22, 1849.*]

Chap. 32.

Allowance for mileage.

Chap. 33. RESOLVE on the Petition of the Parish of St. Mary's Church, in Dorchester.

Copy of record
of proceedings
of meeting to
organize.

Resolved, for the reasons set forth in said petition, that the time within which the clerk of the parish of St. Mary's Church, in Dorchester, is authorized to leave, with the town clerk of the town of Dorchester, a copy of the record of the proceedings of the meeting at which the said church was organized as a corporation, be extended to the expiration of ten days from the time when this resolve shall be approved by the governor; and, if the said copy of the record of proceedings shall be left with the said town clerk, to be recorded within the said period, then all the proceedings of said church shall be held valid, in the same manner as if the copy of the said record had been left with the town clerk, within ten days after the meeting at which the said church was organized as a corporation. [*Approved by the Governor, March 22, 1849.*]

Chap. 34. RESOLVES relating to a Reprint of the Tenth Report of the Secretary of the Board of Education.

Horace Mann
to prepare the
report.

Resolved, That the late Secretary of the Board of Education, Honorable Horace Mann, be hereby appointed to prepare, for republication, so much of his Tenth Annual Report, as, with the requisite additions and alterations, to be also made by him, will exhibit a just and correct view of the common school system of Massachusetts, and the provisions of law relating to it.

Number of
copies.

Resolved, That there be printed ten thousand copies of such republication, to be distributed and disposed of in the same manner as is now, or may be provided, in regard to the Annual Reports of the Board of Education.

Compensation.

Resolved, That the governor and council be authorized to determine the compensation to be made to Mr. Mann, for the foregoing service, and to draw upon the treasurer of the Commonwealth for the amount. [*Approved by the Governor, March 23, 1849.*]

Chap. 35. RESOLVE on the Petition of Joseph Kinsman.

§789 68 for de-
ficiency in pub-
lic lands sold.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, from the proceeds of any lands sold, or which may hereafter be sold, the sum of seven hundred and eighty-nine dollars and sixty-eight cents, it being in full compensation for any deficiency in certain lands conveyed to said Kinsman, by this Commonwealth, by deeds, dated the eleventh day of May, in the year one thousand eight hundred and twenty-four; and that a warrant be drawn accordingly. [*Approved by the Governor, March 23, 1849.*]

RESOLVE concerning the State Reform School Buildings.

Chap. 36.

Resolved, That there be appropriated the sum of six thousand dollars, or so much of such sum as may be requisite, for the completion of the State Reform School buildings, at Westborough, to be expended under the direction of the commissioners upon that subject; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, March 27, 1849.*]

\$6000 for completing buildings.

RESOLVE on the Petition of Dana Holden.

Chap. 37.

Resolved, for reasons set forth in said petition, that Dana Holden, of Chelsea, in the county of Suffolk, trustee of James Low, (otherwise called George James Low,) under the will of Abiah P. Low, late of Boston, widow, is authorized to sell, either by public auction or private sale, and pass deeds to convey, in fee simple, to the purchaser or purchasers, one undivided third part of a piece or parcel of land, with the buildings thereon, situated in Snow-hill Street, so called, in Boston aforesaid, and bounded and measuring as follows, to wit:—easterly on said street, twenty feet; northerly on land and house now, or formerly, belonging to Thomas J. Clark, seventy feet, four inches; westerly on a passageway four feet, six inches wide, twenty feet; and southerly on house and land now, or formerly, belonging to the widow Fales, seventy feet, four inches, or however otherwise bounded or described; with all the rights, easements, privileges, and appurtenances, to the same belonging, including the free use of said passageway, and of a passageway five feet wide, leading from Hull Street, on the northerly side of the house, now, or formerly, belonging to the said Thomas J. Clark, in common with William Vernon, and those claiming under him: *provided*, that the said Dana Holden, before making such sale, shall give a bond to the judge of probate of the county of Suffolk, with sufficient surety, conditioned that he, the said Holden, will invest the proceeds of the sale of said land and buildings, in other real and personal property in this Commonwealth, to be held by said Dana Holden, in trust, for the use of the said James Low, and his heirs, according to the terms of the will of the testatrix aforesaid: *provided*, also, that, before such sale, the said James Low shall signify his assent to the making of said sale, by the said Dana Holden, of said land and buildings, under this resolve, by a writing, to be filed in the probate office of said county of Suffolk, signed by the said James Low. [*Approved by the Governor, March 29, 1849.*]

Authorized to sell real estate in Boston.

Description.

Proviso, as to bond.

Proviso, as to assent of James Low.

Chap. 38.

RESOLVE for the Relief of Mary Bixby.

§50 for husband's revolutionary services.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Mary Bixby, of Millbury, in the county of Worcester, the sum of fifty dollars, in full for the revolutionary services of her husband, Samuel Bixby, deceased; and that a warrant be drawn accordingly. [*Approved by the Governor, March 29, 1849.*]

Chap. 39.

RESOLVE on the Petition of Alexander Pope.

Commonwealth releases its rights to property of alien.

Resolved, That the Commonwealth release to Alexander Pope, of Dorchester, in the county of Norfolk, his heirs and assigns, all its rights by reason of the alienage of John Hammond, in and to a lot of land on Highland Street, in Roxbury, in said county, more fully described in a deed thereof from said Hammond, to said Pope, dated on the twenty-first day of September, eighteen hundred and forty-seven, and recorded in the Norfolk registry of deeds, book one hundred and seventy-five, at page two hundred and nine. [*Approved by the Governor, March 29, 1849.*]

Chap. 40.

RESOLVE in favor of the City of Cambridge.

§1418 05 for State paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the city of Cambridge, the sum of fourteen hundred eighteen dollars and five cents, in full of the State pauper account of the said city, for the year ending November first, one thousand eight hundred and forty-eight; and that a warrant be drawn accordingly. [*Approved by the Governor, March 29, 1849.*]

Chap. 41.

RESOLVE for Compensation to the Commissioners on the Treasury.

§150 for services as commissioners on the treasury.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to William B. Calhoun, George Morey, and William J. Hubbard, commissioners on said treasury, at the decease of the late treasurer, the sum of one hundred and fifty dollars, in full of their services on said commission; and that a warrant be drawn accordingly. [*Approved by the Governor, March 29, 1849.*]

Chap. 42.

RESOLVE in relation to certain Indian Annuities.

Punkapoag Indians.

Resolved, That the guardian of the Punkapoag Indians pay so much on account of the annuities established by a resolve passed March first, in the year one thousand eight hundred and thirty-eight, and by another resolve passed February twelfth, in the year one thousand eight hundred and forty-six, as he shall deem expedient, and no more. [*Approved by the Governor, March 29, 1849.*]

RESOLVE for the Relief of James Capen,

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to James Capen, of Stoughton, the sum of fifty dollars per annum, during his natural life, for revolutionary services; said sum to be paid, annually, on and after the fourth of April, in the year one thousand eight hundred and forty-nine; and that warrants be drawn accordingly. [*Approved by the Governor, March 29, 1849.*]

Chap. 43.

§50 annually,
for revolution-
ary services.

RESOLVE for the Relief of Mary Davis.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Mary Davis, of Newbury, in the county of Essex, the sum of fifty dollars, in full for the revolutionary services of her husband, Robert Davis, deceased; and that a warrant be drawn accordingly. [*Approved by the Governor, March 29, 1849.*]

Chap. 44.

§50 for revolu-
tionary services
of husband.

RESOLVE in favor of the Town of Lancaster.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Lancaster, the sum of ten dollars, in full for amount deducted from their pauper account, by mistake; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 4, 1849.*]

Chap. 45.

§10, for error
in pauper ac-
count.

RESOLVE on the Petition of John Peirce.

Resolved, for reasons set forth in the said petition, that John Peirce, of North Chelsea, in the county of Suffolk, administrator of the estate of James S. Tewksbury, late of said Chelsea, deceased, be hereby authorized to make and file, in the probate office for said county, within six months after the passage of this resolve, an affidavit, such as is prescribed in the case of administrators and executors, by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of certain real estate, situate in said Chelsea, belonging to the estate of said deceased; said sale having been made by said administrator under a license granted by the court of probate, holden at Boston, on the eighteenth day of April, in the year one thousand eight hundred and forty-two: *provided*, that the said John Peirce shall first give such notice as the judge of probate for said county shall order, of his intention to file such affidavit and copy of notice; and *provided*, that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed, and such affidavit and copy of

Chap. 46.

Authorized to
file affidavit in
probate office,
with copy of
notice.

Proviso.

Proviso.

notice, thus filed, shall be as effectual for all purposes as if the same had been filed within the time required by law. [Approved by the Governor, April 4, 1849.]

Chap. 47.

Authorized to
sell real estate
in Lynn.

RESOLVE on the Petition of Charles C. Sheafe, Trustee.

Resolved, That, for reasons set forth in said petition, Charles C. Sheafe, of Boston, in the county of Suffolk, trustee, under the last will and testament of Elizabeth Doane, late of Lynn, in the county of Essex, deceased, be and he hereby is authorized to sell and convey, in such manner, on such terms, and for such sums as he shall deem expedient, at public auction or private sale, the whole or any part of a certain lot of land, situate in said Lynn, and bounded and described as follows, to wit: Northeast-erly on Nahant Street, so called, and there measuring seven rods; southeasterly by a new street called Sagamore Street, running from said Nahant Street to Newhall Street, so called, and there measuring six rods; southwesterly by land of, or formerly of, Jonathan Haskell, seven rods, and northwesterly by land now or late of Francis Newhall, six rods, or however otherwise bounded, with the dwelling-house and buildings thereon, and all the privileges and appurtenances thereto belonging; said estate being the same conveyed to said Elizabeth Doane, by one Robert Phillips, by deed dated December tenth, in the year of our Lord eighteen hundred and forty; recorded in the registry of deeds for Essex county book three hundred and twenty-one, leaf two hundred and seventy-six; and to make, execute, and acknowledge deeds thereof in fee simple, to the purchaser or purchasers, discharged of all trusts, and without any obligation on the part of said purchaser or purchasers to see to the application of the purchase-money, and the proceeds of the sale of said estate shall be held by the said Sheafe, or his successor or successors in said trust, upon the same trusts, and for the same intents and purposes, as said estate itself would have been held, had it not been sold and conveyed under the authority and in pursuance of this resolve; *provided, however*, that, previously to any sale, the said Sheafe shall give bonds, to the satisfaction of the judge of probate for the county of Essex, for his acts and doings in the premises, and to account for and dispose of the proceeds of the sale of said estate, according to the provisions hereinbefore contained. [Approved by the Governor, April 4, 1849.]

Description.

Proviso, as to
bonds.

RESOLVES for the Appointment of Commissioners to report a Reform in Judicial Proceedings. *Chap. 48.*

Resolved, That the governor, with the advice and consent of the council, be authorized to appoint three persons, who shall constitute a board of commissioners, whose duty it shall be to revise and reform the proceedings in the courts of justice in this Commonwealth, except in criminal cases, and report the same to the Legislature, subject to its adoption or modification.

Three commissioners to report to next Legislature on judicial proceedings, criminal excepted.

Resolved, That the duties of the commissioners shall embrace the consideration and revision of the mode of bringing parties before the court, all their respective allegations, the trial of questions of fact and of law, the summoning of witnesses, the question, who may be witnesses, and who may be compelled to give testimony, the manner of their examination, and the competency of evidence, the judgment to be rendered, its execution, appeals, arbitrations, prorogation, and remedial writs, and all processes against absent and insolvent debtors. [*Approved by the Governor, April 4, 1849.*]

Duties.

RESOLVE on the Petition of John Hector and others, Descendants of the Hassanamesset Tribe of Indians.

Chap. 49.

Resolved, for the reasons set forth in the petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the judge of probate for the county of Worcester, the sum of fifty dollars annually, for the term of ten years, commencing on the first day of May next, in trust, to be by said judge distributed among the descendants of the Hassanamesset tribe of Indians, according to their wants and necessities, and said judge of probate shall keep an accurate account of such disbursements, and submit the same to the examination of the governor and council, annually, and that warrants be drawn accordingly. [*Approved by the Governor, April 4, 1849.*]

§50 annually for ten years, to the Indian tribe.

RESOLVE on the Petition of the Overseers of the Poor of the Town of Northampton.

Chap. 50.

Resolved, for the reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Northampton, the sum of one hundred and thirty-one dollars, and fifty cents, in full for expenses incurred by said town during the year one thousand eight hundred and forty-eight, in the care of State paupers while sick with ship fever; and that a warrant be drawn accordingly. [*Approved by the Governor, April 4, 1849.*]

§131 50 for State paupers.

Chap. 51. RESOLVE on the Petition of the Overseers of the Poor of the Town of Worthington.

§75 for State paupers.

Resolved, for reasons set forth in the petition, there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Worthington, the sum of seventy-five dollars, in full for expenses incurred by said town, during the year eighteen hundred and forty-eight, in the care of State paupers, while sick with ship fever; and that a warrant be drawn accordingly. [*Approved by the Governor, April 4, 1849.*]

Chap. 52.

Clerk of Senate to cause the report to be printed.

RESOLVE concerning the Annual Report of the Board of Education.

Resolved, That the clerk of the Senate, for the time being, be authorized and directed to cause to be printed annually, before the meeting of the Legislature, or as soon thereafter as may be, eight thousand copies of the Annual Report of the Board of Education, instead of the number authorized by the resolves of the year one thousand eight hundred and forty-seven, chapter seventy-one; that three thousand copies of said report be distributed annually for the use of the members of the Legislature. [*Approved by the Governor, April 4, 1849.*]

Chap. 53.

§25 55 on State pauper account.

RESOLVE on the Petition of the Town of Chilmark.

Resolved, for the reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Chilmark, the sum of twenty-five dollars and fifty-five cents, it being the amount retained from the portion of the school fund, of the year eighteen hundred and forty-seven, belonging to said town, because of a supposed overcharge for the support of a State pauper during the year eighteen hundred and forty-five, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 4, 1849.*]

Chap. 54.

Authorized to sell real estate in Boston.

Description.

RESOLVE on the Petition of Henry Codman and William Ropes.

Resolved, for reasons set forth in said petition, that said Henry Codman and William Ropes, be, and they are, hereby authorized to sell, at public or private sale, all such parts or portions of the real estates hereinafter described, as Elizabeth Codman, late of said Boston, gentlewoman, deceased, was interested in, or over which she had a power of appointment at the time of her decease, to wit:—A certain parcel of real estate on and near Ann Street, in said Boston, together with the additional land and buildings added thereto by Catharine Codman, the mother of said Elizabeth; also the parcel of real estate in Hanover Street, in

said Boston, formerly known as the Earl Coffee House, for the identification and boundaries of which estates reference is to be had to an indenture made between Henry Codman and said Elizabeth Codman, bearing date the twenty-first day of May, in the year one thousand eight hundred and twenty-four, and recorded with Suffolk deeds, lib. 296, folio 1, and to the records in said indenture referred to. Also, a parcel of real estate on Sudbury Street in said Boston, numbered seven, on said street, being the same estate which was devised by Abigail Codman to George, Francis, Catharine, Margaret, and Mary Ann, the children of her brother, John Codman, deceased, by her will dated the fifth day of July, in the year one thousand eight hundred and twenty, and duly proved, approved, and allowed, in the probate court, for the county of Suffolk, on the thirtieth day of July, in the year one thousand eight hundred and thirty-two. Also, another parcel of real estate, situate in Hanover Street, in said Boston, being the same which is described in a deed from Charles R. Codman to Francis Codman and others, dated the sixth day of June, in the year one thousand eight hundred and forty-five, and recorded with Suffolk deeds, lib. 546, folio, 109, and to make and execute good and sufficient deeds thereof in fee simple, discharged of all trusts, and without any obligation, on the part of the purchaser or purchasers, to see to the application of the purchase-money, and that the proceeds shall be held, invested, and disposed of, to the same uses, and upon the same limitations and trusts, upon which said portions of said real estates are now, or would hereafter have been, holden: *provided*, that the petitioners, before such sale, shall give bonds to the judge of probate, for the county of Suffolk, with such sureties, and in such sum, as he shall approve, conditioned that the said proceeds shall be so held, invested, and disposed of. [*Approved by the Governor, April 5, 1849.*]

Proviso as to bonds.

RESOLVE on the Petition of the Overseers of the Poor of the Town of Belchertown.

Chap. 55.

Resolved, for the reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Belchertown, the sum of twenty-five dollars and fifty-five cents, it being the balance of the pauper account of said town for the year eighteen hundred and forty-seven, not heretofore allowed, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 5, 1849.*]

§25 55 for paupers.

Chap. 56.

RESOLVE on the Petition of Samuel W. Swett, Trustee.

Authorized to
sell real estate
in Roxbury.

Description.

Proviso, as to
bonds.

Resolved, for the reasons set forth in said petition, that Samuel W. Swett, trustee under the will of Lucy Cabot, late of Roxbury, in the county of Norfolk, deceased, of certain property which is therein devised, in trust for George D. Cabot and his wife Harriett, for their lives, and, upon their death, is given to the children of said George, in the manner therein mentioned, be authorized to sell and convey, in fee simple, by public or private sale, whenever he shall judge best, any or all of the real estate, held by him as part of said trust property, which real estate is situate in Spring Street, in said Roxbury, and consists of one moiety of a parcel of land of about three acres, with a dwelling-house and other buildings thereon, bounded by the county road to Dedham, by Cottage Street, by land late of Cyrus Dyer, and by land partly late of said Dyer, and partly now or late of Lemuel Billings; and also of one moiety of a parcel of land of about four acres, bounded easterly on land now or late of Luke Baker, in part, and partly on the old road from Boston to Dedham; northerly on the road leading to Needham and Dedham; southerly and westerly on the Eliot School land; and to make and execute good and sufficient deeds thereof, in fee simple, discharged of all trusts, and without any obligation, on the part of the purchaser or purchasers, to see to the application of the purchase-money, and that the proceeds shall be held and invested, and disposed of, to the same uses, and upon the same limitations and trusts, upon which said portions of said real estate are now, or would hereafter have been, holden: *provided*, that the said trustee, before making such sale, shall give bonds to the judge of probate, for the county of Norfolk, with such sureties and in such sum as he shall approve, conditioned that the said proceeds shall be so held, invested, and disposed of. [*Approved by the Governor, April 5, 1849.*]

Chap. 57.

RESOLVES concerning the Printing for the Commonwealth.

Secretary and
the clerks of the
two branches to
make contract
for printing.

Resolved, That the secretary of the Commonwealth, and the clerks of the senate and the house of representatives, be directed to contract with some person or persons for the performance of the printing for the various departments of the government of this Commonwealth, on such terms as they shall deem most beneficial to the interests of the Commonwealth, such contract to continue in force until otherwise ordered.

Contract to be
dated July 1st.

Resolved, That the said contract shall be dated on the first day of July in the current year, and shall be in such

form, and contain such agreements as they shall deem best.
 [Approved by the Governor, April 9, 1849.]

RESOLVE on the Petition of Joseph Palmer and others.

Chap. 58.

Resolved, for reasons set forth in the petition, that the Blossom Farm, so called, situated in Lenox, in the county of Berkshire, containing about ninety-six acres, more or less, and described in the last will and testament of Joseph Palmer, late of said Lenox, deceased, duly proved and allowed in said county, may be sold and conveyed, in fee simple, at public or private sale, by some disinterested person, to be appointed trustee by the judge of probate for said county; and the proceeds of such sale shall be invested, by said trustee, in good and sufficient mortgages in trust on real estate, and the interest thereof appropriated for the benefit of the petitioner, Joseph Palmer, during his life; and, after his decease, the proceeds so invested shall be paid over to his heirs according to the provisions of said will: *provided*, that said trustee shall first give satisfactory bonds to said judge of probate, faithfully to execute the powers granted by this resolve. [Approved by the Governor, April 9, 1849.]

Real estate in Lenox to be sold.

Proceeds to be held in trust for petitioner.

Trustee to give bonds.

RESOLVE for the Preservation of Human Life.

Chap. 59.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the president and trustees of the Massachusetts Humane Society, the sum of two thousand five hundred dollars, for the purpose of procuring three life-boats, to be stationed on exposed portions of the coast, as follows, viz., one on the southern part of Plumb Island, one at Wellfleet, and one at Provincetown, near Race Point, or such other location as the trustees may decide upon; also, for providing for the crews of all the life-boats stationed on the coast, suitable life-preservers, and that a warrant be drawn therefor; and that the said society be requested to report to the governor and council their expenditure of the funds appropriated by this resolve. [Approved by the Governor, April 13, 1849.]

\$2,500 to Massachusetts Humane Society, to procure three life-boats, &c.

RESOLVE for the Payment of Sundry Accounts.

Chap. 60.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the several corporations and persons named in the accompanying rolls, the sums set against their several names, respectively, amounting to the sum of fourteen thousand five hundred and forty-eight dollars and twenty-four cents, the same being in full discharge of the accounts to which they refer, and that a

\$14,548 24 to corporations and persons.

warrant be drawn accordingly. [*Approved by the Governor, April 13, 1849.*]

Chap. 61. RESOLVE on the Petition of Samuel L. Hinckley, Sheriff of Hampshire County.
Resolved, for the reasons set forth in his petition, that there be paid, out of the treasury of the Commonwealth, to Samuel L. Hinckley, sheriff of Hampshire County, the sum of forty-two dollars and thirty-nine cents, in full for the balance of the account of the said Hinckley, for the year eighteen hundred and forty-six, not heretofore allowed, and that a warrant be drawn accordingly. [*Approved by the Governor, April 13, 1849.*]

§42 39 balance
of account in
1846.

Chap. 62. RESOLVE on the Petition of the Overseers of the Poor of the Town of Acton.
Resolved, for the reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Acton, the sum of fifty-three dollars, in full for expenses incurred by said town during the year ending November first, eighteen hundred and forty-eight, in the support of a State pauper while sick with the ship fever, and that a warrant be drawn accordingly. [*Approved by the Governor, April 13, 1849.*]

§53 for State
pauper.

Chap. 63. RESOLVE on the Petition of Abiel S. Lewis and Elsey E. Lewis, his Wife.
Resolved, for reasons set forth in the said petition, that the revocation, made by the said Elsey E. Lewis, of the conveyance of her estate to trustees for her use, which revocation bears date June the twenty-sixth, in the year one thousand eight hundred and forty-six, shall be deemed and taken to be good and valid in law, in the same manner as if made by her while sole and unmarried; and the said Elsey E. Lewis is hereby authorized to hold all the lands and real estate which descended to her from her late father, Charles Davis, and which have been assigned to her in the several partitions of his estate, and which have not been heretofore conveyed by her to her own use, free from the control or interference of her husband, and to sell and pass deeds to convey the same, in the same manner as if the same had been conveyed, or devised to her in conformity with the provisions of an act, passed in the year one thousand eight hundred and forty-five, chapter two hundred and eight; and further, that the said Elsey E. be authorized to make and execute all such deeds as may be necessary or expedient, to confirm the several conveyances heretofore made by her, so that the parties holding thereunder, shall have and enjoy the same estates, which, by the terms of their several deeds, it was intended they should

A revocation
of a conveyance
by Elsey E.
Lewis, in trust,
declared valid.

Authorized to
hold certain
estates as if she
were unmarried.

take and enjoy, notwithstanding the marriage settlement heretofore made by the said Elsey E. and the revocation thereof by her. [*Approved by the Governor, April 13, 1849.*]

RESOLVE on the Petition of the Overseers of the Poor of the Town of Nantucket.

Resolved, for the reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Nantucket, the sum of fifty-two dollars, in full for expenses incurred by said town in the support of a State lunatic pauper, during the year ending November first, eighteen hundred and forty-eight, and not included in the pauper account of said town for that year, and that a warrant be drawn accordingly. [*Approved by the Governor, April 13, 1849.*]

Chap. 64.

§52 for pauper account.

RESOLVES for Lighting the State House with Gas.

Resolved, That the sergeant-at-arms, under the direction of a committee of two members of the house of representatives, cause the central avenue, leading from Beacon Street to the State House, the doric hall, the passageway leading to the representatives' hall, and the representatives' hall, to be lighted with gas.

Resolved, That the sum of one thousand dollars be, and the same is, hereby appropriated for the purpose of carrying into effect the foregoing resolve; which sum, or such parts thereof as may be necessary, shall be expended in accordance with the provisions of an act, entitled "An Act relating to the State House," passed the eighteenth day of March, in the year one thousand eight hundred and forty-one. [*Approved by the Governor, April 19, 1849.*]

Chap. 65.

§1000 appropriated.

RESOLVE concerning the State Prison.

Resolved, That his excellency the governor be, and he is, hereby authorized, with the advice and consent of the council, to make such alterations in the interior of the old prison building belonging to the State Prison, as he may deem necessary to provide a suitable laundry for the use of said prison; the expense of said alteration to be paid out of the revenue of the prison. [*Approved by the Governor, April 19, 1849.*]

Chap. 66.

Governor and council authorized to make alterations in a building at the State Prison.

RESOLVE on the Petition of the Overseers of the Poor of the Town of Andover.

Resolved, for the reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Andover, the sum of two hun-

Chap. 67.

§200 for State paupers.

dred dollars, in full for expenses incurred by said town, during the year eighteen hundred and forty-eight, in the care of Sate paupers, while sick with the ship fever; and that a warrant be drawn accordingly. [*Approved by the Governor, April 19, 1849.*]

Chap. 68.

RESOLVE on the Petition of the Selectmen of Sturbridge.

§58 50 for lunatic State pauper.

Resolved, for the reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Sturbridge, the sum of fifty-eight dollars and fifty cents, in full for expenses incurred by said town in the support of a lunatic State pauper, from April twenty-first to October twenty-first, eighteen hundred and forty-eight; and that a warrant be drawn accordingly. [*Approved by the Governor, April 20, 1849.*]

Chap. 69.

RESOLVE for the Pay of the Council, Senate, and House of Representatives.

Pay of senate and house of representatives.

Council.

President and speaker.

Resolved, That there be paid, out of the treasury of the Commonwealth, to each member of the senate and house of representatives, two dollars for each and every day's attendance during the present political year, and the sum of two dollars for every ten miles' travel from their respective places of abode, once in each session, to the place of the sitting of the General Court; and also, to each member of the council, two dollars per day for each day's attendance at that board, at every session thereof during the present political year, and the sum of two dollars for every ten miles' travel from their respective places of abode, once in each session thereof; and, to the president of the senate, and the speaker of the house of representatives, each the sum of two dollars per day for each and every day's attendance, in addition to their pay as members; and that warrants be drawn accordingly, on the orders of the respective branches. [*Approved by the Governor, April 20, 1849.*]

Chap. 70.

RESOLVE concerning Barnard's School Architecture.

One copy for each town.

Resolved, That the secretary of the Commonwealth be directed to furnish, to the clerk of each town in the State, one copy of a work entitled "School Architecture for the Improvement of School-houses," by Henry Barnard, commissioner of public schools in the state of Rhode Island: *provided*, that the expense thereof do not exceed one dollar for each copy so delivered; the said amount to be deducted from the proceeds of public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, entitled "An Act to designate the fund for

payment of the salary of the land agent, and of appropriations for educational purposes;" and that warrants be drawn accordingly. [*Approved by the Governor, April 20, 1849.*]

RESOLVE to pay the Door-Keepers, Messengers, and Pages of the Senate and House of Representatives.

Chap. 71.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the door-keepers and messengers of the senate and house of representatives, the sum of two dollars, each, per day, and to the pages of the senate and house of representatives, each, the sum of one dollar and fifty cents per day, for each and every day's attendance during the present session of the Legislature; and that warrants be drawn accordingly. [*Approved by the Governor, April 20, 1849.*]

\$2 per day.

Pages, \$1 50 per day.

RESOLVE to pay the Assistant Messenger to the Governor and Council.

Chap. 72.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the assistant messenger to the governor and council, the sum of two dollars for each and every day he has been, or may be, employed in that capacity, during the sessions of the council, the present political year; and that warrants be drawn accordingly. [*Approved by the Governor, April 20, 1849.*]

Two dollars per day.

RESOLVE on the Petition of the Selectmen of the Town of Blackstone.

Chap. 73.

Resolved, for the reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Blackstone, the sum of two hundred and five dollars and twenty-five cents, in full for expenses incurred by said town, in the care of State paupers, while sick with ship fever, during the year ending November first, eighteen hundred and forty-eight; and that a warrant be drawn accordingly. [*Approved by the Governor, April 20, 1849.*]

\$205 25 for State paupers.

RESOLVE for the settlement of the Accounts of the Commissioners on Idiocy.

Chap. 74.

Resolved, That there be paid, to the chairman of the commissioners on idiocy, the sum of six hundred and fifty dollars, in full for all moneys paid by said commissioners in the execution of their commission, and that a warrant be drawn accordingly. [*Approved by the Governor, April 20, 1849.*]

\$650 allowed.

Chap. 75.

§150 annually,
for five years.

RESOLVE on the Petition of the Massachusetts Teachers Association.

Resolved, That there be paid, annually, in the month of August, for the term of five successive years, to the president or treasurer of the Massachusetts Teachers Association, the sum of one hundred and fifty dollars, to be applied to the purposes of said association; the said amount to be deducted from the proceeds of public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, entitled "An Act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes," and that warrants be drawn accordingly. [*Approved by the Governor, April 20, 1849.*]

Chap. 76.

Authorized to
sell real estate
in South Boston.

RESOLVE on the Petition of John H. Pearson, Trustee.

Resolved, That John H. Pearson, trustee, be authorized to sell, at public or private sale, a certain piece of land, situated in that part of Boston called South Boston, in the county of Suffolk, and described in a deed thereof to said Pearson from Theophilus Stover, dated the thirteenth day of June, in the year one thousand eight hundred and forty-three, and recorded in the registry of deeds for the county of Suffolk, book five hundred and three, page fifty-four, and to hold the proceeds thereof, subject to the same trusts upon which said land is now holden, first giving satisfactory bonds, to the judge of probate for said county, for the faithful execution of the powers hereby granted. [*Approved by the Governor, April 21, 1849.*]

Proriso, as to
bonds.

Chap. 77.

§5000, condi-
tionally.

RESOLVE concerning the Employment of Adult Blind Poor.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the Perkins Institution and Massachusetts Asylum for the Blind, the sum of five thousand dollars: *provided,* said institution add thereto a like sum of five thousand dollars from its own funds, for the purpose of erecting, on the land of said institution, a suitable workshop for the employment of adult blind poor persons, and any such further sums as may be necessary to complete the said building, and that a warrant be drawn accordingly. [*Approved by the Governor, April 21, 1849.*]

Chap. 78.

To audit ac-
counts of ser-
geant-at-arms

RESOLVE relating to the Duties of the Auditor of Accounts.

Resolved, That the auditor of accounts be directed to audit the accounts of the sergeant-at-arms, for incidental expenses which have occurred since the close of the last

annual session of the General Court, and to report the excess, if any, over and above the appropriation, to the governor, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 24, 1849.*]

since the close
of the session
of 1848.

RESOLVE for the Purchase of Railroad Maps.

Resolved, That the clerk of the senate purchase, for the use of the General Court, one thousand copies of Goldthwait's Map of the Railroads in New England, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 24, 1849.*]

Chap. 79.

1000 copies.

RESOLVE in Remuneration of Horace Mann.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Horace Mann, late Secretary of the Board of Education, the sum of two thousand dollars, in full for money advanced by him for the erection of normal school houses, and for other purposes of a public nature; the said amount to be deducted from the proceeds of public lands or the school fund, according to the provisions of the act of the year eighteen hundred and forty-six, chapter two hundred and nineteen, entitled "An Act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes:" and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 24, 1849.*]

Chap. 80.

\$2000 for mon-
eys advanced.

RESOLVE for the Pay of the Clerks of the Legislature.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the clerk of the senate and the clerk of the house of representatives, each, the sum of ten dollars per day, and to the assistant clerk of the senate and the assistant clerk of the house of representatives, each, the sum of six dollars per day, for each and every day they have been or may be employed in that capacity during the present session of the Legislature; and that there be further paid, to the clerk of the senate, and the clerk of the house of representatives, the sum of one hundred and fifty dollars, each, for copying the journals for the library, as required by the orders of the two houses, and that warrants be drawn accordingly. [*Approved by the Governor, April 24, 1849.*]

Chap. 81.

\$10 per day.

\$6 per day.

\$150 for copy
of journals.

RESOLVE for the Pay of the Chaplains of the Legislature.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the chaplain of the sen-

Chap. 82.

§100.

ate, and to the chaplain of the house of representatives, one hundred dollars each, for their services during the present session, and that warrants be drawn accordingly. [Approved by the Governor, April 24, 1849.]

Chap. 83.

RESOLVE in favor of Otis Snow.

Authorized to remove the dead to the burying ground in Dartmouth, from a tract of land in Dartmouth, as described.

Resolved, That Otis Snow, of Dartmouth, in the county of Bristol, be, and he is hereby authorized to remove, at his own expense, all the remains of the dead, in any graves, and all the grave stones or other monuments for the dead, situate on a certain tract of land in Dartmouth aforesaid, described as follows, to wit: northerly, by the road leading from New Bedford through Smith's Mills village, in said Dartmouth, southerly by Allen Simmons, westerly by land of Perry Gifford, and easterly by the road leading to Macomber's corner, Apponagansett, so called, and is the same estate which he purchased of Amos Cornell: *provided*, that said Snow shall cause all such remains of the dead to be decently re-buried in the public burying ground of said Dartmouth, and all the grave stones or other monuments for the dead, thereto belonging, to be properly replaced therewith in said burying ground. [Approved by the Governor, April 24, 1849.]

Chap. 84.

RESOLVE for the Payment of the Pauper Accounts of the Towns therein named.

Worthington.

Chester.

Nantucket.

Williamstown.

Chicopee.

Brimfield.

Leicester.

Hinsdale.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the town of Worthington, the sum of ninety-eight dollars and twenty-five cents; to the town of Chester the sum of forty-six dollars and eighty-one cents; to the town of Nantucket the sum of two hundred and fifty dollars and sixteen cents; to the town of Williamstown, the sum of seventy dollars and seventy-two cents; to the town of Chicopee, the sum of ninety dollars and twenty-four cents; to the town of Brimfield, the sum of twenty-seven dollars and twenty-six cents; to the town of Leicester, the sum of one hundred forty-eight dollars, and to the town of Hinsdale, the sum of fifteen dollars and seventy-nine cents, in full of their pauper accounts for the year one thousand eight hundred and forty-eight, the same being in legal form, and having been received in Boston, on or before the fifteenth day of November last, and that warrants be drawn accordingly. [Approved by the Governor, April 25, 1849.]

RESOLVE authorizing the Treasurer of the Commonwealth to sell a Surveying Compass and Chain. *Chap. 85.*

Resolved, That the treasurer of the Commonwealth be, and he is hereby authorized and empowered to sell, to the Hon. Solomon Davis, of Truro, for the sum of twelve dollars, a certain surveying compass and chain, belonging to the Commonwealth, now in his possession. [*Approved by the Governor, April 25, 1849.*]

To sell for \$12.

RESOLVE in favor of the Town of Wareham.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the overseers of the poor, of the town of Wareham, the sum of eleven dollars and forty-eight cents, in full for an error in the allowance of their account for the support of State paupers, for the year one thousand eight hundred and forty-eight; and that a warrant be drawn accordingly. [*Approved by the Governor, April 25, 1849.*]

Chap. 86.

§11 43, for error in pauper account, 1848.

RESOLVE in favor of Lois Fairbanks.

Resolved, That, for reasons set forth in the petition of Lois Fairbanks, of Dedham, there be allowed and paid to her, out of the treasury of the Commonwealth, the sum of fifty dollars, in full, and on account of the revolutionary services of her late husband; and that a warrant be drawn accordingly. [*Approved by the Governor, April 25, 1849.*]

Chap. 87.

§50 for revolutionary services of husband.

RESOLVE in favor of Rebecca Pratt.

Resolved, That, for reasons set forth in her petition, there be allowed and paid, out of the treasury of the Commonwealth, to Rebecca Pratt, of Fitchburg, the sum of fifty dollars, on account, and in full of her claims, under the resolve of the year one thousand eight hundred and thirty-five, chapter forty-five; and that a warrant be drawn accordingly. [*Approved by the Governor, April 25, 1849.*]

Chap. 88.

§50.

Resolves 1835, ch. 45.

RESOLVE concerning State Normal Schools.

Resolved, That the sum of seven thousand dollars, annually, for three years, be appropriated to the support of State Normal Schools, under the direction of the Board of Education; the said amount to be deducted from the proceeds of public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, entitled "An Act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes;" and his excellency the governor, by

Chap. 89.

§7000 for three years.

1846, ch. 219.

and with the advice and consent of the council, is authorized to draw his warrant accordingly. [*Approved by the Governor, April 25, 1849.*]

Chap. 90.

RESOLVE concerning the Tenth Massachusetts Turnpike Corporation.

District attorney of western district authorized to commence judicial process against Tenth Massachusetts Turnpike Corporation.

Resolved, That the district attorney of the Western district, be, and he hereby is, directed and empowered to institute due process by scire facias, or otherwise, against the Tenth Massachusetts Turnpike Corporation, requiring said corporation to appear before the justices of our supreme judicial court, at a proper term thereof, to show cause, if any said corporation have, why the charter of said corporation should not be adjudged to be forfeit; and that all due proceedings and decrees in the premises before our said court be had. [*Approved by the Governor, April 25, 1849.*]

Chap. 91.

RESOLVE in favor of the Committee on the subject of Insanity.

§1644 31 allowed.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Orin Fowler, the sum of three hundred and fifty-six dollars and sixty-two cents; to Alexander Kendrick, the sum of three hundred and fifty-three dollars and sixty-four cents; to Levi Taylor, the sum of two hundred and five dollars and fifty-one cents; to George S. Boutwell, the sum of one hundred and ninety-nine dollars and sixty-three cents; to Henry L. Dawes, the sum of one hundred and ninety-two dollars and twenty-five cents; to Charles E. Cook, the sum of one hundred and sixty-nine dollars and thirty cents; to Nathaniel Wood, the sum of one hundred and sixty-seven dollars and thirty-six cents; amounting, in all, to the sum of one thousand six hundred and forty-four dollars and thirty-one cents, in full of all their accounts for services and expenses, as a committee on the subject of insanity, appointed under a resolve of the General Court, in the year one thousand eight hundred and forty-eight; and that warrants be drawn accordingly. [*Approved by the Governor, April 27, 1849.*]

Chap. 92.

RESOLVE for the Payment of the Incidental Expenses of the State House, and for other purposes.

§1700.

Resolved, That the sum of one thousand seven hundred dollars be, and hereby is, appropriated, to enable the sergeant-at-arms to the General Court, to make such incidental repairs upon the State House, as may be required from time to time, and also to purchase such articles of furniture as may be necessary for the use of the governor and council, and the general court, and the several offices in the State House; and that warrants be drawn accordingly. [*Approved by the Governor, April 28, 1849.*]

RESOLVE for the Payment of the Contingent Expenses of the General Court, &c.

Chap. 93.

Resolved, That there be paid, out of the treasury of the Commonwealth, to the sergeant-at-arms of the General Court, the sum of one thousand dollars, to enable him to pay certain contingent expenses for the governor and council, and general court, and the various offices in the State House, and not otherwise provided for; and that a warrant be drawn accordingly in his favor, he to account for the same. [*Approved by the Governor, April 28, 1849.*]

§1000.

RESOLVE relating to Railroads crossing each other.

Chap. 94.

Resolved, That a commissioner be appointed by his excellency the governor, by and with the advice of the council, who shall examine into the state and condition of the several crossings of railroads by each other, in the vicinity of Boston, with a view of dispensing with the same, and shall, before the next session of the General Court, report to the governor and council, the facts and circumstances connected with said crossings, together with a plan, or plans, for avoiding the same, and the manner of altering said crossings, or grade of said railroads, in order to avoid said crossings, and relieve the public from the danger to which they are exposed thereby. [*Approved by the Governor, April 28, 1849.*]

Commissioner to report to the governor and council.

RESOLVE for the Purchase of Fuel and Oil, for the State House.

Chap. 95.

Resolved, That the sum of one thousand three hundred dollars be, and is, hereby appropriated to enable the sergeant-at-arms to the General Court to purchase such quantities of fuel and oil, as may be necessary for the use of the General Court, and the several offices in the State House; and that warrants be drawn accordingly. [*Approved by the Governor, April 28, 1849.*]

§1300.

RESOLVE for Ventilating the State House.

Chap. 96.

Resolved, That the sergeant-at-arms, under the direction of a committee of three members of the house of representatives, cause the representatives' hall to be ventilated, according to the plans proposed in the report, upon this subject, of the committee on public buildings, or in such manner as they may deem expedient.

Resolved, That the sum of twelve hundred dollars be, and the same is, hereby appropriated, for the purpose of carrying into effect the foregoing resolve; which sum, or such part thereof as may be necessary, shall be expended in accordance with the provisions of an act, entitled "An

§1200 for ventilating the representatives' hall.

Act relating to the State House," passed on the eighteenth day of March, in the year one thousand eight hundred and forty-one; and that warrants be drawn accordingly. [*Approved by the Governor, April 28, 1849.*]

Chap. 97.

RESOLVE in relation to the State Arsenal, at Cambridge.

Adjutant general authorized, &c.

Resolved, That the adjutant and quarter master general be authorized to sell the two wooden sheds in the arsenal grounds at Cambridge, and, with the proceeds thereof, and of such unserviceable arms and equipments as may be sold by order of the commander in chief, to construct a neat fire-proof shed, suitable for the storing of the State property. [*Approved by the Governor, April 28, 1849.*]

Chap. 98.

RESOLVE relating to the Flats in the Harbor of Boston.

Commission continued.

Resolved, That the commission, provided for in the resolve passed on the tenth day of May, in the year one thousand eight hundred and forty-eight, to consider and report what are the rights and the duties of the Commonwealth, in relation to the flats in the harbor of Boston, and for other purposes, as therein expressed, be, and the same is, hereby continued in force, to enable the commissioners to complete their labors, and report to the next General Court, on the first week of its session. [*Approved by the Governor, April 30, 1849.*]

Chap. 99.

RESOLVE in FAVOR of the Committee on Public Charitable Institutions.

§64 97 allowed.

Resolved, That there be paid, out of the treasury of this Commonwealth, to Edward Parsons, chairman of the committee on public charitable institutions, the sum of sixty-four dollars and ninety-seven cents, in full for expenses incurred by said committee in visiting the several charitable institutions in this Commonwealth, during the present session of the General Court, and that a warrant be drawn therefor, accordingly. [*Approved by the Governor, April 30, 1849.*]

Chap 100.

RESOLVE in FAVOR of the Town of Fall River.

§942 90 for State paupers, 1848.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the town of Fall River, the sum of nine hundred and forty-two dollars and ninety cents, in full for an error in the allowance of their account for the support of State paupers, for the year ending November first, one thousand eight hundred and forty-eight, and that a warrant be drawn accordingly. [*Approved by the Governor, May 1, 1849.*]

RESOLVES relating to the State Lunatic Hospital.

Chap 101.

Resolved, That the Trustees of the State Lunatic Hospital be and they are hereby authorized to purchase the land referred to in their last annual report, contiguous to that belonging to the hospital, and known as "Chandler Hill," and that the payment for the same be made from the surplus funds now remaining in the hands of their treasurer, provided the cost of the same shall not exceed the sum of three thousand dollars.

For purchase of land, \$3000.

Resolved, That the sum of five thousand dollars, in addition to the unexpended balance of the appropriation of the year one thousand eight hundred and forty-seven, is hereby appropriated for the purpose of providing new apartments at the State Lunatic Hospital for the furiously insane patients; and that a warrant be drawn accordingly for the whole or any part of said sum, whenever required by the trustees for that purpose. [*Approved by the Governor, May 1, 1849.*]

For apartments for the furiously insane, \$5000.

RESOLVE in FAVOR of the Joint Standing Committee on Prisons.

Chap 102.

Resolved, That there be paid, out of the treasury of the Commonwealth, to Hosea Ilsley, chairman of the committee on prisons, the sum of eighteen dollars and forty-eight cents, in full for expenses incurred by said committee in visiting the several prisons in this Commonwealth, during the present session of the General Court, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 1, 1849.*]

§18 48 allowed.

RESOLVE on the Petition of Joshua Owen.

Chap 103.

Resolved, for the reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to Joshua Owen, the sum of seventy-five dollars a year, for two years, in semi-annual payments, the first payment to be made on the first day of May, in the year one thousand eight hundred and forty-nine, and that warrants be drawn accordingly. [*Approved by the Governor, May 1, 1849.*]

§75 allowed.

RESOLVE in addition to a Resolve entitled a "Resolve on the Petition of Joseph Kinsman."

Chap 104.

Resolved, That so much of the resolve, passed on the twenty-third day of March, in the year one thousand eight hundred and forty-nine, to which this resolve is in addition, as provides that the sum therein granted shall be paid from the proceeds of any lands sold, or which may hereafter be sold, be, and the same is, hereby annulled;

Ante, ch. 35.

To modify and enlarge a former resolve.

and the said sum shall be allowed and paid, out of the treasury of the Commonwealth, from any funds not otherwise appropriated, and that a warrant be drawn accordingly. [*Approved by the Governor, May 1, 1849.*]

Chap 105.

RESOLVE on the Petition of Joseph Park and others.

Authorized to
sell real estate
in Southboro'
held in trust.

Resolved, for reasons set forth in said petition, that Joseph Park, of Westborough, in the county of Worcester, trustee, under the last will and testament of Anna Johnson, late of Southborough, in said county, deceased, be, and he is hereby authorized and empowered to sell, at public auction or private sale, at his discretion, all the real estate devised by the said Anna, in and by her said will, to the said Joseph Park, in trust for the use of her son, J. N. Pillsbury Johnson, Rebecca Ann Johnson, his wife, and their children; the same being an undivided moiety of a lot or parcel of land and the buildings thereon, situate near the centre of Southborough aforesaid, and bounded east by the main road leading from Westborough through Southborough to Framingham, south by land of Josiah Johnson, and west and north by land of Sally Winchester, or however otherwise the same may now be bounded, it being eight rods long and three and a half rods wide, and containing twenty-eight superficial rods; and to make and execute good and sufficient deeds thereof, with all the privileges and appurtenances thereto belonging, to the purchaser or purchasers thereof: *provided, however*, that, previously to any such sale of the premises, the said Joseph Park shall give a satisfactory bond, with sufficient sureties, to the judge of probate for the county aforesaid, binding himself to invest the proceeds of such sale in safe securities, and to pay over, from time to time, the interest or income, and, ultimately, the principal thereof, to the several cestuis que trust according to the directions of the testatrix, contained in her last will and testament aforesaid. [*Approved by the Governor, May 1, 1849.*]

Boundaries.

Proviso, as to
giving bond,
and to pay over,
&c.

Chap 106.

RESOLVE on the Petition of the Overseers of the Poor of the Town of Braintree.

§30 for ship
fever paupers.

Resolved, for the reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Braintree, the sum of eighty dollars, in full for expenses incurred by said town in the support of State paupers, while sick with ship fever, between the first day of April and the first day of November, in the year one thousand eight hundred and forty-eight, and that a warrant be drawn accordingly. [*Approved by the Governor, May 1, 1849.*]

RESOLVES to provide for the Reception of the President of the United States. *Chap 107.*

Whereas, it has been announced, upon responsible authority, that the president of the United States proposes to visit a sister state during the current year, and whereas it has been the ancient usage and the uniform desire of this Commonwealth, to encourage and receive the visits of distinguished public men, and especially of the chief magistrates of the Union, with respect and hospitality, therefore,

Resolved, by the Senate and House of Representatives, of the Commonwealth of Massachusetts, in General Court assembled, That his excellency the governor be, and he hereby is, authorized and requested to invite the president of the United States to extend his visit to this Commonwealth, and to tender to him the hospitalities and the respectful congratulations of the State.

Resolved, That a committee, consisting of the president and five members of the senate, and the speaker and six members of the house of representatives, be appointed, who are hereby authorized to make all suitable arrangements, in the name and behalf of the State, for the proper reception of the president of the United States, if his visit shall occur before the next session of the General Court.

Resolved, That his excellency the governor, by and with the advice of the council, be, and he hereby is, authorized to draw his warrant on the treasury for such sum as may be necessary for the purpose aforesaid.

Resolved, That his excellency the governor be requested to communicate to the president of the United States a copy of the foregoing resolves. [*Approved by the Governor, May 1, 1849.*]

RESOLVE concerning the Quarter Master General's Department.

Chap 108.

Resolved, That the sum of twenty-three hundred dollars be, and the same is, hereby appropriated to defray the expenses of the quarter master general's department for the current year, and that warrants be drawn therefor accordingly. [*Approved by the Governor, May 1, 1849.*]

§2,300 allowed.

RESOLVE in favor of the Towns of Grafton and Petersham.

Chap 109.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the town of Grafton, thirty-five dollars and eighty-seven cents, and to the town of Petersham eleven dollars and twenty-three cents, in full of the several pauper accounts of the said towns, for the year one thousand eight hundred and forty-eight, and that

§35 87.

§11 23.

Pauper accounts.

warrants be drawn accordingly. [*Approved by the Governor, May 1, 1849.*]

Chap 110.

RESOLVE relating to a Sanitary Survey of the State.

Three commis-
sioners to make
survey.

Resolved, That his excellency the governor, by and with the advice and consent of the council, be, and he is, hereby authorized to appoint three persons to be commissioners, to prepare and report, to the next General Court, a plan for a sanitary survey of the State, embracing a statement of such facts and suggestions as they may think proper, to illustrate the subject. The commissioners shall be paid, for the time actually spent in the discharge of their duty, and for their necessary travel, the same compensation that is paid to the members of the General Court; and also for blanks and circulars used, and for postage and other necessary expenses paid, in said commission, and a sum, not exceeding fifty dollars, to purchase books on the subject: *provided, however*, that said books shall be considered the property of the Commonwealth, and shall be deposited in the State library, when the commission shall be dissolved: *provided* the whole expense of said commission shall not exceed five hundred dollars, and that warrants be drawn accordingly. [*Approved by the Governor, May 2, 1849.*]

§500 appro-
priated.

Chap 111.

RESOLVE in relation to the District of Boston Corner.

Commissioner
to report to
next general
Court.

Resolved, That the governor, with the advice and consent of the council, be, and he is, hereby authorized to appoint a commissioner to inquire into the situation and grievances of the inhabitants of the district of Boston Corner, and to recommend to the next General Court such legislation as may be thought necessary and expedient, for the relief of the burdens under which they suffer: *provided*, that the expense of this commission shall not exceed the sum of fifty dollars, and the governor is hereby authorized to draw his warrant therefor. [*Approved by the Governor, May 2, 1849.*]

§50 appro-
priated.

Chap 112.

RESOLVE for providing an Office for the Land Agent.

Office in State
House.

Resolved, That the rooms in the State House formerly occupied by the quarter master general be appropriated for the use of the land agent, and that the sergeant-at-arms be authorized to make such repairs, and to provide such furniture, as may be necessary for his accommodation. [*Approved by the Governor, May 2, 1849.*]

RESOLVE concerning the Norwich and Worcester Railroad Company.

Chap 113.

Resolved, That the treasurer of the Commonwealth be, and he is, hereby authorized to release the claim of the Commonwealth to such lands of the Norwich and Worcester Railroad Company, as are situate in the city of Worcester, northerly of the Common, and adjoining the passenger depot of the Boston and Worcester Railroad Corporation, in said city of Worcester, to the said Boston and Worcester Railroad Corporation, upon condition that the Boston and Worcester Railroad Corporation shall furnish to the Norwich and Worcester Railroad Company, upon terms to be mutually agreed upon between the corporations, and approved by the governor of this Commonwealth, good and sufficient depot accommodations, at said Worcester, for the receiving and delivery of their passengers and freight, and for the safe keeping and protection of their cars and engines, and such other accommodation as may be needful and proper for the due and just accommodation of the said Norwich and Worcester Railroad Corporation, and the property of the same.

Treasurer of Commonwealth to release claim on lands of Norwich and Worcester Railroad Company on certain conditions.

SECT. 2. The treasurer of the Commonwealth is hereby authorized to release, from time to time, to the Providence and Worcester Railroad Company, to the Worcester and Nashua Railroad Company, and to the Western Railroad Corporation, the title of the Commonwealth to so much of the located road of the Norwich and Worcester Railroad Company, and of their lands contiguous thereto, as will be necessary to enable said corporations, respectively, to approach to, and enter in, or otherwise use, a general depot, at Worcester, whenever such depot shall have been constructed.

Also to release to other railroad companies for specified purposes.

SECT. 3. Every conveyance, made under the authority of the foregoing resolves, shall be approved by the governor, whose duty it shall be to see that such conveyances are made for the purpose of enabling the several railroad corporations, terminating in Worcester, to afford a better accommodation to the public using such roads. [*Approved by the Governor, May 2, 1849.*]

All conveyances to be approved by the governor.

RESOLVE relating to a National Road from the Valley of the Mississippi to the Pacific Coast.

Chap 114.

Resolved, That the importance of the recent acquisition of territory upon the coast of the Pacific Ocean, together with the large and constant emigration of the people of existing states, which tends to the immediate settlement of that distant portion of the Confederacy, demands the serious attention of Congress to the means of providing more perfect facilities of communication therewith; that the es-

establishment of a national road, with a railway, where practicable, over its own territory, is within the acknowledged powers of the federal government, the exercise of which is imperatively demanded; that of the various projects to which, in this view, the attention of the country has been called, in the judgment of this Legislature, and, so far as our information extends, of the people of this Commonwealth, a route from the confluence of the great western rivers, near to St. Louis, in the state of Missouri, is most direct, feasible, and advantageous to the country. And our senators are hereby requested to aid in the accomplishment of this vast enterprise, in such manner as may, by them, be deemed best calculated to effect its success. [*Approved by the Governor, May 2, 1849.*]

Chap 115. RESOLVES to promote Literary and Scientific Exchanges with Foreign Countries.

System of international exchanges approved.

Thanks to M. Vattemare.

Thanks to the governments of France, Sweden, Germany;

—to Pope Pius, 9th.

—to professor Edwards, of Paris.

—to Agricultural Society of France;

—to Geological Society of France;

Secretary of State authorized to procure additional books for exchanges.

Resolved, That the system of international exchanges, as established by M. Vattemare, is worthy of the hearty and permanent co-operation of all civilized governments; and that the thanks of this Commonwealth be, and the same hereby are, tendered to M. Vattemare, for the successful prosecution of his agency, by which the archives of the State library have been so much enriched.

Resolved, That the thanks of this Commonwealth be, and the same hereby are, tendered to the following governments, societies, and individuals, namely, to the government and people of France; to the governments of Sweden, and of the various states of Germany, for their contributions of rare and valuable works; to his holiness Pope Pius IX, for valuable and beautiful medals of gold, silver, and bronze; to M. Milne Edwards, professor of natural history in Paris, for the valuable volumes entitled "Annals of Natural Sciences;" to the Agricultural Society in France, for the memoirs of said society; and to the Geological Society of France, for the bulletin of said society.

Resolved, That, in addition to the books and documents set apart for the purpose of literary exchanges, by the resolves relating to this subject, passed on the twenty-seventh day of February, in the year one thousand eight hundred and forty-five, the secretary of State be, and he hereby is, authorized to procure, for the current and for future years, any number of the volumes entitled "Reports of Cases Argued and Determined in the Supreme Judicial Court" of this Commonwealth, which he may deem best, not exceeding twenty volumes, during any one year, and that said volumes be set aside for the purpose of effecting such exchanges hereafter.

Resolved, That the sum of three hundred dollars annually be, and the same is, hereby appropriated, to the purposes of the said literary exchanges, in the same manner as provided by the resolves relating to this subject, passed on the seventeenth day of April, in the year one thousand eight hundred and forty-seven, and by resolves of previous years, relating to this subject; and that the further sum of three hundred dollars be, and the same is, hereby appropriated, in the same manner, and for the same purposes, for the year one thousand eight hundred and forty-eight, the said last appropriation having been omitted during said year; and that warrants be drawn accordingly. [*Approved by the Governor, May 2, 1849.*]

\$300, annually, appropriated for exchanges.

\$300, for 1848, to supply an omission.

RESOLVE on the Petition of Arad Denison and others.

Chap 116.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to Arad Denison of Leyden, twenty-five dollars, annually, for three years, from the eighteenth day of March, in the year one thousand eight hundred and forty-eight; and that warrants be drawn accordingly. [*Approved by the Governor, May 2, 1849.*]

\$25, annually, for three years.

RESOLVE on the Petition of Ward and Company, concerning certain Sterling Bonds.

Chap 117.

Resolved, for reasons set forth in said petition, that the treasurer of the Commonwealth be, and he hereby is, authorized to issue and deliver to said petitioners, the following duplicate sterling bonds, in lieu of the originals, being lost or stolen, to wit: number one hundred and forty-three, letter C, for two hundred pounds sterling, payable in the year one thousand eight hundred and seventy-one, and number one hundred and forty-four, letter C, for two hundred pounds sterling, payable in the year one thousand eight hundred and seventy-one; each of said duplicate bonds, issued as aforesaid, to bear coupons of interest, payable on the first day of April, one thousand eight hundred and forty-nine and thereafter, in usual form; *provided, however*, that, upon the issue of said duplicate bonds, as aforesaid, the treasurer shall receive, from said petitioners, such guaranties and securities as shall, by said treasurer, be deemed sufficient and satisfactory to secure the Commonwealth against the payment of the original bonds, in lieu of which the duplicates aforesaid are issued. [*Approved by the Governor, May 2, 1849.*]

Treasurer authorized to issue new sterling bonds for originals lost.
Description.

Proviso.

Chap 118.

RESOLVE for the Allowance of certain Pauper Accounts.

Sheffield.

Oxford.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Sheffield, the sum of ten dollars and twenty-eight cents; and, to the treasurer of the town of Oxford, the sum of thirty-four dollars and eighty-six cents; in full for the pauper accounts of those towns, for the year one thousand eight hundred and forty-eight, the returns of which having been in the post office in Boston, on the third Wednesday of November; and that warrants be drawn accordingly. [*Approved by the Governor, May 2, 1849.*]

Chap 119.

RESOLVE in favor of the Committee on Education.

§17 62 allow-
ed.

Resolved, That there be paid, out of the treasury of the Commonwealth, to E. M. Wright, chairman of the joint standing committee on education, the sum of seventeen dollars and sixty-two cents, in full for expenses incurred in visiting the State Normal Schools, during the present session; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 2, 1849.*]

Chap 120.

RESOLVE in favor of Ezekiel Crowell.

§71 for travel
and attendance
at this General
Court.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Ezekiel Crowell, of Yarmouth, in the county of Barnstable, the sum of seventy-one dollars, it being the amount due him for travel and attendance at the present session of the Legislature, in addition to the amount set against his name on the pay roll; and that a warrant be drawn accordingly. [*Approved by the Governor, May 2, 1849.*]

ROLL OF STATE PAUPER ACCOUNTS.

[SEE RESOLVE, CHAP. 17, p. 202.]

SUFFOLK COUNTY.

Boston, for support of State paupers, including burials,	.	.	.	.	\$13,025	51
Chelsea, for do. do. . . . .	.	.	.	.	266	17
						<hr/>	
						\$13,291	68

ESSEX COUNTY.

Beverly, for support of State paupers,	.	.	.	.	\$45	83
Danvers, do. do. . . . .	.	.	.	.	272	32
Essex, do. do. . . . .	.	.	.	.	25	55
Georgetown, do. do. . . . .	.	.	.	.	25	00
Gloucester, do. do. . . . .	.	.	.	.	128	44
Haverhill, do. do. . . . .	.	.	.	.	51	29
Ipswich, do. do. . . . .	.	.	.	.	10	41
Lawrence, do. do. . . . .	.	.	.	.	929	88
Newbury, do. do. . . . .	.	.	.	.	12	50
Newburyport, do. do. . . . .	.	.	.	.	176	83
Rockport, do. do. . . . .	.	.	.	.	190	34
Salem, do. do. . . . .	.	.	.	.	3,075	16
Saugus, do. do. . . . .	.	.	.	.	49	24
Topsfield, do. do. . . . .	.	.	.	.	25	55
West Newbury, do. do. . . . .	.	.	.	.	132	86
						<hr/>	
						\$5,151	20

MIDDLESEX COUNTY.

Acton, for support of State paupers,	.	.	.	.	\$5	84
Ashby, do. do. . . . .	.	.	.	.	66	84
Brighton, do. do. . . . .	.	.	.	.	5	53
Charlestown, do. do. . . . .	.	.	.	.	3,228	05
Chelmsford, do. do. . . . .	.	.	.	.	54	88
Concord, do. do. . . . .	.	.	.	.	52	01
Dracut, do. do. . . . .	.	.	.	.	119	97
Framingham, do. do. . . . .	.	.	.	.	105	44
Groton, do. do. . . . .	.	.	.	.	64	36

Holliston,	for support of State paupers,	.	\$73	14	
Hopkinton,	do.	do.	15	12	
Littleton,	do.	do.	32	07	
Lowell,	do.	do.	2,719	39	
Malden,	do.	do.	67	96	
Marlborough,	do.	do.	6	86	
Medford,	do.	do.	41	23	
Natick,	do.	do.	123	02	
Reading,	do.	do.	2	10	
Somerville,	do.	do.	113	87	
Stoneham,	do.	do.	83	26	
Stow,	do.	do.	50	35	
Tyngsborough,	do.	do.	16	72	
Waltham,	do.	do.	57	34	
Watertown,	do.	do.	528	80	
Westford,	do.	do.	90	11	
Weston,	do.	do.	24	04	
Wayland,	do.	do.	3	78	
Woburn,	do.	do.	44	79	
				<hr/>	
				\$7,796	87

WORCESTER COUNTY.

Athol,	for support of State paupers,	.	\$28	45
Brookfield,	do.	do.	22	02
Charlton,	do.	do.	39	13
Dudley,	do.	do.	15	40
Fitchburg,	do.	do.	40	02
Hubbardston,	do.	do.	3	43
Lancaster,	do.	do.	94	18
Mendon,	do.	do.	5	07
Milford,	do.	do.	45	18
Millbury,	do.	do.	43	12
New Braintree,	do.	do.	27	69
Northbridge,	do.	do.	20	65
Oakham,	do.	do.	4	41
Royalston,	do.	do.	25	97
Spencer,	do.	do.	24	21
Sterling,	do.	do.	15	82
Sturbridge,	do.	do.	27	64
Templeton,	do.	do.	8	26
Uxbridge,	do.	do.	70	34
Warren,	do.	do.	16	10
Webster,	do.	do.	5	70
Westborough,	do.	do.	29	02
West Boylston,	do.	do.	96	10

West Brookfield, for support of State paupers,	.	\$25	40
Winchendon, do. do.	.	58	94
Worcester, do. do.	.	673	98
<hr/>			
		\$1,466	23

HAMPSHIRE COUNTY.

Amherst, for support of State paupers,	.	\$20	34
Belchertown, do. do.	.	30	34
Chesterfield, do. do.	.	25	55
Easthampton, do. do.	.	61	89
Granby, do. do.	.	25	55
Hadley, do. do.	.	11	65
Middlefield, do. do.	.	4	62
Northampton, do. do.	.	202	33
Ware, do. do.	.	83	79
<hr/>			
		\$466	06

HAMPDEN COUNTY.

Blandford, for support of State paupers,	.	\$51	10
Ludlow, do. do.	.	76	65
Monson, do. do.	.	20	34
Palmer, do. do.	.	116	57
Springfield, do. do.	.	977	13
West Springfield, do. do.	.	143	85
Wilbraham, do. do.	.	29	46
<hr/>			
		\$1,415	10

FRANKLIN COUNTY.

Coleraine, for support of State paupers,	.	\$40	15
Gill, do. do.	.	11	06
Greenfield, do. do.	.	23	75
Leyden, do. do.	.	51	10
Montague, do. do.	.	28	06
Northfield, do. do.	.	74	62
Orange, do. do.	.	6	68
Shelburne, do. do.	.	18	44
Shutesbury, do. do.	.	153	48
<hr/>			
		\$407	34

BERKSHIRE COUNTY.

Becket,	for support of State paupers,	.	\$21 28
Cheshire,	do.	do.	44 86
Clarksburg,	do.	do.	38 41
Egremont,	do.	do.	116 80
Great Barrington,	do.	do.	132 22
Lenox	do.	do.	19 95
Monterey,	do.	do.	6 58
New Marlboro',	do.	do.	9 52
Peru,	do.	do.	14 60
Pittsfield,	do.	do.	235 72
Richmond,	do.	do.	16 76
Sandisfield,	do.	do.	25 55
Washington,	do.	do.	87 02
W. Stockbridge,	do.	do.	83 14
			<hr/>
			\$852 41

NORFOLK COUNTY.

Bellingham,	for support of State paupers,	.	\$8 82
Brookline,	do.	do.	25 55
Canton,	do.	do.	19 60
Dedham,	do.	do.	42 56
Dorchester,	do.	do.	149 06
Franklin,	do.	do.	24 39
Medway,	do.	do.	54 35
Milton,	do.	do.	84 24
Quincy,	do.	do.	248 34
Randolph,	do.	do.	84 19
Weymouth,	do.	do.	69 88
Wrentham,	do.	do.	23 89
			<hr/>
			\$834 87

BRISTOL COUNTY.

Attleborough,	for support of State paupers,	.	\$23 53
Fall River,	do.	do.	1,313 74
New Bedford,	do.	do.	1,531 20
Pawtucket,	do.	do.	277 89
Rehoboth,	do.	do.	165 03
Swanzy,	do.	do.	51 10
Taunton,	do.	do.	211 34
			<hr/>
			\$3,573 83

PLYMOUTH COUNTY.

Bridgewater, for support of State paupers,	.	.	.	\$13	39
Duxbury, do.	do.	do.	.	43	26
East Bridgewater, do.	do.	do.	.	30	21
Halifax, do.	do.	do.	.	21	24
Hanover, do.	do.	do.	.	14	56
Middleborough, do.	do.	do.	.	55	15
N. Bridgewater, do.	do.	do.	.	25	70
Pembroke, do.	do.	do.	.	80	30
Plymouth, do.	do.	do.	.	25	55
Scituate, do.	do.	do.	.	59	37
Wareham, do.	do.	do.	.	16	76
					<hr/>
					\$385 49

BARNSTABLE COUNTY.

Brewster, for support of State paupers,	.	.	.	\$51	10
Harwich, do.	do.	do.	.	14	77
Sandwich, do.	do.	do.	.	55	09
Truro, do.	do.	do.	.	25	55
					<hr/>
					\$146 51

RECAPITULATION.

Suffolk County,	.	.	.	.	\$13,291 68
Essex do.	.	.	.	.	5,151 20
Middlesex do.	.	.	.	.	7,796 87
Worcester do.	.	.	.	.	1,466 23
Hampshire do.	.	.	.	.	466 06
Hampden do.	.	.	.	.	1,415 10
Franklin do.	.	.	.	.	407 34
Berkshire do.	.	.	.	.	852 41
Norfolk do.	.	.	.	.	834 87
Bristol do.	.	.	.	.	3,573 83
Plymouth do.	.	.	.	.	385 49
Barnstable do.	.	.	.	.	146 51
					<hr/>
					\$35,787 59

STATE LUNATIC PAUPER ACCOUNTS.

Suffolk County, for support of State lunatic paupers,	\$12,954 96
Essex County, for support of State lunatic paupers,	3,704 93
Middlesex County, for support of State lunatic paupers,	3,332 20
Worcester County, State Lunatic Hospital,	13,259 46
Berkshire County, for support of State lunatic paupers,	200 00
	<hr/>
	\$33,451 55

SMALL POX AND SHIP FEVER PAUPER ACCOUNTS.

Boston, small pox pauper account,	\$90 43
Worcester, do. do.	80 00
Ipswich, do. do.	25 00
Lowell, small pox and ship fever account,	1,251 20
Roxbury, do. do.	1,781 00
Cambridge, ship fever account,	370 63
Brookline, do. do.	167 27
Westford, do. do.	65 18
	<hr/>
	\$3,830 71

RECAPITULATION.

State pauper accounts,	\$35,787 59
State lunatic pauper accounts,	33,451 55
Ship fever and small pox accounts,	3,830 71
	<hr/>
Total,	\$73,069 85

ROLL

Of Sheriffs, Coroners, Pauper and Military Accounts, audited by the Committee on Accounts, and reported to the Legislature, April 13, 1849.

[SEE RESOLVE, CHAP. 60, p. 217.]

SHERIFFS.

Joseph Eveleth,	\$94 50
J. E. Sprague,	133 89
Samuel Chandler,	97 76
J. W. Lincoln,	142 38
S. L. Hinckley,	138 17
C. Rice,	63 90
S. H. Reed,	71 80
E. F. Ensign,	35 81
Thomas Twining,	80 68
Thomas Adams,	65 37
H. L. Danforth,	81 96
Branch Harlow,	79 27
Charles Marston,	39 14
I. D. Pease,	44 54
Elisha Starbuck,	63 09
	<hr/>
	\$1,232 26

CORONERS.

William Andrews,	\$65 32
Erastus Rugg,	63 58
Jabez Pratt,	101 56
Charles Smith,	329 78
Theodore Andrews,	16 00
Joseph Rice,	17 98
J. S. Curtis,	6 00
Plumer Chesley,	24 98
John T. White,	35 41
Asa Matthews,	12 00
Samuel Hobart,	36 80
E. C. Craig,	26 29
Robert Vose,	16 95

Lewis Bass,	\$15 02
Benjamin Drew,	9 00
James Woodward,	17 00
William Gordon,	29 76
Samuel L. Thatcher,	21 62
James Cottle,	18 70
Philip Cook, 2d,	21 06
Alvin Jones,	26 96
Harvey Chapin,	24 54
Elijah Blake,	33 01
	<hr/>
	\$969 32

SUPPLEMENTARY ROLL OF PAUPER ACCOUNTS.

For support of paupers sick with ship fever:—

Town of Fall River,	\$2,272 48
City of Boston,	8,052 86
Town of Hingham,	119 87
	<hr/>
	\$10,445 21

FOR SUPPORT OF STATE LUNATIC PAUPERS.

County of Norfolk,	\$300 00
County of Hampshire,	200 00
Town of Sandwich,	8 00
Town of South Reading,	21 90
	<hr/>
	\$529 90

PAY ROLL OF COURT MARTIAL.

Benjamin Adams,	\$27 00
David S. Jones,	30 00
William Sutton,	17 50
Charles Devens, Jr.,	16 00
Benjamin F. Edmands,	16 10
E. W. Stone,	16 60
John Codman,	32 10
James M. Upton,	16 10
Jacob B. S. Shaw,	8 00
Sylvanus Nash,	6 00
Joseph Dyer, Jr.,	6 00
Vinson Blanchard,	4 00
Eliab Ward,	10 00
Thomas C. Webb,	6 20

Appleton Howe,	\$8 00
E. W. Stone,	2 50
George H. Devereux,	6 50
Nat. D. Hubbard,	3 10
J. L. Donaldson,	1 00
George W. Cooley,	1 00
Eays & Fairbanks,	16 73
Lt. Col. Stone,	49 99
	<hr/>
	\$300 42

MILITARY ACCOUNTS.

INSPECTOR GENERAL.—[SEE SECT. 12th, MILITIA LAW, 1846.]

George H. Devereux, \$127 33

DIVISION INSPECTORS.

E. W. Stone,	\$25 00
Thomas J. Adams,	25 00
Leonard S. Jones,	25 00

BRIGADE INSPECTORS.

N. A. M. Dudley,	\$25 00
Vinson Blanchard,	25 00
C. Otis Wardwell,	25 00
Daniel Perkins,	25 00
Claudius B. Long,	25 00
William Keith,	25 00

ADJUTANTS.

Ephraim C. Wetherbee,	\$5 90
Francis H. Whittemore,	24 45
Thomas J. Bowler,	25 00
Jonathan Arnold, Jr.,	25 00
Francis Allen,	25 00
Charles H. Hawks,	32 23
Jonathan Gavett,	25 00
Elnathan W. Wilbur,	25 00
John H. Fellows,	25 00
Gilbert Ferrin,	25 00
Henry Merritt,	25 00
John M. Goodhue,	42 71
Sewell Richardson,	25 00
Joseph S. Clark,	10 40
Jonathan R. Childs,	25 00
Elijah Coleman,	14 58

HAULING ARTILLERY.

Richard Barrett,	\$20 00
Andrew Blood,	24 00
Horace Hammond,	18 00
Joseph S. Friend,	18 00
John W. Rhoades,	36 00
James Bates,	30 00
William W. Bullock,	21 00
Caleb Page,	20 00
Jonas W. Smith,	40 00
George Wood,	12 00
Albert Crain,	40 00

POSTAGE ACCOUNTS.

Appleton Howe,	\$10 40
Benjamin Adams,	2 75
David S. Jones,	7 30
George Hobbs,	5 72
Charles Devens, Jr.,	3 00
Thomas P. Fenby,	3 25
Samuel Blanchard,	3 81
Samuel P. Shattuck,	4 65
Joseph S. Darling,	14 65
Horatio Hawkes,	4 00

RECAPITULATION OF MILITARY ACCOUNTS.

Inspector General,	\$127 33
Division Inspectors,	75 00
Brigade Inspectors,	150 00
Adjutants,	380 27
Hauling Artillery,	279 00
Postage,	59 53
	<hr/>
	\$1,071 13

RECAPITULATION.

Sheriffs' accounts,	\$1,232 26
Coroners' do.	969 32
State pauper :—Ship fever,	10,445 21
do. do. Lunatic,	529 90
Pay roll of court martial,	300 42
Roll of military accounts,	1,071 13
	<hr/>
	\$14,548 24

INAUGURAL ADDRESS

OF

HIS EXCELLENCY GEORGE N. BRIGGS.

REPRESENTATIVES' CHAMBER, JAN. 10th, 1849.

At twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

A D D R E S S :

*Gentlemen of the Senate, and of the
House of Representatives :*

IN 1780, the Constitution, under which we have assembled, and which we have sworn to support, was adopted by the people of this Commonwealth. The first Legislature assembled in October of that year. Since that time, sixty-nine successive bodies of men, clothed with the power of making laws, have met to deliberate and act for the public good. More than fifty of those legislative councils have assembled in this time-honored hall. Under the principles of this Constitution, which was one of the earliest adopted in our family of sister republics, and under the broad ægis of the North American Union, her people have been prosperous and happy. • All honor to those true and patriotic men, who made our frame of government, and to those who, from time to time, since its establishment, have exercised the powers conferred by it, upon its different departments!

Standing in this place, from which so many distinguished chief magistrates have addressed the assembled Legislatures,

through a period of seventy years, upon matters of public interest, it may not be considered boastful or improper, while looking at the past and the present, to say, there are but few, if any, political communities, in any country upon the face of the earth, numbering nearly one million of people, who are enjoying more of the blessings of a free government, and of domestic and social life; who are deriving more benefits from the institutions of learning and of science, or from a system of widely disseminated popular education, or reaping more fully the fruits of persevering industry and intelligent, voluntary labor, than are the present population of Massachusetts. For these privileges and blessings, we owe, on this public occasion, the tribute of a sincere and profound gratitude to that Supreme Being, from whom they all flow, and who, in the days of prosperity, is the Sun of our glory, and, in the hour of darkness and danger, is our "Munition of Rocks."

The receipts into the Treasury, the last year, including \$6,134 77 on hand January 1, 1848,	
and \$45,500 for Western Railroad Stock sold,	
amounted to	\$560,029 56
And the expenditures to	548,674 97
	<hr/>
Leaving a balance, on the 1st of January, 1849, of	\$11,354 59
	<hr/> <hr/>

The resources of the Commonwealth, on the 1st day of January, consisted of:—

10,000 shares of Western Railroad stock, (old,)	\$1,000,000 00
134 do. do. do. do. (new,)	13,400 00
Dividends due 1st January, on 11,764 shares Western Railroad stock,	47,056 00
Value of 10,000 shares, above cost,	50,000 00
House in Hancock Street, No. 12,	12,500 00
Notes for land in Maine,	1,788 00
South Boston Association shares,	1,500 00
Western Railroad Stock Sinking Fund,	525,500 00
	<hr/>
Making,	\$1,651,744 00

The debt of the Commonwealth is for—	
Western Railroad scrip,	\$995,000 00
Temporary loans and interest,	26,027 64
Balance of note to Western Railroad Corporation,	16,106 08

Rolls and warrants of recent date unpaid,	\$1,815 64	
		<u>\$1,038,949 36</u>
Leaving a balance in favor of the State of		\$612,794 64
To this should be added cash on hand, January 1, 1849,		11,300 00
		<u>11,300 00</u>
Making,		<u><u>\$624,094 64</u></u>

Nothing has occurred to render it probable, that the State will ever be called upon to pay any of the liabilities which it has heretofore assumed for certain railroad corporations.

We may, I think, reasonably congratulate ourselves that our public finances are in so prosperous and satisfactory a condition. The expenses of the Legislature, the Rolls of Accounts, and the sum paid for the State Reform School buildings at Westboro', the last year, exceeded the amount paid the preceding year, for the same objects, in the sum of \$67,225. For furnishing the counties and towns with weights and measures, under the law of the last session, \$20,900 have been paid. Thirty thousand dollars more will be required the present year to pay for supplying all the towns and counties in the State with these articles. After making the necessary appropriations for the Reform School, how much of the other items of expense, alluded to, may be reduced, will depend upon the action of the Legislature. The amount paid for the cost of the last Legislature, over that of the year 1847, by reason of the great length of the session, was more than \$23,000. It is to be hoped that this cause of increased expenditure will not again occur, at least during the present century.

So great has been the public dissatisfaction in several of our sister states at the protracted sessions of their legislatures, that they have been induced to provide a remedy by constitutional provisions and limitations. I am quite sure that no such remedy will ever become necessary in this Commonwealth.

The rolls of accounts for the last year amount to more than ninety-nine thousand dollars, nearly the whole of which is for the support of State paupers. This large and increasing expense demands of the Legislature the consideration of a remedy against its continuance. The most obvious remedy seems to be, to transfer the charge, for the maintenance of this class of paupers, from the State, to the several towns in which they may become chargeable. It cannot be doubted, that, if the towns, instead of the State, had to pay for their support, the

annual amount would be very considerably reduced. Whilst the really necessitous and suffering poor would not be neglected, the undeserving and the idle would be more likely to be turned away.

The report of a commission, appointed by authority of law, two years ago, shows, that, under the present system, the temptation to enlarge this item of expense was too strong to be resisted by many of the towns. It may be said, that the effect of such a change would be, to throw, upon the cities and larger towns, a greater portion of the expense, than upon the smaller towns. The reply to this suggestion is, that the prosperity and increase of business in the large towns and cities, which swell their population with industrious and wealthy men, naturally bring along with them numbers who may become chargeable; but that prosperity and growing wealth increases their ability, and makes it reasonable for them to bear a greater tax for such a purpose, as an incident to their advance in wealth and numbers.

The question of settlement, which makes a town liable for the support of a pauper, is an arbitrary one, depending upon statute law. If the subject was to be discussed *de novo*, it would not seem to be a self-evident proposition, that, for any one of the reasons set forth in the statute, a town should be made liable for the support of a family of paupers, whose grandfather happened to come within any of the conditions for gaining a settlement within the town, though all the paupers may have been born in another town, when, if that grand-parent had not come within those conditions, they would have been chargeable upon the State. It is a subject entirely for your consideration, and its importance calls for careful discussion and deliberation.

For many years after the Revolution, and the adoption of the Constitution of the United States, the character and importance of the militia were themes much dwelt upon in the executive communications of the chief magistrates of the Republic, and of the different states. The Federal Constitution gives to Congress the power "to provide for organizing, arming, and disciplining the militia," and for "calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions." To the states, it leaves the "authority to appoint the officers, and of training the militia, according to the discipline prescribed by Congress." The power of enforcing obedience to law, when wrongfully and violently resisted, and of repelling invasion from abroad, is incident to all human governments. In other countries, this power has been exerted through the instrumentality of standing armies. Under our own free Constitution, it is reposed in the mass of

citizens themselves, acting in the capacity of militia. When called to execute the laws, it is to compel obedience to their own will, constitutionally expressed; when to suppress insurrection, it is to enforce submission to their own government; and when to repel invasion, it is to drive back the aggressor upon their own rights, from their own soil. To make them efficient agents for these conservative purposes, organization, discipline, and training, are necessary. The laws of Congress are to provide for organizing, disciplining, and arming them, and the states are to provide for training them in conformity with the national laws. The national Legislature, as early as 1792, passed a law on this subject, in compliance with the requirements of the Constitution. The governments of the states, following the example of Congress, and actuated by the spirit which led to the constitutional provision, did what they were required to do. But, for the last twenty years, the whole subject of the militia has sunk in importance in the public mind, and, in most of the states, has lost the popular favor. The consequence is, that, in many of the states, the requirements of the laws of Congress are neglected, whilst the legislation of other states is in direct conflict with those laws. In Massachusetts, there are more than ninety-eight thousand of what are called enrolled militia. The mere act of enrolment is all which gives them any title to the name. The laws of Congress require the enrolments to be made by the captains of companies. We have no organization into companies, and the enrolments are made by the municipal officers of the towns and cities. We have also under our State laws an active volunteer corps, numbering about forty-five hundred men. They are well uniformed, equipped, and disciplined; and are, what their name imports, volunteer, active militia. To this spirited, resolute, patriotic body of men, the State is under obligation, for all that there are of the ninety-eight thousand of enrolled citizens, who have any claim to the character of organized and disciplined militia. To them alone could she look for prompt and efficient aid, if either of the emergencies, contemplated by the Constitution, should suddenly arise, in which the bayonet should be necessary to enforce obedience to the laws. Though the subject is beset with embarrassments, it should, by no means, escape the earnest attention of the Legislature. I respectfully commend it to your notice, together with a very able report made to the last General Court, by a most competent commission, to whom the subject had been committed by their predecessors.

It has hitherto been the good fortune of Massachusetts to have an able and upright judiciary, so that the administration of justice within her courts has secured the confidence of her

own people, and made her respectable abroad. It is essential to the rights and security of her citizens, that the reputation of their courts, which the learning and integrity of the judges have won, should be maintained. Our present system seems well adapted to the territory and population of the State. The number of judges in each of the courts may be increased or diminished, to meet the wants of the public, without inconvenience or derangement to the system. Steadiness, uniformity, and certainty, are so important in the administration of justice, that any hasty or material changes, in the organization and arrangements of the courts, should be avoided, unless they are rendered necessary by serious existing evils. The unusual number of changes which have taken place in the Court of Common Pleas, within the last five years, necessarily have produced some delay in the business of the courts, and excited a good deal of public attention. During that period of time, nine judges have resigned their seats on the bench of that court. Eleven have been appointed, and as many as ten gentlemen of the legal profession have, directly or indirectly, declined to accept appointment as judges of that important court. The respectability and importance of that branch of the judicial department of the Commonwealth, and the interest of the people in its continuance, very naturally suggest inquiry into this remarkable state of things. I am satisfied, that what was deemed an inadequate salary, by the learned and competent judges, was, in nearly every instance, the reason which led them to retire from the bench. The same consideration operated upon the minds of those gentlemen who declined going there. The large portion of time, which the increasing business of the courts required them to be absent from their families and homes, in holding terms, and their personal expenses attending that absence, left so inconsiderable a balance of their whole pay, that a sense of duty to themselves and families compelled them either to return to their more lucrative professional practice, or to accept of offers from other branches of business, which could afford to pay more liberally for their services. The necessity must certainly be very pressing, which would compel high-minded men to leave posts of official honor for which the practice of their whole lives had qualified them, and which, for years, had been the objects of their professional ambition.

The people of the state of New York, in the constitution which they have lately ratified, have established the salaries of a large number of their judges, whose official duties are not more responsible, and are believed to be less laborious, than those of our Court of Common Pleas, at twenty-five hundred dollars a year. The judges of the courts of the city of New

York receive much larger salaries. I am persuaded, that, unless there is an increase of the compensation of the judges of that court, the instability and changes, which have been witnessed during the last five years, will be continued, until, at length, the business and rights of the people, and the character of the Commonwealth, will both suffer from having high and responsible judicial stations filled by incompetent and unqualified judges. Deeply impressed with the belief that the best interests of the people of the State require it, I respectfully recommend, that the salaries of the judges of the Court of Common Pleas be raised to such a reasonable sum, as will secure the permanent services of able, upright, and competent men in that branch of our judicial department.

The various public institutions which are wholly, or in part, under the direction and patronage of the State, are successfully fulfilling the purposes of their creation, dispensing benefits and happiness to the objects of their care, and reflecting credit upon the Commonwealth.

That sympathy and aid, which, by the provisions of our laws, are extended to those unfortunate ones, from whom, by the ordinance of an inscrutable Providence, the music of sound and the beauties of light are shut out, and to the still more afflicted ones, who are bereft of reason, are in harmony with the spirit of the age, and well calculated to evoke the blessings of Heaven upon a people who cheerfully furnish the means for their continuance.

Under the resolves passed on the eighth day of May, 1848, concerning training and teaching idiots, arrangements have been made with Dr. Howe, the principal of the Perkins Institution and Massachusetts Asylum for the Blind, for receiving and teaching ten idiot children, according to the terms of those resolves. This new experiment in our country, for elevating and improving another class of depressed and neglected fellow-beings is in progress. If it succeeds, and there are encouraging indications that it may, humanity will gain another trophy by the labors of the distinguished philanthropist at the head of that institution, whose patient and unceasing efforts enabled him to communicate, to the darkened intellect of that interesting prodigy of human nature, Laura Bridgman, the treasures of instruction and knowledge, unaided by light, or sound, or speech.

Reports from the different officers of the State Prison, at Charlestown, show that the same careful, humane, and judicious administration of its affairs, which has distinguished it among similar institutions, has been observed throughout the past year. Circumstances, over which the warden or other officers had no control, and which are explained in the war-

den's report, have made the expenses of the year exceed the receipts something more than four thousand dollars. To meet this deficiency, he thinks an appropriation by the General Court will be necessary.

The subject of penal laws has occupied very much of the public attention of late, in our own, and in other countries. The discussions upon it have led to their amelioration in most civilized and Christian states. The reformation of offenders, as one of the ends of punishment, has entered more into modern, than it did into more ancient, codes of penal jurisprudence. The number of capital offences has been greatly reduced, and, in some governments, capital punishments have been abrogated. In our own Commonwealth, the number of crimes now punishable by death is four. On former occasions, I have called the attention of the Legislature to this subject, and recommended the propriety of abolishing the punishment of death, except in cases of wilful murder. It seems to me, that the reasons for such an alteration of our penal laws are every year gaining strength. Evidently, there is a strong current of public sentiment running in that direction. That bias in the public mind has produced, and is producing, a good deal of embarrassment in the criminal proceedings in our courts of justice, manifesting itself in disagreements of juries, and, not unfrequently, in the acquittal of persons charged with capital offences, when they would probably have been convicted, if the penalty, following conviction, had been less severe. I am satisfied, that such a change in existing laws as will make only murder in the first degree punishable with death, and subject the other crimes, now made capital, to imprisonment for a long term of years, or for life, would meet with the public approbation, lead to the more certain punishment of crimes, and increase the safety of the community.

On the first day of November last, the "buildings of the State Reform School," at Westborough, in the county of Worcester, were "prepared and ready for occupancy." Since they were opened, twenty-three boys have been received and placed under the care of the superintendent. Those buildings are erected on a farm containing about two hundred acres of valuable land, which was purchased for the purpose by the money of some generous and unknown donor. They are tasteful in their style of architecture, well and permanently constructed. When finished, there will be room for three hundred boys; at present, but one hundred can be accommodated. Standing upon a pleasant eminence, they overlook a beautiful lake, which is embraced within the limits of the farm. The object of this noble institution is entirely for the instruction and reformation of juvenile offenders. So far as I am in-

formed, it is the first institution upon this continent, established exclusively by a state, for the reclamation of its erring children.

By the provisions of the law under which this school has been established, "When any boy, under the age of sixteen years, shall be convicted of any offence known to the laws of this Commonwealth, and punishable by imprisonment, other than such as may be punished by imprisonment for life, the court or justice, as the case may be, before whom such conviction shall be had, may, at their discretion, sentence such boy to the State Reform School, or to such punishment as is now provided by law for the same offence; and, if the sentence shall be to the State Reform School, then it shall be in the alternative, to the State Reform School, or to such punishment as would have been awarded if this act had not been passed." The trustees of the school may either refuse to receive a boy sent there under the sentence of the court, or, after he has been received, for causes set forth in the act, order him to be committed to prison according to the terms of the alternative sentence of the court. "The trustees are also empowered to bind out any boys committed to their charge, for any time during the period for which they shall have been committed, as apprentices or servants, to any inhabitants of this Commonwealth." "And whenever any boy shall be discharged, by the expiration of his term of commitment, or as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities, which may have been created by his sentence." It is made the duty of "the trustees to cause the boys under their charge to be instructed in piety and morality, and in such branches of useful knowledge as shall be adapted to their age and capacity;" "they shall also instruct them in some regular course of labor, either mechanical, manufacturing, agricultural, or horticultural;" also, "such other arts and trades as may seem to them best adapted to secure the reformation, amendment, and future benefit of the boys."

Before the passage of this law, stamped with the impress of benevolence, the courts, before whom boys of the most tender age were convicted of crimes, were compelled to send them either to prison, or to the house of correction; in either case, to be further corrupted, by coming in contact with men familiar with atrocities, and hardened in guilt. By the provisions of this law, humanity has opened the door by which the magistrate may enable those infant offenders to escape from utter ruin. Many of these boys belong to families, whose homes are the gloomy abodes of dissipation, vice, and impurity, and to parents, in whose bosoms, intemperance and crime have

choked the voice of nature. Others, without parents, or homes, spend their days in the midst of temptations, and their nights in prowling about the lanes and streets, or in the commission of petty offences, which, if not detected and punished, will be the sure precursors of more aggravated transgressions. From these hotbeds of sin, in which all their young faculties have been forced to an unnatural development for evil, these miserable children are rescued by the sentence of the courts, transferred to the nursery of instruction, industry, and virtue, placed under the discipline and care of faithful and kind teachers, at the expiration of their time of commitment, to go out without the legal stamp of guilt upon them, and, in the language of the law which thus deals with them, "with the opportunity of becoming intelligent, moral, useful and happy citizens of this Commonwealth." By the blessing of Heaven, may this experiment of the Commonwealth, to reform and benefit these juvenile delinquents, be successful! That liberal benefactor, whose munificent charity, of more than twenty-two thousand dollars, has so eminently contributed to the establishment of this institution, is entitled to, and will receive, the thanks of his fellow-citizens, and the lasting gratitude of those who will reap the fruits of his benefaction.

The cause of education, and common schools, is steadily advancing, with the other pursuits and interests of the Commonwealth. The importance and magnitude of this cause cannot be overrated. Sad indeed would be the day, when the busy, teeming population of Massachusetts should neglect the moral and intellectual education of their children, and when schoolhouses and churches shall cease to be the objects of their affection and solicitude. As well might the husbandman, in opening spring, put up his fences, repair and paint his buildings, set out his shade-trees, and ornament his pleasure-grounds, but utterly neglect to prepare the earth, and put in the seed for his crops. The delusion would not be greater, nor the ultimate consequences half so disastrous, as for parents and legislators to neglect to provide the most ample means within their power, for the moral and intellectual culture of the immortal minds of the children committed to their care. If the farmer carelessly lets the spring-time pass, without committing the seed to the earth, the opportunity of receiving a harvest is lost for the whole year. The error cannot be repaired. After that, the genial showers and warmth of summer are nothing to that sluggard husbandman, and the ripening sun of autumn shines upon him in vain. If those, to whom is committed the care of the young, permit the spring-time of childhood and youth to pass away, without sowing the seeds of knowledge and virtue in their tender minds, the opportunity will be forever

lost. A manhood of ignorance and vice, and an old age of hopeless desolation, will be the consequences. The history of Massachusetts, from the days of the Pilgrims to the present time, repels the idea, that her government, or people, are chargeable with the madness and folly of neglecting the education of their children. In the report of the Board of Education for 1848, the most convincing proof is furnished, that, within the last twelve years, the influence of the board, the action of the Normal Schools, and the services of their secretary, have given an impulse to popular education, the most gratifying to its friends and beneficial to the public. During that time, there has been a gradual increase of the proportion of the whole number of children in the Commonwealth, who attend schools, the annual amount appropriated for the support of common schools has been doubled, and more than two millions of dollars have been expended in school districts, for repairing and building schoolhouses. These are cheering and important facts, and they clearly indicate the increasing interest which the people take in the sacred cause of education.

In bringing this subject to your attention, it cannot be necessary for me to press upon your consideration, the weighty and indispensable obligations, which rest upon every public officer in the Commonwealth, to use his personal influence, and his official power, for the support and prosperity of a cause, the success of which involves all that is respectable, great, and glorious, in the character of the State, and all that is useful and desirable in the present and future condition of her people.

The Hon. Horace Mann, who has been the secretary of the Board of Education from the time of its organization, has made his Twelfth Annual Report; and this report terminates his official connection with the board. By the voice of his fellow-citizens, he has been called to another and a different field of action. These twelve extraordinary reports of the late secretary of the board have not only exerted a great influence in his own Commonwealth, and in the other states of this Union, but they have attracted the attention, been eagerly sought and read by, and excited the admiration and respect of, the friends of education, of letters, and of learning, throughout all the governments of enlightened Europe. The estimation in which the Board of Education hold Horace Mann and his services, will appear by the resolutions unanimously passed at their last annual meeting, placed upon their record, and which are made a part of their report to the Legislature. They say "that, in reviewing the official course of the secretary of the board, we are led to contemplate extraordinary proofs of the devotion of talents of the highest order, under the influence of the purest motives, to a work of usefulness, which, in

respect alike to the magnitude of its results, and the nature and extent of the labor involved in it, must be deemed as unsurpassed in the annals of the Commonwealth ;” and “ that, yielding to the necessity of dissolving the connection, which has so long subsisted between the board and its late secretary, we desire to place on record, and to tender to Mr. Mann, the most unqualified assurance of our official approbation of his services, and of our warmest personal regard, and best wishes for his future usefulness, honor, and happiness.” After five years of personal and official intercourse with Mr. Mann, it gives me pleasure to say, that these resolutions meet my entire and sincere approbation. He has made himself a benefactor of his race. The memory of his extraordinary services in the cause of education will be treasured up in the true hearts of one whole generation of the children of his native Commonwealth, who have been the witnesses of his labors, and the partakers of their fruits. That memory will as certainly be transmitted to those who shall follow them, as one generation of men will, by the physical laws of their being, be succeeded by another.

By the treaty, recently concluded between the United States and the Republic of Mexico, a large extent of territory was ceded to this country. This new and almost boundless acquisition has raised a question of vast interest to the whole Union, to freedom and humanity. Shall the institution of slavery be extended over this new territory, or shall it remain, as it now is, free? This is a sectional question, arraying the people of the slave states on the one side, and the people of the free states on the other. Though there may be exceptions to the universality of this local division, it is so much so, as to invest the question with all the importance which belongs to that class of subjects. It should be met with kindness, candor, and firmness. Reason is not aided by passion, or truth by violence. Massachusetts occupies no equivocal position upon this subject. From the first intimation, that it was the purpose of those who conducted the affairs of the general government, to obtain from Mexico, by conquest or by treaty, any part of her territory, the people of Massachusetts, in every form by which their views could be properly expressed, have declared their opposition to all such designs, and avowed their unalterable determination, if such designs should be carried into effect, to resist, by every legal and constitutional means within their power, the extension of slavery over the whole, or any part, of territory, that might be thus acquired.

The executive communications to the Legislature, and the official proceedings of that body for several years past, will show what have been the opinions of her State government on this subject. And the uniform, firm, and consistent course

of her delegation, in both branches of Congress, during the same period of time, will show how entirely they have harmonized in opinion with the different branches of their government at home. No one can doubt, I think, that the course of their public functionaries at home, and in Congress, has truly reflected the views of the people of the Commonwealth.

Now that a vast domain has been added to the republic, and the exciting question which the friends of its acquisition knew must be met, if they carried out their purpose, has come upon us, it becomes us to maintain our position with unflinching firmness, and with entire respect for those who may differ from us, and with the determination never to violate the constitutional rights of any sister state. Seven new slave states have been admitted into the Union, formed out of territories which did not belong to the United States, at the time of the adoption of the Constitution. The territories out of which those states have been formed, were acquired, according to the opinion of Mr. Jefferson, under whose administration the first purchase was made, and of other eminent statesmen, without being authorized by the Constitution. The Constitution never could have been adopted with such a power expressed in it. It is now more than intimated, that the exclusion of slavery from the free territory recently obtained from Mexico, would endanger the Union. This intimation comes from that section of the country, where the number of slave states has been already increased from six to fifteen. Indications not to be misunderstood authorize the belief, that the people of the free states have resolved, that slavery is not to be extended over any territory belonging to the Union where it does not now exist. It is gratifying to know, that, among those who take this ground, there are many who lent their influence, and gave their support, to measures which led to the acquisition of new territory, and have brought the present question before the country.

Of the propriety and constitutionality of the action of Congress to prohibit the extension of slavery over the territory of the United States, and its existence in the states which may be formed out of such territory, we have the bright and noble example set by the sages of the republic, in the passage of the ordinance of 1787, by which slavery and involuntary servitude were forever excluded from the territory northwest of the Ohio River. The wisdom of that ordinance is justified by the rising and brilliant destiny of the five free states now covering the broad and rich domain over which its beneficent provisions are extended forever. The freedom and prosperity of these states will be enduring testimonials of the far-seeing patriotism of those statesmen, who, without regard to personal or local

interests, originated and consummated that illustrious act. The first mover of that ordinance was Thomas Jefferson of Virginia, and it was finally passed, with the concurrence of a large majority of the slaveholding states. The great principles which it proclaimed have been sanctioned by nearly every president and every Congress since the adoption of the Federal Constitution. Congress, at its last session, and the present chief magistrate of the United States, upheld its constitutional validity, by ingrafting its provisions upon the act creating the territorial government of Oregon. Should Congress, at the present session, fail to extend it over the whole of the newly acquired territory, their immediate successors will have it to do; and to the president elect will belong the honor of carrying out the principles of Washington and the early presidents, whose example he has avowed his intention of following, by giving to it the sanction of his official approval. The first political sentiment in the heart of the people of this republic, is that of undying attachment to the Union; and, with that, is the settled and resolute purpose of maintaining, in all its parts, the Constitution under which that Union is cemented, and has become powerful and glorious. But so deep and universal is the conviction of the injustice and inhumanity of slavery, that no one thing would have a stronger tendency to shake the integrity of the Union itself, or to render the existing institution of slavery where it is, insecure, than a determined effort, by its friends, to give it perpetuity by extending the area of its existence.

Since the recognition of the independence of the thirteen United Colonies, by the parent government of England, the world has looked on with intense interest to witness the result of the experiment of self-government by the people of this North American Union. Has that experiment succeeded? The friends of the old systems in Europe have said, and do now say, that the tendencies to excitements and agitations among the masses under free institutions, are so great, that there is no sufficient security to persons and property; that our form of government is not strong enough to secure the safety of its citizens, and to protect itself from violence and decay. On the contrary, we believe it to be the strongest government on earth. It belongs to the people, was formed by them, and they will sustain it with a heartiness unknown to the monarchies and despotisms of the Old World.

The Constitution of the United States is sixty years old. It was formed and adopted by the people of thirteen separate and independent states. The number of states now under its authority is thirty. Whilst it confers certain enumerated powers upon the national government, and makes that government,

within the sphere of its powers, supreme, the state governments, within their spheres, are as distinct and independent, as though no general, national government existed. During that sixty years, there has been but one instance, in which a state, or the people of a state, have so far resisted the laws of the Union as to require the power of the Union to enforce obedience to those laws. In that case, obedience was secured without the conflict of arms, or the shedding of blood. During the same period of time, with one exception, there has been, among the thirty states which now constitute the Union, no insurrection or defiance of the laws of any state, by its citizens, which required the military power to put it down. In all that time, embracing a period nearly equal to that which belongs to two generations of men, no citizen, either under the laws of the general or state governments, has been subjected to the forfeiture of his estate, or been put to death for any political offence. There have been occasions when party contests have been warm and animated, and when great excitement has agitated the public mind. But the parties to these excitements, whether in regard to state or national affairs, have stopped short of violence, and bowed in submission to the laws and the constitutions of the land. All political contests for power have been settled by the silent, peaceful, but resistless authority of the ballot-box,—an authority as omnipotent, for the purposes and time prescribed for its operation, by the Constitution under which it is exercised, as the voice of fate. For sixty years, the bayonet or the sword has never been raised to enforce its decree. On the seventh day of November, 1848, three millions of voters, dispersed throughout these thirty states, which, with their territories, cover an area nearly as large as the whole of Europe, went to the polls under the regulations of the local laws of the several states, and, between the rising and the setting sun, elected a chief magistrate of the republic for four years. That election changed the administration of the government of the Union, having, at its disposal, a hundred thousand offices, and the annual expenditure of forty millions of dollars, from the hands of one party into the hands of another. Yet, in three days, through the agency of electricity, the result was known from one extremity of the Union to the other, and that public mind, so recently agitated like the billows of the ocean, was as quiet and as calm as though no election had been held, and the power of a mighty republic had not changed hands. When, before, has the world beheld such a spectacle!

What have been the mutations and changes of the dynasties of Europe during these sixty years, and what the condition of their subjects? Is there one of them which has not waded

through the blood of a revolution, or been rent and torn by intestine convulsions? What a vast amount of private property has been confiscated, and what a multitude of men have languished in hopeless banishment, or in gloomy prisons, or have been brought to the block, for state offences, committed against laws which they had no voice in making, and against rulers who swayed the sceptre over millions of unwilling and discontented subjects! At this moment, the governments of Europe have a standing army of more than two millions of men to enforce obedience to their laws.

The question again returns, in which country, among the monarchies and despotisms of Europe, or among the free republics of North America, are property, liberty, and life, the most secure? Let history reply.

*Gentlemen of the Senate,
and of the House of Representatives :*

To you is committed, for the time being, the character of the Commonwealth, whose legislators you are. Judicious legislation is an efficient means of advancing the interests of her citizens at home, and of gaining the respect of her sister states, and of wise and good men all over the world. I know it will be your pleasure to do any thing in your power to accomplish an object so worthy of the places which you fill, and of the constituents who have invested you with authority. We are elected to the offices which we hold by the votes of our fellow-citizens, organized into political parties. But here we have but one party to serve, and that is the whole Commonwealth. That public officer best serves his party, who serves the Commonwealth the best. Our duty, as magistrates and legislators, is so impressively set forth in that Constitution, which, before Heaven, and in the presence of our fellow-citizens, we have taken upon ourselves the obligation to obey, that it is useful and proper often to recur to its suggestions and instructions. That instrument declares, that "it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them, especially the University at Cambridge, public schools, and grammar schools, in the towns; to encourage private societies and public institutions, rewards and immunities for the promotion of agriculture, arts, and 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 all their dealings, sincerity, good humor, and all social affections and generous sentiments among the people."

It is the duty of all those entrusted with the high functions of making laws, to guard against all unwise and unnecessary legislation. The Commonwealth should be protected from the expenditure of the public money for extravagant or questionable purposes. But, for advancing the lofty, beneficent, and virtuous objects, enjoined upon her legislators and magistrates, in the language of the Constitution, which I have read, I would see her make appropriations with the liberality of a wise and munificent parent for the children that he loves. Guided by wisdom from above, may the result of your deliberations meet the approbation of your constituents, and be beneficial to the Commonwealth!

M E S S A G E S .

To the Senate :

It is my painful duty to announce to you the death of Joseph Barrett, Esq., the late Treasurer and Receiver General of the Commonwealth.

He died at his residence in Concord on Saturday last, at one o'clock in the afternoon.

GEO. N. BRIGGS.

Council Chamber, January 8, 1849.

To the Senate :

I communicate herewith for the use of the Legislature :—

The Report of the Inspectors of the State Prison.

The Reports of the Warden and Physician of the State Prison.

The Reports of the Trustees, Treasurer, and Superintendent of the State Reform School.

The Report of the Principal of the Perkins Institution and the Massachusetts Asylum for the Blind.

The Annual Report of the Adjutant General of the Commonwealth.

The Reports of the Trustees, Superintendent, and the Treasurer of the State Lunatic Hospital at Worcester.

GEO. N. BRIGGS.

Council Chamber, 13 January, 1849.

the House of Representatives :

I transmit, for the use of the Legislature, the Annual Report of the Commissioner of the District of Marshpee, and the Treasurer of the Herring Pond Indians.

GEO. N. BRIGGS.

Council Chamber, February 2, 1849.

To the Senate :

I herewith communicate, for the use of the Legislature, the resolutions of the Legislature of the State of Virginia, on the subject of slavery, and slavery in the territories of the United States, which resolutions have been received from the governor of that Commonwealth.

Also, the report of the commissioners for erecting the State Reform School at Westborough.

GEO. N. BRIGGS.

Council Chamber, February 8, 1849.

To the Senate :

I herewith communicate, for the use of the Legislature, the resolutions of the Legislature of the State of South Carolina, on the subject of applying the principles of the Wilmot Proviso to the territory recently acquired from Mexico.

One of those resolutions declares, in decorous, but plain terms, that the time for discussing this subject, on the part of the slave states, has passed, and that South Carolina is prepared to coöperate with her sister states, in resisting the application of the principles of the proviso to such territory at every hazard.

With undoubting confidence, that slavery may be excluded from any territory belonging to the United States, where it does not now exist, without the least infringement upon the constitutional rights of the slave states, Massachusetts has expressed her purpose of opposing such extension, as inconsistent with the spirit of the Constitution, the views and intentions of its framers, and the rights of humanity. It is to be hoped that the National Legislature will promptly extend the principles of that proviso, which are none other than the great principles of the ordinance of 1787, over all the territory of the Union, and leave to those who may choose to resist such a law, to judge of their own course.

GEO. N. BRIGGS.

Council Chamber, 17 February, 1849.

To the House of Representatives :

I herewith communicate, for the use of the Legislature, the Report of the Commissioners, appointed under the Resolve of

the Legislature, passed on the 10th of May, 1848, "to visit the several tribes and parts of tribes of Indians remaining within this Commonwealth, and to examine into their condition and circumstances, and report to the next Legislature what legislation, in their opinion, is necessary in order best to promote the improvement and interests of said Indians."

These scattered and poor remains of tribes, who were once the numerous and powerful occupants of our hills and valleys, our lakes and rivers, of which advancing civilization has dispossessed them, have the strongest claims upon the government of the Commonwealth to do every thing in their power to preserve their existence, protect their rights, and improve their condition. I commend the subject to your consideration, with the hope that the report of the commissioners, who have given to it great labor and attention, will lead to such legislative provisions as are demanded by justice and humanity.

GEO. N. BRIGGS.

Council Chamber, February 21, 1849.

To the House of Representatives :

I herewith transmit a communication, from the secretary of the Commonwealth, furnishing the information called for by an order of the House, passed on the 21st, "requesting the governor to communicate to the House the sums paid by the Commonwealth for counsel fees since 1843, and to whom the same were paid."

GEO. N. BRIGGS.

Council Chamber, February 22, 1849.

To the House of Representatives :

I transmit herewith, for the use of the Legislature, a communication from S. Thayer, Lt. Col. of Engineers and Brevet Col. in the U. S. Army, on the subject of an appropriation made by the Congress of the United States in July, 1848, "for the protection of Great Brewster Island, and security and defence of the principal ship channels into the harbor of Boston."

By existing acts of Congress, the consent of the Legislature to a conveyance, by the city of Boston, of so much of Great Brewster Island, as may be necessary for the erection of a sea-wall, for the preservation of said island, is required to be given before the money can be expended. I commend the subject to your early consideration.

GEO. N. BRIGGS.

Council Chamber, 28 February, 1849.

To the Senate :

I herewith communicate, for the use of the Legislature, the Report of the Commissioners, appointed under the Resolve of April 7, 1847, "relating to the survey of Boston Harbor."

GEO. N. BRIGGS.

Council Chamber, March 8, 1849.

To the Senate :

By a recent decision of the supreme court of the United States, in the case of Norris against the city of Boston, by a bare majority of its judges, so much of a statute of this Commonwealth, "relating to Alien Passengers," passed the 20th of April, 1837, as imposes a tax of two dollars on alien passengers, is declared not to be within the constitutional power of the State, and therefore void.

Though this judgment of the court deeply affects the interests of Massachusetts, and other Atlantic states, and is alarming to the constitutional rights of the states, and overrules the unanimous decisions of the supreme courts of two of the states of this Union, it is the law of the land, and is to be respected and obeyed as such, by the people and the states of the Union, until it shall be reversed by the same high tribunal which has pronounced it.

Without some prompt action, on the part of the Legislature, to protect the state against the unrestricted influx of aliens, of all classes, into its territory, which must follow this unexpected overthrow of one of its important and salutary laws, the consequences to the treasury, morals, and health of the people of the Commonwealth, may be most disastrous.

I suggest the propriety of so modifying the existing laws, as to require the master, owner, or consignee of such vessels as shall bring alien passengers within the limits of this State, to execute sufficient bonds to save the State harmless from any future charges or expenses, in supporting such aliens as paupers, giving to the persons of whom such bonds shall be required, if they shall ask it, the option of paying a sum of money for each of said alien passengers, so brought into the State, instead of said bond, the money so paid to be appropriated for the support of alien paupers.

It is believed that a provision of this kind would be within the "power of the State to protect itself from foreign paupers, and other persons who would be a public charge," according to the principles laid down by the majority of the court, in the case of Norris *vs.* the city of Boston.

GEO. N. BRIGGS.

Council Chamber, April 21, 1849.

LIST
OF THE
CIVIL GOVERNMENT
OF THE
COMMONWEALTH OF MASSACHUSETTS,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1849.

HIS EXCELLENCY
GEORGE N. BRIGGS,
GOVERNOR.

HIS HONOR
JOHN REED,
LIEUTENANT GOVERNOR.

COUNCIL.

JOHN CHAPMAN,
GEORGE BLISS,
WILLIAM MITCHELL,
SAMUEL WOOD,
SOLOMON DAVIS,
TIMOTHY J. GRIDLEY,
THOMAS TOLMAN,
MARSHALL P. WILDER,
JOHN AIKEN.

WILLIAM B. CALHOUN,
Secretary of the Commonwealth.

WILLIAM TUFTS, 1st Clerk.

CHARLES W. LOVETT, 2d Clerk.

EBENEZER BRADBURY,
Treasurer and Receiver General of the Commonwealth.

JOSEPH FOSTER, 1st Clerk.

JOHN M. BRADBURY, 2d Clerk.

DAVID WILDER, JR.,
Auditor of Accounts.

SENATE.

JOSEPH BELL,
PRESIDENT.

SUFFOLK DISTRICT.

Joseph Bell,	Joel Giles,
Jonathan Preston,	Hosea Ilsley.
George W. Crockett,	

ESSEX DISTRICT.

Charles H. Balch,	Nathan W. Hazen,
Ezekiel J. M. Hale,	Otis P. Lord.
Daniel C. Baker,	

MIDDLESEX DISTRICT.

Albert H. Nelson,	John S. Keyes,
Tappan Wentworth,	Chester Adams,
Hobart Spencer,	John Sargent.

WORCESTER DISTRICT.

John Brooks,	Paul Whitin,
Alexander H. Bullock,	Ebenezer Torrey.
Ebenezer D. Ammidown,	

HAMPSHIRE DISTRICT.

Ephraim M. Wright,	Cyrus Kingman.
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FRANKLIN DISTRICT.

Jonathan Blake.	Charles Devens, Jr
-----------------	--------------------

HAMPDEN DISTRICT.

Edward Parsons, Aaron King.

BERKSHIRE DISTRICT.

John Z. Goodrich, William A. Phelps.

NORFOLK DISTRICT.

David A. Simmons, Lewis Harding.
James C. Doane,

PLYMOUTH DISTRICT.

William James, Philander Washburn.

BRISTOL DISTRICT.

Cromwell Leonard, Joseph S. Borland.
James Rider,

BARNSTABLE DISTRICT.

George Copeland, John Jenkins.

NANTUCKET AND DUKES CO. DISTRICT.

William R. Easton.

CHARLES CALHOUN, *Clerk.*
W. P. GREGG, *Assistant Clerk.*
REV. ISAAC P. LANGWORTHY, *Chaplain.*
WILLIAM M. WISE, *Doorkeeper.*
JAMES N. TOLMAN, *Assistant Doorkeeper.*
TILSON FULLER, *Page.*

HOUSE OF REPRESENTATIVES.

F. B. CROWNINSHIELD,
SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Elisha H. Allen,
John Boles,
Osmyn Brewster,
William Brigham,
Walter Bryant,
Henry G. Clark,
Nathaniel W. Coffin,
Charles Edward Cook,
William D. Coolidge,
F. B. Crowninshield,
Benjamin R. Curtis,
William Denton,
William Eaton,
James Fowle,
William Freeman,
John C. Gray,
John P. Healey,
Samuel H. Jenks,
Lewis Jones,
Sewall Kendall,
Samuel Leeds,
J. Lothrop Motley,
Samuel S. Perkins,
John L. Phillips,
Benj. P. Richardson,
Richard Robins,
Philo Sanford,

<i>Boston,</i>	William Schouler, Lemuel Shattuck, Southworth Shaw, Benjamin Smith, Richard Soule, Jr., Noah Sturtevant, Thomas Tarbell, John W. Warren, Jr.,
<i>Chelsea,</i> <i>North Chelsea,</i>	} Charles S. Cary.

COUNTY OF ESSEX.

<i>Amesbury,</i>	Asa A. Abbott,
<i>Andover,</i>	Paul Hildreth,
<i>Beverly,</i>	William H. Lovett, Enoch Wood,
<i>Boxford,</i>	
<i>Bradford,</i>	William Dodge, Jr.,
<i>Danvers,</i>	William Wolcott,
<i>Essex,</i>	
<i>Georgetown,</i>	Simon P. Burnham,
<i>Gloucester,</i>	David Chard, Joseph Friend,
<i>Hamilton,</i>	
<i>Haverhill,</i>	
<i>Ipswich,</i>	Joseph Wait,
<i>Lawrence,</i>	
<i>Lynn,</i>	
<i>Lynnfield,</i>	
<i>Manchester,</i>	Stephen Story,
<i>Marblehead,</i>	John Carroll, Jr., Thomas Swasey, John Tenney,
<i>Methuen,</i>	
<i>Middleton,</i>	
<i>Newbury,</i>	Jacob Atkinson, Dennis Condry,

<i>Newburyport,</i>	Ebenezer Bradbury,* Ralph C. Huse, Henry W. Kinsman,
<i>Rockport,</i>	
<i>Rowley,</i>	John Proctor,
<i>Salem,</i>	Eleazer M. Dalton, Henry Russell, Joshua Safford, Augustus Story, John D. Symonds, Charles W. Upham, Joshua M. Pike, Jr.,
<i>Salisbury,</i>	
<i>Saugus,</i>	
<i>Topsfield,</i>	Charles Herrick,
<i>Wenham,</i>	Amos Gould,
<i>West Newbury.</i>	

COUNTY OF MIDDLESEX.

<i>Acton,</i>	Daniel Wetherbee, 2d, Hosea Kendall,
<i>Ashby,</i>	
<i>Ashland,</i>	
<i>Bedford,</i>	
<i>Billerica,</i>	Reuben Chamberlin,
<i>Boxborough,</i>	
<i>Brighton,</i>	Joseph Breck,
<i>Burlington,</i>	
<i>Cambridge,</i>	Stephen T. Farwell, Isaac Livermore, William Wyman,
<i>Carlisle.</i>	
<i>Charlestown,</i>	
<i>Chelmsford,</i>	Harvey Silver,
<i>Concord,</i>	
<i>Dracut,</i>	Joseph Merrill,
<i>Dunstable,</i>	
<i>Framingham,</i>	Warren Nixon, George S. Boutwell, John Nichols,
<i>Groton,</i>	
<i>Holliston,</i>	

* Elected Treasurer.

<i>Hopkinton,</i>	William Claflin,
<i>Lexington,</i>	Philip Russell,
<i>Lincoln,</i>	
<i>Littleton,</i>	
<i>Lowell,</i>	James Adams,
	Homer Bartlett,
	Samuel Burbank,
	George Brownell,
	Horatio G. F. Corliss,
	Joseph Locke,
	Stephen Moar,
	Horace Parmenter,
	Ransom Reed,
<i>Malden,</i>	
<i>Marlborough,</i>	Obadiah W. Albee,
<i>Medford,</i>	
<i>Natick,</i>	
<i>Newton,</i>	Marshall S. Rice,
<i>Pepperell,</i>	
<i>Reading,</i>	
<i>Sherburne,</i>	Jacob Pratt,
<i>Shirley,</i>	
<i>Somerville,</i>	George O. Brastow,
<i>South Reading,</i>	
<i>Stoncham,</i>	
<i>Stow,</i>	Truman Wolcott,
<i>Sudbury,</i>	Enoch Kidder,
<i>Tewksbury,</i>	Jacob Coggin,
<i>Townsend,</i>	Joel Emery,
<i>Tyngsborough,</i>	Zephaniah Bennett,
<i>Waltham,</i>	Nathaniel P. Banks, Jr.,
<i>Watertown,</i>	John H. Richardson,
<i>Wayland,</i>	William Baldwin,
<i>West Cambridge,</i>	
<i>Westford,</i>	
<i>Weston,</i>	
<i>Wilmington,</i>	
<i>Woburn.</i>	

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	
<i>Athol,</i>	
<i>Auburn,</i>	
<i>Barre,</i>	
<i>Berlin,</i>	Amos Sawyer,
<i>Blackstone,</i>	
<i>Bolton,</i>	
<i>Boylston,</i>	Nathaniel Davenport,
<i>Brookfield,</i>	
<i>Charlton,</i>	Nehemiah B. Stone,
<i>Dana,</i>	
<i>Douglas,</i>	
<i>Dudley,</i>	Joseph H. Perry,
<i>Fitchburg,</i>	Charles Mason,
<i>Gardner,</i>	Thomas E. Glazier,
<i>Grafton,</i>	
<i>Hardwick,</i>	
<i>Harvard,</i>	
<i>Holden,</i>	James E. Cheney,
<i>Hubbardston,</i>	William Bennett, Jr.,
<i>Lancaster,</i>	Ezra Sawyer,
<i>Leicester,</i>	Dwight Bisco,
<i>Leominster,</i>	Charles W. Wilder,
<i>Lunenburg,</i>	
<i>Mendon,</i>	
<i>Milford,</i>	Horace B. Hero,
<i>Millbury,</i>	Asa H. Waters,
<i>New Braintree,</i>	Henry A. Delano,
<i>Northborough,</i>	Abraham W. Seaver,
<i>Northbridge,</i>	
<i>North Brookfield,</i>	Amasa Walker,
<i>Oakham,</i>	
<i>Oxford,</i>	Paul Perkins,
<i>Paxton,</i>	
<i>Petersham,</i>	Seth Hapgood.
<i>Phillipston,</i>	

<i>Princeton,</i>	Henry Boyles,
<i>Royalston,</i>	Elmer Newton,
<i>Rutland,</i>	William F. Davis,
<i>Shrewsbury,</i>	Lucius S. Allen,
<i>Southborough,</i>	James S. Savage,
<i>Southbridge,</i>	
<i>Spencer,</i>	
<i>Sterling,</i>	William D. Peck,
<i>Sturbridge,</i>	Dwight P. Johnson,
<i>Sutton,</i>	Zadock Woodbury,
<i>Templeton,</i>	
<i>Upton,</i>	Nahum W. Holbrook,
<i>Uxbridge,</i>	
<i>Warren,</i>	
<i>Webster,</i>	John Dixon,
<i>Westborough,</i>	Elmer Brigham,
<i>West Boylston,</i>	Eli W. Holbrook,
<i>West Brookfield,</i>	
<i>Westminster,</i>	
<i>Winchendon,</i>	Elisha Murdock,
<i>Worcester,</i>	Peter C. Bacon,
	Albert Tolman,
	Charles White.

COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	Luke Sweetser,
<i>Belchertown,</i>	Henry A. Longley,
<i>Chesterfield,</i>	
<i>Cummington,</i>	Royal Joy,
<i>Easthampton,</i>	H. Bartholomew, Jr.,
<i>Enfield,</i>	Alvin Smith,
<i>Goshen,</i>	Luther Stone,
<i>Granby,</i>	Charles S. Ferry,
<i>Greenwich,</i>	Laban Marcy,
<i>Hadley,</i>	Giles C. Kellogg,
<i>Hatfield,</i>	
<i>Middlefield,</i>	Harry Meacham,
<i>Northampton,</i>	Erastus Hopkins,
	William Parsons,

<i>Norwich,</i>	E. B. Wright,
<i>Pelham,</i>	
<i>Plainfield,</i>	Leavitt Hallock,
<i>Prescott,</i>	Andrew Hyde,
<i>South Hadley,</i>	Daniel Paine,
<i>Southampton,</i>	
<i>Ware,</i>	
<i>Westhampton,</i>	Levi Burt,
<i>Williamsburg,</i>	Hiram Nash,
<i>Worthington,</i>	Elbridge Hazen.

COUNTY OF HAMPDEN.

<i>Blandford,</i>	Amos G. Bowker,
<i>Brimfield,</i>	Philip G. Hubbard,
<i>Chester,</i>	
<i>Chicopee,</i>	
<i>Granville,</i>	William Hall,
<i>Holland,</i>	
<i>Longmeadow,</i>	Alford Cooley,
<i>Ludlow,</i>	Alva Sikes,
<i>Monson,</i>	
<i>Montgomery,</i>	Elisha P. Parks,
<i>Palmer,</i>	Jacob B. Merrick,
<i>Russell,</i>	
<i>Southwick,</i>	
<i>Springfield,</i>	Frederick A. Barton,
	Lester Dickinson,
	Joseph C. Pynchon,
	William Stowe,
	John Wells,
<i>Tolland,</i>	
<i>Wales,</i>	
<i>Westfield,</i>	Daniel D. Erving,
	Hiram Hull,
<i>West Springfield,</i>	Lyman Allen,
	Daniel G. White,
<i>Wilbraham.</i>	

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Samuel Barber,
<i>Bernardston,</i>	
<i>Buckland,</i>	
<i>Charlemont,</i>	
<i>Coleraine,</i>	
<i>Conway,</i>	
<i>Deerfield,</i>	
<i>Erving,</i>	
<i>Gill,</i>	John Clark,
<i>Greenfield</i>	Whiting Griswold.
<i>Hawley,</i>	
<i>Heath,</i>	
<i>Leverett,</i>	
<i>Leyden,</i>	
<i>Monroe,</i>	
<i>Montague,</i>	Alpheus Moore,
<i>New Salem,</i>	William T. Giles,
<i>Northfield,</i>	
<i>Orange,</i>	Benjamin G. Putnam,
<i>Rowe,</i>	
<i>Shelburne,</i>	Nathaniel Lamson,
<i>Shutesbury,</i>	Jonas H. Winter,
<i>Sunderland,</i>	
<i>Warwick,</i>	
<i>Wendell,</i>	
<i>Whately,</i>	Chester Bardwell, 2d.

COUNTY OF BERKSHIRE.

<i>Adams,</i>	Henry L. Dawes,
	Charles Marsh,
<i>Alford,</i>	
<i>Becket,</i>	
<i>Cheshire,</i>	
<i>Clarksburg,</i>	
<i>Dalton,</i>	

<i>Egremont,</i>	
<i>Florida,</i>	
<i>Great Barrington,</i>	Edmund Pixley,
<i>Hancock,</i>	Augustus Smith,
<i>Hinsdale,</i>	Monroe Emmons,
<i>Lanesborough,</i>	Stoddard Hubbell,
<i>Lee,</i>	Elizur Smith,
<i>Lenox,</i>	William S. Tucker,
<i>Monterey,</i>	
<i>Mount Washington,</i>	
<i>New Ashford,</i>	
<i>New Marlborough,</i>	
<i>Otis,</i>	
<i>Peru,</i>	
<i>Pittsfield,</i>	Richard C. Cogswell,
	Ensign H. Kellogg,
<i>Richmond,</i>	
<i>Sandisfield,</i>	Lemuel K. Strickland,
<i>Savoy,</i>	
<i>Sheffield,</i>	Jonathan Trescott,
<i>Stockbridge,</i>	Albert F. Dickinson,
<i>Tyringham,</i>	Nathan Rowley,
<i>Washington,</i>	John G. Cross,
<i>West Stockbridge,</i>	Cyrus H. Woodruff,
<i>Williamstown,</i>	
<i>Windsor.</i>	

COUNTY OF NORFOLK.

<i>Bellingham,</i>	Rila Scott,
<i>Braintree,</i>	
<i>Brookline,</i>	John Howe,
<i>Canton,</i>	Lyman Kinsley,
<i>Cohasset,</i>	George Beal.
<i>Dedham,</i>	
<i>Dorchester,</i>	William Peirce,
	Edward H. R. Ruggles,
<i>Dover,</i>	
<i>Foxborough,</i>	Martin Torrey,

<i>Franklin,</i>	
<i>Medfield,</i>	
<i>Medway,</i>	Horatio Mason,
<i>Milton,</i>	George W. Greene,
<i>Needham.</i>	Thomas Kingsbury,
<i>Quincy,</i>	George Marsh,
<i>Randolph,</i>	
<i>Roxbury,</i>	Joseph H. Billings,
	Daniel Jackson,
	John S. Sleeper.
<i>Sharon,</i>	
<i>Stoughton,</i>	Albert Johnson,
<i>Walpole,</i>	Asahel Bigelow,
<i>Weymouth,</i>	
<i>Wrentham.</i>	

COUNTY OF BRISTOL.

<i>Attleborough,</i>	George D. Hatch,
<i>Berkley,</i>	
<i>Dartmouth,</i>	Lemuel Barker,
	Francis W. Mason,
<i>Dighton.</i>	Bradford Pratt,
<i>Easton,</i>	
<i>Fairhaven,</i>	George Mendell,
	Isaac Wood, Jr.,
<i>Fall River,</i>	Simeon Borden,
	James Ford, 2d,
	Benjamin Wardwell,
<i>Freetown,</i>	Joseph Staples,
<i>Mansfield,</i>	Martin M. Braley,
<i>New Bedford,</i>	
<i>Norton,</i>	R. H. Williams,
<i>Pawtucket,</i>	Nahum Bates,
<i>Raynham,</i>	
<i>Rehoboth,</i>	
<i>Seekonk,</i>	Arthur W. Aldrich,
<i>Somerset,</i>	Jonathan Slade, 2d,
<i>Swansey,</i>	Ezra P. Short,

<i>Taunton,</i>	Samuel Cain, Jr., Chester I. Reed, James M. Williams,
<i>Westport.</i>	

COUNTY OF PLYMOUTH.

<i>Abington,</i>	Zenas Jenkins, 2d,
<i>Bridgewater,</i>	Thomas Cushman,
<i>Carver,</i>	
<i>Duxbury,</i>	Aaron Josselyn,
<i>East Bridgewater,</i>	Azor Harris,
<i>Halifax,</i>	Edwin Inglee,
<i>Hanover,</i>	Cyrus Holmes,
<i>Hanson,</i>	Christopher C. Tilden,
<i>Hingham,</i>	John K. Corbett.
<i>Hull,</i>	
<i>Kingston,</i>	
<i>Marshfield,</i>	Nathaniel Waterman,
<i>Middleborough,</i>	
<i>North Bridgewater,</i>	Jesse Perkins,
<i>Pembroke,</i>	Nathaniel Smith,
<i>Plymouth,</i>	
<i>Plympton,</i>	Elijah Dexter,
<i>Rochester.</i>	Rogers L. Barstow, James Delano,
<i>Scituate,</i>	
<i>Wareham,</i>	Jedediah Briggs,
<i>West Bridgewater,</i>	Elijah Smith.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	
<i>Brewster,</i>	Winslow L. Knowles,
<i>Chatham,</i>	Lothrop L. Bearse,
<i>Dennis,</i>	Obed Baker, 2d,
<i>Eastham,</i>	
<i>Falmouth.</i>	Knowles Butler,
<i>Harwich,</i>	Darius Weeks,

<i>Orleans,</i>	Thatcher Snow,
<i>Provincetown,</i>	Stephen Hilliard,
<i>Sandwich,</i>	Henry Bourne,
	Henry V. Spurr,
<i>Truro,</i>	Levi Stevens,
<i>Wellfleet,</i>	Caleb Lombard,
<i>Yarmouth.</i>	Ezekiel Crowell.

DUKES COUNTY.

<i>Chilmark,</i>	
<i>Edgartown,</i>	Heman Arey,
<i>Tisbury,</i>	William A. Mayhew.

COUNTY OF NANTUCKET.

<i>Nantucket,</i>	William Barney,
	Joseph Mitchell,
	John Morrissey,
	William C. Starbuck.

CHARLES W. STOREY, *Clerk.*
 REV. ROLLIN H. NEALE, *Chaplain.*
 BENJAMIN STEVENS, *Sergeant-at-Arms.*
 ALEXIS POOLE, *Doorkeeper.*
 DAVID MURPHY, *Messenger.*
 JOSEPH P. DEXTER, *Assistant Messenger.*
 WILLIAM L. CHAMPNEY, *Page.*
 S. H. BUCKINGHAM, *Page.*

ERRATUM.—Page 87, chap. 132, third line from top, for *improvement*, read *imprisonment*.

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JUNE 13th, 1849.

I HEREBY CERTIFY, That the printed Acts, Resolves, &c., contained in this pamphlet, are true copies of the originals in this office.

WILLIAM B. CALHOUN,

Secretary of the Commonwealth.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1850.

An Act to continue in force an Act incorporating the Hope Insurance Company. *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 :

The Hope Insurance Company, incorporated in the year one thousand eight hundred and thirty, shall continue as a body corporate ; and the act incorporating the same, together with an additional act, passed in the year one thousand eight hundred and thirty-one, shall both remain in force for the term of twenty years from the twelfth day of March, in the year one thousand eight hundred and fifty, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes, subsequently passed, relating to insurance companies. [Approved by the Governor, January 25, 1850.]

1829, ch. 99.

1830, ch. 75.

Continued 20 years.

Powers and duties. R. S. ch. 37, 44 and subsequent statutes.

An Act to authorize Thomas R. Whorf, junior, to build a Wharf. *Chap. 2.*

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

Thomas R. Whorf, junior, is hereby authorized to build a wharf from his land, adjoining the harbor of Provincetown, and to extend said wharf to six feet of water at low tide, and shall have the right to lay vessels at the end and

In Provincetown.

Proviso. sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, January 25, 1850.*]

Chap. 3.

1849, ch. 193.

Time to construct extended to May 1st, 1851.

An Act concerning the Medway Branch Railroad Company.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time fixed by the original act incorporating the Medway Branch Railroad Company, for the construction of said railroad, is hereby extended one year from the first day of May next.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 2, 1850.*]

Chap. 4.

1846, ch. 247.

1847, ch. 101.

1848, ch. 34.

Time for completing continued to May 1st, 1851.

An Act concerning the Fitchburg and Worcester Railroad Company.

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

The time within which the Fitchburg and Worcester Railroad Company may complete their road, is hereby extended to the first day of May, eighteen hundred and fifty-one. [*Approved by the Governor, February 2, 1850.*]

Chap. 5.

Kind of action.

Notice.

Repeal of double damages.

Proviso.

An Act concerning Damages for Defects in Highways and other Ways.

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

SECT. 1. If any person has heretofore received or suffered, or shall hereafter receive or suffer, any bodily injury, or any damage in his property, through any defect or want of repair, or of sufficient railing in or upon any highway, townway, causeway, or bridge, he may recover in a special action of the case, of the county, town, or persons who are, by law, obliged to repair the same, the amount of damage sustained thereby, if such county, town, or persons had reasonable notice of the defect, want of repair, or of sufficient railing, or if the same had existed for the space of twenty-four hours previous to the occurrence of the injury or damage.

SECT. 2. The twenty-second section of the twenty-fifth chapter of the Revised Statutes is hereby repealed: *provided*, that this act shall not affect any action for the recovery of such damages, in which a verdict may or shall have been rendered before this act shall take effect. [*Approved by the Governor, February 2, 1850.*]

AN ACT for the protection of the Fisheries, in the vicinity of Nantucket. *Chap. 6.*

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

SECT. 1. From and after the first day of July next, it shall not be lawful for any person, or persons, to take any fish, by seining, within one mile from the shores of Nantucket, Tuckernuck, Smith's, Muskeeket, and Gravel Islands. Prohibition to take fish.

SECT. 2. The provisions of the sixteenth section of the fifty-fifth chapter of the Revised Statutes, in regard to the town of Chatham, shall be, and the same are hereby, extended to the town of Nantucket. R. S. ch. 55, sec. 16, extended to Nantucket.

SECT. 3. Every person violating any provisions of this act, shall forfeit and pay, for each offence, the sum of fifty dollars. Forfeiture.

SECT. 4. The said town of Nantucket is hereby authorized to choose, at the annual town meeting, or at any meeting duly warned for that purpose, such number of fishwardens as may at the time be deemed necessary, who shall be sworn to the faithful discharge of their duty, whose duty it shall be to prosecute for every offence against any provisions of this act. Fishwardens. Duties.

SECT. 5. If any boat or craft shall be found, within or without the limits aforementioned, with fish of any kind on board, taken within said limits, contrary to the provisions of this act, it shall be the duty of said fishwardens to seize such boat or craft, and detain the same, not exceeding forty-eight hours, in order that the same may be attached or arrested by due process of law, for the better security of the payment of the penalty for the violation of the provisions of this act, together with the costs of suit: *provided, however,* that as soon as the master or owner of such boat or craft shall pay such penalty to the treasurer of the town of Nantucket, (if he pay the same before being sued therefor,) such boat or craft shall be discharged, with the effects therein. Duty in regard to boats, &c., violating this law. Proviso.

SECT. 6. All fines and penalties, recovered and received by virtue of this act, shall go, one half to the treasurer of Nantucket, for the use of said town, the other half to the complainant; and said forfeitures, fines, or penalties, may be recovered, together with legal costs of suit, by an action of debt, in any court of record proper to try the same. Fines, &c., how disposed of— —how recovered.

[*Approved by the Governor, February 5, 1850.*]

Chap. 7. An Act to confirm certain acts done by William Minot, as Justice of the Peace.

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

What acts confirmed.

All acts done by William Minot, of Boston, in the county of Suffolk, Esquire, as a justice of the peace and of the quorum within and for all the counties in the Commonwealth, between the tenth day of January, of the year one thousand eight hundred and forty-five, and the first day of June, of the year one thousand eight hundred and forty-nine, be, and they hereby are, made valid and confirmed, to the same extent as they would have been valid, had he been, during that interval, duly qualified to discharge the duties of the said offices. [*Approved by the Governor, February 5, 1850.*]

Chap. 8. An Act to incorporate the Grafton High School Association.

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

Corporators.

SECT. 1. Jonathan Warren, Winthrop Faulkner, Jonathan D. Wheeler, their associates and successors, are hereby made a corporation, by the name of the Grafton High School Association, to be established in the town of Grafton, in the county of Worcester, with all the powers, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers and duties.
R. S. ch. 44.

Real and personal estate.

SECT. 2. Said corporation may hold real and personal estate, to the amount of six thousand dollars, exclusive of books and apparatus devoted to the purposes of education. [*Approved by the Governor, February 5, 1850.*]

Chap. 9. An Act to extend the time for paying in the Capital Stock of the Cochituate Fire Insurance Company.

1847, ch. 33.
1848, ch. 131.

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

Time extended to March 15, 1851.

The time within which the capital stock of the Cochituate Fire Insurance Company is, by law, required to be paid in, is hereby extended to the fifteenth day of March, in the year one thousand eight hundred and fifty-one. [*Approved by the Governor, February 5, 1850.*]

An Act to continue in force the Act to incorporate the Fireman's Insurance Company, in the City of Boston. *Chap. 10.*

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

SECT. 1. The act passed on the tenth day of June, in the year one thousand eight hundred and thirty-one, entitled "an act to incorporate the Fireman's Insurance Company, in the city of Boston," and the act entitled "an act in addition to an act to incorporate the Fireman's Insurance Company, in the city of Boston," passed April seventeenth, in the year one thousand eight hundred and thirty-eight, shall severally be and remain in force for the term of twenty years, from and after the tenth day of June, in the year one thousand eight hundred and fifty-one; and said company shall continue to be a corporation through that term, under the name of the Fireman's Insurance Company; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts concerning insurance companies, so far as they are applicable to the corporation hereby continued.

SECT. 2. The capital stock of the said company shall be three hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and shall be invested according to the laws of this Commonwealth; and the said company may purchase, hold, and convey, any estate, real or personal, for the use of said company: *provided*, that they shall not hold real estate exceeding the value of one hundred thousand dollars, excepting such as may be taken for debt by said company, or held as collateral security for debts due to them. [*Approved by the Governor, February 7, 1850.*]

An Act to continue in force the Act to incorporate the National Insurance Company. *Chap. 11.*

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

SECT. 1. The act passed on the eighteenth day of June, in the year one thousand eight hundred and twenty-five, entitled an act incorporating the Ætna Insurance Company, in Boston; the act passed on the eighteenth day of February, in the year one thousand eight hundred and thirty-two, entitled an act to change the name of the Ætna Insurance Company, and for other purposes; and the act passed on the twenty-first day of January, in the

1831, ch. 11.
1838, ch. 130.

Continued 20
years from June
10, 1851.

Powers and duties, R. S. ch. 37, and subsequent statutes.

Capital stock.

Shares.

Proviso as to estate.

1825, ch. 44.
1832, ch. 39.
1833, ch. 3.

Continued 20
years, from
February 18,
1852.

year one thousand eight hundred and thirty-three, entitled an act giving additional powers to the National Insurance Company, shall severally be and remain in force for the term of twenty years, from and after the eighteenth day of February, in the year one thousand eight hundred and fifty-two; and said company shall continue to be a corporation through that term, under the name of the National Insurance Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts concerning insurance companies, so far as they are applicable to the corporation hereby continued.

Powers and duties, R. S. ch. 37, and all subsequent statutes.

Capital stock.

SECT. 2. The capital stock of the said company shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each.

Shares.

Real estate.

SECT. 3. The said company may purchase and hold real estate, within this Commonwealth: *provided*, their real estate shall not exceed the value of one hundred thousand dollars, excepting such as may be taken for debt, or held as collateral security for moneys due to said company. [Approved by the Governor, February 7, 1850.]

Proviso.

Chap. 12. An Act to repeal in part the Act to incorporate the United Interest Insurance Company, and to extend the time for paying in its Capital Stock.

1849, ch. 21.

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

1849, ch. 21,
sec. 3, modified.

SECT. 1. So much of the third section of the act to incorporate the United Interest Insurance Company, passed on the sixteenth day of February, in the year one thousand eight hundred and forty-nine, as requires the capital stock to be divided into shares of one hundred dollars each, is hereby repealed, and said stock shall be divided into shares of fifty dollars each.

Shares to be
\$50.

Time for paying
in capital
stock extended
to April 1, 1851.

SECT. 2. The time within which the capital stock of said United Interest Insurance Company is, by law, required to be paid in, is hereby extended to the first day of April, in the year one thousand eight hundred and fifty-one. [Approved by the Governor, February 7, 1850.]

Chap. 13. An Act to enlarge the Powers of the Hampshire Mutual Fire Insurance Company.

1829, ch. 72.

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

May insure
throughout the
Comm'nwealth.

SECT. 1. The Hampshire Mutual Fire Insurance Company is hereby authorized and empowered to insure per-

sonal property, wherever situate, within this Commonwealth, against loss or damage by fire, to an amount not exceeding three-fourths of its cash value, for a term not exceeding seven years: *provided*, that, at a legal meeting of the members of said company, called for the purpose, a majority of those in interest shall vote to accept the same.

SECT. 2. This act shall take effect from after its acceptance by the company. [*Approved by the Governor, February 7, 1850.*]

An Act to incorporate the Manufacturers and Mechanics Insurance Company. *Chap. 14.*

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

SECT. 1. Samuel Chase, W. R. Whittier, T. M. Hayes, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Manufacturers and Mechanics Insurance Company, in the town of Haverhill, for the purpose of making insurance against maritime losses, and against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may hold real estate; *provided*, said real estate shall not exceed twenty thousand dollars in value, excepting such as may be taken for debts, or held as collateral security for money due to said company.

SECT. 3. The capital stock of said company shall be fifty thousand dollars, with liberty to increase it to an amount not exceeding two hundred and fifty thousand dollars: *provided*, that not less than fifty thousand dollars shall be paid in as capital, within two years from the passage of this act. [*Approved by the Governor, February 7, 1850.*]

An Act in addition to an Act to establish the City of Roxbury.

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

SECT. 1. The several municipal officers whose election by the people is provided for in the act to which this is in addition, shall, subsequently to the March election of the present year, be chosen on the second Monday of December, annually, and shall enter upon the duties of their respective

offices on the first Monday in January, each year; but the officers chosen for the municipal year, commencing with the first Monday of April next, shall hold their offices only until the first Monday of January ensuing.

Repeal.

SECT. 2. So much of the sixth section of the act to which this is in addition, as relates to warden, clerk, and inspectors, is hereby repealed.

Of filling vacancies.

SECT. 3. Any vacancy in the office of overseer of the poor, assistant assessor, or school committee, may be filled in the manner provided in the sixth section of the act to which this is in addition, for filling vacancies in the common council.

Lists of jurors.

SECT. 4. The list of jurors, in the city of Roxbury, shall be prepared by the mayor and aldermen of the city, in the same manner as is required, in the ninety-fifth chapter of the Revised Statutes, to be done by the selectmen, within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be submitted to the common council, for concurrent revision or amendment.

Same.

SECT. 5. The said mayor and aldermen, and the clerk of the city, shall severally have, and exercise, all the powers and duties, with regard to the drawing of jurors, in the city of Roxbury, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks, in their respective towns; and all venires for jurors to be returned from Roxbury, shall be served on said mayor and aldermen.

This act to be approved by the voters.

SECT. 6. This act shall be void, unless approved by the voters of Roxbury, at meetings held simultaneously in the several wards, upon notice duly given, at least seven days before the time of said meetings, and within thirty days after the passage of this act.

Tenure of office.

SECT. 7. The mayor and ward officers chosen under this act shall hold their respective offices for one year, and until others shall have been chosen in their places and qualified to act.

When to take effect.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, February 12, 1850.*]

Chap. 16. An Act to authorize Alexander Baxter and others to construct a Marine Railway.

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

Alexander Baxter, and his associates, are hereby authorized to construct and maintain a marine railway, from their

land adjoining Lewis's bay, in the harbor of Barnstable, and to extend the same three hundred feet into the waters of said bay; also, to drive piles in said bay in such manner as may be necessary for the safe and convenient use of said railway: *provided*, this grant shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, February 12, 1850.*]

Location in
Barnstable.*Proviso.*

An Act to change the name of the Norfolk County Health Insurance Company, and to enlarge its powers. *Chap. 17.*

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

1848, ch. 328.

SECT. 1. The Norfolk County Health Insurance Company is hereby authorized to take the name of the Franklin Health Assurance Company. *New name.*

SECT. 2. Said company may assure, to the holders of its policies, an allowance in money, for the time during which they shall be unable to transact business, or labor in their accustomed vocation, in consequence of personal injuries, resulting from accident, or otherwise. [*Approved by the Governor, February 12, 1850.*]

Powers.

An Act to authorize Henry J. Tudor to extend his Wharf.

Chap. 18.

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

Henry J. Tudor is hereby authorized to extend his wharf, from land in his possession in the town of Hull, fifteen feet into the channel, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, February 12, 1850.*]

In Hull.

Proviso.

An Act to continue in force an Act to incorporate the Bristol County Mutual Fire Insurance Company. *Chap. 19.*

1828, ch. 51.

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

The act to incorporate the Bristol County Mutual Fire Insurance Company, passed on the thirteenth February, in the year one thousand eight hundred and twenty-nine, shall be and remain in force, for the term of twenty-eight years from the thirteenth day of February, in the year one thousand eight hundred and fifty-seven. And the said corporation shall be continued through that term, with all the

Continued 28
years, from
Feb. 13, 1857.

Powers and duties, R. S. ch. 37, 44, and subsequent statutes.

powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all the statutes subsequently passed relating to mutual fire insurance companies. [*Approved by the Governor, February 12, 1850.*]

Chap. 20.

Vol. 1, Special Laws, 24; 226.
Vol. 3, do. 178.

An Act in addition to the several Acts in relation to the Massachusetts Medical Society.

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

Of counsellors and censors, elected by district societies.

SECT. 1. Each of the district societies, into which the Massachusetts Medical Society has been, or may be divided, may elect, annually, by ballot, from among its members, the counsellors and censors, to which, by the by-laws of the society, it may be entitled; and such counsellors and censors shall hold their respective offices for the year next ensuing, and until others have been elected in their places.

Of the annual meeting.

SECT. 2. The annual meeting of the society may be held in such one of the principal towns or cities of the Commonwealth as the society or the counsellors shall, from year to year, determine; and the first stated, or annual meeting, of the counsellors, shall be held in the same place, and within thirty days before or after said annual meeting, as the society shall, in their by-laws, direct.

Income of permanent fund to defray current expenses.

SECT. 3. The Massachusetts Medical Society is hereby authorized to use the annual income of their permanent fund, to defray their current expenses.

Repeal.

SECT. 4. All acts and parts of acts, inconsistent herewith, are hereby repealed. [*Approved by the Governor, February 12, 1850.*]

Chap. 21.

An Act in relation to Mortgages.

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

12 per cent. on balance due to mortgagee, in case, &c.

When, on the hearing of a bill in equity, hereafter commenced, to redeem a mortgaged estate into which the mortgagee has entered for the purpose of foreclosure, it shall appear to the court that the mortgagee has not unreasonably neglected or refused to render a true account of the rents and profits of the mortgaged estate, the court shall have power to award to the mortgagee, (in addition to the balance found due to him on the mortgage,) interest on such balance, from the expiration of three years after such entry to the time of rendering judgment in the suit, at a

rate not exceeding twelve per cent. a year. [Approved by the Governor, February 13, 1850.]

An Act to ascertain the Ratable Estate within this Commonwealth.

Chap. 22.

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

SECT. 1. The assessors for each town, district, and other place within this Commonwealth, for the year one thousand eight hundred and fifty, shall, on or before the first day of September next, take and lodge in the secretary's office a true and perfect list, conformably to the list heretofore annexed, of all male polls, of twenty-one years old and upwards, whether at home or abroad, distinguishing such as are exempted from taxation; and of all ratable estate, both real and personal, lying within their cities, towns, districts, and other places not exempted by law from paying State taxes, expressing by whom occupied or possessed, particularly mentioning dwelling-houses and shops under the same roof, or adjoining thereto, shops separate from them, distil-houses, tan-houses, ware-houses and stores, wharves, oil factories of all kinds, grist-mills, fulling-mills, saw-mills, iron works and furnaces, and all other buildings and edifices of the value of twenty dollars and upwards, and the number of tons of vessels and small craft of every kind, upwards of five tons burden, computing the same according to the rules established by the laws of the United States, whether at home or abroad, and the amount of each person's whole stock in trade, including all goods, wares, and merchandise, at home or abroad, paid for, or not paid for; also, those in their hands by factorage, also government securities of all kinds, particularly distinguishing securities of the United States, and all other moneys at interest, more than any creditor pays interest for; also, the whole amount of moneys on hand, including such as may be deposited in any bank, or other incorporated company, or with any agent, the amount of stock held by the stockholders in any bank or insurance company, and shares or property in any incorporated company for a bridge, canal, turnpike, or railroad, and shares or property in any other incorporated company possessing taxable property; the number of ounces of plate of all kinds exceeding twenty dollars in value; the number of horses, neat cattle, sheep and swine, of the respective ages in the said list mentioned: *provided, however*, that all the machinery employed in any branch of manufactures, and belonging to any corporation, copartnership, person or persons, of this or any other state, shall be

Duties of assessors in making returns of ratable estate in the Commonwealth, to the Secretary, before September.

taken and returned in the respective cities, towns, districts, or other places wherein such machinery may be situated or employed; and *provided further*, that in taking and returning the shares in any manufacturing corporation, there shall first be deducted therefrom the value of the machinery and real estate belonging to such corporation. And the said assessors, in taking the said valuation, shall distinguish the different improvements of land, and return the list in the following manner, viz., the number of acres of pasture land, with the number of cows, with the after-feed of the whole farm, the same land will keep; the number of acres of tillage land, annually improved for that use; the number of bushels of grain and corn of all sorts, the same will yearly produce; the number of acres of English upland and fresh meadow mowing land, with the tons of hay of each sort annually produced therefrom; the number of acres of salt marsh, with the tons of hay annually produced therefrom; also, all cow rights, and all wood-land of every sort, and lands belonging to any town, or other proprietary, improved or unimproved; also, the number of acres improved for roads, and covered with water, according to the best estimation of the assessors, and all such lands, the owners or occupiers of which are holden to pay a quit-rent to Harvard College, pursuant to the direction of the original donor or donors, that the same may be considered in the valuation which may be established in pursuance of this act, excepting all the estates belonging to Harvard, Williams, and Amherst Colleges, and to incorporated theological institutions and academics; and also, the estate belonging to the Massachusetts General Hospital, and improved for the purposes of that institution; *provided, always*, that the several articles of the produce of the lands, hereinbefore enumerated, shall not be taken into consideration in forming a valuation, for any other purpose than for ascertaining the relative value of lands in the various parts of the Commonwealth. And the said assessors, in taking the valuation of the property aforesaid, shall estimate the same at its fair, cash, market value; and shall cause all the columns of the several articles contained in the several lists, to be carefully cast up and footed, and the lists of the polls and ratable estates, to be taken as aforesaid, shall be taken as of the first day of May next.

As to unincorporated territory.

SECT. 2. It shall be the duty of the assessors of the oldest incorporated town adjacent to any unincorporated territory, within the same county, to make a valuation of the polls and estates of such unincorporated territory, agreeably to the provisions of this act, and keep an account of

the expenses incurred in making the same, with a view to its future assessment upon the polls and estates of such unincorporated territory.

SECT. 3. The said assessors, before they enter on this work, shall take the following oath or affirmation, viz. :
 You, A. B., being chosen an assessor for the year one thousand eight hundred and fifty, do swear, (or affirm,) that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an assessor, as directed and enjoined by an act of this Commonwealth, made in the present year, entitled "an act to ascertain the ratable estate within this Commonwealth," without favor or prejudice. So help you God. Which oath or affirmation may be administered by such officers as are now authorized by law to administer the usual oaths to town officers. And each and every assessor shall be allowed by the town, city, district or other place to which he belongs, the sum of one dollar and twenty-five cents, for every day which he shall be necessarily employed in doing the duties enjoined by this act.

SECT. 4. If any assessor of any city, town, district, or other place, within this Commonwealth, for the year aforesaid, shall refuse to take such oath or affirmation, or, having taken the same, shall neglect or refuse to do or perform all the duties required by this act, or shall act in any way fraudulently or deceitfully therein, he shall, for each of those offences, forfeit and pay a fine of not less than one hundred dollars, nor more than two thousand dollars, at the discretion of the court before whom trial shall be had. And every person liable to be taxed, and not out of this Commonwealth on and from the first day of May next, to the first day of August next, who shall refuse, or wilfully neglect to give the assessors in writing, and on oath or affirmation, if required, (which oath or affirmation the said assessors are hereby respectively empowered to administer,) a true account of all his or her ratable estate, according to the true intent and meaning of this act, shall be doomed by the said assessors, according to their best skill and judgment, to the full amount of his or her ratable estate; and the oath last mentioned shall be in the following form, viz. :
 You, C. D., do swear, (or affirm,) that all your ratable estate, conformable to this list, here shown by you, doth not exceed this account, by you now exhibited, according to your best knowledge and judgment. So help you God ;
 —*provided, nevertheless*, that every person conscientiously scrupulous of taking an oath, in the form required by law, who shall be required to take either of the oaths aforesaid,

Form of oath.

Compensation.

Penalty for neglect of duty.

Dooming.

Oath.

Proviso, as to affirmation.

shall be excused therefrom, upon solemnly and sincerely affirming the truth of the declaration therein contained, under the pains and penalties of perjury.

Secretary to
transmit blanks,
&c.

SECT. 5. The secretary of the Commonwealth shall cause to be printed blank tables, conveniently arranged with columns headed with appropriate denominations, for the returns of the particulars indicated in this act, and shall furnish a sufficient number of copies thereof, together with a copy of this act, to the assessors of each town.

Assessors to
send to the
Secretary a
copy of the val-
uation for 1849.

SECT. 6. The assessors in each town, district, or other place in this Commonwealth, for the year one thousand eight hundred and fifty, shall, on or before the said first day of September next, transmit to the secretary's office a true and attested copy of the valuation by which the assessors of the said towns, districts, and other places, made the town and county taxes in their respective towns, districts, or other places, for the year one thousand eight hundred and forty-nine. And all fines and forfeitures, arising by this act, may be recovered in the supreme judicial court of this Commonwealth, by information filed in the same court by the attorney general. And the secretary is hereby required to furnish the attorney general with a list of the towns, districts, and other places, the assessors of which shall neglect to lodge in his office a list of the polls and estates, agreeably to the provisions of the first section of this act, to the end that they may be prosecuted at the discretion of said officer.

Form of lists.

SECT. 7. The following shall be the form of the lists for the valuation of the year one thousand eight hundred and fifty:—A list of the polls and estates, real and personal, of the several proprietors and inhabitants of ———, in the county of ———, taken pursuant to an act of the Legislature of this Commonwealth, passed in the year one thousand eight hundred and fifty, entitled “an act to ascertain the ratable estate within this Commonwealth,” by the subscribers, assessors of the town of ———, duly elected and sworn. Number of polls ratable, twenty-one years old and upwards. Number of male polls not taxed nor supported by the town. Number of male polls supported by the town. Number of dwelling-houses. Number of shops within or adjoining to dwelling-houses. Number of other shops. Number of distil-houses. Number of breweries. Number of tan-houses. Number of ware-houses and stores. Number of rope-walks. Number of grist-mills. Number of carding machines, with their buildings. Number of fulling-mills. Number of saw-mills. Number of small-arm manufactories, with their buildings. Number of

slitting-mills and nail-machines. Number of cotton factories. Number of spindles in the same. Number of looms in the same. Number of woollen factories. Number of spindles in the same. Number of looms in the same. Number of linen factories. Number of spindles in the same. Number of looms in the same. Number of establishments for printing silks and calico. Number of bleacheries. Number of paper-mills. Number of other mills. Number of iron works and furnaces. Number of oil factories of all kinds. Number of glass factories. Number of card factories. Number of barns. Number of superficial feet of saltworks. Number of all other works, buildings and edifices, of the value of twenty dollars and upwards. Number of superficial feet of wharf. Number of tons of vessels and small craft, of five tons and upwards, at home or abroad. The amount of every person's whole stock in trade, including all goods, wares and merchandise, at home and abroad, paid for or not paid for, and also, those in their hands by factorage. The amount of securities of the United States, of this State, or any other government, and at what rate of interest. The amount of money at interest, more than any creditor pays interest for. The amount of money on hand, including such as may be deposited in any bank or incorporated company, or with any agent. The amount of stock held by the stockholders in any bank or insurance company. Number of shares in any bridge, canal, turnpike or railroad, and the value of such shares, with the annual income thereof. The number and value of shares, or the amount of property in any other incorporated company possessing taxable property. Number of ounces of plate of all kinds, exceeding twenty dollars in value. Number of acres of tillage land, including orchards tilled. Number of bushels of wheat. Number of bushels of rye. Number of bushels of oats. Number of bushels of Indian corn. Number of bushels barley, raised on the said tillage land by the year. Number of pounds of hops. Number of tons of hemp. Number of tons of flax. Number of tons of broom corn. Number of acres of English and upland mowing, including orcharding mowed. Number of tons of hay, the yearly produce of the same. Number of acres of salt-marsh. Number of tons of hay, the yearly produce of the same. Number of acres of fresh meadow. Number of tons of hay, the yearly produce of the same. Number of acres of pasturage, including orcharding pastured. Number of cows the same will keep, with the after-feed of the whole farm. Number of cow rights. Number of acres of wood-land, exclusive of pasture

land enclosed. Number of acres of unimproved land. Number of acres of land unimprovable. Number of acres of land owned by the town, or other proprietary. Number of acres of land used for roads. Number of acres of land covered with water. Number of horses one year old and upwards. Number of mules and asses one year old and upwards. Number of oxen four years old and upwards. Number of cows three years old and upwards. Number of steers and heifers of one year old and upwards. Number of sheep six months old and upwards. Number of swine six months old and upwards. The value and description of all other ratable estate, not before enumerated. The amount of real estates doomed. The amount of personal estates doomed. [*Approved by the Governor, February 14, 1850.*]

Chap. 23.

Vol. 1, Special Laws, p. 490.
Vol. 2, p. 389, 427.

Pleasant Street Church in Newburyport, the corporation created in the act in vol. 1, Special Laws, p. 490, § 1.

Provision for payment of demands.

This act to be accepted by the society and church.

Proviso.

An Act in addition to an Act for incorporating the several Religious Societies in Newburyport, in the County of Essex.

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

SECT. 1. The Proprietors of the Pleasant Street Church, in Newburyport, are hereby declared to be the same corporation made by the act to which this is in addition, under the name of "The First Religious Society in Newburyport," with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in said act, so far as the same may now be applicable to said society, and consistent with the laws of this Commonwealth.

SECT. 2. The said proprietors are hereby authorized and empowered to assume, and to make suitable provision for the payment of all legal demands, existing against said society ; and all contracts heretofore made by said society, with its minister or other persons, shall devolve and be binding upon said proprietors, in their corporate capacity, whenever they shall be duly invested with a good and sufficient title to all the property, whether in real or personal estate, which said society may possess, or be legally entitled to.

SECT. 3. This act shall take effect whenever it shall have been accepted by a majority of the members of said society, and a majority of the proprietors of said church, who may be present at any meetings of said society and of said proprietors, which may be duly and legally notified for that purpose: *provided, however,* that the provisions of the second section of this act shall first have been complied with.

SECT. 4. So much of the act to which this is in addition, as is inconsistent with this act, is hereby repealed. Repeal.
 [Approved by the Governor, February 15, 1850.]

An Act in addition to an Act to establish the City of New Bedford. Chap. 24.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : Repealed, 1847, ch. 60.

SECT. 1. The qualified voters of the city of New Bedford, at their annual ward meetings, shall, in addition to the assessors they are now authorized to elect, by the eleventh section of the sixtieth chapter of the acts of the year one thousand eight hundred and forty-seven, elect two assessors at large, and the assessors so chosen shall, with those now authorized to be elected, constitute the board of assessors, which board shall exercise the powers, and be subject to the duties and liabilities, of assessors of towns. Of the election of assessors.

SECT. 2. This act, if accepted by the city council of New Bedford, shall take effect from and after its acceptance. [Approved by the Governor, February 16, 1850.] 1847, ch. 60, § 11.

An Act to repeal "An Act regulating the Sale of Anthracite Coal." Chap. 25.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : 1849, ch. 143.

The one hundred and forty-third chapter of the acts of the year one thousand eight hundred and forty-nine, entitled, "an act regulating the sale of anthracite coal," is hereby repealed. [Approved by the Governor, February 16, 1850.]

An Act to incorporate the Bay State Iron Company.

Chap. 26.

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

SECT. 1. John M. Forbes, Frederick H. Bradlee, George B. Upton, their associates and successors, are hereby made a corporation, by the name of the Bay State Iron Company, for the purpose of working and manufacturing iron, in the city of Boston, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount five hundred thousand dollars. In Boston.
Powers and duties.
R. S. ch. 38, 44.
Real and personal estate.

SECT. 3. No shares in the capital stock of said corpora- Proviso, as to value of shares.

tion shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, February 18, 1850.*]

Chap. 27.

An Act concerning Bonds to Dissolve Attachments.

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

Masters in
chancery em-
powered.

SECT. 1. The masters in chancery, in the several counties, shall perform the duty of approving bonds to dissolve attachments, heretofore incumbent on the justices of the supreme judicial court or the justices of the court of common pleas.

Fees.

SECT. 2. The fee shall be, one dollar for the hearing and decision, and fifty cents for the citation in each case, and, if the attachment is dissolved, such sums shall be taxed in the defendant's costs, when he shall be the prevailing party in the suit in which such attachment was made. [*Approved by the Governor, February 18, 1850.*]

Chap. 28.

An Act to incorporate the East Bridgewater Iron Company.

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

Corporators.

SECT. 1. Cushing Mitchell, Aaron Hobart, junior, J. M. Leonard, their associates and successors, are hereby made a corporation, by the name of the East Bridgewater Iron Company, for the purpose of manufacturing and working upon iron, in the town of East Bridgewater, in the county of Plymouth, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers and
duties.
R. S. ch. 33, 44.

Real estate.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value thirty thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars.

Capital stock.

*Proviso, as to
value of shares.*

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares, which shall be first issued. [*Approved by the Governor, February 19, 1850.*]

An Act to incorporate the Worcester Gas Light Company.

Chap. 29.

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

SECT. 1. John W. Lincoln, George T. Rice, Charles Thurber, their associates and successors, are hereby made a corporation, by the name of the Worcester Gas Light Company, for the purpose of manufacturing and selling gas, in the city of Worcester, in the county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes ; also, to the provisions, restrictions, and conditions, of an order adopted by the city council of the city of Worcester, on the third day of May, in the year one thousand eight hundred and forty-nine, giving leave to Blake and Darracott, and their associates, to erect coal gas works in the city of Worcester, and to lay pipes for distributing the gas through the streets of said city.

Corporators.

Powers and duties.
R. S. ch. 38, 44, and an order of the city council of Worcester.

SECT. 2. Said corporation may hold such real and personal estate, as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of two hundred thousand dollars.

Real and personal estate.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Proviso, as to value of shares.

SECT. 4. Said corporation, with the consent of the mayor and aldermen of the city of Worcester, shall have power and authority to open the ground, in any part of the streets, lanes, and highways, in said city, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground in said streets, lanes, or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said mayor and aldermen, for the time being, shall, at all times, have the power to regulate, restrict, and control, the acts and doings of said corporation, which may in any manner affect the health, safety, or convenience of the inhabitants of said city.

May open the ground in streets, &c., with leave of mayor and aldermen.

Proviso.

SECT. 5. The city of Worcester, at any time hereafter, shall have the right to purchase the franchise of said corporation, by paying therefor the actual cost of the works they shall have erected, with ten per cent. interest thereon, after first deducting such amounts as may have been paid to the stockholders as dividends upon the stock.

City may purchase, &c.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, February 19, 1850.*]

Chap. 30. An Act in addition to the Acts establishing the City of New Bedford.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

1847, ch. 60.
Ante, ch. 24.

Election of
 assistant assessors.

SECT. 1. The legal voters of the city of New Bedford shall, at their regular ward meetings, in the month of March annually, elect one assistant assessor from each ward in said city.

Assessors.

SECT. 2. The city council of the said city, in convention, shall, on the first Monday of April, annually, elect three assessors at large, who shall have all the power and be subject to all the duties and liabilities of assessors of towns.

Repeal.

SECT. 3. So much of the act of 1847, ch. 60, providing for the election of assessors and assistant assessors of the city of New Bedford, as is inconsistent with this act, and also an act entitled, "an act in addition to an act establishing the city of New Bedford," passed on the 16th day of February, in the year one thousand eight hundred and fifty, are repealed.

To take effect
 after acceptance.

SECT. 4. This act shall take effect from and after its acceptance by the inhabitants of New Bedford. [*Approved by the Governor, February 22, 1850.*]

Chap. 31. An Act to amend "An Act regulating the Compensation of Sheriffs."
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
 statements in
 returns to the
 secretary.

SECT. 1. The annual return to the secretary of the Commonwealth, now by law required to be made by the sheriffs of the several counties, shall, in addition to the statements required by the fourth section of the act of which this is an amendment, specify the amount received by them for fees on civil and criminal process respectively, the number of days of their attendance upon each court, and upon more than one court.

Duty of secretary.

SECT. 2. The secretary of the Commonwealth shall annually furnish the sheriffs of the several counties with blank forms of the returns required by this act, and the act hereby amended. [*Approved by the Governor, February 22, 1850.*]

An Act to extend the time for paying in the Capital Stock of the Columbian Fire and Marine Insurance Company. *Chap. 32.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : 1849, ch. 2.

The time within which the capital stock of the Columbian Fire and Marine Insurance Company, in Boston, is, by law, required to be paid in, is hereby extended to the third day of February, in the year one thousand eight hundred and fifty-one. [*Approved by the Governor, February 22, 1850.*] Time extended to February 3d, 1851.

An Act in addition to "An Act to incorporate the South Lee Manufacturing Company." *Chap. 33.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : 1849, ch. 221.

The South Lee Manufacturing Company, in addition to their present powers, are hereby authorized to manufacture flour and the various kinds of meal. [*Approved by the Governor, February 22, 1850.*] May manufacture flour and meal.

An Act in addition to the several Acts in relation to the Competency of Witnesses in certain cases. *Chap. 34.*

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

In all cases in which any incorporated mutual insurance company shall be, in its corporate capacity, party to, or interested in, any suit, whether of a civil or criminal nature, any member of such corporation may be admitted as a competent witness to testify on the trial, or to give his deposition: *provided*, there be no sufficient objection to his competency except that of his being a member of such corporation. [*Approved by the Governor, February 22, 1850.*] Members of mutual insurance companies competent witnesses.
Proviso.

An Act to confirm the Location of a Wharf in Beverly, owned by Josiah L. Foster and William H. Lovett. *Chap. 35.*

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

The present location of the wharf belonging to Josiah L. Foster and William H. Lovett, in the harbor of Beverly, is hereby confirmed, and said owners shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this *Proviso.*

act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, February 22, 1850.*]

Chap. 36. An Act concerning the Grand Junction Railroad and Depot Company.

1846, ch. 210.
1847, ch. 257.
1848, ch. 264.

May alter location in East Boston.

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

SECT. 1. The Grand Junction Railroad and Depot Company are hereby authorized and empowered to alter and change the location of their road in East Boston, and to locate, construct, and maintain the same on the southeasterly side of the Eastern Railroad, commencing at some convenient point in the located line of the said Grand Junction Railroad, westerly of said Eastern Railroad, in said East Boston; and thence continuing southerly to the southeasterly side of said Eastern Railroad; and thence southeasterly of said road to a point upon the depot lands of said Grand Junction Railroad and Depot Company southerly of Marginal street.

Time for locating and completing road extended one year.
1848, ch. 264.

SECT. 2. The time allowed for locating and completing the roads of said company, is hereby extended for one year from the time authorized in the sixth section of the act entitled, an act concerning the Grand Junction Railroad and Depot Company, approved May 6, 1848.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 25, 1850.*]

Chap. 37. An Act in addition to the Acts relating to the State Prison and the Government and Discipline thereof.

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

Three inspectors for different terms.

SECT. 1. There shall be appointed, during the month of April, of the present year, by the governor, with the advice and consent of the council, a board of three inspectors of the State Prison at Charlestown, one of whom shall hold his office for one year, one for two years, and one for three years, unless they shall be sooner removed by the governor and council.

Of appointments after the first.

SECT. 2. All subsequent appointments to the said office shall be for three years, except that in case of a vacancy by death, resignation, or removal, the person appointed to fill such vacancy shall hold the office only till the end of the three years for which the person so dying, resigning, or removed, was appointed.

Chairman.

SECT. 3. One of the said inspectors shall annually, in

the month of April, be designated by the governor to act as chairman.

SECT. 4. No person appointed inspector, by virtue of this act, shall be reappointed until the expiration of at least one year from the close of his term of office. Of reappointment.

SECT. 5. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. Repeal. [*Approved by the Governor, February 25, 1850.*]

An Act to establish the Quaboag Seminary.

Chap. 38.

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

SECT. 1. Nathan Richardson, Joseph F. Hitchcock, Royal Knight, their associates and successors, are hereby made a corporation, by the name of the Quaboag Seminary, to be established in the town of Warren, in the county of Worcester, with all the powers, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Corporators. In Warren. Powers and duties. R. S. ch. 44.

SECT. 2. Said corporation may hold real and personal estate to the amount of twenty-five thousand dollars, exclusive of books and apparatus, devoted to purposes of education. [*Approved by the Governor, February 25, 1850.*] Real and personal estate.

An Act to change the Name of the New Universalist Society in Salem.

Chap. 39.

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

From and after the passing of this act, the "New Universalist Society in Salem" shall be known and called by the name of the First Universalist Society in Salem. [*Approved by the Governor, February 25, 1850.*] New name.

An Act relating to Charles River and Warren Bridges.

Chap. 40.

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

The agent of Charles River and Warren Bridges is hereby authorized to lease, for a period not exceeding ten years, the southerly portion of the wharf adjoining the draw of Warren Bridge, on the westerly side thereof, for the purpose of erecting a bathing-house, and, for that purpose, he may permit not exceeding eight piles to be driven parallel with the said wharf: *provided*, that such lease shall be first approved by the governor and council. [*Approved by the Governor, February 25, 1850.*] Agent may lease a wharf for certain purposes. Proviso.

Chap. 41. An Act in addition to "An Act concerning the Distribution, Custody, and Preservation of School Returns and other Documents and Papers relating to Schools."

1849, ch. 65.

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

Blanks, &c. to be sent to clerks of towns.

SECT. 1. It shall be the duty of the secretary of the board of education to send the blank forms of inquiry, the school registers, the abstract of school returns, and the annual report of the board of education, and that of its secretary, to the clerks of the several towns and cities of the Commonwealth, as soon as may be after they are ready for distribution.

1849, ch. 65, § 1, repealed.

SECT. 2. The first section of the act to which this is an addition, approved by the governor, March 30, 1849, is hereby repealed. [*Approved by the Governor, February 25, 1850.*]

Chap. 42. An Act in addition to an Act concerning the Tax on Sales by Auction.

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

Tax on sales of wines and ardent spirits.

SECT. 1. The tax on all sales by auction of wines and ardent spirits, whether foreign or domestic, shall be one per cent.

Of auctioneers' accounts of sales.

SECT. 2. The account of sales at auction, required by law from every auctioneer, shall hereafter be made up to the first day of January and July, in each year, and rendered to the treasurer of the Commonwealth within sixty days thereafter.

Of bonds.

SECT. 3. The bond of every auctioneer shall hereafter expire on the last day of December or June, in each year. [*Approved by the Governor, February 25, 1850.*]

Chap. 43. An Act to authorize the Boston and Worcester Railroad Corporation to increase their Capital Stock.

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

\$500,000 additional.

SECT. 1. The Boston and Worcester Railroad Corporation are hereby authorized to increase their capital stock in the sum of five hundred thousand dollars, to be divided into shares, issuable for a sum not less than one hundred dollars each.

Payment for, and value of, shares.

SECT. 2. The said shares may be paid for in cash, or in exchange for bonds of the said corporation, at not less than the par value aforesaid, such exchange to be made within ten years from January 1; 1850.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 27, 1850.*]

An Act to provide further Penalties for wilfully and maliciously Obstructing the Passing of Carriages upon Railroads. *Chap. 44.*

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

Any person convicted of any of the offences set forth in the seventy-seventh section of the thirty-ninth chapter of the Revised Statutes, which endangers human life, may be punished in the manner set forth in said section, or by imprisonment in the State Prison not exceeding twenty years. [*Approved by the Governor, February 28, 1850.*]

Imprisonment in State Prison, not more than 20 years, added to the penalties.

An Act in addition to an Act concerning the Sale of the Real Estate of Minors. *Chap. 45.*

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

Whenever the real estate of any minor shall be sold under the provisions of the one hundred and ninetieth chapter of the acts of the year one thousand eight hundred and thirty-eight, by any person other than the guardian of such minor, the said guardian shall give bond to the judge of probate for the county where the said real estate is situate, with sufficient sureties, conditioned to account for the proceeds of such sale, before the said proceeds shall be paid over to him. [*Approved by the Governor, February 28, 1850.*]

1838, ch. 190.

Guardian to give bond in case specified.

An Act concerning the Duties of the Attorney General. *Chap. 46.*

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

SECT. 1. The attorney general, whenever in his judgment the interest of the Commonwealth shall require it, shall assist the several district attorneys and the Commonwealth's attorney for the county of Suffolk, by attending the grand jury, in the examination of any case in which the party accused is charged with a capital offence.

To assist district attorneys before grand jury, in certain cases.

SECT. 2. The tenth section of the one hundred and eighty-sixth chapter of the acts of the year one thousand eight hundred and forty-nine, is hereby repealed. [*Approved by the Governor, February 28, 1850.*]

Repeal.

Chap. 47. An Act to set off a part of the Town of Sharon and annex the same to the Town of Foxborough.

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

Description. SECT. 1. So much of the town of Sharon, in the county of Norfolk, as lies southerly of a line extending from the Monument, at the southerly corner of Sharon and the easterly corner of Foxborough, to Bell Rock, and thence to the line of Foxborough, at the westerly corner of the homestead of the late Sewall Hodges, with all the inhabitants and estates thereon, is hereby set off from the town of Sharon and annexed to the town of Foxborough.

Of taxes. SECT. 2. The said inhabitants and estates so set off, shall be liable to pay all taxes that have been legally assessed on them by the town of Sharon, in the same manner as if this act had not been passed.

Of paupers. SECT. 3. If any persons who have heretofore gained a legal settlement in the town of Sharon, by reason of residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall come to want, and stand in need of relief and support, they shall be relieved and supported by the town of Foxborough, in the same manner as if they had gained a legal settlement in that town.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 28, 1850.*]

Chap. 48. An Act concerning Savings Banks, when summoned as Trustees.

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

Whenever any institution for savings, or savings bank, shall be summoned as trustee of a defendant in an action at law, and there shall arise, upon the trustee answer in such case, in the opinion of the court, a doubt as to the identity of the principal defendant, the court may, in its discretion, require the plaintiff to give bond, with one or more sufficient sureties, to be approved by the court, with condition to save harmless, before such institution shall be charged. [*Approved by the Governor, February 28, 1850.*]

An Act to incorporate the Marblehead Marine and Fire Insurance Company. *Chap. 49.*

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

SECT. 1. George Wilson, Knott Martin, 2d, Joseph P. Turner, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Marblehead Marine and Fire Insurance Company, in the town of Marblehead, county of Essex, for the purpose of making insurance against maritime losses and against losses by fire ; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent statutes relating to insurance companies.

SECT. 2. The capital stock of said company shall be one hundred thousand dollars, and said company may hold real estate not exceeding five thousand dollars in value, excepting such as may be taken for debt, or held as collateral security for money due to said company. [*Approved by the Governor, March 1, 1850.*]

An Act to authorize J. W. Edmands to extend his Wharf.

Chap. 50.

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

J. W. Edmands, proprietor of a wharf and flats, situated on Sea street, and lying between and adjoining the wharf and flats of Thomas Howe and the wharf and flats of Gardner Colby, is hereby authorized to extend and maintain his wharf into the harbor channel as far as the line established by the act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven ; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however,* that this grant shall not be construed to extend to any flats or lands of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line : *and provided, also,* that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet, in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise

impair the legal rights of any person. [*Approved by the Governor, March 1, 1850.*]

Chap. 51. An ACT to authorize Gardner Colby to extend his Wharf.

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

In Boston. Gardner Colby, proprietor of a wharf and flats, situated on Sea street, and lying between and adjoining the wharf and flats of J. W. Edmands and Martin's wharf, so called, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line; *and provided, also,* that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet, in the direction of the stream, and eight feet, in a transverse direction, and that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 5, 1850.*]

1837, ch. 229.

Proviso.

Proviso.

Chap. 52. An ACT to authorize Prentiss Hobbs to extend his Wharf.

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

In Boston. Prentiss Hobbs, proprietor of a wharf and flats situated on Sea street, and lying between and adjoining the wharf and flats of Jesse Tirrell, and the wharf and flats of Thomas B. Wales, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of

1837, ch. 229.

Proviso.

any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line; and *provided, also*, that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 5, 1850.*]

An ACT to incorporate the Massachusetts Arms Company.

Chap. 53.

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

SECT. 1. Timothy W. Carter, James T. Ames, Benjamin F. Warner, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Arms Company, for the purpose of manufacturing fire arms and machinery in the town of Chicopee, and county of Hampden; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Fire arms and machinery in Chicopee. Powers and duties. R. S. ch. 33, 44.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [*Approved by the Governor, March 5, 1850.*]

Real and personal estate.

An ACT to authorize Warren Averill and his associates to drive Piles in Ipswich River.

Chap. 54.

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

Warren Averill and his associates are hereby authorized to drive piles in Ipswich River, between the town of Ipswich and the mouth of said river, as guides to its channel, for the use and benefit of all persons navigating said river: *provided*, this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 5, 1850.*]

Between Ipswich and the mouth of the river.

Proviso.

An ACT to incorporate the Ware Savings Bank.

Chap. 55.

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

William Hyde, Henry Lyon, Charles A. Stevens, their associates and successors, are hereby made a corporation, by the name of the Ware Savings Bank, to be established in the town of Ware; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set

Corporators.

Powers and duties.

R. S. ch. 36,
and other stat-
utes.

forth in the thirty-sixth chapter of the Revised Statutes, and all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, March 5, 1850.*]

Chap. 56.

An Act to authorize the Plymouth Cordage Company to increase their Capital Stock.

1824, ch. 21.

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

§40,000 addi-
tional.

The Plymouth Cordage Company are hereby authorized to increase their capital stock by an amount not exceeding forty thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of said corporation: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [*Approved by the Governor, March 5, 1850.*]

Investment.
Proviso as to
value of shares.

Chap. 57.

An Act to extend the power of Collectors of Taxes.

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

Collectors, by
vote of towns,
may exercise
same powers as
town treasurers
acting as collec-
tors.

Any town in this Commonwealth may, at any meeting duly notified for that purpose, by their vote, authorize and empower the collector, or collectors, of taxes, to use any and all means, of collecting the taxes committed to him or them to collect, which may now be lawfully used by town treasurers when acting as collectors. [*Approved by the Governor, March 5, 1850.*]

Chap. 58.

An Act to establish a Police Court in the Town of Springfield.

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

Court estab-
lished.

SECT. 1. A police court is hereby established in the town of Springfield, to consist of one learned, able, and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences, and misdemeanors, committed within the town of Springfield, whereof justices of the peace now have, or may hereafter have, jurisdiction. And the court hereby established, shall hear and determine all suits, complaints and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which

are or may be vested in justices of the peace, and shall do all acts necessary to, and consistent with, such powers and authority. And the said police court shall also have original jurisdiction and cognizance of all suits and actions, which may now, or at any time hereafter, be heard, tried, and determined before any justice of the peace in the county of Hampden, and exclusive jurisdiction, whenever all the parties reside in Springfield, and service of the writ is had on the defendant in said county; and no writ, in any such action or suit, shall be made returnable before any justice within said town of Springfield, but to said police court only; and an appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent, that appeals are now allowed by law from judgments of justices of the peace; and the justices of said police court shall not be of counsel or attorney to any party in any matter or thing whatever which may be pending in said court, or which shall have been previously determined before himself.

SECT. 2. All warrants issued by said court shall be made returnable, and shall be returned before said court; and no warrant shall be issued by any justice of the peace within the county of Hampden, except by the standing justice, or one of the special justices of said court, for any crime or offence committed within said town of Springfield.

All warrants to be returned before said court.

SECT. 3. All fines and forfeitures, and all fees in criminal cases, now allowed by law to justices of the peace, which shall be received by, or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the treasurer of the town of Springfield; and all other costs in criminal prosecutions, which shall be paid to the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties for neglect, as are by law prescribed in the case of justices of the peace; and all costs in such prosecutions, not thus received, shall be made up, taxed, certified, and allowed, and shall be paid and satisfied in like manner as is provided by law in cases of justices of the peace; and in all cases where fines, forfeitures, and costs, are not paid to the justice of said court, but are by him taxed and certified, and are allowed, in the manner now prescribed by law, and such fines and costs are subsequently paid to the treasurer of the county of Hampden, the justice's fees, so taxed and paid, shall accrue to the county aforesaid; and in all cases where said justice's fees are so taxed and certified by the justice of said

Of fines, forfeitures, &c., how accounted for.

court, and are allowed, but are not subsequently paid to the treasurer of said county, the said county of Hampden shall be discharged from all obligation to pay said magistrate's fees to any persons whatsoever.

Court, how often to be held.

SECT. 4. A court shall be held by said justice, at some suitable and convenient place, to be provided at the expense of said town of Springfield, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and, on one day in each fortnight, at ten of the clock in the forenoon, and may be adjourned from day to day, by the justice thereof, and at such other times as may be necessary, for the trial of civil suits and actions; and the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof. Complaints may be received and warrants issued by him, at all reasonable times, when said court is not in session.

Criminal.

Civil.

Compensation.

SECT. 5. The justice of said court shall receive, from the treasury of the town of Springfield, an annual salary of seven hundred dollars, in quarterly payments; and shall be allowed, as a compensation for his services in the trial and determination of civil suits cognizable by said court under this act, to tax, receive, and retain, the same fees now allowed by law to justices of the peace in civil cases.

Record to be kept.

Processes.

SECT. 6. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts, of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the selectmen of the town of Springfield a true and faithful account of all moneys received by him.

Pending suits.

SECT. 7. All suits, actions, and prosecutions, which shall be instituted and pending before any justice of the peace, within the town of Springfield, when this act shall take effect, shall be heard and determined as though this act had not been passed.

Two special justices.

SECT. 8. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court; and whenever it shall happen that the standing justice of said court shall be interested in any suit or prosecution cognizable in said court, or shall, from any cause, be unable to hold said court, or discharge any of the duties required of him by this act, the said special justices shall have power to issue the processes of said

court, and to hear and determine any matter or cause pending therein, the said cause being assigned on the record by the standing or special justice, and such special justice shall be paid, for services so rendered, by the standing justice, out of his salary, such sums as justices of the peace are paid for like services.

Compensation.

SECT. 9. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices, at any time after the passing of this act.

Governor to appoint.

SECT. 10. This act shall be in force, from and after its acceptance by the inhabitants of Springfield, at a legal meeting of said inhabitants duly held for this purpose. [Approved by the Governor, March 6, 1850.]

This act to be accepted by town.

An Act to authorize Ezra Allen to extend his Wharf.

Chap. 59.

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

Ezra Allen, proprietor of a wharf and flats situate on Sumner street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Pigeon and Poole, and Brown and Lovell, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: *and provided, also*, that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person. [Approved by the Governor, March 7, 1850.]

East Boston.

1840, ch. 35.

Proviso.

Proviso.

Chap. 60.

An Act to authorize Stephen Nickerson to build a Wharf.

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

In Provincetown.

Stephen Nickerson is hereby authorized to build and maintain a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 7, 1850.*]

Proviso.

Chap. 61.

An Act to incorporate the Boston and Portland Telegraph Company.

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

Corporators.

SECT. 1. Enoch S. Williams, Benjamin P. Cheney, and Henry O'Rielly, their associates and successors, are hereby made a corporation, by the name of the Boston and Portland Telegraph Company, for the purpose of constructing, maintaining, and using lines of telegraph within this Commonwealth, and connecting the same with any other lines of telegraph, which have been, or may hereafter be, constructed, and for extending the same to the city of Portland, in the state of Maine, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in an act approved on the ninth day of April, in the year of our Lord one thousand eight hundred and forty-nine, entitled "an act concerning electric telegraph companies and electric telegraphing."

Powers and duties.
R. S. ch. 44.

1849, ch. 93.

Capital stock.

SECT. 2. The capital stock of said corporation shall be fifty thousand dollars, with leave to increase the same to an amount not exceeding the sum of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; and no shares, in the capital stock of said corporation, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Value of shares.

This corporation may unite with the New York and New England Telegraph Company.

SECT. 3. The said corporation are hereby authorized and empowered to unite with the "New York and New England Telegraph Company," a corporation established by authority of an act of the legislature of the state of New York, passed on the twelfth day of April, one thousand eight hundred and forty-eight, upon such terms as may be mutually agreed upon by both corporations: *pro-*

Proviso.

vided, such terms are not inconsistent with the laws of this Commonwealth, and the provisions of the second section of this act; and when said corporations are so united, they may form one company, by the name of the New York and New England Telegraph Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, aforesaid. [*Approved by the Governor, March 7, 1850.*]

New name.

An Act to incorporate the Town of Groveland.

Chap. 62.

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

SECT. 1. All that part of the town of Bradford which lies east of a line, beginning at the Merrimack River, at the west side of Johnson's Creek, at low-water mark; thence running southerly up the westerly side of said creek, about seventy rods, to a small white oak tree; thence south, fifteen degrees west, eighty-nine rods, to a bound on the southerly side of the highway, near Jonathan Kimball's house; thence south, fifty-four degrees west, eighty-six rods and seventeen links, to a walnut tree, on the easterly side of the road, near the house of William Brown; thence south, thirty-eight and a half degrees west, one hundred and fifty-four rods, to a bound at the northerly angle of the highway; thence south, forty-five degrees west, one hundred and forty-nine rods and nine links, to a bound at the northwesterly angle of said highway, near Johnson's pond; thence south, twenty-seven degrees west, to a bound at the westerly side of said highway, at Boxford line, is hereby incorporated into a new town, by the name of Groveland, and is hereby vested with all the powers, privileges, rights, and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Boundaries.

Powers, duties, &c.

SECT. 2. All property belonging to the town of Bradford, except books, records, and apparatus, belonging to the archives of said town, shall be sold at public auction, by a committee chosen, in equal numbers, by said towns, when it shall cease to be used in common by said towns; and any deed of such property, signed by said committee, shall be valid in law; and the proceeds of such sale, as far as it may be necessary, shall be applied to the payment of such debts as may be due from the town of Bradford at the time of separation; and any money which may remain after such payment, and all debts which may

Property of Bradford, how disposed of.

remain due from the town, after such expenditure, shall be equally divided between said towns.

Paupers.

SECT. 3. The paupers now supported by the town of Bradford, and all such as may hereafter require support, in virtue of having acquired a settlement in said town, shall be supported by the town, within the territorial limits of which they may have acquired a settlement: *provided, however,* that the paupers of said town may be supported, as at present, so long as both towns may so agree, at their joint and equal expense.

Proviso.

Taxes.

SECT. 4. All taxes which may be due the town of Bradford, at the time of the passage of this act, may be collected in the same manner as though this act had not been passed, and the inhabitants of said town of Groveland shall be holden to pay their proportion of state and county taxes that may be assessed upon them, previously to the taking of the next valuation; said proportion to be ascertained and determined by the town valuation of the town of Bradford, next preceding the passage of this act.

First meeting,
how to be
called.

SECT. 5. Any justice of the peace, within and for the county of Essex, is hereby authorized to issue his warrant, directed to any principal inhabitant of said town of Groveland, requiring him to warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are, by law, authorized and required to choose at their annual meetings.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 8, 1850.*]

Chap. 63. An Act concerning the Bequest of Henry Todd to the Board of Education.

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

Bequest accepted by treasurer of the Commonwealth.

Terms, &c.

SECT. 1. The treasurer of the Commonwealth is hereby fully authorized and empowered to accept the bequest made by Henry Todd, late of the city of Boston, to the "Massachusetts Board of Education," of the residue of his estate, upon the terms, and under the restraint, prescribed by his will, to receive, examine, and, if correct, to pass the administration accounts of the executor of said Todd's last will, or of any administrator of his estate with the will annexed, and to enter into any engagement to refund to said executor, or administrator, the whole, or such part of said legacy, as he may require for the payment of any lawful claims for which said estate is, or shall be, chargeable, with all incidental expenses.

SECT. 2. The treasurer of the Commonwealth shall hold and invest the said bequest, under the same conditions as are required in reference to other funds paid over to him in behalf of the "Massachusetts Board of Education." [*Approved by the Governor, March 9, 1850.*]

Treasurer, to invest.

An Act to repeal an Act concerning the Walnut Grove Cemetery. *Chap. 64.*

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

1848, ch. 287.

The two hundred and eighty-seventh chapter of the acts, passed in the year one thousand eight hundred and forty-eight, is hereby repealed. [*Approved by the Governor, March 9, 1850.*]

Repeal.

An Act concerning certain Manufacturing Corporations in the City of Lowell. *Chap. 65.*

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

The Merrimaek Manufacturing Company, Hamilton Manufacturing Company, Suffolk Manufacturing Company, Lawrence Manufacturing Company, Lowell Manufacturing Company, Appleton Company, Tremont Mills, Boott Cotton Mills, Middlesex Company, Massachusetts Cotton Mills, and the Lowell Machine Shop, are, and each of them is, hereby authorized and empowered to enter into contract with each other, respecting mutual insurance against loss or damage, by fire, of the property of each, situated in the city of Lowell, as they shall deem just and expedient. [*Approved by the Governor, March 9, 1850.*]

May contract with each other for mutual insurance against fire.

An Act to incorporate the Worcester County Mechanics Association. *Chap. 66.*

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

SECT. 1. Rufus D. Dunbar, William T. Merrifield, William A. Wheeler, their associates and successors, are hereby made a corporation, by the name of the Worcester County Mechanics Association, for the purpose of promoting moral and intellectual improvement and perfecting the mechanic arts, and for charitable purposes, with all the powers and privileges, and subject to all the duties, and liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes.

Corporators.

For moral and intellectual improvement.
Powers and duties.
R. S. ch. 44.

SECT. 2. The said corporation may hold real estate to the amount of seventy-five thousand dollars, and personal

Real and personal estate.

estate to the amount of twenty-five thousand dollars, to be devoted to the purposes aforesaid. [*Approved by the Governor, March 9, 1850.*]

Chap. 67. An Act to incorporate the Massachusetts Fire and Marine Insurance Company.

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

Corporators. SECT. 1. A. H. Wildes, William F. Wade, Jr., and Alfred M. Farley, their associates and successors, are hereby
20 years. made a corporation, for the term of twenty years from the passage of this act, by the name of the Massachusetts Fire and Marine Insurance Company, to be established in the
In Ipswich. town of Ipswich, for the purpose of making insurance against losses by fire, and against maritime losses, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which have been, or shall hereafter be passed, relative to insurance companies.

Powers and duties. R. S. ch. 37, 41, and other statutes.
Real estate. SECT. 2. Said company may hold real estate for its use,
Capital stock. not exceeding five thousand dollars, and its capital stock shall be fifty thousand dollars, with permission to increase the same to one hundred thousand dollars, which capital stock shall be divided into shares of fifty dollars each. [*Approved by the Governor, March 11, 1850.*]

Chap. 68. An Act concerning the Fees of Grand Jurors.

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

Fees of grand jurors, how to be allowed and paid. SECT. 1. The fees of grand jurors, in all the courts in the Commonwealth, for their travel and attendance, shall be allowed and paid by the Commonwealth and the respective counties, in the same proportion as other costs in criminal prosecutions are now by law allowed and paid.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 11, 1850.*]

Chap. 69. An Act to incorporate the Boston Bath and Wash-House Company.

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

Corporators. SECT. 1. Amos Lawrence, John P. Bigelow, Thomas H. Perkins, their associates and successors, are hereby made a corporation, by the name of the Boston Bath and

Wash-House Company, for the purpose of establishing public baths and wash-houses in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Public baths in Boston.

Powers and duties.
R. S. ch. 44.

SECT. 2. The said corporation may hold real estate, not exceeding thirty thousand dollars in value, and personal estate, not exceeding twenty-five thousand dollars in value, to be devoted, exclusively, to the purposes of the corporation. [Approved by the Governor, March 11, 1850.]

Real and personal estate.

An ACT to authorize Jesse Tirrell, Junior, to extend his Wharf.

Chap. 70.

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

Jesse Tirrell, Junior, proprietor of a wharf, situate on Sea street, lying between and adjoining the wharf of Thomas Howe and the wharf of Prentiss Hobbs, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by an act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of said flats extended to the said commissioners' line: *and provided, also,* that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person. [Approved by the Governor, March 11, 1850.]

In Boston.

1837, ch. 229.

Proviso.

Proviso.

An ACT to incorporate the Town of Holyoke.

Chap. 71.

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

SECT. 1. All that part of the town of West Springfield which lies northerly of the line commencing at the mouth of Riley Brook, so called, and running west to the town of Westfield, and bounded westerly by said town of Westfield and the town of Southampton, northerly by the towns of Easthampton and Northampton, and easterly by

Boundaries of new town.

- the towns of South Hadley and Chicopee, is hereby incorporated into a separate town, by the name of Holyoke. And the said town of Holyoke is hereby vested with all the powers, privileges, rights, and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.
- Powers and duties.** **SECT. 2.** The inhabitants of said town of Holyoke shall be holden to pay to the collector of the town of West Springfield, all arrearages of taxes legally assessed on them in the said town of West Springfield, before the passage of this act, and shall also be held to pay their proportion of state and county taxes that may be assessed upon them previously to the taking of the next valuation,—said proportion to be ascertained and determined by the town valuation of the town of West Springfield, next preceding the passage of this act,—and the said town of Holyoke shall be holden to pay their just and equitable proportion of the debts due from the town of West Springfield, and shall be entitled to receive their just and equitable proportion of all corporate property and other assets now owned and held by said town of West Springfield.
- Of taxes.**
- Of paupers.** **SECT. 3.** The town of Holyoke shall be liable for the support of all the persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a residence or settlement within its limits, as described by this act.
- Roads and bridges.** **SECT. 4.** The said towns of West Springfield and Holyoke shall be holden to pay the expenses of construction of all roads and bridges, within their respective limits, which have been located, but not made.
- Proceedings in case of disagreement as to division of property, &c.** **SECT. 5.** In case said towns should not agree in respect to a division of property, funds, debts, or town paupers, or state or county taxes, the court of common pleas for the county of Hampden shall, upon the petition of either town, appoint three competent and disinterested persons to hear the parties and award thereon—and their award, or that of any two of them, accepted by said court, shall be final.
- First meeting—how called.** **SECT. 6.** Any justice of the peace, within and for the county of Hampden, is hereby authorized to issue his warrant, directed to any principal inhabitant of said town of Holyoke, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers, as towns are, by law, authorized and required to choose at their annual meetings.
- Holyoke.**

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 14, 1850.*]

An ACT to incorporate the Town of Clinton.

Chap. 72.

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

SECT. 1. All that part of Lancaster, in the county of Worcester, which lies southerly of the following described line, viz. :—Beginning at a monument on the east line of the town, two hundred and eighty nine and fifty-six hundredths rods northerly of a town bound, which is a corner of Bolton, Berlin, and Lancaster, and running thence, north, sixty-five degrees, thirty minutes west, five hundred eighteen and eleven hundredths rods, to a bound near the railroad bridge, at Goodrich hill ; and thence, south, forty-eight degrees, thirty minutes west, seven hundred and eighty-three rods, to a town bound on the westerly line of said town, near the Elder farm, is hereby incorporated into a separate town, by the name of Clinton. And the said town of Clinton is hereby invested with all the powers, privileges, rights, and immunities, and subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Boundaries of new town.

Powers, duties, &c.

SECT. 2. The inhabitants of the town of Clinton shall be holden to pay all state, county, and town taxes, legally assessed on them before the passage of this act, and also shall be holden to pay their proportion of state and county taxes, that may be assessed on them, previously to the taking of the next state valuation—said proportion to be ascertained and determined by the town valuation of the town of Lancaster, next preceding the passage of this act—to the treasurer or collector of the town of Lancaster ; and all moneys now in the treasury of said town, or that may hereafter be received from taxes now assessed, or directed to be assessed, shall be applied to the purposes for which they were raised and assessed, the same as if this act had not passed.

Of taxes.

SECT. 3. Said towns of Lancaster and Clinton shall be respectively liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within their respective limits.

Of paupers.

SECT. 4. All the corporate property, now owned by the town of Lancaster, shall remain the property of said town, and the town of Clinton shall pay to the treasurer of said

Corporate property.

town of Lancaster, the sum of ten thousand dollars, by ten equal annual payments, with semi-annual interest, the first payment to be made one year after the passage of this act; which sum shall fully discharge the said town of Clinton of and from all debts and charges now due and owing from said town of Lancaster, or which may hereafter be found due and owing, by reason of any contracts, engagements, judgments of court, or any matter or thing, whatsoever, now or hereafter entered into or existing.

First meeting.

SECT. 5. Any justice of the peace, within and for the county of Worcester, may issue his warrant directed to any principal inhabitant of the town of Clinton, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are, by law, authorized and required to choose at their annual meetings; and said warrants shall be served by publishing a copy thereof in some newspaper printed in said Clinton, and by posting up copies thereof, all attested by the person to whom the same is directed, in two public places in said town, seven days at least before such times of meeting; such justice, or, in his absence, such principal inhabitant, shall preside until the choice of moderator, in said meeting. The selectmen of Lancaster shall, before said meeting, prepare a list of voters in said town of Clinton, qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting, before the choice of a moderator thereof.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 14, 1850.*]

Chap. 73. An Act to incorporate the Great Marsh Dyking, Water Power and Fishing Company.

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

Corporators.

SECT. 1. John B. Crocker, Charles Marston, Nathaniel Hinckley, their associates and successors, are hereby made a corporation, by the name of the Great Marsh Dyking, Water Power and Fishing Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers and duties.
R. S. ch. 44.

To construct a dyke, in Barnstable.

SECT. 2. Said corporation is hereby authorized to locate and construct a dyke, in the northerly part of the town of Barnstable, from a place called the Calves' Pasture, to Sandy Neck, so called, so as to prevent the flow of the salt

waters above the line of said dyke, for the purpose of draining the marshes there situate, and converting the same into fresh meadow, or tillage land. And, for the accomplishment of the purposes mentioned in this section, said corporation is hereby authorized to exercise all the powers and privileges which are conferred upon commissioners, appointed in pursuance of the provisions of the one hundred and fifteenth chapter of the Revised Statutes.

To have the powers of commissioners, under R. S. ch. 115.

SECT. 3. Said dyke shall be provided with a sufficient opening, or gateway, to permit the waters accumulating above, to pass off when necessary or expedient. And said corporation shall have authority to raise the water above said dyke, for the purpose of creating a water power, and shall be the exclusive proprietors of said water power, with the sole right of directing, using, selling, or otherwise disposing of the same, as may be deemed expedient: *provided*, that no interference with private rights is occasioned thereby.

Gateway.

Water power.

Proviso.

SECT. 4. Said corporation shall have the exclusive ownership of any herring, or other fishery, created in consequence of the location of said dyke, together with the right of regulating such fisheries, and taking the fish therein, to their own exclusive use. Said corporation shall also have the exclusive right of planting, growing, and digging oysters, in the waters above said dyke, with the powers and privileges, and subject to the restrictions, mentioned in the act of eighteen hundred and forty-eight, chapter one hundred and fifty-two, entitled "an act concerning the planting of oysters."

Herring fishery, ownership and right to regulate.

Oysters—1848, ch. 152.

SECT. 5. Said corporation are hereby authorized to raise the sum of eighty thousand dollars, by the creation of one thousand shares, of eighty dollars each, for the purpose of erecting and completing said dyke, and for the purchase of real estate, necessary for the same; and said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [*Approved by the Governor, March 14, 1850.*]

Capital stock.

Shares.

Real and personal estate.

An ACT to authorize the Boston Marine Railway Company to extend their Wharf.

Chap. 74.

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

The Boston Marine Railway Company, proprietors of a wharf situate on Commercial street, in the city of Boston, are hereby authorized to extend and maintain the said

In Boston.

1837, ch. 229. wharf into the harbor channel, as far as the line established by the act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, with the same rights and privileges, in the said wharf so extended, as they now have and enjoy: *provided*, that so much of said wharf as shall be erected under this act, shall be built on piles, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, March 14, 1850.*]

Proviso.

Chap. 75.

An Act to establish a Fire Department in the Town of Concord.

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

Powers and duties, act 1839, ch. 138.

A fire department is hereby established in the town of Concord, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in the act entitled "an act to regulate fire departments," passed on the ninth day of April, A. D. eighteen hundred and thirty-nine. [*Approved by the Governor, March 14, 1850.*]

Chap. 76.

An Act to incorporate the Boston Manufacturers Mutual Fire Insurance Company.

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

Corporators.

John Clark, William Dwight, Pliny Cutler, their associates and successors, are hereby made a corporation, by the name of the Boston Manufacturers Mutual Fire Insurance Company, in the city of Boston, for the term of twenty-eight years, for the purpose of insuring manufactories and other buildings, and their contents, against loss or damage by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed, relating to mutual fire insurance companies. [*Approved by the Governor, March 15, 1850.*]

In Boston.
28 years.

Powers and duties. R. S. ch. 37, 44, and subsequent statutes.

Chap. 77.

An Act to increase the Capital Stock of the Lowell Manufacturing Company.

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

1827, ch. 47.

The Lowell Manufacturing Company are hereby author-

ized to increase their capital stock, by adding thereto five hundred thousand dollars, and to invest such portion thereof in real estate as may be necessary and convenient for the purpose for which they have been incorporated. [*Approved by the Governor, March 16, 1850.*]

§500,000 additional.

Real estate.

An Act to incorporate the Doctrinal Tract and Book Society.

Chap. 78.

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

SECT. 1. Leonard Woods, Jacob Ide, Sewall Harding, and their associates and successors, are hereby made a corporation by the name of the Doctrinal Tract and Book Society, for the purpose of producing, publishing, selling, and circulating moral and religious tracts and books, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers and duties.
R. S. ch. 44.

SECT. 2. The said corporation may take and hold, for the aforesaid purposes, real and personal estate, to an amount not exceeding fifty thousand dollars. [*Approved by the Governor, March 16, 1850.*]

Real and personal estate.

An Act concerning the Valuation of the Property of this Commonwealth.

Chap. 79.

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

SECT. 1. If the assessors of any town or city shall refuse or neglect to give information in relation to their valuation of such town or city, when required so to do by the state valuation committee, or by any sub-committee thereof, they shall be liable, for such refusal or neglect, to the fine provided in the fourth section of the act to ascertain the ratable estate within this Commonwealth, passed at the present session of the Legislature, for neglecting or refusing to do, or perform, the duties required by said act.

Fine, when assessors neglect, &c., in reference to valuation.

SECT. 2. The secretary of the Commonwealth shall transmit a copy of this act to the assessors of each town or city in this Commonwealth. [*Approved by the Governor, March 16, 1850.*]

An Act to authorize Joshua Nickerson and Lewis Nickerson to build a Wharf.

Chap. 80.

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

Joshua Nickerson and Lewis Nickerson are hereby

In Provincetown
Proviso.

authorized to build a wharf from their land adjoining the harbor of Provincetown, and to extend said wharf to six feet of water at low tide; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. [Approved by the Governor, March 18, 1850.]

Chap. 81. An Act authorizing the Construction of a Bridge across Oyster Pond River, in the town of Chatham.

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

The county commissioners of the county of Barnstable are hereby authorized and empowered to locate and construct, or cause to be located and constructed, a bridge over a certain tide water, called Oyster Pond River, in the town of Chatham, at such place, and of such construction, as said commissioners may adjudge to be in accordance with the wants and necessities of the citizens of Chatham and others. [Approved by the Governor, March 18, 1850.]

Chap. 82. An Act to authorize Isaac Small, 2d, to build a Wharf.

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

In Provincetown.
Proviso.

Isaac Small, 2d, is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf to six feet of water at low tide, and shall have the right to lay vessels at the ends and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any persons. [Approved by the Governor, March 18, 1850.]

Chap. 83. An Act in addition to "An Act relating to the State Library."

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

Salary of assistant librarian.

The salary of the assistant librarian and clerk of the secretary of the board of education shall be twelve hundred dollars annually, to be paid quarterly. [Approved by the Governor, March 18, 1850.]

An Act to authorize Nathaniel Chase, 2d, and his associates, to build a Wharf. Chap. 84.

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

Nathaniel Chase, 2d, and his associates, are hereby authorized to build and maintain a wharf from their land adjoining the harbor of Harwich, at a place usually called Nons, and to extend the same three hundred feet from the shore, and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. In Harwich.
Proviso. [Approved by the Governor, March 18, 1850.]

An Act to authorize Ira Darrow to build a Wharf.

Chap. 85.

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

Ira Darrow is hereby authorized to build and maintain a wharf from his land adjoining the harbor of Edgartown, and to extend the same into the channel of said harbor, to a point where there may be a depth of water equal to that at the other wharves now erected in said harbor, and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. In Edgartown.
Proviso. [Approved by the Governor, March 18, 1850.]

An Act to authorize Waterman Crocker to build a Wharf.

Chap. 86.

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

Waterman Crocker is hereby authorized to build a wharf from his land adjoining the harbor at Provincetown, and to extend the same to six feet of water at low tide, and shall have the right to lay vessels at the end and sides of said wharf, and to receive dockage and wharfage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. In Provincetown.
Proviso. [Approved by the Governor, March 18, 1850.]

Chap. 87. An Act to extend the time for paying in the Capital Stock of the Traders Fire and Marine Insurance Company.

1847, ch. 268.
1848, ch. 258.

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

Time extended
to April 26,
1851.

The time within which the capital stock of the Traders Fire and Marine Insurance Company, in Boston, is, by law, required to be paid in, is hereby extended to the twenty-sixth day of April, in the year one thousand eight hundred and fifty-one. [*Approved by the Governor, March 18, 1850.*]

Chap. 88. An Act concerning the Board of Education.

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

May take in
trust for Com-
monwealth.

SECT. 1. The board of education, for the time being, shall have power to take and hold, to them and their successors, in trust for the Commonwealth, any grant or devise of lands, and any donation or bequest of money, or other personal property, which has been, or may hereafter be, made to them for educational purposes; and shall forthwith pay over to the treasurer of the Commonwealth, for safe-keeping and investment, all moneys and other personal property so received; and the said treasurer shall, from time to time, receive from said board all such sums of money, and other personal property, and invest all moneys in the name of the Commonwealth, and shall pay to said board, on the warrant of the governor, the income or principal thereof, as they shall, from time to time, require; and for the faithful management of all such property, so received by the treasurer, he shall be responsible, upon his bond to the Commonwealth, as for other funds received by him in his official capacity; *provided*, that nothing in this act contained shall authorize any disposition of any devise, donation or bequest, inconsistent with the conditions or terms thereof.

Duty of treasur-
er of Common-
wealth.

Proviso.

SECT. 2. This act shall take effect from the date of its passage. [*Approved by the Governor, March 18, 1850.*]

Chap. 89. An Act to incorporate the Trustees of Donations for Education in Liberia.

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

Corporators.

SECT. 1. SIMON Greenleaf, George N. Briggs, Joel Giles, their associates and successors, are hereby made a corporation, by the name of the Trustees of Donations for Educa-

tion in Liberia, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers and duties.
R. S. ch. 44.

SECT. 2. Said corporation may hold real and personal estate, to the value of one hundred thousand dollars, the income whereof shall be applied to the promotion of collegiate education in Liberia, by the establishment and support of one or more seminaries of learning, and also, if necessary, to the training of proper instructors for the same, at the discretion of the trustees. [*Approved by the Governor, March 19, 1850.*]

Real and personal estate.

Object.

An Act to prevent persons from using Fraudulent Marks and Stamps.

Chap. 90.

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

SECT. 1. Every person who shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, upon any goods, wares, or merchandise, the private labels, or stamps, or trade marks, of any mechanic or manufacturer, with intent to defraud the purchasers, or manufacturers, of any goods, wares, or merchandise whatever, upon conviction thereof, shall be punished by imprisonment for a term not exceeding six months, or by fine not exceeding five hundred dollars.

Penalty for forging, &c., private labels, &c.

SECT. 2. Every person who shall vend any goods, wares, or merchandise, having thereon any forged or counterfeited stamps, labels, or trade marks, of any mechanic or manufacturer, knowing the same to be forged or counterfeited, without disclosing the fact to the purchaser, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by imprisonment not exceeding six months, or by fine not exceeding fifty dollars.

Penalty for selling wares having forged stamps, &c.

SECT. 3. This act shall not take effect until six months after its passage. [*Approved by the Governor, March 19, 1850.*]

An Act relating to Limited Partnerships.

Chap. 91.

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

SECT. 1. In all limited partnerships, the business of the partnership shall be conducted under a firm, in which the names of the general partners only shall be inserted, without the addition of the word company, or any other general term; and if the name of any special partner shall be used in such firm, with his consent or privity, he shall be deemed

R. S. ch. 34, § 7, modified, in relation to liability of special partners.

and treated as a general partner; or if he shall personally make any contract respecting the concerns of the partnership, with any person except general partners, he shall be deemed and treated as a general partner in relation to such contract, unless he shall make it appear that in making such contract he acted as special partner only.

Repeal.

SECT. 2. The seventh section of the thirty-fourth chapter of the Revised Statutes is hereby repealed. [*Approved by the Governor, March 19, 1850.*]

Chap. 92.

An Act to incorporate the Cochituate Lead Company.

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

Corporators.

SECT. 1. David Loring, William W. Wheildon, and Joseph Holbrook, their associates and successors, are hereby made a corporation, by the name of the Cochituate Lead Company, for the purpose of manufacturing lead, copper, and iron pipes, sheet lead, and shot, in the city of Charlestown, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

In Charlestown.

Powers and duties.
R. S. ch. 38, 44.

Real estate.

SECT. 2. Said corporation, for the purposes aforesaid, may take and hold real estate, not exceeding in value one hundred and fifty thousand dollars, and their whole capital stock shall not exceed two hundred thousand dollars. [*Approved by the Governor, March 19, 1850.*]

Capital stock.

Chap. 93.

1849, ch. 185.

An Act to extend the time for paying in the Capital Stock of the Worcester County Bank.

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

Time extended to August 1, 1850.

SECT. 1. The time for paying in the capital stock of the Worcester County Bank, is hereby extended to the first day of August next.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1850.*]

Chap. 94.

An Act to incorporate the Revere Mutual Fire and Marine Insurance Company.

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

Corporators.

SECT. 1. Levi A. Dowley, Otis Rich, Peter Dunbar, their associates and successors, are hereby made a corporation, by the name of the Revere Mutual Fire and Marine

Insurance Company, in the city of Boston, for the term of twenty years, for the purpose of making maritime loans and insurance against maritime losses, and insurance against losses by fire, on the principle of a mutual insurance company; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed relating to mutual insurance companies, so far as the same are applicable to the corporation hereby created.

In Boston.
20 years.

Powers and duties.
R. S. ch. 37, 44, and subsequent statutes.

SECT. 2. No marine policy shall be issued until application shall have been made for marine insurance, for the sum of one hundred thousand dollars; and no division of any funds, received by, or remaining in, the hands of said company, shall be made among the stockholders thereof, until the expiration of their charter; but such funds shall be invested in the manner now authorized by law. [*Approved by the Governor, March 19, 1850.*]

No marine policy to issue, till \$100,000 applied for to be insured.

No division of funds till expiration of charter.

An ACT to incorporate the Charitable Association of the Roxbury Fire Department.

Chap. 95.

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

SECT. 1. Abraham S. Parker, William G. Eaton, John Withers, their associates and successors, are hereby made a corporation, by the name of the Charitable Association of the Roxbury Fire Department, for the purpose of affording relief to such of their members as may at any time receive injury in the discharge of their duties as members of the Roxbury fire department, or to their families, in event of their decease, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Object.

Powers and duties.
R. S. ch. 44.

SECT. 2. Said corporation may receive and take, by purchase, grant, devise, bequest, or donation, any property, real or personal, and hold the same for the purpose aforesaid, and may manage and dispose of the same, at their discretion: *provided*, that the whole amount of real and personal property held by said corporation shall not, at any one time, exceed in value the sum of fifty thousand dollars. [*Approved by the Governor, March 19, 1850.*]

Real and personal estate.

Proviso.

Chap. 96. An Act to authorize Nathaniel Chase and others to build a Wharf.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In Dennis. Nathaniel Chase, and his associates, are hereby authorized to build and maintain a wharf from their land at or near Shad Hole, so called, in the town of Dennis, and to extend the same, in a southerly direction, to eight feet of water at low tide, and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor : *provided*, that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 19, 1850.*]

Proviso.

Chap. 97. An Act in addition to the several Acts for the Relief of Insolvent Debtors, and the more Equal Distribution of their Effects.

1833, ch. 163.

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

Of property acquired after discharge, in case specified.

Whenever, under the provisions of the "act for the relief of insolvent debtors and for the more equal distribution of their effects," and the several acts in addition thereto, a discharge has been or shall be granted to any person, the property or estate of such person, by him acquired subsequently to the time of the first publication of the notice of the issuing of the warrant in said case, shall not be subject to attachment, by trustee process or otherwise, in any suit to recover any debt which may have been provable under said act, and due to any person or persons, not resident in this State at the time of such first publication, or founded on any contract existing at the time of said first publication, and made or to be performed out of the limits of this Commonwealth. [*Approved by the Governor, March 20, 1850.*]

Chap. 98. An Act concerning the Redemption of Real Estate sold for Taxes.

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

Real estate sold may be redeemed in cases specified.

SECT. 1. When real estate is sold for the non-payment of taxes, it may be redeemed in the cases hereinafter specified, notwithstanding the expiration of two years from the day of sale.

1st.

First.—When no person is named in the tax list, as the owner or occupant of the premises, they being taxed as belonging to persons unknown.

2d.

Secondly.—When the person, who is named in the said

list, is merely a tenant or occupant of the premises, and not the rightful owner thereof.

Thirdly.—When there is any error in the name of the 3d. person intended to be taxed.

SECT. 2. In the cases before mentioned, the estate may be redeemed by any person having a lawful title thereto, at any time within two years after he shall have had actual notice of the sale: *provided*, that his title to the premises is such, that he might have recovered the same, if no such sale had been made.

Who may redeem in foregoing cases.

Proviso.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1850.*]

An Act to incorporate the Wequabsqua Fishing Company.

Chap. 99.

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

SECT. 1. Charles Weeks, Samuel T. Hancock, Moses A. Mayhew, Tristram Allen, Calvin C. Adams, and others, their associates and successors, proprietors of the lands adjoining a pond, situated in the south part of the town of Chilmark, known by the name of Chilmark Pond, are hereby made a corporation, by the name of the Wequabsqua Fishing Company, for the purpose of taking fish within the limits hereinafter specified; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, one thousand eight hundred and thirty-five.

Corporators.

In Chilmark.

To take fish.

Powers and duties.
R. S. ch. 44.

SECT. 2. All persons who are proprietors of the lands, as aforesaid, shall have the right to become members, bear the expenses, and share the profits, of the company, in like proportion as was the estimated value of their several meadows, according to the valuation of the commissioners of sewers, in the year one thousand eight hundred and forty-eight, to the value of the whole.

Members.

SECT. 3. The said company are hereby empowered to maintain a creek or canal, from said pond, across the neck of land, called Wequabsqua, to the sea, with the exclusive privilege and control of the fishery in said creek, and so much of the pond as lies within the distance of ten rods from the head of the creek, and also so much of the sea or ocean, from high-water mark, as lies within the distance of fifty rods from the mouth of said creek.

Limits of fishery.

SECT. 4. If any person, in violation of the by-laws of said company, shall take, catch, or destroy, any fish, within

Forfeiture for taking fish in violation of by-laws.

the limits named in the preceding section, he shall forfeit and pay, for each offence, a sum not exceeding twenty dollars, nor less than five dollars, one half to the complainant, and the other half to the town of Chilmark.

First meeting.

SECT. 5. Either of the persons named in the first section of this act, is hereby authorized to call the first meeting of the company, by causing a notification, stating the time and place of meeting, and the business to be acted upon, to be published in the Vineyard Gazette, a newspaper printed in the town of Edgartown, or by giving personal notice to each proprietor.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1850.*]

Chap 100.

An Act relating to Divorce.

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

Where husband or wife joins a sect denying the marriage relation, cause of divorce from bonds of matrimony.

SECT. 1. If any husband or wife shall separate himself or herself from the other without her or his consent, joining and uniting himself or herself with any religious sect or society that believes, or professes to believe, the relation between husband and wife void or unlawful, and continuing to live so united with such sect or society for the space of three years, and refusing during that time to cohabit with the other, who shall not have joined and continued united with any such sect or society, such act shall be deemed and taken to be, in behalf of the party so left and abandoned, a sufficient cause of divorce from the bonds of matrimony.

SECT. 2. In cases where such husband or wife has, before the passage of this act, so separated from the other, and joined and united with such sect or society, and so refused to cohabit with the other party, (the other party not having joined and continued united with any such sect or society,) and shall continue so separated from the other and united with such sect or society, for a term of not less than three years from the commencement of such separation, six months of which time shall elapse after the passage of this act, the same shall be deemed and taken to be a sufficient cause of divorce from the bonds of matrimony.

Estate of wife, alimony, &c.

SECT. 3. In all cases where a divorce shall be granted to the wife by virtue of this act, the same proceedings shall be had touching the estate of the wife, or the alimony to be allowed her, as in the case of divorce on account of desertion for five consecutive years on the part of the husband. [*Approved by the Governor, March 20, 1850.*]

An Act to incorporate the Danvers Savings Bank.

Chap 101.

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

Moses Putnam, Samuel Putnam, Elbridge Trask, their associates and successors, are hereby made a corporation, by the name of the Danvers Savings Bank, to be established in the town of Danvers, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, in the forty-fourth chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all other laws of the Commonwealth relating to institutions for savings. [*Approved by the Governor, March 20, 1850.*]

Corporators.

Powers and duties.
R. S. ch. 36,
and 1841, ch.
44, &c.

An Act to incorporate the Tufts Institution of Learning.

Chap 102.

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

SECT. 1. Benjamin B. Mussey, Timothy Cotting, Richard Frothingham, junior, their associates and successors, are hereby made a corporation, by the name of the Tufts Institution of Learning, to be established in the town of Somerville or the town of Medford, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

In Somerville or Medford.

Powers and duties.
R. S. ch. 44.

SECT. 2. Said corporation may hold real estate and personal property, to an amount not exceeding fifty thousand dollars, to be devoted exclusively to the purposes of education. [*Approved by the Governor, March 20, 1850.*]

Real and personal estate.

An Act to incorporate the Lyman Fire Insurance Company.

Chap 103.

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

SECT. 1. Charles Leighton, Abraham W. Blanchard, Amos Cotting, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Lyman Fire Insurance Company, in the city of Boston, for the purpose of making insurance against losses by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all acts subsequently passed relating to insurance companies.

Corporators.

20 years.

In Boston.

Powers and duties.
R. S. ch. 37, 44,
and all subsequent statutes.

Capital stock. **SECT. 2.** The capital stock of said company shall be one hundred thousand dollars, and said company may hold
 Real estate. real estate, not exceeding in value ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company. [*Approved by the Governor, March 20, 1850.*]

Chap 104.

An ACT to incorporate the Franklin County Agricultural Society.

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

Corporators.

SECT. 1. Horatio G. Newcomb, David R. Wait, Wendell T. Davis, their successors and assigns, are hereby made a corporation, by the name of the Franklin County Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Greenfield, in the county of Franklin, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-second and forty-fourth chapters of the Revised Statutes, and all subsequent acts concerning agricultural societies. And said corporation may hold and manage real estate not exceeding in value the sum of fifteen thousand dollars, and personal estate not exceeding the same sum, for the purposes aforesaid, and said corporation shall be entitled, on the same terms as other agricultural societies, to receive annually, from the treasury of the Commonwealth, such sum as any other agricultural society may receive under the provisions of chapter forty-second of the Revised Statutes, notwithstanding the restriction in the second section of said chapter. [*Approved by the Governor, March 20, 1850.*]

Powers and duties.
 R. S. ch. 42, 44, and all subsequent statutes.

Real and personal estate.

Chap 105.

An ACT relating to Alien Passengers.

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

Bond to be given by master, &c., to the Commonwealth that alien shall not become a charge as pauper.

SECT. 1. Any master, owner, consignee, or agent, of any vessel, or any passenger carrier by water, who shall bring or aid in bringing into this Commonwealth any alien never before within the State, shall, for each and every such alien, give a bond to the Commonwealth with good and sufficient sureties, to be approved by the superintendent of alien passengers, in the penalty of one thousand dollars, with a condition that no such alien shall ever become a city, town, or state charge as a pauper, and in default of giving such bond, shall forfeit and pay to the use of the Commonwealth, the sum of one thousand dollars

for every such alien so brought into the State, to be recovered by action of debt, in any court competent to try the same: *provided*, that it shall be at the option of every such master, owner, consignee, or agent of any vessel, or passenger carrier by water, to pay to the superintendent of alien passengers, for the use of the Commonwealth, in place of such bond, the sum of two dollars for every such alien, who is not, in the opinion of the superintendent, a pauper, lunatic, or idiot, or maimed, aged, infirm or destitute, or incompetent to take care of himself or herself, without becoming a public charge as a pauper: *and provided*, *also*, that this act shall not extend to seamen sent from foreign ports by consuls or vice consuls of the United States, nor to ambassadors, consuls, or public ministers, or other persons representing foreign states, nor to persons coming on shore from vessels in distress, nor to any alien passenger taken from any wreck where life is in danger.

*Proviso.**Proviso.*

SECT. 2. The superintendent of alien passengers in any city or town of this Commonwealth, may make all demands for bonds under this act, and all examinations of alien passengers, brought or coming into this State by water, necessary to enforce the provisions of this act and all other acts in relation to alien passengers.

Duty of superintendent.

SECT. 3. The abstract of returns and bonds deposited with the treasurer of the Commonwealth by the superintendents of alien passengers, to be published by him in the months of January, May, and September, in each year, and forwarded to the clerks of the several towns and cities in the Commonwealth, shall be so published and forwarded monthly.

Publication of abstract of returns and bonds.

SECT. 4. Justices of the peace may, upon the complaint of superintendents of alien passengers, exercise the same power which, by the seventeenth section of the forty-sixth chapter of the Revised Statutes, they are now authorized to exercise upon the complaint of overseers of towns.

Justices may exercise the powers granted by R. S. ch. 46, § 17.

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECT. 6. Whenever any city or town shall have incurred any expense or charge for the support of any alien for whom a bond has been given, under the provisions of the first section of this act, or the fifth section of the three hundred and thirteenth chapter of the acts of the year 1848, the claims of such city or town therefor, upon being approved by the auditor, may be paid by the treasurer of the Commonwealth, whose duty it shall be to cause the same to be forthwith collected of the obligors in such bond, and paid into the treasury of the Commonwealth.

Cities and towns to be reimbursed for support of aliens.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1850.*]

Chap 106. An Act in further addition to an Act to establish the City of Charlestown.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Board of aldermen.

SECT. 1. The several acts concerning the city of Charlestown are hereby amended as follows:—The board of aldermen shall hold their offices until the first Monday of January in each year, and until a majority of the new board shall be elected and qualified. And whenever it shall appear that a majority of the new board has not been elected, previously to the said first Monday in January, a record of the fact shall be made by the mayor and aldermen for the time being, and an attested copy thereof shall be read by the city clerk, at the opening of the convention to be held on that day, as is now provided in the case of no election of mayor.

Wardens, ward clerks, and inspectors.

SECT. 2. The wardens, ward clerks, and inspectors, shall also hold their offices until their respective successors are qualified; and in case of the resignation of any of those officers, or of the refusal of any one elected to accept such office, or of a vacancy occasioned by removal, or otherwise, and, on the same being duly notified to their ward, the vacancy may be filled at any ward meeting.

Wardens and Inspectors pro tempore.

SECT. 3. In case of the temporary absence of both the warden and the ward clerk, one of the inspectors shall preside until a warden is chosen, pro tempore. Such warden may be qualified by the presiding inspector, and he may also qualify the ward clerk, when chosen, pro tempore. In case of the temporary absence of the inspectors, or any of them, inspectors may be chosen, pro tempore, who may be qualified by the presiding warden. And the choice of any of these officers, pro tempore, may be made by nomination, and by hand-vote, if the voters present so determine.

Overseers of the poor and school committee.

SECT. 4. In case of the failure of an election of any of the overseers of the poor, or of the school committee, new trials shall be had until the elections are completed; and for this purpose, ward meetings may be adjourned from day to day.

Same—judges of returns of elections.

SECT. 5. The mayor and aldermen, for the time being, shall be the judges of the returns, and of the elections of the overseers of the poor, and of the school committee, and shall cause the persons, ascertained by them to be elected, to be notified of their election; and, on being notified of any vacancy in either of said boards, they may issue their warrants for a new election.

SECT. 6. After the present municipal year, the school committee shall consist of thirteen members, as follows:—the mayor, who shall be, *ex officio*, president, and twelve others, four to be chosen from and by each ward.

Number of school committee.

SECT. 7. No board, nor committee of the city council, or of either branch thereof, shall make any contracts on behalf of, and binding upon said city, the amount of which contracts shall exceed the specific appropriations of the city council, previously made therefor.

Of contracts to bind the city.

SECT. 8. No member of the board of aldermen, or of the common council, shall hold any office in the city, the salary of which is payable out of the city treasury.

Aldermen not to hold any office with salary from city treasury.

SECT. 9. All portions of former acts, in relation to said city, which are inconsistent with the provisions of this act, are hereby repealed.

Repeal.

SECT. 10. This act shall not go into operation until a majority of the citizens voting thereon, by yea and nay, and by ballot, shall accept the same, at ward meetings duly notified for the purpose, at which meetings the polls shall be kept open at least six hours, and the check lists shall be used, as at the elections of state and city officers. And if this act shall be so accepted, it shall take effect from and after its acceptance, as aforesaid. [*Approved by the Governor, March 21, 1850.*]

This act to be accepted by the citizens.

An Act concerning Costs in Criminal Prosecutions.

Chap 107.

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

SECT. 1. Justices of the peace are hereby authorized, in criminal prosecutions instituted before them, to allow to officers upon warrants, where no actual service is made, and to tax and certify, such costs as they may deem proper, according to the circumstances of each case.

Of costs to be allowed, when no actual service is made.

SECT. 2. All acts and parts of acts, inconsistent with this act, are hereby repealed. [*Approved by the Governor, March 21, 1850.*]

An Act in addition to an Act in relation to the Public Health.

Chap 108.

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

Whenever the board of health of any city or town shall be satisfied, upon due examination, that any cellar, room, tenement, or building, occupied as a dwelling-place, within such city or town, is unfit for that purpose, and a cause of nuisance or sickness, either to the occupants or to the pub-

Power of boards of health to remove occupants from cellars, tenements, &c., when a cause of nuisance or sickness.

lic, such board of health may issue a notice, in writing, to such persons, or any of them, requiring them to remove from, or quit such cellar, room, tenement, or building, within such time as the said board of health may deem reasonable. And if the person or persons so notified, or any of them, shall neglect or refuse so to remove and quit, within the time mentioned, it shall be lawful for such board of health to remove them forcibly, and to close up such cellar, room, tenement, or building, and the same shall not be again occupied as a dwelling-place, without the consent, in writing, of the board of health, under a penalty of not less than ten, nor more than fifty dollars, to be recovered by indictment of the owner or owners, if they shall have knowingly permitted the same to be so occupied. [*Approved by the Governor, March 21, 1850.*]

Penalty for refusing to quit, on notice by board of health.

Chap 109.

1849, ch. 237.

An Act concerning the Silver Lake Branch Railroad.

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

Time for completing, extended one year.

The time for locating and completing the Silver Lake Branch Railroad, is hereby extended one year from the period fixed in the act of incorporation, passed May the second, in the year one thousand eight hundred and forty-nine. [*Approved by the Governor, March 21, 1850.*]

Chap 110.

An Act to incorporate the Boston Warehouse Company.

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

Corporators.

SECT. 1. Philo S. Shelton, Zachariah Jellison, Adolphus Davis, their associates and successors, are hereby made a corporation, by the name of the Boston Warehouse Company, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land situate in Boston, and bounded and described as follows:—Northerly by State street, easterly by India street, southerly by Central street, and westerly by Broad street, with all the buildings thereon, and appurtenances to the same belonging; and the said corporation may, within the limits aforesaid, erect warehouses, and so improve and manage said property, as to them shall seem expedient: *provided*, that nothing contained in this act shall authorize said corporation to infringe upon the legal right of any person whatever.

May hold a tract of land in Boston, described, and erect warehouses.

Proviso.

Powers and duties.
R. S. ch. 44.

SECT. 2. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities, and

restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 3. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount five hundred thousand dollars, to be divided into shares of one hundred dollars each: *provided, however*, that no stock shall ever be issued by the corporation at a less sum than the par value thereof. [*Approved by the Governor, March 22, 1850.*]

Real and personal estate.

Proviso.

An Act in relation to Dower in Testate Estates.

Chap 111.

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

In all cases where a testator, by his last will and testament, shall provide that his widow shall have the use and improvement of any undivided part of his real estate, during her life or widowhood, the judge of probate in the county where the estate is settled may cause her interest in said estate to be set off and assigned to her, in the same manner as dower is now, by law, set off and assigned to widows in the real estate of persons who die intestate. [*Approved by the Governor, March 22, 1850.*]

Of setting off the interest of a widow in undivided real estate, the use and improvement being provided by will.

An Act additional to an Act to establish the State Reform School.

Chap 112.

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

SECT. 1. The trustees of the State Reform School shall have power to bind out all boys committed to their charge, for any term of time during the period for which they shall have been committed, as apprentices or servants; and the said trustees, and master or mistress, apprentice or servant, shall, respectively, have all the rights and privileges, and be subject to all the duties, set forth in the eightieth chapter of the Revised Statutes, in the same manner as if said binding or apprenticing were made by overseers of the poor.

Power of trustees to bind out boys, &c.

Powers and duties.
R. S. ch. 80.

SECT. 2. The fourteenth section of the act to establish the State Reform School shall not be so construed as to prevent the governor and council from re-appointing, if they see fit, any of the trustees of said school, when the term for which they were previously appointed shall have expired.

1847, ch. 165, § 14, concerning appointment of trustees, modified.

SECT. 3. The eighth section of the act to establish the State Reform School, is hereby repealed.

Same—§ 8, repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 23, 1850.*]

Chap 113. An Act in addition to an Act to incorporate the Saugus Branch Railroad Company.

1848, ch. 231.

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

Route of road.

SECT. 1. The said corporation may construct and maintain a railroad, upon the following route:—Beginning at a point, at or near Sweetser's mills, in Saugus; thence, passing near the Central Village in Saugus; thence, through the northerly portion of North Chelsea; thence, through the easterly portion of Malden; thence, through the central portion of Malden, to unite with the Boston and Maine Railroad, at some convenient point in said Malden.

Location to be filed on or before October 23, 1850.

SECT. 2. Said corporation may file their location on or before the twenty-eighth day of October, eighteen hundred and fifty. [*Approved by the Governor, March 23, 1850.*]

Chap 114.

An Act to protect Ice intended for Merchandise.

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

Fine for injuring, &c. ice taken as merchandise.

If any person shall wilfully, maliciously, and without right or license, cut, injure, mar, or otherwise damage or destroy any ice, upon any waters within this Commonwealth, from which ice is or may be taken as an article of merchandise, whereby the taking thereof shall be hindered, or the value thereof be diminished for that purpose, such person shall be punished by a fine not exceeding one hundred dollars, to be recovered to the use of the Commonwealth, in any court of competent jurisdiction. [*Approved by the Governor, March 23, 1850.*]

Chap 115.

An Act in relation to the Qualifications of School Teachers.

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

Certificate to be deposited with selectmen.

The duplicate certificate of the school committee of the qualification of teachers, required by the fourteenth section of the twenty-third chapter of the Revised Statutes to be furnished to the treasurer, shall hereafter be deposited with the selectmen of the several towns of the Commonwealth. [*Approved by the Governor, March 23, 1850.*]

An Act concerning the Malden Canal Company.

Chap 116.

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

1846, ch. 229.

The Malden Canal Company are hereby authorized to change and widen the location of their canal, and to construct and maintain the same accordingly, from the mouth of the Malden Creek, northerly to the land of the heirs of the late Samuel Waite, and for this purpose to take land, under the provisions of their charter, not exceeding twelve rods in width; and any portion of said canal, as now located, which shall not be embraced within the new location, is hereby discontinued; and the new location hereby authorized shall be filed, within one year, with the commissioners of the county of Middlesex; and said canal shall be completed and opened for use, not less than sixty feet in width, within three years from the sixteenth day of April, in the year one thousand eight hundred and fifty, for which period the limitation in the charter of said company is hereby extended. [*Approved by the Governor, March 23, 1850.*]

To alter the location of canal.

Leave to discontinue.

New location to be filed within one year.

Canal to be completed within three years from April 16, 1850.

An Act to change the name of the Dedham Lead Company to the Dedham Sugar Refinery.

Chap 117.

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

1846, ch. 130.

SECT. 1. The Dedham Lead Company, incorporated on the nineteenth day of March, in the year of our Lord one thousand eight hundred and forty-six, shall hereafter be known and called by the name of the Dedham Sugar Refinery, and shall enjoy all the rights and privileges, and be subject to all the liabilities, of the said Dedham Lead Company.

New name.

SECT. 2. So much of said act of incorporation as empowers the said company to manufacture white lead and paints, is hereby repealed, and the said company shall be hereafter empowered to invest its capital in the refining and manufacture of sugars. [*Approved by the Governor, March 23, 1850.*]

Original act modified.

An Act to incorporate the Society for the Relief of Aged and Destitute Clergymen.

Chap 118.

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

SECT. 1. Francis Parkman, Charles Brooks, and Ephraim Peabody, their associates and successors, are hereby made a

Corporators.

corporation, by the name of the Society for the Relief of Aged and Destitute Clergymen, for the purpose of providing for the assistance and support of aged and destitute clergymen, not otherwise provided for; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and for the purposes aforesaid, may take and hold real estate, to an amount not exceeding fifty thousand dollars, and personal property, to an amount not exceeding twenty-five thousand dollars. [*Approved by the Governor, March 23, 1850.*]

Chap 119.

An Act to incorporate the Boston Stereotype Foundry.

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

Corporators. **SECT. 1.** Joseph S. Potter, B. Franklin Marsh, George Drake, with such other persons as already have, or may hereafter associate with them, their successors and assigns, be and they hereby are constituted a corporation, by the name of the Boston Stereotype Foundry, for the purpose of establishing, managing, and carrying on, in the counties of Suffolk and Middlesex, the business of stereotyping in all its various branches; and for the purposes aforesaid, they shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

In Suffolk and Middlesex.

Powers and duties.
R. S. ch. 33, 44.

Real and personal estate.

Proviso.

SECT. 2. The said corporation may purchase, take, hold, and convey, for the purposes aforesaid, real and personal estate, to such an amount as they may find necessary or convenient: *provided*, that the same shall not exceed the sum of thirty thousand dollars in real estate, nor fifty thousand dollars in personal estate: *provided*, that the capital stock of this company shall never be issued under the par value. [*Approved by the Governor, March 28, 1850.*]

Chap 120.

An Act to authorize Andrew Brown, Junior, to extend his Wharf.

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

In Manchester. Andrew Brown, Junior, proprietor of a wharf situated on Central street, in the town of Manchester, is hereby authorized to extend and maintain said wharf thirty feet into the river, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair

Proviso.

the legal rights of any person. [*Approved by the Governor, March 28, 1850.*]

An ACT relating to Banns of Marriage.

Chap 121.

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

SECT. 1. All persons intending to be joined in marriage shall cause notice of their intention to be entered before their marriage, in the office of the clerk, registrar, or other officer appointed for such purpose, of the city or town in which they may respectively dwell, (if within the State;) and if there be no such clerk in the place of their residence, the like entry shall be made with the clerk of an adjoining town.

Notice of marriage, how given.

SECT. 2. The clerk shall deliver to the parties a certificate under his hand, specifying the time when notice of the intention of marriage was entered with him, which certificate shall be delivered to the minister or magistrate, in whose presence the marriage is to be contracted, before he shall proceed to solemnize the same.

Town clerk's certificate.

SECT. 3. Whenever parties living in this Commonwealth shall go out of it for the purpose of having a marriage solemnized between them in another state, and a marriage shall be so solemnized, and they shall return to dwell here, they are hereby required to file a certificate or declaration of their marriage, including the facts concerning marriages now required by law, with the clerk or registrar of the town or city where either of them lived at the time, within seven days after their return, under a penalty of ten dollars, to be recovered in the manner and to the uses specified in the third section of the "act relating to the registration of births, marriages, and deaths," passed on the second day of May, in the year eighteen hundred and forty-nine.

Parties going out of the State, to file certificate of marriage.

Penalty.

SECT. 4. The fee of the clerk or registrar, for making the record of such marriage, shall be fifty cents, to be paid by the said parties.

Clerk's fee.

SECT. 5. So much of the seventy-fifth chapter of the Revised Statutes as is inconsistent with this act, is hereby repealed: *provided, nevertheless*, that nothing herein contained shall be so construed as to modify or alter the provisions of the twenty-second section of the said seventy-fifth chapter, which relates to marriages among the people called Friends or Quakers, but the same shall remain in full force. [*Approved by the Governor, March 28, 1850.*]

Repeal.

Proviso.

Chap 122.

An Act concerning the Fitchburg Railroad Corporation.

1842, ch. 84.

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

A change of location confirmed.

SECT. 1. The change of location heretofore made by said corporation, of a part of the line of said road, between the towns of Littleton and Lunenburg, a plan of which has been filed with the county commissioners of the county of Middlesex, be and the same is hereby confirmed and established, notwithstanding the omission of said corporation to file said change of location and plan within the time prescribed by law.

A change of location by an order of county commissioners of Worcester confirmed.

SECT. 2. The alteration heretofore made in the location of part of the line of said road in the towns of Lunenburg, Lancaster, Leominster, and Fitchburg, authorized by an order of the county commissioners for the county of Worcester, in conformity to a plan filed with them in October, 1844, be and the same is hereby confirmed and established. [*Approved by the Governor, March 28, 1850.*]

Chap 123.

An Act to extend the time for constructing the Framingham Branch Railroad.

1846, ch. 269.

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

Time extended to April 16, 1852.

SECT. 1. The time allowed to the Framingham Branch Railroad Company, by an act passed on the eighteenth day of March, in the year eighteen hundred and forty-eight, for constructing their railroad, is hereby extended to the sixteenth day of April, in the year one thousand eight hundred and fifty-two.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1850.*]

Chap 124.

An Act to incorporate the Springfield Machine Company.

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

Corporators.

SECT. 1. Amasa Stone, Jr., Asariah Boody, and Addison Ware, their associates and successors, are hereby made a corporation, under the name of the Springfield Machine Company, for the purpose of manufacturing articles from wood, iron, and other materials, at Springfield, in the county of Hampden, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers and duties. R. S. ch. 33, 41.

SECT. 2. Said corporation may hold real estate not exceeding in value seventy thousand dollars, and their whole capital stock shall not exceed one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each: *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Real estate.

Provido, as to value of shares.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 29, 1850.*]

An Act authorizing the County Commissioners of the County of Barnstable to build a Bridge.

Chap 125.

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

SECT. 1. The county commissioners of the county of Barnstable are hereby authorized to construct, or cause to be constructed, a bridge across the northwest arm of Duck Creek, in the town of Wellfleet, from the landing on Milton's Hill to near Atwood's Wharf, on Mayo's Beach, of such width and construction as the said commissioners may determine.

Bridge across Duck Creek in Wellfleet.

SECT. 2. An act of eighteen hundred and thirty-three, authorizing Paine G. Atwood to build a bridge in Wellfleet, is hereby repealed. [*Approved by the Governor, March 29, 1850.*]

1833, ch. 103, repealed.

An Act concerning the Cochituate Fire Insurance Company.

Chap 126.

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

The Cochituate Fire Insurance Company are hereby allowed three months further time, from the passage of this act, for the acceptance of their charter, in order to comply with the requirements of the "act concerning insurance companies," passed February twenty-second, in the year one thousand eight hundred and forty-two. [*Approved by the Governor, March 29, 1850.*]

1847, ch. 88.

Further time allowed for acceptance of charter.

An Act to incorporate the Paucatuck Cemetery Association.

Chap 127.

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

SECT. 1. Riley Smith, Sylvanus G. Morley, Algernon S. Smith, their associates and successors, are hereby made a corporation, by the name of the Paucatuck Cemetery

Corporators.

- Purpose. Association, for the purpose of establishing and perpetuating a place for the burial of the dead, to be located in the town of West Springfield, in the county of Hampden, and shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.
- In West Springfield. Powers and duties. R. S. ch. 44.
- Real and personal estate. SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of two thousand dollars. [*Approved by the Governor, March 29, 1850.*]

Chap 128.

An Act to incorporate the Pacific Mills.

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

- Corporators. SECT. 1. James L. Little, Andrew T. Hall, Jarvis Slade, their associates and successors, are hereby made a corporation, by the name of the Pacific Mills, for the purpose of manufacturing worsted, woolen, silk, and cotton goods, in the town of Lawrence, county of Essex ; and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
- Purpose. In Lawrence. Powers and duties. R. S. ch. 38, 44.
- Capital stock. SECT. 2. The capital stock of said corporation shall be one million of dollars, and said corporation may hold such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value five hundred thousand dollars.
- Value of shares. SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, March 29, 1850.*]

Chap 129.

An Act to change the name of the Second Methodist Episcopal Church in Chelsea.

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

- New name. That the trustees of the Second Methodist Episcopal Church in Chelsea, in the county of Suffolk, shall, after the passing of this act, be called and known by the name of the Trustees of the First Methodist Episcopal Church in Chelsea. [*Approved by the Governor, April 2, 1850.*]

An Act concerning the Indian Orchard Railroad Corporation.

Chap 130.

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

The time for organizing the Indian Orchard Railroad Corporation, incorporated May first, eighteen hundred forty-nine, and the time for locating and constructing their railroad, are hereby extended one year beyond the periods respectively specified therefor in said act. [Approved by the Governor, April 2, 1850.]

Time for organizing and locating, extended to May 1, 1851— for completing, to May 1, 1852.

An Act relating to the Branding of Foreign Pickled Fish.

Chap 131.

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

SECT. 1. All pickled fish of foreign catch, which shall be brought into this State, on which an import duty is laid by the laws of the United States, and which shall be inspected or re-inspected in this State, shall, in addition to the brand now required by law, be branded with the word "Foreign" on the head of each cask, barrel, or package, containing such inspected or re-inspected fish, in letters not less than one inch in length, and separate and distinct from the other brands.

To be branded "Foreign."

SECT. 2. If any inspector of fish shall inspect or re-inspect any fish of foreign catch, imported and brought into this State, as mentioned in the first section of this act, and shall refuse or neglect to comply with the requirements set forth in the said first section, he shall forfeit and pay, for each refusal or neglect, the sum of fifteen dollars for every cask, barrel, or package, so neglected, to be recovered by indictment, or on complaint before a justice of the peace.

Penalty for neglect, &c., of inspector.

SECT. 3. This act shall take effect from and after the first day of June, one thousand eight hundred and fifty. [Approved by the Governor, April 2, 1850.]

An Act to incorporate the Nashawannuck Manufacturing Company.

Chap 132.

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

SECT. 1. Samuel Williston, Edward Smith, and Horatio G. Knight, their associates and successors, are hereby made a corporation, by the name of the Nashawannuck Manufacturing Company, for the purpose of manufacturing cotton goods, webbing, suspenders, and machinery, in the town of Easthampton, in the county of Hampshire; with

Corporators.

Cotton goods, &c., in Easthampton.

Powers and duties.
R. S. ch. 33, 41.

all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding in value the sum of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and twenty-five thousand dollars.

Capital stock.

Value of shares.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 2, 1850.*]

Chap 133.

An Act in addition to an Act concerning Coroners' Inquests.

R. S. ch. 140.

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

Inquisition may be secret, and witnesses examined separately.

SECT. 1. Whenever an inquisition shall be taken, pursuant to the one hundred and fortieth chapter of the Revised Statutes, the coroner, with the consent of a majority of the jury of inquest, may order that a secret inquisition be taken; and in such case, the coroner may, at his discretion, exclude from the place where the inquisition is taken, any or all persons other than those required to be present by the provisions of said chapter; and during the examination of any witness, may, at his discretion, exclude from the place of examination all the other witnesses, and may also, if he see cause, direct the witnesses to be kept separate, so that they cannot converse with each other, until they shall have been examined.

Clerk may be employed.

SECT. 2. Whenever the coroner shall require the aid of any person, to reduce to writing the testimony of witnesses examined before any jury of inquest, pursuant to the provisions of the seventh section of said chapter, such person shall be allowed for said services such sum as the coroner shall determine, not exceeding one dollar and fifty cents for each day's actual attendance upon the jury, and whenever more than one day's attendance of the coroner upon the jury of inquest shall be required, such coroner shall be allowed the sum of two dollars for each day of his actual additional attendance as aforesaid; and whenever, in the course of any examination in any inquest, the coroner shall determine that a necessity exists for the aid of a surgeon or chemist, such surgeon or chemist shall be entitled to such compensation for services rendered, as shall be certified by the coroner to be just and reasonable, and approved and al-

Compensation.

Coroner's compensation.

Surgeon or chemist.

Compensation.

lowed as such, by the attorney general, or any district attorney, or any of the justices of the supreme judicial court, or court of common pleas.

SECT. 3. The fees hereinbefore provided shall be certified and paid, in the same manner as other expenses of an inquisition are now paid, according to the provisions of the eleventh section of the one hundred and fortieth chapter of the Revised Statutes: *provided, however*, that in case an inquisition is taken upon more dead bodies than one, at the same time, no additional compensation shall be allowed for the services therein rendered.

Fees certified, &c., according to R. S. ch. 140, § 11.

Proviso.

SECT. 4. Whenever services are rendered in bringing to land the dead body of any person found in any of the harbors, rivers, or waters of this Commonwealth, and an inquest is holden thereon, the coroner holding such inquest may allow such compensation for said services, as he shall judge reasonable, to be taxed and paid in like manner as other expenses of an inquisition are now paid: *provided, however*, that the foregoing provision shall not, in any case, be so construed as to entitle any person to allowance under this act, for services rendered in searching for such dead body.

Expenses of bringing to land bodies found in harbors, &c.

Proviso.

SECT. 5. Whenever the dead body of any person, supposed to have come to his death by violence, shall be found in any town in this Commonwealth, in which no coroner duly qualified resides, any justice of the peace, within his county, may, in such case, have the like powers, and execute and discharge the same duties, as are imposed upon coroners, by the provisions of the one hundred and fortieth chapter of the Revised Statutes and of this act, and shall in such case be entitled to the same fees as are allowed to coroners for the like services. [*Approved by the Governor, April 2, 1850.*]

In towns where there is no coroner, justices of the peace may act.

An Act to extend the time for the Location and Construction of the Taunton and Middleborough Railroad.

Chap 134.

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

The time within which the Taunton and Middleborough Railroad Corporation may file the location of their road, is hereby extended to the first day of May, eighteen hundred and fifty-one, and the time within which it may be constructed, is hereby extended to the first day of May, eighteen hundred and fifty-two. [*Approved by the Governor, April 2, 1850.*]

Location, May 1, 1851.

Construction, May 1, 1852.

Chap 135.

An ACT to increase the Capital Stock of the Adams Bank.

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

Addition,
\$50,000.

SECT. 1. The president, directors and company of the Adams Bank, in the town of Adams, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

Proviso, as to
paying in.

Liable to tax,
&c.

SECT. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate to
secretary of
state.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 2, 1850.*]

Chap 136. An ACT to incorporate the Great Falls Paper Manufacturing Company.

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

Corporators.

SECT. 1. Marshall N. Fales, Samuel S. Parker, and Salmon Thomas, their associates and successors, are hereby made a corporation, by the name of the Great Falls Paper Manufacturing Company, for the purpose of manufacturing paper, cotton goods, and machinery, in the town of Russell, county of Hampden; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Paper, cotton
goods, &c., in
Russell.

Powers and
duties.
R. S. ch 39, 44.

Real estate.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value twenty thousand dollars, exclusive of buildings and improvements, and the whole capital stock shall not exceed one hundred thousand dollars.

Capital stock

Value of shares.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 2, 1850.*]

An Act in addition to an Act to incorporate the Boston Society of the New Jerusalem. *Chap 137.*

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

The Boston Society of the New Jerusalem, in addition to the power given in the second section of its charter, may take and hold, for religious and charitable purposes, in fee simple or otherwise, by gift, grant, devise, or purchase, any estate, real or personal, the annual income of which shall not exceed the sum of three thousand dollars. [Approved by the Governor, April 2, 1850.] *May take estate, real and personal.*

Proviso.

An Act to increase the Capital Stock of the Holyoke Bank.

Chap 138.

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

SECT. 1. The president, directors, and company of the Holyoke Bank, in Northampton, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, the whole amount shall be paid in on or before the last day of April, in the year one thousand eight hundred and fifty-one. *Addition, \$50,000.*

Proviso as to paying in.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject. *Subject to tax, &c.*

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. *Certificate to secretary of state.*

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, April 2, 1850.]

An Act to change the name of the Presbyterian Church and Society in Dracut. *Chap 139.*

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

SECT. 1. That the Presbyterian Church and Society in Dracut, in the county of Middlesex, shall, after the passing of this act, be called and known by the name of the West Congregational Church and Society in Dracut. *New name.*

When to take effect.

SECT. 2. This act shall take effect from and after the time when it shall have been accepted by the church and society, at a meeting called for that purpose. [*Approved by the Governor, April 2, 1850.*]

Chap 140. An ACT to extend the time for the Construction of the Newburyport Railroad.

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

Time extended to October 1st, 1851.

The time within which the Newburyport Railroad Corporation may construct their railroad, is hereby extended to the first day of October, eighteen hundred and fifty-one. [*Approved by the Governor, April 2, 1850.*]

Chap 141. An ACT concerning Accounts of the Guardians of Indians in this Commonwealth.

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

Accounts to be approved by judges of probate respectively.

SECT. 1. The guardians and commissioners of the several tribes of Indians in the Commonwealth, shall have their accounts approved by the judge of probate, in the county in which said guardian or commissioner shall reside, before they are sent to the auditor of accounts, and the governor is hereby authorized to draw his warrant for the payment of the same, when they shall have been thus approved.

Repeal.

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

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 2, 1850.*]

Chap 142. An ACT in addition to an Act to incorporate the Worcester Medical Institution.

1849, ch. 23.

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

Corporators.

SECT. 1. Calvin Newton, Walter Burnham, and Isaac M. Comings, their associates and successors, are hereby made a corporation, by the name of the Worcester Medical Institution, to be established in the city of Worcester, in the county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers and duties.
R. S. ch. 44.

Real and personal estate.

SECT. 2. The said corporation may hold real and personal estate to the amount of one hundred thousand dol

lars, to be devoted exclusively to the purposes of medical education. [*Approved by the Governor, April 4, 1850.*]

An Act in relation to the Compensation of Committees and Commissioners. Chap 143.

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

SECT. 1. In all cases, not otherwise provided for, the compensation for the services of committees of the Legislature, appointed to act during the recess, as also that of legal council and commissioners appointed by the executive, shall be determined by the governor and council, who shall approve all such claims before they are sent to the auditor of accounts. To be determined by governor and council.

SECT. 2. This act shall take effect from and after its passage, and shall apply to all claims above named, which now remain unsettled. [*Approved by the Governor, April 4, 1850.*] Act applies to all unsettled claims.

An Act to incorporate the New Bedford Gas Light Company. Chap 144.

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

SECT. 1. James B. Congdon, John A. Parker, and J. H. W. Page, their associates and successors, are hereby made a corporation, by the name of the New Bedford Gas Light Company, for the purpose of making and selling gas, in the city of New Bedford, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Powers and duties.
R. S. ch. 38, 44.

SECT. 2. The capital stock of said corporation shall not exceed one hundred thousand dollars ; and said corporation may hold real estate, for the purposes aforesaid, not exceeding in value fifty thousand dollars. Capital stock.
Real estate.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares, which shall be first issued. Value of shares.

SECT. 4. Said corporation, with the consent of the mayor and aldermen of the city of New Bedford, shall have power and authority to open the ground, in any parts of the streets, lanes, and highways, in said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid : and the said corporation, after opening the ground, May open ground in streets, &c.
Repair the same.

Proviso.

in said streets, lanes, and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict, and control all the acts and doings of said corporation, which may, in any manner, affect the health, safety, or convenience of the inhabitants of said city.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 4, 1850.*]

Chap 145.

An Act to establish a Fire Department in the Town of Somerville.

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

1839, ch. 138.

A fire department is hereby established in the town of Somerville, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "an act to regulate fire departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, April 4, 1850.*]

Chap 146.

An Act to straighten the Fitchburg Railroad.

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

In Somerville.

SECT. 1. The Fitchburg Railroad Company is hereby authorized to straighten its railroad in the town of Somerville, between the railroad bridge, over the old Cambridge road, and the depot of said company next westerly of said bridge, by diverging northerly from the line of said railroad, as it is now laid, between the two points aforesaid, any distance that may be found necessary, not exceeding three hundred feet.

New line.

Powers and duties.
R. S. ch. 39,
&c.

SECT. 2. The said company shall, with respect to the new portion of its railroad hereby authorized, have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, contained in the thirty-ninth chapter of the Revised Statutes, and all other acts which have been, or shall be hereafter passed in relation to railroads.

Location.

Completion.

SECT. 3. If the location of that part of said railroad, hereby authorized, shall not be filed within five months, or if the same shall not be completed within fifteen months from the passage of this act, then this act shall be void. [*Approved by the Governor, April 4, 1850.*]

An Act to incorporate the Newburyport Gas Company.

Chap 147.

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

SECT. 1. John Porter, Thomas L. Randlett, John Wood, Corporators.
 their associates and successors, are hereby made a corporation, by the name of the Newburyport Gas Company, for the purpose of making and selling gas, in the town of Newburyport, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in Powers and duties. R. S. ch. 38, 41.
 the thirty-eighth and forty-fourth chapters of the Revised Statutes, also to such provisions and restrictions as the selectmen of the town of Newburyport may prescribe, previous to the erection of the works of said company. Power of selectmen.

SECT. 2. The capital stock of said corporation shall be one hundred and fifty thousand dollars, and said corporation may hold real estate, necessary and convenient for the purposes aforesaid, not exceeding thirty thousand dollars. Capital stock. Real estate.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. Value of shares.

SECT. 4. Said corporation, with the consent of the selectmen of the town of Newburyport, shall have power and authority to open the ground in any part of the streets, lanes, and highways, in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground in said streets, lanes, and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict, and control the acts and doings of said corporation, which may in any manner affect the health, safety, and convenience of the inhabitants of said town. May open ground in streets, &c. To repair. Proviso.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 4, 1850.*]

An Act concerning the Alewife Fishery in the town of Dennis.

Chap 148.

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

SECT. 1. So much of an act, passed on the twenty-fourth day of February, in the year one thousand eight hundred and twenty-five, entitled "an act in addition to an act entitled an act to prevent the destruction and to 1824, ch. 107, § 1, modified.

regulate the catching of the fish called alewives, in their passage up the rivers and streams in the town of Harwich, in the county of Barnstable," as prevents the catching of fish, called alewives, on the westward of Job Chase's wharf, so called, situated in the town of Dennis, in the county of Barnstable, is hereby repealed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 4, 1850.*]

Chap 149.

An Act to annex a part of Southampton to Easthampton.

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

Boundaries.

All that part of Southampton included within the following boundaries, viz., beginning at a willow tree, marked on the north bank of the west branch of Manhan River, twenty rods northwest of the county road leading from Southampton to Northampton; thence north, eighty-five degrees east, eight rods and eighteen links; thence north, forty-nine and an half degrees east, eight rods and thirteen links; thence south, ten and three fourth degrees west, eighteen rods; thence south, fifty-three and an half degrees west, four rods and twenty links to the river, known as the west branch of Manhan River; thence in a straight line twenty rods on the north bank of said river, at low-water mark, to the place of beginning, containing three fourths of an acre of land, is hereby set off from the town of Southampton and annexed to the town of Easthampton. [*Approved by the Governor, April 4, 1850.*]

Set off to East Hampton.

Chap 150.

An Act to incorporate the Massachusetts School for Idiotic and Feeble-minded Youth.

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

Corporators.

SECT. 1. S. G. Howe, Samuel May, Stephen Fairbanks, their associates and successors, are hereby made a corporation, by the name of the Massachusetts School for Idiotic and Feeble-minded Youth, for the purpose of training and teaching such persons, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers and duties.

R. S. ch. 38, 44.

Real estate.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding in value one hundred thousand dollars, and personal estate, the income of which shall not exceed ten thousand dollars. [*Approved by the Governor, April 4, 1850.*]

Personal.

An Act establishing a Ferry at Gloucester Harbor.

Chap 151.

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

SECT. 1. Authority is hereby granted to John W. Wons-
son, his associates, successors, and assigns, to establish a
ferry at Gloucester Harbor, between the village of Gloucester
and Eastern Point, (so called,) in said town. Exclu-
sive right is hereby granted him, or them, to run said ferry
for the term of ten years from the passage of this act.

Exclusive right
to J. W. Wons-
son, &c., for 10
years.

SECT. 2. All other persons are hereby forbidden to carry
passengers, by water, between said Gloucester Harbor and
said Eastern Point, for hire, during the term of ten years
aforesaid, under a penalty of fifty cents for each and every
person so carried, to be sued for and recovered to the use
of the said John W. Wons-son, his associates, successors,
and assigns, in any court of competent jurisdiction.

All other per-
sons forbidden,
&c.

SECT. 3. The said John W. Wons-son, his associates,
successors, and assigns, shall establish and support a ferry
across Gloucester Harbor, in the county of Essex, from
Beach street, or some point easterly of said street, to the
shore of Eastern Point, in said Gloucester, for the transpor-
tation of passengers, and shall construct and maintain, at
each end of said ferry, suitable and convenient landings, or
floating wharves, and shall be held liable to afford all neces-
sary and proper accommodation to all persons having occa-
sion to pass across said harbor by said ferry. And there
shall be not less than six departures, from each end of said
ferry, daily, excepting on the Sabbath, and when, in con-
sequence of severe storms, or of ice in the harbor, the
safety of those passing would be endangered.

Landings at
each end of
ferry.

SECT. 4. The rate of ferriage shall not be more than
four cents for each person carried. [*Approved by the Gov-
ernor, April 4, 1850.*]

Rate of ferri-
age.

An Act to increase the Capital Stock of the Mechanics Bank in Boston.

Chap 152.

*BE it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :*

SECT. 1. The president, directors and company of the
Mechanics Bank, in Boston, are hereby authorized to in-
crease their present capital stock by an addition thereto of
thirty thousand dollars, in shares of one hundred dollars
each, which shall be paid in such instalments as the presi-
dent and directors of said bank may determine: *provided,*
the whole amount be paid into said bank on or before the

Addition,
\$30,000.

When to be
paid in.

last day of April, in the year one thousand eight hundred and fifty-one.

Liabie to tax,
&c.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, restrictions, and provisions, to which the present capital stock is now subject.

Certificate to
secretary of
state.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 5, 1850.*]

Chap 153.

An ACT to increase the Capital Stock of the Grocers Bank.

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

Addition.
\$50,000.

SECT. 1. The president, directors and company of the Grocers Bank, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, the whole shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

When to be
paid in.

Liabie to tax,
&c.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, liabilities, and restrictions, to which the present capital stock is now subject.

Certificate to
secretary of
state.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 5, 1850.*]

Chap 154. An ACT to increase the Capital Stock of the Mechanics Bank in Worcester.

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

Addition,
\$50,000.

SECT. 1. The president, directors and company of the Mechanics Bank, in Worcester, are hereby authorized to increase their present capital stock, by an addition thereto

of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, the whole amount shall be paid in on or before the last day of April, in the year one thousand eight hundred and fifty-one.

When to be paid in.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is now subject.

Liable to tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to secretary of state.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 5, 1850.*]

An ACT to increase the Capital Stock of the Franklin County Bank.

Chap 155.

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

SECT. 1. The president, directors and company of the Franklin County Bank, in Greenfield, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, the whole amount be paid in on or before the first day of May, in the year one thousand eight hundred and fifty-one.

Addition, \$50,000.

When to be paid in.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject.

Liable to tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to secretary of state.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 5, 1850.*]

Chap 156.

An Act to increase the Capital Stock of the Newton Bank.

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

Addition,
\$50,000.

SECT. 1. The president, directors and company of the Newton Bank, are hereby authorized to increase their capital stock, by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine : *provided*, the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

When to be
paid in.

Liable to tax,
&c.

SECT. 2. The additional stock aforesaid, when paid in, shall be subject to the like tax, regulations, provisions, and restrictions, to which the present capital stock of said bank is now subject.

Certificate to
secretary of
state.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 5, 1850.*]

Chap 157.

An Act to incorporate the John Hancock Bank, in Springfield.

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

Corporators.

SECT. 1. James W. Crooks, James M. Thompson, Walter H. Bowdoin, and Solomon Hatch, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the John Hancock Bank, to be established in the town of Springfield, in the county of Hampden, on the south side of State street, upon the hill, and near the armory and arsenals of the United States, and shall so continue until the first day of October, which shall be in the year one thousand eight hundred and seventy-two, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Powers, duties,
and liabilities.

Capital stock.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct : *provided*, that the whole be paid in on or before the first day of

Proviso, as to
pay'ng in.

April, in the year of our Lord one thousand eight hundred and fifty-one.

SECT. 3. The stock of said bank shall be transferable only at its banking-house and in its books. Transfer of stock.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, April 6, 1850.*] Liable to future legislation.

An Act to increase the Capital Stock of the Tremont Bank.

Chap 158.

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

SECT. 1. The president, directors and company of the Tremont Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of five hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-one. Addition, \$500,000.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject. When to be paid in.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Liable to tax. &c.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1850.*] Certificate to secretary of state.

An Act to increase the Capital Stock of the Union Bank, in Boston.

Chap 159.

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

SECT. 1. The president, directors and company of the Union Bank, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine : *provided*, that the whole be paid in on or before the last day of April, in the year one thousand eight hundred and fifty-one. Addition, \$200,000.

When to be paid in.

Liabie to tax,
&c.

SECT. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital of said corporation is now subject.

Certificate to
secretary of
state.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1850.*]

Chap 160.

An Act to incorporate the Rockport Bank.

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

Corporators.

SECT. 1. Jabez R. Gott, Josiah Haskell, Dudley Choate, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Rockport Bank, to be established in Rockport, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Powers, duties,
and liabilities.

Capital stock.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

Proviso, as to
paying in.

Transfer of
stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house and on its books.

Liabie to future
legislation.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the General Court, in relation to banks and banking. [*Approved by the Governor, April 6, 1850.*]

Chap 161.

An Act to incorporate the Tradesman's Bank in Chelsea.

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

Corporators.

SECT. 1. Henry Slade, Isaac Stebbins, James Hardin, their associates and successors, are hereby made a corpora-

tion, by the name of the President, Directors and Company of the Tradesman's Bank, to be located in Chelsea, and shall continue until the first day of October, in the year one thousand eight hundred and seventy-two; and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth, in relation to banks and banking.

Powers, duties,
and liabilities.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

Capital stock.

Proviso, as to
paying in.

SECT. 3. The stock of said bank shall be transferable only at its banking-house and on its books.

Transfer of
stock.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the General Court, in relation to banks and banking. [*Approved by the Governor, April 6, 1850.*]

Liable to future
legislation.

An Act to establish the Prescott Bank.

Chap 162.

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

SECT. 1. Joel Adams, Jonathan Tyler, Royal Southwick, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Prescott Bank, to be established in the city of Lowell, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Corporators.

In Lowell.

Powers and du-
ties, R. S. ch.
9, 36, 126, and
subsequent
statutes.

SECT. 2. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in on or before the first day of May, in the year one thousand eight hundred and fifty-one.

Capital stock.

Proviso.

SECT. 3. The stock in said bank shall be transferred only at its banking-house and on its books.

Transfer of
stock.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such

Future liabili-
ties, &c.

acts as may hereafter be passed by the General Court, in relation to banks and banking. [*Approved by the Governor, April 6, 1850.*]

Chap 163. An Act to increase the Capital Stock of the Western Bank, in Springfield.

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

Addition,
\$150,000.

SECT. 1. The president, directors and company of the Western Bank, in Springfield, are hereby authorized to increase their present capital stock by an addition thereto of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

When to be
paid in.

Liable to tax.
&c.

SECT. 2. The additional stock aforesaid, when paid in, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is now subject.

Certificate to
secretary of
state.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1850.*]

Chap 164. An Act in an addition to Acts for regulating the Pilotage of Vessels through the Vineyard Sound to Nantucket.

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

Fees.

SECT. 1. The fees to commissioned pilots, for pilotage of vessels bound to the port of Nantucket, now, by law, obliged to take pilots, if boarded outside of a line drawn from the south part of Noman's Land to Saugkonnet Point, shall be two dollars and twenty-five cents per foot of the draft of water; but if boarded within said line, there shall be a deduction of twenty-five per cent. from said rate. If not boarded before passing a line drawn south-southeast from the lighthouse at Tarpaulin Cove, there shall be a deduction of fifty per cent., and in case the master then declines taking a pilot, said pilot shall be entitled to one-

quarter pilotage, agreeably to these regulations. And if no pilot shall have offered his services, before any vessel, liable to take a pilot, shall have passed a line drawn from the West Chop Lighthouse to the Nobska Lighthouse, there shall be no obligation, on the part of the master nor owners of said vessel, to pay pilotage, if the master shall then decline receiving a pilot.

SECT. 2. The master of any vessel, bound to Nantucket, may, if he thinks best so to do, discharge his pilot at either Holmes' Hole or Edgartown, in which case said pilot shall be entitled to three-fourths of the amount of the regular fees for pilotage to Nantucket, as herein prescribed, and also, to the farther sum of two dollars per day for every day which said pilot may be detained by the agents or owners of said vessel, after the day of anchorage, in case said pilot shall ultimately be discharged at either of the ports of Holmes' Hole or Edgartown.

Fees, in case,
&c.

SECT. 3. In case the master of any vessel, as aforesaid, shall have employed a non-commissioned pilot, previous to being boarded by a branch pilot, said non-commissioned pilot shall be entitled to receive, for his services, whatever sum may be deducted from the fees of the branch pilot, in accordance with the provisions of the first section of this act.

Non-commissioned pilot.

SECT. 4. All acts and parts of acts, heretofore passed, inconsistent with this act, are hereby repealed; and all regulations heretofore existing, are hereby annulled, excepting the provision that when the said vessels, between the fifteenth of September and the fifteenth of March, shall be boarded "from without a line to extend southeast by south, from Beaver-tail Lighthouse, till it intersects a line running south-southwest, from Noman's Land, twenty per cent. in addition to the established rate of pilotage," shall be paid. [Approved by the Governor, April 6, 1850.]

Repeal.

Exception.

An Act to regulate the Storage and Sale of Camphene and other like Fluids.

Chap 165.

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

The inhabitants of any town and the city council of any city in this Commonwealth, may make and adopt such rules and regulations, in relation to the storage and sale, within the limits of such town or city, of camphene, or any similar explosive or inflammable fluid, as they may deem reasonable, and may annex penalties to any breach of such rules and regulations, not exceeding twenty dollars

By-laws may be made by towns and cities, with penalties not exceeding \$20.

for any one offence. [*Approved by the Governor, April 6, 1850.*]

Chap 166.

An Act to incorporate the Tremont Street Medical School.

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

Corporators.

D. Humphreys Storer, Jacob Bigelow, J. B. S. Jackson, O. W. Holmes, and Henry J. Bigelow, their associates and successors, are hereby made a corporation, by the name of the Tremont Street Medical School, to be established in the city of Boston, in the county of Suffolk, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; with power to hold real and personal estate to an amount not exceeding twenty thousand dollars. [*Approved by the Governor, April 6, 1850.*]

Powers and duties.
R. S. ch. 44.

Real and personal estate.

Chap 167.

An Act to amend an Act establishing the City of Boston.

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

1821, ch. 110.

Equal number of votes in each ward.

SECT. 1. The second section of an act entitled "an act to establish the city of Boston," passed February 23, 1822, is hereby amended so that the wards therein mentioned shall be altered in such manner as to preserve as nearly as may be, consistently with well-defined limits, an equal number of legal voters in each ward, instead of an equal number of inhabitants, as is now provided in said section: *provided*, that this act shall be void, unless accepted and adopted by the city council of said city, by a vote taken by yeas and nays, within thirty days from its passage.

Proviso, as to acceptance of this act.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1850.*]

Chap 168.

An Act concerning the Plantation of Herring Pond.

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

Partition of lands described.

SECT. 1. A partition shall be made of the following described lands, belonging to the Herring Pond Indians, and situated in Plymouth county, namely:—all the lands lying to the eastward of a line drawn from off the head of the Springs, so called, and running to the dwelling-house of Caleb Raymond; and also, all the land belonging to said Herring Pond Indians, to the eastward and southward of

Great Herring Pond, so called, and lying in the easterly part of the town of Plymouth, in the county of Plymouth, and the westerly part of the town of Sandwich, in the county of Barnstable.

SECT. 2. The commissioner of the district of Marshpee, together with two discreet and disinterested persons, to be appointed by the governor, by and with the advice and consent of the council, shall be commissioners of partition, with full powers to make the partition herein provided for. They shall be severally sworn to the faithful and impartial discharge of the duties devolved on them by this act; and the compensation of said commissioners, not exceeding two dollars and fifty cents per day, to each, for every day of actual service rendered by each commissioner, shall be ascertained and adjusted by the governor and council, and the amount paid out of the treasury of the Commonwealth; and the governor is hereby authorized to draw his warrant therefor; and all other expenses incurred, in carrying this act into effect, shall be paid by the said Herring Pond Indians.

Commissioners to make partition.

Compensation.

SECT. 3. It shall be the duty of the said commissioners, as soon as may be, to ascertain, by the best evidence the nature of the case will admit, the names and number of the legal adult proprietors of said Herring Pond Plantation, male and female, who shall be of the age of eighteen years, or upwards, on the last day of December, in the year eighteen hundred and fifty, and in addition to the evidence which shall establish such proprietorship, in the judgment and decision of a majority of the commissioners, according to the customs, usages, descent, inhabitancy, or general acquiescence, in such proprietorship, heretofore recognized and practised upon in said plantation, among the said Indians and their descendants; all other persons, of the age of eighteen years, or upwards, at the time aforesaid, shall be held as proprietors, who are of Indian descent, born in the counties of Plymouth or Barnstable, and who shall have married a proprietor of said Herring Pond Plantation, and were inhabitants of, and permanent residents in said plantation, on the first day of January, in the year eighteen hundred and fifty: *provided, however*, that no person shall be considered a proprietor, who shall have received, or shall be entitled to receive, by inheritance, any lands, or apportionment of lands, in the District of Marshpee, under and by force of an act entitled "an act concerning the District of Marshpee," passed the third day of March, in the year eighteen hundred and forty-two, or any act in relation to the

Duties of commissioners.

Proprietorship.

Proviso.

partition and inheritance of lands in said District of Marshpee. And it shall be the duty of said commissioners, before determining and recording the list of proprietors, to give public notice, and to hold meetings, in such manner as shall enable the inhabitants of said plantation, and all persons claiming to be proprietors, to present their claims, and to be fully heard thereon. And, upon such list being so made out by the commissioners, the same shall be presented to the proprietors, in a meeting called for that purpose; at which meeting the commissioners shall be present, and hear such representations, and make such explanations, as may be desired, with reference to the claims of any person named in said list, or excluded therefrom; and thereafter, the commissioners shall carefully revise said list, and shall make it as accurate as possible, and the same shall be duly certified and recorded in a book of records, to be kept by the commissioner of Marshpee, and each proprietor may also record his allotment with the registry of deeds for the county of Barnstable. And in determining and passing upon the claims to proprietorship, if any case shall arise, not distinctly provided for in this act, which, in the unanimous opinion of the commissioners, shall so come within the spirit and meaning of this act as to constitute a manifest, equitable, and just claim to proprietorship, the same shall be submitted by the commissioners, to the proprietors, in a meeting duly called for that purpose, and if the commissioners shall decide that the claim is well founded, and ought to be allowed, and a majority of the adult proprietors, present in said meeting, shall, by vote, assent to the admission of such claim, the same shall be allowed. And, to remove any doubt as to the lands of Cynthia Attaquin, wife of Solomon Attaquin, of Marshpee, the said Cynthia having been a proprietor of, and domiciled in said Herring Pond Plantation, before her marriage, and not having, nor being entitled to any land in Marshpee, it is provided, that the said Cynthia shall be entitled to a home lot, and also, to her share, as a proprietor, in the rest of the lands to be divided, she releasing, with her husband, all claim to any other land or lands in said Herring Pond Plantation, which she now holds or claims.

SECT. 4. After so ascertaining, and making up the list of proprietors as aforesaid, the commissioners shall apportion, divide, allot, and set off the lands, described in the first section of this act, in the following manner:—To every family domiciled in, and occupying any house or tenement in said plantation, and who were so domiciled on the

Division of
lands, how
made.

first day of January, eighteen hundred and fifty, there shall be set off and allotted, as a home lot, fifteen acres of land : *provided*, that no family on said plantation shall receive such allotment, unless one, at least, of said family shall be a proprietor. And, in allotting said fifteen acres, as a home lot, the title thereto shall be vested in all the members of said family who are proprietors, as tenants in common, or in the member of said family who is a proprietor, if there be but one proprietor in a family : *provided, however*, that no such allotment, nor any provision of this act, shall affect or change the rights of property and ownership, which any proprietor now has in or to any dwelling-house, tenement, or building now erected, and being situated on any land in said plantation. In determining what constitutes a family, within the meaning of this act, the commissioners shall be governed by the usages and customs of said plantation, and the exercise of their sound discretion, whether the person or persons, claiming to be a family, shall occupy one or more tenements, or whether there shall be more than one family in the same tenement. And if, in any case, more than one family shall live in one house, then each family shall be entitled to an allotment of fifteen acres. The remaining lands to be apportioned by this act, after setting off of said home lots, shall be apportioned, divided, allotted, and set off, in a just manner, by said commissioners, to each and every one of the proprietors of said Herring Pond Plantation, who shall be of the age of eighteen years, or upwards, on the last day of December, 1850, in equal proportions, to each proprietor, including all who have received, in addition thereto, their home lot ; and in making such division, the commissioners shall not be restricted to the quantity of land apportioned to each, but may take the value, convenience, and quality into their estimate, to produce, as near as may be, an equitable distribution.

SECT. 5. When such partition shall have been made as aforesaid, the commissioners shall cause the same to be recorded, by metes and bounds, in the proprietors' book of records, to be kept as before provided, and each proprietor shall be furnished with a copy of the record of his allotment.

Record of partition.

SECT. 6. All the remaining lands in said plantation, not divided and allotted by force of this act, shall be, and remain the common land of said plantation, and shall be so held and reserved exclusively for the use of the said plantation, the proceeds to be appropriated solely to the necessary and legal expenses of said plantation ; and the com-

Common lands.

missioner of the district of Marshpee shall have the care and management of the said common land, in the same manner as is now provided by law.

Incidents and limitations of estates.

SECT. 7. The lands set off in severalty to the proprietors, and all other lands held or acquired by them, shall have all the incidents of estates in fee, except the right of transfer, conveyance, or devise, to other than a proprietor, and excepting further, that the said lands shall not be liable to be taken in execution; and no devise, or conveyance, shall defeat the inheritance of any children of the devisor or grantor, who were within the age of eighteen years, on the aforesaid last day of December, eighteen hundred and fifty; nor shall any proprietor, who shall receive an allotment under this act, be entitled to receive or take any more land, as heir to a deceased proprietor, nor shall he inherit any portion of the land of his father or mother, living at the time he received such allotment: *provided*, there is any surviving brother or sister of such proprietor, who was under the age of eighteen years, at the time such proprietor received his allotment under this act, but such surviving child or children shall take, to the exclusion of any brother or sister, who shall have received an allotment, under this act; and no land, belonging to a married female proprietor, or which she may hereafter acquire or inherit, in her own right, shall, without her consent, be conveyed or leased, or the wood sold therefrom; and all contracts therefor, by her husband, in which she does not join, shall be void: *provided, also*, that, upon the death of any proprietor, leaving no heirs, all his interest in the lands of the plantation shall escheat to the proprietary.

Power and duty of court of probate.

SECT. 8. The court of probate for the county of Barnstable, shall have jurisdiction in all probate matters, in said plantation, concerning the proprietors thereof, and in the appointment of guardians to minors, insane persons, and spendthrifts, in the same manner as is provided by law for the citizens of this Commonwealth in like cases.

Reserved right of Legislature.

SECT. 9. The Legislature may, at any time hereafter, amend or repeal this act at their pleasure, except so far as rights of property, in severalty, may have been acquired, under its provisions.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1850.*]

An Act to incorporate the Mariners Bank, in Dennis.

Chap 169.

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

SECT. 1. John Baker, Watson Baker, Sylvanus Sears, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Mariners Bank, to be established in the town of Dennis, in the county of Barnstable, and so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

SECT. 3. The stock of said bank shall be transferable only at its banking-house and on its books.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, April 8, 1850.*]

An Act concerning the Connecticut River Railroad Company.

Chap 170.

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

SECT. 1. The Connecticut River Railroad Company are hereby authorized to issue any of the remaining shares of capital stock now authorized by law to be issued by said company, not exceeding forty-six hundred in number, as a preferred stock, entitled to such dividends as the said company may determine, not exceeding eight per cent. per annum, said dividends to be paid out of the first net earnings of the said company: *provided, however*, that the said shares of stock shall not be sold by the said company for less than their par value.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1850.*]

Chap 171.

An Act to incorporate the Bank of North America.

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

Corporators.

SECT. 1. Newell Sturtevant, David Snow, Charles Rice, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Bank of North America, to be located in the city of Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

In Boston.

Powers, duties, and liabilities.

Capital stock.

SECT. 2. The capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

Proviso as to paying in.

Transfer of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house and on its books.

Subject to future legislation.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, April 8, 1850.*]

Chap 172.

An Act to incorporate the Groveland Linen Company.

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

Corporators.

SECT. 1. Alvan White, Abel Page, Alvan H. Perry, their associates and successors, are hereby made a corporation, by the name of the Groveland Linen Company, for the purpose of manufacturing articles from flax and hemp, in the town of Groveland, in the county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Flax and hemp.

Powers and duties.
R. S. ch. 33, 44.

Real and personal estate.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount one hundred thousand dollars.

Proviso as to value of shares.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 8, 1850.*]

An Act to incorporate the Abington Bank.

Chap 173.

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

SECT. 1. Asaph Dunbar, Samuel Norton, Joshua Whitmarsh, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Abington Bank, to be located in the town of Abington, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

Corporators.

Powers, duties, and liabilities.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

Capital stock.

Proviso as to paying in.

SECT. 3. The stock of said bank shall be transferable only at its banking-house and on its books.

Transfer of stock.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, April 8, 1850.*]

Subject to future legislation.

An Act to incorporate the Bank of Commerce.

Chap 174.

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

SECT. 1. Edward C. Bates, George A. Fiske, E. C. Emerson, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Bank of Commerce, to be established in Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

Corporators.

In Boston.

Powers, duties, and liabilities.

SECT. 2. The capital stock of said bank shall consist of seven hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may

Capital stock.

Proviso as to paying in. direct: *provided*, the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

Transfer of stock. **SECT. 3.** The stock of said bank shall be transferable only at its banking-house and on its books.

Subject to future legislation. **SECT. 4.** Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, April 9, 1850.*]

Chap 175.

An Act concerning the Norfolk County Railroad Company.

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

Addition, 5,000 shares. **SECT. 1.** The Norfolk County Railroad Company are hereby authorized to increase their capital stock by the addition of five thousand shares, each share to be of the par value of one hundred dollars, and no share to be issued by said company for less than its par value.

Valu^e of shares. **SECT. 2.** The proceedings of said company, whereby they conveyed, on the fifteenth day of October last, their railroad and property, in mortgage, to Robert G. Shaw, J. Amory Davis, and Charles T. Russell, trustees of the bondholders in said mortgage mentioned, to secure the holders of said bonds the payment of the same, are hereby ratified and confirmed.

Certain proceedings confirmed. **SECT. 3.** For the purpose of enabling said company to convert their said bonds, secured by the aforesaid mortgage, into stock, they are hereby authorized and empowered to issue not exceeding seven thousand shares of their stock as preferred stock, to be offered to said holders of bonds in payment and liquidation of their said bonds, but for no other purpose; and if said stock shall be so issued and taken by said holders of bonds, the directors of said company, from time to time, are hereby authorized and empowered to declare and pay semi-annual dividends, out of the net earnings of said company, not exceeding six per cent. per annum, on such preferred stock; and no dividends shall hereafter be declared and paid upon any other stock of said company, except the same be paid out of the net surplus earnings of said company, after the payment of the dividends on said preferred stock.

May issue not exceeding 7,000 shares, as preferred stock to bond-holders. **SECT. 4.** Such preferred stock, in the certificates issued therefor, shall be called "Preferred Stock," and shall not be issued at less than its par value, and the whole capital stock of said company, including said preferred stock, shall

Six per cent. interest.

Proviso.

Capital stock.

not exceed the present authorized capital of said company, and the amount authorized by this act.

SECT. 5. When, after the payment of the dividends on said preferred stock, out of the net earnings of said company, there shall be a surplus remaining, the same shall be paid out in semi-annual dividends to the holders of the old stock in said company, until such dividends shall amount to six per cent. per annum, and then the remaining net earnings shall be divided equally upon the whole capital stock issued. [*Approved by the Governor, April 9, 1850.*]

Of surplus after
payment of
dividends on
preferred stock.

An Act to incorporate the Merrimack River Lumber Company.

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

Chap 176.

SECT. 1. John Fiske, Nicholas G. Norcross, Isaac W. Norcross, their associates and successors, are hereby made a corporation, by the name of the Merrimack River Lumber Company, for the purpose of manufacturing lumber and machinery in the city of Lowell and town of Lawrence, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

In Lowell and
Lawrence.
Powers and
duties.
R. S. ch. 38, 44.

SECT. 2. Said corporation may hold real and personal estate for the purpose aforesaid, and their whole capital stock shall not exceed one hundred and fifty thousand dollars.

Real and per-
sonal estate.
Capital stock.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 9, 1850.*]

Value of shares.

An Act concerning the Inspection of Sole Leather.

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

Chap 177.

SECT. 1. The inspector general, and each deputy inspector, shall be paid, for inspecting, weighing, and sealing each side of sole leather, the sum of one cent, which shall be paid by the purchaser; and the inspector general may receive, from each of his deputies, one mill for each side of sole leather which such deputy may inspect, weigh, and seal, as aforesaid.

Fees of inspec-
tor general.

Paid by pur-
chaser.

Fees of deputies.

SECT. 2. Where, however, the inspector general, or his deputies, shall be called to inspect any lot of leather of less quantity than one hundred sides, or which may be more

Fees, where
inspection is of
less than 100
sides, or more
than one mile
distant.

than one mile distant from the inspector's place of business, then said inspector shall receive two cents per side, for each side inspected, weighed, and sealed, and also ten cents per mile travelling fees, to be computed both ways.

Repeal.

SECT. 3. The one hundred and twenty-second section of the twenty-eighth chapter of the Revised Statutes, and all acts and parts of acts inconsistent herewith, are hereby repealed. [*Approved by the Governor, April 9, 1850.*]

Chap 178. An Act to incorporate the Trustees of the Philo-Logian and Philo-Tech-
nian Societies in Williams College.

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

Corporators.

SECT. 1. Mark Hopkins, Daniel N. Dewey, Robert W. Smith, W. R. Tompkins, and their successors, shall be a corporation, by the name of the Trustees of the Philo-Logian and Philo-Techman Societies in Williams College, for the purposes hereinafter mentioned.

Property vested
in the trustees.

SECT. 2. The libraries, funds, and all other property now belonging to, or which may hereafter be acquired, either by donation, bequest, or otherwise, by either of said societies, shall vest in said trustees for the sole use and benefit of said societies severally.

Powers of
trustees as to
vacancies, &c.

SECT. 3. Said trustees shall have power to fill all vacancies in their number, and to adopt all rules and regulations necessary to carry out the purposes of this act, and shall consist of two members from each of said societies.

First meeting.

SECT. 4. The first meeting of said trustees may be called by a notice in writing, stating briefly the object of said meeting, and signed by one of the persons named in this act as trustees, and delivered to each of the other persons so named, at least three days prior to the time of holding said meeting. [*Approved by the Governor, April 9, 1850.*]

Chap 179. An Act concerning the Duties and Powers of School Committees.

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

To state the
sums received
from the school
fund, and the
purposes to
which applied.

In addition to the returns required of school committees by the twenty-third chapter of the Revised Statutes, such committees shall hereafter be required to state the sum or sums of money received from the school fund, by their several towns and cities respectively, and also to specify the purposes to which such sums may have been appropriated. [*Approved by the Governor, April 9, 1850.*]

An ACT concerning Streets and Private Ways in the City of Charlestown. *Chap 180.*

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

SECT. 1. When any street or way shall hereafter be opened in the city of Charlestown, over any private land by the owners thereof, and dedicated to or permitted to be used by the public, before such street or way shall have been accepted and laid out according to law, it shall be the duty of the owners of the lots abutting thereon, to grade such street or way, at their own expense, in such manner as the safety and convenience of the public shall, in the opinion of the city council of said city, require. And if the owners of such abutting lots, shall, after reasonable notice by the city council, neglect or refuse to grade such street or way in manner aforesaid, it shall be lawful for the city council to cause the same to be graded aforesaid ; and the expense thereof shall, after due notice to the parties interested, be equitably assessed upon the owners of such abutting lots, by the city council, in such proportions as they shall judge reasonable, and all assessments so made shall be a lien upon such abutting land in like manner as taxes are now a lien upon real estate.

Abutters to grade streets or ways given to public use.

Proceedings in case of neglect or refusal.

SECT. 2. No street or way shall hereafter be opened, as aforesaid, in said city, of a less width than thirty feet, except with the consent of the mayor and aldermen of said city, in writing, first had and obtained for that purpose.

No street or way to be less than 30 feet wide.

SECT. 3. Whenever any person shall intend to build upon any private street or way, in said city, he shall, before commencing to build, give to the mayor and aldermen of said city due notice, in writing, of such intention. [*Approved by the Governor, April 9, 1850.*]

Any one intending to build on a private way to give notice, &c.

An ACT to incorporate the Haymarket Square Bank.

Chap 181.

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

SECT. 1. Calvin Swallow, Edward F. Hall, Joseph P. Loring, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Haymarket Square Bank, to be established in or near that part of the city of Boston called Haymarket Square, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities,

Corporators.

In Boston.

Powers, duties, and liabilities.

and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

Capital stock.

SECT. 2. The capital stock of said corporation shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-one.

Proviso as to paying in.

Transfer of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking-house and on its books.

Subject to future legislation.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, April 9, 1850.*]

Chap 182.

An Act in relation to the State Library.

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

Three trustees to be appointed by governor and council, for three years.

SECT. 1. The State library shall hereafter be under the management and control of three trustees, who shall be appointed by the governor, with the advice and consent of the council, and who shall hold their offices for three years, unless sooner removed. And the said trustees shall exercise all the powers, and perform all the duties, in regard to the said library, as are now exercised and performed by the joint standing committee of the Legislature upon the library. And the said trustees shall also have the general supervision and control of the system of international exchanges.

Powers and duties.

Trustees may sell books.

SECT. 2. The said trustees are hereby authorized to sell, or otherwise dispose of, such books now belonging to the said library, as they may deem unsuitable for its purposes, and supply their places with others; and they shall have the same power in regard to the books which have been, or may hereafter be received, by virtue of the said system of international exchanges.

This clause repealed.

Repeal.

SECT. 3. All acts and parts of acts inconsistent herewith are hereby repealed. [*Approved by the Governor, April 9, 1850.*]

Chap 183.

An Act to incorporate the Lowell Power Harness Company.

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

Corporators.

SECT. 1. Samuel C. Shapleigh, John R. Wentworth,

Samuel T. Thomas, their associates and successors, are hereby made a corporation, by the name of the Lowell Power Harness Company, for the purpose of manufacturing weavers' harnesses and other findings, for manufacturers' use, by power, in the city of Lowell, and county of Middlesex, with all the powers and privileges, and subject to all duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers and duties.
R. S. ch. 33, 44.

SECT. 2. Said corporation may hold, for the purpose aforesaid, real and personal estate, and their whole capital stock shall not exceed one hundred thousand dollars.

Real and personal estate.

SECT. 3. No shares in the capital stock of this corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 9, 1850.*]

Value of shares.

An Act to establish the City of Lynn.

Chap 184.

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

SECT. 1. The inhabitants of the town of Lynn shall continue to be a body politic and corporate, under the name of the City of Lynn, and, as such, shall have, exercise, and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to said town, as a municipal corporation.

City established.

Powers and duties.

SECT. 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of eight, to be called the board of aldermen; and one council of twenty-five, to be called the common council; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of their respective offices. A majority of each board shall constitute a quorum for doing business.

Mayor and aldermen.

Common council of 25.

SECT. 3. It shall be the duty of the selectmen of the town of Lynn, as soon as may be, after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into nine wards, as follows, to wit:—To constitute the peninsula of Nahant one ward, which ward shall be entitled to one member of the common council, and one member of the school committee, and to continue the division lines of school district number

Nine wards.

one, which ward shall be entitled to two members of the common council, and one member of the school committee; to continue the division lines of school districts numbers three, seven, and nine, which shall form three wards. Each ward shall be entitled to one member of the common council, and each one member of the school committee; and to continue the division line of school district number two, to form one ward, which shall have four members of the common council, and two members of the school committee; also, to continue the division lines of school districts numbers four, five, and six, which shall form three wards, and each shall be entitled to five members of the common council, and each two members of the school committee; and the school committee so chosen shall have the care and superintendence of the public schools. Each ward shall also be entitled to one assessor. And the city council shall, once in five years, revise and alter, if it be needful, the boundaries of the wards, by the vote of a majority, present and voting thereon.

Lines to be revised once in five years.

Ward officers.

SECT. 4. On the second Monday in March, annually, there shall be chosen, by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such warden to preside at all ward meetings, with the power of moderators of town meetings; and if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden pro tempore shall be chosen by ballot; and if, at any meeting, the clerk shall not be present, a clerk pro tempore shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver to his successor in office, all such records and journals, together with all other documents and papers held by him in said capacity. And it shall be the duty of the inspectors of elections to assist the warden, in receiving, assorting, and counting the votes. And the warden, clerk, and inspectors, so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Essex. All warrants for meetings of the citizens for municipal purposes, to be held either in wards, or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served,

Their duties.

Duties of clerk.

Warrants for meetings.

executed, and returned, in such manner, and at such times, as the city council may, by any by-law, direct.

SECT. 5. The mayor, aldermen, and five overseers of the poor, to be selected from the city at large, shall be elected by the qualified voters, voting in their respective wards; and not more than two aldermen, nor more than one overseer of the poor, shall be taken from one ward. The common councilmen, school committee, and assessors, shall be elected from, and by the voters of, each ward, and shall be residents of the wards in which they are elected. All said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in April, and until others shall be elected and qualified.

Of the election of mayor, aldermen, and five overseers of poor.

Common councilmen, school committee, and assessors.

SECT. 6. On the second Monday in March, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, and common councilmen, overseers of the poor, school committee, assessors, warden, clerk, and inspectors, as provided in the preceding sections; and all the votes so given, shall be assorted, counted, declared, and registered, in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records, in words at length. The clerk of the ward, within twenty-four hours after such election, shall deliver, to the persons elected members of the common council, school committee, and assessors, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such elections, certified in like manner: *provided, however*, that, if the choice of the common councilmen, school committee, and assessors, cannot be conveniently effected on that day, the meeting may be adjourned, from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor, to be notified, in writing, of his election; but, if it shall appear that no person has received a majority of all the votes, or, if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had, as are hereinbefore provided for the choice of a mayor, and repeated, from time to time, until a mayor shall be chosen.

Time and manner of voting for city officers.

Proviso.

Vacancy in office of mayor.

In case of the decease, resignation, or absence of the mayor, or his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council, in convention, to elect a mayor to serve

during the unexpired term, or until the occasion, causing the vacancy, is removed. And if it shall appear that the whole number of aldermen, or the whole number of overseers of the poor, have not been elected, the same proceedings shall be had, as are hereinbefore provided for the choice of mayor. Each alderman, and each overseer of the poor, shall be notified, in writing, of his election, by the mayor and aldermen for the time being.

Notice to aldermen of election.

Oaths.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Essex.

The aldermen and common councilmen elect shall, on the first Monday of April, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Essex; and a certificate of such oath, having been taken, shall be entered on a journal of the mayor and aldermen, and of the common council, by their respective clerks.

And whenever it shall appear that no mayor has been elected, previously to the said first Monday in April, the mayor and aldermen, for the time being, shall make a record of that fact; an attested copy of which, the city clerk shall read at the opening of the convention to be held as aforesaid.

Organization.

After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, who shall be sworn to the faithful performance of their duties.

Absence of mayor.

In case of the absence of the mayor elect, on the first Monday in April, the city government shall organize itself in the manner hereinbefore provided, and may proceed to business, in the same manner as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches.

Same.

In the absence of the mayor, the board of aldermen may choose a chairman pro tempore, who shall preside at joint meetings of the two boards.

Record of proceedings.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and, in case of failure of an election, or in case of any vacancy declared by either board, the mayor and aldermen shall order a new election.

Duties of mayor.

SECT. 7. The mayor thus chosen and qualified shall be the chief executive officer of said city; it shall be his duty to be vigilant in causing the laws and regulations of the

city to be enforced, and keep a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures, as, in his opinion, the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only; his salary shall be, for the first year under this charter, four hundred dollars, and no more: he shall afterwards receive for his services such salary as the city council shall determine, and shall receive no other compensation; but such salary shall not be increased or diminished during his continuance in office.

Salary.

SECT. 8. The executive power of said city generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Lynn, shall be vested in the mayor and aldermen as fully as if the same were herein specially enumerated.

Executive power vested in mayor and aldermen.

And the mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables and all other police officers, and may remove the same, when, in their opinion, sufficient cause for removal exists.

Police officers.

All other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other: but the city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city treasurer, collector of taxes, and city clerk, and shall, in such manner as said city council shall determine, by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties, and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of this Commonwealth.

City officers.

All sittings of the common council shall be public, and all sittings of the mayor and aldermen when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury, unless granted or appropriated; shall secure a just and prompt ac-

Appropriations of money.

countability, by requiring bonds, with sufficient penalty and sureties, from all persons trusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold, except the common; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it.

Receipts and expenditures.

And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

Of salary officers.

SECT. 9. No person shall be eligible to any office, the salary of which is payable out of the city treasury, who, at the time of his appointment, shall be a member either of the boards of aldermen or common council; and neither the mayor, nor any alderman, or member of the common council, shall, at the same time, hold any other office in the city government: *provided, however*, that the mayor and president of the common council shall be, *ex officio*, members of the school committee.

Proviso.

City clerk.

SECT. 10. Said city council shall have power to choose a city clerk, who shall be clerk of the board of aldermen; he shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties, and exercise all the powers, by law incumbent upon or vested in the town clerk of Lynn.

Duties.

Fire department.

SECT. 11. An act establishing the fire department in the town of Lynn, passed March twenty-third, one thousand eight hundred and thirty-six, shall continue in force, and all the power and authority now vested in the selectmen of Lynn, in relation to the fire department in that town, shall be transferred to and vested in the mayor and aldermen.

Duties of overseers of poor.

SECT. 12. The overseers of the poor shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of Lynn.

Of assessors.

The assessors to be chosen, as hereinbefore provided, shall constitute the board of assessors, and shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in the Commonwealth may exercise, or be subject to, under existing laws, and shall be sworn to the faithful performance of their duty.

Taxes.

All taxes shall be assessed, apportioned, and collected, in the manner prescribed by the laws of the Commonwealth:

provided, however, that the city council may establish further or additional provisions for the collection thereof. *Proviso.*

SECT. 13. The city council shall have exclusive authority and power to lay out any new street or town-way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering, or discontinuing any street or way, shall first be acted upon by the mayor and aldermen. *Streets and town-ways.*

And any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of the Commonwealth, in cases where persons are aggrieved by the assessment of damages by the selectmen, in the twenty-fourth chapter of the Revised Statutes.

SECT. 14. All power and authority now by law vested in the board of health for the town of Lynn, or in the selectmen of said town, shall be transferred to and invested in the city council, to be carried into execution in such manner as the city council shall deem expedient. *Health.*

SECT. 15. The city council shall have authority to cause drains and common sewers to be laid down through any streets or private lands, paying the owners such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer. *Drains, &c.*

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement, and sale of lumber, wood, coal, and bark, brought into the city for sale. *Inspection of lumber, &c.*

SECT. 16. The mayor and aldermen shall, in each year, issue their warrant for calling meetings for the election of the whole number of representatives to the General Court, to which said city is by law entitled, and the number shall be specified in the warrant. *Representation to General Court.*

SECT. 17. All elections for county, state, and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and, at such meetings, all the votes, given for said officers respectively, shall be assorted, counted, declared, and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall *Election of county, state, and U. States officers.*

forthwith deliver to the city clerk a certified copy of the record of such elections.

The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

Lists of voters.

SECT. 18. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such lists.

General meetings.

SECT. 19. General meetings, of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth.

And such meetings may, and shall, be duly warned, by the mayor and aldermen, upon the requisition of fifty qualified voters.

By-laws.

SECT. 20. The city council shall have power to make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court, or other authority whatever: *provided, however,* that all laws and regulations, now in force in the town of Lynn, shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force, and all fines

Proviso.

and forfeitures, for the breach of any by-law or ordinance, shall be paid into the city treasury.

SECT. 21. All fines, forfeitures, and penalties, accruing for the breach of any by-laws of the city of Lynn, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered, before the police court in said city of Lynn, by complaint or information, in the same way and manner in which other criminal offences are now prosecuted before the police courts within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas, then next to be held in the county of Essex, from the judgment and sentence of the police court.

Fines, &c., for
breach of by-
laws.

And the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein in the same manner, as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this Commonwealth.

And it shall be sufficient, in all such prosecutions, to set forth, in the complaint, the offence fully, plainly, substantially, and formally; and it shall not be necessary to set forth such by-law, ordinance, or order, or any part thereof.

All fines, forfeitures, and penalties, so recovered and paid, shall be paid to the treasurer of the city of Lynn, and shall enure to such uses as said council shall direct.

When any person, upon any conviction before the police court for any breach of any by-law of said city of Lynn, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture, provided by any such by-law, ordinance, or order, or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and, in the mean time, to keep the peace and be of good behaviour; and, upon not paying the fine, penalty, or forfeiture, and cost so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, forfeiture, or penalty, and costs, or be otherwise discharged, according to law.

The provisions of this section shall also apply to all prosecutions founded on the by-laws or ordinances of the town of Lynn, which may continue in force after this act shall go into operation, and all the powers of the police court, already established, shall be continued to it.

SECT. 22. For the purpose of organizing the system of

First organiza-
tion of city gov-
ernment.

government hereby established, and putting the same into operation, in the first instance, the selectmen of the town of Lynn, for the time being, shall, on some day during the months of April, May, or June, of the present year, issue their warrants, seven days at least previous to the day so appointed for calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors for each ward, and all other officers, whose election is provided for in the preceding sections of this act; and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and, in case said elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed; and to give notice thereof, in the manner hereinbefore provided, to the several persons elected.

And, at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And, at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided. And the selectmen shall appoint such time for the first meeting of the city council as they may judge proper, after the choice of city officers, as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and fifty, and shall also fix upon the place and the hour of said first meeting, and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers chosen as provided in this section.

And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified.

SECT. 23. All officers of the town of Lynn, having the care and custody of any records, papers, or property, belonging to said town, shall deliver the same to the city

City clerk to
have custody of
all records, &c.

clerk, within one week after his entering upon the duties of his office.

SECT. 24. All such acts and parts of acts as are inconsistent with the provisions of this act, shall be and the same are hereby repealed. Repeal.

SECT. 25. Nothing in this act contained, shall be so construed as to prevent the Legislature from altering or amending the same whenever they shall deem it expedient. Power of Legislature reserved.

SECT. 26. This act shall be void unless the inhabitants of the town of Lynn, at a legal meeting called for that purpose, at which the selectmen shall preside, and the check-list used in the same manner as at meetings called to choose state officers, and the polls be kept open at least ten hours, shall, by a vote of a majority of the voters present, and voting thereon, yea or nay, by a written ballot, determine to adopt the same within twenty days from and after its passage. This act to be approved by the voters.

SECT. 27. This act shall go into operation from and after its passage. [*Approved by the Governor, April 10, 1850.*]

An Act concerning Persons under Guardianship imprisoned for the non-payment of Fines. Chap 185..

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

SECT. 1. Any person under guardianship, confined in prison for the space of three months, for fine and costs only, or for either of them, or for the space of thirty days, where the fine shall not exceed five dollars, shall be entitled to the benefit of the provisions of the third section of the one hundred and forty-fifth chapter of the Revised Statutes, and of the fifty-ninth chapter of the acts of the year eighteen hundred and forty-two, respectively, notwithstanding it shall appear that the property and estate of such person is thus held in guardianship, in case the property and estate so held, is beyond his actual control, and provided he is otherwise entitled to the benefit of said act. To have the benefit of the 3d § of ch. 145 of R. S., and of 1842, ch. 59.

SECT. 2. Whenever any person under guardianship shall obtain a discharge from imprisonment, under the provisions of this act, the Commonwealth may recover against any guardian of such person, having assets, the amount of fine and costs so remaining unpaid, in an action of debt, to be brought in any court competent to try the same, within one year after the time of such discharge. [*Approved by the Governor, April 10, 1850.*]

Of process against guardian to recover fine and costs.

Chap 186. An Act relating to the Powers and Duties of the Watch in the Cities and Towns of this Commonwealth.

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

May disperse assemblies of persons in certain cases.

SECT. 1. That the watch, in any city or town in this Commonwealth, shall have authority to disperse any assembly of three or more persons, such as are mentioned in chapter seventeenth, section four, of the Revised Statutes, at any time after the setting of such watch for the night, and before the discontinuance of the same the next morning, and any such person as is in said section mentioned, to examine, arrest, and secure, during said time, and him to keep and proceed against, as therein mentioned.

Repeal.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [*Approved by the Governor, April 13, 1850.*]

Chap 187. An Act to increase the Capital Stock of the Norwich and Worcester Railroad Company.

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

Addition, 4,250 shares.

SECT. 1. The Norwich and Worcester Railroad Company is hereby authorized to increase the capital stock of said company, by the addition of four thousand two hundred and fifty shares, each share to be of the par value of one hundred dollars.

Of the issue of such new shares.

SECT. 2. For the purpose of carrying into effect the provisions of this act, the directors of said company are hereby authorized and empowered to issue said four thousand two hundred and fifty shares of new stock ; and the present stockholders of said company may subscribe for said new stock, in the proportion of one share for every four shares of old stock by them held, they paying par value for such new stock in such manner as the board of directors of said company shall direct at the time of subscribing, and also delivering up their certificates of old stock, and receiving in lieu of every four shares of old stock and share of new stock a certificate of five shares of preferred stock : *provided*, that not more than one half of the amount of such new stock, so taken by each stockholder, shall be required to be paid in by him, within one year after the acceptance of this act by the stockholders as provided in the seventh section.

Proviso.

Time and manner of issuing.

SECT. 3. No portion of said stock, issued under the provisions of this act, shall be issued at less than its par value ; the time and manner of issuing it shall be deter-

mined by the directors of said company, who shall annually make report of their proceedings to the Legislature of this State.

SECT. 4. The said stock, in the certificates issued therefor, shall be called *Preferred Stock*, and whenever the four thousand shares of the capital stock of said corporation, held by the Commonwealth as collateral security, shall be transferred by the Commonwealth, or issued by said corporation, then, and in either of said cases, the said four thousand shares, or so many of them as may be transferred or issued, shall stand on the same footing and be entitled to the same benefits and advantages, in all respects, as said preferred stock; and the board of directors are hereby authorized and empowered to declare and pay semi-annual dividends out of the net earnings of said company, not exceeding six per cent. per annum on such preferred stock; and no dividends shall hereafter be declared and paid upon any other stock of said company, now in the hands of stockholders, except the same be paid out of the net surplus earnings of said company, after the payment of the dividends on said preferred stock.

The new stock to be preferred.

Of the stock held by the Commonwealth.

Its privileges.

SECT. 5. When, after the payment of the dividends upon said preferred stock, out of the net earnings of said company, there shall be a surplus remaining, there shall be paid out of such surplus, semi-annual dividends not exceeding six per cent. per annum, on all the old stock of said company, held by stockholders and remaining unsurrendered; and if there remain any surplus of said net earnings, after the payment of all the dividends aforesaid, the same shall be equally divided among the stockholders, upon all the stock of said company, new and old, share and share alike.

Of the surplus after payments to preferred stock.

SECT. 6. The act passed by the Legislature, April twenty-sixth, eighteen hundred and forty-eight, and approved by the governor, April twenty-seventh, eighteen hundred and forty-eight, entitled "an act to increase the capital stock of the Norwich and Worcester Railroad Company," shall be and the same hereby is repealed, whenever this present act, in accordance with its provisions, shall go into effect.

1848, ch. 196, repealed.

SECT. 7. This act shall not take effect until the same has been passed by the General Assembly of the state of Connecticut, and accepted by a vote of two thirds of the stock represented at a stockholders' meeting, specially convened for that purpose.

When this act shall take effect.

SECT. 8. This act may be altered, amended, or repealed, at the pleasure of the Legislature. [Approved by the Governor, April 13, 1850.]

Power of Legislature.

Chap 188. An ACT concerning Streets and Ways in the City of Worcester.

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

Abutters to grade streets and ways given to public use.

SECT. 1. When any street or way which now is, or hereafter shall be opened, in the city of Worcester, over any private land, by the owners thereof, and dedicated to, or permitted to be used by the public, before such street shall have been accepted and laid out according to law, it shall be the duty of the owners of the lots abutting thereon, to grade such street or way, at their own expense, in such manner as the safety and convenience of the public shall, in the opinion of the mayor and aldermen of said city, require; and if the owners of such abutting lots shall, after reasonable notice given by the said mayor and aldermen, neglect or refuse to grade such street or way, in manner aforesaid, it shall be lawful for the said mayor and aldermen to cause the same to be graded as aforesaid, and the expense thereof shall, after due notice to the parties interested, be equitably assessed upon the owners of such abutting lots, by the said mayor and aldermen, in such proportions as they shall judge reasonable; and all assessments so made shall be a lien upon such abutting lands, in like manner as taxes are now a lien upon real estate: *provided*, that any such grading of any street or way, by the mayor and aldermen as aforesaid, shall not be construed to be an acceptance of such street or way by the city of Worcester.

Proceedings in case of neglect or refusal.

Proviso.

No street less than 40 feet.

SECT. 2. No street or way shall hereafter be opened as aforesaid, in said city, of a less width than forty feet, except with the consent of said mayor and aldermen, in writing, first had and obtained for that purpose.

When this act shall take effect.

SECT. 3. This act shall take effect in thirty days from the passing thereof, unless the city council of said city shall, within that time, vote not to accept the same. [*Approved by the Governor, April 13, 1850.*]

Chap 189. An ACT relating to the Income of the Western Railroad Stock Sinking Fund.

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

To be paid into the treasury of Commonwealth.

The income of the Western Railroad Stock Sinking Fund shall, after the present year, be paid into the treasury, and appropriated to the current expenses of the Commonwealth. [*Approved by the Governor, April 13, 1850.*]

An Act to incorporate the Conway Tool Company.

Chap 190.

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

SECT. 1. Alonzo Parker, Horace Hubbard, Daniel Rice, 2d, their associates and successors, are hereby made a corporation, by the name of the Conway Tool Company, for the purpose of manufacturing joiners' bench and moulding tools, and the running of a saw mill for the manufacture of lumber, in the town of Conway, in the county of Franklin, with all the powers and all the privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Powers and duties.
R. S. ch. 33, 44.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding thirty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [*Approved by the Governor, April 15, 1850.*]

Real estate.

Capital stock.

An Act in addition to an Act to establish the City of Worcester.

Chap 191.

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

SECT. 1. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a chief engineer of the fire department, and as many assistant engineers, not exceeding six in number, as they shall deem necessary.

Chief engineer.

SECT. 2. The qualified voters of each ward, at their respective annual ward meetings, shall elect by ballot two persons in each ward, who shall be residents of the ward, to be members of the school committee, and shall also cast their ballots for eight persons from the city at large, to be members of the school committee; and the persons thus chosen, together with the mayor, shall constitute the school committee of the city.

School committee.

SECT. 3. The city council shall have power to lay out sidewalks, and fix the width, height, and grade of the same, and require all persons owning land abutting on such sidewalks, to pave the walks with brick or stone, as they may direct, the city first setting the curbstones and paving the gutters; and, in case any person, owning land as aforesaid, shall neglect or refuse to comply with the requirement of the city council, the city council shall have power to cause said sidewalks to be paved, according to said requirement,

Sidewalks.

and may recover of said owner, by an action on the case, in the name of the city, the expense of paving the same.

Mill Brook.

SECT. 4. The city council shall have power to fix the boundaries of Mill Brook in said city, between the factory buildings of Rice, Fox and Company, and Grove Mills, and to alter, widen, and deepen the channel thereof, as the public good may require. And any damages sustained by any person in his property, by reason thereof, shall be assessed in the same manner, and upon the same principles, as damages are assessed in the laying out of town ways.

Election of city officers.

SECT. 5. The election of city and ward officers shall take place on the second Monday of December of each year, and the municipal year shall begin on the first Monday of January following. This change shall take effect on the second Monday of December, in the year eighteen hundred and fifty-one, and the term of office of the officers elected on the first Monday of March next, shall expire on the first Monday of January, eighteen hundred and fifty-two.

Of the term of office of warden, clerk, and inspectors of elections.

SECT. 6. The term of office of the warden, clerk, and inspectors of elections, is so far changed, that they shall hold their offices till the close of the municipal year for which they are respectively elected, and until others are chosen in their stead; and in case of a failure to elect any one or more of said officers, at the annual meeting of any of said wards, then said ward meetings may be adjourned, from time to time, until such election is completed.

Vacancies.

SECT. 7. Any vacancy in the office of overseer of the poor, assistant assessor, or school committee, may be filled in the manner provided in the sixth section of the act, to which this is in addition, for filling vacancies in the common council.

Lists of jurors.

SECT. 8. The list of jurors in the city of Worcester shall be prepared by the mayor and aldermen of the city, in the same manner as is required, in the ninety-fifth chapter of the Revised Statutes to be done by the selectmen, within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be submitted to the common council for concurrent revision or amendment.

Same.

SECT. 9. The said mayor and aldermen, and the clerk of the city, shall severally have, and exercise, all the powers and duties, with regard to the drawing of jurors, in the city of Worcester, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks, in their respective towns; and all venires

for jurors, to be returned from Worcester, shall be served on said mayor and aldermen.

SECT. 10. The city council shall have authority to elect surveyors of highways, for any and all highway districts which now exist, or which may hereafter be established by the city council, with the same powers, and subject to the same liabilities, as surveyors of highways elected by towns.

Surveyors of highways.

SECT. 11. The city clerk shall forthwith record the returns, required to be made to him by the provisions of the sixteenth section of "an act to establish the city of Worcester," or a plain and intelligible abstract of the same, as they are successively received.

Records by city clerk.

SECT. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

SECT. 13. This act shall be void unless approved by the voters of the city of Worcester, at meetings held simultaneously in the several wards, upon notice duly given, at least seven days before the time of said meetings, and within sixty days after the passage of this act. [*Approved by the Governor, April 15, 1850.*]

When to take effect.

An Act in addition to an Act to incorporate the Springfield Aqueduct Company.

Chap 192.

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

SECT. 1. The Springfield Aqueduct Company shall have the right to take, on the land now owned by them, the spring or stream of water known as, and called, the Vanhorn Spring, being a part of North Brook, so called, in Springfield, and convey the same by the most convenient route across the land of several persons, into their present aqueduct.

May take that part of North Brook called the Vanhorn Spring.

SECT. 2. Said aqueduct company, their successors or assigns, shall be liable for all damages occasioned, either by taking said stream or spring, or by laying the logs or pipes to convey the same across the land of the several owners, or in examining and repairing the same, from time to time, as may be necessary.

Liable for all damages.

SECT. 3. All damages, occasioned under the operation of this act, claimed by any person or corporation, may be ascertained, determined and recovered, in the time and manner provided by law in case of land taken for highways, unless the said aqueduct company, their successors or assigns, and the persons or corporations claiming damages, have made, or shall hereafter make an agreement, in writing, to submit said question of damages to three refer-

Damages, how to be ascertained.

ees, the award of whom, or any two of whom, shall be final and conclusive upon the parties, and to be paid within twenty days after the same is made and published.

Of referees to ascertain damages.

SECT. 4. In case there should be a vacancy, for any cause whatever, in any board of referees that may be agreed upon by the parties for ascertaining and determining the damages aforesaid, and the parties cannot agree in filling the same, the county commissioners for the county of Hampden, on application from either party, and on notice to the other party, are hereby authorized and directed to appoint some suitable person or persons to fill such vacancy.

Of expenses in reference to damages.

SECT. 5. All the expenses incurred in settling any question of damages, arising under this act, shall be paid by said company, except the travel and attendance of parties, and counsel fees.

No application to be made to Legislature for ten years, to take any more of the water of North Brook.

SECT. 6. Said aqueduct company, their successors or assigns, shall not, at least for the term of ten years from the passage of this act, make any application to the Legislature, directly or indirectly, for the right to take any more of the water of said North Brook, or of any of the springs or streams running into the same, than is taken under this act; and the grant in this act is made subject to the foregoing conditions in this section, and will be void whenever it shall be broken.

Rights of the company.

SECT. 7. Said aqueduct company, their successors or assigns, are hereby authorized to take any spring or stream of water and convey the same into their aqueduct, which they shall acquire by purchase of all persons interested therein. [*Approved by the Governor, April 15, 1850.*]

Chap 193. An Act to authorize the South Wharf Corporation to extend their Wharf.

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

In Boston.

The South Wharf Corporation, proprietors of wharves lying on the easterly side of Sea street, in Boston, are hereby authorized to extend and maintain their southerly wharf into the channel, as far as the line established by the act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at said wharf, and to receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any land or flats of this Commonwealth lying in front of the land or flats of any other person, or which would be comprehended by the

1840, ch. 35.

Proviso.

true lines of such land or flats continued to said commissioners' line: *and provided, also*, that so much of said wharf as shall extend beyond the line of low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 15, 1850.*]

Proviso.

An Act in relation to the carrying of Slung Shot.

Chap 194.

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

SECT. 1. Any person arrested upon the warrant of a magistrate, issued against him for any alleged offence against the laws of this Commonwealth, and any person committing any criminal offence against the laws of this Commonwealth, or any breach or disturbance of the public peace, who may, at the time of the commission of such offence, or breach or disturbance of the public peace, be arrested by any sheriff, deputy sheriff, constable, or police officer, in this State, and who shall, at the time of such arrest, be armed with any dangerous weapon, of the kind usually called slung shot, shall be punished by a fine not exceeding fifty dollars, or imprisonment in the common jail or house of correction for a term not exceeding one year.

Penalty, fine, or imprisonment.

SECT. 2. Any person who shall, within this State, hereafter manufacture, or cause to be manufactured, or sell, or expose for sale, any instrument or weapon of the kind usually known as slung shot, shall be punished therefor by a fine not less than fifty dollars, or by imprisonment in the common jail or house of correction, for a term not exceeding six months. [*Approved by the Governor, April 15, 1850.*]

Penalty for manufacturing slung shot, or causing them to be manufactured.

An Act to incorporate the Springfield Medical School.

Chap 195.

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

SECT. 1. William B. Calhoun, Reuben A. Chapman, James M. Smith, their associates and successors, are hereby made a corporation, by the name of the Springfield Medical School, to be established in the town of Springfield, in the county of Hampden, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers and duties.
R. S. ch. 44.

Real and personal estate.

SECT. 2. The said corporation may hold real and personal estate to the amount of one hundred thousand dollars, to be devoted exclusively to the purposes of medical education. [*Approved by the Governor, April 15, 1850.*]

Chap 196.

An Act in relation to Bonds to be given to Judges of Probate.

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

Exemption from giving bonds at the discretion of judge of probate in certain cases.

SECT. 1. That executors, administrators, guardians, trustees, and other persons, giving bonds to any judge of probate, may be exempted, at the discretion of said judge, from giving bonds for the proceeds of the sales of real estate, except when authorized to sell the same.

Repeal.

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

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1850.*]

Chap 197.

An Act relating to the Sawtell School Fund in Groton.

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

Trustees to be elected to take charge of the fund.

SECT. 1. The inhabitants of school district number seven, in the town of Groton, are hereby authorized to elect by ballot, annually, in the month of March or April, five persons, who shall be denominated the trustees of the Sawtell School Fund now established in said district ; and said trustees, for the purpose of taking, holding and managing said fund, and appropriating the income thereof agreeably to the last will of the testator and the laws of the Commonwealth relating to said fund, shall be a body corporate, with all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and the laws of the Commonwealth concerning said fund: *provided*, that if the inhabitants of said district shall neglect or refuse to elect said trustees, as is herein authorized, the selectmen of said Groton shall exercise all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, of said trustees, until the inhabitants of said district shall elect trustees agreeably to this act.

Powers and duties.
R. S. ch. 44.

Proceedings in case of a neglect or refusal to elect trustees.

Declaratory.

SECT. 2. Nothing in this act contained shall authorize the diversion of the income of said fund from the support of a woman's school in the district in which certain real estate, devised by Josiah Sawtell, late of said Groton, for the establishment of this fund, is now situated. [*Approved by the Governor, April 15, 1850.*]

An Act in addition to "An Act to incorporate the Worcester Aqueduct Company." *Chap 198.*

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

SECT. 1. Any damages sustained under and by virtue of an act entitled "an act to incorporate the Worcester Aqueduct Company," shall be assessed in the manner provided in the twenty-fourth chapter of the Revised Statutes: *Of damages.* *provided, however,* that proceedings to enforce a claim for damages under said act, may be instituted within one year from and after the passage of this act. *Proviso.*

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. *Repeal.* [*Approved by the Governor, April 15, 1850.*]

An Act concerning Bail in Civil Actions.

Chap 199.

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

SECT. 1. Officers to whom bail bonds may be offered, as is provided in the second section of the ninety-first chapter of the Revised Statutes, shall hereafter be required to accept the same: *Bail bonds sufficient, if sureties have property in Commonwealth, though not in the county where given.* *provided,* the bond be executed by two sureties at the least, each of them having sufficient property within the Commonwealth, although they may not have sufficient within the county in which the principal is arrested or held in custody.

SECT. 2. The bond required by the sixty-third section of the ninety-seventh chapter of the Revised Statutes, from persons committed on actions who may claim the liberty of the prison limits, shall be sufficient, if the sureties, by said section required, have sufficient property within the Commonwealth. *Same provision in case of bonds for the liberty of prison limits.*

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1850.*]

An Act in addition to an Act concerning Devises and Wills by Married Women. *Chap 200.*

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

SECT. 1. All the powers and rights conferred, by the seventy-fourth chapter of the acts of the year one thousand eight hundred and forty-two, upon a married woman, to devise property holden in her own right, or separately from her husband, shall apply to all cases of devise, or bequest, *Powers extended to cases of devise for benefit of husband.*

by will, by such married woman, to or for the benefit of her husband, in like manner as she now enjoys the right to devise such property to any other person.

Of the assent of husband.

SECT. 2. Where all the devises or bequests, in such will, are to the husband, or for his benefit solely, it shall not be necessary to the validity of such will, that the husband shall have expressed his assent thereto, or have endorsed his approval of the same thereon.

Operation of this act.

SECT. 3. This act shall apply to all cases of wills already executed, where the testatrix is still living.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1850.*]

Chap 201.

An ACT to authorize William Wright to build a Wharf.

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

In Boston.

William Wright, proprietor of an estate lying on the easterly side of Sea street, in Boston, is hereby authorized to extend and maintain a wharf into the harbor channel, as far as the line established by the act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at said wharf, and to receive wharfage and dockage therefor: *provided,*

1840, ch. 35.

Proviso.

however, that this grant shall not be construed to extend to any land or flats of this Commonwealth lying in front of the land or flats of any other person, or which would be comprehended by the true lines of such land or flats continued to said commissioners' line: *and provided, also,* that so much of said wharf as shall extend beyond the line of low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 15, 1850.*]

Proviso.

Chap 202.

An ACT to incorporate the Suffolk Gas Company.

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

Corporators.

SECT. 1. Philo Sanford, Edward F. Hall, Watson Freeman, their associates and successors, are hereby made a corporation, by the name of the Suffolk Gas Company, for the purpose of manufacturing and selling gas, in the cities of Boston and Roxbury; with all the powers and privileges,

In Boston and Roxbury.

and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Powers and duties. R. S. ch. 33, 44.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value two hundred thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars. Real estate. Capital stock.

SECT. 3. Said corporation shall have power and authority to open the ground in any part of the streets, lanes, and highways, in either of said cities, with the consent of the mayor and aldermen thereof, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes, and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the mayor and aldermen of the said cities, for the time being, shall respectively, at all times, have the power to regulate, restrict, and control the acts and doings of said corporation which may in any manner affect the health, safety, or convenience of the inhabitants of the said cities respectively. May open the ground in streets, &c., and repair the same. Proviso.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 15, 1850.*] Value of shares.

An Act to incorporate the Middlesex Lumber Company.

Chap 203.

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

SECT. 1. Jefferson Bancroft, Otis Allen, and Abner Kirtledge, their associates and successors, are hereby made a corporation, by the name of the Middlesex Lumber Company, for the purpose of manufacturing lumber, in the town of Chelmsford and city of Lowell, in the county of Middlesex; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators. In Chelmsford and Lowell. Powers and duties. R. S. ch. 33, 44.

SECT. 2. Said corporation may hold real estate to the value of fifteen thousand dollars, and the whole capital stock of said company shall not exceed fifty thousand dollars, to be divided into five hundred shares of one hundred dollars each. Real estate. Capital stock.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid Value of shares.

in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 15, 1850.*]

Chap 204. An ACT relating to Probate Courts in the County of Plymouth.

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

Terms now held at Scituate to be held hereafter at Hingham.

SECT. 1. The terms of the probate courts which are now required by law to be held at Scituate, in and for the county of Plymouth, on the first Tuesday of March, and on the last Tuesday of August, shall hereafter be held in Hingham, on the respective days above mentioned; and all matters and processes which are now returnable to said court at Scituate, on said days, may be returned to, and acted upon, at the terms of the court to be held at Hingham as aforesaid.

Annual terms to be held at Abington and Hanover.

SECT. 2. Terms of the probate court shall hereafter be held annually, at Abington, on the second Monday of January, and at Hanover, on the last Monday in September. [*Approved by the Governor, April 15, 1850.*]

Chap 205. An ACT to extend the time for paying in the Capital Stock of the Springfield Fire and Marine Insurance Company.

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

Time extended for three periods; 1st of April, 1851, 1852, and 1853.

The time within which the capital stock of the Springfield Fire and Marine Insurance Company is, by law, required to be paid in, is hereby extended, as follows:—for one-third part of said capital stock, to the first day of April, in the year one thousand eight hundred and fifty-one; for one-third part of said capital stock, to the first day of April, in the year one thousand eight hundred and fifty-two; and for the residue, to the first day of April, in the year one thousand eight hundred and fifty-three. [*Approved by the Governor, April 15, 1850.*]

Chap 206. An ACT to annex a part of the Town of Hadley to the Town of Northampton.

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

“Ox Bow” annexed to Northampton.

SECT. 1. All that part of Hoekkanum Meadows, so called, in the town of Hadley, which lies westerly of the present channel of the Connecticut River, and bounded northerly, westerly, and southerly by the old bed of said river, and formerly known as the “Ox Bow,” is hereby set

off from the said town of Hadley, and annexed to the town of Northampton.

SECT. 2. The estate herein set off, shall be held for the payment of all arrears of taxes which have legally been assessed upon it by said town of Hadley, the same as if this act had not been passed. Of taxes.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1850.*]

An Act in addition to the several Acts for the Relief of Insolvent Debtors, and the more equal Distribution of their Effects. Chap 207.

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

SECT. 1. In case the commissioner of insolvency for any county, before whom any proceedings may be pending in insolvency, shall die, or shall from any cause be absent, or unable at any time to perform any of the duties required of him, the same duties may be performed by the judge of probate of said county, in the same manner, and with the same effect, as in case of the performance of similar duties by said commissioner of insolvency. Judges of probate to act as commissioners of insolvency, in cases specified.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1850.*]

An Act to authorize the South Cove Corporation and the South Wharf Corporation to extend a Wharf and the line of their respective Flats. Chap 208.

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

The South Cove Corporation and the South Wharf Corporation are hereby authorized to extend the line of the flats and wharf owned by them respectively, on the west side of Sea street, in the city of Boston, into the harbor channel, as far as the line established by the act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and to use and enjoy said flats according to their respective rights as settled between them: *provided, however,* that this grant shall not be construed to extend to any land or flats of this Commonwealth, lying in front of the land or flats of any other person or corporation, or which would be comprehended by the true lines of such land or flats continued to said commissioners' line; *and provided, also,* that no part of said flats below low-water mark, shall be filled up, or made solid, and that any wharf or wharves erected thereon, shall be built on piles, In Boston.

1840, ch. 35.

Proviso.

Proviso.

which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 15, 1850.*]

Chap 209. An Act concerning the return of Executions issuing from the Supreme Judicial Court and Court of Common Pleas.

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

SECT. 1. In all counties within the Commonwealth, wherein there are two or more terms of the supreme judicial court holden in each year, and in all counties wherein there are four or more terms of the court of common pleas holden for the transaction of civil business, in each year, all executions issuing from the said courts, respectively, shall be made returnable at the term next following the date thereof.

SECT. 2. So much of the ninth section of the ninety-seventh chapter of the Revised Statutes, as is inconsistent with the above provision, is hereby repealed. [*Approved by the Governor, April 15, 1850.*]

Chap 210. An Act in relation to the Renewal of Bank Charters and to Bank Commissioners.

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

To continue till
1870.

SECT. 1. The several corporations hereinafter named, which, by their respective charters, have been heretofore incorporated and established at the several places named herein, be and the same are hereby continued corporations, for the purposes of banking, until the first day of January, which shall be in the year one thousand eight hundred and seventy, notwithstanding any limitation in their respective charters of incorporation to the contrary, viz. :

The president, directors and company of the Traders Bank, in Boston; the president, directors and company of the Union Bank, in Boston; the president, directors and company of the Worcester Bank, in Worcester; the president, directors and company of the Merchants Bank, in Salem; the president, directors and company of the Bank of Brighton, in Brighton; the president, directors and company of the Southbridge Bank, in Southbridge; the president, directors and company of the Beverly Bank, in Beverly; the president, directors and company of the

Oxford Bank, in Oxford; the president, directors and company of the Powow River Bank, in Amesbury; the president, directors and company of the Housatonic Bank, in Stockbridge; the president, directors and company of the Merchants Bank, in Newburyport; the president, directors and company of the Pawtucket Bank, in Pawtucket; the president, directors and company of the Hampden Bank, in Westfield; the president, directors and company of the Millbury Bank, in Millbury; the president, directors and company of the Adams Bank, in Adams; the president, directors and company of the Appleton Bank, in Lowell.

And the said corporations, respectively, shall be entitled to all the powers and privileges, and shall be subject to all the duties, liabilities, requirements and restrictions, contained in such acts as are now in force, and to such other acts as may hereafter be passed by the General Court, in relation to banks and banking. Liabilities, &c.

SECT. 2. The several corporations hereinafter named, which, by their respective charters, have been heretofore incorporated and established at the several places named herein, be and the same are hereby continued corporations, for the purposes of banking, until the first day of January, which shall be in the year one thousand eight hundred and seventy-five, notwithstanding any limitation in their respective charters of incorporation to the contrary, viz. : To continue till
1875.

The president, directors and company of the Atlas Bank, in Boston; the president, directors and company of the Suffolk Bank, in Boston; the president, directors and company of the Market Bank, in Boston; the president, directors and company of the Mechanics Bank, in Worcester; the president, directors and company of the Quinsigamond Bank, in Worcester; the president, directors and company of the Concord Bank, in Concord; the president, directors and company of the Merrimack Bank, in Haverhill; the president, directors and company of the Randolph Bank, in Randolph; the president, directors and company of the Mechanics Bank, in Newburyport; the president, directors and company of the Charles River Bank, in Cambridge; the president, directors and company of the Dorchester and Milton Bank, in Dorchester; the president, directors and company of the Ocean Bank, in Newburyport; the president, directors and company of the Mahaiwe Bank, in Great Barrington; the president, directors and company of the Andover Bank, in Andover; the president, directors and company of the Cabot Bank, in Chicopee; the president, directors and company of the Machinists Bank, in Taunton.

Liabilities, &c.

And the said corporations, respectively, shall be entitled to all the powers and privileges, and shall be subject to all the duties, liabilities, requirements and restrictions, contained in such acts as are now in force, and to such acts as may hereafter be passed by the General Court, in relation to banks and banking.

Corporations, when not entitled to the benefits of this act.

SECT. 3. If there be, on the part of the stockholders, or any of them, any remonstrance against the continuance of any of the said corporations, the said remonstrance shall be made in writing, to the several cashiers of such banks, on or before the first day of January, in the year one thousand eight hundred and fifty-one; and no one of the said corporations, whereof persons, so objecting, legally represent one fourth part of the capital stock, shall be entitled to the benefit of this act.

Extent of bank commissioners' powers.

SECT. 4. The bank commissioners shall exercise the same powers over those banks chartered in the year one thousand eight hundred and forty-nine, and subsequent thereto, that they do over those whose charters expire in the year one thousand eight hundred and fifty-one.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1850.*]

Chap 211.

An Act to incorporate the Ladies' American Home Education Society and Temperance Union.

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

Corporators.

SECT. 1. Sarah Hayward, Susan B. Holway, Frances S. Kettelle, and Ruth Severance, their associates and successors, are hereby made a corporation, by the name of the Ladies' American Home Education Society and Temperance Union, to be established in Boston, in the county of Suffolk, for the purpose of establishing a home and a school to aid in the support and education of indigent youth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

In Boston.

Purpose.

Powers and duties.
R. S. ch. 44

Real and personal estate.

SECT. 2. Said corporation may receive and take by purchase, grant, devise, bequest or donation, any real or personal property, and hold the same for the purposes aforesaid, and may manage and dispose of the same, according to their discretion; *provided*, that the whole amount of the real and personal property held and possessed by the said corporation, shall not exceed in value, at any one time, the sum of fifty thousand dollars. [*Approved by the Governor, April 16, 1850.*]

Proviso.

An Act to amend an Act concerning Poor Debtors.

Chap 212.

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

SECT. 1. Whenever a notice, such as is mentioned in the act concerning poor debtors, passed on the ninth day of May, in the year eighteen hundred and forty-eight, shall be insufficient, from defect of form, or from defect in the service thereof, a new notice may forthwith be given by the debtor.

New notice, instead of former deficient one.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1850.*]

An Act prescribing the Mode of Calling and Warning School District Meetings.

Chap 213.

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

SECT. 1. Notwithstanding any school district may have, at any regular meeting having an article in the warrant for that purpose, prescribed the mode of warning all future meetings of the district, and directed by whom or in what manner such meetings shall be called, or made either of such regulations, it shall nevertheless be lawful that all school district meetings be hereafter called and warned, in the manner prescribed by the forty-sixth and forty-seventh sections of the twenty-third chapter of the Revised Statutes.

The mode pointed out in R. S., ch. 23, §§ 46 and 47, may be pursued, notwithstanding other modes prescribed by the district.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1850.*]

An Act to extend the time for locating and constructing the Dorchester and Milton Extension Railroad.

Chap 214.

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

SECT. 1. The time fixed for filing the location of the railroad, specified in the fourth section of an act entitled "an act to incorporate the Dorchester and Milton Extension Railroad Company," approved on the first day of May, in the year one thousand eight hundred and forty-nine, is hereby extended for the term of one year beyond the time limited in said act.

Time to file location extended one year.

SECT. 2. The time fixed in said act for constructing and completing said railroad, is also hereby extended for the term of one year beyond the time limited in said act.

Time for completion of road extended one year.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1850.*]

Chap 215. An Act to authorize the County Commissioners of Berkshire County to pay expenses of a certain Highway in Franklin County.

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

Highway described.

The county commissioners of Berkshire county are hereby authorized and empowered to allow, and cause to be paid, from the treasury of the county of Berkshire, to the county of Franklin, such portion as they shall deem just and equitable, of the expense of building any highway or county road which may be laid out and ordered to be built, within three years from the passage of this act, by the county commissioners of Franklin county, from the bridge across the Deerfield River, next below the dwelling-house of Erastus Rice, upon the easterly side of, and near said river, in said Franklin county, to a point near the said dwelling-house of Erastus Rice, upon said easterly side of the Deerfield River, and of a bridge across said river, at that point; and the authority of the county commissioners of the county of Berkshire, is hereby made as ample in the premises, as if said highway was situated in said Berkshire county. [*Approved by the Governor, April 17, 1850.*]

Chap 216. An Act in addition to an Act to preserve the Harbor of Boston, and to prevent encroachments therein.

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

1837, ch. 229.

SECT. 1. That part of the line of Fore Point Channel, in Boston harbor, established by the act of April nineteenth, in the year one thousand eight hundred and thirty-seven, and which is therein described as running from "the east angle of Wales' wharf, straight to the east corner of Russia wharf, and thence to the south angle of Fort Hill wharf, and by the end of the wharf to the east corner thereof, and thence straight to the south corner of Arch wharf," is hereby altered, and the line of that part of the harbor shall hereafter run, and is hereby established as follows, that is to say, it shall begin at the aforesaid east angle of Wales' wharf, and run straight to the south corner of said Arch wharf.

Portion of the line altered.

No wharf, &c., to be extended beyond the line herein established.

SECT. 2. No wharf, pier, building, or incumbrance of any kind, shall ever hereafter be extended beyond the said line herein established, into or over the tide water in said harbor.

SECT. 3. No person shall enlarge any wharf or pier

which is now erected on the inner side of said last named line, further towards the said line than the same now stands, or might have been lawfully enlarged or extended, before the passing of this act, without leave first obtained from the Legislature.

Of enlarging wharves, &c., now on the inner side of said line.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1850.*]

An Act to incorporate the Monument Mills.

Chap 217.

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

SECT. 1. Asa C. Russell, Edward P. Woodworth, Loring G. Robbins, their associates and successors, are hereby made a corporation, by the name of Monument Mills, for the purpose of manufacturing cotton and woolen goods, or either, in the town of Great Barrington, in the county of Berkshire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Cotton and woolen goods.

In Great Barrington.

Powers and duties.

R. S. ch. 33, 44.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in amount fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

Real estate.

Capital stock.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Value of shares.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1850.*]

An Act concerning Taxes assessed on Estates of Insolvent Debtors.

Chap 218.

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

Taxes assessed upon the estates of insolvent debtors, and unpaid at the time of the assignment, other than taxes assessed by the Commonwealth, shall not be recovered as preferred claims. [*Approved by the Governor, April 18, 1850.*]

No taxes, except State, to be recovered as preferred.

An Act to incorporate the American Paper Folding Company.

Chap 219.

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

SECT. 1. James H. Gray, James Barnes, and Henry W. Corporators.

Machines for folding paper. Adams, their associates and successors, are hereby made a corporation, by the name of the American Paper Folding Company, for the purpose of manufacturing machines for folding and pressing paper; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers and duties. R. S. ch. 33, 44.

Real estate. SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, April 22, 1850.]

Capital stock.

Proviso as to value of shares.

Chap 220. An Act to incorporate the Bennington and Bridgeport Telegraph Company.

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

Corporators. SECT. 1. Solomon L. Russell, William E. Brayton, John Walker, their associates and successors, are hereby made a corporation, by the name of the Bennington and Bridgeport Telegraph Company, for the purpose of constructing and using lines of telegraph within this Commonwealth, with liberty to connect with other lines of telegraph; subject to all the duties, liabilities, and restrictions, set forth in an act entitled "an act concerning electric telegraph companies and electric telegraphing," passed on the ninth day of April, in the year one thousand eight hundred and forty-nine.

1849, ch. 93.

Capital stock. SECT. 2. The capital stock of said company shall not exceed one hundred thousand dollars, and no shares thereof shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, April 22, 1850.]

Value of shares.

Chap 221. An Act to incorporate the Lexington Monument Association.

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

Corporators. SECT. 1. Abijah Harrington, Philip Russell, and William Stevens, with their associates and successors, are hereby made a corporation, by the name of the Lexington Monument Association, for the purpose of erecting a suitable monument on the battle-ground in the town of Lex-

Monument on battle-ground, at Lexington.

ington, in the county of Middlesex; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, so far as they are applicable to corporations of this character.

Powers and duties.
R. S. ch. 44.

SECT. 2. Said corporation may receive and hold, by gift, grant, or devise, real and personal estate not exceeding in value the sum of twenty thousand dollars: *provided*, the same be applied exclusively to the erection of a monument, or to the purchasing, fencing, or ornamenting the grounds around the same.

Real and personal estate.

Proviso.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 22, 1850.*]

An Act to authorize Philip A. Locke and others to build and extend Wharves. *Chap 222.*

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

Philip A. Locke, Samuel Leeds, Ebenezzer Stevens, John S. Kimball, and Josiah Dunham, proprietors of flats situated on the northerly shore of that part of Boston known as South Boston, between the lands belonging to the city of Boston and K street, are hereby authorized to build, extend, and maintain a wharf or wharves, northerly over said flats, to a distance not exceeding twelve hundred feet below high-water mark: *provided*, that five hundred feet of the northerly end of such wharf or wharves, shall be built upon piles; *and provided, also*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the main ship channel, and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 22, 1850.*]

In South Boston.

Proviso.

Proviso.

An Act to authorize Joseph Smith and others to extend their Wharves. *Chap 223.*

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

Joseph Smith, Josiah Dunham, junior, Hugh Montgomery, Ebenezzer Stevens, and John S. Kimball, proprietors of flats situated on the northerly shore of that part of Boston known as South Boston, and lying between the lands owned by the city of Boston and O street, are hereby authorized to build, extend, and maintain a wharf or wharves, northerly over said flats to a distance not exceeding twelve

In South Boston.

Proviso. hundred feet below high-water mark: *provided*, that four hundred feet of the northerly end of such wharf or wharves shall be built upon piles; *and provided, also*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the main ship channel; and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 22, 1850.*]

Chap 224. An Act to change the Name of the Haverhill Health Insurance Company, and for other purposes.
1848, ch. 302. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

New name. **SECT. 1.** The Haverhill Health Insurance Company may take the name of the American Health Insurance Company.

Insurance on account of personal injuries. **SECT. 2.** Said company may assure to the holders of its policies an allowance in money, for the time during which they shall be unable to transact business, or labor in their accustomed vocation, in consequence of personal injury resulting from accident or otherwise.

Benefits not liable to attachment or execution. **SECT. 3.** The holder of any policy issued by this company shall be entitled to receive the amount that may become payable on such policy, for his own benefit and that of his family, and the same shall not be liable to attachment or execution for any debt due from him.

Proviso in 1848, ch. 302, § 1, repealed. **SECT. 4.** So much of the first section of the act entitled "an act to incorporate the Haverhill Health Insurance Company," passed on the tenth day of May, in the year one thousand eight hundred and forty-eight, as requires that the terms and conditions of its policies shall be approved by the governor and council, is hereby repealed. [*Approved by the Governor, April 23, 1850.*]

Chap 225. An Act in addition to an Act to incorporate the People's Mutual Fire Insurance Company.
1847, ch. 115. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

May insure otherwise than on the mutual principle, on conditions specified. **SECT. 1.** On receiving from the subscribers thereto a guarantee capital of fifty thousand dollars, which shall be paid in within two years from the passage of this act, the People's Mutual Fire Insurance Company, established at Worcester, may make insurance against fire and against maritime losses, otherwise than on the mutual principle,

with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating to insurance companies.

Powers and duties.
R. S. ch. 37, and subsequent statutes.

SECT. 2. Said company may increase its guarantee capital to an amount not exceeding one hundred thousand dollars, at any time within three years from the passage of this act; and may hold real estate, not exceeding in value twenty thousand dollars, excepting such as may be taken for debt or held as collateral security for money due said company. [*Approved by the Governor, April 23, 1850.*]

Guarantee capital may be increased.

Real estate.

An Act in addition to an Act authorizing a Highway across East Harbor in Truro.

Chap 226.

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

1849, ch. 102.

The provisos contained in the act authorizing a highway across East Harbor in Truro, passed on the thirteenth day of April, one thousand eight hundred and forty-nine, are hereby repealed. [*Approved by the Governor, April 23, 1850.*]

Provisos in the original act repealed.

An Act to incorporate South Hadley Falls Bridge Company.

Chap 227.

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

SECT. 1. Alonzo Bardwell, Charles Peck, and James H. Clapp, and their associates and successors, are hereby made a corporation, by the name of South Hadley Falls Bridge Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers and duties.
R. S. ch. 44.

SECT. 2. The said corporation is hereby authorized and empowered to erect a bridge over Connecticut River, between the towns of South Hadley and Holyoke, between Chapin's brick store on the north side, and the west line of Bridge street, as laid out by Hadley Falls Company, on the south side of the river and the Swing ferry, and to purchase and hold such real and personal estate as may be proper for that purpose, not exceeding in value the sum of seventy thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. And said bridge shall be well built, of suitable materials, at least twenty-six feet wide, and floored with planks, with suffi-

Location.

Real and personal estate.

Value of shares.

Bridge, how constructed.

cient railings on each side, and shall be kept in good repair at all times.

Toll.

SECT. 3. A toll is hereby granted to said corporation, and established at the following rates, viz :—For each foot passenger, two cents ; for each horse and rider, six cents ; for each gig, sulkey, buggy wagon, or sleigh, without top, drawn by one horse, ten cents ; for each chaise, cab, carry-all, covered buggy, or sleigh, drawn by one horse, twelve and a half cents ; for each coach, chariot, phaeton, omnibus, or covered sleigh, drawn by two horses, twenty-five cents ; and for each additional horse, four cents ; for each cart, wagon, sled, sleigh, or other carriage of burden, drawn by one beast, ten cents ; if drawn by two beasts, fifteen cents ; for each additional beast, four cents ; for each horse, without a rider, four cents ; for neat cattle, asses, and mules, each three cents ; for sheep and swine, each one cent ; and one person, and no more, to each team, shall pass free of toll.

Tolls to be taken for 60 years.

SECT. 4. The said tolls shall commence on the day of the opening of said bridge for public use, and continue for the term of sixty years thereafter ; and, at the place of receiving said tolls, there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly painted or printed thereon.

Sign board.

Rates of toll may be commuted.

SECT. 5. The said corporation may, if it see cause, commute said rates of toll, with any person or persons, by taking a certain less sum, payable at any stated periods, instead of the toll aforesaid ; or by taking of all persons less rates of toll than are above specified, public notice of their intention so to do being first published three weeks, successively, in some newspaper printed in the county of Hampshire or Hampden.

Return of expenditures, &c., to the secretary of state.

SECT. 6. The said corporation, at the time of opening said bridge, or as soon as may be thereafter, shall cause a true account of the expenses of building the same, and also, at the end of every three years thereafter, a true account of all receipts and disbursements on account of the same, to be returned into the office of the secretary of the Commonwealth.

Legislature may regulate tolls.

SECT. 7. The Legislature may, at any time hereafter, regulate the tolls on said bridge, as they may deem expedient, upon reasonable notice to said corporation.

Bridge to be finished in five years.

SECT. 8. If said corporation shall neglect, for the space of five years from the passing of this act, to build and finish the said bridge, then this act shall be of no effect.

SECT. 9. This act shall take effect from and after its passage. [Approved by the Governor, April 24, 1850.]

An Act to incorporate the Lowell Museum.

Chap 228.

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

SECT. 1. N. F. Gates, F. A. Hildreth, and Amos B. French, their associates and successors, are hereby made a corporation, by the name of the Lowell Museum, for the purpose of establishing, in the city of Lowell, a museum of natural and artificial curiosities, subject to all the duties, liabilities and restrictions, set forth in the forty-fourth and fifty-eighth chapters of the Revised Statutes.

Corporators.

Powers and duties.
R. S. ch. 44, 58.

SECT. 2. Said corporation may hold real estate, necessary and convenient for the purpose aforesaid, not exceeding in amount forty thousand dollars, and the capital stock shall not exceed sixty thousand dollars.

Real estate.

Capital stock.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Value of shares.

SECT. 4. No intoxicating liquors shall be sold, or kept for sale, in any part of the premises belonging to the corporation, upon penalty of forfeiture of this act. [*Approved by the Governor, April 24, 1850.*]

Of intoxicating liquors.

An Act requiring Physiology and Hygiene to be taught in the Public Schools. Chap 229.

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

SECT. 1. Physiology and hygiene shall hereafter be taught in all the public schools of this Commonwealth, in all cases in which the school committee shall deem it expedient.

SECT. 2. All school teachers shall hereafter be examined in their knowledge of the elementary principles of physiology and hygiene, and their ability to give instructions in the same.

Teachers to be examined in physiology and hygiene.

SECT. 3. This act shall take effect on and after the first day of October, one thousand eight hundred fifty-one. [*Approved by the Governor, April 24, 1850.*]

Act to take effect October 1, 1851.

An Act to establish the Compensation of the Messengers, Doorkeepers, and Pages. Chap 230.

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

The compensation of each of the doorkeepers and messengers of the senate and the house of representatives,

Messengers and doorkeepers, \$2 per day.

Pages, §1 50. and the assistant messenger to the governor and council, shall be two dollars per day; and the compensation of each of the pages of the senate and house of representatives, shall be one dollar and fifty cents per day, for each and every day they may respectively be employed in said several capacities. [*Approved by the Governor, April 24, 1850.*]

Chap 231. An Act to incorporate the Proprietors of the Cambridge and Brookline Bridge.

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

Corporators. **SECT. 1.** Sidney Willard, Edmund T. Hastings, Columbus Tyler, and David R. Griggs, their associates, successors and assigns, are hereby made a corporation, by the name of the Proprietors of the Cambridge and Brookline Bridge, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers and duties.
R. S. ch. 44.

Location. **SECT. 2.** The said corporation is hereby authorized and empowered to erect a pile bridge over the Charles River, between the city of Cambridge and the town of Brookline, from points at or near the old wharf or embankment, which is near where the Boston and Worcester Railroad passes under a bridge on the Western Avenue, (so called,) to the opposite bank of the river in Cambridge, and to take and hold such real estate as may be needful for the same, not exceeding in value the sum of forty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Real estate.

Proviso as to value of shares.

Compensation to persons whose estate may be taken. **SECT. 3.** The said corporation shall be holden to make compensation to any person or corporation whose real estate shall be taken for the uses aforesaid; and if there shall be a difference of opinion as to the value of the same, either party may apply to the county commissioners, within and for the county where such real estate lies, to estimate the damage such person or corporation may sustain, whereupon the same proceedings shall be had, in respect of damages and costs, and trial by jury, as are provided by the twenty-fourth chapter of the Revised Statutes, concerning town ways and private ways.

Damages, how estimated.

Draw. **SECT. 4.** The said proprietors shall make and maintain, at their own expense, a suitable draw and passage way for vessels, with a suitable leaf or leaves, and every requisite

for raising the same, and shall also construct such pier or piers, on either or both sides of said bridge, as may be necessary to secure said bridge and facilitate the passage of vessels through the same, all to the acceptance of the county commissioners of the county of Middlesex.

SECT. 5. Said corporation shall be held liable to keep said bridge and draw in good repair, and to raise the draw and afford all necessary and proper accommodation to vessels having occasion to pass the same, by day and night, at the proper cost of said corporation.

Vessels to be accommodated day and night.

SECT. 6. A toll is hereby established and granted to said proprietors at the following rates, viz :—For each foot passenger, one cent ; for each horse and rider, gig, sulkey, buggy wagon, chaise, carryall, or covered buggy, five cents ; for each coach, chariot, or phaeton, drawn by two horses, ten cents, and for each additional horse, four cents ; for each cart, wagon, sled, and other carriage of burden, and for each sleigh, drawn by one horse, five cents, and for each additional horse, or other beast, three cents ; for each horse, without a rider, three cents ; for neat cattle and mules, two cents each ; for sheep and swine, one cent each ; and all persons who shall have occasion to pass said bridge in the performance of military duty, with their necessary horses and carriages, shall pass free from toll.

Toll.

SECT. 7. The said toll shall commence on the day of the opening of said bridge, and continue for the term of fifty years thereafter ; and, at the place of receiving said tolls, there shall be constantly exposed to view, a sign board, with said rates of toll fairly and legibly painted thereon.

For fifty years.

Sign board.

SECT. 8. The said corporation, at the time of opening said bridge, or as soon as may be thereafter, shall cause a true account of the expenses of building the said bridge, and also, at the end of every three years thereafter, a true account of all receipts and disbursements on account thereof, to be returned into the office of the secretary of the Commonwealth.

Return of expenditures, &c. to be made to secretary of state.

SECT. 9. The said corporation is authorized to commute said rates of toll with any person or persons, by taking of him or them a certain less sum, payable at any stated periods, instead of the toll aforesaid, or by taking, of all persons, less rates of toll than as before specified.

Rates of toll, how commuted.

SECT. 10. The Legislature may, at any time hereafter, regulate the tolls on said bridge, or alter, amend, or repeal this charter.

Reserved powers of Legislature.

SECT. 11. If the said corporation shall neglect, for the space of four years from the passing of this act, to build

Bridge to be built in four years.

said bridge, then this act shall be of no effect. [*Approved by the Governor, April 25, 1850.*]

Chap 232.

An Act for regulating the Sale of Intoxicating Drinks.

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

“Intoxicating”
instead of
“spirituous.”

SECT. 1. The forty-seventh chapter of the Revised Statutes is hereby amended in the first, second, and third sections thereof, by striking out the word “spirituous” wherever it may occur in each, and inserting in place of the same, the word “intoxicating.”

Licenses to sell
for mechanical
and medicinal
purposes only.

SECT. 2. The county commissioners in the several counties, upon the recommendation of the selectmen of the towns in which such persons may reside, and the mayor and aldermen of the several cities, may authorize by license, for a period of time not exceeding one year, and revocable at their pleasure, as many persons as they shall think the public good may require, to sell, in the towns or cities where they reside, intoxicating liquors in a less quantity than twenty-eight gallons, and that delivered and carried away all at one time, for mechanical and medicinal purposes only.

Penalties for
selling contrary
to law.

SECT. 3. Any person convicted of selling intoxicating liquors of any kind contrary to law, shall, on the third conviction, be required to enter into recognizance, with sufficient sureties, in a sum of not less than one hundred nor more than one thousand dollars, with the condition that the sum shall be forfeited to the use of the Commonwealth, if the person so convicted shall fail to keep the peace for one year, or shall, within one year from such conviction, violate any law of the Commonwealth regulating the sale of intoxicating liquors. [*Approved by the Governor, April 25, 1850.*]

Chap 233.

An Act concerning the Vermont and Massachusetts Railroad Company.

1844, ch. 134.

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

Proceedings in
relation to
mortgage of
their property
confirmed.

The proceedings of the Vermont and Massachusetts Railroad Company, whereby they conveyed, agreeably to a vote of the stockholders, passed on the twenty-ninth day of June, eighteen hundred and forty-nine, their said railroad and property, in mortgage, to John Davis, Robert G. Shaw, and Jabez C. Howe, trustees for the bondholders in said mortgage mentioned, to secure the holders of said bonds the payment of the same, are hereby ratified and confirmed. [*Approved by the Governor, April 25, 1850.*]

An Act to incorporate the People's Mutual Health Assurance Company. *Chap 234.*

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

SECT. 1. John Mills, William B. Calhoun, George W. Rice, their associates and successors, are hereby made a corporation, by the name of the People's Mutual Health Assurance Company, in the town of Springfield, for the purpose of making insurance on health, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

In Springfield.

Powers and duties.
R. S. ch. 44.

SECT. 2. There shall be an original guaranty capital stock subscribed to said corporation, which shall be five thousand dollars, to be divided into shares by said corporation, half of which shall be paid in, in money, before the said corporation shall go into operation for the purpose of making insurance; the other half of said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for.

Guaranty fund of \$5,000.

SECT. 3. At the first meeting of the corporation a number of directors, not less than twelve, shall be chosen by the subscribers to the guaranty stock, who shall hold their offices for one year, and until others are chosen in their stead. At all subsequent elections of directors, the number shall be such as may be provided for by a previous vote of the directors or by-law of the corporation; and, in case of no provision on this subject, the number shall be the same as at the first election, one half of whom shall be elected by the stockholders and the other half by the assured, voting in separate bodies; the directors shall all be either stockholders or assured, and on ceasing to be such shall cease to hold said office.

Directors, how chosen.

Who may be directors.

SECT. 4. Whenever the net surplus receipts of the corporation, over losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of six per centum; and in case of such dividend not being paid in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same.

Stockholders entitled to six per cent., when.

SECT. 5. After providing for risks, losses, incidental expenses, and the dividend aforesaid, the directors shall annually set apart not less than one third of the estimated surplus funds and receipts, as a reserved fund, to be applied

Guaranty stock, how to be redeemed.

to the redemption of the guaranty stock ; and whenever, after the expiration of five years from the time of organizing the company, the amount of such reserved fund shall be sufficient for the purpose, and the assured shall vote to redeem the guaranty stock, the same shall be redeemed.

When directors to be all chosen by the assured.

SECT. 6. Upon the redemption and extinguishment of the guaranty stock, under the provision in the fifth section, the directors shall be chosen by the assured.

Insurance for personal injuries, &c.

SECT. 7. Said company may assure to the holders of its policies an allowance in money, for the time during which they shall be unable to transact business, or labor in their accustomed vocation, in consequence of personal injury resulting from accident or otherwise.

Benefits not liable to attachment or execution.

SECT. 8. The holder of any policy issued by this company shall be entitled to receive the amount that may become payable on such policy, for his own benefit and that of his family ; and the same shall not be liable to attachment or execution for any debt due from him. [*Approved by the Governor, April 25, 1850.*]

Chap 235.

An ACT allowing Fees to Judges of Probate.

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

For hearing applications for commitment to the Lunatic Hospital.

SECT. 1. There shall be allowed to each judge of probate, for receiving, hearing and determining every application, or complaint, made to him for the commitment of a lunatic to the State Lunatic Hospital, a fee of two dollars, to be paid out of the treasury of the county of which he is judge ; and the judges of probate shall present their accounts, for all such fees, to the county commissioners for their respective counties, as often as once in each year, and such commissioners shall audit and allow the same, if found to be correct, whereupon the same shall be paid by the treasurer of the respective counties.

Fee of judge in Worcester county for discharge of lunatics.

SECT. 2. There shall be allowed to the judges of probate, for the county of Worcester, for receiving, hearing, and determining an application for the discharge of any lunatic from the State Lunatic Hospital, under the provisions of the one hundred and forty-ninth chapter of the statutes of the year eighteen hundred and thirty-nine, a fee of two dollars, to be paid by the town or person making such application. [*Approved by the Governor, April 25, 1850.*]

An Act to establish the Office of Assistant Clerk of the Courts in the County of Worcester. *Chap 236.*

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

SECT. 1. The justices of the supreme judicial court may, from time to time, appoint some suitable person to act as assistant clerk of the courts for the county of Worcester, who shall hold his office for two years from the time of his appointment, and give bond, be sworn, and be subject to removal, in like manner as is by law provided in regard to the clerk of said courts, and shall perform his duties under the direction of said clerk, and shall pay over to the clerk all fees and sums received by him as such assistant, to be accounted for according to law, and shall receive for his services such sum, not exceeding eight hundred dollars a year, as said justices shall direct to be retained and paid to him by the clerk from the residue of fees which he is now required to pay to the county treasurer.

Assistant to be appointed by justices S. J. C. for term of two years.

Bond, oath, &c.

Compensation.

SECT. 2. Such assistant clerk may authenticate papers and perform such other duties of the clerk as shall not be performed by him ; and in case of the absence, neglect, removal, resignation or death of the clerk, may, *ex officio*, act as clerk of any of said courts, and complete and attest any records remaining unfinished, and act as clerk until a new clerk is appointed and qualified.

Duties.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1850.*]

An Act in addition to an Act to incorporate the Worcester Gas Light Company. *Chap 237.*

Ante, ch. 29.

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

SECT. 1. So much of the act to which this is in addition, as is contained in the first section thereof, after the words "thirty-eighth and forty-fourth chapters of the Revised Statutes," and also so much as is contained in the fifth section thereof, be and the same is hereby repealed.

Repeal of parts of original act.

SECT. 2. The said corporation shall make such extension of their pipes, and furnish the gas in such quantities, as the city council may from time to time direct ; *provided*, the city council shall guarantee to said company a profit of six per cent. per annum on such extension. The rates of charges to the city and the inhabitants, shall not exceed the rates that may be charged for gas of similar kind and

Extension of pipes by direction of city council. *Proriso.*

quality, in either of the cities of Boston, New York, or Baltimore.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, April 26, 1850.*]

Chap 238. An Act authorizing the Connecticut River Railroad Company to take a lease of the Ashuelot Railroad.

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

SECT. 1. The Connecticut River Railroad Company are hereby authorized and empowered to contract with the Ashuelot Railroad Company, a body corporate in the state of New Hampshire, under the provisions and for the purposes set forth in the first and second sections of an act passed in the year one thousand eight hundred and thirty-eight, entitled "an act authorizing railroad corporations to make certain contracts;" and any contract already made and subsisting between the said parties is hereby sanctioned, so far as the same is agreeable to the provisions of the act aforesaid.

SECT. 2. The said Connecticut River Railroad Company may locate, construct and use their railroad, crossing at grade the railroad of the Vermont and Massachusetts Railroad Company in the town of Northfield, diverging from their present line at such a point, and crossing the said Vermont and Massachusetts Railroad in such a manner, as may be most convenient to form a junction with the railroad of the said Ashuelot Railroad Company; the company thus constructing their road, as aforesaid, to incur all the expense of said construction across the said Vermont and Massachusetts Railroad, and of keeping the same in repair; *provided*, that a map of the location of the new road authorized by this act shall be filed with the county commissioners for the county of Franklin, and the said road shall be constructed within one year from the passage of this act.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1850.*]

Chap 239. An Act concerning the Partition of Lands owned by several Persons.

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

In all cases of the partition of lands, under the provisions of the one hundred and third chapter of the Revised Statutes, where sums of money are awarded by the commis-

1838, ch. 99.

Contract confirmed.

Line of road may be altered so as to join the Ashuelot railroad.

Provide.

When to be constructed.

Of payment of money awarded.

sioners to make the partition just and equal, the partition shall not be established by the court, until all the sums so awarded shall be paid to the parties entitled thereto, or secured to their satisfaction, or that of the court before which the matter is pending. [*Approved by the Governor, April 26, 1850.*]

An Act to incorporate the Wilmington Branch Railroad Company.

Chap 240.

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

SECT. 1. Samuel Jaques, Edward Crane, Asa G. Sheldon, and James Jaques, their associates and successors, are hereby made a corporation, by the name of the Wilmington Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said Revised Statutes relating to railroad corporations.

Corporators.

Powers and duties.
R. S. ch. 39, 44.

SECT. 2. Said corporation may construct and maintain a railroad upon the following route: beginning at some convenient point on the Boston and Maine Railroad, in the town of Reading, and between the thirteenth and fifteenth mile-posts of said Boston and Maine Railroad, and continuing thence, in said town of Reading and the town of Wilmington, to a convenient point of intersection with the Boston and Lowell Railroad, at or near the way-station of said Boston and Lowell Railroad, in the village of Wilmington: *provided*, the point of union of the road hereby chartered, with the Boston and Maine Railroad, may be in the town of Wilmington, and the whole of the said road, hereby chartered, be located in Wilmington, if, on further examination, it shall be deemed advisable, and the Boston and Lowell Railroad Corporation shall consent thereto.

Route of road.

Provido.

SECT. 3. The capital stock of said railroad company shall consist of not more than three hundred shares, the number whereof shall be determined by the directors; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and the said company may purchase and hold such real estate, materials, engines, cars, and other things, as may be necessary for depots, for the use of said road, and for the transportation of passengers and merchandise.

Capital stock.

Real estate.

SECT. 4. The Legislature may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits, upon said road; but the said income shall

Tolls, &c., may be reduced after four years.

not, without the consent of said corporation, be so reduced as to yield less than ten per cent. per annum to the stockholders.

May enter upon other railroads.

SECT. 5. Said company may enter, with their railroad, by proper turnouts and switches, upon the Boston and Lowell Railroad, at Wilmington, and upon the Boston and Maine Railroad, at Reading, and may use the same, or any part thereof, paying therefor such rate of toll as may be agreed upon, or as the Legislature shall establish, and complying with such reasonable regulations as may be established by the Boston and Lowell or Boston and Maine Railroad Company: *provided*, that the corporation hereby created shall not enter upon said railroads, with any motive power, unless the said railroad companies shall refuse to draw over their roads, or any part thereof, the cars of the corporation hereby established.

Proviso.

Through tickets forbidden.

SECT. 6. No through tickets shall be sold between any point on the Boston and Lowell Railroad, and any point on the South Reading Branch Railroad, east of the village of South Reading, by the railroad corporation hereby created, or by any corporation or individuals who may use the railroad hereby created, or by any person with the consent of the corporation hereby created. And no cars or engines shall be permitted to pass to or from any point on the South Reading Branch Railroad, lying easterly of the village of South Reading, over the railroad hereby chartered, or over any part of the Boston and Maine Railroad, north of the said village of South Reading; and the supreme judicial court of this Commonwealth shall have power to restrain, by injunction, any attempt, directly or indirectly, to evade the restrictions contained in this section. All such injunctions may be granted by any justice of the supreme judicial court, according to the ordinary course of proceeding in courts of equity.

Cars and engines, at what points forbidden.

Injunctions by S. J. C.

Location filed.

Completion of road.

SECT. 7. If the said company shall not, within one year, file a location of their route in the manner prescribed by law, or if said railroad shall not be completed within two years from the passage of this act, then this act shall be void.

Value of shares.

SECT. 8. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 26, 1850.*]

An ACT to facilitate the Settlement of Trust Estates.

Chap 241.

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

SECT. 1. Whenever it shall appear, upon petition or otherwise, to the judge of probate of the county where letters testamentary, or letters of administration, have been granted on the estate of any person deceased, that such deceased person, in his life time, made any conveyance of real estate in this Commonwealth in trust, for the benefit of his creditors, and the trustee shall certify that all the debts secured thereby, (due to other persons than himself,) have been paid, or otherwise adjusted, to the satisfaction of the said creditors, so far as known, and that he is desirous to settle his trust account, and to terminate the trust, said judge of probate is hereby authorized to appoint a time and place for a hearing of all persons interested therein, notice of which shall be given, by causing an advertisement thereof to be published in some newspaper printed in said county, if any newspaper is there printed, or otherwise, as said judge may order: and if, upon such hearing, no good and sufficient reason shall be shown to the contrary, said judge may terminate such trust, so far as the said creditors and all persons claiming under them may be concerned, and forever discharge such real estate therefrom. And he may settle, also, the trust account, and make such further order, as to the disposition, distribution, or partition of the trust estate remaining, as may not be inconsistent with the provisions contained in the original instrument of conveyance or assignment creating the trust, as to the surplus, or residue, and remainder of such trust estate.

SECT. 2. Any person, aggrieved by any order, doings, decree or denial of said judge in the premises, may appeal therefrom to the supreme court, to be held within and for the same county, in the same manner, and within the same time, and subject to all the limitations, conditions and provisions as are provided in the thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, forty-fourth, forty-fifth, forty-sixth, forty-seventh, and forty-eighth sections of the eighty-third chapter of the Revised Statutes; and each of said courts, respectively, may have and exercise all the powers thereby granted.

SECT. 3. This act shall not apply to any case where the instrument creating said trust shall not bear date more than six years previous to the time appointed for said hearing. Nor shall it in any way affect the operation of any insolvent laws in this Commonwealth.

In case of conveyance in trust, of real estate in this State, for benefit of creditors—trustees' account, how settled and trust discharged.

Hearing before judge of probate.

Notice.

Powers of judge.

Appeal to S. J. C.

Not to apply to cases arising within six years of the hearing. nor to affect insolvent laws.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1850.*]

Chap 242. An Act in addition to an Act to incorporate the South Bay Mill Company.

1849, ch. 228.

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

Name changed.

SECT. 1. From and after the passage of this act, the corporate name of the South Bay Mill Company shall be changed, and the said corporation shall be known and called by the name of the Wood Carving and Manufacturing Company, any thing in the act incorporating the same to the contrary notwithstanding.

In Malden.

SECT. 2. The said company are hereby authorized and empowered to carry on their business in the town of Malden, in the county of Middlesex. [*Approved by the Governor, April 29, 1850.*]

Chap 243. An Act relating to certain Lands and Personal Estates, in the Town of Auburn, and the owners thereof.

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

Certain lands in Auburn to belong to that town,

SECT. 1. All lands within the limits of the town of Auburn, in the county of Worcester, which, by the provisions of the act incorporating said town with the original name of Ward, are now, for certain legal purposes, accounted parts of Worcester, Millbury, and Oxford, shall, after this act takes effect, be and the same hereby are, for all legal purposes, declared to be parts of the said town of Auburn, and exempt from all legal liabilities in and to the said towns of Worcester, Millbury, and Oxford.

for all legal purposes.

Of taxes, hereafter.

SECT. 2. The taxes on polls and personal estates of persons having estate or interest in said lands, which, by the provisions of said act of incorporation, are now assessable in Worcester, Millbury, and Oxford, shall, after this act takes effect, be assessable and assessed in the said town of Auburn.

Of taxes, heretofore.

SECT. 3. All taxes heretofore legally assessed by the said towns of Worcester, Millbury, and Oxford, on the persons, lands, and other estates, referred to in the foregoing sections, shall be paid to said towns which have severally assessed the same, and said persons, lands, and other estates, shall continue liable therefor, to the same extent they are now liable for the same, notwithstanding anything in this act contained.

SECT. 4. Any persons having heretofore gained a legal

settlement in said towns of Worcester, Millbury, and Oxford, by reason of residence on the lands referred to in the foregoing section, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, who shall come to want, and stand in need of relief and support, shall be relieved and supported by the said town of Auburn, in the same manner as if they had gained a legal settlement in the said town of Auburn.

Of settlement and support of paupers.

SECT. 5. This act shall take effect from and after its approval. [Approved by the Governor, April 29, 1850.]

An Act concerning the Probate Court in the County of Franklin.

Chap 244.

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

SECT. 1. There shall be a probate court holden at Orange, in the county of Franklin, on the last Tuesday of April and the third Tuesday of September; and at Northfield, in said county, on the Wednesdays next after the last Tuesday of April and the third Tuesday in September, in each year.

Term established at Orange—
—at Northfield.

SECT. 2. All processes and matters, returnable to the courts at Wendell, on the last Tuesday of April and third Tuesday of September, may be acted upon at the courts holden at Orange, as aforesaid; and all processes and matters, returnable to the courts at Warwick, on the Wednesday next after the last Tuesday of April and third Tuesday of September, may be acted upon at the court at Northfield as aforesaid.

Of processes returnable at Wendell and Warwick.

SECT. 3. There shall be a probate court holden at Locks Village, in Shutesbury, in said county of Franklin, on the Friday next after the last Tuesday of April, and the Friday next after the third Tuesday of September, in each year.

Term established at Lock's Village.

SECT. 4. All acts, providing for holding probate courts in Warwick and Wendell, are hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, April 29, 1850.]

An Act in relation to Dogs.

Chap 245.

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

The city council of any city in this Commonwealth may make all such by-laws concerning the licensing, regulating, and restraining of dogs, and may affix such penalties for any breach thereof, as the inhabitants of towns are author-

Power of city councils in all cities, to be same as towns, in regard to dogs.

R. S. ch. 58,
§ 10.

ized to make and affix, by the tenth section of the fifty-eighth chapter of the Revised Statutes. [*Approved by the Governor, April 29, 1850.*]

Chap 246. An ACT in addition to "An Act to authorize the Boston Wharf Company to extend their Wharf."

1836, ch. 259.

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

In South Boston.

SECT. 1. The Boston Wharf Company are hereby authorized to extend and maintain their wharf, in that part of Boston commonly called South Boston, in the direction in which it now runs, as follows, to wit:—on the westerly side thereof, by the line established by an act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, running from the southerly angle of the above mentioned line to a point in said line, eleven hundred feet, (instead of fourteen hundred feet, as is provided in the act to which this is in addition;) northerly from said angle, and thence easterly to the easterly line of their wharf continued, the provision in said last mentioned act, relating to a creek or channel, to the contrary notwithstanding; and said last mentioned act, except as herein modified, is hereby confirmed: *provided*, that this grant shall not be construed to extend to any land or flats of this Commonwealth lying in front of lands or flats other than those belonging to said company, or which would be comprehended by the true lines of such other lands or flats, extended northerly as far as the point to which said company are hereby authorized to construct their wharf: *and provided, also*, that this grant shall not impair the legal rights of any person.

1840, ch. 35.

Proviso.

Proviso.

When to take effect.

SECT. 2. This act shall not take effect, unless it shall be accepted by said company within sixty days from the date of its passage. [*Approved by the Governor, April 29, 1850.*]

Chap 247. An ACT to extend the times of Locating and Constructing the Mount Pleasant Branch Railroad.

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

Time for locating and constructing extended one year.

SECT. 1. The times within which the Mount Pleasant Branch Railroad Company may locate and construct their road, are hereby respectively extended one year beyond the times set forth in the act to incorporate the same.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1850.*]

An Act to authorize Charles B. Sawyer and Stephen M. Allen to erect a Dam across Bayley's Creek. *Chap 248.*

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

Charles B. Sawyer and Stephen M. Allen, of Boston, owners of water power and tide mills, called Gulf Mills, on Gulf Stream or Gulf River, so called, in the town of Cohasset, their heirs and assigns, are hereby authorized and empowered to build a dam, with proper gates, outlets and sluiceways, across Bayley's Creek, so called, near Cohasset harbor, for the purpose, and with all the powers and privileges, and subject to all the duties and liabilities, set forth and contained in an act entitled "an act to authorize Charles B. Sawyer and Stephen M. Allen to erect a dam across Bayley's Creek," passed on the twenty-fifth day of March, in the year of our Lord eighteen hundred and forty-five. The authority given in this act to build said dam shall not extend beyond two years from the time of its enactment. [*Approved by the Governor, April 29, 1850.*]

In Cohasset.

1815, ch. 196.

Two years.

An Act concerning Partition of Real Estate.

Chap 249.

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

The powers, vested in the court of common pleas and supreme judicial court, by the one hundred and third chapter of the Revised Statutes, are hereby extended to cases in which remainders or interests are or may be limited to persons not in being at the time of application for such partition; upon notice given to the parents, or parent, if one only be living, of such persons, in the manner prescribed by said statute, and setting forth the origin and nature of the remainder or interests so limited. And it shall be the duty of the court in such case, to appoint a suitable and competent person, to appear and act as the next friend of the persons to whom any such remainder or interest is or shall be limited, in all proceedings touching such partition; the cost of whose appearance and services, including fees of counsel, to be determined by the court, shall be paid by the person or persons applying for such partition; and for which execution may be issued in the name of the person appointed as such next friend. [*Approved by the Governor, April 29, 1850.*]

In cases of remainders or interests, limited to persons not in being at the time of application for partition.

Powers, &c., of C. C. P. and S. J. C.

Chap 250. An ACT to change the Name of the Bradford Mutual Fire Insurance Company.

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

New name.

The Bradford Mutual Fire Insurance Company shall hereafter be called and known by the name of the Groveland Mutual Fire Insurance Company. [*Approved by the Governor, April 29, 1850.*]

Chap 251. An ACT to incorporate the New England Hosiery Company.

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

Corporators.

SECT. 1. George W. Benson, S. W. Eldridge, and Samuel L. Hinckley, their associates and successors, are hereby made a corporation, by the name of the New England Hosiery Company, for the purpose of manufacturing hosiery and other articles, by knitting looms, in the town of Northampton, in the county of Hampshire, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

In Northampton.
Powers and duties.
R. S. ch. 38, 44.

Real estate.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate to the amount of fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less amount than the par value of the shares which shall be first issued.

Capital stock.
Proviso as to value of shares.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1850.*]

Chap 252. An ACT to increase the Capital Stock of the Boston Sugar Refinery.

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

Additional,
\$100,000.

Investment.

The Boston Sugar Refinery are hereby authorized to increase their capital stock by an amount not exceeding one hundred thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, April 29, 1850.*]

Proviso as to value of shares.

An Act to change the Names of the Persons therein mentioned.

Chap 253.

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

Richard Howes may take the name of Richard Arthur In Suffolk. Howes; Caroline Elizabeth Pierce, a minor, may take the name of Ella Pierce; Henry Dennie may take the name of Charles Henry Dennie; Joshua Chandler may take the name of Joshua Herbert Chandler; Charles Henry Brown may take the name of Ariel Brown; William Churchill may take the name of William B. Churchill; Almira Georgiana Murphy and William Henry Harrison Murphy, minors, may take the names of Almira Georgiana Vose, and William Henry Harrison Vose; Peter Jest may take the name of Frederick Adolphus Miller; Daniel and Joseph Trickey may severally take the names of Daniel Warren and Joseph Warren; Edward Perry Twitchell may take the name of Edward Twitchell Perry; Priscilla Ward Blake may take the name of Ella Blake; Caroline D. Jackson may take the name of Caroline D. Waldron; Samuel Smith Tuckerman may take the name of Samuel Tuckerman; Rodney H. Paresh may take the name of Rodney H. Powers; the hereafter-named family may take the following names: Lewis Clark may take the name of Louis Bial, Mary A. Clark may take the name of Ada Maria Bial, Ada Carmelita Clark may take the name of Ada Carmelita Bial; George Francis Oliver Train may take the name of George Francis Train; Charles Noakes may take the name of Charles Noakes Leavitt; Henry J. Holt may take the name of Henry W. Holbrook; John Milton Hervey Palton Partridge, of Boston, may take the name of Hervey Milton Palmantridge; Emily Baxter, of Boston, may take the name of Emily Robinson Baxter,—all of the county of Suffolk.

Fanny Blake Furber, of Lynn, may take the name of In Essex. Fanny Blake Rich, and her minor son may take the name of Samuel Edwin Rich; George Noyes, of Newburyport, may take the name of George Washington Noyes; Antonio Knight, of Rowley, may take the name of Antonio E. Knight; Edward Skinner, of Lynn, may take the name of Edward Augustus Skinner; John Spiller, of Georgetown, may take the name of John Preston; Mary Danforth, of Salem, may take the name of Mary Russell; Edward Hammond, junior, of Haverhill, may take the name of Edward Hanover Hammond; John Ober, junior, of Beverly, may take the name of John Richard Ober; Anna Maria Verrey, of Danvers, may take the name of Anna Maria

Wallis ; Ichabod Randall Hoyt, junior, of Salem, may take the name of George Randall Hoyt ; Noble Pye, of Lynn, a minor, may take the name of Charles Noble Robinson ; Michael Conners, of Gloucester, may take the name of Michael Poland ; Bridget Farrell, of Salem, may take the name of Helen Farrell ; David Perkins, junior, of Topsfield, may take the name of David Granville Perkins ; Christopher Columbus Hawkes, of Lynn, may take the name of Charles Maurice Maudant ; Almaretta Turner, of Danvers, may take the name of Charlotte Elizabeth Turner ; Henry Francis Kimball, of Bradford, may take the name of Frank Henry Kimball ; John Albert Emerton, of Lynn, a minor, may take the name of John Albert Makepeace,—all of the county of Essex.

In Middlesex.

Mary A. Pierce, of Lowell, may take the name of Mary Ames Beard, and her minor daughter may take the name of Abigail Ames Beard ; Lucius Emmett Clary Paige, of Cambridge, may take the name of Lucius Robinson Paige ; Ledry Cooledge Wright, a minor, of Marlborough, may take the name of Charles Wright ; Jerome Buonaparte Morse, of Natick, may take the name of Joseph Spencer Bigelow ; Rebekah F. Cooper, of Framingham, may take the name of Rebekah Brown Fuller ; Jonathan Otis Howard, of Tyngsborough, may take the name of Otis Jonathan Howard ; Charlotte Elizabeth Hunt, a minor, of Natick, may take the name of Abby Charlotte Hunt,—all of the county of Middlesex.

In Worcester.

Melvina Bristol, of Fitchburg, may take the name of Flora Melvina Cutter ; Joel Hartwell, of Fitchburg, may take the name of Joel Willoughby Hartwell ; Ephraim Chamberlain, of Southborough, may take the name of Ephraim Hale Chamberlain ; Louisa M. Allen, of Mendon, may take the name of Louise Maria Aldrich ; Wyman Goodell, a minor, of Athol, may take the name of Jonathan Wyman Goodell ; Frederick Emery Blakeley, of Barre, may take the name of Frederick Emery Hastings ; Leonard Brigham, of Worcester, may take the name of Edward Leonard Brigham ; the hereafter-named family, all of Worcester, may take the following names : Luther Gunn may take the name of Edward Luther Holman ; Mary Sophia Gunn may take the name of Mary Sophia Holman ; Edwin Howe Gunn may take the name of Edwin Howe Holman ; Agnes Louisa Gunn may take the name of Agnes Louisa Holman ; Almira Wood Gunn may take the name of Almira Wood Holman ; Jonathan Peirce Holt, of Northbridge, may take the name of John Peirce Holt ; Carlo Waite, of Hubbardston, may take the name of Charles Munroe Waite ;

Abigail K. Partridge, of Worcester, may take the name of Abigail G. Knowlton; Frederick Gates, a minor, of Holden, may take the name of Frederick Gates Chaffin; Leona Malvina Whitney, a minor, of Upton, may take the name of Leonah Melvenah Lesure; Rebecca Palmer, of Paxton, may take the name Rebecca Farnsworth Palmer; Hannah Howe Hastings Hayward, of Mendon, may take the name of Anna Howe Hastings Hayward; Edmund Rice Greenwood, junior, of Hubbardston, may take the name of Edmund Greenwood; Benjamin Thales Cooley, of Worcester, may take the name of Benjamin Franklin Cooley,—all of the county of Worcester.

Galusha Ford Bates, of Williamsburg, may take the name of Galusha Ford Miller; William Field, of Northampton, may take the name of William Edward Field; Philip Ridgway Vining, of Williamsburg, may take the name of Seigneur Jokenne Hillman; the hereafter-named family, all of Granby, may take the following names: Benjamin Witt may take the name of Benjamin De Witt; Polly Witt may take the name of Mary De Witt; Benjamin Hollis Witt may take the name of Benjamin Hollis De Witt; Mary Ann Witt may take the name of Mary Ann De Witt; Sarah Jane Witt may take the name of Sarah Jane De Witt; Louisa Sandford Witt may take the name of Louisa Sandford De Witt; Henry Witt, of Granby, may take the name of Henry De Witt; William Pomeroy Clapp, of Williamsburg, may take the name of William Clapp Pomeroy,—all of the county of Hampshire.

William Jonas Brown Colburn, a minor, of Amherst, may take the name of William Brown Colburn; the hereafter-named family, all of Chicopee, may take the following names: Milton Hoar to take the name of Milton Woodville; Fanny Worthington Hoar to take the name of Fanny Worthington Woodville; Robert Worthington Hoar may take the name of Robert Worthington Woodville; Maria Hoar to take the name of Maria Lorene Woodville; Emily Hoar to take the name of Emily Amelia Woodville; Mary Francis Hoar to take the name of Mary Francis Woodville; Susan Phelps Hoar to take the name of Susan Phelps Woodville; Roderick Milton Hoar to take the name of Roderic Milton Woodville; Lucy Morely Hoar to take the name of Lucy Morely Woodville; Nelson Stratton, of Springfield, may take the name of Nelson Pitkin Stratton,—all of the county of Hampden.

Cyrus Ball Mack, of Sunderland, may take the name of Cyrus Mack Hubbard; Otis Gunn, junior, of Montague, may take the name of Otis Berthoud Gunn; George P.

Wood, of Orange, a minor, may take the name of George P. Whitney; Alanson Ward, of Buckland, may take the name of Alanson Wendell Ward; Celia Maria Stratton, and her minor children, of Northfield, may take the following names: Celia Maria Stratton to take the name of Celia Maria Herbert; Henry Augustus Stratton to take the name of William Henry Herbert; Sarah Florence Stratton to take the name of Sarah Florence Herbert; Jane Clark, of Conway, may take the name of Minerva Jane Gunn, all of the county of Franklin.

In Berkshire.

Mira H. Spencer, of Hinsdale, may take the name of Mira Hinsdale; Charles Hinsdale Spencer, minor, of Hinsdale, may take the name of Charles Franklin Hinsdale; Lorenzo Elliott Dole, of Peru, may take the name of Lorenzo Lyman; Ann C. Ford, of Windsor, a minor, may take the name of Hester Ann Ford; Sarah Adaline Baker, a minor, of Peru, may take the name of Sarah Adaline Miner; Dorah Frissel, of Peru, may take the name of Emily Frissel,—all of the county of Berkshire.

In Norfolk.

Harriet Elliot Cobb, of Dorchester, a minor, may take the name of Harriet Elliot Peake; Emma Louisa Reed, of Roxbury, may take the name of Emma Elizabeth Palmer; Harriet Augusta Sumner, of Medfield, minor, may take the name of Henrietta Augusta Robinson; James Lynch, of Medway, may take the name of James Lewis Pond; Julia A. Hartshorn, an adopted child, of Walpole, may take the name of Julia Howard; Caroline Fellows Johnson, of Roxbury, an adopted child, may take the name of Elsey Susan Lewis; Alfred Hunt, 2d, of Weymouth, may take the name of Alfred Harper,—all of the county of Norfolk.

In Bristol.

Cornelia E. Caswell, of Taunton, may take the name of Cornelia E. Allen; Mary Silas Presbrey, of Taunton, may take the name of Mary Presbrey Ellis; Deborah Turner Bodfish, of New Bedford, singlewoman, may take the name of Deborah Frances Bodfish; Melvin Bates, of Taunton, may take the name of William Leonard Eddy; Samuel L. Paull, of Taunton, may take the name of John Henry Richmond,—all of the county of Bristol.

In Plymouth.

Grenville Marsh Tappan, a minor, of Marshfield, to take the name of William Brigham Tappan; Harriet D. Swift, a minor, of Middleborough, may take the name of Harriet D. Reed; Arthur L. Gould, of Hingham, a minor, may take the name of Josiah L. Gould; Elisha C. Bubier, of Abington, may take the name of Elisha C. Davis,—all of the county of Plymouth.

In Barnstable.

James Mac Quire, of Truro, may take the name of James Henry Lee; John Mac Quire, of Truro, may take the

name of John Quincy Myrick; Ellen A. Phillips, a minor, of Yarmouth, may take the name of Ellen A. Matthews,—all of the county of Barnstable.

Rebecca West, a minor, of Chilmark, may take the name of William Valentine Worth,—of the county of Dukes. In Duke's
County.

And the several persons before mentioned, from and after the passage of this act, shall be known and called by the names which by this act they are respectively allowed to assume, as aforesaid, and said names shall hereafter be considered as their only proper and legal names to all intents and purposes. [*Approved by the Governor, April 29, 1850.*]

An ACT to authorize the Extension of certain Wharves in the Harbor of *Chap 254.*
Boston.

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

SECT. 1. The proprietors of the several wharves situate on the northwesterly side of Fore Point Channel, in Boston harbor, between Arch wharf and Wales' wharf, are hereby authorized to extend the same, respectively, to the new line of said channel, established by an act of the present Legislature, in a direction at right angles thereto: *provided*, that no person's legal rights shall be infringed thereby; *and provided, also*, that the extension of Prentice's wharf and Tileston's wharf, shall commence where the last extension thereof, respectively, commenced, and the same shall be altered to conform with the extension hereby authorized; *and provided, also*, that the southerly line of the wharf formerly known as Curtis' wharf, shall be continued in its present direction, to said new line of said channel. *Provisos.*

SECT. 2. The said extensions shall be built beyond the line established by the act of April the nineteenth, in the year one thousand eight hundred and thirty-seven, upon piles, not nearer together than six feet in the direction of said channel, and eight feet in a transverse direction. 1837, ch. 229.

SECT. 3. The proprietor of the wharf known as Piper's wharf, and now improved by Solomon Piper, is hereby authorized to drive and maintain piles, from the end of the northerly line of the said wharf, in the dock on the southerly side of the extension of Summer street wharf, to said new line of said channel, and in a direction at right angles thereto, so as to occupy a space in said dock, not exceeding four feet in width, for the purpose of hauling vessels into and out of his dock above; and that part of the dock below the present front line of Drake's wharf, and between the extension thereof, herein authorized, and the line of Piper's wharf.

piles aforesaid, shall be owned in common by the proprietors of said Piper's wharf and Drake's wharf, their heirs and assigns.

SECT. 4. The proprietors of the several wharves, between the points mentioned in the first section, shall have the same rights and privileges at the ends of the extensions of their respective wharves, and in the docks formed by, or at the sides thereof, herein authorized, as they now legally have at the ends of their present wharves, and in the docks at the sides thereof respectively, and none other, except so far as is herein otherwise expressly provided.

Proviso.

SECT. 5. *Provided, however,* that none of said wharves shall be extended, nor piles driven, beyond the line of said channel, established by said act of April the nineteenth, eighteen hundred and thirty-seven, until the bar in said channel, opposite or near to the foot of Summer street, shall have been excavated to the depth of twelve feet below low water, under the supervision and to the satisfaction of a commissioner, to be appointed by the governor and council, at the expense of said proprietors: *and provided, also,* that none of said wharves shall be extended, nor piles driven, until such portion of the strip of flats lying below Wales' wharf, and northerly and westerly of the southeasterly line of said channel continued, as said commissioner may direct, shall have been excavated to the depth of ten feet below low water, under the supervision of said commissioner, at the expense of said proprietors: *and provided, also,* that the compensation of said commissioner, and the expense of said excavations, and of the alteration of said Prentice's and Tileston's wharves, to make them conform to the line of extension herein authorized, shall be paid, or secured to be paid, to the satisfaction of said commissioner.

Of expenses.

SECT. 6. The said expenses shall be borne by the said proprietors, in proportion to the square surface feet outside of the line of said channel, established by the act of April the nineteenth, eighteen hundred and thirty-seven, upon which they are hereby respectively authorized to drive piles, or extend their wharves, to be ascertained and apporportioned by said commissioner.

Condition of this act.

SECT. 7. No proprietor of any of the wharves aforesaid shall be entitled to the benefits of this act, until he shall have paid, or secured to be paid, his proportion of said expenses, as aforesaid. [*Approved by the Governor, April 30, 1850.*]

An Act to incorporate the Town of Winchester.

Chap 255.

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

SECT. 1. All the territory now within the towns of Woburn, Medford, and West Cambridge, comprised within the following limits, that is to say, beginning on the south side of Hill street, on the line of Woburn and Stoneham, near Jesse Dike's house; thence running along said town line, southwesterly, six hundred and sixty rods, to the southeasterly corner of Woburn; thence, in precisely the same direction, two hundred thirty-seven and one-half rods; thence in a straight line westwardly, crossing Mystic pond, about eight hundred rods, to a point in the boundary line of West Cambridge and Lexington, which is one hundred twelve and a half rods, southwesterly, from the junction of said line with Woburn; thence, northeasterly, along said line, to the junction of Woburn, Lexington, and West Cambridge; thence, northwesterly, along Lexington line, to a stone bound on said line, next the southerly side of John Winning's barn; thence in a straight line, to a point five rods south of the southerly side of Jacob Pierce's barn, by his dwelling; thence to a point on Main street, half way between the south side of Woburn Common and the depot at South Woburn, as the road now runs; thence, easterly, to a point six rods north of William Richardson's house; thence about two hundred fifty rods, easterly, to the point of beginning, is hereby incorporated into a town, by the name of Winchester; and the said town of Winchester is hereby vested with all the powers, privileges, rights, and immunities, and made subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Limits of new town.

SECT. 2. The inhabitants of the town of Winchester shall be holden to pay all arrearages of taxes legally assessed upon them before the passage of this act, and also their proportion of such state and county taxes as may be legally assessed upon them, before the taking of the next state valuation, (said proportion to be ascertained and determined by the respective town valuations of Woburn, Medford, and West Cambridge, next preceding the passage of this act,) to the respective treasurers or collectors of said towns; and all moneys now in the treasuries of said towns of Woburn, Medford, and West Cambridge, or that may hereafter be received from taxes already assessed, or directed to be assessed, shall be applied to the purposes for

Taxes.

which they were raised and assessed, in like manner as if this act had not been passed.

Debts. SECT. 3. The inhabitants of the town of Winchester shall be holden to pay their just and equitable proportion of all debts due from said towns of Woburn, Medford, and West Cambridge, and shall be entitled to receive their just and equitable proportion of the value of all property, real and personal, and of all assets, now owned and held by said towns of Woburn, Medford, and West Cambridge, respectively; and the towns of Woburn, Medford, West Cambridge, and Winchester, shall be respectively liable for the support of all persons who now need, or who shall hereafter need relief as paupers, whose settlement was gained by, or derived from, a residence or settlement within their respective limits. In case said towns, or any of them, shall not agree in respect to a division of property, funds, debts, town paupers, or state or county taxes, the court of common pleas for the county of Middlesex, shall, upon the petition of either town, appoint three competent and disinterested persons, to hear the parties and award thereon; and their award, or the award of any two of them, being accepted by said court, shall be final.

Paupers.

Town meeting. SECT. 4. Any justice of the peace, within and for the county of Middlesex, may issue his warrant directed to any principal inhabitant of the town of Winchester, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings. Such justice, or in his absence such principal inhabitant, shall preside until the choice of a moderator, in said meeting.

Not to affect congressional district.

SECT. 5. This act shall not affect the congressional districts now existing, but the citizens of Winchester shall, in all congressional elections, vote as heretofore, while the districts remain as at present; and shall take effect from and after its passage. [*Approved by the Governor, April 30, 1850.*]

Chap 256. An Act authorizing the Medway Branch Railroad Company to change the Location of their Road.

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

New location. The Medway Branch Railroad Company are hereby authorized to change the existing location of their road, and to relocate the same, as follows, viz. :—commencing at the

terminus of said road, as now located, at Medway Village; thence running southeasterly, through Medway, passing near to the house of Jasper Daniels, the northeasterly part of Franklin and the northerly part of Wrentham, to the Norfolk County Railroad at or near to the North Wrentham depot of said road, and to construct the said Medway Branch Railroad upon the said line; and, when this location shall have been made, and the said road constructed thereon, the said company shall be liable to all the duties, and shall enjoy all the powers, rights, and privileges, granted to them in their original charter: *provided*, that the location hereby authorized, shall be filed according to law, within six months from the passage of this act. [*Approved by the Governor, April 30, 1850.*]

Location to be filed within six months.

An Act concerning the Hancock Free Bridge Corporation.

Chap 257.

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

SECT. 1. The Hancock Free Bridge Corporation shall have the right to demand and receive the following tolls, instead of those heretofore established, viz.:—for each foot passenger or person passing either of the bridges of said corporation, one cent; for each single horse cart, wagon, sled, sleigh, chaise, sulkey, or buggy, with one seat, five cents; for one person and horse, four cents; for each wheelbarrow, handcart, and every other vehicle, capable of carrying like weight, two cents; for each cab, carryall, buggy, or rockaway, with two seats, and drawn by one horse, ten cents; for each coach, chariot, phaeton, curriole, or carryall, drawn by more than one horse, fifteen cents; for every other wheel carriage, sled, or sleigh, drawn by more than one horse, or other beast, ten cents; for all neat cattle, or horses, passing over either of said bridges, exclusive of those ridden, or in carriages or teams, two cents each; swine and sheep, six cents for each dozen, and at the same rate for a greater or less number; for each single horse cart, wagon, or sled, only one person shall be allowed to pass free of toll.

Tolls modified.

SECT. 2. This act shall not take effect, until it shall have been accepted by said Hancock Free Bridge Corporation, at a meeting called for that purpose. [*Approved by the Governor, April 30, 1850.*]

When to take effect.

Chap 258. An ACT to establish additional Terms of the Court of Common Pleas for the County of Berkshire.

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

Two new terms. **SECT. 1.** There shall be holden at Lenox, within and for the county of Berkshire, two additional terms of the court of common pleas annually, to wit, on the first Monday of January and the first Monday of July, for the disposition of the criminal business of said county.

In January and July.
For criminal business.

All civil business at the three terms, as heretofore established.

Of continuances.

SECT. 2. The civil business of said court, in said county, shall be transacted exclusively at the three terms heretofore established in said county, and the criminal business thereof shall be transacted exclusively at the terms established by this act; and all continuances of civil or criminal cases, shall, without any special order therefor, be had to the next term of the said court to be holden for the transaction of business of the same description.

Appeals and other processes.

SECT. 3. All appeals, recognizances, continuances, and processes, and every other matter and thing, of a criminal nature, which would be returnable to, or have day in, the court of common pleas to be holden in said county, on the fourth Monday of June next, if this act had not been passed, shall be returnable to, and to have day in, that court at the term thereof hereby established, on the first Monday of July next.

Grand jurors.

SECT. 4. The grand jurors for said county of Berkshire, shall be required to attend only at the said terms hereby established for the transaction of criminal business. [*Approved by the Governor, April 30, 1850.*]

Chap 259. An ACT to incorporate the Female Medical Education Society.

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

Corporators. **SECT. 1.** Timothy Gilbert, William I. Bowditch, and Samuel Gregory, their associates and successors, are hereby made a corporation, by the name of the Female Medical Education Society, for the purpose of providing for the education of midwives, nurses, and female physicians, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth and thirty-eighth chapters of the Revised Statutes.

Powers and duties.
R. S. ch. 38, 44.

Real and personal estate.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding fifty thousand dollars, and personal estate not exceeding fifty thousand dollars. [*Approved by the Governor, April 30, 1850.*]

An ACT to incorporate the Matfield Railroad Company.

Chap 260.

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

SECT. 1. James BROWN, S. Dwight Eaton, J. M. Leonard, their associates and successors, are hereby made a corporation, by the name of the Matfield Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all other laws which have been or shall be passed relative to railroad corporations: *provided*, that said company shall have no right to take any land for the purpose of constructing said road, except by contract with the owner of such land.

Corporators.

Powers and duties.
R. S. ch. 39, 44.
and all other statutes.

Proviso as to land for road.

SECT. 2. Said company may locate, construct and maintain a railroad, with one or more tracks, from some convenient point not more than three hundred feet from the iron works of the East Bridgewater Iron Company, in East Bridgewater, to some convenient point on the Bridgewater and Abington Branch of the Old Colony Railroad, northerly of, and not more than one thousand feet from, the present station-house in East Bridgewater, at which point the said company may unite their railroad, by proper turnouts and switches, with the said branch of the Old Colony Railroad: *provided*, that said company shall first obtain permission of the Old Colony Railroad Corporation therefor.

Route of road.

East Bridgewater.

Proviso.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Value of shares.

SECT. 4. The capital stock of said company shall consist of not more than one hundred shares, the number of which shall be determined, from time to time, by the directors of said company, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and said company may invest and hold such part of said capital stock in real and personal estate as may be necessary and convenient for the purpose of their incorporation.

Capital stock.

Real estate.

SECT. 5. If the location of said railroad shall not be filed, and said railroad shall not be completed, within one year from the passage of this act, the same shall be void. [Approved by the Governor, April 30, 1850.]

One year to file location and complete road.

Chap 261. An Act regulating the Measurement of Cranberries and other Berries.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Strike or level
measure.

SECT. 1. Cranberries and all other berries, hereafter sold, shall be measured by the strike or level measure, that is, in the same manner as flax seed and other similar articles are measured.

1st of August,
1850.

SECT. 2. This act shall take effect from and after the first day of August next. [*Approved by the Governor, April 30, 1850.*]

Chap 262. An Act relating to the Fire Department of the City of Boston.

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

Power of city
council.

SECT. 1. The city council of the city of Boston may establish a fire department for said city, to consist of so many engineers and other officers, and so many engineemen and other members, as the city council, by ordinance, shall from time to time prescribe ; and said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal, of either such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and, in general, to make such regulations in regard to their conduct and government, and to the management and conduct of fires, and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient : *provided*, that the appointment of engineemen, hosemen and hook-and-ladder men shall be made by the mayor and aldermen exclusively.

Compensation,
&c.

Delegation of
power.

SECT. 2. The powers and duties mentioned in the preceding section, or any of them, may be exercised and carried into effect by the said city council, in any manner which they may prescribe, and through the agency of any persons, or any board or boards, to whom they may delegate the same.

Powers of en-
gineers, &c., of
the fire depart-
ment.

SECT. 3. The engineers or other officers of the department, so appointed as aforesaid, shall have the same authority, in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties now incumbent upon firewards, as are now conferred upon firewards by the Revised Statutes, or the special acts relating to the city of Boston, now in force. They shall also have

authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the removal of such materials, or the adoption of suitable safeguards against fire. And said city council are hereby authorized to make suitable ordinances upon this latter subject-matter, under the penalties enacted in the city charter.

SECT. 4. All officers and members of the fire department shall be exempted from military duty, or from serving as jurors or constables, during the time of their employment in said department. Exemption of officers and members.

SECT. 5. The city council aforesaid are hereby authorized, whenever and as often as they shall deem it expedient, to appropriate any sum or sums of money, in the way that may be judged by said council most advisable, for the relief or indemnity of any officer or member of the fire department who may sustain corporal injury, or contract sickness in the discharge of his duty, or consequent thereon. Relief for bodily injury, &c.

SECT. 6. The act entitled "an act to authorize the mayor and aldermen of the city of Boston to increase the number of enginemen in certain cases," passed on the thirtieth day of January, in the year eighteen hundred and twenty-three; the act entitled "an act authorizing the appointment of firemen in the town of Boston," passed February seventh, in the year eighteen hundred and twenty; the act entitled "an act establishing a fire department in the city of Boston," passed June eighteenth, in the year eighteen hundred and twenty-five; the act entitled "an act in addition to an act entitled 'an act establishing a fire department in the city of Boston,'" passed March second, in the year eighteen hundred and twenty-seven; the act entitled "an act in addition to an act establishing a fire department in the city of Boston," passed March third, in the year eighteen hundred and twenty-nine; and the act entitled "an act further in addition to an act establishing a fire department in the city of Boston," passed June twenty-first, in the year eighteen hundred and thirty-one, are hereby repealed. Repeal.

SECT. 7. This act shall take effect from and after its passage; but it shall not operate upon existing laws and ordinances, relating to the fire department of the city of Boston, until it shall have been adopted by the city council of said city. [*Approved by the Governor, May 1, 1850.*] When to take effect.

Chap 263. An Act in addition to the Acts for the Punishment of Drunkards.

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

On second conviction may be sentenced to workhouse.

Any person, who shall have become liable to imprisonment in the house of correction, upon a second conviction for the crime of drunkenness, as is provided in the eighteenth section of the one hundred and thirtieth chapter of the Revised Statutes, may be committed, at the discretion of the court or magistrate before whom he is convicted, to the workhouse, if any in the town or city where the offence was committed, instead of the house of correction. [*Approved by the Governor, May 1, 1850.*]

Chap 264. An Act to incorporate the Matfield Manufacturing Steam Mill Company.

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

Corporators.

SECT. 1. James Brown, S. Dwight Eaton, Samuel G. Alden, their associates and successors, are hereby made a corporation, by the name of the Matfield Manufacturing Company, for the purpose of manufacturing lumber, grinding grain, manufacturing iron, and for letting steam power, to be located in East Bridgewater, county of Plymouth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

In East Bridgewater. Powers and duties. R. S. ch. 38, 44.

Real estate and personal.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount twenty-five thousand dollars.

Value of shares.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 1, 1850.*]

Chap 265. An Act to incorporate the East Hampshire Agricultural Society.

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

Corporators.

Alfred Baker, Edward Dickinson, Luke Sweetzer, their associates and successors, are hereby made a corporation, by the name of the East Hampshire Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Amherst, in the county of Hampshire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-second and forty-fourth chapters

In Amherst. Powers and duties. R. S. ch. 42, 44.

of the Revised Statutes, and in all subsequent acts concerning agricultural societies; and said corporation may hold and manage real estate, not exceeding in value the sum of fifteen thousand dollars, and personal estate not exceeding the same sum, for the purposes aforesaid. [*Approved by the Governor, May 1, 1850.*]

Real and personal estate.

An Act to incorporate the Groton Hotel Company.

Chap 266.

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

SECT. 1. Luther F. Potter, Nathaniel P. Smith, Simeon Ames, their associates and successors, are hereby made a corporation, by the name of the Groton Hotel Company, for the purpose of erecting, in the town of Groton, buildings necessary and convenient for a public house, with all the powers and privileges, and subject to all the liabilities, duties and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers and duties.
R. S. ch. 44.

SECT. 2. Said corporation may hold such real and personal property, as may be necessary and convenient for the purposes aforesaid, not exceeding in amount twenty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. And if any ardent spirits, or intoxicating drinks of any kind whatever, shall be sold by said company, or by their agents, lessees, or persons in their employ, contrary to law, in any of said buildings, then this act shall be void. [*Approved by the Governor, May 2, 1850.*]

Real and personal estate.

Provide as to value of shares.

No intoxicating drinks to be sold.

An Act in further addition to an Act to ascertain the Ratable Estate within this Commonwealth.

Chap 267.

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

SECT. 1. That instead of the return required to be made by the assessors of the towns, districts, and other places within this Commonwealth, of all male polls of twenty-one years old and upwards, by an act entitled "an act to ascertain the ratable estate within this Commonwealth," the said assessors shall, on or before the first day of September next, take and lodge in the secretary's office, a true and perfect list of all male polls of twenty years old and upwards, whether at home or abroad, distinguishing such as are exempted from taxation.

Male polls of twenty years old and upwards required

SECT. 2. The secretary of the Commonwealth shall furnish a sufficient number of copies of this act to the assessors of each city or town. [*Approved by the Governor, May 2, 1850.*]

Chap 268.

An Act to incorporate the Midland Railroad.

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

Corporators.

SECT. 1. Marshall P. Wilder, Robert Codman, Welcome Farnum, and H. K. Horton, their associates and successors, are hereby made a corporation, by the name of the Midland Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and to all other general laws which have been or shall be hereafter passed, relative to railroad corporations.

Powers and duties.
R. S. ch. 44, 39,
and all other statutes concerning railroads.

Route of road.

SECT. 2. The said company are empowered to locate, construct and maintain a railroad, with one or more tracks, commencing at some convenient point on the Norfolk County Railroad, in South Dedham; thence through the southerly part of Dedham; thence through or near the westerly part of the towns of Canton and Milton to the town of Dorchester; thence in a northeasterly direction, through the town of Dorchester, passing through or near the easterly part of the city of Roxbury, and across the bay and marsh to South Boston, and through South Boston, southeasterly of A street, at such place and in such manner as will be satisfactory to the mayor and aldermen of the city of Boston, and over the flats, within the line of one hundred rods from high-water mark, to a point on Broad street or Sea street, between the northerly side of French's wharf and the southerly line of Amory's wharf, crossing Fore Point Channel by a pile bridge, and with a draw, as hereinafter provided.

To cross Fore Point Channel and Boston Harbor by a pile bridge.

SECT. 3. The said company are hereby authorized to cross Fore Point Channel, and so much of the flats in Boston harbor as are without the limits of private property, by a pile bridge only, said railroad, across said flats and Fore Point Channel, to be but twenty-six feet wide; said bridge shall be built on piles in such manner as to cause the least obstruction to the flow of the stream, and, where it crosses Fore Point Channel, shall have a good and sufficient draw and piers, for the safe and convenient passage of vessels, and the said bridge shall be constructed under the direction

of a commissioner, to be appointed by the governor and council, at the expense of said company; and the said company shall keep the said draw in good repair and open the same, and afford all proper accommodation to vessels having occasion to pass the same by day or night.

SECT. 4. The capital stock of said company shall consist of not more than seven thousand shares, the number of which shall, from time to time, be fixed by its directors, and no assessments shall be laid, of a greater amount thereon, in the whole, than one hundred dollars on each share, and none of said shares shall be issued by said company at a less sum than the full value thereof.

Capital stock.

SECT. 5. If the location of said road shall not be filed in one year, and the said railroad constructed in two years, from the passage of this act, then the same shall be void.

Location to be filed.
Construction.

SECT. 6. The Legislature may, after the expiration of five years from the time when such railroad shall be opened for use, from time to time, alter and reduce the rate of toll or profits upon said road; but said toll shall not be so reduced, without the consent of said company, as to produce, with said profits, less than ten per cent. per annum upon the investments of the said company.

Tolls, &c., may be reduced after five years.

SECT. 7. The said company may enter upon, and unite their said railroad with, the railroad of the Norfolk County Railroad Company, in South Dedham, with proper switches and turnouts, and may use the same, or any part thereof, according to law.

May unite with Norfolk County Railroad.

SECT. 8. The said railroad shall cross the Old Colony Railroad under the same, and they are hereby authorized to raise the Old Colony Railroad, if necessary, for that purpose, under the direction of the county commissioners for Norfolk county; and the said railroad shall cross the Boston and Providence Railroad over the same, with a clear height of seventeen feet above the top of the rail thereof, and leaving a roadway of fifteen feet each side of the centre line of said Boston and Providence Railroad free of obstruction; and the said railroad shall also be constructed under the streets it may cross at South Boston, and if it shall be necessary, for that purpose, to raise any of said streets, this corporation is hereby authorized and required to raise the same, under the direction of the mayor and aldermen of the city of Boston: *provided*, that the said railroad shall be so constructed as to pass under the Old Colony Railroad, and the track of the said Old Colony Railroad shall not be raised more than five feet above its present level, and the alteration of the grade necessary thereto shall be made without interrupting the travel on

How to cross Old Colony Railroad.

How to cross the Boston and Providence Railroad.

Proviso.

said road. And said Midland Railroad Company shall pay all damages, direct or incidental, caused thereby to the said Old Colony Railroad Corporation; and said crossing, and all alteration of streets rendered necessary thereby, shall be made by and at the expense of said Midland Railroad Company, under the direction of the mayor and aldermen of the city of Boston, in said city, and of the county commissioners of Norfolk county; and the Old Colony Railroad Corporation shall recover said damage in the same manner as damages are now recovered when land is taken by railroad corporations.

This and several other corporations authorized to form one company.

SECT. 9. The corporation hereby created, the Norfolk County Railroad Company, and the Southbridge and Blackstone Railroad Company, corporations established by the laws of this Commonwealth, and the Willimantic and Thompson Railroad Company, and the Hartford, Providence and Fishkill Railroad Company, two corporations established by the General Assembly of the state of Connecticut, are hereby authorized to unite their several corporations, and form one corporation, by the name of the Midland Railroad Company, upon such terms and upon such conditions as shall be mutually agreed; and all such persons as now are, or may hereafter be stockholders, in either of the aforesaid railroad companies, shall be joint stockholders in such united corporation, and all the tolls, franchises, rights, powers, privileges, and property granted, or to be granted, acquired or to be acquired under the authority of the said states, shall be held and enjoyed by all the said stockholders, in proportion to their number of shares, or amount of property held by them respectively, in either or all said corporations.

Meetings, &c., of new company.

Proviso as to residence of officers.

SECT. 10. The stockholders of said Midland Railroad Company shall hold their meetings, make their by-laws, appoint their officers, and transact all their business as one corporation: *provided*, one or more of the officers of said corporation shall be resident in this Commonwealth, and one or more of them in the state of Connecticut, on whom processes against said corporation may be legally served in either state, and that said corporation shall be held to answer in the jurisdiction where the service is made and the process is returnable.

Of liability of shares to attachment.

Proviso.

SECT. 11. The share or shares of any stockholder, in said corporation, shall be liable to attachment, and to be taken on execution in the state where such stockholder shall reside at the time of the service of the process: *provided*, that an attested copy of the writ or execution, and of the officer's return, shall at the time of the service be

left with the clerk, or a director of the corporation, or at his usual place of abode.

SECT. 12 Said corporation shall so make out and keep an account of the expenditures on said road, from its commencement to its completion, as clearly to exhibit what portion thereof belongs to that part of said road situated in Massachusetts, and what portion to that part in Connecticut; and two commissioners shall be appointed, one by the governor of each state, to hold their office for four years, and to be reasonably compensated for their services by said corporation, who shall ascertain what proportion of expenditures on said road, and of the other expenses attending its construction, maintenance and use, also what proportion of the receipts and profits of said railroad, shall properly appertain and belong to the portions of said road, in each state respectively; and the annual report required to be made by the directors to the Legislature of this Commonwealth shall be approved by said commissioners.

Expenditures in this State to be kept distinct.

Commissioners.

Their duties.

SECT. 13. The said corporation, so far as their road is situated in Massachusetts, shall be subject to the same general laws of this Commonwealth, to the same extent as the said Norfolk County Railroad Company, the Southbridge and Blackstone Railroad Company, and the corporation hereby created are and respectively would be, had the authority to unite said corporations herein contained not been granted; and the capital of such united corporation shall consist of the capital now authorized to the several corporations hereby authorized to be united, or as shall be authorized to them, or either of them, before such union shall take place.

Subject to the general laws.

SECT. 14. The provisions contained in the ninth, tenth, eleventh, twelfth and thirteenth sections hereof, shall not take effect until they shall have been accepted by the stockholders of said Norfolk County Railroad Company, said Southbridge and Blackstone Railroad Company, said Willimantic and Thompson Railroad Company, and said Hartford, Providence and Fishkill Railroad Company, respectively, at legal meetings called for that purpose. [*Approved by the Governor, May 2, 1850.*]

How and when to take effect.

An Act providing for Town Meetings in certain cases.

Chap 269.

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

SECT. 1. If, at any annual town meeting for the choice of town officers, said meeting has been or shall hereafter be dissolved, before said choice of town officers has been

Town meetings for choice of officers may be held in May in

certain contingencies.

or shall be fully effected and completed, and another meeting of said town cannot legally be warned and held within the month of April, a meeting, or meetings, of the inhabitants of such town may be called and held in the month of May.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1850.*]

Chap 270. An Act in addition to an Act to incorporate the Malden Steam Mills.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To make iron castings, &c.

That said Malden Steam Mills Company, in addition to the authority granted by their said act of incorporation to manufacture steam engines and machinery, are hereby empowered to make iron castings, and to saw and manufacture marble, the same being subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, May 3, 1850.*]

Chap 271. An Act in addition to "An Act to incorporate the Proprietors of the Cemetery of Mount Auburn."

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

May hold real estate in Cambridge and Waverly, not exceeding 100 acres additional.

The corporation known as the Proprietors of the Cemetery of Mount Auburn may purchase and hold, in fee simple or otherwise, any real estate, or any interest in any real estate, situate and lying in the towns of Cambridge and Watertown, in the county of Middlesex, any thing in the act of this Legislature, passed March thirty-first, A. D. eighteen hundred and thirty-five, entitled "an act to incorporate the proprietors of the cemetery of Mount Auburn," to the contrary notwithstanding; *provided always*, that such real estate, by the said corporation so purchased, holden and possessed as aforesaid, under the provisions of this act, shall not at any one time exceed one hundred acres in extent, in addition to whatever real estate the said corporation now holds, or is entitled to hold, by virtue of the act to which this act is in addition, as aforesaid. [*Approved by the Governor, May 3, 1850.*]

1835, ch. 96.

An Act concerning Bail in Criminal Cases.

Chap 272.

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

That bail, in criminal cases, may surrender their principals, and exonerate themselves, as bail in civil actions may now do, under the provisions of the ninety-first chapter of the Revised Statutes. [Approved by the Governor, May 3, 1850.]

May surrender principal.

An Act in further addition to "An Act to incorporate William Gray, junior, and others, for the purpose of bringing Fresh Water into the towns of Salem and Danvers, by subterranean pipes."

Chap 273.

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

SECT. 1. The said corporation are hereby empowered to conduct by subterranean pipes, into their own land in Salem and Danvers, the waters of Spring pond and Brown's pond, so called, and also the waters of the brook in the towns of Danvers and Salem, now dammed by said aqueduct corporation, which they now have, or may acquire the right to take and use, for the purposes and objects for which the original charter was granted; and for said purposes may construct, lay down, and maintain any dam or dams, pipes, fountains, or reservoirs, whatsoever, upon and over any land whatsoever, subject to the following provisions hereinafter continued.

Whence water may be brought.

Powers, &c.

SECT. 2. If any person or corporation shall suffer damage by the taking the water aforesaid, in the manner and for the purposes aforesaid, such injured party shall be entitled, for remedy against said corporation, to the process by petition to the supreme judicial court, provided by the second section of the statute of eighteen hundred and thirty-nine, chapter one hundred and fourteen.

Damages, how recovered.

SECT. 3. To obtain the funds required to carry into effect the extension and improvement of their works, for the increased supply of water, which the said corporation is hereby empowered to construct and maintain, they are hereby authorized to create as many new shares in their capital stock as may be necessary, not exceeding in value two hundred thousand dollars: *provided*, that no shares in the capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

New shares.

Proriso as to value.

SECT. 4. The corporation shall lay a six-inch iron pipe, from the square in South Danvers, through the main street,

to Salem, for the supply of water to the inhabitants on said street. [*Approved by the Governor, May 3, 1850.*]

Chap 274.

An Act concerning Schools.

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

Towns of 500 families, and less than 8000 inhabitants, to keep two or more schools for instruction in the branches named in R. S., ch. 23, § 5.

SECT. 1. Towns coming within the requirements of the fifth section of the twenty-third chapter of the Revised Statutes, but of less than eight thousand inhabitants by the next preceding decennial census, may be exempt from said requirements: *provided*, that they maintain, in each year, two or more schools, in such districts as the school committee shall approve, for terms of time that shall, together, be equivalent to twelve months, and for the benefit of all the inhabitants, kept by masters who, in addition to the branches of instruction enumerated in the first section of said chapter, shall be competent to give instruction in the history of the United States, book-keeping, surveying, geometry, and algebra, and also, in towns containing four thousand inhabitants, in the Latin and Greek languages, general history, rhetoric, and logic: *provided, also*, that no one of said schools shall be kept for a less term than three months. [*Approved by the Governor, May 3, 1850.*]

If 4000 inhabitants, Greek, Latin, &c., to taught.

These schools to be kept at least three months.

Chap 275.

An Act in addition to an Act to prevent Obstructions in the Streets of Cities, and to regulate Hackney Coaches and other Vehicles.

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

Fee for license to set up hackney coach, &c., in any city.

SECT. 1. The mayor and aldermen of any city in this Commonwealth are hereby authorized to demand and receive the sum of one dollar, and no more, for a license to any person to set up and use within such city, any carriage or vehicle mentioned in the act to which this is an addition, passed on the twenty-third day of April, in the year one thousand eight hundred and forty-seven.

1847, ch. 224.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

Chap 276.

An Act concerning the Assessment of Taxes.

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

To fix the place where a taxable person shall be taxed on the 1st of May.

Whenever any taxable person, being in any town of this Commonwealth on the first day of May in each year, shall, when called upon by the assessors of said town, deny his

legal residence therein and refuse to state to said assessors where he considers his legal residence to be, he shall, for the purpose of taxation, be deemed to be an inhabitant of said town, and his taxes shall be there assessed; but if said person shall, when thus called upon, deny his residence in said town and designate another town as his legal residence, it shall be the duty of the assessors of said first-named town to notify the assessors of the town thus designated, and such notice shall authorize said last-named assessors to tax said person as an inhabitant of the town thus designated: *provided*, that nothing herein contained shall exempt said person from his liability to the payment of any tax legally assessed upon him in the town of his legal domicil. [*Approved by the Governor, May 3, 1850.*]

Proviso.

An Act to prevent the Explosion of Steam-Boilers.

Chap 277.

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

SECT. 1. No person, or corporation, shall use, or cause to be used, any steam-boiler, in this Commonwealth, unless the same be provided with a fusible safety plug, to be made of lead, or some other equally fusible material, and to be of a diameter of not less than one-half an inch, which plug shall be placed in the roof of the fire-box, when a fire-box is used, and, in all cases, shall be placed in a part of the boiler fully exposed to the action of the fire, and as near the top of the water line as any part of the fire surface of the boiler; and, for this purpose, it shall be lawful to use Ashcroft's "protected safety fusible plug."

The kind of safety plug to be used with steam-boilers.

SECT. 2. If any person shall, without just and proper cause, remove from the boiler the safety plug thereof, or shall substitute therefor any material more capable of resisting the action of the fire than the said safety plug so removed, he shall be punished by a fine not exceeding one thousand dollars.

Penalty for violating the foregoing section.

SECT. 3. If any person, or corporation, shall use, or cause to be used, in this Commonwealth, for the space of six consecutive days, a steam-boiler unprovided with a safety fusible plug, as named in the first section, such person or corporation, so offending, shall be punished by a fine not exceeding one thousand dollars.

Penalty for not using a safety plug.

SECT. 4. Chapter one hundred and thirty-nine of statute of eighteen hundred and forty-nine, is hereby repealed. [*Approved by the Governor, May 3, 1850.*]

Repeal.

Chap 278.

An Act concerning proceedings for Partition of Real Estate.

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

Case in which defendant shall have compensation for buildings, &c., on process for partition.

SECT. 1. In any writ, or other process of partition, in which it shall appear by the pleadings that the defendant or respondent denies the right and title of the plaintiff or petitioner to any part of the premises, and claims the same as his own absolute estate, in fee, and it shall be proved that the defendant or respondent held the same under a title which he believed to be good, the defendant or respondent shall be entitled to compensation for the value of any buildings or improvements, made or erected by himself, or by any other person, under whom he claims, on the premises so claimed by him, in case the plaintiff or petitioner shall secure judgment; such value to be ascertained in the same manner as is provided for tenants in real actions, by the one hundred and first chapter of the Revised Statutes; and in like manner he shall be liable for the plaintiff or petitioner's share of the rents, profits, and other damages mentioned in the said chapter.

R. E. ch. 101.

Stay of judgment for plaintiff, in what case.

SECT. 2. If any sum shall remain due to the defendant, or respondent, for improvements, after deducting the rents, profits, or other damages, for which he may be found chargeable, the plaintiff or petitioner shall not have judgment for partition of the premises, until he shall have paid the same to the defendant or respondent, or to the clerk of the court, for his use; and he shall not be entitled to any rents and profits which may accrue after verdict, and before he shall have made such payment. [*Approved by the Governor, May 3, 1850.*]

Chap 279.

An Act concerning Mutual Fire Insurance Companies.

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

May insure in states specified.

SECT. 1. All mutual fire insurance companies that have been or shall hereafter be incorporated in this Commonwealth, are hereby empowered to insure any property included in the terms of their charters, and situated in the states of New York, Vermont, New Hampshire, Maine, Rhode Island, and Connecticut.

Property insured may be divided into four classes.

Policy to designate the class.

SECT. 2. All property that shall hereafter be insured by said companies, may be divided by the directors thereof, at their discretion, into any number of distinct and separate classes, not exceeding four. The policy of each member of any company, dividing its risks into classes, shall design-

nate the class of risks with which he is associated ; and the premiums and deposit notes of each class, and the assessments for which members may become liable, shall be held and assessed to pay the losses occurring in the class to which they belong, and no other: *provided, however,* that no policy shall be issued by any company, to cover property in any separate class, until the amount of one hundred thousand dollars shall be subscribed to be insured in such class. *Proviso.*

SECT. 3. The general expenses of any company, not strictly applicable to either class, shall be apportioned to each class, according to the amount of premiums received in each ; and in any division of the funds of any company, and in all returns of premiums and deposits, each member shall be entitled to receive only his proportional part of the funds belonging to the class of risks with which he is associated. *General expenses, how apportioned.*

SECT. 4. The second section of this act shall not take effect in reference to any company, until the same shall be adopted at a meeting of such company, called for the purpose ; and any member of a company adopting said second section, who shall dissent from such adoption, shall have the right, at any time within three months after such adoption, to cancel his policy, after having discharged all assessments and sums due from him under his policy. *Second section not in force till adopted by insurance company. Proviso as to members dissenting.*

SECT. 5. The act entitled "an act concerning mutual fire insurance companies," passed on the fourteenth day of April, in the year one thousand eight hundred and forty-nine, is hereby repealed: *provided,* this repeal shall not invalidate the doings of any mutual fire insurance company, under authority of the provisions of said act. [*Approved by the Governor, May 3, 1850.*] *Repeal, 1849, ch. 104. Proviso.*

An Act in addition to "An Act for the further Regulation of the Erection of Wooden Buildings in the City of Boston." *Chap 280.*

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

SECT. 1. The city council of the city of Boston may authorize the erection of wooden buildings in those parts of said city called South Boston and East Boston, upon such terms and conditions, and subject to such limitations and restrictions, as they may deem expedient. *Power of city council.*

SECT. 2. The first, second, third, fourth, fifth, seventh, eighth, and fifteenth sections of the act passed on the twenty-third day of February, in the year one thousand eight hundred and eighteen, entitled "an act to secure the *Acts, and parts of acts, repealed.*

town of Boston from damage by fire ;” the two acts passed on the sixteenth day of June, in the year one thousand eight hundred and twenty-one, entitled “an act partially to suspend the operation of an act to secure the town of Boston from damage by fire,” and “an act regulating the building with wood within the town of Boston ;” the act passed on the fifteenth day of June, in the year one thousand eight hundred and twenty-two, entitled “an act to provide for the erection of two-story wooden buildings in the city of Boston ;” the act passed on the fifth day of February, in the year one thousand eight hundred and thirty, entitled “an act in addition to an act regulating the building with wood in the town of Boston ;” the fifth section of the act passed on the eighth day of April, in the year one thousand eight hundred and thirty-five, entitled “an act for the further regulation of the erection of wooden buildings in the city of Boston,” to which this act is in addition, and so much of the second section thereof, as relates to South Boston and East Boston, are hereby repealed.

When to take effect.

SECT. 3. This act shall take effect from and after its passage ; but it shall be void, unless the city council of said city shall accept the same within thirty days after its passage. [*Approved by the Governor, May 3, 1850.*]

Chap 281. An Act to annex a part of the City of Roxbury to the City of Boston.

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

Boundary.

SECT. 1. The boundary line between the city of Boston and the city of Roxbury, southeasterly of Harrison Avenue, is hereby altered and established as follows, to wit :—beginning at a point in the present boundary line, at the centre of the Roxbury canal, (so called,) thence running in the centre of said canal, to a point in the same, situate one thousand and seven feet from the southeasterly side of Harrison Avenue, measuring southeasterly, and in the range of the westerly side of Worcester street, in said Boston ; thence running in a straight line, northeasterly, about twenty-six hundred and twenty-two feet, to a pile monument in the Roxbury channel, in the present line ; and all that portion of land, or flats, northwest of the line hereby established, is hereby annexed to, and made a part of, the said city of Boston, in the county of Suffolk : *provided, however,* that the territory so transferred, shall, for the purpose of electing senators, continue to be, and remain a part of, the city of Roxbury ; and that all the inhabitants residing upon it shall, until otherwise constitutionally provided,

Provido in relation to elections.

always enjoy, in relation to the election of senators, all the rights and privileges of, and in relation to, voting in the said city of Roxbury, which they would have possessed if this act had not been passed; such voting to be in the ward whereof the place of voting shall be, for the time being, nearest the westerly corner of the said territory.

SECT. 2. The mayor and aldermen of the city of Boston shall cause suitable monuments to be erected and continued, showing the line between the said city of Boston, as it has existed by said territory hitherto, and shall cause the same to be perambulated in like manner, and with the like penalties for neglect, as now by law is or are provided in respect to other boundary lines of cities and towns, such penalties to be recovered against the said city of Boston.

Monuments to be erected.

SECT. 3. The mayor and aldermen of the city of Boston shall, annually, furnish to the city authorities of Roxbury, forty-eight hours at least before any senatorial election, correct lists, so far as may be ascertainable from the records and doings of the said city of Boston, or any of its officers, of all persons resident in the territory hereby set off, who shall be entitled to vote for senators, as aforesaid, in the said city of Roxbury; and the said city of Boston, for every neglect of its said mayor and aldermen so to furnish such list, shall forfeit the sum of one hundred dollars; and for the making of a false return in respect to any part of such list, shall forfeit the sum of twenty dollars for every name, in respect to which a false return shall have been made, to be recovered in the same manner as is provided by the fourth section of the third chapter of the Revised Statutes, in respect to penalties for neglect or false returns by collectors of towns. [*Approved by the Governor, May 3, 1850.*]

Lists of voters in the territory set off, to be furnished annually to city authorities of Roxbury.

Penalty for neglect.

An Act to provide for the custody of the Prisoners committed to the Jail or House of Correction in the County of Norfolk, during the time that said Jail and House of Correction are undergoing repairs.

Chap 282.

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

The inspectors of the jail and house of correction in the county of Norfolk, may, in their discretion, designate, in writing, some suitable place or places, in any contiguous county, as a place of confinement for prisoners while said jail and house of correction are undergoing repairs; and such designation, being filed with the clerk of the court of common pleas for the county of Norfolk, shall be a sufficient authority for the sheriff, jailer, master or keeper, to

The inspectors to designate a suitable place for the keeping of prisoners.

remove all or any of the prisoners in his custody, in said jail or house of correction, or during the time of such repairs, ordered to be confined therein, to the place designated, and there to confine them until they can be safely returned to the jail or house of correction whence they were removed, or wherein their confinement was ordered; and any place to which the prisoners shall be so removed, shall, during their imprisonment therein, be deemed a prison of the county in which they were originally confined, but they shall be under the care, government and direction of the officers of the county in which they are confined. [Approved by the Governor, May 3, 1850.]

Chap 283. An Act to incorporate the Ocean Steamship Company of New England.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Nathaniel F. Cunningham, Henry Plympton, John Rayner, George Passarow, their associates, successors and assigns, are hereby made a corporation, by the name of the Ocean Steamship Company of New England, for the purpose of navigating the ocean by steamships or packets, and building the same, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers and duties.
 R. S. ch. 44.

Authority to purchase, build, &c., steam packets.

SECT. 2. Said company are hereby authorized to purchase, build, hold, maintain, use, improve and convey, or otherwise dispose of, one or more steam packets or vessels, together with the apparatus, works and property, necessary or convenient for their business.

Real and personal estate.

SECT. 3. The real estate of said company shall not exceed in value six hundred thousand dollars, and the whole amount of their personal property shall not exceed twice that sum; and no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Value of shares.

Proviso as to rights of others.

SECT. 4. Nothing herein contained shall be so construed as to affect the legal rights of any person or corporation whatever.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, May 3, 1850.]

Chap 284. An Act concerning Sales of Personal Property under Mortgage.

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

If any mortgagor of personal property shall sell or con-

vey said property, or any part thereof, without the written consent of the mortgagee, and without informing the person, to whom he may sell or convey, that the same is mortgaged, said mortgagor shall be held guilty of a misdemeanor, and shall be punishable by a fine not exceeding one hundred dollars, or by imprisonment in the county jail or house of correction for a term not exceeding one year. [Approved by the Governor, May 3, 1850.]

Penalty where mortgagor of personal property sells it a second time without consent of mortgagee.

An Act authorizing George W. Otis and Benjamin Iresan, Jr., to conduct Water from an Artificial Pond to their Factory in Lynn. *Chap 285.*

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

SECT. 1. George W. Otis and Benjamin Iresan, junior, of Lynn, their heirs and assigns, are hereby authorized to conduct water from the artificial pond on the northerly side of the highway in said Lynn, called Boston old road, to the stone factory on the southerly side of said highway, by means of a culvert, iron pipe or pent stock, along and across said highway : *provided*, that the transverse section of said culvert, pipe or pent stock, shall not exceed one square foot in area, and shall be so laid under ground as not to obstruct the public travel nor impair the rights of any person. *Authority.*

Proviso as to kind of culvert, &c.

SECT. 2. The breaking up of said highway, and the times at which the same may be done for laying or repairing of said culvert, pipe or pent stock, shall be under the direction of the mayor and aldermen of the city of Lynn, or such person as they may appoint. *Mayor and aldermen.*

SECT. 3. This act shall take effect on and after its passage. [Approved by the Governor, May 3, 1850.]

An Act concerning District Schoolhouses.

Chap 286.

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

SECT. 1. Any town of this Commonwealth that has been divided into school districts, the inhabitants of which may think it expedient to abolish said district, shall be authorized to take possession of the district schoolhouses in the following manner:—An appraisement shall be made, by the direction of the town, of the value of the schoolhouses, a tax shall then be levied sufficient for the erection of new schoolhouses in all the districts, and to each district shall be remitted a proportion of the tax equal to the value of its house. *Mode of proceeding in towns for schoolhouses where districts are abolished.*

Same, where schoolhouses are to be erected at the common expense.

SECT. 2. Any town that has been divided into school districts, the inhabitants of which shall desire so far to alter their district system as to provide for the erection of schoolhouses in all the districts, at the common expense of the town, shall be authorized to proceed in the manner provided in the preceding section. [*Approved by the Governor, May 3, 1850.*]

Chap 287. An Act establishing the times and places for holding the Probate Court in the County of Hampden.

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

Terms at Springfield.

SECT. 1. There shall be a probate court held each year at Springfield, in the county of Hampden, on the first Tuesday in January, February, March, April, June, July and November, and on the fourth Tuesdays in April, August and September. At Westfield, in said county, on the third Tuesdays in March, June, September and December. At Monson, on the second Tuesday in June ; and at Palmer, on the second Tuesday in September.

At Westfield.

At Monson.
At Palmer.

Of return of processes.

SECT. 2. All processes now returnable to said probate court, at the times and places heretofore established by law, may be returned and acted upon in the same manner as if this act had not been passed.

Repeal.

SECT. 3. All laws now in force regulating the times and places of holding said court in said county are hereby repealed, except as is provided in the foregoing section.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

Chap 288. An Act concerning the Inspection of Beef and Pork.

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

" Prime mess pork."

SECT. 1. The inspector general, or his deputies, are hereby authorized to pack and inspect the following descriptions of pork, namely:—A quality to be denominated and branded prime mess pork, which shall be packed from well-fatted hogs, two hundred pounds to the barrel, excluding heads, legs, lard, and shoulder-joints, the pork to be cut into four-pound pieces, near as may be, so that each barrel may contain fifty pieces, not less than twenty of which shall be mess or middle pieces, and not more than five of which shall be shoulder-pieces, the latter being cut free from joints ; and the same shall be packed with six ounces of saltpetre to each barrel, and the full quantity

and quality of salt and pickle required for other denominations of pork, under the existing inspection laws.

SECT. 2. A quality of pork, to be denominated and branded short mess middles, which shall be packed from sides only of well-fatted hogs, excluding heads, necks, legs, lard, shoulders, and shoulder-backs, to be thoroughly salted with Liverpool or other good salt, with a sufficiency of saltpetre, and packed in good secure casks, barrels, or boxes, with or without pickle, as may be required.

"Short mess middles."

SECT. 3. The inspector general, and his deputies, shall be authorized to pack, inspect, and brand, any denominations of beef or pork, known under the existing inspection laws of the Commonwealth, in any size or description of secure, good casks which may be required to be packed, in all other respects conformably to the existing standard for the several denominations of beef and pork.

SECT. 4. All salted beef and pork, imported or brought into this State, and exported or sold for exportation, shall be branded with the name of the packer, and the state where packed, and shall be inspected according to the Massachusetts inspection laws, if required at the time of purchase, by the purchaser, who shall pay the expenses of inspection and repacking.

Of salted beef and pork brought into this State.

SECT. 5. Beef and pork, intended for shipping or export, may be packed in any mode agreed upon by the buyer and seller, without inspection, but it shall be inspected if required at the time of purchase, by the purchaser, who shall pay all expenses of inspecting and repacking. [*Approved by the Governor, May 3, 1850.*]

Beef and pork intended for shipping.

An Act in addition to the several Acts relating to the State Prison.

Chap 289.

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

SECT. 1. The warden of the State Prison, with the consent of one or more of the inspectors, whenever, in their opinion, the proper discipline of said prison requires, is authorized to confine such convicts as are obstinate and refractory to solitary labor, for such time as they may deem necessary to produce penitence, or so long as they shall think expedient for the promotion of good order and discipline; and the warden, with the concurrence of one or more of the inspectors, is authorized to inflict corporal punishment upon the convicts in cases only where other methods have failed to produce penitence, and they find such punishment necessary to maintain the discipline of the

Solitary labor, in what case.

Corporal punishment.

prison; and that the warden, in his annual reports, shall state the whole number of stripes inflicted, the number of convicts upon whom they have been inflicted, and the circumstances attending each case: *provided*, that in no case shall more than ten stripes be inflicted at one time.

Proviso as to number of stripes.

Appointment of subordinates.

SECT. 2. The warden of the State Prison, with the advice and consent of the inspectors, is authorized to appoint one additional turnkey, and as many additional watchmen as they may find necessary, not exceeding five; also, as many supernumerary watchmen as may be necessary for the safety of the prison, during the erection of the proposed additional prison.

Prudential regulations.

SECT. 3. The warden and inspectors of the State Prison are hereby authorized to adopt such regulations, in relation to the intercourse of the convicts with their friends from without the prison, also, in relation to the introduction of newspapers into the prison, and in relation to visitors, as they may think necessary or expedient, not inconsistent with the laws relating to the government of the prison.

No engraving or printing to be allowed.

SECT. 4. After the expiration of any contract now existing, no convict, sentenced to the punishment of hard labor in any prison of this Commonwealth, shall be employed in the business of engraving or printing of any kind.

Physician's compensation.

SECT. 5. The compensation of the physician of the State Prison shall be four hundred dollars per annum, payable quarterly,

Repeal.

SECT. 6. All acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

Chap 290. An Act authorizing the Lake Rock Granite Company to construct a Branch Railroad.

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

Route of road commencing in Lynnfield.

SECT. 1. The Lake Rock Granite Company are hereby authorized to locate, construct, and maintain a branch railroad, with one or more tracks, commencing at their quarries in Lynnfield, and extending to and terminating at the South Reading Branch Railroad, at some convenient point near the Lynnfield Hotel, easterly from the Newburyport Turnpike, at which point it is to be united with said South Reading branch, with proper turnouts and switches; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-

Powers and duties. R. S. ch. 39, 44, and other statutes concerning railroads.

ninth chapter of said statutes relating to railroad corporations, and in all other laws which have been or shall hereafter be made relating to railroad corporations in this Commonwealth, so far as the same are applicable to said company.

SECT. 2. The amount of real estate held by said company, and of the capital stock of said company, shall not exceed the amount named in their act of incorporation.

SECT. 3. If the location of said railroad be not filed within one year, and if the same be not completed within two years from the passage of this act, then this act shall be void. [*Approved by the Governor, May 3, 1850.*]

Real estate.
Capital stock.

Filing of location.
Completion of road.

An ACT for the better Preservation of Order at Muster-Fields, and other places of Public Gathering.

Chap 291.

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

The selectmen of any town, upon complaint made to them, under oath, that the complainant has reason to believe, and does believe, that any booth, shed, or other temporary erection, situated within one mile of any muster-field, cattle-show ground, or other place of public gathering, is used and occupied for the sale of spiritous or fermented liquors, or for the purpose of gaming for money, or other property, may, if they consider the complaint well founded, order the owner or occupant thereof to vacate and close the same immediately; and if the owner or occupant shall refuse or neglect so to do, the said selectmen may forthwith abate such booth, shed, or other temporary erection, as a nuisance, and pull down or otherwise destroy the same, in any manner they may choose, or through the agency of any force, civil or military, which they may see fit to employ. [*Approved by the Governor, May 3, 1850.*]

Selectmen on complaint, on oath, may abate any booth, shed, &c., within a mile of a muster-field, &c. &c.

An ACT requiring Returns from Superintendents of Alien Passengers.

Chap 292.

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

SECT. 1. The superintendents of alien passengers shall, on or before the fifteenth day of December of each year, make returns of all moneys, by them received and expended, to the treasurer of the Commonwealth; and said returns shall show the details of every account for which said moneys have been received and expended.

Return of moneys annually, to treasurer of Commonwealth.

SECT. 2. All acts or parts of acts, inconsistent herewith, are repealed. [*Approved by the Governor, May 3, 1850.*]

Chap 293. An Act in addition to "An Act to change the Names of the Persons therein mentioned."

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

In Essex.

Laura Todd, of Lynn, may take the name of Laura Maria Walden; Samuel Capen Bancroft, of Salem, may take the name of Sidney Chapin Bancroft; Cyrus Killam, of Boxford, may take the name of Cyrus K. Bartlett; the hereafter-named family of Lynn, may take the following names: Joseph T. Guilford may take the name of Torry Peabody; Matilda Hartland Guilford may take the name of Matilda Hartland Peabody; Joseph Guilford may take the name of Torry Peabody, junior; Almiria Guilford may take the name of Almiria Newhall Peabody; Frances Peabody Guilford may take the name of Frances Peabody; Abby Ann Guilford may take the name of Abby Ann Peabody, all of Essex county. Hopestill Davis Baker, of Athol, may take the name of Mary Hopestill Baker, of Worcester county.

In Worcester.

In Norfolk.

Charles Richard Gallup, of Roxbury, may take the name of Charles Henry Eversdyk Gallup, of Norfolk county.

In Bristol.

In Plymouth.

Stephen Macy, of New Bedford, may take the name of Franklin Macy, of Bristol county. William H. Hill, of Abington, may take the name of Eugene Bray, of Plymouth county.

In Barnstable.

Ebenezer Holway, of Provincetown, may take the name of Ebenezer Wing Holway, of Barnstable county. And the several persons before named, from and after the passage of this act, shall be known and called by the names which by this act they are respectively allowed to assume as aforesaid, and the same shall hereafter be considered as their own proper and legal names. [*Approved by the Governor, May 3, 1850.*]

Chap 294.

An Act concerning Truant Children and Absentees from School.

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

Cities and towns may adopt rules concerning truancy, &c.

SECT. 1. Each of the several cities and towns in this Commonwealth is hereby authorized and empowered to make all needful provisions and arrangements concerning habitual truants, and children not attending school, without any regular and lawful occupation, growing up in ignorance, between the ages of six and fifteen years; and also all such ordinances and by-laws, respecting such children, as shall be deemed most conducive to their welfare, and the good order of such city or town; and there shall be annexed to such ordinances, suitable penalties, not exceed-

Penalties.

ing, for any one breach, a fine of twenty dollars: *provided*, *Proviso.* that said ordinances and by-laws shall be approved by the court of common pleas for the county, and shall not be repugnant to laws of the Commonwealth.

SECT. 2. The several cities and towns, availing themselves of the provisions of this act, shall appoint, at the annual meetings of said towns, or annually by the mayor and aldermen of said cities, three or more persons, who alone shall be authorized to make the complaints, in every case of violation of said ordinances or by-laws, to the justice of the peace, or other judicial officer, who, by said ordinances, shall have jurisdiction in the matter, which persons, thus appointed, shall alone have authority to carry into execution the judgments of said justices of the peace or other judicial officer.

SECT. 3. The said justices of the peace, or other judicial officers, shall in all cases, at their discretion, in place of the fine aforesaid, be authorized to order children, proved before them to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed, for such periods of time as they may judge expedient, in such institution of instruction or house of reformation, or other suitable situation, as may be assigned or provided for the purpose, under the authority conveyed by the first section of this act, in each city or town availing itself of the powers herein granted. [*Approved by the Governor, May 3, 1850.*]

An Act in addition to "An Act concerning Weights, Measures, and Balances."

Chap 295.

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

The treasurer of the Commonwealth is hereby authorized and directed to furnish to the treasurer of each town in this Commonwealth, which has been incorporated since the year one thousand eight hundred and forty-eight, and for which the same has not already been furnished, and also to the treasurer of each town that shall hereafter be incorporated, a complete set of the standard weights, measures and balances, such as was furnished to the then several towns, under authority of an act passed on the tenth day of May, one thousand eight hundred and forty-eight, to be cared for, kept in repair, adjusted and sealed, in the manner prescribed in said act: *provided*, that the cost of each set shall not exceed the sum of one hundred and fifty dollars. And the governor is hereby authorized to draw

How rules to be enforced.

Truants, &c., how to be disposed of.

New towns to have a set, each.

Proviso as to cost.

warrants accordingly. [*Approved by the Governor, May 3, 1850.*]

Chap 296. An ACT in addition to the several Acts for the better Preservation of Useful Birds.

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

Woodcocks or snipes not to be killed in August.
Robins and larks not to be killed at any season.
Repeal.

SECT. 1. The time in which it is made unlawful for any person to kill or destroy any birds called woodcocks or snipes shall be extended from the first day of August to the first day of September, and it shall not be lawful to kill or destroy robins or larks at any season of the year.

SECT. 2. So much of the acts to which this is in addition as is inconsistent herewith is hereby repealed. [*Approved by the Governor, May 3, 1850.*]

Chap 297. An ACT to incorporate the Trustees of the Richardson School Fund in Attleborough.

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

Trustees.

SECT. 1. John Daggett, Samuel Carpenter, Willard Blackington, Lucus Daggett, Daniel Clafin, Noah Blanding, Seba Carpenter, Elkanah Briggs, Forrist Foster, Gardner Dunham, and Draper Parmenter, and their successors, are hereby incorporated, by the name of the Trustees of the Richardson School Fund in Attleborough, with full power and authority to fill any vacancies which may at any time occur, and to make and establish all needful regulations and by-laws for their own government and the security and management of the said fund, and any personal and real estate the said corporation may lawfully hold in executing the provisions of the will hereinafter named.

Vacancies, (repealed, *postea* ch. 305.)
By-laws.

Power and duty.

SECT. 2. The said trustees shall have power, and it shall be their duty, to receive, secure, invest, hold and manage the said fund and estate, and divide and pay over the income thereof, according to the last will and testament of Abiather Augustus Richardson, under which the said trustees are appointed and chosen.

Officers.

SECT. 3. The said corporation may appoint such officers as their by-laws may provide, who shall be elected in the manner therein provided; and the present officers of the board shall hold their offices till others are chosen in their places.

Distribution, &c., of income of fund.

SECT. 4. The said trustees may establish such rules and regulations for the distribution and appropriation of the in-

come of said fund, in the support of the free schools mentioned in said will, as they may deem expedient, and the by-laws heretofore adopted shall remain in force till altered or rescinded by said trustees: *provided*, the said rules, regulations and by-laws do not conflict with the purposes of said will or the laws of the Commonwealth. *Proviso.*

SECT. 5. Two thirds of the members for the time being, of said board of trustees, shall constitute a quorum. *Quorum.*

SECT. 6. The person first named in this act may call the first meeting of the trustees, by giving each of them notice in writing at least seven days before the time of said meeting. *First meeting.*
[Approved by the Governor, May 3, 1850.]

An Act in addition to an Act incorporating the Proprietors of Central Bridge. *Chap 298.*

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

SECT. 1. The Central Bridge Corporation shall have power and authority to grant to each and every holder of a share or shares, of the capital stock of said bridge, a right to pass over said bridge free of toll, instead of and as a substitute for dividends, as now made and received upon said shares, subject to such regulations, as to the holding and transferring of same, as said corporation may make. *Of free passage over bridge.*

SECT. 2. Whenever a fund of three thousand dollars shall be received by said corporation from tolls or otherwise, after this act shall take effect, said bridge shall be made free by said corporation to all persons; and the interest of said fund, or as much thereof as shall be necessary, shall be expended in the repairs and expenses of said bridge. *Bridge, when to be free.*

SECT. 3. Said corporation shall have power and authority, with the assent of the towns of Lowell and Dracut, to levy a toll upon all persons passing said bridge, according to the rates by law now established, whenever, in their opinion, it may be necessary to increase said fund to the amount of five thousand dollars, or to defray any extraordinary repairs or improvements upon the same: *provided, however*, that the period within which it shall be lawful to take tolls upon said bridge, shall not, in any event, exceed five years from the date of the passage of this act. *Fund may be increased from \$3000 to \$5000 for support of bridge, by tolls.*

Proviso as to time within which tolls must be taken.

SECT. 4. This act shall not take effect unless all the holders of said stock shall assent in writing thereto, nor unless the city of Lowell, by its government, and the town of Dracut, shall give their assent thereto. *When to take effect.*
[Approved by the Governor, May 3, 1850.]

Chap 299. An Act providing Commissioners for the towns of Chelsea and North Chelsea.

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

County commissioners of Middlesex to have jurisdiction in Chelsea and North Chelsea.

SECT. 1. The county commissioners, within and for the county of Middlesex, shall exercise and perform, in the towns of Chelsea and North Chelsea, all the powers and duties conferred by law on county commissioners, so far as the exercise of the same shall be applicable to said towns.

The inhabitants of Chelsea and North Chelsea to vote for commissioners as if of Middlesex.

SECT. 2. The inhabitants of Chelsea and North Chelsea, at legal meetings to be called in the month of April, in every year, when county commissioners are appointed to be chosen in said county of Middlesex, shall be entitled to vote for such commissioners in the manner provided in the general laws.

Expenditures between the two towns.

SECT. 3. The compensation of said commissioners, in the exercise of all the powers and duties applicable to said towns of Chelsea and North Chelsea, shall be paid, two thirds by the town of Chelsea and one third by the town of North Chelsea.

SECT. 4. This act shall not affect any legal proceedings already commenced.

When to take effect.

SECT. 5. This act shall take effect whenever the same shall be accepted by the towns of Chelsea and North Chelsea, at legal meetings of the inhabitants.

Repeal.

SECT. 6. All acts inconsistent with this act are hereby repealed. [*Approved by the Governor, May 3, 1850.*]

Chap 300. An Act in relation to Real Estate in the County of Nantucket.

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

1847, ch. 102 and 218 repealed.

The several acts in relation to real estate in Nantucket, passed March twenty-third and April twenty-second, in the year one thousand eight hundred and forty-seven, authorizing a majority in interest to control the whole of certain lands therein named, be and the same are hereby repealed. [*Approved by the Governor, May 3, 1850.*]

Chap 301. An Act relative to School Districts.

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

Of taxing real estate and machinery of man-

SECT. 1. In raising and assessing money in the several school districts, all real estate and machinery, belonging to any manufacturing establishment, whether incorporated or

not, shall be taxed in the school districts where the same are situated. manufacturing establishments.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

An Act authorizing the Braintree and Weymouth Turnpike Corporation to erect two additional Toll Gates. *Chap 302.*

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

SECT. 1. The Braintree and Weymouth Turnpike Corporation, from and after the passage of this act, are hereby authorized to demand and receive, at each of the two toll gates heretofore established upon said turnpike road, the one-half of the sums now authorized and established by law, and no more. One half of present tolls to be taken.

SECT. 2. The said corporation are hereby furthermore authorized to establish one other toll gate on said turnpike road, any where between Tuft's store, so called, and Richards' meadow, so called; and also, another toll gate upon said turnpike road, any where between the store formerly kept by Benjamin Newcomb and Quincy line, with the right to demand and receive, at each of the aforesaid gates, the like sums in tolls, for the various description of travel passing said gates, that are hereby authorized to be taken, under this act, at the two gates already established. Two other gates to be established. Tolls.

And the same exemptions from tolls shall be made at the gates established by this act, as were made by the original charter, at the gates there established. Exemptions.

SECT. 3. Whenever any town, or individuals, shall petition the county commissioners of the counties in which said turnpike road is located, to have said turnpike, within any town, laid out as a public highway, if the said turnpike corporation shall refuse to assent to said petition, and accept of such award as the commissioners of either county shall make, after a view and hearing in the premises, to said turnpike corporation for the franchise of that part of said turnpike within any town, or of the whole turnpike road in all the towns through which it passes, then the two additional gates authorized by this act shall be removed, and the authority to take tolls at them is hereby annulled. When the two gates may be removed.
 [*Approved by the Governor, May 3, 1850.*]

Chap 303. An Act to extend and punish the crime of Larceny in certain cases.

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

Taking beasts or birds, ordinarily confined.

The taking, without the consent of the owner and with a felonious intent, of any beast or bird ordinarily kept in a state of confinement, and not being the subject of larceny at common law, shall be held to be larceny, and any person so taking any such beast or bird shall be punished in the manner provided in the Revised Statutes, for the punishment of persons guilty of the crime of larceny. [Approved by the Governor, May 3, 1850.]

Chap 304. An Act relating to the enlargement of the State Prison, and to the expenses of such enlargement, and of the State Reform School.

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

An additional prison.

SECT. 1. There shall be erected, within the limits of the State Prison yard in Charlestown, an additional prison, between the present old and new prison buildings, and to connect with the same, said prison to be built of unhammered stone, in general conformity to the plan and specifications which accompany this act, and the easterly wing of the present old prison shall also be altered and improved in conformity to the accompanying plan and specifications, and one hundred thousand dollars are hereby appropriated for the payment of the expenses of such erection and the alterations consequent thereon.

Alterations and improvements.

\$100,000 appropriated.

Two commissioners to be appointed by governor and council, with warden to superintend, &c.

SECT. 2. The governor, with the advice of the council, is hereby authorized to appoint two commissioners, who, with the warden of the State Prison, shall superintend the erection of said additional prison, and their accounts shall be rendered quarterly to the auditor of accounts, and the governor is requested to draw warrants, from time to time, for their payment.

To defray expenses under the act, and to provide for expenses in the establishment of State Reform School, treasurer of Commonwealth to issue scrip not exceeding \$175,000, redeemable in ten years.

SECT. 3. In order to defray any expenses incurred in pursuance of this act, or to pay any sums borrowed as herein-after authorized, and also to repay any expense incurred in the establishment of the State Reform School, and not provided for by the statutes of eighteen hundred and forty-nine, chapter two hundred and fourteen, the treasurer is hereby authorized, under the direction of the governor, by and with the advice and consent of the council, to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, to an amount not exceeding one hundred and seventy-five thousand dollars, redeemable in ten years from

the date thereof, and bearing interest at the rate of five per cent. per annum, payable semi-annually; and all such scrip shall be countersigned by his excellency the governor, and the faith of the Commonwealth is hereby pledged for the redemption of the same, as above provided. And the

Proviso.

SECT. 4. The treasurer, under the direction of the governor, by and with the advice and consent of the council, may borrow in anticipation of any of the scrip authorized as above, of any of the banks of the Commonwealth, or of any corporations or individuals, such sums as may be necessary for the purposes of this act: *provided*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall at no time exceed the amount of one hundred and seventy-five thousand dollars.

Treasurer may borrow in anticipation of the scrip.

Proviso as to amount.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

An Act in addition to an Act to establish a Police Court in the City of Worcester.

Chap 305.

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

SECT. 1. The standing justice of the police court in the city of Worcester shall receive, out of the fees which he is now entitled by law to receive, to his own use, a sum not exceeding twelve hundred dollars annually, which shall be in full for his own services as justice and clerk of said court: *provided, however*, that whenever the compensation, to which the special justices of said court are entitled by existing provisions of law, shall exceed the sum of two hundred and fifty dollars in any one year, the said standing justice shall pay said excess out of the amount which he is allowed to retain for his own use as herein provided.

Compensation of standing justice.

Proviso.

SECT. 2. All acts and parts of acts, inconsistent with the foregoing provisions, are hereby repealed. [*Approved by the Governor, May 3, 1850.*]

An Act in addition to an Act to incorporate the Trustees of the Richardson School Fund.

Chap 306.

Ante, ch. 297.

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

That so much of the said act as provides for filling vacancies in the board of trustees named in said act, is hereby repealed. [*Approved by the Governor, May 3, 1850.*]

Provision concerning filling vacancies repealed.

Chap 307.

An ACT in relation to Commissioners of the Public Lands.

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

Secretary, treasurer, and auditor to settle certain matters, &c., connected with sales of public lands.

SECT. 1. The secretary, treasurer and auditor are hereby authorized and empowered to compromise, adjust and fully and finally to settle justly and equitably and as the interests of the Commonwealth may require, all the matters, claims and controversies which, according to the report of the committee on the subject of the public lands, of the Legislature of last year, made at the present session, exist and remain unsettled, and all matters, claims and controversies between the Commonwealth and any person or persons existing and growing out of the sales of the public lands or of the products thereof.

Land agent not to sell any of the lands without written approval of the above named. Permits to cut off timber, &c. Sealed proposals therefor above a settled minimum.

SECT. 2. The land agent shall not hereafter sell any of said lands except with the written approval of said commissioners, but shall and may, so often as in his opinion the public interest may require, offer to sell and give permits to cut and take off the timber on any prescribed lot or lots, for and during such term as said land agent shall fix in advance therefor; and said land agent shall also fix in advance and hold as private, a minimum price for such permits, and advertise for sealed proposals: said proposals shall be opened in the land office, and the highest bidder, provided his offer be not less than the minimum price, and that he give the required security, shall be the purchaser entitled to such permit.

SECT. 3. All acts or parts of acts inconsistent herewith are hereby repealed. [*Approved by the Governor, May 3, 1850.*]

Chap 308.

An ACT to require certain Corporations to make Returns to Assessors.

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

Returns of ownership of stock, how to be made.

SECT. 1. It shall be the duty of all the corporations named in the first section of the ninety-eighth chapter of the laws of the year eighteen hundred and forty-three, excepting mutual insurance companies, annually, between the first and tenth day of May, to make return by mail, or otherwise, to the assessors of every city or town in this Commonwealth, in which any shareholder in such corporation may reside, the name of each owner residing in such city or town, with the number of shares belonging to such stockholder, on the first day of May of that year, and the par value of such shares, and shall also state the whole

amount of the capital stock of such corporation, and the amount of real estate and machinery which was last assessed to said corporation, in the city or town where the place of business of said corporation is situated: *provided, however*, that for the current year such returns shall be made within thirty days from the passage of this act.

SECT. 2. If any one of said corporations shall refuse or neglect to make such returns, or shall make any false return, such corporation, so offending, shall forfeit, for every such offence, a sum not less than fifty dollars, nor more than one thousand dollars, to the use of any city or town in which any such shareholder may reside, to be recovered by action of debt, in the name of the treasurer of said city or town, in any court of competent jurisdiction.

Penalty for neglect or refusal, or making false return.

SECT. 3. All provisions of law requiring such returns to be made by the clerks or other officers of said corporations, are hereby repealed. But nothing in this act contained shall affect any action now pending, or any right or cause of action, existing when this act shall take effect.

Repeal.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

An Act to incorporate the Town of Melrose.

Chap 309.

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

SECT. 1. All that part of the town of Malden, in the county of Middlesex, which lies north of the following line, to wit: beginning at the monument set up at the junction of the towns of Saugus, North Chelsea, and Malden; thence running north eighty-eight degrees twelve minutes west, to the town of Medford, said line, where it crosses Main street, so called, being one hundred and sixty-seven feet south of the milestone standing on the easterly side of said street, south of the dwelling-house of Joseph Lynde, 2d, and on Washington street, one hundred and twenty-two feet north of the land of Robert T. Barrett on said street, and the most northerly corner of said Barrett's land, adjoining land of John J. Mahoney, is hereby incorporated into a town, by the name of Melrose; and the said town of Melrose is hereby vested with all the powers, privileges, rights, and immunities, and made subject to all the duties and regulations, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Boundaries.

Powers, &c.

SECT. 2. The inhabitants of said town of Melrose shall be holden to pay all arrearages of taxes, legally assessed upon them before the passage of this act, and also their

Of taxes.

proportion of such state and county taxes as may be assessed upon them before the taking of the next state valuation, (said proportion to be ascertained and determined by the last town valuation of the town of Malden,) to the treasurer and collector of said town; and all moneys, now in the treasury of said town of Malden, or may hereafter be received from taxes already assessed, or directed to be assessed, shall be applied to the purposes for which they were raised and assessed, in like manner as if this act had not been passed.

Paupers. SECT. 3. The said towns of Malden and Melrose shall be respectively liable for the support of all persons who now do, or hereafter shall, stand in need of relief as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within their respective limits.

Debts. SECT. 4. The inhabitants of the town of Melrose shall be holden to pay their just and equitable proportion of all debts due from said town of Malden, and shall be entitled to receive their just and equitable proportion of the value of all property, real and personal, and of all assets now owned and held by said town of Malden; and in case said towns shall not agree in respect to a division of property, funds, debts, town paupers, or state or county taxes, the court of common pleas for the county of Middlesex shall, upon the petition of either town, appoint three competent and disinterested persons to hear and award thereon, and their award, or the award of any two of them, being accepted by said court, shall be final.

Division of
property.

First meeting. SECT. 5. Any justice of the peace, within and for the county of Middlesex, may issue his warrant, directed to any principal inhabitant of the town of Melrose, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are, by law, authorized and required to choose at their annual meetings. Such justice, or, in his absence, such principal inhabitant, shall preside until the choice of moderator of said meeting.

SECT. 6. The town of Melrose are hereby made liable to pay all expenses that may legally accrue in consequence of the action of the county commissioners of the county of Middlesex, upon any petition now pending over any way in the town aforesaid.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

An Act to establish a Police Court in the Town of Pittsfield.

Chap 310.

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

SECT. 1. A police court is hereby established in the town of Pittsfield, to consist of one learned, able, and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences and misdemeanors, committed within the town of Pittsfield, whereof justices of the peace now have, or may hereafter have, jurisdiction. And the court hereby established shall hear and determine all suits, complaints and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are or may be vested in justices in the peace, and shall do all acts necessary to, and consistent with, such powers and authority. And the said police court shall also have original jurisdiction and cognizance of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined, before any justice of the peace in county of Berkshire, and exclusive jurisdiction whenever all the parties reside in Pittsfield, and service of the writ is had on the defendant in said county ; and no writ, in any such action or suit, shall be made returnable before any justice of the peace within said town of Pittsfield, but to said police court only ; and an appeal shall be allowed from all judgments of said police court, in like manner and to the same extent, that appeals are now allowed by law from judgments of justices of the peace ; and the justice of said police court shall not be of counsel or attorney to any party, in matter or thing whatsoever, which may be pending in said court.

SECT. 2. All warrants issued by said court shall be made returnable, and shall be returned, before said court ; and no warrant shall be issued by any justice of the peace, within the county of Berkshire, except by the standing justice or one of the special justices of said court, for any crime or offence committed within said town of Pittsfield.

SECT. 3. All fines and forfeitures, and all costs in criminal prosecutions which shall be recovered by, or paid into the hands of, the justice of said court, shall be by him accounted for and paid over to the same persons in the same manner and under the same penalties, as are by law prescribed in cases of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed, certified and allowed, and shall be paid, in like manner as is provided by law in cases of justices of the peace.

Court established.

Duties.

Powers.

Jurisdiction.

Appeal.

Of warrants.

Fines, forfeitures and costs in criminal cases, how accounted for.

Compensation. **SECT. 4.** The justice of said court shall be allowed to retain for his annual compensation, out of the fees received by him for his services as said justice, the sum of three hundred dollars for each year, and in the same proportion for any part of a year; *provided*, his fees for services in criminal business amount to the said sum of three hundred dollars per year, if not, he shall be allowed to retain whatever sum of money said fees amount to; and the said justice shall, on or before the first day of January of each year, pay over to the county treasurer of the county of Berkshire, all the surplus fees received by him from said criminal business over and above said sum of three hundred dollars.

Courts, when to be held. **SECT. 5.** A court shall be held by said justice, at some convenient and suitable place, to be provided at the expense of the said town of Pittsfield, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors; and said courts may be adjourned, from day to day, by the justice thereof, and at such other times as may be necessary for the trial of civil suits and actions; and the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof. Complaints may be received and warrants issued by him, at all reasonable times when said court is not in session.

Fees in civil cases. **SECT. 6.** The justice of said court shall be allowed, as a compensation for his services, in the trial and determination of civil suits cognizable by said court under this act, to tax, receive and retain, the same fees now allowed by law to justices of the peace in civil cases.

Record. **SECT. 7.** The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now required by law to do; and he shall also, annually, in the month of January, exhibit to the selectmen of the town of Pittsfield, a true and faithful account of moneys received by him.

Of pending suits, &c. **SECT. 8.** All suits, actions, and prosecutions, which shall be instituted and pending before any justice of the peace within the town of Pittsfield, when this act shall take effect, shall be heard and determined as though this act had not been passed.

Two special justices. **SECT. 9.** There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court; and whenever it shall happen

that the standing justice of said court shall be interested in any suit or prosecution, cognizable in said court, or shall, from any cause, be unable to hold said court, or discharge any of the duties required of him by this act, the said special justices shall have power to issue the processes of said court, and to hear and determine any matter or cause pending therein, the said cause being assigned on the record by the standing or special justice; and such special justice, for services so rendered, shall be paid by the standing justice, out of his salary, such sums as justices of the peace are paid for like services.

Compensation.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices at any time after the passage of this act.

Appointment.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

An ACT to incorporate the Ladies' Physiological Institute of Boston and vicinity.

Chap 311.

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

SECT. 1. Eunice H. Cobb, Ann M. Kendall, C. E. N. Kimball, Sarah Goodridge, Rebecca W. Cleverly, their associates and successors, are hereby made a corporation, by the name of the Ladies' Physiological Institute of Boston and vicinity, for the purpose of promoting, among women, a knowledge of the human system, the laws of life and health, and the means of relieving sickness and suffering; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers and duties.
R. S. ch. 44.

SECT. 2. Said corporation may, for the purpose aforesaid, take and hold real and personal property to an amount not exceeding fifty thousand dollars. [*Approved by the Governor, May 3, 1850.*]

Real and personal estate.

An ACT to extend the time for Locating the Troy and Greenfield Railroad.

Chap 312.

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

The time within which the location of the Troy and Greenfield Railroad may be filed, is hereby extended to the first day of December next. [*Approved by the Governor, May 3, 1850.*]

Time extended to 1st December, 1850.

Chap 313. An Act to incorporate the Washington Mutual Life Insurance Company.

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

Corporators.

SECT. 1. H. H. Darling, M. B. Dean, R. G. W. English, their associates and successors, are hereby made a corporation, by the name of the Washington Mutual Life Insurance Company, in the town of Springfield, for the purpose of making insurance on lives; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

In Springfield.

Powers and duties.

R. S. ch. 44.

Guaranty stock,
\$100,000.

SECT. 2. There shall be an original guaranty capital stock subscribed to the said corporation, which shall be one hundred thousand dollars, to be divided into shares by the corporation, half of which shall be paid in, in money, before the said corporation shall go into operation for the purpose of making insurance; the other half of said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for.

Choice of directors.

SECT. 3. At the first meeting of the corporation, a number of directors, not less than eight, shall be chosen by the subscribers to the guaranty stock, who shall hold their offices for one year, and until others are chosen in their stead; at all subsequent elections of directors, the number shall be such as may be provided for by a previous vote of the directors, not less than seven, or by-law of the corporation; and in case of no provision on this subject, the number shall be the same as at the first election, one-half of whom shall be elected by the stockholders, and the other half by the assured, voting in separate bodies; the directors shall all be either stockholders or assured, and on ceasing to be such, shall cease to hold said office.

Dividends,
when to be
made.

SECT. 4. Whenever the net surplus receipts of the corporation over the losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per centum, or to such less dividend as may be agreed upon at the time of subscribing for the stock; and in case such dividend not being made in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same.

Investment of
funds.

SECT. 5. The funds of said corporation shall be invested in stocks of the United States, of the State of Massachusetts, of the city of Boston, and in notes, secured by mort-

gage of unincumbered real estate in this Commonwealth, worth three times the amount loaned thereon. Said company may hold real estate to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Real estate.

SECT. 6. After providing for risks, losses, incidental expenses, and dividends, as aforesaid, the directors shall set apart one-quarter of the estimated surplus funds and receipts, as a reserved fund, to be applied to the redemption of the guaranty stock; and whenever, after the expiration of ten years from the time of organizing the company, the amount of such reserved fund shall be sufficient for the purpose, and the assured shall vote to redeem the said guaranty stock, the same shall be redeemed.

Reserved fund for redeeming guaranty stock.

SECT. 7. Upon the redemption and extinguishment of the guaranty stock, under the provisions of the sixth section, the directors shall be chosen by the assured.

Directors, when to be chosen by the assured.

SECT. 8. At the expiration of every period of five years from the time of the organization of the company, the remaining three-quarters of the estimated surplus funds and receipts shall be reimbursed to and among the assured, in proportion to the whole amount of premiums paid during the preceding five years.

Dividend of remaining surplus.

SECT. 9. The said corporation shall, on the third Monday of January, in every year, pay over to the trustees of the Massachusetts General Hospital, one-third of the net profits, if any, which shall have arisen from insurance on lives, made during the preceding year. [*Approved by the Governor, May 3, 1850.*]

Of payments to trustees of Massachusetts Gen. Hospital.

An Act for the appointment of Trial Justices,

Chap 314.

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

SECT. 1. The governor, with the advice and consent of the council, shall appoint and commission suitable persons in each county, to be trial justices in the county for which they are respectively appointed, who shall hold their offices for the term of seven years from the date of their commissions.

Trial justices in each county, to be appointed by governor and council.

SECT. 2. The said trial justices, before entering upon the duties of their office, shall respectively take and subscribe the oaths or affirmations required to be taken by persons appointed to civil office, by the governor, with the advice and consent of the council, under the constitution and laws of the Commonwealth.

Oaths.

SECT. 3. Said trial justices shall have and exercise all

Jurisdiction,
&c., of said jus-
tices.

the jurisdiction, power and authority that justices of the peace and justices of the peace and quorum, in the respective counties, now have and exercise, under and by virtue of the laws of this Commonwealth; and all the provisions in the laws of this Commonwealth shall apply to said trial justices, and to their jurisdiction, acts and proceedings, in like manner as they now apply to justices of the peace and justices of the peace and quorum, and their respective jurisdiction, acts and proceedings.

Jurisdiction of
justices of the
peace, how af-
fected by this
act.

SECT. 4. Such provisions of the laws of this Commonwealth as give jurisdiction in the trial of civil actions, and the issuing of writs and entering of judgments therein, to justices of the peace, and also such provisions as give jurisdiction in criminal cases in the examination and trial of offenders, to justices of the peace, are hereby repealed, so far as the jurisdiction, power and authority of justices of the peace therein are concerned, saving and excepting that justices of the peace may have and exercise the same jurisdiction, power and authority to receive complaints and issue warrants (other than search warrants,) in criminal cases, as they now have and exercise; but said warrants shall require that the officer serving such process shall bring the party therein charged before any of the trial justices for the same county, and the subsequent proceedings shall be conducted before the trial justice, in like manner as though the warrant had been issued by any of the trial justices.

Same.

SECT. 5. Such provisions of law as give jurisdiction, power and authority to justices of the peace, under the acts for the maintenance of bastard children, and under the acts for taking recognizances for debts, are hereby repealed, so far as the jurisdiction, power and authority therein, of justices of the peace, are concerned.

Police courts
not affected.

SECT. 6. Nothing in this act contained shall affect the jurisdiction, power and authority of any police court, duly established by law in any city or town of this Commonwealth, or of the justices' court of the county of Suffolk; and justices of the peace and justices of the peace and quorum shall continue to have and exercise the same jurisdiction, power and authority as they now have and exercise, excepting so far as their jurisdiction, power and authority are abridged by the provisions of the fourth and fifth sections of this act.

Of justices of
peace and of
the quorum.

Of pending pro-
cess.

SECT. 7. This act shall not affect any cases or proceedings now commenced, or that shall be hereafter commenced before this act shall take effect; and the justice of the peace before whom any such cases or proceedings may be commenced or pending, at the time this act shall take effect,

shall have the same jurisdiction, power and authority in respect to them, as they now have in like cases.

SECT. 8. The time set for the trial of any cause in any writ returnable before any of the trial justices, shall not be earlier than nine o'clock in the forenoon, nor later than four o'clock in the afternoon.

Time of day for trials.

SECT. 9. No judgment of any trial justice shall be considered regular, unless he shall be present with the plaintiff's writ, at the place appointed for trial, within one hour after the time set in such writ, or unless the case be continued by some justice, pursuant to the provisions of the acts of the year one thousand eight hundred and forty-eight.

Of the regularity of proceedings.

SECT. 10. One hour from the time set in a writ for the trial of a civil action, is allowed to the parties to appear; at the expiration of which time, judgment may be entered by such trial justice, on nonsuit or default, against the party who shall not appear.

At what time judgment may be entered, &c.

SECT. 11. Within twenty-four hours after judgment, on nonsuit or default, as provided in the preceding section, the trial justice rendering such judgment may, in his discretion, on motion of either party, strike off such nonsuit or default, and revive the action, on such terms as he may judge reasonable.

Within what period nonsuit or default may be stricken off.

SECT. 12. This act shall take effect from and after the first day of July next; but the governor shall have power, by and with the advice and consent of the council, to appoint said trial justices, and said trial justices may be duly qualified at any time after the passing of this act. [*Approved by the Governor, May 3, 1850.*]

When to take effect, and when justices to be appointed.

An Act in addition to "An Act in relation to the State Library."

Chap 315.

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

So much of the second section of an act entitled "an act in relation to the State library," passed on the ninth day of April, in the year one thousand eight hundred and fifty, as provides that the trustees of the State library may sell such books as have been or may hereafter be received by virtue of the system of international exchanges, is hereby repealed. [*Approved by the Governor, May 3, 1850.*]

Repeal of power to sell books received through international exchange.

Chap 316. An Act in addition to an Act for supplying the City of Boston with Pure Water.

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

Of tender of compensation for damages.

SECT. 1. In every case of a petition to the court of common pleas by any person, for the assessment of damages, as provided in the sixth, seventh and eighth sections of the act to which this is in addition, the city of Boston, by any of its officers, may tender to the complainant, or his attorney, any sum that it shall think proper, or may bring the same into court, to be paid to the complainant for the damages claimed in his petition; and if the complainant shall not accept the same, with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterwards, and the said city shall be entitled to recover its costs afterwards, unless the complainant shall recover greater damages than were so offered.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1850.*]

Chap 317. An Act in addition to an Act concerning the Harbor of Boston.

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

1840, ch. 35.

1841, ch. 60.

Line altered.

SECT. 1. The line of that part of the harbor of Boston, lying between West Boston bridge and the Boston and Roxbury mill-dam, which was established by an act passed on the seventeenth day of March, one thousand eight hundred and forty, and altered by an act passed on the sixth day of March, one thousand eight hundred and forty-one, is hereby further altered, and shall hereafter run as follows, that is to say :—Beginning at the southwesterly corner of the pier wharf, situate on the southerly side of West Boston bridge; thence running southwesterly in a straight line, in a direction to a point on the northerly side of said Boston and Roxbury mill-dam, which point is ten hundred and eighty-six feet distant from a brick building standing at the corner, on the easterly side of Charles street and northerly side of Beacon street, until it comes to a line running parallel with said mill-dam, and two hundred feet distant from the northerly side thereof, then uniting with a line established by said act, passed on the seventeenth day of March, one thousand eight hundred and forty.

No wharf, &c., to be extended beyond this line.

SECT. 2. No wharf, pier building, or incumbrance of any kind, shall hereafter be extended beyond said line

herein established, into or over the tide water in said harbor.

SECT. 3. The proprietors of the wharves and flats, lying between West Boston bridge and the Boston and Roxbury mill-dam, are hereby authorized to extend their wharves, and the lines of their respective flats, to the said last mentioned line, in a direction at right angles thereto : *provided*, that no person's legal rights shall be infringed thereby.

Of wharves and flats between West Boston bridge and the mill-dam.

Proviso.

SECT. 4. This act shall take effect only if, and on condition that, the proprietors of said wharves and flats shall cause a good and substantial sea-wall to be built and maintained on said last mentioned line through its whole length. [*Approved by the Governor, May 3, 1850.*]

When to take effect.

An Act in addition to "An Act to authorize the extension of certain Wharves in the Harbor of Boston."

Chap 318.

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

Such of the wharves in Fore Point channel in Boston harbor, between Arch wharf and Wales' wharf, as have been authorized to be extended prior to the act of April thirtieth, of the present year, authorizing the extension of certain wharves in the harbor of Boston, but which have not yet been so extended, shall, if hereafter extended, in whole or in part, by virtue of the act to which this is in addition, be extended only at right angles to the line of said channel, established by the act passed on the seventeenth day of April, of the present year, "additional to an act to preserve the harbor of Boston, and to prevent encroachments therein," and in conformity with the provisions of the act to which this is in addition. [*Approved by the Governor, May 3, 1850.*]

Wharves in Fore Point channel between Arch wharf and Wales' wharf, how to be extended.

An Act concerning Notifications of Creditors of Insolvent Estates.

Chap 319.

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

That at all meetings of creditors of insolvent estates, except the first, personal or written notice need not be given to the creditors, unless thereto specially required, by an order of the commissioner of insolvency, before whom the case is pending. [*Approved by the Governor, May 3, 1850.*]

Personal or written notice, when to be given.

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

RESOLVE authorizing the Treasurer to borrow Money in anticipation of the Revenue. *Chap. 1.*

Resolved, That the treasurer of this Commonwealth be and he hereby is authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or of any corporation therein, or of any individual or individuals, such sum or 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: and that he repay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not at any time exceed the sum of two hundred thousand dollars. [*Approved by the Governor, January 17, 1850.*]

To borrow not exceeding \$200,000.

RESOLVES in favor of the establishment of a National Board of Agriculture. *Chap. 2.*

Resolved, That of the various modes in which the industrial energies of the people are made to operate, there is none, which contributes more to the increase of the wealth and prosperity of the nation, and to the security of its permanent happiness and honor, than the intelligent and scientific practice of agriculture; that there is none, which can more fitly appeal to the national government for encouragement and protection;—none, to which a wise and sagacious administration will more cheerfully and promptly direct its paternal countenance and guardianship.

Resolved, That the Legislature of Massachusetts earn-

estly and respectfully commend to the immediate consideration of Congress, the adoption of measures, which shall have for their peculiar object, the improvement of this important branch of domestic industry; and, in order to give efficacy to any such measures, they suggest the expediency of the establishment of a Board of Agriculture, empowered and directed to stimulate ingenuity and industry, by the offer of suitable premiums and rewards for improvements, in the implements of husbandry; for successful experiments, developing the capacity of different soils for appropriate productions; for the best methods of destroying noxious insects, and preventing diseases, which often disappoint the fairest prospects of the husbandman, and for improving the breeds and qualities of all useful domestic animals;—to correspond with similar institutions in foreign countries, to the end that our agriculturists may profit by the intelligence and experience of scientific cultivators in other parts of the world;—and to collect, from every available source, and to distribute to every state in the Union, such productions of other regions, as may be deemed profitable or desirable for cultivation, for the purpose of adding to the general wealth and prosperity of the nation, and of contributing to the common stock of refinement, comfort and happiness.

Resolved, That the governor be requested to transmit a copy of these resolves to each of our senators and representatives in Congress; and that they be requested to use all proper efforts to ensure the accomplishment of the objects herein contemplated. [*Approved by the Governor, February 4, 1850.*]

Chap. 3.

RESOLVE on the petition of the Parish of Grace Church in the town of Medford.

Resolved, for the reasons set forth in said petition, that the time within which the clerk of the parish of Grace Church, in the town of Medford, is authorized to leave with the town clerk of the town of Medford, a copy of the record of the proceedings of the meeting at which the said church was organized as a corporation, be extended to the expiration of ten days from the time when this resolve shall be approved by the governor, and if the said copy of the record of proceedings shall be left with the said town clerk, to be recorded within the same period, then all the proceedings of said church shall be held valid, in the same manner as if the copy of the said record had been left with the town clerk, within ten days after the meeting at which the said church was organized as a corporation. [*Approved by the Governor, February 7, 1850.*]

Of the copy of the record of its proceedings to be left with town clerk of Medford.

RESOLVE in favor of Daniel Walker.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Daniel Walker, of Rutland, in the county of Worcester, the sum of seventy-five dollars per annum during his natural life, for his services in the war of the Revolution; said sum to be paid annually on and after the fourth day of March, one thousand eight hundred and fifty, and that warrants be drawn accordingly. [Approved by the Governor, February 7, 1850.]

Chap. 4.

\$75 allowed.

RESOLVE to pay the Expenses incurred by the erection of Fountains in the State House yard.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the several persons named in the accompanying roll, the sums set against their names respectively, amounting to the sum of two thousand three hundred and twenty-nine dollars and thirty-five cents, the same being in full discharge of the accounts to which they refer, and that a warrant be drawn accordingly. [Approved by the Governor, February 7, 1850.]

Chap. 5.

\$2,329 35 allowed.

RESOLVE in favor of Mary C. Bolton, of Boston.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Mary C. Bolton, of Boston, the sum of forty-one dollars and fifty cents, in full for the services of her late husband, William Bolton, deceased, rendered to the third brigade second division Massachusetts militia, while on camp duty at Concord, in August last, and that a warrant be drawn accordingly. [Approved by the Governor, February 7, 1850.]

Chap. 6.

\$41 50 allowed.

RESOLVE on the petition of the Overseers of the Poor of the town of Lynn.

Resolved, That the account of the overseers of the poor of the town of Lynn, for the support of State paupers, for the year ending November first, eighteen hundred and forty-eight, be sent to the auditor of accounts, to be examined by him, and when found to be correct, that the auditor certify the same to the governor, according to the provisions of the fifty-sixth chapter of the acts of the year eighteen hundred and forty-nine, and that a warrant be drawn for the payment to the treasurer of said town of the amount found to be due on said account. [Approved by the Governor, February 14, 1850.]

Chap. 7.

Account to be audited.

RESOLVE on the petitions of the Overseers of the Poor of the several towns of Whately, South Hadley and Deerfield.

Resolved, That the accounts of the overseers of the poor of the towns of Whately, South Hadley and Deerfield, be

Chap. 8.

Accounts to be audited.

transmitted to the auditor of accounts for examination, and when found to be correct, that the auditor certify the same to the governor, according to the present usage in such cases, and that warrants be drawn accordingly, for the payment, to the treasurers of said towns, of the amount found to be due on said accounts respectively. [*Approved by the Governor, February 14, 1850.*]

Chap. 9.

RESOLVE on the petition of the Overseers of the Poor of the city of Roxbury.

Account to be audited.

Resolved, That the account of the overseers of the poor of the city of Roxbury, for the support of State paupers, for the year ending November first, eighteen hundred and forty-eight, be sent to the auditor of accounts, to be examined by him, and, when found to be correct, that the auditor certify the same to the governor, according to the provisions of the fifty-sixth chapter of the acts of the year eighteen hundred and forty-nine, and that a warrant be drawn for the payment to the treasurer of said city, of the amount found to be due on said account. [*Approved by the Governor, February 15, 1850.*]

Chap. 10.

RESOLVE in favor of Mary Davis.

§74 allowed.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to Mary Davis, of Newbury, in the county of Essex, the sum of seventy-four dollars, annually, during her natural life, in full for the revolutionary services of her husband, Robert Davis, deceased, said allowance to commence on the fourth day of March next, and that warrants be drawn accordingly. [*Approved by the Governor, February 19, 1850.*]

Chap. 11.

RESOLVE in favor of the County of Berkshire.

§190 80, State lunatic paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the county of Berkshire, the sum of one hundred and ninety dollars and eighty cents, in full for the support of two State lunatic paupers, from the first day of January to the first day December, one thousand eight hundred and forty-nine, and that a warrant be drawn accordingly. [*Approved by the Governor, February 22, 1850.*]

Chap. 12.

RESOLVE in favor of Zebina C. Newcomb.

§30 67 allowed.

Resolved, That there be paid, out of the treasury of the Commonwealth, to Zebina C. Newcomb, executor of the will of Richard E. Newcomb, deceased, for the benefit of his estate, the sum of thirty dollars and sixty-seven cents,

being the balance of his salary as judge of probate for the county of Franklin, from the time of his decease to the first day of July last, when that sum, as quarterly payment of his salary, was due and payable, and that a warrant be drawn accordingly. [*Approved by the Governor, February 22, 1850.*]

RESOLVE in favor of the town of East Bridgewater.

Chap. 13.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of East Bridgewater in the county of Plymouth, the sum of nine dollars and ten cents, in full for the support of State paupers, to the first day of November, in the year one thousand eight hundred and forty-eight, and that an order be drawn therefor accordingly. [*Approved by the Governor, February 25, 1850.*]

§9 10 for paupers.

RESOLVE in favor of the town of North Bridgewater.

Chap. 14.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of North Bridgewater, in the county of Plymouth, the sum of seventy-four dollars and seventy-six cents, in full for the support of State paupers, to the first day of November, in the year one thousand eight hundred and forty-eight, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, February 25, 1850.*]

§74 76 for State paupers.

RESOLVE in favor of the town of Rehoboth.

Chap. 15.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Rehoboth, in the county of Bristol, the sum of one hundred and eighty-eight dollars and sixty-three cents, in full for the support of State paupers, for the year ending on the first day of November, in the year one thousand eight hundred and forty-seven, and that a warrant be drawn accordingly. [*Approved by the Governor, February 25, 1850.*]

§188 63, State paupers.

RESOLVE in favor of the town of Hancock.

Chap. 16.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Hancock, in the county of Berkshire, the sum of sixty-one dollars and fifty cents in full for the support of State paupers, to the first day of November, in the year one thousand eight hundred and forty-eight, and that a warrant be drawn accordingly. [*Approved by the Governor, February 25, 1850.*]

§61 50, State paupers.

Chap. 17.

RESOLVE on the petition of Maria B. Seaver and another.

Resolved, for reasons set forth in said petition, that John H. Pearson, of Boston, merchant, be and hereby is authorized and empowered to pay over to Maria B. Seaver, the sum of four hundred and thirty-one dollars and sixty-nine cents, which he now holds in trust for her, and her individual receipt shall be a good and sufficient voucher for said payment. [*Approved by the Governor, February 27, 1850.*]

Chap. 18.

RESOLVE in favor of the County of Middlesex.

Account for
lunatic paupers
to be audited.

Resolved, That the account of the county of Middlesex, for the support of lunatic state paupers, for the year eighteen hundred and forty-nine, be transmitted to the auditor of accounts for examination, and, when found to be correct, that the auditor certify the same to the governor, and that a warrant be drawn for the payment to said county of the amount found to be due on said account. [*Approved by the Governor, February 27, 1850.*]

Chap. 19.

RESOLVE on the petition of the Overseers of the Poor of the town of Middleton.

§37 65, State
paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Middleton, the sum of thirty-seven dollars and sixty-five cents, in full discharge of all claims by said town, for the support of State paupers, for the year one thousand eight hundred and forty-eight, and that a warrant be drawn accordingly. [*Approved by the Governor, February 27, 1850.*]

Chap. 20.

RESOLVE on the petition of the Overseers of the Poor of the town of Ashland.

§80 §2 al-
lowed.

Resolved, That, for reasons set forth in said petition, there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Ashland, the sum of eighty dollars and eighty-two cents, in full discharge of the account therein referred to, and that a warrant be drawn accordingly. [*Approved by the Governor, February 27, 1850.*]

Chap. 21.

RESOLVE granting Taxes for the several Counties.

Resolved, That the sums placed against the names of the several counties in the following schedule, are hereby granted, as a tax for each county respectively, to be assessed, paid, collected and applied, according to law, viz :—
County of Essex, thirty-two thousand six hundred dollars ;

county of Middlesex, seventy-two thousand two hundred and six and $\frac{7}{10}$ dollars; county of Worcester, forty thousand dollars; county of Hampshire, nine thousand dollars; county of Hampden, twenty-one thousand five hundred dollars; county of Franklin, ten thousand dollars; county of Berkshire, fifteen thousand dollars; county of Norfolk, twenty-six thousand dollars; county of Plymouth, fourteen thousand dollars; county of Bristol, twenty-five thousand dollars; county of Barnstable, six thousand five hundred dollars; county of Dukes, two thousand dollars. [*Approved by the Governor, March 1, 1850.*]

RESOLVE for the equitable settlement of Claims against Nathaniel H. Dillingham and others.

Chap. 22.

Resolved, That Nathaniel H. Dillingham, William H. Dow, Josiah Towle, Solomon Parsons, William Parsons, Samuel L. Hunt, and Theodore H. Dillingham, now or late of Bangor, in the state of Maine, be and they hereby are released from their personal liability to pay their four notes of hand given to the treasurer of this Commonwealth, on the fourteenth day of September, eighteen hundred and forty-seven, each for the sum of four thousand one hundred and twenty-eight dollars and fifty-three cents, and due in one, two, three, and four years, from the date thereof, respectively, which were given for the purchase of township numbered five, range thirteen, and the north part of number four, range thirteen, west from the east line of the state of Maine; *provided*, that the said Nathaniel H. Dillingham, William H. Dow, Josiah Towle, Solomon Parsons, William Parsons, Samuel L. Hunt, and Theodore H. Dillingham, shall pay as damages, such sum as shall be fixed upon by the land agents of Massachusetts and Maine, said sum not to be less than the amount they have already paid; and towards which sum for damages the aforesaid persons shall be allowed the money advanced by them towards the purchase of said tracts of land; *and provided further*, that the said Dillingham and the other grantees of said land shall execute a release to the Commonwealth of all their right, title, and interest, in said lands, and all claim to stumpage. And the treasurer of this Commonwealth, on the delivery of the release aforesaid, shall cancel said notes, and retain them on the files of his office, for the purpose of upholding the title of the Commonwealth to said lands. [*Approved by the Governor, March 1, 1850.*]

Released from payment of certain notes for lands.

Proviso.

RESOLVE on the petition of Josiah Towle and Solomon Parsons.

Resolved, That the land agent of Massachusetts be au-

Chap. 23.

Released from liabilities as sureties.

Proviso.

thorized to release and discharge Josiah Towle and Solomon Parsons from their liability to the Commonwealth, as sureties of George W. Towle, and William Towle, for the sum of three thousand four hundred and sixty-six dollars and seventy cents, upon the payment by them in cash of three hundred and eighty one dollars and thirty-four cents, or eleven per cent. of the demand, within six months after the passage of this resolve. [*Approved by the Governor, March 1, 1850.*]

Chap. 24.

RESOLVE concerning the State Normal Schools.

\$1000 allowed.

Resolved, That the sum of one thousand dollars be appropriated for the support of the State Normal schools, under the direction of the Board of Education, which, together with the sums appropriated for that object by former resolves, namely, the eighty-second chapter of the resolves of the year one thousand eight hundred and forty-seven, and the eighty-ninth chapter of the resolves of the year one thousand eight hundred and forty-nine, shall be in full therefor to the first day of January, in the year one thousand eight hundred and fifty-three, the said sum to be deducted from the proceeds of sales of the public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, entitled, "an act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes." And his excellency the governor, by and with the advice and consent of the council, is authorized to draw his warrant accordingly. [*Approved by the Governor, March 5, 1850.*]

Chap. 25.

RESOLVE in favor of the town of Richmond.

\$430 ¹² allowed.

State paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Richmond, in the county of Berkshire, the sum of four hundred and thirty dollars and twelve cents, in full for the support of Dorcas Burt, a State lunatic pauper, to the first day of November, in the year one thousand eight hundred and forty-eight, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 5, 1850.*]

Chap. 26.

RESOLVE authorizing the Board of Education to appoint Agents.

To visit town and school district.

Resolved, That the board of education be and they are hereby authorized to appoint two or more suitable agents, to visit the town and school districts, in such parts of the Commonwealth as may seem expedient to the board, for the purpose of inquiring into the condition of the schools,

lecturing upon subjects connected with education, and, in general, of giving and receiving information, in the same manner as the secretary of the board would do if he were present; and that to defray the expense of the same, his excellency the governor, with the advice and consent of the council, is authorized to draw his warrant for a sum not exceeding two thousand dollars, to be charged upon the income of the school fund. [*Approved by the Governor, March 6, 1850.*]

Compensation.

RESOLVE authorizing a Survey of the Flats in Back Bay.

Chap. 27.

Resolved, That the governor is hereby authorized, with the advice and consent of the council, to appoint some competent engineer to make, as early as practicable, an accurate survey of the flats lying within the mill-dam, called Back Bay, for the purpose of ascertaining and perpetuating the line of the rights of the owners of adjoining lands, agreeably to the ordinance of sixteen hundred and forty-one. [*Approved by the Governor, March 11, 1850.*]

Engineer to survey flats.

RESOLVE upon the petition of William A. Wheeler.

Chap. 28.

Resolved, That for reasons set forth in said petition, William A. Wheeler be and he hereby is authorized to lay down, maintain and use railroad tracks in Worcester, diverging from the present track of the Worcester and Nashua Railroad where the track of said Wheeler is now laid between Exchange and Central streets, and running thence across Central and Thomas streets, or either of them: *provided*, the said Worcester and Nashua Railroad Corporation shall first assent to said intersection and laying down of said track or tracks; *and provided*, a plan of such proposed tracks shall be filed with the city clerk of Worcester, and be approved by the mayor and aldermen of said city; *and provided also*, that no more than three tracks shall be laid down across Central street, nor more than one across Thomas street, which track shall be laid, constructed and maintained in a manner satisfactory to said mayor and aldermen of said city, and shall be removed whenever the city council of said city shall so determine. [*Approved by the Governor, March 12, 1850.*]

Authorized to lay down a railroad track in Worcester, on certain conditions.

RESOLVE on the petition of Sarah W. Hale.

Chap. 29.

Resolved, for reasons set forth in the said petition, that the said Sarah W. Hale be and she is hereby authorized and empowered to sell at any time, at public or private sale, at her discretion, and convey any and all of the real estate hereinafter described, to wit: sundry lots or parcels

May sell estate described at public or private sale.

of pasture land, containing in all about one hundred and twenty acres, more or less, lying and situate in a large "common pasture," so called and improved; said pasture being partly in Newburyport and partly in Newbury, in the county of Essex, and Commonwealth of Massachusetts, and is part and parcel of the "fourth general pasture," so called, in what was formerly Newbury. One other lot or parcel of land, situate in Newburyport, aforesaid, bounded westerly on Orange street, easterly on land of Abraham Wheelwright, and containing about fifteen rods, more or less, with a dwelling-house and wood-house thereon; one other lot situate on Essex street, and bounded easterly on said street, southerly on land of Charles Whipple, with a dwelling-house and barn thereon, and containing about twelve rods, more or less; one other lot, bounded easterly by Middle street, southerly by Fair street, westerly by land of Benaiah B. Titcomb, and northerly by land of the heirs of Eleazer Johnson, deceased, containing about twenty rods, more or less, with a dwelling-house and barn thereon. Also one other lot, situate in Newbury aforesaid, containing about twelve rods, more or less, and bounded northerly by South street, and westerly by Hancock street, with a dwelling-house thereon. And the said Sarah W. Hale shall pay over the proceeds of such sales to the surviving trustee appointed in and by the last will and testament of Moses Brown, late of Newburyport, aforesaid, merchant, deceased, and the said trustee shall hold and securely invest the same upon the same limitations, and for the same uses and ultimate disposal, as is provided in the will aforesaid respecting the said real estate: *provided*, that before any such sale shall be made, the said Sarah W. Hale shall give satisfactory bonds, with good and sufficient surety or sureties to the judge of probate for the county of Essex; that she will faithfully execute the power hereby given to her, and will pay over to the said trustee, the proceeds of any and all sales made by her under this resolve; *and provided also*, that the said trustee shall first give like satisfactory bonds to the said judge of probate, that he will faithfully hold and invest, agreeably to the requirements of this resolve, all moneys or other proceeds that shall be received by him, for or on account of any sales made under the same. [*Approved by the Governor, March 14, 1850.*]

Of the proceeds of sale—how held and invested.

Proviso as to bonds by petitioner.

By trustee.

Chap. 30.

Sale and conveyance, as set forth, confirmed.

RESOLVE to confirm a sale of Land by the Treasurer of the Commonwealth.

Resolved, That the sale and conveyance made by Ebenezer Bradbury, treasurer of the Commonwealth, on behalf of the Commonwealth, by deed dated December tenth, in

the year one thousand eight hundred and forty-nine, recorded with Suffolk deeds, in book numbered six hundred and six, on leaf numbered one hundred and sixty-two, to Marshall S. Brooks and Edward W. Saunders, of a certain estate, situate in Harrison avenue, in the city of Boston, in said county of Suffolk, being the same, the title of which had become vested in the Commonwealth, by foreclosure of a mortgage made to Joseph Barrett, the late treasurer of the Commonwealth, by Rufus F. Brooks and Stephen P. Brooks, dated April twenty-second, in the year one thousand eight hundred and forty-five, recorded with Suffolk deeds, in book numbered five hundred and forty-two, on page numbered two hundred and eight, be and the same is hereby confirmed. [*Approved by the Governor, March 14, 1850.*]

RESOLVE for the pay of the Valuation Committee.

Resolved, That there be paid out of the treasury of this Commonwealth, to each member of the valuation committee, three dollars for each and every day's attendance as such, and two dollars for every ten miles travel, from their respective places of abode, to the place of the sitting of said committee; and that warrants be drawn, for the payment of their roll, and for the payment of their clerk. [*Approved by the Governor, March 14, 1850.*]

Chap. 31.

\$3 per day.

RESOLVE in favor of the town of Somerville.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Somerville, the sum of one hundred and forty-five dollars and thirty-three cents, in full for the support of a State pauper while sick with ship fever, in the year one thousand eight hundred and forty-nine, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 15, 1850.*]

Chap. 32.

\$145 33, State paupers.

RESOLVE in favor of the County of Essex.

Resolved, That the account of the county of Essex, for the support of sundry State lunatic paupers, from the first of January to the thirtieth of November, in the year eighteen hundred and forty-nine, be transmitted to the auditor of accounts for examination, and, when found to be correct, that the auditor certify the same to the governor, according to the present provisions of law in such cases, and that a warrant be drawn for the payment to the treasurer of the county of Essex, of such sum as shall be found to be due on said account. [*Approved by the Governor, March 15, 1850.*]

Chap. 33.

Accounts for State lunatic paupers to be audited.

Chap. 34.

RESOLVE on the petition of Edward Blake, Administrator.

May sell estate described at public or private sale.

Resolved, for the reasons set forth in said petition, that said Edward Blake be and he is hereby authorized and empowered to sell, either at public or private sale, for cash or on credit, and convey, in fee simple, by a good and sufficient deed, a certain lot of land, situated in that part of Boston called South Boston, bounded northeasterly by a twenty feet street, which lies between fifth and sixth streets, there measuring twenty-one feet; southeasterly by land of Foley, fifty-five feet; southwesterly by land of Jesse Parker, twenty-one feet; and northwesterly by land of William Blake, fifty-five feet, being the same premises which were conveyed to Edward McGrane by Jesse Parker, by deed dated December 30th, eighteen hundred and forty-six, and recorded with Suffolk deeds, liber 603, folio 165; and the deed, thus to be given by said Blake, shall operate to grant to the purchaser of said premises, his heirs and assigns, all the right, title and interest of the Commonwealth in and to said premises; and said Blake shall account to the judge of probate for the county of Suffolk, for the proceeds of such sale in the settlement of the estate of Edward McGrane, and as part of the assets thereto belonging: *provided, however*, that, previous to said sale, the said administrator shall give bond to the judge of probate for the county of Suffolk, to account for all proceeds of such sale. [*Approved by the Governor, March 15, 1850.*]

Deed of petitioner, how to operate.

Proviso.

Chap. 35.

RESOLVE in favor of the town of Swanzey.

§51 10, State pauper.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Swanzey, in the county of Bristol, the sum of fifty-one dollars and ten cents, in full for the support of State paupers, for the year ending on the first day of November, in the year one thousand eight hundred and forty-seven, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 15, 1850.*]

Chap. 36.

RESOLVE in favor of the town of Granville.

§25 55, State pauper.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Granville, in the county of Hampden, the sum of twenty-five dollars and fifty-five cents, in full for the support of a State pauper, one year to the first day of November, one thousand eight hundred and forty-eight, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 15, 1850.*]

RESOLVE on the petition of Jemima E. Nyman.

Chap. 37.

Resolved, for the reasons set forth in said petition, that Jemima E. Nyman, of Malden, in the county of Middlesex, widow, be and she hereby is authorized and empowered, notwithstanding her being an alien, to hold any and all real estate within this Commonwealth, which has heretofore been conveyed to her, and any which may hereafter be conveyed to her, and to convey and dispose of the same, by deed, will, and otherwise, in the same manner as if she were a citizen of this Commonwealth, and that in case of her dying intestate, all such real estate belonging to her shall descend to her heirs in the same manner as if she were a citizen. [*Approved by the Governor, March 15, 1850.*]

Authorized to hold and convey real estate.

RESOLVE on the petition of the Overseers of the Poor of the town of Tisbury. *Chap. 38.*

Resolved, That the account of the overseers of the poor of the town of Tisbury, for the support of a State pauper, for the year ending November first, eighteen hundred and forty-eight, be sent to the auditor of accounts for examination, and, when found to be correct, that the auditor certify the same to the governor, according to the present usage in such cases, and that a warrant be drawn for the payment, to the treasurer of said town, of the amount found to be due on said account. [*Approved by the Governor, March 18, 1850.*]

Account to be audited.

RESOLVE in favor of the town of Nantucket.

Chap. 39.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Nantucket, the sum of three hundred and sixty-six dollars and forty-four cents, for the support of State paupers, to the first day of November, in the year one thousand eight hundred and forty-nine, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 18, 1850.*]

§366 44, State paupers.

RESOLVE upon the petition of Dwight Foster.

Chap. 40.

Resolved, for reasons set forth in said petition, that the sale of certain real estate of Patrick Henry, late of Worcester, in the county of Worcester, deceased, and situated at the corner of Brown and Beach streets in said Worcester, made at public auction, on the twenty-second day of February, in the year eighteen hundred and fifty, by William Jennison, administrator of said Henry, under a license of the judge of probate for the county of Worcester, be and

Sale of real estate in Worcester confirmed.

the same is hereby confirmed, so far as the Commonwealth may have any right or interest in said estate by escheat. [*Approved by the Governor, March 19, 1850.*]

Chap. 41.

RESOLVE in favor of the County of Hampden.

§119 75, lunatic
state paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the county of Hampden, the sum of one hundred and nineteen dollars and seventy-five cents, in full for the support of lunatic state paupers, to the first day of December, in the year one thousand eight hundred and forty-nine, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 19, 1850.*]

Chap. 42.

RESOLVE in favor of the town of Brimfield.

§29 20, State
paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Brimfield, in the county of Hampden, the sum of twenty-nine dollars and twenty cents, in full for the support of State paupers, to the first day of November, in the year one thousand eight hundred and forty-eight, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 19, 1850.*]

Chap. 43.

RESOLVE in favor of the District of Marshpee.

§299 45, State
paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the district of Marshpee, in the county of Barnstable, the sum of two hundred and ninety-nine dollars and forty-five cents, in full for the support of State paupers, to the first day of November, in the year one thousand eight hundred and forty-nine, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 19, 1850.*]

Chap. 44.

RESOLVE in favor of the town of Braintree.

§99 88, State
paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Braintree, in the county of Norfolk, the sum of ninety-nine dollars and eighty-eight cents, in full for the support of State paupers, for the year ending on the first day of November, in the year one thousand eight hundred and forty-eight, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 19, 1850.*]

Chap. 45.

RESOLVES concerning the Washington National Monument.

Resolved, That the Legislature of Massachusetts gladly participate with the public authorities of the other states of

the American Union, in an expression of profound regard for the memory of George Washington.

Resolved, That the Hon. Lysander Richards, of Quincy, on the part of the senate, and Moses Kimball, Esquire, of Boston, on the part of the house of representatives, be authorized and instructed to provide and transmit to the site of the National Monument, erecting at Washington, to the memory of George Washington, to be placed in said monument, a suitable block of Massachusetts granite, with the arms of this State and the word, MASSACHUSETTS, cut in relief on its face, and the governor is hereby authorized to draw his warrant to defray the expenses incurred in the discharge of this service.

Resolved, That the Commonwealth of Massachusetts makes this contribution, not in the belief that stone or marble can add any thing to the glory of Washington, but in gratitude for her share of the common inheritance of his great name. [*Approved by the Governor, March 20, 1850.*]

RESOLVE in favor of James Hayward.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to James Hayward, of Worcester, the sum of seventy-five dollars per annum during his natural life for revolutionary services, said sum to be paid annually, on and after the fourth of April, in the year one thousand eight hundred and fifty, and that warrants be drawn accordingly. [*Approved by the Governor, March 20, 1850.*]

Chap. 46.

§75 allowed.

RESOLVE on the petition of the American Baptist Missionary Union and the Massachusetts Baptist State Convention.

Be it resolved, for the reasons set forth in said petition, that, in lieu of the perpetual annuity of four hundred dollars, which the American Baptist Missionary Union is, by the will of Prudence Farwell, late of Cambridge, in the county of Middlesex, deceased, required to pay to the Massachusetts Baptist State Convention, and, in satisfaction of said annuity, said union may pay to said convention the sum of six thousand six hundred and sixty-six dollars and sixty-seven cents, (being a sum of which the annual interest at six per cent. is four hundred dollars;) and whenever the said sum of six thousand six hundred and sixty-six dollars and sixty-seven cents, may be received from said union by said convention, it shall be held by said convention in trust, and duly invested as a permanent fund, and the income thereof be applied for the purposes expressed in the will of said Prudence Farwell in regard

Chap. 47.

To confirm an agreement under the will of Prudence Farwell, between the two petitioning bodies.

to the said annuity of four hundred dollars; and as soon as said convention shall have received of said union said sum of money in lieu and satisfaction of said perpetual annuity of four hundred dollars, all the real and personal property, devised and given by said Prudence Farwell's said will and the codicil thereto to said union, by the name of the General Convention of the Baptist Denomination in the United States for Foreign Missions, and other important objects relating to the Redeemer's kingdom, shall thereupon be free, clear, and absolutely discharged from all conditions, trusts and liens of every description, in favor of said State convention; but nothing herein contained is to discharge the said union, or the property devised and given to it by the said will and codicil, from the trusts, conditions or liens, for the payment of any legacies or annuities expressed in said will and codicil, except said annuity of four hundred dollars, if such other legacies or annuities have not been discharged. [*Approved by the Governor, March 20, 1850.*]

Chap. 48.

RESOLVE in favor of Joseph L. Ross.

§40 50 allowed. *Resolved*, That there be allowed and paid, out of the treasury of the Commonwealth, to Joseph L. Ross, of Boston, the sum of forty dollars and fifty cents, in full for one thousand eight hundred tent pins, furnished to General Wilson's brigade, at the encampment at Concord, in the year one thousand eight hundred and forty-nine; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 21, 1850.*]

Chap. 49.

RESOLVE in favor of Increase N. Emerton.

§50 allowed. *Resolved*, That there be allowed and paid, out of the treasury of the Commonwealth, to Increase N. Emerton, of Lynn, the sum of fifty dollars per annum, for the term of three years from the first day of April, in the year eighteen hundred and forty-nine, for injuries sustained by him while in the performance of military duty; and that a warrant be drawn accordingly. [*Approved by the Governor, March 23, 1850.*]

Chap. 50.

RESOLVE relating to Meteorological Observations.

Resolved, That his excellency the governor be authorized and requested to fix upon suitable stations, not exceeding twelve in number, in which shall be included the three normal schools and the three colleges in this Commonwealth, where shall be deposited the instruments necessary for making systematic observations in meteorology, accord-

Stations to be established for observations.

ing to the plan recommended by the Smithsonian Institute, at an expense not exceeding one hundred dollars for each station, to be defrayed from the school fund; and that he be authorized to draw his warrant therefor accordingly. [Approved by the Governor, March 25, 1850.]

RESOLVE in favor of the town of Adams.

Chap. 51.

Resolved, That the account of the town of Adams, for support of State paupers, for the year ending November first, eighteen hundred and forty-eight, be transmitted to the auditor of accounts for examination, and when found to be correct, that the auditor certify the same to the governor, according to the present provisions of law in such cases; and that a warrant be drawn for the payment to the treasurer of said town, of such sum as shall be found to be due on said account. [Approved by the Governor, March 28, 1850.]

Account to be audited.

RESOLVE in favor of the town of Westfield.

Chap. 52.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Westfield, in the county of Hampden, the sum of forty-two dollars and twenty-six cents, in full for the support of State paupers, from the first day of November, in the year one thousand eight hundred and forty-seven, to the first day of November, in the year one thousand eight hundred and forty-eight; and that a warrant be drawn therefor accordingly. [Approved by the Governor, March 28, 1850.]

§42 26, State paupers.

RESOLVE upon the petition of Elizabeth Amory.

Chap. 53.

Resolved, for reasons set forth in said petition, that Elizabeth Amory, administratrix of the goods and estate of Thomas Amory, late of Roxbury, in the county of Norfolk, deceased, with his will annexed, be authorized now to file a bond as administratrix as aforesaid, with the judge of probate for the county of Norfolk, and upon the same being filed and approved by the said judge of probate, that the grant of administration to the said Elizabeth be and the same is hereby confirmed, so that the acts and doings of the said Elizabeth, in her said capacity, shall be deemed good and valid in law, in the same manner, and to the same extent, as if the said bond had been given at the time of granting administration to her; and the said bond, so filed, shall be for the benefit and protection of all parties interested in the estate of the said Thomas Amory, in the same way, and to the same extent, as if the same had been given at the time of granting administration as aforesaid: *pro-*

Authorized to file bond as administratrix; and her doings confirmed.

Proviso as to notice.

vided, that the said Elizabeth Amory shall first give such notice as the judge of probate for said county shall order, of her intention to file such bond: *and provided*, that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed. [*Approved by the Governor, March 28, 1850.*]

Chap. 54.

RESOLVE on the petition of Charles Brigham, Trustee.

Authorized to sell lands of Indians, in Worcester county.

Resolved, for reasons set forth in said petition, that Charles Brigham, of Grafton, in the county of Worcester, trustee of the Grafton or Hassanamesset tribe of Indians, be and he is hereby authorized and empowered to take possession of any lands or tenements belonging to said tribe, and now unoccupied by them, situate in the city of Worcester, or in either of the towns of Grafton, Holden, Princeton, and Paxton, in said county of Worcester, and to sell and convey the same, or any part thereof, in such manner, on such terms, and for such sum or sums, as he shall deem expedient for the interest of said tribe, at public auction or private sale, and to make, execute, and acknowledge, good and sufficient deeds to convey the same, in fee simple, to the purchaser or purchasers thereof, free from all trusts, claims, or rights of this Commonwealth, and to deposit the proceeds of such sale or sales, in the treasury of the Commonwealth, for the use and benefit of said tribe; the interest and such portion of the principal sum so deposited, not exceeding one-tenth part thereof, to be drawn out annually by the judge of probate for the county of Worcester, and by him paid over to the members of said tribe entitled to receive the same, in equal shares, taking into consideration the difference between the wants of a family and a single person; but no share or part of said proceeds shall be paid or allowed to any family or person, whose parent or parents are living and receiving their respective share or shares of the same: *provided, however*, that if any member or members of said tribe, entitled, under this resolve, to receive a portion of said proceeds, shall desire to receive his or their proportional share or shares of the whole, in any one year, for the purpose of building or repairing their buildings, such proportional share or shares may be drawn out by said judge of probate, and paid to him or them, after he shall have become satisfied that the same has been expended in good faith for the purposes aforesaid, and such member or members, who shall have so received his or their proportion of the whole of said proceeds, shall be debarred from receiving any further sum from the same. The said judge of probate shall be guided, in fixing the said propor-

Proceeds, how disposed of.

Proviso.

Duty of judge of probate.

tional share or shares, to be drawn out for the purposes above stated, by the same considerations that he is, when making an equal distribution of the income, or any portion of the principal sum deposited as aforesaid. The said judge of probate shall audit and allow the reasonable expenses of said trustee, incurred in the sale and disposition of said lands, out of the proceeds of the same, and the balance shall be paid into the treasury as above directed: *provided, however*, that previously to any sale of said lands, the said Charles Brigham, trustee as aforesaid, shall give bond to the satisfaction of said judge of probate, for his acts and doings in the premises, and to account for, and dispose of the proceeds of the sale of said lands, or any portion of them, according to the provisions hereinbefore contained. [*Approved by the Governor, March 28, 1850.*]

RESOLVES for reprinting a Report on the Insects of Massachusetts, which are injurious to Vegetation.

Chap. 55.

Resolved, That the secretary cause to be printed, as soon as may be, two thousand copies of the Report on the Insects of Massachusetts, which are injurious to vegetation, by Thaddeus W. Harris, M. D., presented to the Legislature in eighteen hundred and forty-one.

2000 copies.

Resolved, That Dr. Harris be requested to superintend the printing of the said report, and to make such changes and additions, as further investigation may require,—and he be authorized to secure the copyright of all future editions for the benefit of himself and his heirs.

Printing, how superintended.

Resolved, That, in consideration for the service of preparing the copy for this new edition, and superintending the printing thereof, there be allowed and paid to Dr. Harris, from the treasury of the Commonwealth, one hundred and fifty dollars, and that a warrant be drawn accordingly.

Compensation.

Resolved, That of this new edition, there be presented to the author, two hundred copies,—to each of the agricultural societies, and to each of the horticultural societies in the Commonwealth, ten copies; that one hundred copies be at the disposal of the governor and council, for such gratuitous distribution as they may judge proper; and that the remainder of the edition be left to the disposal of the Legislature. [*Approved by the Governor, April 2, 1850.*]

Copies, how disposed of.

RESOLVE for paying the current Expenses of the State Reform School.

Chap. 56.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the trustees of the State Reform School, the sum of twenty-two thousand and six hundred dollars to enable them to pay the current expenses

\$22,600.

of said school for the present year, and that a warrant or warrants be drawn accordingly. [*Approved by the Governor, April 2, 1850.*]

Chap. 57.

RESOLVE in favor of Mary Bixby.

§50. *Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to Mary Bixby, widow of the late Samuel Bixby, at Millbury, in the county of Worcester, the sum of fifty dollars in full for the services of her said husband in the war of the revolution, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 2, 1850.*]

Chap. 58.

RESOLVE for the payment of Lunatic Pauper Accounts.

Accounts to be audited.

Resolved, That there be paid out of the treasury of the Commonwealth, to the State Lunatic Hospital, the sum of seven hundred and seventeen dollars and seventeen cents, or such part of said sum as may be found due, upon examination by the auditor, for support of lunatic paupers in said hospital, in the years eighteen hundred and forty-seven and eighteen hundred and forty-eight, and not allowed in the account of the treasurer thereof, made up to the first day of December, eighteen hundred and forty-eight and eighteen hundred and forty-nine.

§10 to Chelsea.

Also, that there be paid to the town of Chelsea, the sum of ten dollars, for extra expense, on account of two lunatics, while waiting for commitment to the State Lunatic Hospital, in the months of October and November, eighteen hundred and forty-nine. [*Approved by the Governor, April 4, 1850.*]

Chap. 59.

RESOLVE in favor of the Guardian of the Ponkapaog Indians.

§35 00.

§29 06.

Resolved, That there be paid, out of the treasury of the Commonwealth, to Thomas French, guardian of the Ponkapaog indians, for his salary, one year, to December twenty-first, eighteen hundred and forty-nine, the sum of thirty-five dollars; and, for the amount expended by him for said indians, the sum of twenty-nine dollars and six cents, being the balance of his account, to the date above named. [*Approved by the Governor, April 4, 1850.*]

Chap. 60.

RESOLVE in favor of Erastus W. Sanborn.

§50 for two years.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Erastus W. Sanborn, fifty dollars a year, for two years, in consideration of injuries received by him in the performance of his official duty, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 4, 1850.*]

RESOLVE in favor of Thomas Stanwood.

Chap. 61.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Thomas Stanwood of Newburyport, in the county of Essex, the sum of fifty dollars, in full for services rendered in the war of the revolution, and that a warrant be drawn therefor accordingly. [Approved by the Governor, April 4, 1850.] §50.

RESOLVE on the petition of Waldo F. Hayward.

Chap. 62.

Resolved, for reasons set forth in said petition, that Lemuel Shaw, and Charles Hayward, both of the city of Boston, Esquires, be and they are hereby licensed, authorized and empowered to sell, transfer and convey, to any person or persons, on such terms as they may judge expedient, at auction or at private sale, all the right, title, interest and estate, which the said Waldo F. Hayward has, as tenant in common, in four stores or warehouses, on the Boston pier or Long wharf, in said Boston, being numbered respectively, *five, thirty-one, thirty-two, and forty-one*, and thereupon to make, execute, acknowledge and deliver deeds thereof to the purchaser or purchasers, to hold the same, by a good and indefeasible title in fee. And the said Lemuel Shaw and Charles Hayward, upon effecting such sale, shall stand accountable for the proceeds thereof, either to invest the same on interest or otherwise appropriate and account for the same, for the use and benefit of said Waldo, in the same manner as guardians are bound by law to appropriate and account for the proceeds of the sales of lands of their wards. [Approved by the Governor, April 4, 1850.]

License to sell certain real estate in Boston, and to give deeds.

To invest and account for the proceeds.

RESOLVE to pay the expense of the Ashfield Election Case.

Chap. 63.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the several persons mentioned in the accompanying roll, the sums set against their several names respectively, amounting, in the whole, to the sum of one hundred and forty-five dollars and thirty-seven cents, the same being in full discharge for their services and demands as witnesses, in the investigation of the right of Hosea Blake to a seat in the house of representatives, as a representative from the town of Ashfield, during the present session of the General Court, and that a warrant be drawn accordingly. [Approved by the Governor, April 6, 1850.] §145 37.

RESOLVE on the petition of Jonathan P. Wilder and others.

Chap. 64.

Resolved, for the reasons set forth in said petition, that the said Jonathan P. Wilder, of Ashburnham, in the county

To sell and convey real estate.

of Worcester, be and he is hereby authorized and empowered to sell, either at public or private sale, for cash, or on credit, and to convey in fee simple, by good and sufficient deeds, discharged from all trusts and liability for the application of the purchase money, all the real estate of which one Samuel Dunster, late of said Ashburnham, deceased, died seized and possessed, and which, by the last will and testament of the said Samuel Dunster, was devised to divers persons specified in said will; *provided, however*, that said Wilder shall first give such bond, with sureties, to the judge of probate, for the time being, of said county of Worcester, as said judge shall approve, conditioned faithfully to exercise all and singular the powers hereby granted; and said bond shall provide, that the proceeds of such sale shall be placed at interest, secured by mortgages of real estate, and such interest be paid to the several parties having an interest in said estate, under and by virtue of said will, in proportion to their several interests therein; and that the principal shall be held for the benefit of the party or parties, in whom the title in said real estate would finally, in due course of law, and by the provisions of said will, vest. [Approved by the Governor, April 8, 1850.]

Bond.

Investment of proceeds.

Chap. 65.

RESOLVE concerning Teachers' Institutes.

Postea, ch. 71.

§500 additional for teachers' institutes, subject to the order of board of education or the secretary.

Resolved, That to meet the expenses of teachers' institutes, formed and held under the provisions of the ninety-ninth chapter of the statutes of the year one thousand eight hundred and forty-six, and the acts in addition thereto, the governor is hereby authorized annually to draw his warrant upon the treasurer for a sum not exceeding five hundred dollars, in addition to the sum authorized by the act aforesaid, to be taken from the school fund, according to the provisions of the two hundred and nineteenth chapter of the statutes of the year one thousand eight hundred and forty-six, and to remain in the treasury and subject to the drafts of the board of education or their secretary for the purpose aforesaid.

Resolved, That this resolve shall take effect from and after its passage. [Approved by the Governor, April 9, 1850.]

Chap. 66.

RESOLVE in favor of the town of Groton.

§62 61 for State paupers.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the town of Groton, in the county of Middlesex, the sum of sixty-two dollars and sixty-one cents in full, for the support of State paupers for the year ending on the first day of November, in the year one thousand eight hundred and forty-eight, and that a warrant be drawn therefor accordingly. [Approved by the Governor, April 13, 1850.]

RESOLVE concerning the Quarter Master General's Department.

Resolved, That the sum of three thousand dollars be and the same is hereby appropriated to defray the expenses of the quarter master general's department for the current year, and that warrants be drawn therefor accordingly. [Approved by the Governor, April 15, 1850.]

Chap. 67.

\$3000 appropriated.

RESOLVE on the petition of Henry Clarke.

Resolved, for the reasons set forth in said petition, that Henry Clarke, of Charlton, in the county of Worcester, administrator with the will annexed of the estate of William Pierce, late of said Charlton, deceased, be allowed and authorized to file in the court of probate for said county, his affidavit and a copy of his notice of a sale by him as said administrator of real estate of said Pierce, in pursuance of a license of said court, to one Alden Blodget, on the first day of December, eighteen hundred and forty-six, and that the same shall be as effectual to perpetuate the evidence of the time, place and manner of giving such notice, as though the same had been done by him within one year after the sale aforesaid: *provided*, said affidavit and copy be so filed within six months from the passage of this resolve. [Approved by the Governor, April 15, 1850.]

Chap. 68.

To file affidavit and copy of notice of sale of real estate in probate court in Worcester.

Proviso.

RESOLVE for the relief of Anna Brigham.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Anna Brigham, of Westborough, the sum of fifty dollars per annum, during her natural life, for the revolutionary services of her husband, Daniel Brigham, deceased, said sum to be paid annually on and after the first of May, in the year one thousand eight hundred and fifty, and that warrants be drawn accordingly. [Approved by the Governor, April 15, 1850.]

Chap. 69.

\$50 annually during life for revolutionary services of husband.

RESOLVES in relation to the preservation of Cape Cod Harbor.

Whereas, it has been made to appear to this Legislature, that "Cape Cod harbor," within this Commonwealth, is being greatly injured by the drifting of loose sand from the beach into said harbor, by which or by other causes, the current of the tide is undermining and wearing away said beach, which is the only barrier between the harbor and the ocean, and which, if once removed, will effectually destroy said harbor; and whereas, said "Cape Cod harbor" is of immense importance to our national and commercial marine, therefore,

Resolved, That the senators and representatives of this Commonwealth, in the Congress of the United States, be

Chap. 70.

and they hereby are requested, to use their endeavors to procure an appropriation by Congress, for the purpose of preventing the destruction of "Cape Cod harbor," in this Commonwealth.

Resolved, That his excellency the governor be and he hereby is requested to transmit to each of the senators and representatives of this Commonwealth, in Congress, a copy of the foregoing resolution. [*Approved by the Governor, April 16, 1850.*]

Chap. 71.

RESOLVE in addition to a Resolve in relation to Teachers' Institutes.

Ante, ch. 65.

Resolved, That the sum of five hundred dollars, appropriated by the resolve of April 9, 1850, chapter 65, in addition to the amount granted by the act of 1846, chapter 99, for the expenses of teachers' institutes, shall be paid in order to enable the secretary of the board of education to expend for each institute, including that at Plymouth now in session, a sum not to exceed two hundred and fifty dollars.

To expend for each institute not exceeding \$250.

Resolved, That this resolve shall take effect from and after its passage. [*Approved by the Governor, April 16, 1850.*]

Chap. 72.

RESOLVE on the petition of Dana Dodge.

Release of right in estate of an alien.

Resolved, for reasons set forth in said petition, that the Commonwealth release to Dana Dodge, of Newburyport, in the county of Essex, his heirs and assigns, all its right, by reason of the alienage of one Nicholas Reynolds, in and to a certain tract or parcel of land, with part of a house and other buildings thereon, situate on South street, in Georgetown in said county, which is more particularly described in the levy of an execution upon said land, on the nineteenth day of July, eighteen hundred and forty-seven, wherein Patrick McLain, then of Dover, in the state of New Hampshire, was plaintiff, and the said Nicholas Reynolds, then of said Georgetown, was defendant; said execution and levy are recorded in the registry of deeds for the county of Essex, in book of executions, number nine, leaf forty-five, to which reference may be had. [*Approved by the Governor, April 16, 1850.*]

Chap. 73.

RESOLVE on the petition of the Overseers of the Poor of Gay Head.

§107 10.

Resolved, That there be allowed and paid, out of the State treasury, to Lewis Cook and Isaac Johnson, overseers of the poor of Gay Head, the sum of one hundred and seven dollars and ten cents, for expenses incurred by them for the support of Alexander Brown and Philip Johnson,

State paupers, from the time said paupers became chargeable to Gay Head up to the first day of January, in the year eighteen hundred and fifty, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 22, 1850.*]

RESOLVE in favor of Almon Barnes.

Chap. 74.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the said Almon Barnes, in addition to his pay as a member of the house of representatives for the present year, the sum of one hundred and twenty dollars, as a full consideration of all claims he may have on the Commonwealth by reason of sickness during the present session of the Legislature, and that the governor draw a warrant therefor accordingly. [*Approved by the Governor, April 22, 1850.*]

§120 for sickness.

RESOLVE in favor of the town of Salisbury.

Chap. 75.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Salisbury, in the county of Essex, the sum of sixty-five dollars and seventeen cents, in full of their account for the support of State paupers, to the first day of November, in the year one thousand eight hundred and forty-eight, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 23, 1850.*]

§65 17, State paupers.

RESOLVE in favor of the New England Glass Company and Isaac M. Ireland. Chap. 76.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the New England Glass Company, of the city of Boston, the sum of six hundred and thirty-four dollars and twenty-seven cents, in full of their claim against the estate of George Gray, late of Lynn, in the county of Essex, deceased, and also to Isaac M. Ireland, of Salem, in the county of Essex, the sum of three hundred and five dollars and sixty-two cents, in full of his claim against said estate, and that warrants be drawn therefor accordingly: *provided*, that said claimants shall give satisfactory security to the Commonwealth, to guard it against any future claims for said amounts by the heirs of said George Gray. [*Approved by the Governor, April 23, 1850.*]

§634 27.

§305 62.

Proviso.

RESOLVE for the Pay of the Chaplains of the Legislature.

Chap. 77.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the chaplain of the senate and to the chaplain of the house of representatives,

§100 each.

one hundred dollars each, for their services during the present session, and that warrants be drawn accordingly. [*Approved by the Governor, April 23, 1850.*]

Chap. 78.

RESOLVE for the Pay of the Clerks of the Legislature.

§10 per day.

§6 per day to assistants.

§150 to each clerk for copying journal.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the clerk of the senate and the clerk of the house of representatives, each the sum of ten dollars per day, and to the assistant clerk of the senate and the assistant clerk of the house of representatives, each the sum of six dollars per day, for each and every day they have been or may be employed in that capacity during the present session of the Legislature; and that there be further paid to the clerk of the senate and the clerk of the house of representatives, the sum of one hundred and fifty dollars each, for copying the journals for the State library as required by the orders of the two houses, and that warrants be drawn accordingly. [*Approved by the Governor, April 23, 1850.*]

Chap. 79.

RESOLVE for the Pay of the Council, Senate, and House of Representatives.

§2 per day.

§2 for every 10 miles travel.

Resolved, That there be paid, out of the treasury of this Commonwealth, to each member of the senate and house of representatives, two dollars for each and every day's attendance during the present political year, and the sum of two dollars for every ten miles' travel from their respective places of abode, once in each session, to the place of the sitting of the General Court; and also to each member of the council two dollars for each and every day's attendance at that board, at every session thereof during the present political year, and the sum of two dollars for every ten miles' travel from their respective places of abode, once in each session thereof; and to the president of the senate and the speaker of the house of representatives, each the sum of two dollars per day for each and every day's attendance, in addition to their pay as members, and that warrants be drawn accordingly on the orders of the respective branches. [*Approved by the Governor, April 23, 1850.*]

Chap. 80.

RESOLVE for the purchase of Fuel, Oil, and Gas, for the State-House.

§1,300.

Resolved, That the sum of one thousand three hundred dollars per annum, until otherwise ordered, be appropriated, to enable the sergeant-at-arms to purchase such quantities of fuel, oil and gas, as may be necessary for the use of the General Court and the several offices in the State-house, and that warrants be drawn accordingly. [*Approved by the Governor, April 24, 1850.*]

RESOLVE in favor of the Berkshire Medical Institution.

Chap. 81.

Resolved, That there be paid, out of the treasury of the Commonwealth, to the Berkshire Medical Institution, the sum of ten thousand dollars, four thousand dollars in the first year after the passage of this resolve and three thousand dollars in each of the two succeeding years, for the purpose of replacing the building and apparatus which that institution has recently lost by fire, such payments to be considered as a charge for educational purposes, under the provisions of the statutes of eighteen hundred and forty-six, chapter two hundred and nineteen, and that the governor be authorized to draw his warrant therefor: *provided*, the sum of five thousand dollars be obtained, for the same purpose, from the friends of the said institution. [*Approved by the Governor, April 25, 1850.*]

Proviso.

Chap. 82.

RESOLVE on the petition of the Managers of the Massachusetts Charitable Eye and Ear Infirmary.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, the sum of five thousand dollars to the Massachusetts Charitable Eye and Ear Infirmary, and that a warrant be drawn accordingly. [*Approved by the Governor, April 25, 1850.*]

\$5,000 appropriated.

RESOLVE in favor of William Barney.

Chap. 83.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to William Barney, a member of the house of representatives from the town of Nantucket, the sum of sixty-five dollars, in full for the expenses of his sickness while attending the present session of the Legislature, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 25, 1850.*]

\$65 for sickness.

RESOLVE in favor of the Gay Head Indians.

Chap. 84.

Resolved, That the sum of six hundred dollars be allowed and paid, out of the treasury of the Commonwealth, to be expended, under the direction of the governor and council, in the erection of a house for public worship for the use of the Gay Head Indians, and that a warrant be drawn accordingly. [*Approved by the Governor, April 25, 1850.*]

\$600 for a house of worship.

RESOLVE to ratify and establish a Line between Natick and Wayland.

Chap. 85.

Resolved, for reasons set forth in the joint petitions of the towns of Natick and Wayland, that a line between said towns, mutually agreed upon and established by the inhabitants of said towns respectively, be ratified and con-

firmed as the true boundary line between said towns, being the line which crosses Cochituate brook. [*Approved by the Governor, April 26, 1850.*]

Chap. 86.

RESOLVE on the Accounts of the Land Agent.

Discharged,
§180,717 40.

Resolved, That George W. Coffin, land agent of the Commonwealth for selling lands in the state of Maine, be and hereby is discharged from the payment of the sum of one hundred and eighty thousand seven hundred and seventeen dollars and forty cents, received by him on account of said lands, in the years one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, as specified in his account, rendered on the first day of January, one thousand eight hundred and fifty. [*Approved by the Governor, April 26, 1850.*]

Chap. 87.

RESOLVE in favor of the town of Greenfield.

§152 20, State
paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Greenfield, in the county of Franklin, the sum of one hundred and fifty-two dollars and twenty cents, in full for the support of State paupers, to the first day of November, in the year one thousand eight hundred and forty-nine, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 29, 1850.*]

Chap. 88.

RESOLVE in favor of Paris C. Jaha.

§40, for an
Indian.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the selectmen of the town of Webster, in the county of Worcester, the sum of forty dollars, in trust, to be appropriated for the benefit of Paris C. Jaha, an Indian of the Dudley tribe, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 29, 1850.*]

Chap. 89.

RESOLVE for the Promulgation of the General Laws and Resolves.

1347, ch. 88.
Pamphlet of
General Laws
to be sent to
clerks of towns
and cities.

Resolved, That the laws and resolves, published under the authority of the eighty-eighth chapter of the resolves of the year one thousand eight hundred and forty-seven, shall be sent directly to the clerks of the several towns and cities, instead of being sent to the sheriffs of the several counties for distribution to said towns and cities.

Repeal in part.

Resolved, That so much of the above named resolve as requires that the general laws and resolves shall be printed on one sheet of paper, and in twenty-four pages, and all laws and resolves, or parts of laws and resolves, inconsis-

ent with the provisions of this resolve, are hereby repealed.
 [Approved by the Governor, April 29, 1850.]

RESOLVE in favor of Knowles Butler, a Representative from the town of Falmouth. *Chap. 90.*

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the said Knowles Butler, in addition to his pay as a member of the house of representatives, for the present year, the sum of twenty dollars, on account of the expenses of his sickness during the present session of the Legislature, and that the governor draw a warrant therefor accordingly. [Approved by the Governor, April 29, 1850.] §20, for sickness.

RESOLVE on the petition of William Grubb and another.

Resolved, for reasons set forth in said petition, that William Grubb and Benjamin Hudson, executors of the last will and testament of Susannah Luere, late of Boston, in the county of Suffolk and Commonwealth of Massachusetts, widow, deceased, be and they are hereby authorized to file or annex, to their third account of executorship on said estate, an authenticated copy of an instrument dated at Bonneval department, Chateaudon, (France,) November eighteenth, in the year eighteen hundred and forty-five, to M. Maximilian Iznard, consul of France, resident at Boston, for the payment of said legacies in the registry of probate, in the county of Suffolk. [Approved by the Governor, April 29, 1850.] *Chap. 91.* To file in the registry of probate for Suffolk a copy of an instrument specified.

RESOLVE in favor of Ivory H. Lucas.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Ivory H. Lucas, seventy-five dollars thirty-six cents, in full for medicines and medical attendance of the said Lucas, upon several individuals belonging to the Chappequiddick tribe of Indians, and that a warrant be drawn accordingly. [Approved by the Governor, April 30, 1850.] *Chap. 92.* §75 36 for medicine, &c., to Chappequiddick Indians.

RESOLVE in favor of Henry C. Brown.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Henry C. Brown, of Lee, in the county of Berkshire, the sum of fifty dollars and fifty cents, in full for his services and expenses, under a commission from his excellency the governor of the Commonwealth, in demanding and receiving, from the executive of the state of New York and committing to prison, one Jacob S. Place, a fugitive from justice, and that *Chap. 93.* §50 50 for services in arresting a fugitive from justice.

a warrant be drawn therefor accordingly. [*Approved by the Governor, April 30, 1850.*]

Chap. 94.

RESOLVE in relation to LOANS of the Public Funds.

Treasurer to take the advice of attorney general as to loans on mortgages of real estate.

Resolved, That the treasurer of the Commonwealth be and he is hereby directed, hereafter, to consult with the attorney general, in regard to the several loans of the public funds on mortgages of real estate, and, in order to insure the payment of the same, agreeably to the terms thereof, that he pursue such course in relation thereto as the attorney general may advise. [*Approved by the Governor, May 1, 1850.*]

Chap. 95.

RESOLVE concerning the Files of the House of Representatives.

Clerk to arrange the files of the house from the year 1834.

Resolved, That the clerk of the house of representatives arrange, or cause to be arranged, after the prorogation of the present session of the General Court, the files of said house, from the year one thousand eight hundred and thirty-four to the year one thousand eight hundred and forty-four, and such others as may need further arrangement, and that a warrant be drawn for the payment of his account therefor not exceeding the sum of sixty dollars. [*Approved by the Governor, May 1, 1850.*]

Chap. 96.

RESOLVE on the petition of the Overseers of the Poor of the town of Dalton.

§58 73, for State paupers.

Resolved, That, for reasons set forth in the petition, there be paid, out of the treasury of the Commonwealth, to the overseers of the poor of the town of Dalton, the sum of fifty-eight dollars seventy-three cents, in full for the expenses incurred by said town for the support of State paupers, for the year ending November first, eighteen hundred forty-eight, and that a warrant be drawn accordingly. [*Approved by the Governor, May 1, 1850.*]

Chap. 97.

RESOLVES concerning Slavery.

Whereas, the people of Massachusetts, acting under a solemn sense of duty, have deliberately and repeatedly avowed their purpose to resist the extension of slavery into the national territories, or the admission of new slave states into the Union, and for these ends to apply, in every practicable mode, the principles of the ordinance of 1787; also to seek the abolition of slavery and the slave trade in the District of Columbia, and the withdrawal of the power and influence of the general government from the support of slavery, so far as the same may be constitutionally done; and *whereas* the impor-

tant questions, now before the country, make it desirable that these convictions should be reaffirmed, therefore,

Resolved, That the people of Massachusetts earnestly insist upon the application by Congress of the ordinance of 1787, with all possible sanctions and solemnities of law, to the territorial possessions of the Union in all parts of the continent and for all coming time.

Resolved, That the people of Massachusetts cherish the Union with unabated attachment; that they will support the constitution; that, appreciating the inestimable benefits flowing from it, they believe it better for all parties and sections, with reference to any existing evils, to wait and work patiently under and through the constitution, than to destroy it; and they have no doubt that they hold these sentiments in common with overwhelming majorities of the people of these United States; but, in any event, they will follow their principles, deterred by no threats of disunion and no fear of consequences.

Resolved, That the integrity and permanence of American power on the Pacific Ocean, the increase of our commerce and wealth, the extension of our institutions, and the cause of human freedom on this continent, require the immediate admission of California into this Union, with her present constitution, without reference to any other question or measure whatever.

Resolved, That the sentiments of the people of Massachusetts, as expressed in their legal enactments, in relation to the delivering up of fugitive slaves, remain unchanged; and inasmuch as the legislation necessary to give effect to the clause of the constitution, relative to this subject, is within the exclusive jurisdiction of Congress, we hold it to be the duty of that body to pass such laws only, in regard thereto, as will be sustained by the public sentiment of the free states where such laws are to be enforced, and which shall especially secure to all persons, whose surrender may be claimed as having escaped from labor and service in other states, the right of having the validity of such claim determined by a jury in the state where such claim is made.

Resolved, That the people of Massachusetts, in the maintenance of these their well-known and invincible principles, expect that all their officers and representatives will adhere to them at all times, on all occasions, and under all circumstances.

Resolved, That his excellency the governor be requested to transmit a copy of these resolutions to each of the senators and representatives of Massachusetts in the Congress

of the United States. [*Approved by the Governor, May 1, 1850.*]

Chap. 98.

RESOLVE in favor of the town of Worthington.

§75 15, State paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Worthington, in the county of Hampshire, the sum of seventeen dollars and fifteen cents, in full for the support of State paupers, for the year one thousand eight hundred and forty-six, and that a warrant be drawn accordingly. [*Approved by the Governor, May 2, 1850.*]

Chap. 99.

RESOLVES in aid of the several School Districts of the Commonwealth.

A copy of Webster or Worcester's Dictionary to each school district.

Proviso.

Resolved, That the secretary of the board of education be and hereby is authorized to furnish each district and other public school in the Commonwealth, except primary schools, a copy of Noah Webster's Unabridged Quarto Dictionary, or Joseph E. Worcester's Octavo Dictionary, at the option of the school committee of each town, and that the expense thereof be paid out of the school fund: *provided,* that the said Webster's Dictionary may be obtained at a cost not exceeding four dollars, and said Worcester's Dictionary at a cost of not more than two dollars.

Conditions on which school committees may receive a dictionary.

Proviso.

Resolved, That the school committee of each town in the Commonwealth be and hereby is authorized to obtain from the secretary of the board of education, one copy of either of the above-named dictionaries, at the option of said committee, and cause the same to be placed in each of the schools aforesaid, in their respective towns: *provided, however,* that no school shall be entitled to either of said dictionaries which shall not have furnished itself with a suitable book-case or desk for the safe-keeping of the dictionary; and the school committee, in making application therefor to the board of education, shall certify that each district, for which a dictionary is requested, has complied with this requisition.

Repeal.

Resolved. So much of the resolve of the third of March, eighteen hundred and forty-two, as appropriated to every school district in the Commonwealth fifteen dollars, "to be expended for books for a school district library," is hereby repealed.

Resolved. These resolves shall not take effect until the first day of August next. [*Approved by the Governor, May 2, 1850.*]

Chap 100.

RESOLVE for the payment of Contingent Expenses of the General Court.

§1,000.

Resolved, That there be paid, out of the treasury of the Commonwealth, to the sergeant-at-arms, the sum of one

thousand dollars, to enable him to pay certain contingent expenses for the governor and council, General Court, and the various offices in the state-house not otherwise provided for, and that a warrant be drawn in his favor accordingly. [Approved by the Governor, May 2, 1850.]

RESOLVE for the payment of incidental Expenses of the State-House.

Chap 101.

Resolved, That the sum of two thousand five hundred dollars be and hereby is appropriated, to enable the ser-
geant-at-arms to make such incidental repairs as may be necessary, from time to time, upon the state-house, and also to purchase such articles of furniture as may be necessary for the use of the governor and council and the General Court, and the various offices in the state-house. The above sum is likewise to include the expense of repairs upon the wall at the eastern end of the state-house yard, made per order of the Legislature of last year, and warrants to be drawn accordingly. [Approved by the Governor, May 2, 1850.]

\$2,500 for re-
pairs, furniture,
&c.

RESOLVE in favor of the Norfolk Agricultural Society.

Chap 102.

Whereas, the Norfolk Agricultural Society, incorporated in the year eighteen hundred and forty-nine, having, in the course of the last year, established a fund agreeably to the provisions of the Revised Statutes, and having awarded premiums in October last, on the supposition that the bounty of the Commonwealth would be paid to it, as to other agricultural societies, which from previous existence have made the returns prescribed by law, therefore,

Resolved, That there be paid, from the treasury of the Commonwealth, to the Norfolk Agricultural Society, such sums as said society would have been entitled to receive, agreeably to the provisions of the laws respecting agricultural societies, had its existence admitted of an annual return in January, eighteen hundred and forty-nine. [Approved by the Governor, May 3, 1850.]

Bounty granted
for 1849.

RESOLVES concerning the establishment of an Agricultural School.

Chap 103.

Resolved, That his excellency the governor, with the advice of the council, be requested and empowered to appoint a board of five commissioners, who shall consider the expediency of establishing agricultural schools or colleges, and also of furnishing aid to any existing academy or college, for the instruction of such pupils as may wish to attend such an institution, in all those branches of agricultural knowledge necessary for the advancement of the interests of agriculture in this State.

Five commis-
sioners.

Duties.

Resolved, That the said commissioners, if, in their opinion, it is expedient to establish such agricultural school or college, shall be directed to procure plans and estimates for the buildings necessary for such an institution, and to propose and mature a system for the government thereof, with the requisite studies to be pursued at the same, and to ascertain what laws and regulations would be necessary and proper to put the same into successful operation.

State agricultural bureau.

Resolved, That the said commissioners be directed to consider the expediency of establishing an agricultural and statistical department, in our state government, that shall maintain a similar relation to the interests of agriculture, and other industrial pursuits, that the board of education does to our system of common school instruction; what appropriations, if any, may be necessary, on the part of the Commonwealth, to secure instruction in this science, in our medical and other colleges, and normal schools; whether any further aid should be granted to local agricultural and horticultural societies; whether instruction in agriculture can properly be introduced into the common schools; and by what other and proper means this branch of industry, so important to the Commonwealth, and so intimately connected with the welfare of the people, may best be promoted.

To report to the governor.

Resolved, That the said commissioners report the result of their deliberations to his excellency the governor, in season to be communicated to the Legislature at the commencement of their next session. And the said commissioners shall present all their accounts to the governor and council, to be by them audited and allowed, as they may deem just.

Appropriating its lands in Maine, and other resources, to educational and charitable institutions.

Resolved, That the said commissioners consider the expediency of appropriating the property of the Commonwealth in lands, in the state of Maine, or any other available resources, to the general purposes of education, including instruction in agriculture, and to the support of charitable institutions. [*Approved by the Governor, May 3, 1850.*]

Chap 104.

RESOLVE on the petition of Mary May and others.

Three commissioners to report to next Legislature on Reform School for girls

Resolved, That his excellency the governor, with the advice and consent of the council, be and he hereby is authorized to appoint three suitable persons, to be commissioners to inquire into and report to the next Legislature, the most approved, economical and efficient methods of conducting reform schools for girls, now in practice in the different institutions established for that purpose, embracing

such facts and suggestions as they may think proper to illustrate the subject. The commissioners shall be paid for all incidental expenses incurred by them in prosecuting their investigations, and no other, and that warrants be drawn accordingly. [*Approved by the Governor, May 3, 1850.*]

RESOLVE on the petition of Elisha Copeland and others.

Resolved, for reasons set forth in said petition, that all the rights which this Commonwealth has acquired, or may acquire, by escheat, in and to the estate, both real and personal, of Sarah Copeland, widow, late of Boston, an insane person, who died intestate, in the year eighteen hundred and forty-nine, without heirs, as is supposed, be and the same is hereby granted to said Elisha Copeland, Mary F. Clapp, widow, Maria W. Copeland, single woman, of Boston, and Eliza Woods, wife of Samuel Woods, of Framingham, children and heirs-at-law of the late Elisha Copeland, and to their heirs and assigns. [*Approved by the Governor, May 3, 1850.*]

Chap 105.

Release of Commonwealth's right in estate of Sarah Copeland.

RESOLVES to provide for the Reception of the President of the United States.

Chap 106.

Whereas, information has been received that it is the intention of the president of the United States to visit New England during the present year, a visit which he was prevented from making the past year, much to the regret of the people of this State; and *whereas* it has ever been the usage and desire of this Commonwealth, to receive the visit of distinguished public men, and especially of the chief magistrates of the Union, with respect and hospitality, therefore,

Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, That his excellency the governor be and he hereby is authorized and requested to invite the president of the United States to extend his visit to this Commonwealth, and to tender to him the hospitalities and the respectful congratulations of the State.

Resolved, That a committee, consisting of the president and six members of the senate and the speaker and seven members of the house of representatives, be appointed, who are hereby authorized to make all suitable arrangements, in the name and behalf of the State, for the proper reception of the president of the United States, if his visit shall occur before the next session of the General Court.

Resolved, That his excellency the governor, by and with the advice of the council, be and hereby is authorized to

draw his warrant on the treasury for such sum as may be necessary for the purpose aforesaid.

Resolved, That his excellency the governor be requested to communicate to the president of the United States a copy of the foregoing resolves. [*Approved by the Governor, May 3, 1850.*]

Chap 107.

RESOLVES concerning the Valuation Committee.

Compensation
to messengers,
pages, &c.

Resolved, That the same compensation be made to the messengers, doorkeepers and page, of the valuation committee, as is allowed them by an act of the present session for their services during the sessions of the Legislature, and that warrants be drawn accordingly. [*Approved by the Governor, May 3, 1850.*]

Chap 108.

RESOLVES concerning International Exchanges.

Resolved, That the thanks of the Commonwealth be presented to M. Vattemare for the valuable additions which, by his agency, have been made to the State library during the past year.

Resolved, That the Commonwealth recognize the value of the system of international exchanges, as established by M. Vattemare, and feel undiminished confidence in his integrity and disinterested devotion to this honorable object. [*Approved by the Governor, May 3, 1850.*]

Chap 109.

RESOLVE in favor of William H. A. Crary.

§150 for one
year as super-
intendent of
alien passen-
gers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to William H. A. Crary, of Fall River, the sum of one hundred and fifty dollars, for his services as superintendent of alien passengers for one year, ending on the sixteenth day of April, in the year one thousand eight hundred and fifty, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, May 3, 1850.*]

Chap 110.

RESOLVE in relation to the Public Lands.

Committee of
three members
of the Legisla-
ture to report on
the value of the
public lands in
Maine, &c.

Resolved, That a committee of three, one on the part of the senate and two on the part of the house, be appointed, authorized and directed, to ascertain the value, by townships or lots, of all lands in the state of Maine, owned jointly in common and in severalty, by Massachusetts, with the best mode of preserving the same from encroachment or trespass, and also to inquire into any encroachments or trespasses that may have been committed, and to report fully to the next General Court. [*Approved by the Governor, May 3, 1850.*]

RESOLVES concerning Boston Harbor and Back Bay.

Chap 111.

Resolved, That the governor, by and with the advice of the council, be authorized and requested to appoint three commissioners to define, upon a plan or plans, such lines as they shall think expedient to establish, beyond which no wharves shall be extended into and over the tide water of the Commonwealth, on the flats on the easterly side of Fore Point Channel, and the northerly shore of South Boston.

Governor to appoint three commissioners to define lines beyond which no wharves shall be extended.

Also, examine if any alterations in the lines and channels of South Bay, or any part of Fore Point channel, be necessary to preserve the depth of water or prevent the formation of shoals or bars in the same.

To examine as to depth of water at certain points.

Also, make such further inquiries as they may deem expedient, respecting the flats or lands below the ordinary line of riparian ownership in the basin or bay, commonly called "the Back Bay," which has heretofore been cut off by dams or otherwise, from the natural flow of the tides in Boston harbor; and also respecting the flats below said line, and within two hundred feet north of the main dam leading from Boston to Brookline; with a view to ascertain what titles in fee or otherwise, and what special uses, rights of occupation and improvement, easements, or other privileges in the flats aforesaid, or any portion thereof, have heretofore been granted by the Commonwealth to, or are now held by individuals, or by municipal or other corporations, and consider what valuable interest, if any therein, remains in the Commonwealth, and to cause a full and accurate survey of said premises to be made.

Respecting flats or lands in Back Bay.

To ascertain titles, rights of occupation, &c., or other privileges in the flats, and what interest remains to the Commonwealth, and to cause a survey to be made.

And also consider what measures can be taken for the improvement of the said flats or land, so as to make them most valuable to all parties interested therein, and in what manner the various conflicting interests, if any there be therein, may be most speedily and equitably adjusted.

As to improvement of the flats and the adjusting of conflicting interests.

And the said commissioners are hereby authorized to obtain the advice and assistance of the attorney general of the Commonwealth, upon any legal points or questions that may be involved in the examination of the several subjects hereby referred to them.

To consult the attorney general.

And the said commissioners shall give at least thirty days' notice, in three or more newspapers published in Boston, and one or more newspapers published in Roxbury, of a time and place for hearing, so that all persons interested may appear and be heard in relation to the matters herein mentioned, and shall make report of all their doings, before the first day of January, one thousand eight hun-

Thirty days' notice of time and place for hearing parties interested.

dred and fifty-one, to the governor, who is hereby requested to lay the same before the Legislature.

Resolve, *ante*,
ch. 27, repealed.

Resolved, That the resolve authorizing a survey of the flats in Back Bay, passed March eleventh of the present year, be and the same is hereby repealed. [*Approved by the Governor, May 3, 1850.*]

INAUGURAL ADDRESS

OF

HIS EXCELLENCY GEORGE N. BRIGGS.

REPRESENTATIVES' CHAMBER, JAN. 8th, 1850.

At twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

A D D R E S S :

*Gentlemen of the Senate, and of the
House of Representatives :*

The state of the finances of the Commonwealth is always a subject of interest to the Legislature and to the people. An annual exhibit of their condition invites the scrutiny of the public into the conduct of those who appropriate and those who expend them.

From the auditor, I learn that the receipts and expenditures for the last year, were as follows:—

The receipts amounted to	\$540,658 35
The expenditures to	601,604 23

Excess of expenditures over receipts,	<u><u>\$60,945 88</u></u>
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The above amount of receipts includes cash on hand, January 1, 1849,	\$11,354 64
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Railroad stock sold,	\$13,400 00
State Reform School Scrip sold,	25,000 00

This sum \$49,754 64
deducted from the whole receipts, \$540,658 35,
leaves \$490,903 71 as the ordinary receipts for
the year.

The amount of expenditures includes the sum paid the State Reform School, under the act of 1849,	\$25,000 00
Railroad loans,	9,000 00
Temporary loans of 1847, repaid,	15,000 00
Temporary loans of 1848,	10,000 00
Balance paid for weights and measures,	29,395 00

This sum, \$88,395 00
deducted from the whole expenditure, \$601,-
604 23, leaves, as the ordinary expenditure of
the year, \$513,209 23.

The receipts for the year 1849 are less than the estimate
of the treasurer, made early in the year,—

From the auction tax, about	\$11,000 00
And from alien passengers,	27,000 00
Making	\$38,000 00

The alien passenger money was cut off by the decision
of the supreme court of the United States, which pro-
nounced the law of the State, by which it was imposed, un-
constitutional. But for that decision the revenues of the year,
from that source, would probably have been increased more
than thirty thousand dollars.

In making an official communication of the determination
of that court, which declared the law of this Commonwealth,
and that of a neighboring state upon the same subject, invalid
and void, which laws had been sustained by the unanimous
opinions of the highest judicial tribunals in the two states,
I suggested the propriety of immediate legislative action, con-
forming to the principles of the decision of the United States
Court, as being necessary to protect the Commonwealth from
the consequences to the treasury, the morals, and the health of
her people, by the overthrow of one of her public laws, so im-
portant to her rights and interests. The senate promptly passed
a bill which they deemed proper and competent for such a

purpose, but, unfortunately, from some cause, it failed in the house. I now commend the subject to your early consideration.

The people of Massachusetts cherish and love their institutions, and will always justify the expenditure of their money, whether derived from direct taxation, or from other sources, when it is demanded by any of the worthy and legitimate objects to be accomplished by the agency of a wise, liberal, and just government. Their faithful and vigilant representatives should see to it, that the public money is never appropriated in large or small sums, for any other than such objects.

The draught upon the treasury the past year for the support of State paupers, exceeds \$90,000. If the Legislature should see fit to repeal, or so to modify the existing laws, as wholly to save, or essentially diminish this large and increasing item of expense, and should promptly pass a law by which the amount heretofore received from alien passengers can be realized, it is believed the present deficit in our receipts would be met in a reasonable time, without resorting to a State tax.

I am sure that every member of this Legislature will concur with me in the hope, that the state of the public business will enable them to save to the Commonwealth the expense of at least one month of the time which their predecessors, for the last two years, found it necessary to devote to subjects presented for their consideration.

The property of the Commonwealth consists of	
Western Railroad stock,	\$1,000,000 00
Western Railroad stock sinking fund,	593,000 00
Commonwealth's part of Western Railroad loan sinking fund,	123,500 00
Notes for lands in Maine,	1,758 00
Cash on hand,	4,000 00
	<hr/>
	\$1,722,258 00
	<hr/> <hr/>

The debt of the Commonwealth:—	
Western Railroad scrip due in 1857, is	\$995,000 00
State Reform School scrip,	25,000 00
Temporary loans,	65,000 00
	<hr/>
Making,	\$1,085,000 00
	<hr/> <hr/>

Her lands in Maine, are estimated at, . . .	\$1,500,000 00
Her claims upon the General Government, . . .	181,000 00
	<hr/>
	\$1,681,000 00
	<hr/> <hr/>

The Massachusetts School Fund amounts to	\$903,000 00
The School Fund for Indians,	2,500 00
Charles River and Warren Bridge Fund, . . .	21,481 18
	<hr/>
	\$926,981 18
	<hr/> <hr/>

The Commonwealth has heretofore pledged her faith for the payment of the debts of certain railroad corporations. These corporations promptly pay the interest which accrues on their debts, and the State is amply secured by mortgages against future contingencies.

The reports of the officers of the State Prison will present several important matters for the careful consideration of the Legislature. The records of the prison show a large increase of the number of its inmates during the year. Whilst this deplorable fact exists, it is gratifying to learn that the proportion of second comers was somewhat less than in previous years. Owing, as the warden states, to the great accession of numbers, the crowded state of the workshops, the dearness of provisions, and the sickness which prevailed among the prisoners during the summer, the expenditures of the year exceed the receipts about \$1,400. But no appropriation will be necessary to supply the deficiency.

All the officers concur in the opinion, that the repeal of the law authorizing the inflicting corporal punishment, for a time at least, was followed by the exhibition of disorder and turbulence on the part of a portion of the prisoners. They differ as to the expediency or necessity of restoring that law. The cells of the new prison are full, and they are obliged to put from two to four or five together in the rooms of the old prison. The crowded state of the prison, and the evil consequences resulting to the health and morals of the convicts, who are, from necessity, placed together in the rooms of the old buildings, are strongly urged by the inspectors and the warden in favor of an immediate enlargement of the buildings, and an increase of the number of cells. The report of the warden states that the number of foreigners has greatly increased during the year, and that several of those returned from the war in Mexico have found their way into the prison. This alarming increase of crime makes it necessary for you to make provision for dis-

posing of the offenders. At the same time humanity utters her imploring voice, and calls on you to devise every means in your power to prevent your erring fellow-beings from rushing into crimes.

The deaf and dumb at the asylum at Hartford, in the state of Connecticut, and the blind at the Perkins Institution at South Boston, sons and daughters of indigent parents, are annually reaping the fruits of your liberal appropriations for their instruction, and invoking the blessings of Heaven upon the Commonwealth for the aid she extends to her destitute and smitten children.

Of all the maladies which afflict humanity, not one in the whole catalogue is more calamitous to the subject of it, and to his friends, than that of the loss of reason. The institution of lunatic hospitals, in mitigating the sufferings of the insane and in restoring them to reason, has proved to be one of the most successful and beneficent public charities of this benevolent age.

Our State Lunatic Hospital, at Worcester, is diffusing its benefits all over the Commonwealth. Its eminent success, its thronged apartments, and the number of insane persons ascertained to exist in the State, will soon press the question, whether another similar institution is or is not necessary in this Commonwealth, upon the judgment of the Legislature. Such an establishment would, of course, involve the expenditure of a large amount of money. Before an appropriation for such an expenditure is made, it seems to me the question of location should be settled, accurate plans presented, and the most careful estimates of its cost be required from responsible persons, competent to make them. When the necessity shall be shown to exist, the location settled, and the requisite information as to plan and cost, laid before them, no Legislature could hesitate to do what the public interest demands.

The subject of popular education always has been, and always will continue to be, of surpassing interest to the people of Massachusetts. The impress of her character, individual and aggregate, is made in the district schoolhouse. Her citizens may reach the highest places of honor and distinction in the State, at the bar, in the pulpit, or in the marts of business and of commerce; wherever Providence may station them, they will look back with gratitude and delight to the days which they passed in the neighborhood schoolhouse, and regard the time there spent as the forming period of their destiny.

Who then can estimate the importance to the individual and to the State, of having those nurseries of education as perfect as the lot of humanity will permit. Much has been done during the last dozen years to elevate and improve the character

of our public schools. The evidence of progress has been furnished, from year to year, in the reports of the board of education, and their secretary, whose official labors are appropriated to this important cause. The reports of those public functionaries, for the last year, are satisfactory, and calculated to increase the confidence of the public in the means which have been put into requisition for the advancement of popular education. The three State normal schools are well attended and prosperous. These institutions have been efficient instrumentalities in increasing the qualifications of teachers and improving the condition of our common schools. Teachers' institutes and teachers' associations, both of which are under the patronage of the State, are important auxiliaries of the normal schools in accomplishing the great object in view. It is gratifying to believe, that the people themselves realize more and more every year how deeply the dearest interests of their children, and the prosperity and glory of the Commonwealth, are involved in the success or failure of the efforts now making for perfecting our system of education.

So long as human generations pass on with the rapid flight of time, from childhood to youth, and from youth to manhood, this subject will address itself with unabated force to the legislators of the land. In despotic governments, tyranny may array itself against the cause of education and learning, and, fearing the light, may frown upon every effort for its advancement.

In this free country, education can have but one enemy, and that is ignorance. Two hundred thousand children, soon to be men and women, call on you to protect them from the power of such an enemy,—patriotism, humanity, and religion, demand his extirpation.

The State Reform School, at Westborough, has been opened something more than one year. The whole number which has been received is three hundred and thirty-four. The present number is three hundred and ten, and there is room for no more. The officers of the institution have notified the sheriffs of the several counties that it is full. Whether the buildings shall be enlarged so as to make room for a greater number, or some limitations or restrictions, as to the character of those to be received, shall be prescribed by law, or what other course is to be pursued in regard to this new experiment for the instruction and reformation of juvenile offenders, will be for the Legislature to decide.

A remarkable degree of health has prevailed among the inmates during the year. No death occurred, and the physician's bill for the whole time was but twenty-eight dollars. General order and compliance with prescribed rules, have characterized

the conduct of the boys. So far as the length of time it has been in operation affords the means of judging, the promise of success in this institution is as flattering as could have been anticipated.

I cannot here forbear to allude to the lamented death of that early friend and patron of this Reform School, the late Hon. Theodore Lyman, of Boston. In his life-time he gave and delivered to the institution twenty-two thousand and five hundred dollars. He lived only long enough to see so much of the fruits of his munificence as to satisfy him of the wisdom of that mode of liberality. Following the dictates of his generous heart, in two codicils to his last will he added fifty thousand dollars to the sum which he had before given. The words of his last codicil are,—“In addition to the sum of *thirty thousand dollars* given, in the preceding codicil, to the Reform School established by the State, at Westborough in this Commonwealth, I now give the further sum of *twenty thousand dollars*; and I declare it to be my will, that the whole and sole object of these two donations of thirty thousand dollars, and of twenty thousand dollars, respectively made to my native State, in the two codicils attached to my last testament, is to aid in enabling the Legislature of the same to establish in the town of Westborough an institution, or institutions, on the most approved plan for the proper discipline, instruction, employment, and reformation of juvenile offenders, whether male or female, or both.”

Noble benefactor! Friend of the young, the wayward, and the poor! When the bloody laurels of the warrior and destroyer of his race shall be despised and trampled in the dust by an enlightened and christianized humanity, the names of such benefactors as Theodore Lyman will be remembered and revered, and the generations of the poor will rise up and bless them.

Most men of wealth hoard up their riches, and hold on to them till death unfastens their grasp, and then leave them to heirs who in too many cases know not how to use them wisely, or reluctantly give them to some public object, so tied up and restricted as often to defeat the very purpose for which they were intended.

Unlike this class of rich men, General Lyman wisely anticipated the gratitude of posterity, and in his own life-time had the satisfaction of seeing and approving the expenditure of a large portion of his bounty.

As an act of justice to his memory, I suggest to you the propriety of connecting his name with that of an institution which he has so largely contributed to establish.

The application of science to agriculture is attracting the at-

tention of the public, and exciting the interest of those who are engaged in the cultivation of the earth. A better knowledge of the qualities of the soil, and of the nature and properties of the substances necessary to enrich it, than has heretofore been generally possessed, would greatly increase its productions. This knowledge may be derived from science. Chemistry holds this treasure in its hands. Schools and lectures, publications and practical experiments, are the instruments through which it is to be attained. Whatever can be done to promote this desirable object, by legislative aid, is due to this most ancient and useful of all human pursuits, and that large and respectable portion of the community who are engaged in it. Content with the bounties received from the earth, this class of our fellow-citizens have hitherto received but inconsiderable contributions from the government. I cheerfully commend the subject to your favorable consideration and action.

The President of the United States, in his recent message to Congress, says that "he does not doubt the right or the duty of Congress to encourage domestic industry, which is the great source of national, as well as individual wealth and prosperity;" and that "he looks to the wisdom and patriotism of Congress for the adoption of a system which may place home labor at last on a sure and permanent footing, and, by the encouragement of manufactures, give a new and increased stimulus to agriculture, and promote the development of our vast resources, and the extension of our commerce." He recommends such appropriations for the improvement of rivers and harbors "as the wants of the country, and especially the advance of our population over new districts, and the extension of commerce, may render necessary." These are, and will always continue to be, great and important national interests. His views upon them are in accordance with the opinions of the people of this Commonwealth, and with the official action of their representatives in both houses of Congress for the last quarter of a century. The commendation of agriculture to the attention of Congress; the recommendation to fix the postage on all single letters at five cents, without regard to distance; the avowed policy of this government towards other nations; the explicit and manly tone of the whole document; his exposition of the veto power; the manner in which he speaks of the Union, as "the proudest monument to the memory of the patriots who framed it, and the object of affection and admiration with every one worthy to bear the American name," and his determination, "whatever dangers may threaten it, to stand by it, and maintain it, in its integrity," will command the respect and approbation of the citizens of this free republic.

The question whether negro slavery shall or shall not be

excluded from the territories of the Union which are now free, is seriously agitating the public mind.

The people of the slaveholding states deny the right of the general government to keep slavery out of its territories. In their popular meetings, legislative halls, and by the mouths of their representatives in Congress, some of the states declare, in distinct terms, that an act of Congress forbidding the introduction of slavery into the territories of the United States will be followed by a dissolution of the Union.

On the other hand, the people of the free states, in the same mode of manifesting public opinion, have made known their intention of opposing, calmly, deliberately, but firmly, the farther extension of slavery.

Do the friends of restriction claim the exercise of any new or unusual power? Two years before the adoption of the Constitution, the Congress of the Confederation, voting by states, passed the ordinance of 1787, by which slavery was forever excluded from all the territory then belonging to the United States, northwest of the Ohio river; out of which territory, by the terms of the ordinance, not less than three, nor more than five new states were to be formed. On the passage of that ordinance, eight states voted. Five of them,—Delaware, Virginia, North Carolina, South Carolina and Georgia,—were slave states, and the vote of those five states was unanimous in its favor. May not that vote be regarded as a manifestation of what were then the views of the representatives of those five states in regard to the future and farther extension of slavery? Let their conduct and views be compared with the attitude and language of the representatives and people of several of the same five states now, when a similar question is under discussion. The contrast is quite remarkable.

The ordinance of '87 was ratified by the adoption of the Constitution of the United States, and, after that, by the action of the government under this Constitution in various forms. The act for the admission of the state of Missouri into the Union, excluded slavery from the remaining territories of the United States, north of a certain degree of latitude, and the constitutional power of the act was confirmed by the declared opinion of every member of Mr. Munroe's cabinet. The resolutions for the annexation of Texas, passed by southern votes, in express terms exclude slavery from the territory to be annexed north of the degree of latitude named, and from the states which might be thereafter formed out of that territory. The law creating a government for the territory of Oregon did the same thing.

The ordinance of '87 was originally reported by Mr. Jefferson, and all the acts of the National Legislature reasserting its

principles, to which I have alluded, were approved by Presidents from the southern section of the Union. No constitutional scruples have embarrassed the minds or checked the action of public men in that part of the country, when, by negotiation, legislation, or conquest, foreign territory was to be acquired, to be made into slave states.

On one side of this question is the clear and unequivocal language of the Constitution, giving to Congress the power to "make all needful rules and regulations respecting the territory or other property belonging to the United States;" the great principles of the ordinance of 1787, reasserted and adopted by many acts of Congress under the Constitution, approved and sustained by the most illustrious statesmen of the republic in every part of the Union; and the principles of eternal right and justice. On the other side, is the institution of slavery, which deprives man of his inalienable rights, effaces from him the image of his Maker, and degrades him to the condition of a thing,—a chattel.

The people of Massachusetts, come what may, will be faithful to the Constitution and the Union. Her patriotic statesmen helped make that Constitution, and her citizens agreed to and adopted it. She would not knowingly withhold or violate any right secured by it to any citizen or section of the country.

Her opinions upon the subject of slavery have been known to the world from the time of the declaration of Independence to the present time.

As a member of the Union, she is content to leave slavery where it is left by the Constitution, that is, within the limits of those states where it exists. Whilst it is clear that Congress has no right to pass over the limits of a state to interfere with the institution of slavery within it, it is equally clear that no state has the right to push the institution beyond its own limits into and over the territory of the Union where it does not exist.

Entertaining no doubt of the constitutional power of Congress to exclude slavery from its own territories, and believing that such exclusion is demanded by the highest principles of morality and justice, she never can consent to its extension over one foot of territory where it now is not. If the other free states concur with her in this resolution, the thing will be done, and consequences be left to themselves.

*Gentlemen of the Senate,
and of the House of Representatives:*

I congratulate you upon the continued general prosperity of our Commonwealth,—a prosperity early in its commencement, steady in its progress, and may we not hope, by the blessing of heaven, it will be enduring as our existence.

For our success as a community, we are, under Providence, indebted to the institutions transmitted from our fathers, and to the industry, skill, intelligence, and perseverance of our people. In our high northern latitude nature has denied to us the rich soil and beautiful prairies of some, and the genial climate of others, of our sister states. From the sands of the Cape to the mountains of Berkshire, hard work and judicious cultivation are the conditions upon which the tillers of the earth can expect even moderate crops, compared to the abundant productions of other portions of our country. When, in a gloomy December, our adventurous fathers landed on Plymouth rock, they went up from a stormy ocean, and saw before them an iron-bound coast and a gloomy forest. They knew that labor and suffering belonged to their destiny and to the destiny of their posterity. Trusting in God, they meekly and resolutely embraced that destiny for themselves and for that posterity. Implanted in their bosoms was a love of religious and civil liberty, and a desire for knowledge and education. They had strong arms and bold hearts, and were filled with a spirit of adventure, which feared no danger, and which could be checked by no obstacle.

The inheritance left to their children was their example and the elements of their own character. In them that love of liberty, which drove their fathers into a wilderness, was not satisfied until their whole country, grown into a family of states, was free. Into that liberty we have entered. We are here to-day the representatives of the Pilgrims. The physical, civil and moral condition of the Commonwealth, is the fruit of their labors, and, in part, the realization of their hopes.

Massachusetts has an area of 7,250 square miles, and within its limits there are now in operation more than eleven hundred miles of railroads, with a capital of fifty millions. We have a population of about one million, who are engaged in every branch of business and of industry, at home and abroad, upon the land and upon the sea, which holds out the prospect of a remunerating profit. The annual value of their products exceeds one hundred millions of dollars. Her credit is unimpaired, and, on 'change, at home and abroad, her bonds are sought. The value of the schoolhouses in the State, in 1848, was \$2,700,000. More than two millions of that sum were raised and expended within the twelve preceding years. In 1849, there were, in our three hundred and fourteen towns, 3749 public schools, in which were employed 8163 teachers, 2426 of whom were males and 5737 were females. The amount of money raised for the support of the public schools was \$830,000. Add to this the amount paid for tuition in the academies and private schools, and the whole sum expended

for education during the year, excluding the three colleges, was \$1,168,334. A thousand convenient and tasteful houses of public worship, erected by different denominations of Christians, beautify every city, town, and village of the Commonwealth, and bear testimony that our people have not forgotten the God of their fathers. Our public charitable institutions for the benefit of the deaf, dumb, and blind, the sick, insane, and the destitute, and for instructing and reforming juvenile offenders, are the jewels of the State. In our public schools, the children of the rich and the poor sit on the same seat, and struggle for the prize of scholarship upon equal terms. Here honest industry, prudence and economy are honorable; idleness and dissipation a reproach. It may well be doubted whether labor is better fed, better paid, better educated, and more respected, in any community on earth than in Massachusetts. By our constitution and laws all citizens are placed upon a common level, and are entitled to the same civil and political rights, and all men are, or may become citizens.

As the representatives of the Commonwealth, it becomes us here, in this legislative hall, with the profoundest gratitude to acknowledge the goodness of the Supreme Ruler of the world to our fathers, and his mercies to us. Invested with high and responsible public trusts, let us invoke the guidance of His wisdom in the discharge of the duties upon which we have now entered.

M E S S A G E S .

To the House of Representatives :

I transmit to the honorable House, for the information of the two branches of the Legislature, the following documents received by me since the regular session of the last General Court :—

1. Report and Resolutions of the Legislature of Vermont on the "establishment of a Bureau of Agriculture."

2. Memorial of the American Association for the Advancement of Science.

3. Report and Resolutions of the Legislature of Virginia, relative to the legislation of Congress on the subject of Fugitive Slaves.

4. Resolutions of the General Assembly of the State of Missouri on the subject of Slavery.

5. Resolutions of the General Assembly of the State of Ohio, relative to the acquisition and control of foreign territory by the United States.

6. Reports of the Warden and other officers of the State Prison in Charlestown.

7. Report of the Agent for Discharged Convicts.

8. Annual Report of the Adjutant General of the Commonwealth.

9. Final Report of the Commissioners for the erection of the buildings for the State Reform School at Westborough.

10. Annual Reports of the Trustees and other officers of the State Lunatic Hospital at Worcester.

GEO. N. BRIGGS.

Council Chamber, January 10, 1850.

To the House of Representatives :

I transmit to the House of Representatives, for the use of the Legislature, the following papers :

1. A communication from the adjutant general, stating that Maj. Gen. D. S. Jones, of the third division of the militia, Major Gen. A. Howe, of the first division, and Major Gen. B. Adams, of the second division, have resigned their commissions and received their discharge.

2. Resolutions of the General Assembly of the state of Connecticut, affirming the power of Congress to legislate on the subject of slavery in the territories of the United States and in the District of Columbia.

3. The Annual Reports of the Trustees, Superintendent, and Treasurer of the State Reform School at Westborough.

GEO. N. BRIGGS.

Council Chamber, January 18, 1850.

To the Senate :

I communicate herewith, for the use of the Legislature, a report from the superintendent of alien passengers for the city of Boston, on the subject of alien passengers and foreign paupers. The report presents facts of great importance for the consideration of the Legislature.

Whilst the number of persons chargeable to the Commonwealth, having a settlement within it, in 1848, was only 85 more than the number of the same class in 1838 ; the number of foreign paupers in 1848 was 4,648 more than it was in 1838. The whole expense of foreign paupers for the last 11 years, above the amount received for alien passengers and on bond, is more than \$737,000.

GEO. N. BRIGGS.

Council Chamber, 21 January, 1850.

To the Honorable Senate :

I transmit to the Senate, for the use of the Legislature, the Report of the Commissioner, appointed under the resolve of 1849, chap. 94, relating to railroads crossing each other, in the vicinity of Boston, with accompanying plans.

GEO. N. BRIGGS.

Council Chamber, January 24, 1850.

To the Senate :

I herewith communicate, for the use of the Legislature, the Report of Dr. S. G. Howe, on "training and teaching idiots," under the resolves of May 8, 1848.

GEO. N. BRIGGS.

Council Chamber, 20 February, 1850.

To the House of Representatives :

I transmit to the honorable House a Report from the Commissioners on Weights and Measures, and a Report of the Commissioner of Marshpee and Herring Pond Plantation, for the use of the Legislature.

GEO. N. BRIGGS.

Council Chamber, February 21, 1850.

To the House of Representatives :

I have received from the governor of the state of Virginia, and herewith transmit to you, the resolutions of the General Assembly of that Commonwealth on the "Wilmot Proviso and kindred subjects."

The sentiments and tone of these resolves, coming from the legislature of an ancient and honored sister commonwealth, are well calculated to fill the mind with sadness.

The purpose avowed by the people of the free states, of arresting the further extension of slavery, has produced a high state of excitement among our fellow-citizens of the slave states. They charge the north with being unfriendly to their interests and with making aggressions upon their rights. If the charge is well founded it is well calculated to produce excitement. Though other things enter into the contest, the main point in issue is, whether slavery shall be extended into territories belonging to the United States which are now free. In this unfortunate sectional question, it would be well for each party to consider that the other has rights. The policy of excluding slavery from the territories of the Union, originated in Virginia, and was supported by the unanimous vote of four other southern states. The legislature of Virginia now

intimate that the Union cannot survive the reassertion and continuance of this policy.

The south claim the right of going into any of the public territories with their property, and say that the exclusion of slavery will exclude the people of the slaveholding states from those territories. Suppose this to be true, it is equally true, that with the opinions which the people of the free states entertain, upon the moral and civil character of the institution of slavery, and the incompatibility of free and slave labor existing together, *they* are as effectually excluded from the territories and states where this institution exists. It is a generally conceded historical fact, that at the time of the adoption of the constitution, when there were six slave and seven free states, the further extension of slavery was not expected by the people in any section of the country. The ninth section of the first article of the Constitution of the United States, provides that "The immigration or importation of such persons, as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight." Whilst, by this article, Congress has no right to prohibit the introduction of slaves from abroad, into any of the United States then existing, prior to 1808, it had the power to do so as to new states which might be admitted after the adoption of the Constitution.

By the ordinance of 1787, two years before the adoption of the Constitution, the Congress of the confederation had provided for the formation of not less than three, nor more than five new states in the territory northwest of the river Ohio, from the whole of which they had by that ordinance forever excluded slavery.

Since the adoption of the Constitution, nine new slave states have been admitted into this Union, and five of them formed out of territory which has been acquired subsequent to that event. Mr. Jefferson, and other leading statesmen, believed and declared, that there was no constitutional power in the government to acquire foreign territory. Texas and the territory ceded by Mexico have been added to the United States against the most earnest remonstrances of a great majority of the people of the free states, accompanied by the declaration, that if acquired, the north would never consent to the extension of slavery over any part of such territory. With aid enough from the north to accomplish their object, the south succeeded, by congressional resolutions and by conquest, to gain Texas and a large extent of territory from distracted and bleeding Mexico.

With all these facts before the world, the slaveholding states now, with language as harsh as the charge is unjust, accuse

the north with the deliberate purpose of violating their rights. With ten senators in the Congress of the United States, representing five states carved out of newly acquired territory, they insist upon the privilege of extending the institution over other territory which is now free, and failing to do this, they threaten to secede from the Union. The opinion as to the constitutionality and propriety of arresting the further extension of slavery, is as nearly unanimous among the people of the free states as that upon any other important proposition that can be named. They believe slavery to be morally wrong, and that such a restriction would be no invasion of the rights of any individual or state, but that it is necessary to arrest an aggression upon the rights of the people of the free states, which has been in progress for half a century. The position which Massachusetts has assumed upon this subject she believes to be impregnable, and that carrying it out would do no wrong to any other state. Let her then, while she will obey the constitution of the United States, and observe all its guaranties in her attitude of opposition to the further extension of slavery, be resolute and immovable. Massachusetts and Virginia were co-workers together in that revolution which made the thirteen united colonies free and independent states. They went hand in hand in forming and adopting the constitution which cemented that glorious Union. The difference of opinion which now divides them upon the agitating subjects of the day, is deeply to be deplored. I trust that no possible state of things will lead the people or the government of Massachusetts, to forget the respect and courtesy which is due to that or any other sister commonwealth, or to use towards them language of reproach or denunciation.

One of the resolutions of her legislature, herewith communicated, declares that no state has done so much to found the Union as she has done. Heaven grant that the future historian may not be compelled to write that Virginia too, by her acts or her influence, did more to dash that Union to atoms than any other state. Mournful, indeed, would be the catastrophe of dissolution, but doubly mournful would it be for the same historian to have to add, that the reason why this ancient commonwealth, the mother of presidents, lent her aid to break up the Union with her sister states, among whom were the companions of her struggles and triumphs in the cause of freedom, was, because those companions would not consent to extend the area of slavery,—an institution, the existence of which made her own Jefferson say, that “he trembled for his country when he remembered that God was just.”

GEO. N. BRIGGS.

Council Chamber, February 25, 1850.

To the House of Representatives :

I transmit, for the information of the Legislature, resolves of the state of Rhode Island and Providence Plantations, in General Assembly, in relation to slavery.

GEO. N. BRIGGS.

Council Chamber, February 26, 1850.

To the Senate :

I transmit to the honorable Senate, for the use of the Legislature, resolutions of the states of Georgia, Mississippi, and Maryland, in relation to slavery, with resolutions of the General Assembly of Rhode Island, on the subject of a Bureau of Agriculture, to be connected with the General Government at Washington.

GEO. N. BRIGGS.

Council Chamber, March 27, 1850.

To the House of Representatives :

The remnant of the Gay Head Indians on Martha's Vineyard amounts to about two hundred and thirty persons. They are located at the extreme point of the island and are separated from the other inhabitants. For a few years past they have made, and been quite successful in, the effort to improve their condition. A school is kept for their children a part of the year. Among them is an organized Christian church consisting of fifty members. They have no place, except their small schoolhouse, in which to meet for public worship. At this time I am informed they are making an effort to build a meeting-house. For success in this desirable object they must depend upon the charity of others who may take an interest in their welfare. I deem it proper to call the attention of the Legislature to the subject, respectfully to recommend that an appropriation be made to aid this poor and dependent people, a part of the feeble remains of the race of red men who first inhabited that beautiful island, in erecting a decent and suitable house in which they can meet and worship God. A few hundred dollars, judiciously expended, would be of great service to them.

I herewith transmit a letter received from the Hon. Leavitt Thaxter, who is well acquainted with these Indians, and who takes a deep interest in their condition.

GEO. N. BRIGGS.

Council Chamber, April 3, 1850.

To the Senate :

I transmit to the honorable Senate, for the use of the Legislature, the Report of the Commissioner, under a resolve of 1849, chap. 111, in relation to the District of Boston Corner.

GEO. N. BRIGGS.

Council Chamber, April 4, 1850.

To the House of Representatives :

I transmit to the House of Representatives, for the use of the Legislature, the following papers, recently received by the executive :

1. Second Annual Report of Mr. Vattermare on International Literary Exchanges.
2. Resolutions from the Legislature of Mississippi.
3. Resolutions, by the Legislature of Texas, on the subject of slavery.

GEO. N. BRIGGS.

Council Chamber, April 24, 1850.

LIST
OF THE
CIVIL GOVERNMENT
OF THE
COMMONWEALTH OF MASSACHUSETTS,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1850.

HIS EXCELLENCY
GEORGE N. BRIGGS,
GOVERNOR.

HIS HONOR
JOHN REED,
LIEUTENANT GOVERNOR.

COUNCIL.

SAMUEL WOOD,
SOLOMON DAVIS,
TIMOTHY J. GRIDLEY,
THOMAS TOLMAN,
JOHN TENNEY,
BENJAMIN F. COPELAND,
CHARLES M. OWEN,
SAMUEL L. CROCKER,
LUTHER V. BELL.

WILLIAM B. CALHOUN,
Secretary of the Commonwealth.

WILLIAM TUFTS, 1st Clerk.

CHARLES W. LOVETT, 2d Clerk.

EBENEZER BRADBURY,
Treasurer and Receiver General of the Commonwealth.

JOSEPH FOSTER, 1st Clerk.

JOHN M. BRADBURY, 2d Clerk.

DAVID WILDER, JR.,
Auditor of Accounts.

NOAH ROBINSON,
Messenger to the Governor and Council.

SENATE.

MARSHALL P. WILDER,
PRESIDENT.

SUFFOLK DISTRICT.

Jonathan Preston,	Benjamin Seaver,
George W. Crockett,	John H. Wilkins.
George S. Hillard,	

ESSEX DISTRICT.

Daniel C. Baker,	Albert Thorndike,
Nathan W. Hazen,	Moses Newell.
Charles W. Upham,	

MIDDLESEX DISTRICT.

Joseph T. Buckingham,	Edwin Whitney,
John W. Graves,	Charles Choate,
Charles Thompson,	Arnold Hutchinson.

WORCESTER DISTRICT.

Alexander De Witt,	Amasa Walker,
Pliny Merrick,	Edward B. Bigelow,
John Raymond,	

HAMPSHIRE DISTRICT.

Cyrus Kingman,	William A. Hawley.
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FRANKLIN DISTRICT.

Chester Bardwell, 2d,	William B. Washburn.
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HAMPDEN DISTRICT.

Aaron King,

James Cooley.

BERKSHIRE DISTRICT.

Nathan Benjamin,

Henry L. Dawes.

NORFOLK DISTRICT.

Lewis Harding,
Marshall P. Wilder,

Lysander Richards.

PLYMOUTH DISTRICT.

William H. Wood,

Edward Cazneau.

BRISTOL DISTRICT.

Joseph S. Borland,
John Daggett,

William Tucker.

BARNSTABLE DISTRICT.

John Jenkins,

Stephen Hilliard.

NANTUCKET AND DUKES CO. DISTRICT.

William C. Starbuck.

CHARLES CALHOUN, *Clerk.*W. P. GREGG, *Assistant Clerk.*REV. JAMES I. T. COOLIDGE, *Chaplain.*WILLIAM M. WISE, *Doorkeeper.*JAMES N. TOLMAN, *Assistant Doorkeeper.*TILSON FULLER, *Page.*

HOUSE OF REPRESENTATIVES.

HON. ENSIGN H. KELLOGG,

SPEAKER.

COUNTY OF SUFFOLK.

Boston,

James A. Abbott,
Osmyn Brewster,
Billings Briggs,
Francis Brinley,
Walter Bryent,
Isaac Cary,
Calvin W. Clark,
John Codman,
Samuel A. Eliot,
William Eaton,
Samuel E. Guild,
John C. Gray,
Samuel Hall,
John P. Healy,
Benjamin James,
Eliphalet Jones,
Lewis Jones,
Moses Kimball,
George H. Kuhn,
Samuel Leeds,
Ezra Lincoln,
Abel B. Munroe,
James Munroe,
Charles C. Nutter,
John Odin, Jr.,
Silas F. Plimpton,
Charles T. Russell,

<i>Boston,</i>	William Schouler, Southworth Shaw, Thomas J. Shelton, Elijah Stearns, Thomas Tarbell, John W. Warren, Jr., George Wheelwright, Joseph M. Wightman,
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Chelsea,
North Chelsea.

COUNTY OF ESSEX.

<i>Amesbury,</i>	Jonathan B. Sargent,
<i>Andover,</i>	Dean Holt, Charles F. Abbott,
<i>Beverly,</i>	Paul Hildreth, William H. Lovett,
<i>Boxford,</i>	Enoch Wood,
<i>Bradford,</i>	
<i>Danvers,</i>	A. A. Abbott, John Hines,
<i>Essex,</i>	
<i>Georgetown,</i>	
<i>Gloucester,</i>	William Babson, David Chard, Bartholomew Ring,
<i>Groveland,</i>	
<i>Hamilton,</i>	Choate Burnham, Charles B. Hall, Lemuel Leonards, Sylvanus Caldwell,
<i>Haverhill,</i>	
<i>Ipswich,</i>	
<i>Lawrence,</i>	
<i>Lynn,</i>	Hiram N. Breed, John Nichols, Isaiah H. Parrott, Jesse L. Lewis,
<i>Lynnfield,</i>	William Skinner, Jr.,
<i>Manchester,</i>	Samuel O. Boardman,

<i>Marblehead,</i>	William Bartoll, Richard Tutt,
<i>Methuen,</i>	Morris Knowles,
<i>Middleton,</i>	William O. Andrews,
<i>Newbury,</i>	Jacob Atkinson, Enoch Hale,
<i>Newburyport,</i>	Jeremiah Colman, Ralph C. Huse, Mark Symons,
<i>Rockport,</i>	Thomas E. Payson,
<i>Rowley,</i>	William Kimball,
<i>Salem,</i>	Thomas Needham, Joseph B. F. Osgood, Thomas P. Pingree, John Russell, Augustus Story,
<i>Salisbury,</i>	
<i>Saugus,</i>	
<i>Topsfield,</i>	Thomas Gould,
<i>Wenham,</i>	
<i>West Newbury.</i>	

COUNTY OF MIDDLESEX.

<i>Acton,</i>	
<i>Ashby,</i>	Howard Gates,
<i>Ashland,</i>	
<i>Bedford,</i>	
<i>Billerica,</i>	Gardner Parker,
<i>Boxborough,</i>	
<i>Brighton,</i>	Joseph Brëck,
<i>Burlington,</i>	William Winn, Jr.,
<i>Cambridge,</i>	Stephen T. Farwell, Justin Jones, Charles Wood,
<i>Carlisle,</i>	Thomas Green,
<i>Charlestown,</i>	Richard Frothingham, Jr., Oliver Smith,

<i>Charlestown,</i>	James M. Stone, Edward Thorndike,
<i>Chelmsford,</i>	Eli P. Parker,
<i>Concord,</i>	Samuel Hoar,
<i>Dracut,</i>	Joseph Merrill,
<i>Dunstable,</i>	
<i>Framingham,</i>	
<i>Groton,</i>	George S. Boutwell,
<i>Holliston,</i>	John Nichols,
<i>Hopkinton,</i>	William Claflin,
<i>Lexington,</i>	Philip Russell,
<i>Lincoln,</i>	William Foster,
<i>Littleton,</i>	Jacob G. Elliot,
<i>Lowell,</i>	George Brownell, Francis Bush, Samuel Burbank, Danforth P. Brigham, Joseph M. Bullens, Jefferson Bancroft, James Dinsmoor, Stephen Mansur, Horace Parmenter,
<i>Malden,</i>	Thomas Wait, Jr.,
<i>Marlborough,</i>	Francis Brigham,
<i>Medford,</i>	
<i>Melrose,</i>	
<i>Natick,</i>	Henry Wilson,
<i>Newton,</i>	
<i>Pepperell,</i>	Luther Lawrence,
<i>Reading,</i>	
<i>Sherburne,</i>	
<i>Shirley,</i>	
<i>Somerville,</i>	George O. Brastow,
<i>South Reading,</i>	Samuel Kingman,
<i>Stoneham,</i>	George Cowdry,
<i>Stow,</i>	Truman Wolcott,
<i>Sudbury,</i>	
<i>Tewksbury,</i>	
<i>Townsend,</i>	Samuel Hart,

<i>Tyngsborough,</i>	William Hooper,
<i>Waltham,</i>	Nathaniel P. Banks, Jr.,
<i>Watertown,</i>	John H. Richardson,
<i>Wayland,</i>	
<i>West Cambridge,</i>	Reuben Hopkins,
<i>Westford,</i>	William Dupee,
<i>Weston,</i>	
<i>Wilmington,</i>	Lemuel C. Eames,
<i>Winchester,</i>	
<i>Woburn.</i>	

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	
<i>Athol,</i>	Stillman Simonds,
<i>Auburn,</i>	
<i>Barre,</i>	Charles King,
<i>Berlin,</i>	Amos Sawyer,
<i>Blackstone,</i>	
<i>Bolton,</i>	Edwin A. Whitcomb,
<i>Boylston,</i>	
<i>Brookfield,</i>	Oliver C. Felton,
<i>Charlton,</i>	
<i>Clinton,</i>	
<i>Dana,</i>	Daniel Stone,
<i>Douglas,</i>	Frederick Whiting,
<i>Dudley,</i>	
<i>Fitchburg,</i>	Thornton K. Ware,
<i>Gardner,</i>	John Edgell,
<i>Grafton,</i>	John Whitney,
<i>Hardwick,</i>	Franklin Ruggles,
<i>Harvard,</i>	Ellis Harlow,
<i>Holden,</i>	Ira Broad,
<i>Hubbardston,</i>	William Bennet, Jr.,
<i>Lancaster,</i>	
<i>Leicester,</i>	Samuel Watson,
<i>Leominster,</i>	Solon Carter,
<i>Lunenburg,</i>	
<i>Mendon,</i>	

<i>Milford,</i>	
<i>Millbury,</i>	Asa H. Waters,
<i>New Braintree,</i>	
<i>Northborough,</i>	Abraham W. Seaver,
<i>Northbridge,</i>	
<i>North Brookfield,</i>	Charles Adams, Jr.,
<i>Oakham,</i>	Washington Stone,
<i>Oxford,</i>	David Wait,
<i>Paxton,</i>	Samuel D. Harrington,
<i>Petersham,</i>	Josiah Wheeler,
<i>Phillipston,</i>	
<i>Princeton,</i>	Ebenezer Smith,
<i>Royalston,</i>	Joseph Raymond,
<i>Rutland,</i>	
<i>Shrewsbury,</i>	Lucius S. Allen,
<i>Southborough,</i>	
<i>Southbridge,</i>	Sylvester Dresser,
<i>Spencer,</i>	Jabez Green,
<i>Sterling,</i>	Manasseh Houghton,
<i>Sturbridge,</i>	Prince Brackett,
<i>Sutton,</i>	
<i>Templeton,</i>	John W. Work,
<i>Upton,</i>	
<i>Uxbridge,</i>	
<i>Warren,</i>	
<i>Webster,</i>	
<i>Westborough,</i>	Elmer Brigham,
<i>West Boylston,</i>	Eli W. Holbrook,
<i>West Brookfield,</i>	
<i>Westminster,</i>	
<i>Winchendon,</i>	Moses Hancock,
<i>Worcester,</i>	John M. Earle, Albert Tolman, Charles White.

COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	Waitstill Dickinson,
<i>Belchertown,</i>	Myron Lawrence,
<i>Chesterfield,</i>	Hudson Bates,

<i>Cumington,</i>	John Ford,
<i>Easthampton,</i>	John Wright, 2d,
<i>Enfield,</i>	Alvin Smith,
<i>Goshen,</i>	
<i>Granby,</i>	Charles S. Ferry,
<i>Greenwich,</i>	
<i>Hadley,</i>	Dudley Smith,
<i>Hatfield,</i>	
<i>Middlefield,</i>	Almon Barns,
<i>Northampton,</i>	Erastus Hopkins,
	William Parsons,
<i>Norwich,</i>	Salmon Thomas,
<i>Pelham,</i>	
<i>Plainfield,</i>	Freeman Hamlen,
<i>Prescott,</i>	
<i>South Hadley,</i>	Paoli Lathrop,
<i>Southampton,</i>	
<i>Ware,</i>	
<i>Westhampton,</i>	
<i>Williamsburg,</i>	Hiram Nash,
<i>Worthington,</i>	Ethan Barnes.

COUNTY OF HAMPDEN.

<i>Blandford,</i>	Albert Knox,
<i>Brimfield,</i>	
<i>Chester,</i>	William Campbell,
<i>Chicopee,</i>	
<i>Granville,</i>	Charles F. Bates,
<i>Holland,</i>	
<i>Holyoke,</i>	
<i>Longmeadow,</i>	Burgess Salisbury,
<i>Ludlow,</i>	
<i>Monson,</i>	
<i>Montgomery,</i>	
<i>Palmer,</i>	John D. Blanchard,
<i>Russell,</i>	Gardner S. Burbank,
<i>Southwick,</i>	Carmi Shurtleff,
<i>Springfield,</i>	Thomas J. Shepard,
	William W. Boyington,

<i>Springfield,</i>	Lester Dickinson,
<i>Tolland,</i>	
<i>Wales,</i>	
<i>Westfield,</i>	Matthew Ives,
	George H. Mosely,
<i>West Springfield,</i>	Wells Southworth,
	Lester Williams,
<i>Wilbraham.</i>	

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Hosea Blake,
<i>Bernardston,</i>	
<i>Buckland,</i>	
<i>Charlemont,</i>	Hart Leavitt,
<i>Coleraine,</i>	
<i>Conway,</i>	
<i>Deerfield,</i>	Ira Abercrombie,
<i>Erving,</i>	
<i>Gill,</i>	
<i>Greenfield,</i>	Whiting Griswold,
<i>Hawley,</i>	Nelson Joy,
<i>Heath,</i>	
<i>Leverett,</i>	Alden C. Field,
<i>Leyden,</i>	
<i>Monroe,</i>	
<i>Montague,</i>	Alpheus Moore,
<i>New Salem,</i>	Warren Horr, Jr.,
<i>Northfield,</i>	Simeon A. Field,
<i>Orange,</i>	Rodney Hunt,
<i>Rowe,</i>	
<i>Shelburne,</i>	
<i>Shutesbury,</i>	Joseph L. Smallidge,
<i>Sunderland,</i>	
<i>Warwick,</i>	Clark Stearns,
<i>Wendell,</i>	George A. Green,
<i>Whately,</i>	Justus White.

COUNTY OF BERKSHIRE.

<i>Adams,</i>	Salmon Burlingame, Charles Marsh,
<i>Alford,</i>	
<i>Becket,</i>	Numan K. Chaffee,
<i>Cheshire,</i>	John M. Bliss,
<i>Clarksburg,</i>	
<i>Dalton,</i>	Samuel L. Parker,
<i>Egremont,</i>	
<i>Florida,</i>	
<i>Great Barrington,</i>	Ebenezer Chadwick,
<i>Hancock,</i>	
<i>Hinsdale,</i>	
<i>Lanesborough,</i>	Truman Coman,
<i>Lee,</i>	
<i>Lenox,</i>	Hiram Pettee,
<i>Monterey,</i>	
<i>Mt. Washington,</i>	
<i>New Ashford,</i>	
<i>New Marlborough,</i>	Joseph W. Howe,
<i>Otis,</i>	
<i>Peru,</i>	Augustus C. Frissell,
<i>Pittsfield,</i>	Samuel A. Churchill, Ensign H. Kellogg, George W. Kniffin, Lemuel K. Strickland Robert Sturtevant, Jr
<i>Richmond,</i>	
<i>Sandisfield,</i>	
<i>Savoy,</i>	
<i>Sheffield,</i>	
<i>Stockbridge,</i>	William Darbe,
<i>Tyringham,</i>	John Branning,
<i>Washington,</i>	
<i>West Stockbridge,</i>	
<i>Williamstown,</i>	Sumner Southworth,
<i>Windsor,</i>	Chapin Converse.

COUNTY OF NORFOLK.

<i>Bellingham,</i>	Rila Scott,
<i>Braintree,</i>	Caleb Stetson,
<i>Brookline,</i>	Marshall Stearns,
<i>Canton,</i>	
<i>Cohasset,</i>	George Beal,
<i>Dedham,</i>	
<i>Dorchester,</i>	Nathaniel F. Safford, Edward Sharp,
<i>Dover,</i>	
<i>Foxborough,</i>	Alfred Hodges,
<i>Franklin,</i>	George W. Nason,
<i>Medfield,</i>	
<i>Medway,</i>	Horatio Mason,
<i>Milton,</i>	Jason Reed,
<i>Needham,</i>	Henry Robinson,
<i>Quincy,</i>	
<i>Randolph,</i>	Jonathan Wales,
<i>Roxbury,</i>	Joseph N. Brewer, Joseph H. Billings, Daniel Jackson,
<i>Sharon,</i>	
<i>Stoughton,</i>	Isaac Smith,
<i>Walpole,</i>	Asahel Bigelow,
<i>Weymouth,</i>	John C. Rhines, Noah Vining, Jr.,
<i>Wrentham,</i>	Elisha Fisk.

COUNTY OF BRISTOL.

<i>Attleborough,</i>	Samuel Carpenter, George D. Hatch,
<i>Berkley,</i>	
<i>Dartmouth,</i>	Francis W. Mason, Lemuel Barker,
<i>Dighton,</i>	Bradford Pratt,
<i>Easton,</i>	Alanson White,
<i>Fairhaven,</i>	George Mandell,

<i>Fairhaven,</i>	Isaac Wood, Jr.,
<i>Fall River,</i>	Iram Smith,
	Azariah Shove,
<i>Freetown,</i>	John Dean,
<i>Mansfield,</i>	
<i>New Bedford,</i>	Thomas Nye, Jr.,
	Thomas Kempton,
	William J. Rotch,
	Obed Nye,
	William T. Cook,
<i>Norton,</i>	
<i>Pawtucket,</i>	Nahum Bates,
<i>Raynham,</i>	
<i>Rehoboth,</i>	Sylvester Hunt,
<i>Seekonk,</i>	David R. Anthony,
<i>Somerset,</i>	Jonathan Slade, 2d,
<i>Swanzey,</i>	Ezra P. Short,
<i>Taunton,</i>	Lewis R. Chesbrough,
	James M. Williams,
<i>Westport,</i>	George H. Gifford.

COUNTY OF PLYMOUTH.

<i>Abington,</i>	William P. Corthell,
<i>Bridgewater,</i>	Thomas Cushman,
<i>Carver,</i>	
<i>Duxbury,</i>	Stephen N. Gifford,
<i>East Bridgewater,</i>	Jacob A. Rogers,
<i>Halifax,</i>	
<i>Hanover,</i>	John S. Barry,
<i>Hanson,</i>	Jeremiah Soper,
<i>Hingham,</i>	Charles W. Cushing,
<i>Hull,</i>	
<i>Kingston,</i>	Francis Johnson,*
<i>Marshfield,</i>	
<i>Middleborough,</i>	Joshua Wood,
	Everett Robinson,

* Died during the session of the Legislature. NATHANIEL FAUNCE elected to the vacancy.

*North Bridgewater,**Pembroke,**Plymouth,*

Seth Whitman, Jr.,

William H. Bradford,

Samuel C. Baldwin,

*Plympton,**Rochester,**Scituate,**South Scituate,**Wareham,**West Bridgewater.*

John H. Clark,

} Elijah Jenkins, Jr.,

Jedediah Briggs,

COUNTY OF BARNSTABLE.

*Barnstable,**Brewster,**Chatham,**Dennis,**Eastham,**Falmouth,**Harwich,**Orleans,**Provincetown,**Sandwich,**Truro,**Wellfleet,**Yarmouth,*

Josiah Seabury,

Freeman Nickerson,

Obad Baker, 2d,

Knowles Butler,

Obad Nickerson,

Leander Crosby,

Joseph P. Johnson,

Zibedee Greene,

Henry V. Spurr,

Daniel Paine,

Ebenezer Freeman,

Ezekiel Crowell.

DUKES COUNTY.

*Chilmark,**Edgartown,**Tisbury,*

Herman Vincent,

Heman Arey,

Jonathan Luce, Jr.

COUNTY OF NANTUCKET.

Nantucket,

William Barney,

Edward W. Cobb,

Joseph Mitchell,

Reuben Meader.

CHARLES W. STOREY, *Clerk.*

REV. HENRY V. DEGEN, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

ALEXIS POOLE, *Doorkeeper.*

DAVID MURPHY, *Messenger.*

JOSEPH P. DEXTER, *Assistant Messenger.*

SILAS H. BUCKINGHAM, } *Pages.*

JAMES N. TOLMAN, }

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JUNE 18th, 1850.

I HEREBY CERTIFY, That the printed Acts, Resolves, &c., contained in this pamphlet, are true copies of the originals in this office.

WILLIAM B. CALHOUN,

Secretary of the Commonwealth.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1851.

An Act to change the Name of the Coasters Mutual Marine Insurance Company. *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 :

The Coasters Mutual Marine Insurance Company shall hereafter be called and known by the name of The Commercial Mutual Marine Insurance Company. [*Approved by the Governor, February 10, 1851.*] Shall be called the Commercial Mutual Marine Insurance Company.

An Act to change the Name of the Revere Mutual Fire and Marine Insurance Company. *Chap. 2.*

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

The Revere Mutual Fire and Marine Insurance Company shall hereafter be called and known by the name of The Alliance Insurance Company. [*Approved by the Governor, February 18, 1851.*] Shall be called the Alliance Insurance Company.

An Act to establish a Fire Department in the Town of Woburn. *Chap. 3.*

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

SECT. 1. A fire department is hereby established in the town of Woburn, subject to all the duties and liabilities, Duties. and with all the powers and privileges, set forth in an act

Liabilities, &c.
Act of April 9,
1839.

entitled "an act to regulate fire departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine.

When to take
effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 22, 1851.*]

Chap. 4.

An Act further to extend the time for paying in the Capital Stock of the Columbian Fire and Marine Insurance Company.

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

Time extended
to third day of
February, 1852.

The time within which the capital stock of the Columbian Fire and Marine Insurance Company in Boston, is by law required to be paid in, is hereby further extended to the third day of February, in the year one thousand eight hundred and fifty-two. [*Approved by the Governor, February 22, 1851.*]

Chap. 5.

An Act to increase the Capital Stock of the Lexington and West Cambridge Railroad Corporation.

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

Increased to
1200 shares of
\$100 each.

SECT. 1. The Lexington and West Cambridge Railroad Corporation is hereby authorized to increase its capital stock, by the addition of twelve hundred shares of one hundred dollars each, for the purpose of enabling the said corporation to redeem its bonds.

Purpose.

May issue pre-
ferred stock.
How used.

SECT. 2. The stock hereby authorized to be issued shall be preferred stock, and shall be used only for the purpose of liquidating the outstanding bonds of the said corporation, by substituting the same for the said bonds, in such manner and on such terms as may be agreed upon by the said corporation, and the holders of said bonds: *provided*, that the said stock shall not be issued at less than its par value.

Proviso.

May be re-
deemable by
paying holders
par value, &c.

SECT. 3. The preferred stock created by this act may be redeemable by said corporation agreeably to any stipulation made by it before the issue thereof, and shall be redeemable at any time after ten years from its issue, the corporation paying to the holders of such stock the par value of the same, and all dividends due thereon, which dividends shall be declared semi-annually, such payment to be made by an issue of shares of general stock equal to the preferred stock surrendered, or by money, at par, at the election of the holders of such stock; but the capital stock of the corporation shall not be increased by any issue of stock provided for in this section.

Dividends,
when declared
and paid.

Capital stock
shall not be
increased, &c.

SECT. 4. This act shall take effect from and after its passage, and when accepted by the said corporation at a legal meeting called for that purpose: *provided*, that two thirds in amount of the stockholders of said corporation, present and voting thereon, shall vote therefor. [*Approved by the Governor, February 26, 1851.*]

When to take effect.

Proviso.

An Act to change the Name of the Dorchester and Milton Bank.

Chap. 6.

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

SECT. 1. The corporation by the name of the President, Directors and Company of the Dorchester and Milton Bank, established March seventeenth, in the year one thousand eight hundred and thirty-two, shall hereafter be known and called by the name of the President, Directors and Company of the Blue Hill Bank.

The Blue Hill Bank.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 26, 1851.*]

When to take effect.

An Act to incorporate the Trustees of the Punchard Free School in the Town of Andover.

Chap. 7.

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

SECT. 1. Samuel Fuller, John L. Taylor, Charles H. Pierce, Francis Cogswell, Moses Foster, Jr., Jacob Chickering, Joshua Ballard and Joseph Shattuck, and their successors, are hereby constituted a corporation, by the name of the Trustees of the Punchard Free School, to exercise all the powers and perform all the duties derived to them under the will of the late Benjamin Hanover Punchard, Esquire, subject to all the liabilities and with all the rights set forth and conferred by the forty-fourth chapter of the Revised Statutes, and by this act, not inconsistent with the provisions of said will; and the possession, control and management of the fund bequeathed to the town of Andover by said will, in the corporate name of said trustees, for the purposes and uses therein expressed, is hereby confirmed to said trustees and their successors forever.

Corporators.

Name.

To exercise all the powers, &c., derived under the will of B. H. Punchard. Subject to all the liabilities, &c., R. S. ch. 44, &c. Possession, &c., of the fund confirmed to the trustees.

SECT. 2. The said trustees may purchase and hold real estate to an amount not exceeding twenty-five thousand dollars, and may hold personal estate to an amount not exceeding one hundred thousand dollars; and it shall be the duty of said trustees to loan all the funds of said corporation not required for the immediate purposes of the school, upon interest, in sums of not less than two hundred

May hold real estate, \$25,000. Personal, \$100,000.

Shall loan the funds in sums not less than \$200 each.

- dollars each, upon the bond or note of the borrower, payable in one year, with a mortgage of real estate, situate either in the county of Essex, Suffolk or Middlesex, of at least twice the value of the sum loaned, as collateral security for the repayment of the same, with interest semi-annually: *provided, however*, that such loans may be made to towns or cities in their corporate capacity, upon the note or bond of their treasurer, or other person or persons duly authorized, without other additional security.
- Secured by mortgage, &c.**
- Interest semi-annually. *Proviso.***
- Trustees, when and how chosen.**
- Trustees may execute all the powers, &c., until said election. How vacancies filled.**
- Trustees to remain in office until others are chosen.**
- Shall choose a treasurer, &c.**
- Trustees shall render an annual account, &c.**
- Trustees shall report annually the condition of the school.**
- Five trustees constitute a quorum.**
- When to take effect.**
- SECT. 3. A board of trustees shall be chosen by said town of Andover, by ballot, according to the provisions of said will, on the first Monday of April, once in three years; and the first regular election hereafter shall be held on the first Monday of April, in the year one thousand eight hundred and fifty-three; and until said election the aforementioned trustees shall have and execute all the powers and perform all the duties and obligations herein mentioned and required. In case of the removal of any trustee from town, his office shall thereupon be vacated, and vacancies from this or from any other cause may be filled at any town meeting held after the same shall occur; and the trustees who have been, or may hereafter be, chosen by the town, shall remain in office, until others are chosen in their stead.
- SECT. 4. The board of trustees, provided by said will, shall choose a treasurer, who shall give a bond to the inhabitants of Andover, with one or more sureties, in the penal sum of at least ten thousand dollars, for the faithful performance of the duties of his office, which bond shall be approved by the selectmen of the town for the time being. The books of said treasurer shall be at all times open to the inspection of the selectmen of said town, or of any of them.
- SECT. 5. The said trustees shall annually, on or before the first Monday of March, render to said town an account of the condition of said fund, and of the receipts and expenditures thereof, and said account shall be audited by the town auditors and printed in their annual report.
- SECT. 6. The said trustees shall make an annual report of the condition of said school, specifying the number of scholars who have attended the same, and their deportment and proficiency, and said report shall be printed with the annual report of the school committee of the town.
- SECT. 7. Five trustees shall constitute a quorum for the transaction of business.
- SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, February 26, 1851.*]

An Act to annex a part of the Town of Dracut to the City of Lowell. *Chap. 8.*

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

SECT. 1. So much of the town of Dracut, in the county of Middlesex, as is commonly called Centralville, thus bounded and described, to wit :—Beginning at the thread of Merrimack River, near the foot of Hunt's Falls, opposite the southeast corner of the land of the proprietors of locks and canals on Merrimack River; thence running north, nineteen degrees and thirty minutes west, about three hundred feet, to the margin of said river, at said southeast corner bound; thence in the same course northerly, three thousand eight hundred and twenty-seven feet, to the northerly side of the new county road leading from Lowell, in said county, to Methuen; thence north, eighty-nine degrees west, five thousand two hundred and seventy feet, to the margin of said river, near the end of a wall, opposite the head or north end of Long Island; thence in the same course, about one hundred feet, to the end of said Long Island; thence westerly, in a direct line, to the thread of said river; thence down said river, by the thread thereof, to the point of beginning, with all the inhabitants on the lands above described, is hereby set off and separated from said town of Dracut, and annexed to, and made a part of, the city of Lowell, in said county; and the same land, and the inhabitants thereon, shall be deemed and considered as annexed to, and constituting a part of, said city of Lowell: *provided always, however,* that the said tract of land, and the inhabitants thereon, set off as aforesaid, shall be liable to pay all such taxes as are already assessed on them by said town of Dracut, in the same manner as they would have been liable if this act had not been passed.

Boundaries of the territory annexed.

Made a part of the city of Lowell.

Proviso.

SECT. 2. If any persons, who have heretofore gained a legal settlement in the town of Dracut, by reason of residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall come to want and stand in need of relief and support, they shall be relieved and supported by the city of Lowell, in the same manner as if they had gained a legal settlement in said Lowell.

Persons who have gained a residence on the annexed territory, how supported.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 28, 1851.*]

When to take effect.

Chap. 9.

An Act to incorporate the Adams Mutual Fire Insurance Company.

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

Corporators.

SECT. 1. Sanford Blackinton, J. E. Marshall and John F. Arnold, their associates and successors, are hereby made a corporation, by the name of the Adams Mutual Fire Insurance Company, to be established in the town of Adams, county of Berkshire, for the term of twenty-eight years, for the purpose of insuring dwelling houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other laws of the Commonwealth, made or to be made, relating to such corporations.

Name.

Established in Adams.
Term, 28 years.
Purpose.

Powers, duties, &c., R. S. ch. 37 and 44, and all other laws, &c.

When policies may be issued.

SECT. 2. No policy shall be issued till the sum of one hundred thousand dollars shall have been subscribed to be insured. [*Approved by the Governor, February 28, 1851.*]

Chap. 10.

An Act to incorporate the North American Fire Insurance Company.

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

Corporators.

SECT. 1. Benjamin Lamson, Samuel Hall, Donald McKay, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the North American Fire Insurance Company, in the city of Boston, county of Suffolk, for the purpose of making insurance against losses by fire, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Term.

Name.

City of Boston.

Powers, duties, &c., as R. S. ch. 37 and 44.

May hold real estate not exceeding \$20,000, excepting, &c.

SECT. 2. The said corporation may hold, for the use of the company, real estate not exceeding twenty thousand dollars in value, excepting such as may be taken for debt, or held as collateral security for money due to said company, and when so taken or held as security, the same shall be disposed of within the period of five years.

Capital stock, \$50,000.
Liberty to increase to \$200,000.
Proviso.

SECT. 3. The capital stock of said company shall be fifty thousand dollars, with liberty to increase it to an amount not exceeding two hundred thousand dollars: *provided*, that not less than fifty thousand dollars shall be paid in as capital within one year from the passage of this act: *provided*, that no shares in said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares to be issued at less than par value.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 28, 1851.*]

When to take effect.

An Act to establish a Fire Department in the Town of Clinton.

Chap. 11.

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

A fire department is hereby established in the town of Clinton, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "an act to regulate fire departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, March 10, 1851.*]

Subject to all the duties, &c., by the act of April 9, 1839.

An Act to establish a Fire Department in the Town of Melrose.

Chap. 12.

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

The selectmen of the town of Melrose are hereby authorized to establish a fire department in the said town, in the manner and according to the provisions prescribed in an act to regulate fire departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine ; and the said fire department, when so established, and the several members thereof and all the officers and companies appointed by them, and the said town of Melrose and the inhabitants thereof, shall be subject to all the duties and liabilities, and be entitled to all the privileges and exemptions, specified in the said act, so far as the same relate to them respectively. [*Approved by the Governor, March 13, 1851.*]

The selectmen authorized to establish a fire department in Melrose.

Subject to all the duties and liabilities of act to regulate fire departments, April 9, 1839.

An Act to authorize George H. Rogers to extend his Wharves in Gloucester.

Chap. 13.

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

George H. Rogers is hereby authorized to extend his connected wharves, leading from Sea street, in the harbor of Gloucester, two hundred and three feet, from the lower store, on said wharves, to the end of the pier at present disconnected with said wharves ; and he shall have the right to lay vessels at the ends and sides of the said wharves, and to receive wharfage and dockage therefor : *provided*, that this act shall in no wise impair the legal rights of any person whomsoever : *provided, also*, that said

In Gloucester, from Sea street.

May lay vessels and receive wharfage and dockage.

Proviso.

Rogers shall complete said wharf within two years from the passage of this act. [*Approved by the Governor, March 13, 1851.*]

Chap. 14. An Act to enable the Owner of Equitable Estates Tail to convey the same in fee simple and unite the Legal Estate therewith.

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

May be conveyed in fee simple, and all reversions, &c., barred, R. S. ch. 59.

SECT. 1. All equitable estates tail, in any lands or tenements, in possession or remainder, may be conveyed in fee simple, and all remainders and reversions expectant thereon may be barred in the same manner as legal estates tail may be conveyed, and the remainders and reversions expectant thereon may be barred, by virtue of the third and fourth sections of the fifty-ninth chapter of the Revised Statutes.

The person to whom such estate shall be conveyed, shall have a right, &c.

If the holders of such estate refuse, &c., the supreme judicial court shall have jurisdiction, &c., and compel, &c. R. S. ch. 74.

SECT. 2. The person to whom such equitable fee simple shall be conveyed, pursuant to the preceding section of this act, shall have the right to call for a conveyance of the outstanding legal estate from the person or persons in whom the same may at any time thereafter be vested in trust; and if the holder or holders of such legal estate, on having a proper deed of conveyance thereof tendered to him or them for execution, shall refuse or neglect to execute the same, the supreme judicial court shall have jurisdiction in equity to compel the execution thereof; and if the original trustee or trustees, or either of them, shall have died, the said court shall have all the powers granted by the seventy-fourth chapter of the Revised Statutes in reference to contracts to convey real estate. [*Approved by the Governor, March 13, 1851.*]

Chap. 15. An Act in relation to the Renewal of Bank Charters.

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

Charters continued till 1st January, 1870, viz.:

SECT. 1. The several corporations hereinafter named, which by their respective charters have been heretofore incorporated and established at the several places named herein, be and the same are hereby continued corporations, for the purposes of banking, until the first day of January, which shall be in the year one thousand eight hundred and seventy, notwithstanding any limitation in their respective charters of incorporation to the contrary, viz. :—
The president, directors and company of the Massachusetts Bank, in Boston; the president, directors and company of

Massachusetts Bank,

the Atlantic Bank, in Boston; the president, directors and company of the Attleborough Bank, in Attleborough; and the said corporations respectively, shall be entitled to all the powers and privileges, and shall be subject to all the duties, liabilities, requirements, and restrictions, contained in such acts as are now in force, and to such other acts as may hereafter be passed by the General Court, in relation to banks and banking.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1851.*]

Atlantic Bank,
Attleborough
Bank.

Subject to all
duties, liabilities,
&c., contained in all
acts, &c.

When to take
effect.

An Act relating to Returns of Votes for County Commissioners.

Chap. 16.

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

SECT. 1. The examiners of the returns of votes for county commissioners and special commissioners in each of the several counties of this Commonwealth, shall cause the same to be placed on file, in the office of the clerk of the courts in and for the county of such examiners respectively, within three days after they shall have been examined by them according to law; and all returns heretofore made to them shall be placed on file as aforesaid, within thirty days after the passage of this act.

Returns to be
placed on file
within three
days, &c.

Previous re-
turns within
thirty days.

SECT. 2. If any examiner shall wilfully detain in his custody the returns of any town for the space of three days after the time prescribed for placing the same on file as aforesaid, he shall forfeit the sum of fifty dollars for each and every day during which he shall so detain the same.

Fine of \$50 for
wilful detention.

SECT. 3. The clerks in the several counties shall give immediate notice to the attorney general of the Commonwealth, of all violations of this act on the part of any examiner as aforesaid.

Clerks to give
notice of viola-
tions, &c.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1851.*]

When to take
effect.

An Act to change the Name of Alexander McCafferty, Jr.

Chap. 17.

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

From and after the passage of this act, Alexander McCafferty, Jr., of Boston, in the county of Suffolk, may take the name of Alexander McCafferty Graham, and he shall thereafter be known and called by that name, and the same shall thereafter be considered as his only legal and proper name. [*Approved by the Governor, March 13, 1851.*]

Name changed.

Chap. 18. An Act to incorporate the Railroad Mutual Fire Insurance Company.¹

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

Corporators. **SECT. 1.** John Howe, Southworth Shaw, Samuel Batchelder, their associates and successors, are hereby made a corporation, by the name of the Railroad Mutual Fire Insurance Company, in the city of Boston, for the term of twenty-eight years, for the purpose of insuring railroad station and freight-houses, and their contents, and other property in which railroad corporations may have an insurable interest, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed, relating to mutual fire insurance companies.

Name and location.

Term.

Purpose.

Subject to all the duties, &c., R. S. ch. 37 and 44, and all statutes subsequently passed, &c.

Any railroad incorporated by Mass. may insure.

SECT. 2. Any railroad corporations, incorporated by the laws of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, or New York, may insure in the said company any property belonging to them, or for the loss of which by fire they may be held responsible. [*Approved by the Governor, March 22, 1851.*]

Chap. 19. An Act to incorporate the Chatham Marine Railway.

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

Corporators. **SECT. 1.** Thomas Smith, William Hamilton, Elisha Harding, their associates and successors, are hereby made a corporation, by the name of the Chatham Marine Railway, for the purpose of constructing and maintaining a railway, suitable for repairing vessels, at Stage Harbor, in Chatham; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Purpose.

Location.

With all powers, liabilities, &c. R. S., ch. 44.

May hold real estate.

SECT. 2. The said corporation may hold real and personal estate, necessary for the purpose aforesaid, not exceeding in amount four thousand dollars, in such shares as may be convenient.

This act shall in no wise impair, &c.

No shares shall be issued for less, &c.

SECT. 3. This act shall in no wise impair the legal rights of any person whomsoever.

SECT. 4. No shares in said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value thereof when first issued. [*Approved by the Governor, March 22, 1851.*]

An Act to continue in force the Act to incorporate the Commercial Insurance Company in Nantucket, and to increase its Capital Stock. *Chap. 20.*

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

The act to incorporate the Commercial Insurance Company, in Nantucket, passed June seventh, in the year one thousand eight hundred and thirty-one, shall be and remain in force for the term of twenty years from the seventh day of June, in the year one thousand eight hundred and fifty-one, and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all the statutes subsequently passed relating to insurance companies ; and the said company is hereby authorized to increase its capital stock, by an addition thereto of a sum not exceeding twenty-five thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, March 22, 1851.*]

To continue
20 years from
June 7, 1851.

With all powers. &c., R. S. ch. 37 and 44, and all subsequent statutes.

May increase
its capital
stock \$25,000.

Proviso.

An Act to authorize the Trustees of the Orthodox Congregational Society of Shirley to sell certain Real Estate. *Chap. 21.*

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

The Orthodox Congregational Society of Shirley is hereby authorized to sell its old meeting-house and the land described in the indenture between Jenny Little and Jonathan S. Adams and others, dated the first day of November, in the year one thousand eight hundred and twenty-eight, and to convey the same to the purchaser or purchasers in fee simple, discharged of the trusts of the said indenture ; and to apply the proceeds towards the expenses of building its new meeting-house : *provided*, that a majority of the trustees named in the said indenture shall, by deed of release, confirm such conveyance. [*Approved by the Governor, March 22, 1851.*]

May sell old
Meeting-house
and land.

May convey
same in fee
simple, and
apply the pro-
ceeds, &c.
Proviso.

An Act to incorporate the Quincy Mutual Fire Insurance Company. *Chap. 22.*

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

William S. Morton, T. C. Webb, William B. Duggan, Corporators.

Name.
Location.
Term.
Purpose.

Subject to all liabilities, &c., R. S. ch. 37 and 44, and all laws, &c.

their associates and successors, are hereby made a corporation, by the name of the Quincy Mutual Fire Insurance Company, in the town of Quincy, in the county of Norfolk, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, throughout this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all laws subsequently made, so far as they may be applicable hereto. [*Approved by the Governor, March 22, 1851.*]

Chap. 23.

An Act relating to the Warren Institution for Savings.

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

May hold
\$20,000 in real
estate.

SECT. 1. The Warren Institution for Savings, in the city of Charlestown, is hereby authorized to hold real estate to an amount not exceeding twenty thousand dollars.

When to take
effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1851.*]

Chap. 24.

An Act relating to the election of Registers of Deeds and County Treasurers.

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

Mayor and
aldermen shall
call meetings in
March and
April.

SECT. 1. The mayor and aldermen of any city in this Commonwealth, the inhabitants of which are required by law to vote for register of deeds and county treasurer, shall cause meetings to be held for such purpose any time during the months of March or April, according to the provisions of law relating to the election of said officers.

When to take
effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1851.*]

Chap. 25.

An Act to incorporate the Needle Woman's Friend Society.

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

Corporators.

SECT. 1. Abigail L. Wales, Mary W. Coffin, Ella S. Whitney, Mary T. Quincy, their associates and successors, are hereby incorporated, by the name of the Needle Woman's Friend Society, for the purpose of providing employment for indigent females, with all the powers and subject to all the duties, liabilities and restrictions set forth in the Revised Statutes, chapter forty-four.

Purpose.

Duties, liabilities,
&c.
R. S. ch. 44.

SECT. 2. The said corporation may receive and take, by purchase, grant, devise, bequest or otherwise, any real or personal property, and hold the same for the purposes aforesaid, and may manage and dispose of the same: *provided*, that the whole amount of the property held and possessed by the said corporation shall not exceed in value the sum of twenty thousand dollars.

May receive and hold real estate.

Proviso.

SECT. 3. All the officers of the said society, except the treasurer, may be married women. The treasurer, if a female, shall be unmarried.

All officers except treasurer may be married women.

SECT. 4. Every married woman belonging to the said society, who shall, with the consent of her husband, receive any of the money or other property of the said society, shall thereby render her husband accountable therefor to the said society.

The treasurer, if female, shall be unmarried. Every married woman who receives money, &c. Husband liable.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1851.*]

When to take effect.

An Act to authorize Donald McKay to extend his Wharf.

Chap. 26.

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

Donald McKay, proprietor of a wharf situated on Border street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Noah Sturtevant and Joseph Noble, is hereby authorized to extend and maintain his wharf into the harbor channel as far as the line established by the act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and he shall have the right to lay vessels at the end and sides of the said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true line of such flats continued to the commissioners' line: *and provided, also*, that so much of the said wharf as may be constructed below low water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person or corporation whatever. [*Approved by the Governor, March 31, 1851.*]

Boston.

How far extend.

May receive wharfage and dockage. *Proviso.*

- Chap. 27.* An Act to establish a Fire Department in the Town of Fitchburg.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fire department established in Fitchburg.

According to act, April 9, 1839.

When to take effect.

SECT. 1. A fire department is hereby established in the town of Fitchburg, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled an act to regulate fire departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1851.*]

- Chap. 28.* An Act authorizing Parker Burnham and others to extend their Wharf, and construct a Marine Railway at Gloucester.

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

Extend a wharf.

Construct a marine railway, &c.
 May collect dockage, railway fees, &c.
Proviso.

When to take effect.

SECT. 1. Parker Burnham, Elias Burnham and Joseph B. Burnham, are hereby authorized and allowed to extend their wharf, in the harbor of Gloucester, to a line drawn from "Harbor Rock" to the southwest corner of "Pearce's Wharf," and to construct and maintain a marine railway adjoining the same for the purpose of repairing vessels; and they shall be allowed to collect dockage and wharfage, and railway fees, from vessels occupying the same: *provided, however,* that this grant shall in no wise impair the legal rights of any person whomsoever.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1851.*]

- Chap. 29.* An Act authorizing Notaries Public to administer Oaths.

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

Notaries public to administer oaths.

Notaries public, duly commissioned and qualified in this Commonwealth, are hereby empowered to administer oaths, in all cases in which the same may now be lawfully done by justices of the peace. [*Approved by the Governor, March 31, 1851.*]

- Chap. 30.* An Act confirming the Doings of the Nobscusset Point Pier Company, and granting additional privileges to the Corporation.

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

SECT. 1. The Nobscusset Point Pier Company is here-

by authorized and allowed to make such further improvements on the land, wharves and docks, belonging to the said corporation, for the better accommodation of navigation in the harbor of Dennis, as shall be deemed requisite by the said company; and the rights heretofore exercised by the said company, of building wharves in the outer harbor from the land of said corporation, and constructing within the same a safe harbor for mooring vessels in winter, are hereby allowed and confirmed, and the said company is hereby authorized to collect dockage and wharfage on vessels occupying the same: *provided*, that this grant shall in no wise impair the legal rights of any person.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1851.*]

Authorized to make further improvements.

Previous rights confirmed.

May collect dockage, &c.

Proviso.

When to take effect.

An Act concerning Probate Bonds.

Chap. 31.

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

SECT. 1. When it shall be made to appear to any judge of probate, that the penal sum in any bond given to him, or any of his predecessors in office, is not sufficiently large, he may order the principal in such bond to give a new one, with satisfactory surety or sureties; and in case the principal shall not give such new bond within such time as shall be ordered by the judge, he shall be removed from his trust, and some other person may be appointed in his place, as the circumstances of the case may require.

Judge of probate may order new bond.

May order the principal removed and appoint another.

SECT. 2. When a new bond shall be required as aforesaid, the sureties in the prior bond shall nevertheless be liable for all breaches of the condition committed before the new bond shall be approved by the judge of probate.

When new bond is given, prior sureties shall be liable, &c.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1851.*]

When to take effect.

An Act in addition to an Act concerning Damages for Defects in Highways and other Ways.

Chap. 32.

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

SECT. 1. The repeal of the twenty-second section of the twenty-fifth chapter of the Revised Statutes, contained in the second section of an act entitled "an act concerning damages for defects in highways and other ways," passed on the second day of February, in the year one thousand eight hundred and fifty, shall not prevent any person from maintaining and prosecuting any action, brought before the

The repeal of 22 sec. 25 ch. R. S. shall not prevent, &c.

Shall only prevent, &c. said act took effect, and recovering therein the amount of damages sustained by him in any of the cases provided for by the said section of the Revised Statutes, but shall only prevent his recovering double the amount of such damages, except in cases where verdicts had been rendered, as provided for in the second section of the said act, passed on the second day of February, in the year one thousand eight hundred and fifty.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1851.*]

Chap. 33. An Act to incorporate the Trustees of the Charitable Fund in the Town of Lancaster.

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

The town may elect five persons, who, with the minister, shall be trustees.

SECT. 1. The inhabitants of the town of Lancaster, at any meeting duly called under a warrant having an article therein for that purpose, may elect five persons, who, with their successors, and the minister for the time being of the first congregational society in the said town, duly settled over the same, and his successors in office, shall thereafter be constituted a body corporate, by the name of the Trustees of the Charitable Fund in the Town of Lancaster; and whenever a vacancy shall occur in the said board of trustees, by death, resignation, removal, or otherwise, such vacancy shall be supplied by a new election by the inhabitants aforesaid, at a meeting duly called, in the manner above provided, for that purpose.

All vacancies to be supplied by new election.

Trustees shall elect a clerk and treasurer for one year, or until another be chosen.

A majority of the trustees form a quorum. Duty of the clerk and treasurer.

SECT. 2. Such trustees shall elect a clerk and treasurer, who shall hold his office for the term of one year, or until another shall be chosen in his stead; and at all meetings of the said trustees a majority of the whole number shall constitute a quorum; and it shall be the duty of such clerk and treasurer to keep a true account of all moneys paid or contributed towards the fund aforesaid, to hold, manage and disburse the same as the trustees shall direct, regard being had to the wishes of the donors when known, and faithfully to account for the same when thereto lawfully required. [*Approved by the Governor, March 31, 1851.*]

Chap. 34. An Act concerning the Fitchburg and Worcester Railroad Company.

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

The Fitchburg and Worcester Railroad au.

The Fitchburg and Worcester Railroad Company are hereby authorized, in pursuance of any contract in writing

that may be made between them and the Fitchburg Railroad Company, and not otherwise, to locate and construct a track for the use of their freight trains only, from their passenger depot in said Fitchburg, across the land adjacent to the passenger depot of the Fitchburg Railroad Company in Fitchburg, so as to connect the said track with the track of the Vermont and Massachusetts Railroad, and in such manner, as to the place and manner of construction, and as to the manner and times of using the same, as may be determined by such written contract with the said Fitchburg Railroad Company. [*Approved by the Governor, March 31, 1851.*]

authorized to locate and construct a track on certain conditions.

To connect with the Vermont and Mass. Railroad.

An Act to authorize John Morgan and Henry Morgan to extend their Wharf.

Chap. 35.

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

John Morgan and Henry Morgan are hereby authorized to extend and maintain their wharf, in the town of Beverly, into the harbor of said Beverly, to a distance not exceeding the line of the ends of the adjoining wharves, as they now are, and to extend the sides of the said wharf on parallel lines with the sides of the said adjoining wharves; the said extension to be built upon piles; and they shall have the right to lay vessels at the end and sides of the said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall not in any manner interfere with the legal rights of any persons whomsoever. [*Approved by the Governor, March 31, 1851.*]

Beverly.

Have right to lay vessels and receive dockage, &c.

Proviso.

An Act to incorporate the Oread Institute.

Chap. 36.

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

SECT. 1. Eli Thayer, Isaac Davis, Stephen Salisbury, their associates and successors, are hereby made a corporation, by the name of Oread Institute, in Worcester, in the county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Powers, duties, liabilities, &c.
R. S. ch. 44.

SECT. 2. The said corporation may hold real estate to the amount of sixty thousand dollars, and personal property to the amount of ten thousand dollars, to be devoted exclusively to the education of females. [*Approved by the Governor, March 31, 1851.*]

May hold real estate, \$60,000.
Personal, \$10,000.
Purpose.

Chap. 37.

An Act to authorize John W. Damon to extend his Wharf.

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

Charlestown.

Right to lay vessels, receive dockage, &c.
Proviso.

John W. Damon is hereby authorized to extend his wharf, in the city of Charlestown, to the line established by the "act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and he shall have the right to lay vessels at the end and sides of the said wharf, and to receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true line of such flats continued to the commissioners' line:

Further proviso.

and provided, also, that so much of the said wharf as shall extend below low water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that the provisions of this act shall in no wise affect the legal rights of any persons whomsoever. [*Approved by the Governor, April 5, 1851.*]

Chap. 38.

An Act for the appointment of an Assistant Clerk of the Courts for the County of Middlesex.

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

Supreme judicial court may appoint a clerk as assistant, &c.

His term of office two years. Shall give bond and be sworn, &c. Shall perform, &c. Shall pay over all fees, &c.

Shall receive not exceeding \$300 per year.

May authenticate papers, &c.

In case of the absence, death, &c. of the clerk.

SECT. 1. The justices of the supreme judicial court may, from time to time, appoint some suitable person to act as assistant clerk of the courts for the county of Middlesex, who shall hold his office for the term of two years from the time of his appointment, and give bond, be sworn, and be subject to removal, in like manner as is provided by law in regard to the clerk of the said courts, and shall perform his duties under the direction of the said clerk, and shall pay over to the clerk all fees and sums received by him, as such assistant, to be accounted for according to law; and he shall receive for his services such sum, not exceeding eight hundred dollars a year, as the said justices shall direct, to be retained and paid to him by the clerk from the residue of the fees which he is now required to pay to the county treasurer.

SECT. 2. Such assistant clerk may authenticate papers, and perform such other duties of the clerk as shall not be performed by him, and in case of the absence, neglect, removal, resignation or death of the clerk, may complete and

attest any records remaining unfinished, and act as clerk of the courts in the said county, until a new clerk be appointed and qualified.

may complete any records unfinished, &c.

SECT. 3. The clerk of the courts for the said county, out of any balance of fees in his hands on the first day of January, in the year one thousand eight hundred and fifty-one, payable by law to the county treasurer, may pay to any person who, since the first day of June last, may have officiated as assistant clerk or as clerk *pro tempore* in any of the judicial courts in the said county, such sum, not exceeding five hundred dollars, as the said justices may direct, to be retained and applied for that purpose.

Clerk of the courts may pay over moneys to assistant.

Not exceeding \$500.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 5, 1851.*]

When to take effect.

An Act concerning the Hancock Free Bridge Corporation.

Chap. 39.

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

Notwithstanding the assignment and transfer heretofore made, or that shall hereafter be made, by any stockholder of the Hancock Free Bridge Corporation, of his shares therein, to the said corporation, he shall still continue to be a member thereof until the objects of the same shall be accomplished ; and the said corporation shall not, by reason of such assignments and transfers, be released from its obligation to the Commonwealth to carry out its objects, as provided in its act of incorporation. [*Approved by the Governor, April 5, 1851.*]

Stockholders shall continue to be members until, &c.

Corporation shall not be released.

An Act concerning the election of Representatives in Congress, and Electors of President and Vice President of the United States.

Chap. 40.

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

SECT. 1. Whenever, after the passage of this act, there shall be a failure to elect a representative in Congress, in any district, at the first meeting which shall be held therefor, agreeably to the provisions of the sixth chapter of the Revised Statutes, the same proceedings shall be had for subsequent further meetings as are required by the said sixth chapter ; and the person receiving the highest number of votes at any such subsequent meeting, shall be declared elected, and shall receive a certificate of his election in the manner provided in the said chapter.

In case of failure to elect at first meeting, proceedings shall be had for subsequent meetings.

The person who receives the highest number of votes at subsequent meeting, shall be declared elected, and shall receive certificate.

SECT. 2. Whenever, hereafter, elections shall be holden in this Commonwealth for the choice of electors of presi-

The electors of president and vice president, who shall receive the highest number of votes, shall be deemed elected. Gov. shall transmit certificate, &c.

If two or more persons receive an equal number of votes, the governor shall call the General Court together, and it shall elect, by joint ballot, to fill the vacancies.

All acts inconsistent, repealed.

When to take effect.

dent and vice president of the United States, the several persons who shall receive the highest number of votes at such election, to the number required to be chosen, shall be deemed to be elected, and the governor shall transmit to each person, so chosen, a certificate of his election.

SECT. 3. If, upon examination of the votes given at such election, agreeably to the provisions of the sixth chapter of the Revised Statutes, it shall appear that two or more persons have received an equal number of votes, by reason whereof a majority of the electors shall not be chosen, the governor shall, by proclamation, call the General Court together forthwith, and the General Court shall, by joint ballot of the senators and representatives, assembled in one room, choose as many electors as shall be necessary to complete the number to which this Commonwealth may be entitled.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 5, 1851.*]

Chap. 41. An Act to incorporate the Hampden Mutual Fire Insurance Company.

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

Corporators.

Name.

Purpose.

Duties, &c.
R. S. ch. 37 and 44, and other laws.

Whenever \$100,000 subscribed, may also insure, &c.

Semi-annual dividend.

SECT. 1. William B. Calhoun, Henry Sizer, Chester W. Chapin, their associates and successors, are hereby made a corporation, by the name of the Hampden Mutual Fire Insurance Company, to be established in Springfield, for the term of twenty-eight years, for the purpose of insuring buildings, stock in trade, and all other kinds of personal property, on the mutual principle, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all other general laws of this Commonwealth, which are now in force or which may hereafter be enacted relating to such corporations.

SECT. 2. After the organization of the said corporation, books may be opened for the subscription of a guarantee capital of one hundred thousand dollars; and whenever that amount shall be subscribed and paid in, the said corporation may also insure and issue policies otherwise than on the mutual principle. Said guarantee capital shall be divided into shares by the said corporation, and shall be entitled to receive a semi-annual dividend, such as may be determined by the directors, not to exceed four per cent.; and

no such shares shall be issued for a less sum or amount, to be actually paid in, in cash, than the par value of the shares which shall be first issued.

SECT. 3. After the first election no person shall be eligible as an officer or director, or be entitled to vote as a member of the said corporation, unless he shall be the holder of a mutual policy.

Eligibility of directors.

SECT. 4. The said corporation may invest its funds in any manner in which insurance companies or savings banks are or may be by law authorized to do. [*Approved by the Governor, April 14, 1851.*]

Investment of funds.

An Act relating to Accounts for the support of State Paupers.

Chap. 42.

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

SECT. 1. From all accounts for the support of State paupers, which shall not be rendered to the secretary of the Commonwealth within the time now prescribed by law, there shall be deducted ten per cent. on the proper amount, as ascertained after examination and correction by the auditor of accounts, as a penalty for delay in rendering the same; and in case such return shall not be made on or before the expiration of the month of December, in the same year, there shall be a further deduction of five per cent. of the amount ascertained to be due, and a further deduction of five per cent. for each succeeding month during which such return shall be delayed.

10 per cent. to be deducted from all accounts not rendered within the time prescribed by law.

5 per cent. more to be deducted in case, &c. And 5 per cent. more for each month's additional delay.

SECT. 2. The third section of the act of the year one thousand eight hundred and forty-nine, chapter one hundred and fifty-one, is hereby repealed. [*Approved by the Governor, April 14, 1851.*]

Act repealed.

An Act to incorporate the Seamen's Savings Bank in Provincetown.

Chap. 43.

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

David Fairbanks, Joseph B. Hersey, Thomas Nickerson, their associates and successors, are hereby made a corporation, by the name of the Seamen's Savings Bank, to be established in the town of Provincetown, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, April 14, 1851.*]

Corporators.

Name.

Powers, duties, liabilities, &c., R. S. ch. 36 and all other laws, &c.

Chap. 44.

An Act to authorize William Howes to build Wharves.

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

William Howes is hereby authorized to build and maintain two wharves, from his land on the west side of Sesuet Harbor, in Dennis, and to extend the said wharves to the western edge of the channel, with the right to lay vessels at the said wharves, and to receive wharfage and dockage therefor : *provided*, that this grant shall not impair the legal rights of any person ; *and provided further*, that the said wharves shall not be constructed nearer the East Dennis Wharf Company's wharf, or piles, than seventy feet. [Approved by the Governor, April 14, 1851.]

Dennis.

Right to lay
vessels, receive
wharfage, &c.
Proviso.

Further proviso.

Chap. 45.

An Act to authorize Noah Sturtevant to extend his Wharf.

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

Noah Sturtevant, proprietor of a wharf situated on Border street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Donald McKay and the land and flats formerly owned by George Randall and John C. Haskell, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty ; and he shall have the right to lay vessels at the end and sides of the said wharf, and to receive wharfage and dockage therefor ; *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true line of such flats continued to the commissioners' line ; *and provided, also*, that so much of the said wharf as may be constructed below low water mark, shall be built on piles, which shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person. [Approved by the Governor, April 14, 1851.]

East Boston.

Right to lay
vessels, receive
dockage, &c.
Proviso.

An Act to authorize William F. Davis and Joshua S. Sanborn to extend their Wharf. *Chap. 46.*

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

William F. Davis and Joshua S. Sanborn are hereby authorized to extend their wharf in the harbor of Gloucester, to a line drawn from the southwest corner of "Rogers' pier," to the easterly corner of "J. Mansfield and Sons' wharf," the end thereof on the said line not to exceed forty-one feet in width ; and they shall have the right to lay vessels at the said wharf, and to receive dockage and wharfage therefor : *provided*, that this grant shall in no wise impair the legal rights of any person ; *and provided, also*, that this act shall become void unless the said wharf shall be extended within two years from the first day of May next. [*Approved by the Governor, April 14, 1851.*]

Gloucester.

Right to lay vessels, &c. *Proviso.*

Must be extended within two years from May 1, 1851.

An Act to authorize Samuel Higgins and his associates to rebuild and extend their Wharf. *Chap. 47.*

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

Samuel Higgins and his associates are hereby authorized to rebuild and maintain their wharf, known as the "Enterprise wharf," on the easterly side of "Duck Creek," in the harbor of Wellfleet, and to extend the same twenty feet towards the channel of the said creek, and to lay vessels at the said wharf and receive dockage and wharfage therefor : *provided*, that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 14, 1851.*]

Wellfleet.

Proviso.

An Act to authorize Harvey Sparks to build a Wharf.

Chap. 48.

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

Harvey Sparks is hereby authorized to build and maintain a wharf from his land adjoining the harbor of Provincetown, and to extend the same to six feet of water at low tide ; and he shall have the right to lay vessels at the said wharf, and to receive wharfage and dockage therefor : *provided*, that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 14, 1851.*]

Provincetown.

Proviso.

Chap. 49. An Act to authorize Reuben A. Adams to build a Wharf.

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

Provincetown. Reuben A. Adams is hereby authorized to build and maintain a wharf from his land adjoining the harbor of Provincetown, and to extend the same into six feet of water at low tide, and to lay vessels at the said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 14, 1851.*]

Chap. 50. An Act to authorize the heirs of Joseph Belcher to extend their Wharf.

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

East Boston. The heirs of Joseph Belcher, late of Boston, proprietors of a wharf and flats called "Belcher's wharf," situated on Border street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Charles F. Gardner and Sturtevant and Edwards, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by the act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and they shall have the right to lay vessels at the ends and sides of the said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the commissioners' line: *and provided, also*, that so much of the said wharf as may be constructed below low water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 14, 1851.*]

Right to lay vessels, receive dockage, &c.
Proviso.

Further proviso.

Shall not impair legal rights.

Chap. 51. An Act to authorize Joseph Mayhew to construct a Marine Railway, at Edgartown.

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

SECT. 1. Joseph Mayhew is hereby authorized and allowed to construct and maintain a marine railway from his

land adjoining the harbor of Edgartown, and to extend the same to a suitable depth of water in the said harbor: *provided*, that this act shall in no wise impair the legal rights of any person whomsoever. Edgartown.
Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1851.*] When to take effect.

An Act to incorporate the Randolph Savings Bank.

Chap. 52.

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

Bradford L. Wales, Enoch French, J. W. Lewis, their associates and successors, are hereby made a corporation, by the name of the Randolph Savings Bank, to be established in the town of Randolph; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, April 14, 1851.*] Corporators.
Duties, liabilities, &c.
R. S. ch. 36,
and other laws.

An Act concerning the Manufacturers and Mechanics Insurance Company.

Chap. 53.

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

SECT. 1. The Manufacturers and Mechanics Insurance Company, in the town of Haverhill, are hereby authorized to file a notice of the acceptance by them of their charter, with the secretary of the Commonwealth, within thirty days from the passage of this act, and the filing of such, shall have the same effect as if it had been filed agreeably to the provisions of the twenty-first chapter of the acts of the year one thousand eight hundred and forty-two, and the charter of the said company shall thereupon have the same force and effect that it would have had, if the provisions of the said twenty-first chapter, in regard to notice of such acceptance, had been complied with. Authorized to file a notice.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1851.*] When to take effect.

An Act to annex a part of the Town of Newbury to the Town of Newburyport.

Chap. 54.

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

SECT. 1. So much of the town of Newbury, in the

Boundaries of the territory annexed to Newburyport.

county of Essex, as lies within the following named lines, to wit: beginning at the northerly boundary of Newburyport, on the Merrimack River; thence running by the Newbury line, in the said river, to the line of West Newbury, at the mouth of Artichoke River; thence up the said last named river, and through the middle thereof, about five hundred and seventy-two rods and twenty-two links, to a place on the said stream known as the "New Log;" thence south twenty-five degrees east, about three hundred and sixty rods, to the most easterly corner of West Newbury; thence in a direct line, northeasterly, to the westerly corner of Newburyport; thence by the line of Newburyport to the southerly side of a stream called Little River; thence by the southerly side of the said last mentioned stream to the southeasterly side of the road at Clark's bridge, so called; thence on a straight line to an elm tree near the Newburyport turnpike, on land of Daniel Colman, southerly of the said Colman's house; thence to the northerly side of Marlborough street, on High street; thence to the most southerly bend of the Plumb Island turnpike: thence on a straight line to the ocean, four rods southerly of the light keeper's house on Plumb Island; thence by the ocean to Salisbury line; thence by the line of Salisbury to Newburyport; with all the inhabitants and estates thereon, is hereby set off from the town of Newbury, and annexed to the town of Newburyport; and the said inhabitants shall hereafter be considered inhabitants of Newburyport, and shall enjoy all the rights and privileges, and be subject to all the duties and liabilities, of the inhabitants of the said town: *provided, however*, that for the purpose of electing the representatives to the General Court to which the said town of Newbury is entitled, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment to the constitution, the said territory shall remain and continue to be a part of the town of Newbury, and the inhabitants resident thereon shall be entitled to vote in the choice of such representatives, and shall be eligible to the office of representative, in the town of Newbury, in the same manner as if this act had not been passed.

The inhabitants to be considered inhabitants of Newburyport, and enjoy all rights and subject to all the duties, &c.
Proviso.
Election of representatives to General Court.

Inhabitants entitled to vote and eligible to office, &c.

Inhabitants and estates set off to pay taxes, &c.

The town of Newburyport to pay their proportion of the debts of Newbury, and receive their proportion of the

SECT. 2. The said inhabitants and estates, so set off, shall be liable to pay all taxes that may have been legally assessed on them by the town of Newbury, in the same manner as if this act had not been passed; and the town of Newburyport shall be holden to pay their just and equitable proportion of the debts of Newbury, and shall also be entitled to receive their just and equitable proportion of all the property owned by the town of Newbury; the said

proportions to be ascertained by the taxes paid by the inhabitants, and upon the property assessed, in the part set off and the part remaining, the past year.

SECT. 3. The said towns of Newbury and Newburyport shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a residence on their respective territories: *provided*, that nothing in this act shall affect any agreement heretofore made between the towns of Newbury and Newburyport for the support of paupers.

SECT. 4. In case the said towns shall not agree on a division of property, debts, paupers, and all other existing town liabilities, the court of common pleas for the county of Essex shall, upon the petition of either of the said towns, appoint three competent and disinterested persons to hear the parties and award thereon; and their award, accepted by the court, shall be final: *provided, however*, that until the division of the said property as aforesaid, the same shall be and remain under the control of the town of Newbury, and the inhabitants of Newbury may hold their town meetings in the town house, as heretofore.

SECT. 5. The selectmen of Newburyport shall annually, fourteen days at least before the second Monday of November, furnish the selectmen of Newbury a correct list, so far as may be ascertained from the records of the town of Newburyport, or any of its officers, of all persons resident on the territory hereby set off, who shall be entitled to vote for representatives, as aforesaid, in Newbury; and for every neglect by the said selectmen so to furnish such list, the town of Newburyport shall forfeit the sum of one hundred dollars, and for the making of any false return in respect to any part of such list shall forfeit the sum of twenty dollars for every name in respect to which a false return shall have been made, to be recovered in the same manner as is provided by the fourth section of the third chapter of the Revised Statutes, in respect to penalties for neglect, or false returns of collectors of towns.

SECT. 6. The said towns of Newbury and Newburyport may, at town meetings duly notified, within seven days after the passage of this act, grant and vote such sums of money as they may respectively judge necessary for all purposes authorized by law, and reconsider, modify, and change any vote on that subject passed at their annual meetings the present year.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1851.*]

property of the town of Newbury.

Support of paupers.

Proviso.

In case they shall not agree upon the division of property, paupers, &c. the court of common pleas may appoint three persons, &c.

Proviso.

The selectmen of Newburyport to furnish a correct list of all persons entitled to vote, &c.

For every neglect shall forfeit \$100.

For any false return shall forfeit \$20, &c.

The towns of Newbury and Newburyport may grant and vote such sums of money, &c.

When to take effect.

Chap. 55. An Act to establish a Fire Department in the Town of Natick.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Powers, &c.
 act April 9,
 1839.

A fire department is hereby established in the town of Natick, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled an act to regulate fire departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, April 24, 1851.*]

Chap. 56. An Act to authorize Thomas Holbrook 2d to build a Wharf.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wellfleet.

Dockage, &c.
 authorized.
Proviso.

Thomas Holbrook 2d is hereby authorized to build and maintain a wharf from his land on the westerly side of the northeast arm of Duck Creek, in the harbor of Wellfleet, to the channel of the said creek, and to lay vessels thereat, and receive wharfage and dockage therefor : *provided*, that this act shall in no way impair the legal rights of any person. [*Approved by the Governor, April 24, 1851.*]

Chap. 57. An Act concerning Mortgages of Ships or Vessels.
BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

Not necessary
 to be recorded
 by any city or
 town clerk.

SECT. 1. It shall not be necessary to the validity of any mortgage, contract of bottomry, or respondentia, or any transfer, assignment, or hypothecation of any ship or vessel, that the same shall be recorded by any city or town clerk.

Acts inconsis-
 tent, repealed.

SECT. 2. All acts or parts of acts inconsistent herewith are hereby repealed. [*Approved by the Governor, April 24, 1851.*]

Chap. 58. An Act to authorize Sheriffs and their Deputies to administer Oaths to Appraisers.

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

Whenever any sheriff or deputy sheriff shall make an attachment of animals, or other property of the description embraced in the fifty-eighth section of the ninetieth chapter of the Revised Statutes, such attaching officer may administer to the appraisers the oath required by the fifty-ninth section of the said chapter. [*Approved by the Governor, April 24, 1851.*]

An Act to incorporate the Milford Savings Bank.

Chap. 59.

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

David S. Godfrey, A. C. Mahew, W. A. Hayward, their associates and successors, are hereby made a corporation, by the name of the Milford Savings Bank, to be established in the town of Milford, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, April 24, 1851.*]

Corporators.

Powers, duties,
&c. R. S. ch.
36, &c.

An Act confirming the doings of the New London, Willimantic and Palmer Railroad Corporation, in issuing bonds and pledging their property for securing the payment of the same.

Chap. 60.

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

SECT. 1. The act of said corporation, in issuing bonds bearing interest at a rate not exceeding seven per cent., to an amount not exceeding five hundred thousand dollars, agreeably to an act of the General Assembly of the state of Connecticut, passed at the May session, in the year one thousand eight hundred and forty-nine, is and shall be as valid as if the same had been done by authority of an act heretofore granted for that purpose by the Legislature of this Commonwealth.

Act of the corporation confirmed.

SECT. 2. The mortgage of said corporation, conveying to Jonathan Starr, Charles P. Williams, and Thomas Backus, and the survivor and survivors of them, and their successors, as trustees in trust for the payment of the bonds issued under the authority of the aforesaid act of the General Assembly of the state of Connecticut, all the real and personal estate, rights and franchises of the said corporation, acquired or to be acquired, made and executed on the eighteenth day of September, in the year of our Lord one thousand eight hundred and forty-nine, is hereby ratified and confirmed, and the same is and shall be as valid and effectual for the alienation and conveyance of all the property and effects of the said corporation, lying and being within the Commonwealth of Massachusetts, as of that being within the state of Connecticut, for the purpose or purposes expressed in the said deed of conveyance ; the said deed of conveyance being recorded in the record of deeds in the town clerk's office in Monson and Palmer, and in the registry of

Mortgage made by the corporation ratified and confirmed.

Where deeds are to be recorded.

Proviso.

deeds for the county of Hampden : *provided*, that in case the said trustees, the survivor or survivors of them, or their successors, shall take possession of the property and effects of said corporation by virtue of said mortgage, one of said trustees shall reside in this Commonwealth, on whom process against said corporation or its assigns may be legally served, and said corporation and its assigns shall be held to answer within the jurisdiction where such service shall be made, and where the process may be returnable.

Corporation authorized to make further conveyances of their property, &c.

SECT. 3. The said corporation is hereby authorized to make, execute and deliver to the said trustees, or any other persons as trustees, any and every such further instruments and conveyances of their property and effects as may be required or necessary for the better effectuating the objects and purposes of the mortgage aforesaid, and for securing the payment of bonds issued by said corporation, not exceeding five hundred thousand dollars; and all instruments and conveyances so made shall be recorded in like manner as said mortgage is required to be by the second section of this act : *provided*, that one of said trustees, the survivor or survivors of them, to whom such instrument or conveyance may be given, shall reside in this Commonwealth, upon whom process against said corporation and its assigns may be legally served; and said corporation and its assigns shall be held to answer within the jurisdiction where such service shall be made, and where the process may be returnable.

Proviso.

New bonds and renewals limited to six per cent. interest.

SECT. 4. Nothing in this act shall be construed to authorize the issuing of any new bonds, or the renewal or extension of payment of any already issued, bearing a higher rate of interest than six per cent. per annum. [*Approved by the Governor, April 24, 1851.*]

Chap. 61. An Act in addition to the Act to incorporate the Worcester Children's Friend Society.

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

Overseers of the poor authorized to bind out children to the Worcester Children's Friend Society.

SECT. 1. In all cases, where overseers of the poor are authorized by law to indent and bind out to individual citizens poor and destitute children, they are hereby authorized and empowered to indent and bind out such children to the Worcester Children's Friend Society, to be retained, employed, and instructed by the said society, or to be by the said society bound out or disposed of in like manner as other children whom they are now authorized to receive into their institution.

SECT. 2. In addition to the cases in which the said so-

ciety are authorized to accept a surrender in writing of any indigent child admitted to their institution, they may accept such surrender from the mother of the child, when the mother and child have been deserted by the father of the child, and no provision has been made by him for their support: *provided*, that the consent of the overseers of the poor of the city or town where such mother may reside, or of the judge of probate for the county of Worcester, shall first be obtained in writing, to such surrender. [*Approved by the Governor, April 24, 1851.*]

When said society may accept surrender of a child by its mother.

Proviso.

An Act to change the Name, and in addition to an Act to incorporate the Malden Company.

Chap. 62.

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

SECT. 1. The said Malden Company may take and hereafter be known by the name of the Boston Iron Tube Company.

Name changed.

SECT. 2. The said Boston Iron Tube Company, in addition to their powers possessed by the Malden Company, are hereby authorized to manufacture iron tubes, and the articles connected therewith. [*Approved by the Governor, April 24, 1851.*]

Additional powers conferred.

An Act concerning the Boston, Barre, and Gardner Railroad Corporation.

Chap. 63.

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

SECT. 1. The time allowed to the Boston, Barre, and Gardner Railroad Corporation, by an act passed the twenty-fourth day of March, in the year one thousand eight hundred and forty-nine, for constructing their railroad, is hereby extended to the first day of July, in the year one thousand eight hundred and fifty-three.

Time extended to July 1, 1853.

SECT. 2. The said corporation are hereby released from all obligation to construct that part of their said railroad, as described in their charter, from a point at the junction of the two branches of said railroad in the town of Princeton, through the towns of Rutland, Hubbardston, and Oakham, to some convenient point near the centre of Barre; and they may construct, or omit to construct, any part thereof, as they may elect; and they may also construct and maintain the other parts of their said railroad, from some convenient point on the Worcester and Nashua Railroad, in the city of Worcester, through the towns of Holden, Rutland, Princeton, and Hubbardston, to some convenient point on

Releases granted the corporation.

the Vermont and Massachusetts Railroad, in the town of Gardner.

A new subscription shall be opened, &c.

SECT. 3. When this act shall have been accepted by said corporation, a new subscription for the capital stock thereof shall be opened, and the persons holding the stock of said corporation, heretofore subscribed for, shall not be liable for any assessments on the shares of said stock heretofore subscribed for, for any expenses hereafter incurred by said corporation in any manner.

Corporation shall not commence construction, until, &c.

SECT. 4. The said corporation shall not commence the construction of their railroad until six thousand shares of the capital stock named in their charter, shall have been subscribed for by responsible parties, and twenty per cent. paid into the treasury of the corporation; the amount of said number of shares being the estimated cost of the said railroad, from Worcester to Gardner; and the said corporation shall not commence the construction of that part of the said railroad from Princeton to Barre, until four thousand additional shares of their said capital stock shall have been subscribed for by responsible parties, and twenty per cent. paid into the treasury of the corporation. [*Approved by the Governor, April 24, 1851.*]

Chap. 64. An Act to extend the time for paying in the Capital Stock of the Mariners Bank, in Dennis.

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

Time extended to April 1, 1852.

SECT. 1. The time for paying in the capital stock of the Mariners Bank, in Dennis, is hereby extended to the first day of April, in the year one thousand eight hundred and fifty-two.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1851.*]

Chap. 65. An Act to authorize Anthony Reed to build a Wharf.

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

Dighton.

Anthony Reed is hereby authorized to build and maintain a wharf from land owned by him in the town of Dighton, situated on the westerly side of Tannton Great River, and adjoining the said river, between the wharf of William Cobb and the wharf occupied by Charles Whitmarsh, to a distance not exceeding three hundred feet in width: *provided*, that the said wharf shall not extend into the harbor or channel, so as to impede the navigation of the said river,

Proviso.

and he shall have the right to lay vessels at the said wharf, and to receive dockage and wharfage therefor: *provided*, that this act shall in no wise affect the legal rights of any person. [*Approved by the Governor, April 24, 1851.*]

Right of dock-
age, &c.
Further pro-
viso.

An Act to authorize Thomas Sparrow and others to extend their Wharf. *Chap. 66.*

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

SECT. 1. Thomas Sparrow, Joseph Reed, Isaiah Lewis, and their associates, are hereby authorized to extend and make improvements in their wharf, located at a place called Jackknife Harbor, at Monomoy Point, in the town of Chatham; and they shall have the right to lay vessels at the ends and sides of the said wharf, and to receive wharfage and dockage therefor: *provided*, that the same shall not obstruct the safe anchorage of vessels in the harbor, and shall not interfere with the legal rights of any person.

Chatham.

Right of dock-
age, &c.

Proviso.

SECT. 2. What the said Thomas Sparrow, Joseph Reed, and Isaiah Lewis have already done in the premises, by way of construction, is hereby confirmed. [*Approved by the Governor, April 24, 1851.*]

Previous action
confirmed.

An Act to authorize Samuel Adams to extend his Wharf.

Chap. 67.

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

Samuel Adams is hereby authorized to widen, extend, and maintain his wharf, in the town of Beverly, into the harbor of Beverly, on the easterly side, on a parallel line with the wharf owned by Eliot Woodbury, and on the westerly side, on a line not nearer, at any one point, to the wharf owned by Foster and Lovett, than fifty feet, and extending into the harbor to a distance not exceeding the line of the end of the said wharf of Foster and Lovett, the said extension, below low water mark, to be built upon piles; and he shall have the right to lay vessels at the end and sides of the said wharf, and to receive dockage and wharfage therefor: *provided*, that this grant shall not in any manner interfere with the legal rights of any person whomsoever. [*Approved by the Governor, April 24, 1851.*]

Beverly.

Right of dock-
age, &c.

Proviso.

Chap. 68. An Act in further addition to an Act concerning Weights, Measures and Balances.

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

Buyer subject to same penalties as seller.

In all cases of buying and selling, where, by the customs of trade, the weights, measures, scales, beams and balances used are provided by the buyer, he shall be subject to the same penalties for the employment of illegal weights, measures, scales, beams, or balances, to be recovered in the same manner, and to the same use, as are enacted against the seller, for the like offence, by the fifth section of the act to which this act is in addition. [*Approved by the Governor, April 24, 1851.*]

Chap. 69. An Act to incorporate the Boston Society of Civil Engineers.

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

Corporators.

SECT. 1. George M. Dexter, Simeon Borden, William P. Parrott, their associates and successors, are hereby made a corporation, by the name of the Boston Society of Civil Engineers, for the purpose of promoting science and instruction in the department of civil engineering; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose.

Duties, &c.
R. S. ch. 44.
May hold estates not exceeding \$20,000.

SECT. 2. The said corporation may hold real and personal estate, not exceeding in amount twenty thousand dollars, and the funds or property thereof shall not be used for any other purposes than those declared in the first section of this act. [*Approved by the Governor, April 24, 1851.*]

Funds not to be used for other purposes.

Chap. 70. An Act to authorize Members of City Councils to hold other Offices.

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

Mayor and aldermen may hold any other office.

SECT. 1. The mayor, any aldermen, or any member of the common council of any city in this Commonwealth, may, at the same time, hold any other office under the city government of such city to which he may be duly chosen: *provided*, that the same be not an office of emolument.

Proviso.

When and how to take effect.

SECT. 2. This act shall take effect from and after its passage, but shall be in force in those cities only which shall adopt the same by a vote of their city councils. [*Approved by the Governor, April 24, 1851.*]

An Act to provide for the taking of Depositions in Criminal Cases.

Chap. 71.

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

SECT. 1. Whenever any magistrate, trial justice, or police court, shall order any witness to enter into recognizance, with sureties, as provided in the one hundred and thirty-fifth chapter of the Revised Statutes, and it shall appear to such magistrate, trial justice, or police court, that such witness is unable to procure such sureties, the magistrate, trial justice, or police court, may, with the consent of the defendant, take the deposition of such witness, or cause or direct the same to be taken by any magistrate qualified by law to take depositions in civil cases, in manner and form as provided in civil cases; and such deposition shall be seasonably transmitted to the court at which the said witness was ordered to appear, and the same may be read in evidence, on the trial, by either party, subject to all legal objections: *provided*, that the witness be unable to attend court at the time of the trial, by reason of his death, insanity, sickness or any infirmity, or by reason of his being absent from the state, so that he cannot be compelled to attend by subpoena or attachment: *and provided*, also, that the above provision shall not apply to the prosecutor in the case, or to any accomplice in the commission of the offence charged in the complaint.

When witness is unable to procure sureties, deposition may be taken, &c.

Deposition shall be transmitted, &c.

Proviso.

Further proviso.

SECT. 2. Whenever any deposition shall be taken, as above provided, the assent of the defendant shall be certified on the same, and the Commonwealth's attorney, who will have charge of the case at the trial court, shall be notified of the time and place of taking such deposition, as parties are required to be notified in civil cases; and the fees for taking any such deposition shall be the same as in civil actions, and shall be taxed in the bill of costs. [*Approved by the Governor, April 24, 1851.*]

Assent of the defendant shall be certified, &c.

An Act in addition to "An Act to establish the Waltham and Watertown Branch Railroad."

Chap. 72.

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

SECT. 1. The Waltham and Watertown Branch Railroad Company, are hereby authorized and empowered so far to alter and amend the location of their railroad, that it may be located, constructed and amended, by crossing over Charles River, near the lower factory, in Waltham, at a point near the bleachery, and then crossing the river again

May alter and amend location of their road.

Duties, liabilities, &c. to enter upon the main track of the Fitchburg Railroad at a point near the upper factory depot, at Waltham, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, provided in the act to which this act is in addition.

Time extended for one year. **SECT. 2.** The time allowed by the charter for filing the location, and for completing and putting in operation the said road, is hereby extended for the term of one year from the times limited therefor: *provided*, that the said company shall not commence the construction of the said road until the stock named in the charter shall have been subscribed by responsible parties, and ten per cent. on each share thereof shall have been paid in to the treasurer of the said company.

Time allowed to the Fitchburg Railroad Company extended one year. Said company authorized to accept, locate, &c. **SECT. 3.** The time allowed to the Fitchburg Railroad Company, by the tenth section of the act to which this act is in addition, to purchase the said railroad and locate and construct the same, is hereby extended for the term of one year from the time limited in the said act; and the said Fitchburg Railroad Company are hereby authorized and empowered to accept, locate and construct the said branch railroad, or to purchase and enjoy the rights, privileges, franchise and property of the said Waltham and Watertown Branch Railroad Company, subject to the provisions of this and the foregoing acts, and to any general laws which have been or may be passed respecting railroad corporations.

When to take effect. **SECT. 4.** This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1851.*]

Chap. 73. An Act to change the Name of the Bensonville Manufacturing Company.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Name changed. The Bensonville Manufacturing Company may take the name of the Greenville Manufacturing Company. [*Approved by the Governor, April 24, 1851.*]

Chap. 74 An Act concerning the Marlborough Mutual Fire Insurance Company.
Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Authorized to make insurance on stock, tools, merchandise, and other personal property. **SECT. 1.** The Marlborough Mutual Fire Insurance Company, in the town of Marlborough, is hereby authorized and empowered, in addition to the privileges granted to it by the act of March twenty-third, in the year one thousand eight hundred and thirty-six, chapter sixty-three,

to make insurance upon stock, tools, furniture, merchandise and other personal property, within this Commonwealth, against loss by fire, during the residue of the term of its act of incorporation, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all other general laws relating to mutual fire insurance companies.

Restrictions,
&c.
R. S. ch. 37, 44,
and other laws.

SECT. 2. This act shall take effect from and after its acceptance by a vote of a majority of the members of the said company present, and voting at a legal meeting called for that purpose. [*Approved by the Governor, April 24, 1851.*]

When to take
effect.

An Act to incorporate the North Bridgewater Savings Bank.

Chap. 75.

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

Franklin Ames, Edward Southworth, George B. Dunbar, their associates and successors, are hereby made a corporation, by the name of the North Bridgewater Savings Bank, to be established in the town of North Bridgewater, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, April 24, 1851.*]

Corporators.

Duties, &c.
R. S. ch. 36.

An Act to incorporate the Atlantic Wharf Company.

Chap. 76.

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

SECT. 1. Willard Sears, John Coe and Horace L. Hazelton, their associates and successors, are hereby made a corporation, by the name of the Atlantic Wharf Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Duties, &c.
R. S. ch. 44.

SECT. 2. Said corporation may purchase and hold, in fee simple or otherwise, the whole or any part of certain lands and flats in the towns of Malden, in the county of Middlesex, and Chelsea, in the county of Suffolk, within the following described limits, to wit:—beginning at the middle of the dam on Island End River, so called, in Malden, then running down the middle of said river two thousand feet; thence turning and running in a north-easterly direction, by a straight line, to Cold Spring, so

May hold cer-
tain real estate.

called, on Prospect street, so called, in said Malden; thence by said Prospect street to the Malden road; thence southerly, by said Malden road to Spruce street, in Chelsea aforesaid; thence southerly, by said Spruce street, and across Williams street, to the middle of Island End River; thence by the middle of said river, to the point of beginning at the middle of said dam; with all the rights, easements, privileges and appurtenances thereto belonging; and said corporation may build and maintain a wharf or wharves within said limits, and lay vessels thereat, and receive dockage and wharfage therefor, and, conformably to their by-laws, may make conveyances of their corporate property, or any part thereof, and may lease, manage and improve the same: *provided*, that nothing herein contained shall authorize said corporation to erect any obstructions in the channel of said river, or to infringe on the legal rights of any person: *and provided*, that no solid wall or wharf shall ever be constructed within seventy-five feet of the centre of the channel of said river, below the dam aforesaid, nor any pile wharf, or other erection, within fifty feet of the said centre: *and provided*, that the real and personal estate of said corporation shall not exceed in amount two hundred thousand dollars.

Proviso.

Further proviso.

Further proviso.

No shares to be issued at less than par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 25, 1851.*]

Chap. 77. An Act to protect the Mattakeeset Herring Fishery in the Town of Edgartown.

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

No seines, &c., to be set up.

SECT. 1. No person or persons shall set, draw, or stretch any seine or drag-net, or set up any weirs, in the Great Pond, bays, coves, or creeks of said Great Pond, in the town of Edgartown, from the first day of March to the first day of September, annually, under a penalty of fifty dollars for each person, for each offence, to be recovered in any court proper to try the same, one half to the use of the said town, and the other half to any person who shall prosecute therefor.

Penalty §50.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 25, 1851.*]

An Act to authorize the Fitchburg and Worcester Railroad Company to issue Preferred Stock. *Chap. 78.*

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

SECT. 1. The Fitchburg and Worcester Railroad Company are hereby authorized to issue preferred stock, to an amount not exceeding one thousand shares of one hundred dollars each, upon which they may guarantee the payment of three per cent., semi-annually, to the holders thereof: *May issue 1000 shares, \$100 each, preferred stock.* *May guarantee, &c.* *Proviso.* *provided, however,* that the said company shall not dispose of any of the said preferred stock at less than its par value.

SECT. 2. The said preferred stock shall first be offered to the stockholders in the said company, who shall be, respectively, entitled to subscribe therefor, at its par value, in proportion to the number of shares held by them; and for each share of the said preferred stock so subscribed and paid for at par, each stockholder shall have the privilege of surrendering one share in three of the old stock held by him, and of receiving, instead thereof, a certificate of one share of preferred stock, which shall be entitled to the same benefits as provided for the preferred stock mentioned in the first section of this act; and stockholders may transfer their rights to subscribe for preferred stock, or to surrender the old and receive preferred stock therefor, as aforesaid. *Said stock must first be offered &c.*

SECT. 3. The said preferred stock shall be redeemable agreeably to any stipulation made by the corporation before the issue thereof, and shall be redeemable at any time after ten years from its issue, the corporation paying to the holders of such stock the par value of the same, and all dividends due thereon, which said dividends shall be declared semi-annually, and be payable in money. *Said stock shall be redeemable, &c.*

SECT. 4. This act shall take effect from and after its acceptance by a vote representing two-thirds of all the shares of the said company, not less than three-fourths of the proprietors, holding less than three shares each, voting in the affirmative, at a legal meeting called for that purpose. [*Approved by the Governor, April 29, 1851.*] *When to take effect.*

An Act to authorize the Trustees of the Methodist Episcopal Church, in Pittsfield, to convey certain Property. *Chap. 79.*

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

Cyrus A. Chapman, John M. Holland, Stephen W. Newton, Solomon Ely, Benjamin F. Hale, and Daniel Foot, trustees of the Methodist Episcopal Church, in Pittsfield, *Trustees authorized to transfer funds, convey real estate, &c.*

are hereby authorized to transfer all the funds, and convey all the real estate and other property held by them, either under the deed of the executors of 'Thomas Gold, dated in March, in the year one thousand eight hundred and twenty-nine, or by any other title or conveyance whatever, to such new board of trustees as have been or may hereafter be appointed for the purpose of receiving, holding, and managing the same, by the Methodist Episcopal Society in Pittsfield, under the statute of this Commonwealth, passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-seven, entitled "an act concerning the trustees of Methodist Episcopal churches," and duly organized according to the provisions of the said act: *provided*, that all the said first named trustees, and also Thomas A. Gaylord and John Butler, named as trustees in the deed of the executors of Thomas Gold aforesaid, and still remaining trustees according to the terms thereof, shall join in the deed of conveyance hereby authorized, of so much of the said real estate as is described in the aforesaid deed of the executors of Thomas Gold. [*Approved by the Governor, April 29, 1851.*]

Proviso.

Chap. 80.

An Act concerning the Charles River Branch Railroad Company.

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

Time extended.

The time within which the Charles River Branch Railroad Company may file the location of their road, is hereby extended to the first day of May, in the year one thousand eight hundred and fifty-two; and the time within which the said company may complete their road, is also extended to the first day of May, in the year one thousand eight hundred and fifty-five: *provided*, that the said company shall not commence the construction of the said road until the stock named in its charter shall have been subscribed for by responsible parties, and ten per cent. on each and every share thereof shall have been paid in to the treasurer of the said company. [*Approved by the Governor, April 30, 1851.*]

Proviso.

Chap. 81.

An Act to incorporate the "Milford Mutual Fire Insurance Company."

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

Corporators.

Aaron C. Mayhew, William A. Hayward, and Orison Underwood, their associates and successors, are hereby made a corporation, by the name of the Milford Mutual Fire Insurance Company, in the town of Milford, in the county of

Name.

Worcester, for the term of twenty-eight years, for the purpose of insuring buildings, stock in trade, and all other kinds of personal property, situated in the New England States or the state of New York, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all other laws of the Commonwealth relating to mutual fire insurance companies. [Approved by the Governor, April 30, 1851.]

Term twenty-eight years. Purpose.

Duties, &c. R. S. 37th and 44th ch. and other laws.

An Act relating to Libels for Divorce.

Chap. 82.

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

SECT. 1. In every case of libel filed for divorce, the court may in its discretion require the husband to pay into court, during the pendency of such libel, for the use of the wife, such sums of money as may be necessary to enable her to maintain or defend the said libel, and may enforce its orders in the premises in accordance with the powers and practice of courts of chancery.

Husband may be required to pay money to wife.

SECT. 2. The supreme judicial court, at any law term held for two or more counties, shall have jurisdiction of libels for divorce arising in either of such counties, and may take cognizance at such law term of all libels now pending in such counties. [Approved by the Governor, April 30, 1851.]

Supreme judicial court shall have jurisdiction, &c.

An Act to extend the time for driving Piles in the Harbor of Dennis.

Chap. 83.

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

The time for driving piles in the harbor of Dennis, as provided in an act passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-eight, is hereby extended to the twenty-sixth day of April, in the year one thousand eight hundred and fifty-four. [Approved by the Governor, April 30, 1851.]

Extended to April 26, 1851.

An Act to alter the North line of the General Field in West Springfield.

Chap. 84.

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

The proprietors of the common or general field in West Springfield, in the county of Hampden, are hereby authorized to extend the north line of their field to the south line of the highway, as now established between the Springfield

May extend, &c.

bridge and Agawam bridge, with authority to build and support a field fence on the said line. [*Approved by the Governor, April 30, 1851.*]

Chap. 85. An Act to extend the time to locate and construct the Fairhaven Branch Railroad, and to reduce the Capital Stock.

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

Time extended
one year.

SECT. 1. The times allowed to the Fairhaven Branch Railroad Company to locate and to construct their road are hereby respectively extended one year beyond the periods stated in their act of incorporation, approved on the first day of May, in the year one thousand eight hundred and forty-nine: *provided*, that the said corporation shall not proceed to construct their railroad until the whole capital stock thereof shall have been subscribed, and ten per cent. of the same shall have been actually paid into the treasury.

Proviso.

Capital stock
two thousand
shares, not is-
sued at less than
par value.

SECT. 2. The capital stock of the said corporation shall consist of two thousand shares, and no share shall be issued at less than its par value of one hundred dollars. [*Approved by the Governor, April 30, 1851.*]

Chap. 86. An Act to incorporate the Bridgewater Savings Bank.

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

Corporators.

Artemas Hale, Eli Washburn, Philip D. Kingman, Caleb Hobart, their associates and successors, are hereby made a corporation, by the name of the Bridgewater Savings Bank, to be established in the town of Bridgewater, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, April 30, 1851.*]

Duties, restric-
tions, &c. 36 ch.
R. S., &c.

Chap. 87. An Act relating to Writs of Error in Criminal Cases.

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

Whenever a final judgment in any criminal case shall be reversed by the supreme judicial court, upon a writ of error on account of error in the sentence, the court may render such judgment therein as should have been rendered, or may remand the case for that purpose to the court before which the conviction was had. [*Approved by the Govern-
or, April 30, 1851.*]

An Act to protect Towns from injury by the neglect of Railroad Corporations. *Chap. 88.*

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

SECT. 1. Whenever any party shall be injured in his person or property by a defect in the highway, within the location of any railroad, and such party shall, upon a trial, recover of the town, wherein such injury is received, damages therefor, such town shall, in addition to the damages so recovered against them, be entitled to recover all the taxable costs of the plaintiff and defendant in the same action, in a suit brought against the corporation owning such railroad: *provided*, that such railroad corporation be liable for the damages aforesaid; *and provided, also*, that reasonable notice shall have been given by such town to the railroad corporation, so that they might have defended the original action. Towns may recover damages and all costs, &c.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1851.*] When to take effect.

An Act to authorize Benjamin Webb and Joseph B. Webb to extend their Wharf. *Chap. 89.*

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

Benjamin Webb and Joseph B. Webb are hereby authorized to extend their wharf, either solid or on piers, across the flats in front of their wharf and estate, southeasterly of Derby street, in the city of Salem, up to a line drawn from the extreme end of Phillips wharf, so called, to the extreme end of Derby wharf; and they shall have the right to lay vessels at the end and sides of such wharf, and to receive dockage and wharfage therefor: *provided*, that this grant shall not in any manner interfere with the legal rights of any person. [*Approved by the Governor, April 30, 1851.*] Salem. Right of dockage, &c.

Proviso.

An Act in relation to Mutual Fire Insurance Companies. *Chap. 90.*

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

SECT. 1. No policy shall be issued by any mutual fire insurance company within this Commonwealth, till the sum of one hundred thousand dollars shall have been subscribed to be insured by such company. Restriction.

SECT. 2. So much of the twenty-eighth section of chapter thirty-seven of the Revised Statutes as is inconsistent with the provisions of this act is hereby repealed. [*Approved by the Governor, April 30, 1851.*] Repeal of inconsistent provisions.

Chap. 91. An Act in addition to an Act for the better preservation of order at Muster Fields and other places of public gathering.

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

Mayor, &c., to have same power, &c., as selectmen.

291st chapter acts of 1850.

The mayor and aldermen of any city shall have and exercise all the jurisdiction, power and authority in relation to the preservation of order at muster fields, cattle-show grounds, and other places of public gathering, given to the selectmen of towns by the provisions of the two hundred and ninety-first chapter of the acts of the year one thousand eight hundred and fifty. [*Approved by the Governor, April 30, 1851.*]

Chap. 92.

An Act concerning Bail in Criminal Cases.

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

Bail exonerated by surrendering principal.

Jailor authorized to detain principal.

Persons surrendered may be admitted to bail, &c.

272d chapter acts 1850 repealed.

SECT. 1. The bail in criminal cases, at any time before default, may exonerate themselves from further liability, by surrendering their principal to the jailor of the county where the offence of such principal was committed, or is punishable, together with a certified copy of the recognizance ; and such jailor is authorized and required to receive and detain such principal, in the same manner as if committed for not finding sufficient surety or sureties to recognize for him.

SECT. 2. Any person surrendered by his bail, as provided in the preceding section, or imprisoned for not finding sufficient sureties to recognize for him, may be admitted to bail in the same manner as is provided in the twenty-second section of the one hundred and thirty-fifth chapter of the Revised Statutes, or by any standing or special commissioner of the supreme judicial court or court of common pleas, appointed for such purpose.

SECT. 3. The two hundred and seventy-second chapter of the acts of the year one thousand eight hundred and fifty, is hereby repealed. [*Approved by the Governor, April 30, 1851.*]

Chap. 93.

An Act relating to Jail Breach.

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

Punishment for jail breach.

If any person, lawfully imprisoned in any jail or house of correction, shall break such prison and escape, or shall forcibly break the same with intent to escape, or shall by any force or violence attempt to escape therefrom, he shall

be punished by imprisonment in the state prison not more than five years, or in the county jail or house of correction not more than three years, or by fine not exceeding one thousand dollars. [*Approved by the Governor, April 30, 1851.*]

An Act concerning Constables.

Chap. 94.

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

SECT. 1. Any constable who shall have been duly appointed for any city, or chosen for any town of this Commonwealth, and who shall have given bonds in the manner hereinafter set forth, may serve, within his own city or town, any writ or other process, in any personal action in which the damages shall not be laid at a greater sum than one hundred dollars, and also any process of replevin, in which the subject matter shall not exceed in value one hundred dollars.

Constables may serve writs, &c. not exceeding \$100;

also any process of replevin not exceeding \$100.

SECT. 2. No constable shall be competent to serve any writ or execution in any civil action, until he shall have given to the city, or the inhabitants of the town, for which he may have been appointed or chosen, a bond, with sureties to the satisfaction of the mayor and aldermen of the city, or the selectmen of the town, in a sum not less than five hundred dollars, with condition for the faithful performance of his duties as constable, in the service of all civil processes which may be committed to him, and shall have caused the same, with the requisite approval certified thereon, to be filed in the office of the clerk of such city or town; and it shall be the duty of the said clerk to note upon the bond the time when the same was so filed; and the like proceedings and remedies may be had upon any such bond as are provided by an act passed on the twenty-fourth day of February, in the year one thousand eight hundred and forty-five, requiring constables to give bonds in certain cases.

Constables shall give bond with sureties, &c., not less than \$500;

and have filed the same with the clerk, &c.
Duty of the clerk.

Proceedings and remedies on bond, &c.

SECT. 3. The election of all constables of towns shall hereafter be by written ballots. [*Approved by the Governor, April 30, 1851.*]

Election of constables by ballot.

An Act to incorporate the Triton Mutual Marine Insurance Company. Chap. 95.

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

SECT. 1. Daniel Draper, Silas Pierce, William C. Fay, their associates and successors, are hereby made a corporation, by the name of the Triton Mutual Marine Insurance Company, in the city of Boston, for the term of twenty

Corporators.

Name.

Term.

Purpose. — years, for the purpose of making maritime loans and insurance against maritime losses, on the principles of mutual insurance, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed relating to mutual insurance companies, so far as the same are applicable to the corporation hereby created.

Powers, liabilities, &c., R. S. 37 and 44th, &c.

No policy to be issued until, &c. No dividends to be made until, &c.

SECT. 2. No policy shall be issued till the sum of fifty thousand dollars shall have been subscribed; and no division of any funds or profits shall be made to the subscribers or stockholders, until the expiration of their charter; but such funds or profits shall be invested in such securities and stocks as the law requires.

Restrictions.

SECT. 3. The said corporation shall be restricted to an amount not exceeding five thousand dollars on any one risk until its funds or invested capital shall reach the sum of one hundred thousand dollars. [*Approved by the Governor, April 30, 1851.*]

Chap. 96. An Act concerning Prosecutions for the Maintenance of Bastard Children.

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

R. S. ch. 49.

SECT. 1. The proceedings in prosecutions, arising under the provisions of the forty-ninth chapter of the Revised Statutes, shall be according to the course of proceedings in civil cases, except wherein otherwise expressly provided in the said chapter.

SECT. 2. In all counties, where separate terms of the court of common pleas are holden for the transaction of civil business and criminal business, said court shall have jurisdiction of such prosecutions at the civil terms thereof exclusively, and the same shall be returned to, and entered and prosecuted at such terms only.

Prosecutions may be transferred, &c.

SECT. 3. All such prosecutions, pending at any term of said court held for the transaction of criminal business, when this act shall take effect, or which shall have been made returnable to any such term, may, by order of said court, be transferred to the term of the said court for the transaction of civil business held in the same county, next after the making of such order, there to be prosecuted with the like effect as if originally entered at such term. [*Approved by the Governor, April 30, 1851.*]

An Act to incorporate the New England Telegraph Company.

Chap. 97.

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

SECT. 1. George H. Horn, Gardiner G. Hubbard, Charles J. Hendee, their associates and successors, are hereby made a corporation, by the name of the New England Telegraph Company, for the purpose of constructing and using a line of telegraph from Boston to some convenient and distinct point on the southern boundary line of this Commonwealth, there to connect with telegraphic lines to the city of New York, and also of constructing and using a line, to diverge at some suitable point from the aforesaid line, and to run, in a westerly direction, to the boundary line between this state and the state of New York, there to connect with a line to Albany; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in an act, approved on the ninth day of April, in the year one thousand eight hundred and forty-nine, entitled "an act concerning electric telegraph companies and electric telegraphing;" and such other general acts as may at any time be in force in this Commonwealth, concerning like corporations: *provided, however,* that the said telegraph lines shall be constructed within two years from the passage of this act.

Corporators.

Name.

Purpose.

Powers, duties, liabilities, &c.
R. S. ch. 44.

Provido.

SECT. 2. The capital stock of the said company shall not exceed one hundred thousand dollars, and no shares thereof shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Capital stock
\$100,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1851.*]

When to take effect.

An Act to protect the Fisheries in the Town of Falmouth.

Chap. 98.

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

SECT. 1. No person shall set, draw, or stretch any seine or drag-net in the Waquoit Bay, or in any of the ponds, rivers, or creeks within the limits of the town of Falmouth, under a penalty of not less than twenty dollars, nor more than one hundred dollars, to be recovered in any court proper to try the same, one half to the use of the said town, and the other half to any person who shall prosecute therefor.

Seines and drag-nets forbidden.

Penalty.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1851.*]

When to take effect.

Chap. 99. An Act in addition to "An Act to establish the City of Cambridge."

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

Election of mayor, &c., shall be on the first Monday in December annually.

SECT. 1. The election of the mayor, aldermen, and common council-men, and such other officers of the city of Cambridge as are now by law to be chosen on the first Monday in March, annually, shall, in future, be made on the first Monday in December, annually; and the said officers, so chosen, shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections, as are provided in the act entitled "an act to establish the city of Cambridge," to which this is in addition: *provided, nevertheless*, that the next choice of the said city officers, after the acceptance of this act by the inhabitants of the said city of Cambridge, as hereinafter provided, shall be made at such time, and in such manner, as are prescribed in the act aforesaid; and the officers, so elected, shall severally hold their offices until the first Monday of January, next succeeding such election, anything in this act to the contrary notwithstanding.

Proviso.

City clerk, treasurer and collector, to be appointed in January annually.

SECT. 2. The election of a city clerk, a city treasurer, and a collector of taxes, who are now by law to be chosen, and all vacancies which are now by law to be filled by the city council, in the month of April, annually, shall, in future, be respectively made and filled by the city council, in the month of January, annually, in the like form and manner, and for the same term of service, as are prescribed in the act to which this act is in addition: *provided, nevertheless*, that the next choice of such officers, and the next vacancies occurring after the acceptance of this act by the inhabitants aforesaid, as hereinafter provided, shall be made and filled at such time, and in such manner, as are prescribed in the act aforesaid, to which this is in addition; and the officers, so elected, shall severally hold their offices until the first Monday in January next succeeding said election, anything in this act to the contrary notwithstanding.

Proviso.

Officers chosen to enter on their duties first Monday of January in each year, &c.

SECT. 3. The officers chosen by virtue of this act, shall enter upon the duties of their respective offices on the first Monday of January in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers to which the said officers are respectively subject or entitled, by virtue of the act to which this is in addition, and of all other acts having relation to this subject matter.

SECT. 4. The boundaries of the several wards, and the

number of members of the common council which each ward shall be entitled to elect, shall continue to be the same as at present established, until the month of October, in the year one thousand eight hundred and fifty-six, at which time, and once in every five years thereafter, the city council shall revise the same, and make such alterations therein, in like form and manner as are prescribed in the act to which this is in addition.

Boundaries of wards and members of common council to continue the same as now, till October, 1856.

SECT. 5. The city council of the city of Cambridge may establish a fire department for the said city, to consist of so many engineers and other officers, and so many engine men and other members, as the city council by ordinance shall, from time to time, prescribe; and the said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal of either such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and, in general, to make such regulations in regard to their conduct and government, and to the management and conduct of fires, and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient: *provided*, that the appointment of engine men, hose men, and hook and ladder men, shall be made by the mayor and aldermen exclusively.

City council may establish a fire department.

May make provision, &c.

Fix and pay compensation, &c.

Proviso.

SECT. 6. An act establishing the fire department in the town of Cambridge, passed March seventeenth, in the year one thousand eight hundred and thirty-two, and an act in addition thereto, passed March thirtieth, in the year one thousand eight hundred and thirty-five, shall continue in force, except in regard to the power of making by-laws, and publishing the same, and except also in so far as they are otherwise inconsistent with the preceding section, in which respects they shall be void.

Acts of 1832 and 1835 to continue in force, except, &c.

SECT. 7. The city council shall have exclusive authority and power to lay out new streets or ways within said city, and to estimate the damage which any person shall sustain thereby; but all petitions and questions relating to the laying out, widening, altering or discontinuing of any street or way, shall be first acted upon by the mayor and aldermen. Any person, dissatisfied with the decision of the city council in the estimate of damages, may, within six months thereafter, make complaint to the county commissioners in the county of Middlesex, upon which complaint the same proceedings shall be had, as are provided in the twenty-fourth chapter of the Revised Statutes, in

Power to lay out new streets, &c.

Persons dissatisfied may make complaint to county commissioners, &c.

cases where persons are aggrieved by the assessment of damages by selectmen.

Certain vacancies shall be filled by city council.

SECT. 8. If a vacancy shall exist in any of the boards of assessors, assistant assessors, overseers of the poor, or school committees, by failure of the inhabitants to elect, by neglect or refusal to serve, by death, resignation, or any other cause, the city council shall fill such vacancy as soon as may be after the knowledge of the fact: *provided*, that nothing herein contained shall be construed to prevent the operations of the one hundred and forty-fourth chapter of the act passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-nine, relating to such vacancies therein mentioned as may occur in the school committee after the date of the warrant for the annual town meeting for the election of their successors.

Proviso.

No contracts shall be made that exceed the specific appropriations therefor.

SECT. 9. No board or committee of the city council, or of either branch thereof, shall make any contract on behalf of and binding upon the said city, the amount of which contract shall exceed the specific appropriations of the city council previously made therefor.

Acts repealed.

SECT. 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When to take effect.

SECT. 11. This act shall not go into operation until it shall have been adopted, by ballot, by the inhabitants of the said city of Cambridge, at a meeting duly called for that purpose by the mayor and aldermen. [*Approved by the Governor, April 30, 1851.*]

Chap 100.

An Act to regulate the Measurement of Marble.

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

City and town authorities may establish ordinances and appoint surveyor, &c.

The mayor and aldermen of any city, or the selectmen of any town, in this Commonwealth, may establish such ordinances or regulations, with suitable penalties, respecting the appointment of a surveyor, and the survey and admeasurement of marble of every description, either foreign or American, that shall be imported or brought into such city or town for sale, as they may from time to time deem expedient. [*Approved by the Governor, April 30, 1851.*]

Chap 101.

An Act to increase the Capital Stock of the Boston Belting Company.

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

The Boston Belting Company are hereby authorized to increase their capital stock to a sum not exceeding three

hundred thousand dollars, and to invest in real estate such portion thereof, not exceeding the sum of seventy-five thousand dollars, as may be necessary and convenient for the purpose for which the company was incorporated. [Approved by the Governor, April 30, 1851.]

\$300,000, one fourth in real estate.

An Act relating to the Annual Reports from Railroad Corporations.

Chap 102.

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

SECT. 1. The annual reports now by law required from the directors of the several railroad corporations within this Commonwealth, shall hereafter be by them transmitted to the secretary of the Commonwealth, on or before the thirty-first day of December, in each year. The said secretary shall, as soon as may be after receiving the said reports, cause three thousand copies to be printed as Document Number Two of the Senate, and shall submit the same to the Legislature at as early a period of its annual session as may be practicable. The secretary shall also prepare and cause to be printed with, and attached to the reports, a brief abstract thereof, showing the leading statistics of the several railroads, in form as follows, together with such other information as he may deem useful :

Annual reports to be transmitted on or before the 31st December.

Secretary to print 3000 copies, &c.

And prepare an abstract, &c.

Name of road.	Capital.	Capital paid in.	Cost.	Length.	Length of double track.	Length of branches.	Speed of passenger trains.	Speed of freight trains.	Earnings.	Expense of working.	Net earnings.	Dividends.	Debt.	Surplus.	Casualties.	
															Fatal.	Not fatal.

SECT. 2. Every railroad corporation as aforesaid, neglecting to comply with the provisions of the first section of this act, shall forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, fifty dollars for each and every day's neglect. Penalty for neglect.

SECT. 3. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. [Approved by the Governor, April 30, 1851.]

Chap 103. An Act to authorize T. V. Loveland, Josiah Hardy, Jr., and Anthony Thacher to build a Wharf.

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

Chatham.

Right to receive wharfage, &c.

Proviso.

T. V. Loveland, Josiah Hardy, Jr., and Anthony Thacher are hereby authorized to build a wharf at the head of Powder Hole Harbor, at Monomoy Point, in the town of Chatham; and they shall have the right to lay vessels at the said wharf, and to receive dockage and wharfage therefor: *provided*, that the said wharf shall in no way obstruct the anchorage for vessels in the said harbor: *and provided*, also, that this grant shall not interfere with the legal rights of any person. [*Approved by the Governor, April 30, 1851.*]

Chap 104. An Act concerning the Newburyport Railroad Company.

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

Time to construct extended to October 1, 1852.

The time within which the Newburyport Railroad Company may construct their railroad, is hereby extended to the first day of October, in the year one thousand eight hundred and fifty-two. [*Approved by the Governor, May 7, 1851.*]

Chap 105. An Act in addition to "An Act relating to Charles River and Warren Bridges."

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

Authorized to place a floating bath.

The lessee who was authorized to erect a bath-house on the westerly pier of Warren Bridge, by an act passed on the twenty-fifth day of February, in the year one thousand eight hundred and fifty, is hereby authorized to place a floating bath-house in the Charles River, between Warren Bridge and the bridge of the Fitchburg Railroad Company; the said bath-house to be removed at the expiration of the lease authorized by the act aforesaid. [*Approved by the Governor, May 7, 1851.*]

To be removed, &c.

Chap 106. An Act granting certain Powers to the City of Lowell.

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

Powers transferred to the city of Lowell.

All the rights, privileges, immunities and powers granted and reserved to the inhabitants of the town of Chelmsford,

by an act to incorporate certain persons for the purpose of building a bridge over Merrimack River, in the county of Middlesex, between the towns of Dracut and Chelmsford, approved February the twenty-fourth, in the year one thousand eight hundred and twenty-five, are hereby transferred and granted to, and vested in, the city of Lowell, to be exercised and enjoyed by the said city, in as full and ample a manner, as the same rights, privileges, immunities and powers might have been exercised and enjoyed by the said inhabitants of the town of Chelmsford, at any time, under and by virtue of the act aforesaid. [*Approved by the Governor, May 7, 1851.*]

An Act to authorize the Lowell and Lawrence Railroad Company to construct Branches. Chap 107.

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

SECT. 1. The Lowell and Lawrence Railroad Company are hereby authorized to locate, construct, and maintain a branch railroad, commencing at some convenient point on their railroad, about three hundred feet easterly of the Bleachery branch of the Boston and Lowell Railroad Corporation; thence running through land of the Lowell Bleachery Company, and through land of Oliver M. Whipple, crossing Lawrence street, in Lowell, to a point in said Whipple's land, easterly of said Lawrence street; and to enter with their said branch upon the said Bleachery branch, and use the same, agreeably to the provisions of law. Location.

SECT. 2. The said Lowell and Lawrence Railroad Company are also authorized to locate, construct, and maintain a branch railroad, commencing at a point near and northerly of the Arch Bridge over the Boston and Lowell Railroad, in said Lowell; thence running northerly, to a point on the bridge over the Pawtucket Canal, and to unite the said branch railroad at its northerly terminus, with the Nashua and Lowell Railroad, and at its southerly terminus, with the Boston and Lowell Railroad, in a manner convenient for the use of, and entry upon, the main track of the Lowell and Lawrence Railroad; and also to use the said Boston and Lowell and Nashua and Lowell Railroads, according to law. Other location.

SECT. 3. If the location of the said branch railroads be not filed according to law within one year, and if the same be not constructed within two years, then this act shall be null and void. May unite with and use other roads.

Location to be filed within one year.

Other railroads may be authorized to enter, &c.

SECT. 4. The Legislature may authorize any company to enter with their railroad at any point on the said branches and to use the same, or any part thereof, agreeably to the provisions of law.

When to take effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1851.*]

Chap 108.

An Act authorizing the Proprietors of certain Tide Meadows in Salisbury to protect the same from overflow.

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

May construct dike, &c.

SECT. 1. Caleb Pike, William Cushing, Abel Merrill, their associates, successors and assigns, proprietors of tide meadows in the town of Salisbury, situated on the southeasterly side of the Eastern Railroad, are authorized and empowered to construct a dike, or embankment, or tide gates, at the intersection of the said railroad with the Town Creek, so called, for the purpose of improving the said meadows, and protecting them against overflow by the ascent of the tide in Merrimack River and in said creek.

Shall provide landing place, &c.

SECT. 2. The said proprietors, in case they shall construct such dike, or embankment, or tide gates, as aforesaid, shall provide, for all persons entitled by law to use the said creek, a landing place on the northwesterly side of the said railroad.

May manage their affairs as, &c. R. S. 43d chapter.

SECT. 3. The proprietors of the tide meadows aforesaid may manage their affairs as proprietors of general fields, and as such shall have all the powers, and be subject to all the duties and liabilities, conferred and imposed on the proprietors of general fields by the forty-third chapter of the Revised Statutes.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1851.*]

Chap 109.

An Act further to extend the time for paying in the Capital Stock of the Springfield Fire and Marine Insurance Company.

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

Time extended six months.

SECT. 1. The time for paying in the capital stock of the Springfield Fire and Marine Insurance Company, according to the provisions of an act approved by the governor on the fifteenth day of April, in the year one thousand eight hundred and fifty, is hereby further extended six months from the several periods named in the said act.

SECT. 2. The organization of the said company, and all

payments heretofore made under any of the acts of which this act is in addition, shall be valid as though made under this act. The organization, &c. made valid.

SECT. 3. This act shall take effect from the date of its passage. *[Approved by the Governor, May 7, 1851.]* When to take effect.

An Act to authorize William C. Barstow and others to build and extend their Wharves. Chap 110.

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

William C. Barstow, C. C. Gilbert, Mark Googins, Curtis S. Dunbar, and Albert Bowker, proprietors of wharves and flats situated on Eagle and Chelsea streets in that part of Boston known as East Boston, and lying between and adjoining the land and flats of the East Boston Company, are hereby authorized to build, extend and maintain wharves from the said flats into the harbor channel, as far as the line established by the act entitled "an act to preserve that part of the harbor of Boston called Chelsea Creek, and to prevent encroachments therein," passed on the second day of May, in the year one thousand eight hundred and forty-nine; and they shall have the right to lay vessels at the ends and sides of said wharves, and to receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true line of such flats continued to the commissioners' line: *and provided, also,* that so much of the said wharves as may be constructed below low water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any person or corporation. *[Approved by the Governor, May 7, 1851.]*

East Boston.
Authorized to receive wharfage, &c.
Proviso.
Further provisions.

An Act to change the name of the First Congregational Society in Tyng- Chap 111.
ingham.

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

SECT. 1. The First Congregational Society in Tyng- First Congregational Society in Monterey.
ham shall hereafter be called and known by the name of the First Congregational Society in Monterey, and all debts due to or from the said First Congregational Society may

be sued for and collected in the same manner as if this act had not been passed.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1851.*]

Chap 112.

An Act to increase the Massachusetts School Fund.

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

Allowed to increase to \$1,500,000.

The provision in the thirteenth section of the eleventh chapter of the Revised Statutes, limiting the school fund to one million of dollars, is hereby repealed, and the said fund is hereby allowed to accumulate, according to the provisions of the said section, until it shall amount to a sum not exceeding one million and five hundred thousand dollars. [*Approved by the Governor, May 7, 1851.*]

Chap 113.

An Act to incorporate the Millbury and Southbridge Railroad Company.

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

Corporators.

SECT. 1. Asa H. Waters, Ebenezer D. Ammidown, and Manning Leonard, their associates and successors, are hereby made a corporation, by the name of the Millbury and Southbridge Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all statutes that have been or may hereafter be passed relating to railroad corporations.

Powers, &c. R. S. ch. 44, &c.

Location.

SECT. 2. The said company is hereby authorized and empowered to construct a railroad, with one or more tracks, from some convenient point on the Boston and Worcester Railroad, in the town of Grafton, or of its branch road in the town of Millbury; thence over the most suitable route, through Sutton or Auburn, to some convenient point in the town of Southbridge: *provided*, that such location shall not be extended beyond the town of Webster without the consent of a majority of the directors of the Southbridge and Blackstone Railroad Company.

Proviso.

Capital stock, three thousand shares, not issued at less than par.

SECT. 3. The capital stock of the said company shall consist of three thousand shares of one hundred dollars each, and no assessment shall be made thereon of a greater amount in the whole than one hundred dollars on each share; and no share shall be issued at a less sum than the par value herein named.

SECT. 4. The said company may purchase and hold such real estate, and such engines, cars, and other things, as may be necessary for the use of the said railroad, and for the transportation of passengers, goods and merchandise thereon.

May hold real estate, &c.

SECT. 5. The said company are hereby authorized to lease their road to any railroad corporation whose road adjoins the road of the said company, or they may take a lease of any adjoining railroad, or make joint stock with any such railroad corporation, upon such terms and conditions as the directors of the contracting companies may agree, subject to the approval of a majority in interest of the stockholders of each of the contracting companies, at legal meetings called for that purpose.

May lease their road, or take lease, &c.

SECT. 6. If the location of the said railroad be not filed according to law within two years, and if the said railroad shall not be completed within four years from the passage of this act, then this act shall be void.

Location to be filed in two years, &c.

SECT. 7. The said company are hereby authorized to enter upon and unite their railroad, by proper means, with the Southbridge and Blackstone Railroad, the Norwich and Worcester Railroad, the Providence and Worcester Railroad, and the Boston and Worcester Railroad, or to cross either or all such railroads, or use the same according to provisions of law.

Authority to enter other roads.

SECT. 8. The General Court may from time to time reduce the rate of toll, or other receipts of the said railroad, whenever the net income thereof shall exceed ten per cent. per annum; but the toll or other receipts shall not, without the consent of the company, be so reduced as to produce less than ten per cent. per annum on the investment of the said company.

General Court may reduce toll, &c.

SECT. 9. The General Court may authorize any company to enter with their railroad at any point upon the said road, and to use the same, or any part thereof, agreeably to the provisions of law.

May authorize other roads to enter.

SECT. 10. If, in the construction of the said railroad, it shall be necessary to cross over the dividing line of this Commonwealth and the state of Connecticut, in order to get a better route for the same in any instance, and the crossing of the said line and the construction of any portion of the said railroad in the said state of Connecticut shall be authorized by that state, the said company is hereby authorized and empowered to lease or purchase, or with the authority of the said state to construct, hold and maintain, such portion of their railroad.

In case of crossing into Connecticut, may, &c.

Certificate to be filed, &c.

SECT. 11. The said company shall not commence the construction of their railroad until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company and a majority of the directors thereof, stating that all the stock named in the charter has been subscribed for by responsible persons, and that twenty per cent. of the par value of each share of the stock thereof has actually been paid into the treasury of the company. [*Approved by the Governor, May 7, 1851.*]

Chap 114.

An Act authorizing the Town of Truro to construct a Bridge.

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

Location of bridge.

SECT. 1. The inhabitants of the town of Truro, in the county of Barnstable, are hereby authorized to construct and maintain a bridge across Pamet River in said town, beginning at the south side of the said river, between Magoon and Sleeper's wharf and Union wharf, and extending across the said river to the beach east of the North wharf, so called; the said bridge to be of such construction as the town may determine.

Draw to be constructed.

SECT. 2. The said inhabitants shall furthermore be required to construct in the said bridge a suitable draw, over the deepest water in the said river, of at least twenty-eight feet wide, for the passage of vessels up and down the said river. [*Approved by the Governor, May 7, 1851.*]

Chap 115. An Act in addition to an Act to annex a part of the Town of Dracut to the City of Lowell.

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

Representatives to General Court.

SECT. 1. That part of Dracut annexed to Lowell, by the act to which this is in addition, for the purpose of electing the representatives to the General Court to which the said town of Dracut is entitled, until the next decennial census shall be taken, in accordance with the provisions of the thirteenth article of amendment to the constitution, shall be and remain a part of the said town of Dracut.

Lists of persons entitled to vote shall be furnished, &c.

SECT. 2. The mayor and aldermen of the city of Lowell shall annually, fourteen days at least before the second Monday of November, furnish to the selectmen of the town of Dracut correct lists of all persons resident on the said territory, who shall be entitled to vote at such elections in the said town of Dracut, so far as may be ascer-

tained by the records and doings of the said city of Lowell, or any of its officers. And the city of Lowell, for every neglect of its mayor and aldermen so to furnish such list, shall forfeit the sum of one hundred dollars; and for the making of a false return, in respect to any part of such list, shall forfeit the sum of twenty dollars for every name, in respect to which a false return shall have been made, to be recovered in the same manner as is provided by the fourth section of the third chapter of the Revised Statutes, in respect to penalties for neglect or false returns by collectors of towns: *provided, however*, that the selectmen of Dracut shall be the final judges of the qualification of all voters resident on the said territory for the purposes contemplated in this act. [*Approved by the Governor, May 7, 1851.*]

Penalty for neglect, \$100. For false return, \$20.

Proviso.

An Act in addition to an Act concerning Alewives in Herring River in the Town of Barnstable. *Chap 116.*

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

SECT. 1. The inhabitants of the town of Barnstable, at their annual meeting in the month of February, shall choose one or more proper persons as a committee to regulate the taking of alewives in Herring River, at Marston's mills, in the said town, which committee shall prescribe and make known the time, not exceeding five days in each week, and the manner and place or places where the said fish may be taken by all the inhabitants of the said town, and the said committee shall have and exercise all the powers and duties which, by the act to which this is in addition, are placed in the selectmen of the said town.

Town may choose committee to prescribe time and manner of taking alewives, &c.

SECT. 2. The time during which the said fish shall be so taken by the inhabitants of the said town, and during which the occupants or owners of dams across the said river shall be required to keep open and maintain the passage ways over or around their respective dams, shall not exceed thirty days in each year; and nothing contained in this act, or the act to which this is in addition, shall be so construed as to affect the legal rights of any person.

Time limited to thirty days.

SECT. 3. The first and fifth sections of the act to which this is in addition, and all other parts of the said act which are inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, May 7, 1851.*]

Acts inconsistent repealed.

Chap 117.

An Act to incorporate the United German Brethren.

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

Corporators.

SECT. 1. John Weeber, Jacob Weller and George Sommers, their associates and successors, are hereby made a corporation, by the name of the United German Brethren in Boston, for the purpose of affording mutual charitable relief, with all the powers and privileges, and subject to all the liabilities, restrictions and requirements, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose, charitable relief, &c.
Powers, &c.
R. S. ch. 44.

May hold
\$20,000 in
estate.

SECT. 2. The said corporation may take and hold real and personal estate for the purpose aforesaid, to an amount not exceeding twenty thousand dollars. [*Approved by the Governor, May 7, 1851.*]

Chap 118.

An Act regulating the rates of Tolls on Haverhill Bridge.

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

Tolls established.

SECT. 1. The Haverhill Bridge Company are hereby authorized, from and after the first day of September next, to demand and receive, at the said bridge, the following rates of toll, instead of the rates heretofore established, to wit:—For each foot passenger, one cent; for each horse and rider, five cents; for each horse and wagon, five cents; for each wagon and two horses, ten cents; for each horse with two or four wheeled chaise, ten cents; for each stage or pleasure carriage with two horses, fifteen cents; for each wagon or cart with one pair of oxen, ten cents; for each sleigh or sled drawn by one horse, five cents; for each sleigh or sled drawn by two horses, ten cents; for each sled drawn by one pair of oxen, five cents; for each additional beast or teams, two and a half cents; for neat cattle, each two cents; for sheep and swine, each one cent; for each man, with handcart or other vehicle, two cents; for each foot passenger paying by the quarter in advance, seventy-five cents.

No foot toll
unless, &c.

SECT. 2. Notwithstanding anything in the preceding section, no foot toll is to be demanded or taken at the bridge aforesaid, after the first day of September next, unless a good and sufficient foot passage be constructed upon one side of the said bridge, and outside thereof, at least five feet wide in the clear, and securely railed. [*Approved by the Governor, May 7, 1851.*]

An Act to repeal the one hundred and twenty-sixth chapter of the Laws of the year one thousand eight hundred and forty-nine. *Chap 119.*

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

An act for the protection and regulation of Lieutenant's Island, and the flats adjacent, in the town of Wellfleet, passed on the twentieth day of April, in the year one thousand eight hundred and forty-nine, is hereby repealed. *Respecting Lieutenant's Island and flats adjacent.*
 [Approved by the Governor, May 7, 1851.]

An Act to authorize Abraham H. Howland to build and maintain a Marine Railway in New Bedford. *Chap 120.*

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

Abraham H. Howland is hereby authorized to build and maintain a marine railway in the harbor of New Bedford, within the lines established by an act entitled "an act concerning the harbors of New Bedford and Fairhaven," passed on the eighth day of May, in the year one thousand eight hundred and forty-eight, and to extend the said railway from land owned by him, three hundred and twenty-five feet from the shore into the river, in an easterly direction, and to put down such piles and abutments as may be necessary for its convenience and safety: *provided*, that this act shall in no wise impair the legal rights of any person. *Powers granted.*
 [Approved by the Governor, May 7, 1851.]

An Act in further addition to an Act for supplying the City of Boston with Pure Water. *Chap 121.*

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

The control granted to the city of Boston over tide waters within the jurisdiction of this Commonwealth, by the third section of an act in addition to an act for supplying the city of Boston with pure water, passed on the first day of May, in the year one thousand eight hundred and forty-nine, shall be restricted to the line now occupied by them for the purpose specified in the said third section. *Restriction.*
 [Approved by the Governor, May 7, 1851.]

Chap 122. An Act to incorporate the New England Conductors and Engineers Mutual Benefit Association.

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

Corporators.

SECT. 1. Caleb Pratt, Jr., Thomas White, John Q. A. Bean, their associates and successors, are hereby made a corporation, by the name of the New England Conductors and Engineers Mutual Benefit Association, for the purpose of affording mutual charitable relief, with all the powers and privileges, and subject to all the liabilities, restrictions and requirements, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose.

Liabilities, &c.
R. S. ch. 44.

May hold
\$30,000.

SECT. 2. The said corporation may hold real and personal estate, for the purpose aforesaid, to an amount not exceeding thirty thousand dollars. [*Approved by the Governor, May 7, 1851.*]

Chap 123. An Act to renew the charter and to extend the time for locating and constructing the Agricultural Branch Railroad.

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

Act of 1847 re-
vived.

SECT. 1. The act to establish the Agricultural Branch Railroad Company, passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-seven, is hereby revived and declared to be in full force: *provided*, that if the said corporation shall not have been organized and the location of their railroad upon the route described in the said act have been filed according to law within one year, and their road completed within two years from the passage of this act, then this act shall be void.

Proviso.

Certificate of
subscription
shall be filed
with the secreta-
ry of state.

SECT. 2. The construction of the said railroad shall not be commenced until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company and a majority of the directors thereof, stating that all the stock named in its charter has been subscribed for by responsible parties, and twenty per cent. of the par value of each and every share thereof has been actually paid into the treasury of the company.

Proviso.

SECT. 3. The corporation shall not issue any stock for a less sum than the par value named in its charter. [*Approved by the Governor, May 7, 1851.*]

An Act to incorporate the Boston Musical Hall Association.

Chap 124.

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

SECT. 1. Jonas Chickering, Henry W. Pickering, Edward Frothingham, their associates and successors, are hereby made a corporation by the name of the Boston Musical Hall Association, for the purpose of erecting and holding a musical hall in the city of Boston, with all the rights and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Purpose.

Powers, &c.,
R. S. ch. 41.

SECT. 2. The said corporation, for the purposes aforesaid, may take and hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars.

May hold
\$150,000 real
and personal.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1851.*]

When to take
effect.

An Act to incorporate the Danvers and Georgetown Railroad Company.

Chap 125.

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

SECT. 1. John Wright, Samuel Little, Henry Poor, and Asa Pingree, their associates and successors, are hereby made a corporation by the name of the Danvers and Georgetown Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all statutes subsequently passed relating to railroad corporations.

Corporators.

Duties, &c.
R. S. ch. 41, &c.

SECT. 2. The said corporation may construct and maintain a railroad, commencing at some convenient point in Georgetown, thence running through Rowley, Ipswich, Boxford, Topsfield, Wenham, or any of said towns, to the village of North Danvers, there to enter upon and unite with the Essex Railroad, at some convenient point.

Location.

SECT. 3. The capital stock of the said railroad corporation shall consist of thirteen hundred shares, and no assessment shall be made thereon of a greater amount in the whole than one hundred dollars on each share, and no shares in the capital stock of the said corporation shall be issued for a less sum or amount to be actually paid in on each than the par value of the shares which shall be first issued; and the said corporation may purchase and hold such real estate, materials, engines, cars and other things as

Capital stock
1300 shares.
Assessments.

No stock issued
at less than par.

May hold real
estate, &c.

may be necessary for depots, for the use of the said road, and for the transportation of persons, goods and merchandise: *provided, however,* that the said company shall not commence the construction of the said road until after the stock named in this charter shall have been taken by responsible persons, and ten per cent. on each and every share shall have been paid to the treasurer of the said company.

Proviso.

Location to be filed according to law, within two years.

SECT. 4. If the location of the said railroad be not filed according to law within two years, and if the said railroad be not constructed within three years from the passage of this act, this act shall be void.

Legislature may authorize other roads to enter.

SECT. 5. The Legislature may authorize any company to enter with another railroad upon the said railroad at any point thereof, and use the same according to law.

May alter and reduce tolls, &c.

SECT. 6. The Legislature may, from time to time, alter and reduce the rate of tolls or profits upon the said railroad; but the said tolls or profits shall not be so reduced without the consent of the said corporation as to produce with said profits less than ten per cent. per annum upon the investment of said corporation.

When to take effect.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1851.*]

Chap 126.

An Act in addition to an Act to incorporate the Pocha Pond Meadow and Fishing Company in Edgartown.

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

Damage from flowage shall be estimated by county commissioners, and paid by corporation ;

SECT. 1. If any person, not a proprietor of this corporation, shall receive damage by the flowing of his meadows, or in closing the present outlet of Pocha pond, the county commissioners of Dukes county, after the hearing of all parties interested, shall estimate the amount of damages such persons may have sustained by the said corporation, and also the benefits, if any, such persons may derive by the flowing of his meadows, or in closing the present outlet; which damages, if any, after deducting therefrom the benefits, said corporation shall pay; and either party, if dissatisfied with any estimate made by the said commissioners, may apply for a jury to assess the damages, either at the same meeting at which such estimates shall be completed and returned, or at the next regular meeting thereof, and the like proceedings shall be had thereon as are provided for the recovery of damages for laying out highways.

deducting benefits.

Either party may appeal.

Sec. 4 of charter repealed.

SECT. 2. The fourth section of an act entitled an act to incorporate the Pocha Pond Meadow and Fishing Com-

pany, passed on the twenty-fifth day of April, in the year one thousand eight hundred and forty-eight, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1851.*] When to take effect.

An Act to establish a Board of Bank Commissioners.

Chap 127.

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

SECT. 1. There shall be appointed by the governor, with the advice of the council, on or before the first day of June next, three persons, to be styled bank commissioners, who shall exercise the powers, and perform the duties hereinafter specified, for the term of three years, and until their successors shall be appointed and qualified: *provided, however,* that the person first named of the said commissioners, shall go out of office at the end of one year, and the person next named shall go out of office at the end of two years, and the person third named, shall go out of office at the end of three years, and so on in rotation afterwards, each commissioner at the end of three years; but any person, going out of office, may be reappointed: *and provided further,* that the governor, with the advice of the council, may at any time remove from office any or all of the said commissioners, and may fill all vacancies. Three commissioners for three years.

SECT. 2. The said commissioners, or any two of them, at least once in every two years, and as much oftener as they may deem expedient, shall visit every bank and institution for savings, which has been or may be incorporated by authority of this Commonwealth, and shall have free access to their vaults, books, and papers, and shall thoroughly inspect and examine all the affairs of the said corporations, and make any and all such inquiries as may be necessary to ascertain the condition of the said corporations, and their ability to fulfil all the engagements made by them, and whether they have complied with the provisions of law applicable to their transactions: *and provided, always,* that the said commissioners shall examine all banks within the first year after they shall go into operation; and also, all banks which shall receive acts to increase their capital stock, within the first year after the additional stock shall be paid in. The said commissioners shall examine, every year, as nearly one half of all institutions under their charge as they may be able to do, and shall preserve, in a permanent form, a full record of their proceedings, including a statement of the condition of each bank. Further proviso.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1851.*] When to take effect.

SECT. 4. There shall be appointed by the governor, with the advice of the council, on or before the first day of June next, three persons, to be styled bank commissioners, who shall exercise the powers, and perform the duties hereinafter specified, for the term of three years, and until their successors shall be appointed and qualified: *provided, however,* that the person first named of the said commissioners, shall go out of office at the end of one year, and the person next named shall go out of office at the end of two years, and the person third named, shall go out of office at the end of three years, and so on in rotation afterwards, each commissioner at the end of three years; but any person, going out of office, may be reappointed: *and provided further,* that the governor, with the advice of the council, may at any time remove from office any or all of the said commissioners, and may fill all vacancies. Further proviso.

SECT. 5. The said commissioners, or any two of them, at least once in every two years, and as much oftener as they may deem expedient, shall visit every bank and institution for savings, which has been or may be incorporated by authority of this Commonwealth, and shall have free access to their vaults, books, and papers, and shall thoroughly inspect and examine all the affairs of the said corporations, and make any and all such inquiries as may be necessary to ascertain the condition of the said corporations, and their ability to fulfil all the engagements made by them, and whether they have complied with the provisions of law applicable to their transactions: *and provided, always,* that the said commissioners shall examine all banks within the first year after they shall go into operation; and also, all banks which shall receive acts to increase their capital stock, within the first year after the additional stock shall be paid in. The said commissioners shall examine, every year, as nearly one half of all institutions under their charge as they may be able to do, and shall preserve, in a permanent form, a full record of their proceedings, including a statement of the condition of each bank. Shall visit every bank once in two years, at least, and inspect, &c.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1851.*] When to take effect.

SECT. 7. There shall be appointed by the governor, with the advice of the council, on or before the first day of June next, three persons, to be styled bank commissioners, who shall exercise the powers, and perform the duties hereinafter specified, for the term of three years, and until their successors shall be appointed and qualified: *provided, however,* that the person first named of the said commissioners, shall go out of office at the end of one year, and the person next named shall go out of office at the end of two years, and the person third named, shall go out of office at the end of three years, and so on in rotation afterwards, each commissioner at the end of three years; but any person, going out of office, may be reappointed: *and provided further,* that the governor, with the advice of the council, may at any time remove from office any or all of the said commissioners, and may fill all vacancies. Further proviso.

SECT. 8. The said commissioners, or any two of them, at least once in every two years, and as much oftener as they may deem expedient, shall visit every bank and institution for savings, which has been or may be incorporated by authority of this Commonwealth, and shall have free access to their vaults, books, and papers, and shall thoroughly inspect and examine all the affairs of the said corporations, and make any and all such inquiries as may be necessary to ascertain the condition of the said corporations, and their ability to fulfil all the engagements made by them, and whether they have complied with the provisions of law applicable to their transactions: *and provided, always,* that the said commissioners shall examine all banks within the first year after they shall go into operation; and also, all banks which shall receive acts to increase their capital stock, within the first year after the additional stock shall be paid in. The said commissioners shall examine, every year, as nearly one half of all institutions under their charge as they may be able to do, and shall preserve, in a permanent form, a full record of their proceedings, including a statement of the condition of each bank. Examine half the banks in each year.

May examine
all officers of
banks, &c.

Refusal to testi-
fy, fine or im-
prisonment.

Commissioners
shall examine
banks at request
of officers.

In case of insol-
vency may ap-
ply for an in-
junction.

The justice shall
issue process,
&c.

And may ap-
point receivers,
&c.

SECT. 3. The said commissioners, or either of them, may summon, and examine under oath, all directors, officers, or agents of the said corporations, and such other witnesses as they may think proper, in relation to the affairs, transactions, and condition of such corporations; and any such director, officer, agent, or other person, who shall refuse, without justifiable cause, to appear and testify, when thereto required as aforesaid, or who shall obstruct, in any way, any commissioner in the discharge of his duty, as prescribed in this act, shall, on conviction thereof, be subject to a fine not exceeding one thousand dollars, or imprisonment for a term not exceeding one year.

SECT. 4. In addition to the examination herein provided for, if any five or more persons, who shall be officers, stockholders, or creditors of any bank or institution for savings, shall make and sign a certificate, under oath, setting forth their interest and the reasons for making such examination, directed to the commissioners, requesting them to examine any bank or institution for savings which may be designated by them, it shall be the duty of the said commissioners to proceed forthwith, and make a full investigation of the affairs of such corporation, in the manner hereinbefore provided.

SECT. 5. If, upon examination of any bank, or institutions for savings, a majority of the said commissioners shall be of opinion that the same is insolvent, or that its condition is such as to render its further progress hazardous to the public, or to those having funds in its custody, in any such case it shall be their duty to apply, or if upon such examination they shall be of opinion that the said bank or institution for savings has exceeded its powers, or has failed to comply with any of the rules, restrictions, or conditions provided by law, they may apply to some one of the justices of the supreme judicial court to issue an injunction to restrain such corporation, in whole or in part, from further proceeding with its business, until a hearing of the said corporation can be had; and such justice shall forthwith issue such process, and, after a full hearing of such corporation upon the matter aforesaid, may dissolve or modify the said injunction, or make the same perpetual, and make such orders and decrees to suspend, restrain, or prohibit the further prosecuting of the business of such corporation, as may be needful in the premises, according to the course of chancery proceedings, and, at his discretion, may appoint agents or receivers to take possession of the property and effects of the corporation, subject to such rules and orders as may, from time to time, be prescribed

by the supreme judicial court, or any justice thereof, in vacation; and the said commissioners shall have power to appoint a clerk of their board, prescribe his duties, and fix his compensation, whenever the public good may, in their opinion, demand such appointment.

Commissioners may appoint a clerk, &c.

SECT. 6. The said commissioners, in the month of December, annually, shall make a report to the secretary of the Commonwealth of the general conduct and condition of the corporations visited by them, making such suggestions as shall by them be deemed expedient; and if any of the said corporations shall, in the opinion of the commissioners, be found at any time to have violated any law of this Commonwealth, they shall forthwith make a special report on the subject of such violation, containing such statements and remarks as they may deem expedient, to the secretary of the Commonwealth, and the secretary shall give notice of the same to the attorney general, who shall at once prosecute the same in behalf of the state; and the report of the commissioners shall be printed, and laid before the Legislature at the next session thereof.

Shall report annually, in December.

Shall make special report of violations, &c.

SECT. 7. Before entering on the duties of their office, the said commissioners shall severally make oath before some justice of a court of record, or before any two justices of the peace within the Commonwealth, a certified copy of which shall be returned, within thirty days, to the office of the secretary of the Commonwealth, that they will faithfully and impartially discharge and perform all the duties incumbent upon them in their said office, agreeably to the constitution and laws of this Commonwealth, and according to their best abilities and understanding.

Shall make oath and certified copy to secretary of Commonwealth.

SECT. 8. No bank shall discount any note, or bill of exchange, to which a bank commissioner is a party, either as principal, surety, endorser, or otherwise.

SECT. 9. Each of the said commissioners shall receive, as compensation for his services, five dollars for each and every day employed by him, and at the rate of one dollar for every twenty miles travel, in the performance of the duties prescribed by this act, and the governor is hereby authorized to draw his warrants on the treasury therefor, including compensation for any clerk who may be employed by the said commissioners.

Compensation \$5 per day, and travel fees.

Warrants.

SECT. 10. If the commissioners shall find, at the examination of any bank, that the directors or cashier have violated any of the existing laws in relation to banks and banking, they shall report the same to the secretary of the Commonwealth, who shall, on receiving such information, cause the law relative thereto to be forthwith executed.

Secretary of Commonwealth to prosecute violations reported by commissioners.

When to take effect.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, May 8, 1851.*]

Chap 128. An Act in relation to the Essex, and Salem and Lowell Railroad Companies, and the South Reading Branch Railroad.

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

Railroads allowed to enter on each other, &c.

SECT. 1. The Salem and Lowell Railroad Company are hereby authorized to enter upon the Eastern Railroad, from the Essex Railroad, at any point of connection in Salem, and to use the same, or any part thereof, according to law; and the South Reading Branch Railroad are authorized to enter upon the Essex Railroad, at South Danvers, and to use the same, or any part thereof, according to law.

Further regulations.

SECT. 2. The Salem and Lowell Railroad Company and the South Reading Branch Railroad are authorized to enter, with their motive power, upon the Essex Railroad, at South Danvers, and may proceed therewith over such portion of the said railroad and its branches, as have been and may be constructed between Central street, in South Danvers, and Phillips wharf, in Salem; and the two companies aforesaid shall be entitled to the use of the turntables, side tracks, and all other depot accommodations of the Essex Railroad, and they are authorized, at their own expense, to construct branch tracks, leading from the said railroad, to premises occupied by the said companies respectively.

Essex R. R. Co. may widen location, &c.

SECT. 3. The Essex Railroad Company are authorized to widen the location of their railroad and branches, lying eastwardly of Central street, in South Danvers, as aforesaid, and to take such additional land as may be necessary for the purpose of constructing a double track, with suitable side tracks: *provided*, that the location thereof be filed and the construction completed within two years from the passage of this act.

Proviso.

A superintendent provided for.

SECT. 4. All that portion of the Essex Railroad and its branches, lying easterly of Central street, in South Danvers, shall be under the care of a superintendent, who shall be appointed by the three companies entitled to use the same, and who shall not otherwise (except by the consent of all the said companies,) be in the employ of either of them; and the directors of the said three companies may make such contracts and arrangements as shall be necessary for the joint management and repairs of the said portion of the Essex Railroad and its branches; and either of the said companies is hereby authorized to contract with

the others, or either of them, for operating their respective roads, or any part thereof; and the salary of the superintendent, and all expenses incurred in the management and repairs of that portion of the Essex Railroad lying eastwardly of Central street, in South Danvers, shall be apportioned between the three companies, according to their proportionate use of the same; and, in case of disagreement at any time, either of the said companies may apply to the county commissioners of the county of Essex, who, after due notice and a hearing of the parties, shall act as arbitrators upon all points of difference between the said companies, in relation to the management and repairs as aforesaid, and shall have authority to appoint a superintendent, and to make an apportionment of his salary and of all other expenses; and their award and decree in the premises, or the award and decree of a major part of them, and the appointment of a superintendent, when made, shall be binding upon all parties for one year, at the expiration of which, or at any time thereafter, it may be revised and amended upon the petition of either party; but the said three companies may at any time, by their concurrent vote, remove such superintendent and substitute another. The award of the said commissioners, or of a major part of them, together with the said appointment of a superintendent, and all matters which by this section are referred to the said commissioners, shall be made within three months after the submission of the same.

His salary, how paid.

Differences between the parties may be referred to county commissioners.

Award, &c., when made.

SECT. 5. The Salem and Lowell Railroad Company and the South Reading Branch Railroad shall each pay to the Essex Railroad Company, semi-annually, such compensation for the use of the aforesaid portion of its railroad, and for all the privileges conferred by this act, as may be agreed upon by the parties; and in case of disagreement, the court of common pleas, upon the petition of either party, presented to any justice thereof sitting in any county, shall, after due notice, appoint three commissioners, who, after hearing the parties, shall have authority to determine the amount of compensation to be paid semi-annually as aforesaid; and the award and decree of the said commissioners, or a major part of them, being made and reported to the said court at any term thereof holden within and for the said county of Essex, within six months after making the same, shall be final and conclusive upon the parties.

Compensation for use, how paid, &c.

Court of Common Pleas may appoint commissioners to settle differences, &c.

SECT. 6. In case of any accident occurring upon that part of the Essex Railroad lying eastwardly of Central street, as aforesaid, that company shall be held liable for

Which company liable in case of accident.

the same by whose act, neglect or default, it was occasioned; and if it shall occur in consequence of any defect in the road, the damage shall be borne by the three companies respectively, in the same proportion in which they are required to pay for repairs of the road.

South Reading Branch Railroad may increase capital \$100,000.
Proviso.

SECT. 7. The South Reading Branch Railroad is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars: *provided*, that it shall not be authorized to issue the same for less than one hundred dollars a share.

Provisions in regard to the acceptance or non-acceptance of this act, by the Essex R. R. Co.

SECT. 8. If, within three months after the passage of this act, the Essex Railroad Company, at a meeting legally called for that purpose, shall, by a vote of a majority of the shares represented at such meeting, consent to the provisions of this act, the further provisions of this section shall be void; but if the said Essex Railroad Company shall fail to consent to the same, as aforesaid, the said Salem and Lowell Railroad Company and the South Reading Branch Railroad may, at the expiration of three months, as aforesaid, locate, construct and maintain railroads, extending from the termination of their railroads in South Danvers, and, as nearly as may be, within and on the south side of the location of the Essex Railroad, to points of connection with the main track thereof, between North and Forrester streets, in Salem, and also locate, construct and maintain branches, extending therefrom eastwardly from North street, in Salem, and, as far as may be, within the location of the branch of the Essex Railroad, to Phillips wharf, with the right to cross tracks of the Essex and Eastern Railroads; and for the purpose of locating, constructing and maintaining the said railroads and branches, the Salem and Lowell Railroad Company and the South Reading Branch Railroad shall be entitled to all the privileges, and shall be subject to all the duties, restrictions and liabilities, of railroad corporations under existing laws, and all general laws which may hereafter be passed relating to railroads: *provided*, that the location of the said railroads and branches shall be filed, and the construction thereof completed within two years from the passage of this act.

When to take effect.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 14, 1851.*]

Chap 129.

An Act concerning Malicious Mischief.

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

SECT. 1. Every person who shall wilfully and mali-

ciously, by the explosion of gunpowder, or any other explosive substance, unlawfully destroy or injure any dwelling-house, office, shop or other building, or any vessel, within the body of any county, shall be punished by imprisonment in the state prison not more than twenty years, or by imprisonment in the county jail or house of correction not more than five years, or by fine not exceeding one thousand dollars.

Punishment for wilfully exploding gunpowder, &c.

SECT. 2. Every person who shall wilfully and maliciously throw into, against, or upon any dwelling house, office, shop or other building, or any vessel, within the body of any county, or shall put or place, or explode, or cause to be exploded, in, upon or near such dwelling house, office, shop, building or vessel, any gunpowder or other explosive substance, or any bomb shell, torpedo or other instrument, filled or loaded with any explosive substance, with intent unlawfully to destroy or injure such dwelling house, office, shop, building or vessel, or any person or property therein, shall be punished by imprisonment in the state prison not more than ten years, or in the county jail or house of correction not more than five years, or by fine not exceeding five hundred dollars.

For throwing explosives into dwellings, &c.

SECT. 3. Every person who shall wilfully and maliciously throw into, against, or upon any dwelling house, office, shop or other building, or any vessel, within the body of any county, or shall put or place therein or thereon any oil of vitriol, coal-tar, or any other noxious or filthy substance, with intent unlawfully to injure, deface or defile such dwelling house, office, shop, building or vessel, or any property therein, shall be punished by imprisonment in the state prison not more than five years, or in the county jail or house of correction not more than three years, or by fine not exceeding three hundred dollars. [Approved by the Governor, May 15, 1851.]

For throwing oil vitriol, coal tar, &c.

An Act to incorporate the Female Mutual Sewing Society connected with the First Christian Church and Congregation in Lynn. *Chap 130.*

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

SECT. 1. Mary L. Dickerson, Martha J. Boyington and Rosanna Phillips, their associates and successors, are hereby made a corporation, by the name of the Female Sewing Society, connected with the First Christian Church and Congregation in Lynn, for the purpose of raising money, by their labor and other laudable means, for charitable objects, with all the powers and privileges, and subject to all

Corporators.

Powers, &c.

R. S. ch. 44. the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

§5000 real and personal estate. **SECT. 2.** The said corporation may hold real and personal estate for the purpose aforesaid, to an amount not exceeding five thousand dollars.

When to take effect. **SECT. 3.** This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1851.*]

Chap 131.

An Act to incorporate the Clinton Savings Bank.

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

Corporators. **SECT. 1.** Franklin Forbes, A. S. Carlton, Charles G. Stevens, their associates and successors, are hereby made a corporation, by the name of the Clinton Savings Bank, to be located in Clinton, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth and forty-fourth chapters of the Revised Statutes, and in all other laws of this Commonwealth relating to savings banks and institutions for savings.

Duties, &c.
R. S. ch. 36, 44,
&c.

May hold
\$10,000 real
estate.

SECT. 2. The said institution is authorized to hold real estate not exceeding in amount ten thousand dollars. [*Approved by the Governor, May 15, 1851.*]

Chap 132.

An Act to incorporate the Proprietors of the Commons or the Sheep Pasture in Beverly.

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

Corporators. **SECT. 1.** Samuel Cole, John O. Foster, Charles Davis, Herbert S. Stanley, Charles C. Payne, and such others as are proprietors in the land mentioned in the second section of this act, their successors and assigns, are hereby made a corporation, by the name of the Proprietors of the Commons or Sheep Pasture in Beverly, with all the rights and privileges, and subject to all the requirements, of the forty-third chapter of the Revised Statutes.

Rights, &c.
R. S. ch. 43.

May hold cer-
tain lands.

SECT. 2. The said corporation are authorized to hold the land at Beverly Farms, in Beverly, known as the Commons or Sheep Pasture, consisting of the lots set off respectively to Andrew Woodbury and others, to Andrew Ellinwood and others, to John Morgan and others, to Jonathan Dodge, senior, and others, to Jeremiah Butman, and to John Thorndike, Jr., containing about one hundred and thirty-five acres, and to manage and improve the same for the benefit of the proprietors as they shall deem best, and they may assess the proprietors and their rights for the

May manage
the same, &c.

expenses which have been or may be incurred in relation thereto.

SECT. 3. All the rights in the said land to which claims shall not be established, shall be held by the said corporation for the benefit of the town of Beverly, until the owners shall assert their title; and in ascertaining the number of rights the corporation shall allow not less than one right for every six acres.

Interest of the town of Beverly.

One right not less than six acres.

SECT. 4. The corporation may sell the said land at public auction; and thereupon, after paying over to such proprietors as shall have proved their rights to their respective shares of the proceeds, they shall pay the residue into the treasury of the town of Beverly.

May sell land at auction, &c.

SECT. 5. If it shall be found that any of the persons above named is not a proprietor in the said land, his being named in this act shall not be construed to make him such or to make him thereafter a member of the said corporation. [*Approved by the Governor, May 15, 1851.*]

Non proprietors.

An Act relating to Joint Stock Companies.

Chap 133.

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

SECT. 1. Any number of persons not less than three, who by articles of agreement in writing have associated, or who shall associate themselves together according to the provisions of this act, under any name by them assumed, for the purpose of carrying on any kind of manufacturing, mechanical, mining or quarrying business, and who shall comply with all the provisions of this act, shall, with their successors and assigns, be and remain a body politic and corporate, under the name by them assumed in their said articles of association: *provided*, that no association shall be formed, under the provisions of this act, for the purpose of distilling or manufacturing intoxicating liquors.

Any number of persons not less than three may become a body corporate.

Provido.

SECT. 2. The amount of the capital stock of every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be less than five thousand dollars, nor more than two hundred thousand dollars.

Capital stock not less than \$5000 nor more than \$200,000.

SECT. 3. The purpose for which every such corporation shall be established, and the town or city within which it is established or located, shall be distinctly and definitely specified by the stockholders in their articles of association; and it shall not be lawful for such corporation to direct its operations, or appropriate its funds to any other purpose.

Purpose shall be specified, &c.

President, &c., shall make certificate, &c.

SECT. 4. Before any corporation, formed and established under the authority of this act, shall commence business, the president, directors and treasurer thereof, who shall have been chosen agreeably to the provisions of the thirty-eighth and forty-fourth chapters of the Revised Statutes, shall make a certificate setting forth the corporate name, the purpose for which such corporation is formed, the amount of the capital stock thereof, the amount actually paid in, the par value of the shares, the names and residence of the several stockholders, and the number of shares owned by each stockholder, which certificate shall be signed and sworn to by the president, treasurer, and a majority of the directors of such corporation, and shall be published three several times, in a newspaper printed in the town or county in which such corporation is located; and such certificate shall be deposited with the secretary of the Commonwealth, and a duplicate copy thereof with the clerk of the town or city in which such corporation is established or located, and the said secretary and clerk respectively shall record the same in books, to be by them kept for that purpose; and within thirty days after the payment of any instalment called for by the directors of such corporation, a certificate thereof shall be made, signed, sworn to, deposited and recorded as aforesaid.

Certificate to be sworn to, published and deposited with secretary of Commonwealth, &c.

Certificates of instalments to be deposited as aforesaid.

Powers, &c. R. S. ch. 33, 44.

SECT. 5. When such persons are organized as aforesaid, they shall become a corporation, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Shall bear a distinct name, &c.

SECT. 6. Every corporation formed under this act shall bear a name indicating its corporate character, and that not the name of any other corporation or company.

May hold real and personal estate.

SECT. 7. Every corporation established under the provisions of this act may, in its corporate name, hold all such real and personal estate as shall be necessary for the purpose of such corporation, and may convey the same at pleasure.

May increase its stock not exceeding, &c. *Proviso.*

SECT. 8. Every such corporation may increase its capital stock, and the number of shares therein, at any meeting of the stockholders specially called for that purpose: *provided*, that the amount, when so increased, shall not exceed the amount authorized by this act; *and provided*, also, that the president, directors and treasurer of such corporation shall cause a certificate of such increase of its capital stock and shares to be made, signed, sworn to, deposited and recorded, as is provided in the fourth section of this act.

Further proviso.

Certificate of increase to be deposited, &c.

SECT. 9. The directors of every corporation that may be formed under the provisions of this act, shall annually, in the month of January, make a certificate, containing a statement of the amount of the capital stock of such corporation actually paid in, the amount invested in real estate, and the amount invested in personal estate, the amount of property owned by such corporation, and of debts due to it on the first day of December then next preceding, the amount of all existing debts against such corporation, as nearly as the same can be ascertained, with the name of each stockholder, and the number of shares held by him at the date of such certificate, which certificate shall be signed and sworn to by the president, treasurer, and a majority of the directors of such corporation, and deposited with the clerk of the town or city in which such corporation may be established or located; and whenever any stockholder shall transfer his stock in any such corporation, a certificate of such transfer shall forthwith be deposited with the town or city clerk as aforesaid, who shall note the time when the same was deposited, and record the certificate at full length in a book to be by him kept for that purpose, and no transfer of such stock shall be valid as against any creditor of such stockholder, until such certificate shall have been deposited and recorded as aforesaid.

Directors shall make an annual certificate.

Certificate sworn to and deposited with clerk of town or city.

Transfers of stock to be certified, &c.

Clerks shall make record, &c.

SECT. 10. The certificate required by the fourth, eighth and ninth sections of this act shall be understood to be in addition to the certificate required by the seventeenth and eighteenth sections of the thirty-eighth chapter of the Revised Statutes, and nothing herein contained shall be understood as dispensing with the requirements of the said seventeenth and eighteenth sections of the chapter aforesaid.

These certificates in addition to, &c.

SECT. 11. If the officers of any corporation organized and established under the authority of this act, shall refuse or neglect to perform the duties required by the third, fourth, eighth, and ninth sections of this act, they shall be jointly and severally liable for all debts of such corporation, in like manner, and to the same extent, as the neglect or refusal to comply with the requirements of the seventeenth and eighteenth sections of the thirty-eighth chapter of the Revised Statutes does by law render the officers therein mentioned, liable.

Officers made liable by neglect, &c.

SECT. 12. All corporations organized under this act shall, for the purposes of taxation, be subject to all the duties, liabilities and restrictions, set forth in the ninety-eighth chapter of the acts of the year one thousand eight hundred and forty-three, and also in the three hundred and

For purposes of taxation, to be subject, &c.

eight chapter of the acts of the year one thousand eight hundred and fifty.

Legislature may repeal this act or dissolve any corporation, &c.

SECT. 13. The Legislature may, at any time, alter, amend or repeal this act; and may also, by special act, annul or dissolve any corporation existing under the same; but the dissolution of such corporation, either by repeal of this act or by special act, shall not take away or impair any remedy given against the same, its stockholders or officers, for any liability which may have been previously incurred.

Secretary of Commonwealth to publish annually an abstract, &c.

SECT. 14. The secretary of the Commonwealth shall annually prepare and cause to be printed, a true abstract from the certificates required by this act to be deposited with him, and he shall submit the same to the Legislature, at as early a period of its annual session as may be practicable.

Stockholders liable for debts due laborers, &c.

SECT. 15. The stockholders of any corporation, organized under the provisions of this act, shall be, jointly and severally, individually liable for all debts that may be due or owing to all their laborers, servants and apprentices, for services performed by themselves, their wives or minor children, as operatives for such corporations, within six months next preceding the demand made for any such debt; and for the recovery thereof, as well as to obtain contribution therefor, in case of payment by any stockholder, like remedies shall be had as are provided in the thirty-sixth chapter of the Revised Statutes, in cases of individual liability of stockholders.

R. S. ch. 36.

No stock issued under par.

SECT. 16. No shares in the capital stock of any corporation, organized under the provisions of this act, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

When to take effect.

SECT. 17. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1851.*]

Chap 134. An Act in addition to an Act to incorporate the Southbridge and Blackstone Railroad Company.

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

Time extended one year.

SECT. 1. The time for the filing of the location and for the construction of the Southbridge and Blackstone Railroad is hereby extended one year beyond the time prescribed by their charter.

Authorized to divide their road into three sections.

SECT. 2. To facilitate the construction of the said railroad, this corporation are hereby authorized and empowered

to divide their said road into three sections, to wit: The easterly section to embrace that part of the line between the easterly line of the state of Connecticut and the terminus at Blackstone. The westerly section shall embrace that part of their line between the Norwich and Worcester Railroad, in the town of Webster, and the western terminus in Southbridge. The middle section shall embrace the remainder of their chartered line. And the said corporation shall not put under contract or commence the construction of the said western section of their road till a bona fide subscription to their stock shall be made, to the amount of one hundred and fifty thousand dollars. And the said easterly section of the said road shall not be put under contract, or its construction commenced, till three hundred thousand dollars shall be subscribed, to be applied to the construction of the same. And the said company shall not put under contract or commence the construction of the remaining section till a further sum of one hundred thousand dollars shall be in like manner subscribed. And, furthermore, the construction of either of the aforesaid sections shall not be commenced until a certificate shall have been filed with the secretary of the Commonwealth, subscribed and sworn to by the president of the said company and a majority of the directors thereof, stating that the amount hereinbefore required to be subscribed, before the commencing of the construction of said section, has all been subscribed for by responsible parties, and that twenty per cent. of the same has actually been paid in. And no share of said stock shall be issued at less than the par value named in the charter.

Description of sections.

Shall not commence western section till \$150,000 are subscribed ;

Nor eastern section till \$300,000 is subscribed, &c.

Nor the remaining section till \$100,000 more is subscribed.

Nor till a certificate has been filed with secretary of Commonwealth, stating, &c. &c.

No share issued at less than par.

SECT. 3. The said company are hereby authorized to lease any section or sections of their road to any railroad corporation or corporations whose railroad adjoins such section, or they may take lease of or make joint stock with any such railroad corporation, upon such terms as the directors of the contracting companies shall agree, subject to the approval of two-thirds in interest of the stockholders of each contracting company, at legal meetings called for that purpose. And if any sections of the said road shall not be constructed within the time herein granted, this act and the act to which it is in addition shall be void so far as such sections are concerned and no farther, anything in such acts to the contrary notwithstanding.

May lease their road, take lease, or make joint stock, &c.

Act void, if not constructed, &c.

SECT. 4. The ninth section of the act entitled an act to incorporate the Southbridge and Blackstone Railroad Company is hereby repealed.

Ninth section of charter repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1851.*]

Takes effect.

Chap 135. An Act to incorporate the Worcester Mechanics Savings Bank.

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

Corporators.

Isaac Davis, Francis H. Dewey, William M. Bickford, their associates and successors, are hereby made a corporation, by the name of the Worcester Mechanics Savings Bank, to be established in the city of Worcester, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, May 15, 1851.*]

R. S. ch. 36,
&c.

Chap 136. An Act to facilitate the Settlement of Estates of Deceased Persons.

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

SECT. 1. Whenever, for the purpose of closing the settlement of the estate of any deceased person, it shall be deemed expedient, by the probate court of the county in which the letters testamentary or of administration were granted, for the executor or administrator to make sale of any outstanding debts, claims, or assets, due or belonging to such estate, which cannot, in the opinion of such court, be collected and received or determined by the executor or administrator without unreasonable or inconvenient delay, the executor or administrator, upon his petition for a license therefor, and after such notice of the hearing thereon to the persons that may be interested in the estate as the court shall order or approve, and after due hearing and action thereon by the court, may, under such license and according to such direction as to time, place, notice and manner of sale as such court shall prescribe, having regard, so far as may be thought necessary or prudent, to the provisions and aims of the laws relating to sales of real estate by executors and administrators, sell and assign such debts, claims or assets to the best advantage that may be for such estate; and the purchaser of any of such debts, claims or assets at such sale shall be deemed to be invested thereby with the same interest and rights, in and respecting the same, as the executor or administrator had or might have had but for such sale.

When executor
or administrator
may sell and as-
sign debts, &c.

Appeal.

SECT. 2. There shall be the like rights of appeal to the supreme judicial court, in behalf of any person interested, from any proceeding of the probate court in relation to the

granting of such license, as are provided in other cases.
 [Approved by the Governor, May 15, 1851.]

An Act in addition to an Act authorizing the disposal of the Property of the East Parish in Amesbury. *Chap 137.*

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

The provisions of the act passed on the seventeenth day of April, in the year one thousand eight hundred and forty-nine, entitled "an act authorizing the disposal of the property of the East Parish in Amesbury," are hereby so far changed, that the funds of the said parish and the proceeds of the sales of the property therein authorized to be sold, shall be appropriated and applied in the manner hereinafter provided, instead of being invested as directed in the aforesaid act, to wit: *First*, to the payment of all the debts and liabilities of the said East Parish in Amesbury, of every description. *Secondly*, to the payment of all reasonable expenses incurred, both by the petitioners and remonstrants and other parties interested, upon the several applications made to the General Court in regard to the disposal of the said property at the present session thereof, and also during the session of the year one thousand eight hundred and forty-nine. *Thirdly*, to the payment of the sum of one hundred dollars to the Reverend Benjamin Sawyer, or his legal representatives. *Fourthly*, the remainder shall be paid to the treasurer of the Congregational Society of Salisbury and Amesbury, in Amesbury; the treasurer of the Union Evangelical Society of Salisbury and Amesbury, in Salisbury; and the acting treasurer of the said East Parish in Amesbury, respectively, to each one third part thereof, to be appropriated in such manner and to such purposes and uses as the said societies shall respectively determine.
 [Approved by the Governor, May 15, 1851.]

Disposal of funds changed.

To pay debts, &c.

To pay expenses, &c.

To pay B. Sawyer.

Remainder, how paid.

An Act regulating the Publication of Advertisements issued under the authority of Probate Judges and Commissioners of Insolvency. *Chap 138.*

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

SECT. 1. All persons having business at the several probate offices, and at the several offices of the commissioners of insolvency of this Commonwealth, shall have the right of selecting such newspapers as they may prefer and name for the publication of all legal notices which may be ordered, under their application, by the several judges of pro-

Right of selecting newspapers.

Proviso. bate and commissioners of insolvency : *provided*, that if, in the judgment of any judge of probate or commissioner of insolvency, the newspaper thus selected shall be deemed insufficient to give due publicity to any such notice, said judge of probate or commissioner of insolvency shall have the right of ordering the publication of the said notice in one other paper.

When to take effect. SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1851.*]

Chap 139.

An Act to incorporate the Stoneham Branch Railroad Company.

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

Corporators. SECT. 1. Thaddens Richardson, Amasa Farrier, William Young, their associates and successors, are hereby made a corporation, by the name of the Stoneham Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all general laws which are now or may be hereafter in force respecting railroad corporations in this Commonwealth.

Duties, &c.
R. S. ch. 44,
&c.

Location.

SECT. 2. The said corporation are hereby authorized to locate, construct and maintain a railroad, commencing at some suitable point in the village of Stoneham, and running in a westerly, southerly, and then southeasterly direction, through East Woburn and Winchester, to Medford, at some convenient point of intersection with the Medford branch of the Boston and Maine Railroad in Medford ; or, if the corporators shall so elect, to commence at the same point in Stoneham, and running through East Woburn, to connect with the Boston and Lowell Railroad, between the eight and ten mile post of said Boston and Lowell Railroad.

1000 shares,
\$100 each.

May hold real
estate, &c.

No shares issued
under par.

Location to be
filed within one
year.

SECT. 3. The capital stock of the said corporation shall consist of one thousand shares of one hundred dollars each, and the said corporation may take, purchase and hold such real estate on the line of the said railroad, and may purchase and hold such cars, engines, and other personal property as may be necessary and convenient for the purposes of their incorporation ; and no shares shall at any time be issued under their par value of one hundred dollars.

SECT. 4. If the said corporation be not organized and the location of the said railroad be not filed according to law, within one year from the passage of this act, or if the said

railroad shall not be constructed within three years from the passage of this act, then the same shall be void.

SECT. 5. The said Stoncham Branch Railroad Company may enter and unite their railroad with the Boston and Maine Railroad Company's Branch Railroad, at the point of intersection therewith mentioned in the second section, or with the Boston and Lowell Railroad, as may be determined by the said corporators, but neither company shall have the right to run their cars or engines on the road of the other, but on conditions and terms mutually agreed upon by the parties, or prescribed by the Legislature.

SECT. 6. The said corporation are hereby authorized and empowered to transfer all their property, rights, privileges, and franchise, under their charter, to the Boston and Maine Railroad Company, or to the Boston and Lowell Railroad Company, as the corporators of the said branch may determine; and the Boston and Maine Railroad Corporation, or the Boston and Lowell Railroad Corporation in the alternative, are hereby authorized to take, receive and hold the same, whenever three-quarters in interest, of the stockholders of the different corporations respectively, shall elect so to do, and for this purpose the Boston and Maine Railroad Corporation may increase their capital stock by new shares to an amount not exceeding one hundred thousand dollars; and the Boston and Lowell Railroad Corporation, in the alternative of the corporators electing to run on to the Boston and Lowell Railroad, may increase their capital stock by new shares to an amount not exceeding fifty thousand dollars, and no share shall be issued for less than its par value of one hundred dollars.

SECT. 7. The construction of the said road shall not be commenced until the capital named in the charter shall have been subscribed by responsible parties, and twenty per cent. paid into the treasury of the said company, and a certificate of the same, signed and sworn to by the president and a majority of the directors, shall be filed in the office of the secretary of state. [*Approved by the Governor, May 15, 1851.*]

An Act to incorporate the Berkshire County Mutual Life Insurance Company.

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

SECT. 1. George N. Briggs, James E. Marshall, Theodore Pomeroy, George W. Platner, Phineas Allen, Jr., Z. Marshall Crane, James D. Colt, 2d, George J. Tucker, Ben-

Constructed within three years.

May enter and unite with, &c.

May transfer their property and franchise, &c.

Other roads authorized to receive the same.

Boston and Maine Railroad may increase capital \$100,000.

Boston and Lowell Railroad may increase capital \$50,000.

No shares issued under par.

Construction not commenced till capital is subscribed.

Chap 140.

Corporators.

Name. jamin F. Johnson, Daniel B. Fenn, J. C. Goodrich, Henry L. Sabin, John C. Russell, and William F. Filley, their associates and successors, are hereby made a corporation, by the name of the Berkshire County Mutual Life Insurance Company, to be located in the town of Pittsfield, for the purpose of making insurance on lives; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose. Shall be a guarantee capital stock of \$100,000.

Powers, &c. R. S. ch. 44.

Half of same to be paid before commencing operations.

The other half when called for by directors.

SECT. 2. There shall be an original guarantee capital stock subscribed to the said corporation, which shall be one hundred thousand dollars, to be divided into shares by the corporation, half of which shall be paid in, in money, before the said corporation shall go into operation for the purpose of making insurance; the other half of the said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for.

Stock pledged for assessments.

At first meeting twelve directors shall be chosen:

Term of office.

Number of directors twelve.

One half to be elected by the guarantee stock subscribers, &c.

Directors shall be stockholders or assured.

SECT. 3. At the first meeting of the corporation, a number of directors, not less than twelve, shall be chosen by the subscribers to the guarantee stock, who shall hold their offices for one year, and until others shall be chosen in their stead; at all subsequent elections of directors, the number shall be such as may have been provided for by a previous vote of the directors, or by-law of the corporation; and in case of no provision on this subject, the number shall be the same as at the first election, one half of whom shall be elected by the subscribers to the guarantee stock, and the other half by the assured, not being holders of the guarantee stock, voting in separate bodies; the directors shall all be either stockholders or assured, and on ceasing to be such, shall cease to hold the said office.

When dividend of seven per cent. may be made.

SECT. 4. Whenever the net surplus receipts of the said corporation, over the losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per cent., or to such less dividend as may be agreed on at the time of subscribing for the stock; and in case of such dividend not being made in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same.

Back dividends may be made good.

How funds shall be invested.

SECT. 5. The funds of the said corporation shall be invested in such purchases and loans as are permitted to savings banks, in the seventy-eighth and seventy-ninth sections of the thirty-sixth chapter of the Revised Statutes,

and in the forty-fourth chapter of the acts of the year one thousand eight hundred and forty-one. The said company may hold real estate to the amount of ten thousand dollars, for the purpose of securing suitable offices for the institution.

May hold real estate, \$10,000.

SECT. 6. After providing for risks, losses, incidental expenses, and dividends, as aforesaid, the directors shall set apart one quarter of the estimated surplus funds and receipts as a reserved fund, to be applied to the redemption of the guarantee stock; and whenever, after the expiration of ten years from the time of organizing the company, the amount of such fund shall be sufficient for the purpose, and the assured shall vote to redeem the said guarantee stock, the same shall be redeemed.

Provision for the redemption of the guarantee stock.

SECT. 7. Upon the redemption and extinction of the guarantee stock, under the provisions of the sixth section, the directors shall be chosen by the assured.

Upon the redemption of guarantee stock, directors chosen by the assured.

SECT. 8. At the expiration of every five years from the time of the organization of the company, the remaining three-quarters of the estimated surplus funds and receipts shall be reimbursed to and among the assured, in proportion to the whole amount of premiums paid during the preceding five years.

How balance of surplus funds shall be disposed of.

SECT. 9. The said corporation shall on the third Monday of January, in each year, pay over to the trustees of the Massachusetts General Hospital, one-third of the net profits, if any, which shall have arisen from insurance on lives, made during the preceding year. [*Approved by the Governor, May 15, 1851.*]

Company shall pay over one-third of net profits to Mass. Gen. Hosp tal.

An Act for the Protection of the Harbor of Beverly.

Chap 141.

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

Any person who shall take, carry away, or remove, by land or water, any stones, gravel or sand, from the point called Tuck's Point, in the town of Beverly, between the present travelled road and the easterly line of Union wharf to the land of Joseph Silver, inclusive, shall, for each offence, forfeit a sum not exceeding twenty dollars, to be recovered by complaint or indictment, in any court of competent jurisdiction. [*Approved by the Governor, May 15, 1851.*]

Removal of stones, gravel, &c., from Tuck's Point forbidden.

Penalty, &c.

Chap 142. An Act to change the Name of the Second Parish in Bradford.

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

Shall be called the Congregational Society in Groveland.

SECT. 1. The Second Parish in Bradford shall be known and called by the name of the Congregational Society in Groveland, and as such shall hold and possess all the property, and be entitled to all the rights and privileges, and subject to all the liabilities, of the said Second Parish in Bradford.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1851.*]

Chap 143. An Act concerning Goats going at large on the Island of Martha's Vineyard.

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

To be deemed wild.

All goats found going at large on the island of Martha's Vineyard, on and after the last day of November next, shall be deemed in law and taken to be animals of a wild nature, and the same may be treated by any person accordingly. [*Approved by the Governor, May 15, 1851.*]

Chap 144. An Act to incorporate the Union Sugar Works.

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

Corporators.

SECT. 1. David A. Neal, John E. Thayer, H. H. Hunnewell, their associates and successors, are hereby made a corporation, by the name of the Union Sugar Works, for the purpose of manufacturing and refining sugar, in the city of Boston, in the county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, &c.
R. S. ch. 33, 44.

Capital not exceeding
\$1,000,000.

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one million dollars.

No shares issued at less than par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall first be issued. [*Approved by the Governor, May 15, 1851.*]

An Act in addition to "An Act to incorporate the Middlesex Mutual Fire Insurance Company." *Chap 145.*

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

SECT. 1. The Middlesex Mutual Fire Insurance Company is authorized and empowered to take and receive, on the issuing of every policy of insurance, such part of the deposit note, or such cash premium as the directors of the said company shall deem expedient. In regard to deposit note or cash premium.

SECT. 2. Such part of the fifth section of the said act, to which this is in addition, as is inconsistent with the provisions of this act, is hereby repealed. [*Approved by the Governor, May 15, 1851.*] Repeal of inconsistent provisions.

An Act to incorporate the Proprietors of the Second Congregational Society in Marblehead. *Chap 146.*

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

David Blaney, John Adams, George Cloutman, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Second Congregational Society in Marblehead, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the twentieth and forty-fourth chapters of the Revised Statutes, with power to tax pews according to the provisions of "an act relating to religious societies," passed March twenty-fifth, in the year one thousand eight hundred and forty-five. [*Approved by the Governor, May 15, 1851.*] Corporators. Name. Powers, duties, &c. R. S. ch. 20, 44. Power to tax pews.

An Act concerning Effects of Passengers transported by Railroad Corporations and other Common Carriers. *Chap 147.*

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

SECT. 1. Every railroad corporation, and the proprietors of every steamboat in this Commonwealth, engaged in the transportation of passengers, shall, once in every six months, on the first Monday of January and of July in each year, publish a descriptive list of all trunks, carpet bags, valises, parcels, and passengers' effects whatsoever, which may at any time have been left, and shall on such day remain unclaimed at any passenger station or office, or otherwise in the possession of such corporation, or proprietors, or their agents, the said list to indicate all such specific marks as A list of trunks, &c., to be advertised once in six months.

In what newspapers.

may serve to identify the same. And the said publication to be made in one newspaper, at least, in every county of the Commonwealth in which such railroad corporation or steamboat proprietors may have a passenger station or office.

Notice to be given to city and town authorities of unclaimed baggage and same may be sold, &c.

SECT. 2. If, at the expiration of six months after such advertisement as aforesaid, any of the articles so advertised shall still remain unclaimed, then the railroad corporation or steamboat proprietors, in whose possession they may be, shall give notice to the mayor and aldermen of the city, or the selectmen of the town, in which, respectively, such articles may be; and the said mayor and aldermen, or selectmen, shall cause the said articles to be examined, and may either order them to be sold at public auction, first advertising them in manner and place as aforesaid, or may, in their discretion, order the said articles, or any of them, to be again advertised, and to remain another six months before being sold.

Proceeds paid to treasurer of Commonwealth.

SECT. 3. The proceeds of all articles thus sold, after deducting costs of storage, advertising, and other expenses, due to the railroad corporation or steamboat proprietors aforesaid, and also the costs of the said examination and sale, shall be paid over to the treasurer of the Commonwealth for the use of the same.

Damages and penalty of \$100 for neglect to advertise, &c.

SECT. 4. If any such railroad corporation or steamboat proprietors shall neglect or omit so to advertise and cause to be examined any such passengers' effects, left as aforesaid, such corporation and proprietors, respectively, shall be subject to an action for damages on the part of any person aggrieved thereby, and shall also be subject to a penalty of one hundred dollars for each and every case of neglect or omission, to be recovered by process in any competent court, and to enure one half to the complainant, and the other half to the county in which the case occurs.

In case of action, plaintiff may put in evidence a descriptive list, sworn to, &c.

SECT. 5. Whenever an action shall be brought by a passenger against any railroad corporation, steamboat proprietors, or other common carrier, to recover damages for any trunk, carpet bag, valise, or other parcel, missing, lost, damaged or destroyed, or for the contents thereof, and when the plaintiff shall, at the trial of such action, have made proof of the bailment of the said trunk, carpet bag, valise or other parcel, to such railroad corporation, steamboat proprietor, or other common carrier, or their agents, and of the subsequent loss, destruction or damage of the same, or of the contents thereof, by the fault of such carrier, or of the agents of such carrier, then the plaintiff shall be allowed to put in evidence in the case, a descrip-

tive list, sworn to by him, of so much of the contents of such trunk, carpet bag, valise, or other parcel, as may consist of convenient wearing apparel, and other travelling equipage of the party: *provided*, that in such case, the defendant in the action may interrogate the plaintiff as to the contents of such trunk, carpet bag, valise, or other parcel, and the value thereof: *and provided further*, that the testimony of the plaintiff, when so received, shall be subject to the same exception of law, in other respects, as that of any other witness. [*Approved by the Governor, May 15, 1851.*]

Proviso.

Further proviso.

An Act to incorporate the Union Mutual Marine Insurance Company. *Chap 148.*

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

SECT. 1. Thomas S. Hathaway, Jonathan Bourne, Jr., Charles L. Wood, their associates and successors, are hereby made a corporation, by the name of the Union Mutual Marine Insurance Company, to be established in the city of New Bedford, for the purpose of making maritime loans and insurance against maritime losses, on the principle of a mutual insurance company, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created, to continue for the term of ten years.

Corporators.

Name.

Purpose.

Powers, &c.,
R. S. ch. 37 and 44.

Term, 10 years.

SECT. 2. No policy shall be issued until the sum of fifty thousand dollars shall have been subscribed, and no division of any funds or profits shall be made to the subscribers, or stockholders, until the expiration of their charter; but such funds or profits shall be invested in such securities and stocks as are required by law, of insurance companies now incorporated.

When policies may be issued.

No division of funds or profits until expiration of charter.

SECT. 3. The said corporation may hold real estate to the amount of ten thousand dollars.

May hold \$10,000 in real estate.

SECT. 4. The said corporation shall be restricted to an amount not exceeding five thousand dollars on any one risk until its funds or invested capital shall reach the sum of one hundred thousand dollars. [*Approved by the Governor, May 15, 1851.*]

Restricted to policies not exceeding \$5000 until, &c.

An Act concerning the First Parish in Marshfield.

Chap 149.

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

The trustees of the ministerial fund in the first parish in

Trustees may invest part of the fund.

Proviso.

Marshfield are hereby authorized and empowered to invest a part of the said fund, not exceeding the sum of two thousand dollars, in real estate, in such manner as shall be directed by vote of the said parish; *provided, always,* that such real estate shall be used, preserved, and appropriated as a part of the said fund. [*Approved by the Governor, May 15, 1851.*]

Chap 150.

An Act to establish a Fire Department in the town of Stoneham.

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

In Stoneham.

A fire department is hereby established in the town of Stoneham, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled an act to regulate fire departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, May 15, 1851.*]

Chap 151.

An Act concerning Larceny of Real Property.

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

Same as of personal property.

SECT. 1. Whoever by a trespass, with intent to steal, shall take and carry away anything which is parcel of the realty or annexed thereto, the property of another of some value, against his will, shall be guilty of such simple or aggravated larceny, as he would be guilty of if such property were personal property.

Accessory same as personal.

SECT. 2. Any person may become an accessory before or after the fact to such larceny, or a receiver of the property stolen, in the manner in which he would become such if the property stolen were personal, and shall be punished in the same manner.

Jurisdiction same.

SECT. 3. Such courts and justices shall have jurisdiction of such simple or aggravated larcenies, and of the offence of being accessory before and after the fact, to the same, or receiver of the property stolen, or any of the same, as would have jurisdiction, if the property so stolen were personal property.

From one or more tenants.

SECT. 4. The stealing of such real property may be a larceny from any one or more tenants, sole, joint or in common, in fee for life or years, at will or sufferance, mortgagors or mortgagees, in possession of the same, or who may have, at the time of the larceny, an action of trespass against the offender, for a trespass at the same time upon the same, but not from one having only the use or custody

of the same. The larceny may be from a wife in possession, where she is authorized by law to hold such property as if sole, otherwise her occupation may be the possession of the husband.

Where property, which was of a person deceased, is stolen, it may be a larceny from any one or more heirs, devisees, reversioners, remainder men or others, having a right upon such decease to take possession, but not having entered, as it would be after entry.

The larceny may be from a person unknown, when it would be such if the property stolen were personal.

SECT. 5. Such larceny cannot be committed by one against whom no action of trespass could be maintained for acts like those constituting the larceny, but may be committed by those having only the use or custody.

SECT. 6. Nothing in this act shall prevent any civil action, which might have been maintained if the same had never been enacted. [*Approved by the Governor, May 15, 1851.*]

Of a person deceased.

From a person unknown.

Against whom it cannot be maintained.

Shall not prevent civil action.

An Act to incorporate the Roxbury Athenæum.

Chap 152.

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

SECT. 1. Henry Bartlett, Charles K. Dillaway, S. Parkman Blake, their associates and successors, are hereby made a corporation, by the name of the Roxbury Athenæum, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, with power to hold real and personal estate, not exceeding the sum of fifty thousand dollars, to be appropriated exclusively to literary and scientific purposes.

Corporators.

Duties, &c.,
R. S. 44th ch.
May hold \$50,000 personal and real estate.

SECT. 2. The proprietors of the Roxbury Athenæum, an institution heretofore organized under and by virtue of the forty-first chapter of the Revised Statutes, as a corporation for literary and scientific purposes, shall, upon the acceptance of this act as hereinafter provided, be and become members of the corporation hereby created and established; and each certificate of a share in the said former corporation shall constitute the title and evidence of a share in the corporation hereby created and established, unless otherwise ordered by the said last named corporation.

Proprietors of Roxbury Athenæum may become members of this corporation, &c.

SECT. 3. This act shall not take effect until it shall be accepted by a vote of a majority of the proprietors of the said Athenæum, as now existing, who shall be present at a

When to take effect.

Act when accepted to take place of former corporation.

meeting to be regularly called at the time and in the manner provided by the present by-laws of the said Athenæum for the annual meeting thereof, the notice of which meeting shall state, in addition to its usual form, that this act is to be submitted to the said proprietors for their action thereupon; and until such acceptance, the said Athenæum shall continue a corporation as at present organized; and it is hereby fully sanctioned and affirmed, to all interests and purposes, as if this act had not been passed. And whenever this act shall be accepted by a vote of a majority of the proprietors of the said Athenæum, present at a meeting called for that purpose, the corporation hereby created and established shall wholly take the place of the said former institution, and shall succeed to all its rights, interests, property, obligations and liabilities. [*Approved by the Governor, May 15, 1851.*]

Chap 153. An Act in addition to an Act to incorporate the First Evangelical Congregational Society in Uxbridge.

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

Authorized to assess on pews, &c.

SECT. 1. The First Evangelical Congregational Society in Uxbridge, are hereby authorized to assess upon the pews of their meeting house such sums of money as they shall hereafter vote to raise for the support of public worship, for other parochial charges, and for the repairs of their meeting house; and all such assessments may be collected in the manner provided by the thirty-second, thirty-third, and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1851.*]

Chap 154. An Act concerning the East Hampshire Agricultural Society.

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

Change of name.

SECT. 1. The East Hampshire Agricultural Society, in the county of Hampshire, shall, after the passing of this act, be called and known by the name of the Hampshire Agricultural Society.

Shall be entitled to same terms, &c., as other agricultural societies.

SECT. 2. The said society shall be entitled, on the same terms as other incorporated agricultural societies, to receive annually, out of the treasury of the Commonwealth, such sum as any other agricultural society may receive, under the provisions of chapter forty-two of the Revised

Statutes, notwithstanding the restrictions of section seven of that chapter. [*Approved by the Governor, May 15, 1851.*]

An Act to authorize the Saugus Branch Railroad to extend the same. *Chap 155.*

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

SECT. 1. The Saugus Branch Railroad Company is hereby authorized to extend its railroad from Sweetser's Mills, in the town of Saugus, to Flax Pond, in the city of Lynn: *provided, however,* that the said railroad in its extension shall not be permitted to cross the Salem turnpike. Location.
Proviso.

SECT. 2. The said railroad corporation, in the extension of the said road through the limits aforementioned, shall be entitled to all the privileges and benefits, and be subject to all the liabilities that are provided in the act or acts to which this is additional. Privileges, &c.

SECT. 3. The said railroad corporation is hereby authorized, for the purpose above mentioned, to increase its capital stock by the amount of four hundred shares; and no shares shall be issued under this act, or the act to which this is additional, for a less sum or amount, to be actually paid in on each, than one hundred dollars a share. May increase capital stock 400 shares; at not less than par.

SECT. 4. In case the location of the extension above mentioned shall not be filed according to law within one year from the passage of this act, or in case the said extension shall not be completed and built within two years from the same time, this act shall be null and void. Location must be filed within one year, and road completed in two years.

SECT. 5. The said corporation shall not commence the construction of its road, or any part thereof, until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company, and a majority of the directors thereof, stating that all of the stock named in its respective charters has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share thereof has been actually paid into the treasury of the company. [*Approved by the Governor, May 15, 1851.*] Shall not commence, until, &c.

An Act relating to Shop Breaking and Aggravated Larceny. *Chap 156.*

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

SECT. 1. Every person who shall break and enter, in the night time, any building, with intent to commit the Punishment, night time,

state prison,
twenty years.

crime of murder, rape, robbery, larceny, or any other felony, shall be punished by imprisonment in the state prison not more than twenty years.

Day time.

SECT. 2. Every person who shall enter, in the night time, without breaking, or shall break and enter, in the day time, any building, with intent to commit the crime of murder, rape, robbery, larceny, or any other felony, the owner or any other person lawfully therein being put in fear, shall be punished by imprisonment in the state prison not more than ten years.

State prison ten
years.

Day time, with-
out alarm.

SECT. 3. Every person who shall break and enter, in the day time, any building, with intent to commit the crime of murder, rape, robbery, larceny, or any other felony, no person lawfully therein being put in fear, shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars, and imprisonment in the county jail not more than two years.

State prison
five years, or
fine \$500.

Larceny, five
years, or \$500.

SECT. 4. Every person who shall commit the offence of larceny, by stealing in any building, shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars, or imprisonment in the house of correction or county jail not exceeding three years. [*Approved by the Governor, May 15, 1851.*]

Chap 157.

An Act relating to Mutual Fire Insurance Companies.

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

Secretaries
shall give
bonds.

The secretaries of mutual fire insurance companies, in this Commonwealth, shall give bonds, with sureties, in such sum as the directors shall order, with condition faithfully to account for all moneys received by them for their respective companies. [*Approved by the Governor, May 15, 1851.*]

Chap 158.

An Act in relation to the Clerks of Courts.

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

In case of disa-
bility, supreme
judicial court
may appoint
another.

SECT. 1. Whenever by reason of sickness, or any other cause, the clerk of the courts in any county shall be unable to discharge the duties of his office, the supreme judicial court may appoint a clerk *pro tempore*, who shall perform the duties of clerk until the standing clerk shall resume his office, or until another clerk shall be appointed by the said court.

SECT. 2. The said clerk *pro tempore* shall give bonds, and be sworn and paid as required by the Revised Statutes, chapter eighty-eight.

Such clerk shall give bonds, &c.

SECT. 3. Whenever the standing clerk shall resume his office, he shall make a certificate of that fact, with the date under his signature, in the then latest book of records of each of the said courts. [*Approved by the Governor, May 15, 1851.*]

When standing clerk shall resume, &c.

An Act to incorporate the Worcester Gas Light Company.

Chap 159.

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

SECT. 1. John W. Lincoln, George T. Rice, Charles Thurber, their associates and successors, are hereby made a corporation, by the name of the Worcester Gas Light Company, for the purpose of manufacturing and selling gas in the city of Worcester, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Name.

Powers, &c.
R. S. ch. 33, 44.

SECT. 2. The said corporation may hold such real and personal estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of two hundred thousand dollars.

May hold needful real and personal estate.

SECT. 3. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares issued at less than par.

SECT. 4. The said corporation, with the consent of the mayor and aldermen of the city of Worcester, shall have power and authority to open the ground in any part of the streets, lanes and highways, in the said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid, and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again into repair under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation which may in any manner affect the health, safety or convenience of the inhabitants of the said city.

Power, with consent of mayor, to open the ground for pipes, &c.

Held to put the same in repair again.
Proviso.

SECT. 5. The corporation hereby created shall assume all the liabilities of the present proprietors of the gas light works in Worcester, in relation to the making and selling of gas.

Shall assume the liabilities of the proprietors of present gas works, &c.

When to take effect.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1851.*]

Chap 160.

An Act to incorporate the Massachusetts Mutual Life Insurance Company.

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

Corporators.

SECT. 1. Alexander H. Avery, James M. Thompson, William Rice, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Mutual Life Insurance Company, in the town of Springfield, for the purpose of making insurance on lives, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

In Springfield.

Powers, &c.
R. S. ch. 44.

Guarantee capital stock of \$100,000.

Half be paid prior to operations.

Other half be called for by directors, &c.

SECT. 2. There shall be an original guarantee capital stock subscribed to the said corporation, which shall be one hundred thousand dollars, to be divided into shares by the corporation, half of which shall be paid in, in money, before the said corporation shall go into operation for the purpose of making insurance, the other half of the said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for.

Not less than eight directors.

Shall hold office one year.

May determine the number, not less than seven.

In case of no provision eight shall be the number.

Half elected by stockholders and half by assured, who must be stockholders or assured.

Net surplus may be divided. Dividend may be seven per cent. or less, as may be agreed upon at the time of subscribing. If not made one

SECT. 3. At the first meeting of the corporation, a number of directors, not less than eight, shall be chosen by the subscribers to the guarantee stock, who shall hold their offices for one year, and until others shall be chosen in their stead. At all subsequent elections of directors, the number shall be such as may be provided for by a previous vote of the directors, not less than seven, or by-law of the corporation; and in case of no provision on this subject, the number shall be the same as at the first election, one half of whom shall be elected by the stockholders, and the other half by the assured members who are not holders of guarantee stock voting in separate bodies; the directors shall all be either stockholders or assured, and on ceasing to be such shall cease to hold the said office.

SECT. 4. Whenever the net surplus receipts of the corporation, over the losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per cent., or to such less dividend as may be agreed upon at the time of subscribing for the stock; and in case such dividends shall not be made in any one year it shall be made good at a

subsequent period, when the net resources of the company shall be sufficient for paying the same.

SECT. 5. The funds of the said corporation shall be invested in such purchases and loans as are permitted to savings banks, in the seventy-eighth and seventy-ninth sections of the thirty-sixth chapter of the Revised Statutes, and in the forty-fourth chapter of the acts of the year one thousand eight hundred and forty-one. The said company may hold real estate to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

SECT. 6. After providing for risks, losses, incidental expenses and dividends as aforesaid, the directors shall set apart one quarter of the estimated surplus funds and receipts as a reserved fund, to be applied to the redemption of the guarantee stock; and whenever, after the expiration of ten years from the time of organizing the company, the amount of such reserved fund shall be sufficient for the purpose, and the assured shall vote to redeem the said guarantee stock, the same shall be redeemed.

SECT. 7. Upon the redemption and extinguishment of the guarantee stock, under the provisions of the sixth section, the directors shall be chosen by the assured.

SECT. 8. At the expiration of every period of five years from the time of the organization of the company, the remaining three quarters of the estimated surplus funds and receipts shall be reimbursed to and among the assured, in proportion to the whole amount of premiums paid during the preceding five years.

SECT. 9. The said corporation shall, on the third Monday of January, in every year, pay over to the trustees of the Massachusetts General Hospital, one third of the net profits, if any, which shall have arisen from insurance on lives made during the preceding year. [*Approved by the Governor, May 15, 1851.*]

year may be made good subsequently.

Funds to be invested as by savings banks. R. S. ch. 36, &c.

May hold real estate, \$10,000.

One quarter of surplus funds shall be set apart for redemption of guarantee stock.

After ten years the guarantee fund shall be redeemed, if, &c.

The guarantee stock being redeemed, directors chosen by assured.

Every five years three quarters of surplus shall be reimbursed to the assured.

Third Monday of January, one third of net profits paid over to Trustees of the Massachusetts General Hospital.

An Act for the better Preservation of Municipal and other Records.

Chap 161.

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

SECT. 1. It shall be the duty of the county commissioners of the respective counties, the city government of cities, and the selectmen of the several towns in this Commonwealth, to have all books of public record or registry, belonging to such counties, cities or towns, respectively, well and strongly bound, and other papers and documents duly filed and arranged in a careful and orderly manner

County commissioners, city governments and selectmen shall have all public records, bound, and other documents, &c., duly filed.

Shall provide suitable places for safe keeping, &c.

convenient for examination and reference. They shall also provide, at the expense of the county, town or city, a suitable place for the safe keeping and preservation of the public records and other valuable documents, where they shall be deposited and securely kept.

Shall provide security for worn and mutilated records, shall have copies taken, &c.

SECT. 2. It shall be the duty of the county commissioners of the respective counties, the city government of cities, and the selectmen of the several towns of the Commonwealth, to provide for the particular security and preservation of all the records of their respective counties, cities and towns; and in cases where, from any cause, they have or may become worn, mutilated or illegible, it shall be their duty to have a fair copy of such records seasonably taken by competent and skilful transcribers, at the expense of the county, town or city, to be preserved in like manner as the originals, the same to be certified to be true copies from the originals by the clerk of such county, city or town.

At whose expense. To be certified by clerk, &c.

Each clerk, register, &c., to have sole custody of all records, &c., except upon summons, &c.

SECT. 3. It shall be the duty of each clerk or register of any county, city or town in this Commonwealth, to keep all records and written documents in his sole custody, and in no case, except upon summons in due form of law, to have them, or cause or permit them to be removed or taken away, under a penalty, for each offence, not exceeding ten dollars.

Penalty, \$10.

All records and files open to inspection.

Carrying away, defacing or altering, &c., records, document, &c., penalty not exceeding \$50.

Proviso.

SECT. 4. All county, city or town records and files shall be open to public inspection, under the direction of the officers having them in legal custody; and any person who shall be guilty of taking and carrying away any book of record, paper or written document, or of defacing, altering or mutilating the same, by mark, erasure, cutting or otherwise, shall forfeit and pay a sum not exceeding fifty dollars, to the use of the Commonwealth: *provided*, that any person may take copies of such records under the direction of the officer having the same in charge.

Records of ancient proprietors of townships and common lands, how vested and held.

SECT. 5. The legal custody of the books of record and other documents of the ancient proprietors of townships or of common lands within the cities or towns of this Commonwealth, in case such proprietors shall have ceased to be a body corporate, shall, when not otherwise legally disposed of or provided for by such proprietary body before its dissolution, be vested and held to be in the clerk, for the time being, of the city or town in which such lands lie, if the same lie wholly in any one city or town, otherwise in the clerk, for the time being, of the city or town wherein is situated a larger portion of such lands than in any other city or town; and the said clerk

may make and certify any copies of such records in the same manner as the clerk of the proprietors may have done; and it shall be the duty of the clerk of any city or town to claim such proprietary records and papers, and any person unlawfully holding the same, who shall refuse, upon such demand, to surrender them, shall be punished by a fine not exceeding fifty dollars.

Copies, how furnished.

City and town clerks to claim such records, &c.

Penalty for refusing, not exceeding \$50.

SECT. 6. The commissioners of any county, the mayor and aldermen of any city, or the selectmen or overseers of the poor of any town in this Commonwealth, are hereby authorized, when the interests of such county, city or town shall so require, to have copies taken for the use of the said county, city or town, by a skilful and competent hand, at the expense of the said county, city or town, of any original records, or parts of the same, or of any papers or documents in the legal custody of any other county, city or town, which copies shall be certified to be true copies by the clerk of the county, city or town, from which they are taken, and shall be subject to the like control, care and regulations, as the other records and files of the county, city or town, for whose use they are taken.

City, county and town authorities may require to have copies taken, &c.

Copies shall be certified.

SECT. 7. Any county, city or town neglecting or refusing to fulfil the requirements of this act, or any one of them, shall forfeit and pay for each offence the sum of twenty dollars. Any county, city or town clerk neglecting or refusing to fulfil the requirements of this act, or any of them, shall forfeit and pay for each offence the sum of ten dollars.

Refusal by any county, city or town to comply, and penalty \$20 each offence.

SECT. 8. In case any church or religious society in this Commonwealth shall be dissolved, or cease to have a legal existence, and the care of the records and registries of such church or society shall not have been otherwise provided for in due form of law, it shall be the duty of the clerk of such church or society, or other person holding such records and registries, to deliver them into the custody of the clerk of the city or town in which such church or society was, who shall have authority to certify copies from the same, and in case of refusal to surrender the same upon due notice and demand by such clerk, the offender shall pay a fine not exceeding fifty dollars. [*Approved by the Governor, May 15, 1851.*]

When church records, &c., shall be placed in custody of clerks of cities, towns, &c.

Certified copies provided for.

Penalty for refusal, &c.

An Act providing for the appointment of Police Officers.

Chap 162.

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

The mayor and aldermen of the several cities and the selectmen of the several towns in this Commonwealth may,

City and town authorities may appoint police officers with powers of constables, except, &c.
 Shall hold office during the pleasure of said authorities.

from time to time, appoint such police officers for their respective cities and towns as they may judge necessary, with all or any of the powers of constables except the power of serving and executing any civil process; and the said police officers shall hold their offices during the pleasure of the mayor and aldermen and selectmen by whom they are respectively appointed. [*Approved by the Governor, May 15, 1851.*]

Chap 163.

An Act to incorporate the Bay State Mutual Life Insurance Company.

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

Associates.

SECT. 1. Gardiner Dickinson, Austin Rice, Anson Shepard, their associates and successors, are hereby made a corporation, by the name of the Bay State Mutual Life Insurance Company, in the town of Conway, for the purpose of making insurance on lives, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose.

Guaranty capital, \$50,000; one half paid before operations, one half when directors call for it.

SECT. 2. There shall be an original guaranty capital stock subscribed to the said corporation, which shall be fifty thousand dollars, to be divided into shares by the corporation, half of which shall be paid in, in money, before the said corporation shall go into operation for the purpose of making insurance; the other half of the said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for.

Stock pledged for assessments.

Eight directors first chosen.

SECT. 3. At the first meeting of the corporation, a number of directors, not less than eight, shall be chosen by the subscribers to the guaranty stock, who shall hold their offices for one year, and until others shall be chosen in their stead. At all subsequent elections of directors, the number shall be such as may be provided for by a previous vote of the directors, not less than seven, or by-law of the corporation; and, in case of no provision on this subject, the number shall be the same as at the first election, one half of whom shall be elected by the stockholders, and the other half by the assured members who are not holders of guaranty stock, voting in separate bodies. The directors shall all be either stockholders or assured, and, on ceasing to be such, shall cease to hold the said office.

Subsequent number provided for.

How chosen.

Annual dividend.

SECT. 4. Whenever the net surplus receipts of the corporation, over the losses and expenses and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per cent.,

or to such less dividend as may be agreed upon at the time of subscribing for the stock; and, in case such dividend shall not be made in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same.

SECT. 5. The funds of the said corporation shall be invested in stocks, such purchases and loans as are permitted to savings banks in the seventy-eighth and seventy-ninth sections of the thirty-sixth chapter of the Revised Statutes, and in the forty-fourth chapter of the acts of the year one thousand eight hundred and forty-one. The said company may hold real estate, to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Funds, how invested.

SECT. 6. After providing for risks, losses, incidental expenses and dividends, as aforesaid, the directors shall set apart one quarter of the estimated surplus funds and receipts as a reserved fund, to be applied to the redemption of the guaranty stock; and whenever, after the expiration of ten years from the time of organizing the company, the amount of such reserved fund shall be sufficient for the purpose, and the assured shall vote to redeem the said guaranty stock, the same shall be redeemed.

Reserved fund, for redemption of guaranty stock.

SECT. 7. Upon the redemption and extinguishment of the guaranty stock, under the provisions of the sixth section, the directors shall be chosen by the assured.

When directors chosen by assured.

SECT. 8. At the expiration of every period of five years from the time of the organization of the company, the remaining three quarters of the estimated surplus funds and receipts shall be reimbursed to and among the assured, in proportion to the whole amount of premiums paid during the preceding five years.

When and what funds reimbursed to the assured.

SECT. 9. The said corporation shall, on the third Monday of January, in every year, pay over to the trustees of the Massachusetts General Hospital one third of the net profits, if any, which shall have arisen from insurance on lives made during the preceding year. [*Approved by the Governor, May 15, 1851.*]

Massachusetts General Hospital.

An Act to authorize William Humphrey, Jr., and Ebenezer S. Twisden to extend their Wharf.

Chap 164.

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

William Humphrey, Jr., and Ebenezer S. Twisden are hereby authorized to extend their wharf, in Marblehead, twenty feet, retaining the present width thereof, and they

Marblehead.

May receive
dockage, &c.

Proviso.

shall have the right to lay vessels at the sides and end of the said wharf, and to receive wharfage and dockage therefor: *provided*, that the same shall not obstruct the safe anchorage of vessels in the harbor, and shall not interfere with the legal rights of any person. [*Approved by the Governor, May 15, 1851.*]

Chap 165.

An Act relating to Insurance on Lives.

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

Life insurance
companies to
pay a share of
profits to Mas-
sachusetts Gen-
eral Hospital.

Whenever any person or corporation shall be empowered to make insurance on lives upon land, the right so to do shall be deemed subject to the same obligations, for the payment of a certain share of the profits accruing therefrom to the Massachusetts General Hospital, as are imposed on the Massachusetts Hospital Life Insurance Company by the laws now in force, unless express provision to the contrary shall be made in the act or acts empowering such person or corporation to make such insurance on lives as aforesaid. [*Approved by the Governor, May 15, 1851.*]

Chap 166. An Act to authorize Payne G. Atwood and others to extend their Wharf.

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

Wellfleet.

May receive
dockage, &c.

Proviso.

When to take
effect.

SECT. 1. Payne G. Atwood, owner of three fourths, and the members of the Central Trading Company, a mercantile partnership, owners of one fourth, of a wharf in Wellfleet, situated near the head of Mayo's Beach, and known as Payne G. Atwood's wharf, are hereby authorized to extend and maintain the same to the channel in the harbor of Wellfleet, and they shall have the right to lay vessels at the end and sides of the said wharf, and to receive dockage and wharfage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 15, 1851.*]

Chap 167.

An Act concerning Vacancies in Ward Offices.

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

When wards
are divided, its
officers shall
continue to act
in same numeri-
cal wards till

SECT. 1. At the first election held after a new division of wards, in any city in this Commonwealth, the respective ward officers chosen under the preceding organization shall officiate in the same numerical ward for which they were

chosen respectively, and shall continue to act there until others shall be chosen and qualified in their stead. others are chosen.

SECT. 2. All officers chosen at any meeting called by the mayor and aldermen of any city, after such new division into wards, shall hold their offices until the next annual meeting, and until others shall be chosen and qualified in their stead. *[Approved by the Governor, May 15, 1851.]* Officers elected after division, shall hold on till next annual meeting, &c.

An Act to incorporate the Massachusetts Universalist Home Missionary Society. Chap 168.

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

SECT. 1. Hosea Ballou, B. B. Mussey, A. Tompkins, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Universalist Home Missionary Society, for the purpose of giving and disseminating religious instruction, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Corporators.
Purpose.
Duties, &c. R. S. ch. 44.

SECT. 2. The said corporation may hold real estate to the amount of twenty thousand dollars, and personal estate to an amount not exceeding twenty-five thousand dollars, to be devoted exclusively to the purposes of religious and moral instruction and improvement. *[Approved by the Governor, May 17, 1851.]* May hold \$20,000 real, and \$25,000 personal estate.

An Act to increase the Capital Stock of the Bank of Commerce. Chap 169.

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

SECT. 1. The president, directors and company of the Bank of Commerce, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of seven hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of the said bank may determine: *provided*, that the whole amount shall be paid in on or before the last day of April, in the year one thousand eight hundred and fifty-two. Addition, \$750,000.
Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject. Additional stock subject to tax, &c.

SECT. 3. Before the said corporation shall proceed to do business on the said additional capital, a certificate, signed by the president and directors, and attested by the cashier Certificate to be lodged with secretary of Commonwealth.

under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1851.*]

Chap 170. An Act to allow Corporations to be represented in the Election of Officers of Mutual Fire Insurance Companies.

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

SECT. 1. The directors of every corporation, which shall become a member of any mutual fire insurance company in this Commonwealth, may by vote appoint some one or more of the officers or stockholders of such corporation to represent the same in all the meetings of such mutual fire insurance company, and in the transaction of all business therewith ; and such representative or representatives shall be entitled to vote in all the meetings of such mutual fire insurance company, and shall be eligible to the office of director in such company.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1851.*]

Chap 171. An Act to incorporate the German Mutual Society.

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

Corporators.

SECT. 1. Charles F. Hoffendahl, Joseph Birnstill, John M. Schroeder, their associates and successors, are hereby made a corporation, by the name of the German Mutual Society, for purposes of mutual assistance and instruction, and for the promotion of knowledge in German literature, by the establishment and maintenance of a library, and the employment of other means of education, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-first and forty-fourth chapters of the Revised Statutes.

Purposes.

Powers, &c. R. S. ch. 41 and 44.

May hold necessary estates, not exceeding \$20,000.

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of twenty thousand dollars. [*Approved by the Governor, May 17, 1851.*]

An Act to incorporate the Trustees of the Hollis Institute, in Braintree. *Chap 172.*

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

SECT. 1. Apollos Raudall, Ezra Penniman, Joseph R. Frazier, and their successors, are hereby made a corporation, by the name of the Trustees of the Hollis Institute, to exercise all the powers and perform all the duties derived to them under the will of the late John R. Hollis, with all the rights and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and by this act, not inconsistent with the said will, and the possession, control and management of the fund and estate bequeathed by the said will of John R. Hollis to the South Parish of Braintree, in the corporate name of the trustees.

Corporators.

Powers, duties, &c. R. S. ch. 44.

SECT. 2. The fund and estate devised by the said will to the said South Parish of Braintree, for the purposes of education, under the direction of the said trustees and their successors, shall be entitled to all the rights, privileges and exemptions contained in the fifth section of the seventh chapter of the Revised Statutes, in relation to the property of literary, benevolent and charitable institutions.

The fund and estate devised, shall be entitled to all rights, &c. sec. 5, ch. 7, R. S.

SECT. 3. The said trustees and their successors may purchase and hold real estate to the value of twenty-five thousand dollars, and personal estate to the value of fifty thousand dollars, to be applied to purposes of education.

Trustees may purchase and hold real estate, \$25,000, and personal, \$50,000, for educational purposes. When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1851.*]

An Act relating to the Fund of the Sixth School District in Weymouth. *Chap 173.*

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

SECT. 1. The selectmen of the town of Weymouth are hereby authorized to direct the trustee of the fund of the sixth school district in that town, bequeathed by the will of Lois Pratt, to expend, from time to time, so much of the income of the said fund, for the purpose of repairs and improvements of the schoolhouse built from the income of the said fund, and also for purchasing such apparatus for the use of the schools of the said district, as in their judgment may be expedient.

Selectmen of Weymouth authorized to direct the trustees of certain school funds to expend a part of same for specified purposes.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 17, 1851.*]

When to take effect.

Chap 174.

An Act to incorporate the Merrimack Insurance Company.

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

Corporators.

SECT. 1. Edward S. Moseley, Micajah Lunt, John Wood, their associates and successors, are hereby made a corporation, by the name of the Merrimack Insurance Company, in the town of Newburyport, for the term of twenty years from the passing of this act, for the purpose of making maritime loans, and insurance against maritime losses and losses by fire, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all acts subsequently passed relating to insurance companies.

Term, 20 years.

Purpose.

Powers, &c. R. S. ch. 37 and 44, &c.

May hold real estate, \$20,000, except, &c.

SECT. 2. The said corporation may hold, for the use of the said company, real estate not exceeding in value twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to the said company.

Capital stock, exclusive of profits, &c., \$100,000, with liberty to increase to \$200,000.

Proviso.

SECT. 3. The capital stock of the said company, exclusive of premium notes and profits arising from business, shall be one hundred thousand dollars, with liberty to increase the same to two hundred thousand dollars: *provided*, that one hundred thousand dollars shall be paid in within two years from the passage of this act. [*Approved by the Governor, May 17, 1851.*]

Chap 175.

An Act to authorize Thomas H. Kitfield to repair and maintain his Wharf.

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

Manchester.

May receive dockage, &c. Proviso.

Thomas H. Kitfield is hereby authorized to repair and maintain his wharf, on Manchester River, in the town of Manchester and county of Essex, as the same is now constructed, and he shall have the right to lay vessels thereat, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, May 17, 1851.*]

Chap 176.

An Act to increase the Capital Stock of the Barnstable Bank.

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

Addition, \$100,000.

SECT. 1. The president, directors and company of the Barnstable Bank, are hereby authorized to increase their present capital stock, by an addition thereto of one hun-

dred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of the said bank may determine: *provided*, that the whole amount shall be paid in before the first Monday in April, in the year one thousand eight hundred and fifty-two.

How paid in.
Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock is subject.

Addition subject to tax, &c.

SECT. 3. Before the said bank shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed with secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1851.*]

When to take effect.

An Act to incorporate the Mariners Mutual Marine Insurance Company. *Chap 177.*

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

SECT. 1. Henry Crocker, Adolphus Davis, Aaron Rice and Zenas D. Basset, their associates and successors, are hereby made a corporation, by the name of the Mariners Mutual Marine Insurance Company, in the city of Boston, for the term of twenty years, for the purpose of insurance against maritime losses, on the principle of a mutual insurance company, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed relating to mutual insurance companies, so far as the same are applicable to the corporation hereby created.

Corporators.

Term, 20 years.

Purpose.
Powers, &c.
R. S. ch. 37, 44,
&c.

SECT. 2. No policy shall be issued until applications shall have been made for marine insurance to the amount of one hundred thousand dollars; and no division of any funds, received by or remaining in the hands of the said company, shall be made among the stockholders thereof, until the expiration of their charter, but such funds shall be invested in the manner now authorized by law. [*Approved by the Governor, May 20, 1851.*]

No policy issued until, &c.

No division of funds until, &c.

Chap 178. An Act in addition to an Act for establishing an Academy in the Town of Framingham, by the name of Framingham Academy.

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

Trustees may convey to inhabitants of the town all their estates, &c.

SECT. 1. The trustees of Framingham Academy are hereby authorized to convey to the inhabitants of the town of Framingham, all the property, real, personal and mixed, now belonging to the said trustees, including all trust funds, to have and to hold the same to the said inhabitants for the purposes expressed in this act, and the act to which this is in addition.

Said inhabitants shall forever maintain such a school as, &c., &c.

SECT. 2. The said inhabitants shall, within one year from the passage of this act, establish and forever maintain, upon the real estate so conveyed by the said trustees, such a school as is required in the fifth section of the twenty-third chapter of the Revised Statutes of towns containing four thousand inhabitants, and shall provide a master, who shall be competent to instruct in any branches which shall be necessary in preparing students for admission into any college or university in New England.

Authorized to apply the income of funds, &c., to support of such school, &c.

SECT. 3. The said inhabitants are hereby authorized to apply the net income of the property and funds conveyed to them by the said trustees to the support of such school, so long as the same shall continue to be maintained in the said town according to the provisions of this act.

School committee of town to have entire charge of said school, &c.

SECT. 4. The school committee of the said town of Framingham shall have the entire charge and control of the said school; shall employ all necessary teachers and determine their salaries; shall determine the number and qualification of the scholars to be admitted into the school, and shall exercise all the powers and perform all the duties in relation to such school, which are by law required of them in relation to public schools; and they may admit pupils from other towns to the privileges of the said school upon the payment, by such pupils, of such sum for tuition as shall to the said committee seem just and reasonable, and upon the same requirements, in other respects, that are observed in the admission of pupils belonging to the said town of Framingham.

May admit pupils from other towns, &c.

The supreme judicial court to determine all questions under this act.

SECT. 5. The supreme judicial court are hereby authorized to hear and determine in equity all questions which may arise by reason of this act, and to pass all such orders and decrees as law and equity may require.

Town exempted from all liability, &c.
R. S. ch. 23, § 5.

SECT. 6. So long as the said inhabitants shall substantially comply with the requisitions of this act, the said town of Framingham shall be exempted from all liabilities

under the fifth section of the twenty-third chapter of the Revised Statutes of this Commonwealth.

SECT. 7. This act shall take effect so soon as the same shall have been accepted by the trustees of Framingham Academy, and the inhabitants of the town of Framingham. [Approved by the Governor, May 20, 1851.]

When to take effect.

An Act to increase the Capital Stock of the Milford Bank.

Chap 179.

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

SECT. 1. The president, directors and company of the Milford Bank, in Milford, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine : *provided*, that the whole amount shall be paid in, on or before the last day of April, in the year one thousand eight hundred and fifty-two.

Addition, \$50,000 in instalments.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is now subject.

Addition, subject to tax, &c.

SECT. 3. Before the said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank shall be returned into the office of the secretary of the Commonwealth.

Certificate to secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, May 20, 1851.]

When to take effect.

An Act to increase the Capital Stock of the Boylston Bank.

Chap 180.

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

SECT. 1. The president, directors and company of the Boylston Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Addition, \$50,000 in instalments.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations,

Addition subject to tax, &c.

restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate filed with the secretary of the Commonwealth.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1851.*]

Chap 181.

An Act to change the time of holding the Annual Meeting of the First Universalist Society in Attleborough.

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

The annual meeting of the First Universalist Society in Attleborough shall hereafter be holden in December. [*Approved by the Governor, May 20, 1851.*]

Chap 182.

An Act to incorporate the City Mutual Marine and Fire Insurance Company.

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

Corporators.

SECT. 1. Charles Wilkins, Isaac Thacher, Philo S. Shelton, their associates and successors, are hereby made a corporation, by the name of the City Mutual Marine and Fire Insurance Company, in the city of Boston, for the term of twenty years, for the purpose of making maritime loans and insurance against maritime losses and insurance against losses by fire, on the principle of mutual insurance, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed relating to mutual insurance companies, so far as the same are applicable to the corporation hereby created.

Term, 20 years. Purposes.

Powers, &c.

No policy issued until \$50,000 subscribed. No division of funds until expiration of charter.

SECT. 2. No policy shall be issued till the sum of fifty thousand dollars shall have been subscribed, and no division of any funds or profits shall be made to the subscribers or stockholders until the expiration of their charter, but such funds or profits shall be invested in such securities and stocks as the law requires.

Restriction of risks.

SECT. 3. The said corporation shall be restricted to an amount not exceeding five thousand dollars on any one

risk, until its funds or invested capital shall reach the sum of one hundred thousand dollars. [*Approved by the Governor, May 20, 1851.*]

An Act to increase the Capital Stock of the Bay State Bank.

Chap 183.

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

SECT. 1. The president, directors and company of the Bay State Bank, in Lawrence, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Addition,
\$200,000.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is now subject.

Addition sub-
ject to tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and certified by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to
secretary of
Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1851.*]

When to take
effect.

An Act to increase the Capital Stock of the Loughton Bank.

Chap 184.

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

SECT. 1. The president, directors and company of the Loughton Bank, in Lynn, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine : *provided*, that the whole amount shall be paid in, on or before the last day of April, in the year one thousand eight hundred and fifty-two.

Addition,
\$50,000.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

Addition sub-
ject to tax, &c.

SECT. 3. Before said corporation shall proceed to do busi-

Certificate to be filed with secretary of Commonwealth.

ness on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1851.*]

Chap 185.

An Act to increase the Capital Stock of the Agricultural Bank.

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

Addition, \$50,000.

SECT. 1. The president, directors and company of the Agricultural Bank, in Pittsfield, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in on or before the last day of April, in the year one thousand eight hundred and fifty-two.

Proviso.

Addition subject to tax.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

Certificate to be filed with secretary of state.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1851.*]

Chap 186.

An Act in addition to "An Act to authorize Towns to take Land for Schoolhouses."

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

Acts of 1848 extended in part.

The provisions of the two hundred and thirty-seventh chapter of the acts of the year one thousand eight hundred and forty eight, are hereby so far extended, that land may be taken under the provisions of the said act, in the mode and subject to the remedies in said act contained, for the purpose of enlarging any schoolhouse lot: *provided*, that the area of such schoolhouse lot, including the land so

Proviso.

taken, shall not thereby exceed in quantity forty square rods. [Approved by the Governor, May 20, 1851.]

An Act to authorize the First Congregational Society in Lynnfield to sell certain Real Estate.

Chap 187.

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

SECT. 1. The First Congregational Society in the town of Lynnfield are hereby authorized to sell, through their present committee, or such committee as may hereafter be appointed at a meeting called for that purpose, all their right and title in and to a certain lot of land lying in said Lynnfield, and known as the parsonage lot, containing about five acres, more or less, and bounded on lands of Ebenezer Parsons and the estate of the late Mathew Cox, deceased ; and the treasurer of the said parish, or his successor in office for the time being, is hereby authorized to execute and deliver such deed as may be necessary to convey their said right and title to the same, when so directed by the said committee.

May sell the parsonage, and execute deeds, &c.

SECT. 2. The proceeds of the sale of the said land shall be used or invested as the said parish shall by vote direct.

Proceeds, how used or invested.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 20, 1851.]

When to take effect.

An Act relating to the Powow River Bank.

Chap 188.

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

SECT. 1. So much of the act passed on the sixteenth day of April, in the year one thousand eight hundred and fifty, entitled "an act in relation to the renewal of bank charters and to bank commissioners," as purports to renew and continue the charter of the Powow River Bank, in Amesbury, shall be construed and deemed to intend the Powow River Bank, in Salisbury.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 20, 1851.]

An Act in further addition to the several Acts for the Relief of Insolvent Debtors, and the more equal Distribution of their Effects.

Chap 189.

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

SECT. 1. The oath required by the fourteenth section of the three hundred and fourth chapter of the acts of

Oath may be administered by justice of the

peace, when,
&c.

the year one thousand eight hundred and forty-eight, may be administered by any justice of the peace, when the creditor shall be unable to attend before the commissioner, by reason of sickness or other cause.

Attachment for
\$100 or up-
wards, not dis-
solved in seven
days, may be
proceeded with,
&c.

SECT. 2. If any person, whose goods or estate are attached on mesne process, in any civil action founded on contract for the sum of one hundred dollars or upwards, shall not, within seven days from the return day of the writ, dissolve the attachment in the manner referred to in the nineteenth section of the one hundred and sixty-third chapter of the statutes of the year one thousand eight hundred and thirty-eight, any creditor may proceed against such person in the manner provided in the said act.

In case of acci-
dent or mistake,
may apply to
commissioner
for stay of pro-
ceedings, &c.

SECT. 3. Whenever any person shall, by accident or mistake, have failed to dissolve an attachment made as aforesaid, he may forthwith apply, by petition to the commissioner before whom proceedings against him are pending, for a stay of the said proceedings, and, after such notice to the petitioning creditor as such commissioner shall order, or without notice, if the urgency of the case shall not allow notice to be given, the said proceedings may be stayed by an order of such commissioner, until a hearing; and if, upon the hearing before such commissioner, such person shall prove to his satisfaction that he is in fact solvent, or that for any other cause such proceedings ought to be stayed, the said commissioner shall thereupon order the proceedings aforesaid to be suppressed and finally stayed. [*Approved by the Governor, May 20, 1851.*]

Proceedings
may be stayed
by commission-
er until, &c.

Chap 190.

An Act for the appointment of Land Agent.

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

Governor to
appoint in case
of vacancy;
subject to re-
moval, &c.

SECT. 1. When there shall be a vacancy in the office of land agent, it shall be the duty of the governor, with the advice of the council, to appoint another land agent, who shall hold his office for the term of three years, subject, however, to removal at any time within the said term, at the discretion of the governor and council.

Salary \$1000,
bond \$50,000.

SECT. 2. The said land agent shall receive an annual salary of one thousand dollars from the Commonwealth, in full for all his services, and shall give bond to the treasurer of the Commonwealth, in the sum of fifty thousand dollars, with sufficient sureties, to the satisfaction of the governor and council, for the faithful performance of the duties of his office.

SECT. 3. It shall be the duty of the land agent to super-

intend the public lands in Maine, and, generally, to take all necessary steps for their protection and security which are not contrary to the laws of the said state; make contracts and execute them, for the sale of timber and grass growing or standing on such lands: *provided*, in all cases, that the mode of selling and the terms and conditions of sale of such timber, shall be first approved by the commissioners of public lands, or a majority of them; *and provided, also*, that in no case the fee in the soil shall be disposed of.

He shall superintend sales of lands, &c.

Proviso.

SECT. 4. In all contracts for the sale of timber, the time within which the timber shall be removed shall be specifically stated, and in all cases, the purchase money shall be paid or secured before the delivery of the contract.

In sales of timber, time of removal and payment.

SECT. 5. The land agent shall receive all moneys and securities accruing to the Commonwealth from the sale of timber and grass growing or standing on the public lands, and pay over to the treasurer of the Commonwealth all moneys so received; and all securities accruing as aforesaid shall be made payable to the treasurer.

Land agent shall receive all moneys, &c., and pay over to treasurer.

SECT. 6. He shall personally attend to the duties of his office, as far as practicable, and employ as many assistants as may be necessary; but all persons employed as assistants in the land office, or in surveying or exploring lands, shall be sworn to the faithful discharge of their duties, and the land agent shall be responsible for their conduct.

Shall personally attend, and may employ assistants.

SECT. 7. The secretary, treasurer, and auditor of the Commonwealth for the time being, are hereby appointed commissioners of the public lands, for the purposes of this act.

Who are land commissioners.

SECT. 8. All acts and parts of acts, inconsistent herewith, are hereby repealed.

Acts inconsistent repealed.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1851.*]

When to take effect.

An Act to amend an Act incorporating the Massachusetts Fire and Marine Insurance Company.

Chap 191.

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

SECT. 1. The first section of an act entitled "an act to incorporate the Massachusetts Fire and Marine Insurance Company," passed on the eleventh day of March, in the year one thousand eight hundred and fifty, is hereby amended by inserting therein, after the words "maritime losses," the words "on the principle of a mutual insurance company."

Act of March 11, 1850, amended.

SECT. 2. No marine policy shall be issued by said company, until application shall have been made for marine

No marine policy to be issued, until application

has been made for marine insurance to \$100,000.

No division of funds, till expiration of charter.

Second sec. of the original act repealed.

insurance for the sum of one hundred thousand dollars; and no division of any funds received by or remaining in the hands of the said company, shall be made among the stockholders thereof, until the expiration of their charter; but such funds shall be invested in the manner now authorized by law.

SECT. 3. The second section of the abovenamed act, of which this act is in amendment, is hereby repealed. [*Approved by the Governor, May 20, 1851.*]

Chap 192. An Act better to establish the Line between the Towns of Hancock and New Ashford.

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

Boundary line.

The following is hereafter to be considered the boundary line between the towns of Hancock and New Ashford, viz.: beginning at the northwest corner of the town of Lanesborough, thence running north, seventy-one degrees west, two hundred and forty-one rods; thence north, nineteen degrees east, to Williamstown line. [*Approved by the Governor, May 20, 1851.*]

Chap 193. An Act to prevent Disturbances at Funerals.

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

Every person, who shall wilfully interrupt, or, by fast driving or otherwise, in any way disturb any funeral assembly or procession, shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding fifty dollars. [*Approved by the Governor, May 20, 1851.*]

Chap 194. An Act to increase the Capital Stock of the Lee Bank.

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

Addition \$50,000.

SECT. 1. The president, directors and company of the Lee Bank, in Lee, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of the said bank may determine: *provided*, that the whole amount shall be paid in on or before the last day of April, in the year one thousand eight hundred and fifty-two.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is now subject. Addition subject to tax, &c.

SECT. 3. Before the said corporation shall proceed to do business on the said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*] When to take effect.

An Act to increase the Capital Stock of the Mechanics Bank.

Chap 195.

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

SECT. 1. The president, directors, and company of the Mechanics Bank, in Worcester, are hereby authorized to increase their present capital stock by an addition thereto of one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two. Addition \$150,000.
Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is now subject. Addition subject to tax, &c.

SECT. 3. Before the said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate to be filed with secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May, 21, 1851.*] When to take effect.

An Act to provide additional Railroad Accommodations for the town of Wilmingon and the vicinity.

Chap 196.

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

SECT. 1. The ninth section of an act approved by the governor on the sixteenth day of March, in the year one thousand eight hundred and forty-four, entitled "an act to Section of act of 16th March, 1844, repealed.

establish the Boston and Maine Railroad Extension Company," is hereby repealed.

SECT. 2. So much of the eighth section of chapter two hundred and twenty-three of the laws of the year one thousand eight hundred and forty-eight, incorporating the Salem and Lowell Railroad Company, as provides that the cars of the said corporation shall not be permitted to stop for the purpose of receiving or delivering passengers or merchandise, at any point upon their track within one mile of the Boston and Maine Railroad, is hereby repealed.

Further provisions repealed, act 1848, ch. 223.

Proviso.

SECT. 3. Nothing in this act contained shall be so construed as to authorize the cars of the said Boston and Maine Railroad Company, or of any other corporation or person, to be drawn from said last mentioned road over the road of said Salem and Lowell Railroad Company, or the cars of the said Salem and Lowell Railroad Company, or of any other corporation or person, to be drawn from said last mentioned road over the road of the said Boston and Maine Railroad Company. [*Approved by the Governor, May 21, 1851.*]

Chap 197.

An Act to increase the Capital Stock of the Fall River Bank.

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

SECT. 1. The president, directors and company of the Fall River Bank, in Fall River, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, and the said addition shall be made by increasing the par value of the shares in said bank from seventy-five dollars to eighty-seven dollars and fifty cents each, and shall be paid in such instalments as the president and directors shall determine: *provided*, that the whole shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Addition \$50,000.

Proviso.

SECT. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is now subject.

Subject to like tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed with secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

When to take effect.

An Act to increase the Capital Stock of the Bedford Commercial Bank. *Chap 198.*

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

SECT. 1. The president, directors and company of the Bedford Commercial Bank, in New Bedford, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first Monday in April, in the year one thousand eight hundred and fifty-two.

Addition \$200,000.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is subject.

Subject to like tax, &c.

SECT. 3. Before said bank shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed with secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

When to take effect.

An Act to increase the Capital Stock of the Freeman's Bank. *Chap 199.*

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

SECT. 1. The president, directors and company of the Freeman's Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of the said bank may determine: *provided*, that the whole amount shall be paid in before the first Monday in April, in the year one thousand eight hundred and fifty-two.

Addition \$50,000.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock is subject.

Subject to like tax, &c.

SECT. 3. Before the said bank shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said

Certificate filed with secretary Commonwealth.

bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

Chap 200.

An Act to increase the Capital Stock of the Lancaster Bank.

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

Addition \$25,000.

Proviso.

SECT. 1. The president, directors and company of the Lancaster Bank, in Lancaster, are hereby authorized to increase their present capital stock, by an addition thereto of twenty-five thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in on or before the last day of April, in the year one thousand eight hundred and fifty-two.

Subject to like tax, &c.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is now subject.

Certificate filed with secretary Commonwealth.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

Chap 201.

An Act to increase the Capital Stock of the Rollstone Bank.

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

Addition \$100,000.

Proviso.

SECT. 1. The president, directors and company of the Rollstone Bank, in Fitchburg, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first Monday in April, in the year one thousand eight hundred and fifty-two.

Subject to like tax, &c.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock is subject.

SECT. 3. Before the said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate filed with secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

An Act to increase the Capital Stock of the Granite Bank.

Chap 202.

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

SECT. 1. The president, directors and company of the Granite Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Addition \$250,000.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Subject to like tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate filed with secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

An Act to increase the Capital Stock of the Worcester Bank.

Chap 203.

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

SECT. 1. The president, directors and company of the Worcester Bank, in Worcester, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in on or before the last day of April, in the year one thousand eight hundred and fifty-two.

Addition, \$50,000.

Proviso.

Subject to like tax, &c.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate filed with secretary of Commonwealth.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

Chap 204. An Act exempting the Members of the Ancient and Honorable Artillery Company from Jury Duty.

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

Exempted from jury duty.

The members of the Ancient and Honorable Artillery Company shall be exempted from jury duty, agreeably to the provisions of the eighth section of the "act concerning the militia," passed in the year one thousand eight hundred and forty-nine. [*Approved by the Governor, May 21, 1851.*]

Chap 205. An Act to change the Name of the Proprietors of the West Bradford Meeting-house.

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

Proprietors of Bradford Meeting-house.

SECT. 1. The proprietors of the West Bradford Meeting-house, incorporated March fourth, in the year one thousand eight hundred and thirty-five, shall hereafter be known and called by the name of the Proprietors of the Bradford Meeting-house.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

Chap 206. An Act to provide further Remedy for Creditors.

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

S. J. C. to have jurisdiction.

SECT. 1. The supreme judicial court shall have jurisdiction in equity, upon a bill by any creditor to reach and apply, in payment of a debt due from any debtor not residing in this Commonwealth, any property, right, title, or interest, legal, or equitable, of such debtor, within this Com-

monwealth, which cannot be come at to be attached or taken on execution, in a suit at law against such debtor.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

An Act to incorporate the Scituate Savings Bank.

Chap 207.

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

Caleb W. Prouty, Seth Webb, John Bouve, their associates and successors, are hereby made a corporation, by the name of the Scituate Savings Bank, to be located in the town of Scituate, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings. [*Approved by the Governor, May 21, 1851.*]

Corporators.

Powers, &c.,
R. S. ch. 36,
and other laws.

An Act to authorize Judges of Probate to take the Proof of the execution of Deeds in certain cases.

Chap 208.

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

SECT. 1. The several judges of probate, in their respective counties, shall have concurrent jurisdiction with the courts of record in the state, in taking the proof of the due execution of deeds, according to the provisions of the fourteenth, fifteenth and eighteenth sections of the fifty-ninth chapter of the Revised Statutes; and when the execution of any deed shall have been thus duly proved, a certificate, by the judge of probate, of such proof, shall be indorsed upon the deed, or annexed thereto.

Judges of probate shall have concurrent jurisdiction with courts of record, &c.

Certificate of judge probate.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

When to take effect.

An Act to authorize John Gibson and others to build a Wharf in Lynn.

Chap 209.

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

SECT. 1. John Gibson, Nathaniel Ingalls, Jr., Isaac Brown, and their associates, are hereby authorized to build a wharf on the westerly side of Nahant Beach, and near the middle thereof, in Lynn, from the road over the said beach, westerly to the channel in the harbor, and they shall have the right to lay vessels thereat, and to receive wharfage and dockage therefor.

Wharf at Nahant Beach.

May receive dockage, &c.

SECT. 2. The proprietors of the said wharf shall be allowed the exclusive use of the water one hundred and fifty feet wide on each side of the wharf to the channel, for the use, occupation and accommodation of such wharf: *provided*, that this grant shall in no wise interfere with the legal rights of any person.

Exclusive use of water, &c.

Proviso.

Must be approved by the city council of Lynn.

SECT. 3. This act shall not go into operation unless the same shall be approved by the city council of Lynn, within six months from its passage. [*Approved by the Governor, May 21, 1851.*]

Chap 210.

An Act to incorporate the Stockbridge Water Company.

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

Corporators.

SECT. 1. Charles M. Owen, Daniel R. Williams, and Jonathan E. Field, their associates and successors, are hereby made a corporation, by the name of the Stockbridge Water Company, for the purpose of supplying the inhabitants of Stockbridge with good water, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, &c., R. S. ch. 38 and 44.

May hold real and personal estate.

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount thirty thousand dollars.

May convey water into Stockbridge.

SECT. 3. The said corporation may take, hold, and convey to, into, and through the Plain street of Stockbridge, and the streets leading into and parallel to said Plain street, the waters of the spring on land of Major Calvin Dewey, near Rattlesnake Mountain, in said Stockbridge; also the waters of the springs on the lands occupied by David C. Hull; and may take and hold real estate necessary for laying and maintaining aqueducts, reservoirs, fountains, bathing houses, and washing houses, and may take land around the margin of the said springs, not exceeding twenty rods, measuring from the centre of such springs. The said corporation shall, within sixty days from the time of taking any lands or springs, file in the office of the registry of deeds, in the middle district of the county of Berkshire, a description of the lands and springs so taken, as certain as is required in a common conveyance of land, and a statement of the purpose for which it is taken, signed by the president of the corporation: *provided*, that no springs or lands about the same, nor any lands for fountains, reservoirs, bathing houses nor washing houses, shall be taken by virtue of the authority herein given, unless the consent of the owners thereof shall be first obtained in writing.

May hold real estate.

Shall file description of lands.

Proviso.

SECT. 4. The said corporation may make aqueducts from the aforesaid sources, through the village of Stockbridge, and may maintain the same by suitable works; may make reservoirs and hydrants, may distribute the waters throughout the said village, by laying down pipes, and may establish the rents therefor; and the said corporation, for the purposes aforesaid, may enter upon and dig up any road, under the direction and by the consent of the selectmen of Stockbridge for the time being, in such manner as to cause the least hindrance to travel thereon.

May make aqueducts, &c.,

with consent of selectmen of Stockbridge.

SECT. 5. All damages sustained by taking land, water, or water rights, or by making aqueducts, reservoirs, or other works, shall be ascertained, determined, and recovered, in the manner now provided in cases where land is taken for highways. And no diversion of any nature, or construction of any work by said corporation, shall be commenced until all damages shall have been ascertained or agreed upon, and paid to the persons damaged thereby.

Damages, how recovered.

SECT. 6. Any person who shall maliciously divert the waters, or any part thereof, of the sources which shall be taken by the said corporation, pursuant to the provisions of this act, or who shall corrupt the said waters, or render the same impure, or who shall destroy or injure any draw, reservoir, aqueduct, pipes, hydrant, or other property, held, owned, or used by the said corporation for the purposes of this act, shall pay three times the amount of damage to the Stockbridge Water Company, to be recovered by any proper action. And any such person, on conviction of either of the malicious acts aforesaid, may be punished by a fine not exceeding one hundred dollars, and by imprisonment not exceeding six months. [*Approved by the Governor, May 21, 1851.*]

Penalty for corrupting the waters.

Fine or imprisonment.

An Act concerning Illegitimate Children.

Chap 211.

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

Every illegitimate child shall be considered as heir of his mother, and any maternal ancestor, and shall inherit the estate of such mother or ancestor, in whole or in part, as the case may be, and the same shall descend from such ancestor to the lawful issue of such illegitimate person in like manner as if he had been born in lawful wedlock. [*Approved by the Governor, May 21, 1851.*]

Shall inherit the estate of mother or maternal ancestor.

Estate shall descend to lawful issue.

Chap 212.

An Act to incorporate the West Newbury Railroad Company.

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

Corporators.

SECT. 1. John C. Carr, Moses Newell, and Patten Sargent, their associates and successors, are hereby made a corporation, by the name of the West Newbury Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all statutes subsequently passed relating to railroad corporations.

Duties and liabilities, R. S. ch. 39.

SECT. 2. The said corporation may construct and maintain a railroad, commencing at or near the passenger depot of the Newburyport Railroad, in the town of Georgetown, with a right to cross the said railroad; thence running through Groveland to some convenient point on the road leading from the main road to the Rocks Bridge, in the town of West Newbury, with authority to enter upon and use the Danvers and Georgetown Railroad, or any portions thereof, according to law.

To use the Danvers and Georgetown railroad.

To contract with Danvers and Georgetown railroad.

SECT. 3. The said corporation are authorized to contract with the Danvers and Georgetown Railroad Company, for the running of their railroad.

Capital, five hundred shares, \$100 each.

SECT. 4. The capital stock of the said corporation shall consist of five hundred shares of one hundred dollars each, and no assessment shall be made thereon of a greater amount in the whole than one hundred dollars on each share; and no share in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued; and the said corporation may purchase and hold such real estate, materials, engines, cars, and other things, as may be necessary for depots for the use of the said road, and for the transportation of persons, goods and merchandise.

No share to be sold less than par value.

Empowered to form one company.

SECT. 5. The said West Newbury Railroad Company, and the Danvers and Georgetown Railroad Company, are hereby authorized and empowered to unite and form one company, whenever it shall be so voted by each company at meetings duly notified for that purpose; and, when the said companies shall be so united, the stockholders of one company shall be the stockholders in the other, and the two companies shall constitute one corporation, under the name of the Danvers and Georgetown Railroad Company; and the said last mentioned company shall have all the franchises, property, powers and privileges, and be subject

Powers, &c.

to all the restrictions and liabilities of the said companies respectively.

SECT. 6. If the location of the said railroad be not filed according to law within two years, and if the said railroad be not constructed within three years from the passage of this act, this act shall be void. Location to be filed in two years; to be built in three.

SECT. 7. The Legislature may authorize any company to enter, with another railroad, upon the said railroad, at any point thereof, and use the same according to law. Any company may enter, &c.

SECT. 8. The said corporation shall not commence the construction of their road, or any part thereof, until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company, and a majority of the directors thereof, stating that all of the stock named in their charters has been subscribed for by responsible parties, and that ten per cent. of the par value of each and every share of the stock thereof has been actually paid into the treasury of the company. Certificate to be filed prior to construction.

SECT. 9. This act shall take effect from and after its passage. *[Approved by the Governor, May 21, 1851.]* When to take effect.

An Act concerning the Levy of Executions.

Chap 213.

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

If any execution against a corporation shall have been satisfied, in whole or in part, by service or levy on the person or property of any member thereof, and the property thus levied on, or damages for such service or levy, shall have been subsequently recovered by such member from the officer or judgment creditor, such creditor may have a writ of *scire facias* on his judgment, and shall thereupon be entitled to a new execution for the sum remaining justly and equitably due to him. *[Approved by the Governor, May 21, 1851.]*

An Act concerning the Location of Highways.

Chap 214.

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

Application to the commissioners of any county to locate anew a road within any town in such county, whether the same were laid out by the authority of such town or otherwise, may be made by any five inhabitants of such town; and the commissioners may, either for the purpose of establishing the boundary lines of such road, or of making alter- Application to locate anew a road may be made by any five inhabitants.
County commissioners may locate anew.

Expenses paid
by applicants.

ations in the course or width, locate such road anew, after giving the like notice and proceeding in the like manner as in the case of laying out highways ; and the persons making such application shall pay all the expenses arising in the case. [*Approved by the Governor, May 21, 1851.*]

Chap 215.

An Act to exempt Agricultural Societies from Taxation.

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

From and after the passage of this act, the property, both real and personal, of all agricultural societies, which are now or may hereafter be incorporated, shall be exempted from taxation. [*Approved by the Governor, May 21, 1851.*]

Chap 216.

An Act providing for Returns of Moneys received by Public Officers.

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

SECT. 1. All trial justices, justices of police courts, commissioners of insolvency, clerks of courts, and other officers whatsoever in the Commonwealth, receiving costs, fees, fines, forfeitures, or other moneys, which they are required by law to pay over, or to account for to the treasurer of the Commonwealth, treasurers of counties, or other public authority, shall, on or before the fifteenth day of January, annually, return to the secretary of the Commonwealth, under oath, a true account of all moneys received by them from all sources, by virtue of their office, for the year ending on the first Wednesday of the same January.

Shall make annual returns to secretary of Commonwealth on or before Jan. 15.

Penalty for neglect, \$200.

SECT. 2. If any officer shall neglect or omit to make the return required by this act, he shall forfeit the sum of two hundred dollars, to be recovered by indictment in any competent court of the Commonwealth. [*Approved by the Governor, May 21, 1851.*]

Chap 217.

An Act to provide for the inspection of Belt Leather.

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

All the provisions of the twenty-eighth chapter of the Revised Statutes, concerning the inspection of sole leather, are hereby made applicable to belt leather, which shall be subject to inspection under the same conditions and incidents, and with the same penalties for the purchase and

Belt leather to be inspected same as sole leather.

sale thereof without inspection, as are enacted in the case of sole leather. [*Approved by the Governor, May 21, 1851.*]

An Act in relation to Easements.

Chap 218.

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

The notice required to be given, by the twenty-eighth section of the sixtieth chapter of the Revised Statutes, to enable the owner of land to prevent an adjoining owner from acquiring an easement therein, may, when the owner of the latter is unknown, be served by copy conspicuously affixed to or posted on the premises, and serving the same on the person to whom the said premises were last assessed for taxes in the town where they lie, and recording the said notice as required in the Revised Statutes. [*Approved by the Governor, May 21, 1851.*]

When owner is unknown, notice may be posted, and copy served on person last assessed.

An Act in addition to an Act to incorporate the Real Estate Mutual Fire Insurance Company.

Chap 219.

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

SECT. 1. The Real Estate Mutual Fire Insurance Company, in addition to their present powers, are hereby authorized to insure personal property.

May insure on personal property.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

When to take effect.

An Act concerning the First Baptist Society in Chelsea.

Chap 220.

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

SECT. 1. The First Baptist Society in Chelsea are hereby authorized to assess upon the pews in their meeting house, in the manner provided by the statute of this Commonwealth passed on the twenty-fifth day of March, in the year one thousand eight hundred and forty-five, entitled "an act relating to religious societies;" any sum or sums of money which they shall vote to raise for the support of public worship, and other parochial charges, and for the repairs of their meeting house: *provided*, that no person not a pewholder in the said meeting house shall be entitled to vote upon any question relating to the settlement of a pastor, or to the raising or appropriating of any moneys to be so assessed.

May assess upon pews.

Proviso.

Shall not take effect till accepted by the society.

SECT. 2. This act shall not take effect unless it shall be accepted by the said society, at a meeting duly called for that purpose, a majority of two-thirds of all members present at such meeting voting therefor. [*Approved by the Governor, May 21, 1851.*]

Chap 221. An Act to authorize the Cape Cod Branch Railroad Company to extend its Railroad.

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

Location.

SECT. 1. The Cape Cod Branch Railroad Company is hereby authorized to extend its railroad from a point at or near its present terminus in Sandwich, through the towns of Sandwich, Barnstable, and Yarmouth, on the north side of the range of hills dividing the north and south sides of Cape Cod, to some point in or near the village of Yarmouth Port, and thence to and into tide water at Hyannis harbor, in the town of Barnstable; with the right to erect and maintain, at its terminus, a suitable pier or wharf for the convenient reception and discharge of passengers and merchandise.

May erect a wharf in Barnstable.

Privileges, &c.

SECT. 2. The said company, in the extension of the said railroad through the limits aforementioned, shall be entitled to all the privileges and benefits, and be subject to all the duties and liabilities, set forth in the several acts relating to railroad corporations.

May increase capital stock \$240,000.

SECT. 3. The said company is hereby authorized, for the purpose of constructing the said extension, to increase its capital stock by the sum of two hundred and forty thousand dollars, which shall be divided into shares of sixty dollars each, and no share shall be issued under this act for less than sixty dollars, to be actually paid in on each share.

No share issued under par.

Shall not commence until a certificate shall have been filed, &c.

SECT. 4. The said company shall not commence the construction of the said extension until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company and a majority of the directors thereof, that all of the stock created by this act has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share of the said stock has been actually paid into the treasury of the company.

Original capital reduced to \$60 per share, &c.

SECT. 5. The par value of the original capital stock of the said company is hereby reduced to sixty dollars a share, and all dividends of the profits of the said company hereafter declared shall be made upon the said original stock as of the value of sixty dollars a share.

SECT. 6. The said company is hereby authorized to discontinue so much of the branch at Wareham Narrows, authorized by the fifth section of its act of incorporation, as lies below the southeasterly side of the wharf known as the "Parker Mills wharf," being the wharf adjoining the bridge in Wareham.

Authorized to discontinue a part.

SECT. 7. If the said company shall not file the location of the said extension within one year, or shall not complete the said extension within two years, from the passage of this act, then so much thereof as relates to the extension shall be null and void.

Proviso.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1851.*]

When to take effect.

An Act to increase the Capital Stock of the Worcester and Nashua Railroad Company. *Chap 222.*

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

SECT. 1. The Worcester and Nashua Railroad Company is hereby authorized to increase the capital stock of the said company by the addition of not exceeding three thousand shares, each share to be of the par value of one hundred dollars.

May increase capital \$300,000.

SECT. 2. For the purpose of carrying into effect the provisions of this act, the directors of the said company are hereby authorized and empowered to issue said three thousand shares of new stock ; and the present stockholders of the said company may subscribe for the said new stock, in the proportion of one share for every five shares of old stock by them held, they paying the par value of one hundred dollars for such new stock in such manner as the board of directors of the said company shall direct, at the time of subscribing ; and, on delivering up their certificates of old stock, they shall receive, in lieu of every five shares of old stock and share of new stock, a certificate of six shares of preferred stock : *provided*, that not more than one half of the amount of such new stock, so taken by each stockholder, shall be required to be paid in by him, within one year after the acceptance of this act by the stockholders, as provided in the sixth section.

Conditions of subscription to new stock.

SECT. 3. No portion of the said stock, issued under the provisions of this act, shall be issued at less than its par value ; the time and manner of issuing it shall be determined by the directors of the said company, who shall annually make report, in relation thereto, of their proceedings to the Legislature of this state.

No stock to be issued under par, &c.

New stock preferred.

SECT. 4. The said stock, in the certificates issued therefor, shall be called preferred stock, and holders of shares, less than five in number, of a fractional excess of shares when the whole number is divided by five, may transfer their right to subscribe for new stock, and when the new stock is taken on such transfers, the certificates of the stock on which the said transfer is made may be surrendered, and certificates of preferred stock shall be issued instead thereof; and the board of directors are hereby authorized and empowered to declare and pay semi-annual dividends, out of the net earnings of said company, not exceeding six per cent. per annum on such preferred stock; and no dividends shall hereafter be declared and paid, upon any other shares of said company now in the hands of stockholders, except the same be paid out of the net surplus earnings of said company, after the payment of the dividends on the said preferred stock.

Dividends on other stock.

SECT. 5. When, after the payment of the dividends upon the said preferred stock, out of the net earnings of the said company, there shall be a surplus remaining, there shall be paid out of such surplus, semi-annual dividends, not exceeding six per cent. per annum, on all the old stock of said company held by stockholders and remaining unsundered; and if there shall remain any surplus of the said net earnings, after paying all the dividends aforesaid, the same shall be equally divided among the stockholders, upon all the stock of the said company, new and old, share and share alike.

Surplus divided equally.

When to take effect.

SECT. 6. This act shall not take effect until the same shall be accepted by a vote representing at least three-fourths of all the stock of said company, at a stockholders' meeting specially convened for that purpose, or until the written assent of the holders of two-thirds of the stock shall be obtained.

This act may be altered, &c.

SECT. 7. This act may be altered, amended, or repealed, at the pleasure of the Legislature. [*Approved by the Governor, May 22, 1851.*]

Chap 223.

An Act to increase the Capital Stock of the Traders Bank.

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

SECT. 1. The president, directors and company of the Traders Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the presi-

Addition, \$200,000.

dent and directors of the said bank may determine: *pro-Provido.*
vided, that the whole amount shall be paid in before the
 first Monday in April, in the year one thousand eight hun-
 dred and fifty-two.

SECT. 2. The additional stock aforesaid, when paid into
 the said bank, shall be subject to the like tax, regulations,
 restrictions and provisions to which the present capital
 stock is subject. Subject to like
tax, &c.

SECT. 3. Before the said bank shall proceed to do busi-
 ness on the said additional capital, a certificate, signed by
 the president and directors, and attested by the cashier,
 under oath, that the same has been actually paid into the
 said bank, shall be returned into the office of the secretary
 of the Commonwealth. Certificate to be
filed with secre-
tary of Com-
monwealth.

SECT. 4. This act shall take effect from and after its
 passage. [*Approved by the Governor, May 22, 1851.*]

An Act to change the Organization of the Board of Overseers of the Uni-
 versity at Cambridge. Chap 224.

*BE it enacted by the Senate and House of Representa-
 tives, in General Court assembled, and by the authority of
 the same, as follows :*

SECT. 1. The board of overseers of Harvard College, as
 constituted by existing laws, shall continue until the day
 of the next annual meeting of the General Court, and no
 longer. Overseers' term
limited to 1852.

SECT. 2. The governor, lieutenant governor, president
 of the senate, and speaker of the house of representatives
 of the Commonwealth, the secretary of the board of edu-
 cation, and the president and treasurer of Harvard College,
 for the time being, together with thirty other persons, as
 hereinafter defined and described, and no others, shall, on
 and after the day of the next annual meeting of the Gen-
 eral Court, constitute the board of overseers of Harvard
 College, they, or the major part of them, present at any
 legal meeting, to exercise and enjoy all the rights, powers
 and privileges, and be subject to all the duties of the exist-
 ing board of overseers. New board, how
constituted.

SECT. 3. The thirty persons, who, in addition to the ex
 officio members thereof, now constitute the board of over-
 seers, shall be divided into three classes of ten each, by lot
 or otherwise, as they themselves may determine; and the
 persons of the first class shall go out of office on the day of
 the next annual meeting of the General Court, and their
 places be supplied by joint ballot of the senators and rep-
 resentatives of the Commonwealth, assembled in one room;
 and the persons of the second class shall go out of office on
 the day of the annual meeting of the General Court, which
Divided into
three classes.

Term of 1st
class.

Second class.

will be in the year one thousand eight hundred and fifty-three, and their places be supplied in like manner by joint ballot of the senators and representatives; and the persons of the third class shall go out of office on the day of the annual meeting of the General Court, which will be in the year one thousand eight hundred and fifty-four, and their places be supplied in like manner by joint ballot of the senators and representatives: *provided*, that the persons of each of the said outgoing classes shall continue in office for two months after the day of the said annual meeting of the General Court, unless their successors shall have been sooner chosen by the senators and representatives.

Third class.

Proviso.

Unless, &c.

Divided into six classes when wholly renewed.

SECT. 4. When the board of overseers shall have been wholly renewed, in the manner prescribed in the foregoing section, the members thereof shall be divided into six equal classes, by subdivision of the previous classes into two each, according to lot or otherwise, as the board may determine, and having regard to seniority of service among the said previous classes, in arranging the order of precedence of the new series; and the said six classes shall thereafter go out of office in rotation, and in order of precedence as thus defined, one at each successive annual meeting of the General Court, and their places be supplied by joint ballot of the senators and representatives.

Rotation in office.

Vacancy.

SECT. 5. Any vacancy occurring in the said board of overseers, whether by death, resignation, removal from the Commonwealth, or otherwise, shall be filled by joint ballot of the senators and representatives, as herein before provided; and if the General Court shall omit to fill, within three months from the day of its annual meeting as aforesaid, any existing vacancy, then such vacancy may be filled by the remaining overseers; but the person so elected to fill any vacancy, whether by senators and representatives, or by the overseers, shall be deemed a member of, and go out of office with, the class to which his predecessor belonged.

Existing vacancies may be filled.

Governor shall preside at legal meetings.

SECT. 6. The governor, if present, shall preside at any legal meeting of the said board of overseers; if not, the lieutenant governor; in their absence, the president of the senate; in his absence, the speaker of the house of representatives; but if neither of the persons named be present, then the meeting shall elect a president, *pro tempore*; and the said board may choose, by majority of votes, a secretary, when that office shall be vacant, who shall be under oath truly to record the votes and proceedings of the board, and faithfully to discharge all the duties of his office; and the said board may make, establish, and alter such rules of proceeding, and other by-laws, as they shall deem meet,

Shall choose a secretary.

provided, the same be not inconsistent with the constitution and laws of the Commonwealth. *Proviso.*

SECT. 7. No member of the General Court which elects, shall be eligible to a place in the said board of overseers ; and no person shall be reëligible for more than one term immediately succeeding that to which he shall have been first elected. *Members of General Court ineligible, who elect overseers.*

SECT. 8. This act shall be in force when the board of overseers as heretofore constituted, and the president and fellows of Harvard College respectively, at meetings held for that purpose during the present session of the General Court, shall by vote have assented to the same : *provided*, that nothing contained herein shall be deemed to prejudice any constitutional powers which may be possessed by the General Court. *This act to be in force when accepted. Proviso.*

SECT. 9. All acts or parts of acts, inconsistent herewith, are repealed. [*Approved by the Governor, May 22, 1851.*] *Inconsistent acts repealed.*

An Act to increase the Capital Stock of the Cochituate Bank, and to change its Location. *Chap 225.*

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

SECT. 1. The president, directors and company of the Cochituate Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two. *Addition, \$100,000. Proviso.*

SECT. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is now subject. *Subject to like tax, &c.*

SECT. 3. Before the said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth. *Certificate to be filed with secretary of Commonwealth.*

SECT. 4. So much of the first section of the act to incorporate the Cochituate Bank as requires its location in Boston to be south of Boylston street, is hereby repealed, and the president and directors of said bank are authorized to fix its location : *provided*, it shall not be north of Summer street. *Location changed.*

When to take effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 22, 1851.*]

Chap 226.

An Act for the better Security of the Ballot.

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

All votes shall indicate the office and be deposited in sealed envelopes, &c.

SECT. 1. All votes for governor, lieutenant governor, senators and representatives of the Commonwealth, electors of president and vice president of the United States, and representatives in Congress, shall clearly indicate, in writing or print, the office for which each person voted for is designed, and shall be deposited in the ballot-box in one sealed envelope, furnished as hereinafter provided, and no vote deposited in any other manner shall be counted: *provided*, that in all trials for the choice of representatives to the General Court, when no other officer is voted for, the office of representative, in writing or print, need not be indicated upon the ballot.

Proviso.

Secretary of Commonwealth shall provide envelopes and notify city and town clerks.

SECT. 2. It shall be the duty of the secretary of state to provide a sufficient quantity of self-sealing envelopes, of uniform appearance, and of suitable size and quality, for the use of all the voters in the Commonwealth, and on or before the first day of October next, to notify each clerk of every town and city within the state, that the same are ready for delivery; and it shall also be the duty of the said secretary to keep thereafter constantly on hand, a quantity of the said envelopes, sufficient to supply all the voters of the Commonwealth, at any and all elections, for the offices mentioned in the first section of this act, that may take place, and to furnish the same to the clerks of the several towns and cities whenever they shall apply for them.

And keep a supply on hand.

Clerks of towns and cities shall obtain envelopes from the secretary, keep a supply constantly on hand and receive compensation therefor.

SECT. 3. It shall be the duty of the clerk of each town and city in the Commonwealth, on receiving the notice aforesaid, forthwith to obtain from the secretary of state a number of envelopes equal to six times the number of names on the list of voters of the preceding year, of such town or city, and to keep the same in his office, subject to the order of the selectmen of the town, or the wardens and inspectors of the city. And it shall be the further duty of the clerks aforesaid, to procure thereafter, in the manner before provided, and keep constantly on hand, such number of envelopes as may be sufficient to meet the wants of the voters of their respective towns or cities, at any election of officers named in the first section of this act; and said clerks shall receive a suitable compensation from their several towns or cities, for the labor and expense thus incurred.

SECT. 4. It shall be the duty of the selectmen of each town, and the warden and inspectors of every ward in each city within the state, to obtain from the clerks of their several towns and cities, and provide at the polls, on the day of election, a sufficient quantity of the envelopes aforesaid, and to appoint two or more suitable persons to take charge of the same, and supply each person claiming to be a voter in the said town or city, on his personal application, and no others, with such a number as the pending election may require, and to return to the clerk aforesaid all envelopes not used.

Selectmen, wardens, &c., shall provide envelopes at the polls and appoint persons to deliver them to voters.

SECT. 5. It shall be the further duty of the inspecting officers aforesaid, in the first place, to count the envelopes, at such times as they may judge proper, and thus ascertain the number of persons who have voted; they may then proceed to open the envelopes once each hour during the election, and if, in any case, more than one vote is found in any one envelope, bearing the name of the same person for the same office, all but one such votes shall be thrown out; or if two or more votes be found in one envelope, bearing the names of different persons for the same office, all such votes shall be rejected. And any envelope found to contain only a blank, shall not be counted as a ballot. And if any envelope shall be found in the ballot-box, bearing any mark, impression, or device, or color, designed to distinguish such envelopes from others deposited by voters, it shall not be counted as a ballot.

Inspecting officers shall count and open the same and reject such votes as, &c.

Blank votes and marked envelopes not counted.

SECT. 6. Each voter, when depositing his ballot, shall hold it in such a manner, that the inspecting officers can distinctly see whether more than one is placed in the ballot-box.

Each voter shall exhibit his envelope.

SECT. 7. If any person shall wilfully claim to be a voter, knowing that he is not a voter in such town or city where the claim is made, and by reason thereof shall fraudulently obtain any envelope or envelopes from the persons having the custody of the said envelopes, on the day of the election aforesaid, such person shall be liable to a fine of not less than ten nor more than fifty dollars.

Persons claiming falsely to be voters liable to fine of \$10 to \$50.

SECT. 8. Any clerk, selectman, warden or inspector, or any person employed by them, as herein provided, who shall neglect to perform any of the duties required by this act, shall, on conviction thereof, forfeit and pay, to the treasurer of the Commonwealth, a sum not less than one hundred dollars nor more than five thousand dollars.

Penalty for neglect of duty by clerks, inspectors, &c.

SECT. 9. The use of envelopes shall not be required at any election prior to the first of November next.

Envelopes not used till November next.

Acts repealed. **SECT. 10.** All acts and parts of acts inconsistent with this act are hereby repealed. [*Approved by the Governor, May 22, 1851.*]

Chap 227. An Act to provide for an Additional Term of the County Commissioners for the County of Essex.

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

Additional term.

In addition to the meetings of the county commissioners for the county of Essex, now required by law to be held in the said county, they shall meet annually at Lawrence on the last Tuesday of August. [*Approved by the Governor, May 22, 1851.*]

Chap 228. An Act to increase the Capital Stock of the Merchants Bank in New Bedford.

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

Addition, \$200,000.

SECT. 1. The president, directors and company of the Merchants Bank, in New Bedford, are hereby authorized to increase their present capital stock by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of the said bank shall determine: *provided*, that the whole amount shall be paid in before the first Monday in April, in the year one thousand eight hundred and fifty-two.

Proviso.

Subject to like tax, &c.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock is subject.

Certificate to be filed, &c.

SECT. 3. Before the said bank shall proceed to do business on such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 22, 1851.*]

Chap 229. An Act to increase the Capital Stock of the Quinsigamond Bank.

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

SECT. 1. The president, directors and company of the

Quinsigamond Bank, in Worcester, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Addition,
\$50,000.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Subject to
same tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to
be filed, &c.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 22, 1851.*]

When to take
effect.

An Act to increase the Capital Stock of the Shoe and Leather Dealers Bank. *Chap 230.*

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

SECT. 1. The president, directors and company of the Shoe and Leather Dealers Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Addition,
\$250,000.

Proviso.

SECT. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of the said corporation is now subject.

Subject to like
tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be
filed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 22, 1851.*]

When to take
effect.

Chap 231. An Act to authorize Samuel T. De Ford to extend his Wharf in Newburyport.

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

Right of wharfage, &c.

Samuel T. De Ford, proprietor of a wharf situated in Newburyport, is hereby authorized to extend and maintain his said wharf one hundred and twenty-five feet, toward the channel of the river, and he shall have the right to lay vessels at the end and sides of the said wharf and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, May 22, 1851.*]

Chap 232. An Act to increase the Capital Stock of the Exchange Bank.

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

Addition, \$500,000.

SECT. 1. The president, directors and company of the Exchange Bank, in Boston, are hereby authorized to increase their capital stock, by an addition thereto of five hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Proviso.

Subject to like tax, &c.

SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of the said corporation is now subject.

Certificate to be filed.

SECT. 3. Before the said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 22, 1851.*]

Chap 233. An Act to amend some of the Proceedings, Practice and Rules of Evidence of the Courts of this Commonwealth.

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

Division of actions.

SECT. 1. There shall be only three divisions of personal actions:

First.—ACTIONS OF CONTRACT, which shall include those

now known as actions of assumpsit, covenant, and debt, except for penalties.

Second.—ACTIONS OF TORT, which shall include those now known as actions of trespass, trespass on the case, trover, and all actions for penalties.

Third.—ACTIONS OF REPLEVIN.

SECT. 2. The forms of declaring in personal actions, which have heretofore been used in this Commonwealth, shall be changed in the following particulars :

First, the action shall be named in conformity with the above described division.

Secondly, no averment shall be made which the law does not require to be proved.

Thirdly, only the substantive facts necessary to constitute the cause of action shall be stated, without unnecessary verbiage, and with substantial certainty.

Fourthly, one count and no more shall be inserted for each cause of action, but any number of breaches may be assigned in each count, and when the nature of the case shall require it, breaches may be assigned in the alternative.

Fifthly, any number of counts for different causes of action, belonging to the same division of actions, may be inserted in the same declaration. Actions of contract and actions of tort shall not be joined ; but when it is deemed doubtful to which of those classes of actions a particular cause of action belongs, a count in contract may be joined with a count in tort, averring that both are for one and the same cause of action.

Sixthly, the common counts shall not be used unitedly, as heretofore, but each one of those counts, in the form hereafter prescribed, may be used, when the natural import of its terms correctly describes the cause of action.

Seventhly, a count on an account annexed, in the form hereafter prescribed, may be used in an action of contract, when two or more items are claimed, which would be correctly described by either of the common counts, according to the natural import of its terms.

Eighthly, the form of declaration heretofore used in the action of trover is abolished, and in place thereof shall be used the form hereafter prescribed.

Ninthly, all written instruments, except policies of insurance, shall be declared on, or availed of, in the answer or subsequent allegation, by setting out a copy thereof, or of such part as is relied on, with proper averments to describe the cause of action or the defence. If the whole contract shall not be set out, a copy thereof, or the original, shall be filed as the court shall direct ; and, where it may

Change in form of declaring.

Actions, how named.

Averments.

Statement of facts.

One count only for each cause of action.

Any number of counts for different causes of action.

Joinder of actions.

Common counts not to be united.

When a count on account annexed may be used.

Declaration in trover.

Written instruments, how declared on.

be necessary, the copy so filed shall be part of the record, if the court shall so order, as if oyer had been granted of a deed declared on according to the common law, but no profert, or excuse therefor, need be inserted in any declaration.

Mode of declaring on conditional obligations, &c.

Tenthly, when a bond, or other conditional obligation, contract, or grant, shall be declared on, or when any conditional obligation, contract or grant shall be availed of in the answer or subsequent allegation, the condition shall be deemed part of the obligation, contract or grant, and shall be set forth, and any breaches relied on shall be assigned; and the conditions precedent, if any, to the right of the party relying thereon, shall be averred by him to have been performed, or his excuse, if any, for the non-performance thereof stated. And in real actions founded on mortgage titles, the declaration shall allege the seisin to be "in mortgage."

In real actions founded on mortgage.

Parties severally liable upon contracts may all be joined in one action.

SECT. 3. Persons severally liable upon contracts in writing, including all parties to bills of exchange and promissory notes, may all, or any of them, be joined in the same action. The declaration may include one count only, describing the several contracts of the defendants, when the same contract was made by each, or different counts, describing the different contracts of the defendants, when, as in the case of maker and indorser, the same contract was not made by all. The court shall take such order for the separate trial of the issues, if any, as shall be found most convenient, and shall enter several judgments according to the several contracts of the defendants, and issue executions thereon.

When bill of particulars to be filed.

SECT. 4. In actions of contract, when either of the common counts is used, the plaintiff shall file a bill of particulars with his writ, when the action shall be entered, and in all cases the court may order either party to file a statement of such particulars as may be necessary to give the other party and the court reasonable knowledge of the nature and grounds of the action or defence. And whenever such bill of particulars shall be filed, the items therein shall be numbered consecutively, and it shall be deemed to be part of the record, and shall be answered or replied to as such.

Items to be numbered consecutively.

When and on what terms counts in the declaration may be stricken out.

SECT. 5. If the plaintiff shall fail to give evidence at the trial, in support of any count in the declaration not wholly or partly confessed by the answer, it shall forthwith be stricken out, and costs taxed for the defendant, for an answer, term fee, and any witnesses summoned by the defendant to testify concerning the cause of action alleged in such count. And the court may, either of its own motion, or

upon motion of a party, require unnecessary counts and statements to be stricken out of a declaration or any subsequent proceeding, and it may impose such terms as may be deemed reasonable.

SECT. 6. None of the provisions herein contained shall be deemed to change any of the rules of evidence, or the measure of damages, or the jurisdiction of any court, or the locality of any action, except so far as the same may be herein specially provided for.

Rules of evidence, &c. not changed.

SECT. 7. In actions of contract and actions of tort, the writ need not contain any declaration, nor any description of the cause of action, other than the name of the form of action in which it is intended to declare, unless an arrest of the person shall be made.

When writ need not contain declaration.

SECT. 8. If an arrest of the person shall be made, the declaration shall be inserted in the writ, or if an attachment of property shall be made, the declaration, if not inserted in the writ, shall be filed in the clerk's office into which the writ is returnable, within three days from the day when such writ shall be served by attachment of property; or, if no arrest or attachment shall be made, within fourteen days from the date of the writ, and not afterwards.

Declaration in case of arrest and of attachment.

SECT. 9. All original writs, writs of *scire facias*, and writs of execution, returnable into the supreme judicial court, or court of common pleas in each county, whether such court be then in session or not, shall be made returnable on the following return days, viz.:—In the counties of Suffolk, Nantucket, Dukes County and Hampden, on the first Monday of every month; in the county of Essex, on the Tuesday following the third Monday of March, the eighth Tuesday next after the first Tuesday of March, the Tuesday following the third Monday of June, the Tuesday following the third Monday of September, the sixth Tuesday next after the fourth Tuesday of September, and the Tuesday following the third Monday of December; in the county of Middlesex, on the fourth Tuesday of January, the Tuesday after the second Monday of March, the second Tuesday of April, the Tuesday after the second Monday of June, the fourth Tuesday of July, the Tuesday after the first Monday of September, the third Tuesday next after the fourth Tuesday of September, and the Tuesday after the second Monday of December; in the county of Norfolk, on the third Tuesday of February, the Tuesday after the fourth Monday of April, the Tuesday after the third Monday of September, and the Tuesday after the third Monday of December; in the county of Plymouth, on the second Mondays of April and August, the first Monday

Return days of writs—

In counties of Suffolk, Nantucket, Hampden and Dukes County.
Essex.

Middlesex.

Norfolk.

Plymouth.

of December, and the tenth Thursday next after the first Thursday of March; in the county of Barnstable, on the Tuesday next after the first Monday of April, and the first Tuesday of September; in the county of Bristol, on the second Mondays of March, June, September and December; in the county of Worcester, on the first Monday of March, the third Monday of June, the Monday next after the fourth Monday of August, and the first Monday of December; in the county of Hampshire, on the first Monday of June and the third Mondays of February and October; in the county of Franklin, on the third Monday of March and the second Mondays of August and November; in the county of Berkshire, on the fourth Mondays of February, June and October; and all such writs shall hereafter be made returnable on these return days instead of the return days now fixed by law, which are no longer to be return days of such writs.

Writs that require to be served fourteen days before return day, when returnable.

SECT. 10. Original writs and writs of *scire facias*, which are required to be served fourteen days before the return day, shall be made returnable on the return day first occurring next after the expiration of fourteen days from the date of the writ; or, if they be required to be served thirty days before the return day, they shall be made returnable on the return day first occurring next after the expiration of thirty days from the date of the writ.

Return day for executions.

SECT. 11. Writs of execution shall be made returnable on the second return day next after their date; but in those counties in which such second return day shall be more than sixty days after the date of the writs of execution, they shall be made returnable in sixty days from their date.

For special writs.

SECT. 12. Special writs, not specified in the ninth section, may be made returnable on any return day therein mentioned, or on the first day of a term as heretofore provided by law, as the court issuing them may direct; and if no direction be given, the same shall be made returnable as heretofore provided by law.

Entry of action.

SECT. 13. On the return of a writ, if a declaration shall have been inserted therein, or filed pursuant to the eighth section, the action shall be entered on the docket by the clerk, upon motion of the plaintiff, or his attorney, made on the return day, or the next day thereafter, and upon payment of the fees of the clerk therefor. If no declaration shall have been filed, or inserted in the writ, the action shall not be entered, and upon a complaint, as now provided by law, the defendant shall have judgment for costs. Such complaint shall be entered within three days after the return day of the writ, whether the court shall then be in

Proceedings when no declaration has been filed.

session or not, and not afterwards, and the court shall enter judgment thereon, at the earliest convenient day thereafter.

SECT. 14. The clerk shall note on the docket the date of the entry of each action, and if, at the expiration of fifteen days from the day of such entry, no affidavit of the defendant that he verily believes he has a substantial defence and intends to bring the cause to trial, shall have been filed by the defendant, the clerk shall enter a default; and if such affidavit shall have been so filed, a default shall be entered unless the defendant shall, on or before the next return day after the entry of the action, file an answer; or, if it be a real or mixed action, a plea, or an order of the court allowing further time; but the clerk may, on motion of the plaintiff's attorney, continue an action for judgment until the next session of the court.

Provisions in respect to default of actions.

SECT. 15. When a default shall be entered in any real action, wherein the demandant shall waive on the record all claim for damages, or in any action of contract to recover liquidated damages, or in any writ of *scire facias* against bail, or to revive a judgment, and the plaintiff shall have filed the evidence of his claim, if in writing and not on the records of the same court, or a particular written statement thereof, if the evidence be not in writing, the clerk shall forthwith enter up a judgment upon such default for what is so confessed, and issue execution therefor, as is now provided by law in cases of default in open court.

Entry of judgment upon defaulted actions, and issue of execution.

SECT. 16. In cases where an order of notice shall issue by reason of the absence of a defendant from the Commonwealth, or other cause, such notice shall be made returnable on the first return day which shall occur next after the period of notice fixed by such order, or at the next term, as the court shall direct; and such return day, and the return day of all summonses to new parties, shall, as to the defendant so notified or summoned, be deemed the return day of the writ for the purpose of computing the time for an affidavit of merits, answering, pleading or suffering a default.

Return day of an order of notice.

SECT. 17. If no personal service shall have been made on a defendant, and no order of notice or new summons is required by law, a default shall not be entered against him until after the expiration of fifteen days from and after the return day next following the return day of the writ; and any defendant, having no actual notice of the pendency of the action before suffering a default, may, at any time within three months after judgment, apply to the court to set aside such judgment, according to such rules, on that behalf, as may hereafter be provided by the court of common pleas and supreme judicial court, respectively, and the

Provisions in respect to default, where no personal service has been made.

court may order the same to be set aside, and allow further time for answering or pleading, as in cases where personal service of the writ is made.

When the time for answering has been enlarged.

SECT. 18. When the time for answering or pleading shall be enlarged by the court, and an answer or plea shall not be filed before the expiration of such enlarged time, the clerk shall thereupon enter a default, and proceed as in other cases of default.

Trial calendar, what actions to be entered on.

SECT. 19. When a default shall be entered in any action, other than those specified in the fifteenth section, and when any action shall be brought to issue in the manner hereinafter described, the clerk shall enter the same on the trial calendar.

Answer to the declaration substituted for general issue.

SECT. 20. The general issue, as heretofore used in all actions except real and mixed actions, is abolished, and, in place thereof, the defendant shall file an answer to the declaration.

Joint answers and several defences.

SECT. 21. Two or more defendants, making the same defence, shall answer jointly. Different consistent defences may be separately stated in the same answer.

What the answer shall deny.

SECT. 22. The answer shall deny, in clear and precise terms, every substantive fact intended to be denied in each count of the declaration separately, or shall declare the defendant's ignorance of the fact, so that he can neither admit, nor deny, but leaves the plaintiff to prove the same.

Denial upon personal knowledge, &c.

SECT. 23. The answer shall clearly distinguish between a denial upon the personal knowledge, and a denial upon the information and belief of the defendant.

Provisions in respect to answering the common counts.

SECT. 24. In answering the common counts and the count on an account annexed, the defendant shall answer specifically every item contained in the bill of particulars, or account annexed, but he may make one and the same allegation or denial concerning any number of items to which such allegation or denial is applicable, specifying the number of the items thus answered together, when less than the whole. If the defendant shall deny that any item is due or payable, or that he owes the plaintiff as alleged, he shall state all the substantive grounds on which he intends to rest such denial, and shall specify whether some, and what part, or the whole of such item or demand, is denied.

Denial concerning a time, &c., to be specific.

SECT. 25. In all cases in which a denial is made by answer, affidavit or otherwise, concerning a time, sum, quantity or place alleged, the party denying shall declare whether such denial is applicable to every time, sum, quantity or place, or not, and if not, what time, sum, quantity or place he admits.

Issue in law,

SECT. 26. To raise an issue in law, the answer shall

contain the statement that the defendant demurs to the declaration, or to some one or more counts therein, as the case may be, and shall assign specially the causes of demurrer.

how raised.

SECT. 27. The answer shall set forth, in clear and precise terms, each substantive fact intended to be relied upon in avoidance of the action; and when the answer shall set up the statute of limitations, or the statute of frauds, or any other legal bar, the defendant shall not be deprived of the benefit of such defence by reason of his not denying the facts set forth in the declaration.

Matter in avoidance, how set forth.

SECT. 28. If the answer shall contain new matter in avoidance of the action, the plaintiff shall, within twenty days, or such further time as the court may allow, on cause shown, file his replication thereto, wherein he shall deny, in clear and precise terms, each substantive fact intended to be denied, which is alleged in the answer by way of avoidance, or shall declare his ignorance, so that he can neither admit nor deny, but leaves the defendant to prove the same; and the replication shall clearly distinguish between a denial upon the personal knowledge, and a denial upon the information and belief of the plaintiff. And the plaintiff may allege, in clear and precise terms, any substantive facts by way of avoidance of the new matter contained in the answer; and if the plaintiff shall not, within twenty days, file his replication or an order for further time, a nonsuit shall be entered by the clerk.

Replication, when to be filed and what to contain.

SECT. 29. If the plaintiff shall allege in his replication any new matter by way of avoidance, such new matter shall be deemed to be denied by the defendant; but if the defendant desires to confess and avoid the same by further allegations, he may do so within ten days after the filing of the replication.

Proceedings when new matter is alleged.

SECT. 30. The replication may raise an issue in law, by the statement, that the plaintiff demurs to the answer, or to so much thereof as applies to one or more counts in the declaration, as the case may be, assigning specially the causes of such demurrer; and in like manner either party may demur to the allegation of the other party. But no defect of form merely, either in the declaration or subsequent allegation, shall ever be assigned as a cause of demurrer. The opposite party shall be deemed to join in demurrer, if he shall not amend, which he may do, within ten days, upon such terms as the court may allow by a general rule.

How replication may raise an issue in law.

SECT. 31. Demurrers may be for the following, among other causes:—

Causes of demurrer.

- Want of attorney's certificate. Improper joinder of counts. First, that the declaration, answer or subsequent allegation, is not duly certified by the attorney, if any.
- No legal cause of action. Secondly, that counts in contract, and counts in tort, or either with replevin, or a count in the plaintiff's own right, and a count in some representative capacity, are improperly joined in the declaration.
- No legal defence. Thirdly, that the declaration, or some count thereof, as the case may be, does not state a legal cause of action substantially in accordance with the rules in this act contained.
- Answer not sufficiently traversed. Fourthly, that the answer does not state a legal defence to the declaration, or some count thereof, as the case may be, substantially in accordance with the rules in this act contained.
- Replication not sufficiently avoided. Fifthly, that the answer is not traversed or avoided either as to the whole declaration, or some count thereof, as the case may be, substantially in accordance with the rules in this act contained.
- Sixthly, that an allegation subsequent to the replication does not avoid the replication, or such part thereof as it purports to avoid, substantially in accordance with the rules in this act contained.
- Motion in arrest of judgment, when not allowed. Jurisdiction of court, when not affected. And the particulars, in which the alleged defect consists, shall be specially pointed out.
- Demurrer, how and when heard. SECT. 32. No motion in arrest of judgment for any cause existing before verdict, shall be allowed in any case where a verdict has been rendered, unless the same affects the jurisdiction of the court. And when the defendant has appeared and answered to the merits of the action, no defect in the writ, or other process, by which he has been brought before the court, or in the service thereof, shall be deemed to affect the jurisdiction of the court.
- When final. When not final. SECT. 33. Every demurrer shall, in the first instance, be heard by a single justice at the first term after the same shall be taken, or, if taken in term time, during the same term, if practicable; and his decision as to the verification of an allegation, or the misjoinder of counts, shall be final, an amendment being allowed as hereinafter provided. But if the cause of demurrer shall be that the facts stated do not in point of law support or answer the action, and the party against whom the decision shall be made shall not pray for leave to amend, the decision of such single justice shall not be final, but such demurrer may be further heard, upon appeal or otherwise, as is now provided in respect to such questions of law. And when a demurrer shall be sustained, overruled, or withdrawn, the court shall make such order as may be fit respecting the filing of an answer, or replication, or other allegation, or a trial of the facts. If a
- Proceeding when sustained, &c.

demurrer shall appear, to the judge who first hears the same, to be frivolous, immaterial, or intended for delay, he may, besides overruling the same, order the party to plead or answer, or reply, notwithstanding such party shall claim the right to be further heard, by appeal or otherwise, on his demurrer, and thereupon the case shall proceed to a final judgment as if no demurrer had been filed, and execution may be awarded or stayed on such terms as the court may deem reasonable, as in cases of exceptions adjudged frivolous; and when any demurrer shall be adjudged frivolous, immaterial or intended for delay, the attorney, certifying the same, shall be ordered to pay to the adverse party the sum of ten dollars, and the payment thereof may be enforced by process as for a contempt of court.

When deemed frivolous, &c.

SECT. 34. An answer or replication may allege facts, which have occurred since the institution of the suit, and the plaintiff and defendant may be allowed by the court to make a supplemental declaration, answer, or replication, alleging material facts which have occurred, or come to the knowledge of the party, since the former declaration, answer, or replication.

Provisions in respect to facts occurring since commencement of suit.

SECT. 35. Either party may allege any fact or title alternatively, declaring his belief of one alternative or the other, and his ignorance whether it be the one or the other.

Facts may be alleged alternatively.

SECT. 36. The allegations and denials of each party shall be so construed by the court, as to secure, as far as possible, substantial precision and certainty, and to discourage vagueness and loose generalities. Any substantive fact, alleged with substantial precision and certainty, and not denied in clear and precise terms, shall be deemed to be admitted; but no party shall be required or permitted to state evidence, or to disclose the means by which he intends to prove his case.

Allegations and denial, how construed.

SECT. 37. Any defence to any real, personal or mixed action, which may now be made by plea in abatement, may hereafter be made by answer, containing such allegations or denials as may be necessary to constitute such defence.

Evidence of means of proof not to be stated.

Defence upon matters in abatement to be made by answer.

SECT. 38. No action shall be defeated thereby, if the defect found be capable of amendment, and be amended on such terms as may be prescribed by the court; and if any issue of fact be found against the defendant, a final judgment shall be rendered against him, as is now required by law in case of a plea in abatement; and the defendant shall in no case have liberty to amend such answer in abatement.

Proceedings thereon.

SECT. 39. When an answer in abatement shall be over-

When overruled on demurrer, &c. ruled on demurrer, or an amendment shall be allowed and made by the plaintiff, in consequence of such answer in abatement, the defendant shall then answer, or in a real or mixed action plead, to the merits, within such time as the court shall order.

Certificate of attorney to declaration, &c. SECT. 40. When an attorney shall be employed by the plaintiff, he shall certify at the foot of the declaration, or, if by the defendant, at the foot of the answer or plea, that he has investigated the cause of action declared on, or the defence set forth, as the case may be, and is of opinion that it is a fit subject for judicial inquiry and trial; and when any demurrer shall be taken, the attorney, if any, shall certify at the foot of the demurrer, that he is of opinion that there is such probable ground in law for the demurrer, as to make it a fit subject for judicial inquiry and trial, and that it is not intended merely for delay.

Suit, when deemed at issue. SECT. 41. A suit shall be deemed at issue, when the allegations are closed, or if the same be a real or mixed action, when the plea is filed; and when thus at issue, either upon the law or facts, or both, the clerk shall enter the same upon the calendar for trial.

When and for what amendments may be allowed. SECT. 42. In any stage of a suit before final judgment, the court may allow any amendment to enable the plaintiff to sustain the action for the same cause for which it was brought, or to enable the defendant to make a legal defence thereto; and any necessary party may be brought before the court, and joined as a plaintiff or defendant, in the manner provided in the one hundredth chapter of the Revised Statutes.

Misdescription of action, effect of. SECT. 43. The cause of action shall be deemed to be the same for which the action was brought, when it shall be made to appear to the court, that in point of fact it is the cause of action relied on by the plaintiff when the action was commenced, however the same may be misdescribed; and the adjudication of the court allowing the amendment, shall be conclusive evidence of the identity of the cause of action. But no subsequent attaching creditor, or purchaser of any property attached in the suit, or bail, or any person other than the parties to the record, shall be bound by such adjudication, unless he shall have had due notice of the application for leave to amend, and opportunity to be heard thereon, according to an order of notice to that effect, to be issued by the court when applied for by the plaintiff.

Courts to frame rules, prescribing terms on which amend- SECT. 44. It shall be the duty of the supreme court and court of common pleas respectively, to frame and promulgate, and from time to time, as may be needful, change

rules prescribing the terms upon which amendments will be allowed by the court, or some justice thereof, or upon which unnecessary counts and statements will be stricken out of the record; which rules shall, as far as possible, be adapted to discourage negligence and deceit, to prevent delay, to secure parties from being misled, to place the party not in fault as nearly as possible in the same condition he would have been in if no mistake had been made, to distinguish between form and substance, and to afford known, fixed and certain requisitions, in place of the discretion of the court, or some justice thereof.

ments will be allowed.

SECT. 45. All orders allowing amendments before trial, or a supplemental answer or replication, or further allegation, or enlarging time, and any other interlocutory order necessary to prepare the case for a trial, may be made either by the court while in session, or any justice thereof, in any county, either in term time or vacation; but the several courts shall prescribe such fixed rules respecting notice, and the times and places for motions at chambers, and other matters, as they shall from time to time deem necessary.

Orders allowing amendments, &c., when may be made.

SECT. 46. Any of the orders mentioned in the preceding section may be entered by consent in writing, signed by the parties or their attorneys; and all agreements of attorneys touching any suit or proceeding shall be in writing, otherwise they shall be of no validity.

May be entered by written consent of parties. Agreements touching any suit to be in writing.

SECT. 47. When the defendant relies on any claim by way of set-off, he shall file, with his answer, a declaration adapted to such claim, entitling it a declaration in set-off, and all the subsequent allegations respecting the same shall be governed by the rules herein prescribed, as if an action had been brought for such claim.

Proceedings in relation to matters of set off.

SECT. 48. Actions of replevin shall be commenced as heretofore, but the return day of the writ, the entry thereof, and the proceedings therein, shall be in conformity with the rules herein prescribed; the allegation in the writ respecting the taking or detention, or both, shall be made conformable to the fact intended to be alleged; and the facts stated in the writ shall be verified by certificate of the attorney, if any, as in other cases.

Replevin, action of, how commenced.

SECT. 49. Writs of *scire facias* shall issue as heretofore, but the return day of the writ, the entry thereof, and the proceedings therein, shall be in conformity with the rules herein prescribed. The allegations in such writs shall be made conformable to the facts intended to be alleged, and they shall be verified by certificate of the attorney, if any, as in other cases.

Proceedings on writs of *scire facias*.

Proceedings on special writs.

SECT. 50. Special writs, not herein particularly provided for, shall issue as heretofore; but the court shall, by special orders, conform the proceedings therein, as nearly as may be, to the rules herein contained, so far as the same shall be conveniently applicable thereto. And in all cases where third persons are summoned in to maintain any right involved in any suit or proceeding, the court shall take such order respecting the allegations and other proceedings as shall be in conformity with this statute, so far as the same can conveniently be done.

When a writ of *mandamus* shall issue.

SECT. 51. When a writ of *mandamus* shall issue, the person required to make return to such writ shall make his return to the first writ of *mandamus*, and the person suing such writ may, by an answer, traverse any material facts contained in such return, or demur thereto, and the parties having come to issue in the manner pointed out in this act, the same shall be tried, and if the party suing the writ shall maintain the issue on his part, his damages, if any, shall be assessed, and a judgment rendered that he recover the same with costs, and that a peremptory writ of *mandamus* be granted; otherwise the party making the return shall recover his costs.

No action for a false return to such writ.

SECT. 52. No action for a false return to a writ of *mandamus* shall hereafter be maintained.

Claimant of any interest in the subject matter of the writ may be cited to show cause, &c.

SECT. 53. The court may make rules, not only on a petition for a writ of *mandamus*, but upon and after the issuing of the first writ of *mandamus*, calling upon any person, other than the party to whom such writ is prayed to be, or has been, directed, having or claiming any right or interest in the subject matter of such writ, to show cause against the issuing of such writ; and upon the appearance of such person, he shall be heard in such manner as the court may direct, and in fit cases, may be allowed to frame and sign the return to such first writ of *mandamus*, and to stand as the real party in the proceedings.

When such writ shall not abate by reason of death, &c.

SECT. 54. In case any third person shall be admitted as the real party, as is provided in the preceding section, the proceedings on such writ shall not abate, or be discontinued, by the death, resignation or removal from office, by lapse of time, or otherwise, of the person to whom such writ was directed, and any peremptory writ shall be directed to his successor.

Person injured by any private corporation may apply for writ of *quo warranto*.

SECT. 55. Any person whose private right or interest has been injured, or is put in hazard, by the exercise, by any private corporation or any persons claiming to be a private corporation, of a franchise or privilege not conferred by law, whether such person be a member of such corpo-

ration or not, may apply to the supreme judicial court for leave to file an information in the nature of a *quo warranto*.

SECT. 56. Such application may be made and heard in any county where the court is in session, either by a single judge or the full court, and such information shall be verified by the complainant and his attorney as is herein provided respecting declarations. How such application may be made.

SECT. 57. Upon the application for leave to file such information, the court shall take order for a summary hearing of the parties upon such application; and if there shall appear probable cause to believe that the party complained of has exercised a franchise or privilege not conferred by law, and that thereby the private right or interest of the complainant has been injured, or is put in hazard, leave shall be granted to file such information. Proceedings upon such application.

SECT. 58. Such information shall be filed in the county where the party defendant has its principal place of business; and a copy of the information, with an order of notice thereon, returnable, and to be served, when and as the court shall in such order direct, shall be served on the defendant. Information, where to be filed and how notice shall be served.

SECT. 59. The court shall have power, when leave is given to file such information, or at any time before final judgment, to issue a writ of injunction, restraining the party complained of, and its managers, servants and agents, from exercising the franchise or privilege in question, until the further order of the court. When and for what writ of injunction may issue against party complained of.

SECT. 60. If, upon such information, the attorney general shall not have intervened, as is hereinafter provided, and it shall be determined that the party complained of has exercised a franchise or privilege not conferred by law, no judgment of forfeiture shall be entered, but the judgment shall be, that the corporation, if any, or the persons claiming to be a corporation, be perpetually excluded from such franchise or privilege, and that the directors, managers or agents, by whom such usurpation was made, do pay the legal costs of the proceeding, to be recovered by the complainant. What judgment to be rendered, if attorney general do not intervene, &c.

SECT. 61. If, upon such information, it shall be adjudged that the party complained of has not exercised any franchise or privilege not conferred by law, the defendant shall recover against the complainant the legal costs of the proceeding. When defendant shall recover costs.

SECT. 62. The costs shall be the same as are allowed in actions at law. What costs allowed.

SECT. 63. When an order of notice shall issue upon

Attorney general to be served with copy of information.

Proceedings when he shall intervene.

His duty to proceed *ex officio*, not affected.

How far foregoing provisions deemed applicable to real and mixed actions.

Upon an adverse claim of title, when and how party in possession of real estate may proceed.

Proceedings upon appearance of respondent.

any such information, it shall be a part of such order, that a copy of such information be served on the attorney general within such time as the court shall direct, and it shall be lawful for the attorney general, when he shall have good reason to believe there has been a usurpation of a franchise or privilege not conferred by law, to intervene and demand a judgment of fine and forfeiture; and in such case he shall have the control of all future proceedings, and the court shall enter such judgment as may be required by the principles of the common law; but the complainant in such case shall no longer be responsible for costs.

SECT. 64. Nothing herein contained shall be deemed to affect the duty of the attorney general hereafter to proceed *ex officio*, in all cases in which he may now so proceed by law, nor to deprive any individual of the right to file an information respecting the election or admission of an officer or member of a corporation.

SECT. 65. None of the foregoing provisions, except those contained in sections nine, ten, eleven, thirteen, sixteen, seventeen, eighteen, thirty-one, thirty-two, thirty-three, thirty-eight, thirty-nine, forty, forty-two, forty-three, forty-four, forty-five and forty-six, shall be deemed applicable to real or mixed actions, unless specially named.

SECT. 66. Any person in possession of real property, claiming an estate of freehold, or an unexpired term of not less than ten years, may file a petition in the supreme judicial court, setting forth his estate, whether of inheritance, for life or years, and describing the premises, and averring that he is credibly informed and believes, that the respondent makes some claim adverse to the estate of the petitioner, and praying that he may be summoned to show cause, why he should not bring an action to try the alleged title, if any. And thereupon the court shall order notice to be given to the respondent, and upon return of such order of notice duly executed, if the respondent so summoned shall make default, or, having appeared, shall disobey the lawful order of the court to bring an action and try the title, the court shall enter a decree, that he be forever debarred and estopped from having or claiming any right or title, adverse to the petitioner, to the premises described.

SECT. 67. If the respondent shall appear and disclaim all right and title adverse to the petitioner, he shall recover his costs. If he shall claim title, he shall by answer show cause why he should not be required to bring an action and try such title, and the court shall make such decree respecting the bringing and prosecuting of such action as may seem equitable and just.

SECT. 68. When a real action shall be brought to fore-
 close a mortgage, and the demandant shall, at the time of
 entering his action, file his mortgage deed, and the note,
 bond or other contract, if any, secured thereby, together
 with his affidavit setting forth his title, the breach of con-
 dition, and the amount due, if liquidated, the clerk shall
 enter a default and a conditional judgment thereon, and
 issue execution according to law, unless the tenant, within
 fifteen days after the return day of the writ, shall file his
 counter affidavit, denying the demandant's title, or the
 breach of condition alleged, or the amount due, in which
 case the action shall be placed on the calendar for trial.
 If the denial of the tenant extends only to part of the
 sum alleged to be due, the demandant, if he so elect, and
 his title is admitted, may take judgment for the amount
 not denied. If the tenant in the action shall not be seized
 in fee simple in possession of the whole equity of redemp-
 tion of the land demanded, no decree for a sale shall be
 made until all parties interested in such equity of redemp-
 tion, and whose estate or interest therein would be affected
 by such sale, including any married woman having a right
 or possibility of dower, shall have been summoned to ap-
 pear, and shall have had due opportunity to be heard, ac-
 cording to the order of the court.

Proceedings to
 foreclose a
 mortgage by
 real action,

SECT. 69. In all cases in which a power of sale is con-
 tained in a mortgage of real property, when a conditional
 judgment has been entered, the demandant may, if he so
 elect, instead of a writ of possession, have a decree en-
 tered, that the property be sold pursuant to the power of sale
 in the deed of mortgage; and thereupon the demandant
 shall give such notices, and do all such acts as are author-
 ized and required by such power. And if the deed of
 mortgage containing such power of sale was executed by
 a man having at the time no lawful wife, or if, being mar-
 ried, the wife of the mortgagor joined in such deed in
 token of her release of dower, such sale shall be effectual
 to bar all claim and possibility of dower in the land so
 mortgaged.

Proceedings
 when a power
 of sale is con-
 tained in a
 mortgage.

Effect of sale
 upon dower.

SECT. 70. The party so selling shall, within ten days
 after such sale, make a report thereof and of his doings to
 the court, under his oath, and file the same in the clerk's
 office, and the same may be confirmed and allowed, or set
 aside and a resale ordered, as to the court shall seem law-
 ful. Any person interested may intervene or be summoned
 and heard on such proceedings, and the order of the court
 confirming the sale, shall be conclusive evidence as against
 all persons that the power of sale was duly executed.

Report of sale
 to be made and
 filed; proceed-
 ings thereon.

When writ of injunction may issue to stay waste.

SECT. 71. When any real action shall be brought to foreclose a mortgage, the court, or any justice thereof, may, on the application of the demandant, either in term time or vacation, and in any county, issue a writ of injunction to stay any waste committed or threatened by the defendant, or any one claiming under him, or acting by his permission, on the land mortgaged.

Proceedings, when demandant in any real or mixed action shall die before judgment.

SECT. 72. In all real and mixed actions, if the demandant shall die before final judgment, his devisee of the land demanded, or right of action, if any, at the same term when the death is suggested, or within such further time as the court shall allow, may appear and prosecute the suit in the same manner as if it had been originally commenced by him. And if the first estate in possession under the devise shall not be a fee simple, the devisee of the first freehold estate in possession, shall have the right to appear and prosecute as aforesaid, and the judgment, if in his favor, shall be conformed to his title.

Trustee, when to appear and answer; what the answer shall disclose.

SECT. 73. Any person summoned as a trustee shall appear and file his answer within fifteen days after the return day of the writ, otherwise he shall be defaulted and adjudged a trustee. Such answer shall disclose, as plainly, fully and particularly as is in his power, what goods, effects or credits of the principal, if any, were in his hands or possession at the time of the service of the writ upon him, and shall be sworn to by the trustee.

Trustee may be examined upon written interrogatories.

SECT. 74. The plaintiff may, from time to time, examine the supposed trustee upon written interrogatories, to be filed in the clerk's office; and the answer thereto shall be sworn to and filed in the clerk's office within ten days after notice to the supposed trustee, or his attorney, of the filing of the interrogatories, unless the court, or some justice thereof, shall grant further time therefor. And if such answers are not so filed, the clerk shall, upon proof of such notice, enter a default, and a decree that the person so in default is adjudged a trustee.

Effect of neglect to answer.

Costs, when trustee is defaulted.

SECT. 75. If any trustee shall be so defaulted, and a *scire facias* shall be sued and prosecuted against him, it shall be in the power of the court to make such order concerning the costs, as they may now do, when the supposed trustee is defaulted, according to the fifty-ninth section of the one hundred and ninth chapter of the Revised Statutes.

When entry may be made into lands and tenements and how.

SECT. 76. No person shall make any entry into any lands or tenements, except in cases where his entry is allowed by law; and, in such cases, he shall not enter with force, but in a peaceable manner.

SECT. 77. When any forcible entry shall be made, or

when an entry shall be made in a peaceable manner, and the possession shall be held by force, the person forcibly put out, or held out of possession, may be restored thereto in the manner hereinafter provided.

Party forcibly dispossessed or held out of possession may be restored there.

SECT. 78. No such restitution shall be made of any lands or tenements of which the party complained of, or his ancestors, or they whose estate he has in the premises, have been in the quiet possession for three years next before the filing of the complaint.

When restitution shall not be made.

SECT. 79. The person aggrieved shall make a complaint in writing to any trial justice in the county where the premises are situated; and the complaint shall state, with convenient certainty, the forcible entry or detainer complained of, and the estate of the complainant, whether of inheritance, or for term of life, or years.

Proceedings to obtain restitution.

SECT. 80. Such justice shall thereupon issue a warrant to the sheriff or his deputy, or to any coroner of the county, as the case may require, commanding him to cause to come before him, at a time and place expressed in the warrant, twelve men duly qualified to serve as jurors, to be empannelled and sworn to inquire into the forcible entry or detainer complained of. And the said jurors shall be drawn, and required to attend, in the manner provided in the twenty-fourth chapter of the Revised Statutes.

Justice to issue a warrant for twelve men as jurors.

SECT. 81. Such justice shall also issue a precept to the officer, commanding him to summon the party complained of, to appear at the time and place appointed for the trial, to answer to the said complaint; in which precept shall be recited the complaint, or the substance thereof.

Precept to summon party to appear.

SECT. 82. The said precept shall be served seven days at least before the time appointed for the trial, by reading it to the party complained of, or by delivering to him a copy thereof, or by leaving such copy at his last and usual place of abode.

Service of precept, how and when made.

SECT. 83. The respondent shall not be required to make any plea or answer in writing; and if he shall neglect to appear, the justice shall nevertheless empanel the jury, and proceed in the inquiry in the same manner as if he were present.

Respondent need not plead or answer in writing.

SECT. 84. The jurors shall be sworn by the said justice, well and truly to try whether the complaint laid before them is true, according to the evidence given them.

Jurors to be sworn.

SECT. 85. If, by reason of challenges or otherwise, there shall not be a full jury, the justice shall cause others to be returned from the bystanders, in the manner provided in the ninety-fifth chapter of the Revised Statutes.

Talesmen, when and how returned.

SECT. 86. If the jury, after a full hearing of the cause,

Verdict of the jury, how to be returned.

shall find that the complaint laid before them is proved by the evidence, they shall all sign a verdict to that effect, and deliver it to the justice; otherwise they shall return a verdict orally by the foreman whom they shall appoint, that the complaint is not proved.

Substance of verdict, when in favor of the complainant.

SECT. 87. The verdict, if in favor of the complainant, shall set forth in substance, that, at a court of inquiry held before the justice, at such a time and place, upon the complaint of A. B. against C. D. of a forcible entry upon (or a forcible detainer of) certain lands or tenements, the jurors upon their oaths do find that the said lands or tenements described in the complaint, (or a part thereof, which part shall be described in the verdict,) were, on such a day, in the possession of the said A. B., and that the said C. D. did on that day forcibly enter thereon, and expel the said A. B.; or, if a forcible detainer only is proved, they shall say, that the said C. D., on such a day, being in possession of the premises, did unlawfully and forcibly detain the same from the said A. B., who was lawfully entitled to the possession thereof. Wherefore the jurors find that the said A. B. ought to have restitution thereof without delay.

Judgment of the justice, how to be entered.

SECT. 88. The justice shall enter judgment according to the verdict; and if it is in favor of the complainant, the judgment shall be for restitution of the premises, with his legal costs; and if it is in favor of the respondent, and if he appeared and answered to the suit, he shall recover his legal costs against the complainant, and shall have execution therefor.

Charges of the suit to be advanced by complainant. What costs to be taxed.

SECT. 89. All the legal charges of the suit, including the pay of the jurors for their travel and attendance as in other courts, shall be advanced and paid by the complainant; and if he prevails in the suit, they shall be taxed, with his other costs, to be recovered against the respondent; and the costs for either party shall be the same as are allowed for the like particulars in civil actions before a justice of the peace.

Writ of restitution to issue, if judgment be for complainant—Substance of the writ.

SECT. 90. If the judgment is in favor of the complainant, the justice shall issue a writ of restitution, in substance as follows, to wit: reciting, that at a court of inquiry held before him, at such a time and place, upon the complaint of A. B. against C. D., of a forcible entry upon (or a forcible detainer of) certain lands or tenements, the jurors empannelled and sworn to try the said complaint did return their verdict in writing, and did therein find, &c., then setting forth in the writ of restitution the whole substance of the verdict, and also giving a description of the premises to be restored, if they are not described in the verdict; and re-

citing, that it was thereupon considered by the said justice that the said A. B. should have restitution of the same; the writ shall then proceed to command the officer, that, taking with him the power of the county, if necessary, he cause the said C. D. to be forthwith removed from the premises, and the said A. B. to have restitution and peaceable possession thereof; and also, that he levy of the goods, chattels or lands of the said C. D. such a sum, being the costs taxed against him, together with the charges for the writ of restitution, and the officer's fees for serving the same; and for want of such goods, chattels or lands, to be found by the officer, that he take the body of the said C. D., and commit him to the common jail, there to remain until he pay the several sums aforesaid, with all fees arising from such commitment, or until he is delivered by order of law: and the said writ shall be made returnable to the said justice within fourteen days next following its date.

SECT. 91. All the writs, warrants and precepts, issued by any justice in the course of any such proceedings for forcible entry and detainer, shall be in the name of the Commonwealth, and shall be sealed by the justice, and signed by him, and shall be duly served and returned by the officer to whom they shall be directed and delivered.

Process to run in the name of the Commonwealth.

SECT. 92. No appeal shall be allowed from the judgment of the justice; but the proceedings may be removed by writ of *certiorari* into the supreme judicial court, and be there quashed or affirmed, as law and justice shall require.

Removal of proceedings into supreme court by *certiorari*.

SECT. 93. The judgment of the justice shall not be a bar to any action to be thereafter brought by either party, whether it be to recover possession of the premises, or to recover damages for any trespass thereon.

To what subsequent actions judgment shall not be a bar.

SECT. 94. If any such process of forcible entry or detainer shall be commenced in the city of Boston, or in any other place, in or for which a police court, or justice's court, is or may be established with jurisdiction of common civil actions, which are triable before a trial justice, the complaint may be filed, and all the proceedings thereupon may be had, before such police court or justice's court, in like manner as when the suit is prosecuted before a trial justice, as before provided.

Police courts and justices' courts to have same jurisdiction as trial justices.

SECT. 95. So much of the one hundred and fourth chapter of the Revised Statutes as relates to forcible entry and detainer, or either of them, is hereby repealed, saving, however, the rights of all persons which have been acquired under the law thus repealed, and all pending proceedings founded thereon, which may be prosecuted to final judgment, as if such repeal had not been made.

Repeal of parts of 10th ch. of R. S.

Proceedings in cases of excessive attachment.

SECT. 96. If any excessive attachment of goods or estate shall be made on a writ in any civil action, the defendant may apply in writing, in any county, to any justice of the court into which such writ is returnable, for a reduction of the amount of such attachment, and such justice shall order a notice to the plaintiff, returnable before himself or any other justice of the same court, where and as speedily as circumstances may permit; and if, upon summarily hearing the parties, it shall be found that the attachment is excessive, he shall order it to be reduced, or a part of the goods or estate to be released, and thereafter the attachment shall be deemed to be reduced or partially released, according to such order.

Witness not to be excluded on ground of interest, or conviction of a crime.

SECT. 97. No person offered as a witness shall be excluded from giving evidence, either in person or by deposition, in any proceeding, civil or criminal, in any court, or before any person having authority to receive evidence, by reason of incapacity from crime or interest; but every person so offered shall be admitted to give evidence, notwithstanding he may have an interest in the matter in question, or may have been previously convicted of any offence; but this act shall not render competent any party to a suit or proceeding who is not now by law rendered competent, nor the husband or wife of any such party. But nothing herein contained shall be deemed applicable to the attesting witnesses to any will or codicil. And the conviction of any crime may be shown, to affect the credibility of any person testifying.

Party to a suit not competent, nor the husband or wife of such party.

Interrogatories to adverse party for the discovery of facts, &c. may be filed; to be answered on oath.

SECT. 98. In all civil actions, the plaintiff may, at any time after the entry of the action, and the defendant at any time after answer, or, if it be a real or mixed action, after plea, and before the case is opened to the jury, file in the clerk's office interrogatories for the discovery of facts and documents material to the support or defence of the suit, to be answered on oath by the adverse party. If such party be not resident within this Commonwealth, he shall not be required to answer the same without a special order of the court, or some justice thereof, to be moved for and obtained on notice.

Commission may issue for the examination of a party out of the Commonwealth.

SECT. 99. When an order to examine a party out of the Commonwealth shall be made, a commission may issue, having the interrogatories annexed, and authorizing any person or officer named in the commission to take the signature and oath to the answers.

Affidavit to be annexed to the interrogatories.

SECT. 100. To all such interrogatories there shall be annexed an affidavit of the interrogating party himself, if resident within the Commonwealth, or of the party or his

attorney, if the party reside out of the Commonwealth, to the effect that he has reason to believe that the party interrogating will derive some material benefit in the action from the discovery which he seeks, if the same be fairly made, and that the discovery is not sought for the purpose of delay.

SECT. 101. All such interrogatories shall be answered, and such answers filed in the clerk's office, within ten days after the same are notified to the party interrogated or his attorney, unless, upon cause shown, either before or after the lapse of ten days, further time should be allowed by the court.

Such interrogatories to be answered within ten days.

SECT. 102. No trial shall be delayed for the reason that interrogatories have been filed, and the ten days allowed for answering the same have not elapsed, but the court may allow an examination during the trial, as is hereinafter provided.

No trial to be delayed for reason that the ten days have not elapsed.

SECT. 103. The answers shall be in writing, signed by, and upon the oath of, the party.

Answers to be in writing, and sworn to.

SECT. 104. Each interrogatory shall be answered separately and fully; the party interrogated may introduce into his answer any matter explanatory of his admissions or denials, if relevant to the interrogatory which he is answering, but not otherwise.

Each interrogatory to be answered separately.

SECT. 105. When any document, book, voucher, or other writing, called for by any interrogatory, contains any matters not pertinent to the subject matter of the action, the answer may so state, and that such part has been sealed up, or otherwise protected from examination, and thereupon such part shall not be inspected by the party interrogating; but such party may apply to the court, and obtain an order to have liberty to inspect the part so protected from examination, or so much thereof as the court shall find, on hearing the parties, or, if necessary, by inspecting the part so protected, was improperly withheld and concealed.

Provisions in respect to such parts of any book, &c. as are not pertinent to subject matter of the action.

SECT. 106. The party interrogated shall not be obliged to answer any question, or produce any document, the answering or producing of which would tend to criminate himself, or disclose his title to any property, the title whereof is not material to the trial of the action in the course of which he is interrogated, or to disclose the names of the witnesses by whom, or in the manner in which, he proposes to prove his own case.

What answers, disclosures, &c. party interrogated shall not be bound to make.

SECT. 107. If any answer shall contain irrelevant matter, or shall not be full and clear, or if any interrogatory shall not be answered, and the party interrogated shall refuse to expunge, or amend, or to answer a particular inter-

Proceedings when the answer contains irrelevant matter, or is imperfect.

rogatory, the court, or any justice thereof, on motion, may order such irrelevant matter to be expunged, or such imperfect answer to be made full and clear, or such interrogatory to be answered, within such time as may seem reasonable.

Costs in such cases.

SECT. 108. When an answer shall be adjudged irrelevant, or insufficient, or when a party shall be ordered to answer any interrogatory, the court may make such order respecting costs, either in the action, or otherwise, as the court may by general rules direct, or as may be specially ordered in each case.

Party neglecting to comply with foregoing provisions may be nonsuited or defaulted.

SECT. 109. If any party shall neglect or refuse to expunge, amend, or answer, according to the requisition of this act, the court may enter a nonsuit or default, as the case may require, and proceed thereon according to law.

Answer may be read at the trial, by whom.

SECT. 110. The answer of each party may be read at the trial, by the other party, as evidence; the party interrogated shall be entitled to require that the whole of the answers shall be read, if any part of them shall be read; but if no part of them be read, the party interrogated shall in no way avail himself of his examination, or of the fact that he has been examined.

Interrogatories may be filed during trial, upon cause shown.

SECT. 111. During the trial of any action, the court may allow interrogatories to be filed, to be answered forthwith, or with as little delay as practicable, and may suspend the trial for the purpose of having the same answered; but such interrogatories must be accompanied by an affidavit, stating the reasons why they were not filed earlier, and, unless the court, upon the whole matter, shall find that due diligence has been used, the interrogatories shall not be filed.

The declaration, &c. not evidence.

SECT. 112. Neither the declaration, answer, nor any subsequent allegation, shall be deemed evidence on the trial, but allegations only, whereby the party making them is bound.

Courts may make rules respecting the forms of verdicts.

SECT. 113. The supreme judicial court and court of common pleas are severally authorized to make, and from time to time, as may be needful, to change, all such rules respecting the form of verdicts as they respectively may find necessary, to place upon the record the finding of the jury in matters of fact.

On a writ of error, what errors may and may not be assigned.

SECT. 114. On a writ of error in any civil action, in which the defendant appeared and a verdict was rendered, no error in law shall be assigned, other than such as may have occurred after verdict; and no judgment, which is in conformity with the verdict, shall be reversed because the same is not in conformity with the allegations of the parties.

But nothing herein contained shall prevent either party from assigning any error affecting the jurisdiction of the court.

SECT. 115. No judgment shall be arrested, or reversed on writ of error, in any civil action, by reason of any mistake respecting the *venue* of the action, whether such action be by law local on account of its subject matter, or any or all of its parties.

Mistake respecting *venue* no cause of error.

SECT. 116. When judgment shall have been rendered in any local action, brought in an erroneous *venue*, the court shall cause its writ of possession, or other needful writ of execution, to be directed to the sheriff of the proper county or counties, so that the judgment may be duly executed.

Writs of possession, &c. how directed, in case of erroneous *venue*.

SECT. 117. When it shall appear on a trial that a local action has been brought in an erroneous *venue*, the court may, of its own motion, order a nonsuit and default to be entered, unless good cause shall be shown why the trial should be allowed to proceed.

Action brought in an erroneous *venue* may be nonsuited, unless, &c.

SECT. 118. No allowance shall hereafter be made, to any party in an action at law, for travel or attendance, but in place thereof there shall be taxed and allowed to the prevailing party the sum of four dollars in the supreme judicial court, and the sum of three dollars in the court of common pleas, if the action shall not be placed on the calendar for trial; and the sum of five dollars in the supreme judicial court, and the sum of four dollars in the court of common pleas, for each term while the action shall remain on the trial calendar.

Provisions in respect to costs.

SECT. 119. The forms contained in the schedule annexed to this act may be used in the several courts of this Commonwealth, subject to be changed and modified from time to time by the supreme judicial court, by general rules made for that purpose.

Forms annexed to this act.

SECT. 120. This act shall take effect from and after the last day of August next; but none of the provisions herein contained, except the ninety-seventh to the one hundred and eleventh sections inclusive, shall be deemed applicable to any action then pending.

When to take effect.

SCHEDULE OF FORMS.

Forms of Declarations in Actions of Contract.

Commencement.—To answer to A. B. of ———, in an action of contract.

If the plaintiff is a minor and sues by *prochein ami*, or sues as administrator, or in any special character, it may be stated according to the established form. As it is not necessary to insert the declaration in the writ, it should be entitled, when filed separately, in the following form:—

A. B.	}	Suffolk, C. C. Pleas.
vs.		
C. D.	}	Plaintiff's declaration.

Count for money had and received.—And the plaintiff says, the defendant owes him one hundred dollars, for money received by the defendant to the plaintiff's use.

Money lent.—And the plaintiff says, the defendant owes him one hundred dollars for money lent by the plaintiff to the defendant;—

Goods sold.—Also, that the defendant owes him — dollars for goods sold by the plaintiff to the defendant;—

Work.—Also, that the defendant owes him — dollars for work done by the plaintiff for the defendant;—

Work and materials.—Also, that the defendant owes him — dollars for work done, and materials found, by the plaintiff for the defendant;—

Board.—Also, that the defendant owes him — dollars for board and lodging furnished by the plaintiff for the defendant.

Freight.—For the carriage of certain goods by the plaintiff for the defendant.

Warehouse room.—For warehouse room furnished by the plaintiff for the storage of certain goods of the defendant.

Horse and carriage hire.—For the use of a certain horse and carriage hired of the plaintiff by the defendant.

Use and occupation.—For the use and occupation of a certain tenement hired of the plaintiff by the defendant.

Insimul computassent.—For the balance found due to the plaintiff by the parties, on accounting together.

Account annexed.—And the plaintiff says, the defendant owes him fifty dollars, according to the account hereto annexed.

Attorney's Certificate.

I certify that I have investigated the cause of action declared on, and am of opinion that it is a fit subject for judicial inquiry and trial.

Payee of Note against Maker.

And the plaintiff says, the defendant made a promissory note payable to the plaintiff or order, a copy whereof is hereto annexed. And the defendant owes the plaintiff the amount of said note and interest thereon.

On Note payable to Bearer.

And the plaintiff says, the defendant made a promissory note, a copy of which is hereto annexed, payable to one G. H. or bearer. And the plaintiff is the bearer of said note, and the defendant owes him the amount of said note and interest thereon.

[If payments are indorsed on the note, the declaration should be varied as follows,—“ a copy whereof, with the indorsements thereon, is hereto annexed, and the defendant owes the plaintiff the balance of said note and interest thereon.]

[If payments have been made which are not indorsed on the note, the allegation should be varied accordingly.]

By Indorsee against Indorser.

And the plaintiff says, that one C. D. made a promissory note, a copy of which, with the indorsements thereon, is hereto annexed, payable to the said E. F., or order; and the said E. F. indorsed the same to the plaintiff; and payment of said note was duly demanded of the said C. D., who neglected to pay the same, and due notice of its nonpayment was given to the said E. F., and the said E. F. owes the plaintiff the amount of said note and interest thereon.

On a Bond with condition to pay certain debts of the plaintiff, and to provide for his support.

And the plaintiff says the defendant executed to him a bond, a copy whereof is hereto annexed;

And the plaintiff says, he owed to one O. P. the sum of one hundred dollars on a promissory note, (describing it,) which the defendant neglects to pay;

Also, that he owed to one R. S. one hundred dollars, according to the account hereto annexed, which the defendant neglects to pay :

Also, that the defendant neglects to provide clothing for the plaintiff ;

And the plaintiff has requested the defendant to pay said debts, and provide for his support as mentioned in said bond—

[To be inserted, if proof of the request is necessary.]

By grantee against grantor in a common deed of warranty, for breaches of covenant.

And the plaintiff says, the defendant delivered to him a deed, a copy whereof is hereunto annexed ;

And the defendant was not seized in fee of a part of the land described as follows, (describing it,) but the same was held adversely by one L. M. ; and the residue of said land was not free from incumbrances, but was subject to a mortgage to one S. T., to secure the payment of six hundred dollars ;

And the defendant has not warranted and defended the premises against the rightful claims of all persons, but one W. S. had a right of dower therein, and has compelled the plaintiff to assign the same to her.

On an award.

And the plaintiff says, the parties, by their agreement in writing, a copy whereof is hereto annexed, referred the matters therein mentioned to arbitrators ; and the said arbitrators have made an award thereon in writing, a copy whereof is hereto annexed.

[Aver performance of conditions by plaintiff, when necessary to be proved, and the non-performance by defendant, which is relied on.]

[If it is for the mere payment of money, aver as follows,—]

And the defendant owes the plaintiff the amount of said award.

On a promise to pay the debt of another.

And the plaintiff says, that one E. F. owed him the sum of — for —, and the plaintiff was about to sue the said E. F., to recover the same ;

And in consideration that the plaintiff would forbear to sue the said E. F., the defendant made an agreement to pay the same to the plaintiff, a copy whereof is hereto annexed : and the plaintiff did forbear to sue the said E. F., and the defendant owes him the said sum.

On an agreement to convey land on a certain day, plaintiff to pay one hundred dollars cash, and give a note for four hundred dollars, secured by a mortgage of the land.

And the plaintiff says the defendant made an agreement with the plaintiff, in writing, a copy whereof is hereto affixed ;

And on the — day of —, the plaintiff tendered to the defendant one hundred dollars, and also a note for four hundred dollars, (describing it,) and a mortgage of said land, to secure the payment of said note, and demanded of the defendant a conveyance of said land, (following the terms of the agreement.)

For breach of promise of marriage.

And the plaintiff says, that she and the defendant mutually promised to marry each other ;

And she has always been ready to marry the defendant, but the defendant refuses to perform his promise.

Non-delivery of goods sold.

And the plaintiff says, he purchased of the defendant the following goods, viz., —, for the sum of one hundred dollars, to be paid therefor, on delivery thereof : and the defendant promised to deliver the same on the — day of — at the defendant's store in — ;

And on the said day, the plaintiff demanded said goods at said store,

and tendered to the defendant said sum of one hundred dollars in payment of the same ;

And the defendant refused to deliver the same to the plaintiff.

On Policies of Insurance.

1. On a ship for a total loss.

And the plaintiff says, the defendants made to him a policy of insurance for the sum of ten thousand dollars, on the ship John, against the perils of the seas, and other perils therein mentioned, in a voyage from Boston to Cadiz, in Spain, and at and from Cadiz to her port of discharge in the United States ; and while proceeding on said voyage, the said ship was wrecked, and totally lost, by the perils of the seas ; and the defendants had notice of said loss on the —— day of ——, and were bound to pay the amount of said loss to the plaintiff within sixty days after said notice ; and the defendants owe the plaintiff therefor the said sum of ten thousand dollars.

2. For a partial loss and contribution to a general average.

(State, as in the last count, to the description of the voyage inclusive.)

And in said policy, the defendants agreed, that in case of any loss or misfortune to said ship, it should be lawful for the plaintiff and his agents, to labor for, and in the defence and recovery of, said ship, and that the defendants would contribute to the charges thereof, in proportion as the sum assured by them should be to the whole sum at risk ;

And, while proceeding on said voyage, the said ship was, by the perils of the seas, dismasted, and otherwise damaged in her hull, rigging and appurtenances, and it was necessary, for the preservation of said ship and her cargo, to throw over a part of her cargo, and the same was thrown over for that purpose, and the plaintiff was obliged to expend the sum of two thousand dollars for repairing said ship at Cadiz, and the sum of five hundred dollars, as a contribution for the loss occasioned by throwing over a part of said cargo ; and the ship suffered much other damage that was not repaired at Cadiz ;—and the defendants had notice of said loss and charges, on the —— day of ——, and were bound, by the terms of said policy, to pay the same within sixty days after such notice, and the defendants owe the plaintiff therefor the sum of —— dollars.

[For a total loss of cargo by fire.]

And the plaintiff says, the defendants made to him a policy of insurance for the sum of ten thousand dollars, on the cargo of the brigantine William, against the perils of fire and other perils therein mentioned, at and from Boston, and in a voyage from thence to Hamburg, or any other port or ports in the north of Europe ; and while said brigantine was proceeding on said voyage, the said cargo was totally destroyed by fire ; and the defendants had notice of said loss on the —— day of ——, and were bound by the terms of said policy to pay the plaintiff the amount of said loss : and the defendants owe the plaintiff therefor the sum of ten thousand dollars.

Forms of declarations in Actions of Tort.

Beginning.—To answer to A. B. of ——, in an Action of Tort.

Trover.—And the plaintiff says the defendant has converted to his own use, one horse, the property of the plaintiff, (or the goods mentioned in the schedule hereto annexed.)

[The *ad damnum* is a sufficient allegation of damage in all cases in which special damages are not claimed.]

Deceit.—And the plaintiff says the defendant sold to him ten bags of coffee, and to induce the plaintiff to buy the same, the defendant falsely represented to him that said coffee was the property of the defendant ; and the plaintiff, believing that said representation was true, was thereby induced to purchase, and did purchase, said coffee, and paid therefor to the defendant the sum of one hundred dollars : and said coffee was not the property of the defendant,

which the defendant then knew, but was the property of one A. S., who has taken the same from the plaintiff.

And the plaintiff says, the defendant sold him a horse, for which the plaintiff paid him one hundred dollars. And to induce the plaintiff to buy said horse, the defendant falsely represented to the plaintiff that said horse was sound, so far as the defendant knew; and the plaintiff, believing that said representation was true, was thereby induced to buy, and did buy, said horse: and said horse was not sound, but had a certain disease called ———, which the defendant then knew;

And the plaintiff says, the defendant, to induce the plaintiff to sell property on credit to one S. C., falsely represented to the plaintiff, in writing, that the said S. C. was a man possessed of a large property, and able to pay his debts, (a copy of which writing is hereto annexed.) And thereupon, the plaintiff, believing said representation to be true, was induced to sell, and did sell, to said S. C., the goods mentioned in the account hereto annexed, and gave the said S. C. credit for the price of said goods, being ——— dollars, for the term of six months from the ——— day of ———. And the said S. C. was not a man of property, nor able to pay his debts, but was insolvent, which the defendant then knew. And the plaintiff has not been paid for said goods, and is unable to obtain payment therefor of the said S. C.

Negligence of Railroad Corporations.—And the plaintiff says, the defendants are a corporation, owning a railroad between A. and B.; that plaintiff was a passenger on said railroad and, by reason of the insufficiency of an axle of the car in which he was riding, the plaintiff was hurt: that defendants did not use due care in reference to said axle, but plaintiff did use due care.

[This form may be varied to adapt it to many cases, simply by changing the allegation as to the cause of the accident. It is not intended to restrict a party to the statement of one cause, if there were several concurrent causes, and if the plaintiff is in doubt which of several different causes occasioned the accident, he may, under the thirty-fifth section, so declare.]

Negligence of Town.—And the plaintiff says there is in the town of ———, a public highway, leading from ——— to ———, which said defendants are bound to keep in repair;—that the same was negligently suffered by defendants to be out of repair, whereby the plaintiff, travelling thereon, and using due care, was hurt.

Obstructing way.—And the plaintiff says, he owned a tract of land, (describing it;) and there was a way leading to the same from (here mention the other terminus,) which the plaintiff had a right to use as a foot way and carriage way; and the defendant erected a fence across said way, and placed stones in the same, so that the plaintiff could not use the same.

Immoderate riding.—And the plaintiff says, the defendant hired of him a horse to ride from Boston to Cambridge, and from thence back to Boston, in a proper manner;—and the defendant rode said horse so immoderately, that he became sick and lame, and was greatly injured in value.

Slander.—And the plaintiff says, the defendant publicly, falsely and maliciously accused the plaintiff of the crime of perjury, by words spoken of the plaintiff substantially as follows. (Here set forth the words—no innuendoes are necessary.)

[If the natural import of the words is not intelligible, without further explanation, or reference to facts understood but not mentioned, or parts of the conversation not stated, in either of those cases, after setting forth the words, the declaration should contain a concise and clear statement of such things as are necessary to make the words relied on, intelligible to the court and jury in the same sense in which they were spoken. This rule is applicable to actions for written and printed, as well as oral, slander.]

Libel.—And the plaintiff says the defendant caused to be published in a newspaper, (describing it,) a false and malicious libel concerning the plaintiff, a copy whereof is hereto annexed.

(Or if it be a picture, it may be described.)

Trespass to person.—And the plaintiff says, the defendant made an assault upon him, and struck him on his head, and kept him imprisoned for the space of one day.

Trespass to land.—And the plaintiff says, the defendant forcibly entered the defendant's close, (describing it,) and ploughed up the soil, &c., and took and carried away fifty bushels of the plaintiff's corn there being, and converted the same to his own use.

Penalty.—And the plaintiffs say, they had a turnpike road, (describing it,) and the defendant passed on said road with a wagon, on which he carried a load of more than forty-five hundred pounds, and the felloes of said wagon were less than three inches and a half wide, whereby the defendant became liable to pay the plaintiffs three times the legal toll therefor, and the legal toll therefor is the sum of _____.

And the plaintiff says, the defendants had a turnpike road, (describing it,) and the plaintiff was passing over the same, and through a turnpike gate thereon, (describing it,) in a wagon drawn by one horse: and the defendants' toll-gatherer then demanded and received of the plaintiff fifty cents for toll, for passing through said gate with said horse and wagon, the legal toll for passing as aforesaid being only ten cents, whereby the defendants have forfeited to the plaintiff a sum not exceeding one hundred dollars.

And the plaintiffs say, they had an aqueduct, (describing it,) and the defendant maliciously injured said aqueduct, by cutting off one of the pipes thereof, whereby the defendant became liable to pay the plaintiffs treble the amount of the damage thereby sustained by the plaintiffs:—and the amount of said damage was ten dollars.

And the plaintiffs say that the twentieth day of October last was the day of their cattle show and exhibition; and that by their officers they defined and fixed bounds of sufficient extent for the erection of cattle pens and yards, and for convenient passage ways to and about the same, within which bounds no persons were permitted to enter and pass, unless in conformity with the regulations of said officers: Of all which the defendant had notice, and after said notice, the defendant did enter and pass within said bounds, contrary to said regulations, whereby he has forfeited to the plaintiffs a sum not exceeding five dollars.

Answers in Abatement.

A. B. vs. C. D.

Suffolk, C. C. Pleas.

DEFENDANT'S ANSWER.

Coverture of Plaintiff.—And the defendant comes and says, that when the plaintiff's writ was sued out, the plaintiff was a married woman, and that E. F., her husband, was then alive,—and therefore he ought not to be held to answer to the plaintiff's writ.

Non joinder.—And the defendant comes and says, that if he is indebted to the plaintiffs for the goods mentioned in their bill of particulars, he is indebted to them jointly with one G. H., who is still alive, and ought to be sued with him in the writ, and therefore he ought not to be held to answer to the plaintiff's writ.

Misnomer.—And the defendant comes and says, the plaintiff's name is John Stiles, and not James Stiles, and therefore he ought not to be held to answer to the plaintiff's writ.

Coverture of Defendant.—And the defendant comes and says, that when the plaintiff's writ was sued out, she was, and still is, a married woman, and that J. H., her husband, was then alive, and therefore she ought not to be held to answer to the plaintiff's writ.

Answers in Actions of Contract.

A. B. vs. C. D.

Suffolk, C. C. Pleas.

DEFENDANT'S ANSWER.

Money had and received.—And the defendant comes, and upon his personal knowledge, denies that he received the money mentioned in the plaintiff's bill of particulars, or any part thereof;

(Or if the case be so,) admits that he received the money mentioned in the plaintiff's declaration, but denies that he received it to the plaintiff's use.

Attorney's Certificate.

I certify that I have investigated the defence set forth in the foregoing answer, and am of opinion that it is a fit subject for judicial inquiry and trial.

J. S., *Att'y for Defendant.*

And the defendant comes and says, upon his personal knowledge, that he received the money mentioned in the plaintiff's bill of particulars, but upon his information and belief, he denies that he received the same, or any part thereof, to the plaintiff's use.

And the defendant comes, and upon his personal knowledge, denies that he has received to the plaintiff's use, the money mentioned in the plaintiff's bill of particulars, except the sum of fifty dollars.

Statute of Limitations.—And the defendant comes and answers, that the cause of action mentioned in the plaintiff's writ did not accrue within six years before the suing out of the plaintiff's writ.

Payment.—And the defendant comes and answers, that he has paid the plaintiff the sum of — dollars, which was the full amount of the account stated in the plaintiff's bill of particulars.

If there are several items, add—And he annexes hereto a bill of particulars of said payment.

Account annexed. Goods sold and delivered.—And the defendant comes and answers as follows, viz.: as to the first ten items of the plaintiff's bill of particulars, upon his personal knowledge, he denies that the plaintiff sold and delivered the same to the defendant.

As to the eleventh item, upon his personal knowledge, he denies that the price was to be more than ten dollars.

Work.—As to the twelfth item, he is ignorant personally, and by information and belief, whether the plaintiff performed the days' labor there charged, or not, and also of the price thereof, if any, so that he can neither admit nor deny the plaintiff's allegation, but leaves the plaintiff to prove the same.

Answers to a Promissory Note.

Promissory Note.—And the defendant comes and answers as follows:—He denies that he made the promissory note mentioned in the plaintiff's first count;

Minority.—And as to the note mentioned in the plaintiff's second count, he says that at the time of making the same, he was a minor under the age of twenty-one years.

Duress.—And as to the contract mentioned in the plaintiff's third count, he says that at the time of its execution he was kept in imprisonment by the plaintiff, and executed the contract through the force of that imprisonment.

Part payment.—And the defendant comes and says, that he has paid the note mentioned in the plaintiff's writ, except the sum of fifty dol-

Tender.] lars, and before the plaintiff sued out his writ, he tendered to the plaintiff said sum of fifty dollars, and now brings the same into court for the plaintiff.

Accord.—And the defendant comes and says, he delivered to the plaintiff one wagon, which the plaintiff received in full satisfaction of the note mentioned in the plaintiff's writ.

Res judicata.—And the defendant comes and says, that at the supreme judicial court, held, &c., the plaintiff recovered judgment against the defendant for _____ dollars and _____ cents damages, and _____ for costs; and that said judgment was rendered upon the same cause of action mentioned in the plaintiff's first count.

Release.—And the defendant comes and says, the plaintiff executed to him a release, a copy whereof is hereto annexed, whereby he discharged the defendant from the cause of action mentioned in the second count.

To a Policy of Insurance.

Insurance.—And the defendants come and say, that they deny, upon information and belief, that the said loss was actually total, and they deny that any abandonment was made.

And the defendants come and say, they deny, upon information and belief, that the said vessel was seaworthy for the voyage in the said policy mentioned, at the inception of said voyage.

And the defendants come, &c., (as above,) but deny, upon information and belief, that the said vessel was lost while proceeding on the voyage in the said policy described.

Forms of Answers in Actions of Tort.

Trover.—And the defendant comes and, upon his personal knowledge, denies that the horse mentioned in the plaintiff's writ was the property of the plaintiff,—and also denies that he converted the same to his own use.

And the defendant comes and says, that upon his personal knowledge he is ignorant, but upon his information and belief he denies, that the horse mentioned in the plaintiff's writ was the property of the plaintiff.

And the defendant comes and, upon his knowledge and belief, admits that the said horse is the general property of the plaintiff, but avers that the defendant has a special property therein, by reason of his having attached the same as the plaintiff's property, by virtue of a writ, (here describe it,) which writ was delivered to the plaintiff, who then was a deputy sheriff in the said county of _____, for service, and the action is now pending: And so the defendant denies, upon his personal knowledge, that he has converted the said horse to his own use.

Deceit.—And the defendant comes and, upon his personal knowledge, denies that he made said representation, knowing that the same was not true.

And the defendant comes and says, he has not personal knowledge, but, upon his information and belief, he denies that said horse was unsound, as stated in the plaintiff's declaration.

And the defendant comes and, upon his personal knowledge, denies that he made the representation mentioned in the plaintiff's declaration. And he says the said coffee was the defendant's property, and he had a right to sell the same.

Obstructing way.—And the defendant comes, and says he has not personal knowledge, but, upon his information and belief, he denies that the plaintiff has a right of way, as set forth in his declaration.

And, upon his personal knowledge, he denies that he obstructed said way, as set forth in said declaration.

Slander.—And the defendant comes and, upon his personal knowledge, denies that he accused the plaintiff of the crime of perjury, as set forth in plaintiff's first count:—

And as to the second count, he says the plaintiff did feloniously steal, take, and carry away ten dollars, the property of one S. T.,

in the possession of said S. T. being found, and converted the same to his own use, and so the plaintiff was guilty of the crime of theft, and the defendant's accusation was true.

Assault and battery.—And the defendant comes and says, the plaintiff first assaulted him, and he only defended himself.

And the defendant comes, and says the plaintiff was his apprentice, and deserted and ran away from him, and he retook the plaintiff and forcibly brought him back, using no more force than was necessary :

And as to the allegation, that the defendant hurt and wounded the plaintiff, the defendant, upon his personal knowledge, denies the same.

Trespass quare clausum.—And the defendant comes and says, that a part of the close mentioned in the plaintiff's writ, was the soil and freehold of the defendant, the same being described as follows, &c.

Upon his own knowledge, he denies that he broke, or entered, any part of said close, except the part above described.

Replications.

Suffolk, C. C. P., February 1, 1851

A. B. vs. C. D.

Limitations.—And the plaintiff replies as follows, viz. : He says, that within six years before the suing out of his writ, the defendant executed a writing, a copy whereof is hereto annexed, by which he acknowledged said debt, and agreed to pay the same.

He further says, the defendant has been absent from this Commonwealth for the space of three years last past.

Minority.—And the plaintiff replies that he is ignorant of the fact, so that he can neither admit nor deny that the defendant was a minor, as stated in his answer, but leaves the defendant to prove the same.

He further says, the articles mentioned in his bill of particulars, were necessities for the defendant, and suitable to his estate and degree. [*Approved by the Governor, May 22, 1851.*]

An Act to increase the Capital Stock of the Prescott Bank.

Chap 234.

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

SECT. 1. The president, directors and company of the Prescott Bank, in Lowell, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Addition,
\$50,000.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Subject to like
tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier under oath, that the same has been actually paid into the said

Certificate to be
filed.

bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, May 22, 1851.]

Chap 235. An Act to incorporate the Chebacco Mutual Fire Insurance Company.

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

Corporators.

Benjamin Courtney, Moses Burnham, Jr., Charles B. Allen, their associates and successors, are hereby made a corporation, by the name of the Chebacco Mutual Fire Insurance Company, in the town of Essex, for the term of twenty-eight years, for the purpose of insuring dwelling houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which have been or shall be hereafter enacted relating to mutual fire insurance companies. [Approved by the Governor, May 23, 1851.]

Duties, &c. R. S. ch. 37 and 44, &c.

Chap 236. An Act in relation to the Grand Junction Railroad and Depot Company.

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

Authorized to cross certain streets, &c. at grade, provided assent is obtained of county commissioners.

SECT. 1. The Grand Junction Railroad and Depot Company are hereby authorized, wherever said railroad shall cross, southeasterly of the old county road leading to Malden, any street, highway or turnpike now constructed or to be constructed in the town of Chelsea, as laid down on the plan of the Winnisimmet Company, to cross the same at grade: *provided, however,* that they shall first obtain the assent so to do of the county commissioners of the county of Middlesex; and such crossing, if assented to as aforesaid, shall be subject, on the part of the said railroad and depot company, to all the restrictions, liabilities and duties contained in "an act relating to railroads," passed on the sixteenth day of April, in the year one thousand eight hundred and forty-six: *and provided, also,* that in case the said railroad shall cross the eastern avenue at grade, the said railroad and depot company shall grade the avenue from the railroad, three hundred and sixty feet each way, on a regular slope, make a good crossing, put up a sign and a pair of gates, and place a person there to tend the said crossing.

Restrictions, &c.

Further proviso

Acts inconsistent repealed.

SECT. 2. So much of the first section of an act entitled "an act concerning the Chelsea Branch Railroad Company,"

passed on the twenty-third day of February, in the year one thousand eight hundred and forty-seven, as is inconsistent herewith, is hereby repealed.

SECT. 3. The Grand Junction Railroad and Depot Company are hereby authorized to locate, construct and maintain a piece of railroad, commencing at a point in the located line of the said Grand Junction Railroad and Depot Company in Somerville or Charlestown, northerly of the Middlesex Canal; thence running southwesterly, crossing the Boston and Maine Railroad, and thence running southerly, on the westerly side of the said Boston and Maine Railroad, to a point in the located line of the said Grand Junction Railroad and Depot Company, southerly of Milk Row.

Authorized to construct a piece of railroad.

Location.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 23, 1851.*]

When to take effect.

An Act to incorporate the Salem Steamboat Company.

Chap 237.

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

SECT. 1. Israel D. Shepherd, John G. Brooks, Thomas M. Saunders, their associates and successors, are hereby made a corporation, by the name of the Salem Steamboat Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

SECT. 2. The said corporation is hereby authorized to purchase, build, charter, or otherwise hold and employ a steamboat, to be employed in and about the harbor of Salem, and may also hold real estate to an amount not exceeding one thousand dollars.

Powers, &c. R. S. ch. 38 and 44.

May purchase, &c. a steamboat, and hold real estate to amount of \$1,000.

SECT. 3. The capital stock of the aforesaid corporation shall not exceed twenty thousand dollars, to be divided into shares of one hundred dollars each: *provided*, that none of said shares shall be issued by the said company at a less sum than the par value thereof named in this section, to be actually paid in on each share. [*Approved by the Governor, May 23, 1851.*]

Capital, \$20,000.

Proviso.

Shares issued at not less than par.

An Act regulating the Measurement of Chestnuts and Walnuts.

Chap 238.

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

SECT. 1. Chestnuts and walnuts, hereafter sold, shall be measured by the strike, or level measure, in the same manner as cranberries and other berries are required to be

To be measured same as cranberries.

measured, by the act of April thirtieth, in the year one thousand eight hundred and fifty, entitled an act regulating the measurement of cranberries and other berries.

When to take effect.

SECT. 2. This act shall take effect from and after the first day of August next. [*Approved by the Governor, May 23, 1851.*]

Chap 239.

An Act to authorize the Auditor of Accounts to employ a Clerk.

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

Expense not to exceed \$600 per annum.

The auditor of accounts is hereby authorized to employ a clerk, at such times as he shall think it necessary, at an expense not to exceed six hundred dollars a year, to be paid out of the treasury of the Commonwealth. [*Approved by the Governor, May 23, 1851.*]

Chap 240.

An Act to incorporate the Agricultural and Mechanics Hall Association.

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

Corporators.

SECT. 1. James M. Crooks, Walter H. Bowdoin, Sable Rogers, their associates and successors, are hereby made a corporation, by the name of the Agricultural and Mechanic Hall Association, in the town of Springfield, for the purpose of erecting and maintaining, in said Springfield, an edifice, to contain library and lecture rooms, and halls suitable and convenient for the exhibition and sale of articles connected with agricultural, horticultural and mechanical science and industry, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Springfield.
Purpose.

Powers, &c. R. S. ch. 44.

May hold real and personal estate, \$35,000.

SECT. 2. The said corporation, for the purpose aforesaid, may hold real and personal estate, not exceeding in amount thirty-five thousand dollars. [*Approved by the Governor, May 23, 1851.*]

Chap 241.

An Act concerning the Mount Pleasant Branch Railroad Company.

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

Time of location, &c. extended.

SECT. 1. The times within which the Mount Pleasant Branch Railroad Company may respectively locate and construct its road are hereby extended one year beyond the times now fixed by law.

Shall file a certificate, &c. before commencing.

SECT. 2. The said company shall not commence the construction of its road until a certificate shall have been

filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company, and a majority of the directors thereof, stating that all the stock named in its charter has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share has been actually paid into the treasury of the said company. [*Approved by the Governor, May 23, 1851.*]

An Act to incorporate the North Beverly Branch Railroad Company.

Chap 242.

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

SECT. 1. John T. Baker, Stephen Upton, H. C. Tucker, their associates and successors, are hereby made a corporation, by the name of the North Beverly Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and in all other general laws which have been or shall be hereafter passed relating to railroad corporations.

Powers, &c. R.
S. ch. 44, &c.

SECT. 2. The said corporation is hereby authorized to locate, construct and maintain a branch railroad, with one or more tracks, commencing at a point on the Eastern Railroad, about sixty rods south of the North Beverly depot, in the town of Beverly; thence running by a curve, north-westerly, three hundred feet; thence in a straight line, still north-westerly, across the county road, about ninety-five rods to Wenham Pond.

Location and
construction.

SECT. 3. The said corporation is further authorized to enter upon and use said Eastern Railroad, according to law.

May enter East-
ern Railroad.

SECT. 4. The said branch railroad shall cross the said county road at a grade, or on a level therewith.

Shall cross
county road at
a grade.

SECT. 5. The whole capital stock of the said corporation shall consist of four hundred shares, of one hundred dollars each, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share, and no shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. And the said corporation may invest and hold such part of their capital as may be convenient, in such real and personal estate as may be necessary and convenient for the purposes of their corporation.

Capital stock,
400 shares,
\$100; not to be
issued at less
than par.

May hold per-
sonal and real
estate.

SECT. 6. If the location of the said branch railroad be

Proviso.

not filed according to law within one year, and if the same be not constructed within two years from the passage of this act, then this act shall be void.

Any company may enter, &c.

SECT. 7. The Legislature may authorize any company to enter with their railroad at any point in said branch railroad, and use the same, or any part thereof, according to law.

Certificate to be filed with secretary of Commonwealth.

SECT. 8. The said corporation shall not commence the construction of the said branch railroad until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said corporation, and a majority of the directors thereof, stating that all the stock named in the charter has been subscribed by responsible persons, and that twenty per cent. of the par value of each share thereof has been actually paid into the treasury of the said corporation. [*Approved by the Governor, May 23, 1851.*]

Chap 243.

An Act in addition to an Act to establish the Boston Lunatic Hospital.

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

City council of Boston may pass ordinances and appoint officers.

SECT. 1. The third section of the one hundred and thirty-first chapter of the acts of the year one thousand eight hundred and thirty-nine, being an act entitled "an act to establish the Boston Lunatic Hospital," is so amended that the city council of the city of Boston shall have power to pass such ordinances as they may deem expedient, for conducting, in a proper manner, the business of that institution, and for appointing such officers as in their opinion may be necessary.

Section repealed.

SECT. 2. The second section of the said chapter is hereby repealed.

When to take effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 23, 1851.*]

Chap 244.

An Act to incorporate the Wilmington and Cambridge Railroad Company.

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

Corporators.

SECT. 1. Zachariah B. Porter, John Cummings, Jr., Moses F. Winn, Asa G. Sheldon, Loring Emerson, Jacob Peirce, Walter Blanchard, their associates and successors, are hereby made a corporation, by the name of the Wilmington and Cambridge Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restric-

Powers, &c., R. S. ch. 39 and 44, &c.

tions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and in all other general laws which have been, or shall be hereafter passed relating to railroad corporations.

SECT. 2. The said company are empowered to locate, Location. construct, and maintain a railroad, with one or more tracks, commencing at some convenient point on the Boston and Maine Railroad, in Wilmington, and between the sixteenth and seventeenth mile posts on the said road, thence running through Wilmington, crossing the Boston and Lowell Railroad, between the fourteenth and fifteenth mile posts on the same, and also crossing the Middlesex Canal; thence through a part or parts of Woburn and Burlington, and near the dividing line of the said towns, and to or near New Bridge Village, and continuing through said Woburn to some convenient point of junction with the Lexington and West Cambridge Railroad, in West Cambridge; or, leaving said line at or near Gardner's Lock, on the Middlesex Canal in Winchester, and running to some convenient point of intersection with the Boston and Lowell Railroad in Winchester, between the sixth and seventh mile posts on the said road; and also from a point on the Boston and Lowell Railroad, in Medford or Somerville, between the third and fourth mile posts on said road, to some convenient point on the Fitchburg Railroad, near Porter's Hotel, in Cambridge.

SECT. 3. The said Wilmington and Cambridge Railroad May unite with other roads. Company may enter upon and unite their said railroad with the railroads of the said Boston and Maine, Boston and Lowell, Lexington and West Cambridge, and Fitchburg Railroad Companies, with proper turnouts and switches, and may use the same, or any part or parts thereof, according to law.

SECT. 4. The capital stock of the said company shall Capital, twenty-five hundred shares, \$100; not to be issued at less than par. consist of twenty-five hundred shares, of one hundred dollars each, and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and none of said shares shall be issued by the said company at a less sum or amount, to be actually paid in on each share, than the par value thereof named in this section.

SECT. 5. If the location of the said road shall not be Limitation of time. filed in two years, and the said railroad constructed in three years from the passage of this act, then this act shall be void.

SECT. 6. The said company shall not commence the construction of their railroad until a certificate shall have been Certificate to be filed, &c.

filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company, and a majority of the directors thereof, stating that all the stock named in the charter has been subscribed for by responsible persons, and that twenty per cent. of the par value of each and every share of the said stock has been actually paid into the treasury of the company. [*Approved by the Governor, May 23, 1851.*]

Chap 245. An Act to incorporate the Providence and Bristol Railroad Company.

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

Corporators.

SECT. 1. Johnson Gardner, Tristram Burges, John O. Potter, their associates and successors, are hereby made a corporation, by the name of the Providence and Bristol Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes which relates to railroad corporations, and in the several statutes subsequently passed relating to railroad corporations.

Powers, &c.,
R. S. ch. 39 and
41, &c.

Location.

SECT. 2. The said company is hereby authorized and empowered to locate, construct, fully complete and maintain a railroad, with one or more tracks, commencing at the line of the state of Rhode Island, at or near the city of Providence, near India Bridge; thence running in a southerly and southeasterly direction through the town of Seekonk, until it intersects the southeast boundary line of the said town, the said line running northeast from Bullock's Neck.

Capital twenty-
five hundred
shares, \$100
each; none is-
sued below par.

SECT. 3. The capital stock of the said company shall consist of two thousand five hundred shares, of one hundred dollars each, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share, and no share shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. And the said company may take, purchase and hold such real estate, and may build, purchase and hold such engines, cars, materials and other things, as may be necessary for the use of the said railroad, and for the transportation of persons, goods and merchandise.

May hold real
estate, &c.

May unite with
Boston and
Providence
railroad.

SECT. 4. The said company may also enter upon and unite its railroad, by proper turnouts and switches, with the Boston and Providence Railroad, near the city of Providence, and may use the said railroad, or any part thereof, according to the provisions of law.

SECT. 5. If the location of the said railroad be not filed according to law within one year, or if the said railroad shall not be constructed and completed, with at least one track, within four years from the passage of this act, then this act shall be void. Time limited.

SECT. 6. The Legislature may authorize any company to enter, with another railroad, upon and use the said Providence and Bristol Railroad, or any part thereof, paying therefor such a rate of toll, or compensation, as the Legislature may from time to time prescribe, or as may be fixed by any general law of this Commonwealth, and complying with such rules and regulations as may be established by the said Providence and Bristol Railroad Company. Legislature may authorize other roads to enter, &c.

SECT. 7. The Legislature may, from time to time, reduce the rate of tolls, or other profits, upon the said railroad; but the tolls shall not, without the consent of said company, be so reduced as to produce, with the said profits, less than ten per cent. per annum. May reduce the tolls, &c.

SECT. 8. The said company is hereby authorized to unite with the Providence and Bristol Railroad Company, incorporated by the state of Rhode Island, to build a railroad within the said state, connecting the termini of the railroad hereby authorized with the city of Providence and the village of Bristol; and when the said companies shall have so united, the stockholders of one company shall become stockholders of the other company, and the two companies shall constitute one corporation, by the name of the Providence and Bristol Railroad Company, and the franchises, property, power and privileges, acquired under the authority of the said states respectively, shall be held and enjoyed by all the said stockholders in proportion to the number of shares or amount of property held by them respectively in either or both of the said corporations. Authorized to unite with Providence and Bristol railroad of Rhode Island, as one corporation.

SECT. 9. One or more of the directors, or other officers of the said united corporations, shall, at all times, be an inhabitant of this Commonwealth, on whom process against the said company may be legally served; and the said company shall be held to answer in the jurisdiction where the service is made and the process is returnable. One or more of the directors shall be of this Commonwealth.

SECT. 10. The said company shall keep separate accounts of its expenditures in Massachusetts and Rhode Island, respectively; and two commissioners shall be appointed, one by the governor of this state, and the other by the state of Rhode Island, if the said state of Rhode shall thereto agree, to hold their offices for the term of four years, and to be reasonably compensated by the said company, who shall decide what portion of all expenditures of Shall keep separate accounts.
Two commissioners shall be appointed, &c.

the said company, and of its receipts and profits, properly pertain to that part of the road lying in the said states respectively, and the annual report required to be made to the Legislature of this Commonwealth shall be approved by the said commissioners.

Massachusetts stockholders shall be subject to all, &c.

SECT. 11. The said company and the stockholders therein, so far as the road is situated in Massachusetts, shall be subject to all the duties and liabilities created by the provisions of the laws of this Commonwealth, to the same extent as they would have been had no union of the said companies taken place.

When to take effect.

SECT. 12. The provisions contained in the four next preceding sections of this act, and all the provisions of this act which contemplate a union of the said companies, shall not take effect until they shall have been accepted by the stockholders of the said two corporations respectively, at legal meetings called for that purpose.

Certificate to be filed, &c.

SECT. 13. The said railroad company shall not commence the construction of its road until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company, and a majority of the directors thereof, stating that all of the stock named in its charter has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share of the said stock has been actually paid into the treasury of the company. [*Approved by the Governor, May 23, 1851.*]

Chap 246.

An Act concerning Arrests for Offences committed on the Lord's Day.

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

Persons wilfully injuring trees on the Lord's day, or committing any mischief, may be arrested and detained in jail, or otherwise.

Any person who shall be discovered in the act of wilfully injuring any fruit or forest trees on the Lord's day, and any person who shall be discovered in the act of committing any kind of malicious mischief on the said day, may be arrested by any sheriff, deputy sheriff, constable, watchman, police officer or private individual, and thereupon be lawfully detained by imprisonment in a jail or otherwise, until a complaint can be made against him for the offence for which he was arrested, and he be taken, upon a warrant issued upon such complaint : *provided*, that such arrest and detention without warrant shall not continue beyond the space of twenty-four hours. [*Approved by the Governor, May 23, 1851.*]

Provide.

An Act in addition to the "Act concerning Electric Telegraph Companies and Electric Telegraphing." *Chap 247.*

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

SECT. 1. No enjoyment by any person or corporation, for any length of time, of the privilege of having or maintaining telegraph posts, wires or apparatus, in, upon, over, or attached to, any buildings or lands of other persons, shall be deemed to give a legal right to the continued enjoyment of such easement, or raise any presumption of a grant thereof. No easement obtained by having telegraph posts, &c.

SECT. 2. Whenever injury shall be done to any person, or to the building or other property of any person or corporation, by the posts, wires, or other apparatus of any telegraphic line, the company or individual, being proprietor of the same, shall be held responsible in damages to the person or corporation so injured. In case of damage, proprietor liable, &c.

SECT. 3. No incorporated telegraph company shall commence the construction of its line until three fourths of its capital stock shall have been taken and unconditionally subscribed for; and the directors of said company shall, within ten days of commencing said line, file in the office of the secretary of the Commonwealth a sworn statement of said subscription. Three fourths of capital must be subscribed. Statement must be filed with secretary Commonwealth.

SECT. 4. No incorporated telegraph company shall, at any time, contract or owe debts to a larger amount than one half part of its capital stock actually paid in. Limitation of indebtedness.

SECT. 5. Every telegraph corporation shall, on or before the first day of December of each year, make annual returns to the secretary of the Commonwealth, according to forms to be furnished on application to him, specifying therein the location and line of said telegraph, its name, its capital actually paid in, its capital how invested, the value of its real estate, its annual receipts and expenditures, its real estate, its cash on hand, its credits on book account, and the amount of its indebtedness, which return shall be signed by the president, clerk and treasurer of said company, and by them be duly sworn to be true according to their best knowledge and belief. Corporation shall make annual returns, &c.

SECT. 6. The president and treasurer of any telegraph company shall be jointly and severally liable for all the indebtedness of the same, in case of wilful neglect or omission, on their part, to comply with any of the provisions of this act. Officers liable in case of neglect.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 23, 1851.*] When to take effect.

Chap 248.

An Act to increase the Capital Stock of the Marine Bank.

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

Addition §200,-
000.

SECT. 1. The president, directors and company of the Marine Bank, in New Bedford, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of the said bank may determine: *provided*, that the whole amount shall be paid in before the first Monday in April, in the year one thousand eight hundred and fifty-two.

Proviso.

Subject to like
tax, &c.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock is subject.

Certificate must
be filed, &c.

SECT. 3. Before the said bank shall proceed to do business upon the said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take
effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 23, 1851.*]

Chap 249.

An Act to change the Names of the Persons therein mentioned.

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

Suffolk.

Henry Cushing may take the name of Henry Howard Cushing; George W. Trickey may take the name of George Bruce Milton; Henry Bradlee Gutterson may take the name of Henry Eaton Bradlee; Robert Green may take the name of John Green; Edward Dana Greene may take the name of Edward Dana Erving Greene; Josiah Quincy, 3d, may take the name of Josiah Philips Quincy; James Bates may take the name of James Warren Bates; Caroline S. Spencer may take the name of Caroline S. Hartford; George Hartford Spencer may take the name of George Edward Hartford; Emeline F. Ames may take the name of Emma Frost; Frederick W. McKoy may take the name of Frederick William Mozart; Edmund Doe may take the name of Edmund Doe Spear; James Mitchell may take the name of James Munroe Mitchell; Ebenezer Cutter may take the name of Eben Cutter; George Payne, a minor, may take the name of George Vose Payne; Jo-

seph Coolidge Swett may take the name of Joseph Swett Coolidge,—all of Boston, in the county of Suffolk.

James Francis Brown, of Danvers, may take the name Essex. of Charles Francis Brown ; Charles E. Spinney, of Haverhill, may take the name of Edwin S. Milton ; Anna Lane, of Newbury, may take the name of Lucy Anna Lane ; Morrison Proctor, of Georgetown, may take the name of Maurice Henric Proctor ; Ezra Upton, of Salem, may take the name of Warren Augustus Upton ; Orlando D. Hogan, of Salem, may take the name of Orlando D. Chandler ; William Cockett, of Lynn, may take the name of William Wallace Wilson ; John Luffin, of Beverly, may take the name of Joel Sheldon ; Patrick Smith, of Lynn, may take the name of Patrick H. Smith ; Moses Brown, of Lynn, a minor, may take the name of Frank Bridge Brown ; David Dornican, of Beverly, may take the name of David Shepard ; Mary Maria Carlton, of Salisbury, a minor, may take the name of Mary Abby Dow ; Charles Harris Fisher, of Salisbury, a minor, may take the name of Charles William Dow ; James Fetheren, of Lynn, may take the name of James F. Howard ; Lucy Ann Fethern, of Lynn, may take the name of Lucy Ann Howard ; Orin Ross Maddox, of Lynn, may take the name of Orin M. Howard ; Harriet Symonds Verry, of Danvers, may take the name of Harriet Symonds Hutchinson ; John Hallowwell Mansfield Nourse, of Lynn, may take the name of John Nourse ; Eliza Clarke, of Methuen, may take the name of Eliza Adelaide Clarke ; Elizabeth D. Heywood, of Salem, may take the name of Elizabeth D. Page ; George F. Osterhold, of Newburyport, may take the name of George Frederiek Wilbur ; Silas Adams Cook, of Newburyport, may take the name of John Adams Cook ; Caroline F. Esty, of Salem, may take the name of Caroline F. Symmes ; Gideon W. Hunt, of Newburyport, may take the name of Gideon W. Waring ; Mary W. Hunt, of Newburyport, may take the name of Mary W. Waring ; Hartly Holt Hunt, of Newburyport, may take the name of Charles H. Waring ; Seraphina D. M. Hunt, of Newburyport, may take the name of Seraphina D. M. Waring ; Elizabeth Ann Lee, of Manchester, may take the name of Lizzie Lee ; Patience Ivers Whippen, of Lynn, may take the name of Caroline Ivers Whippen ; Benjamin Howard, of Salem, may take the name of Benjamin Cheever Howard ; Henry Perry, of Danvers, may take the name of Henry Wallace Perry ; Mary Frances Willy, of Groveland, a minor, may take the name of Mary Frances Emery ; Elizabeth Willy, of Groveland, a minor, may take the name of Elizabeth Reed ; Abby Moore Kim-

ball, of Salem, may take the name of Ruby Mellen Moore ; Abraham Lummus, junior, of Ipswich, may take the name of Henry Abraham Lummus,—all of the county of Essex.

Middlesex.

Porter Woodbury, of Acton, may take the name of George Porter Woodbury ; Nelson Wood, of Framingham, may take the name of Nelson Wood Richardson ; Nancy Remond Lenox, of Watertown, may take the name of Sybil Remond Lenox ; Edward Lawrence, of Acton, may take the name of Edward Hobart Lawrence ; Emma Allen, of Charlestown, may take the name of Emma Lucy Allen ; Patrick Collins, of Waltham, may take the name of Albert James ; Mary Ann Maynard, of Charlestown, may take the name of Mary Ann Averill ; Samantha Altana Pasco, of South Reading, a minor, may take the name of Samantha Althea Sabine ; Caroline Matilda Pratt, of Charlestown, a minor, may take the name of Caroline Pratt Emerson ; Richard Potter, of Groton, may take the name of Richard Bulkley Potter ; Henry Gowing, of Weston, a minor, may take the name of Henry Augustus Gowing ; Maria Bolles, of Littleton, may take the name of Maria Attoinne Bolles ; Thomas Miller Crocker, of Charlestown, may take the name of Thomas Miller Crocker ; Warren Payson, of Holliston, may take the name of Warren Lindley Payson ; Orlando Blanchard, of Framingham, may take the name of William Fisk Smith ; Luther Rice, of Marlborough, may take the name of Luther Melville Rice ; Michael Fanning, of Ashland, may take the name of Edmund Judson Fanning ; Bridget McDonald, of Charlestown, may take the name of Mary McDonald ; Sophronia Weston Lowe, of Charlestown, may take the name of Sophia Abby Weston Lowe ; Amos Hartwell Hodgman, of Carlisle, may take the name of Celiu Melbourne Hodgman ; John Samuel Trickey, of Charlestown, may take the name of John Samuel Milton ; Francis Louis Ringold, a minor, of Cambridge, may take the name of Francis Louis Lander,—all of the county of Middlesex.

Worcester.

Ephraim Kingsbury Wetherbee, of Gardner, may take the name of Ephraim Wetherbee ; Mary Adaline Putnam, of Hubbardston, may take the name of Mary Putnam Clark ; Simon Ephraim Willard Peck, of Hardwick, may take the name of Willard Peck ; Josiah Richardson, of Leominster, may take the name of Josiah Carter Richardson ; Silas Smith Hall, of Northbridge, a minor, may take the name of Silas Wood Smith ; Ralph Patch, junior, of Leominster, may take the name of William Ralph Patch ; Almon Whittemore, of Leominster, may take the name of George Almon Whittemore ; Charles Clarence Valentine

Hyde, of Southborough, a minor, may take the name of Charles Clarence Hobart; John Henry Capron, of Uxbridge, may take the name of Henry Capron; Susan M. Blood, of Worcester, may take the name of Susan M. Thompson; Foster Walker, of North Brookfield, may take the name of Lyman Walker; Perez French, junior, of Hubbardston, may take the name of Charles Willis Ashley; Mary Maley, of Upton, may take the name of Mary Jane Hall; Benjamin Munjoy, of Westminster, may take the name of Benjamin Blake; Dolly Munjoy, of Westminster, may take the name of Dolly Blake; Francis Munjoy, of Westminster, may take the name of Francis Blake; Calvin Munjoy, of Westminster, may take the name of Calvin Blake; Sarah E. Munjoy, of Westminster, may take the name of Sarah E. Blake; Harriet E. Munjoy, of Westminster, may take the name of Harriet Eliza Blake; Franklin Webster Adams, of Douglas, may take the name of Franklin Adams Fairbanks; William Jackson Davis, of Southbridge, may take the name of Andrew Jackson Davis; Lucy Woodward Harrington, of Paxton, may take the name of Lucy Alona Harrington; Edwin Munjoy, of Westminster, may take the name of Edwin Blake,—all of the county of Worcester.

Jared Smith Bement, may take the name of Henry Hampshire.
Smith Nash; Abby Sophia Hawks may take the name of Abby Hawks Nash,—both of Granby, in the county of Hampshire.

Moses Eustis Hamilton, of Chester, may take the name Hampden.
of William Eustis Hamilton; Adams Hamilton, of Chester, may take the name of Edward Everett Hamilton; Chauncey R. Gross, of Westfield, may take the name of Chauncey R. Chauncey; Elias Smith Cook, of Wilbraham, may take the name of Ansel Wright; Jane Ann Cook, of Wilbraham, may take the name of Jane Wright; Ira Hinckley Cook, of Wilbraham, a minor, may take the name of Ira Hinckley Wright; Laura Jane Cook, of Wilbraham, a minor, may take the name of Laura Jane Wright; Austin Smith Cook, of Wilbraham, a minor, may take the name of Austin Smith Wright; Lucy Ann Cook, of Wilbraham, a minor, may take the name of Lucy Ann Wright; Mary Elizabeth Cook, of Wilbraham, a minor, may take the name of Mary Elizabeth Wright; John Rollin Alden, of Wilbraham, may take the name of Charles Harrey Gay; Mary Alden, of Wilbraham, may take the name of Emma Lucy Gay; Ella Maria Alden, of Wilbraham, may take the name of Ella Maria Gay; Jonathan Hoar, of Monson, may take the name of Jonathan Homer; Rodolphus Hoar,

of Monson, may take the name of Rodolphus Homer; Pamela Graves Hoar, of Monson, may take the name of Pamela Graves Homer; Louisa Adelaide Hoar, of Monson, may take the name of Louisa Adelaide Homer; Martha A. Sumner, of Palmer, may take the name of Martha A. Converse; Caroline King Hoar, of Monson, may take the name of Caroline King Homer; Mary Robbins Hoar, of Monson, may take the name of Mary Robbins Homer; Albert King Hoar, of Monson, may take the name of Albert King Homer; George Adams Hoar, of Monson, may take the name of George Adams Homer; Lucinda Graves, of Springfield, may take the name of Mariah Luella Graves,—all of the county of Hampden.

Franklin.

David Allen Graves, of Ashfield, a minor, may take the name of Addison Graves; Charles Henry Fairbanks, of Rowe, a minor, may take the name of Myron Corbet Blodget; Mercy Mayhew Hawkes, of Charlemont, may take the name of Clara Isadore Hawkes; Benjamin Dunkley, of Sunderland, may take the name of Benjamin Franklin Dunkley; Younglove Bixby, of Leverett, may take the name of John Younglove Bixby; Sophronia Augusta Smith, of Sunderland, may take the name of Helen Maria Wright; Edwin Blakeslee, of Heath, may take the name of Edwin Louis Blakeslee,—all of the county of Franklin.

Berkshire.

Josiah Hamilton Leonard, of Peru, a minor, may take the name of Josiah Hamilton Butts; James Munroe Wilcox, of Sandisfield, may take the name of Munroe Wilcox; Lucy Wilder, of Peru, may take the name of Lucy Ide Cone; Silas Bingham Bottom, of Hinsdale, may take the name of Silas Bingham; Mary Charlotte Bottom, of Hinsdale, may take the name of Mary Charlotte Bingham; Marion Bottom, of Hinsdale, may take the name of Julia Marion Bingham; Elizabeth Nelson Bottom, of Hinsdale, may take the name of Elizabeth Nelson Bingham; George S. Moulton, of Lee, may take the name of George Moulton Bradley; Margaret Joy, of Hinsdale, may take the name of Margaret Loomise,—all of the county of Berkshire.

Norfolk.

John King, of Roxbury, may take the name of John Crookshanks King; Eliza Boyden Bullard, of Walpole, may take the name of Adaliza Maria Curtis; Calvin Cutler, of Dorchester, a minor, may take the name of John Calvin Cutler; George Sampson, of Dorchester, a minor, may take the name of George Alfred Sampson; Martha Ann Batchelder, of Quincy, may take the name of Martha Ann Brown; Hannah Maria Shepherd, of Milton, may take the name of Hannah Josephine Shepherd; Lucy Ann Ambler, of Dedham, may take the name of Lucy Ann Priest;

Mathew H. Stanley, of Cohasset, may take the name of Charles H. Stanly; Emma Josephine Weeks, of Quincy, a minor, may take the name of Emma Josephine Cole; Charles William Miles, of Roxbury, a minor, may take the name of Charles Appleton Miles; Theodore Dunn, junior, a minor, of Roxbury, may take the name of Theodore Leonard Dunn; Richard White, of Roxbury, may take the name of Richard Guilford White; Charles Francis Atkinson, of Brookline, a minor, may take the name of Charles Follen Atkinson; James M. Tucker, of Roxbury, may take the name of James Tucker Dudley,—all of the county of Norfolk.

Gideon Tripp, of Westport, may take the name of Gideon Wait Tripp; John Wood, of New Bedford, may take the name of John Franklin Wood; Bathsheba Dean, of Fall River, may take the name of Annie B. Dean,—all of the county of Bristol.

William Brigham Tappan, of Marshfield, may take the name of William Bingham Tappan; John Perkins, of Middleborough, a minor, may take the name of John Jasper Perkins; Eugene Bray, of Abington, may take the name of Henry Warren Hill; Eliza Vaughan Harvey, of Plymouth, a minor, may take the name of Eliza Sutton Vaughan Harvey; Martin Packard, of North Bridgewater, may take the name of Martin T. Packard; Martin Sumner Orcutt, of East Bridgewater, may take the name of Martin Sumner; Susan Orcutt, of East Bridgewater, may take the name of Susan Sumner; Newton Sumner Orcutt, of East Bridgewater, may take the name of Newton Sumner; Susan Mercy Orcutt, of East Bridgewater, may take the name of Susan Mercy Sumner,—all of the county of Plymouth.

Sukey Crosby Sparrow, of Orleans, may take the name of Susan Maria Sparrow; Ella Theodora Crowell, of Yarmouth, a minor, may take the name of Abigail Hedge Crowell; Edward Hallet, 2d, of Yarmouth, may take the name of Edward Bangs Hallet; David Smith, 3d, of Provincetown, may take the name of David Augustus Smith; Thankful C. Foster, of Brewster, may take the name of Emily C. Foster; Thaddeus F. Young, of Brewster, may take the name of Charles F. Young; Edward McLaughlin, of Chatham, may take the name of Edward Howard; Emily McLaughlin, of Chatham, may take the name of Emily Howard; Emma Augusta McLaughlin, a minor, of Chatham, may take the name of Emma Augusta Howard; Marcus William McLaughlin, a minor, of Chatham, may take the name of Marcus William Howard; Agnes Ann

McLaughlin, a minor, of Chatham, may take the name of Agnes Ann Howard,—all of the county of Barnstable.

Dukes County.

Edwin Coffin, a minor, of Edgartown, in the county of Dukes County, may take the name of Edwin Russell Coffin.

And the several persons before named, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to assume as aforesaid, and the same shall hereafter be considered as their only proper and legal names. [*Approved by the Governor, May 23, 1851.*]

Chap 250.

An Act to incorporate the Town of West Roxbury.

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

Boundaries.

SECT. 1. That portion of the city of Roxbury lying southwestwardly of a line commencing at a point in the line which divides the city of Roxbury from the town of Dorchester, which point is directly parallel to the last angle in Seaver street before its intersection with the Brushill turnpike ; thence running from said point till it meets the northeasterly side of Seaver street ; thence running in a northwesterly direction, and following the northeasterly line of Seaver street, until it strikes Walnut street ; thence continuing across said Walnut street, in the same general direction, and following the northeasterly side of a new street recently laid out, and which forms a continuation of said Seaver street, until it strikes the Norfolk and Bristol turnpike ; and from the last named point, said point being the intersection of the said new street and the Norfolk and Bristol turnpike, the said line then running in a northwesterly direction and in a straight course, including the dwelling house of Leonard Hyde, Esq., and twenty-five feet from the rear thereof, and thence continuing in the same straight course and direction until it strikes the line which separates the town of Brookline from the city of Roxbury, is hereby incorporated into a town by the name of West Roxbury ; and the inhabitants of the said town of West Roxbury are hereby invested with all the powers and privileges, and shall be subject to the duties and requisitions, of other incorporated towns, according to the constitution and laws of this Commonwealth.

Name.

Powers, duties,
&c.

Shall pay ar-
rears of taxes
to Roxbury.

SECT. 2. The inhabitants of the said town of West Roxbury shall be holden to pay all arrears of taxes which have been assessed upon them by the city of Roxbury, before the passing of this act, and also their proportion of all

county and state taxes that may be assessed upon them previously to the taking of the next state valuation; such proportion to be ascertained and determined by the last city valuation; and the said town of West Roxbury shall be holden to pay their proportion of the debts due and owing, at the time of the passage of this act, from the city of Roxbury, and shall be entitled to receive of the city of Roxbury their proportion of all the corporate property now owned by said city of Roxbury, such proportion to be ascertained by the last valuation of said city of Roxbury: *provided, however*, that the city of Roxbury shall be authorized to collect the tax which is assessed by virtue of law on the first of May, this current year, upon the inhabitants and owners of property in said West Roxbury; and the said city of Roxbury, after deducting the reasonable expenses of assessing and collecting the same, shall account with and pay over the same to the town treasurer of said West Roxbury; and the said city of Roxbury shall incur no liability for the said town of West Roxbury, after the passage of this act.

Shall pay county and state taxes till next valuation.

Holden to pay proportion of the debts of city of Roxbury.

Proviso.

City of Roxbury authorized to collect the tax of current year, and shall pay over, &c.

Roxbury shall incur no further liability for W. Roxbury.

Liability for paupers.

SECT. 3. The said city of Roxbury and the town of West Roxbury shall be respectively liable for the support of all persons who now do, or hereafter shall, stand in need of relief as paupers, whose settlement was gained or derived from a settlement gained or derived within their respective limits.

SECT. 4. In case the said city of Roxbury and town of West Roxbury shall disagree in respect to a division of paupers, city property, city debts, or state and county taxes, the court of common pleas for the county of Norfolk are hereby authorized to, and shall, on application of said city of Roxbury, or of said town of West Roxbury, appoint three disinterested persons to hear the parties and award thereon, which award, when accepted by such court, shall be final. In the division of the city property, the Brook Farm and the land known as the Forest Hills Cemetery shall be assigned to the said city of Roxbury, if desired by the city authorities, provided that the said city of Roxbury shall assume and discharge the debts created by the purchase of said farm and cemetery, and the incidents thereof; and the same shall be free from taxation so long as they shall be occupied for the purposes of a poor farm and a cemetery respectively.

In case of disagreement, court of common pleas to appoint referees, &c.

Brook Farm and Forest Hills Cemetery, how disposed of.

SECT. 5. The town of West Roxbury shall, for the purpose of electing the representatives to the General Court to which the territory comprised in the city of Roxbury is now entitled, until the next decennial census, or until an-

West Roxbury shall remain a part of Roxbury for the election of representatives to General

Court, till next census.

Selectmen of West Roxbury to preside, &c.

Town clerk to certify, &c.

Justice of the peace may issue warrant for town meeting.

When to take effect.

other apportionment of representatives be made, remain a part of the said city of Roxbury; and the inhabitants of said West Roxbury shall vote for the number of representatives which the city authorities of Roxbury may decide shall be elected, annually in town meeting; and it shall be the duty of the selectmen of said West Roxbury to preside at said town meeting, and receive the votes, and the certificate thereof shall be made by the said selectmen, and certified by the town clerk of said West Roxbury, whose duty it shall be to make return thereof to the mayor and aldermen of the said city of Roxbury within forty-eight hours of the day of voting, and the votes so returned shall be counted by the said mayor and aldermen as a part of the vote of the said city of Roxbury.

SECT. 6. Any justice of the peace in the county of Norfolk is hereby authorized to issue his warrant to any principal inhabitant of the town of West Roxbury, requiring him to warn the inhabitants of said town to meet, at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

SECT. 7. This act shall be in force from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 251.

An Act authorizing the erection of a Second Hospital for the Insane.

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

Governor and council empowered to appoint three commissioners.

A hospital to be erected for 250 patients, officers, &c.

Proviso.

Expense not to exceed \$100,000.

Accounts to be audited, &c.

SECT. 1. His excellency the governor, with the advice and consent of the council, is hereby authorized and empowered to appoint a board of three commissioners, who shall purchase an eligible site in such section of the Commonwealth as the said commissioners may deem expedient, and cause to be erected thereon a suitable hospital for the care and cure of the insane; the accommodations of such hospital to be sufficient for two hundred and fifty patients, a superintendent and steward, their families, and all the necessary subordinate officers; and the said commissioners shall have power to make all contracts and employ all agents necessary to carry into effect the powers hereinbefore granted: *provided*, that the aggregate amount of expenses and liabilities, incurred by virtue of the said powers, shall not exceed the amount of one hundred thousand dollars. And the said commissioners shall present all their accounts to the governor and council, to be by them audited and allowed, from time to time, as they shall deem proper.

SECT. 2. In order to defray any expenses incurred in pursuance of the preceding section, or to repay any sums borrowed as hereinafter authorized, the treasurer is hereby empowered, under the direction of the governor, with the advice and consent of the council, to issue scrip, or certificates of debt, in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding one hundred thousand dollars, bearing an interest of five per cent., payable semiannually, on the first days of April and October, with warrants for the interest attached thereto, signed by the treasurer, which scrip or certificates shall be redeemable on the first day of April, in the year one thousand eight hundred and sixty-five, and shall be countersigned by the governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof. And the treasurer may, under the direction of the governor and council, dispose of any portion of the said scrip at any price not less than its original par value.

\$100,000 may be issued in scrip, at five per cent., redeemable April 1, 1865.

Countersigned by governor.

Treasurer may sell at not less than par.

SECT. 3. Such surplus of the Western Railroad Stock Sinking Fund as may remain after the redemption of the stock issued by the Commonwealth to defray the amount of its subscription as a stockholder of the Western Railroad, together with one-half of the proceeds of such public lands in the state of Maine as may be sold after the year one thousand eight hundred and fifty-six, shall constitute a sinking fund for the redemption of the scrip issued as hereinbefore authorized, until such fund shall amount, with all interest accrued thereon, to the sum of one hundred thousand dollars.

Provision for Sinking Fund.

SECT. 4. The treasurer, under the direction of the governor and council, may borrow, in anticipation of the issue of any of the scrip authorized as above, of any of the banks of this Commonwealth, or of any corporations or individuals, such sums as may be necessary for any of the purposes of this act: *provided*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall at no time exceed the amount of one hundred thousand dollars. [*Approved by the Governor, May 24, 1851.*]

Treasurer may borrow in anticipation, &c.

Proviso.

An Act relating to Stockholders in Corporations.

Chap 252.

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

SECT. 1. The stockholders of every corporation organized under any act of incorporation passed since the eleventh day of March, in the year one thousand eight hundred

Stockholders liable individually for all debts due for labor,

within six months preceding demand, &c.

and thirty-one, or which shall hereafter be organized under any special or general act, for manufacturing, mechanical, mining or quarrying business, shall be jointly and severally individually liable for all debts that may be due or owing to all their laborers, servants and apprentices, for services hereafter performed by themselves, their wives or minor children, as operatives for such corporation, within six months next preceding the demand made for any such debt; and for the recovery thereof, as well as to obtain contribution therefor in case of payment by any stockholder, like remedies shall be had as are provided in the thirty-sixth chapter of the Revised Statutes in cases of individual liability of stockholders.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 253.

An Act concerning Judges of Probate.

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

The provisions of the fifteenth section of the eighty-third chapter of the Revised Statutes shall not apply to any judge of probate, in any case within his jurisdiction, unless his interests in such case shall exceed the sum of one hundred dollars. [*Approved by the Governor, May 24, 1851.*]

Chap 254. An Act in addition to an Act to preserve the Harbor of Boston, and to prevent encroachments therein.

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

Line of the harbor between Battery and Gray's wharves more accurately defined.

SECT. 1. The line of that part of the harbor of Boston lying between Battery and Gray's wharves, which was established by an act passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, is hereby more accurately defined, and shall run as follows, that is to say :—By three equal chords of an arc of a circle of twelve hundred feet radius, drawn through the southeast angle of Battery wharf and the west corner of Gray's wharf; and all parts of said act inconsistent with this act are hereby repealed.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

An Act concerning Defendants in Actions on Joint Contracts.

Chap 255.

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

SECT. 1. In any action founded on a contract, express or implied, pending before any court in this Commonwealth, or a justice of the peace, in which more persons than one are defendants, the plaintiff shall be entitled to judgment against such defendants as may be defaulted, and against those who shall, upon trial, be found to be liable on the contract declared on, notwithstanding it shall be found, upon such trial, that all the defendants in the said action are not jointly liable upon the contract declared on.

Judgment may be rendered against such defendants as shall be defaulted.

SECT. 2. In any such action as that mentioned in the preceding section, when any of the defendants are defaulted, and, upon trial, any other of the defendants are found to be liable on the contract declared on, the court in which the same is pending shall render judgment both against those defendants defaulted and those found on trial to be liable for the damages or debt, and the costs accruing up to the time of the default, and against those who shall stand trial for all costs accruing after the default, and shall issue separate executions on the said judgment.

In such case, judgment may be rendered against all defendants found on trial to be liable, and separate executions issued.

SECT. 3. Upon the trial of any action, as above mentioned, any defendant, who may have been defaulted or have confessed judgment prior to such trial, may be summoned as a witness by the party defending, and compelled to testify, if otherwise competent, in like manner as if he were not a party to the record. [*Approved by the Governor, May 24, 1851.*]

Defendants who may have been defaulted, or confessed judgment, may be compelled to testify.

An Act to provide for Change of the Names of Persons.

Chap 256.

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

SECT. 1. No lawful change of the name of any person, other than that of the wife in case of marriage or divorce, shall be made in this Commonwealth, except for sufficient reason, consistent with the public interest, and to the satisfaction of the judge of probate of the county in which the party resides ; and the several judges of probate shall have power to hear and determine all applications for change of name within their respective counties.

No change of name except for sufficient reasons, &c.

SECT. 2. Before decreeing a change of name on the application of any party, the judge of probate shall require due public notice of such application to be given, that all persons may appear and show cause, if any they have, why

Judges of probate shall hear and determine.

Public notice of application shall be given, and of the change decreed.

May grant certificate, &c.

the application should not be granted ; and he shall require also due public notice to be given of the change decreed ; and on the return of the same, he may grant to the party a certificate, under the seal of the court, of the name the party is thereafter to bear, and by which name the said party may sue and be sued, contract, take and hold property, and perform all other lawful acts.

Appeal may be taken.

SECT. 3. Appeal may be taken to the supreme judicial court from any act of a judge of probate in the premises, in the same manner, and subject to the same conditions, as in the case of other proceedings in probate courts.

Judges of probate shall make a return, which shall be published each year.

SECT. 4. The judges of probate for the several counties shall annually, in the month of December, make a return to the office of the secretary of the Commonwealth, of all changes of names made under and by virtue of this act ; and such returns shall be published in a tabular form, with the statutes of each year. [*Approved by the Governor, May 24, 1851.*]

Chap 257.

An Act concerning the Appointment of Appraisers in Civil Process.

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

One appointed by debtor, one by creditor, and the third by the officer, &c.

Whenever appraisers are to be appointed under the provisions of any process in the hands of the sheriff or his deputy, such appraisers shall be appointed in all cases, one by the debtor, one by the creditor, and the third by the officer, and in all such cases the appraisers may be sworn by such officer. [*Approved by the Governor, May 24, 1851.*]

Chap 258.

An Act requiring Returns from Treasurers of Institutions for Savings.

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

Names of all depositors of \$500 and upwards shall be returned to the assessors, &c.

SECT. 1. The treasurer of each and every institution for savings, and of each and every savings bank in this Commonwealth, and of each and every institution for savings and savings bank, which hereafter may be incorporated, is hereby required, annually, between the first and tenth day of May, to make returns in person or by mail to the assessors of every city and town in this Commonwealth in which they may have reason to suppose such depositors reside, of the names of all depositors having deposits amounting to five hundred dollars and upwards, with the respective amounts standing to the credit of each.

SECT. 2. If any treasurer mentioned in the first section

of this act shall refuse or neglect to make the returns required by the said section, or shall wilfully falsify a return, he shall forfeit and pay the sum of fifty dollars for every such offence, to the use of the city or town in which depositors reside, whose names and amounts have not been truly returned. [*Approved by the Governor, May 24, 1851.*]

Penalty for neglect §50.

An Act to incorporate the Malden Bank in Malden.

Chap 259.

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

SECT. 1. Timothy Bailey, Charles Lewis, Gershom L. Hall, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Malden Bank, to be established in Malden, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

Corporators.

Chartered until 1872.

SECT. 2. The capital stock of the said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Capital \$100,000.

Proviso.

SECT. 3. The stock of the said bank shall be transferable only at its banking-house and on its books.

Stock transferable only at the bank, &c.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, May 24, 1851.*]

Subject to all the liabilities, &c.

An Act to set off a part of the Town of Winchendon and annex the same to the Town of Gardner.

Chap 260.

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

SECT. 1. So much of the town of Winchendon, in the county of Worcester, together with the inhabitants resident therein, as included within the following limits, is hereby set off from said Winchendon and annexed to the town of Gardner, to wit:—Beginning at the town corner, on the easterly line of the town farm, belonging to said Gardner; thence running north thirteen degrees east, one

Boundaries of the territory set off.

hundred and seventy-one rods, on the line of Winchendon and Gardner, to a stone monument; thence north seventy-eight and one half degrees west, eighty-two rods and eight links to a wall; thence south fourteen degrees west, one hundred and seventy-one rods, to the county road leading from Gardner to Winchendon; thence south seventy-eight and one half degrees east, eighty-three rods, to the point of beginning, containing eighty-nine acres.

Extent 89 acres.

When to take effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 261.

An Act in addition to "An Act concerning the Supreme Judicial Court and the Court of Common Pleas."

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

Exceptions, &c., though refused at court of common pleas may be entered at supreme judicial court, and same proceedings had, as if allowed in court below.

SECT. 1. Whenever any party in any suit or matter pending in the court of common pleas shall allege exceptions to any opinion, direction or judgment therein, conformably to the provisions of the act to which this is in addition, if the presiding judge shall refuse to allow and sign such exceptions, the truth of the allegations therein contained may nevertheless be established before the supreme judicial court, and the exceptions be allowed according to the truth; and the same proceedings shall be had, in removing the case in which the said exceptions are refused to the supreme judicial court, as are now provided by law in cases where exceptions are allowed and signed by the judge presiding in the court below.

Supreme judicial court may prescribe rules in this respect.

SECT. 2. The supreme judicial court may prescribe rules in conformity with the provisions of the act, for settling the truth of the exceptions so alleged and refused to be signed and allowed, in any case which shall be removed to the supreme judicial court as aforesaid.

If motion for new trial be overruled, exceptions may be filed at same term.

SECT. 3. Whenever a motion for a new trial shall be overruled in the court of common pleas, the party whose motion is so overruled may nevertheless file his exceptions, in the same manner and to the like effect as if no motion for a new trial had been made: *provided*, the exceptions be alleged and filed at the same term at which the motion for a new trial shall be overruled.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

An Act to exempt Pews from Attachment and Execution for Debt. *Chap 262.*

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

There shall be exempted from attachment or seizure on execution, a pew in one house of public worship, belonging to any debtor, and occupied by him or his family : *One pew exempted.*
provided, nothing herein contained shall prevent the sale of any pew for non-payment of any tax legally laid upon such pew. [*Approved by the Governor, May 24, 1851.*] *Proviso.*

An Act to incorporate the Faneuil Hall Bank in Boston.

Chap 263.

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

SECT. 1. Nathan Robbins, Jr., J. V. Fletcher, Dexter Follett, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Faneuil Hall Bank, to be established in Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking. *Corporators.*

SECT. 2. The capital stock of the said bank shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct : *Limit of charter 1872.*
provided, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-two. *Privileges, liabilities.*

SECT. 3. The stock of the said bank shall be transferable only at its banking house and on its books. *Capital stock, \$500,000.*

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. *Proviso.*

SECT. 5. This bank shall not be required to elect more than one third of its directors from residents of Boston, but a majority of them shall be residents or persons doing business in the city of Boston. [*Approved by the Governor, May 24, 1851.*] *Stock transferable only at the banking house.*
Subject to all the requirements, &c.

Residence of directors.

Chap 264. An Act to extend the time within which the Eastern Railroad Company may locate the extension of their road.

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

Time extended to twelve months from the termination of the session of present Legislature.

The act entitled an act authorizing the Eastern Railroad Company to extend their road, approved on the second day of May, in the year one thousand eight hundred and forty-nine, is hereby renewed, and the time within which the said company may locate the extension of their road, as provided in the said act, is hereby extended twelve months from and after the termination of the present session of the General Court: *provided*, that so much of the said act as authorized the extension of the said Eastern Railroad through the city of Charlestown, to wit, that part of the first section contained in the words, "to a point in the city of Charlestown westerly of the Salem turnpike; thence by the most convenient line through said city of Charlestown, to Thompson's wharf in said Charlestown; thence crossing Charles River;" also, the whole of the third section of the said act, are hereby declared to be repealed. [*Approved by the Governor, May 24, 1851.*]

Proviso.
Parts of former acts repealed.

Chap 265. An Act to set off a part of New Marlborough and annex the same to Monterey.

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

Territory set off.

SECT. 1. So much of the town of New Marlborough, in the county of Berkshire, with the inhabitants thereon, as is included within the following described limits, is hereby set off from said New Marlborough and annexed to the town of Monterey, in said county, to wit:—beginning at the corner of New Marlborough and Monterey; thence running on Sandisfield line south, two degrees west, three hundred and thirty-three rods to the tier or range line between the lots of said New Marlborough; thence west, two degrees south, six hundred and thirty-eight rods, on said range line, to a stake and stones; thence north thirty-one degrees west, five hundred and forty-two rods, to a stake and stones, standing on the town line between New Marlborough and Monterey: *provided, however*, that the inhabitants and estates so set off shall be holden to pay all arrears of taxes, which have been legally assessed upon them by the town of New Marlborough, to the treasurer thereof, in the same manner as if this act had not been passed.

Proviso.

SECT. 2. The said inhabitants hereby set off to Monterey shall continue to be a part of the town of New Marlborough for the purpose of electing a representative to the General Court, and may vote in the said town for the same until the next apportionment of representatives in this Commonwealth; and it shall be the duty of the selectmen of Monterey to make a true list of the persons residing on the said territory, qualified to vote in such elections, and deliver the same to the selectmen of New Marlborough, seven days at least before any such election, and the same shall be taken and used in the same manner as if prepared by the said selectmen of New Marlborough.

Inhabitants set off to continue a part of New Marlborough for the purpose of electing representatives.

Duty of selectmen of Monterey.

SECT. 3. The town of Monterey shall be holden to pay to the treasurer of the town of New Marlborough, until the next decennial census, the just proportion of all state and county taxes which may be assessed upon said New Marlborough, in proportion to the valuation of the polls and estates hereby set to Monterey. The said proportion to be paid by said Monterey, shall be fixed by the valuation of the said polls and estate next preceding the passage of this act.


Monterey holden to pay a just proportion of taxes, &c.

SECT. 4. The town of Monterey shall be liable for the support of all persons who may, after the passage of this act, stand in need of relief as paupers, whose settlement was gained by, or derived from, a residence within the limits of the territory hereby set to the said town.

Monterey liable for certain paupers, &c.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

 Owing to an omission in the numbering, there is no Chapter 266, and the figures are inserted for the sake of uniformity in appearance.

Chap 266.

An Act to authorize the Business of Banking.

Chap 267.

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

SECT. 1. Any persons, not less than fifty in number, and their successors, may become a body corporate, for the purpose of carrying on the business of banking, on the terms and conditions prescribed in this act; and such corporation, the stockholders and officers thereof, shall be entitled to all the powers, privileges, and remedies, and shall be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, and in such acts as may hereafter be passed by the General Court relating to banks and banking, so far as the same be not inconsistent with the provisions contained in this act :

Any number of persons not less than fifty may become a body corporate for banking.

Powers, liabilities, &c.

Capital not less than \$100,000 nor more than \$1,000,000.

provided, that the capital stock of any bank, hereby authorized to be established, shall not be less than one hundred thousand dollars, nor more than one million of dollars.

Shares \$100, all transferable at bank only.

Proviso.

SECT. 2. The capital stock of any such bank shall be divided into shares of one hundred dollars each; which shall be transferable only at its banking house and on its books; and such capital stock shall be paid in gold or silver money, in such instalments, and at such times, as the stockholders may direct: *provided*, that one half of the said capital stock shall be paid in before such bank shall go into operation, and that the whole of such capital stock shall be paid in within one year after such bank shall go into operation.

A certificate of name of the bank,

SECT. 3. Before any such corporation shall commence the business of banking, the president and directors thereof, under their hands and seals, shall make a certificate, which shall specify,—

where located,

First, the corporate name of such bank ;

Secondly, the name of the city or town in which such bank is to be located ;

amount of capital,

Thirdly, the amount of its capital stock, and the number of shares into which the same shall be divided ;

residence of stockholders,

Fourthly, the names and places of residence of the stockholders, and the number of shares held by each ;

when to go into operation ;

Fifthly, the time when such bank is to go into operation ;—

shall be filed with secretary of Commonwealth.

Which certificate shall be acknowledged before a justice of the peace, and recorded in the registry of deeds of the county in which such bank is to be located, and a copy thereof shall be filed in the office of the secretary of the Commonwealth ; and copies of such certificate, duly attested by the register of deeds or secretary of the Commonwealth, shall be admitted as sufficient evidence in all the courts of law, and on all occasions whatever : *provided*, that no bank established under the provisions of this act shall take the name of any bank heretofore organized or incorporated in this Commonwealth.

Attested copies of same, sufficient evidence.

Proviso.

SECT. 4. It shall be lawful for any bank organized under this act, by a vote of three fourths of its stockholders, to increase its capital stock, but in such case the same proceedings shall be had as are provided for in the preceding section of this act.

May increase capital.

SECT. 5. Such bank shall carry on at its banking house, but not elsewhere, the usual business of banking. It may receive deposits, and loan and negotiate its moneys and effects by discounting, on banking principles, upon such securities as its stockholders may deem expedient, and

Shall carry on business only at its banking house.

May discount, &c.

dividends of its profits may be made by its directors every six months. And if any such bank, after receiving circulating notes as hereinafter provided, shall neglect or omit to carry on the usual business of banking, as provided in this section, such neglect or omission shall work a forfeiture of its privilege, and it may be proceeded against as provided in the twentieth section of this act.

Refusal forfeits charter.

SECT. 6. The auditor of accounts is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, circulating notes in the similitude of bank notes in blank, of such denominations as may now be issued by the incorporated banks of this Commonwealth, and in such quantities as he may, from time to time, deem necessary to carry into effect the provisions of this act; and whenever such notes shall be delivered to any bank established under the provisions of this act, each of the said notes shall be countersigned by the said auditor, and shall be numbered and registered in proper books, kept by him for this purpose in his office.

Auditor to obtain engraved bank notes, &c.

When delivered to any bank, shall be countersigned, numbered and registered.

SECT. 7. Whenever any bank, established under the provisions of this act, shall transfer to the auditor, at a rate not above its par value, nor above its current market value, any of the public stock issued or to be issued by any city or town in this Commonwealth, or by either of the states of Massachusetts, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, or New York, or by the United States, amounting in the aggregate to not less than fifty thousand dollars, and to an amount not exceeding twenty-five per cent. above its capital stock, such bank shall be entitled to receive from the said auditor an equal amount of circulating notes, countersigned and registered as aforesaid; and such notes shall be stamped on their face, "secured by the pledge of public stocks:" *provided, always,* that the stock above specified shall be, or be made to be, equal to a stock of this State producing six per cent. per annum.

When certain stocks are deposited with auditor, circulating notes to equal amount may be delivered.

How stamped. *Proviso.*

SECT. 8. The auditor, upon the application of any bank which shall have deposited stock in trust, may in his discretion surrender such stock, or any part thereof, to such bank, and transfer the same in exchange for other stocks of the kinds before specified in this act, or upon receiving and cancelling an equal amount of circulating notes delivered by him to such bank: *provided,* that the circulating notes held by such bank shall always be secured in full by public stocks, as in this act provided, and shall not be reduced below fifty thousand dollars.

Auditor may surrender stocks, cancelling equal amount of notes.

Proviso.

SECT. 9. The auditor shall make and deliver, to any

Auditor may give powers of attorney to receive dividends. May revoke the same and hold dividends in trust, &c.

Notes being signed, may be circulated, &c.

No other may be issued.

Delay or refusal to pay such notes in specie subjects to penalty, &c.

Holders may cause notes to be protested.

If bank neglect for ten days to redeem, auditor may give notice that the same will be redeemed or him *pro rata*, out of trust funds, &c.

Certain provision of R. S. ch. 36, not to apply to these banks, &c.

bank established under this act, powers of attorney to receive the interest and dividends which may be, or may become, due on the public stock deposited by such bank in his hands; but the said auditor shall have authority to revoke such powers of attorney, whenever, in his judgment, the public safety requires him to do so; and all moneys received by him, as interest or dividends, shall be held in trust for and on account of such bank.

SECT. 10. Such bank, after having executed and signed such circulating notes, as required by law to make them obligatory notes, payable on demand at their banking house, is hereby authorized to loan and circulate the same as money, according to the ordinary course of banking business as regulated by the laws and usages of this Commonwealth, and it shall not be lawful for such bank to issue any other circulating notes.

SECT. 11. In case any such bank, after receiving such circulating notes, countersigned and registered as aforesaid, shall refuse or delay payment, in gold or silver money, of any such note or notes issued by such bank, presented for payment in their usual hours of business, it shall be liable to the penalty now prescribed by law for a failure to redeem bills on presentation, and the holder of any such note or notes, making such demand, may cause the same to be protested in the usual manner; and the auditor, on receiving and filing in his office such protest, shall forthwith give notice in writing to such bank that issued such protested note or notes; and if such bank shall neglect or refuse to redeem such notes in gold or silver money for ten days after such notice, the auditor shall immediately thereupon, unless he shall be satisfied that there is a good and legal defence against the payment of such note or notes, give notice, by publication in two or more newspapers, that all the circulating notes issued by such bank will be redeemed out of the trust funds in his hands for such purpose; and the auditor shall be required to apply the said trust funds, belonging to the bank that issued such protested notes, to the payment, *pro rata*, of all such circulating notes, whether protested or not, put in circulation by such bank that issued such protested notes pursuant to the provisions of this act, and to adopt such measures for the payment of such notes, as will, in his opinion, most effectually prevent loss to the holders thereof.

SECT. 12. The provisions of the fourth section of the thirty-sixth chapter of the Revised Statutes, and so much of the eighth section of the said chapter as relates to the amount of bills to be issued by any bank, shall not apply

to banks established under this act, nor shall the eleventh section of chapter ninety-three of the statutes of the year one thousand eight hundred and forty-three: *provided*, that no bank established under this act shall pay out from its counter any bills except its own and those of other banks of this Commonwealth.

Proviso.

SECT. 13. The plates, dies and materials, to be procured by the auditor for the printing and making of the circulating notes hereby provided for, shall remain in his custody and under his direction; and each bank established under the provisions of this act shall pay such portion of the expense thereof as shall seem to the auditor just and reasonable.

Plates, &c., to remain in custody of auditor, and each bank pay part of expense.

SECT. 14. It shall not be lawful for the auditor to countersign circulating notes for any bank to an amount, in the aggregate, exceeding the public stocks, as heretofore specified, deposited by such bank in his hands; and any auditor who shall wilfully violate the provisions of this section, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years, or by both fine and imprisonment.

Auditor shall not countersign a greater amount of notes than stock deposited.

Penalty, fine or imprisonment.

SECT. 15. Each bank established under the provisions of this act shall, in addition to the returns now required by law, specify and describe the stocks which it has deposited with the auditor.

Stocks to be specified in returns.

SECT. 16. The secretary of the Commonwealth shall prepare, in the manner now required by law, a separate abstract of the returns of the banks established agreeably to the provisions of this act; and the annual meetings of the stockholders for the choice of directors shall be held in conformity thereto, agreeably to the provisions of the tenth section of the ninety-third chapter of the acts of the year one thousand eight hundred and forty-three.

Secretary of Commonwealth shall make separate abstract of returns. Annual meeting of stockholders.

SECT. 17. The bank commissioners shall have the same power over the banks hereby authorized to be established, as they have, or shall have, over the incorporated banks of this Commonwealth; and it shall be their duty also to examine the certificates of stocks held by the auditor, and if in their opinion any of such stocks have depreciated in value, to make them unsafe for the security deposited, said commissioners shall require such bank to exchange such security, or give additional security, to the satisfaction of said commissioners, and also examine the amount of circulating notes which may have been issued to any bank on account thereof.

Power of bank commissioners.

May require additional security.

SECT. 18. Whenever any bank, established under the provisions of this act, shall have redeemed and returned to the auditor at least ninety per cent. of the bank notes

When ninety per cent. of notes are redeemed and

provision made for remainder, securities may be given up.

which it may have received, and shall deposit, in the name of the auditor, in such bank as he shall approve, an amount of money equal to the unredeemed circulating notes of such bank, it shall be lawful for him to receive the same, and to give up all the securities theretofore deposited by such bank.

Banks giving six years public notice and proof of same to auditor, no longer liable for their bills.

SECT. 19. Any bank, which shall have complied with the provisions of the preceding section, may give notice, for six years, in any newspaper authorized to publish the laws of the Commonwealth, and also at least in one newspaper published in the county where such bank is located, that all circulating notes issued by such bank must be presented at the auditor's office within six years from the date of such notice, and that, at the termination of said six years, the said notes will not be redeemed; and on proof that such notice has been given, it shall be the duty of the auditor to pay over to such bank any moneys in his hands; and such bank shall not be longer held for the redemption of its bills.

Whenever a judge of the supreme court is satisfied a bank is insolvent or hazardous, same proceedings may be had as in regard to other banks.

SECT. 20. Whenever any justice of the supreme judicial court shall be satisfied, from the certificate of the auditor or otherwise, that any bank established under the provisions of this act is insolvent, or that its condition is such as to render its further continuance hazardous to the public or to those having funds in its custody, or that the bank has exceeded its powers, or has failed to comply with all the rules, restrictions and conditions provided by law, the same proceedings shall be had as may now be had in reference to any incorporated bank of this Commonwealth, agreeably to the ninety-third chapter of the acts of the year one thousand eight hundred and forty-three, and the acts in addition thereto.

Auditor to transfer to receivers all stock, &c.

SECT. 21. Whenever any bank shall be placed in the charge of agents or receivers, by any justice of the supreme judicial court, it shall be the duty of the auditor to transfer and pay over to such agents or receivers all stocks or moneys held by him as the property of such insolvent bank, such stocks and moneys, or the proceeds thereof, to be faithfully applied by such agents or receivers to the redemption of the circulating notes of such bank.

Legislature may alter or repeal, &c.

SECT. 22. The Legislature may at any time alter, amend or repeal this act, and may also by special act annul or dissolve any corporation existing under the same; but the dissolution of such corporation, either by repeal of this act, or by special act, shall not take away or impair any remedy given against the same, its stockholders or officers, for any liability which may have been previously incurred. [Approved by the Governor, May 24, 1851.]

An Act concerning the Police Court of the City of Worcester.

Chap 268.

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

SECT. 1. The governor, with the advice and consent of the council, shall nominate and appoint a clerk of the police court of the city of Worcester, who shall hold his office for five years, unless sooner removed by the governor and council; and in case of the absence or death of such clerk, the justice of the said court may appoint a clerk *pro tempore*, who shall officiate as such until the standing clerk shall resume the performance of his duties, or until another clerk shall be appointed by the governor and council.

Governor may appoint clerk for five years.

In case of death or absence, justice of court may appoint *pro tem*.

SECT. 2. The clerk shall be sworn to the faithful performance of his duties, and give bond to the county treasurer in the sum of five thousand dollars, with surety or sureties to the acceptance of the said treasurer, with condition for the faithful performance of the duties of his office.

Shall be sworn, and give bond.

SECT. 3. The clerk shall keep a record of the proceedings in all cases and concerning all matters and things cognizable in the said court, other than in civil suits between private parties; receive, pay over and duly account for all fines, penalties and costs, agreeably to law; and do and perform all the duties heretofore required to be performed by the justice of the said court in his capacity of clerk.

Shall keep record, &c.; receive and pay over all fines, &c.

SECT. 4. The standing justice of the said court shall receive a sum not exceeding twelve hundred dollars annually, and the standing clerk shall receive a sum not exceeding five hundred dollars annually, out of the fees taxable in the said court in criminal prosecutions, in full for their respective services: *provided*, that whenever the compensation to which the special justices of said court are entitled, by existing provisions of law, shall exceed the sum of two hundred and fifty dollars in any one year, the said standing justice shall pay said excess *pro rata* out of his compensation; and the standing clerk, from his salary, shall pay to any clerk *pro tempore pro rata* compensation for all services performed by him. [Approved by the Governor, May 24, 1851.]

Standing justice may receive \$1200, clerk, \$500, out of fees, &c.

Proviso.

An Act to incorporate the Essex Bank, in Haverhill.

Chap 269.

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

SECT. 1. Charles B. Hall, John Dow, William Hale, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company

Corporators.

Term.	of the Essex Bank, to be established in Haverhill, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.
Powers, liabilities, &c.	
Capital, \$100,000.	SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: <i>provided</i> , that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.
<i>Proviso.</i>	
Stock transferable only at bank.	SECT. 3. The stock of said bank shall be transferable only at its banking house, and on its books.
Subject to all further acts, &c.	SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [<i>Approved by the Governor, May 24, 1851.</i>]

Chap 270.

An Act to incorporate the Blackstone Bank, in Boston.

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

Corporators.	SECT. 1. A. L. Chamberlain, Joel N. Holden, William Dillaway, Jr., their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Blackstone Bank, to be established in Hanover street, in Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.
Term.	
Liabilities, &c.	
Capital, \$250,000.	SECT. 2. The capital stock of said bank shall consist of two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: <i>provided</i> , that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.
<i>Proviso.</i>	
Stock transferable only at bank.	SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.
Subject to future legislation.	SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions contained in such acts as may hereafter be passed by the General Court, in

relation to banks and banking. [*Approved by the Governor, May 24, 1851.*]

An Act to increase the Capital Stock of the Tradesman's Bank.

Chap 271.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Tradesman's Bank, in Chelsea, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole shall be paid in before the first Monday of April next.

Addition, \$50,000.

Proviso.

SECT. 2. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock is now subject.

Subject to like tax.

SECT. 3. Before the said corporation shall proceed to do business on the said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed with secretary of Commonwealth.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act concerning the Norfolk County Railroad Company.

Chap 272.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Norfolk County Railroad Company are hereby authorized to contract with the Woonsocket Union Railroad Company for the building of the branch railroad, heretofore authorized, connecting Woonsocket Village with the said Norfolk County Railroad in Bellingham, and for the use of the same in connection with the roads of the said companies, upon such terms as the parties shall agree, or the Legislature shall prescribe. [*Approved by the Governor, May 24, 1851.*]

Authorized to contract with Woonsocket Union Railroad Company for a branch, &c.

An Act concerning the Powers and Duties of Justices of the Peace.

Chap 273.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No justice of the peace or trial justice in this Commonwealth shall commence or be concerned in the institution

of any civil action returnable before himself. [*Approved by the Governor, May 24, 1851.*]

Chap 274. An Act relating to the calling a Convention of Delegates of the People, for the purpose of Revising the Constitution.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Shall vote on second Monday of November next, on the question, "Is it expedient," &c.

SECT. 1. The inhabitants of the several cities, towns, districts and places within this Commonwealth, qualified to vote for senators or representatives in the General Court, shall, on the second Monday of November next, at the meetings to be then held in the several cities and towns in the Commonwealth, for the choice of governor, lieutenant governor, senators and representatives in the General Court, an article for this purpose being inserted in the warrants calling such meetings, give in their votes by ballot on this question, "Is it expedient that delegates should be chosen, to meet in convention for the purpose of revising or altering the constitution of government of this Commonwealth?" And the vote upon said question shall be in open meeting, and the votes in the several cities and towns in the Commonwealth shall be received, sorted, counted, declared, and transmitted to the secretary of the Commonwealth, in the same manner as the votes for governor, lieutenant governor and senators are now received, sorted, counted, declared and transmitted, by the constitution and laws of the Commonwealth; and all returns not thus made shall be rejected in the counting. And the governor and council shall open and examine the returns made as aforesaid, and count the votes given on the said question; and the governor shall, by public proclamation, to be made on or before the first Wednesday in January next, make known the result, by declaring the number appearing in favor of choosing delegates for the purpose aforesaid, and the number of votes appearing against the same; and if it shall appear that a majority of the votes given in and returned as aforesaid are in favor of choosing delegates, as aforesaid, the same shall be deemed and taken to be the will of the people of the Commonwealth that a convention should meet accordingly; and, in case of such majority, the governor shall call upon the people to elect delegates to meet in convention, in the manner hereinafter provided.

Shall vote in open town meeting, in same manner as, &c.

Duties of the governor and council.

SECT. 2. If it shall be declared by the said proclamation that the majority of votes, as aforesaid, is in favor of choosing delegates, as above mentioned, the inhabitants of the several cities and towns within the Commonwealth,

now entitled any one year to send one or more representatives to the General Court, shall, on the first Monday of April, in the year one thousand eight hundred and fifty-two, assemble in their several meetings, to be duly notified by warrant from the selectmen of the several towns and the mayor and aldermen of the several cities, and shall elect one or more delegates, not exceeding the number of representatives to which each town or city is entitled the present year, it being the year in which the valuation of estates in the Commonwealth is settled, to meet delegates from other towns and cities in convention, for the purposes hereinafter expressed. And, at such meetings of the inhabitants, every person entitled to vote for representatives in the General Court shall have a right to vote in the choice of delegates, and the same officers in the several cities and towns in the Commonwealth shall preside at such elections, as now preside in the choice of representatives to the General Court; and the votes for such delegates shall be received, sorted, counted, declared, recorded, and copies thereof delivered to the delegates chosen, in the same manner as is now provided for in the case of representatives to the General Court. And all laws now in force, regulating the duty and conduct of town and city officers, sheriffs, magistrates and electors, in the election of governor, lieutenant governor, senators and representatives, shall, as far as applicable, apply and be in full force and operation as to all meetings holden and elections and returns made under this act, or which by this act are required to be holden or made, and upon the like forfeitures and penalties.

Delegates shall be chosen, first Monday of April, 1852.

Number of delegates not to exceed representation in valuation year.

How chosen, &c.

SECT. 3. The persons so elected delegates shall meet in convention in the State House, in Boston, on the first Wednesday in September, in the year one thousand eight hundred and fifty-two; and they shall be the judges of the returns and elections of their own members, and may adjourn from time to time; and one hundred of the persons elected, shall constitute a quorum for the transaction of business; and they shall proceed, as soon as may be, to organize themselves in convention, by choosing a president, and such other officers as they may deem expedient, and by establishing proper rules of proceeding; and, when organized, they may take into consideration the propriety and expediency of revising the present constitution of government of this Commonwealth, or the propriety and expediency of making any, and, if any, what alterations or amendments in the present constitution of government of this Commonwealth. And such alterations or amendments, when made and adopted by the said convention, shall be submitted to

Convention to be held on first Wednesday in September, 1852.

Regulations.

Duties when organized.

All alterations or amendments to be submitted to the people.

the people for their ratification and adoption, in such manner as the said convention shall direct; and if ratified by the people, in the manner directed by the said convention, the constitution shall be deemed and taken to be altered or amended accordingly; and if not so ratified, the present constitution shall be and remain the constitution of government of this Commonwealth.

Pay of members.

SECT. 4. The said convention shall establish the pay or compensation of its officers and members, and the expense of its session; and his excellency the governor, by and with the advice and consent of the council, is authorized to draw his warrant on the treasury therefor.

Secretary of Commonwealth to transmit copies of this act and governor's proclamation.

SECT. 5. The secretary of the Commonwealth is hereby directed, forthwith after the passage thereof, to transmit printed copies of this act to the selectmen of each town and the mayor and aldermen of each city within the Commonwealth; and whenever the governor shall issue his proclamation, calling upon the people to elect delegates to meet in convention, as aforesaid, the said secretary shall also immediately thereafter transmit printed copies of the said proclamation, attested by himself, to the selectmen of each town and the mayor and aldermen of each city in the Commonwealth. [*Approved by the Governor, May 24, 1851.*]

Chap 275.

An Act to renew the charter of the Neponset Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter continued until 1870.

SECT. 1. The president, directors and company of the Neponset Bank, a corporation heretofore incorporated and established at Canton, are hereby continued a corporation for the purposes of banking, until the first day of January which shall be in the year one thousand eight hundred and seventy, notwithstanding any limitation in the charter thereof to the contrary, and the said corporation shall be entitled to all the powers and privileges, and shall be subject to all the duties, liabilities, requirements and restrictions contained in such acts as are now in force, and to such other acts as may hereafter be passed, by the General Court, in relation to banks and banking.

Powers, liabilities, &c.

SECT. 2. If there be, on the part of the stockholders, or any of them, any remonstrance against the continuance of the said corporation, the said remonstrance shall be made in writing, to the cashier of said bank, on or before the first day of September, in the year one thousand eight hundred and fifty-one; and if the stockholders so objecting jointly represent one fourth part of the capital stock there-

Remonstrance of stockholders must be made on or before September 1st, 1851.

of, the said corporation shall not be entitled to the benefit of this act. [*Approved by the Governor, May 24, 1851.*]

An Act to increase the Capital Stock of the Adams Bank.

Chap 276.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Adams Bank, in Adams, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Addition, \$50,000.

Proviso.

SECT. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Subject to like tax, &c.

SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be filed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act to incorporate the Amherst and Belchertown Railroad Company.

Chap 277.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Edward Hitchcock, Ithamar Conkey, Edward Dickinson, Myron Lawrence, Luke Sweetser, their associates and successors, are hereby made a corporation, by the name of the Amherst and Belchertown Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in all that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all other general laws relative to railroad corporations in this Commonwealth.

Corporators.

Powers, duties, &c.

SECT. 2. The said company may locate, construct and maintain a railroad, with one or more tracks, from the depot of the New London, Willimantic and Palmer Railroad, in the town of Palmer, crossing the Western Railroad at or near the depot of the said Western Railroad, in Palmer, by

Location.

the most convenient route, northerly, through the town of Palmer, in the county of Hampden, and the towns of Belchertown and Amherst, in the county of Hampshire, and of Leverett, Sunderland and Montague, in the county of Franklin, to the Vermont and Massachusetts Railroad, at a point the most convenient to intersect the same in the said town of Montague.

Capital stock,
6000 shares, of
\$100 each.

SECT. 3. The capital stock of the said company shall consist of not more than six thousand shares, the number of which shall, from time to time, be determined by the directors of the said company, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share, and the said company may invest and hold such part thereof in real and personal estate as may be necessary and convenient for the purposes of their incorporation.

May hold personal or real estate.

May enter Vermont and Mass. Railroad, &c.

SECT. 4. The said railroad company may enter upon and unite their railroad, by proper turnouts and switches, with the Vermont and Massachusetts Railroad, at some convenient point at Grant's Corner, in Montague, or between said Grant's Corner and the depot of the said Vermont and Massachusetts Railroad, in said town of Montague, and may use the same, under the provisions and restrictions of the laws relating to railroads in this Commonwealth.

Tolls may be reduced.

Proviso.

SECT. 5. The Legislature may, after five years from the time when the said railroad shall be opened for use, from time to time reduce the rates of toll or other profits upon the said road; but the same shall not be so reduced, without the consent of the said company, as to yield with the said profits, less than ten per cent. per annum to the stockholders.

Other roads may be allowed to enter.

SECT. 6. The Legislature may authorize any company to enter with another railroad upon and use the said Amherst and Belchertown Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Amherst and Belchertown Railroad Company may prescribe, or as may be determined according to the provisions of law.

Road must be located within two years, and completed in four years.

SECT. 7. If the said company shall not be organized, and if the location of the route of the said road shall not be made and filed with the county commissioners of the counties of Hampden, Hampshire and Franklin, respectively, within two years from the passage of this act, or if the said company shall fail to complete the said road within four years from the passage of this act, then this act shall be null and void.

SECT. 8. The persons who are, or shall become, stock-

holders in the New London, Willimantic and Palmer Railroad Company, being partly in the state of Connecticut and partly in this Commonwealth, with the assent of the legislature of the state of Connecticut, may, by vote duly passed at a legal meeting, and with the consent of the corporation hereby created, duly expressed at a legal meeting called therefor, become stockholders in the last named corporation; and, thereupon, the said two corporations shall become united into one corporation, by the name of the New London, Palmer and Amherst Railroad Company, with a capital not exceeding the amount of the joint capital of both of the said corporations. And all the tolls, franchises, rights, powers, privileges and property granted or to be granted or acquired, under the authority of the legislature of the state of Connecticut or of this Commonwealth, shall be held and enjoyed by all the said stockholders, in proportion to their number of shares in either or both of the said corporations.

SECT. 9. After such union of the said companies shall have been perfected, the said stockholders shall hold their meetings, make their by-laws, appoint their officers, and transact all their business as one corporation: *provided*, that one or more of the officers of the said corporation shall be resident in this Commonwealth, on whom process against the said corporation may be legally served. And the said corporation shall be held to answer within the jurisdiction where such service may be made, and where the process may be made returnable.

SECT. 10. The share or shares of any stockholder in the said corporation shall be liable to attachment, and to be taken on execution, in the state where such stockholder shall reside at the time of the service of such process: *provided*, that the laws of such state authorize the attachment and taking on execution of such property; and an attested copy of such writ or execution, and of the return of the officer thereon, shall, at the time of such service, be left with the clerk or a director of the said corporation, or at his usual place of abode, by the officer making the service.

SECT. 11. The said corporation, so far as their road may be situated in Massachusetts, shall be subject to the general laws of this State to the same extent as if their road were wholly therein.

SECT. 12. No shares in the capital stock of the said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Conditions on which the New London, Willimantic and Palmer R. R. Co. may be united with this corporation, under the name of the New London, Palmer and Amherst R. R. Co.

Provisions in case of a union of the two companies.

Shares liable to attachment, &c.

Proviso.

Road in Mass. subject to Mass. laws.

No shares issued under par.

Road divided into sections.

SECT. 13. For the purposes of construction, the road hereby authorized shall be divided into two sections, one extending from Palmer to the village of Amherst, and the other from Amherst to Montague; and a moiety of the capital stock authorized by this act shall be appropriated and set apart for the construction of each section; and the construction of neither section shall be commenced until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of said company and a majority of the directors thereof, stating that all of the stock appropriated and set apart for the construction of such section has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share so appropriated and set apart, has been actually paid into the treasury of the company.

How the funds shall be appropriated to each.

Certificate to be filed with secretary of Commonwealth.

When to take effect.

SECT. 14. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 278. An Act to incorporate the Worcester County West Agricultural Society.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William Parkhurst, Peter Harwood, Joseph Bowman, Samuel Mixter, P. Emery Aldrich, their associates and successors, are hereby made a corporation, by the name of the Worcester County West Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Barre, in the county of Worcester, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, of other county agricultural societies established in this Commonwealth. [*Approved by the Governor, May 24, 1851.*]

Purpose.

Located in Barre.

Powers, liabilities, &c.

Chap 279. An Act to incorporate the Cambridge Market Bank, in Cambridge.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Zachariah B. Porter, Walter M. Allen, George Meacham, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Cambridge Market Bank, to be established in Cambridge, at the place called Porter's, adjacent to the cattle market, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restric-

To continue till 1872.

Powers, duties, &c.

tions, set forth in the public statutes of this Commonwealth relative to banks and banking.

SECT. 2. The capital stock of the said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Capital stock,
\$100,000.

Proviso.

SECT. 3. The stock of the said bank shall be transferable only at its banking house, and on its books.

Stock transferable only at bank.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, May 24, 1851.*]

Subject to further legislation.

An Act in addition to an Act to incorporate the Malden Steam Mills.

Chap 280.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The corporation established by the name of the Malden Steam Mills, shall hereafter be called and known by the name of the Boylston Company.

Shall be called the Boylston Co.

SECT. 2. The said corporation shall have and enjoy all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the act incorporating the said company, and in an act in addition thereto, and also in the thirty-eighth and forty-fourth chapters of the Revised Statutes: *provided*, that the said corporation may take, hold and possess real and personal estate, not exceeding two hundred thousand dollars in the whole, and the same may sell, convey, lease, or otherwise dispose of, as they may deem proper. [*Approved by the Governor, May 24, 1851.*]

Powers, restrictions, &c.

Proviso.

May hold
\$200,000.

May sell, convey, &c. &c.

An Act concerning Mutual Marine Insurance Companies.

Chap 281.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All mutual marine insurance companies, which have been, or shall hereafter be incorporated in this Commonwealth, shall possess the powers, and be subject to the duties and liabilities, contained in this act, and in the forty-fourth chapter of the Revised Statutes, so far as the provisions thereof may be consistent with this act, and with those of their respective charters.

All companies subject to this act, and R. S. ch. 44.

SECT. 2. Special meetings of any such company shall be called by the secretary, upon the written application of

Special meetings, how called, and how notified.

twenty members of the company, to be held at such time and place as he shall direct, for the purposes set forth in such application; and such special meetings shall be notified in the manner provided by the by-laws of the company, if any be provided, and if not, by publication thereof, in some newspaper printed within the county, at least seven days before the time fixed for such meeting.

Ten directors,
their qualifica-
tions, &c.

SECT. 3. The business of every such company shall be conducted by not less than ten directors, one of whom shall be chosen, by the directors, to be their president and the president of the corporation; they shall be members of the company, and residents in this State, and they and all other officers of the corporation shall be chosen annually, and shall hold their offices for one year, and until others shall be chosen and qualified in their stead.

Secretary and
clerk, his duties,
&c.

SECT. 4. The directors shall choose a secretary, who shall be clerk of the corporation, and who shall be sworn to the faithful discharge of his duties, which shall consist in keeping a record of all votes of the corporation and of the directors, of all policies issued, and all transfers assented to by the company, and all such other records as may be provided for by any by-law of the corporation, or by any vote of the directors, together with such other duties as may, from time to time, be required of him by law, or by the directors of the company.

Vacancies, how
filled.

SECT. 5. Any vacancy in any office may be filled by a special election, either by the members or directors of the company, as the case may require.

Elections, how
made.

SECT. 6. All elections shall be by ballot, and absent members may vote by proxy, authorized in writing; the by-laws shall fix the qualifications entitling one member to more than one vote, and also the number of votes which any one member may be allowed, but no member shall in any case be allowed more than five votes.

A quorum for
business.

SECT. 7. Any six of the directors shall constitute a quorum for the transaction of business, and all questions before them shall be decided by a majority of those present, except in cases which are otherwise provided for by law.

Compensation
of officers.

SECT. 8. The compensation of all officers shall be fixed by the directors, and they shall have power to make rules and by-laws for conducting the business of the corporation, not inconsistent with the laws of the Commonwealth, nor with any by-laws made by the corporation.

How policies
shall be sub-
scribed.

SECT. 9. All policies of insurance made by such companies shall be subscribed by the president, or in case of his death, inability or absence, by any two of the directors, and countersigned by the secretary of the company.

SECT. 10. Every such company may make insurance on vessels, freight, money, goods and effects, against the perils of the sea and other perils usually insured against by marine insurance companies, as provided for in the twelfth section of the thirty-seventh chapter of the Revised Statutes, and may loan money upon bottomry and respondentia. Risks that may be taken.

SECT. 11. No such company shall, directly or indirectly, deal or trade, in buying or selling any goods, wares, merchandise, stocks or commodities whatsoever. Trade prohibited.

SECT. 12. No such company shall take or hold any real estate, unless specially authorized so to do by its charter, or unless the same shall be taken on execution, or by the foreclosure of a mortgage, for a debt due to the company, and when so taken the same shall not be held more than five years. Restrictions as to holding real estate.

SECT. 13. The funds of such companies, other than premium notes, and subscriptions hereinafter mentioned, shall be invested in the funded debt of this State, or of the United States, or of any incorporated city or town in this Commonwealth, or in mortgages on real estate within the same, or in the stock of any bank or railroad corporation incorporated within the same: *provided*, that the capital stock of such railroad corporation shall have been wholly paid in, and that not more than one third part of the funds aforesaid shall be invested either in railroad stock, or in mortgages of real estate, nor more than one fifth part of the said funds in the stock of any one railroad or banking corporation. How funds shall be invested.

SECT. 14. No such company shall have at risk at any one time upon the same bottom, either by way of bottomry or respondentia, or by means of one or more policies upon vessels, freight or property, or either of them, a greater sum than ten per cent, of its subscription hereinafter mentioned and its funds invested. And if it shall at any time be ascertained that by means of open policies and endorsements thereon, a sum greater than the ten per cent. as aforesaid is so at risk, it shall be the duty of the president and directors, as speedily as may be, to obtain reinsurance for the amount of such excess; and for the neglect of such duty, the president and directors shall be jointly liable to reimburse to the company all loss which the company may sustain by reason of such excess of risk: *provided*, that no person shall be liable as aforesaid without notice of such excess, and subsequent neglect to use due diligence to obtain such reinsurance. Policies restricted in amount. In case of excess to reinsure. Liability in case of neglect to do so.

SECT. 15. No policy of insurance shall be issued by

No policy to be issued until certain subscriptions are made and certified.

any such company, until a memorandum in writing shall have been signed by members thereof to the effect following, viz:—

The subscribers, members of the ——— Insurance Company, severally agree to pay to the said company, on demand, the sums set opposite their respective names, or such parts thereof as may from time to time be called in, for the use of the said company, the same to be payable either in money or in promissory notes.

And when the sum of two hundred thousand dollars, if the company be in the city of Boston, or fifty thousand dollars if not within the said city, shall have been so subscribed, and the president and directors shall have certified at the foot of the subscription paper, that the subscribers of that amount are known to them, and that they do verily believe such subscribers to be solvent and able to pay the sums by them subscribed, policies of insurance may be issued by the company; additions to which subscriptions may be made at any time thereafter, as the directors may deem expedient, subject to be certified in the manner hereinbefore enacted.

Liabilities of officers for false certificates.

SECT. 16. If the president or any director shall falsely certify as aforesaid, he shall be personally liable for so much of any sum subscribed, as the subscriber thereof shall fail to pay.

How all subscriptions shall be deemed, held and used.

SECT. 17. All subscriptions as aforesaid, whether paid in money or notes, shall be deemed to be payments on account of premiums for insurance thereafter to be effected by the company for the subscriber; but the same shall nevertheless be held for the losses of the said company as they accrue, and if paid in notes, the said notes shall be made payable within twelve months from the date thereof, and shall be deemed to be part of the capital stock of the said company, and, as such, of good consideration in law. And they may be collected or negotiated by it for the payment of losses or otherwise, in the course of its business.

May commence business with a safety fund, and pay dividend, &c.

SECT. 18. Any mutual marine insurance company may, if the members so determine, instead of the subscriptions hereinbefore described, commence and transact business with a safety fund of not less than fifty thousand dollars, paid in and invested as provided in the thirteenth section of this act. And every such company may pay annually upon said capital stock, as dividend, the same per cent. of profits as shall be declared an earned premium, and may pay the principal of the said fund whenever the actual net profits of such company shall be sufficient to replace the said fund, and shall have been invested according to law as aforesaid.

SECT. 19. If any such company shall be liable for losses to an amount exceeding their profits invested and cash on hand, together with their unpaid premiums for risks terminated, and sums subscribed as aforesaid and unpaid, and the president or directors after knowledge thereof, and while the present state of things shall continue, shall make any new or further insurance, the persons and estates of all who shall make such insurance, or assent thereto, shall be jointly and severally liable to the assured for any loss which shall take place under such insurance.

Liability of officers when losses exceed profits, premiums, &c.

SECT. 20. It shall be the duty of the secretary, under the direction of the president, as often at least as once in each month, to make up and lay before the directors a statement, showing the amount of unpaid premiums on risks terminated, the amount of profits invested, the amount of cash on hand, the amount of sums subscribed by members and yet unpaid, the amounts of losses claimed but not yet adjusted, specifying each claim and setting against each the sum which will probably prove to be due, and the amounts of losses claimed and adjusted; also a statement of the amount issued during the past month, with a particular specification of the same, showing to whom the insurance has been made, on what property and in what sums; and such statements shall be subscribed by the president and secretary, and shall be preserved and kept by the secretary.

Secretary shall make monthly statements, to be subscribed by president and secretary.

SECT. 21. Every such company shall make returns to the Legislature as is now required by law of such companies, and shall be liable to be taxed by any general law providing for the same.

Each company shall make returns, &c.

SECT. 22. All mortgages on real estate held by any such company, shall be liable to be attached, and taken and sold on execution, in the manner provided in the fifty-second, fifty-third and fifty-fourth sections of the thirty-sixth chapter of the Revised Statutes, in respect to mortgages held by banks.

Mortgages held to be liable to attachment, &c.

SECT. 23. Every person who shall subscribe, before the organization of the company, a memorandum according to the fifteenth section of this act, and every person who shall be insured by such company shall be a member thereof: *provided*, that no person shall continue a member, by virtue of such subscription only, for a longer period than one year after the organization of such company, nor by virtue of being insured, after the termination of the risk insured against, and the payment of any sum due by reason thereof; but nothing herein contained shall be deemed to affect the right of any person to a share of profits according to the by-laws of the company.

Condition of membership.

Proviso.

When profits exceed \$250,000, surplus may be divided.

SECT. 24. Whenever the profits of any such company shall have exceeded the sum of two hundred and fifty thousand dollars, any surplus above that sum may be divided among those entitled thereto, according to the by-laws of the company.

Where the office of company shall be.

SECT. 25. No company of mutual marine insurance shall have an office for the transaction of business at any place in the Commonwealth other than that designated in its act of incorporation.

Fire insurance.

SECT. 26. Nothing herein contained shall be so construed as to deprive any insurance company of the right to insure against fire, if the same be expressly granted in the charter of such company.

Provision for all marine insurance companies.

SECT. 27. Any company incorporated in the Commonwealth for marine insurance, with a capital stock paid in and invested according to law, may proceed to transact business according to the powers and principles of mutual insurance. [*Approved by the Governor, May 24, 1851.*]

Chap 282.

An Act to incorporate the Westfield Bank in Westfield.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Thomas Ashley, William G. Bates, Edward B. Gillett, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Westfield Bank, to be established in Westfield, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

Capital stock, \$100,000.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Proviso.

Stock transferable at bank only.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Subject to such acts as may be passed, &c.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, May 24, 1851.*]

An Act concerning the Dorchester and Milton Branch Railroad Company. *Chap 283.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Dorchester and Milton Branch Railroad Company is authorized and empowered to issue five hundred and fifty shares of preferred stock, the time and manner of issuing which shall be determined by the directors of the said company, but no portion thereof shall be issued at less than its par value of one hundred dollars a share. May issue 550 shares preferred stock at par value.

SECT. 2. In the certificates issued therefor, the same shall be called preferred stock ; and the board of directors are empowered to declare and pay semi-annual dividends thereon, out of the net earnings of the said company, not exceeding three per cent. semi-annually ; and no dividends shall be declared and paid upon any other stock of the said company now in the hands of stockholders, except the same be paid out of the net surplus earnings, after the semi-annual payment of dividends on such preferred stock. Certificates. Dividends.

SECT. 3. The said preferred stock shall be redeemable agreeably to any stipulation made by the corporation before the issue thereof, and shall be redeemable at any time after ten years from its issue, the corporation paying to the holders of such stock the par value of the same, and all dividends due thereon, which said dividends shall be declared semi-annually, and be payable in money. Redeemable.

SECT. 4. The said corporation may, on redeeming such preferred stock, issue in substitute therefor an equal number of shares at par, to remain on the same basis as the original stock. May issue stock in substitute.

SECT. 5. This act shall not take effect until the same shall be accepted by a vote of three fourths of the stock represented at a stockholders' meeting, specially convened for that purpose. When to take effect.

SECT. 6. This act may be altered, amended or repealed, at the pleasure of the Legislature. [*Approved by the Governor, May 24, 1851.*] May be altered, &c.

An Act to increase the Capital Stock of the Warren Bank, in Danvers. *Chap 284.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Warren Bank, in Danvers, are hereby authorized to increase their present capital stock, by an addition thereto of sixty thousand dollars, in shares of one hundred dollars each, Addition \$60,000.

Proviso. which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole be paid in before the first Monday of April, in the year one thousand eight hundred and fifty-two.

Subject to like tax, &c. SECT. 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said bank is subject.

Certificate to be filed with secretary of Commonwealth. SECT. 3. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

When to take effect. SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 285. An Act to incorporate the Great Barrington Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Egbert B. Garfield, John B. Woodruff, Edward P. Woodworth, their associates and successors, are hereby made a corporation, by the name of the Great Barrington Mutual Fire Insurance Company, in the town of

Term, 28 years. Great Barrington, for the term of twenty-eight years, for the purpose of insuring dwelling houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes: *provided*, that no

Proviso. policy shall be issued by this company until the sum of one hundred thousand dollars shall have been subscribed to be insured. [*Approved by the Governor, May 24, 1851.*]

Chap 286. An Act in addition to an Act relating to the enlargement of the State Prison.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Twenty cells shall be added to old prison. SECT. 1. In addition to the enlargement of the State Prison, authorized by the act passed on the third day of May, in the year one thousand eight hundred and fifty, there shall be added twenty cells in the east wing of the old prison, to be constructed by raising the roof thereof a sufficient space to afford the necessary room, and to con-

form in arrangement and size to the other cells already authorized in the same building.

SECT. 2. The additional enlargement authorized by the preceding section shall be made under the superintendence for the enlargement of the said prison authorized by the act referred to in the first section of this act. And in order to defray the expenses thereof, the governor is hereby authorized to draw his warrants, from time to time, for an amount not exceeding five thousand dollars, to be paid from any moneys not otherwise appropriated.

By whom the same shall be made.

Governor may draw warrants not exceeding \$5000.

SECT. 3. The board of inspectors of the State Prison are hereby authorized to contract for laying a pipe from the city square, in Charlestown, for the purpose of carrying the Cochituate water into the State Prison, in Charlestown; and they are also authorized to erect one or more workshops on such part of the prison premises, and after such plan, as they may deem expedient; and in order to defray the expense of the improvements authorized by this section, the governor is hereby authorized to draw his warrant for the payment thereof, for an amount not exceeding five thousand dollars, to be paid from any moneys not otherwise appropriated.

Cochituate water may be introduced, &c. Workshop may be erected.

Warrants.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act concerning the Powers of the Police Court of the City of Worcester. *Chap 287.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The police court of the city of Worcester may exercise all the powers and perform all the duties given to and required of trial justices in and for the county of Worcester, by the laws of this Commonwealth.

May exercise all the powers of trial justices.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act for the quieting of Titles to Mortgaged Real Estate transferred by Executors or Administrators. *Chap 288.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

All transfers of mortgaged real estate made by executors or administrators after the passage of the Revised Statutes, and prior to the passage of the statute of the year one thousand eight hundred and forty-nine, chapter forty-seven, if duly executed, acknowledged and recorded, shall be valid

Transfers of mortgaged estates by executors or administrators after Revised Statutes and before stat-

ute of 1849,
made valid.

and effectual, to all intents and purposes, though the same may have been made without any license of court first had and obtained; and all titles to real estate, held under such transfers, are hereby fully ratified, confirmed and established. [*Approved by the Governor, May 24, 1851.*]

Chap 289. An Act concerning the recovery of Damages against Aqueduct Corporations.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

County commissioners may issue warrants of distress for damages against aqueduct corporation, same as against railroad corporations.

SECT. 1. Whenever, upon the application of any person who may have sustained injury from the operations of any aqueduct corporations, in his lands or by the diversion of water, damages shall have been assessed against such corporation by county commissioners, or the verdict of a jury, in pursuance of authority conferred upon them by the act incorporating such aqueduct company, or otherwise, the commissioners may issue warrants of distress to compel payment of such damages, with interest and costs, in the same manner and with the same limitation as they may now do in cases of railroad corporations.

No damages allowed of more than three years' standing.

SECT. 2. No such damages shall be recovered or allowed against any aqueduct corporation as aforesaid, except for injuries which shall have been sustained within three years next preceding the filing of the application to the county commissioners therefor: *provided, however,* that in all cases where the three years aforesaid shall have expired within one month after this act shall take effect, such application may be filed within one year after this act shall take effect. [*Approved by the Governor, May 24, 1851.*]

Proviso.

Chap 290. An Act in relation to Damages sustained by the laying out of Highways.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

When there are separate claimants for damages the entire damage to be paid to a trustee.

SECT. 1. Whenever any persons shall have a claim for damages sustained in their property by the laying out of highways, turnpikes, or railroads, according to or in pursuance of any of the provisions of the twenty-fourth and thirty-ninth chapters of the Revised Statutes, having different or separate interests in the said property, so that an estate for life or for a term of years in the same belongs to one person, and the remainder or reversion in fee belongs to another, entire damages shall be assessed in the same manner as is provided for in other cases, without any apportionment thereof; and the amount of such damages shall

be paid over to or be recoverable by any person whom the parties owning the several interests may appoint therefor, to be invested by such person, when paid over or recovered, in bond, mortgage, or other good securities, and held in trust for the benefit of the said parties, according to their several interests, the annual income to be paid over to the person in whom was the estate for life, or a term of years, for the period such estate might have continued, and the remainder after the termination of such estate, to be paid over absolutely to the person that was entitled to the reversion in fee, or to his heirs or devisees.

SECT. 2. In case any of the persons having an interest in such property shall, by reason of any legal disability, be incapacitated from choosing a trustee, as is provided in the foregoing section, or in case the parties in interest cannot agree upon a choice, then it shall be the duty of the judge of probate of the county in which such property is situated, upon application to him made therefor, to appoint some suitable person as trustee, for the purposes named in the said section. And the said trustee shall, before entering upon the duties of his trust, give a bond to the said judge of probate, with one or more sufficient surety or sureties, in such penal sum as the judge shall prescribe, conditioned for the faithful performance of his duties as trustee, under the provisions of this act, which bond, upon breach of its condition, may, by order of the said judge of probate, be put in suit for the use and benefit of the persons interested in the trust property, to be conducted in like manner as is provided in case of bonds given by executors or administrators.

Trustee in certain cases to be appointed by judge of probate.

Bond to judge of probate.

How to be put in suit.

SECT. 3. The twelfth section of the twenty-fourth chapter of the Revised Statutes, is hereby repealed. [*Approved by the Governor, May 24, 1851.*]

Section repealed.

An Act to change the Names of the Persons therein mentioned.

Chap 291.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

William Seaton may take the name of William Harrison Ainsworth; John Henry Bright may take the name of Henry Bright; Franklin John Walter White may take the name of Benjamin Franklin White; Robert Lane Colby may take the name of Robert Colby; George Bradford may take the name of George Royal Bradford,—all of Boston, in the county of Suffolk.

Suffolk.

Catharine McMahan, of Danvers, may take the name of Catharine Wilson; Asa Loring Breed, of Lynn, may take

Essex.

the name of Asa Breed; John Atkinson, of Newburyport, may take the name of John Moses Atkinson,—all in the county of Essex.

Middlesex.

George Monroe may take the name of Luther A. Reed; George Henry Monroe, a minor, may take the name of George Henry Reed; Mary Francis Monroe may take the name of Mary Frances Reed, all of Charlestown; Ann McCarthy may take the name of Ann Miles; Mary Jane McCarthy may take the name of Mary Jane Miles; Elizabeth Howard McCarthy may take the name of Elizabeth Howard Miles; Thomas McCarthy may take the name of Thomas Miles; Ellen McCarthy may take the name of Ellen Miles; Miles McCarthy may take the name of Francis Miles, all of Waltham; Jerome Bonaparte Lord may take the name of Jerome Bonaparte Lawton; Solomon Fletcher may take the name of Solomon Lawrence Fletcher, both of Winchester,—all in the county of Middlesex.

Worcester.

Owen Wilson, of Leominster, may take the name of Owen Augustus Wilson; Alden Woodcock, of Leominster, may take the name of Alden Augustus Woodman; Daniel Webster Gilbert, of West Brookfield, may take the name of De Witt Gilbert; Jacob Henry Paige, of Berlin, may take the name of William Henry Paige; Susan Gideon Warner, of Boylston, may take the name of Mary Sophia Hastings; Sarah Ann J. French, of Hubbardston, may take the name of Sarah Jane Ashley; Daniel P. Munjoy, of Westminster, may take the name of Daniel P. Blake,—all in the county of Worcester.

Hampshire.

Grant Powers Stafford, of Cummington, in the county of Hampshire, may take the name of Lewis Grant Stafford.

Hampden.

Hannah Mellen Lyman may take the name of Annie Lyman; Abel Chapin may take the name of Abel Dexter Chapin, both of Springfield, in the county of Hampden.

Norfolk.

Charles Gay, a minor, of Roxbury, in the county of Norfolk, may take the name of Henry Phillips.

Plymouth.

Celinda J. Hammond may take the name of Isabella J. Hammond; Betsy F. Goss may take the name of Lizzie F. Goss,—both of Middleborough, in the county of Plymouth.

And the several persons before mentioned, from and after the passage of this act, shall be known and called by the names which by this act they are respectively allowed to assume as aforesaid, and the same shall hereafter be considered as their only proper and legal names. [*Approved by the Governor, May 24, 1851.*]

An Act to incorporate the Proprietors of the Catholic Cemetery in Dorchester. *Chap 292.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Nicholas J. Bean, Martin Lynch, James Nugent, their associates and successors, are hereby made a corporation, by the name of the Catholic Cemetery Association in Dorchester, for the purpose of establishing and perpetuating a place for the burial of the dead, to be located in the town of Dorchester, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the one hundred and fourteenth chapter of the acts of the year one thousand eight hundred and forty-one, and in the forty-fourth chapter of the Revised Statutes. Corporators.
Purpose.
Duties, liabilities, &c.

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of twenty-five hundred dollars. [*Approved by the Governor, May 24, 1851.*] May hold real and personal estate.

An Act to set off a part of the Town of Rutland and annex the same to the Town of Paxton. *Chap 293.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the town of Rutland, in the county of Worcester, with the inhabitants thereon, as is included within the following limits, is hereby set off from the said Rutland and annexed to the town of Paxton, to wit:—beginning at the stone monument at the northeast corner of Spencer, on the line of Paxton; thence on the line of Rutland and Paxton north one degree and thirty minutes west, four hundred and nine rods, to a stone monument at the northwest corner of Paxton; thence on a straight line south sixty-seven degrees west, about four hundred and twenty-three rods to the line of Oakham; thence on the said line south eleven degrees east two hundred and fifteen rods, to the monument at the southwest corner of Rutland at the line of Spencer; thence on the line of Spencer south eighty-four degrees east, three hundred and sixty-one rods, to the point of beginning, containing about seven hundred and thirty-six acres: *provided, however,* that for the purpose of electing the representative to the General Court, to which the said town of Rutland shall be entitled until the next apportionment of represent- Boundaries of territory set off to Paxton.

Proviso in regard to representation.

atives, according to the provisions of the thirteenth article of amendment of the constitution, the said territory shall continue to be and remain a part of the said town of Rutland; and the selectmen of the town of Paxton shall furnish to the selectmen of the town of Rutland, fourteen days at least before the second Monday of November annually, a true list of all persons resident on the said territory, who may be entitled to vote in the choice of representatives, as aforesaid, in the town of Rutland.

Liability of persons and estates set off to pay assessed taxes, &c.

SECT. 2. The inhabitants and estates, so set off, shall be liable to pay all taxes that have been legally assessed on them by the town of Rutland, and also all taxes that may be assessed as aforesaid the current year, and all state and county taxes that may be assessed upon them previously to the taking of the next state valuation; and the town of Rutland shall pay into the treasury of the town of Paxton, whatever portion of the highway and school taxes so assessed has not been expended for the purpose for which they were raised, in the same manner as if this act had not been passed.

Liability of the town of Paxton for paupers.

SECT. 3. The town of Paxton shall be liable for the support of all persons who may after the passage of this act stand in need of relief as paupers, whose settlement was gained by or derived from a residence within the limits of the territory set off as aforesaid.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 294.

An Act to incorporate the Medford Lyceum and Library Association.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

James M. Usher, John Pierpont, junior, Henry W. Usher, their associates and successors, are hereby made a corporation, by the name of the Medford Lyceum and Library Association, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, with power also to hold real and personal estate not exceeding the sum of twenty thousand dollars. [*Approved by the Governor, May 24, 1851.*]

May hold \$20,000 real and personal estate.

Chap 295.

An Act concerning intercourse with Convicts in the State Prison.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inspectors and warden of the State Prison

are hereby authorized to make such regulations as they may think necessary or expedient, in relation to interviews of the convicts with their friends from without the prison, during which interviews the convicts and the persons in communication with them shall be under the eye of the warden.

Interviews to be regulated by inspectors and warden, and to take place in presence of latter.

SECT. 2. The warden may, at such time and under such circumstances as he shall deem expedient, with the consent of the inspectors, make known to convicts the whole or parts of any communications received by him from their friends without the prison, and he may, in like manner, with the consent of the inspectors, make known to such friends the whole or such parts of communications made to him by prisoners as he shall deem proper.

Warden, with consent of inspectors, may communicate, at his discretion, any message to or from any prisoner.

SECT. 3. All laws or parts of laws inconsistent with the provisions of this act, are hereby repealed.

Repeal of inconsistent provisions.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act to establish the City of Newburyport.

Chap 296.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of the town of Newburyport shall continue to be a body politic and corporate, under the name of the city of Newburyport, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to the said town, as a municipal corporation.

Name, power and liabilities of the city.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be styled the mayor; one council of six, to be called the board of aldermen; and one council of eighteen, to be called the common council; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of their respective offices. A majority of each board shall constitute a quorum for doing business.

Mayor, aldermen, common council, called city council.

SECT. 3. It shall be the duty of the selectmen of Newburyport, as soon as may be after the passage of this act, and its acceptance by the inhabitants as hereinafter provided, to divide the said town into six wards, to contain, as nearly as conveniently may be, an equal number of inhabitants, which proceedings of the selectmen shall be subject to the revision of the city council, within one year after

Duty of selectmen to divide and equalize the wards.

City council to revise wards once in five years.

the passage of this act. And it shall be the duty of the city council once in five years, and not oftener, to revise, and, if it be needful, to alter the said wards, in such manner as to preserve, as nearly as may be, an equal number of inhabitants in each ward.

Annual choice of city officers.

SECT. 4. On the second Monday of December, annually, there shall be chosen by ballot, in each of the said wards, a warden, clerk and three inspectors of elections, residents of wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such wardens to preside at all ward meetings, with the power of moderators of town meetings; and

Duty of warden.

Clerk *pro tem*.

if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot; and if, at any meeting, the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver to his successor in office all such records and journals, together with all other documents and papers

Duty of clerk,

of inspectors.

held by him in the said capacity. And it shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the votes. And the warden, clerk and inspectors, so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Essex.

Oath of warden, clerk and inspectors.

Warrants to be drawn by mayor and aldermen.

All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner, and at such times, as the city council may by any by-law direct.

Election of mayor, aldermen and common council.

SECT. 5. The mayor and six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards; and three common council men shall be elected from and by the voters of each ward, being residents in the wards where elected. All the said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in January, and until others shall be elected and qualified.

By ballot. Tenure of office.

Election, second Monday of December annually.

SECT. 6. On the second Monday of December annually, the qualified voters in each ward shall give in their votes

for mayor, aldermen and common council men, as provided in the preceding section; and all the votes so given, shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The clerk of the ward, within twenty-four hours after such election, shall deliver, to the persons elected members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such elections, certified in like manner: *provided, however*, that, if the choice of the common council men shall not be effected on that day, the meeting may be adjourned, from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor, to be notified, in writing, of his election; but if it shall appear that no person has received a majority of all the votes, or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore provided for the choice of a mayor, and repeated, from time to time, until a mayor shall be chosen.

Votes, how to be disposed of.

Officers elected, how to be notified.

Meeting may be adjourned.

In case of no choice.

In case of the decease, resignation or absence of the mayor, or his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council, in convention, to elect a mayor to serve during the unexpired term, or until the occasion, causing the vacancy, be removed. And if it shall appear that the number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore provided for the choice of mayor. Each alderman shall be notified, in writing, of his election, by the mayor and aldermen for the time being.

In case of decease, resignation, absence or inability of mayor.

Of aldermen, non-election, notification, &c.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Essex.

Oath to mayor.

The aldermen and common council men elect shall, on the first Monday in January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Essex; and a certificate of such oath having been taken shall be entered on a journal of the mayor and

Oath to aldermen and common council, when and how administered.

aldermen, and of the common council, by their respective clerks.

In case of non-election of mayor.

And whenever it shall appear that no mayor has been elected, previously to the said first Monday of January, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid.

After the oaths, organization of common council.

After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, who shall be sworn to the faithful performance of their duties.

In absence of mayor, city government, how organized.

In case of the absence of the mayor elect, on the first Monday of January, the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may be administered to the mayor, at any time thereafter, in a convention of the two branches.

In such case, proceeding of aldermen.

In the absence of the mayor, the board of aldermen may choose a chairman *pro tempore*, who shall preside at joint meetings of the two boards.

Record to be kept by each board.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of an election, or in case of any vacancy declared by either board, the mayor and aldermen shall order a new election.

Duties of mayor specified.

SECT. 7. The mayor thus chosen and qualified shall be the chief executive officer of the said city; it shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to exercise a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures, as, in his opinion, the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only. And the mayor shall receive no compensation for his services.

Power and duty of selectmen transferred to mayor and aldermen.

SECT. 8. The executive power of the said city generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Newburyport, shall be vested in and may be exercised by the mayor and

aldermen as fully as if the same were herein specially enumerated.

The mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables and all other police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person, who may be appointed marshal or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Appointing power of mayor and aldermen.

May require bonds of marshals and constables.

The mayor and aldermen shall perform the duty imposed upon the selectmen of the town of Newburyport by the fifth section of an act to annex a part of the town of Newbury to Newburyport, enacted the seventeenth day of April, in the year one thousand eight hundred and fifty-one, and shall be liable to the forfeiture therein prescribed if they neglect so to do.

Shall perform duties of the selectmen.

The custody and visitation of all trust funds, now vested in the selectmen of Newburyport, shall be transferred to and vested in the mayor and aldermen.

Trust funds.

All other powers now vested in the inhabitants of the said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of the said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city treasurer, collector of taxes, three assessors and three assistant assessors, and a city clerk, and shall, in such manner as the said city council may determine by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of the Commonwealth.

All powers of the inhabitants of the town are vested in the city council.

Election of treasurer, collector, assessors, clerk and subordinate officers.

Their duties and compensation.

All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public, when they are not engaged in executive business.

Sittings of city council to be public.

The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons entrusted with the receipt, custody, or disbursement of money;

Management of public property.

shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it.

Schedule of receipts, expenditures and city property to be published annually.

And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

Nominations by mayor—

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen or of the common council.

Confirmations by aldermen.

Ineligibility of aldermen.

City clerk.

SECT. 10. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties and exercise all the powers by law incumbent upon or vested in the town clerk of the town of Newburyport.

Duties.

Overseers of poor, how elected.

SECT. 11. The qualified voters of each ward, at their respective annual ward meetings, shall elect by ballot one person in each ward, who shall be a resident of the ward, to be an overseer of the poor; and the persons thus chosen shall constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of Newburyport.

Duties of.

School committee, how chosen.

And the qualified voters shall, at the same time and in like manner, elect two persons in each ward, who shall be residents of the ward, to be members of the school committee; and the persons so chosen shall constitute the school committee, and have the care and superintendence of the public schools.

Duties of.

Assessors—powers, duties, liabilities, oath.

The assessors to be chosen, as hereinbefore provided, shall constitute the board of assessors, and shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in the Commonwealth may exercise or be subject to under existing laws, and shall be sworn, as shall also the assistant assessors, to the faithful performance of their duty.

All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Taxes, how assessed.

In case it should be found inconvenient to complete the election, in any ward, of the overseers of the poor and the school committee, on the day of the annual ward meeting, said meeting shall be adjourned, from time to time, until the elections shall be completed.

When election of overseers or school committee is incomplete.

SECT. 12. An act establishing the fire department in the town of Newburyport, passed March fifth, in the year one thousand eight hundred and thirty, shall continue in force, and all the power and authority now vested in the selectmen of Newburyport, in relation to the fire department in that town, shall be transferred to and vested in the mayor and aldermen.

Fire department.

SECT. 13. The list of jurors shall be prepared by the mayor and aldermen, in the same manner as is required in the ninety-fifth chapter of the Revised Statutes to be done by the selectmen within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be submitted to the common council for concurrent revision or amendment.

List of jurors, how prepared.

The mayor and aldermen and the city clerk shall severally have and exercise all the powers and duties, with regard to the drawing of jurors in the city, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks in their respective towns: and all venires for jurors to be returned from Newburyport shall be served on the said mayor and aldermen.

Venires served on mayor and aldermen.

SECT. 14. The mayor and aldermen, with the concurrent vote of the common council, shall have exclusive power to lay out, alter or discontinue any street or town way, and to estimate the damages any individual may sustain thereby.

Streets and town ways laid out, &c.

Damages, &c.

And any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now by law provided in cases where persons are aggrieved by the assessment of damages by the selectmen, in the twenty-fourth chapter of the Revised Statutes.

Dissatisfaction with estimated damages—proceedings in such case.

SECT. 15. The mayor and aldermen, with the concurrent vote of the common council, shall have the power to cause drains and common sewers to be laid down through

Drains and common sewers.

any streets or private lands, paying the owners such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into such public drain or common sewer.

Lumber, wood,
coal, and bark.

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark, brought into the city for sale.

Board of health,
powers of,
transferred to
the city council.

SECT. 16. All power and authority now vested by law in the board of health for the town of Newburyport, or in the selectmen thereof, shall be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient.

Annual election
of representa-
tives to General
Court.

SECT. 17. The mayor and aldermen shall, in each year, issue their warrant for calling meetings for the election of the whole number of representatives to the General Court to which the said city is by law entitled, and the number shall be specified in the warrant.

All elections for
county, state
and U. S. offi-
cers—regula-
tions and pro-
ceedings.

SECT. 18. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and, at such meetings, all the votes given for such officers, respectively, shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

Lists of voters
in each ward to
be prepared by
mayor and al-
dermen.

SECT. 19. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters;

and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver the said lists, so prepared and corrected, to the clerks of the said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such lists.

SECT. 20. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth.

General meetings for public good, &c. may be held, and

And such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters.

shall be duly warned.

SECT. 21. The city council shall have power to make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court or other authority whatever: *provided, however*, that all laws and regulations now in force in the town of Newburyport shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force, and all fines and forfeitures for the breach of any by-law or ordinance, shall be paid into the city treasury.

By-laws, with penalties to \$20, may be made by city council.

SECT. 22. All fines, forfeitures and penalties, accruing for the breach of any by-laws of the city of Newburyport, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the police court of the said city of Newburyport, by complaint or information, in the same manner in which other criminal offences are now prosecuted before the police courts within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas, then next to be held in the county of Essex, from the judgment and sentence of the police court.

Those now in force to remain until, &c.

Fines, &c. may be prosecuted and recovered before police court, reserving the right of appeal to the court of common pleas, as

And the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein in the same manner, as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this Commonwealth.

provided in ch. 133, R. S.

And it shall be sufficient, in all such prosecutions, to set forth in the complaint the offence fully, plainly, substantially and formally; and it shall not be necessary to set forth such by-law, ordinance or order, or any part thereof.

The offence may be fully set forth, without mentioning the by-law.

Fines, &c. shall be paid to city treasurer.

All fines, forfeitures and penalties, so recovered and paid, shall be paid to the treasurer of the city of Newburyport, and shall enure to such uses as the said council shall direct.

Any person convicted and claiming appeal, on failing to recognize, or abide order of court, shall be committed.

When any person, upon any conviction before the police court for any breach of any by-law of the said city of Newburyport, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law, ordinance or order, or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, and upon not paying the fine, penalty or forfeiture and cost so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, forfeiture or penalty, and costs, or be otherwise discharged, according to law.

The provisions of this section shall apply to the by-laws of the town still remaining.

The provisions of this section shall also apply to all prosecutions founded on the by-laws or ordinances of the town of Newburyport, which may continue in force after this act shall go into operation, and all the powers of the police court already established shall be continued to it.

How to organize the system of government hereby established.

SECT. 23. For the purpose of organizing the system of government hereby established, and putting the same into operation, in the first instance, the selectmen of the town of Newburyport for the time being shall, within thirty days after the acceptance of this act, issue their warrants, seven days at least previous to the day so appointed, for calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of each ward at such first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and, in case the said elections should not be completed at the first meeting, then to issue new warrants, until such elections shall be completed, and to give notice thereof, in the manner hereinbefore provided, to the several persons elected.

How the first meeting shall be called and regulated.

And, at the said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And, at said first meeting, a list of voters in each ward, prepared

and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided. And the selectmen shall appoint such time for the first meeting of the city council as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and fifty-one, and shall also fix upon the place and hour of the said first meeting, and a written notice thereof shall be sent by the said selectmen to the place of abode of each of the city officers chosen as provided in this section.

And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided in the sixth section of this act. And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices, respectively, until others shall be chosen and qualified.

SECT. 24. All officers of the town of Newburyport having the care and custody of any records, papers, or muniments of property, belonging to the said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

SECT. 25. All such acts and parts of acts as are inconsistent with the provisions of this act shall be, and the same are, hereby repealed.

SECT. 26. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same whenever they shall deem it expedient.

SECT. 27. This act shall be void, unless the inhabitants of the town of Newburyport, at a legal meeting called for that purpose, at which the selectmen shall preside and the check list used in the same manner as at meetings called to choose state officers, and the polls be kept open at least six hours, shall, by a vote of the majority of the voters present and voting thereon, yea or nay, by a written ballot, determine to adopt the same, within twenty days from and after its passage.

SECT. 28. This act shall go into operation from and after its passage. [*Approved by the Governor, May 24, 1851.*]

After this first meeting, the day of holding the annual elections, meeting of the city council, &c. shall be as in § 6 of this act.

City council to elect necessary officers.

Records, papers, &c. of the town, to be delivered to city clerk.

Acts inconsistent, &c., repealed.

Legislature may alter this act.

This act to be void, unless the necessary provisions are complied with.

When to take effect.

Chap 297. An Act to incorporate the Charles River Railroad Company, and concerning the Medway Branch Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Luther Metcalf, Jonathan P. Bishop, Noah J. Arnold, their associates and successors, are hereby made a corporation, by the name of the Charles River Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes which relates to railroad corporations, and in the public statutes which have been, or may be hereafter, passed, relating to such corporations.

Duties, &c.,
R. S. ch. 44, &c.

Location.

SECT. 2. The said company may locate, construct and maintain a railroad, with one or more tracks, from some convenient point at or near the termination of the Charles River Branch Railroad, in the town of Dover, in the county of Norfolk, and passing through Medfield, Medway, and North Franklin, to some convenient point in the northeasterly part of Bellingham.

Capital stock
3000 shares of
\$100 each,

SECT. 3. The capital stock of the said corporation shall consist of three thousand shares, of one hundred dollars each, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share ; and no shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each than the par value of the shares which shall be first issued ; and the said corporation may invest and hold such part thereof in real and personal estate as may be necessary and convenient for the purposes of their corporation.

issued at not
less than par.

May be invest-
ed in real and
personal estate
as convenient.

Location must
be filed, and
one track com-
pleted within
certain time.

SECT. 4. If the location of said railroad be not filed according to law, within two years from the passage of this act, or if the said railroad shall not be completed with at least one track from the termination of said Charles River Branch Railroad to the said point in Bellingham, within four years from the passage of this act, then this act shall be void.

May unite with
Charles River
Branch Rail-
road,

SECT. 5. The said company are hereby authorized to enter upon and unite their railroad, by proper means, with the said Charles River Branch Railroad, paying therefor such a rate of toll as may mutually be agreed upon by the parties, or as the Legislature may from time to time prescribe, with liberty to use the Brookline Branch and the Boston and Worcester Railroads, in the same manner that

and use Brook-
line Branch,
&c.

the said Charles River Branch Railroad has now a right to do.

SECT. 6. The said company and the said Charles River Branch Railroad may unite their corporations, and form one joint stock company, to be known by the name of the Charles River Railroad Company, and to be controlled throughout by one management, whenever a majority in interest of each company shall elect so to do; and the said united company shall be entitled to hold a capital stock to the amount of their joint capitals, and shall be subject to all the provisions, and entitled to all the privileges contained in their respective charters.

Provisions for uniting this corporation with Charles River Branch Railroad Company.

SECT. 7. The Legislature may, from time to time, reduce the rate of toll, or other receipts, on the said railroad, whenever the net income thereof shall exceed ten per cent. per annum; but the toll and other receipts shall not, without the consent of the company, be so reduced as to produce less than ten per cent. per annum upon the investments of said company.

Legislature may reduce tolls, not below 10 per cent.

SECT. 8. The Legislature may authorize any company to enter with their railroad at any point on said road, and use the same, or any part thereof, by complying with such reasonable rules and regulations, and paying such tolls as said Charles River Railroad may require and prescribe, or as may be determined according to law.

Legislature may authorize other roads to enter, &c.

SECT. 9. The said company shall not commence the construction of its railroad, until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company, and a majority of the directors thereof, stating that all the stock named in the charter has been subscribed by responsible persons, and that twenty per cent. of the par value of each share thereof, has been actually paid into the treasury of the company.

Shall not commence construction till certificate of subscription has been filed with secretary of state.

SECT. 10. The time within which the Medway Branch Railroad Company may construct their road is hereby extended to May first, one thousand eight hundred and fifty-two.

Time of Medway Branch Railroad extended.

SECT. 11. The capital stock of said Medway Branch Railroad Company shall consist of five hundred shares of the value of one hundred dollars each, and no share shall be issued for less than its par value; and the construction of said branch railroad shall not be commenced until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of said company, and a majority of the directors thereof, stating that all the stock authorized by this act

Capital stock of Medway Branch Railroad shall consist of 500 shares of \$100 each, issued at not less than par. Certificate must be filed with secretary of state, &c.

has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share has been actually paid into the treasury of said company. [Approved by the Governor, May 24, 1851.]

Chap 298.

An Act in addition to an Act concerning Hawkers and Pedlers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Who may be licensed to sell goods, wares, merchandise, &c., by provisions of ch. 244 of acts of 1846.

SECT. 1. Any person resident in any city or town, paying taxes upon his stock in trade, and qualified to vote therein, may sell and expose to sale in such city or town, goods, wares, or merchandise, upon obtaining license therefor, pursuant to the provisions of the two hundred and forty-fourth chapter of the acts of the year one thousand eight hundred and forty-six, and shall not be required to pay to the treasurer of such city or town the sums prescribed in the fifth section of the act to which this act is in addition.

Besides the officers authorized to demand license by sec. 9 of ch. 244, of acts of 1846, any town treasurer, town clerk, constable, or police officer may within his own town, &c.

SECT. 2. In addition to the officers authorized to demand licenses pursuant to the provisions of the ninth section of the two hundred and forty-fourth chapter of the acts of the year one thousand eight hundred and forty-six, any town treasurer, town clerk, constable or police officer, is authorized to demand such license within the limits of his town or city, and the like penalties shall attach to neglect or refusal to exhibit the same on demand as aforesaid, as are provided in the said section. [Approved by the Governor, May 24, 1851.]

Chap 299.

An Act to incorporate the New England Coal Mining Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as followe :

Corporators.

SECT. 1. William R. Hooper, Francis H. Dewey, John H. Blake, their associates and successors, are hereby made a corporation, by the name of the New England Coal Mining Company; and for the purposes of digging and mining coal and other minerals, and converting the same to useful purposes, and prosecuting the mining business in all its branches, are hereby invested with all the powers and privileges, and subject to all the duties, liabilities, and restrictions contained in chapters thirty-eight and forty-four of the Revised Statutes.

Purpose.

Liabilities, &c.

May hold \$50,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding in value fifty thousand dollars; and the capital stock of the said corporation shall be ten thousand shares of twenty-five dollars

each: *provided*, that no certificate of shares in the capital stock of the said corporation shall be issued that shall not mention the amount paid in. *Proviso.*

SECT. 3. The place of business of the said corporation shall be in Worcester, where their books shall be kept, and a majority of the directors shall reside in this Commonwealth. *Worcester the place of business.*

SECT. 4. No shares shall be issued for a less sum actually paid in on each share, than the original par value of the shares first issued. [*Approved by the Governor, May 24, 1851.*] *Stock not issued below par.*

An Act relating to conveyances to and by the Commissioners of the Sinking Fund of the Western Railroad Corporation. *Chap 300.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The commissioners of the Sinking Fund of the Western Railroad Corporation are declared, for the purpose of taking and holding land as such, to have perpetual succession in law in their said capacity of commissioners, and all grants and conveyances of land to them and their successors and assigns, shall be deemed to convey the fee thereof; and all grants and conveyances of land in mortgage which have been or shall be made by any person to the said commissioners, shall be deemed to enure in fee to them and their successors in office, notwithstanding any words in the deeds thereof limiting the same to the heirs and assigns of said commissioners; and in such case, the said commissioners and their successors in office, for the time being, and they alone, shall foreclose said mortgages or transfer or release the same; and any transfer or release of such mortgages made in good faith, and for due consideration, by the said commissioners for the time being, is declared to be valid in law, notwithstanding any words in the deed of mortgage limiting the same to the heirs and assigns of the said commissioners.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*] *When to take effect.*

An Act to provide for the inspection of Foreign Sumac. *Chap 301.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. There shall be appointed by the governor, by and with the advice and consent of the council, an inspector general of sumac, who shall hold his office for the term *Governor and council may appoint inspector general.*

Term of office
five years.

of five years from the date of his appointment, unless sooner removed by the governor and council.

Inspector general shall be sworn, and give bond for \$5000.

SECT. 2. The said inspector general shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof, and he shall also give bond, with sufficient sureties, to the treasurer of the Commonwealth, in the penal sum of five thousand dollars.

May appoint deputies, who shall give bond and be sworn.

SECT. 3. The said inspector general may appoint deputy inspectors, in each town where he shall deem it necessary, for whose official conduct he shall be responsible, and they shall give bonds, with sufficient sureties, to him and his successors in office, in a penal sum not exceeding one thousand dollars each, and shall be sworn, before some justice of the peace, to the faithful discharge of their duty.

Duties of the inspectors.

SECT. 4. It shall be the duty of the said inspector general and his deputies, upon application to them, or either of them, to inspect any sumac brought into this Commonwealth, which is the growth or production of any country or place without the United States, and to assort the same into three classes or qualities, to be denominated and marked upon the bags containing the same, respectively, as follows, to wit: good, damaged, and bad. Good sumac shall consist of the pure material, well cured or manufactured, which has not been damaged or injured by any cause. Damaged sumac shall consist of that which was originally of pure material and good manufacture, and which has been damaged or injured by water, exposure to dampness, or other cause. Bad sumac shall consist of that which is composed of impure materials, or is poorly cured or manufactured, or is mixed with other substances than pure sumac.

Each bag sumac to be marked with the name of the inspector, and name of town and state.

SECT. 5. Every bag of sumac inspected as aforesaid, shall be marked in legible letters, in addition to the quality as specified in the preceding section, with the first letter of the Christian name and the whole of the surname of the inspector who shall have inspected the same, the name of the town where it was inspected, the abbreviation Mass. (for Massachusetts,) and year of the inspection.

Fees, 4 cents per bag.

SECT. 6. The fees for the inspection shall be four cents for each bag inspected.

Penalty for mixing or shifting inspected sumac, \$300 to \$500.

SECT. 7. If any person shall intermix, take out, or shift any sumac from any bag inspected or marked as aforesaid, or put in any other sumac for sale contrary to the provisions of this act, he shall, for each offence, forfeit a sum not less than three hundred dollars, nor more than five hundred dollars.

SECT. 8. If any person shall empty any bag of sumac marked as aforesaid, and put in any other sumac for sale

without first cutting out the said marks, he shall, for each offence, forfeit three hundred dollars.

Penalty for using marked bags, §300.
Penalty for counterfeiting inspector's mark.

SECT. 9. If any person shall counterfeit or alter any mark belonging to, or proper to be used by the said inspector or general or his deputies, or shall mark any bag of sumac therewith, he shall forfeit the sumac so marked, and be further liable to a penalty of one hundred dollars.

SECT. 10. If the said inspector general, or either of his deputies, upon application, shall unreasonably neglect, refuse, or delay to examine and mark any sumac, he shall, for each offence, forfeit twenty dollars.

Penalty for neglecting to inspect, §20.

SECT. 11. If any person shall sell, within this Commonwealth, any sumac, the growth or production of any country or place without the United States, which shall not have been inspected and marked agreeably to the provisions of this act, he shall forfeit the sum of five dollars for every bag sold. [*Approved by the Governor, May 24, 1851.*]

Penalty \$5 for each bag sold uninspected.

An Act to amend an Act concerning the Militia.

Chap 302.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The second section of the act concerning the militia, passed in the year one thousand eight hundred and forty-nine, is so far amended as to make it the duty of commanders of divisions to designate the time and manner of holding the encampments in their several divisions, provided for in the said act. The place for each encampment to be designated by the commander of the body of troops to be assembled.

Encampments of divisions, time and place of holding to be designated by commanders severally.

SECT. 2. So much of the said second section as is inconsistent with this act is hereby repealed. [*Approved by the Governor, May 24, 1851.*]

An Act in addition to an Act in relation to School Districts.

Chap 303.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The two hundred and sixth chapter of the acts of the year one thousand eight hundred and forty-nine, providing that no town shall be districted anew for school purposes so as to change the taxation of lands of proprietors into districts using different schoolhouses, oftener than once in ten years, shall be so construed that such districting anew may occur once at any time within the ten years next subsequent to the passage of the said act. [*Approved by the Governor, May 24, 1851.*]

Chap 304.

An Act to incorporate the Hadley Falls Bank in Holyoke.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Cyrus Frink, C. B. Rising, Warren Chapin, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Hadley Falls Bank, to be established in Holyoke, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking.

Holyoke.

Corporation to continue till 1872.

Subject to all duties, &c.

Capital stock \$100,000.

Proviso.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-two.

Stock transferable only at the banking house.

Subject to future legislation.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions contained in such acts as may hereafter be passed by the General Court in relation to banks and banking. [*Approved by the Governor, May 24, 1851.*]

Chap 305.

An Act to authorize Cities and Towns to establish and maintain Public Libraries.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May establish a library under certain regulations.

SECT. 1. Any city or town of this Commonwealth is hereby authorized to establish and maintain a public library within the same, with or without branches, for the use of the inhabitants thereof, and to provide suitable rooms therefor, under such regulations for the government of such library as may, from time to time, be prescribed by the city council of such city, or the inhabitants of such town.

How maintained.

SECT. 2. Any city or town may appropriate for the foundation and commencement of such library, as aforesaid, a sum not exceeding one dollar for each of its ratable polls, in the year next preceding that in which such appropriation shall be made; and may also appropriate, annually, for the maintenance and increase of such library, a sum not exceeding twenty-five cents for each of its ratable

polls, in the year next preceding that in which such appropriation shall be made.

SECT. 3. Any city or town may receive, in its corporate capacity, and hold and manage, any devise, bequest or donation, for the establishment, increase, or maintenance of a public library within the same. [*Approved by the Governor, May 24, 1851.*]

An Act concerning the Saugus Branch Railroad.

Chap 306.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Saugus Branch Railroad Company may construct their railroad on the route prescribed in the original charter of the said railroad, and may change the location already filed by them in accordance with the same: *provided*, that such change of location be made and filed within three months from the passage of this act.

May change location already filed.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act relating to Notices of Proceedings before Judges of Probate and Commissioners of Insolvency.

Chap 307.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. It shall be the duty of judges of probate to order every executor, administrator, trustee, or other party, applying to them, in any matter requiring notice to be given to parties interested therein, to give written notice, by mail or otherwise, to all parties known to be interested, and not resident in the county in which such matter is pending, and whose residence is known to such executor, administrator, trustee or other party, but the proceedings in such matter need not be arrested until such notice shall be given, if, in the opinion of such judge, the rights of the party, to whom such notice has been ordered, will not be injured by the progress of such proceedings.

Written notice, by mail or otherwise, must be given to a non-resident interested party.

SECT. 2. In case the party, to whom such notice may have been ordered, shall have an attorney or agent within the Commonwealth, written notice given to such attorney or agent shall be as effectual as if given to such party.

Such notice to an attorney or agent, of non-resident party, effectual.

SECT. 3. It shall be the duty of commissioners of insolvency to order the assignee to give written notice, by mail or otherwise, of all meetings of creditors, and of all dividends to all known creditors.

Commissioners of insolvency to order such notice of all meetings, &c.

SECT. 4. The three hundred and nineteenth chapter of

The 319th chapter of acts of 1850 repealed.

the acts of the year one thousand eight hundred and fifty is hereby repealed. [*Approved by the Governor, May 24, 1851.*]

Chap 308. An Act repealing an Act providing for Town Meetings in certain cases.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act entitled an act providing for town meetings in certain cases, chapter two hundred and sixty-nine of the acts of the year one thousand eight hundred and fifty, is hereby repealed. [*Approved by the Governor, May 24, 1851.*]

Chap 309. An Act concerning Vacancies in School Committees.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Whenever vacancies occur in the school committee of any town or city in this Commonwealth, or when, from any cause, any member or members are unable to act, the remaining member or members of said committee, together with the selectmen of said town, or the mayor and aldermen of said city, shall have power to fill vacancies in said committee ; and the school return, signed by a majority of the committee thus constituted, shall be equally valid as if signed by a majority of the committee as originally chosen. [*Approved by the Governor, May 24, 1851.*]

Chap 310. An Act to unite the Vermont and Massachusetts Railroad Company with the Brattleborough and Fitchburg Railroad Company, and to increase the Capital Stock of the former Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Permission to unite.

SECT. 1. The Vermont and Massachusetts Railroad Company may be, and hereby is, united with the Brattleborough and Fitchburg Railroad Company, a corporation established by act of the Legislature of the state of Vermont.

6000 shares of \$100 each, new stock, may be issued and sold not under par.

SECT. 2. The said Vermont and Massachusetts Railroad Company thus united may issue six thousand shares of stock, of one hundred dollars each, in addition to their present capital stock : *provided*, that the said company shall not sell the said shares under their par value. [*Approved by the Governor, May 24, 1851.*]

An Act to incorporate the Crystal Ice Company.

Chap 311.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George W. Quint, Joseph A. Locke, Seth Chel-
lies, their associates and successors, are hereby made a cor-
poration, by the name of the Crystal Ice Company, in
Boston, for the purpose of cutting, storing, transporting
and vending ice, and for this purpose they shall have all
the powers and privileges, and be subject to all the duties,
liabilities and restrictions, set forth in the thirty-eighth and
forty-fourth chapters of the Revised Statutes.

Corporators.

Purpose.

Duties, liabili-
ties, &c.

SECT. 2. The capital stock of the said corporation shall
not exceed one hundred thousand dollars, and the same
may be invested and held in such real and personal estate
as shall be necessary and convenient for carrying on the
business of said corporation: *provided*, that no shares in
the capital stock shall be issued for a less sum or amount,
to be actually paid in on each, than the par value of the
shares which shall be first issued.

Capital stock,
\$100,000 may
be invested in
real and per-
sonal estate.

Proviso.

SECT. 3. All the privileges and powers conferred by
this act shall be forfeited, if and whenever any of the
members or agents of this company shall engage in cutting,
storing, or in any way manufacturing ice on the Lord's
day. [*Approved by the Governor, May 24, 1851.*]

All privileges
forfeited in case
of manufactur-
ing or cutting
ice on Lord's
day.

An Act to incorporate the Shelburne Falls Manufacturing Company.

Chap 312.

*BE it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :*

SECT. 1. Nathaniel Lamson, Ebenezer G. Lamson, Abel
F. Goodnow, William F. Clement, their associates and suc-
cessors, are hereby made a corporation, by the name of the
Shelburne Falls Manufacturing Company, for the purpose
of manufacturing cutlery, hardware, articles of iron, other
metals and materials, mill work and machinery, using, im-
proving or disposing of the same, and carrying on the
business thereof, with all the powers and privileges, and
subject to all the duties, restrictions and liabilities, set forth
in the thirty-eighth and forty-fourth chapters of the Re-
vised Statutes.

Corporators.

Purpose.

Duties, liabili-
ties, &c.
R. S. ch. 38, 44.

SECT. 2. The said corporation may purchase, hold, im-
prove, lease, or otherwise dispose of, such real estate, in Buck-
land and Shelburne, at Shelburne Falls, and within the
county of Franklin, as they may find necessary or conven-
ient for the purpose and in the prosecution of the business
aforesaid: *provided, however*, that such real estate shall not

May purchase
and hold real
estate not ex-
ceeding
\$150,000.

Whole capital,
\$300,000.

exceed one hundred and fifty thousand dollars in value, and that the whole capital stock of the said corporation shall not exceed in amount three hundred thousand dollars.

No shares issued at less than par.

SECT. 3. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 313. An Act in addition to an Act to establish a Fire Department in the town of Nantucket.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fire department in Nantucket.

Any one of the general directors appointed under the fourth section of the act passed on the thirteenth day of February, in the year one thousand eight hundred and thirty-eight, entitled an act to establish a fire department in the town of Nantucket, may, in the absence of the other directors, exercise at fires all the powers given to the said board: *provided*, that he shall have the concurrence of at least two of the fire wards of the said town. [*Approved by the Governor, May 24, 1851.*]

Chap 314. An Act to incorporate the Swift River Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name and formation.

SECT. 1. Epaphras Clark, Josiah B. Woods, Ezra Carey, and Laban Marcy, their associates and successors, are hereby made a corporation, by the name of the Swift River Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in all that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all other general laws relative to railroad corporations in this Commonwealth.

Termini and course, location.

SECT. 2 The said company may locate, construct, and maintain a railroad, with one or more tracks, from the depot of the New London, Willimantic and Palmer Railroad, in the town of Palmer, crossing the Western Railroad, at or near the depot of the said Western Railroad in said town of Palmer, by the most convenient route northerly up the valley of Swift River, through the towns of Palmer, Ware, Belchertown, Enfield, Greenwich, Dana, Petersham, New Salem, to the Vermont and Massachusetts Railroad, at a

point the most convenient to intersect the same, in the town of Orange or Athol.

SECT. 3. The capital stock of the said company shall consist of five thousand shares, of one hundred dollars each, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share, and the said company may invest and hold such part thereof in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital stock
5000 shares,
\$100 each.

SECT. 4. The said railroad company may enter upon and unite their railroad, by proper turnouts and switches, with the Vermont and Massachusetts Railroad, at some convenient point in the towns of Orange or Athol, and may use the same, under the provisions and restrictions of the laws relating to railroads in this Commonwealth.

May enter upon
and unite with
the Vermont
and Massachu-
setts railroad.

SECT. 5. The Legislature may, after five years from the time when the said railroad shall be opened for use, from time to time reduce the rates of toll, or other profits upon the said road; but the same shall not be so reduced, without the consent of the said company, as to yield with said profits less than ten per cent. per annum to the stockholders.

After 5 years
Legislature
may reduce
tolls on condi-
tion, &c.

SECT. 6. The Legislature may authorize any company to enter with another railroad upon, and use the said Swift River Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Swift River Railroad Company may prescribe, or as may be determined according to the provisions of law.

Legislature
may authorize
another railroad
to enter upon,
&c., on condi-
tion.

SECT. 7. If the said company shall not be organized, and if the location of the route of the said road shall not be made and filed with the county commissioners of the counties of Hampden, Hampshire, and Franklin, respectively, within two years from the passage of this act, or if the said company shall fail to complete the said road within four years from the passage of this act, then this act shall be null and void.

Must be organ-
ized and com-
menced in two
years, and com-
pleted in four
years.

SECT. 8. The persons who are, or shall become, stockholders in the New London, Willimantic and Palmer Railroad Company, being partly in the state of Connecticut and partly in this Commonwealth, with the assent of the legislature of the state of Connecticut, may, by vote duly passed at a legal meeting, and with the consent of the corporation hereby created, duly expressed at a legal meeting called therefor, become stockholders in the last named corporation, and thereupon the said two corporations shall become united into one corporation, by the name of the New London, Palmer and Swift River Railroad Company,

The two cor-
porations may
by assent, &c.,
unite under the
name of, &c.

with a capital not exceeding the amount of the joint capital of both of the said corporations. And all the tolls, franchises, rights, powers, privileges and property, granted, or to be granted, or acquired under the authority of the legislature of the state of Connecticut, or of this Commonwealth, shall be held and enjoyed by all the said stockholders, in proportion to their number of shares in either or both of the said corporations.

After union,
&c., meetings
to be held, &c.

Proviso.

SECT. 9. After such union of the said companies shall have been perfected, the said stockholders shall hold their meetings, make their by-laws, appoint their officers, and transact all their business, as one corporation: *provided*, that one or more of the officers of the said corporation shall be resident in this Commonwealth, on whom process against the said corporation may be legally served. And the said corporation shall be held to answer within the jurisdiction where such service may be made, and where the process may be made returnable.

Shares may be
attached in
case, &c.

Proviso.

SECT. 10. The share or shares of any stockholder in the said corporation, shall be liable to attachment, and to be taken on execution, in the state where such stockholder shall reside at the time of the service of such process: *provided*, the laws of such state shall authorize the attachment and taking on execution of said property; and an attested copy of such writ or execution, and of the return of the officer thereon, shall, at the time of such service, be left with the clerk or a director of the said corporation, or at his usual place of abode, by the officer making the service.

That part of
road subject to
Massachusetts
laws.

SECT. 11. The said corporation, so far as their road may be situated in Massachusetts, shall be subject to the general laws of this State, to the same extent as if their road were wholly therein.

SECT. 12. No part of the stock of the said company shall be issued at less than its par value.

Two sections of
railroad from
Palmer to En-
field, from En-
field to Orange
or Athol.

Appropriation
for construction
of each.

SECT. 13. For the purpose of construction, the road hereby authorized shall be divided into two sections, one extending from Palmer to the village of Enfield, and the other from Enfield to Orange or Athol, and a moiety of the capital stock authorized by this act shall be appropriated and set apart for the construction of each section, and the construction of neither section shall be commenced until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company and a majority of the directors thereof, stating that all of the stock appropriated and set apart for the construction of the said section has been subscribed for by responsible parties,

Certificate to be
filed with secre-
tary of Com-
monwealth that
all has been
subscribed, and
twenty per
cent. of each
share paid.

and that twenty per cent. of the par value of each and every share so appropriated and set apart has been actually paid into the treasury of the company.

SECT. 14. This act shall take effect from and after its passage. [Approved by the Governor, May 24, 1851.]

When to take effect.

An Act concerning Stockholders in Manufacturing Corporations.

Chap 315.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The person or property of any stockholder in a manufacturing corporation shall not be hereafter taken upon any execution issued against such corporation, unless a summons in the action was left with said stockholder.

Attachment of individual not without summons.

SECT. 2. Any stockholder with whom such summons has been left shall be admitted to defend in any such action, and, if it shall appear that he is not liable therein, judgment for him shall be entered upon the issue joined, and for his costs; and judgment may be entered in the same action against the said corporation, for damages and costs, as upon a default; and any execution that may issue upon such judgment against such corporation, shall have annexed thereto a supersedeas, as to such stockholder.

If summoned, individual may defend, and separate judgment.

SECT. 3. Upon any execution issued on any judgment recovered against any corporation, the stockholders whereof are liable for its debts, or any part thereof, in which a demand has been made pursuant to law, and the said execution is not satisfied, the person or property of any officer of the said corporation at the time when the cause of action accrued, or when the said judgment was rendered, may be taken, and if no property of such officer can be found to satisfy the said execution, then the person or property of any stockholder may be taken thereon. [Approved by the Governor, May 24, 1851.]

Supersedeas.

How and when individual property may be taken.

An Act in addition to an Act to incorporate the Lowell Equitable Life Insurance Company.

Chap 316.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time within which the capital stock of the Lowell Equitable Life Insurance Company is by law required to be paid in, and the time for organizing the said company, is hereby extended to the first day of June, in the year one thousand eight hundred and fifty-two.

Time extended.

SECT. 2. When one hundred persons have subscribed to become members of the company by being insured for

When first meeting may be called and

half the directors chosen.

one or more years, or for the whole term of life, the first meeting may be called for the purpose of organizing the corporation, but only one half of the whole number of directors shall then be chosen.

Part of act of incorporation repealed.

SECT. 3. So much of the act entitled "an act to incorporate the Lowell Equitable Life Insurance Corporation," approved by the governor, March sixteenth, in the year one thousand eight hundred and forty-four, as is inconsistent herewith, is hereby repealed. [*Approved by the Governor, May 24, 1851.*]

Chap 317.

An Act relating to Railroad Crossings.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Applications to mayor and aldermen may be made by any two inhabitants of Boston, in regard to railroad crossings, &c.

The application now required by law to be made by selectmen of towns to a railroad corporation, in the matter of a crossing, by its railroad, of any turnpike, highway, town way, or travelled place, may, when such crossing is within the limits of the city of Boston, be made by any two or more inhabitants of the said city; and if such railroad corporations shall refuse or neglect to comply with the request of such inhabitants, as contained in their application, the said inhabitants may apply to the mayor and aldermen of Boston to decide upon the reasonableness of their request, and thereupon a hearing shall be had and a decision made in accordance with the eightieth section of the thirty-ninth chapter of the Revised Statutes, and the two hundred and twenty-second chapter of the acts of the year one thousand eight hundred and forty-nine. [*Approved by the Governor, May 24, 1851.*]

Chap 318.

An Act in addition to "An Act for incorporating certain Persons for the purpose of building a Bridge over Acushnet River, in the Town of New Bedford."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors of New Bedford Bridge shall make and maintain a new draw, not less than sixty feet wide.

SECT. 1. The proprietors of New Bedford Bridge, within the time hereinafter specified, and upon the terms and conditions herein prescribed, shall make and maintain in good repair, in lieu of the present draw in that part of their bridge which crosses the channel of the river nearest to the New Bedford shore, a new draw, of not less than sixty feet in width; the westerly abutment thereof to be eight feet farther to the eastward than the westerly abutment of the existing draw; the same to be constructed in such manner

as shall be approved by a commissioner, to be appointed by the governor for the purposes of this act; the expense of such commissioner to be paid by the said corporation: and the said draw shall be made and completed within six months from the passage of this act.

To be approved by a commissioner, who shall be paid by the corporation. Shall be completed in six months.

SECT. 2. Nothing herein contained shall be construed to alter or impair any obligations of the said proprietors, under their act of incorporation, to keep, maintain and tend the draw now existing, until that herein required to be made in lieu thereof shall be completed, excepting so far as the same shall be necessarily interrupted by the construction of the new draw herein required to be made; but all such obligations shall remain in full force, and the same shall apply to the maintenance and care of the new draw, when the same shall be completed, in like manner as if it had been originally provided for in the said act of incorporation. [*Approved by the Governor, May 24, 1851.*]

Corporation shall maintain and tend present draw, until, &c.

An Act relating to the Erection and Use of Buildings for Stables and Bowling Alleys. *Chap 319.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If any person shall erect, occupy or use any building, in any city or town, for a stable for more than four horses, or for a bowling alley, except in such parts of such city as the mayor and aldermen thereof, or of such town as the selectmen thereof, shall direct, he shall forfeit a sum not exceeding fifty dollars, for every month he shall so occupy or use such building, and in the like proportion for a longer or shorter time. And the supreme judicial court, or any one of the justices thereof, either in term time or vacation, may issue an injunction to prevent such erection, occupancy or use, without such direction.

SECT. 2. This act shall not be in force in any city unless the city council thereof, nor in any town unless the inhabitants thereof, at a legal meeting, shall, within sixty days of the passing hereof, by vote adopt the same.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act in further addition to an Act to amend the Charter of the City of Lowell. *Chap 320.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The qualified voters of each ward in the city

One alderman to be chosen in each ward—

Two by city at large, voting in wards.

Provisions of § 5 of act of 1846 extended to all failures to elect.

This act void, unless accepted by Lowell in two months.

To apply to all municipal elections in Lowell.

Inconsistent provisions repealed.

of Lowell shall elect one person, being an inhabitant of such ward, to be a member of the board of aldermen, and two persons shall be elected members of that board by the qualified voters of the city at large, voting in their respective wards.

SECT. 2. The provisions of the fifth section of the act to amend the charter of the city of Lowell, passed on the fourteenth day of February, in the year one thousand eight hundred and forty-six, are hereby extended to all cases of failure to elect aldermen at any meeting called for the purpose of such election.

SECT. 3. This act shall be void, unless the inhabitants of the city of Lowell, at a legal meeting called for that purpose, shall, by a vote of a majority of the voters, by a written ballot, determine to adopt the same, within two months from and after its passage.

SECT. 4. The provisions of this act shall take effect and apply to all municipal elections, in the said city of Lowell, following after the acceptance and adoption of this act.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [*Approved by the Governor, May 24, 1851.*]

Chap 321.

An Act to amend the Charter of the Worcester Medical Institution.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Restrictions in regard to conferring degrees.

The trustees, together with the regularly constituted officers of the Worcester Medical Institution, in conferring the degree of doctor in medicine, are hereby restricted to the same rules and regulations which are adopted and required in conferring the same degree, by the University of Cambridge and the Berkshire Medical Institution: *provided*, that the title of the degree shall be designated by some appellation to distinguish it from those of graduates of other modes of practice. [*Approved by the Governor, May 24, 1851.*]

Chap 322.

An Act in addition to the several Acts for the Relief of Insolvent Debtors, and the more equal Distribution of their Effects.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The 30th ch. of Laws of 1843 so altered, that the governor and council may appoint

SECT. 1. The first section of the three hundred and fourth chapter of the General Laws of the Commonwealth, passed in the year one thousand eight hundred and forty-eight, is hereby so far amended, that the governor, with the

advice and consent of the council, may appoint and commission, in addition to those already appointed and commissioned, one or more suitable persons in each county, so that the whole number shall not exceed three in any one county, to be a commissioner or commissioners of insolvency in the county for which he or they are appointed, who shall hold his or their office for the term of seven years, unless sooner removed by the governor and council; and the commissioners who may be so appointed shall have and exercise the same jurisdiction, power and authority, and be subject to the same duties and requirements, as the commissioners appointed under the said act, except that they shall not be required to hold a court of insolvency, at the shire town of their respective counties, on the first Tuesday of every month.

one, two or three commissioners, in each county, to hold office seven years.

Court in shire town, on first Tuesday of each month, not necessary.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act to set off certain Farms from the Town of Auburn, and annex the same to the Town of Millbury.

Chap 323.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the farms or homesteads of Elijah Holman, Amos Severy, Thaddeus Hall and Moody H. Severy, being the farm formerly owned by Paul Thurston, then of Sutton, as have heretofore been considered as belonging to the town of Auburn, are hereby set off from the said town of Auburn, and annexed to the town of Millbury.

Persons and estates set off and annexed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act to provide for the Adoption of Children.

Chap 324.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any inhabitant of this Commonwealth may petition the judge of probate, in the county wherein he or she may reside, for leave to adopt a child not his or her own by birth.

SECT. 2. If both or either of the parents of such child shall be living, they or the survivor of them, as the case may be, shall consent in writing to such adoption; if neither parent be living, such consent may be given by the legal guardian of such child; if there be no legal guardian, no father nor mother, the next of kin of such child within the State may give such consent; and if there

Written consent must be given.

be no such next of kin, the judge of probate may appoint some discreet and suitable person to act in the proceedings as the next friend of such child, and give or withhold such consent.

Consent of the child necessary, if 14 or over.

SECT. 3. If the child be of the age of fourteen years or upwards, the adoption shall not be made without his or her consent.

If petitioner be husband or wife, partner must join.

SECT. 4. No petition by a person having a lawful wife shall be allowed unless such wife shall join therein, and no woman having a lawful husband shall be competent to present and prosecute such petition.

If judge be satisfied, &c. he shall decree and confirm the adoption.

SECT. 5. If, upon such petition, so presented and consented to as aforesaid, the judge of probate shall be satisfied of the identity and relations of the persons, and that the petitioner, or, in case of husband and wife, the petitioners, are of sufficient ability to bring up the child, and furnish suitable nurture and education, having reference to the degree and condition of its parents, and that it is fit and proper that such adoption should take effect, he shall make a decree setting forth the said facts, and ordering that, from and after the date of the decree, such child should be deemed and taken, to all legal intents and purposes, the child of the petitioner or petitioners.

The adopted shall, to all intents and purposes, be the legal child.

SECT. 6. A child so adopted, as aforesaid, shall be deemed, for the purposes of inheritance and succession by such child, custody of the person and right of obedience by such parent or parents by adoption, and all other legal consequences and incidents of the natural relation of parents and children, the same to all intents and purposes as if such child had been born in lawful wedlock of such parents or parent by adoption, saving only that such child shall not be deemed capable of taking property expressly limited to the heirs of the body or bodies of such petitioner or petitioners.

The natural parent shall be disconnected wholly.

SECT. 7. The natural parent or parents of such child shall be deprived, by such decree of adoption, of all legal rights whatsoever as respects such child; and such child shall be freed from all legal obligations of maintenance and obedience, as respects such natural parent or parents.

The petitioner, or the child, by next friend, may appeal to supreme judicial court.

SECT. 8. Any petitioner, or any child which is the subject of such a petition, by any next friend, may claim and prosecute an appeal to the supreme judicial court from such decree of the judge of probate, in like manner and with the like effect as such appeals may now be claimed and prosecuted in cases of wills, saving only that in no case shall any bond be required of, nor any costs awarded against, such child or its next friend so appealing. [*Approved by the Governor, May 24, 1851.*]

An Act concerning Proceedings and Practice in Civil Actions before Justices' Courts, Police Courts, Justices of the Peace and Trial Justices.

Chap 325.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The first, second, third, fourth, sixth, forty-second, forty-third, ninety-seventh, ninety-eighth, one hundredth, one hundred and first, one hundred and second, one hundred and third, one hundred and fourth, one hundred and fifth, one hundred and sixth, one hundred and seventh, one hundred and eighth, one hundred and ninth, one hundred and tenth, one hundred and eleventh, one hundred and nineteenth, one hundred and twentieth sections of an act entitled "an act to amend some of the proceedings, practice and rules of evidence of the courts of this Commonwealth," passed the present session, shall be so extended as to apply to civil actions, in which justices' courts, police courts, justices of the peace, or trial justices, have original and exclusive jurisdiction.

What sections of the act, chap. 233, of this session shall apply to proceedings before justices of the peace.

SECT. 2. In actions before such justices' courts, police courts, justices of the peace, or trial justices, as aforesaid, the interrogatories and answers provided for in the ninety-eighth, one hundredth, and one hundred and first sections, may be filed before the said courts, justices, or trial justices, respectively, and not in the clerk's office, as mentioned in the said sections ; and the interrogatories may be filed by either party at any time after the commencement of the action, and the answers shall be filed within such time as the said courts, justices of the peace, or trial justices respectively shall order. [*Approved by the Governor, May 24, 1851.*]

Interrogatories to adverse party, &c., where to be filed.

An Act to incorporate the Ware River Railroad Company.

Chap 326.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles A. Stevens, Jason Gorham, William Mixter, their associates and successors, are hereby made a corporation, by the name of the Ware River Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all other general laws which have been or shall hereafter be passed relative to railroad corporations.

Corporators.

Powers, &c.

SECT. 2. The said company are empowered to locate, construct and maintain, with one or more tracks, a railroad,

Location.

commencing at some convenient point in the New London, Willimantic and Palmer Railroad, in the town of Palmer; thence crossing the Western Railroad, and running by or near the valley of Ware River, through or near Palmer, Ware, Hardwick, New Braintree, West Brookfield, Barre and Oakham, to the valley of the Burnshirt stream; thence by the said last named valley, through or near Hubbardston, Phillipston and Templeton, to Otter River, near Baldwinville, crossing the Vermont and Massachusetts Railroad, near that place; thence through Winchendon, crossing the Cheshire Railroad, in said Winchendon, to some point in the line of the state of New Hampshire, convenient to form a connection with the Monadnock Railroad, in New Hampshire.

Capital stock 3000 shares, of \$100, may be invested in real and personal estate.

SECT. 3. The capital stock of the said company shall consist of eight thousand shares, of one hundred dollars each, and no assessment shall be laid thereon, of a greater amount in the whole, than one hundred dollars on each share; and the said company may invest and hold such part thereof, in real and personal estate, as may be necessary or convenient for the purposes of their incorporation.

May enter and use certain roads.

SECT. 4. The company hereby established may enter upon and connect their tracks with said New London, Willimantic and Palmer Railroad, in said Palmer, with said Vermont and Massachusetts Railroad, near said Baldwinville, and with the Cheshire Railroad, in or near said Winchendon, and may use the same, or any part thereof, paying such rate of toll as may be agreed upon by the parties, or as the Legislature may from time to time prescribe, and subject to all the restrictions and conditions contained in any laws now existing, or which may hereafter be enacted, to regulate the use of railroads, and to such reasonable rules and regulations as may be established by the railroads entered upon, respectively, for the mutual safety and convenience of the parties.

Other companies may enter and use the Ware River Railroad.

SECT. 5. The Legislature may authorize any company to enter with another railroad upon, and use the said Ware River Railroad, or any part thereof, paying such toll as shall be prescribed by the Legislature, or determined by the provisions of law, and complying with such reasonable rules and regulations as the Ware River Railroad Company may prescribe, or as may be determined, according to the provisions of law.

Tolls may be reduced by Legislature.

SECT. 6. The Legislature may, after the expiration of four years from the time when the Ware River Railroad shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits upon the said railroad, but

such tolls or profits shall not, without the consent of the said company, be so reduced as to produce less than ten per cent. per annum upon the investment of the said company. *Proviso.*

SECT. 7. The said company may enter upon and connect their tracks with the Western Railroad, provided the directors of the said last named company shall consent thereto. *May enter the Western Railroad by consent.*

SECT. 8. If the location of said Ware River Railroad be not filed within two years, or if the said company shall not complete their railroad, as provided for in the second section of this act, with at least one track, within three years from the passage of this act, this act shall be null and void. *Limitation of time.*

SECT. 9. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. *No shares issued at less than par.*

SECT. 10. The said company is hereby authorized to divide their road into four sections, to wit :—The first section to embrace that part of the road from its connection with the New London, Willimantic and Palmer Road to Ware village; the second section to extend from Ware to Barre; the third section to extend from Barre to the Vermont and Massachusetts Railroad in Templeton; the fourth section to extend from Templeton to the line of New Hampshire. The capital required to build the first and fourth sections shall be one hundred and fifty thousand dollars for each section; and two hundred and fifty thousand dollars shall be the capital for each of the second and third sections; and the said company may proceed to build either of said sections when the capital required therefor shall have been subscribed. Before either of said sections shall be commenced, a certificate shall be filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of said company and a majority of the directors, stating that all of the stock named for the section they propose to build shall have been subscribed by responsible parties, and that twenty per cent. of the par value of each and every share of such portion of the stock has been actually paid into the treasury of the company. *May divide the road into sections.*
Capital of each.
No section commenced until certificate is filed with secretary of state.
[Approved by the Governor, May 24, 1851.]

Chap 327. An Act to secure the Equal Distribution of the Property of Insolvent Corporations amongst their Creditors.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Petition to commissioner by authorized officer.

SECT. 1. Any corporation created by a law of this Commonwealth may apply, by petition signed by any officer duly authorized by a vote of a majority of the corporators present and voting at a legal meeting called for such purpose, to the commissioner of insolvency for the county where such corporation has its principal place of business, setting forth its inability to pay its debts, and its willingness to assign all its estates and effects for the benefit of its creditors, and praying that such proceedings may be had in the premises, as in this act are provided; and the said commissioner shall thereupon forthwith, by warrant under his hand and seal, directed to the sheriff or either of his deputies in the said county, as messenger, command them and any of them to take possession of all the estate, real and personal, of such corporation, excepting such as may be exempt from attachment, and of all the deeds, books of account, and papers of such corporation, and to keep the same safely until the appointment of assignees as hereinafter provided.

Messenger to give notice as directed.

SECT. 2. The said messenger shall forthwith give public notice, by advertisement in such newspapers as shall be designated by the commissioner, and also such personal or other notice to any persons concerned, as the commissioner shall prescribe, which notice shall state that a warrant has issued against the estate of such corporation, and that the payment of any debt and the delivery of any property belonging to such corporation, to it or for its use, and the transfer of any property or the making of any contract by it are forbidden by law; and the messenger shall, in the same notice, call a meeting of the creditors of such corporation to prove their debts, and to choose one or more assignees of the estate; which meeting shall be held at some convenient time and place, to be designated in the warrant, the time to be not less than ten days, and not more than sixty days, after the issuing of the warrant.

Meeting of creditors, when and where.

Perishable property to be sold.

And if such estate, or any part thereof, shall be perishable, the same may be sold, under the direction of the messenger, in like manner as in cases of individual insolvent debtors. And the messenger, in addition to the publications above required, shall send written notice to the creditors named on the schedule of creditors presented by the corporation, of the time and place of the first meeting of

Certain creditors to have written notice.

the creditors of such insolvent corporation; and whenever it shall appear to the commissioner that such notice has not been given, he shall forthwith adjourn the meeting, to the end that the foregoing requisition may be complied with. And the said commissioner shall attend the said meeting, and shall allow all the debts that shall be duly proved before him, and shall cause a list thereof to be made, which shall be certified by himself, and shall be recorded and filed with the other papers and proceedings in the case. And the creditors shall then proceed, in the presence of the said commissioner, to choose one or more assignees of the estate of the corporation; the choice to be made by the greater part in value of the creditors, according to the debts then proved: *provided*, that when the number of creditors shall amount to five and be less than ten, the votes of two at least shall be necessary for a choice; and when the number of creditors shall amount to ten or more, the votes of three at least shall be necessary for a choice. And in case no choice shall be made by the creditors at said meeting, the said commissioner shall appoint one or more assignees. And in case any assignee so chosen shall fail to express, in writing, his acceptance of the trust within four days, the commissioner may fill any vacancy occasioned thereby.

In failure of notice meeting to be adjourned.

Creditors choose one or more assignees. How chosen.

Proviso,

In case of no choice.

SECT. 3. All debts due and payable from such corporation, at the time of the first publication of the notice of issuing the said warrant, and all the claims for damages against any railroad or turnpike or canal corporation, may be proved and allowed against its estate, assigned as aforesaid; and all debts then absolutely due, although not payable until afterwards, may be proved and allowed as if payable presently, with a discount or rebate of interest, when no interest is payable by the contract, until the time when the debt would become payable; and all moneys due from such corporation on any bottomry or respondentia bond, or on any policy of insurance, may be proved and allowed, in case the contingency or loss should happen before the making of the last dividend, in like manner as if the same had happened before the said first publication of the said notice; and in case the corporation shall be liable for any debt in consequence of having made or indorsed any bill of exchange or promissory note before the first publication of the said notice, or in consequence of the payment by any party to any bill or note, of the whole or any part of the money secured thereby, or of the payment of any sum by any surety of the corporation, in any contract whatsoever, although such payment in either case shall be made after

What debts to be proved and allowed, and how.

the said first publication, provided it be made before the making of the last dividend, such debt shall be considered, for all the purposes of this act, as contracted at the time when such bill or note or other contract shall have been so made or indorsed, and may be proved and allowed as if the said debt had been due and payable by the said corporation before the said first publication; and all demands against the corporation for or on account of any goods or chattels wrongfully obtained, taken, or withheld by such corporation, may be proved and allowed as debts, to the amount of the worth of the property thus taken; and no debt other than those above mentioned, shall be proved or allowed against the estate assigned as aforesaid. And when it shall appear that there has been mutual credit given by the corporation and any other person, or mutual debts between them, the account between them shall be stated and one debt shall be set off against the other, and the balance of such account, and no more, shall be allowed or paid on either side respectively.

Offset of debts in certain cases.

Property in mortgage or pledge to any creditor. How disposed of.

And when any creditor shall have any mortgage or pledge of any real or personal estate of the corporation, or any lien thereon, for securing the payment of any debt claimed by him, the property so held as security shall, if he require it, be sold and the proceeds shall be applied towards the payment of his debt, and he shall be admitted as a creditor for the residue thereof if any, and such sale shall be made in such manner as the commissioner shall order; and the creditor and the assignee respectively shall execute all such deeds and papers as may be necessary or proper for effecting the conveyance. And if the creditor shall not require such sale, and join in effecting the conveyance as aforesaid, he may release and deliver up to the assignees the premises so held as security, and he shall thereupon be admitted as a creditor for the whole of his said debt. And if the said property shall not be either sold or released and delivered up as aforesaid, the creditor shall not be allowed to prove any part of his said debt.

Proof by oath of creditor required.

Agent or officer may be examined.

Appeal allowed, if debt exceed \$300, to supreme judicial

SECT. 4. The said commissioner shall require proof, on oath or affirmation of the creditor, in substance the same as is now required by law of creditors of individual insolvent debtors, of any debt claimed before him, and may examine the party claiming the same, or the agent who shall present the claim in his behalf, and also any officer of such insolvent corporation, on their respective oaths or affirmations, on all matters relating to such claim. And any supposed creditor, whose claim shall be wholly or in part rejected by the commissioner, may appeal from his

decision, and have the said claim determined at law; and if the debt demanded shall exceed the sum of three hundred dollars, such appeal shall be heard and determined in the supreme judicial court, otherwise in the court of common pleas; and the appeal shall be entered in the proper court, which shall be first held within or for the county in which the proceedings are had, next after the expiration of fourteen days from the time of claiming the appeal; but no such appeal shall be allowed unless the same be claimed and notice thereof be given to the commissioner or his clerk, to be entered on the record of the proceedings, and also to the assignees or one of them, within ten days after the decision appealed from. And, upon entering such appeal, the creditor shall file in court a statement in writing, of his claim, setting forth the same substantially as in a declaration for the same cause of action at law, and the assignees shall plead or answer thereto in like manner; and the like proceedings shall be had upon the joining of any issue of fact or law, and also upon the non-suit or default of either party, as in any action for the same cause commenced and prosecuted in the usual manner; excepting only that no execution shall be awarded against the assignees for the amount of the debt, if any, recovered by the creditor. And if the assignees shall be dissatisfied with the allowance of any claim by the commissioner, they may appeal from his decision and have such claim determined at law; and such appeal shall be claimed, notified, heard and determined in like manner, and the like proceedings shall be had thereon, in all respects, as are before prescribed in the case of an appeal by a creditor; and, in both cases, the final judgment of the court appealed to shall be conclusive in the premises: *provided, however*, that any party aggrieved by the judgment of the court of common pleas, upon any matter of law arising upon the trial of such appeal, may except thereto in the manner provided in the eighty-second chapter of the Revised Statutes, and the judgment in such cases being certified to, the said commissioner shall ascertain the amount, if any, due to the claimant; and the list of debts shall be altered, if necessary, to conform thereto. And the party prevailing in such suit shall be entitled to costs, to be taxed and recovered as in common actions, against the adverse party, which costs, if recovered against the assignees, shall be allowed to them out of the estate of the corporation.

SECT. 5. The said commissioner shall, by an instrument under his hand and seal, assign and convey, to the person or persons chosen or appointed assignees as afore-

court, otherwise to court of common pleas.

When and how entered, and notice given.

Proceeding substantially as in courts of law.

Assignees may appeal.

Judgment of court conclusive.

Proviso.

Exceptions as in eighty-second chapter of Revised Statutes.

Party prevailing to have costs.

Commissioner shall assign all property liable to attachment.

said, all the estate, real and personal, of the corporation, excepting such as may be by law exempt from attachment, with all its deeds, books and papers relating thereto; which assignment shall vest in the assignees all the property of the corporation, both real and personal, which it could by any way or means have lawfully sold, assigned or conveyed, or which might have been taken in execution on any judgment against the corporation, at the time of the first publication of the notice of issuing the above-mentioned warrant, although the same may then be attached on mesne process as the property of the said corporation; and such assignment shall be effectual to pass all the said estate, and dissolve any such attachment, made after this act shall take effect; and the said assignment shall also vest, in the said assignees, all debts due to the corporation, or to any person, for its use, and all liens and securities therefor, and all its rights of action for any goods or estate, real or personal, and all its rights of redeeming any such goods or estate; and the assignees shall have power to redeem all mortgages, conditional contracts, pledges and liens, of or upon any goods or estate of the corporation, or to sell the same, subject to such mortgage or other incumbrance. And the corporation, and any officer thereof as the case may require, shall likewise, at the expense of the estate, make and execute all such deeds and writings, and indorse all such bills, notes, and other negotiable papers, and draw all such checks and orders for moneys deposited in banks and elsewhere, and do all such other lawful acts and things, as the assignees shall at any time reasonably require, and which may be necessary or useful for confirming the assignment so made by the said commissioner, and for enabling the assignees to demand, recover, and receive all the estate and effects assigned as aforesaid, especially such part thereof, if any, as may be without this Commonwealth; and the assignees shall have the like remedy to recover all the said estate, debts and effects, in their own names, as the corporation might have had if no such assignment had been made.

Assignment effectual for all purposes.

Corporation or its officers shall do all requisite acts.

Assignees may recover in their own names.

Assignees may prosecute, pending action.

No abatement by death of assignee.

And if, at the time of such assignment, any action shall be pending in the name of the corporation, for the recovery of any debt, or other thing, which might or ought to pass to the assignees by the said assignment, the assignees shall, if they require it, be admitted to prosecute such action in their own names, in like manner and to the like effect as if the same had been originally commenced by them as such assignees; and no suit pending in the name of the assignees shall be abated by the death or removal of any assignee,

but, upon the motion of the surviving or remaining assignee, or of the new assignees, as the case may be, he or they shall be admitted to prosecute the suit, in like manner and to the like effect as if the same had been originally commenced by him or them. And in all suits, prosecuted by the assignees for any debt, demand, right, title, or interest, due or belonging to the insolvent corporation, the assignment made to them by the commissioner shall be conclusive evidence of their authority to sue as such assignees.

Assignment always conclusive authority.

SECT. 6. In the case of any railroad, turnpike, canal, bridge, or other corporation, authorized by law to take toll, such assignment shall be deemed to empower the assignees to sell and convey the franchises of such corporation, and any and all property and rights connected with the exercise of such franchises, to such persons as may become the purchasers thereof; and, by virtue of such sale and conveyance, such purchasers and their associates shall be deemed to be so far the owners of all such franchises, that they may have such corporation organized anew by themselves as its sole members, in the manner pointed out in the third section of the forty-fourth chapter of the Revised Statutes, and the other provisions of law applicable to such corporation; and when such corporation shall have been thus organized anew, it shall be deemed to be lawfully possessed, as of its property, of all the franchises to such corporation previously granted, and of all the property and rights so sold and conveyed with such franchises, as aforesaid; and such purchasers and their associates, successors and assigns shall be deemed to be the only members of such corporation. And when such corporation shall have been so organized anew, it shall not be liable to any suit at law or in equity, founded on any contract performable within this Commonwealth, or made with any citizen thereof, which existed prior to such organization, nor to any claim provable under this act.

The franchise of any toll-taking corporation may be sold by assignees.

Purchaser may have corporation organized anew, as in § 3, ch. 44, R. S.

All the property and rights complete in such newly organized corporation, which shall not be liable to any suit on previous contract.

SECT. 7. The messenger shall, as soon as may be after his appointment, demand and receive from the corporation, and from all other persons, all the estate in its or their possession respectively, which is herein above ordered to be assigned, with all the deeds, books of account, and papers of the corporation, relating thereto; and the corporation shall deliver to the messenger such part of the said estate, and other things above specified, as may then be within its possession or power, and each and all the officers of such corporation shall disclose the situation of such parts thereof as may then be in the possession of the corporation, or any other person or persons, so as to enable the messenger to

Messenger shall demand all the estate, deeds, books, accounts, papers, of corporation.

Every officer of corporation required to disclose situation of property.

Treasurer to make schedule of creditors, nature of the debts, &c. to be presented by corporation to messenger within three days, and by him to first meeting of creditors, when the corporation shall give full account of all property, dealings, debts, &c.

and be liable to examination in writing.

Commissioner power to imprison.

Commissioner shall appoint second meeting within three months, when creditors may prove debts.

Corporation may amend schedule.

Officers of corporation shall subscribe oath, &c. as follows :

demand and receive the same. And the treasurer, or other principal financial officer of such corporation, shall also make a schedule, containing a full and true account of all its creditors, with the place of residence of each creditor, if known to him, and the sum due to each. And the said schedule shall also set forth the nature of each debt, whether founded on written security, on account, or otherwise, and also the true cause and consideration thereof, and a statement of any existing mortgage, or other collateral security, given for the payment of the same, which schedule the corporation shall present to the messenger within three days after the date of the warrant, and the messenger shall return the same at the first meeting of its creditors, to be delivered to the assignees who shall then be chosen. And the said corporation shall present, at the first meeting of the creditors, a schedule of all its real and personal estate, giving a description of the same, and stating where it is situated, such schedule to be delivered to the assignees.

And each and every officer of the corporation shall, at all times, upon reasonable notice, attend and submit to an examination, on oath, before the commissioner and the assignees, upon all matters relating to the disposal of its estate, and to its trade and dealings with others, and its accounts concerning the same, and relating to all debts due or claimed from it, and to all other matters concerning its estate, and the due settlement thereof according to law ; such examination to be in writing, when so required by the commissioner, and to be signed by the person examined, and filed with the other proceedings ; and the commissioner shall have the same power to imprison any person disobeying any order lawfully made respecting such examination, as he now has in cases of individual insolvent debtors.

SECT. 8. The commissioner shall appoint a second meeting of the said creditors, to be held at such time, not more than three months after the date of the warrant to the messenger, as the commissioner shall think fit, regard being had to the distance at which the creditors, or any of them, may reside, at which meeting any creditors who have not before proved their debts shall be allowed to prove the same. And the corporation shall then be allowed to amend the schedule of its creditors, and to correct any mistake therein. And the president, directors, treasurer, clerk, and other officers of the corporation, if any, shall then severally make and subscribe an oath before such commissioner, which shall be certified by him and filed in the case, in substance as follows :

I, —, (president, &c., or treasurer, &c.,) do swear that

I do verily believe the account of the creditors of the said corporation, contained in the schedule signed by A. B., and now in the hands of the assignees chosen by the creditors of such corporation, is in all respects just and true; that I do verily believe that all the property and estate of the said corporation, and all its books of account and papers, have been delivered to the messenger or the said assignees; and that, if any goods or estate not so delivered shall hereafter come to my knowledge, I will faithfully and diligently apprise the said assignees thereof. And I do further swear that, to the best and utmost of my knowledge, information and belief, there is no part of the estate or effects of the said corporation made over or disposed of in any manner in fraud of this act or of the creditors of the said corporation.

SECT. 9. If any such corporation, being insolvent, shall, within six months before the filing of a petition by or against it, make any payment, or any assignment, sale, transfer or conveyance of any part of its estate, real or personal, to any preëxisting creditor, having reasonable cause to believe such corporation insolvent, such payment, assignment, sale, transfer or conveyance shall, as to the other creditors, be void, and the assignees may recover the money or property, or the value thereof, from the creditor so receiving the same.

SECT. 10. The assignees shall forthwith cause the said assignment to be recorded in the registry of deeds in each county in the Commonwealth in which there may be any real estate of the corporation upon which the same may operate, and shall also give public notice of their appointment, in such manner as the commissioner shall order; and shall demand and receive from the messenger, and from all other persons, all the estate in his or their possession, respectively; which shall have been assigned or intended to be assigned according to the provisions of this act; and they shall sell all the said estate, real and personal, which shall come to their hands, on such terms as they shall think most for the interest of the creditors; and shall keep a regular account of all moneys received by them, as assignees, to which every creditor shall, at all reasonable times, have free resort. And the assignees shall, as soon as may be, after receiving any moneys belonging to the estate, deposit the same in some bank, in their names as assignees, or otherwise keep the same distinct and apart from all other moneys in their possession; and they shall likewise, as far as practicable, keep all the goods and effects belonging to the estate separate and apart from all other goods in their pos-

Any assignment, sale, &c. to any creditor, within six months of petition, prohibited, void, &c.

Assignees shall cause assignment to be recorded:

—give notice of appointment:

—demand possession of property:

—sell all estate:

—keep account of moneys:

—deposit same in bank:

—keep all moneys, goods, &c. separate from their own:

session, or designated by appropriate marks, so that all such moneys, goods and effects belonging to the estate may be easily and clearly distinguished from other like things in the possession of the assignees, and may not be exposed, or liable to be taken as their property, or for the payment of their debts. And they shall be allowed and may retain, out of the moneys in their hands, all the necessary disbursements made by them in the discharge of their duty, and a reasonable compensation for their services, at the discretion of the commissioner. And the assignees shall have power, under the direction of the commissioner, to submit any controversy that shall arise in the settlement of any demands against the estate of such corporation, or of debts due to its estate, to the determination of one or more arbitrators, to be chosen by the assignees and the other party to such controversy; and the assignees shall likewise have power, under the direction of the commissioner, to compound and settle any such controversy, by agreement with the other party thereto, as they shall think proper and most for the interest of the creditors. And it shall be in the power of the creditors, by such a vote as is provided in the second section of this act for the choice of assignees, at any regular meeting called by order of the commissioner for that purpose, which meeting may be called by the commissioner at his discretion, and shall be called by him upon the application of a majority of the said creditors, either in number or value, to remove all or any of the assignees; and, upon such removal, or upon any vacancy by death or otherwise, to choose one or more assignees in his or their place; and all the estate of the corporation, not before lawfully disposed of, shall be forthwith as effectually and legally vested in such new assignee or assignees, as if the original assignment had been made to him or them; and the assignee or assignees, and his or their executors or administrators, shall, upon the request and at the expense of the estate in the hands of the new assignee or assignees, make and execute, to him or them, all such deeds, conveyances and assurances, and do all such other lawful acts and things, as may be needful or proper to enable the new assignee or assignees to demand, recover and receive all the said estate. And when only one assignee shall be originally appointed, or when, by death or otherwise, the number shall be reduced to one, all the provisions in this act contained, in reference to several assignees, shall apply to such one.

SECT. 11. The assignees shall, at such time as shall be appointed by the commissioner, within six months from the

Assignees may retain certain moneys:

—submit certain controversies:

—have power to settle such controversies.

Creditors, at regular meeting, may remove assignees, and fill vacancies.

New assignees to have same powers and possession, and do all requisite acts.

Assignees shall in six months

time of their appointment, call a meeting of all the creditors of the corporation, by a notice to be published in such manner as the commissioner may direct, at which meeting the creditors who have not before proved their debts, shall be allowed to prove the same; and the assignees shall produce, to the commissioner and the creditors then present, fair and just accounts of all their receipts and payments touching the estate of the corporation, and shall, if required by the commissioner, be examined, on oath, as to the truth of such accounts; and the said commissioner shall thereupon make an order, in writing, under his hand, for a dividend of the said estate and effects, or of such part thereof as he shall think fit, among such of the creditors of the said corporation as shall have proved their debts, in proportion to their respective debts, which order shall be recorded with the other proceedings in the case: *provided, however,* that all debts due by the corporation to the United States, or to any persons, who, by the laws of the United States or of this Commonwealth, are or may be entitled to a priority or preference with respect to such debts out of the estate assigned as aforesaid, shall have the benefit of such priority or preference in like manner as if this act had not been passed. And if, at the time of ordering such dividend, it shall appear to the commissioner probable that there are just claims against the estate, which, by reason of the distant residence of the creditor, or for other sufficient reason, have not been proved, the commissioner shall, in ordering such a dividend, leave, in the hands of the assignees, a sum sufficient to pay to every such absent creditor a proportion equal to what shall then be paid to the other creditors, which sum shall remain thus unappropriated in the hands of the assignees, until the final dividend shall be declared, or until the commissioner shall order its distribution.

SECT. 12. The said assignees shall, at such time as shall be appointed by the commissioner, within eighteen months after the appointment of the assignees, make a second dividend of the said estate, in case the same was not wholly distributed upon the first dividend, and shall give notice of a meeting, for that purpose, of all the creditors of the corporation, in such manner as the commissioner shall direct, at which meeting the creditors, who have not before proved their debts, shall be allowed to prove the same; and the accounts of the assignees shall then be produced and examined, as provided in the preceding section, and shall be settled by the commissioner, and whatever sum, upon the balance thereof, shall appear to be in their hands, shall, by a

call meeting of creditors.

Produce fair accounts of all receipts and payments.

Commissioner shall, in writing, issue order for dividend among creditors.

Preferred debts.

Where probability of claims of distant creditors not proved, sufficient sum to be reserved.

Meeting for second dividend, within eighteen months.

Unproved debts may then be offered.

Accounts of assignees be examined and settled by commissioner.

like order of the commissioner, be divided among all the creditors who shall then have proved their debts, in proportion to their respective debts: *provided*, that no creditor, whose debt shall be proved at the time of the second or any after dividend, shall be allowed to disturb any prior dividend; but he shall be paid so far only as the funds remaining unappropriated in the hands of the assignees shall be sufficient therefor.

Prior dividends not to be disturbed.

And if, at the time of appointing the meeting for the said second dividend, there shall remain, in the hands of the assignees, any outstanding debts or other property due or belonging to the estate, which cannot, in the opinion of the commissioner, be collected and received by the assignees without unreasonable or inconvenient delay, the assignees may, under the direction of the commissioner, sell and assign such debts, or other property, in such manner as shall be ordered by the commissioner.

Outstanding debts may be sold.

And such second dividend shall be final, unless any suit relating to the estate be then depending, or any part of the estate be outstanding, or unless some other estate or effects of the said corporation shall afterwards come to the hands of the assignees, in which cases another dividend shall be made, by the order of the commissioner, in the manner before provided; and further dividends shall be made in like manner as often as occasion shall require; and, at every regular meeting of the creditors, those who have not before proved their debts, shall be allowed to prove the same.

Second dividend final, unless, &c.

Other dividends when required.

Other debts which arise.

And if, after the payment of all debts proved as aforesaid, any surplus shall remain in the hands of the assignees, the same shall be paid or reconveyed to, and revest in, the corporation or its legal representatives.

Surplus to be paid or revest.

SECT. 13. The commissioner, at the commencement of the proceedings, in each case, under this act, shall appoint a clerk, who shall be sworn to the faithful discharge of his duty; and the clerk shall keep a record of all the regular meetings of the creditors, and of all the proceedings thereat, and shall preserve all papers duly filed in the course of the proceedings, and perform such other duties appertaining to his office as shall be prescribed by the commissioner.

Clerk to be appointed at commencement, to keep record, &c., file papers, &c.

And the record of the proceedings, in each case, with all the papers filed therein, shall be enclosed together, and, at the termination of the proceedings, shall be deposited in the probate office of the county, and be there preserved under the care of the register of probate. And the commissioner may remove the clerk for any cause that he shall deem sufficient: and, upon such removal, or upon the death, resignation, or absence of the clerk, may appoint another

Records, files, &c., to be preserved in probate office.

Commissioner may remove clerk and appoint, &c.

in his place. And copies of all parts of the said record, duly certified by the register of probate, shall, in all cases, be admissible as evidence, *prima facie*, of the facts therein stated and contained.

Copies certified by register of probate to be evidence.

SECT. 14. The commissioner shall attend and preside at all meetings of the creditors, and shall regulate the proceedings thereat; and he may adjourn any meeting, from time to time, as occasion shall require, and all things lawfully done at any such adjourned meeting, shall be of the like force and effect as if done at the original meeting. He shall also have the power to administer all oaths that shall be required in the course of the proceedings. In case the commissioner shall be interested in any question pending before him, it shall be the duty of the clerk to make a certificate of such fact, in the record of the case; and, thereupon, the judge of probate for the same county shall have jurisdiction in the case in which such question may have arisen, and shall hear and determine the same; and shall receive such compensation therefor as the said commissioner would have received for the like services. And any creditor, who shall reside more than five miles from the place of meeting of the creditors, being required to make oath in support of his claim, such oath may be administered by any justice of the peace, or other person duly qualified to administer oaths, in the place or country where such creditor may reside; and every creditor, who has proved his debt, may appear, vote, and act, at all meetings of the creditors, by his attorney, duly constituted, in like manner as if he were personally present.

Commissioner shall preside, regulate, adjourn.

Administer oath.

When commissioner is interested; proceedings in that case.

When creditor over five miles distant, oath by justice peace.

Vote by proxy.

SECT. 15. There shall be allowed and paid, out of the estate and effects of the corporation, the following fees for the respective services hereinafter mentioned; that is to say: to the commissioner, for receiving and allowing the original petition, and issuing his warrant thereon, two dollars; and the sum of five dollars for every day during which he may be employed in this duty, to be apportioned among the several causes, if there be more than one, on which he may act on the same day.

Certain fees to be paid by corporation.

To the clerk, for every day's attendance upon or with the commissioner, on any business arising in such causes, a sum not exceeding two dollars per day, to be apportioned as aforesaid; and such further compensation for keeping a record of the proceedings, and for any other services performed by him, as the commissioner shall allow.

To the clerk.

To the messenger, such compensation as the commissioner shall see fit to allow, according to the circumstances

To messenger.

of each case, regard being had to fees allowed to sheriffs for like services.

To witnesses.

To every witness, the same fees as are or may be allowed to witnesses in the court of common pleas.

Supreme judicial court to have chancery powers, make rules, &c.

SECT. 16. The supreme judicial court shall have a general superintendence and jurisdiction, as a court of chancery, of all cases arising under this act, and may, from time to time, make such general rules and forms as they shall judge necessary to establish and maintain a regular and uniform course of proceedings therein, in all the different counties; and they shall also have power, in all cases which are not herein otherwise specially provided for, upon the bill, petition, or other proper process of any party aggrieved by any proceedings under this act, to hear and determine the case, as a court of chancery, and to make such order or decree therein, as law and justice shall require; and all the powers granted in this section, may be exercised either by the said court, at any law term thereof, respectively, or by any one justice thereof, in like manner, in all respects, as other chancery powers vested in the said court may by law be exercised, excepting the power of making general rules and forms as aforesaid, which latter power shall be exercised only at a law term of the said court.

At law term one justice sufficient.

If an attachment of at least \$100 against a corporation be not dissolved in a certain time, or a fraudulent conveyance be made, creditors to that amount may petition for distribution, &c., and commissioner shall, in such case, issue warrant to take possession of estate of said corporation.

SECT. 17. If any corporation, whose goods or estate are attached on mesne process, in any civil action founded on a contract for the sum of one hundred dollars or upwards, which is in its nature provable under this act, shall not, within fourteen days from the return day of the writ, if the term of the court to which the process is returnable shall so long continue, or on or before the last day of the said term if the same shall sooner end, dissolve the attachment in the manner hereinafter provided, or if any corporation shall make any fraudulent conveyance or transfer of its property, or any part thereof, then any of its creditors whose claims, provable against its estate under this act, amount to the sum of one hundred dollars, may apply by petition, stating the facts, and the nature of the said claim or claims, verified by oath, to the said commissioner, in the county in which the said corporation is established, praying that its estate may be seized and distributed according to law; and thereupon the said commissioner, after notice of the presentment of said petition given to said corporation, by a copy thereof served on the president, treasurer, or clerk of said corporation thirty days at least before the return day of such notice; and, after a hearing before said commissioner, of the petitioners and corporation, or after default of

said corporation to appear at the time and place in said notice appointed, if the facts set forth in said petition shall appear to said commissioner to be true, he shall forthwith issue his warrant to take possession of the estate of said corporation, and such further proceedings shall be had as are provided, and may be necessary, for distributing the same among the creditors of such corporation, according to the intent of this act.

And whenever any corporation shall, by accident or mistake, have failed to dissolve an attachment made, as aforesaid, it may forthwith, and at any time before the said commissioner shall have issued his warrant, as aforesaid, apply, by petition, to any justice of the supreme judicial court for a stay of the said proceedings, and, after such notice to the petitioning creditor as such justice shall order, or without notice if the urgency of the case shall not allow notice to be given, the said proceedings may be stayed by an order of such justice, until a hearing; and if, upon the hearing before such justice, the corporation shall prove, to his satisfaction, that it is in fact solvent; and if it shall not appear that such corporation has made any fraudulent conveyance of its property, the said justice shall thereupon order the proceedings aforesaid to be superseded and finally stayed; and nothing in this section contained shall be construed to control or diminish the equitable jurisdiction conferred by the fifteenth section of this act.

SECT. 18. Any corporation, whose goods or estate shall be attached on mesne process, in any civil action, may, at any time within the time fixed by the preceding section, dissolve such attachment, by giving bond, with sufficient sureties, to be approved by the court in which the action is pending, or by any justice thereof, or by any justice of the supreme judicial court, with condition to pay to the plaintiff in such action the amount, if any, that he shall recover therein, within thirty days after the final judgment in such action; and no sureties shall be deemed sufficient for this purpose, unless they are satisfactory to the plaintiff in the action, or it shall be made clearly to appear, that each of the sureties, if there are only two, is worth a sum equal to that for which the attachment is laid; or, if there are more than two sureties, that they are altogether worth twice the sum for which the attachment is laid, over and above what will pay all their debts.

SECT. 19. Any person, who shall have performed any labor, as an operative, in the service of any insolvent corporation, shall be entitled to receive, from the assignee of such insolvent corporation, the full amount of the wages

When corporation shall fail by accident to dissolve attachment.

Proceedings in such case.

How corporation may dissolve an attachment. &c. Proceedings required.

Debts for labor not exceeding \$25, due within sixty-five days of publication of insolvency

are preferred debts, also certain others.

due him for such labor, not exceeding twenty-five dollars, provided that such labor shall have been performed within sixty-five days next before the first publication of the notice of insolvency, by the messenger; and such debts, and all claims against any railroad, turnpike, canal or other corporation authorized to take land or materials, for damages for taking land or materials, or laying out such road, canal or turnpike, shall be deemed to be preferred debts, next after debts due to the United States, and to the Commonwealth.

When dissolution of attachment would prevent the property from passing to assignees.

SECT. 20. Should it appear to the commissioner that a dissolution of any attachment, pursuant to the provisions of the fifth section of this act, would prevent said attached property from passing to the assignees, the attachment upon his order shall survive, notwithstanding the provisions of the said section, and the assignees shall have power, with the permission of the court to which said writ is returnable, to proceed with the suit against the insolvent, to final judgment and execution, and the amount recovered, exclusive of costs, shall vest in the assignees. And in case any mortgage shall be foreclosed, pending the proceedings under this act, and before the appointment of any assignee, the assignees or assignee, when appointed, shall have the right to redeem the same, at any time within sixty days after his or their appointment, with the like remedies as are now provided by law for the redemption of mortgages.

Proceedings in such case.

SECT. 21. Whenever an attachment on mesne process is dissolved by virtue of proceedings under this act, if the claim upon which the suit was commenced shall be proved against the estate of the insolvent corporation, the plaintiff in such suit shall be allowed to prove against the said estate the legal fees, costs, and expenses of such suit, and of the custody of the property, and the amount thereof shall be considered a privileged debt, and have a priority or preference, and be paid in full, after the payment of those debts which have a priority or preference, by virtue of the preceding provisions of this act.

When attachment is thus dissolved, plaintiff may have costs, &c., as privileged debt.

Assignees to give bonds in certain cases on certain conditions.

SECT. 22. The assignee or assignees, or any of them, if required by a majority, in value, of the creditors who have proved their claims, before entering on the duties of his or their said office, shall give bonds to the commissioner, before whom the proceedings shall be pending, with sufficient surety or sureties, for the faithful performance of their duties. Said bonds shall be approved by the commissioner, by his endorsement thereon, and shall be filed with the record of the case, and enure to the benefit of all creditors who may prove their claims, and may be prosecuted in the manner provided by law for the prosecution

of bonds given to the judges of probate by administrators or executors. And, in all cases, the commissioner may require the assignee of any insolvent corporation, in any case pending before him, to give good and sufficient bonds for the faithful performance and discharge of his duty.

SECT. 23. Upon complaint, made under oath by any person interested in the said estate, against any one suspected of having fraudulently received, concealed, embezzled, or conveyed away, any of the money, goods, effects, or other estate of such insolvent corporation, the commissioner may cite such suspected person to appear before him, and be examined on oath upon the matter of such complaint; and if the person so cited shall refuse to appear and submit to such examination, or to answer such interrogatories as shall be lawfully propounded to him, the said commissioner may commit him to the common jail of the county, there to remain in close custody until he shall submit to the order of said commissioner; and all such interrogatories and answers shall be in writing, and shall be signed by the party examined, and filed with the proceedings, to be used in any proceeding before such commissioner, pending against said insolvent corporation, or in any way or manner authorized by law.

SECT. 24. The several commissioners in the Commonwealth shall, on or before the tenth day of each month, make returns to the secretary of the Commonwealth, containing the names of the corporations which, during the next preceding month, have petitioned or been proceeded against before him as insolvent corporations under this act, specifying the kind of business for which such corporations were created, and the place or places where such business was principally done, with the date when such proceedings were commenced by or against such corporations. And it shall be the duty of the secretary to enter the same in a book, convenient for reference, which shall be open to the inspection of the public.

SECT. 25. It shall be the duty of the commissioner to order the assignee to give written notice, by mail or otherwise, of all meetings of creditors of insolvent corporations, and of all dividends, in cases pending before them, to all known creditors of such insolvent corporations.

SECT. 26. Nothing in this act contained shall be deemed applicable to any railroad or banking corporation, or to give validity to, or affect any mortgage made by any corporation for any purpose whatever.

SECT. 27. Whenever any assignee or assignees shall proceed to sell the franchises of any corporation by virtue

On complaint for fraudulent concealment or embezzlement of property, commissioner may cite suspected person, &c. and commit on his refusal, &c.

Commissioners on tenth of each month shall make returns to secretary Commonwealth, &c.

Secretary to record names, &c.

Assignees to give written notice of meetings, &c.

Railroad and banking corporations exempted from foregoing.

In sale of franchise what number of shares to

be sold, and how.

of the provisions of the sixth section of this act, he or they shall, in case the commissioner of insolvency shall so order, expose the property, estate or assets of said corporation for sale in shares, in number equal to the whole number of shares of the capital stock of such corporation, and such shares may thereupon be sold separately, and the purchasers of such shares may organize anew, in the manner in said sixth section provided.

Act to take effect thirtieth of September.

SECT. 28. This act shall take effect from and after the thirtieth day of September next. [*Approved by the Governor, May 24, 1851.*]

Chap 328.

An Act to repeal an Act for the appointment of Trial Justices.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act passed on the third day of May, in the year one thousand eight hundred and fifty, entitled an act for the appointment of trial justices, is hereby repealed.

Laws repealed by this act revived.

SECT. 2. All provisions of the laws of this Commonwealth, which were repealed by the passage of the act aforesaid, are hereby revived.

Actions commenced before this law takes effect, may proceed.

SECT. 3. This act shall not affect any cases or proceedings now commenced, or that shall be hereafter commenced before this act shall take effect; and the trial justices before whom any such cases or proceedings may be commenced or pending at the time when this act shall take effect, shall have the same jurisdiction, power and authority in respect to them as they now have in like cases. [*Approved by the Governor, May 24, 1851.*]

Chap 329.

An Act authorizing the Fitchburg Railroad Corporation to alter the construction of their Bridges over Miller's River, in Somerville.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May erect solid embankment, provided, &c.

SECT. 1. The Fitchburg Railroad Corporation are hereby authorized to erect solid embankments at their present crossings over Miller's River, in Somerville: *provided*, an opening or culvert shall be left in said embankments not less than ten feet square, and more if necessary for the full ingress and regress of ordinary tides.

Culvert of eastern embankment may be provided with gate, &c.

SECT. 2. The culvert of the eastern embankment may be provided with a gate which shall not be closed to obstruct the flow of ordinary tides, from the first of May to the first of November, in each year.

SECT. 3. Suitable provision shall be made for the escape of all water that may accumulate above said eastern embankment during that portion of the year that the gate is allowed to be closed to prevent the tide from flowing into said river.

Provision shall be made for escape of water, &c.

SECT. 4. Said embankments, culverts, and gate, shall be constructed under the direction and to the acceptance of the selectmen of the town of Somerville.

Culverts, gates, &c., shall be constructed to the acceptance of the selectmen of Somerville.

SECT. 5. This act shall go into effect from and after its passage; and shall be void unless said embankments, culverts and gate are constructed within one year from its passage. [*Approved by the Governor, May 24, 1851.*]

Must be completed in one year.

An Act to increase the number of Justices of the Court of Common Pleas.

Chap 330.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The number of justices of the court of common pleas shall be seven instead of six, as now provided by law.

SECT. 2. At any term of the court of common pleas in any county, for the transaction of civil business, whenever the public convenience shall require it, two sessions of the said court may be held in different places in such county, at the same time, each by one of the justices thereof; and such division may be made of the business of the court, at any time, as may conduce to the more speedy and convenient disposal of the same.

Two sessions of same court may be held at different places at same time, when necessary, each by one judge.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act in addition to "An Act to provide against loss from Insurance by Foreign Corporations."

Chap 331.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. No insurance company, unless incorporated by the Legislature of this Commonwealth, shall make any insurance on property within this State, nor contract for insurance with any party resident within this State, until such insurance company shall have complied with the provisions of this act.

Provisions of this act to be complied with in all insurances.

SECT. 2. Every insurance company shall, by a written power, appoint some citizen of this Commonwealth, resident therein, their attorney, with power and authority to accept service of all lawful processes against such compa-

Every insurance company to have an attorney, &c.

ny in this Commonwealth, and to cause an appearance to be entered in any action, in like manner as if such corporation had existed and been duly served with process within this State.

Copy of power of attorney to be filed with secretary of Commonwealth.

SECT. 3. A copy of such power of attorney, duly certified and authenticated, shall be filed with the secretary of state of this Commonwealth, and copies thereof, duly certified by such secretary, shall be received in evidence in all courts of this Commonwealth.

Vacancy of attorney to be filled by new appointment.

SECT. 4. If any such attorney shall die, or resign, or be removed, it shall be the duty of such corporation to make a new appointment as aforesaid, and file a copy with the said secretary as above prescribed, so that at all times, and while any liability remains outstanding on such insurance, there shall be within this State, an attorney authorized as aforesaid. And no such power of attorney shall be revoked until after a like power shall have been given to some competent person, and a copy thereof filed as aforesaid.

Service of process on such attorney sufficient.

SECT. 5. Service of process upon such attorney shall be deemed to be sufficient service upon his principals.

Any company may insure, but non-complying attorney shall forfeit from \$300 to \$1000.

SECT. 6. If any such insurance company shall make insurance without complying with the requisitions of this act, the contract shall be valid; but any agent of such company, acting within this State, respecting the effecting of any policy of insurance, shall forfeit to the Commonwealth a sum not exceeding one thousand dollars nor less than three hundred dollars; and all persons shall be deemed agents of such company, and acting as such, respecting the effecting of a policy of insurance, within the meaning of this section, who are agents and do acts within the terms of the first section of the act to which this act is in addition. And in case any such company, when thereto notified by the treasurer of this Commonwealth, shall neglect to appoint an attorney agreeably to the provisions of this act, such company shall not be entitled to recover any premium or assessment made by them, on any contract of insurance with any citizen of this State, until such company shall have complied with the provisions of this act.

Who are agents of a company.

Disabilities of not appointing attorney.

Every agent to make return of amount first Monday of October, annually, and pay one per cent premium to treasurer.

SECT. 7. Every agent described in the first section of the act to which this act is in addition, shall, on the first Monday of October, in every year during the continuance of his agency, make a return, on oath, to the treasurer of this State, of the amount insured, or procured to be insured by him in this State, as such agent, during the year preceding, and of the amount of premiums received and assessments collected during the said period, and shall, at the

same time, pay to the treasurer a tax of one per cent. on the amount of such premiums and assessments.

SECT. 8. If any such agent shall neglect to make such returns and payments as are required in the preceding section, or if he shall make the same falsely or fraudulently, he shall, for every such offence, forfeit a sum not exceeding one thousand dollars.

Forfeiture for neglect, &c., \$1000.

SECT. 9. Every such agent shall, before making, or procuring to be made, any contract of insurance as aforesaid, give bond to the treasurer of the State, with two or more sureties, to be approved by him, in the sum of five thousand dollars at least, with conditions to make the annual returns before required, and to pay the said tax.

Agent, before insurance, to give bond \$5000; conditions.

SECT. 10. It shall be the duty of the treasurer, and of the attorney general and district attorneys of this Commonwealth, to cause these provisions of law to be executed, and the penalties created by the preceding section of this act to be enforced.

Duty of treasurer, attorney general, &c., to cause provisions to be executed.

SECT. 11. This act shall not apply to companies incorporated by any state in which corporations of like character, incorporated by this Commonwealth, are not taxed. [Approved by the Governor, May 24, 1851.]

To what companies this act will not apply.

An Act to incorporate the Bay State Screw Company.

Chap 332.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William A. Crocker, George A. Crocker, Joseph A. Chamberlain, their associates and successors, are hereby made a corporation, by the name of the Bay State Screw Company, for the purpose of manufacturing wood screws, in the town of Taunton, in the county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Purpose.

SECT. 2. The said corporation, for the purposes aforesaid, may take and hold real estate not exceeding one hundred thousand dollars; and their whole capital stock shall not exceed two hundred and fifty thousand dollars.

May hold real estate, \$100,000; whole capital, \$250,000.

SECT. 3. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, May 24, 1851.]

No stock issued at less than par.

Chap 333. An Act in addition to the Act to establish the City of Newburyport.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act passed at the present session of the General Court to establish the city of Newburyport, is amended and altered so that the six aldermen of the said city, provided for by the said act, shall be elected, one by and from the qualified voters of each ward, voting in their respective wards, in the manner prescribed for the election of members of the common council.

One alderman to be elected in each ward.

This act to be submitted to the inhabitants.

SECT. 2. This act shall be submitted to the inhabitants of the town of Newburyport, for their acceptance or rejection, at the same time and in the same manner with the act to which it is in addition, and shall be in force from and after its acceptance by the said inhabitants. [*Approved by the Governor, May 24, 1851.*]

Chap 334. An Act authorizing the Construction of the Longmeadow Plank Road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Henry J. Crooks, Rial Strickland, Burgess Salisbury, their associates and successors, are hereby created a corporation, under the name of the Longmeadow Plank Road, for the purpose of constructing a plank road from the south line of the town of Longmeadow, near the Baptist meeting-house, and from thence through the town of Springfield to Chicopee River, at some point near the village of Cabotville or Chicopee Falls, with authority also to build a branch road from near the meeting-house in South Wilbraham, to intersect the aforesaid road, southeasterly of the Congregational church in Longmeadow.

May use any highway.

Proviso.

SECT. 2. The said corporation may use, for the construction of the said road, the route of any highway or town way, without making compensation therefor: *provided*, that the county commissioners of the county of Hampden, and the selectmen of the several towns through which the said road is contemplated to be constructed, shall consent in writing thereto, a copy of which shall be filed with the clerk of the courts in the said county.

Construction subject to approval of county commissioners.

Tolls.

SECT. 3. The construction of the said road shall be subject to the approval of the county commissioners aforesaid, and whenever the whole or any part of the said road shall have been completed, the said commissioners may authorize the erection of gates and the taking of tolls.

SECT. 4. The by-laws of the said corporation, the rates of toll to be taken upon the said road, and the places for the erection of toll gates, shall be subject to the approval of the court of common pleas for the county aforesaid.

By-laws, tolls, &c., subject to approval of court of common pleas.

SECT. 5. The capital stock of the said corporation shall not exceed twenty-five thousand dollars, to be divided into shares of twenty-five dollars each, and no shares in the said capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Capital stock, \$25,000.

Shares not to be issued below par.

SECT. 6. The said corporation are hereby chartered for the term of twenty-five years from the passage of this act, during which time they shall be subject to such restrictions and liabilities as turnpike corporations are by law subjected. [*Approved by the Governor, May 24, 1851.*]

Term, 25 years, subject, &c.

An Act concerning the Midland Railroad Company.

Chap 335.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Midland Railroad Company are hereby authorized to construct their railroad in sections, of not less than five miles each, commencing at the South Dedham termination of the said railroad: *provided, however,* that the said company shall not commence the construction of any portion of the said road within ten miles of the said South Dedham termination of such road, until an amount of stock equal to fifteen thousand dollars, for each and every mile so to be commenced, shall have been subscribed by responsible parties, and twenty per cent. thereof actually paid in to the treasurer of the said company: *and provided, also,* that the said company shall not commence the construction of their road between a point on the line of the said road ten miles from said South Dedham termination, and the termination of the said road in Boston, until the whole capital of the said road shall have been subscribed by responsible parties, and twenty per cent. thereof actually paid in to the treasurer of the said company.

Authorized to construct in five mile sections.

Proviso.

Further proviso.

SECT. 2. All acts or parts of acts inconsistent herewith are hereby repealed. [*Approved by the Governor, May 24, 1851.*]

Repeal of inconsistent provisions.

Chap 336. An Act to authorize the County Commissioners of Middlesex County to exercise certain powers in Chelsea and North Chelsea, in Suffolk County.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain powers relating to ways and the construction of a bridge in Chelsea, transferred to commissioners of Middlesex County.

SECT. 1. All the powers granted to the court of common pleas in the county of Suffolk by the Revised Statutes, chapter twenty-fourth, section fifty-seventh and fifty-eighth, respecting ways in the town of Chelsea; and by an act passed March eighth, eighteen hundred thirty-eight, to authorize the construction of a bridge over Green's Creek, in said town of Chelsea, are hereby transferred to the county commissioners of the county of Middlesex, and the same powers are to extend to and be exercised over North Chelsea, that being, at the time of the passage of the aforesaid acts, a part of Chelsea.

Same as to North Chelsea.

SECT. 2. The county commissioners aforesaid are hereby further authorized to exercise all the powers and perform all the duties in the towns of Chelsea and North Chelsea, in the county of Suffolk, that they are now authorized to do in the several towns in the county of Middlesex in relation to highways.

Draws may be ordered.

SECT. 3. The commissioners aforesaid are further authorized to cause the owners of any bridge or bridges over Chelsea Creek to make a draw or draws of sufficient width for the passage of vessels having occasion to pass the same: *provided, however,* that nothing in this act shall be so construed as to affect any suit or suits now pending in the courts of this Commonwealth. [*Approved by the Governor, May 24, 1851.*]

Chap 337. An Act in relation to the Organization and Powers of the City Council of the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No street, lane or alley shall be laid out, altered or discontinued, by mayor and aldermen, without the concurrence of common council.

SECT. 1. Whenever the mayor and aldermen of the city of Boston shall adjudge that the public safety and convenience require that any street, lane or alley, in the said city, shall be laid out, altered or discontinued, the order for such laying out, alteration or discontinuance, together with an estimate of the expense thereof, shall be sent to the common council for their concurrence or rejection; and such order shall not take effect or be in force until the common council shall concur therein.

Refor> the erection, alteration, &c., of any

SECT. 2. No erection, alteration, or repair of any courthouse, jail, house of correction, fire-proof office, or any

other building for the purposes of the county of Suffolk, or city of Boston, shall be made by the mayor and aldermen of the said city, except as herein provided, to wit: whenever the mayor and aldermen shall, by vote, declare that such erection, alteration or repair is necessary or expedient, they shall make and record an estimate of the expense thereof, and if such estimate shall exceed the sum of five thousand dollars, a copy of the said vote and estimate shall be sent to the common council for their concurrence, rejection or amendment.

county buildings, an estimate of expenditure shall be recorded, and if over \$5,000, be concurred in by common council.

SECT. 3. The board of aldermen of the city of Boston shall, commencing with the ensuing municipal year, consist of twelve persons, one alderman and two assistant assessors from and in each ward, to be chosen severally in and by the legal voters of the said ward, in the same form and manner, and at the same time, as now provided by law for the election of members of the common council, and all acts or parts of acts inconsistent herewith are repealed.

Board of aldermen shall consist of one alderman and two assistant assessors from each ward, chosen by legal voters thereof.

SECT. 4. This act shall not go into effect unless it be approved by a majority of the legal voters of the city of Boston, voting thereon by yeas and nays, in their respective wards, at the annual election of state officers in November next; and the mayor and aldermen of the said city shall insert in the warrant, for the aforesaid election, an article submitting the aforesaid question to the decision of the said legal voters of the city of Boston. [*Approved by the Governor, May 24, 1851.*]

This act must first be approved by majority of voters;

an article therefor to be inserted in warrant.

An Act concerning the Wier Bridge in Taunton.

Chap 338.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Within three months after the passage of this act, the town of Taunton shall be and is hereby required to alter, enlarge and reconstruct the bridge over Taunton River, at the Wier Village in said Taunton, in such manner as shall afford not less than twenty-five feet space between the piers by the eastern channel, and not less than the same space by the middle channel, and which shall give not less than two and a half feet additional space between the bridge and water over the eastern channel, and not less than two feet additional space over the middle channel, more than is provided by the present bridge for the passage of vessels and merchandise; and all damage occasioned by such alteration, enlargement or reconstruction, shall be paid and allowed by the order of the county com-

Town of Taunton required to enlarge the Wier bridge.

To what size, &c.

Expenses to be allowed by county commissioners, and paid by their direction.

When to take effect.

misioners of the county of Bristol, out of the county treasury, in the manner provided by law in case of the alteration or discontinuance of highways; and the expenses of said alteration, enlargement and reconstruction shall be paid by the said town of Taunton, or from the county treasury, in whole or in part, as the county commissioners, exercising their discretion pursuant to the provisions of the forty-sixth section of the twenty-fourth chapter of the Revised Statutes, shall direct.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 339.

An Act in addition to "An Act concerning Banks and Banking."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Forfeiture, \$500 for neglect.

SECT. 1. Any bank neglecting to comply with the provisions of an act concerning banks and banking, passed on the twenty-fifth day of April, in the year one thousand eight hundred and thirty-eight, shall forfeit to the use of the Commonwealth, for each and every offence, a sum not exceeding five hundred dollars.

Tenth section of former act repealed.

SECT. 2. The tenth section of the act above named, to which this act is in addition, is hereby repealed.

When to take effect.

SECT. 3. This act shall take effect on and after the first day of October next. [*Approved by the Governor, May 24, 1851.*]

Chap 340.

An Act to exempt from Levy on Execution the Homestead of a Householder having a Family.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Homestead, to the value of \$500, reserved to the debtor having a family —exempted from attachment.

SECT. 1. In addition to the property now exempted by law from sale or levy on execution, there shall be exempted the lot and buildings thereon, occupied as a residence and owned by the debtor, or any such buildings owned by the debtor on land not his own, but of which he shall be in the rightful possession, by lease or otherwise, he being a householder, and having a family, to the value of five hundred dollars. And no release or waiver of such exemption shall be valid in law, unless by deed for good consideration, acknowledged and recorded as in the case of conveyances of real estate.

Such exemption to be continued after death of the householder, to his widow and family, until

SECT. 2. Such exemption shall continue after the death of such householder, for the benefit of the widow and family of the deceased party, some one of them continuing

to occupy such homestead, until the youngest child become twenty-one years of age, and until the death of the widow.

youngest child shall be 21, and till death of widow.

SECT. 3. To entitle any property to such exemption, it shall be set forth in the deed of purchase that it is designed to be held as a homestead under this act; or, if already purchased, the said design shall be declared by writing, duly sealed and acknowledged, and recorded in the registry of deeds of the county wherein the land lies.

Intention to hold the exemption must, to be valid, be set forth in deed of purchase, and recorded.

SECT. 4. No property shall, by virtue of this act, be exempted from levy for taxes, or for a debt contracted for the purchase thereof, or for any debt contracted before such deed or writing as aforesaid shall have been recorded according to law, nor shall buildings on land not owned by the debtor be exempted from levy for the ground rent of the lot of land whereon such buildings are situated.

In what cases the exemption will not apply.

SECT. 5. Such exemption shall not be deemed to defeat or otherwise affect any mortgage or other incumbrance or lien existing by virtue of any deed, attachment, policy of insurance, or otherwise.

SECT. 6. No conveyance by the husband, of any property exempted as aforesaid, shall be valid in law, unless the wife join in the deed of conveyance.

Conveyance by husband not valid against wife, unless she join.

SECT. 7. If any judgment creditor shall require an execution to be levied on property claimed by the debtor to be exempted from levy under this act, and the officer holding such execution shall be of opinion that the premises are of greater value than five hundred dollars, then appraisers shall be appointed to appraise the premises in the same manner as is provided by law for the levy of executions on real estate. And if in their judgment the premises be of greater value than five hundred dollars, and can be divided without injury to the parties, the said appraisers shall set off to the judgment debtor so much of the said premises, including the dwelling house, as shall appear to them to be of the value of five hundred dollars, and the residue of the property shall be dealt with as other real estate not exempted by law from levy on execution; but if, in the judgment of the appraisers, the said property cannot be conveniently so divided, they shall make and deliver to the said officer their appraisal of the value of the said premises, and the said sheriff, or his deputy, shall deliver a copy thereof to the judgment debtor, or other lawful occupant of said homestead. And it shall be the right of such judgment debtor, or other lawful occupant of the said premises, to pay on such execution the excess of the value of the said premises above the sum of five hundred dollars, and to continue to

When judgment creditor orders execution to be levied on such homestead, and officer estimates it higher than \$500, appraisers to be appointed.

Proceedings in such case.

When homestead cannot be divided—proceedings in such case.

hold the said homestead as provided by this act; but in case the judgment debtor shall not make such payment within sixty days, then the judgment creditor may require the premises to be sold by such sheriff or his deputy, at public sale, after duly advertising the same, and out of the proceeds of said sale to pay to the debtor the sum of five hundred dollars, to be exempted from liability for his debts for one year thereafter, and to apply the balance to such execution: *provided*, that unless a greater sum than five hundred dollars shall be bid for the said premises, they shall not be sold, and the execution may be returned unsatisfied, for want of property to satisfy the same. [*Approved by the Governor, May 24, 1851.*]

If more than \$500 shall not be bid, estate shall not be sold.

Chap 341.

An Act to authorize the Essex Railroad Company to issue Bonds.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to borrow \$350,000, and issue bonds, and

mortgage their road, equipment, &c. to three trustees, as security.

Mortgage not valid, till \$30,000 shall have been disposed of, nor until, &c.

No bond to be sold at less than nominal value. Bondholders may at any time convert bonds into shares.

This act not to impair any previous mortgage.

How the trustees shall appropriate the money.

SECT. 1. The Essex Railroad Company are hereby authorized to borrow money, to an amount not exceeding three hundred and fifty thousand dollars, and to issue bonds therefor, in sums of not less than one hundred dollars each, payable in ten years, with interest semi-annually, and, for the purpose of securing the payment thereof, to mortgage their road, equipment and franchise, and any of their property, real or personal, to three trustees, such as the bondholders shall, by a majority in interest, elect, at a meeting of such bond-holders called for such purpose.

SECT. 2. No such mortgage shall be valid, until bonds to the amount of eighty thousand dollars shall have been disposed of, nor until every creditor of said company shall have had opportunity to take bonds, equal in amount to the company's indebtedness to him, in payment of his debt; such opportunity to be given by a public notice in two of the newspapers of the city of Salem, inviting such creditors to take such bonds for said purpose.

SECT. 3. No bond shall be disposed of for less than its nominal value; and any bond-holder may, at any time before the same are payable, convert his bonds into shares in the capital stock of the said company, at par.

SECT. 4. This act shall not be construed to impair, or legalize, or in any manner affect, any mortgage which may at any time heretofore have been made by the said company.

SECT. 5. It shall be the duty of the trustees aforesaid to appropriate the money that shall be received from the bonds hereby authorized to be issued, first, to the payment

of all claims for land damages against said company, whether reduced to a judgment or not; second, to the payment of the expenses incurred in the construction of the second track between Danvers and Salem, and the depot buildings now being erected in Salem; third, to the payment of the mortgages now existing upon said road, in the order of the priority of their dates; and then to the payment of all other debts of said corporation, till they shall all be paid: *provided, however*, that if any creditor, holding evidence of debt not yet matured, shall refuse to receive payment therefor when it shall be tendered, the trustees in such case shall reserve in their hands an amount of bonds equal to such indebtedment, and shall then be exempted from the restrictions of this section. [*Approved by the Governor, May 24, 1851.*]

Proviso.

An Act to appoint a Board of Commissioners in relation to Alien Passengers and State Paupers. *Chap 342.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The governor and council shall, upon the passage of this act, and hereafter in the month of January, annually, appoint a member of the council, who, with the auditor of accounts of the Commonwealth, and the superintendent of alien passengers for the city of Boston, shall constitute a board of commissioners to superintend the execution of such laws as are now in force, or may hereafter be enacted, in relation to the introduction of aliens into this Commonwealth, and the support of state paupers therein.

Who shall constitute the board.

Its duties.

SECT. 2. The commissioners shall have authority to appoint one or more persons, whose duty it shall be to visit, at least once in every year, all the almshouses or places in the Commonwealth where state paupers are supported, and ascertain, from actual examination and inquiry, whether the laws in respect to such paupers are properly regarded, particularly in relation to such as are able to labor, or are but partially supported by the respective cities and towns; and, in case any infractions of the laws are discovered, make immediate report thereof to the commissioners, who shall examine and decide upon all such cases, and thereupon notify the auditor of accounts. The commissioners shall also give such directions as will insure correctness in the returns now required to be made in relation to paupers, and may use such means as are necessary to collect all desired information in relation to their support.

Commissioners may appoint one or more persons to visit all almshouses, &c. and report infractions of the laws.

May also appoint persons to ascertain the names, &c. of all foreigners arriving in any city by land.

Officers of railroads required to furnish information, &c.

Penalty for refusal.

Ch. 105, stat. of 1850, modified.

Aliens may become chargeable to railroad corporations and other parties bringing them into the Commonwealth.

Proviso.

Commissioners shall report annually.

SECT. 3. The said commissioners shall appoint one or more persons, to be approved by the governor and council, whose duty it shall be to ascertain the names of all foreigners who are landed in any city or town within this State, otherwise than by water, and also procure all such further information in relation to the age, &c., of said foreigners as is practicable, in order to identify them in case they should hereafter become a public charge. And all officers and agents of railroad corporations, and proprietors or agents of other means of conveyance, are hereby required to furnish the agents of the Commonwealth, when so required, with the information above named, so far as in their power, by filling up blanks to be furnished them for that purpose. Any neglect or refusal to furnish such information, when requested, shall be punishable by a fine of not less than twenty dollars for each person in relation to whom the refusal is made, to be collected by the commissioners, for the use of the Commonwealth, of the corporation, proprietors, or agents aforesaid.

SECT. 4. The one hundred fifth chapter of the statutes of the year one thousand eight hundred and fifty, being "an act relating to alien passengers," is hereby so far modified or amended as to except from its provisions, lines of communication established for the regular transportation of passengers by water, and not extending beyond or stopping at places without the limits of the United States; and such lines shall be subject to the provisions and liabilities of this act, in manner and form as provided for railroad corporations, and proprietors of other means of conveyance, in the preceding section.

SECT. 5. Any aliens or other persons who shall be brought into this Commonwealth as above specified, shall, if they fall sick, or from any cause become a public charge within one year after coming into the Commonwealth, be supported, so long as necessary, at the expense of said corporation or party by whose means they were brought into the Commonwealth, in the same manner as is now provided in regard to alien passengers by water: *provided, however*, that the party liable for support shall be notified of his liability, in any particular case, as soon as practicable, in order that he may, if so disposed, provide for other means of support or removal.

SECT. 6. The commissioners shall annually, in the month of January, make a report of their doings to the governor and council, to be laid by the governor before the Legislature, and shall therein make such suggestions, in relation to the present or other plans for the support of paupers, as may occur to them.

SECT. 7. The commissioners shall have such compensation for their services as may be deemed reasonable by the governor and council, and the agents appointed by them, such salary as may be fixed by the commissioners, not exceeding three dollars for each day employed, together with their necessary expenses for board and travel; the same to be paid quarterly, as other public salaries

Compensation to be fixed by governor and council.

SECT. 8. All acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act to secure to Mechanics and Laborers their Payment for Labor, by a Lien on Real Estate. *Chap 343.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any person who shall actually perform labor in erecting, altering or repairing any building, by virtue of any contract with the owner thereof, or other person who has contracted with such owner for erecting, altering or repairing such building, or for the purchase of the land for the purpose of erecting and building thereon, shall have a lien to secure the payment of the wages due or owing him for such labor, by him personally so performed upon such building, and the lot of land on which the same stands, and upon the right of redeeming the same when under mortgage.

Any person actually performing labor, shall have a lien on the building and land.

SECT. 2. Such lien shall be dissolved unless the person who may avail himself of the benefit of this act shall, within sixty days after such labor is performed as aforesaid, file, in the office of the registry of deeds for the county where the land lies, a certificate, containing a just and true account of the demand justly due to him after all just credits given, which is to be a lien upon such land and buildings, and a true description of the property, or so near as to identify the property, to which the lien is intended to apply, with the name of the owner or contractor, or both, if known, which shall in all cases be subscribed and sworn to by himself, or some credible person in his behalf, which certificate shall be recorded by the register of deeds, who shall be entitled to the same fees as for recording deeds of equal length.

Said lien is lost, unless the claimant shall, within 60 days, file in the registry of deeds a true account of the balance due him.

SECT. 3. Unless a suit for enforcing the lien shall have been commenced within seventy days after the time when such labor is performed, such lien shall be dissolved.

Said lien shall be dissolved, unless suit shall be commenced within 70 days after labor performed.

How lien may
be enforced.

SECT. 4. Such lien may be enforced by petition to the court of common pleas for the county where the land lies, in the manner provided by the fifth and subsequent sections of the one hundred and seventeenth chapter of the Revised Statutes.

When debt, se-
cured by lien,
shall be paid, to
be discharged in
registry.

SECT. 5. When any debt secured by such lien shall be fully paid, the creditor shall, at the expense of the debtor, enter on the margin of the registry, where the said certificate is recorded, a discharge of his said lien, or shall execute a deed of release thereof, in like manner as is provided in relation to the release of mortgages after the payment thereof. [Approved by the Governor, May 24, 1851.]

Chap 344.

An Act to incorporate the New England Ice Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Marcus A. Metcalf, Otis H. Weed, John Sherburne, their associates and successors, are hereby made a corporation, by the name of the New England Ice Company, in Boston, for the purpose of cutting, storing, transporting and vending ice, and for this purpose they shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose, &c.

Capital, \$60,-
000.

SECT. 2. The capital stock of the said corporation shall not exceed sixty thousand dollars, and the same may be invested and held in such real and personal estate as shall be necessary and convenient for carrying on the business of the said corporation ; and no shares in the capital stock of the said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, May, 24, 1851.]

Stock issued
only at par.

Chap 345.

An Act authorizing the County Commissioners of the County of Essex to locate a way over Parker River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Way and
bridge provided
for in Newbury.

SECT. 1. The county commissioners of the county of Essex are hereby authorized and empowered to locate a way and construct a bridge over Parker River, in the town of Newbury, in the said county, at or near where Parker River bridge, so called, lately stood ; the expense of the said location and construction to be assessed upon such parties as they may have a right to direct to pay the same.

SECT. 2. The Commonwealth hereby relinquishes all the right surrendered or to be surrendered to it by the stockholders of the said Parker River Bridge Corporation in the property in the said bridge, to the county of Essex, for the purpose of enabling the county commissioners aforesaid to repair or reconstruct the said bridge at a less expense than they otherwise could do.

The Commonwealth surrenders certain rights to the county of Essex

SECT. 3. The inhabitants of the town of Newbury shall, if the said bridge be repaired or reconstructed by order of the said county commissioners, be authorized to collect and receive the same tolls thereon as were granted by law to the proprietors of Parker River Bridge before its surrender to the Commonwealth by said corporation, for the term of ten years from the time said bridge shall be rebuilt as aforesaid. [*Approved by the Governor, May 24, 1851.*]

Tolls authorized.

An Act relating to the Punishment for Offences mentioned in the one hundred and forty-third chapter of the Revised Statutes.

Chap 346.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any person shall be convicted, by a justice of the peace or a police court, of any offence mentioned in the one hundred and forty-third chapter of the Revised Statutes, which may be punished by imprisonment, or by fine and imprisonment, as is provided in "an act relating to police courts," approved April thirteenth, in the year one thousand eight hundred and thirty-seven, he may, instead of the imprisonment therein mentioned, at the discretion of the court, be committed to the house of industry for the like period, and upon the same conditions, as by the provisions of the said act he might be committed to the house of correction, to be there kept according to law, and to the rules and orders thereof.

Convicts in certain cases may be committed to house of industry instead of house of correction.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

When to take effect.

An Act to incorporate the Trustees of the Atkinson School Fund.

Chap 347.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Josiah Little, Andrew W. Miltimore, and David Brown, and their successors, are hereby made a corporation, by the name of the Trustees of the Atkinson School Fund, to be established in the city of Newburyport, with all the powers and privileges, and subject to all the restric-

Corporators.

Powers, liabilities.

ties, &c., R. S. ch. 44. May hold estates not exceeding \$1000 income for educational purposes in a certain part of Newburyport.

tions and limitations, set forth in the forty-fourth chapter of the Revised Statutes, with the liberty of holding and managing real and personal estate, the net income of which shall not exceed one thousand dollars, to be applied exclusively to the purpose of education, in conformity with the provisions of the will of Moses Atkinson, late of Newbury, deceased, and in that part of the said city of Newburyport which was heretofore the second school district in said Newbury.

Treasurer shall give bond.

SECT. 2. The treasurer of said trustees shall give bond to their satisfaction, for the security of all moneys, papers, and funds belonging to said trust, which may come to his hands, and for the faithful discharge of all the duties of his office.

Mayor and aldermen of Newburyport shall be visitors, and have power to remove trustees, &c.

SECT. 3. The mayor and aldermen of the city of Newburyport shall be the visitors of said fund, and see to the rightful application of it, according to the provisions of this act; and they shall have the power of removing any of said trustees, for good cause, and vacancies occurring therein may be filled by the surviving members, subject to the approval or rejection of said mayor and aldermen.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

Chap 348.

An Act concerning the indictment of Corporations.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporations refusing to appear, may be defaulted.

SECT. 1. Whenever any corporation, which has been indicted under the statutes of this Commonwealth, shall fail to appear after being duly served with process, its default shall be recorded, and the charges in the indictment shall be taken to be true, and judgment shall be rendered accordingly.

Judgment rendered.

Warrants of distress may be issued.

SECT. 2. Whenever judgment shall be rendered on default as aforesaid, the court having jurisdiction of the case may issue a warrant of distress to compel the payment of the penalty prescribed by law, together with all costs, and lawful interest.

When to take effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1851.*]

An Act in addition to the several Acts for the Relief of Insolvent Debtors, and the more equal Distribution of their Effects. *Chap 349.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any creditor of any insolvent debtor resides in any foreign country, and the debt claimed by him is founded on any contract made by the debtor with the consignee or agent of such creditor, residing within the United States, the oath required by law to the validity of the claim may be made by such consignee or agent, instead of the principal creditor.

When creditor resides in foreign country, agent here may make claim and oath.

SECT. 2. Whenever any assignee or assignees of any insolvent estate shall remove from this Commonwealth, and shall unreasonably refuse or neglect to obey any lawful order of the commissioner for the calling of the meetings of the creditors, or the settlement of his accounts, or shall otherwise unreasonably refuse or neglect to discharge his duties as such assignee, the commissioner may, at his discretion, remove all or any such assignee or assignees, and may appoint one or more assignee or assignees in his or their place, and all the estate of the debtor, not before lawfully disposed of, shall be forthwith as effectually and legally vested in such new assignee or assignees, as if the original assignment had been made to him or them; and the former assignee or assignees shall, on request, at the expense of the estate, make and execute to the new assignee or assignees, all such deeds, conveyances and assurances, and do all such other acts and things, as may be necessary and proper to enable the new assignee or assignees to demand, recover and receive all the said estate.

An assignee, leaving Commonwealth, and unreasonably refusing to account, may be dismissed and compelled by commissioner, who may appoint a new assignee.

SECT. 3. So much of the fifth section of the three hundred and fourth chapter of the statutes of eighteen hundred and forty-eight as requires the several commissioners of insolvency, if the fees received by them respectively, in each year, shall exceed the sum of fifteen hundred dollars, to account for and pay the excess into the treasury of the Commonwealth, be and the same is hereby repealed.

Part of sec. 5, ch. 304, of statutes of 1848, in certain cases, inoperative.

SECT. 4. So much of the acts to which this is in addition, as is inconsistent herewith, is hereby repealed. [*Approved by the Governor, May 24, 1851.*]



RESOLVES

PASSED BY THE

Legislature of Massachusetts.

Resolves providing for the Distribution of the Report of the Sanitary Commission. *Chap. 1.*

Resolved, That the report of the sanitary commission be distributed as follows: five copies each to the secretary of the Commonwealth, the clerk of the senate, the clerk of the house of representatives, and the state library, for the use of their offices respectively; one copy each to the governor, the lieutenant governor, each member of the executive council, each member of the senate and house of representatives for the current year; to the governor, lieutenant governor, and each member of the executive council for the year one thousand eight hundred and fifty; to the clerk or registrar of each city and town in the Commonwealth for the use of the town or city; to each college and normal school, to each academy, atheneum, mechanics institute, public library, and public charitable institution in the Commonwealth, which is incorporated and now in active operation; to each medical school or college in this Commonwealth; to each member of Congress from this State; to the president of the United States, each member of his cabinet, and the secretary of the census board; to the surgeon general of the United States, the library of Congress, the state librarians of the several states, the boards of health of the principal cities in the United States; one hundred copies to the editors of different newspapers and periodicals in this Commonwealth, and one hundred and fifty copies to the sanitary commission.

To whom distributed.

Resolved, That the said distribution be made under the joint direction of the secretary of the Commonwealth, the

Shall be made by the secretary, librarian.

and chairman of
sanitary commis-
sion.

state librarian, and the chairman of the sanitary commis-
sion, in such form and binding as they may deem proper,
and that two hundred and fifty copies be placed in their
hands, to be distributed at their discretion, so as best to
promote the objects of said commission.

Remainder left
with librarian.

Resolved, That the remainder of said copies, if any,
shall be kept by the state librarian, for the future disposi-
tion of the Legislature. [*Approved by the Governor, Feb-*
ruary 1, 1851.]

Chap. 2.

Resolve to pay the late Acting Clerk of the House of Representatives.

§30 allowed.

Resolved, That there be allowed and paid, out of the
treasury of the Commonwealth, to Charles W. Storey, the
sum of thirty dollars in full, for his services as acting clerk
of the house of representatives during the organization
thereof at the commencement of the present session, and
that a warrant be drawn accordingly. [*Approved by the*
Governor, February 8, 1851.]

Chap. 3.

Resolve authorizing the Treasurer to borrow Money in anticipation of
the Revenue.

May borrow
such sums, &c.

Resolved, That the treasurer of this Commonwealth be
and he hereby is authorized to borrow, in anticipation of
the receipts of the present year, of any of the banks of
this Commonwealth, or of any corporation therein, or of
any individual or individuals, such sum or 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, and that he repay any sum he may borrow,
as soon as money sufficient for the purpose, and not other-

May repay, &c.

Proviso.

wise appropriated, shall be received into the treasury; *pro-*
vided, however, that the whole amount borrowed by au-
thority hereof and remaining unpaid, shall not at any time
exceed the sum of two hundred thousand dollars. [*Ap-*
proved by the Governor, February 10, 1851.]

Chap. 4.

Resolve for the Pay of the Council, Senate and House of Representa-
tives.

§2 per day to
each member
of the senate
and house, and
§2 for every
ten miles' travel.

Resolved, That there be paid, out of the treasury of this
Commonwealth, to each member of the senate and house
of representatives, two dollars for each and every day's
attendance during the present political year, and two dol-
lars for every ten miles' travel from their respective places
of abode, once in each session, to the place of the sitting
of the General Court; and also to each member of the
council, two dollars for each and every day's attendance

Same to mem-
bers of the
council.

at that board, at every session thereof during the present political year, and two dollars for every ten miles' travel from their respective places of abode, once in each session thereof; and to the president of the senate and the speaker of the house of representatives, each two dollars a day for every day's attendance in addition to their pay as members, and that warrants be drawn accordingly on the orders of the respective branches. [*Approved by the Governor, February 12, 1851.*]

President of senate and speaker of house \$2 per day additional.

Resolve on the Petition of the Gloucester Mutual Fishing Insurance Company. *Chap. 5.*

Resolved, for reasons set forth in the said petition, that the penalty incurred by the Gloucester Mutual Fishing Insurance Company, by a delay, in December last, for four days, in making their return to the secretary of the Commonwealth, be and the same is hereby remitted. [*Approved by the Governor, February 26, 1851.*]

Penalty remitted.

Resolve in aid of a Monument to Captain Isaac Davis.

Resolved, That the sum of two thousand dollars be and the same is hereby appropriated for a monument of marble or granite to Captain Isaac Davis, to be erected in the town of Acton, under the direction of his excellency the governor, in connection with a committee of the said town, and the governor is hereby authorized to draw his warrant accordingly: *provided*, that the citizens of the said town of Acton shall raise the sum of five hundred dollars for the same purpose. [*Approved by the Governor, February 26, 1851.*]

Chap. 6.

\$2000 granted.

Warrant authorized. *Proviso.*

Resolve in favor of the Guardian and Overseers of the Chapequiddic Indians and People of Color in Dukes County. *Chap. 7.*

Resolved, That one hundred and thirty-two dollars be paid, out of the treasury of this Commonwealth, to Leavitt Thaxter, guardian, for the use of himself and the overseers of the said Indians and people of color, in full for expenses by them incurred, in dividing lands among the said Indians and people of color, according to the provisions of the special act passed on the tenth day of March, in the year one thousand eight hundred and twenty-eight, and that a warrant be drawn for the same. [*Approved by the Governor, February 28, 1851.*]

\$132 granted.

Warrant authorized.

Resolve in favor of Thomas Stanwood.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Thomas Stanwood, of

Chap. 8.

§50 per annum granted during life.

For revolutionary services. Warrants authorized.

Newburyport, in the county of Essex, the sum of fifty dollars, annually, during his natural life, commencing on the first day of January, in the year one thousand eight hundred and fifty-one, for services rendered in the war of the revolution, and that warrants be drawn therefor accordingly. [*Approved by the Governor, February 28, 1851.*]

Chap. 9.

Resolve for the Pay of the Legislature and its officers monthly.

§50 paid to each member every month. *Proviso.*

Resolved, That there be paid, out of the treasury of the Commonwealth, to each member of the Legislature, at the end of every month during its session, the sum of fifty dollars: *provided*, it shall appear, by the certificate of the clerk of either house, that the pay of the member for the month, as by the resolve passed on the twelfth day of February, in the year one thousand eight hundred and fifty-one, chapter four, amounts to that sum, not including travel. Also, that there be paid to the clerks, messengers, doorkeepers and pages of the two houses, a proportionate sum upon producing the proper certificate. And his excellency the governor is hereby authorized to draw his warrant on the treasurer for the sum of fifty thousand dollars for the purpose above specified. [*Approved by the Governor, February 28, 1851.*]

Clerks, messengers, &c., a proportionate sum. Governor may draw warrant for §50,000.

Chap. 10.

Resolve concerning certain Military Documents.

Secretary authorized to obtain muster rolls, &c.

Resolved, That the secretary of the Commonwealth be authorized and directed to obtain, from the proper department of the government of the United States, the muster rolls and other documents and vouchers relating to the service of the Massachusetts militia, in the last war with Great Britain, or copies of the same, to be furnished by the United States, and his excellency the governor is authorized to draw his warrant on the treasury for such sum as may be necessary for the purpose aforesaid: *provided*, the same shall not exceed two hundred dollars. [*Approved by the Governor, February 28, 1851.*]

Warrant authorized not exceeding §200. *Proviso.*

Chap. 11.

Resolve in favor of Augustus C. Frissell, of Peru.

§102.70.

For expenses, &c.

Resolved, That one hundred and two dollars and seventy cents be paid, out of the treasury of this Commonwealth, to Augustus C. Frissell, of Peru, in full for the expenses of his sickness, while a member of this house in the year one thousand eight hundred and fifty, and that a warrant be drawn therefor. [*Approved by the Governor, March 10, 1851.*]

Resolve on the Petition of William B. Bannister and Sarah W. Hale. *Chap. 12.*

Resolved, for reasons set forth in the said petition, that so much of the resolve passed on the sixth day of May, in the year one thousand eight hundred and forty-eight, relating to the sale of certain real estate therein referred to by the said Sarah W. Hale, be so far modified as to permit the sureties in any bond required to be given by the said Sarah W. Hale, or the said William B. Bannister, under the provisions of the said resolve, to become sureties in any new bond required of them: *provided, always*, that the said sureties, in any such new bond, be taken and considered, by the judge of probate for the county of Essex, to be good and sufficient for the purposes contemplated in the said resolve; and so much of the resolve of May sixth, in the year one thousand eight hundred and forty-eight, being chapter fifty-five of the resolves of that year, as is inconsistent with this resolve, is hereby annulled. [*Approved by the Governor, March 10, 1851.*]

Resolve on the Petition of Ward Poole and others.

Chap. 13.

Resolved, for reasons set forth in the said petition, that Lewis Allen, trustee under the last will and testament of Ward Poole, deceased, late of Danvers, in the county of Essex, is hereby empowered to sell, at public or private sale, such portions of the real estate left in trust by the said will, the same being situated in said Danvers, in Salem, in said county of Essex, and in Worcester, in the county of Worcester, as the said trustee shall deem best for the interests of those concerned, and to convey the same by deed duly executed and acknowledged; and the said trustee shall hold and invest the proceeds of such sale, for the purposes of the trust created in the said will, in such manner as shall be approved by the judge of probate for the said county of Essex: *provided*, that the said trustee shall first give bond, with sufficient surety or sureties, to the said judge of probate, for the faithful execution of the power hereby conferred; and the said proceeds shall be considered as real estate, and the same, and the income thereof, shall be held and disposed of among the same persons, and in the same proportions, as the real estate would have been, if it had not been sold. [*Approved by the Governor, March 10, 1851.*]

Trustee empowered to sell and convey real estate;

and invest proceeds, &c.

Proviso.

Resolve on the Petition of Abraham Wilcox.

Chap. 14.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to Abraham Wilcox, the sum of fifty-eight dollars and seventy-

\$58.76 granted for expenses incurred.

six cents, for expenses incurred in the detection of Thomas Loyd, and the discovery of stolen property, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 10, 1851.*]

Chap. 15.

Resolve granting Taxes for the several Counties.

Resolved, That the sums placed against the names of the several counties, in the following schedule, are hereby granted as a tax for each county, respectively, to be assessed, paid, collected and applied according to law, namely: county of Essex, fifty-five thousand two hundred dollars; county of Middlesex, eighty-three thousand two hundred and sixty-four dollars; county of Worcester, fifty thousand dollars; county of Hampshire, fourteen thousand dollars; county of Hampden, twenty-nine thousand dollars; county of Franklin, ten thousand dollars; county of Berkshire, eighteen thousand dollars; county of Norfolk, forty thousand dollars; county of Plymouth, sixteen thousand dollars; county of Bristol, thirty thousand dollars; county of Barnstable, seven thousand five hundred dollars; county of Duke's County, two thousand five hundred dollars. [*Approved by the Governor, March 13, 1851.*]

Chap. 16.

Resolve in favor of William H. Luce.

§16.37 for medical attendance on an Indian.

Resolved, That there be paid, out of the treasury of this Commonwealth, to William H. Luce, of Tisbury, the sum of sixteen dollars and thirty-seven cents, in full for medical attendance upon Recall De Grass, a Christiantown Indian, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 22, 1851.*]

Chap. 17.

Resolve in favor of Knowles Butler.

§40.

For services as member Legislature.

Resolved, That there be paid, out of the treasury of the Commonwealth, to Knowles Butler, of Falmouth, in the county of Barnstable, the sum of forty dollars, being the amount due him for services at the last session of the Legislature; and that a warrant be drawn accordingly. [*Approved by the Governor, March 22, 1851.*]

Chap. 18.

Resolve on the Petition of Francis Tuttle.

§10,000 offered for remedy for the potato rot.

Resolved, That a reward of ten thousand dollars be offered to any person, within this Commonwealth, who shall satisfy the governor and council that, by a test of at least five successive years, he has discovered a sure and practical remedy for the potato rot, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 22, 1851.*]

Resolve on the Petition of the Selectmen of the Town of West Newbury. *Chap. 19.*

Resolved, for reasons set forth in the said petition, that there be reserved, out of the present year's income of the school fund, for the benefit of the town of West Newbury, a sum equal to what that town would have received from the income of the same for the last year, if the return of the school committee of the said town had been allowed; and that the same, so reserved, be added to the share, if any, to which the said town of West Newbury may be entitled, in the present year's income of the said fund. [*Approved by the Governor, March 22, 1851.*]

Share of the income of the school fund granted for last year.

Resolve for defraying the Expenses of receiving and forwarding Articles for the Industrial Exhibition, in London. *Chap. 20.*

Resolved, That a sum not exceeding eight hundred dollars, be and the same is hereby appropriated, under the direction of the committee on public expenditures, for the purpose of defraying the expenses incurred by the state committee, appointed to receive and forward such articles as may be contributed by citizens of this State, for the purpose of exhibition in the fair to be held in London, the present year; and that the governor be authorized to draw a warrant on the treasury for the same. [*Approved by the Governor, March 31, 1851.*]

\$800 granted

for expenses connected with the London exhibition.

Resolves for printing the Annual Reports of the State Reform School and the State Prison. *Chap. 21.*

Resolved, That the secretary of the Commonwealth for the time being, be authorized and directed to cause to be printed, annually, before the meeting of the Legislature, or as soon thereafter as may be, three thousand copies of the Annual Report of the State Reform School, and one thousand five hundred copies of the State Prison Report, and that he cause the former to be printed as document number two, and the latter as document number three, of the house of representatives.

3000 copies of Report of State Reform School.
1500 copies State Prison Report.

Resolved, That one thousand five hundred copies of the Report of the State Reform School, be furnished to the superintendent of the school for the time being, for the use of the institution. [*Approved by the Governor, March 31, 1851.*]

1500 copies furnished to the superintendent of State Reform School.

Resolve concerning the United States Census of this State. *Chap. 22.*

Resolved, That the secretary of the Commonwealth cause the manuscript copies of the United States census returns of this Commonwealth, taken in the year one thousand eight hundred and fifty, to be substantially bound in Rus-

Secretary shall cause the United States census returns to be bound, &c.

sia half binding, in volumes of suitable size for preservation and use; the same to be properly numbered or labelled, by counties, for convenient reference, and to be deposited in the State Library. [*Approved by the Governor, March 31, 1851.*]

Chap. 23. Resolve on the Petition of the Overseers of the Poor of Gay Head.

§104 for paupers.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to William A. Vander Hoop, Amos Jeffers, and Zaccheus Cooper, overseers of the poor of Gay Head, the sum of one hundred and four dollars, for the support of Alexander Brown and Philip Johnson, aged paupers belonging to the said tribe, for the year one thousand eight hundred and fifty; and that there be allowed and paid to the overseers of the poor of Gay Head, annually, the sum of one dollar a week for the support of each of the said paupers, from the first day of January, in the year one thousand eight hundred and fifty-one, during their natural lives; and that warrants be drawn accordingly. [*Approved by the Governor, April 5, 1851.*]

One dollar per week authorized for each pauper hereafter.

Chap. 24. Resolve in favor of Joshua Owen.

§75 per annum granted.

Resolved, for reasons set forth in his petition, that there be paid, out of the treasury of the Commonwealth, to Joshua Owen, the sum of seventy-five dollars a year, during his natural life, in semi-annual payments, the first to be made on the first day of May, in the year one thousand eight hundred and fifty-one, and that warrants be drawn accordingly. [*Approved by the Governor, April 14, 1851.*]

Chap. 25. Resolve on the Petition of Benjamin Wheeler and another, Executors.

James Wyman authorized to sell and convey real estate.

Resolved, for the reasons in the said petition set forth, that James Wyman, of Boston, be and he is hereby authorized and empowered to sell, either at public or private sale, for cash or on credit, and to convey in fee simple, by good and sufficient deeds, discharged from all trusts and liability for the application of the purchase money, the premises described in the said petition, consisting of a piece of land, with the buildings thereon, situated at Point Shirley, in that part of Chelsea, in the county of Suffolk, called North Chelsea, lying between the land and estate of William Tewksbury and the sea, and running northeasterly across said Point Shirley, by land of the said Tewksbury, about sixty-six rods, to the easterly shore of said Point Shirley; thence easterly, southerly and southwesterly, by Lynn Bay, Point Shirley Gut, so called, and by Boston harbor, to the

point of beginning ; also, one undivided half of an estate, with an old brick house and shop thereon, situated in Washington street in Boston, in the county of Suffolk, measuring in front twenty-four feet and four inches ; bounded easterly, in the rear, on an estate described in the said petition as bounded on Bedford street, there measuring twenty-three feet and three inches ; the said estate on Washington street being about seventy-three feet in depth : and, also, one undivided half of an estate, with the buildings thereon, situated in Bedford street, in said Boston, measuring in front nearly thirty feet, from front to rear about eighty-five feet, and on the rear line, thirty feet : all the said property having been devised by the will of Benjamin Wheeler, deceased, named in the said petition, to Benjamin Wheeler, one of the said petitioners, during his life, and after his death to his children ; the said devise being of the whole of the said estate at Point Shirley, and one-half of the rest of the said property : *provided, however,* that the said Wyman shall first give such bond with sureties to the judge of probate, for the time being, of the county of Suffolk, as the said judge shall approve, with condition faithfully to exercise all and singular the powers hereby granted ; and the said bond shall provide that the proceeds of the sales of the said premises shall be placed at interest, secured by mortgages of real estate, or invested in the funded debt of this Commonwealth, or of the city of Boston, and that the interest derived from such investments shall be paid to the said Benjamin Wheeler, during his life, and that the principal shall be held for the benefit of the children of the said Wheeler, at his decease : *and provided, also,* that the said Benjamin Wheeler shall join in the deeds to be given as aforesaid, thereby conveying his interest in the several estates above named. [*Approved by the Governor, April 14, 1851.*]

Said Wyman shall give bond, &c.

Benjamin Wheeler shall join in the deeds.

Resolve on the Petition of the Overseers of Salem Monthly Meeting of Friends. *Chap. 26.*

Resolved, for reasons set forth in said petition, that Estes Newhall, Micajah C. Pratt, Nathan Breed, Samuel Neal, David Rodman, Enoch Page, Solomon Varney, and David Osburn, overseers of Salem Monthly Meeting of Friends, or their successors, are authorized to sell, at public or private sale, all or any part of the real estate devised to overseers of Salem Monthly Meeting of Friends, in trust, by Abigail Hawkes, by her last will, approved at a probate court holden at Salem, within and for the county of Essex, on the first Tuesday in April, in the year one thousand eight hundred and forty-six, and all the real estate devised

Overseers authorized to sell real estate,

and convey the same.

Proceeds to be invested, &c.

to the overseers of Salem Monthly Meeting of Friends, in trust, by Elizabeth Hawkes, by her last will, approved at a court of probate holden at Lynn, in and for the county of Essex, on the first Wednesday in July, in the year one thousand eight hundred and forty-four, and to convey the same, in fee simple or otherwise, to the purchaser or purchasers, discharged of the said trust; the proceeds of such sales to be in lieu thereof, and to be invested in real or personal securities, or in both, and the net income arising therefrom to be applied according to the terms of the said wills. [*Approved by the Governor, April 14, 1851.*]

Chap. 27.

Resolve on the Petition of Elijah Clark, Administrator.

Commonwealth releases lands to James Holton and J. W. Hollis.

Resolved, for reasons set forth in said petition, that this Commonwealth release to James Holton and John W. Hollis, both of Brighton, in the county of Middlesex, all its right in and to certain lots or parcels of land, lying and being in said Brighton, by reason of the alienage of one Augustus Smith, late of the city of Boston, deceased, which said lots or parcels of land are particularly described in two separate deeds, bearing date the twenty-second day of May, in the year one thousand eight hundred and fifty, given by the said Clark, as administrator of the estate of the said Smith, deceased, to the said Holton and Hollis, and recorded in the registry of deeds for the county of Middlesex, to which reference may be had; and the said Commonwealth hereby releases all its right in and to the said lands by reason of the alienage of the said Smith, as aforesaid, to be held and enjoyed by the said Holton and Hollis, free of all claim of the Commonwealth, in the same manner as if the said Smith had been a naturalized citizen of the United States. [*Approved by the Governor, April 14, 1851.*]

Chap. 28.

Resolve in favor of Charles King.

§122.

Member H. of R., 1850, from Barre.

Resolved, That the sum of one hundred and twenty-two dollars be paid, out of the treasury of the Commonwealth, to Charles King, of Barre, in full payment as a member of the house of representatives from the town of Barre, for the year one thousand eight hundred and fifty, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 14, 1851.*]

Chap. 29.

Resolve on the Petition of Fanny W. Redding.

F. W. Redding empowered to sell real estate.

Resolved, That, for reasons set forth in the petition, the said Fanny W. Redding is hereby empowered to sell any or all real estate in this Commonwealth of which she is possessed, or of which she now enjoys the income, under

the provisions of the will of her late father, Nathan Winship: *provided*, that the proceeds thereof shall be invested under the direction of the judge of probate for the county of Middlesex, subject to the provisions of the will of the said Nathan Winship, her deviser. [*Approved by the Governor, April 14, 1851.*]

Proviso.

Resolve in favor of the Franklin County Agricultural Society.

Chap. 30.

WHEREAS, the Franklin County Agricultural Society, incorporated in the year one thousand eight hundred and fifty, in the course of the last year established a fund agreeably to the provisions of the Revised Statutes, and awarded premiums in September last, on the supposition that the bounty of the Commonwealth would be paid to it, as to other agricultural societies, which from previous existence have made the returns prescribed by law; therefore,

Resolved, That there be paid out of the treasury of the Commonwealth, to the Franklin County Agricultural Society, such sum as the said society would have been entitled to receive, agreeably to the provisions of the laws respecting agricultural societies, had its existence admitted of an annual return in the month of January, in the year one thousand eight hundred and fifty; and the governor is hereby authorized to draw a warrant for the same accordingly. [*Approved by the Governor, April 24, 1851.*]

Paid the same as other agricultural societies, &c.

Resolve authorizing the Board of Education to appoint Agents.

Chap. 31.

Resolved, That the board of education be and they are hereby authorized to appoint two or more suitable persons to visit the towns and school districts, in such parts of the Commonwealth as may seem expedient to the said board, for the purpose of inquiring into the condition of the public schools, lecturing upon subjects connected with education, and, in general, of giving and receiving information, in the same manner as the secretary of the board would do if he were present; and that, to defray the expense of the same, his excellency the governor, with the advice and consent of the council, be authorized to draw his warrant on the treasury, for a sum not exceeding twenty-five hundred dollars annually, and for a period not exceeding two years. [*Approved by the Governor, April 24, 1851.*]

May appoint two or more agents.

Governor may draw warrant, not exceeding \$2500 annually.

Resolves on the Petition of John M. Forbes and others.

Chap. 32.

Resolved, for the reasons in the said petition set forth, that John M. Forbes and Samuel Henshaw, as they are trustees under the marriage settlement of Joseph Lyman

Additional powers are granted to J. M. Forbes and Samuel

Henshaw, trustees under the marriage settlement of Joseph and Susan B. Lyman, whenever any trust moneys are received, on sale or change of any trust estate, to invest same in real estate out of Boston, and stocks, at discretion, as the best interests of the parties seem to require.

Said investments to be made under same responsibility and liability as provided in the marriage settlement.

Trustees also empowered to borrow money, and to mortgage the trust estate, when the interests of parties seem to require, and the parties, in writing, request it.

Mortgagees not responsible for application of the money.

Trustees responsible for appropriation and application of the money, and, before exe-

and Susan B. Lyman, formerly Susan B. Coolidge, dated the nineteenth day of April, in the year one thousand eight hundred and forty-one, and recorded with Suffolk deeds, in book four hundred and sixty-seven, folio one hundred and sixty-two, and their successors in the said trust, may, upon the sale of the trust estate held by them under the said marriage settlement, or upon the sale of any part thereof, which they may be authorized by the said settlement to make, or upon the receipt by them of any moneys or estate, to be held by them under the said settlement, have the power and authority, in addition to the powers of investment which they now have, to invest, upon and with the written consent and request of the said Joseph and Susan, the proceeds of such sales, changes of investment and receipts, in such real estate out of the city of Boston, and such stocks, as they may deem to afford safe and secure investments, and to be for the best interests and security of all parties in interest, under the said settlement. And the said investments, by this resolve authorized to be made, shall be made by the said trustees upon and under the same responsibility and liability as is by the said settlement provided for all the acts and doings of the said trustees.

Resolved, That the said trustees and their lawful successors in the said trust be and they hereby are authorized, from time to time, whenever in their judgment the proper care and preservation of the trust property, or the best interests of all parties interested under the said settlement, may require, and the said Joseph and Susan may in writing request, to borrow of any person or persons any sum or sums of money, upon such terms, as to time of payment and rate of interest, not exceeding six per cent., as they may think advisable, and, as security therefor, to convey in fee and in mortgage, to the person or persons loaning such money, and his or their heirs and assigns, the real estate held by them as trustees under the said settlement, or any portion thereof; the said mortgagees, their heirs and assigns, to be in no wise responsible for the appropriation or application of the sum or sums of money so loaned, and the deeds of mortgage, when executed and delivered by the said trustees and their successors in the said trust, to be valid and effectual to pass the said real estate, free and discharged of and from all and singular the trusts in the said marriage settlement set forth, fully and absolutely to all intents and purposes; but the said trustees and their successors shall make such appropriation and application, under the same responsibility as is provided in and by the said marriage settlement for all their acts and doings, and shall

also, before executing any such deed or deeds of mortgage, give bond to the judge of probate for the county of Suffolk, in such penal sum, and with such surety or sureties, as shall be approved by the said judge, with condition faithfully to make such appropriation and application for the improvement and advantage of the trust property, or as the best interests of all interested under the said settlement may require. *[Approved by the Governor, April 24, 1851.]*

cutting the deed, to give bond to judge of probate.

Resolve for the Payment of the Accounts of the State Lunatic Hospital.

Chap. 33.

Resolved, That there be paid out of the treasury of the Commonwealth, to the State Lunatic Hospital, the sum of five hundred and seventeen dollars and eight cents, or so much of the said sum as shall, after an examination by the auditor of accounts, be found due for the support of lunatic paupers, prior to the first day of December, in the year one thousand eight hundred and forty-nine, in the said hospital; and that the auditor be authorized hereafter to allow the said hospital any account which he may find to be actually due to the same, although such account may not be presented within the time prescribed by law. *[Approved by the Governor, April 24, 1851.]*

§517.03 for support of lunatic paupers in hospital, before Dec. 1, 1849.

Resolve on the Petitions of the Towns of Weymouth and Abington.

Chap. 34.

Resolved, for reasons set forth in the said petitions of the selectmen of the towns of Weymouth and Abington, that there be paid, out of the treasury of the Commonwealth, five hundred and twenty-two dollars and thirty-two cents, to each of the said towns, in full for expenses incurred in running the county line between the county of Norfolk, on the north, and the counties of Plymouth and Bristol, on the south; and that a warrant be drawn therefor accordingly. *[Approved by the Governor, April 24, 1851.]*

§522.32 to each town for expenses in running county line.

Resolve in aid of the American Institute of Instruction.

Chap. 35.

Resolved, That there be paid out of the treasury of the Commonwealth, to the directors of the "American Institute of Instruction," the sum of three hundred dollars, to defray the expenses of the said institute for the year one thousand eight hundred and fifty; and that there be paid annually, in the month of August, for the term of four successive years, to the said directors, the sum of three hundred dollars; and that warrants be drawn accordingly. *[Approved by the Governor, April 24, 1851.]*

§300 for 1850, and same for four successive years.

Chap. 36.

Resolve on the Petition of Alexander Kenrick.

§269 for expenses and services in detecting supposed burglars.

Resolved, for reasons set forth in the said petition, that there be paid out of the treasury of the Commonwealth, to Alexander Kenrick, of Orleans, the sum of two hundred and sixty-nine dollars, in full, for expenses incurred and services rendered in detecting supposed burglars, for robbing the safe of the Union Wharf Company, in Provincetown, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 24, 1851.*]

Chap. 37.

Resolve on the Petition of Bridget Henry and another.

Bridget Henry, Bridget Henry, Jr. and Henry Hart, allowed to hold balance of estate of Patrick Henry, of Worcester, so far as the Commonwealth is concerned.

Resolved, for reasons set forth in the said petition, that Bridget Henry and Bridget Henry the younger of that name, both of the city of Worcester, and Henry Hart, of Southborough, in the county of Worcester, the next of kin of Patrick Henry, late of said Worcester, deceased, intestate, be allowed to take, inherit and hold, in equal shares, all the balance of the proceeds of the estate of the said intestate remaining in the hands of the administrator, upon the settlement of the account of the administration of the same, so far as the Commonwealth has any right or interest in such balance, by reason of escheat; and such right and interest is hereby released and confirmed to the said parties. [*Approved by the Governor, April 24, 1851.*]

Chap. 38.

Resolve for the Pay of the Clerks of the Legislature.

To clerks §10 per day each; to assistant clerks §6 each.

§150 additional to each clerk for copying journals of State library.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the clerk of the senate and the clerk of the house of representatives, each the sum of ten dollars a day, and to the assistant clerk of the senate and the assistant clerk of the house of representatives, each the sum of six dollars a day, for each and every day they have been or may be employed in that capacity during the present session of the Legislature; and that there be further paid to the clerk of the senate and the clerk of the house of representatives, the sum of one hundred and fifty dollars each, for copying the journals for the State library, as required by the orders of the two houses, and that warrants be drawn accordingly. [*Approved by the Governor, April 24, 1851.*]

Chap. 39.

Resolve in favor of Bathsheba J. Holland.

§300 to be paid in full of all claims heirs of Park Holland

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Bathsheba J. Holland, of Bangor, in the state of Maine, daughter of Park Holland, late of said Bangor, deceased, the sum of three hun-

dred dollars, in full payment and satisfaction of any and all claims, which the heirs of said Park Holland may have against the Commonwealth, by reason of services rendered to the State by him, jointly with J. Maltby and John Mandeville, as set forth in a report and resolve upon the petition of the above mentioned parties, submitted to the senate of this Commonwealth in February, in the year one thousand seven hundred and ninety-seven, and that the governor draw a warrant accordingly, [*Approved by the Governor, April 30, 1851.*]

may have against Commonwealth for services described.

Resolve on the Petition of Josiah Brown.

Resolved, for reason set forth in the said petition, that the doings of Newton Curtis, guardian of Richard Sweetser, in the sale and conveyance of the estate now owned by the said Brown, and mentioned in the said petition, so far as the same relates to the obtaining the consent of the overseers of the poor, be and the same are hereby confirmed, so that the title of the said Brown, and of all claiming under him, shall be deemed good and valid in law, in the same manner as if the said consent had been given and filed in the probate office, prior to the granting of the license for the said sale. [*Approved by the Governor, April 30, 1851.*]

Chap. 40.

Doings of Newton Curtis, guardian, in sale of real estate, confirmed.

Resolve in favor of Lyman Webster.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Lyman Webster, of Tyringham, the sum of forty dollars a year, for three years, for injuries sustained by him while in the performance of military duty, the said sum to be paid annually, on and after the first day of May, in the year one thousand eight hundred and fifty-one, and that warrants be drawn accordingly. [*Approved by the Governor, April 30, 1851.*]

Chap. 41.

\$10 per annum for three years, for injuries in performing military duty.

Resolve on the Petition of Jacob H. Kent and others.

Resolved, for the reasons in said petition set forth, that Jacob H. Kent, as he is trustee under the last will and testament of Francis Brown, of Boston, deceased, dated the thirteenth day of January, in the year one thousand eight hundred and twenty-six, and proved, approved, and allowed at a probate court holden at Boston, within and for the county of Suffolk, on the twenty-ninth day of May, in the year one thousand eight hundred and twenty-six, and his successors in the said trust be and they are hereby authorized to sell and convey, in fee simple, all the real estate

Chap. 42.

Jacob Kent, trustee by will of Francis Brown, authorized to sell at discretion, and convey, in fee simple, certain real estate, described.

Net proceeds,
how to be in-
vested.
Proviso.

Bond first to be
filed in the
probate office.

of which the said testator died seized, situated on Hollis street, in said Boston, at private sale or public auction, as he or they may deem expedient, and the net proceeds thereof to invest upon security, either by way of mortgage, or in United States or Massachusetts stocks: *provided, however,* that the said Kent, or his successors in the said trust, shall, before such sale and conveyance, file in the probate office of the county of Suffolk, a bond with sureties to the satisfaction of the judge of the said court, with condition to pay the interest of the said fund to Martha Brown, the widow of the said testator, after deducting the costs and expenses of managing the said fund, during her life, and at her decease to pay over the said fund to Philip Brown, a brother of the said testator if then living, or in the case of his decease, to his heirs, according to the provisions of the said will. [*Approved by the Governor, April 30, 1851.*]

Chap. 43.

Resolve on the Petition of Eliakim Buckman and others.

Devises of
Samuel Wait,
of Malden, au-
thorized to sell
and convey
their interest in
certain land in
Malden, de-
scribed.

Resolved, for reasons set forth in the said petition, that the devisees of Samuel Wait, late of Malden, in the county of Middlesex, be and they hereby are authorized to sell and convey the interests to them respectively belonging, by virtue of the last will and testament of the said Samuel Wait, in a certain parcel or tract of land, situated in said Malden, containing thirteen acres of marsh land, more or less, bounding northerly on land now or late of Otis H. Weed; easterly on land now or late of Charles Lewis and John Noble, and a creek; southerly on the said creek, and land now or late of Timothy Bailey; and westerly on Malden River as the same runs. The interests of those of the said devisees, who are of full age, to be by them conveyed, and the interests of any of the said devisees who may be minors to be conveyed by their respective guardians duly appointed; and this resolve shall take effect from and after its passage. [*Approved by the Governor, April 30, 1851.*]

Interests of mi-
norors to be sold
by guardians.

Chap. 44.

Resolve concerning Idiotic Children.

\$5,000 annu-
ally.

Proviso.

Resolved, That there be paid, annually, out of the treasury of the Commonwealth, to the treasurer of the Massachusetts School for Idiotic and Feeble-minded Youth, the sum of five thousand dollars, to be devoted to teaching and training indigent idiotic children belonging to this Commonwealth: *provided,* that the board of trustees, having the direction of the said institution, shall be composed of twelve persons, four of whom shall be appointed by the

governor and council: *and provided*, that the governor, lieutenant governor, secretary of state, president of the senate, speaker of the house, and the two chaplains, shall constitute a board of visitors, whose duty it shall be to visit and inspect the said institution as often as they see fit; to examine the by-laws and regulations enacted by the corporation; and, generally, to see that the object of the said institution is carried into effect: *and provided, further*, that the said institution shall gratuitously receive and educate thirty idiotic persons, to be designated by the governor: *and provided, further*, that other applicants, of proper age and condition, children of inhabitants of this Commonwealth who are not wealthy, shall be received at a charge not exceeding the actual average cost of the inmates: *and provided, further*, that the members of the Legislature for the time being shall be, *ex officio*, visitors of the institution, and have the privilege, during the sessions, of inspecting the same; and that the governor be authorized annually to draw his warrant for the sum of five thousand dollars, in four equal quarterly payments of one thousand two hundred and fifty dollars each, in favor of the treasurer of the said school, whenever he shall have satisfactory evidence that the terms and conditions of the foregoing resolve have been fulfilled. [*Approved by the Governor, April 30, 1851.*]

Board of visitors, how constituted, duties, &c.

Members of Legislature, *ex officio*, visitors.

Resolve on the Petition of the Selectmen of the Town of Norwich.

Chap. 45.

Resolved, That two commissioners be appointed by his excellency, with the advice of the council, whose duty it shall be, after having duly notified the town clerk of Norwich and the town clerk of Chester, to establish the boundary line now in dispute between the towns of Norwich and Chester, and duly report the same. [*Approved by the Governor, May 7, 1851.*]

Two commissioners to be appointed to run line between Norwich and Chester.

Resolves on the Petition of Daniel Austin and others.

Chap. 46.

Resolved, for reasons in said petition set forth, that William Sohier, of Boston, in the county of Suffolk, be and he hereby is authorized and empowered to sell and convey, at his discretion, by public or private sale, at such time and times, for such consideration or considerations, as he shall judge best, the whole or any parts or parcels of the real estate in this Commonwealth, of which the late Benjamin Joy, of said Boston, died legally seized, either alone or as tenant in common with others, saving and excepting such of said lands as have been heretofore sold and cou-

William Sohier authorized to sell at discretion, and convey in fee simple, certain real estate of Commonwealth in Boston, derived from Benjamin Joy, as described.

Net proceeds,
how disposed
of.

Extent of
Sohier's pow-
ers.

No existing
rights to be
affected.

Bond to judge
of probate be-
fore sale.

J. F. Loring
and H. An-
drews, trustees,
to give bonds.

veyed by the late Hannah Joy, relict of said Benjamin, as his executrix, and also such as said Sohier is already authorized to sell and convey by virtue of a former resolve of this Commonwealth, passed in the year one thousand eight hundred and forty-seven, being chapter fifty-seven of the resolves of that year; and to make, execute and deliver to any and all persons purchasing the same, good and sufficient conveyances of any and all parcels of land so sold in fee simple, or for any less estate; and the purchasers under such conveyances are not to be bound to see to the application of the purchase money; and that the said Sohier be and he hereby is authorized and empowered to divide and distribute the net proceeds of such sales, after deducting all proper charges and expenses between and among the petitioners, named in the said petition, in the proportions in which the said Benjamin Joy, by his last will, intended said real estate should be divided among them; intending hereby that under this resolve, taken in connection with the resolve before mentioned, the powers of sale conferred on said Sohier shall extend to the whole estate of which said Benjamin died seized, excepting only such lands as the said Hannah undertook to sell as his executrix: *provided, however*, that the power of sale to said Sohier, granted under this resolve, shall not in any wise be construed so as to affect or prejudice the existing legal rights of any person or persons, other than said petitioners, now holding title to said land, of which said Benjamin Joy died seized, or any parts or portion thereof as purchasers for valuable considerations: *and provided, also*, that said Sohier shall first give bond with sureties to the judge of probate, for the time being, of the county of Suffolk, in such sum as said judge shall approve, conditioned faithfully to exercise the powers aforesaid, and to apply the proceeds of sale in the way and manner aforesaid; but said Sohier is not to be bound to see to the application by said petitioners, or either of them, of the shares or property they may respectively receive or take from him under and by virtue of this resolve: *and provided, also*, that Henry Andrews and Amos Cotting, as trustees under the will of the said Benjamin, for and in behalf of Elizabeth Joy, and that John F. Loring and Henry Andrews as trustees under said will for and in behalf of Hannah Austin, shall first give bonds to the satisfaction of said judge of probate, conditioned that such portions of the real estate of said Benjamin, or the proceeds thereof, as shall be received by them respectively from the said Sohier, under this resolve, shall be faithfully applied upon the trusts, and to and for the uses,

intents and purposes in and by said will declared concerning the same. [Approved by the Governor, May 7, 1851.]

Resolve on the Petition of Samuel Jennison, Jr., Guardian.

Resolved, for reasons set forth in the said petition, that Samuel Jennison, Jr., of Newton, in the county of Middlesex, guardian of John Richardson, Lydia B. Richardson and Frank T. Richardson, minor children and heirs of John H. Richardson, late of Watertown, in said county, deceased, be and he is hereby authorized and empowered to sell, at public or private sale, on such terms as he shall think most advantageous, and convey to the purchasers in fee simple, by good and sufficient deeds, any part of the land belonging to the said minors, situated in that part of said Newton called Newton Corner, and bounding upon or adjacent to either of the streets named as follows, to wit, Elliot, Church, Park, Brighton, Washington, Elm and Pine streets: *provided, however*, that the said guardian shall first give bond to the judge of probate for the said county, with good and sufficient surety or sureties, to be approved by the said court, with condition that the said guardian shall faithfully execute the power herein granted, and shall render to the said court an account, on oath, of the proceeds of all sales under this act, within one year from the times of such sales respectively, and at such other times as the judge of probate may direct, and shall apply and invest such proceeds, and account for and pay over the same when required, and according to law, and discharge his trust in relation to the premises, faithfully, for the best interest of his said wards: *and provided, further*, that when the principal sums derived from such sales shall amount to the sum of fifteen thousand dollars, exclusive of the interest that may have accrued thereon, the power and authority hereby granted shall terminate. [Approved by the Governor, May 7, 1851.]

Chap. 47.

Authorized to sell at discretion and convey, in fee simple, certain lands in Newton Corner, described.

Bond to judge of probate before sale.

Avails, how appropriated.

When sales amount to \$15,000, his authority to terminate.

Resolve in addition to a Resolve for the monthly payment of the Members of the Legislature.

Resolved, That there be appropriated the further sum of fifty thousand dollars in addition to the amount appropriated by a resolve of the twenty-eighth day of February, in the year one thousand eight hundred and fifty one, to enable the treasurer of the Commonwealth to pay the members of the Legislature and its officers, fifty dollars a month, as provided in the said resolve, and that a warrant be drawn therefor accordingly. [Approved by the Governor, May 10, 1851.]

Chap. 48.

\$50,000 additional appropriation.

Chap. 49.

Resolve relating to the Land Office.

Resolved, That the resolve relating to the land office, passed on the seventeenth day of June, in the year one thousand eight hundred and twenty, in so far as it relates to the appointment of George W. Coffin, as land agent, be and hereby is repealed. [*Approved by the Governor, May 10, 1851.*]

Chap. 50.

Resolve on the Petition of Persis Dickinson and others.

Proceedings of court of probate, on Daniel Dickinson's estate, confirmed.

Resolved, for the reasons set forth in said petition, that the decree of the court of probate for the county of Suffolk, dividing the estate of Daniel Dickinson, late of the said county deceased, and all proceedings relating thereto, be and the same are hereby confirmed, so far as such decree divided the said estate among the devisees of the said Daniel Dickinson, and those claiming under them, and that the respective titles of such devisees, and of all persons claiming under them, be and the same are hereby confirmed. [*Approved by the Governor, May 10, 1851.*]

Chap. 51.

Resolve in relation to Parker River Bridge.

Accepting release, when approved by attorney general.

Resolved, That the Commonwealth will and hereby does accept of the surrender of the charter of the Parker River Bridge in the town of Newbury, in the county of Essex, upon the proprietors thereof executing a release under seal to the Commonwealth, of all their rights, title and interest, in and to the said franchise and all their property held by them under the said charter; the said release to be approved by the attorney general. [*Approved by the Governor, May 13, 1851.*]

Chap. 52.

Resolve on the Petition of Silas H. Holland and Dane A. Marrett.

Petitioners authorized to supply certain defects in their proceedings, as administrators of Jonathan Locke's estate.

Resolved, for the reasons set forth in said petition, that Silas H. Holland, of Cambridge, and Dane A. Marrett, of Somerville, both in the county of Middlesex, administrators, with the will annexed, of the remaining estate of Jonathan Locke, late of Lancaster, in the county of Worcester, deceased, be allowed and authorized to make, file, and have recorded, in the office of the probate court for the said county of Worcester, their affidavit, together with a copy of their notice of sale, in pursuance of a license of the said court, by them as such administrators of real estate of said Jonathan Locke, to sundry persons on the eighteenth day of December, in the year one thousand eight hundred and forty-nine; and that the same shall be as effectual to perpetuate the evidence, and shall be admitted as such, of the time, place, and manner of giving such notice, as if the

same had been done by them within one year after the sale aforesaid: *provided*, that the said affidavit and copy be so filed within six months from the passage of this resolve. [*Approved by the Governor, May 15, 1851.*]

Resolve for the distribution of the Report on the Insects of Massachusetts which are injurious to Vegetation.

Resolved, That the secretary of the Commonwealth cause to be distributed to each member of the present Legislature one copy of the report, by Thaddeus W. Harris, M. D., on the insects of Massachusetts which are injurious to vegetation, and ten copies thereof to each incorporated horticultural society in this State, in further accordance with a resolve approved on the second day of April, in the year one thousand eight hundred and fifty; and that the remainder of the edition be left to the disposal of the Legislature. [*Approved by the Governor, May 15, 1851.*]

Chap. 53.

Copies of report on insects, how to be distributed.

Resolve concerning the State Normal Schools.

Resolved, That the sum of twelve hundred dollars be appropriated annually, the current year, and in the year one thousand eight hundred and fifty-two, for the support of the State Normal Schools under the direction of the Board of Education, which, together with the sums appropriated for the same object by former resolves, shall be in full therefor to the first day of January, in the year one thousand eight hundred and fifty three. [*Approved by the Governor, May 15, 1851.*]

Chap. 54.

\$1200 to be appropriated annually, till January 1, 1853, in addition to former sums.

Resolve in favor of Norman G. Baxter.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Norman G. Baxter, a member of the house of representatives from the town of New Ashford, the sum of eighty-seven dollars in full for the expenses of his sickness, during the present session of the Legislature, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 15, 1851.*]

Chap. 55.

Resolve on the Petition of John Scolley.

Resolved, That the said John Scolley, for the reasons set forth in his said petition, be and he hereby is authorized to hold and dispose of the parcel of land mentioned and described and referred to in his said petition, free and clear of any claim on the part of the Commonwealth, to wit, a certain parcel of land situated in Boston, in the county of Suffolk and Commonwealth aforesaid, bounded and described as follows: northeasterly on Canton street, there

Chap. 56.

Authorized to hold, sell and convey certain real estate described.

measuring twenty-five feet; southeasterly on land now or late of one Whitney, there measuring forty-five feet; southwesterly on land now or late of John Saunders, there measuring twenty-five feet, and northwesterly on land now or late of one Allen, there measuring forty-five feet, or however otherwise bounded, being the parcel of land conveyed to the said Scolley, by James Murphy, by deed dated the tenth day of October, in the year one thousand eight hundred and thirty-seven, recorded in the registry of deeds for said county of Suffolk, lib. 450, vol. 61, with authority also to the said Scolley, his heirs, executors or administrators, to sell the said parcel of land, and execute, acknowledge and deliver all proper deeds, to convey the same and the net proceeds, to pay as follows: one third to John McCabe, one third to James McCabe, and one third to the heirs at law of Hugh McCabe, said John, James and Hugh being the sons of Mary McCabe, named in said deed of said Murphy: *provided*, that the said John Scolley shall first give bonds to the judge of probate, within and for the county of Suffolk, with such sureties as said judge shall approve, with condition to pay over such proceeds to the parties above named, in the same proportions as they are entitled, under the said Murphy's deed, to the real estate therein described. [*Approved by the Governor, May 15, 1851.*]

Proceeds, how to be disposed of.

Bond to judge of probate before sale.

Chap. 57.

Resolve on the Petition of Edward Lamb and others.

Edward Lamb, as executor, with will annexed, of Jeremiah Robinson, authorized to sell and convey, in fee simple, certain real estate in Worcester, &c.

Bond to judge of probate before sale.

Resolved, for the reasons set forth in said petition, that Edward Lamb, of Boston, in the county of Suffolk, administrator, with the will annexed, of the estate of Jeremiah Robinson, late of Worcester, in the county of Worcester, deceased, be and he is hereby authorized and empowered to sell, either at public or private sale, and to convey in fee simple, by good and sufficient deeds, discharged from all trusts and liability for the application of the purchase money, all the real estate of which the said Jeremiah Robinson died seized, situated in said Worcester, and which by the said Robinson's last will and testament was devised to divers persons specified in the said will: *provided, however*, that the said Lamb shall first give such bond, with sureties to the judge of probate, for the time being, of said county of Worcester, as the said judge shall approve, conditioned faithfully to exercise all and singular the powers hereby granted, and that he will pay over the proceeds, in full, to Artemas Ward, Esquire, trustee, appointed in and by the said Robinson's will, or his successor or successors in said capacity, immediately after receiving the same:

and provided, further, that the said trustee or trustees shall first give satisfactory bonds to the said judge of probate, that he and they will dispose of, and pay over the said proceeds, to the same persons who would have been entitled to said real estate under the provisions of said Robinson's will, and will pay over the income on said proceeds to the persons who would have been entitled to the income or rents and profits of such real estate, had there been no such sale or proceedings as hereby authorized. [*Approved by the Governor, May 15, 1851.*]

Resolve on the Petition of Benjamin C. Clark and Edward D. Clark.

Chap. 58.

Resolved, for reasons in said petition set forth, that Benjamin C. Clark and Edward D. Clark, executors and trustees, appointed by Sarah Preston, in her last will, be authorized to sell and convey in fee simple, by public or private sale, whenever they shall judge best, any or all of the real estate held by them as trustees, under the said will, and situated in the town of Chelsea, in the county of Suffolk, consisting of three lots of land and two dwelling houses; and to make and execute good and sufficient deeds thereof, in fee simple, discharged of all trusts, and without any obligation, on the part of the purchaser or purchasers, to see to the application of the purchase money, and that the proceeds shall be held and invested, and disposed of, to the same uses and upon the same limitations and trusts, upon which the said real estate is now or would hereafter have been holden: *provided*, that the said trustees, before making such sale, shall give bonds to the judge of probate for the county of Middlesex, with such sureties and in such sum as he shall approve, conditioned that the said proceeds shall be so held, invested and disposed of. [*Approved by the Governor, May 15, 1851.*]

Petitioners authorized, as executors of Sarah Preston's will, and as trustees, to sell, at discretion, and convey, in fee simple, certain real estate in Chelsea, described.

Proceeds to be held in trust as the estate would have been.

Bonds to judge of probate before sale.

Resolve for the Pay of the Sergeant at Arms for extra services.

Chap. 59.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the sergeant-at-arms, the sum of one hundred dollars, for his attendance and extra services, during ninety-nine days session of the valuation committee, and that a warrant be drawn accordingly. [*Approved by the Governor, May 15, 1851.*]

\$100 to sergeant-at-arms for extra services.

Resolve on the Petition of Josiah H. Carter.

Chap. 60.

Resolved, for the reasons set forth in said petition, that Josiah H. Carter, of Needham, in the county of Norfolk, administrator of the estate of James G. Carter, late of Lancaster, in the county of Worcester, deceased, be allowed and

Authorized to supply certain defects in proceedings as ad-

ministrator of
James G.
Carter.

authorized to make, file, and have recorded, in the probate office for the said county of Worcester, his affidavit, together with a copy of his notice of a sale, in pursuance of a license of the probate court for the said county of Worcester, by him as such administrator of real estate of the said James G. Carter, to sundry persons, on the seventeenth day of December, in the year one thousand eight hundred and forty-nine, and that the same shall be as effectual to perpetuate the evidence, and shall be admitted as such, of the time, place and manner of giving such notice, as if the same had been done by him within one year after the sale aforesaid: *provided*, that the said affidavit and copy be so filed within six months from the passage of this resolve. [*Approved by the Governor, May 15, 1851.*]

Proviso.

Chap. 61.

Resolve in favor of Daniel Herring;

§50 yearly
from March 12,
1848, for inju-
ries on military
duty.

Resolved, That there be paid, out of the treasury of the Commonwealth, to Daniel Herring, of Needham, for injuries received while doing military duty, the sum of fifty dollars a year, commencing on the twelfth day of March, in the year one thousand eight hundred and forty-eight, and to continue during his natural life, and that warrants be drawn therefor accordingly. [*Approved by the Governor, May 15, 1851.*]

Chap. 62.

Resolve for the relief of Harrison Wingate, Moses Wingate and Samuel Poor.

Attorney gen-
eral authorized
to discharge
them from all
consequences of
a certain recog-
nizance and
suit.

Resolved, That the attorney general be and he hereby is authorized to discharge Harrison Wingate, of Charlestown, and Moses Wingate, of Haverhill, and Samuel Poor, of Charlestown, from all liability by reason of a judgment recovered upon a recognizance entered into by the said Harrison Wingate and others, in the police court of the city of Boston, in favor of the Commonwealth, on the seventeenth day of August, in the year one thousand eight hundred and forty-eight, and from all liability arising out of any proceeding subsequent to and consequent upon the said judgment, including a suit now pending against the said Moses Wingate and Samuel Poor, in the supreme judicial court for the county of Suffolk, upon such terms as he shall deem equitable. [*Approved by the Governor, May 15, 1851.*]

Chap. 63.

Resolve in favor of the town of Newburyport.

§37.04 to pay
account for sup-
port of foreign
pauper chil-
dren.

Resolved, That there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Newburyport, the sum of thirty-seven dollars and four cents, in payment of the account of the said town for the support

of certain children of foreign paupers, committed to the workhouse, as set forth in the petition, and that a warrant be drawn accordingly. [*Approved by the Governor, May 15, 1851.*]

Resolve on the Petition of the Primary School District, No. 7, in Roxbury. *Chap. 64.*

Resolved, for reasons set forth in said petition, that the Primary School District Number (7,) seven, in Roxbury, be authorized to sell and convey, in fee simple, by public or private sale, whenever they shall judge best, a certain piece or parcel of real estate, devised to the said district by Sarah Corey, late of said Roxbury, deceased, which said real estate is situated in the said district, and contains about seven acres, more or less, and is located as follows, to wit, on the easterly side of a straight line run from the southwesterly corner of Dundridge Tuft's house-lot, formerly so called, but now the land of one Lyon, which is on the opposite side of the road, the said line continuing across the road and through the house-lot and pasture, formerly of said Sarah Corey, to Sparhawk's line, now or formerly, so that the southerly end shall be of the same width with the end next to the road, and to make and execute, by a committee chosen therefor, a good and sufficient deed or deeds thereof; in fee simple, discharged of all trusts and without any obligation, on the part of the purchaser or purchasers, to see to the application of the purchase money, and the proceeds shall be held and invested, and the income and profits thereof disposed of, to the same uses and upon the same limitations and trusts, upon which the said real estate is now or would hereafter have been holden. [*Approved by the Governor, May 15, 1851.*]

Authorized to sell and convey, in fee simple, certain real estate described.

Resolve in favor of Eliphalet S. Darling.

Chap. 65.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Eliphalet S. Darling, a representative from the town of Gill, the sum of sixty dollars and fifty cents, for the expenses of his sickness while attending the present session of the Legislature, and that a warrant be drawn accordingly. [*Approved by the Governor, May 17, 1851.*]

Resolve in favor of Franklin Ruggles.

Chap. 66.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Franklin Ruggles, of Hardwick, the sum of eight dollars, the same having been omitted by mistake in making up the pay-roll of the mem-

bers of the house of representatives, for the year one thousand eight hundred and fifty, in the travelling fees of the said Ruggles as representative from Hardwick. [*Approved by the Governor, May 17, 1851.*]

Chap. 67. Resolve for the Payment of Incidental Expenses of the State House.

§5000 for incidental repairs, &c.

Resolved, That the sum of five thousand dollars be and hereby is appropriated to defray the expense of incidental repairs upon the State House, and for the purchase of the necessary articles of furniture during the present year, for the use of the Legislature and the various offices therein, by the serjeant-at-arms, and also for the payment of expenses already incurred in making alterations in the representatives hall, and introducing gas into the senate chamber, and that warrants be drawn therefor. [*Approved by the Governor, May 20, 1851.*]

Chap. 68. Resolve in favor of the Chappequiddic Indians.

§2000 for fencing Indian lands in Dukes County.

Resolved, That a sum not exceeding two thousand dollars be allowed and paid, out of the treasury of the Commonwealth, under the direction of the governor and council, for the purpose of building fences upon the lands of the Indians and people of color, inhabitants of the island of Chappequiddic, in the county of Dukes County, according to the lines of division as laid out and established on the said lands, by the commissioners appointed under the act passed on the tenth day of March, in the year one thousand eight hundred and twenty-eight, for that purpose, and that warrants be drawn accordingly. [*Approved by the Governor, May 20, 1851.*]

Chap. 69. Resolve in favor of Samuel Adams.

§100 for services in rebellion of 1787.

Resolved, That there be paid out of the treasury of the Commonwealth the sum of one hundred dollars, to Samuel Adams, of Boston, in full for his services during the rebellion of the year one thousand seven hundred and eighty-seven, and that a warrant be drawn therefor. [*Approved by the Governor, May 20, 1851.*]

Chap. 70. Resolve on the Petition of Daniel J. Searle.

Petitioner, as trustee by will of Jonathan Wilson, is authorized to sell at discretion, and convey in fee simple, cer-

Resolved, for reasons set forth in said petition, that Daniel J. Searle, of Rowley, in the county of Essex, trustee under the last will and testament of Jonathan Willson, late of Danvers, in said county of Essex, deceased, or his successor in the said trust, be and he hereby is authorized to sell and convey in fee simple, discharged from all trusts, in

such manner, on such terms and for such prices as he shall deem expedient, at public auction or private sale, as shall be most for the interest of those concerned therein, all the right, title and interest which Benjamin and Jesse Willson derived under the will of their late father, Jonathan Willson, in and to certain pieces or parcels of land lying and being in the town of Danvers aforesaid, bounded and described as follows, to wit: one piece or parcel lying on the easterly side of the road leading from South Danvers to North Danvers, bounded on the north by land of Malachi Willson, easterly and northerly by said Willson's land, southerly by land of Silas Winchester, and westerly by the highway leading to North Danvers as aforesaid, containing about one half an acre, with the buildings thereon. The other piece or parcel of land lies on the westerly side of the highway leading from South Danvers to North Danvers, and is bounded as follows, to wit: easterly by the said highway, northerly by land of Richard Rogers and Margaret Fuller, westerly by land of Jonathan Rand, and southerly by said Rand's land to the highway, containing two acres, more or less; and to make, execute and deliver such deed or deeds thereof, in fee simple to the purchaser or purchasers, as to the said Searle or his successor may seem expedient; and the proceeds of the sale shall be held by the said Searle, or his successor and successors, upon the same trusts and for the same interests and purposes as the said estate itself would have been held, had it not been sold and conveyed under the authority and in pursuance of this resolve: *provided, however*, that, previously to any sale, the said Searle shall give bonds, to the satisfaction of the judge of probate for the county of Essex, for his acts and doings in the premises, and to account for and dispose of the proceeds of the sale of the said real estate, according to the will of the said Jonathan Willson, deceased. [*Approved by the Governor, May 21, 1851.*]

tain real estate in Danvers, described.

Proceeds to be held in trust.

Bonds to be given to judge of probate, previous to sale.

Resolve on the Petition of Huldah Brett, Administratrix.

Resolved, for reasons set forth in the said petition, that Huldah Brett, of East Bridgewater, in the county of Plymouth, administratrix of the estate of Algernon S. Brett, late of said East Bridgewater, deceased, be and hereby is authorized to convey in fee simple and in severalty, by good and sufficient deeds, to Francis J. Baker and Melzar J. Litchfield, two certain tracts or parcels of land lying and being in said East Bridgewater, bounded and described as follows: beginning at the south side of the road leading from West Bridgewater to East Bridgewater, at a corner of

Chap. 71.

Petitioner authorized to convey to F. J. Baker and M. J. Litchfield two tracts of land, described.

land belonging to Simeon and Robert Curtis; thence running south thirty-four and three quarters degrees east, in said Curtis range, nineteen rods and twenty links, to a stake by the side of the new road; thence, in range of the new road, south eighty degrees west, eleven rods and one link, to a stake in the south corner of the said lot; thence north twenty-eight degrees west, fourteen rods and twenty links, to a stake by the side of the road; thence north, by the side of the road, forty-nine degrees east, eight rods and three links, to the first named bound. Also, one other piece or parcel, bounded as follows: beginning at a stake at the south side of the road leading from West Bridgewater to East Bridgewater; thence running south twenty-eight degrees east, fourteen rods and twenty links, to a stake by the side of the new road; thence south eighty degrees west, in the range of the said new road, sixteen rods and four links, to a stake in the south corner in the said lot; thence north twenty-seven degrees west, six rods, to a stake by the side of the road; thence north, in range of the road, forty-nine degrees east, sixteen rods, to the first mentioned bounds. And the said Huldah Brett is hereby empowered to make, execute and deliver good and sufficient deeds of the tracts or parcels of land herein described, to the said Baker and the said Litchfield, upon their compliance with the terms of a certain bond bearing date the twentieth day of August, in the year one thousand eight hundred and forty-seven, given by the said Algernon S. Brett, in his life time, to the said Baker and Litchfield, to convey the said premises above described; and any conveyance of the said lands made by the said Huldah Brett, under this resolve, and in pursuance of the terms and conditions of the aforementioned bond, shall be as effectual to convey the said lands as if the same had been made by the said Algernon S. Brett in his life time. [*Approved by the Governor, May 21, 1851.*]

Chap. 72.

Resolve on the Petition of Elisha Haskell.

Commonwealth
to release to
Elisha Haskell
certain real es-
tate described.

Resolved, That the Commonwealth release to Elisha Haskell, of Boston, in the county of Suffolk, his heirs and assigns, all its rights, by reason of the alienage of James M. Smith, in and to two parcels of land situated in the city of Lowell, in the county of Middlesex, the one containing forty-five hundred and twenty square feet, and the other containing forty-eight hundred and seventy-six square feet, and more fully described in a deed from Daniel C. Davis to Elisha Haskell, dated in December, in the year one thousand eight hundred and forty-seven, and recorded with

Middlesex deeds, book five hundred and thirty-two, at page four hundred and seventy-six. [*Approved by the Governor, May 21, 1851.*]

Resolves on the Petition of John Hecktor and Harry Arnold ; and in favor of Andrew C. Brown.

Chap. 73.

Resolved, for reasons set forth in the said petition, that there be paid and transferred from the treasury of the Commonwealth, to the trust fund deposited in the said treasury by Charles Brigham, trustee of the Grafton or Hassanamisico tribe of Indians, under a resolve of the General Court, passed on the twenty-eighth day of March in the year one thousand eight hundred and fifty, so much as will make the principal of the said trust fund amount to three hundred and twenty-five dollars, the sum for which the said trustee sold certain real estate, in Worcester, belonging in equity to the said petitioners ; the principal and interest of the said sum to be drawn out, annually, by the judge of probate for the county of Worcester, and by him paid over in equal shares to the said Hecktor and Arnold, and their respective heirs, in all respects agreeably to the provisions of the said resolve, except that none of the said sum shall be paid over to the other members of the said tribe : *provided*, that the said Hecktor and Arnold, by themselves or their guardian, shall first release all their right and claims in and to the said real estate to the purchasers under the said sale.

The trust fund of the petitioners to be made \$325 ; to be paid over by judge of probate in annual shares to petitioners.

None to others of the tribe. Petitioners to quit claim.

Resolved, That there be paid out of the treasury of the Commonwealth, to the said judge of probate, the sum of thirty dollars, to be paid over by him to Andrew C. Brown, of Holden, one of the said tribe of Indians, on account of money expended by him in repairing his buildings ; and that warrants be drawn accordingly. [*Approved by the Governor, May 21, 1851.*]

\$30 to judge of probate, for Andrew Brown.

Resolve for the Pay of the Chaplains of the Legislature.

Chap. 74.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the chaplain of the senate and to the chaplain of the house of representatives, one hundred dollars each, for their services during the present session ; and that warrants be drawn accordingly. [*Approved by the Governor, May 23, 1851.*]

\$100 each.

Resolve for paying the Current Expenses of the State Reform School.

Chap. 75.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the State Reform School, the sum of twenty-two thousand and five hundred dollars, to enable them to pay the current expenses

\$22,500 to trustees.

of the said school for the present year ; and that a warrant or warrants be drawn accordingly. [*Approved by the Governor, May 23, 1851.*]

Chap. 76.

Resolve in favor of Zebulon Paine.

§500 to selectmen of Conway, in trust for Zebulon Paine.

Resolved, That there be paid out of the treasury of the Commonwealth, to the selectmen of the town of Conway, the sum of five hundred dollars, to be held by them and their successors in office, in strict trust for Zebulon Paine, of said Conway, and to be paid out by them to the said Paine, or his family, in such portions and in such manner as they shall deem for his interest, as a remuneration for the time spent by the said Paine in the State Prison, under sentence for an offence of which it appears he was not guilty ; and that the governor draw his warrant accordingly. [*Approved by the Governor, May 24, 1851.*]

Chap. 77. Resolve for the Payment of the Contingent Expenses of the Legislature and Valuation Committee of the year one thousand eight hundred and fifty.

§1000 for expenses of State House offices, valuation committee, &c. for 1850.

Resolved, That there be paid out of the treasury of the Commonwealth, to the sergeant at arms, the sum of one thousand dollars, to enable him to defray expenses already incurred on account of the Legislature and the various offices in the State House, and for the valuation committee of the year one thousand eight hundred and fifty ; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 24, 1851.*]

Chap. 78. Resolve to provide for the Contingent Expenses of the Legislature, and the various offices in the State House, for the year one thousand eight hundred and fifty-one.

§1000 for contingent expenses and offices in State House, for 1851.

Resolved, That there be paid to the sergeant at arms, out of the treasury of the Commonwealth, a sum not exceeding one thousand dollars, to enable him to pay certain contingent expenses of the General Court and the various offices in the State House, during the present year ; and that warrants be drawn therefor accordingly. [*Approved by the Governor, May 24, 1851.*]

Chap. 79. Resolve to compensate the Auditor of Accounts for Expenses incurred in his Office.

§200 allowed for clerk hire.

Resolved, That there be paid out of the treasury of the Commonwealth, to the present auditor of accounts, the sum of two hundred dollars in full for clerical services paid and expenses incurred by him during the past two years : *provided,* that the said sum shall not be in addition to the amount granted for clerk hire in his office, by a bill now

Proviso.

before the Legislature; meaning hereby that the whole expense, for the year one thousand eight hundred and fifty-one, shall not exceed six hundred dollars. [*Approved by the Governor, May 24, 1851.*]

Resolve allowing further time to the Commissioners on Boston Harbor and Back Bay to make their final Report. *Chap. 80.*

Resolved, That the commissioners appointed under a resolve of the Legislature, approved on the third day of May, in the year one thousand eight hundred and fifty, concerning Boston Harbor and Back Bay, be allowed further time for the full and final execution of their commission, and that they be and hereby are authorized to report in print, on or before the first Wednesday of January, in the year one thousand eight hundred and fifty-two, which report shall be printed as senate document number —. [*Approved by the Governor, May 24, 1851.*]

Resolve in favor of Herman Vincent.

Chap. 81.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Herman Vincent, a member of the house of representatives from Chilmark, twelve dollars, being in full for six days' attendance at the present session of the Legislature, which was accidentally omitted in making out the pay roll of the house; and that his excellency the governor be authorized to draw his warrant therefor accordingly. [*Approved by the Governor, May 24, 1851.*]

§12, for error
in roll of the
H. of R.

Resolves on the Petition of Nathaniel Lamson, Ebenezer G. Lamson, and Abel F. Goodnow. *Chap. 82.*

Resolved, for reasons set forth in the said petition, that the several deeds therein mentioned, made and executed by Catherine A. Goodnow, guardian of Abby C. Goodnow and Harriet E. Goodnow, minors, for the conveyance to the said Lamson and Goodnow, under licenses obtained from the court of probate for the county of Worcester, of the interest of the said minors in certain real estate, in the said deeds mentioned and described, situated in the towns of Shelburne and Buckland, in the county of Franklin, and the town of Cummington, in the county of Hampshire, which deeds are as follows, to wit: one bearing date the seventh day of July, A. D. 1848, and recorded in the registry of deeds for the county of Franklin, book 143, page 350; and another bearing date July 7, A. D. 1848, and recorded in the registry of deeds for the county of Hampshire, book 126, page 127; and deeds of confirmation, bearing date

Sale of land,
and title to
same, con-
firmed.

January 1, A. D. 1849, and recorded, the one in the registry of deeds for the county of Franklin, book 163, page 99, the other in the registry of deeds for the county of Hampshire, book 137, page 468; and deeds bearing date June 1, A. D. 1850, and recorded in the registry of deeds for the county of Franklin, book 163, page 97; be held and considered good and sufficient in law for the conveyance to the said Lamson and Goodnow of all the right, title, interest and estate of the said Abby C. Goodnow and Harriet E. Goodnow, minors, in and unto the several tracts of land and real estate mentioned or described in the said several deeds, and intended thereby to be conveyed; and that the sales mentioned in the said petition, and the title of the said Lamsons and Goodnow under the same, be and the same are hereby confirmed. [*Approved by the Governor, May 24, 1851.*]

Chap. 83. Resolve on the Petition of the Selectmen of the Town of Norwich.

Resolved, That two commissioners be appointed by his excellency the governor, with the advice of the council, whose duty it shall be, after having duly notified the town clerk of Norwich and the town clerk of Chester, to establish the boundary line now in dispute between the towns of Norwich and Chester, and duly report the same. [*Approved by the Governor, May 24, 1851.*]

Chap. 84. Resolve on the Petition of Samuel Gilman, Jr., and Janet Cameron Gilman, in behalf of Mary Cameron, a minor.

Mary Cameron
authorized to
hold certain
real estate.

Resolved, for reasons set forth in said petition, that Mary Cameron, a minor, child of William Cameron, late of Boston, in the county of Suffolk, deceased, be and she is hereby authorized and empowered to take and hold all the right, title and interest which said William Cameron had in and to certain real estate situated on Fifth street, in South Boston, being the same conveyed by Josiah Duuham, Jr., to Thomas Keyes, of said Boston, in trust for the benefit of said William Cameron, his heirs and assigns, being the same estate mentioned in the declaration of said Keyes, recorded in the Suffolk registry of deeds, lib. six hundred, fol. one hundred and twenty-five. And the said Mary Cameron shall have all the right, title and interest in, to and respecting the said real estate, which she might or could have had, had she and her said father been naturalized citizens of the United States. [*Approved by the Governor, May 24, 1851.*]

Resolve concerning the Draw in the Bridge over Mystic River.

Chap. 85.

Resolved, That the commissioner appointed under the act chartering the Grand Junction Railway Company, be and is hereby directed and instructed to cause the draw in their draw-bridge over the Mystic River to be made of not less width than forty-six feet. [*Approved by the Governor, May 24, 1851.*]

Width not less than 46 feet.

Resolve in favor of Gilman P. Allen.

Chap. 86.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Gilman P. Allen, a member of the house of representatives from the town of Essex, forty dollars in full for his attendance at the present session, it being for twenty days' attendance accidentally omitted in making up the pay roll; and the governor is authorized to draw his warrant for the same. [*Approved by the Governor, May 24, 1851.*]

Resolve concerning the Quarter Master General's Department.

Chap. 87.

Resolved, that the sum of four thousand six hundred and fifty dollars be and the same is hereby appropriated to defray the expenses of the quarter master general's department, for the current year, and that warrants be drawn accordingly. [*Approved by the Governor, May 24, 1851.*]

\$4,650.

Resolves providing for the Reception of the President of the United States.

Chap. 88.

WHEREAS, it is understood that the president of the United States contemplates visiting the Commonwealth of Massachusetts during the current year,

Resolved, That his excellency the governor be requested to tender the hospitalities of the State to the president of the United States, should he visit the Commonwealth as contemplated; and that a committee, consisting of the president and six members of the senate, and the speaker and fourteen members of the house of representatives, be appointed, who are hereby authorized to make all suitable arrangements, in the name and behalf of the State, for the proper reception of the chief magistrate of the republic.

Committee.

Resolved, That his excellency the governor, by and with the advice of the council, be and hereby is authorized to draw his warrant on the treasury for such a sum as may be necessary for the purpose aforesaid. [*Approved by the Governor, May 24, 1851.*]

Chap. 89.

Resolve in favor of Thomas W. Tuttle.

Resolved, That there be paid, out of the treasury of the Commonwealth, to Thomas W. Tuttle, of Boston, the sum of three hundred and sixty-two dollars in full for injuries sustained by him in consequence of defects in Charlestown old bridge; and that a warrant be drawn therefor. [*Approved by the Governor, May 24, 1851.*]

Chap. 90.

Resolve to authorize the Treasurer to borrow Money to meet the Deficit in the Revenue for the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one.

\$100,000 at 5
per cent.

Resolved, That the treasurer of the Commonwealth be and he is hereby authorized and directed to issue scrip or certificate of debt, under his signature and the seal of the Commonwealth, to the amount of one hundred thousand dollars, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, on the first days of July and January, and redeemable at any time within two years from the first day of July, in the year one thousand eight hundred fifty-one, at the pleasure of the Legislature; the said scrip to be sold at not less than its par value, and the proceeds thereof to be applied to the payment of any debt now existing, or to be incurred during the present year, for money borrowed in anticipation of the revenue. [*Approved by the Governor, May 24, 1851.*]

Scrip not to be
sold at less than
par.

Chap. 91.

Resolve on the Petition of John Delahanty, for leave to hold Real Estate.

Authorized to
hold real estate.

Resolved, for reasons set forth in said petition, that John Delahanty be and he hereby is authorized to hold certain real estate, by him purchased of Francis F. King, situated in Rutland, in the county of Worcester, and to take and hold other real estate, in like manner as if he were a naturalized citizen of the United States of North America. [*Approved by the Governor, May 24, 1851.*]

Chap. 92.

Resolve concerning Education.

Publications au-
thorized.

Resolved, That the secretary of the board of education be authorized to publish, for general distribution, a pamphlet or pamphlets containing such portions of his annual reports, and such other matter, as he may deem best adapted to promote the interests of common school education: *provided*, that the expense of such publication and distribution shall not exceed, in any one year, the sum of two hundred dollars. [*Approved by the Governor, May 24, 1851.*]

Chap. 93.

Resolve in favor of William H. Bradford.

Resolved, That in consideration that William H. Brad-

ford, a member elect of this house for the town of Plymouth, has, by an accidental injury to his person, and by providential insanity, been prevented from attending during the session thus far, and there is no probability of his attendance during the continuance of the same, he being still insane, and in consideration of the great expense and misfortune of the said Bradford, there be allowed and paid to him, out of the treasury of the Commonwealth, such sum as he would have been and would be entitled to, had he been free from his misfortune, and attended during the whole session, and travelled from said Plymouth; and that a warrant be drawn therefor. [*Approved by the Governor, May 24, 1851.*]

Allowed pay
for full attend-
ance and travel,
as a member of
the General
Court.

VALUATION

OF THE

POLLS AND PROPERTY OF THE COMMONWEALTH,

*As established by the two branches of the Legislature,
by concurrent vote, April 28, 1851.*

COUNTY OF SUFFOLK.

TOWNS.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
Boston, - -	31,921	\$213,310,067 00	\$328 98
Chelsea, - -	1,554	3,475,161 00	5 87
North Chelsea, - -	230	801,944 00	1 30
	33,705	\$217,587,172 00	\$336 15

COUNTY OF ESSEX.

Amesbury, - -	819	\$1,020,425 00	\$1 92
Andover, - -	1558	3,131,122 75	5 37
Beverly, - -	1371	2,156,012 85	3 85
Boxford, - -	272	538,288 67	93
Bradford, - -	279	368,278 00	68
Danvers, - -	1938	3,312,779 10	5 83
Essex, - -	384	633,895 20	1 12
Georgetown, - -	525	715,213 00	1 31
Gloucester, - -	1882	2,360,251 95	4 42
Groveland, - -	330	397,079 00	74
Hamilton, - -	222	452,403 00	77
Haverhill, - -	1522	2,243,497 00	4 05
Ipswich, - -	707	1,062,792 50	1 91
Lawrence, - -	2208	6,003,716 20	9 92
Lynn, - -	3279	4,148,989 40	7 73
Lynnfield, - -	232	345,356 00	62
Manchester, - -	411	499,507 50	94
Marblehead, - -	1395	2,033,990 60	3 69
Methuen, - -	634	1,059,148 45	1 87
Middleton, - -	188	310,417 00	53
Newbury, - -	361	663,155 30	1 16
Newburyport, - -	2770	5,390,069 55	9 30
Rockport, - -	777	672,410 07	1 37
Rowley, - -	282	456,089 37	81

Essex—Continued.

TOWNS.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
Salem, - -	4358	\$13,654,738 70	\$22 24
Salisbury, - -	690	1,023,861 83	1 84
Saugus, - -	374	491,917 50	91
Topsfield, - -	313	468,981 30	84
Wenham, - -	331	354,409 00	68
West Newbury, - -	414	578,671 10	1 06
	30,816	\$56,556,466 89	\$98 41

COUNTY OF MIDDLESEX.

Acton, - -	410	\$541,225 00	\$0 99
Ashby, - -	340	580,860 00	1 02
Ashland, - -	357	407,121 00	78
Bedford, - -	251	350,999 00	64
Billerica, - -	370	870,595 00	1 47
Boxborough, - -	112	239,712 00	41
Brighton, - -	645	1,634,725 00	2 72
Burlington, - -	155	287,868 00	50
Cambridge, - -	3461	10,608,787 70	17 32
Carlisle, - -	182	323,524 00	56
Charlestown, - -	3961	8,624,690 00	14 66
Chelmsford, - -	543	958,369 00	1 67
Concord, - -	575	1,262,803 20	2 14
Dracut, - -	440	700,182 00	1 24
Dunstable, - -	168	361,061 00	61
Framingham, - -	961	1,910,613 00	3 28
Groton, - -	547	1,451,025 00	2 40
Holliston, - -	670	821,596 00	1 53
Hopkinton, - -	811	887,091 50	1 70
Lexington, - -	532	1,170,428 00	1 99
Lincoln, - -	192	482,822 00	80
Littleton, - -	264	471,879 00	82
Lowell, - -	7857	16,866,919 10	28 72
Malden, - -	918	1,731,662 40	3 00
Marlborough, - -	834	1,172,267 00	2 14
Medford, - -	1033	2,409,333 00	4 06
Melrose, - -	325	505,098 00	90
Natick, - -	844	916,210 00	1 76
Newton, - -	1308	3,157,340 00	5 29
Pepperell, - -	482	740,823 80	1 32
Reading, - -	906	1,071,042 00	2 02
Sherburne, - -	292	516,983 00	90
Shirley, - -	303	569,910 00	98
Somerville, - -	715	2,102,631 00	3 45
South Reading, - -	630	755,019 00	1 41
Stoneham, - -	629	481,862 00	1 01
Stow, - -	356	623,390 00	1 09
Sudbury, - -	424	915,867 00	1 55
Tewksbury, - -	309	616,308 00	1 06
Townsend, - -	488	855,970 00	1 50

MIDDLESEX—Continued.

TOWNS.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
Tyngsborough, -	191	\$492,830 00	\$0 82
Waltham, -	1134	2,778,446 50	4 65
Watertown, -	738	2,351,583 20	3 82
Wayland, -	313	479,084 00	86
West Cambridge, -	598	1,671,644 10	2 75
Westford, -	376	814,078 00	1 38
Weston, -	316	708,876 00	1 20
Wilmington, -	241	399,643 00	70
Winchester, -	375	649,346 00	1 14
Woburn, -	937	1,962,577 00	3 36
	39,819	\$83,264,719 50	\$142 09

COUNTY OF WORCESTER.

Ashburnham, -	493	\$681,420 00	\$1 25
Athol, -	571	639,384 00	1 23
Auburn, -	266	399,896 00	72
Barre, -	746	1,430,964 00	2 47
Berlin, -	205	276,330 00	50
Blackstone, -	1232	1,705,166 00	3 12
Bolton, -	322	525,254 00	93
Boylston, -	239	450,982 60	78
Brookfield, -	456	632,064 00	1 16
Charlton, -	560	942,701 00	1 66
Clinton, -	602	909,148 00	1 63
Dana, -	218	211,123 00	42
Douglas, -	537	678,709 00	1 26
Dudley, -	376	651,391 00	1 14
Fitchburg, -	1320	2,039,864 60	3 65
Gardner, -	426	558,389 60	1 03
Grafton, -	1003	1,356,063 00	2 49
Hardwick, -	412	829,396 00	1 42
Harvard, -	457	741,352 00	1 32
Holden, -	459	787,834 50	1 39
Hubbardston, -	473	643,503 00	1 18
Lancaster, -	380	674,224 00	1 18
Leicester, -	607	1,219,330 00	2 10
Leominster, -	867	1,244,051 10	2 26
Lunenburg, -	323	636,547 00	1 09
Mendon, -	384	668,839 60	1 17
Milford, -	1502	1,144,721 00	2 43
Millbury, -	767	985,030 00	1 82
New Braintree, -	200	554,624 00	91
North Brookfield, -	539	651,332 00	1 22
Northborough, -	395	625,596 00	1 12
Northbridge, -	598	627,979 70	1 22
Oakham, -	291	413,351 00	76
Oxford, -	645	955,645 00	1 72
Paxton, -	228	298,714 00	55
Petersham, -	409	792,077 00	1 37

WORCESTER—Continued.

TOWNS.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
Phillipston, - -	202	\$383,141 00	\$0 66
Princeton, - -	311	631,911 00	1 09
Royalston, - -	441	751,008 00	1 38
Rutland, - -	324	513,447 00	91
Shrewsbury, - -	482	788,836 00	1 40
Southborough, - -	385	598,407 60	1 07
Southbridge, - -	687	1,131,673 00	2 00
Spencer, - -	605	828,611 00	1 52
Sterling, - -	452	801,310 00	1 40
Sturbridge, - -	525	846,330 00	1 50
Sutton, - -	641	977,822 00	1 75
Templeton, - -	598	877,725 00	1 59
Upton, - -	526	601,308 00	1 14
Uxbridge, - -	648	1,129,366 50	1 98
Warren, - -	431	686,931 00	1 23
Webster, - -	561	801,934 00	1 46
West Boylston, - -	424	531,117 00	99
West Brookfield, - -	347	528,764 00	95
Westborough, - -	550	768,499 50	1 40
Westminster, - -	519	732,784 00	1 33
Winchendon, - -	676	918,365 00	1 69
Worcester, - -	4828	11,085,506 70	18 67
	34,671	\$55,497,794 00	\$98 78

COUNTY OF HAMPSHIRE.

Amherst, - -	660	\$1,187,267 00	\$2 07
Belchertown, - -	660	830,356 00	1 55
Chesterfield, - -	257	384,115 00	68
Cummington, - -	308	375,196 00	70
Easthampton, - -	247	434,564 00	75
Enfield, - -	259	450,684 00	78
Goshen, - -	135	178,995 00	32
Granby, - -	250	395,537 00	70
Greenwich, - -	216	228,570 00	48
Hadley, - -	507	904,424 00	1 59
Hatfield, - -	305	706,290 00	1 19
Middlefield, - -	201	299,904 00	54
Northampton, - -	1411	2,504,144 00	4 37
Norwich, - -	187	241,678 00	45
Pelham, - -	221	214,606 00	43
Plainfield, - -	209	286,006 00	52
Prescott, - -	164	253,561 00	45
South Hadley, - -	576	663,482 00	1 26
Southampton, - -	311	377,282 00	70
Ware, - -	900	1,108,228 00	2 08
Westhampton, - -	179	215,719 00	40
Williamsburg, - -	414	647,359 00	1 15
Worthington, - -	278	443,273 00	83
	8855	\$13,331,240 00	\$23 99

COUNTY OF HAMPDEN.

TOWNS.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
Blandford, - -	404	\$516,896 00	\$0 96
Brimfield, - -	386	672,008 00	1 17
Chester, - -	390	423,265 00	82
Chicopee, - -	1913	3,442,597 00	6 02
Granville, - -	336	384,110 00	73
Holland, - -	116	141,897 00	27
Holyoke, - -	1117	1,812,854 00	3 22
Longmeadow, - -	347	845,966 00	1 41
Ludlow, - -	288	459,837 00	81
Monson, - -	612	916,185 60	1 65
Montgomery, - -	108	159,691 00	28
Palmer, - -	896	1,208,435 67	2 23
Russell, - -	146	167,528 00	31
Southwick, - -	314	525,318 00	93
Springfield, - -	3465	6,375,453 50	11 10
Tolland, - -	148	202,555 00	36
Wales, - -	187	217,938 00	41
West Springfield, - -	715	1,661,640 50	2 80
Westfield, - -	1070	1,563,758 00	2 84
Wilbraham, - -	481	923,287 50	1 60
	13,439	\$22,621,220 77	\$39 92

COUNTY OF FRANKLIN.

Ashfield, - -	385	\$525,901 00	\$0 96
Bernardston, - -	248	375,366 00	67
Buckland, - -	276	227,773 00	56
Charlemont, - -	294	361,311 00	67
Coleraine, - -	435	642,893 00	1 15
Conway, - -	444	679,492 00	1 21
Deerfield, - -	650	1,009,306 00	1 80
Erving, - -	145	154,821 00	29
Gill, - -	189	293,207 00	52
Greenfield, - -	643	1,072,889 00	1 89
Hawley, - -	215	273,212 00	50
Heath, - -	179	263,640 00	47
Leverett, - -	234	266,704 00	50
Leyden, - -	153	199,268 00	36
Monroe, - -	64	60,538 00	11
Montague, - -	374	447,222 00	84
New Salem, - -	309	410,657 00	75
Northfield, - -	477	726,681 00	1 30
Orange, - -	445	686,974 00	1 22
Rowe, - -	163	215,432 00	39
Shelburne, - -	290	470,874 00	83
Shutesbury, - -	218	248,125 00	56
Sunderland, - -	209	316,442 00	56
Warwick, - -	256	454,605 00	79
Wendell, - -	260	389,204 00	70
Whately, - -	311	438,772 00	79
	7866	\$11,211,309 00	20 39

COUNTY OF BERKSHIRE.

TOWNS.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
Adams, - -	1391	\$1,724,484 00	\$3 23
Alford, - -	139	219,734 60	39
Becket, - -	340	313,915 00	63
Boston Corner, - -	14	12,455 00	3
Cheshire, - -	368	516,586 50	94
Clarksburg, - -	91	94,835 00	19
Dalton, - -	258	451,247 00	79
Egremont, - -	291	453,165 00	81
Florida, - -	130	145,049 00	28
Great Barrington, - -	845	1,288,176 00	2 31
Hancock, - -	190	355,151 00	62
Hinsdale, - -	295	403,324 00	74
Lanesborough, - -	341	501,445 00	91
Lee, - -	807	966,320 00	1 82
Lenox, - -	369	524,500 90	95
Monterey, - -	170	227,960 00	41
Mount Washington, - -	78	93,402 00	17
New Ashford, - -	57	99,966 00	17
New Marlborough, - -	488	495,871 00	97
Otis, - -	320	319,400 00	63
Pernu, - -	133	197,142 00	36
Pittsfield, - -	1464	2,660,744 60	4 64
Richmond, - -	238	367,058 00	66
Sandisfield, - -	427	463,328 00	89
Savoy, - -	259	171,936 00	38
Sheffield, - -	653	1,108,145 00	1 96
Stockbridge, - -	418	733,871 40	1 29
Tyringham, - -	198	239,086 00	45
Washington, - -	208	236,195 00	45
West Stockbridge, - -	462	541,186 00	1 02
Williamstown, - -	586	973,309 00	1 72
Windsor, - -	236	298,619 00	56
	12,264	\$17,197,607 00	\$31 37

COUNTY OF NORFOLK.

Bellingham, - -	322	\$517,797 87	\$0 92
Braintree, - -	730	1,054,783 30	1 91
Brookline, - -	666	5,436,854 50	8 32
Canton, - -	610	1,387,372 75	2 34
Cohasset, - -	428	746,872 68	1 31
Dedham, - -	1222	2,999,518 87	5 01
Dorchester, - -	1991	6,785,916 46	10 97
Dover, - -	187	295,704 00	52
Foxborough, - -	455	648,072 75	1 18
Franklin, - -	418	648,436 00	1 16
Medfield, - -	243	459,846 00	80
Medway, - -	761	867,176 00	1 65
Milton, - -	566	1,733,127 00	2 82
Needham, - -	547	799,789 75	1 44

NORFOLK—Continued.

TOWNS.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
Quincy, - -	1355	\$2,085,625 38	\$3 74
Randolph, - -	1354	1,663,428 25	3 12
Roxbury, - -	4125	13,613,731 50	22 03
Sharon, - -	325	548,452 25	96
Stoughton, - -	942	1,093,296 00	2 07
Walpole, - -	434	812,984 50	1 41
Weymouth, - -	1239	1,714,014 75	3 14
Wrentham, - -	710	1,121,721 00	2 00
	19,630	\$47,034,521 56	\$78 82

COUNTY OF BRISTOL.

Attleborough, - -	1037	\$1,038,000 00	\$2 05
Berkley, - -	225	261,405 00	58
Dartmouth, - -	1014	2,279,942 00	3 84
Dighton, - -	400	517,487 00	95
Easton, - -	607	707,887 00	1 33
Fairhaven, - -	1050	3,248,990 00	5 28
Fall River, - -	2893	6,091,250 00	10 39
Freetown, - -	364	565,096 00	1 00
Mansfield, - -	451	378,902 00	77
New Bedford, - -	3781	14,489,266 00	23 18
Norton, - -	455	714,021 00	1 26
Pawtucket, - -	891	916,587 00	1 78
Raynham, - -	331	514,908 00	91
Rehoboth, - -	508	689,206 00	1 25
Seekonk, - -	499	695,324 00	1 26
Somerset, - -	275	463,495 00	81
Swanzey, - -	309	544,232 00	94
Taunton, - -	2556	3,701,472 00	6 71
Westport, - -	736	1,451,080 00	2 49
	18,382	\$39,243,560 00	\$66 78

COUNTY OF PLYMOUTH.

Abington, - -	1474	\$1,466,878 00	\$2 89
Bridgewater, - -	712	1,222,351 00	2 15
Carver, - -	272	347,995 00	65
Duxbury, - -	695	1,076,363 00	1 93
East Bridgewater, - -	656	814,600 00	1 53
Halifax, - -	208	255,884 00	49
Hanover, - -	387	550,089 00	1 00
Hanson, - -	290	376,786 00	70
Hingham, - -	1137	1,570,886 00	2 87
Hull, - -	61	117,823 00	20
Kingston, - -	430	853,645 00	1 46
Marshfield, - -	454	643,191 00	1 17
Middleborough, - -	1307	1,603,928 00	3 00

PLYMOUTH—Continued.

TOWNS.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
North Bridgewater, -	1076	\$1,043,150 00	\$2 07
Pembroke, -	355	440,917 00	82
Plymouth, -	1489	2,473,123 00	4 38
Plympton, -	243	330,503 00	61
Rochester, -	950	1,181,629 00	2 21
Scituate, -	548	664,955 00	1 25
South Scituate, -	454	747,414 00	1 33
Wareham, -	865	901,603 00	1 75
West Bridgewater, -	347	516,955 00	93
	14,410	\$19,200,668 00	\$35 38

COUNTY OF BARNSTABLE.

Barnstable, - -	1164	\$1,522,871 00	\$2 81
Brewster, - -	346	334,827 45	66
Chatham, - -	561	484,718 25	99
Dennis, - -	739	798,934 14	1 54
Eastham, - -	212	185,714 50	38
Falmouth, - -	624	954,466 75	1 71
Harwich, - -	721	524,699 75	1 13
Orleans, - -	414	325,576 30	69
Provincetown, - -	663	1,043,135 00	1 86
Sandwich, - -	1052	1,314,391 15	2 44
Truro, - -	490	367,199 50	79
Wellfleet, - -	546	294,228 00	71
Yarmouth, - -	572	746,587 95	1 39
	8104	\$8,897,349 74	\$17 10

COUNTY OF DUKES CO.

Chilmark, - -	207	\$471,365 00	\$0 79
Edgartown, - -	490	670,834 00	1 23
Tisbury, - -	465	555,806 00	1 05
	1162	\$1,698,005 00	\$3 07

COUNTY OF NANTUCKET.

Nantucket, - -	2019	\$4,595,362 00	\$7 75
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RECAPITULATION.

COUNTIES.	POLLS.	PROPERTY.	Tax on \$1000, including Polls at 1-2 mill each.
Suffolk, - -	33,705	\$217,587,172 00	\$336 15
Essex, - -	30,816	56,556,466 89	98 41
Middlesex, - -	39,819	83,264,719 50	142 09
Worcester, - -	34,671	55,497,794 00	98 78
Hampshire, - -	8,855	13,331,240 00	23 99
Hampden, - -	13,439	22,621,220 77	39 92
Franklin, - -	7,866	11,211,309 00	20 39
Berkshire, - -	12,264	17,197,607 00	31 37
Norfolk, - -	19,630	47,034,521 56	78 82
Bristol, - -	18,382	39,243,560 00	66 78
Plymouth, - -	14,410	19,200,668 00	35 38
Barnstable, - -	8,104	8,897,349 74	17 10
Dukes County, - -	1,162	1,698,005 00	3 07
Nantucket, - -	2,019	4,595,362 00	7 75
	245,142	\$597,936,995 46	\$1000 00

INAUGURAL ADDRESS

OF

HIS EXCELLENCY GEORGE S. BOUTWELL.

REPRESENTATIVES' CHAMBER, JAN. 16th, 1851.

At twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

A D D R E S S :

*Gentlemen of the Senate, and of the
House of Representatives :*

IN compliance with established and appropriate usage, I have met the two branches of the Legislature, for the purpose of making those recommendations which appear to me important or beneficial to the Commonwealth.

The seventh decennial period in its history and political institutions has just closed, and, by the blessing of Divine Providence, it has been the most distinguished of all for the happiness and prosperity of the people.

We shall truly appreciate the blessings of the age in which we live if we contrast it with the gloomy period of 1780 to 1790, when our State endured the calamities of individual and national poverty, and the horrors of domestic and foreign war.

The population of the State has increased from seven hundred and thirty-seven thousand, in 1840, to nearly one million, in 1850; while, in the same period, its valuation has risen from three hundred to six hundred millions of dollars. Extreme

poverty is so unusual that all may be said to enjoy the necessaries of life; and our system of public instruction is so extended and elevated, that every child has the means of becoming a well-educated person. Wealth has been accumulated in every department of industry, though agriculture and manufactures are temporarily less prosperous than commerce.

The system of railways by which the seacoast is connected with the interior, even to the Canadas and the Great Lakes, has given a commercial importance and character to the State which could not have been anticipated at the commencement of the present century. Nor has any section of the country been more benefited by the existence, stability and general policy of the national government, than Massachusetts.

If it be certain, that one of her important interests has been unfavorably affected by the present revenue system, it is probable that sufficient relief would be afforded by substituting an actual valuation of imports for foreign invoices. There is, however, reason to believe that, without legislation, all branches of industry will soon enjoy a good degree of prosperity. Our chief reliance must be upon our natural advantages, and the superior intelligence, assiduity and enterprise of our laboring population.

We are not, then, as true representatives of the character and interests of the State, to engage in the work of destruction, but by careful and judicious legislation, to remove such evils as may exist, and give proper encouragement to industry, education and good morals.

It is one of the high duties of government to secure to every man an equal opportunity to acquire property, and equal rights in the possession of property. General laws, so far as they are applicable to business purposes, should take the place of special legislation. But whenever the latter is necessary, it is one of the most delicate duties to manifest a spirit of liberality on the one hand, and guard against all excesses of legislation on the other.

The wisdom of our ancestors is no where more apparent than in the early and permanent provision they made for public instruction; and we may indulge the gratifying reflection, that their example has always been imitated, though not in a manner corresponding to the increased wealth of later times.

We have no rank among the large states of this Union, derived either from population or extent of territory; but the time can never come, when a million of well-educated people shall fail to exert influence in every part of this ocean-bound republic. You cannot expect to secure this desirable result by any other agency than the Common School. Such appears to be the opinion of the people. In 1850, the several towns and

cities raised, by taxation, eight hundred and sixty-four thousand dollars for the support of schools, being an increase of thirty-four thousand dollars over the appropriations of the preceding year. The total expenditures for educational purposes during the year 1850, were not less than twelve hundred and fifty thousand dollars.

The School Fund amounts to nine hundred and eighty-six thousand dollars, and is limited by law to one million of dollars. When this fund shall have reached its maximum, its income, distributed among two hundred thousand children, will furnish only the inconsiderable sum of thirty cents towards the education of each. If it were possible, I would not advise such an addition as should relieve the towns from taxation, but it could not be dangerous to allow the fund to increase to one and a half or two millions of dollars. It should also be borne in mind, that the increase of population diminishes annually the capacity of the fund to furnish education to each child. I do, therefore, most respectfully recommend to your consideration an additional appropriation of the proceeds of the public lands to this object.

It is expected that you will, during the present session, be made acquainted with the quantity and value of the lands now unsold in which the State is interested. A large portion of them are the joint property of Massachusetts and Maine; and as the interests of the two states are not, in all respects, identical, it may appear to you advisable to take measures for a division. The system of sales is, in many respects, objectionable, and I cannot hesitate to express the opinion that legislation upon the subject is much needed.

I learn from the Auditor, that, including the balance in the treasury on the first of January, 1850, the ordinary receipts for that year were four hundred and ninety-six thousand eight hundred and sixty-four dollars; and that the ordinary expenditures, excluding payments to the valuation committee, were five hundred and fifty-six thousand and fifty-five dollars, thereby showing a deficit of rather more than fifty-nine thousand dollars. This deficit is covered by a temporary loan of sixty-five thousand dollars, and thus a balance of nearly six thousand dollars appears in the treasury on the first of January, 1851.

The estimates of the Auditor also show that the expenditures of the current year will exceed the income in the sum of thirty thousand dollars, and that a loan of fifty thousand dollars will be required on account of the prison at Charlestown.

The indebtedness of the State, exclusive of railroad liabilities, is as follows, viz. :

Temporary loan of sixty-five thousand dollars; State Reform School loan, of one hundred thousand dollars; and Prison loan,

of fifty thousand dollars,—making an aggregate of two hundred and fifteen thousand dollars. And if there be added, agreeably to the estimate of the Auditor, to the Prison loan, fifty thousand dollars, and to the Temporary loan, thirty thousand dollars, the debt of the State on the first of January, 1852, will be two hundred and ninety-five thousand dollars.

While this debt is insufficient to excite serious apprehensions, it is not wise to allow a continuous annual deficit.

I have not made such an examination of the items of expenditure, as enables me to express an opinion whether they may or may not be reduced.

They will be affected by the legislation, and materially controlled by the length, of the present session. The daily expenses of the Legislature will be unusually large, and a session of ordinary length will give an aggregate cost beyond that of former years.

I do not advise the neglect of any important business, but the circumstances to which I have referred will justify a public expectation of promptitude and economy. In a moment of prosperity it appears to be better policy to increase the revenues of the State, even by taxation, than to permit the accumulation of a public debt. But I trust that your wisdom will prevent a resort to either of these courses.

In Massachusetts, as in several of the New England States, the House of Representatives is based upon a combination of the numerical right of the people and the corporate right of the towns and cities. Each town and city enjoys a government which possesses a wonderful degree of completeness and sovereignty. The present system of representation has existed for so long a period, and has upon the whole been so well sustained by the public judgment, that it does not seem advisable to abolish it, with the idea of establishing a system based upon population alone. Its effect is to preserve a degree of equality between the sparse and dense portions of the State, and also to give a nearer equality of power to the different leading branches of industry.

If the principle of the provisions of the constitution on this subject is to be sustained, some amendment is necessary. In the last ten years, large additions have been made to the population of the State, but not to every section nor to every branch of industry in equal proportions. While there should be none but the kindest feelings between different sections, and between those engaged in different industrial pursuits, the preponderance of one section or one interest cannot be regarded otherwise than a public evil. Unless some change shall be made, many towns will be unrepresented a large portion of the present ten years. As the right of representation is one of the most

important rights of the citizen, so the duty of providing for its free and just exercise is one of the most important duties of the government.

The value of the right of representation depends materially upon the security and independence of the right of suffrage. This latter is not the original right of the government conferred upon the citizen, but the right of the citizen by which he takes his part in the constitution and management of the government.

The public, therefore, can properly establish such regulations only as are necessary for the general convenience and safety. The publicity of the ballot does not appear to be a regulation of this sort, as its entire secrecy is consistent with the safety and convenience of the whole community.

You may think it desirable to establish single representative districts in the cities, and single senatorial districts throughout the Commonwealth. Were this change made, the Legislature would more truly represent the whole people; while a closer intimacy and a more direct responsibility would exist between the representative and the electors.

Similar provisions have been adopted by other states, and the law of the United States requiring single districts for the election of members of Congress, is based upon the same principle.

Your predecessors have repeatedly considered the propriety of electing representatives in Congress by a plurality of votes, at the second or third trial.

The law of the United States, which requires each state to be districted, does not confer upon a district the right to consider the question whether it will or will not be represented. This right of representation is a state right; and when it is ascertained by experience that a particular system fails to secure the object of all elections,—representation and government,—it is clearly within the province of the Legislature to make the necessary amendments.

At the last session of the Legislature, an alteration was proposed in the corporation of Harvard College; and, in the regular course of business, the measure will be brought to the notice of the house of representatives. The examination and reflection which I have given to the subject have left no doubt in my mind of the right of the Legislature to make important changes in the government of this institution. But it should be remembered that the right coexists with the duty to exercise it only for the benefit of education throughout the Commonwealth. It is in this view alone that the subject is now introduced to your notice.

Whenever the legislative power is exercised, due regard

should be had to the rights of the college and the laudable purposes for which it was established ; but, within the acknowledged limits of that power, there should be no hesitation in adopting any practicable measure calculated to advance the interests of learning.

I am not aware that the militia system requires any alteration ; but as it is made by the constitution an important part of our government, great care should be taken to preserve the organization and efficiency of the active corps.

There are several subjects of importance, which have been referred to commissions, whose reports, as I have reason to believe, will be laid before you during the present session. I do not regard this as the appropriate occasion for their discussion.

The charitable institutions of the State deserve the careful consideration of the Legislature ; and I shall cheerfully concur in all reasonable appropriations and measures in their behalf.

In ordinary times I should omit the discussion of topics which are national in their character ; but the excitement which has sprung from the institution of slavery, and the examination of questions connected with it, seem to justify some deviation from this general policy.

The institution of slavery is older than our government, and is one of the most important subjects which the American moralist or statesman can contemplate. It exists in nearly one half of the states of this Union, and is recognized by the constitution which has been adopted by all. Where it exists it is regarded as a benefit ; where it does not exist it is regarded as an evil.

One portion of the country has a pecuniary interest in its existence, equal to many hundred millions of dollars ; the other regards it as a moral, political, social and industrial evil, which dishonours labor, and degrades the laborer within the sphere of its influence. The actual conflict of these opposite interests and opinions, unless regulated by the constitution, would end in the destruction of the American Union.

It may not, then, be inappropriate to consider how far the institution of slavery is a general subject of legislation, and therefore of general political interest, and how far its existence and responsibility are local, and the subjects of local legislation only.

By the peace of 1783, each of the thirteen former colonies rose at once to the rank of a free and sovereign state ; having the right, of course, as such to abolish any of its old institutions, or to establish new ones. The constitution of 1789 neither added to nor materially diminished these powers. It did not recognize any of the existing institutions of the states, except so far as was necessary to render the general government a perfect and harmonious system.

It was absolutely necessary to determine the basis of representation and taxation among the states. The provision for the delivery of fugitives from service or labor was in the nature of a treaty between sovereign states, and for its fulfilment the general government was clothed with sufficient authority. If it appear from the language of the constitution that the manner of delivery should be left to the several states, the supreme court appears to have decided otherwise. It must then be considered as settled, that the manner of delivery is to be determined by Congress. As this body represents all the states and all the people, its acts are binding upon every state and each citizen, unless the judicial tribunals shall declare them to be unconstitutional. A law thus passed may be, in the opinion of a state or an individual, unjust, inexpedient, or unconstitutional; yet this opinion furnishes no excuse for illegally nullifying its power or resisting its execution.

A remedy for its injustice or inexpediency must be sought in the legislative, and for its unconstitutionality in the judicial, departments of the government. Until there can be a successful appeal in one or the other of these forms, no true citizen can interfere with the due execution of the law.

There is no security for person and property, for life and liberty, in any other doctrine than this. If a state have a right to nullify, or a citizen to resist, an act of Congress, our government ceases to be a government of laws, and becomes one of men.

I have not made these observations because I think that it is in Massachusetts only or chiefly that the doctrine of obedience to the law should be inculcated. Her people are a law-abiding people. Whatever she has of renown in the past, of prosperity in the present, or hope in the future, is intimately connected with this principle. But it is too true that some sections of the Union appear ready to threaten its existence upon occasions comparatively unimportant. And when a state seriously contemplates the dissolution of this confederacy, it is a solemn political event, whether such state has or has not just cause for the position it takes. If, however, it shall pursue its suicidal course to extremities, it is important to every other state that the whole responsibility should be upon her. It is for this reason that I cannot advise the passage of any measure calculated to increase the excitement which unhappily exists, even though that excitement have no just foundation.

While the act of 1850, for the delivery of fugitives from service, is binding upon us, it is just to say that in some of its provisions it appears not to have proper regard to the rights of the alleged fugitive, or to the sentiments of the community in which the law is to be executed.

If, however, the right of the slave states be admitted, the manner of delivery is principally important in one point of view. If, under color or sanction of the law, free citizens shall be consigned to slavery, it will be the duty of all just and considerate men of every party and every section to unite in the removal of its obnoxious features.

The provision of the constitution on which this law is based can never be properly construed, either by Congress or the courts, to endanger the liberties of free citizens.

But, whatever may be our opinions of the policy of the government, or the course of particular states, all of us must admit that the evils we suffer in the Union are not to be compared with that general ruin which will inevitably result from its dissolution. If we shall exhibit, in the present crisis, a liberal spirit of patriotism and justice, we may reasonably expect a similar manifestation by other states of the confederacy. If this expectation shall not be realized, the consequences will be upon others, and not upon us. I think Massachusetts can afford to take a leading position in this matter. Her free institutions have given to the north a vast increase of wealth and numbers. The census of 1850 will establish its power in the house of representatives by a delegation hardly less than two-thirds of the whole number. By the admission of California we have a majority of two in the senate; while the majority in both branches is destined to be increased by the freedom of Delaware, and the admission of Oregon, New Mexico and Minnesota, within the present ten years. In this view of the positive and prospective power of the north, there seems to be no occasion to despair either of our free institutions or our country.

The entire coast of the Pacific is dedicated to freedom. The commerce of the country is in the hands of the north. These are important facts in determining the future relative power of the two sections of the country.

The introduction of manufactures into the south will lead to inquiries as to the relative cost of free and slave labor, and the great truth will be elicited, that the former is the only economical system.

It was not more certain in the warlike ages of the world that the inferior race must give way to the superior, than it is in this commercial age that every involuntary system must gradually bend before the hardihood and enterprise of the intelligent and independent laboring classes of the country.

Let us have confidence in the almost universal opinion of the world that slavery is a great evil,—in the character of our institutions, which favor freedom and not servitude,—in the

power of free labor, which first oppresses and then supplants less economical systems,—and, above all, in the adventurous yet conservative spirit of the north, which rapidly converts the unexplored regions of the west into populous and influential states.

In the consciousness of strength let us be just ; and as we fulfil our treaty stipulations with foreign governments, whose institutions we do not approve, let us faithfully perform the duties our fathers assumed, for themselves and for us, to the sovereign states of this confederacy.

Gentlemen :

I have been called to the chief magistracy of the Commonwealth at an early period of life, and without those tokens of popular preference which my predecessors have enjoyed.

I am, however, none the less grateful for the indications of public confidence which I have received. It is my purpose, in the discharge of the duties before me, to regard the whole people of the Commonwealth as one people, whose great political object is a just administration of public affairs.

M E S S A G E S .

To the House of Representatives :

I herewith transmit, for the use of both branches of the Legislature, the First Report of the Commissioners appointed to Revise and Reform the Proceedings in the Courts of Justice in this Commonwealth.

GEORGE S. BOUTWELL.

Council Chamber, January 22, 1851.

To the Senate :

I herewith transmit, for the use of both houses, certain resolutions of the state of Vermont for the promotion of peace ; also, certain resolutions passed by the convention to revise the constitution of the state of New Hampshire.

I have transmitted to the house of representatives, for the use of both houses, the following reports communicated to this department of this government :—

1. The Report of the Commissioners appointed to Revise

and Reform the Proceedings in the Courts of Justice in this Commonwealth.

2. The Report of the Commissioners concerning Agricultural Schools.

3. The Report of the Trustees of the State Lunatic Hospital.

4. The Report of the Treasurer of the State Reform School.

5. The Report of the Trustees of the State Reform School.

6. The Reports of the Inspectors, Warden, Chaplain and Physician of the State Prison.

GEORGE S. BOUTWELL.

Council Chamber, January 28, 1851.

To the House of Representatives :

I herewith transmit to the house of representatives, for the use of the Legislature, the Report of the Commissioners appointed to consider the subject of Reform Schools for Girls.

GEORGE S. BOUTWELL.

Council Chamber, March 5, 1851.

To the House of Representatives :

I herewith transmit, for the use of both houses, the First Report of the Commissioners appointed under the Resolves concerning Boston Harbor and Back Bay, approved May 3, 1850.

GEORGE S. BOUTWELL.

Council Chamber, March 24, 1851.

To the House of Representatives :

I herewith communicate, for the information of the Legislature, the Report of the Commissioners appointed under Resolves "concerning the Boundary Line between the states of Rhode Island and Massachusetts," passed May 10, 1848. From this report it appears that the effort, so often renewed, to settle the line between Massachusetts and Rhode Island, has failed. The resolves declared, "that if such boundary line shall not be ratified and confirmed before the first day of May, in the year one thousand eight hundred and forty-nine, the governor is hereby authorized to institute such process as he may deem proper, in the supreme court of the United States, for the purpose of having a final adjudication upon said line."

This power has not been exercised by the executive ; and it is for the Legislature to consider whether it shall or shall not be modified or annulled. Should there be no legislation upon the subject, during the present session, I shall consider it to be my duty to institute such process as may lead to a judicial decision. Nor can I advise any further delay in the matter. It

is believed that the various boards of commissioners have had a sincere desire to make a settlement upon terms more advantageous to Rhode Island than the legal line is supposed to be. While Massachusetts can and will assert, in a court of law, her right to a considerable territory now within the jurisdiction of Rhode Island, she in reality desires nothing but the recognition of a line convenient to her citizens, and entirely, as is believed, upon her own soil.

The jurisdiction of Plymouth Colony, to which the province and state of Massachusetts succeeded, originally extended to the centre of Narraganset River, and covered the towns of Warren, Bristol, Barrington, Tiverton, and Little Compton.

By an order of the king, in council, in 1746, the report of the king's commissioners, by which these towns were transferred to Rhode Island, was confirmed.

Massachusetts will not institute proceedings for the purpose of reclaiming them, after so long a separation; but if the result of the contest should be their restoration, there will certainly be no cause for complaint.

The easterly line of Rhode Island, as established by the king's commissioners, is properly divided into four sections.

1st. That part of the line which runs from the ocean to a point at the mouth of Taunton River.

2d. That part of the line which runs from Toweset Neck, opposite the mouth of Taunton River, to Bullock's Point.

3d. That part of the line which runs from Bullock's Point to Pawtucket Falls.

4th. That part of the line which runs from Pawtucket Falls to the south line of Massachusetts.

By the order in council, the first line was declared to be a transverse line, which should intersect certain three mile lines drawn due east from well known points on the margin of Mount Hope Bay as it extends from the ocean towards Taunton River.

The second line was declared to be a transverse line, which should intersect certain three mile lines drawn northeast from well known points on that part of Narraganset Bay which extends towards Narraganset or Providence River.

The third line was declared to be "along the eastward side of Seekonk River" to Pawtucket Falls.

The fourth line was declared to be a due north line from Pawtucket Falls to the southern boundary of Massachusetts Bay.

In 1746, Rhode Island, without proper notice to Massachusetts, proceeded to run the line *ex parte*; and, without any pretence of right, appropriated to itself a portion of the territory of the latter, of an average width of one-third of a mile,

extending along the entire line from the ocean to Bullock's Point. This fact is not in any degree doubtful. It has been ascertained by repeated measurements, and admitted by commissioners of Rhode Island in a report to the legislature of that state, made in 1791. If Massachusetts shall be held to the validity of the king's order, her title to this strip of territory must nevertheless be confirmed. On the third section of the line, from Bullock's Point to Pawtucket Falls, the contest is for jurisdiction between high and low water mark. The line of the states is "along the eastward side of Seekonk River."

The supreme court of the United States decided, under the ordinance of 1787, that the territory "northwest of the river Ohio" extended to low water mark, though the river itself was within the jurisdiction of the states along the southern shore. It would seem to be a well settled principle, that a sovereign state is not to be excluded from the waters upon its borders, unless an agreement, or order, or charter absolutely requires it. It certainly must be a forced construction of language which shall exclude Massachusetts during a large portion of the time, from access to a river by which she is bounded. Public policy, too, demands that the people living upon the banks of a river shall have access to it. The claim of Rhode Island, being against public policy, must be established in a clear and indisputable manner. The line must be a fixed line, and is, therefore, either at high or low water mark; it cannot change with the fluctuations of the tide. Nor can it be contended that Rhode Island, under the decision of 1746, can exercise jurisdiction over the *land* on the eastern side of Seekonk River, at *high tide*; and if not at high tide, can she at low tide? It appears to be well established that a state bounded by a river has jurisdiction to low water.

The fourth section, from Pawtucket Falls to the southern line of Massachusetts Bay, is not doubtful. It is described as a due north line, and Massachusetts admits that it should commence at a known point on the easterly side of the falls. This line will deprive Rhode Island of the qualified jurisdiction she has exercised over a narrow strip of territory, quite important however in population and wealth. There is only one other point of dispute between the states. This is at Fall River. The first three mile line on the east of Narraganset, or, as it is now known, Mount Hope Bay, was to be drawn from a point "four hundred and forty rods to the southward of the mouth of Fall River." The order was evidently intended to limit Rhode Island to the shores of the bay, and this point, wherever it was, was regarded as the mouth of Taunton River. Rhode Island contends that, in passing from the mouth of Fall River towards the Bay, all the sinuosities of the shore should be measured.

Massachusetts, on the other hand, claims that a straight line should be drawn from the mouth of Fall River, southward, four hundred and forty rods, without reference to the character of the intervening shore. I have no doubt that the latter is the true line. The difficulty with the doctrine of Rhode Island is, that, having measured the sinuosities of the river, the point reached is not four hundred and forty rods southward of the mouth of Fall River, but three hundred and sixty rods only, which is neither in compliance with the language or plain intent of the order. The claim of Massachusetts is further substantiated by the plan, prepared under the direction of the king's commissioners, a copy of which has been obtained from England. There is a dispute as to the true mouth of Fall River, but Massachusetts has very little interest in its decision. It is unquestionably true that Rhode Island, since 1746, has exercised either an exclusive or mixed jurisdiction over the territory in dispute; and it is probable that she will attempt to establish the jurisdictional line, to the exclusion of that of the king's order, or of the Plymouth Colony charter. Should this claim be set up, there seems to be a sufficient answer. In 1791, both states in the same language agreed, by the appointment of commissioners, "to ascertain, run and mark such boundary line, upon the principles that have heretofore been agreed upon by commissioners from Great Britain, or by the respective legislatures of the late province of Massachusetts Bay, and the colony of Rhode Island and Providence Plantations, for that purpose appointed, if those principles can now be ascertained." The commissioners thus appointed, by the acts of both governments, were unable to agree further that they would "perambulate the line between the two states, and ascertain the bounds agreeably to the determination of king and council, so far as from Bullock's Point eastward, leaving the line from Pawtucket Falls to be run and settled when the north line is settled." Neither part of this agreement has been performed. But it thus appears that, in 1791, Rhode Island agreed that the line was unsettled, and that it should, in all important particulars, be settled agreeably to the king's order. Since 1791 she cannot have acquired title by possession, for the boundaries have constantly been the subject of dispute and negotiation. It is possible that the legal line is to be determined by the Plymouth Colony charter; but if not, certainly by the order of the king in council, in 1746. I cannot doubt that either line will be satisfactory to Massachusetts. What she most needs is the right to low water in the Seekonk River, and the affirmation of the true line at Fall River.

But, whatever may be the result, a settlement of the question is all important. For nearly two hundred years the line has

been in controversy. Further delay will be injurious to the inhabitants upon the border, and is calculated to disturb the comity between the states. If the legal line shall prove inconvenient to either state, and especially if it shall prove inconvenient to Rhode Island, I trust that a disposition will exist to make such alterations as shall be beneficial to the citizens interested, and honorable to the contending parties.

GEORGE S. BOUTWELL.

Council Chamber, March 31, 1851.

To the Senate :

I herewith transmit to the honorable senate, for the use of the Legislature, certain documents which have been transmitted to this branch of the government, namely :

1. Joint Resolution of the State of Illinois concerning the Institution of Slavery.

2. Report and Resolutions of a Convention of the People of Maryland upon the same subject.

3. Resolutions of the General Assembly of Florida relative to the establishment of a Bureau of Agriculture at the City of Washington.

4. The Report of the Commissioner of the District of Marshpee upon the state of the treasury and the general affairs of said district.

GEORGE S. BOUTWELL.

Council Chamber, May 16, 1851.

To the President of the Senate :

SIR,—A bill entitled, "An Act to authorize the Boston Wharf Company to complete and maintain their Wharf," has been laid before me for my revision ; but as I entertain objections to its passage, I herewith return it to the honorable senate in which it originated.

The Boston Wharf Company was chartered in 1836, and was authorized to construct and maintain a wharf on the southerly side of Fore Point Channel upon certain flats, the private property of the corporators.

By the fifth section of the charter, it was provided that nothing therein should be construed "to authorize said corporation to obstruct or encroach upon the channel, or in any way to infringe or interfere with the rights of the Commonwealth in any flats in the harbor of Boston, or with the legal rights of any other person or persons."

In 1837, the corporation was authorized to expend fifty thousand dollars in the purchase of other flats of individual proprietors. This act also contained a restriction similar to

that inserted in the original charter. It is thus seen that great care was taken by the government to preserve the channel of the harbor and the property of the Commonwealth from injury and misappropriation.

In 1845, the corporation was allowed to extend its wharf about six hundred feet along the southerly line of Fore Point Channel over the flats of the Commonwealth, towards the main channel of the harbor. The extension of commercial facilities was the only advantage which the State derived from this grant.

The act contained this provision:—"The said corporation shall not extend or maintain the extended part of their wharf over any creek or channel."

In December of the same year a bill of indictment was found against the corporation for a violation of this provision; and in January, 1846, for the same reason, the supreme judicial court granted an injunction upon its proceedings.

In succeeding years, until 1850, the corporation made unsuccessful attempts to induce the Legislature to repeal the proviso of the act of 1845, and allow the extension of the wharf across the aforesaid creek or channel.

By the statute of 1850, chapter 246, the corporation was authorized to extend the wharf eleven hundred feet from a certain point named in the act, being a few feet beyond the point which the supreme court had declared to be a channel agreeable to the act of 1845.

The bill which I am now considering authorizes a further extension of one hundred and fifty feet upon the line of Fore Point Channel, and necessarily implies a like extension of all wharves which may hereafter be constructed by the riparian owners on the south of the wharf to which this bill relates.

From colonial times our policy towards riparian owners has been liberal.

By the ordinance of 1641 it is declared, "that in all creeks, coves and other places, about and upon salt water, where the sea ebbs and flows, the proprietor of the land adjoining shall have propriety to the low-water mark, where the sea doth not ebb above a hundred rods, and no more wheresoever it ebbs further."

This was a voluntary grant by the public, whose only purpose and consideration was the commercial prosperity of the riparian owners, and consequently of the colony. By the same ordinance the shore owners were excluded from all right of property below the line thus defined, but were entitled, of course, to a water communication with their lands and wharves.

The charter of 1836, and the supplementary act of 1837, expressly declared that the corporation was not to expect any

surrender of the public property to their use ; therefore, if, to this moment, the Legislature had refused all grants whatever, there would be no cause for complaint.

The act of 1845 was then an act of liberality on the part of the Commonwealth, and it was accepted by the corporation upon the express condition that it should not construct its wharf across any creek or channel.

The Legislature did not undertake to decide whether there was within the defined limits a creek or not ; this question, when it arose, was to be determined in the courts of law. The corporation held this grant as every citizen holds his property, subject to the decision of the judicial tribunals under the laws of the land. When, therefore, the corporation had constructed its wharf to a creek or channel, as defined by the court, it was in the uninterrupted enjoyment of all the rights and privileges granted to it by the act of 1845. And from that moment the State has been under no obligation, either in law or equity, to allow any further extension of this wharf towards the main channel of the harbor ; yet, by an act passed in 1850, the corporation was authorized to extend its wharf to a point within three hundred feet of the extreme point named in the act of 1845. The legislation of the State concerning this corporation has been eminently liberal.

The bill now under consideration contemplates not only a grant of flats to the Boston Wharf Company, one hundred and fifty feet in width on Fore Point Channel, but necessarily the extension of this grant along a line of more than three thousand feet towards South Boston, thus involving a surrender of about five hundred thousand feet of flats in which the State has a valuable, vendible interest.

If this portion of the public domain, over which the tide now ebbs and flows, is to be converted into land, it seems just that the proceeds should be applied to the improvement of the harbor or in some other way made serviceable to the commerce of the State in which all the people are interested.

But I am induced to withhold my assent to this bill by a consideration more important than any to which I have referred, the preservation of the harbor of Boston. Its main channel has diminished several hundred feet in width and from three to five feet in depth, within thirty years, and vessels of a large class have recently grounded at low tide.

Scientific and practical men may differ as to the cause, but the fact of a gradual and fearful shoaling of the water is certain. This result may be traced to a variety of causes, some more important than others ; but I cannot doubt, that a serious one, is the conversion of large tracts of marshes and flats, over which the tide once flowed, into solid land. The time has

not come when we are able to decide whether this system can be pursued with safety or not; hence it seems to be the part of wisdom to retain the power in the Commonwealth. If the control of the flats be once surrendered, it can only be regained by the exercise of the expensive right of eminent domain,—a right to which resort has been had in Europe for the removal of obstructions similar to those which we are now invited to create. The grant contemplated by this bill may not in itself produce serious injury to the harbor; but I object to its passage as one of a series of measures which cannot be adopted without great danger to the city of Boston, the entire State, and all the northern section of this Union. When I reflect that upon the preservation of Boston harbor depends, in a great degree, the commerce, the manufactures, the agriculture,—in fine, the value of all property in the Commonwealth,—I cannot consent to any experiments or doubtful measures in a matter so vital to every citizen.

While I am compelled, by a sense of public duty, to refuse my assent to this bill, I am cheered by the reflection, that the error I now make, if it be one, may be easily corrected by our successors; while the policy of the legislative department, if that prove erroneous, hardly admits of correction or remedy.

I need not say that these objections have been prepared without proper opportunities for examination, and may contain errors of fact in regard to certain points which I have presented; but these errors, if shown to exist, will not diminish my confidence in the justice of the conclusion to which I have arrived.

GEORGE S. BOUTWELL.

Council Chamber, May 24, 1851.

To the President of the Senate :

SIR,—I herewith return to the senate a bill, entitled “An Act to establish the Eastern Avenue Corporation,” with a brief statement of the objections which I entertain to its passage.

The bill authorizes the erection of a solid structure from Fore Point Channel to South Boston, with sluiceways and draws, as directed by commissioners to be appointed by the governor and council.

It also authorizes the construction of a sea wall, from the westerly termination of said solid structure, to the line of the wharf of the Boston Wharf Company. Thus will be enclosed and partially separated from the harbor, a large tract of flats, the property either of riparian owners or the Commonwealth. By the operation of natural laws this basin would finally become unfit for commercial purposes, and in time would be above the flood of the tide. A large portion of these flats are

the property of the State, subject only to the right of the shore owners to pass over them ; but the accretion by deposit, which would be a natural accretion, except so far as it would be accelerated by the action of the government in the passage of this bill, of which the State could probably take no advantage, would extend the right of the riparian proprietors to the solid structure in question, and thus ultimately convert valuable public interests to private use, without any compensation whatever. While I have not the means of estimating the extent of territory which it is proposed to include within the lines of this basin, I am justified in saying that the interest of the State extends to many hundred thousand feet. If we were determined to convert this section of Boston harbor into solid land, there are serious objections to the plan proposed. If this bill becomes a law it is doubtful whether the State can proceed to fill up the flats below the riparian owners within the basin, without the consent of such owners ; and this, with the prospect of ultimate unconditional possession, they might not be inclined to grant.

There is this further objection to the bill. As the basin fills up, the wharves upon its shore line will be reduced in value, and there is no provision in the bill for any compensation, as the constitution contemplates there shall be when private property is taken for public uses. The effect of these structures upon the harbor and the basin enclosed, will be similar to that produced by the erection of the milldam upon the other side of the city.

I have already expressed to the honorable senate the views which I entertain in regard to Boston harbor, the dangers to which it is exposed, and the importance of its preservation. It is not necessary to recapitulate them.

I am aware that this bill is in harmony with the former policy of the State ; that riparian owners in other parts of the city have enjoyed the benefits of that policy ; and nothing but a firm conviction that it will ultimately prove disastrous, leads me to object to the passage of a measure in itself highly beneficial to many citizens in the vicinity of the proposed avenue.

It is likely that another avenue to South Boston may, at some future time, be constructed ; but it should have regard to the rights of individuals, the rights of the Commonwealth, and, above all, to the safety of the harbor. The bill to which I have made these objections, appears to me to be essentially defective in all these particulars.

GEORGE S. BOUTWELL.

Council Chamber, May 24th, 1851.

LIST
OF THE
CIVIL GOVERNMENT
OF THE
COMMONWEALTH OF MASSACHUSETTS,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1851.

HIS EXCELLENCY
GEORGE S. BOUTWELL,
GOVERNOR.

HIS HONOR
HENRY W. CUSHMAN,
LIEUTENANT GOVERNOR.

COUNCIL.
ISAAC EMERY,
JOHN B. ALLEY,
GEORGE W. DIKE,
ISAAC DAVIS,
RODOLPHUS B. HUBBARD,
NOAH GIBSON,
EDGAR K. WHITAKER,
PHILO LEACH,
JOHNSON GARDNER.

AMASA WALKER,
Secretary of the Commonwealth.
WILLIAM TUFTS, 1st Clerk. CHARLES W. LOVETT, 2d Clerk.

CHARLES B. HALL,
Treasurer and Receiver General of the Commonwealth.
WILLIAM WILLIAMS, 1st Clerk. WILLIAM CALDWELL, 2d Clerk.

DAVID WILDER, JR.,
Auditor of Accounts.

TIMOTHY R. PAGE,
Messenger to the Governor and Council.

SENATE.

HENRY WILSON,

PRESIDENT.

SUFFOLK DISTRICT.

Cyrus Washburn,*	George H. Kuhn,
Benjamin Seaver,	Charles Theodore Russell,
John H. Wilkins,	Charles Hubbard.

ESSEX DISTRICT.

Moses Newell,	Robert S. Daniels,
Albert Thorndike,†	Edmund Kimball.
Daniel Saunders, Jr.,	

MIDDLESEX DISTRICT.

Joseph T. Buckingham,	Luke Wellington,
John W. Graves,	James M. Usher,
John Boynton,	Henry Wilson.

WORCESTER DISTRICT.

Alexander De Witt,	Giles H. Whitney,
Edward B. Bigelow,	Moses Wood.
Francis Howe,	

HAMPSHIRE DISTRICT.

William A. Hawley,	William Hyde.
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FRANKLIN DISTRICT.

Whiting Griswold.

* In place of DAVID SEARS, resigned.

† In place of FREDERICK ROBINSON, resigned.

HAMPDEN DISTRICT.

Erasmus D. Beach, David Mosely.

BERKSHIRE DISTRICT.

Richard P. Brown, Asa G. Welch.

NORFOLK DISTRICT.

Samuel Warner, Jr., Alva Morrison.
Edward L. Keyes,

PLYMOUTH DISTRICT.

William H. Wood, Edward Cazneau.

BRISTOL DISTRICT.

John Earle,* George Austin.
Lyman W. Dean,

BARNSTABLE DISTRICT.

Stephen Hilliard, Zenas D. Bassett.

NANTUCKET AND DUKES COUNTY DISTRICT.

William Barney.

CHAUNCEY L. KNAPP, *Clerk.*
JOSEPH H. BUCKINGHAM, *Assistant Clerk.*
REV. A. L. STONE, *Chaplain.*
WILLIAM M. WISE, *Doorkeeper.*
JAMES N. TOLMAN, *Assistant Doorkeeper.*
TILSON FULLER, *Page.*

* In place of WILLIAM C. TABER, resigned.

HOUSE OF REPRESENTATIVES.

HON. NATHANIEL P. BANKS, JR.,

SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Sidney Bartlett,
John Bigelow,
Charles Boardman,
Billings Briggs,
Edward Brooks,
Isaac Cary,
Otis Clapp,
Calvin W. Clark,
Robert Colby,
Samuel F. Coolidge,
Benjamin R. Curtis,
Tisdale Drake,
William Eaton,
Thomas Edwards,
Henry H. Fuller,
Henry J. Gardner,
Junius Hall,
Samuel Hooper,
Benjamin James,
Eliphalet Jones,
Isaac Jones,
Samuel Kettell,
Moses Kimball,
Ezra Lincoln,
Robert Marsh,
Abel B. Munroe,

Boston,

James Munroe,
 Charles C. Nutter,
 John Odin, Jr.,
 Julius A. Palmer,
 John F. Payson,
 Silas F. Plimpton,
 Benjamin Pond,
 William Pope,
 John P. Putnam,
 William Schouler,
 Nathaniel Seaver,
 Thomas J. Shelton,
 Jacob Sleeper,
 John Spence, Jr.,*
 Elijah Stearns,
 George Whittemore,
 Joseph M. Wightman,
 Clement Willis,
 Azel Ames,
 Edward Bassett,
 Edward Floyd.

*Chelsea,**North Chelsea,*

COUNTY OF ESSEX.

*Amesbury,**Andover,**Beverly,**Boxford,**Bradford,**Danvers,**Essex,**Georgetown,**Gloucester,*

Samuel H. Batchelder,
 Nathaniel Peabody,
 William Walcott,
 Otis Mudge,
 Henry A. Hardy,
 Gilman P. Allen,
 Henry H. Baker,
 Jeremiah R. Cook,
 William H. Haskell,

* Died during the session of the Legislature. J. T. STEVENSON elected to the vacancy.

<i>Groveland,</i>	Moses Foster, Jr.,
<i>Hamilton,</i>	
<i>Haverhill,</i>	
<i>Ipswich,</i>	Nathaniel R. Farley, Jr.,
<i>Lawrence,</i>	James K. Barker,
	Morris Knowles,
	George D. Lund,
<i>Lynn,</i>	Israel Buffum,
	Joseph Haines,
	John Q. Hammond,
	Isaiah Hacker,
<i>Lynnfield,</i>	William Skinner, Jr.,
<i>Manchester,</i>	John Girdler, 2d,
<i>Marblehead,</i>	
<i>Methuen,</i>	
<i>Middleton,</i>	E. P. Hutchinson,
<i>Newbury,</i>	Caleb Cushing,
<i>Newburyport,</i>	Jeremiah Colman,
	Edward Toppan, Jr.,
	Isaac Stevens,
<i>Rockport,</i>	Addison Gott,
<i>Rowley,</i>	Thomas E. Payson,
<i>Salem,</i>	William Kimball,
	William F. Nichols,
	Joseph B. F. Osgood,
	Charles M. Richardson,
	Augustus Story,
	Thomas Trask,*
<i>Salisbury,</i>	John Q. Evans,
<i>Saugus,</i>	Charles Sweetser,
<i>Topsfield,</i>	Nehemiah Balch,
<i>Wenham,</i>	John Porter,
<i>West Newbury,</i>	Benjamin Edwards.

* In place of MICHAEL SHEPARD, resigned.

COUNTY OF MIDDLESEX.

<i>Acton,</i>	James T. Woodbury,
<i>Ashby,</i>	Howard Gates,
<i>Ashland,</i>	James Jackson,
<i>Bedford,</i>	Francis Coggswell,
<i>Billerica,</i>	
<i>Boxborough,</i>	John Fletcher,
<i>Brighton,</i>	David Collins,
<i>Burlington,</i>	William Winn, Jr.,
<i>Cambridge,</i>	Stephen T. Farwell,
	Justin Jones,
	Willard Phillips,
	Franklin Sawyer, Jr.,
	Charles Wood,
<i>Carlisle,</i>	John Jacobs,
<i>Charlestown,</i>	Richard Frothingham, Jr.,
	James M. Stone,
	Oliver Smith,
	Edward Thorndike,
	John L. Taggard,
<i>Chelmsford,</i>	Jabez Stevens,
<i>Concord,</i>	Aaron A. Kelsey,
<i>Dracut,</i>	Archibald O. Varnum,
<i>Dunstable,</i>	Ira Hall,
<i>Framingham,</i>	Carleton Parker,
<i>Groton,</i>	Phineas G. Prescott,
<i>Holliston,</i>	Simeon Fisher,
<i>Hopkinton,</i>	William Clafin,
<i>Lexington,</i>	Philip Russell,
<i>Lincoln,</i>	Daniel Weston,
<i>Littleton,</i>	Jacob G. Elliot,
<i>Lowell,</i>	Jefferson Bancroft,
	Francis Bush,
	Joseph Bedlow,
	James Dinsmoor,
	George Gardner,
	John Maynard,

<i>Lowell,</i>	Hannibal Powers,
	Silas Tyler,
	William Ripley,
	Tappan Wentworth,
<i>Malden,</i>	William Johnson,
<i>Marlborough,</i>	Obadiah W. Albee,
<i>Medford,</i>	Thatcher R. Raymond,
<i>Melrose,</i>	John T. Paine,
<i>Natick,</i>	Nathaniel Clark,
<i>Newton,</i>	Marshall S. Rice,
	Joseph Barney,
<i>Pepperell,</i>	John D. Fisk,
<i>Reading,</i>	James S. Campbell,
<i>Sherburne,</i>	
<i>Shirley,</i>	Leonard M. Parker,
<i>Somerville,</i>	George O. Brastow,
<i>South Reading,</i>	Edward Mansfield,
<i>Stoneham,</i>	George Cowdry,
<i>Stow,</i>	Peter Fletcher,
<i>Sudbury,</i>	Israel Haynes,
<i>Tewksbury,</i>	Benjamin F. Spaulding,
<i>Townsend,</i>	Henry A. Gerry,
<i>Tyngsborough,</i>	
<i>Waltham,</i>	Nathaniel P. Banks, Jr.,
<i>Watertown,</i>	Seth Bemis, Jr.,
<i>Wayland,</i>	John B. Wight,
<i>West Cambridge,</i>	David W. Horton,
<i>Westford,</i>	Nathan S. Hamblin,
<i>Weston,</i>	Isaac Coburn,
<i>Wilmington,</i>	Nathan Townsend,
<i>Winchester,</i>	Frederic O. Prince,
<i>Woburn,</i>	

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	Ivers Adams,
<i>Athol,</i>	Nehemiah Ward,
<i>Auburn,</i>	Almerin L. Ackley,
<i>Barre,</i>	Luke Houghton,

<i>Berlin,</i>	Amos Sawyer,
<i>Blackstone,</i>	Caleb Thayer,
<i>Bolton,</i>	
<i>Boylston,</i>	John Andrews, 2d,
<i>Brookfield,</i>	Alfred Rice,
<i>Charlton,</i>	Luther Litchfield,
<i>Clinton,</i>	Horatio N. Bigelow,
<i>Dana,</i>	Leonard Doane,
<i>Douglas,</i>	Perley Gould,
<i>Dudley,</i>	Henry H. Stevens,
<i>Fitchburg,</i>	Charles Mason,
	Nathaniel Wood,
<i>Gardner,</i>	John Edgell,
<i>Grafton,</i>	Levi Rawson,
<i>Hardwick,</i>	Alvah Southworth,
<i>Harvard,</i>	George Gerry,
<i>Holden,</i>	George W. Bascom,
<i>Hubbardston,</i>	William Bennett, Jr.,
<i>Lancaster,</i>	Anthony Lane,
<i>Leicester,</i>	Samuel Watson,
<i>Leominster,</i>	George S. Burrage,
<i>Lunenburg,</i>	Willard Porter,
<i>Mendon,</i>	Francis E. Wheelock,
<i>Milford,</i>	Hiram Hunt,
<i>Millbury,</i>	Orville E. Thompson,
<i>New Braintree,</i>	Jonathan G. Frost,
<i>Northborough,</i>	Samuel Clark,
<i>Northbridge,</i>	Erastus O. Benson,
<i>North Brookfield,</i>	Charles Adams, Jr.,
<i>Oakham,</i>	James B. Ware,
<i>Oxford,</i>	Albert A. Cook,
<i>Paxton,</i>	Samuel D. Harrington,
<i>Petersham,</i>	George White,
<i>Phillipston,</i>	Charles C. Bassett,
<i>Princeton,</i>	Ephraim Beaman,
<i>Royalston,</i>	Joseph Raymond,
<i>Rutland,</i>	George A. Gates,
<i>Shrewsbury,</i>	Lucius S. Allen,

<i>Southborough,</i>	Lovett Fay,
<i>Southbridge,</i>	
<i>Spencer,</i>	William Baldwin,
<i>Sterling,</i>	Luther W. Rugg,
<i>Sturbridge,</i>	Emerson Johnson,
<i>Sutton,</i>	Salem Chamberlain,
<i>Templeton,</i>	Dexter Gilbert,
<i>Upton,</i>	
<i>Uxbridge,</i>	Warren Lackey,
<i>Warren,</i>	
<i>Webster,</i>	Nathan Cody,
<i>Westborough,</i>	Elmer Brigham,
<i>West Boylston,</i>	E. M. Hosmer,
<i>West Brookfield,</i>	William Curtis,
<i>Westminster,</i>	John White,
<i>Winchendon,</i>	Alvah Godding,
<i>Worcester,</i>	John Milton Earle,
	Edward Earle,
	Benjamin Flagg,
	John F. Gleason,
	Charles Washburn.

COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	William C. Fowler,
<i>Belchertown,</i>	Leonard Barrett,
<i>Chesterfield,</i>	Hudson Bates,
<i>Cummington,</i>	Charles Shaw,
<i>Easthampton,</i>	John Wright, 2d,
<i>Enfield,</i>	Henry Fobes,
<i>Goshen,</i>	William Tilton,
<i>Granby,</i>	Lucius Ferry,
<i>Greenwich,</i>	Luke Earle,
<i>Hadley,</i>	Dudley Smith,
<i>Hatfield,</i>	Elijah Bardwell, Jr.,
<i>Middlefield,</i>	
<i>Northampton,</i>	
<i>Norwich,</i>	William Taylor,

<i>Pelham,</i>	Nehemiah W. Aldrich,
<i>Plainfield,</i>	Freeman Hamlin,
<i>Prescott,</i>	Nelson B. Jones,
<i>South Hadley,</i>	Lorenzo Gaylord,
<i>Southampton,</i>	Chauncey Clapp,
<i>Ware,</i>	Ira P. Gould,
<i>Westhampton,</i>	Daniel W. Clark,
<i>Williamsburg,</i>	Hiram Hill,
<i>Worthington,</i>	Ethan Barnes.

COUNTY OF HAMPDEN.

<i>Blandford,</i>	Justin Wilson,
<i>Brimfield,</i>	
<i>Chester,</i>	Aurelius C. Root,
<i>Chicopee,</i>	Giles S. Chapin,
	Alpheus Nettleton,
	John Wells,
<i>Granville,</i>	Vincent Holcombe,
<i>Holland,</i>	
<i>Holyoke,</i>	Alexander Day,
<i>Longmeadow,</i>	Burgess Salisbury,
<i>Ludlow,</i>	
<i>Monson,</i>	
<i>Montgomery,</i>	William Squier,
<i>Palmer,</i>	Joseph Brown, 2d,
<i>Russell,</i>	Roland Parks,
<i>Southwick,</i>	John Holcomb,
<i>Springfield,</i>	Henry Adams,
	John Mills,
	Edward F. Moseley,
	Thomas W. Wason,
<i>Tolland,</i>	William E. Barnes,
<i>Wales,</i>	Arbey Squier,
<i>Westfield,</i>	James Noble,
<i>West Springfield,</i>	Daniel G. White,
<i>Wilbraham,</i>	Roderick S. Merrick.

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Hosea Blake,
<i>Bernardston,</i>	John E. Burke,
<i>Buckland,</i>	Bartlett Ballard,
<i>Charlemont,</i>	Hart Leavitt,
<i>Coleraine,</i>	Horatio Flagg,
<i>Conway,</i>	James S. Whitney,
<i>Deerfield,</i>	Cephas Clapp,
<i>Erving,</i>	Fordyce Alexander,
<i>Gill,</i>	Eliphalet S. Darling,
<i>Greenfield,</i>	Lucius Nims,
<i>Hawley,</i>	George Lathrop,
<i>Heath,</i>	Joseph White, 2d,
<i>Leverett,</i>	Silas Ball,
<i>Leyden,</i>	E. Wing Packer,
<i>Monroe,</i>	Asahel Gore,
<i>Montague,</i>	Erastus Andrews,
<i>New Salem,</i>	Alpheus Harding, Jr.,
<i>Northfield,</i>	
<i>Orange,</i>	Rodney Hunt,
<i>Rowe,</i>	Noah Wells,
<i>Shelburne,</i>	Ebenezer G. Lamson,
<i>Shutesbury,</i>	Hardin Hemenway,
<i>Sunderland,</i>	Horace Lyman,
<i>Warwick,</i>	Ansel Davis,
<i>Wendell,</i>	Samuel Brewer,
<i>Whately.</i>	

COUNTY OF BERKSHIRE.

<i>Adams,</i>	Stephen L. Arnold,
	John H. Orr,
<i>Alford,</i>	William Milligan,
<i>Becket,</i>	Nathan Barnes,
<i>Cheshire,</i>	Silas Cole,
<i>Clarksburg,</i>	
<i>Dalton,</i>	Burr Chamberlin,
<i>Egremont,</i>	James Baldwin,

<i>Florida,</i>	Ephraim Tower,
<i>Great Barrington,</i>	Noble B. Pickett,
<i>Hancock,</i>	Gardner Eldridge,
<i>Hinsdale,</i>	Muuroe Emmons,
<i>Lanesborough,</i>	Asahel Buck,
<i>Lee,</i>	Harrison Garfield,
<i>Lenox,</i>	M. S. Wilson,
<i>Monterey,</i>	John Branning,
<i>Mt. Washington,</i>	
<i>New Ashford,</i>	Norman G. Baxter,
<i>New Marlborough,</i>	Benjamin Smith,
<i>Otis,</i>	Henry K. Spellman,
<i>Peru,</i>	Zenas Watkins,
<i>Pittsfield,</i>	Samuel A. Churchill,
	Ensign H. Kellogg,
<i>Richmond,</i>	Samuel Bartlett,
<i>Sandisfield,</i>	Francis Baxter,
<i>Savoy,</i>	Robert Sturtevant, Jr.,
<i>Sheffield,</i>	Rodney Sage,
<i>Stockbridge,</i>	Edward C. Carter,
<i>Tyringham,</i>	Ezra Heath,
<i>Washington,</i>	Samuel Bell,
<i>West Stockbridge,</i>	Andrew Fuarey,
<i>Williamstown,</i>	William White,
<i>Windsor,</i>	Reuben Pierce.

COUNTY OF NORFOLK.

<i>Bellingham,</i>	Martin Rockwood,
<i>Braintree,</i>	Caleb Stetson,
<i>Brookline,</i>	William Aspinwall,
<i>Canton,</i>	Charles Endicott,
<i>Cohasset,</i>	Thomas Stoddard,
<i>Dedham,</i>	Ezra Wilkinson,
<i>Dorchester,</i>	Edward Sharp,
	Nathaniel F. Safford,
<i>Dover,</i>	Ralph Sanger,
<i>Foxborough,</i>	Martin Torrey,
<i>Franklin,</i>	William Metcalf,

<i>Medfield,</i>	Jonathan P. Bishop,
<i>Medway,</i>	
<i>Milton,</i>	Jason Reed,
<i>Needham,</i>	Henry Robinson,
<i>Quincy,</i>	Joseph W. Robertson,
	George Marsh,
<i>Randolph,</i>	Ezra S. Conant,
<i>Roxbury,</i>	Stephen M. Allen,
	Joseph N. Brewer,
	Theodore Dunn,
	James M. Keith,
	John L. Plummer,
	Samuel H. Walley,*
<i>Sharon,</i>	
<i>Stoughton,</i>	Albert Johnson,
<i>Walpole,</i>	Palmer Morey,
<i>Weymouth,</i>	Elias Hunt,
	Benjamin F. White,
<i>Wrentham.</i>	

COUNTY OF BRISTOL.

<i>Attleborough,</i>	Lyman W. Daggett,
<i>Berkley,</i>	Abiel B. Crane,
<i>Dartmouth,</i>	Francis D. Bartlett,
<i>Dighton,</i>	Jonathan Jones,
<i>Easton,</i>	
<i>Fairhaven,</i>	Isaac Wood, Jr.,
<i>Fall River,</i>	Nathaniel B. Borden,
	Richard Borden,
	Richard C. French,
	James B. Luther,
<i>Freetown,</i>	William Hall,
<i>Mansfield,</i>	William B. Bates,
<i>New Bedford,</i>	Thomas Kempton,
	Obed Nye,
	Richard A. Palmer,
<i>Norton,</i>	Austin Messinger,

* In place of JOHN S. SLEEPER, resigned.

<i>Pawtucket,</i>	Cassander Gilmore,
<i>Raynham,</i>	Sylvester Hunt,
<i>Rehoboth,</i>	John Gregory,
<i>Seekonk,</i>	Benjamin Cartwright,
<i>Somerset,</i>	William T. Chase,
<i>Swansey,</i>	John Andrews,
<i>Taunton,</i>	Lewis R. Chesbrough,
	James M. Williams,
<i>Westport,</i>	Frederick Brownell.

COUNTY OF PLYMOUTH.

<i>Abington,</i>	Isaac Hersey,
	James W. Ward,
<i>Bridgewater,</i>	Asahel Hathaway,
<i>Carver,</i>	Matthias Ellis,
<i>Duxbury,</i>	Joshua W. Hathaway,
<i>East Bridgewater,</i>	Levi Churchill,
<i>Halifax,</i>	Edwin Inglee,
<i>Hanover,</i>	John S. Barry,
<i>Hanson,</i>	Elijah Damon,
<i>Hingham,</i>	Charles W. Cushing,
<i>Hull,</i>	Martin Knight,
<i>Kingston,</i>	Nathaniel Faunce,
<i>Marshfield,</i>	Luther Hatch,
<i>Middleborough,</i>	Everett Robinson,
	Joshua Wood,
<i>North Bridgewater,</i>	Jesse Perkins,
<i>Pembroke,</i>	Joseph Cobb,
<i>Plymouth,</i>	Lemuel Bradford, Jr.,*
	William H Bradford,
<i>Plympton,</i>	Joseph B. Nye,
<i>Rochester,</i>	John H. Clark,
<i>Scituate,</i>	Elijah Jenkins, Jr.,
<i>South Scituate,</i>	James Southworth,
<i>Wareham,</i>	Lewis Kinney,
<i>West Bridgewater,</i>	Joseph Kingman.

* In place of SAMUEL C. BALDWIN, resigned.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	
<i>Brewster,</i>	Josiah Seabury,
<i>Chatham,</i>	Josiah Kendrick,
<i>Dennis,</i>	Thomas Hall,
<i>Eastham,</i>	Scotter Cobb,
<i>Falmouth,</i>	David Lawrence,
<i>Harwich,</i>	Nathaniel Doane, Jr.,
<i>Orleans,</i>	Leander Crosby,
<i>Provincetown,</i>	Joseph P. Johnson,
<i>Sandwich,</i>	
<i>Truro,</i>	
<i>Wellfleet,</i>	Ebenezer Freeman,
<i>Yarmouth,</i>	Nathaniel S. Simpkins.

DUKES COUNTY.

<i>Chilmark,</i>	Herman Vincent,
<i>Edgartown,</i>	Sirson P. Coffin,
<i>Tisbury,</i>	William S. Vincent.

COUNTY OF NANTUCKET.

<i>Nantucket,</i>	James H. Briggs,
	Reuben Maeder,
	Obed Swain.

LEWIS JOSSELYN, *Clerk.*
 REV. GEORGE M. RANDALL, *Chaplain.*
 BENJAMIN STEVENS, *Sergeant-at-Arms.*
 ALEXIS POOLE, *Doorkeeper.*
 DAVID MURPHY, *Messenger.*
 JOSEPH P. DEXTER, *Assistant Messenger.*
 TIMOTHY HAYES, *Postmaster.*
 SILAS H. BUCKINGHAM, *Page.*
 JAMES N. TOLMAN, JR., *Assistant Page.*

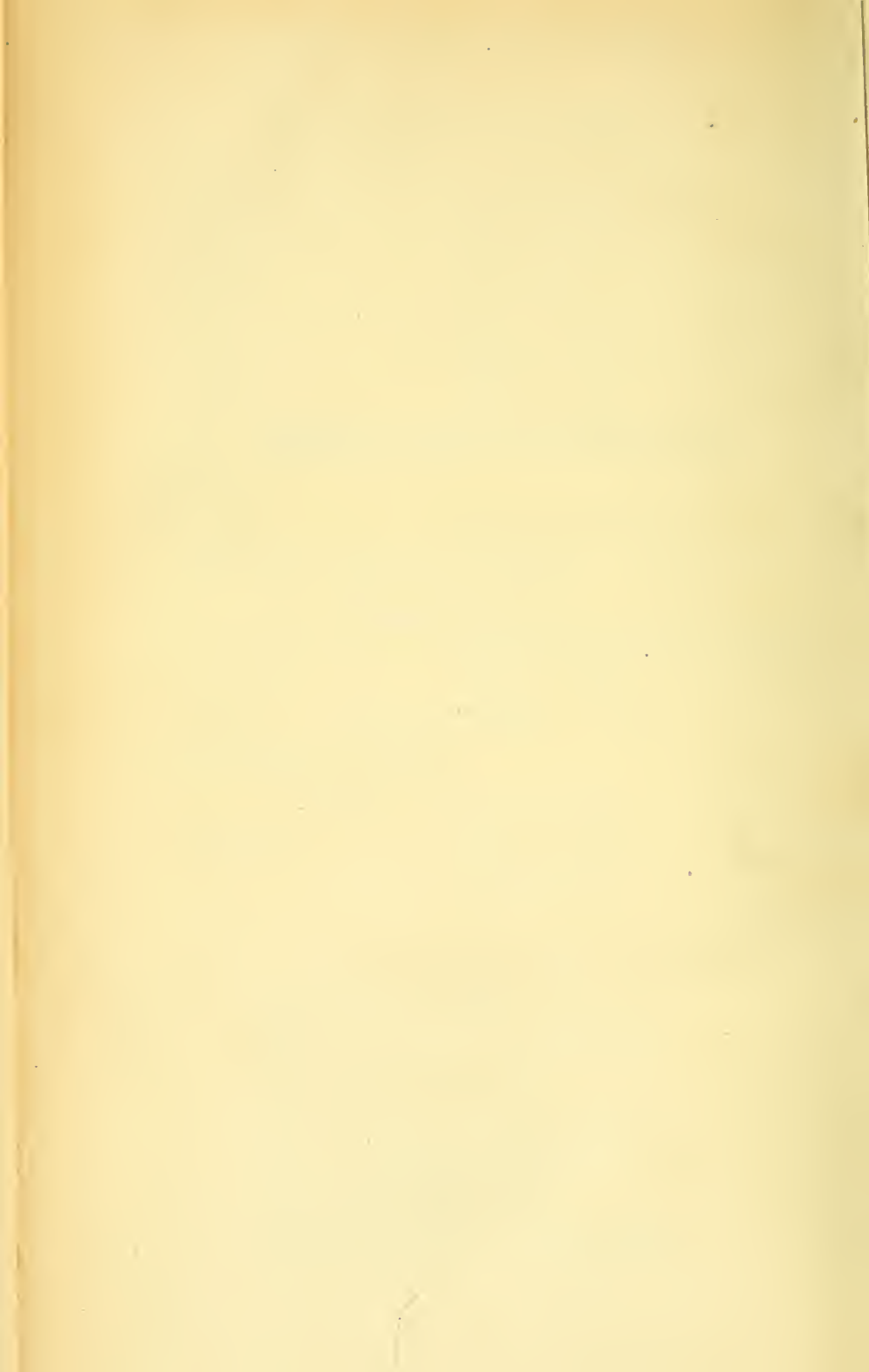
Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JULY 31, 1851.

I HEREBY CERTIFY, That the printed Acts, Resolves, &c., contained in this pamphlet, are true copies of the originals.

AMASA WALKER,

Secretary of the Commonwealth.





COUNSEL TO THE SENATE
STATE HOUSE
BOSTON

