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ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1864,

TOGETHER WITH

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

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



BOSTON:
WRIGHT & POTTER, STATE PRINTERS,
No. 4 SPRING LANE.
1864.

△

US 12578. 1. 114 (1864)

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☛ The General Court of 1864 assembled on Wednesday, the sixth day of January, and was prorogued on Saturday the fourteenth day of May.

The oaths required by the Constitution to be administered to the Governor of the Commonwealth, were taken and subscribed by His Excellency JOHN A. ANDREW, on Friday, the eighth day of January.

ACTS, GENERAL AND SPECIAL.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE MILFORD AND WOONSOCKET RAILROAD. *Chap. 1.*

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

SECTION 1. The time for locating the Milford and Woonsocket Railroad is hereby extended one year, and the time for constructing the same is extended two years.

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

Approved January 30, 1864.

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO INVEST IN CERTAIN BANK STOCKS. *Chap. 2.*

Be it enacted, &c., as follows:

SECTION 1. Savings banks and institutions for savings may invest their funds in the stock of any banking association located in this state, and organized under the provisions of the act of congress, approved the twenty-fifth day of February, in the year eighteen hundred and sixty-three, subject to the restrictions contained in the one hundred and forty-third section of the fifty-seventh chapter of the General Statutes, and in all laws passed subsequently thereto: *provided, however,* that such corporation shall not hold, by way of investment and as security for loans, more than one-quarter of the capital stock of any one bank.

May invest in banks organized under U. S. law, subject to restrictions of Gen. State of Mass.

Proviso.

SECTION 2. Said corporations may deposit on call, in such national banking associations, and may receive interest therefor, in the same manner as they are now authorized to do in banks incorporated under the authority of this state: *provided,* that the whole amount deposited in banks shall not exceed the limits now fixed by law.

May deposit on call, and receive interest.

Proviso.

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

Approved February 2, 1864.

Chap. 3.

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

Be it enacted, &c., as follows :

Appropriations authorized.

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

Attorney-general—salary
G. S. 14.

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

Clerk hire.
G. S. 14.

For clerk hire in the office of the attorney-general, one thousand dollars.

Secretary of Commonwealth.
G. S. 14.

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

First clerk.
G. S. 14.

For the salary of the first clerk in the secretary's office, fifteen hundred dollars.

Second clerk.
G. S. 14.

For the salary of the second clerk in the secretary's office, fourteen hundred dollars.

Messenger.
G. S. 14.

For the salary of the messenger in the secretary's office, eight hundred dollars.

Additional clerical assistance.
G. S. 14.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the office, a sum not exceeding fourteen thousand dollars.

Treasurer and receiver-general.
G. S. 15.

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

First clerk.
G. S. 15.

For the salary of the first clerk in the treasurer's office, fifteen hundred dollars.

Second clerk.
G. S. 15.

For the salary of the second clerk in the treasurer's office, twelve hundred dollars.

Cashier and extra clerks.
G. S. 15.

For salary of a cashier, and for extra clerk hire in the treasurer's office, three thousand dollars.

Auditor of accounts.
G. S. 15.

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

First clerk.
G. S. 15.

For the salary of the first clerk of the auditor of accounts, fifteen hundred dollars.

Second clerk.

For the salary of the second clerk of the auditor of accounts, eleven hundred dollars.

Additional clerical assistance.
G. S. 15.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding twenty-two hundred dollars.

Witnesses before committees, fees.
G. S. 157.

For fees of witnesses summoned before committees in accordance with the provisions of the General Statutes, of the acts of eighteen hundred and sixty, and of the acts of eighteen hundred and sixty-one, a sum not exceeding eight hundred dollars.

- For the compensation of the private secretary of the governor, fourteen hundred dollars. Governor's secretary. Res. 1861, 1.
- For the compensation of the messenger of the governor and council, eight hundred dollars. Messenger. G. S. 14.
- For the compensation of the assistant-messenger of the governor and council, three hundred and sixty-five dollars. Assistant-messenger. G. S. 14.
- For the salary of the sergeant-at-arms, two thousand dollars. Sergeant-at-arms. G. S. 14.
- For the compensation of the bank commissioners, sixty-six hundred dollars. Bank commissioners. Acts 1862, 212.
- For the salary of the clerk of the bank commissioners, fifteen hundred dollars. Clerk. G. S. 67.
- For the compensation of the board of insurance commissioners, three thousand dollars. Insurance commissioners. Acts 1862, 212.
- For the salary of the secretary of the board of agriculture, two thousand dollars. Secretary board agriculture. G. S. 16.
- For clerk hire in the office of the secretary of the board of agriculture, twelve hundred dollars. Clerk hire. G. S. 16.
- For the salary of the adjutant-general, two thousand dollars. Adjutant-general. Acts 1862, 181.
- For the salary of the first and second clerks of the adjutant-general, twenty-seven hundred dollars. First and second clerks. Acts 1862, 214; '68, 17.
- For additional clerical assistance in the office of the adjutant-general, twelve thousand and eighty dollars. Additional clerical assistance. G. S. 18; Acts 1861, 219.
- For the salary of the messengers in the adjutant-general's office, thirteen hundred and eighty dollars. Messengers. G. S. 18; Acts 1861, 219.
- For the salary of the surgeon-general, two thousand dollars. Surgeon-general. Acts 1861, 219.
- For the salary of the assistant surgeon-general, twelve hundred dollars. Assistant. Acts 1861, 219.
- For the salary of the first clerk in the surgeon-general's office, twelve hundred dollars. First clerk. Acts 1861, 219.
- For the salary of the second clerk in the surgeon-general's office, twelve hundred dollars. Second clerk. Acts 1861, 219.
- For the salary of the messenger in the surgeon-general's office, two hundred and forty dollars. Messenger. Acts 1861, 219.
- For the contingent expenses of the surgeon-general's office, five thousand dollars. Contingents. Acts 1861, 219.
- The following shall be paid from the income of the school fund, viz. :
- For the salary of the secretary of the board of education, twenty-two hundred dollars. Secretary board education. Acts 1862, 212.
- For the salary of the assistant-librarian and clerk of the secretary of the board of education, fifteen hundred dollars. Clerk and assistant. G. S. 5.

Additional assistance.

For additional assistance in the library, in accordance with the General Statutes, and of the resolves of eighteen hundred and sixty-one, a sum not exceeding nine hundred dollars.

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

Approved February 2, 1864.

Chap. 4.

AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE LIEUTENANT-GOVERNOR AND COUNCIL, AND OFFICERS AND MEMBERS OF THE LEGISLATURE, AT THE PRESENT SESSION THEREOF, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations authorised.

SECTION 1. The sums hereinafter mentioned, are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified, to meet the expenses for the mileage and compensation of the lieutenant-governor and council, officers and members of the legislature, at the present session thereof, and for other purposes, to wit :

Lieut. governor.
G. S. 14 § 2.

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

Senators mileage.
G. S. 2, § 12.

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

Compensation.
G. S. 2, §§ 12, 15.

For the compensation of senators, a sum not exceeding twelve thousand three hundred dollars.

Representatives mileage.
G. S. 2, § 12.

For the mileage of representatives, a sum not exceeding twenty-three hundred dollars.

Compensation.
G. S. 2, §§ 12, 15.

For the compensation of representatives, a sum not exceeding seventy-two thousand three hundred dollars.

Clerks of Senate and House.
G. S. 2, § 17.

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

Chaplains.
G. S. 2, § 12.

For the salaries of the chaplains of the senate and house of representatives, four hundred dollars.

Door-keepers, messengers, watchmen and firemen.
G. S. 2, § 19.

For the compensation of the door-keepers, messengers, and pages of the senate and house of representatives, and of such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand and five hundred dollars.

Preacher of election sermon.
G. S. 2, § 12.

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

Transportation of state paupers.
G. S. 71.
Proviso.

For the transportation of state paupers, to be expended by the board of state charities, a sum not exceeding six thousand dollars : *provided*, that the same shall be expended only in the transportation of state paupers from the several hospitals and almshouses ; and a detailed report of such

expenditures shall be rendered to the auditor of the Commonwealth, on the first day of every month,

For the compensation and expenses of persons employed in the payment of state bounties, under chapter two hundred and fifty-four of the acts of the year one thousand eight hundred and sixty-three, a sum not exceeding two thousand and five hundred dollars.

Paymasters of state bounties.

For the removal of persons becoming a public charge, not authorized to be removed by existing laws, a sum not exceeding five hundred dollars.

Removal of indigent persons.

For compensation of commissioners on the military academy, as provided in chapter seventy-three of the resolves of the year eighteen hundred and sixty-three, a sum not exceeding four hundred and fifty dollars.

Commissioners on military academy.

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

Approved February 2, 1864.

AN ACT IN ADDITION TO AN ACT IN RELATION TO BANKS.

Be it enacted, &c., as follows:

Chap. 5.

SECTION 1. The provisions of section first, chapter first of the acts of the year one thousand eight hundred and sixty-two, shall continue in force until the first day of February, in the year one thousand eight hundred and sixty-five.

Provisions of act of 1862 extended.

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

Approved February 2, 1864.

AN ACT TO INCORPORATE THE BOSTON NEW CHURCH UNION.

Be it enacted, &c., as follows:

Chap. 6.

SECTION 1. William J. Parsons, George T. Hawley, Edwin H. Abbot, their associates and successors, are hereby made a corporation by the name of the Boston New Church Union, for the purpose of maintaining, in the city of Boston, a religious library and reading-room, and of promoting the knowledge of Christian truths; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Title.

Purpose.

Privileges.

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

May hold estate.

Approved February 8, 1864.

AN ACT TO INCORPORATE THE CAPE COD GLASS COMPANY.

Be it enacted, &c., as follows:

Chap. 7.

SECTION 1. Deming Jarves, James Read and Isaac Livermore, their associates and successors, are hereby made a corporation by the name of the Cape Cod Glass Company,

Corporators.

Title.

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Purpose.
Location.
Privileges.

for the purpose of manufacturing glass, in all its various forms, in the town of Sandwich; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and in all acts passed subsequent thereto relating to manufacturing corporations, so far as applicable thereto.

Capital and estate defined.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars, in shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in, in cash.

Proviso.

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

Approved February 8, 1864.

Chap. 8.

AN ACT TO INCORPORATE THE ELIOT FIVE CENTS SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

James Ritchie, George Putnam, William S. Leland, their associates and successors, are hereby made a corporation by the name of the Eliot Five Cents Savings Bank, to be established and located in the city of Roxbury; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws relating to savings banks.

Title.

Location.

Privileges.

Approved February 8, 1864.

Chap. 9.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE BOYLSTON FIRE AND MARINE INSURANCE COMPANY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Corporate powers continued without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and twenty-four, chapter one hundred and forty-three, entitled "An Act to incorporate the Boylston Fire and Marine Insurance Company," the act of the year one thousand eight hundred and forty-four, chapter seventy-four, entitled "An Act to continue the Boylston Fire and Marine Insurance Company, and for other purposes," and all acts and parts of acts in amendment thereof or in addition thereto, shall be continued and remain in force from and after the twenty-sixth day of February, in the year one thousand eight hundred and sixty-five.

Privileges and liabilities defined.

SECTION 2. The said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws

relating to such corporations, which are or may be in force, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

Approved February 8, 1864.

AN ACT CONCERNING THE AMHERST, BELCHERTOWN AND PALMER RAILROAD COMPANY.

Chap. 10.

Be it enacted, &c., as follows :

SECTION 1. The Amherst, Belchertown and Palmer Railroad Company is hereby authorized to extend its railroad from a point at or near the present station in the village of Amherst, through the towns of Amherst, Leverett, Sunderland and Montague, to the most convenient point of intersection with the Vermont and Massachusetts Railroad ; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, provided in chapter two hundred and seventy-seven of the acts of the year eighteen hundred and fifty-one, and in the General Statutes relating to railroad corporations : *provided*, the location of the extension of said railroad shall be filed agreeably to the General Statutes, and said extension constructed within two years from the passage of this act.

May extend its road to intersect with Vt. and Mass. R. R.

Privileges defined.

Limitations of time.

SECTION 2. The Amherst, Belchertown and Palmer Railroad Company is hereby authorized to sell or lease its railroad and franchise to the New London Northern Railroad Company, upon such terms and conditions as shall be decided upon by a majority of the stockholders present and voting at a legal meeting of said company called for that purpose. The New London Northern Railroad Company is hereby authorized and empowered by a vote of a majority of the stockholders present and voting at a legal meeting of said company, called for that purpose, to purchase or lease the railroad and franchise of the Amherst, Belchertown and Palmer Railroad Company. If said railroad and franchise be so leased or purchased, the New London Northern Railroad Company shall have all the rights and privileges, and be subject to all the restrictions, duties and liabilities, set forth in the charter of the Amherst, Belchertown and Palmer Railroad Company.

May sell or lease its road and franchise.

New London Northern R. R. Co. may purchase or lease.

SECTION 3. The New London Northern Railroad Company and the Amherst, Belchertown and Palmer Railroad Company, are hereby authorized to unite with each other within two years from the passage of this act, upon such terms, not inconsistent with the provisions of their respective charters or the acts in addition to the same, nor with the laws of this

N. L. N. and A. B. and P. Companies may unite and consolidate.

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Title of new corporation.	Commonwealth, as the stockholders of the respective corporations present and voting at legal meetings called for that purpose, at which a quorum shall be present, shall determine; and thereupon, said two corporations shall become one corporation, under the name of the New London Northern Railroad Company, with a capital stock not exceeding the joint capital of the two corporations; and said corporation is hereby authorized, for the purpose of constructing the section of railroad described in the first
May issue bonds for construction, authorized in first section.	section of this act, and for other purposes, to issue bonds for an amount not exceeding three hundred thousand dollars, at a rate of interest not exceeding six per cent. per annum, and to secure said bonds by a mortgage upon their railroad, its franchise and property.
Rights, duties and franchise of new corporation.	SECTION 4. The corporation thus formed shall have all the powers, rights, property and franchise which the respective corporations severally have at the time when they unite, and shall be subject to all the liabilities, duties and restrictions, to which said corporations may be severally subject.
Annual report.	SECTION 5. The annual reports made by said new corporation to the legislature of this Commonwealth, shall show the amount of expenditure, receipts and profits, which belong to the parts of its road situate in the different states respectively.
	SECTION 6. This act shall take effect upon its passage.

Approved February 8, 1864.

Chap. 11. AN ACT TO AUTHORIZE THE TOWN OF BREWSTER TO TAKE STOCK IN THE CAPE COD CENTRAL RAILROAD COMPANY.

Be it enacted, &c., as follows:

May hold to amount of \$25,000.	SECTION 1. The town of Brewster is hereby authorized to subscribe for and hold shares in the capital stock of the Cape Cod Central Railroad Company, to the amount of twenty-five thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.
May raise money upon bonds, or by loan or tax.	SECTION 2. The said town of Brewster is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.
Committee, in behalf of town, may subscribe for shares.	SECTION 3. The committee appointed by a vote of said town of Brewster, to petition this legislature for the authority granted in the first and second sections of this act, is hereby authorized to subscribe, in behalf of said town, for the number of shares in the capital stock of said Cape Cod Central

Railroad Company, as voted by said town at a meeting held on the twenty-fifth day of July, eighteen hundred and sixty-three; and said committee, or any future committee appointed by said town for the purpose, is hereby further authorized to cast the vote of said town in the choice of directors for said road, and to do all other acts in behalf of said town pertaining to said railroad, authorized by said vote of said town.

May cast vote of town for directors.

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

Approved February 8, 1864.

AN ACT TO INCORPORATE THE NEW BEDFORD AND NEW YORK STEAM PROPELLER COMPANY.

Chap. 12.

Be it enacted, &c., as follows:

SECTION 1. Sylvanus Thomas, Edward D. Mandell, Otis Seabury, their associates and successors, are hereby made a corporation by the name of the New Bedford and New York Steam Propeller Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws, which now are or hereafter may be in force relating to such corporations.

Corporators.

Title.
Privileges.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steam-ships or steam propellers, and to employ the same in the business of transporting passengers and freight between the ports of New Bedford and New York, with liberty to touch at intermediate ports.

May own and use steam-ships.

SECTION 3. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess, from time to time, upon said shares, such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares. No certificate of stock shall be issued until the par value thereof shall have been actually paid in, and no business shall be transacted by said corporation until at least seventy-five thousand dollars of its capital stock shall have been subscribed.

Capital.

Shares.

Corporation may assess upon shares.

Conditions of issue and of business.

SECTION 4. If said corporation shall not, within one year from the passage hereof, have been organized and have collected by assessment an amount equal at least to fifty per cent. of its capital stock subscribed, and shall not, within two years from the passage of this act, have one or more steam-ships or steam propellers employed in the transportation of passengers and freight between said ports of New Bedford and New York; or if said corporation shall there-

Organization and operation; limitation of time for, and payment of, capital.

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after fail, for the period of one year, so to employ one or more steam-ships or steam propellers in said business, then this act shall be null and void.

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

Approved February 8, 1864.

Chap. 13. AN ACT TO CHANGE THE NAME OF THE CONGREGATIONAL SOCIETY OF THE THIRD PARISH OF ROXBURY.

Be it enacted, &c., as follows:

SECTION 1. The Congregational Society of the Third Parish in Roxbury shall hereafter be called and known by the name of the First Congregational Society of Jamaica Plain.

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

Approved February 8, 1864.

Chap. 14. AN ACT TO CHANGE THE NAME AND AMEND THE ACT OF INCORPORATION OF THE SECOND BAPTIST SOCIETY IN TAUNTON.

Be it enacted, &c., as follows:

SECTION 1. The Second Baptist Society in Taunton shall hereafter be called and known by the name of the Winthrop Street Baptist Society.

May hold real estate.

SECTION 2. Chapter eighty-four of the acts of the year eighteen hundred and thirty-three, entitled "An Act to incorporate the Second Baptist Society in Taunton," is hereby so amended as to permit said society to hold real estate not exceeding sixty thousand dollars in value.

Approved February 8, 1864.

Chap. 15. AN ACT RELATING TO ELIGIBILITY TO MILITARY OFFICE.

Be it enacted, &c., as follows:

Word "white" stricken from statutes.

The thirty-sixth section of the thirteenth chapter of the General Statutes is hereby amended by striking out the word white therein.

Approved February 8, 1864.

Chap. 16. AN ACT TO INCORPORATE THE NORTH EASTON SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

Title.

Privileges.

SECTION 1. Oliver Ames, junior, A. A. Gilmore, John H. Swain, their associates and successors, are hereby made a corporation by the name of the North Easton Savings Bank, to be established and located in that part of the town of Easton called North Easton; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

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

Approved February 8, 1864.

AN ACT TO AUTHORIZE JOSEPH O. PROCTOR TO EXTEND HIS WHARF Chap. 17.
IN GLOUCESTER.

Be it enacted, &c., as follows:

Joseph O. Proctor, proprietor of a wharf in Gloucester, situated in that part of the town known as Harbor Cove, is hereby authorized to extend and maintain said wharf, not exceeding fifty-five feet in width, seventy-five feet in a north-easterly direction into said cove, with the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that if a channel line is hereafter duly established by authority of law in the harbor of said Gloucester, said wharf shall not be maintained beyond said line; and *provided, further*, that this grant shall in no wise impair the legal rights of any person.

Extension de-
fined.

Proviso.

Approved February 8, 1864.

AN ACT TO AUTHORIZE THE OLD COLONY AND NEWPORT RAILWAY Chap. 18.
COMPANY TO CROSS CERTAIN STREETS IN FALL RIVER, AT
GRADE.

Be it enacted, &c., as follows:

SECTION 1. The Old Colony and Newport Railway Company is hereby authorized to construct the extension of its railroad, authorized to be built by chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-one, entitled "An Act to extend the Railroad of the Old Colony and Fall River Railroad Company to the line of the State of Rhode Island, and for other purposes," and by chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-three, entitled "An Act concerning the Old Colony and Fall River Railroad Company," across a public street or way called Ferry Street, and a public street or way called Eagle Street, in the city of Fall River, at or near their junction, on a level with said streets or ways, and at grade therewith.

May construct
across Ferry and
Eagle Streets,
under acts of '61
and '63.

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

Approved February 10, 1864.

AN ACT TO AUTHORIZE THE FITCHBURG AND WORCESTER RAILROAD Chap. 19.
COMPANY TO ISSUE FIRST CLASS PREFERRED STOCK.

Be it enacted, &c., as follows:

SECTION 1. The Fitchburg and Worcester Railroad Company are hereby authorized to issue four hundred and forty-seven shares of first class preferred stock in addition to the two thousand and fifty-three shares of the same class of stock heretofore authorized by law; the stock authorized to be issued by this act shall be exchanged at par for the second class preferred stock, and the outstanding original stock of said company heretofore issued.

May issue addi-
tional preferred
stock.

Shall be ex-
changed at par
for former issues.

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Conditions of validity of act.

SECTION 2. This act shall not take effect until approved by three-fourths of the stockholders present and voting, at a meeting legally called for that purpose.

Approved February 12, 1864.

Chap. 20. AN ACT TO CHANGE THE NAME OF THE CHICOPEE MANUFACTURING COMPANY.

Be it enacted, &c., as follows :

Ellerton Mills.

SECTION 1. The Chicopee Manufacturing Company shall hereafter be called and known by the name of the Ellerton Mills.

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

Approved February 12, 1864.

Chap. 21. AN ACT TO AUTHORIZE WILLIAM H. FRIEND AND ANOTHER TO BUILD A WHARF IN GLOUCESTER.

Be it enacted, &c., as follows :

May build on Vincent's Point.

SECTION 1. William H. Friend and Lemuel Friend, Jr., owners of land and flats on Vincent's Point in Gloucester, are hereby authorized to build and maintain a wharf in said Gloucester, adjacent to their land and flats aforesaid, between the wharves of John Pugh on the east, and Samuel R. Lane on the west, and extending not more than two hundred feet in length, by not more than forty feet in width, in a southeasterly direction from high-water mark towards the channel ; with a right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however,* that if a channel line is hereafter duly established by authority of law in the harbor of said Gloucester, said wharf shall not be maintained beyond such line ; and *provided, also,* that this grant shall in no wise impair the legal rights of any person.

Approved February 12, 1864.

Chap. 22. AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE MECHANICS' MUTUAL FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporate powers continued without limitation of time.

The act of the year one thousand eight hundred and thirty-six, incorporating the Mechanics' Mutual Fire Insurance Company, in Boston, with any acts in addition thereto, or in amendment thereof, shall be continued in force from and after the fifteenth day of April, in the year one thousand eight hundred and sixty-four ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force, relating to such corporations.

Approved February 12, 1864.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MIDDLESEX COMPANY. *Chap. 23.*

Be it enacted, &c., as follows :

SECTION 1. The Middlesex Company is hereby authorized to increase its capital stock to an amount not exceeding one million dollars. May increase capital stock.

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

Approved February 12, 1864.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE HYDE PARK WOOLLEN COMPANY. *Chap. 24.*

Be it enacted, &c., as follows :

SECTION 1. The Hyde Park Woollen Company is hereby authorized to increase its capital stock by adding thereto an amount not exceeding one hundred and fifty thousand dollars, in shares of one hundred dollars each. May increase capital stock.

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

Approved February 12, 1864.

AN ACT IN RELATION TO THE CONGREGATIONAL SOCIETY IN THE FIRST PRECINCT IN THE TOWN OF REHOBOTH. *Chap. 25.*

Be it enacted, &c., as follows :

SECTION 1. The Congregational Society, in the first precinct in the town of Rehoboth, commonly known as the Congregational Society in the town of Seekonk, incorporated on the twenty-third day of June, in the year one thousand seven hundred and ninety-two, shall hereafter be known and called by the name of the Congregational Society in the town of Seekonk. Name changed.

SECTION 2. All acts and transactions heretofore done by said society, under the name of the Congregational Society in the town of Seekonk, are hereby made valid and confirmed to the same extent as they would have been, had said acts been done under the name of the Congregational Society in the first precinct in the town of Rehoboth. Acts and titles confirmed.

SECTION 3. Said society shall have the right and privilege of holding its meetings for the choice of its officers, or transaction of any other business, in its meeting-house, situated in the town of East Providence, in the state of Rhode Island. May hold society meetings in E. Providence, R. I.

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

Approved February 12, 1864.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE REAL ESTATE AND BUILDING COMPANY. *Chap. 26.*

Be it enacted, &c., as follows :

The Real Estate and Building Company is hereby authorized and empowered to purchase additional real estate. May purchase and improve additional real estate.

in the towns of Dorchester, Milton and Dedham, within two miles of the factory of the Hyde Park Woollen Company, not exceeding five hundred acres, and to sell, lease and improve the same, and to perform such other legal acts as may be necessary to accomplish said objects; subject, however, to the provisions of the charter of said company not inconsistent with this act, and to all general laws which are or may be in force, relating to such corporations.

Approved February 12, 1864.

Chap. 27. AN ACT TO AUTHORIZE THE SIMPSON'S PATENT DRY DOCK COMPANY TO BUILD A WHARF IN EAST BOSTON.

Be it enacted, &c., as follows:

The Simpson's Patent Dry Dock Company, proprietors of land and flats situate on Marginal Street, in that part of Boston called East Boston, are hereby authorized to build and maintain a wharf adjacent to their lands and flats aforesaid, and not less than forty feet distant from the westerly line thereof, and extending to the commissioners' line; with a right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor; but no part of said wharf shall extend beyond said line: *provided*, that this grant shall in no wise impair the legal rights of any person.

Approved February 12, 1864.

Chap. 28. AN ACT CONCERNING THE RETURNS OF CORONERS.

Be it enacted, &c., as follows:

Manuscripts of inquisitions and of evidence, certain, to be returned to clerks superior court.

Clerk to file.

Coroners taking inquisitions and written evidence in cases other than those mentioned in section ten, chapter one hundred and seventy-five of the General Statutes, shall return the same to the clerks of the superior court in their respective counties, within thirty days; and the same shall be kept on file by said clerks.

Approved February 12, 1864.

Chap. 29. AN ACT RELATING TO THE INVESTMENT OF THE CAPITAL AND FUNDS OF INSURANCE COMPANIES.

Be it enacted, &c., as follows:

May invest in stock of banking houses organized under U. S. Act of 1863 in Mass.

Proviso.

SECTION 1. Insurance companies may make investment of their capital and other funds in the stock of any banking association located in this Commonwealth and organized under the provisions of an act of congress entitled "An Act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved on the twenty-fifth day of February, in the year eighteen hundred and sixty-three: *provided, however*, that no insurance company shall own or

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hold as collateral security more than one-fourth of the capital of any one of such banking associations.

SECTION 2. Any insurance company which shall make any investment in the stock of any banking association, as authorized by the first section of this act, shall continue subject to all the limitations and restrictions contained in the thirty-first section of the fifty-eighth chapter of the General Statutes, except as herein otherwise provided.

Company investing under first section, limitations of defined.

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

Approved February 12, 1864.

AN ACT CONCERNING THE DORCHESTER AND ROXBURY RAILROAD COMPANY.

Chap. 30.

Be it enacted, &c., as follows:

SECTION 1. The Dorchester and Roxbury Railroad Company is hereby authorized to sell its rights, franchise, railroad and other property to any other horse railroad corporation in the counties of Suffolk and Norfolk, or in either of them: *provided, however*, that no such sale shall be made without the sanction of a majority in interest of the stockholders of said Dorchester and Roxbury Railroad Company, and that the purchase shall not be made by any other horse railroad company, without the approval of a majority of the stockholders present and voting thereon, at a meeting of stockholders called for that purpose.

May sell franchise and property to certain other corporations.

Provide.

SECTION 2. If the Dorchester and Roxbury Railroad Company shall sell their rights, franchise, railroad and other property to any other horse railroad corporation, said two corporations shall thereupon become one corporation under the corporate name of the purchasing company; and all the powers and privileges now enjoyed by said two corporations, excepting the power of the Dorchester and Roxbury Railroad Company to issue capital stock, and all the restrictions, duties and liabilities imposed upon said two corporations, by virtue of their respective charters, shall appertain to said united corporation; and said united corporation shall be subject to all general provisions of law that are or may hereafter be in force relative to horse railroad corporations.

In case of sale, corporations to be consolidated into purchasing company.

Privileges and liabilities.

SECTION 3. The rights of any creditor of the Dorchester and Roxbury Railroad Company or the rights of any other person or corporation shall not be affected by the sale herein authorized; nor shall the amount of capital stock issued to represent the property after its sale be greater than the sum actually paid in cash for the property, nor greater than the amount which now represents said property.

Rights of persons not to be affected.

Limitation of capital defined.

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

Chap. 31. AN ACT TO CONFIRM CERTAIN ACTS DONE BY JAMES RICE AS A JUSTICE OF THE PEACE.*Be it enacted, &c., as follows :*

SECTION 1. All acts done by James Rice, of Boston, Esquire, as a justice of the peace, within and for the county of Suffolk, between the thirty-first day of December, in the year one thousand eight hundred and sixty-two, and the fifteenth day of December, in the year one thousand eight hundred and sixty-three, are hereby confirmed and made valid 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 office.

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

*Approved February 16, 1864.***Chap. 32.** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE LANCASTER MILLS.*Be it enacted, &c., as follows :*May exercise
functions in
Boylston.

SECTION 1. The Lancaster Mills are hereby authorized to exercise their corporate franchise in the town of Boylston, as well as in the town of Clinton.

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

*Approved February 16, 1864.***Chap. 33.** AN ACT TO INCORPORATE THE ÆTNA MILLS.*Be it enacted, &c., as follows :*

Corporators.

Title.

Purpose.

Location.

Privileges and
restrictions.

Real estate.

Capital.

Proviso.

SECTION 1. Arthur Pickering, Josiah Stickney, William F. Freeman, their associates and successors, are hereby made a corporation by the name of the Ætina Mills, for the manufacture of woolen and other textile and mixed fabrics, and for the preparation of coloring materials and dye-stuffs, and for the manufacture of woolen machinery, and machines for the preparation of coloring materials and dye-stuffs, in the towns of Watertown and Newton, 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 general laws which now are or may hereafter be in force, relating to manufacturing corporations.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of two hundred thousand dollars; and the whole capital stock of said corporation shall not exceed three hundred thousand dollars, in shares of one hundred dollars each: *provided, however*; that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in, in cash.

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

Approved February 16, 1864.

AN ACT TO AUTHORIZE AMOS A. STORY TO EXTEND HIS WHARF
IN GLOUCESTER. Chap. 34.

Be it enacted, &c., as follows :

Amos A. Story, proprietor of a wharf in Gloucester, situated in that part of said Gloucester known as Eastern Point, is hereby authorized to extend and maintain said wharf in its present width in a north-westerly direction into the cove, with a right to lay vessels at the end and sides thereof, and to receive wharfage and dockage therefor: *provided, however*, that said wharf shall not extend a distance in the whole of more than three hundred feet from the main road or high-water mark; and *provided, also*, that this grant shall in no wise impair the legal rights of any person.

Approved February 16, 1864.

AN ACT TO AUTHORIZE JAMES H. TRIPP AND OTHERS TO EXTEND
THEIR WHARF IN CHATHAM. Chap. 35.

Be it enacted, &c., as follows :

James H. Tripp, Collins Howes, jr., and Asa Nye, jr., proprietors of a wharf in Chatham, at a place called Harding's Beach, are hereby authorized to extend said wharf twenty-five feet, with the right to lay vessels at the end and sides thereof, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person.

Approved February 16, 1864.

AN ACT IN RELATION TO THE MUTUAL PROTECTION FIRE INSURANCE
COMPANY. Chap. 36.

Be it enacted, &c., as follows :

SECTION 1. Chapter one hundred and eighty-five of the acts of the year eighteen hundred and sixty-one is hereby revived and continued in force; and the Mutual Protection Fire Insurance Company, incorporated by said chapter, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, contained in all general laws which now are or hereafter may be in force relating to such corporations. Act incorporating said company revived.

SECTION 2. Section second of said chapter is hereby repealed. Repeal of section two.

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

Approved February 16, 1864.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE CHARLESTOWN
GAS COMPANY. Chap. 37.

Be it enacted, &c., as follows :

SECTION 1. The Charlestown Gas Company is hereby authorized to increase its capital stock, by an amount not exceeding one hundred thousand dollars, at such times and May increase \$100,000.

May increase real estate \$50,000.

in such sums as the directors may determine. And said company is also authorized to hold real estate to an amount not exceeding fifty thousand dollars, in addition to the amount heretofore authorized by chapter ninety-eight of the acts of the year eighteen hundred and forty-six.

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

Approved February 16, 1864.

Chap. 38. AN ACT TO CONTINUE IN FORCE THE "ACT TO INCORPORATE THE HOWARD FIRE INSURANCE COMPANY."

Be it enacted, &c., as follows:

Corporate powers continued without limitation of time.

The act of the year one thousand eight hundred and forty-eight, entitled "An Act to incorporate the Howard Fire Insurance Company," and the act in addition thereto passed in the year one thousand eight hundred and sixty-one, shall be, remain and continue in force from and after the thirty-first day of January, in the year one thousand eight hundred and sixty-eight. And said company shall continue from and after said thirty-first day of January to be a corporation under the name of the Howard Fire Insurance Company, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the general laws which now are or may hereafter be in force in relation to such corporations.

Approved February 18, 1864.

Chap. 39. AN ACT TO INCORPORATE THE WASHBURN IRON COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Nathan Washburn, Isaac Davis and Edward L. Davis, their associates and successors, are hereby made a corporation, by the name of the Washburn Iron Company, for the purpose of manufacturing iron and steel in the city of Worcester; 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 general laws, which now are or hereafter may be in force relating to such corporations.

Title.

Location.

Privileges and restrictions.

Real estate.

Capital.

Proviso.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of four hundred thousand dollars; and the whole capital stock of said corporation shall not exceed five hundred thousand dollars, in shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in, in cash.

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

Approved February 18, 1864.

AN ACT TO REVIVE "AN ACT CONCERNING THE ESSEX RAILROAD COMPANY AND THE EASTERN RAILROAD COMPANY."

Chap. 40.

Be it enacted, &c., as follows:

Chapter ninety of the acts of the year eighteen hundred and sixty-three, entitled "An Act concerning the Essex Railroad Company and the Eastern Railroad Company," is hereby revived, and the time limited in the first section of said act is hereby extended two years from the passage of this act.

Revival, and extension of time.

Approved February 18, 1864.

AN ACT TO ANNUL THE CHARTER OF THE CLINTON COMPANY.

Chap. 41.

Be it enacted, &c., as follows:

The charter of the Clinton Company, upon the petition of said corporation, is hereby annulled; and chapter thirty-four of the acts of the year eighteen hundred and thirty-eight, entitled "An Act to incorporate the Clinton Company," and the several acts in addition thereto, are hereby repealed: subject, however, to the provisions of the sixty-eighth chapter of the General Statutes applicable thereto.

Act to incorporate and in addition thereto repealed.

Proviso.

Approved February 18, 1864.

AN ACT TO INCORPORATE THE ROLLIN WHITE ARMS COMPANY.

Chap. 42.

Be it enacted, &c., as follows:

SECTION 1. Rufus S. Lewis, John Tripp, David C. Rogers, their associates and successors, are hereby made a corporation, by the name of the Rollin White Arms Company, to be established in the city of Lowell, for the purpose of manufacturing and selling fire-arms, machinery and tools; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws, which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Title.

Location.

Privileges and restrictions.

SECTION 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, in shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until fifty thousand dollars of its capital has been paid in, in cash.

Capital.

Proviso.

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

Approved February 18, 1864.

AN ACT TO AUTHORIZE THE FANEUIL HALL BANK TO HOLD REAL ESTATE.

Chap. 43.

Be it enacted, &c., as follows:

SECTION 1. The President, Directors and Company of the Faneuil Hall Bank are hereby authorized to take and to hold real estate to the value of eighty thousand dollars, for the convenient transaction of their business.

May hold to value of \$80,000.

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

Approved February 18, 1864.

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Chap. 44. AN ACT TO REGULATE THE OYSTER FISHERY IN THE TOWN OF SOMERSET.

Be it enacted, &c., as follows :

Town to have control and disposition within own limits.

SECTION 1. The town of Somerset shall have the exclusive control of the oyster fishery in that part of Taunton River within the limits of said town, and may sell at public or private sale as said town may legally determine, the right or privilege of taking oysters within the limits of said town, for a term of not less than three nor more than ten years at any one term ; and all moneys arising from said sale or sales shall be paid unto the treasurer of said town for its use ; subject, however, to all the restrictions, obligations, regulations and penalties, not inconsistent with this act, contained in chapter one hundred and ninety-four of the acts of the year eighteen hundred and forty-seven, entitled "An Act to define the limits of certain towns on Taunton Great River and concerning the Oyster Fishery therein."

Moneys received for sales, how disposed.

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

Approved February 18, 1864.

Chap. 45. AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF PLYMOUTH TO PURCHASE, SELL OR LEASE CERTAIN COMMON AND UNDIVIDED LANDS IN THE TOWN OF HULL.

Be it enacted, &c., as follows :

Commissioners may pay for lands, and receive and make conveyances.

SECTION 1. The county commissioners of the county of Plymouth, and their successors in office, are hereby authorized to purchase the whole or any part of the common and undivided lands, and rights therein, in the town of Hull, in said county, of the "Proprietors of Common and Undivided Lands in the town of Hull," to receive conveyances thereof in behalf of said county, and to pay for the same from the treasury of said county, and for and in behalf and in the name of said county, to sell, convey or lease the whole or any part of such lands as they shall purchase as aforesaid.

Conveyances by county to be quitclaim.

SECTION 2. Said county commissioners and their successors in office shall not covenant to bind, and said county shall not be bound, by any covenants other than that of quitclaim and release of such title as they may obtain from their grantors.

No permit for removal of beach material to be granted.

SECTION 3. Neither said commissioners nor the grantees of said county shall remove or give the right to any person to remove any sand, gravel or stones from the beaches comprising a part of any lands which said commissioners shall purchase as aforesaid.

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

Approved February 19, 1864.

AN ACT CONCERNING THE MASSACHUSETTS GENERAL HOSPITAL.

Chap. 46.

Be it enacted, &c., as follows :

SECTION 1. The governor with the advice and consent of the council, shall annually, as soon as may be after the first Wednesday in February, appoint four trustees of the Massachusetts General Hospital, who shall hold their offices for one year, or until the appointment of their successors ; and in case of the occurring of any vacancy by death or resignation among the trustees so appointed, the governor may, with the advice and consent of the council, fill such vacancy.

Governor to appoint trustees, annually.

SECTION 2. So much of the ninety-fourth chapter of the acts of the year eighteen hundred and ten, and of the thirty-first chapter of the acts of the year eighteen hundred and nineteen, as authorize the appointment of trustees of said hospital by the board of visitors thereof, are hereby repealed.

Repeal of authority for appointment by board of visitors.

SECTION 3. This act shall not take effect until it has been accepted by the Massachusetts General Hospital, at a meeting of the corporation specially called for the purpose.

Act to be in force when accepted.

Approved February 25, 1864.

AN ACT IN FURTHER ADDITION TO "AN ACT IN AID OF THE FAMILIES OF VOLUNTEERS."

Chap. 47.

Be it enacted, &c., as follows :

SECTION 1. Any town or city may raise money, by tax or otherwise, and apply the same in aid of the wife, child, parent, brother and sister of, and dependent upon, any person who, as a part of any quota of this Commonwealth, and of said town or city, has been or shall be duly enlisted and mustered into the military service of the United States, as a member of the regular army of the United States, in the same manner, and under the same restrictions and provisions of law, as money is now raised and applied to the aid of families and dependents of members of any regiment, company or battery, of Massachusetts volunteers.

Towns and cities may raise and apply money for aid to families of volunteers in regular army.

SECTION 2. The provisions of chapter seventy-nine of the laws of eighteen hundred and sixty-three, shall be, and the same hereby are, so extended as to authorize aid, under the provisions and restrictions of said chapter, to the families and dependents of deceased soldiers, who may have died after their discharge at the expiration of their term of service, but in consequence of diseases or injury contracted or received in the service, and existing at the time of discharge ; and also to the families and dependents of disabled soldiers, who may have been discharged at the expiration of their terms of service, but not by reason of said disability : *provided, however,* that said disability was contracted in, or caused by, said service, and existed at the time of discharge.

Act of '63 extended to authorize aid to families of soldiers who die after discharge, from malady or injury received in service.

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Towns and cities may raise and apply money.

SECTION 3. Any town or city may raise and apply money as aforesaid to the aid of the wife, child, parent, brother and sister of, and dependent upon, any person, whether an inhabitant of said town or city or not, who has been or shall be duly enlisted and mustered into the service of the United States as a part of any quota of this Commonwealth, and of said town or city: *provided, however*, that no aid shall be rendered under the provisions of this act to any person who does not reside within the United States, and that all other restrictions, limitations and provisions of law now in force shall apply to aid thus furnished.

Provide.

Laws for payment of aid may be construed retroactively.

SECTION 4. This act, and the several laws now in force in aid of the families of volunteers and drafted men, may be so construed as to authorize the payment of aid retroactively, so as to include any aid to which any person might have been entitled if seasonably applied for, prior to the application for the same: *provided, however*, that such retroactive payment shall not extend beyond the period of six months prior to said application.

Provide.

Provisions of act of '62 concerning reimbursement to apply.

SECTION 5. All the provisions of the fourth and fifth sections of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two, concerning the reimbursement of money from the state treasury, shall be applicable to the money applied under the provisions of this act.

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

Approved February 29, 1864.

Chap. 48.

AN ACT IN ADDITION TO "AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO VOLUNTEERS, AND FOR OTHER PURPOSES."

Be it enacted, &c., as follows:

Soldiers in the regular service, under call of Oct. '63, entitled to same bounty and pay as if in Mass. reg't or batt'y.

SECTION 1. Any person who as a part of the quota of this Commonwealth, under the call of the president, dated October seventeenth, eighteen hundred and sixty-three, has been or shall be duly enlisted and mustered into the military service of the United States, as a member of the regular army of the United States, shall be entitled to the same bounty and pay as if he had been mustered into said service as a member of any regiment, company or battery of Massachusetts volunteers; and the provisions of chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three, authorizing bounty and pay, shall be applicable to persons thus enlisted and mustered into the regular army of the United States.

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

Approved February 29, 1864.

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

Chap. 49.

Be it enacted, &c., as follows :

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

Appropriations authorized

SUPREME JUDICIAL COURT.

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

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

For the salary of the assistant-clerk of said court, fifteen hundred dollars.

Assistant.
G. S. 121.

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

Reporter S. J. C.
G. S. 121.

For expenses of said court, two thousand dollars.

Expenses.
G. S. 112.

SUPERIOR COURT.

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

Superior Court,
Ch. Justice.
G. S. 114.

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

Associate Justices.
G. S. 114.

COURTS OF PROBATE AND INSOLVENCY.

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

Courts of Probate and Insolvency.
G. S. 119.
Suffolk.

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

Middlesex.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Worcester, eighteen hundred dollars.

Worcester.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Essex, fifteen hundred dollars.

Essex.
G. S. 119.

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

Norfolk.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Bristol, eleven hundred dollars.

Bristol.
G. S. 119.

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

Plymouth.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Berkshire, eight hundred dollars.

Berkshire.
G. S. 119.

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

Hampden.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Barnstable, seven hundred dollars.

Barnstable.
G. S. 119.

Hampshire.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Hampshire, six hundred and fifty dollars.

Franklin.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Franklin, six hundred dollars.

Nantucket.
G. S. 119.

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

Dukes.
G. S. 119.

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

Registers and Assistants.

Suffolk.
G. S. 119.

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

Assistant.
G. S. 119.

For the salary of the assistant-register for the county of Suffolk, fifteen hundred dollars.

Middlesex.
G. S. 119.

For the salary of the register of probate and insolvency for the county of Middlesex, fifteen hundred dollars.

Assistant.
G. S. 119.

For the salary of the assistant-register for the county of Middlesex, one thousand dollars.

Worcester.
G. S. 119.

For the salary of the register of probate and insolvency for the county of Worcester, fifteen hundred dollars.

Assistant.
G. S. 119.

For the salary of the assistant-register for the county of Worcester, one thousand dollars.

Essex.
G. S. 119.

For the salary of the register of probate and insolvency for the county of Essex, fifteen hundred dollars.

Assistant.
G. S. 119.

For the salary of the assistant-register for the county of Essex, eight hundred dollars.

Norfolk.
G. S. 119.

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

Assistant.
G. S. 119.

For the salary of the assistant-register for the county of Norfolk, six hundred dollars.

Bristol.
G. S. 119.

For the salary of the register of probate and insolvency for the county of Bristol, thirteen hundred dollars.

Plymouth.
G. S. 119.

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

Hampden.
G. S. 119.

For the salary of the register of probate and insolvency for the county of Hampden, eight hundred dollars.

Berkshire.
G. S. 119.

For the salary of the register of probate and insolvency for the county of Berkshire, eight hundred dollars.

Hampshire.
G. S. 119.

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

Franklin.
G. S. 119.

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

Barnstable.
G. S. 119.

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

Nantucket.
G. S. 119.

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

Dukes.
G. S. 119.

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

For certain expenses of the courts of insolvency, authorized by the General Statutes, or similar accounts for the courts of probate and insolvency, a sum not exceeding three thousand dollars.

Courts of Probate and Insolvency. Expenses. G. S. 118.

DISTRICT-ATTORNEYS.

For the salary of the attorney for the county of Suffolk, three thousand dollars.

District-Attorneys. Suffolk. G. S. 14.

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

Assistant. G. S. 14.

For the salary of the attorney for the eastern district, one thousand two hundred dollars.

Eastern. G. S. 14.

For the salary of the attorney for the northern district, one thousand two hundred dollars.

Northern. G. S. 14.

For the salary of the attorney for the southern district, one thousand two hundred dollars.

Southern. G. S. 14.

For the salary of the attorney for the middle district, one thousand two hundred dollars.

Middle. G. S. 14.

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

South-eastern. G. S. 14.

For the salary of the attorney for the western district, one thousand two hundred dollars.

Western. G. S. 14.

For the salary of the attorney for the north-western district, eight hundred dollars.

North-western. G. S. 14.

POLICE COURTS.

For the salaries of three justices of the police court in Boston, seven thousand five hundred dollars.

Justices Police Courts. Boston. G. S. 116.

For the salary of the justice of the police court in Adams, eight hundred dollars.

Adams. G. S. 116.

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

Cambridge. G. S. 116.

For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars.

Charlestown. Act '62, 107.

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

Chelsea. G. S. 116.

For the salary of the justice of the police court in Chicopee, nine hundred dollars.

Chicopee. G. S. 116.

For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.

Fall River. Act '62, 92.

For the salary of the justice of the police court in Gloucester, six hundred dollars.

Gloucester. G. S. 116.

For the salary of the justice of the police court in Haverhill, nine hundred dollars.

Haverhill. Act '61, 207.

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

Lawrence. G. S. 116.

Lee.
Act '61, 141.

For the salary of the justice of the police court in Lee, five hundred dollars.

Lowell.
G. S. 116.

For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.

Lynn.
G. S. 116.

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

New Bedford.
G. S. 116.

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

Newburyport.
G. S. 116.

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

Pittsfield.
G. S. 116.

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

Roxbury.
G. S. 116.

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

Salem.
G. S. 116.

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

Springfield.
G. S. 116.

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

Taunton.
G. S. 116.

For the salary of the justice of the police court in Taunton, one thousand two hundred dollars.

Williamstown.
G. S. 116.

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

Worcester.
G. S. 116.

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

Clerks Police C'ts

For the salaries of the clerks of police courts, exclusive of clerks elected under chapter one hundred and sixteen, section four, of the General Statutes, to wit:—

Boston.
Act '60, 100.

For the salary of the clerk of the police court in Boston, two thousand dollars.

Assistants.
G. S. 116;
Act '60, 100.

For the salaries of four assistant clerks of said court, five thousand two hundred dollars.

Cambridge.
G. S. 116.

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

Charlestown.
Act '62, 107.

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

Fall River.
Act '62, 92.

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

Lawrence.
G. S. 116.

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

Lowell.
G. S. 116.

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

Lynn.
G. S. 116.

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

New Bedford.
G. S. 116.

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

Newburyport.
G. S. 116.

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

For the salary of the clerk of the police court in Roxbury, five hundred dollars. Roxbury. G. S. 116.

For the salary of the clerk of the police court in Salem, nine hundred dollars. Salem. G. S. 116.

For the salary of the clerk of the police court in Taunton, six hundred dollars. Taunton. G. S. 116.

For the salary of the clerk of the police court in Worcester, eight hundred dollars. Worcester. G. S. 116.

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

Approved February 29, 1864.

AN ACT RELATING TO THE SERVICE OF CRIMINAL PROCESS IN THE TOWN OF HULL.

Chap. 50.

Be it enacted, &c., as follows:

SECTION 1. Any officer qualified by law to serve criminal process in the city of Boston is hereby authorized and empowered to serve criminal process within the limits of the town of Hull, in all cases in which the courts in the county of Suffolk have concurrent jurisdiction with the courts in the county of Plymouth.

In case of concurrent jurisdiction, officer authorized in Boston may serve in Hull.

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

Approved February 29, 1864.

AN ACT CONCERNING THE NEW ENGLAND MUTUAL MARINE INSURANCE COMPANY IN BOSTON.

Chap. 51.

Be it enacted, &c., as follows:

Whenever the profits arising from the business of the New England Mutual Marine Insurance Company in Boston, with the reserved profits remaining with the company as provided by the third section of the seventy-fourth chapter of the statutes of the year one thousand eight hundred and fifty-eight, shall exceed the sum of five hundred thousand dollars, the said company is authorized to redeem and pay certificates issued for profits to such an amount, and in such manner as the directors shall determine: *provided*, such payment shall leave net earned profits with said company, including the reserved profits above mentioned, to the amount of not less than five hundred thousand dollars; and *provided*, that no certificates of any year shall be redeemed while certificates of previous years remain unredeemed or unprovided for.

Profits exceeding \$500,000, company may redeem certificates to that amount.

Provided.

Approved February 29, 1864.

AN ACT TO AUTHORIZE THE FIRST PARISH IN DORCHESTER TO SELL REAL ESTATE.

Chap. 52.

Be it enacted, &c., as follows:

SECTION 1. The First Parish in Dorchester is hereby authorized to sell at public or private sale, at such time or times as it may choose, a certain lot of pasture land belong-

Parish may sell at public or private sale.

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ing to said parish, and situated on Brush Hill Turnpike, in the town of Milton, and known as the "little pasture;" and the treasurer of said parish for the time being, shall have authority to execute and deliver deeds to convey the same in fee simple or otherwise.

Treasurer may convey.

Proceeds to be invested by parish.

SECTION 2. The proceeds of the sale of said land shall be permanently invested in such manner as said parish shall direct; and the income arising therefrom shall be applied exclusively to the support of the ministry in said parish.

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

Approved February 29, 1864.

Chap. 53. AN ACT TO INCORPORATE THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Eben F. Stone, Albert Currier, Joseph B. Morss, their associates and successors, are hereby made a corporation by the name of the Newburyport and Amesbury Horse Railroad Company, with power to construct, maintain and use a railway with convenient single or double tracks, commencing at such points in the city of Newburyport, and thence upon and over such streets and highways of said city, as may be from time to time fixed and determined by the mayor and aldermen thereof, and assented to in writing by said corporation; thence upon and over such of the streets and highways of the town of Salisbury, as may be from time to time fixed and determined by the selectmen of said town, with the written assent of said corporation; thence over and upon such of the streets and highways of said town of Amesbury as may be from time to time fixed and determined by the selectmen of said town, with the written assent of said corporation.

Title.

Powers.

Location.

Motive power.

SECTION 2. This railroad shall be operated with horse power only.

Capital.

SECTION 3. The capital stock of this corporation shall not exceed the sum of one hundred and twenty thousand dollars, to be divided into shares of one hundred dollars each; and no share shall be issued until the par value thereof has been actually paid into the treasury of the company, in cash.

Shares.

Real estate.

SECTION 4. This corporation shall have power to hold and purchase such real estate as may be necessary or convenient for the purposes of this railroad.

Construction and maintenance.

SECTION 5. This railroad shall be constructed and maintained in such manner as the mayor and aldermen of Newburyport, and the selectmen of Salisbury and Amesbury,

respectively, may prescribe; and whenever the corporation shall deem it necessary to alter the grade of any street or highway, occupied by it, the assent of the mayor and aldermen of Newburyport, or the selectmen of Salisbury or Amesbury, as the case may be, shall first be obtained, and the same shall be made at the expense of this corporation.

SECTION 6. The mayor and aldermen of Newburyport, and the selectmen of Salisbury and Amesbury, respectively, shall have power at all times to make such regulations, respecting the rate of speed and mode of use of the tracks, as the public safety and convenience may require, and shall also have power at any time after the expiration of one year from the opening for use of the tracks of said railroad in any of the streets or highways in which the same shall be laid, to determine that the said tracks or any part thereof, shall be discontinued; and thereupon the location, as to such part, shall be deemed to be revoked; and such part shall, forthwith, be taken up and removed, in conformity to the direction of said mayor and aldermen or selectmen, as the case may be, at the expense of said corporation. But no such discontinuance of any part of the tracks shall be made without due notice of the time and place at which the corporation may be heard in relation thereto.

Rate of speed and use of tracks, how regulated.

Discontinuance of track to revoke location.

Corporation to be heard.

SECTION 7. The corporation hereby created may enter upon and use the bridge of the Essex Merrimac Company across the Merrimac River, entitled the Essex Merrimac Bridge; and in the event of a disagreement between the corporation and the proprietors of said bridge, as to the rate of compensation, and the mode of use, the same shall be determined by the county commissioners for the county of Essex.

May use Essex Merrimac Bridge.

SECTION 8. This corporation shall keep and maintain in repair such portion of all streets and highways as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness or misconduct on the part of its agents or servants in the construction and management of the road.

Shall maintain highway used, and be liable for injury to persons.

SECTION 9. Nothing in this act shall be construed to prevent the authorities of Newburyport, or of the towns of Salisbury or Amesbury, respectively, from altering or repairing any of the streets or highways traversed by the tracks of this railroad, precisely as they might have lawfully done, if no such tracks existed.

Control of highways by municipalities not impaired.

SECTION 10. If any person shall wilfully and maliciously obstruct the agents of this corporation, in the passage of the cars on its tracks, he shall be punished by a fine not exceed-

Obstructions, of or by corporation, how punished.

ing five hundred dollars, or by imprisonment for a term not exceeding three months. If the agents of this corporation shall wilfully and maliciously obstruct any street or highway, the corporation shall be punished by a fine not exceeding five hundred dollars.

Municipalities may purchase franchise after ten years.

Conditions.

SECTION 11. The city of Newburyport, and the towns of Amesbury and Salisbury, or either of them, may at any time, after the expiration of ten years from the opening of any part of this railroad for use, take possession and hold so much of this road as lies within their respective limits, by paying therefor the actual cost in cash of the same, together with a net profit of ten per cent. per annum, less the dividends paid thereon by the corporation and thereupon a portion of the franchise, corresponding to the portion of the road so taken by the said city or by either of said towns, shall be vested in said city or town.

Transportation, corporation may adjust.

Proviso.

SECTION 12. This corporation may fix, from time to time, the fare of passengers and the rate of compensation for the transportation of property; but, in the carriage of freight, the business must be so adjusted as not to interfere with the carriage of passengers.

Corporation subject to General Statutes.

SECTION 13. Said corporation shall be subject to the provisions of the sixty-eighth chapter of the General Statutes, and to all general laws which are or may be in force relating to horse railroad corporations.

Act void unless accepted and road constructed within two years.

SECTION 14. This act shall be void, so far as it relates to the right to construct a railroad in the city of Newburyport and in the towns of Amesbury and Salisbury, respectively, unless the same shall be accepted by the corporation, and by said city and towns, and unless said railroad shall be constructed within two years after the passage of this act.

SECTION 15. This act shall take effect upon its passage.

Approved February 29, 1864.

Chap. 54.

AN ACT RELATING TO THE MYSTIC RIVER RAILROAD.

Be it enacted, &c., as follows :

Act of incorporation revived.

SECTION 1. An act to incorporate the Mystic River Railroad, passed the twenty-fifth day of May, in the year eighteen hundred and fifty-three, and all acts in amendment thereof, except such provisions in said acts as have been heretofore expressly repealed, are hereby revived and confirmed; and said corporation may be organized within two years from the passage of this act.

May connect with G. J. R. R. and Depot Co. and the Union R. R.

SECTION 2. The said Mystic River Railroad is hereby authorized to connect with, enter upon and use, so much of the railroad of the company commonly known as the Grand

Junction Railroad and Depot Company, as is located between Cambridge street in the city of Charlestown and the Boston and Worcester Railroad in the town of Brookline, according to law; also to connect with, enter upon, and use the Union Railroad according to law. And the said Grand Junction Railroad and Depot Company, or the owner of the road of said company, and the said Union Railroad Company, or the owner of the Union Railroad may, in like manner connect with, enter upon and use the said Mystic River Railroad: *provided*, nothing contained in this act shall be so construed as to affect, in any way, any rights or privileges heretofore granted to, or acquired by, the Fitchburg Railroad Company, under any statute of this Commonwealth, or by virtue of any judgment at law or in equity, heretofore obtained by said Fitchburg Railroad Company.

Co., and said Co's may use Mystic River Co's road.

Proviso.

SECTION 3. The Mystic River Railroad may cross the Boston and Maine Railroad and the Eastern Railroad at grade: *provided*, said crossings shall be made at the expense of the Mystic River Railroad, immediately south of the present crossing of said Boston and Maine Railroad by the said Eastern Railroad, and within one hundred feet of the ball-signal station, as it now stands; and the construction of each of said crossings shall be done in such manner as may be agreed upon in writing by said Mystic River Railroad with each of said other corporations respectively; and in case of disagreement in either case, the whole matter relating to the manner of constructing such crossing shall be done under the direction of a commissioner, who shall be a skilful engineer, appointed by the governor and council, the compensation of said commissioner to be paid by said Mystic River Railroad; and *provided, further*, that whenever trains shall approach the said crossing on the said Boston and Maine Railroad, or on the said Eastern Railroad, at the same time with trains on the said Mystic River Railroad, the prior right to move forward shall be allowed the said Boston and Maine and the said Eastern Railroads.

May cross Boston and Maine and Eastern roads, as shall be agreed by respective corporations.

Approved February 29, 1864.

AN ACT TO INCORPORATE THE PROPRIETORS OF THE CONGREGATIONAL CHURCH IN GRAFTON.

Chap. 55.

Be it enacted, &c., as follows:

SECTION 1. Liberty Wood, Jonathan D. Wheeler, Horace S. Warren, their associates and successors, are hereby made a corporation by the name of the Proprietors of the Congregational Church in Grafton, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or

Corporators.

Title.

Powers.

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Real and personal estate. may hereafter be in force, relating to such corporations, with power to hold real and personal estate to an amount not exceeding in value the sum of ten thousand dollars.

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

Approved February 29, 1864.

Chap. 56. AN ACT CONCERNING THE MILTON GAS LIGHT COMPANY AND THE DORCHESTER GAS LIGHT COMPANY.

Be it enacted, &c., as follows:

Transfer of franchise and property.

SECTION 1. The Milton Gas Light Company is hereby authorized to sell its rights, franchise and entire property to the Dorchester Gas Light Company, and the Dorchester Gas Light Company is hereby authorized to purchase and hold the same: *provided, however*, that no such sale or purchase shall be made without the sanction of a majority in interest of the stockholders of each of said corporations present and voting thereon at a meeting of the stockholders called for that purpose.

Proviso.

Consolidation.

SECTION 2. In case of such sale and purchase, said two corporations shall thereupon become one corporation, under the corporate name of the Dorchester Gas Light Company, and all the powers and privileges now enjoyed by, and all the restrictions, duties and liabilities imposed upon said two corporations by virtue of their respective charters, shall appertain to said united corporation. And said united corporation shall also be subject to all general provisions of law that are or may hereafter be in force relating to such corporations.

Title.

Powers.

Rights of creditors.

Capital stock.

SECTION 3. The rights of any creditor of either of said corporations shall not be affected by the sale and purchase herein authorized; nor shall the amount of capital stock issued to represent said property after its purchase, be greater than the amount which now represents said property.

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

Approved February 29, 1864.

Chap. 57. AN ACT TO INCORPORATE THE NORTH ADAMS GAS LIGHT COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Amasa W. Richardson, Sylvander Johnson, John B. Tyler, their associates and successors, are hereby made a corporation by the name of the North Adams Gas Light Company, in Adams, for the purpose of manufacturing and selling gas in the town of Adams; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws which now are, or may hereafter be in force relating to manufacturing corporations.

Title.

Powers.

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

Real estate.
Capital stock.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Adams, shall have the power and authority to dig up and 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 may be necessary 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 in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of said town may regulate, restrict and control all acts and doings of such corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

May sink and maintain pipes.
Repair of streets.
Proviso.

Approved February 29, 1864.

AN ACT IN RELATION TO COUNTY TEACHERS' ASSOCIATIONS.

Chap. 58.

Be it enacted, &c., as follows:

SECTION 1. When a county association of teachers and others, holds an annual meeting of not less than two days, for the express purpose of promoting the interests of public schools, it shall receive twenty-five dollars from the Commonwealth.

Bounty for annual meetings.

SECTION 2. Upon the certificate, under oath, of the president and secretary of such association to the governor, that a meeting has been held in accordance with the provisions of the preceding section, he shall draw his warrant in favor of such association, for the sum aforesaid.

Certificate to governor of holding same to authorize warrant.

SECTION 3. The fourth and fifth sections of the thirty-fifth chapter of the General Statutes are hereby repealed.

Repeal.

Approved February 29, 1864.

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

Chap. 59.

Be it enacted, &c., as follows:

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

Appropriations authorized.

LEGISLATURE.

Printing and binding.
Res. '56, 74.

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

Senate, stationery.
Res. '56, 74.

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

House, stationery.
Res. '56, 74.

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

Senate, blanks.
Res. '56, 74.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the senate, a sum not exceeding six hundred dollars.

House, blanks.
Res. '56, 74.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding eight hundred dollars.

Books, stationery, printing.
G. S. 14.

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

Expenses of committees.
G. S. 15.

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

Clerical assistance.
G. S. 15.

For clerical assistance to committees authorized to employ the same, a sum not exceeding three hundred dollars; and the auditor is hereby authorized to audit bills for such assistance, the same having been approved by the chairman of such committees, or other members authorized by the committees to certify such accounts.

EXECUTIVE DEPARTMENT.

Postage, printing, &c.
Res. '56, 74.

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

Contingent expenses.
G. S. 14.

For the contingent expenses of the council, a sum not exceeding eight hundred dollars.

Contingent fund.

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

Agencies for care sick and wounded soldiers.

For any expenses which may be incurred under the authority of the governor and approved by him, in the maintenance of agencies at such places out of this Commonwealth as he may find needful, for the oversight and aid of sick and wounded or distressed Massachusetts soldiers, and in the necessary and proper disbursements incident thereto, a sum not exceeding twenty thousand dollars, to be allowed and paid.

STATE HOUSE.

Fuel and lights.
G. S. 14.

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

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For repairs, improvements and furniture of the state house a sum not exceeding thirty-three hundred dollars.

Repairs and furniture.
G. S. 14.

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

Contingent expenses legislature.
G. S. 14.
 proviso.

STATE PRINTING.

For printing such number, not exceeding seventy-five thousand, of the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, in accordance with the provisions of chapter three of the General Statutes, a sum not exceeding eight thousand dollars.

General Laws and Resolves.

For printing two thousand five hundred copies of the "blue book" edition of the acts and resolves of the present year, with the governor's messages and other matters, in the usual form, in accordance with the provisions of chapter three of the General Statutes, a sum not exceeding twenty-five hundred dollars.

Printing "Blue Book" edition.

For the publication of the general laws, and all other information intended for the public, in accordance with the provisions of chapter three of the General Statutes, a sum not exceeding three hundred dollars.

Newspaper publication of general laws, &c.

For the printing and binding of blanks for the use of cities and towns, in the registration of births, marriages and deaths, in accordance with the provisions of chapter twenty-one of the General Statutes, a sum not exceeding three hundred dollars.

Registration blanks.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-four, under the direction of the secretary of the Commonwealth, in accordance with the provisions of chapter four of the General Statutes, and for binding the copies to be distributed to the towns and cities, a sum not exceeding twelve thousand dollars.

Public documents, printing and binding.

For furnishing term reports, in accordance with the provisions of chapter two hundred and ninety of the acts of the year eighteen hundred and fifty-nine, a sum not exceeding five thousand dollars.

Reports decisions S. J. Court.

For the weekly and monthly publication of bank returns, in accordance with the provisions of chapter fifty-seven of

Weekly and monthly bank returns.

the General Statutes, a sum not exceeding five hundred dollars.

Assessors' books. For assessors' books, in accordance with the provisions of chapter one hundred and sixty-seven of the acts of eighteen hundred and sixty-one, a sum not exceeding two thousand dollars.

Blanks and abstracts of assessors' returns. For printing blanks and abstracts of the returns of assessors relating to the assessment of taxes on the shares of corporations and deposits in savings institutions, in accordance with the acts of the year one thousand eight hundred and sixty-one, chapter one hundred and seventy-one, a sum not exceeding thirteen hundred dollars.

Railroad reports, printing and binding. For printing and binding the annual railroad reports, in accordance with the provisions of chapter four of the General Statutes, a sum not exceeding fifteen hundred dollars.

Blanks, aid to soldiers' families. For printing blanks for returns from cities and towns, of aid rendered to the families of volunteers, a sum not exceeding three hundred and fifty dollars, which shall be allowed and paid.

Numbering of bank notes. For the numbering of bank note impressions, the sum of two hundred and fifty dollars, the same to be paid from the amount assessed on banks for expenses incurred on their account in the auditor's department, which shall be allowed and paid.

INCIDENTAL EXPENSES.

Secretary's office. For incidental expenses of the secretary's office, a sum not exceeding thirty-five hundred dollars.
G. S. 14.

Treasurer's office. For incidental expenses of the treasurer's office, a sum not exceeding twenty-four hundred dollars.
G. S. 11 and 15.

Auditor's office. For incidental expenses of the auditor's office, a sum not exceeding three hundred and fifty dollars.
G. S. 15 and 57.

Attorney-General's office library. For the purchase of books for the library in the office of the attorney-general, a sum not exceeding three hundred dollars, to be allowed and paid.

Attorney-General's office. For fees, costs and court expenses of the attorney-general, and for incidental expenses in the office of the attorney-general, a sum not exceeding four hundred dollars.
G. S. 14.

Bank commissioners. For the incidental expenses of the bank commissioners, a sum not exceeding one hundred and fifty dollars.
G. S. 57.

Insurance commissioners, incidental. For the incidental expenses of the insurance commissioners, a sum not exceeding five hundred dollars, and for express charges and insurance publications, a sum not exceeding one hundred dollars.
G. S. 58.

MILITARY.

For the incidental expenses and express charges of the adjutant-general, a sum not exceeding seven thousand dollars. Adjutant-General, incidental. G. S. 13.

For the expenses of the quartermaster-general's department, a sum not exceeding five thousand dollars. Qr.-Master-General. Acts '61, 216.

For the expenses of the department of the master of ordnance, a sum not exceeding fifteen thousand five hundred dollars. Master of Ordnance. Acts '61, 216.

For militia bounty, a sum not exceeding forty-three thousand dollars. Militia bounty. G. S. 13.

For military accounts, a sum not exceeding five thousand dollars. Military accounts. G. S. 13.

For the rent of armories, a sum not exceeding eleven thousand dollars. Rent of armories. G. S. 13.

For the reimbursement of money to cities and towns, in accordance with the provisions of chapter sixty-six and chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-two, and chapter seventy-nine of acts of the year eighteen hundred and sixty-three, a sum not exceeding two millions four hundred thousand dollars; the same to be payable on the first day of December, eighteen hundred and sixty-four. Reimbursement of money to cities and towns.

AGRICULTURAL.

For bounties to agricultural societies, a sum not exceeding fourteen thousand three hundred and twenty dollars. Bounties, society. G. S. 66.

For the travelling expenses of members of the board of agriculture, a sum not exceeding twelve hundred dollars. Board of Agriculture, travel. G. S. 16.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, in accordance with the resolves of the year one thousand eight hundred and fifty-three, a sum not exceeding two hundred and fifty dollars. Secretary of brd., travel, postage, &c.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars. Incidental. G. S. 16.

For printing copies of the report of the board of agriculture, a sum not exceeding eight thousand dollars. Printing report. Res. '56, 74.

For the travelling expenses of the trustees of the agricultural college, which shall be allowed and paid, the expenditures therefor to be approved by the governor and council, a sum not exceeding five hundred dollars. Trustees agricultural college, travel.

MISCELLANEOUS.

For the compensation of the commissioners on public lands and clerk hire, a sum not exceeding thirty-five hundred dollars; for contingent and incidental expenses of said Commissioners public lands, compensation and expenses.

- Payment, how made.** commissioners, a sum not exceeding two hundred dollars: said sums to be paid from the moiety of the proceeds of sales, which, by the resolves of the year eighteen hundred and fifty-seven, chapter seventy, is applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used, in accordance with the provisions of section three, of chapter two hundred, of the acts of eighteen hundred and sixty.
- Sheriffs, for distributing blanks and forwarding returns.** To the sheriffs of the several counties, for distributing blanks and making returns of votes, in accordance with the provisions of chapter one hundred and fifty-seven of the General Statutes, a sum not exceeding eight hundred and fifty dollars.
- State library, for expending.** For the state library, in accordance with the provisions of chapter five of the General Statutes, twenty-three hundred dollars, to be expended under the direction of the trustees and librarian.
- Inspector of gas-meters, salary and expenses.** For the salary and expenses of the inspector of gas-meters, a sum not exceeding three thousand dollars, in accordance with the provisions of chapter one hundred sixty-eight of the acts of the year eighteen hundred and sixty-one.
- Emergency fund, use defined.** The appropriation made in the twenty-second chapter of the acts of the year eighteen hundred and fifty-eight, for the emergency fund, is hereby made applicable to, and may be used during the present political year, for the purposes and under the provisions and limitations mentioned in said chapter.
- Union loan sinking fund, for investment.** To the union loan sinking fund, established under chapter two hundred and nine of the acts of the year eighteen hundred and sixty-one, section two, to be invested in accordance with the provisions of chapter one hundred and eighty-seven of the acts of the year eighteen hundred and sixty-two, the sum of one hundred and sixty thousand dollars.
- Bounty loan sinking fund.** To the bounty loan sinking fund, established under chapter ninety-one of the acts of eighteen hundred and sixty-three, to be invested in accordance with the provisions of section five of said chapter, the sum of seventy thousand dollars.

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

Approved March 2, 1864.

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

Chap. 60.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of this Commonwealth, from the ordinary revenue, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, to wit:

Appropriations
authorised.

CHARITABLE.

For the state almshouse at Tewksbury, a sum not exceeding forty-seven thousand dollars.

Almshouses—
Tewksbury.
G. S. 71.

For the state almshouse at Monson, a sum not exceeding thirty-nine thousand dollars.

Monson.
G. S. 71.

For the state almshouse at Bridgewater, a sum not exceeding thirty-five thousand dollars.

Bridgewater.
G. S. 71.

For the hospital at Rainsford Island, a sum not exceeding twelve thousand dollars.

Hospital, Rainsford
Island.
G. S. 71.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding ninety thousand dollars.

State lunatic
paupers.
G. S. 73; Acts
'63, 240.

For the department of the general agent, and for the expenses of the board of state charities, a sum not exceeding ten thousand dollars.

Board state chari-
ties, expenses.
Acts '63, 240.

For the department of the secretary of the board of state charities, a sum not exceeding seven thousand dollars.

Sec'y of board.
Acts '63, 240.

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

State paupers.
G. S. 71.

For the expenses of coroners' inquests, a sum not exceeding fifteen hundred dollars.

Coroners' in-
quests.
G. S. 157.

For the burial of state paupers, a sum not exceeding three thousand dollars.

State paupers—
Burial.
G. S. 70.

For the transportation of state paupers to almshouses, a sum not exceeding three hundred and fifty dollars.

Transportation.
G. S. 71, § 86.

For expenses incurred on account of Indians, a sum not exceeding three thousand dollars, viz.:—To the guardian of the Troy Indians, for their support, a sum not exceeding six hundred dollars, and for the salary of said guardian, the sum of one hundred dollars; to the guardian of the Dudley Indians, for their support, a sum not exceeding seven hundred and fifty dollars, and for the salary of said guardian one hundred dollars; and to the treasurer of the Marshpee Indians, for the support of certain old state paupers, a sum not exceeding two hundred dollars.

Indians—
G. S. 14, and
sundry Resolves.
Troy.

Dudley.

Marshpee.

Pensions.
Sundry Resolves.

For pensions, a sum not exceeding six hundred dollars.

Almshouse loan sinking fund.
Acts '54, 366.

To the almshouse loan sinking fund for the redemption of scrip, the sum of three thousand dollars.

Asylum for the blind.
Res. '55, 62.

For the Perkins' institution and Massachusetts asylum for the blind, the sum of twelve thousand dollars.

School for idiots.
Res. '62, 26.

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

Deaf and dumb at Hartford.
Res. '29, 41;
Res. '47, '54.

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

Bequests of M. Johannot.
Res. '41, 65.

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

REFORMATORY AND CORRECTIONAL.

Reform school.
G. S. 76.

For expenses of the state reform school for boys at Westborough, a sum not exceeding forty-five thousand dollars; said sum to be expended solely for the current expenses of said institution; and all sums received by said institution from the cities and towns for the support of boys in said school, shall be paid into the treasury of the Commonwealth; and no money appropriated by this act shall be expended by the trustees of said school for the erection of new buildings.

Expending defined.

Nautical branch reform school.
G. S. 76.

For the current expenses of the nautical branch of the state reform school, a sum not exceeding twenty-two thousand five hundred dollars; and all sums received by said institution from cities and towns, for the support of boys in said nautical branch, shall be paid into the treasury of the Commonwealth.

Industrial school.
G. S. 75.

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

Arrest of fugitives.
G. S. 142.

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

Ag't discharged convicts, salary.
Acts '31, 78.
Expenses.

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

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

Approved March 2, 1864.

Chap. 61.

AN ACT CONCERNING THE CITY OF WORCESTER.

Be it enacted, &c., as follows:

Election of Engineers fire dep't.

The city council of the city of Worcester shall annually, in the month of December, elect by joint ballot in convention, a chief engineer of the fire department, and as many

assistant-engineers, not exceeding six, as they deem expedient; who shall hold their offices for the term of one year from the first Monday of January next ensuing, and until their successors are chosen and qualified.

Term of office.

Approved March 2, 1864.

AN ACT TO PROTECT THE SHAD FISHERY IN THE CONNECTICUT RIVER. *Chap. 62.*

Be it enacted, &c., as follows:

SECTION 1. No person shall set, draw or sweep any seine or net, the meshes of which are less than two and one-fourth inches square when new and dry, for the purpose of catching shad or any other fish, in that part of the Connecticut river which is within the limits of this Commonwealth, and below the dam across said river at Holyoke, between the first day of May, and the fifteenth day of July, during each year.

Use of certain nets forbidden between the 1st May and 15th July.

SECTION 2. Every person violating the provisions of the preceding section, shall be liable to a fine of not less than ten, nor more than fifty dollars for each offence, to be recovered in any court competent to try the same; one-half of said fine to inure to the use of the town in which the offence shall be committed, and the other half to the person who shall prosecute therefor.

Penalty for violation.

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

Approved March 2, 1864.

AN ACT RELATING TO RACE GROUNDS AND TROTTING PARKS. *Chap. 63.*

Be it enacted, &c., as follows:

The tenth section of the one hundred and sixty-seventh chapter of the General Statutes is hereby amended, by striking from the same the words "for the admission to which of persons or property, any money or other valuable consideration shall be directly or indirectly taken or required."

General Statutes amended.

Approved March 2, 1864.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE ROCKLAND BANK. *Chap. 64.*

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Rockland Bank, in Roxbury, 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, however,* that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and sixty-five.

Increase of \$150,000 authorized.

Provided.

Remonstrance.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Tax of additional capital.

SECTION 3. The additional capital 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 now subject.

Certificate required.

SECTION 4. 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.

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

Approved March 2, 1864.

Chap. 65.

AN ACT TO EXTEND THE PROVISIONS OF "AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO VOLUNTEERS AND FOR OTHER PURPOSES."

Be it enacted, &c., as follows :

Persons enlisted under President's order of Feb. '64 to receive same bounty as under call of Oct. '63.

SECTION 1. The provisions of chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three shall be, and the same hereby are, so extended as to entitle all persons who shall enlist, or re-enlist, and be mustered into the military service of the United States, as a part of the quota of Massachusetts under the order of the President of the United States for a draft of five hundred thousand men, dated February first, in the year eighteen hundred and sixty-four, to the same bounty or pay as provided for in said act for those of the quota of the Commonwealth, under the call of the President for three hundred thousand men, dated October seventeenth, in the year eighteen hundred and sixty-three; and all the provisions of said act, in relation to the manner of offering and paying said bounty or pay, shall be applicable to all cases under the provisions of this act: *provided, however,* that this act shall not be so construed, as to authorize the payment of bounty or pay to any drafted man or substitute.

Proviso.

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

Approved March 2, 1864.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY WILLIAM H. WOOD, AS JUSTICE OF THE PEACE. *Chap. 66.*

Be it enacted, &c., as follows :

SECTION 1. All acts done by William H. Wood, of Marlborough, esquire, as a justice of the peace, within and for the county of Middlesex, between the thirty-first day of January, one thousand eight hundred and sixty, and the twenty-first day of July, one thousand eight hundred and sixty-three, 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 office.

Acts between Jan'y 31, '60, and July 21, '63, made valid.

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

Approved March 2, 1864.

AN ACT TO AUTHORIZE THE CHARLESTOWN FIVE CENTS SAVINGS BANK TO HOLD REAL ESTATE. *Chap. 67.*

Be it enacted, &c., as follows :

SECTION 1. The Charlestown Five Cents Savings Bank in the city of Charlestown, is hereby authorized to hold real estate in said city, to an amount not exceeding forty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May hold real estate in Charlestown.

Provide.

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

Approved March 2, 1864.

AN ACT TO AUTHORIZE GRANVILLE C. CARLTON TO BUILD A BRIDGE OVER BACK RIVER, IN THE TOWN OF SALISBURY. *Chap. 68.*

Be it enacted, &c., as follows :

Granville C. Carlton is hereby authorized to construct a bridge over Back river, so called, in the town of Salisbury, from the point on the westerly shore of said river, known as the Back Landing, to the land of said Carlton, on the opposite shore: *provided*, the consent of the owners of said Landing be first obtained, and said bridge be built six feet above ordinary high-water and with an open and unobstructed space in the channel, twenty feet wide between the abutments of said bridge.

Authority granted.

Provide.

Approved March 2, 1864.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE CITY FIRE INSURANCE COMPANY, AND TO EXTEND ITS CHARTER. *Chap. 69.*

Be it enacted, &c., as follows :

SECTION 1. The City Fire Insurance Company in Boston is hereby authorized and empowered to increase its capital

Amount of increase.

stock by an addition thereto of the sum of one hundred and fifty thousand dollars.

Payment.

SECTION 2. Said additional capital shall be paid in at such times and in such instalments as the stockholders shall by vote direct; but not less than fifty thousand dollars shall be paid in within one year from the acceptance of this act.

Condition.

Charter extended without limitation of time.

SECTION 3. The act of the year one thousand eight hundred and forty-seven, incorporating said company by the name of the Cochituate Fire Insurance Company, but changed by an act in the year one thousand eight hundred and fifty-six to the name of the City Fire Insurance Company, shall be continued and remain in force from and after the fifteenth day of March in the year one thousand eight hundred and sixty-seven; and said company shall continue from and after said fifteenth day of March to be a corporation under the name of the City Fire Insurance Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

Act, when to take effect.

SECTION 4. This act shall not take effect unless accepted at a meeting of the stockholders of said company duly notified for that purpose and holden within three months after the passage of this act.

Approved March 2, 1864.

Chap. 70.

AN ACT TO ESTABLISH THE POLICE COURT OF THE TOWN OF MILFORD.

Be it enacted, &c., as follows:

Court established.

SECTION 1. A police court is hereby established in the town of Milford under the name of the Police Court of Milford; and said town shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as provided in respect to existing police courts, except those of Boston and of Worcester, by the one hundred and sixteenth chapter of the General Statutes, and by all general laws passed in amendment thereof applicable to the several police courts of the Commonwealth; and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county or town treasurers for the money paid into court as forfeitures or otherwise, and the required returns applicable to the several police courts in the Commonwealth, except the police courts of Boston and of Worcester, shall apply to the police court of Milford hereby established.

Jurisdiction, powers and duties.

Application of General Statutes.

SECTION 2. The said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

Justices.

SECTION 3. The standing justice of said court shall receive an annual salary of eight hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices, for duties performed by them in case of the sickness, interest, absence or other disability of the standing justice, shall be paid by the standing justice as provided by law.

Salary of standing justice.

Compensation of special justices.

SECTION 4. All proceedings duly commenced before any trial justice or justice of the peace for the county of Worcester, before the third Monday of March, in the year one thousand eight hundred and sixty-four, shall be prosecuted and determined as if this act had not been passed.

Present pending cases, how determined.

SECTION 5. This act shall take effect, so far as the appointing, commissioning and qualifying the standing justice and special justices of said police court of Milford are concerned, upon its passage, and it shall take full effect on the third Monday of March in the year one thousand eight hundred and sixty-four.

Act, when to take effect.

Approved March 3, 1864.

AN ACT MAKING APPROPRIATIONS FROM THE INCOME OF THE SEVERAL FUNDS THEREIN MENTIONED, AND FOR OTHER PURPOSES.

Chap. 71.

Be it enacted, &c., as follows:

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

Appropriations authorized.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Rogers book fund.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Todd normal school fund.

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

Indian school fund.

SECTION 2. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the income of the Charles River and Warren bridges fund, for the year eighteen hundred and sixty-four, in accordance with the provisions of chapter four hundred fifty-one of the acts of the year eighteen hundred and fifty-four, and

Charles River and Warren Bridges fund, appropriation.

- chapter ninety-six of the acts of the year eighteen hundred and fifty-eight, to wit :
- Charles River bridge.** On account of the Charles River bridge,—
- Repairs.** For repairs on said bridge and buildings belonging thereto, a sum not exceeding two thousand seven hundred and fifty dollars.
- Horse-keeping.** For horse-keeping, a sum not exceeding two hundred dollars.
- Fuel and lights.** For gas, oil, fluid and fuel, a sum not exceeding six hundred dollars.
- Incidentals.** For incidental expenses, a sum not exceeding two hundred and fifty dollars.
- Draw-tender, compensation.** For the compensation of the draw-tender on said bridge, in conformity with chapter ninety-six of the acts of the year one thousand eight hundred and sixty-one, a sum not exceeding twelve hundred dollars.
- Warren bridge.** On account of the Warren bridge,—
- Repairs.** For repairs on said bridge and buildings belonging thereto, a sum not exceeding seventeen hundred and fifty dollars.
- Horse-keeping.** For horse-keeping, a sum not exceeding one hundred and seventy dollars.
- Fuel and lights.** For gas, oil, fluid and fuel, a sum not exceeding five hundred dollars.
- Incidentals.** For incidental expenses, a sum not exceeding one hundred and fifty dollars.
- Draw-tender, compensation.** For the compensation of the draw-tender on said bridge, in conformity with chapter ninety-six of the acts of the year one thousand eight hundred and sixty-one, a sum not exceeding eleven hundred dollars.
- Essex Bridge tolls, appropriation.** SECTION 3. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the moneys arising from the tolls collected on the Essex bridge, for the year eighteen hundred and sixty-four, in accordance with chapter one hundred and twenty-two of the acts of the year one thousand eight hundred and fifty-nine, to wit :
- Agent's salary.** For the salary of the agent of said bridge, the sum of one hundred dollars.
- Toll-gatherers and draw-tenders.** For the compensation of the toll-gatherers and draw-tenders upon said bridge, a sum not exceeding seven hundred dollars.
- Repairs.** For the repair and maintenance of said bridge, a sum not exceeding eighteen hundred dollars.
- Lights.** For gas, oil and fluid, a sum not exceeding two hundred and fifty dollars.
- Incidentals.** For incidental expenses, a sum not exceeding twenty-five dollars.

For gas-piping, a sum not exceeding five hundred dollars.
 And all moneys arising from the tolls on said bridge shall be paid into the state treasury.

Gas-pipes.
 Payment to state treasury.

SECTION 4. In all cases for which no other provision is made by law, the income or any surplus thereof, of all funds belonging to or in custody of the Commonwealth, shall be added to the principal.

Income of funds not provided for.

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

Approved March 8, 1864.

AN ACT TO AUTHORIZE THE MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY TO INCREASE ITS INVESTMENT IN REAL ESTATE.

Chap. 72.

Be it enacted, &c., as follows :

SECTION 1. The Massachusetts Mutual Life Insurance Company is hereby authorized to hold real estate in the city of Springfield, to an amount not exceeding in cost forty thousand dollars, in addition to the amount of ten thousand dollars now authorized to be held by them.

May increase investment in Springfield.

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

Approved March 8, 1864.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE INDIAN ORCHARD MILLS.

Chap. 73.

Be it enacted, &c., as follows :

SECTION 1. The Indian Orchard Mills are hereby authorized to increase their capital stock by an amount not exceeding four hundred thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of the said corporation.

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

Approved March 8, 1864.

AN ACT TO INCREASE THE CAPITAL OF THE MERCHANTS' WOOLLEN COMPANY.

Chap. 74.

Be it enacted, &c., as follows :

SECTION 1. The Merchants' Woollen Company, a corporation organized in August, in the year one thousand eight hundred and sixty-three, under chapter sixty-one of the General Statutes, with a capital stock of four hundred and ninety thousand dollars, is hereby authorized to add to its capital stock two hundred and sixty thousand dollars.

Increase authorized.

SECTION 2. The said corporation, its officers and stockholders, shall remain subject to all the liabilities, restrictions and duties contained in said chapter, with the exception of so much of the sixth section thereof as limits the capital stock to five hundred thousand dollars, and also subject to all general laws applicable to such corporations.

Restrictions and liabilities.

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

Approved March 8, 1864.

Chap. 75. AN ACT CONCERNING THE BOSTON AND CHELSEA RAILROAD COMPANY.
Be it enacted, &c., as follows:

May use tracks
of Middlesex and
Metropolitan
roads.

SECTION 1. The Boston and Chelsea Railroad Company, and their lessees, are hereby authorized to enter upon and use the tracks of the Middlesex Railroad Company, and the tracks of the Metropolitan Railroad Company in Court Street and Cornhill, through Haymarket Square to and around Scollay's Building, returning to said Haymarket Square, subject to location by the mayor and aldermen of the city of Boston; and upon such rates of compensation for the use of said tracks, as may be agreed by the parties, or determined according to law.

Subject to Gen-
eral Statutes.

SECTION 2. Said corporation shall be subject to the general laws that are or may be in force relative to horse railroad corporations.

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

Approved March 3, 1864.

Chap. 76. AN ACT TO INCREASE THE CAPITAL STOCK OF THE OLD COLONY INSURANCE COMPANY.

Be it enacted, &c., as follows:

The Old Colony Insurance Company in the town of Plymouth, is hereby authorized to increase its capital stock, by an addition thereto of the sum of fifty thousand dollars, to be divided into shares of one hundred dollars each: *provided*, the same shall be paid in within two years from the passage of this act.

Approved March 3, 1864.

Chap. 77. AN ACT TO CEDE JURISDICTION TO THE UNITED STATES, OVER LONG POINT, IN PROVINCETOWN HARBOR.

Be it enacted, &c., as follows:

Jurisdiction
ceded.

Limitation
defined.

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America, and all right of this Commonwealth to the soil thereof, over all that portion of Long Point, in Provincetown harbor, extending from the extremity occupied by the light-house, to a line drawn true west through the northern point of House Point Island, including also that island and all the flats adjacent to the premises conveyed, and all the flats adjacent to any land now owned by the United States on said point, and also over such other lands belonging to said Commonwealth in said Provincetown as the United States may take and occupy for the erection of fortifications: *provided*, that a plan thereof shall be filed in the office of the secretary of this Commonwealth, within two years from the passage of this act.

Plan to be filed
in secretary's
office.

Further cession.

Jurisdiction is also ceded to said United States of America over all other lands in said Provincetown to which the

United States may acquire title for the purposes aforesaid: *provided*, that a plan of said premises shall be filed with the secretary of this Commonwealth, within one year after such title of the United States is acquired; and consent is hereby given to the acquisition of such title: *provided, always*, that this Commonwealth shall retain concurrent jurisdiction with the United States in and over all the lands aforesaid, so far that all civil processes, and all criminal processes issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid.

Proviso.

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

Approved March 5, 1864.

AN ACT TO AMEND CHAPTER NINETY-ONE AND CHAPTER TWO HUNDRED AND FIFTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-THREE.

Chap. 78.

Be it enacted, &c., as follows:

SECTION 1. Recruiting officers appointed by the governor, who recruit in the military service anywhere in this Commonwealth, for the quota of Massachusetts volunteers, under a call of the President of the United States, and persons who solicit and induce others to enlist in military service as a part of said quota, shall not for such acts be liable to the penalties prescribed in chapters ninety-one and two hundred and fifty-two, of the acts of the year eighteen hundred and sixty-three, nor shall such acts be deemed criminal within the intent and meaning of said chapters.

Recruiting officers not liable to penalties in Acts of 1862.

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

Approved March 5, 1864.

AN ACT CONCERNING THE OBSERVANCE OF THE LORD'S DAY.

Chap. 79.

Be it enacted, &c., as follows:

SECTION 1. Whoever keeping a house, shop, cellar or place of public entertainment or refreshment, entertains therein on the Lord's day any persons not being travellers, strangers or lodgers, or suffers such persons on said day to abide or remain therein, or in the yards, orchards or fields appertaining to the same, drinking, or spending their time idly or at play, or in doing any secular business, shall be punished by fine not exceeding fifty dollars for each person so entertained or suffered so to abide or remain; and upon any conviction after the first, by fine not exceeding one hundred dollars; and if convicted three times, he shall thereafter be incapable of holding a license.

Public entertainment forbidden, except certain.

Penalty.

Repeal.

SECTION 2. The third section of chapter eighty-four of the General Statutes is hereby repealed: but this repeal shall not affect any proceeding under said section commenced before this act takes effect.

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

Approved March 5, 1864.

Chap. 80.

AN ACT TO INCORPORATE THE HOME FOR AGED COLORED WOMEN.

Be it enacted, &c., as follows:

Corporators.

LeBaron Russell, George Higginson, Nathaniel G. Chapin, their associates and successors, are hereby made a corporation

Purpose.

by the name of the home for aged colored women, for the purpose of providing a home in the city of Boston for, or otherwise assisting, aged and indigent colored women;

Powers and duties.

with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which are or may be in force relating to such corporations;

Real estate.

and for the purpose aforesaid, may hold real and personal property to an amount not exceeding one hundred thousand dollars.

Approved March 5, 1864.

Chap. 81.

AN ACT TO REVIVE THE CHARTER OF THE SPRINGFIELD AND LONGMEADOW RAILROAD CORPORATION, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Act revived.

SECTION 1. Chapter two hundred and thirty-two of the acts of the year eighteen hundred and forty-nine, entitled "An Act to incorporate the Springfield and Longmeadow Railroad Corporation," is hereby revived; and said corporation may be organized within two years from the passage of this act.

Location and construction of road.

SECTION 2. The time limited in the fifth section of said act, within which the location of the railroad of said corporation should be filed, is hereby extended to the first day of May, eighteen hundred and sixty-six, and the time limited in said section for completing the railroad to some point in Longmeadow is hereby extended to the first day of May, eighteen hundred and sixty-seven.

May connect with other roads.

SECTION 3. Said corporation may connect its railroad with the Hartford and New Haven Railroad, and the Connecticut River Railroad, at some convenient points in Springfield, in such manner as not to interfere with their depot buildings, and may enter upon and use said railroads in accordance with the provisions of law.

Depot.

SECTION 4. Said corporation shall establish a permanent stopping place near the United States armory, in Springfield, for the purpose of receiving and delivering freight, and, under the direction of the mayor and aldermen of the city

of Springfield, construct their railroad across State Street in such manner as to best accommodate the business of the government.

SECTION 5. Said corporation shall not issue shares for a less amount than one hundred dollars, to be actually paid in on each share, any thing in said act to the contrary notwithstanding.

Par value of shares.

Approved March 5, 1864.

AN ACT TO INCORPORATE THE MANSFIELD AND SOMERSET RAILROAD COMPANY.

Chap. 82.

Be it enacted, &c., as follows :

SECTION 1. Willard Manuel, of Mansfield, Otis Cary, of Foxborough, and Laban M. Wheaton, of Norton, their associates and successors, are hereby made a corporation by the name of the Somerset and Mansfield Railroad Company, with all the privileges and subject to all the restrictions, duties and liabilities, set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Title.
Powers and duties.

SECTION 2. The said company may locate, construct and operate a railroad commencing at some convenient point in the town of Mansfield, at or near the junction of the Taunton Branch and Boston and Providence Railroads, there connecting with the Foxborough Branch Railroad, thence southerly through the towns of Mansfield, Norton, Taunton, Dighton and Somerset, to a line below Wilber's Pond in said Somerset, upon the channel of Taunton River, where there is sufficient water at low tide for vessels; said line to be determined by three commissioners to be appointed by the supreme judicial court; said commissioners shall select a line which shall accommodate said company and not be prejudicial to the harbor of Fall River; the award of said commissioners, or a major part of them, fixing said line, when approved by the governor and council, shall be final; said company may construct to said line such wharves as are necessary for their accommodation, the number and location of said wharves to be determined by said commissioners, and approved by the governor and council; and said award, and the number and location of said wharves, when approved as aforesaid, shall be filed by said company, with their location, with the county commissioners of Bristol county. Said commissioners shall be paid by said company for fixing said line and the number and location of said wharves.

Location.

Line in Somerset to be determined by commissioners.

Award, when approved, to be final.

Company may construct wharves.

Award and approval to be filed with county commissioners.

Compensation.

SECTION 3. Said company may, with the consent of the companies hereinafter mentioned, enter upon and unite its road with the roads of the Taunton Branch and the Dighton

Union with Taunton Branch and Dighton and Somerset roads authorized.

and Somerset Railroad companies, and use the said railroads, subject to the provisions of the statutes of this Commonwealth relating to railroads and railroad corporations.

May lease or purchase first-named
Proviso.

SECTION 4. Said company may lease or purchase the whole or any part of the Taunton Branch Railroad: *provided, however*, that no such lease or sale shall be made without the vote authorizing the same, of three-quarters of the stockholders of the Taunton Branch Railroad Company present and voting at a meeting called for that purpose.

Capital stock of corporation.

SECTION 5. The capital stock of said company shall be fixed by said company at an amount not less than three hundred thousand dollars nor more than five hundred thousand dollars, and when so fixed shall not thereafter be changed; and said stock shall be divided into shares of one hundred dollars each; said company may purchase and hold such real and personal estate as may be necessary for the purposes for which it is incorporated.

Estate.

Act void unless, &c.

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

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

Approved March 5, 1864.

Chap. 83.

AN ACT TO INCORPORATE THE WELLFLEET MARINE INSURANCE COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. James Swett, Benjamin Oliver, Jesse Y. Baker, their associates and successors, are hereby made a corporation, by the name of the Wellfleet Marine Insurance Company, in the town of Wellfleet, for the purpose of making insurance against maritime losses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or hereafter may be, in force, relating to such corporations.

Title.

Purpose.

Powers and duties.

Capital stock.

SECTION 2. Said corporation shall have a capital stock of sixty thousand dollars, divided into shares of one hundred dollars each.

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

Approved March 5, 1864.

Chap. 84.

AN ACT IN FURTHER ADDITION TO "AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO VOLUNTEERS, AND FOR OTHER PURPOSES."

Be it enacted, &c., as follows:

Bounty, to whom paid on decease of person enlisting.

SECTION 1. If any person entitled to bounty under the provisions of chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three, or any act

additional to the same, has died, or shall die, before he has received his bounty, it shall be paid to his widow, or, if he leave no widow, to his lawful heirs.

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

Approved March 5, 1864.

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-THREE, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Chap. 85.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit:

Appropriations authorized.

For incidental expenses of the treasurer and receiver-general, the sum of five hundred and sixty-seven dollars and seventy cents.

Treasurer, incidentals.

For incidental expenses of the secretary of the Commonwealth, the sum of twenty-two dollars and seventy-one cents.

Secretary, incidentals.

For expenses on account of the state library, incurred under chapter twelve of the resolves of the year eighteen hundred and sixty-three, the sum of thirty dollars.

State library.

For expenses incurred in the support of the Dudley Indians, the sum of twenty dollars and seventy-nine cents.

Dudley Indians.

For compensation and expenses of commissioners, appointed under chapter forty of the resolves of the year eighteen hundred and sixty-three, relating to land titles claimed by the Dartmouth Indians, the sum of one hundred and sixty-six dollars and forty-two cents.

Commissioners Dartmouth Indians.

For compensation and expenses of the commissioners on harbors and flats, in accordance with the provisions of chapter eighty-eight of the resolves of the year eighteen hundred and sixty-two, the sum of four hundred and seventy-six dollars and forty-three cents; and for the current year, a sum not exceeding three thousand dollars.

Commissioners on harbors and flats.

For incidental expenses of the board of agriculture, the sum of twenty dollars and forty-seven cents.

Board of agriculture, incidentals.

For contingent expenses of the insurance commissioners, the sum of seventy-four dollars and fifty-two cents.

Insurance commissioners, contingent.

For expenses incurred in the purchase of weights, measures and balances, under chapter fourteen of the resolves of the year eighteen hundred and sixty-three, the sum of ten dollars and sixty cents.

Weights and measures.

For printing and stationery for the board of education, the sum of five hundred and forty-three dollars and ninety-one cents, to be paid out of the income of the Massachusetts school fund.

Board of education, printing, &c.

- Hartford asylum, beneficiaries.** For expenses incurred in the support of state beneficiaries at the Hartford asylum for deaf and dumb, the sum of twelve hundred and twenty-seven dollars and twenty-nine cents, which shall be allowed and paid.
- Cattle commis- sioners.** For expenses incurred under chapter twenty-eight of the acts of the year eighteen hundred and sixty-two, and chapter two hundred and twenty of the acts of the year eighteen hundred and sixty, concerning cattle commissioners, the sum of three thousand seven hundred and eighty-four dollars and forty-two cents.
- Nautical branch reform school, ex- penses.** For the current expenses of the nautical branch of the reform school, the sum of one thousand nine hundred and sixty-eight dollars and thirty-seven cents.
- Reform school, expenses.** For the current expenses of the reform school for boys, the sum of nine thousand one hundred and ninety-six dollars and fourteen cents.
- Rainsford Island hospital, expen- ses.** For the current expenses of Rainsford Island hospital, the sum of nine hundred and forty-three dollars and thirty-one cents.
- Wharf.** For expenses incurred in the re-construction of the wharf at Rainsford Island hospital, the sum of two thousand five hundred and four dollars and seventy-four cents.
- Coroners' in- quests.** For expenses of coroners' inquests, the sum of six hundred dollars.
- Sheriffs' ac- counts, '61, '2, '3.** For sheriffs' accounts, for the years eighteen hundred and sixty, eighteen hundred and sixty-one, eighteen hundred and sixty-two, and eighteen hundred and sixty-three, the sum of three hundred and fifty dollars.
- Essex bridge.** For expenses incurred in the maintenance of the Essex bridge, a sum not exceeding three hundred and twelve dollars and thirteen cents, to be paid from the Essex bridge fund.
- Soldiers' record books.** For soldiers' record books, contracted for in accordance with the provisions of chapter two hundred and twenty-nine of the acts of the year eighteen hundred and sixty-three, a sum not exceeding six hundred dollars and twenty-eight cents.
- Printing public documents, '63.** For printing public documents of the year eighteen hundred and sixty-three, a sum not exceeding twelve thousand dollars.
- Attorney-gener- al's library.** For the attorney-general's law library, a sum not exceed- ing twelve dollars.
- Printing census abstract.** For printing the census abstract, authorized by chapter thirteen of the resolves of the year eighteen hundred and sixty, a sum not exceeding nineteen hundred and thirty-one dollars and fifty-four cents.

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For contingent expenses of the governor and council, a sum not exceeding two hundred and ninety-eight dollars and eighty cents. Governor and council, contingent.

In the resolve, chapter one hundred and five, of the year eighteen hundred and sixty-three, for the compensation and mileage of Francis W. Mason, the sum of thirty-eight dollars. Francis W. Mason.

For military accounts of the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, a sum not exceeding thirty-six dollars. Military accounts, '57 and '58.

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

Approved March 11, 1864.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEWBURYPORT. Chap. 86.

Be it enacted, &c., as follows:

SECTION 1. The qualified voters of the city of Newburyport, at their respective annual ward meetings, shall elect at large, by ballot, six persons, one of whom shall be selected from each ward, to be aldermen; and the persons thus chosen shall constitute the board of aldermen, and shall hold their offices for one year from the first Monday in January, and until others shall be elected and qualified. Board of aldermen, how chosen.

SECTION 2. Chapter three hundred and thirty-three of the acts of the year one thousand eight hundred and fifty-one is hereby repealed. Repeal.

SECTION 3. This act shall be submitted to the inhabitants of Newburyport, for their acceptance or rejection, at legal meetings to be called in the several wards of said city within ninety days from the passage of this act, and shall take effect from and after its acceptance by a majority of the votes cast at such meetings. Act how and when to take effect.

Approved March 11, 1864.

AN ACT TO AUTHORIZE ABNER L. BAYLEY TO MAINTAIN AND EXTEND A WHARF IN AMESBURY. Chap. 87.

Be it enacted, &c., as follows:

Abner L. Bayley, proprietor of land and flats and of a wharf thereon, situate at or near the junction of the Merrimac and Powow rivers in Amesbury, is hereby authorized, to maintain said wharf as the same is now constructed, and to extend the same in an easterly direction to low-water mark on said rivers, with a right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in nowise impair the legal rights of any person. Authority granted. Proviso.

Approved March 11, 1864.

Chap. 88. AN ACT TO INCORPORATE THE WESTFIELD ATHENÆUM.*Be it enacted, &c., as follows:*

Corporators. SECTION 1. Samuel Mather, Hiram Harrison, and Cutler Laffin, their associates and successors, are hereby made a corporation by the name of the Westfield Athenæum, to be established in the town of Westfield, for the purpose of maintaining a library and reading-room, and promoting public instruction by lectures and otherwise, with all the powers and privileges, and subject to all the duties, restrictions and liabilities imposed by all laws that are or may hereafter be in force concerning such corporations.

Title.

Purpose.

Powers and duties.

Donations. SECTION 2. Said corporation is authorized to hold the donation of Samuel Mather, and all other donations, bequests and devises, which are or may be hereafter made; and may also purchase and hold real estate to an amount not exceeding thirty thousand dollars, and personal estate to an amount not exceeding one hundred thousand dollars.

Estate.

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

*Approved March 11, 1864.***Chap. 89.** AN ACT TO CONFIRM CERTAIN ACTS DONE BY JAMES GERRISH AS A JUSTICE OF THE PEACE.*Be it enacted, &c., as follows:*

Acts between
Apr. 8, '62, and
Feb. 3, '64, made
valid.

SECTION 1. All acts done by James Gerrish of Shirley, in the county of Middlesex, esquire, as a justice of the peace within and for the county of Middlesex, between the eighth day of April, in the year eighteen hundred and sixty-two, and the third day of February, in the year eighteen hundred and sixty-four, are hereby made valid and confirmed to the same extent as they would have been valid had he been during that interval duly qualified to discharge the duties of the said office.

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

*Approved March 11, 1864.***Chap. 90.** AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE MARLBOROUGH MUTUAL FIRE INSURANCE COMPANY.*Be it enacted, &c., as follows:*

Corporation
continued.

SECTION 1. The act of the year one thousand eight hundred and thirty-six, to incorporate the Marlborough Mutual Fire Insurance Company, shall be continued in force from and after the expiration of said act.

Powers and
duties.

SECTION 2. Said company shall have all the powers and privileges and no others, and be subject to all the duties, restrictions and liabilities set forth in the general laws in relation to mutual fire insurance companies, which now are or hereafter may be in force.

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

Approved March 14, 1864.

AN ACT TO INCORPORATE THE GENERAL THEOLOGICAL LIBRARY.

Chap. 91.

Be it enacted, &c., as follows :

SECTION 1. Charles Burroughs, John C. Hayden, Luther Farnham, their associates and successors are hereby made a corporation by the name of the General Theological Library in the city of Boston, for the purpose of promoting religion and theological learning; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes, so far as the same may be applicable.

Corporators.
Title.
Purpose.
Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars, exclusive of books and furniture.

Real and personal estate.

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

Approved March 14, 1864.

AN ACT IN RELATION TO THE FRANKLIN CEMETERY ASSOCIATION.

Chap. 92.

Be it enacted, &c., as follows :

SECTION 1. Chapter eighty-four of the acts of the year eighteen hundred and sixty, entitled "An Act to incorporate the Franklin Cemetery Association," is hereby revived, and said corporation may be organized within two years from the passage of this act.

Charter revived.
Organization.

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

Approved March 14, 1864.

AN ACT TO AUTHORIZE THE RECORDING OF PAPERS IN THE REGISTRIES OF PROBATE.

Chap. 93.

Be it enacted, &c., as follows :

All papers or instruments discharging any claim, or purporting to acknowledge the performance of any duty or the payment of any money, for which any executor, administrator, guardian or trustee is chargeable or accountable in a court of probate, shall, upon the request of a party interested, be recorded in the registry of said court; and the registers of probate, in their respective counties, shall enter, record, index and certify the original paper or instrument offered as aforesaid, and shall receive for the service the like compensation as registers of deeds would be entitled to demand for like service, to be paid by the person leaving such paper or instrument for record, at the time of leaving the same.

Record to be made upon request of party in interest.

Duties of registers.

Fees.

Approved March 14, 1864.

AN ACT TO ALTER THE TIME FOR MAKING THE REPORT OF THE BANK COMMISSIONERS.

Chap. 94.

Be it enacted, &c., as follows :

SECTION 1. The annual report of the bank commissioners shall hereafter be made on or before the first day of January,

Report to be made first January.

and shall include the results of all examinations made by said commissioners during the year preceding that date.

Repeal.

SECTION 2. So much of the first section of the fourth chapter, and of the eighth section of the fifty-seventh chapter of the General Statutes, as is inconsistent with this act, is hereby repealed.

Approved March 14, 1864.

Chap. 95.

AN ACT CONCERNING BANK BILLS.

Be it enacted, &c., as follows :

General plates
used in common.

SECTION 1. The operation of section seven, chapter two hundred and nine of the acts of the year eighteen hundred and sixty, is hereby suspended until the first day of April, in the year eighteen hundred and sixty-five.

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

Approved March 16, 1864.

Chap. 96.

AN ACT CONCERNING THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

Be it enacted, &c., as follows :

Governor to
appoint trustees.

SECTION 1. The governor, with the advice and consent of the council, shall annually, as soon as may be after the first Wednesday in February, appoint four trustees of the Perkins Institution and Massachusetts Asylum for the Blind, who shall hold their offices for one year, or until the appointment of their successors; and in case of the occurring of any vacancy by death or resignation among the trustees so appointed, the governor may, with the advice and consent of the council, fill such vacancy.

Tenure.

Vacancies.

Repeal.

SECTION 2. So much of the one hundred and thirteenth chapter of the acts of the year eighteen hundred and twenty-eight, as authorizes the appointment of trustees of said asylum, by a board of visitors thereof, is hereby repealed.

Act when to take
effect.

SECTION 3. This act shall not take effect until it has been accepted by the Perkins Institution and Massachusetts Asylum for the Blind, at a meeting of the corporation specially called for the purpose.

Approved March 16, 1864.

Chap. 97.

AN ACT TO INCORPORATE THE TOWN OF GOSNOLD.

Be it enacted, &c., as follows :

Territory incor-
porated.

SECTION 1. All that portion of the territory of the town of Chilmark known as the Elizabeth Islands, situated on the south-east side of Buzzard's Bay, and forming the north-westerly side of Vineyard Sound, is hereby incorporated into a separate town by the name of Gosnold; and the said town of Gosnold is hereby vested with all the powers and privileges, rights and immunities, and shall be subject to all the duties and requisitions to which other towns are entitled

Power and
duties.

and subjected by the constitution and laws of this Commonwealth.

SECTION 2. The inhabitants and tax-payers of said town of Gosnold shall be held to pay to the collector of the town of Chilmark, all arrearages of taxes legally assessed upon them before the first day of January, eighteen hundred and sixty-four; and also their 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 state valuation of said town of Chilmark; and said town of Gosnold shall be holden to pay its just proportion according to its present assessed valuation, of the debts due and owing from the town of Chilmark at the time of the passage of this act, and shall be entitled to receive its just proportion according to said assessed valuation of all the real and personal property and assets owned by, or due to said town of Chilmark; and said town of Gosnold shall be held to refund to said town of Chilmark its just proportion of the surplus revenue when the same shall be called for according to the provisions of law, such proportion to be ascertained by the decennial state valuation next preceding such call.

Taxes, town, state and county.

Assumption of debt and property.

Surplus revenue.

SECTION 3. The said towns of Chilmark and Gosnold shall be respectively liable for the support and maintenance of all persons who are now receiving relief from Chilmark as paupers, according to the last decennial valuation of property within their respective limits; and the said towns of Chilmark and Gosnold shall be respectively liable for the support of all persons who may 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.

Maintenance of paupers.

SECTION 4. The said town of Gosnold shall remain in the same congressional, councillor, senatorial and representative districts, until a new apportionment of representatives in congress, and councillors and senators and representatives in the general court shall be made.

Election districts.

SECTION 5. Any justice of the peace for Dukes County may issue his warrant directed to any principal inhabitant of said town of Gosnold, requiring him to notify 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 one copy thereof, attested by the person to whom the same is directed, in some proper

Warrant for election of town officers, justice peace may issue.

Voting lists, selectmen of Chilmark to prepare.

place where most of the inhabitants are located, on each of the following named islands, to wit: Naushon, Nashawena, Penikese, Cuttyhunk and Pasque, fourteen days at least before the time of holding said meeting. The selectmen of Chilmark shall, before said meeting, prepare a list of voters in said town of Gosnold qualified to vote in said meeting, and shall deliver the same, or cause the same to be delivered to the person presiding at said meeting before the choice of moderator thereof.

Approved March 17, 1864.

Chap. 98. AN ACT TO RATIFY CERTAIN ACTS OF THE GOVERNOR AND COUNCIL, AND TO INCREASE THE UNION FUND.

Be it enacted, &c., as follows:

Acts under authority of chap. 216, 1861, confirmed.

SECTION 1. All contracts, obligations, expenditures and payments made, and acts done, by the governor and council, in the execution of the powers conferred by the two hundred and sixteenth chapter of the acts of the year eighteen hundred and sixty-one, are hereby approved, ratified and confirmed.

Union Fund increased \$100,000.

SECTION 2. The sum of one hundred thousand dollars is hereby added to the amount of the Union fund, created by the fifth section of the said chapter, and by chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty-two; and further issues of scrip, not exceeding that amount, may be made under the provisions of said chapter, the proceeds of which are hereby appropriated to fund the debts heretofore incurred in the execution of the powers aforesaid, beyond the amounts realized from the scrip originally authorized by the said chapters.

Issue of scrip.

Appropriation.

Sale of scrip, how directed.

SECTION 3. The scrip authorized to be raised by this act shall be sold at public auction, in the city of Boston, at such times, and upon such previous notice, and in such amounts, as the governor and council shall deem expedient.

Laws relative to Fund to apply to increase.

SECTION 4. All provisions of law relative to the said Union fund, except so far as they are inconsistent with this act, including the provisions of the two hundred and ninth chapter of the acts of the year eighteen hundred and sixty-one, creating a sinking fund, shall in like manner apply to the increase thereof hereby directed.

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

Approved March 17, 1864.

Chap. 99. AN ACT CONCERNING THE COMPENSATION OF THE SECRETARY OF THE BOARD OF EDUCATION, AND THE AGENT OR AGENTS OF SAID BOARD.

Be it enacted, &c., as follows:

Salaries. Secretary.

SECTION 1. The secretary of the board of education shall receive an annual salary of twenty-four hundred dollars, in

full compensation for services and travelling expenses; and the agent or agents of such board shall receive annually a sum not exceeding twenty-four hundred dollars; if more than one agent shall be employed, the said sum shall be in full for the compensation of all such agents.

SECTION 2. So much of chapter two hundred and twelve of the acts of the year one thousand eight hundred and sixty-two as is inconsistent with this act is hereby repealed.

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

Approved March 17, 1864.

AN ACT TO AUTHORIZE TOWNS TO RAISE MONEY FOR MONUMENTS.

Be it enacted, &c., as follows:

Towns may, at legal meetings, grant and vote such sums of money as they judge necessary, for the purpose of erecting monuments in memory of their soldiers who have died, or may die, in the service of our country in the present war.

Approved March 17, 1864.

Chap. 100

Monuments to deceased soldiers.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE DIGHTON AND SOMERSET RAILROAD COMPANY.

Be it enacted, &c., as follows:

SECTION 1. The Dighton and Somerset Railroad Company is hereby authorized to locate, construct and operate its railroad, as follows: beginning at a point on the railroad of the Old Colony and Newport Railway Company, in either the town of Braintree or the town of Randolph, thence in a general southerly direction, through the town of Braintree, (if the point of beginning is located therein,) and through the towns of Randolph, Stoughton, North Bridgewater, Easton, Raynham, Taunton, Dighton and Somerset, to Taunton Great River, thence across said river, between said Somerset and the city of Fall River, at a point at or near Storehouse Point, so called, thence through a part of said city of Fall River to the Old Colony and Newport Railroad, at some point between the Somerset station and Miller's station, on said last-named railroad, crossing such coves, inlets and water-courses, as may be necessary. And the Dighton and Somerset Railroad Company is hereby authorized to enter upon and use the railroad of the Old Colony and Newport Railway Company, and the Old Colony and Newport Railway Company is also authorized to enter upon and use the railroad of the Dighton and Somerset Railroad Company.

Chap. 101

Line of road established.

Corporation may unite with O. C. and N. E. Co. for mutual use of tracks.

SECTION 2. The bridge by which said Dighton and Somerset Railroad Company shall cross Taunton Great River, between Somerset and Fall River, shall be constructed with

Bridge across Taunton River, construction.

Regulations for use of bridge and draws.

two draws, each at least sixty feet wide; which draws shall be opened by said railroad corporation, for the passage of vessels through the same, both by day and by night; the time for which the same shall be kept open to be determined by the commissioner hereinafter provided for; said draws and bridge shall also be provided with suitable and proper lights by said corporation, and said bridge shall be built on piles for at least fourteen hundred feet of its length. Said corporation is hereby authorized to construct suitable wharves on both sides of the solid part of said bridge, at its westerly end; and the construction of said bridge, wharves and draw, shall be under the direction of some suitable person, appointed as commissioner for that purpose by the supreme judicial court, sitting in any county, on the petition of said railroad company, such notice as the court may order of said petition being first given to the towns of Dighton, Freetown, Berkley and Taunton.

Wharves.

Commissioner on construction to be appointed by S. J. court, on petition.

Notice of court.

Corporation may change course of Taunton Great River, under direction of a commissioner, with notice to Taunton.

SECTION 3. Said Dighton and Somerset Railroad Company is hereby authorized to change and alter the course of Taunton Great River, in Taunton, at a bend in said river, at or near Dean Street, so called, for the purpose of avoiding the necessity of crossing the same by one or more bridges at or near said bend; and if said railroad corporation shall decide so to change the course of the Taunton Great River, such change shall be made under the direction and to the satisfaction of a commissioner to be appointed by the supreme judicial court, sitting in any county, upon petition of said corporation, such notice as shall be ordered by the court being first given to the town of Taunton. And all persons who shall suffer any damages in their property by such change of the course of said river, or whose land shall be taken for the new channel of said river, shall have the same remedy to recover such damages, or for the taking their land, as is now provided by law for the recovery of damages occasioned by the location and construction of railroads.

Award of damages.

May increase capital stock.

May unite with Old Colony and Newport Co. with mutual rights of use.

SECTION 4. The capital stock of said Dighton and Somerset Railroad Company is hereby increased to the sum of eight hundred and fifty thousand dollars, divided into shares of one hundred dollars each. And if the Dighton and Somerset Railroad Company, and the Old Colony and Newport Railway Company, at meetings of said two corporations called for that purpose, shall severally vote to unite and form one corporation, then upon the passage of said votes, the said Dighton and Somerset Railroad Company is hereby authorized, upon such terms as the said two corporations may mutually agree upon, to convey and assign to said Old

Colony and Newport Railway Company, its franchises and property, and all the rights, easements, privileges and powers granted to it, and the same shall be held and enjoyed by said Old Colony and Newport Railway Company, in as full and ample a manner as if they had been first granted directly to said last-named corporation: and the Old Colony and Newport Railway Company shall, upon such conveyance being made to them, have and enjoy all the rights, powers, privileges, easements, franchises and property, of the Dighton and Somerset Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions, imposed upon said last-named corporation. And if said union takes place, the Old Colony and Newport Railway Company is authorized to issue new stock in lieu of the authorized capital stock of the Dighton and Somerset Railroad Company, but the whole capital of the Old Colony and Newport Railway Company shall not exceed the aggregate authorized capital of the two companies.

SECTION 5. The said Dighton and Somerset Railroad Company shall have the right, and it is hereby granted to it, to cross the track of the New Bedford and Taunton Railroad Corporation, at the expense of said first-named corporation, and in such manner as the two corporations may agree upon; and if said corporations cannot agree upon the manner in which said crossing shall be made, then a commissioner, appointed by the supreme judicial court, sitting in any county, on the petition of either of said corporations, notice thereof being given to the other, shall have full power to determine the manner of such crossing, and whether the same shall be made at grade, or over or under, or whether there shall be any change of grade, and if so, how much, of either road; and the crossing shall be made in the manner determined and prescribed by said commissioner, and entirely at the expense of the Dighton and Somerset Railroad Company.

SECTION 6. Unless the railroad above authorized is located within one year, and constructed within two years from the passage hereof, this act shall be void and of no effect.

SECTION 7. At any time after the location of said railroad, and within two years after the construction of the same, the Taunton Branch Railroad Corporation may locate, construct and operate a railroad from some convenient point on the line of said Taunton Branch Railroad, at or near its terminus in Taunton, to some point in Taunton, on the Dighton and Somerset Railroad; or may make such con-

May cross track of New Bedford and Taunton road, for compensation to be agreed upon.

Proceedings in case of disagreement.

Location and construction limitation.

Taunton Branch Co. may construct road upon completion by D. and S. Co., or may connect with N. B. and T. road.

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Proviso.

May unite with
Dighton and
Somerset road.

May increase
capital.

New Bedford and
Taunton, and the
Dighton and
Somerset roads
may connect.

Expenses of com-
missioners.

nection over a portion of the New Bedford and Taunton Railroad, with the consent of the New Bedford and Taunton Railroad Corporation, provided such connection shall be made on the west side of the Dighton and Somerset Railroad; and said Taunton Branch Railroad Corporation may enter with its said road upon, and unite with and use said Dighton and Somerset Railroad, in the manner and with all the rights and privileges, and subject to the provisions of the general laws which are or may be in force relating to connecting railroads. For the above purposes the Taunton Branch Railroad Corporation may increase its capital stock by an amount not exceeding one hundred thousand dollars.

SECTION 8. The New Bedford and Taunton Railroad Corporation may connect its road by a curve, with the Dighton and Somerset Railroad, at a point in Taunton near the crossing of said railroads, and may enter upon and use the same, subject to the provisions of the general laws which are or may be in force relating to connecting railroads.

SECTION 9. The expenses of the commissioners provided for in the second, third and fifth sections of this act shall be paid by the Dighton and Somerset Railroad Company.

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

Approved March 17, 1864.

Chap. 102

AN ACT CONCERNING THE WORCESTER HORSE RAILROAD COMPANY.

Be it enacted, &c., as follows:

Extension of
track authorized.

SECTION 1. The Worcester Horse Railroad Company is hereby authorized to extend its railroad tracks upon and over such streets and such highways, in the city of Worcester, as shall from time to time be designated, by a vote of the mayor and aldermen of said city, and assented to in writing by said corporation.

May increase
capital for equip-
ment.

SECTION 2. For the purpose of increasing the equipment of its road, and adding to the investment in real estate necessary for carrying on its business, said corporation may increase its capital stock by an amount not exceeding twenty-five thousand dollars; and for the purpose of extending its railroad tracks, may increase said capital by adding thereto an amount corresponding to the cost of such extension or extensions, not exceeding the rate of twenty thousand dollars per mile, for single track, including paving nine feet wide: *provided*, that the aggregate increase of capital stock hereby authorized shall be limited to seventy-five thousand dollars.

May increase for
extension.

Proviso.

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

Approved March 17, 1864.

AN ACT TO AUTHORIZE TOWNS AND CITIES TO RAISE MONEY FOR RECRUITING PURPOSES. Chap. 103*Be it enacted, &c., as follows :*

SECTION 1. Any town or city may raise money, by taxation or otherwise, and apply the same, under the direction of its selectmen, or mayor and aldermen, or city council, in aid of and for the purpose of procuring its proportion of the quota of volunteers in the military service, called for from the Commonwealth under the orders of the president of the United States, dated October seventeenth, eighteen hundred and sixty-three, and February first, eighteen hundred and sixty-four: *provided*, that the amount of money so raised and applied shall not exceed the sum of one hundred and twenty-five dollars for each volunteer enlisted in said service, after the passage of this act, as a part of the quota of said town or city, under said orders of the president.

Authority granted.

Proviso.

SECTION 2. Any town or city may raise money, as aforesaid, and apply the same, under the direction of its selectmen, or mayor and aldermen, or city council, in paying and refunding money which has already been paid and applied by said city or town, or contributed by individuals, in aid of and for the purpose of procuring its proportion of the quota of volunteers in the military service, called for from the Commonwealth, under the orders of the president of the United States, dated October seventeenth, eighteen hundred and sixty-three, and February first, eighteen hundred and sixty-four: *provided*, that the amount of money so raised and applied shall not exceed the sum of one hundred and twenty-five dollars for each volunteer already enlisted in said service, as a part of the quota of said town or city, under said orders of the president. But all sums raised under this act shall be assessed at the next annual assessment; and if any city or town shall neglect to cause such assessment to be made, such city or town shall pay a fine to the Commonwealth of one-tenth of one per cent. of its valuation.

Towns may refund money already paid or contributed.

Proviso.

Sums raised, when assessed.

Penalty.

SECTION 3. No town or city shall ever receive any reimbursement from the Commonwealth for any moneys raised under this act.

Commonwealth will not reimburse.

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

*Approved March 18, 1864.*AN ACT FOR SUPPLYING THE CITY OF WORCESTER WITH PURE WATER. Chap. 104*Be it enacted, &c., as follows :*

SECTION 1. The city of Worcester is hereby authorized to acquire and hold by purchase, or to take and hold,

City may purchase East or Lynde Brook.

May hold lands and estates.

and convey to, into and through said city, the waters of East or Lynde Brook, in the town of Leicester, and any water that may flow into the same, and to acquire and hold by purchase, or to take and hold any lands or estates necessary for the laying out and maintaining an aqueduct for conducting the waters from said brook to said city, or for forming reservoirs, and may take and hold land around the margin of any water sources or reservoirs they may possess or create in the valley of said brook or elsewhere, for the purpose of supplying said city with pure water.

May take waters of Henshaw Pond and Kettle Brook.

SECTION 2. If at any time the supply of water from said East or Lynde Brook shall be insufficient for the wants of said city, the said city may take and conduct the water of Henshaw Pond in said Leicester and the waters that may flow into and from the same, or the waters of Kettle Brook, so called, in said Leicester, by suitable works, into the aqueduct first constructed from said East or Lynde Brook, or into any reservoir connected therewith.

May build aqueduct and erect dams, reservoirs, hydrants, and lay pipes.

SECTION 3. The said city may make and build a permanent aqueduct from either of the aforesaid water sources, to, into and through the said city, and secure and maintain the same by any works suitable therefor; may erect and maintain a dam or dams across the valley of said brooks, or at the outlet of said pond, to raise and retain the waters therein; and may erect and maintain reservoirs, enlarge and alter water courses, make and maintain public hydrants, in such places as may be deemed proper; may distribute the water through the city, and for that purpose may lay down pipes through and across any street, road or highway, or over and across lands to any buildings in said city or in said town of Leicester; may regulate the use of the water, and establish and fix rents or rates for the consumption and use thereof, and may make and ordain all necessary rules, regulations and ordinances, to prevent the waste, misuse and wrongful taking of said water: and said city may, for the purposes aforesaid, carry and conduct said aqueduct over, under, across or along any street, highway or other way, in such manner as not to obstruct travel thereon, and may enter upon and dig up any such road, street or highway, for the purpose of laying down pipes beneath the surface of the same, and for the repairing thereof.

May regulate water-rates, and establish rules for use.

May conduct aqueduct through highways.

Rights and powers granted, how exercised.

SECTION 4. The rights, powers and authority given by this act, shall be exercised by the city of Worcester, subject to the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants and agents, as the city council shall from time to time ordain, appoint and direct.

SECTION 5. For the purpose of defraying the cost of such land, water and water rights, so purchased, taken and held as aforesaid, and of constructing and maintaining said aqueduct, reservoirs and works necessary for the accomplishment of the end contemplated by this act, and all expenses incident thereto, the city council shall have authority to borrow from time to time, such sums of money, and to issue bonds, notes or certificates therefor, to be denominated on the face thereof "Worcester water scrip," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding six per cent., payable semi-annually, and the principal to be made payable at periods not more than twenty years from the issuing of said scrip; and the city council may sell the whole or any part of said scrip, from time to time, or pledge the same for money borrowed for the purposes of this act, on such terms and conditions as it may deem proper; and the said city council is hereby further authorized to grant appropriations, and assess, from time to time such sums of money, not exceeding in any one year the sum of ten thousand dollars, towards paying the principal of the moneys so borrowed, besides a sum sufficient to pay the interest thereof, in the same manner as moneys are appropriated and assessed for other city purposes.

City may borrow money for cost of construction.

May issue scrip, and sell or pledge same.

May assess money for payment of principal and interest.

SECTION 6. To enable the city council to pay the interest as it may accrue upon the said scrip, and ultimately the principal thereof, and for the support and maintenance of said aqueduct, it shall be lawful for the said city council to fix and establish the price or rate which shall be paid for the use of any part of said water by any taker thereof, and the same to alter from time to time as may be deemed expedient.

Water rates, how fixed.

SECTION 7. If any person shall wantonly or maliciously divert the waters or any part thereof, from any of the ponds, brooks, reservoirs or water sources which shall be purchased or taken by the city pursuant to the provisions of this act, or shall corrupt the same, or destroy or injure any dam, aqueduct, conduit, pipe, hydrant or other property, held and used by the city, by authority and for the purposes of this act, every such person or persons shall forfeit and pay to the said city of Worcester three times the amount of the damages that shall be sustained thereby, to be recovered in any proper action; and upon indictment and conviction for either of said acts, shall be punished by a fine not exceeding one thousand dollars, and by imprisonment in the house of correction in the county of Worcester not exceeding one year.

Penalty for wanton diversion or corruption of waters, and injury to dams, aqueduct, &c.

Damages sustained by individuals or corporations, how paid.

SECTION 8. All damages that may be sustained by reason of the taking by said city of any land or of the brooks or ponds aforementioned, or of the water thereof, or the water-rights connected therewith, or of diverting any portion of said water from its natural channel into other channels, or of erecting and maintaining any dam or reservoir, or digging up any land, street, road or highway, and entering upon the same for laying, repairing and maintaining pipes, conduits, hydrants and other apparatus necessary thereto, shall be paid by the said city of Worcester to the individual or corporation injured, which damages shall be assessed in the manner provided in the general laws in regard to highways.

SECTION 9. This act shall take effect upon its passage. .
Approved March 18, 1864.

Chap. 105 AN ACT TO INCORPORATE THE PROPRIETORS OF THE LYCEUM HALL AND CHAPEL IN MARLBOROUGH.

Be it enacted, &c., as follows :

Corporators.

Name.

Purpose.

Powers and duties.

Capital stock.

Estate.

SECTION 1. Erastus P. Dart, Abel Howe, George H. Morse, their associates and successors are hereby made a corporation, by the name of the Proprietors of the Lyceum Hall and Chapel Building, for the purpose of erecting a building or buildings in Marlborough, and maintaining the same for the accommodation and purposes of a church, lyceum hall, lectures, or any other lawful purpose ; with all the powers and privileges and subject to all the duties, restrictions and liabilities, set forth in the general laws which are or may be in force, so far as applicable to said corporation.

SECTION 2. Said corporation shall have a capital stock of twelve thousand dollars, divided into shares of one hundred dollars each ; with liberty to pay in and increase the same to an amount not exceeding thirty thousand dollars, and may hold for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock.

SECTION 3. This act shall take effect upon its passage.
Approved March 21, 1864.

Chap. 106 AN ACT TO AUTHORIZE LUTHER ELDRIDGE AND PHILIP STETSON TO EXTEND THEIR WHARF IN CHATHAM.

Be it enacted, &c., as follows :

Authority granted.

SECTION 1. Luther Eldridge and Philip Stetson, owners of a wharf in the town of Chatham, at a place called Harding's Beach, are hereby authorized to extend said wharf twenty-five feet beyond low-water mark, and to lay vessels at said wharf

and receive wharfage and dockage therefor: *provided*, that this grant shall not impair the legal rights of any person. *Proviso.*

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

Approved March 21, 1864.

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

Chap. 107

Be it enacted, &c., as follows:

The time for the location and construction of the Springfield and Farmington Valley Railroad is hereby extended three years from the time designated in the twenty-ninth chapter of the acts of the year eighteen hundred and sixty-one.

Extension three years.

Approved March 22, 1864.

AN ACT TO INCORPORATE THE NORTH ADAMS WATER COMPANY.

Chap. 108

Be it enacted, &c., as follows:

SECTION 1. Sylvander Johnson, John B. Tyler, Amasa W. Richardson, their associates and successors, are hereby made a corporation, by the name of the North Adams Water Company, for the purpose of supplying the inhabitants of the village of North Adams, in the town of Adams, with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which are or may be in force so far as the same are applicable to this corporation.

Corporators.

Name.

Purpose.

Powers and duties.

SECTION 2. Said corporation may for the purposes aforesaid hold real and personal estate not exceeding in amount fifty thousand dollars; and the whole capital stock shall not exceed sixty thousand dollars, to be divided into shares of one hundred dollars each.

Estate.

Capital stock.

SECTION 3. Said corporation may take, hold and convey to, into and through the village of North Adams, the water of any spring or springs, or of any natural pond or ponds, brook or brooks, within said town of Adams, north of the old military line in said town, or in the town of Clarksburg, and may take and hold real estate, necessary for laying and maintaining aqueducts and reservoirs, and may take and hold land upon and around the margin of any such spring, pond or brook, to an extent not exceeding one acre to each spring, pond, or brook so taken. Said company shall, within sixty days from the time of taking any lands, springs, ponds or brooks, as before provided, file in the office of the registry of deeds in the northern district of the county of Berkshire, a description of the lands, springs, ponds or brooks so taken, as certain as is required in a conveyance of land, and a statement of the purpose for which the same is taken, signed by the president of said company.

May hold streams, ponds and lands in Adams.

Shall file description of lands and waters taken.

Company may build reservoirs, aqueducts, &c.

SECTION 4. The said company may make aqueducts, from any sources before mentioned, through any part of the village of North Adams, or the town of Clarksburg, and may maintain the same by suitable works, may make reservoirs and hydrants, and may distribute the water throughout said village, by laying down pipes, and may establish the rent therefor; and for the purposes aforesaid may enter upon and dig up any road, under the direction of the selectmen of the town of Adams, or of the town of Clarksburg, as the case may be, in such manner as to cause the least hindrance to the travel thereon.

May dig up highways and lay pipes.

Damages, how recovered.

SECTION 5. All damages sustained by taking land, water or water rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner provided by law in case of land taken for highways.

Penalty for malicious diversion or corruption of waters, and injury to works.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by the said company pursuant to the provisions of this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct-pipe or hydrant or other property, held, owned or used by the said company for the purposes of this act, shall pay three times the amount of actual damage to the said company, to be recovered by any proper action; and every such person on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

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

Approved March 22, 1864.

Chap. 109

AN ACT CONCERNING THE FIRE DEPARTMENT OF THE CITY OF LYNN.
Be it enacted, &c., as follows:

Fire Department authorized.

SECTION 1. The city council of the city of Lynn may establish a fire department for said city, to consist of as many engineers, officers, engine-men and members, as the city council, by ordinance, shall from time to time prescribe.

City council to direct organization.

SECTION 2. The city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and manner of the removal of either officers or members; to make such requisitions in respect to their qualifications and period of service; to define their office and duty; to fix and provide for the payment of their compensation; and generally, to make such regulations in regard to their conduct and government and to the manag

ment and conduct of fires and persons attending at fires, subject to penalties, to be prescribed by ordinance, as they shall deem expedient: *provided*, said ordinances be not repugnant to the laws of the Commonwealth; and *provided*, also, that the appointment of engine-men, hose-men, hook and ladder men, shall be made by the mayor and aldermen.

SECTION 3. The powers and duties conferred and imposed by this act may be carried into effect by the city council in any manner they may prescribe and through the agency of any person or board to whom they may delegate the same.

SECTION 4. The act entitled "An Act to establish a fire department in the town of Lynn," passed on the twenty-third day of April, in the year eighteen hundred and thirty-six, and all other acts and parts of acts in addition thereto, are hereby repealed.

SECTION 5. This act shall take effect upon its passage; but it shall not operate upon existing laws and ordinances, relating to the fire department of the city of Lynn, until it shall have been adopted by the city council thereof, and until said council shall have passed an ordinance establishing a fire department for said city under the authority of this act.

Approved March 22, 1864.

AN ACT RELATING TO POLICE OFFICERS AND WATCHMEN.

Chap. 110

Be it enacted, &c., as follows:

SECTION 1. Police officers and officers and members of the watch, in any city or town, when on duty, may carry such weapons as the mayor and aldermen of such city, or the selectmen of such town, shall authorize.

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

Approved March 26, 1864.

AN ACT IN RELATION TO THE HEARING OF QUESTIONS OF LAW.

Chap. 111

Be it enacted, &c., as follows:

SECTION 1. Whenever any question of law is reserved, either in the supreme judicial court, or superior court, upon report, appeal, by bill of exception, reserved case or otherwise, copies and papers relating thereto, shall be transmitted to, and entered in, the law docket of the supreme judicial court for the proper county, as soon as may be after such question of law is reserved and duly made matter of record in the court where the action is pending: *provided*, that no party shall be compelled to be ready for the argument of such question within ten days after the same has been so reserved.

Act, how construed.

SECTION 2. Nothing herein contained shall be so construed as to require the transfer of the case, but only the question to be determined, to the supreme judicial court.

Repeal.

SECTION 3. So much of the twelfth section of the one hundred and fifteenth chapter of the General Statutes as is inconsistent herewith is hereby repealed.

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

Approved March 26, 1864.

Chap. 112

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

Be it enacted, &c., as follows :

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned in this section, are appropriated to be paid out of the moiety of the income of the school fund applicable to educational purposes, for the year one thousand eight hundred and sixty-four.

State normal schools.

For the support of the four state normal schools for the current year, under the direction of the board of education, the sum of eighteen thousand dollars.

Mass. Teachers' Association.

For the Massachusetts Teachers' Association, the sum of six hundred dollars, on condition that said association shall furnish a copy of the "Massachusetts Teacher" to each school committee in the several cities and towns of the Commonwealth, during the year one thousand eight hundred and sixty-four, and furnish satisfactory evidence thereof to the auditor.

American Institute of Instruction.

For the American Institute of Instruction, the sum of three hundred dollars, to be paid to the president or treasurer of said institute in the month of August next.

Board of Education, postage, printing, etc.

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

Teachers' Institutes.

For teachers' institutes, the sum of twenty-eight hundred dollars.

State scholarships.

For the support of state scholarships, the sum of forty-eight hundred dollars.

Aid to pupils, normal schools.

For aid to pupils in the state normal schools, a sum not exceeding six thousand dollars, which shall be in full for eighteen months from the first day of January, eighteen hundred and sixty-four.

Board of education, agents.

For the support of one or more agents of the board of education, the sum of twenty-two hundred dollars.

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

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

For county associations of teachers, the sum of three hundred dollars. Teachers' county associations.

For providing new chairs and desks at the Bridgewater normal school, and painting the building and fence around it, the sum of ten hundred dollars. Bridgewater normal school, furniture, etc.

For providing new chairs and desks at the Westfield normal school, and for chemical and philosophical apparatus, and cabinets for minerals, for the use of said school, the sum of twelve hundred dollars. Westfield normal school, chairs, desks and apparatus.

For providing cabinets for minerals at the Salem normal school, and for the building of a fence about the house, the sum of four hundred and fifty dollars. Salem normal school, cabinets.

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

Approved March 26, 1864.

AN ACT TO AUTHORIZE THE ELECTION OF VICE-PRESIDENTS OF INSURANCE COMPANIES.

Chap. 113

Be it enacted, &c., as follows :

SECTION 1. Any insurance company incorporated in this Commonwealth may, by its by-laws, provide for the election annually of a vice-president, who shall be sworn to the faithful performance of his duties before entering upon the discharge thereof. Annual elections provided for.

SECTION 2. Policies, checks, and other instruments, signed by the vice-president, shall have the same force and effect as if signed by the president or two directors, and the vice-president shall perform such other duties as may be prescribed by the by-laws or directors. Powers and duties of vice-president.

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

Approved March 26, 1864.

AN ACT IN RELATION TO THE AGENTS OF FOREIGN INSURANCE COMPANIES.

Chap. 114

Be it enacted, &c., as follows :

SECTION 1. Any person who solicits insurance on behalf of any insurance company not chartered by and not established within this Commonwealth, or who transmits for any person other than himself an application for insurance, or a policy of insurance to or from such company, or who advertises that he will receive or transmit the same, shall be held to be an agent of such company, to all intents and purposes, and subject to all the duties, requisitions, liabilities and Liabilities.

penalties set forth in the laws of this Commonwealth relating to foreign insurance companies.

Liability of agent for neglect to appoint general agents.

SECTION 2. The agent of any foreign insurance company which shall not comply with the laws of this Commonwealth as to the appointment of a general agent, the filing of said appointment, and the continuance of such agency, shall be personally liable on all contracts of insurance made by or through him, directly or indirectly, for and in behalf of any such company.

Liability of agent for neglect to pay taxes.

SECTION 3. The agent of any foreign insurance company which neglects to pay the taxes imposed on such company by the laws of this Commonwealth, shall be personally liable therefor, and the same may be recovered of him in an action of tort in the name of the Commonwealth.

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

Approved March 26, 1864.

Chap. 115

AN ACT TO INCORPORATE THE MARINER'S EXCHANGE.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Phineas Stowe, Isaac Woodbury, Henry C. Gannett, Clement A. Wilson, their associates and successors, are hereby made a corporation by the name of the Mariner's Exchange in the city of Boston, for the purpose of promoting the physical well-being, and the moral and intellectual improvement of seamen; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which are or may be in force, so far as applicable.

Name.

Purpose.

Powers and duties.

Estate.

SECTION 2. The said corporation may take and hold real estate not exceeding twenty-five thousand dollars and personal property not exceeding ten thousand dollars for the purposes aforesaid.

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

Approved March 26, 1864.

Chap. 116

AN ACT TO AUTHORIZE SYLVANUS N. STAPLES AND ANOTHER TO BUILD A WHARF IN TAUNTON.

Be it enacted, &c., as follows :

Authority granted.

Sylvanus N. Staples and William H. Phillips, proprietors of land and flats situated in that part of Taunton known as Weir Village, and adjoining Taunton Great River, on the easterly side thereof, are hereby authorized to build and maintain a wharf, adjacent to their said land and flats, and extending into said river to a straight line drawn from the north-westerly corner of the wharf of Joseph W. Briggs, up the river three hundred and seven feet, to a point at low-water mark, adjoining land of Allen Presbrey; with a right

to lay vessels, not more than one deep, along the front of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person; and *provided, also*, and this grant is upon condition, that the said Staples and Phillips shall, before completing said wharf, so widen and excavate the channel in front of the same, that said channel shall be at least thirty feet wide outside of any vessel lying along the front of said wharf, and of a depth equal to the depth of water in the channel where the same passes under Weir Bridge.

Approved March 26, 1864.

AN ACT TO PROVIDE FOR A DRAW IN THE BRIDGE OF THE GRAND JUNCTION RAILROAD, SO CALLED, OVER CHELSEA CREEK.

Chap. 117

Be it enacted, &c., as follows:

Chapter two hundred and twelve of the acts of the year eighteen hundred and forty-six, entitled "An Act to incorporate the Chelsea Branch Railroad Company," and the several acts in addition thereto, and concerning said company, are hereby so amended, that said company, its successors and assigns, shall construct and maintain a good and sufficient draw of not less than forty feet in width in their railroad bridge across Chelsea Creek between East Boston and Chelsea, in place of their present draw in said bridge. Said draw shall be completed within four months after the passage of this act, and the provisions of all general laws, which are or may be in force relating to drawbridges in railroads, shall apply to the same.

Act of 1846 and acts in addition thereto amended.

Draw, when to be completed.

Approved March 26, 1864.

AN ACT TO CONFIRM THE DOINGS OF THE SALEM SAVINGS BANK.

Chap. 118

Be it enacted, &c., as follows:

SECTION 1. The elections of members, trustees and officers of the Salem Savings Bank, and the doings of the persons heretofore and at present acting as trustees and officers, are hereby confirmed and made valid, to the same extent as they would have been if the elections had been held by ballot, as required by its act of incorporation; and the acts of the trustees of said bank are hereby made valid, to the same extent that they would have been, had said trustees been sworn.

Elections and acts of certain persons confirmed.

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

Approved March 26, 1864.

AN ACT TO SET OFF A PART OF THE TOWN OF STOUGHTON, AND ANNEX THE SAME TO THE TOWN OF SHARON.

Chap. 119

Be it enacted, &c., as follows:

SECTION 1. So much of the town of Stoughton as lies on the westerly side of the centre of the highway leading from

Territory set off.

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Boston to Taunton, known as the "old Bay road," is hereby set off, with all the inhabitants and estates thereon, from said town of Stoughton, and annexed to the town of Sharon.

Apportionment
of taxes.

SECTION 2. The inhabitants and estates so set off shall be held to pay all taxes that have been legally assessed on them by the town of Stoughton, in the same manner as if this act had not been passed; and until the next decennial valuation of estates in this Commonwealth, the town of Sharon shall annually pay over to the town of Stoughton the proportion of any state or county tax which the said town of Stoughton may have to pay upon the inhabitants and estates so set off.

Apportionment
of debt.

SECTION 3. The town of Sharon shall be held to pay to the town of Stoughton a just proportion of the debt of said town of Stoughton, owing on the first day of January, in the year eighteen hundred and sixty-three, amounting to the sum of thirty-one thousand eight hundred and ninety-one dollars and thirty-three cents, which the inhabitants and estates so set off to the town of Sharon would have been held to pay if this act had not passed; such proportion to be ascertained and determined by the assessed valuation, for the year eighteen hundred and sixty-three, of the polls and estates so set off.

Election district.

SECTION 4. The inhabitants so set off from the town of Stoughton shall, for the purpose of electing national and state officers, senators and representatives in the general court, until another apportionment of the same shall be made, remain as before the passage of this act; and shall vote in the election of said officers with the inhabitants of the town of Stoughton.

Support of
paupers.

SECTION 5. The town of Sharon shall relieve and support such paupers as may have gained legal settlements in the town of Stoughton while living in that part of Stoughton by this act set off to Sharon.

Approved March 26, 1864.

Chap. 120

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE TOWNS AND CITIES TO RAISE MONEY FOR RECRUITING PURPOSES.

Be it enacted, &c., as follows:

Authority
granted in future
calls for volun-
teers.

SECTION 1. Any town or city may raise money, by taxation or otherwise, and apply the same, under the direction of its selectmen, or mayor and aldermen, or city council, in aid of, and for the purpose of procuring its proportion of the quota of volunteers in the military service, called for from the Commonwealth under any order or call of the president of the United States issued after the first day of March, eighteen hundred and sixty-four, and before the first day of March, eighteen hundred and sixty-five: *provided*, that the amount of money so raised and applied shall not exceed the

Proviso.

sum of one hundred and twenty-five dollars for each volunteer enlisted in said service, as a part of the quota of said town or city, under the orders of the president, issued during said period.

SECTION 2. No town or city shall ever receive any reimbursement from the Commonwealth for any moneys raised under this act.

Commonwealth
not to reimburse.

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

Approved March 28, 1864.

AN ACT IN RELATION TO THE BURDEN OF PROOF IN CERTAIN
CRIMINAL CASES.

Chap. 121

Be it enacted, &c., as follows :

SECTION 1. In all criminal prosecutions in which the defendant relies for his justification upon any license, appointment or authority, he shall prove the same; and until such proof, the presumption shall be that he is not so authorized.

Absence of proof
to be presumptive
against
defendant.

SECTION 2. The tenth section of chapter one hundred and seventy-two of the General Statutes is hereby repealed.

Repeal.

Approved March 28, 1864.

AN ACT IN RELATION TO THE SALE AND INSPECTION OF MILK.

Chap. 122

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more persons to be inspectors of milk, for their respective places, who shall, before entering upon the duties of their offices, be sworn. Each inspector shall give notice of his appointment by publishing the same two weeks in a newspaper published in his city or town, or if no newspaper is published therein, by posting up such notice in two or more public places in such city or town.

Cities and towns
to appoint
inspectors.

Public notice to
be made.

SECTION 2. The inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons engaged in the sale of milk within their limits. They may enter any place where milk is stored or kept for sale, and all carriages used in the conveyance of milk; and whenever they have reason to believe any milk found therein is adulterated, they shall take specimens thereof and cause the same to be analyzed, or otherwise satisfactorily tested, the result of which they shall record and preserve as evidence; and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in all prosecutions under this act. The inspectors shall receive such compensation as the mayor and aldermen or selectmen shall determine.

Inspectors shall
record names of
dealers.

Analysis, in
case of suspected
adulterations, re-
quired.

Compensation of
inspectors.

Measures to be sealed and marked.

SECTION 3. All measures, cans or other vessels used in the sale, or buying at wholesale, of milk, shall be annually sealed by the sealer of weights and measures, by wine measure; and all cans so used shall be marked by the sealer with figures showing the quantity which they hold.

Penalties for neglect to register business or using other than sealed measures.

SECTION 4. Whoever neglects to cause his name and place of business to be recorded in the inspectors' books, and his name legibly placed upon all carriages used by him in the conveyance of milk, before engaging in the sale thereof, and whoever sells, or buys at wholesale, milk by any other measures, cans or vessels than those sealed as before provided, shall forfeit twenty dollars for the first offence, and for a second and each subsequent offence fifty dollars. And whoever offers for sale milk produced from cows fed upon the refuse of distilleries, or any substance deleterious to the quality of the milk, or whoever knowingly offers for sale milk produced from sick or diseased cows, shall forfeit twenty-five dollars for the first, and fifty dollars for every subsequent offence. Whoever sells, or keeps, or offers for sale, adulterated milk, or milk to which water or any foreign substance has been added, shall for the first offence be punished by a fine of twenty dollars, and for a second offence by a fine of fifty dollars; and for any subsequent violation he shall be imprisoned in the house of correction not less than thirty nor more than ninety days; and whoever, in the employment of another, knowingly violates any provision of this section, shall be held equally guilty with the principal, and suffer the same penalty.

Sale of milk from diseased or distillery fed cows or of adulterated milk, penalties.

Publication of convictions for violation.

SECTION 5. It shall be the duty of the inspector to cause the name and place of business of all persons convicted under the preceding section, to be published in two newspapers printed in the town or county where the offence may have been committed.

Repeal.

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

Approved March 30, 1864.

Chap. 123

AN ACT CONCERNING THE CITY OF CHARLESTOWN.

Be it enacted, &c., as follows:

Acts of city respecting certain highways confirmed.

The action of the city of Charlestown on the twenty-ninth day of June in the year eighteen hundred and sixty-three, in the laying out and extension of Richmond Street, and the widening of Chapman Street, whereby certain lands of the Commonwealth have been taken for the streets aforesaid, is hereby ratified and confirmed, so far as the taking of the lands of the Commonwealth is concerned: *provided*, that the said city shall remove and reconstruct the fences to the satis-

Proviso.

faction of the inspectors of the state prison; and *provided*, File of plan.
further, that the city of Charlestown shall file with the
 secretary of the Commonwealth a copy of the record and
 plan of the said laying out and widening.

Approved March 30, 1864.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS POWDER WORKS. *Chap. 124*

Be it enacted, &c., as follows:

SECTION 1. The Massachusetts Powder Works are hereby May exercise
corporate fran-
chise in certain
towns.
 authorized to exercise their corporate franchise in the towns
 of Acton, Concord, Stow, and Sudbury, in the county of
 Middlesex, as well as in the town of Barre, in the county of
 Worcester.

SECTION 2. Said corporation is hereby authorized to Increase of
capital.
 increase its capital stock, by adding thereto a sum not
 exceeding one hundred thousand dollars, and to invest the
 same in real or personal estate, as may be necessary and
 convenient for carrying on its business.

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

Approved March 30, 1864.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY LYMAN E. MUNSON AS A COMMISSIONER OF DEEDS. *Chap. 125*

Be it enacted, &c., as follows:

SECTION 1. All acts done by Lyman E. Munson of New Acts between
Apr. 9, 1867, and
Jan. 18, 1864,
confirmed.
 Haven in the state of Connecticut as a commissioner for
 Massachusetts, between the ninth day of April in the year one
 thousand eight hundred and fifty-seven and the eighteenth
 day of January in the year one thousand eight hundred and
 sixty-four, inclusive, are hereby made valid and confirmed,
 to the same extent as they would have been valid had he
 been during that interval duly qualified to discharge the
 duties of the said office.

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

Approved April 1, 1864.

AN ACT CONCERNING ANNUAL MEETINGS OF SAVINGS BANKS. *Chap. 126*

Be it enacted, &c., as follows:

SECTION 1. Savings banks and institutions for savings May hold meet-
ings under by-
laws.
 may hold their annual meetings at the times fixed by their
 by-laws, any thing in their charters to the contrary notwith-
 standing.

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

Approved April 1, 1864.

Chap. 127 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT IN GLOUCESTER.*Be it enacted, &c., as follows :*

The annual salary of the justice of the police court in the town of Gloucester shall hereafter be eight hundred dollars ; to commence on the first day of April, eighteen hundred and sixty-four.

*Approved April 1, 1864.***Chap. 128** AN ACT CONCERNING THE OVERSEERS OF THE POOR OF THE CITY OF BOSTON.*Be it enacted, &c., as follows :*

Title established.

Functions,
powers and
duties defined.Board to consist
of twelve persons
elected by city
council.

SECTION 1. The overseers of the poor in the town of Boston, incorporated on the twenty-fifth day of April, in the year one thousand seven hundred and seventy-two, shall be known and called by the name of "The Overseers of the Poor in the City of Boston," and as such shall continue to hold and possess all the property, and be entitled to all the rights and privileges, and be subject to all the duties, liabilities and obligations, which now belong or appertain to said corporation, whether as successors of the corporation above mentioned, or as successors of the corporation or body politic incorporated by the forty-fourth chapter of the acts of the year eighteen hundred and two, by the title of "The Trustees of John Boylston's charitable Donations, for the Benefit and Support of aged Poor Persons, and of Orphans and Deserted Children," including the faithful administration and execution of all the trusts, bequests, legacies, endowments and charities confided to them, which have been heretofore, or shall hereafter be, accepted by them.

SECTION 2. The said overseers of the poor in the city of Boston shall consist of twelve persons, residents of the city, and be elected by the city council of said city of Boston, by concurrent vote, in the following manner, within sixty days next after this act shall take effect: The said city council shall elect four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty-seven, and until other persons are elected in their places; four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty-six, and until others are elected in their places; and four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty-five, and until others are elected in their places; and thereafterwards annually on the first Monday in February, or within sixty days thereafter, four persons to hold their office for the term of three years from and after the first Monday in April next following such elections, respectively, and until other persons are elected

in their places. Vacancies occurring in said corporation, from any cause, may be filled by said city council, in like manner, at any time; and the person elected to fill any vacancy shall hold his office during the term for which his predecessor was elected. The city council shall also have power, at any time for cause, to remove either of said overseers from office.

Vacancies, how filled.

May remove for cause.

SECTION 3. The persons so first elected as overseers of the poor in the city of Boston, shall meet and organize on the first Monday of the month succeeding their election, and those thereafterwards elected shall meet for that purpose on the first Monday in April of each year. They shall choose a chairman from their own number, and a treasurer, secretary, and such subordinate officers as they may deem expedient, and shall define their duties and fix their respective salaries.

Organization.

SECTION 4. Said overseers shall render such accounts and reports of their expenditures, acts and doings, as may be required by the city council, and the same shall be audited and allowed, if according to law, in such manner as the city council shall from time to time determine.

Accounts and reports.

SECTION 5. The present members of the corporation shall hold their office until others are elected in their places, under the provisions of this act.

Present board.

SECTION 6. No one of said overseers, nor any individual in their employ, shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labor or for articles furnished by direction of said overseers, unless the same be expressly authorized by a recorded vote of the board.

Private interest in contracts forbidden.

SECTION 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved April 2, 1864.

AN ACT TO AUTHORIZE THE BOSTON AND FAIRHAVEN IRON WORKS TO CONSTRUCT A RAILROAD TRACK IN FAIRHAVEN.

Chap. 129

Be it enacted, &c., as follows:

SECTION 1. The Boston and Fairhaven Iron Works and its assigns is hereby authorized to construct and maintain a railroad track from its foundry and machine shop, located on Laurel Street in Fairhaven, in the county of Bristol, to connect with the track of the Fairhaven Railroad, at a point near the works of the Empire Rock Oil Company, a distance not exceeding twelve hundred feet in length, for the purpose of facilitating the transportation of merchandise.

May connect with track of Fairhaven Railroad Co., for purposes of transportation.

SECTION 2. Said corporation may construct said railroad track across the proposed extension of Chestnut and Union

May cross Chestnut and Union streets.

Streets, and another street lying easterly thereof, at grade, with good and sufficient crossings, for teams and carriages, under the direction and to the satisfaction of the selectmen of the town of Fairhaven.

Connection to be made by consent.

SECTION 3. The connection of said track with the track of the Fairhaven Railroad, shall be made only with the consent of the corporation owning the Fairhaven Railroad.

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

Approved April 2, 1864.

Chap. 130

AN ACT TO FURTHER EXTEND THE PROVISIONS OF "AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO VOLUNTEERS, AND FOR OTHER PURPOSES."

Be it enacted, &c., as follows:

Enlistments under call of March 14th, '64, and future calls, entitling to same bounty.

SECTION 1. The provisions of chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three shall be, and the same hereby are, so extended as to entitle all persons who shall enlist, or re-enlist, and be mustered into the military service of the United States, as a part of the quota of Massachusetts, under the call of the president, of the fourteenth of March in the year eighteen hundred and sixty-four, or under any future call, to the same bounty or pay as provided for in said act for those of the quota of the Commonwealth, under the call of the president for three hundred thousand men, dated October seventeenth in the year eighteen hundred and sixty-three.

Provisions act of '63, how applicable.
Proviso.

And all the provisions of said act, in relation to the manner of offering and paying said bounty or pay, shall be applicable to all cases under the provisions of this act: *provided, however,* that nothing in this act shall authorize the payment of any bounty to any drafted man or substitute; and *provided, also,* that the governor, with the approval of the council, is authorized to suspend the operation of this act by proclamation, whenever it shall seem to him expedient.

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

Approved April 5, 1864.

Chap. 131

AN ACT TO INCORPORATE THE AMHERST SAVINGS BANK.

Be it enacted, &c., as follows:

Comptrollers.

SECTION 1. Ithamar F. Conkey, George Cutler, Charles Adams, their associates and successors, are hereby made a corporation, by the name of the Amherst Savings Bank, to be established and located in the town of Amherst, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Name.

Location.

Powers and duties.

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

Approved April 5, 1864.

AN ACT TO REVIVE THE CHARTER OF THE PITTSFIELD AND NEW HAVEN RAILROAD COMPANY.

Chap. 132

Be it enacted, &c., as follows :

SECTION 1. So much of the first section of chapter one hundred and seventy-two of the acts of the year one thousand eight hundred and forty-eight, as incorporated the Pittsfield and New Haven Railroad Company, is hereby revived, and said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-third chapter of the General Statutes, and all other general laws relative to railroads and railroad corporations.

Act incorporating revived.

Powers and privileges.

SECTION 2. Said company may locate, construct and maintain a railroad, with one or more tracks, from some convenient point in either of the towns of Lee or Lenox, at or near the line of the Stockbridge and Pittsfield Railroad, and thence, by the route indicated in the second section of said chapter one hundred and seventy-two, to the line of the state of Connecticut at Colebrook.

Company may locate and construct road.

SECTION 3. Said company, with consent of the Stockbridge and Pittsfield Railroad Company may connect their railroad with the railroad of said Stockbridge and Pittsfield Company, at some convenient point in Lee or Lenox, and may enter upon and use the same, pursuant to the provisions of the general laws relative to connecting railroads.

May connect with Stockbridge and Pittsfield railroad.

SECTION 4. The capital stock of said company shall be nine hundred thousand dollars, in shares of one hundred dollars each.

Capital stock.

SECTION 5. This act shall be void if said company shall not file the location of their railroad within two years, and construct their railroad within four years from the passage of this act.

Conditions of validity of act.

Approved April 5, 1864.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE CLIFTONDALE RAILROAD COMPANY.

Chap. 133

Be it enacted, &c., as follows :

SECTION 1. In case of failure by the Cliftondale Railroad Company in the performance of any of the conditions of the bonds issued by said company pursuant to the provisions of section nine of chapter one hundred and forty-four of the acts of the year eighteen hundred and fifty-nine, the trustees shall petition the supreme judicial court for leave to sell the property conveyed to them, to secure payment of said bonds, pursuant to said provisions; and thereafter the same shall be sold in such way and manner as the court may order; and after payment of all costs and expenses, there shall be paid into the sinking fund a sum which, added to the

Trustees, with consent of S. J. court, may sell property, if conditions of bonds are not fulfilled.

Amount of bonds, how provided for.

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amount then on hand, shall equal the amount of said bonds, and any interest thereon due and unpaid, and the remainder thereof paid to the said corporation.

Purchasers may associate as body corporate.

SECTION 2. The purchaser or purchasers at such sale may associate themselves together, under any name by them assumed, for the purpose of managing said railroad, and they shall, together with their successors and assigns, be and remain a body corporate under the name assumed by them : but before commencing business they shall make a certificate, setting forth their corporate name, the amount of capital actually paid in and the par value of the shares, which certificate shall be signed and sworn to by the president, treasurer, clerk, and a majority of the directors of said company, published three days in two Boston daily papers, and filed with the secretary of the Commonwealth ; and when organized they shall be a corporation, with like powers and privileges and subject to all the duties, liabilities and restrictions set forth in the act incorporating the Clifftondale Railroad Company and all acts in addition thereto, and in the general laws relating to street railroad companies.

Shall publish and file certificate.

Powers and duties.

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

Approved April 5, 1864.

Chap. 134 AN ACT CONCERNING THE WEST CAMBRIDGE HORSE RAILROAD COMPANY.

Be it enacted, &c., as follows :

May connect with Somerville horse railroad, subject to municipalities.

SECTION 1. The West Cambridge Horse Railroad Corporation is hereby authorized to construct tracks in Cambridge and Somerville, from some convenient point on the Cambridge Railroad, to connect with the Somerville Horse Railroad, at such point, near Porter's hotel, as may be agreed upon in writing by the companies owning the two railways, subject to location by the board of aldermen of the city of Cambridge, and the selectmen of the town of Somerville : *provided, however*, that before the location of such tracks, the said board of aldermen and said selectmen shall give notice to the abutters thereon, fourteen days at least before the hearing, that they may show cause, if any there be, why said track should not be so located.

Proviso.

Motive power.

SECTION 2. The cars of said corporation shall be run with such motive power as the selectmen of the towns of Somerville and West Cambridge, and the board of aldermen of the city of Cambridge shall prescribe.

May unite with Cambridge company.

SECTION 3. The West Cambridge Horse Railroad Company is hereby authorized to unite and consolidate itself with the Cambridge Railroad Company, at such time and

on such terms as may be mutually agreed upon by said corporations, and when thus united, said corporations shall constitute one corporation, under the name of the Cambridge Railroad Company: *provided, however,* that the terms of such union shall be approved by a majority in interest of the stockholders of each of said corporations, respectively, present and voting at meetings called for the purpose; which meetings shall be notified by publication twelve times successively in two daily papers, published in Boston, and approved by the secretary of the Commonwealth. Proviso.

SECTION 4. The corporation formed as aforesaid shall have, hold, possess and enjoy, all the powers, privileges, rights, franchises, property and estates, which at the time of such union are held and enjoyed by the two corporations, so united, and shall be subject to all the duties, restrictions and liabilities, to which they are severally subject; and nothing in this act shall be construed to impair the rights of any creditor of either corporation. Franchise of new corporation.
Rights of creditor not impaired.

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

Approved April 5, 1864.

AN ACT IN FURTHER ADDITION TO AN ACT INCORPORATING THE
BERKSHIRE LIFE INSURANCE COMPANY.

Chap. 135

Be it enacted, &c., as follows:

SECTION 1. At the expiration of every five years from the time of organization of the Berkshire Life Insurance Company, the remaining three-quarters of the estimated surplus funds and receipts shall be reimbursed equitably to and among the assured, in proportion to their contributions to the same, reckoning as contributions,—First, the excess of the actual premium over that required by the rate of mortality agreeing most nearly with the actual experience of the company and the assumed rate of interest accumulated at the current rate of interest: Second, the excess of interest over the assumed rate thereof on the net value of the policy from year to year, also accumulated at current interest. Reimbursement of surplus funds to assured.
Contributions of assured, how reckoned.

SECTION 2. The eighth section of chapter one hundred and forty of the acts of the year eighteen hundred and fifty-one, is hereby repealed. Repeal.

SECTION 3. This act shall take effect when accepted by the assured at a meeting of said company held for that purpose. Act, when in force.

Approved April 5, 1864.

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Chap. 136 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE AMERICAN STEAMSHIP COMPANY.

Be it enacted, &c., as follows :

Provisions of act of '68 extended.

SECTION 1. The periods of time allowed to the American Steamship Company, for the performance of the acts required of said company, by the fourth section of the one hundred and twelfth chapter of the acts of the year eighteen hundred and sixty-three, are hereby severally extended one year.

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

Approved April 5, 1864.

Chap. 137 AN ACT IN RELATION TO THE SALE OF REAL ESTATE UNDER LICENSE OF COURT.

Be it enacted, &c., as follows :

Non-delivery of deed or irregularity, no bar to title.

SECTION 1. No sale of real estate heretofore or hereafter made by an executor, administrator, guardian, trustee or other person, by license of court, and no title under the same shall be avoided on account of the deed not having been delivered within one year after the license, or on account of any irregularity in the proceedings, if it appears,—
First, That the license was granted by a court of competent jurisdiction: Second, That the person licensed gave a bond which was approved by the judge of probate court, in case a bond was required upon granting the license: Third, That the notice of the time and place of sale was given according to the order of court: Fourth, That the premises were sold accordingly at public auction and are held by one who purchased them in good faith.

Provisos.

Repeal.

SECTION 2. Section one of chapter sixty of the acts of the year eighteen hundred and sixty is hereby repealed.

Pending suits not affected.

SECTION 3. This act shall not affect any suits or proceedings at law or in equity, now pending.

Approved April 8, 1864.

Chap. 138 AN ACT TO AMEND "AN ACT IN RELATION TO STATE CHARITABLE AND CORRECTIONAL INSTITUTIONS."

Be it enacted, &c., as follows :

Expense to Commonwealth for supporting certain lunatics, limited.

SECTION 1. The ninth section of chapter two hundred and forty of the acts of the year one thousand eight hundred and sixty-three, is hereby so amended that the expenses of the lunatic hospitals, for the support of the persons therein named, to be paid by the Commonwealth, shall not exceed two dollars and seventy-five cents a week for each lunatic.

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

Approved April 8, 1864.

AN ACT RELATING TO UNCLAIMED PROPERTY IN THE POSSESSION OF EXPRESS COMPANIES. *Chap. 139*

Be it enacted, &c., as follows:

SECTION 1. Any express company, or person or persons engaged in the express business, who shall have had in their possession, at least one year, any unclaimed merchandise, goods or things, not perishable, of which they have been unable to find the owner or consignee, may proceed to sell the same at public auction, in the manner provided in this act. May sell property after one year.

SECTION 2. Notice of such sale shall be published at least four successive weeks immediately preceding the sale, in a newspaper published at or nearest the place where such property was marked or ordered to be delivered or left, and also at the place where such sale is to take place. Said notice shall contain a descriptive list of all such property; and the list shall indicate all such specific marks as may serve to identify the same. Notice of sale to be published.

SECTION 3. The proceeds of such sale, after deducting reasonable charges for transportation and storage, and the cost of advertising and selling, shall be paid to the owner of such property, his heirs or assigns: *provided*, such balance is claimed, and satisfactory proof of such ownership is furnished, at any time within three years after such sale; otherwise, at the expiration of said three years, to the treasurer of the Commonwealth, for the use of the Commonwealth. Proceeds to be paid owner, or revert to Commonwealth in three years.

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

Approved April 8, 1864.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BOSTON SOCIETY FOR THE PREVENTION OF PAUPERISM. *Chap. 140*

Be it enacted, &c., as follows:

SECTION 1. The Boston Society for the Prevention of Pauperism may take and hold real and personal estate, to an amount not exceeding fifty thousand dollars in addition to the amount which it is now allowed to take and hold, under its act of incorporation, approved the twenty-first day of April, in the year one thousand eight hundred and forty-seven. May hold additional estate.

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

Approved April 8, 1864.

AN ACT TO AUTHORIZE THE FOXBOROUGH BRANCH RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK. *Chap. 141*

Be it enacted, &c., as follows:

SECTION 1. The Foxborough Branch Railroad Company is hereby authorized to increase its capital stock one hundred Increase

Shares. thousand dollars, to be divided into shares of one hundred dollars each.

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

Approved April 8, 1864.

Chap. 142 AN ACT TO INCORPORATE THE CITY LIBRARY ASSOCIATION OF SPRINGFIELD.

Be it enacted, &c., as follows:

- Corporators.** **SECTION 1.** John L. King, Chester W. Chapin, George Bliss, James M. Thompson, Ephraim W. Bond, and Homer Foot, and all persons who are now life members of the present City Library Association of Springfield, and their successors, are hereby made a corporation by the name of
- Name.** "The City Library Association of Springfield," for the purpose of establishing and maintaining a social library, and a museum of natural history and art, and for the diffusion of knowledge and the promotion of intellectual improvement in the city of Springfield; with all the powers and privileges and subject to all the duties and liabilities set forth in the general laws which now are or may hereafter be in force concerning corporations, so far as applicable.
- Privileges.**
- Estate, real and personal.** **SECTION 2.** The said corporation may take and hold real and personal estate, to an amount not exceeding one hundred and fifty thousand dollars exclusive of books in its library and collections of natural history and works of art in its museum.
- Transfer of property.** **SECTION 3.** All the property now owned by, or which may accrue to the present City Library Association of Springfield, may be by it transferred to the corporation hereby created. And the said corporation may take and shall hold the same, and all real and personal estate, and all moneys, books, pamphlets, curiosities, objects of art and natural history, which shall from time to time be conveyed or given to it in any form, or be purchased by it, in trust, for all the uses and purposes proper and appropriate for a public and social library and museum, the same to be used and enjoyed by the inhabitants of Springfield, under such regulations, and upon such terms, and for such compensation as may from time to time be prescribed by the by-laws of the corporation. And any grants, donations or bequests made to it, shall be held and used under and in pursuance of any conditions or rules prescribed in such grants, donations or bequests. And any bequests or devises to the present City Library Association and contained in any will made before this act shall take effect, shall inure to, and be enjoyed by said corporation.
- Rules and regulations.**
- Grants and bequests.**

SECTION 4. So long as said corporation shall allow the inhabitants of the city of Springfield free access to its library at reasonable hours for the purpose of using the same on the premises, said city may appropriate and pay annually towards defraying the expenses of maintaining said library, a sum not exceeding fifty cents for each of its ratable polls, in the year next preceding that in which said appropriation is made.

City may aid corporation while citizens have free access.

Approved April 8, 1864.

AN ACT TO PROVIDE AID FOR THE FAMILIES OF SEAMEN IN THE NAVAL SERVICE, AND FOR OTHER PURPOSES.

Chap. 143.

Be it enacted, &c., as follows :

SECTION 1. Any town or city may raise money, by tax or otherwise, and apply the same in aid of the wife, child, parent, brother and sister of, and dependent upon, any person duly enlisted in the naval service, or transferred to such service from the military service, who is credited to such town or city under the enrolment laws of the United States, in the same manner and under the same restrictions and provisions of law, as money is now raised and applied in aid of families and dependents of members of any regiment, company or battery of Massachusetts volunteers; and in the case of a person transferred and credited as aforesaid, such aid may be granted from the date of such transfer. All the provisions of the fourth and fifth sections of chapter sixty-six of the acts of the year eighteen hundred and sixty-two, for the reimbursement of money by the Commonwealth, shall be applicable to the money applied by a town or city as herein provided.

Enlistments in, or transfers to naval service, entitling to same aid as military service.

Reimbursement by Commonwealth, act of '62 to apply.

SECTION 2. The acts of any town or city in raising and applying money in aid of the family or dependents of a person who has been transferred from the military to the naval service, are hereby made valid to the same extent, as regards reimbursements by the Commonwealth and otherwise, as they would have been had such person remained in the military service.

Aid by towns made valid.

SECTION 3. The governor is authorized to offer and pay a bounty of one hundred dollars to any person who shall enlist in the naval service and be credited as part of the quota of this Commonwealth under the calls of the president of the United States, dated respectively October seventeenth, in the year eighteen hundred and sixty-three, and February first, and March fourteenth, in the year eighteen hundred and sixty-four: *provided, nevertheless*, that such bounty shall not be paid to any person, who, upon being drafted, shall enlist in such service, or to any person who shall be trans-

Governor may pay bounty for naval enlistments credited militia quota.

Proviso.

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ferred to such service from the military service of the United States.

Sections of act
of '63 to apply.

SECTION 4. All the provisions of the fourth, fifth, sixth and seventh sections of chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three, in relation to the payment of bounties to volunteers, shall be applicable to the bounty provided in this act.

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

Approved April 11, 1864.

Chap. 144 AN ACT TO PRESERVE THE RIGHT OF SUFFRAGE TO SOLDIERS AND SAILORS.

Be it enacted, &c., as follows :

Payment or
tender of tax,
when not
assessed, to
entitle to rights.

Persons engaged in the military or naval service of the United States, and entitled to the right of suffrage in any town in this State, but who, by reason of such service, have not been assessed for taxes within two years, may pay, or tender to the treasurer of the town in which they reside the amount of a poll tax for the current year; and thereupon shall be entitled to the right of suffrage within such town to the same extent as if their taxes had been regularly assessed and paid.

Approved April 11, 1864.

Chap. 145 AN ACT TO INCORPORATE THE TRINITY PARISH IN THE TOWN OF MILFORD.

Be it enacted, &c., as follows :

Corporators.

Name.

Purpose.

Powers and
duties.

SECTION 1. George D. Underwood, R. Bacon, W. H. Chamberlin, their associates and successors, are hereby made a corporation by the name of the Trinity Parish in the town of Milford, for the purpose of establishing and maintaining religious worship in said town; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

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

Approved April 11, 1864.

Chap. 146 AN ACT TO INCORPORATE THE AMERICAN NAIL MACHINE COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name.

Purpose.

Powers and
duties.

SECTION 1. J. H. W. Page, George W. Warren, Lewis Rice, their associates and successors, are hereby made a corporation by the name of the American Nail Machine Company, for the purpose of manufacturing iron, steel, and other metals, nails and nail machinery, and holding patents for nail machinery, and dealing therewith, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in all general laws which are or may be in force relating to manufacturing corporations.

SECTION 2. The said corporation shall have its place of business in the city of Boston, and may establish its manufactory in any town in the Commonwealth, and for this purpose may hold real estate to an amount not exceeding two hundred thousand dollars; and the whole capital stock of said corporation shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of one hundred and twenty-five thousand dollars of its capital stock has been paid in, in cash, in addition to the amount required for the purchase of patent rights.

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

Approved April 13, 1864.

AN ACT TO REVIVE THE CHARTER OF THE AMHERST BRANCH RAILROAD COMPANY.

Chap. 147

Be it enacted, &c., as follows:

SECTION 1. So much of the first section of chapter one hundred and two of the year eighteen hundred and forty-eight as incorporated the Amherst Branch Railroad Company is hereby revived, and Leonard M. Hills and Charles Adams of Amherst and Thaddeus Smith of Hadley are added to the list of corporators; and said corporation shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes and all other general laws relative to railroads and railroad corporations.

SECTION 2. The capital stock of said company shall be two hundred thousand dollars, in shares of one hundred dollars each.

SECTION 3. Said company may locate, construct and maintain a railroad, with one or more tracks, from some convenient point connecting with the New London and Northern Railroad in the town of Amherst within one-half mile of Amherst College, through the towns of Hadley and Hatfield, crossing the Connecticut River and connecting with the Connecticut River Railroad at any point between the station-house of said railroad in Northampton, and Cutter's Crossing, so-called, in Hatfield.

SECTION 4. Said company may cross the Connecticut River Railroad and also connect their road with the New Haven and Northampton Railroad, on the station grounds of said railroad in Northampton: *provided, however*, that they shall not interfere with the depot buildings of either of the roads with which they are authorized by this act to connect their road.

Conditions of
validity of act.

SECTION 5. Unless said Amherst Branch Railroad Company shall file the location of their road on or before the first day of June in the year eighteen hundred and sixty-six and complete the same within two years thereafter, this act shall be void.

Approved April 13, 1864.

Chap. 148

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MELROSE AND SOUTH READING RAILROAD COMPANY.

Be it enacted, &c., as follows:

May construct
road in Reading.

SECTION 1. The Melrose and South Reading Railroad Company is hereby authorized to construct, maintain and use a railway with convenient single or double tracks, upon and over such streets and highways in the town of Reading as shall be from time to time fixed and determined by the selectmen of said town.

Powers and
duties.

SECTION 2. Said company, as regards the railroad hereby authorized to be constructed and maintained, shall have all the powers and privileges, and shall be subject to the duties, liabilities and restrictions set forth in the act incorporating the Melrose and South Reading Railroad Company, and in the general laws relating to street railway companies.

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

Approved April 13, 1864.

Chap. 149

AN ACT TO AUTHORIZE THE LEXINGTON AND WEST CAMBRIDGE RAILROAD COMPANY TO SELL ITS ROAD AND FRANCHISE.

Be it enacted, &c., as follows:

May sell to other
railroad corpo-
ration.

SECTION 1. The Lexington and West Cambridge Railroad Company is hereby authorized by a vote of a majority in interest of the stockholders, at a meeting legally held for that purpose, to sell and convey to any other railroad company its franchise, railroad and other corporate property.

Investiture in
purchasing com-
pany.

SECTION 2. Any other railroad company in this Commonwealth may purchase and hold the franchise, railroad and other corporate property of said Lexington and West Cambridge Railroad Company and shall thereby have all the powers and privileges and be subject to all the duties, restrictions and liabilities of said Lexington and West Cambridge Railroad Company.

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

Approved April 13, 1864.

Chap. 150

AN ACT TO PROTECT THE TROUT FISHERY IN MARSHPOE.

Be it enacted, &c., as follows:

Fishery in
Quashnet River
restricted.

SECTION 1. No person shall take any trout in Quashnet River, in the district of Marshpoe, from the fifteenth day of September, in each year, to the twentieth day of March, in the year next ensuing.

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

Specific permits from treasurer of district required.

SECTION 3. The said district may, by vote in legal meeting, with notice in warrant to that effect, make any regulations or by-laws respecting said fishery not repugnant to the provisions of this act; and the income from said fishery shall inure wholly to said district.

District may regulate and income inure to.

SECTION 4. Any persons 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 twenty dollars for each offence, to be recovered by prosecution before any trial justice in the county of Barnstable, for the benefit of said district.

Penalty for violations.

SECTION 5. Any person who shall receive any trout, knowing the same to have been taken from said river, contrary to the provisions of this act, shall forfeit the sum of fifty cents for every trout so received.

Penalty for receiving trout.

SECTION 6. Said district, at any regular meeting, with notice in the warrant to that effect, may elect and appoint two or more fish-wardens to protect said fishery. All prosecutions under this act shall be commenced within one year from the time when the offence is committed.

Fish-wardens.

Prosecutions.

SECTION 7. This act shall take effect upon the first day of May next.

Act when in force.

Approved April 18, 1864.

AN ACT RELATING TO HAWKERS AND PEDDLERS.

Be it enacted, &c., as follows:

Chap. 151

SECTION 1. All licenses hereafter granted to hawkers and peddlers, under the fiftieth chapter of the General Statutes, shall bear date the day they are issued, and shall continue in force one year from such date.

Licenses—date and duration.

SECTION 2. The applicant for any special state license which may be granted hereafter, under the twentieth section of said chapter, shall be required to pay fifty dollars for such license and no more.

Special state license fee.

SECTION 3. It shall be the duty of constables and police officers, within their respective towns and cities, to arrest and prosecute any person whom they may have reason to believe guilty of violating the provisions of said fiftieth chapter, relating to hawkers and peddlers; and one-half of any forfeiture which may be incurred and recovered under

Municipal officers shall prosecute for violations.

Forfeitures.

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the twenty-seventh section of said chapter shall be paid to the complainant.

Repeal.

SECTION 4. So much of the fiftieth chapter of the General Statutes as is inconsistent with this act is hereby repealed.

Approved April 13, 1864.

Chap. 152 AN ACT PROVIDING FOR THE APPOINTMENT OF A BOARD OF RAILROAD COMMISSIONERS, AND RELATING TO RAILROAD CROSSINGS AT GRADE.

Be it enacted, &c., as follows:

Governor to appoint three persons for one, two and three years.

SECTION 1. There shall be a board of railroad commissioners, consisting of three persons appointed and commissioned by the governor, with advice and consent of the council, and subject to removal in like manner. The persons first appointed and commissioned, under this act, shall be appointed and commissioned, one for the term of three years, one for the term of two years, and one for the term of one year. Before the first day of June, in each year, one member of the board shall be appointed for the term of three years, who shall hold his office until his successor is appointed and qualified. Upon the occurrence of a vacancy before the expiration of a term, an appointment shall be made for the remainder of the term. Before entering on the duties of their offices, the commissioners shall severally be sworn.

Vacancies, how filled.

Powers, in construction of rail-ways at crossings of other ways.

SECTION 2. Said commissioners, upon the application of any railroad corporation authorized to construct its road across a turnpike, highway or town-way, or of the proprietors of the turnpike, or the selectmen of the town, or the mayor and aldermen of the city in which the crossing is situated, after due notice to the railroad corporation, the proprietors of the turnpike, and such mayor and aldermen, or selectmen, not being themselves the applicants, and to any other persons or parties as they may direct, and after hearing the parties, may, if public necessity requires, authorize and require the railroad corporation to construct their railroad at such crossing, upon a level with such turnpike or way, in such manner as they may direct.

May order erection of gates and station of agent.

SECTION 3. Whenever the said commissioners shall be of the opinion that the security of the public requires that gates shall be erected across any turnpike, highway or town-way, to be crossed at grade, as provided in the preceding section, and that an agent be stationed to open and close such gates when an engine passes, they may order the railroad corporations to construct such gates, and station an agent.

SECTION 4. If a corporation unreasonably neglects or refuses to comply with any order made under the preceding section, it shall forfeit for every such refusal or neglect a sum not exceeding one thousand dollars. Penalty for neglect of corporation.

SECTION 5. The application provided for in the second section of this act, when made by a railroad corporation, whose road is hereafter constructed, shall be made by it before commencing the construction of its railroad. Application to commissioners.

SECTION 6. The commissioners shall certify their proceedings to the board of county commissioners of the county in which such grade crossings are situated, to be filed with the location of such railroad corporation. Proceedings, to whom certified.

SECTION 7. In all cases heard before commissioners under the provisions of this act, the expenses and costs attending the same, including the compensation of the commissioners, shall be paid by the railroad corporation. Expenses of hearing.

SECTION 8. The compensation of the commissioners shall be ten dollars each per diem and travelling expenses. Compensation of commissioners.

SECTION 9. This act shall take effect upon its passage, but shall not be construed to repeal the eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth and ninetieth sections of the sixty-third chapter of the General Statutes. Act, how construed.

Approved April 13, 1864.

AN ACT TO AUTHORIZE WILLIAM H. DUNBAR TO BUILD A RAILROAD TRACK IN ABINGTON.

Chap. 153

Be it enacted, &c., as follows:

SECTION 1. William H. Dunbar, his heirs and assigns, are hereby authorized to construct and maintain a railroad track in Abington, commencing at a point upon his land near the location of his tack and nail factory, thence extending southerly, crossing at grade a public street or highway in Abington known as South Avenue, to connect with the track of the Old Colony and Newport Railway Company near its station at South Abington, for the purpose of facilitating the transportation of merchandise to and from said factory. Location of track, to connect with Old Colony and Newport railroad.

SECTION 2. A good and sufficient crossing at said street or highway, for teams and carriages, shall be constructed and maintained by said Dunbar, his heirs and assigns, under the direction and to the approbation of the selectmen of the town of Abington. Construction and maintenance of crossing.

SECTION 3. The connection of said track with the track of the Old Colony and Newport Railway Company shall not be made without the consent of said company. Consent of O. C. and N. R. Company required.

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

Approved April 13, 1864.

Chap. 154 AN ACT CONCERNING THE DEDHAM AND WEST ROXBURY RAILROAD COMPANY.*Be it enacted, &c., as follows :*

May enter upon and use tracks of Metropolitan Company.

SECTION 1. The Dedham and West Roxbury Railroad Company is hereby authorized, with all cars running to and from Dedham, or the junction of South Street with Shawmut Avenue, in West Roxbury, to enter upon, and use, with its own motive power, the tracks of the Metropolitan Railroad Company, from its point of connection with the tracks of said Metropolitan Railroad Company, in the town of West Roxbury, or the city of Roxbury, into and through the city of Boston, by Scollay's Building, so called, by one direct and convenient route, upon terms to be agreed upon, in writing, by the respective companies interested, and in case of disagreement, to be determined according to law : *provided, however,* that no car of the Dedham and West Roxbury Railroad Company shall be run over the tracks of the Metropolitan Railroad Company, which does not in every trip run over the tracks of said first named company, to and from the junction of South Street with Shawmut Avenue, in said West Roxbury.

Proviso.

Metropolitan Company may enter upon and use certain tracks of Dedham and W. Roxbury road.

SECTION 2. The Metropolitan Railroad Company shall have the right to enter upon and use, with its cars and motive power, any tracks which may hereafter be laid by the Dedham and West Roxbury Railroad Company, in that part of said Shawmut Avenue lying between the point in West Roxbury where it crosses the Boston and Providence Railroad, and the southerly terminus of the Metropolitan Railroad upon said avenue, upon terms to be agreed upon in writing by the respective companies interested, and in case of disagreement to be determined according to law.

Terms.

Rules and regulations to be observed.

SECTION 3. Each of said companies while using the track of the other company as herein before provided, shall conform to the rules and regulations from time to time established, by the authorities of the respective cities and towns through which their cars may run, and to such rules and regulations as may be adopted, by the companies whose tracks they may respectively use, for the regulation of their own cars and employees, and shall keep an account of the number of cars run daily by them, respectively.

Dedham and W. Roxbury Co. may construct road in West Roxbury.

SECTION 4. Said Dedham and West Roxbury Railroad Company may build, maintain and use a railway or rail-ways, with convenient single or double tracks with suitable turnouts, upon and over such streets and highways in the town of West Roxbury, as shall from time to time be fixed upon by vote of the selectmen of said town granting a location therefor.

SECTION 5. So much of the road of the Dedham and West Roxbury Railroad Company as lies between the line separating Dedham from West Roxbury, and the court-house in Dedham, shall be located and built from Vine Rock Bridge at or near said line, over the main highway to Ames Street in said Dedham, and thence over said Ames Street to or near the court-house in said Dedham, subject to location by the selectmen of Dedham.

Location between Dedham line and court-house defined.

SECTION 6. The eighth section and so much of the sixteenth section of the one hundred and thirty-fifth chapter of the acts of the year eighteen hundred and sixty-one, as makes said act void unless the road of the Dedham and West Roxbury Railroad Company is located by the mayor and aldermen of the city of Roxbury, are hereby repealed; but no part of the tracks of said company shall be laid in the city of Roxbury, without a location of such part having been first granted and ordered by said mayor and aldermen; and the whole road shall be located and constructed within two years from the passage of this act.

Repeal.

Construction, limitation for.

Approved April 16, 1864.

AN ACT TO REVIVE THE CHARTER OF THE HANOVER BRANCH RAILROAD COMPANY.

Chap. 155

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and eighty-five of the acts of the year eighteen hundred and forty-six, entitled "An Act to incorporate the Hanover Branch Railroad Company," is hereby revived: *provided, however*, that said company shall not enter upon and use the railroad of the Old Colony and Newport Railway Company, except in connection with the local trains upon said railroad, without the consent of said Old Colony and Newport Railway Company.

Act incorporating revived.

Proviso.

SECTION 2. Said corporation may be organized within two years from the passage of this act.

Organization.

SECTION 3. The time limited by said act, within which the location of the railroad of said company should be filed, is hereby extended to the first day of May, in the year eighteen hundred and sixty-six, and the time for the completion of said railroad, is extended to the first day of May, in the year eighteen hundred and sixty-seven.

Time for locating extended.

SECTION 4. The said company is hereby authorized to increase its capital stock: *provided*, that the whole amount of capital shall not exceed sixteen hundred shares, of one hundred dollars each.

May increase capital stock.

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

Approved April 20, 1864.

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Chap. 156 AN ACT IN FURTHER ADDITION TO AN ACT TO INCORPORATE THE CAPE COD CENTRAL RAILROAD COMPANY.

Be it enacted, &c., as follows :

Time for construction extended.

The time allowed to the Cape Cod Central Railroad Company, for the construction of its railroad, is hereby extended one year.

Approved April 20, 1864.

Chap. 157 AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE UNITED STATES STEAMSHIP COMPANY."

Be it enacted, &c., as follows :

Time extended for collecting assessments and placing steamers in service.

SECTION 1. The time within which the United States Steamship Company is required to collect assessments on its capital stock, and to place in the service one or more steamships or propellers, is hereby extended for one year from the sixth day of April in the year eighteen hundred and sixty-four; and the act of incorporation shall not become null and void, by an omission hereafter, on the part of said corporation, for a period of one year, to have in the service one steamship or propeller: *provided*, such omission is caused by the act of the government of the United States.

Proviso.

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

Approved April 20, 1864.

Chap. 158 AN ACT TO INCORPORATE THE FATHER MATHEW MUTUAL BENEVOLENT CATHOLIC TOTAL ABSTINENCE SOCIETY.

Be it enacted, &c., as follows :

Corporators.

Name.

Purpose.

Powers and duties.

May hold estate.

SECTION 1. Thomas Murray, Michael McCarthy, Daniel Macklin, John Loughlin, their associates and successors are hereby made a corporation, by the name of the Father Mathew Mutual Benevolent Catholic Total Abstinence Society, for the purpose of promoting the cause of temperance in the town of Hopkinton, in the county of Middlesex, and of benefiting the condition of the members and their families, by assisting them in time of sickness; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws, which now are or may hereafter be in force, relating to such corporations.

SECTION 2. Said corporation may take and hold real and personal property, not exceeding in value ten thousand dollars, for the purposes aforesaid.

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

Approved April 20, 1864.

Chap. 159 AN ACT TO AUTHORIZE FIRE DISTRICTS TO RAISE MONEY FOR STREET LAMPS.

Be it enacted, &c., as follows :

Districts organized under Gen. Stats. may raise.

SECTION 1. Fire districts duly organized under the provisions of the twenty-fourth chapter of the General Statutes,

may, at meetings legally called for that purpose in the manner provided in the thirty-ninth section of said chapter, raise money for the erection and maintenance of street lamps within their respective limits.

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

Approved April 20, 1864.

AN ACT CONCERNING THE CONSTRUCTION OF SIDEWALKS IN THE CITY OF CHARLESTOWN. *Chap. 160*

Be it enacted, &c., as follows:

SECTION 1. Whenever any public street, or any part of the same, in the city of Charlestown, is paved or macadamized, or covered with gravel as a substitute therefor, or when such paving, or substitute, shall have been ordered by the city council of said city, the owners of abutting lots of land or real estate, upon such street or part of a street, shall, within thirty days after notice from the board of mayor and aldermen, so to do, construct, at their own expense, and to the acceptance of the board of mayor and aldermen, a sidewalk against their respective estates, with brick or flat-stone, supported on the outer edge thereof with hammered edge-stone; and if any abutter shall refuse or neglect to construct such sidewalk against his lot for the space of thirty days after a written notice has been served upon him, his tenant, agent or attorney, by order of said board of mayor and aldermen, said city may construct the same, and the expense thereof shall constitute a lien upon the abutting lot for one year after such expense was incurred; such expense, with incidental costs and charges, may be levied by sale of the whole or any part of such abutting lot, if such expense, costs and charges be not paid within three months after a written demand for payment of the same, made by the city treasurer upon the owner of the lot, his tenant, agent or attorney; such sale to be conducted in like manner, and upon like notices as sales of real estate for the non-payment of taxes; and when any estate or any part of the same is so sold, the owner thereof shall have the same right and the like remedies for redeeming the same, as is provided by law for the redemption of real estate sold for non-payment of taxes: *provided, however*, that when the owner of any abutting lot on any such street, shall, in the judgment of the mayor and aldermen, be unable to construct such sidewalk, they may cause the same to be constructed at the expense of the city; and, *provided, also*, that they may, in their discretion, allow the owners of vacant lots on any such street, to construct their sidewalks with plank and timber, to the acceptance of

Abutters shall construct sidewalks in streets paved or macadamized by order of city.

Upon refusal, city may construct, and hold lien for costs.

May levy sale on abutting lots, when.

Sale, how conducted.

Redemption of property.

Proviso.

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the board of mayor and aldermen, which shall be removed and the edge-stone and brick, or flat-stone sidewalk substituted therefor, when said board shall so order.

Repeal of § 1, ch. 185, '59.

SECTION 2. The first section of chapter one hundred and sixty-five of the acts of the year eighteen hundred and fifty-nine, entitled "An Act to regulate sidewalks in the city of Charlestown," is hereby repealed, but such repeal shall not affect any rights now accrued, or any action now pending.

Not to affect rights or pending action.

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

Approved April 20, 1864.

Chap. 161 AN ACT RELATING TO ASSESSMENTS OF MUTUAL FIRE INSURANCE COMPANIES.

Be it enacted, &c., as follows:

S. J. court may stay collection of assessments, when.

SECTION 1. Whenever it shall appear to the supreme judicial court, upon a petition in the nature of a bill in equity, by any member of a mutual fire insurance company, or by the insurance commissioners, that further attempts to collect any assessment then partially collected, will not furnish substantial relief to those having claims against the company, said court may stay the further collection of said assessments.

Acts of 1862 and '66, how to apply.

SECTION 2. The first three sections of chapter one hundred and eighty-one of the acts of the year eighteen hundred and sixty-two, and the third section of chapter two hundred and forty-nine of the acts of the year eighteen hundred and sixty-three, shall hereafter apply only to the assessments which are made by a mutual fire insurance company, under the provisions of the fourth section of the last named act.

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

Approved April 20, 1864.

Chap. 162 AN ACT TO DEFINE THE LINE BETWEEN THE TOWNS OF ROCHESTER AND WAREHAM.

Be it enacted, &c., as follows:

Division line established.

The centre of the road leading to Plymouth, referred to in the act passed May thirtieth, in the year one thousand seven hundred and thirty-nine, incorporating the town of Wareham, shall be held to be the dividing line between the towns of Rochester and Wareham. *Approved April 20, 1864.*

Chap. 163 AN ACT RELATING TO THE ROADS AND BRIDGES BELONGING TO THE COMMONWEALTH.

Be it enacted, &c., as follows:

Governor and council may make by-laws to regulate travel on publication.

SECTION 1. The governor, with the advice of the council, is hereby authorized, from time to time, to make and publish by-laws for the regulation of travel on the roads and bridges which now are, or hereafter may become, the property of the

Commonwealth. Such by-laws shall be published, by posting up at each end of such roads and bridges, in some conspicuous place, a board painted with a white ground, containing in black letters the substance of said by-laws.

SECTION 2. Whoever violates any by-law made and published pursuant to the preceding section, shall be punished by a fine not exceeding fifty dollars.

Penalty for violation.

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

Approved April 20, 1864.

AN ACT CONCERNING THE AGAWAM BRIDGE COMPANY.

Be it enacted, &c., as follows:

Chapter two hundred and seventy-four of the acts of the year eighteen hundred and fifty-six, incorporating the Agawam Bridge Company, and chapter thirty-eight of the acts of the year eighteen hundred and sixty-one, confirming the organization and proceedings of said company and extending the time in which it might build a bridge over the Connecticut River, are hereby revived, and the time limited for the construction of said bridge is extended to the first day of May, in the year eighteen hundred and sixty-eight.

Chap. 164

Acts of incorporation revived and time for construction extended.

Approved April 22, 1864.

AN ACT TO PROVIDE AN ADDITIONAL SUPPLY OF PURE WATER FOR THE CITY OF SPRINGFIELD.

Chap. 165

Be it enacted, &c., as follows:

SECTION 1. The Springfield Aqueduct Company is hereby authorized to increase its capital stock, by adding thereto an amount not exceeding one hundred thousand dollars, for the purpose of furnishing to the inhabitants of the city of Springfield, an additional supply of pure water: *provided*, however, and this grant is upon condition, that at least twenty-five thousand dollars of stock, in addition to the capital stock now paid in, shall be subscribed, and fifty per cent. of the amount so subscribed paid in, on or before the first day of July next; and *provided also* that said company shall thereafter proceed with reasonable dispatch to substitute pipes of iron, iron and cement, or other durable material for their present pipes in Main Street, from Liberty Street to the southerly line of State Street, and easterly through the last-named street, and shall after using the new wooden pipes now owned by said company, thereafter use pipes of a like durable material, in renewing or extending their existing lines of pipes. Said company shall not obstruct or injure any sewer, now or hereafter laid in any street, alley or park in said city.

Increase of capital stock authorized.

Previous.

Shall not obstruct sewers.

City may purchase franchise and property.

SECTION 2. The city of Springfield is hereby authorized to purchase all the franchise, rights and property, of said company, with the written assent of at least three-fourths in interest of the stockholders thereof.

May enlarge and improve works.

SECTION 3. Said city may enlarge, repair and improve the water sources, aqueducts, and other property and works, so purchased, with a view to an increased and adequate supply of pure water, for public and private uses in said city; and for the purposes aforesaid may take and hold by purchase or otherwise, such other ponds, springs, streams, water sources and rights, within the limits of said city, and such land under and around the same, as may be necessary.

May purchase and hold other water sources and lands.

May take lands for erection of dams and reservoirs.

Said city may take and hold in like manner, such land as may be necessary, for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing water through said city. The mayor of said city, within thirty days after the taking of any sources of water or lands, as herein provided, shall file in the registry of deeds for the county of Hampden, a description thereof, sufficiently accurate for identification.

Description of lands and water sources to be filed.

May build aqueducts, reservoirs, etc.

SECTION 4. Said city, for the purposes aforesaid, may build aqueducts and maintain the same, by any works suitable therefor; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants, as may, from time to time, be deemed proper, and may change or discontinue the same; may regulate the use of the water, and establish the prices or rents to be paid therefor. Said city may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway, or other way, in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining and repairing, pipes or drains, and may do any other acts or things necessary and proper, in executing the purposes of this act.

May regulate use and rent of water.

May extend and lay down pipes.

Commissioners of superintendence—city council to appoint.

SECTION 5. Three commissioners shall be appointed by the city council, who shall, during their continuance in office, execute, superintend and direct the performance of all the works, matters and things, mentioned in the two preceding sections, which are not otherwise specifically provided for in this act; and shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may, from time to time, ordain and establish, not inconsistent with the provisions of law. They shall respectively hold office for the term of three years

Terms of office.

next after their appointment, unless the works aforesaid shall be sooner completed, but they or either of them, after having had an opportunity to be heard in defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in the board, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of the said term of three years, with all the powers, and under all the restrictions aforesaid. A major part of said commissioners shall be a quorum, for the exercise of the powers and the performance of the duties of the said office. They shall once in every six months, and whenever required by the city council, make and present in writing a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Removal.

Vacancies, how filled.

Quorum.

Reports to city council.

SECTION 6. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation, to be paid them for their services: and the said salaries, so fixed and established, shall not be reduced during their continuance, respectively, in said office.

Salaries of commissioners.

SECTION 7. Whenever the said office of commissioners shall cease either by the expiration of the said term of three years from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authority, given to the city of Springfield by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the city council shall, from time to time, ordain, appoint and direct.

Upon expiration of term of office authority to rest in city.

SECTION 8. The said city shall be liable to pay all damages, that shall be sustained by any persons, in their property, by the taking of any land, water or water-rights, or by the constructing of any aqueducts, reservoirs, or other works, for the purposes aforesaid. If any person who shall sustain damage, as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed and paid in the same manner, as is provided by law, with respect to land taken for highways.

Land and water damages, how paid.

SECTION 9. For the purpose of defraying the cost of such franchises, property, lands, water and water-rights, as shall be taken, purchased or held for the purposes aforesaid, and of enlarging, repairing or constructing, the works necessary and proper for the accomplishment of the said purposes, and paying all expenses incident thereto, the city council shall have authority to issue, from time to time, notes, scrip, or

Expenses of construction and repairs, how defrayed.

City may issue "water scrip."

- certificates of debt, to be denominated on the face thereof, "Springfield Water Scrip," to an amount not exceeding, in the whole, the sum of one hundred thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than forty years from the issuing of the said scrip, notes, or certificates, respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed, for the purposes aforesaid; but the same shall not be sold or pledged at less than its par value.
- Principal and interest, when payable.** **Sale of scrip.** **Illegal use of water.** **Wanton diversion or corruption of waters and injury to works.** **Penalty.**
- SECTION 10.** If any person shall use any of the said water without the consent of said city, an action of tort may be maintained by said city, for the recovery of the damage sustained; and if any person shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, springs, streams or sources of water, which shall be owned or held by said city, pursuant to the provisions of this act, or shall corrupt the same, or render the water impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant or other works or property, held, owned or used by said city, under the authority, and for the purposes of this act, every such person shall forfeit and pay to said city, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished, by fine, not exceeding three hundred dollars, or by imprisonment, not exceeding one year.
- SECTION 11.** The provisions of this act, except the first section, shall be void, unless submitted to and approved by a majority of the voters of the city of Springfield, present and voting, at meetings held simultaneously for the purpose, in the several wards, within two years from the passage of this act, upon notice, duly given, at least seven days before the time of holding said meetings.
- SECTION 12.** This act shall take effect upon its passage.
- Approved April 22, 1864.*

Chap. 166

AN ACT CONCERNING THE FIRST BAPTIST SOCIETY IN TYNGSBOROUGH.
Be it enacted, &c., as follows:

Organization and proceedings legalized.

SECTION 1. The organization of the First Baptist Society in Tyngsborough, and all the subsequent proceedings of said society, under and by virtue of such organization, as the same are entered, as the records of said society, in their second book of records, commencing March the twenty-

eight, in the year one thousand eight hundred and twenty-nine, and ending April the eighth, in the year one thousand eight hundred and fifty-seven, are hereby ratified, established and confirmed, as the acts, doings and records, of a duly and legally organized corporation.

SECTION 2. Stillman S. Davis is authorized to call a meeting of said society, by posting up on the outer door of the meeting-house belonging to said society, a notice directed to the members thereof, seven days at least before the time of such meeting; said notice shall express the time, place and purpose, of the meeting.

Meeting of society to be called.

SECTION 3. Said Stillman S. Davis may call such meeting to order, and preside until a moderator is chosen.

Presiding officer.

SECTION 4. Said society may choose all such officers as it has been accustomed to elect, and do and transact such other business as it deems proper.

Choice of officers.

SECTION 5. Said society may sell at public or private sale, at such time as it may direct, its personal property, meeting-house, and sheds, and the lands belonging to said meeting-house lot, and the treasurer of said society is authorized to execute and deliver deeds to convey the same, in fee simple or otherwise.

Sale of society's property authorized.

SECTION 6. The proceeds of such sale may be disposed of in such manner, and for such objects, as a majority of the society shall determine.

Proceeds of sale, how applied.

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

Approved April 22, 1864.

AN ACT TO AMEND AN ACT CONCERNING RAILROAD RETURNS AND REPORTS.

Chap. 167

Be it enacted, &c., as follows:

SECTION 1. Every railroad corporation required by law to furnish annually to the secretary of the Commonwealth, a report of their doings under their charter, shall, annually, at the time of furnishing such report, pay to the secretary the sum of twenty dollars, which shall be paid over by him to the treasurer of the Commonwealth, and shall be appropriated to the payment of the expenses incurred in the printing and binding of the reports of the several railroad corporations, under the provisions of chapter one hundred and thirty-five of the acts of the year eighteen hundred and sixty-two.

Railroad corporations to pay \$20 for printing and binding annual reports.

SECTION 2. Every railroad corporation neglecting to make such payment, at the time prescribed for furnishing the annual report, shall forfeit to the use of the Commonwealth, fifty dollars for each day's neglect, to be recovered by the treasurer.

Forfeiture for neglect.

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Lessees of railroads to make returns.

SECTION 3. Every railroad corporation which has leased the railroad of any other corporation shall, during the continuance of such lease, make all the returns to the secretary of the Commonwealth required of the lessor, and shall pay the sum required by the first section of this act, for printing the same; and during the continuance of such lease the said lessor shall not be required to make such returns, or payment: *provided*, that when requested by the lessee, the lessor shall furnish all the information in its possession, needed to make such returns.

Lessee exempt.

Proviso.

Returns, when printed and distributed.

SECTION 4. The annual returns of the several railroad corporations, required by section two of chapter one hundred and thirty-five of the acts of the year eighteen hundred and sixty-two, to be printed and distributed to the legislature, shall be so printed and distributed, before the tenth day of February in each year.

Repeal.

SECTION 5. So much of chapter one hundred and thirty-five of the acts of the year eighteen hundred and sixty-two as is inconsistent herewith, is hereby repealed.

Approved April 22, 1864.

Chap. 168

AN ACT RESPECTING THE SALE AND INVESTMENT OF TRUST ESTATES.
Be it enacted, &c., as follows:

S. J. Court may decree sale on petition, as upon suits in equity.

SECTION 1. The supreme judicial court may, upon petition of a trustee or other party interested in any real estate held in trust, decree a sale and conveyance of such real estate and investment of the proceeds, when such sale and conveyance shall appear to be expedient or necessary, in the same manner as they may now do upon a suit in equity.

Proceedings for obtaining decree of sale, notice in certain cases.

SECTION 2. When any proceedings have been, or shall hereafter be, commenced under either the fourteenth or sixteenth sections of chapter one hundred of the General Statutes, or under this act, for obtaining an order or decree directing the sale of any trust estate, if it shall appear to the court that said estate may be held in trust for, or that any remainder or contingent interest may be devised or limited over to heirs at law, or to other persons, whether in being or not in being, notice of such proceedings shall be given to such heirs at law or persons, and if such persons are not in being, to the parent or parents of such persons, in such manner as the court shall order. The court shall, in such case, appoint a suitable and competent person to appear and act as the next friend of such heirs or persons in such proceedings, the cost of whose appearance and services, including compensation of counsel, to be determined by the court, shall be paid as the court may order, either

Court shall appoint next friend of heir.

Compensation of counsel.

out of the trust estate, or by the persons commencing such proceedings, in which latter case execution may issue therefor in the name of the person appointed. An order or decree made in any such proceedings, and any sale or transfer of property thereunder, shall be conclusive upon all persons for whom such property, or any remainder or contingent interest therein, is held in trust, or to whom the same is devised or limited over, in the same manner as if they had been in being and appeared and answered in the case, or assented to the order or decree.

Decree in proceedings to be final.

SECTION 3. Chapter twenty-fifth of the acts of the year eighteen hundred and sixty-three is hereby repealed, but such repeal shall not affect any rights accrued, or any process now pending.

Repeal.

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

Approved April 22, 1864.

AN ACT IN RELATION TO DISCHARGED CONVICTS.

Be it enacted, &c., as follows:

Chap. 169

SECTION 1. Sections forty and forty-one of chapter seventy-one of the General Statutes are hereby repealed.

Gen. Stat., ch. 71, §§ 40, 41, repealed.

SECTION 2. Section forty-two of said chapter is hereby amended, so that it shall read as follows: Any convict who, at the legal expiration of his sentence is in a condition, from bodily infirmity or disease, to render his removal impracticable, shall be provided for and receive such treatment in the state prison, jail or house of correction, as the exigency of the case may require, until he is in a condition to be removed. And the expense of such care and treatment of any discharged convict shall be paid by the city or town, where he may have a legal settlement, or, if he is a state pauper, by the Commonwealth.

Convicts disabled on expiration of sentence, how provided for.

Expense, how paid.

Approved April 22, 1864.

AN ACT RELATING TO RAINSFORD ISLAND HOSPITAL.

Be it enacted, &c., as follows:

Chap. 170

SECTION 1. Soldiers enlisted in the army of the United States, who, while in the Commonwealth, may be sick with any contagious or infectious disease, and needing hospital treatment, may be admitted to Rainsford Island Hospital, upon the certificate of the governor.

Soldiers sick with contagious disease, governor may admit.

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

Approved April 25, 1864.

Chap 171 AN ACT TO AMEND THE ACT ESTABLISHING THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS OF THE COMMONWEALTH OF MASSACHUSETTS.

Be it enacted, &c., as follows :

Act amended with respect to certain towns.

SECTION 1. Chapter one hundred and ten of the acts of the year one thousand eight hundred and sixty-one is hereby so amended that the amount apportioned according to the provisions of said act, of a tax of one thousand dollars upon the cities and towns named in this act, shall be fixed at the sums hereinafter named, to wit, (tax of one thousand dollars, including polls at half a mill each :)

Suffolk county.

Essex.

Middlesex.

Worcester.

Hampshire.

Hampden.

Berkshire.

Norfolk.

Bristol.

County apportionment.

Boston, three hundred and sixteen dollars and fifteen cents ; Chelsea, seven dollars and eighty-five cents ; Lynn, eleven dollars and eight cents ; Salem, sixteen dollars and forty-two cents ; South Danvers, four dollars and sixteen cents ; Charlestown, seventeen dollars and forty-two cents ; Cambridge, twenty-two dollars and twenty-nine cents ; Belmont, two dollars and twenty-three cents ; Newton, seven dollars and eighty cents ; Waltham, five dollars and sixteen cents ; Woburn, four dollars and thirty-one cents ; Fitchburg, four dollars and fifty-six cents ; Worcester, nineteen dollars and ninety-three cents ; Northampton, four dollars and thirty-one cents ; Easthampton, one dollar and eight cents ; Springfield, ten dollars and twenty-seven cents ; Chicopee, three dollars and fifty-six cents ; Adams, three dollars and twenty-two cents ; Great Barrington, two dollars and eighteen cents ; Hinsdale, seventy-four cents ; Stockbridge, one dollar and fifteen cents ; Pittsfield, five dollars and seventy-two cents ; Dorchester, eleven dollars and fifty-five cents ; Franklin, one dollar and five cents ; West Roxbury, eight dollars and sixty-four cents ; Milton, three dollars and fifty-seven cents ; Fall River, fourteen dollars and twenty-three cents.

The amounts apportioned by said act for the tax of one thousand dollars for the several counties hereinafter named, are hereby amended so as to stand as follows :

Suffolk, three hundred and twenty-five dollars and thirty-four cents ; Essex, one hundred dollars and eighteen cents ; Middlesex, one hundred and fifty-four dollars and fifty-five cents ; Worcester, ninety-two dollars and twenty cents ; Hampshire, twenty-one dollars and fifty-seven cents ; Hampden, thirty-two dollars and twenty cents ; Berkshire, twenty-nine dollars and forty-one cents ; Bristol, seventy-two dollars and ninety-six cents ; Norfolk, ninety-five dollars and seventy-nine cents.

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

Approved April 25, 1864.

AN ACT TO PREVENT FRAUDULENT EVASIONS OF TAXATION.

Chap. 172

Be it enacted, &c., as follows:

SECTION 1. Any inhabitant of this Commonwealth who shall escape taxation by wilfully and designedly changing or concealing his residence, or by any other act, with the intent so to escape, shall be liable, upon conviction therefor, to pay a fine of twice the amount of the last tax paid by such person; or if he shall have paid no tax in this Commonwealth, a fine of not less than one hundred, nor more than five thousand dollars.

Penalty for concealment of residence.

SECTION 2. Any person offending against the provisions of this act may be indicted and tried in any county where any of the acts or things made criminal by this act are done, or in the county where such person is liable to taxation.

Jurisdiction of offence.

Approved April 25, 1864.

AN ACT TO AUTHORIZE THE ADJUSTMENT OF CONTROVERSIES AS TO THE ESTATES OF PERSONS DECEASED.

Chap. 173

Be it enacted, &c., as follows:

SECTION 1. The supreme judicial court, sitting in equity, may authorize the persons named as executors in any instrument purporting to be the last will and testament of any person deceased, to adjust, by arbitration or compromise, any controversy that may arise thereon between the persons claiming as devisees or legatees under such will, and the persons entitled to the estate of the deceased under the statutes regulating the descent and distribution of intestate estates; to which arbitration or compromise the persons named as executors, those claiming as devisees or legatees, and those claiming the estate as intestate shall be parties.

S. J. court may authorize executors to adjust by arbitration or compromise.

SECTION 2. If it shall appear to the court that any future contingent interests, which would arise under said will, if admitted to probate, would be affected by the arbitration or compromise, the court shall appoint some suitable person, or persons, to represent such interests in such controversy. The court shall have like power as to any bequests made in said will for charitable purposes, where no trustees have been appointed in the instrument; in both cases with such conditions as to costs as to the court shall seem equitable.

Future contingent interests under will, how represented.

SECTION 3. Any award or compromise made in writing in such cases, shall, if found by the court to be just and reasonable in relation to the parties in being and to its effects upon any future contingent interests that might arise under such will, and any bequests to charities made in the same, be valid and binding upon such interests and upon such bequests, as well as upon the interests of all persons in being.

Award or compromise approved by court, to be valid and binding.

Act, how construed.

SECTION 4. This act shall not be so construed as to impair the claims of creditors against the estate of any person deceased.

Approved April 25, 1864.

Chap. 174 AN ACT CONCERNING HIGHWAY SURVEYORS, FENCE VIEWERS, CONSTABLES AND FIELD DRIVERS.

Be it enacted, &c., as follows:

Vacancies in office, how filled.

SECTION 1. Whenever a vacancy occurs in the office of highway surveyor, fence viewer, constable or field driver, in any town, the selectmen thereof may, in their discretion, appoint some suitable person to fill the vacancy.

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

Approved April 25, 1864.

Chap. 175 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF DOUGLAS AND UXBRIDGE.

Be it enacted, &c., as follows:

Boundary defined.

SECTION 1. The northerly portion of the boundary line between the towns of Douglas and Uxbridge shall henceforth be established as follows: beginning at a stone post erected about the year eighteen hundred and twenty-nine, at the south-west corner of the Murdock farm, and in the south line of the Bradstreet grant, and being the most southerly of four stone posts erected for the purpose of designating part of the west line of Uxbridge; thence on a straight line drawn from said post to a stone post erected by the selectmen of Uxbridge and Sutton to mark the north-west corner of Uxbridge, being the most northerly of said four posts, northerly to Sutton line.

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

Approved April 25, 1864.

Chap. 176 AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF CHARLESTOWN WITH PURE WATER.

Be it enacted, &c., as follows:

City may issue additional water bonds.

SECTION 1. The city council of the city of Charlestown is hereby authorized to issue water bonds of the city of Charlestown to an amount not exceeding two hundred thousand dollars, in addition to the amount now authorized by the eleventh section of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one. The bonds hereby authorized shall be issued and the proceeds thereof appropriated, in accordance with and subject to, the provisions and conditions of said eleventh section.

Appropriation of proceeds.

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

Approved April 25, 1864.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE AMERICAN MACHINE WORKS. *Chap. 177**Be it enacted, &c., as follows :*

The American Machine Works, a corporation established in Springfield, is authorized to increase its capital stock one hundred thousand dollars, and to hold additional real estate to the amount of twenty thousand dollars.

Corporation may increase capital and real estate.

*Approved April 25, 1864.*AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE FALL RIVER AND WARREN RAILROAD COMPANY. *Chap. 178**Be it enacted, &c., as follows :*

SECTION 1. The time for constructing the road of the Fall River, Warren and Providence Railroad Company, originally incorporated by the name of the Fall River and Warren Railroad Company, is hereby extended to the first day of September in the year eighteen hundred and sixty-five.

Time for construction extended.

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

*Approved April 25, 1864.*AN ACT TO UNITE THE TOWNS OF SALISBURY AND AMESBURY, AND TO INCORPORATE THE TOWN OF MERRIMAC. *Chap. 179**Be it enacted, &c., as follows :*

SECTION 1. From and after the first Monday of March, in the year one thousand eight hundred and sixty-five, the corporate powers of the towns of Salisbury and Amesbury, in the county of Essex, as separate towns, shall cease to exist, and all the territory comprised within the limits of said two towns shall constitute one town by the name of Merrimac, with all the corporate powers and privileges, duties, liabilities and restrictions, belonging to towns under the constitution and laws of this Commonwealth, and having the same boundaries as have heretofore designated the lines of said two towns, except that by which they have been separated ; and all persons having gained or derived a settlement within either of said towns of Salisbury or Amesbury, shall be deemed to have such settlement within said town of Merrimac.

Towns to unite first Monday in March, 1865, under name of Merrimac.

SECTION 2. All the property, uncollected taxes and assets, held by each of said towns of Salisbury and Amesbury when this act takes effect, shall become the property and assets of, and all debts due from said towns at that time shall become debts due from, said town of Merrimac: *provided, however,* that a fair and impartial valuation of said property and assets of each of said towns shall be made ; and also the true amount of the indebtedness of

Property and assets to be transferred.

Proviso.

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each shall be ascertained, and the amount of the assets of each shall be deducted from their indebtedness, and any excess of indebtedness of either town over the other shall be assessed upon and paid by the inhabitants and estates of the town where such excess shall be found to exist; and said sum shall be assessed by the assessors, and collected by the collector of said town of Merrimac, and paid to the treasurer of said town, as in the case of other town taxes.

Value of property and amount of debts, how ascertained and agreed upon.

The valuation of said property and assets, and the amount of the indebtedness of said towns shall be ascertained by the boards of selectmen of the two towns for the current year, in joint meeting; and in case of their disagreement, or failure to do so before this act takes effect, then the selectmen of said town of Merrimac shall make application to the superior court for the county of Essex, at its first sitting thereafter; and said court is hereby authorized, and shall appoint three disinterested persons, who shall determine said valuation and indebtedness, and may hear the parties upon any matters of disagreement relating to the affairs of the two towns, and make award thereon; which award, when accepted by the court, shall be final.

Valuations last decennial held.

SECTION 3. The united valuations of said towns of Salisbury and Amesbury, as fixed by the last decennial state valuation, shall be held to be the valuation of said town of Merrimac, until the next state valuation; and said town of Merrimac shall constitute a part of the same election districts, as said towns of Salisbury and Amesbury were assigned to under the last state apportionment, until a new apportionment is made.

Election districts.

Support of paupers.

SECTION 4. All paupers being relieved or supported by said towns of Salisbury and Amesbury, when this act takes effect, shall receive such relief or support thereafter from said town of Merrimac.

Uncollected taxes.

SECTION 5. All taxes remaining uncollected in either of said towns, when this act takes effect, shall be collected by any duly authorized collector of taxes in said town of Merrimac, in the same manner as is provided by law for the collection of taxes; and said collector shall account for, and pay the same to, the treasurer of said town of Merrimac.

School districts.

SECTION 6. The several school districts as now established in each of said towns of Salisbury and Amesbury, with all their duties and liabilities as such, shall remain as though this act had not been passed; except that they shall be re-numbered, and designated as school districts in the town of Merrimac.

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SECTION 7. The boards of selectmen, assessors, overseers of the poor and school committee, and the town clerks, treasurers, collectors of taxes, surveyors of highways, and all other town officers or committees of said towns of Salisbury and Amesbury shall, within three days after this act takes effect, deliver all records, books, deeds, vouchers, moneys, tax-bills, papers and property belonging to said towns, and in the possession of any of said officers, respectively, to the selectmen of said town of Merrimac; and said selectmen shall pass said records, books, deeds, vouchers and property into the possession of such town officers of said town of Merrimac as are by law properly entitled to their custody.

Records and property of Salisbury and Amesbury, when delivered over.

SECTION 8. The selectmen of the two towns of Salisbury and Amesbury for this current year, by a joint warrant under their official signatures, directed to a constable of each of said towns, shall call a town meeting of said town of Merrimac, to be holden on the first Monday of March in the year one thousand eight hundred and sixty-five, for the purpose of choosing all usual and necessary town officers for the year ensuing, and transacting all business usually done at the annual March or April town meetings in this Commonwealth, and to pass upon any matters which may be deemed expedient for the purpose of carrying out the provisions of this act; which warrant shall be posted in the usual places for posting town meeting warrants in each of said towns, fourteen days at least before the time for holding said meeting; and said warrants shall be certified in manner as is provided by law, and returned to said boards of selectmen at the time and place of said meeting; and the senior chairman of said boards present shall call said meeting to order, and preside until the election of a town clerk and moderator; and said boards of selectmen shall prepare a list of the qualified voters in their respective towns, which lists shall be used in said meeting as is required by law in town elections.

Meeting for choice of officers, etc.

Warrant.

List of qualified voters.

SECTION 9. This act shall not take effect unless the inhabitants of said towns of Salisbury and Amesbury, respectively, qualified to vote in town affairs, shall accept the same at a legal town meeting called for that purpose, by a majority of the voters present and voting thereon; which meeting shall be held in each of said towns on the third Monday of June next; and the vote shall be expressed by a written or printed ballot of *yea* or *nay*; and the check-list shall be used as in the election of town officers.

Act void unless accepted by voters of both towns.

Meeting, when held.

Approved April 30, 1864.

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Chap. 180 AN ACT RELATING TO BANKS HOLDING STOCK OF THE BANK OF MUTUAL REDEMPTION.

Be it enacted, &c., as follows :

May continue, with said bank organised under U. S. laws.

SECTION 1. Any bank incorporated by the laws of this state, holding stock of the Bank of Mutual Redemption, in the city of Boston, may continue to hold the same in case said Bank of Mutual Redemption shall become a banking association, under the provisions of any act of congress.

May sell and transfer.

SECTION 2. In case the Bank of Mutual Redemption shall vote to become a banking association, under the provisions of any act of congress, any bank holding stock of that bank may thereupon sell and transfer the same, or any part thereof, to any person, and such person may become the holder of the same.

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

Approved April 29, 1864.

Chap. 181 AN ACT TO CONFIRM CERTAIN ACTS DONE BY HENRY RICE AS A JUSTICE OF THE PEACE.

Be it enacted, &c., as follows :

Acts done between Oct. 8, '62, and Jan. 11, '64, confirmed.

SECTION 1. All acts done by Henry Rice of Boston, esquire, as a justice of the peace within and for the county of Suffolk, between the eighth day of October in the year eighteen hundred and sixty-two, and the eleventh day of January in the year eighteen hundred and sixty-four, are hereby made valid and confirmed to the same extent as they would have been valid had he been during the interval duly qualified to discharge the duties of the said office.

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

Approved April 30, 1864.

Chap. 182 AN ACT TO CONFIRM CERTAIN ACTS DONE BY ORAMEL WHITE AS A JUSTICE OF THE PEACE.

Be it enacted, &c., as follows :

Acts done between June 2, '62, and April 8, '64, confirmed.

SECTION 1. All acts done by Oramel White of East Randolph, as a justice of the peace within and for the county of Norfolk, between the second day of June in the year one thousand eight hundred and sixty-two and the eighth day of April in the year one thousand eight hundred and sixty-four, be and the same are hereby made valid and confirmed to the same extent as they would have been valid, had he been during that interval, duly qualified to discharge the duties of the said office.

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

Approved April 29, 1864.

AN ACT TO INCORPORATE THE TEMPORARY ASYLUM FOR DISCHARGED FEMALE PRISONERS. *Chap. 183*

Be it enacted, &c., as follows :

SECTION 1. George B. Emerson, Daniel Denny and Stephen G. Deblois, their associates and successors, are hereby made a corporation, by the name of the Temporary Asylum for Discharged Female Prisoners, for the purpose of affording shelter, instruction and employment to discharged female prisoners, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws, which now are or may hereafter be in force, relating to such corporations.

Corporators.

Name.

Purpose.

Powers and duties.

Estate.

SECTION 2. Said corporation may take and hold real and personal property, not exceeding in value fifty thousand dollars, for the purposes aforesaid.

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

Approved April 30, 1864.

AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO CHANGE THE LOCATION OF A PORTION OF ITS ROAD. *Chap. 184*

Be it enacted, &c., as follows :

SECTION 1. The New London Northern Railroad Company is hereby authorized and empowered to change the location of that portion of its road in the town of Palmer, which lies between a point near the dividing line of the counties of Hampshire and Hampden, and a point near the "Burley Bridge," so called, by locating and constructing a railroad between said points, within the limits of the original act of incorporation, in such manner and over such lands, as the directors of said company may deem expedient: such location shall be filed within one year from the passage of this act.

May change and reconstruct in Palmer.

Shall file location.

SECTION 2. Said company may discontinue that part of its present road which lies between a point near the dividing line of the counties of Hampshire and Hampden, and the southerly side of the highway near their station at the village of Three Rivers.

May discontinue near village of Three Rivers.

SECTION 3. In locating, constructing and maintaining, the railroad hereby authorized, said company shall have all the rights and privileges, and be subject to all the duties, liabilities and restrictions, given or imposed by their charter, or by any laws which now are or may hereafter be enacted, in relation to railroads and railroad corporations.

Rights and duties.

SECTION 4. All persons who shall sustain any damage in their property by locating, constructing or maintaining said railroad, shall have all the remedies provided by law, for

Damages for land taken.

persons whose land or other property is taken for the construction and maintenance of railroads.

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

Approved April 30, 1864.

Chap. 185 AN ACT TO INCORPORATE THE PLYMOUTH MARINE RAILWAY COMPANY.

Be it enacted, &c., as follows:

Corporators. SECTION 1. William H. Nelson, Corban Barnes, Isaac Brewster, their associates and successors, are hereby made a corporation in the town of Plymouth by the name of the Plymouth Marine Railway Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which are, or may be, in force relating to such corporations.

Name.
Powers and duties.
May extend marine railway into harbor of Plymouth. SECTION 2. Said corporation is hereby authorized to build and maintain a marine railway in the harbor of said Plymouth, at the town dock, so called, in said town, and to extend the same into said harbor a distance of not more than five hundred feet from high water mark, in such manner, and upon such terms and conditions, as may be granted to said corporation by said town of Plymouth:

Proviso. *provided, however,* that nothing in this act contained shall be so construed as to impair the legal rights of any person or corporation.

Capital Stock. SECTION 3. The capital stock of said corporation shall not exceed ten thousand dollars, and shall be divided into shares of one hundred dollars each.

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

Approved April 30, 1864.

Chap. 186 . AN ACT TO INCORPORATE THE BEOLI COMPANY.

Be it enacted, &c., as follows:

Corporators. SECTION 1. Henry J. Kennedy, Alvah Crocker and John Q. Wright, their associates and successors, are hereby made a corporation by the name of the Beoli Company, for the purpose of manufacturing woolen goods, and any fabric, yarn or thread composed, wholly or in parts, of either wool, cotton, flax, silk, hemp or jute, and the machinery requisite therefor, in the town of Fitchburg; 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 general laws which are or may be in force, relating to manufacturing corporations.

Powers and duties.
Real estate. SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding the amount of fifty

thousand dollars; and the whole capital stock of said corporation shall not exceed two hundred thousand dollars. Capital Stock.

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

Approved April 30, 1864.

AN ACT TO INCORPORATE THE CHENEY EXPRESS COMPANY.

Chap. 187

Be it enacted, &c., as follows:

SECTION 1. Benjamin P. Cheney, Phineas S. Fiske, Nathaniel White, their associates and successors, are hereby made a corporation, in the city of Boston, by the name of the Cheney Express Company, for the purpose of forwarding and transporting merchandise, money, and other property, collecting notes, bills, and other claims, and doing other express business; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, and in all other general laws which are or may be in force relating to corporations, so far as the same may be applicable to said corporation.

Corporators.

Name.

Purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said corporation may hold such real and personal estate as may be necessary for carrying on its business, not exceeding in all, the amount of its capital stock aforesaid.

Capital Stock.

Estate.

SECTION 3. Each stockholder in said corporation shall be personally liable, for all its debts and liabilities, incurred during the time he is a stockholder, and may be joined as defendant in any action therefor, against said corporation. Any party so liable, who pays on a judgment or otherwise, more than his proportional share of any such debt or liability, shall have a claim for contribution against the other parties personally liable therefor, and may enforce the same by action of contract, or bill in equity.

Stockholder's liability and security.

SECTION 4. Nothing in this act contained shall be deemed to affect the liabilities of said corporation or its stockholders as common carriers.

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

Approved April 30, 1864.

AN ACT CONCERNING THE WEIR BRIDGE IN TAUNTON.

Chap. 188

Be it enacted, &c., as follows:

SECTION 1. The inhabitants of the town of Taunton are hereby authorized and required to rebuild the bridge over Taunton Great River, at Weir Village, in said Taunton, with a suitable double draw therein; one part of said draw to be, as near as may be, in the centre of said river, and not less

Rebuilding of bridge required.

Construction of draw.

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than thirty-five feet in width, the other part to be on the easterly side of said river, and not less than twenty-five feet in width; the whole to be constructed in a substantial and proper manner, and to the acceptance of the county commissioners of the county of Bristol.

Expenses of rebuilding.

SECTION 2. The expenses of rebuilding said bridge and constructing said draw, shall be paid by said town of Taunton; and the said county commissioners may, in the exercise of their discretion, pursuant to section fifty-one of the forty-third chapter of the General Statutes, order the whole or a part of said expenses to be repaid to said town out of the treasury of said county. Said bridge when rebuilt, shall be forever maintained, and a proper draw-tender provided therefor, by and at the expense of said town of Taunton.

Maintenance.

Repeal.

SECTION 3. The three hundred and thirty-eighth chapter of the acts of the year eighteen hundred and fifty-one, is hereby repealed.

Act, when in force.

SECTION 4. This act shall take effect in ninety days after its passage.

Approved May 3, 1864.

Chap. 189

AN ACT TO REVIVE AND RENEW THE CHARTER OF THE SALEM CHARITABLE MECHANIC ASSOCIATION.

Be it enacted, &c., as follows:

Act incorporating revived.

SECTION 1. The act to incorporate the Salem Charitable Mechanic Association, passed on the fourteenth day of June, in the year one thousand eight hundred and twenty-two, and continued in force by the fifty-third chapter of the acts of the year eighteen hundred and forty-two, is hereby revived, and shall continue in force for the term of twenty years from and after the passage of this act; and the said association shall continue through said term, for the purposes and objects set forth in said act of incorporation, and with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which are or may be in force, relating to such corporations.

Powers and duties.

Certain acts confirmed.

SECTION 2. The acts and doings of said association, since the fourteenth day of June, in the year eighteen hundred and sixty-two, are hereby confirmed, ratified and made valid, to the same extent as would have been the case, had such acts and doings been done before the expiration of the term for which said act of incorporation was continued in force.

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

Approved May 5, 1864.

AN ACT RELATING TO BANKS SURRENDERING THEIR CHARTERS AND BECOMING BANKING ASSOCIATIONS UNDER THE LAWS OF THE UNITED STATES.

Chap. 190

Be it enacted, &c., as follows :

SECTION 1. Any bank, established by authority of this Commonwealth, which shall avail itself of the provisions of the two hundred and forty-fourth chapter of the acts of the year eighteen hundred and sixty-three, to become a banking association under the laws of the United States shall, before surrendering its charter or receiving the certificate of the bank commissioners, as provided in the eighth section of said act, give security to the Commonwealth, to the satisfaction and acceptance of said commissioners, and in the manner provided in the sixth section of said act, that all bills of said bank, issued before becoming such association, and actually in circulation, shall be fully and promptly redeemed on demand by said association, and when so redeemed shall not be re-issued, or again put into circulation, but shall be destroyed: *provided*, that if at the time of making the certificate aforesaid, it shall be made to appear to the bank commissioners, that such association cannot immediately procure from the comptroller of the currency of the United States, circulating notes to use as currency, in place of the bills so required to be redeemed and destroyed, they may authorize such association to re-issue and continue in circulation such outstanding bills, for a period, to be fixed by said commissioners, not exceeding six months after the date of said certificate, and not subsequent to the receipt and issue of such circulating notes of the United States, and a statement of the authority so granted shall be contained in said certificate.

Shall give security to Commonwealth for redemption and destruction of bills.

Proviso.

SECTION 2. The supreme judicial court shall have jurisdiction in equity to restrain and enjoin any person or corporation from circulating the bills of any bank which has closed its business, and also any bank which has surrendered its charter or become a banking association under the laws of the United States, after the time fixed, as in the preceding section, upon the application of the bank commissioners.

S. J. court may restrain circulation upon application of bank commissioners.

SECTION 3. Banks established by authority of this Commonwealth which become banking associations under the laws of the United States, shall continue to make returns to the secretary of the Commonwealth, for publication, of their outstanding circulation, so long as the same is required to be redeemed; and so long as they are authorized to re-issue and keep their bills in circulation, under the provisions of the preceding section, they shall pay into the treasury of

Returns to secretary of Commonwealth.

Tax.

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the Commonwealth a tax, at the rate of one per cent. per annum, upon the capital stock of said bank during the period aforesaid.

Value of shares, bank commissioners to certify.

SECTION 4. The third section of the two hundred and forty-fourth chapter of the acts of the year eighteen hundred and sixty-three, is hereby so amended that the bank commissioners shall determine, and certify to the directors, what was the fair market value of the shares of such bank, at the time of making the certificate required by the laws of the United States.

Banks may pay out U. S. bills of banks in N. E.

SECTION 5. Banks established by authority of this Commonwealth may pay out the bills of any banking association organized under the laws of the United States, located in New England and making redemption in this state.

Expenses bank commissioners.

SECTION 6. All necessary expenses incurred by the bank commissioners while in the discharge of the duties imposed on them by this act, and by the two hundred and forty-fourth chapter of the acts of the year eighteen hundred and sixty-three, shall be paid by the bank for the benefit of which such services are rendered.

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

Approved May 5, 1864.

Chap. 191

AN ACT IN AID OF THE NORTH ADAMS WATER COMPANY.

Be it enacted, &c., as follows:

Town of Adams may issue water scrip in aid of.

SECTION 1. For the purpose of aiding the North Adams Water Company in paying all costs and expenses incurred in supplying the village of North Adams with pure water, as authorized by the act incorporating said company, the town of Adams shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "North Adams Water Scrip," to an amount not exceeding forty thousand dollars, and bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth. Said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates respectively. Said notes, scrip or certificates may be loaned to said water company upon such terms and conditions as may be by the town of Adams prescribed.

Interest and principal, when payable.

Loan of scrip.

Scrip, how signed and recorded.

All notes, scrip and certificates of debt issued as aforesaid, shall be signed by the treasurer of said town and countersigned by the chairman of the selectmen, and a record of all such notes, scrip and certificates shall be made and kept by the said treasurer. Said water company may sell the same or any part thereof, from time to time, or pledge the same

Sale of by company.

for money borrowed for the purposes aforesaid; but the same shall not be sold or pledged at less than the par value thereof.

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

Taxes for payment of principal and interest.

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

Acceptance of act. Meetings of voters of fire district and town.

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

Approved May 5, 1864.

AN ACT TO INCORPORATE THE NEW BEDFORD AND FALL RIVER RAILWAY COMPANY.

Chap. 192

Be it enacted, &c., as follows:

SECTION 1. James D. Thompson, John R. Thornton, John H. Perry, George A. Bourne, Richard Borden, Jefferson Borden, James Y. Smith, Earl P. Mason, their associates and successors, are hereby made a corporation by the name of the New Bedford and Fall River Railway Company; with all the privileges and subject to all the duties and liabilities set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and in all general laws which have been or may hereafter be passed relating to railroads and railroad corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. The said company may locate, construct and operate a railway, commencing at a point in the city of New Bedford on the Acushnet River north of Howland's oil factory, thence running in a westerly direction on the south side of Allen Street in said city, crossing Fresh River south of the village of North Dartmouth, thence westerly crossing Westport River between Westport village and Westport factory, thence across Watuppa and Cook's ponds in Fall River to a point on the Old Colony and Newport Railway, near the new Linen Mill in the city of Fall River. Said company

Location of road designated.

Extension in N. Bedford.

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- Proviso. may extend their road in the city of New Bedford northerly along South Front Street, to the northerly terminus thereof, and thence easterly to the Acushnet River: *provided* said company shall not lay their rails along said street without first obtaining the assent thereto of the city council of New Bedford. And said railway, so far as it is laid in said street, shall be subject to all the provisions of law that relate to street railways.
- May use tracks of O. C. and N. Company. SECTION 3. Said company may with the consent of the Old Colony and Newport Railway Company, and not otherwise, enter upon and use the railway of said last named company, subject to the general laws relating to railroads and railroad corporations.
- Capital stock. SECTION 4. The capital stock of said New Bedford and Fall River Railway Company shall be fixed by said company at an amount not less than three hundred thousand dollars, nor more than five hundred thousand dollars, and when so fixed shall not thereafter be changed; and shall be divided into shares of one hundred dollars each. Said company may purchase and hold such real estate as may be necessary for the purposes for which it is incorporated.
- Estate. SECTION 5. This act shall be void unless the said railroad be located within two years, and constructed within three years, from the passage hereof.
- Act void unless. SECTION 6. This act shall take effect upon its passage.

Approved May 5, 1864.

Chap. 193 · AN ACT TO INCORPORATE THE EASTERN EXPRESS COMPANY.

Be it enacted, &c., as follows:

- Corporators. SECTION 1. John R. Hall, James N. Winslow, Francis W. Carr, their associates and successors, are hereby made a corporation, in the city of Boston, by the name of the Eastern Express Company, for the purpose of forwarding and transporting merchandise, money, and other property, collecting notes, bills, and other claims, and doing other express business; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which are or may be in force, relating to corporations, so far as the same may be applicable to said corporation.
- Name. Purpose. Powers and duties. Capital Stock. SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said corporation may hold such real and personal estate as may be necessary for carrying on its business, not exceeding in all the amount of its capital stock aforesaid.
- Estate.

SECTION 3. Each stockholder in said corporation shall be personally liable for all its debts and liabilities incurred during the time he is a stockholder, and may be joined as defendant in any action therefor against said corporation. Any party so liable, who pays, on a judgment or otherwise, more than his proportional share of any such debt or liability, shall have a claim for contribution against the other parties personally liable therefor, and may enforce the same by action of contract or bill in equity.

Liability and security of stockholders.

SECTION 4. Nothing in this act contained shall be deemed to affect the liabilities of said corporation, or its stockholders, as common carriers.

Act, how construed.

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

Approved May 5, 1864.

AN ACT CONCERNING THE DISCHARGE OF CONVICTS.

Chap. 194

Be it enacted, &c., as follows :

SECTION 1. When the term of imprisonment of a convict in any prison or house of correction in the Commonwealth shall expire on Sunday, such convict shall be discharged on the Saturday next preceding.

Discharge, when term expires on Sunday.

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

Approved May 5, 1864.

AN ACT CONCERNING THE ELECTION OF TOWN OFFICERS.

Chap. 195

Be it enacted, &c., as follows :

SECTION 1. The election of moderator and town officers heretofore made at the town meetings in the several towns in the Commonwealth, in the year eighteen hundred and sixty-four, so far as the same may appear illegal, for the reason that the check-list was not used in the said elections, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

Elections in 1864 legalised.

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

Approved May 5, 1864.

AN ACT CONCERNING THE FORM OF POLICIES OF FIRE INSURANCE.

Chap. 196

Be it enacted, &c., as follows :

SECTION 1. In all insurance against loss by fire hereafter made by companies chartered or doing business in this Commonwealth, the conditions of the insurance shall be stated in the body of the policy, and neither the application of the insured nor the by-laws of the company shall be considered as a warranty or a part of the contract, except so far as they are incorporated in full into the policy, and so appear on its face, before the signatures of the officers of the company.

Conditions shall be stated in policy and attested by officers.

Repeal.

SECTION 2. Chapter one hundred and fifty-two of the acts of the year eighteen hundred and sixty-one is hereby repealed.

Approved May 5, 1864.

Chap. 197 AN ACT TO SECURE TO MARRIED WOMEN POLICIES OF LIFE INSURANCE ASSIGNED FOR THEIR BENEFIT.

Be it enacted, &c., as follows:

Policies shall inure to women and children, independently of creditors of other parties.

A policy of insurance on the life of any person, duly assigned, transferred or made payable to any married woman, or to any person in trust for her or for her benefit, whether such transfer be made by her husband or other person, shall inure to her separate use and benefit, and that of her children, independently of her husband or his creditors, or of the person effecting or transferring the same or his creditors: *provided, however*, that if the premium on such policy is paid by any person with intent to defraud his creditors, an amount equal to the premium so paid, with interest thereon, shall inure to the benefit of said creditors, subject, however, to the statute of limitations.

Proviso.

Approved May 5, 1864.

Chap. 198 AN ACT CONCERNING TRUST ESTATES OF MARRIED WOMEN.

Be it enacted, &c., as follows:

Accumulation of income may be disposed of by will or otherwise.

A married woman entitled to receive the income of any estate held by trustees under a will or deed, or by appointment of the supreme judicial court, may dispose of any accumulation of such income in the hands of such trustees, during her lifetime, or by will or appointment, to take effect after her decease, in like manner and with like effect, as she might dispose of the principal estate; and such trustees may with her written consent, hold or invest such income upon the same trusts as the principal estate is held or invested.

Trustees may be authorized to hold or invest.

Approved May 5, 1864.

Chap. 199 AN ACT TO INCORPORATE THE MORNING STAR BENEFICIAL SOCIETY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Caleb Handy, Noah Tillson, and William H. Hall, their associates and successors, are hereby made a corporation, by the name of the Morning Star Beneficial Society of New Bedford, for the purpose of affording by means of a stated contribution from the members pecuniary assistance to each other in times of sickness, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or may be in force, relating to such corporations.

Name.

Purpose.

Powers and duties.

Estate.

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

Approved May 5, 1864.

AN ACT CONCERNING THE CONWAY FIRE INSURANCE COMPANY OF BOSTON. *Chap. 200*

Be it enacted, &c., as follows:

SECTION 1. The Conway Fire Insurance Company of Boston, is and shall be, in all respects, a corporation distinct from the Conway Mutual Fire Insurance Company of Conway, and may make insurance against fire and marine losses; with all the powers and privileges, and subject to all liabilities and restrictions, relating to stock insurance companies in this Commonwealth.

Made distinct from Conway Mutual Co. of Conway.

Powers and duties.

SECTION 2. The Conway Fire Insurance Company of Boston is hereby authorized to increase its capital stock, by adding thereto a sum not exceeding one hundred and fifty thousand dollars.

May increase capital stock.

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

Approved May 5, 1864.

AN ACT CONCERNING THE RECORDS OF CORPORATIONS AND RETURNS TO ASSESSORS. *Chap. 201*

Be it enacted, &c., as follows:

SECTION 1. Every corporation established within this Commonwealth, by special charter, or organized under the general laws thereof, and having a capital stock divided into shares, shall register the names and residences of all its shareholders, and all changes therein of which it is notified; shall issue no certificate of stock to a shareholder, or purchaser of a share, until he informs the corporation of his actual place of residence; shall pay no dividend to a shareholder whose actual place of residence is unknown, or has become uncertain, until he informs the corporation thereof; and shall, annually, between the first and tenth days of May, return to the assessors of each and every city and town in this Commonwealth, the names in their alphabetical order and the residences of all its shareholders, on the first day of said month, the number of shares belonging to each on said day, the par and cash market value of each share, the whole amount of the capital stock of the corporation, and the amount of its real estate and machinery, if any, subject to assessment on said first day of May, as last valued and assessed to it in the city or town where its place of business is located.

Corporation shall know and register names and residences of shareholders.

Annual reports to assessors; specifications required.

SECTION 2. Every such corporation, holding on the first day of May, shares of corporate stock or bonds of any description, as collateral security for borrowed money, or other liability, shall at the same time and in like manner, return to the assessors of each and every city and town in

Shares and bonds held as collateral how rendered.

this Commonwealth, the whole number of shares and bonds of all kinds so held, the names and residences of the persons pledging the same, and the number, denomination, and the par and cash market value, if known, of the shares and bonds pledged by each.

Penalty for failure of or false return.

SECTION 3. Any corporation neglecting or refusing to make the returns required by this act, or wilfully making a return which is materially false or defective, shall forfeit for each offence a sum of not less than fifty nor more than one thousand dollars, to be recovered by an action of tort to the use of any city or town in which a shareholder resides.

Forfeiture for act or representation with fraudulent intent by shareholder.

SECTION 4. Any shareholder who, with intent to avoid taxation, fraudulently transfers a share of corporate stock, or fraudulently causes or procures a certificate of a share to be issued to any person other than himself, or in any name other than his own; or refuses to inform, or wilfully misinforms, the corporation respecting his name or residence; or, having changed his residence to another city or town in this Commonwealth, wilfully omits to give notice thereof to any corporation in this Commonwealth in which he is a shareholder, shall forfeit one-half of the par value of the shares so transferred, issued or owned by him in the stock of such corporation, to be recovered by an action of tort to the use of the city or town in which he resides.

Returns, present year during May.

SECTION 5. Any corporation required by this act, and not heretofore required, to make returns as herein provided, or required by this act to make returns in addition to, or different from, those heretofore required, may make such returns the present year at any time during the month of May.

Repeal.

SECTION 6. Sections twenty, twenty-one, twenty-two and twenty-three, of chapter sixty-eight of the General Statutes; chapter one hundred and twenty of the acts of the year eighteen hundred and sixty-one; chapters eighty-six and one hundred seventy-four of the acts of the year eighteen hundred and sixty-two, and chapters one hundred nineteen and two hundred forty-seven of the acts of the year eighteen hundred and sixty-three, are hereby repealed.

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

Approved May 7, 1864.

Chap. 202 AN ACT CONCERNING THE STATE REFORM SCHOOL AND THE NAUTICAL BRANCH THEREOF.

Be it enacted, &c., as follows:

Gen. Stats., ch. 76 amended.

SECTION 1. Sections seventeen, eighteen, twenty-one and twenty-six of the seventy-sixth chapter of the General

Statutes, shall apply to boys between the ages of seven and eighteen years, instead of under the age of sixteen years, as therein limited.

SECTION 2. No boy shall be committed to the state reform school unless he is between the ages of seven and fourteen years, nor to the nautical branch thereof unless he is between the ages of twelve and eighteen years. Ages for commitment.

SECTION 3. Sections one and two of the one hundred and thirty-ninth chapter of the acts of the year eighteen hundred and sixty-three are hereby repealed. Repeal.

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

Approved May 7, 1864.

AN ACT TO INCORPORATE THE AMERICAN WHEAT COMPANY.

Chap. 203

Be it enacted, &c., as follows:

SECTION 1. Linus Child, John H. Blake and Charles L. Flint, their associates and successors are hereby made a corporation in the city of Boston, by the name of the American Wheat Company, for the purpose of manufacturing and selling machinery for removing bran and cleansing wheat and other grains, with authority to purchase the letters-patent of "Bentz's Unbranners," and to manufacture under the same; 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 general laws which are or may be in force relating to manufacturing corporations. Corporators.
Name.
Purpose.
Powers and duties.

SECTION 2. The said corporation shall have its place of business in the city of Boston, and may establish its manufactory in any town in the Commonwealth, and for this purpose may hold real estate to the amount of two hundred thousand dollars; and the whole capital stock of said company shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however,* that at least seventy-five per cent. of the capital stock issued and paid in under the provisions of this act shall be employed in the erection of mills and other buildings, and in the purchase of grain and the manufacture of flour and machinery for removing the bran and cleansing grain. Place of business,
Real estate.
Capital stock.
Proviso.

SECTION 3. This company shall not commence business till two hundred and fifty thousand dollars of the capital stock is paid in, in cash. When to commence business

Approved May 7, 1864.

Chap. 204 AN ACT TO INCORPORATE THE BOSTON AND NEW YORK STEAMSHIP COMPANY.*Be it enacted, &c., as follows:*

- Corporators.** SECTION 1. Edwin Parker, Charles O. Whitmore, Philo S. Shelton and Charles J. F. Eastman, their associates and successors, are hereby made a corporation by the name of the Boston and New York Steamship Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force relating to such corporations.
- Name.**
- Powers and duties.**
- May own and employ steamers.** SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steamships or steam-propellers, and to employ the same in the business of transporting passengers and freight between the ports of Boston and New York, with liberty to touch at intermediate ports.
- Capital stock.** SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess, from time to time, upon said shares such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares. No certificate of stock shall be issued until the par value thereof shall have been actually paid in, and no business shall be transacted by said corporation until at least two hundred thousand dollars of its capital stock shall have been subscribed.
- Assessments.**
- Issue of stock.**
- Conditions of validity of act.** SECTION 4. If said corporation shall not within one year from the passage hereof have been organized and have collected by assessment an amount equal to fifty thousand dollars of its capital stock subscribed; and shall not within two years from the passage of this act have one or more steamships or steam-propellers employed in the transportation of passengers and freight between said ports of Boston and New York; or if said corporation shall thereafter fail for the period of one year so to employ one or more steamships or steam-propellers in said business, then this act shall be null and void.

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

*Approved May 7, 1864.***Chap. 205** AN ACT CONCERNING THE WRENTHAM BRANCH RAILROAD COMPANY.*Be it enacted, &c., as follows:*

- Increase of capital authorized.** SECTION 1. The Wrentham Branch Railroad Company is hereby authorized to increase its capital stock one hundred

and ninety-five thousand dollars: *provided, however,* that said corporation shall not begin to build its road, until a certificate is filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president and a majority of the directors, stating that all the stock named in its charter and in this act has been subscribed for by responsible parties, and twenty per centum of the par value of each and every share thereof has been actually paid into its treasury. Proviso.

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

Approved May 10, 1864.

AN ACT CONCERNING THE GLASGOW COMPANY.

Chap. 206

Be it enacted, &c., as follows:

SECTION 1. The Glasgow Company is hereby authorized to increase its capital stock not exceeding one thousand shares, at the par value of one hundred dollars each; making the aggregate capital four hundred and fifty thousand dollars; and may hold real estate to the value of one-half of its capital. Increase of capital authorized.

SECTION 2. Said company may add the making of paper to its articles of manufacture which are now authorized by its charter. Real estate.

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

Approved May 10, 1864.

AN ACT CONCERNING THE CONGREGATIONAL LIBRARY ASSOCIATION.

Chap. 207

Be it enacted, &c., as follows:

SECTION 1. The Congregational Library Association is hereby authorized to change its name and to take the name of the American Congregational Association. Change of name authorized.

SECTION 2. In addition to the powers heretofore granted said corporation, it is hereby authorized to do such acts as may promote the interest of Congregational churches, by publishing works, by furnishing libraries and pecuniary aid to parishes, churches and Sabbath schools; by promoting friendly intercourse and co-operation among Congregational ministers and churches and with other denominations, and by collecting and disbursing funds for the above objects. Additional powers granted.

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

Approved May 10, 1864.

AN ACT LEVYING A TAX UPON CERTAIN CORPORATIONS.

Chap. 208

Be it enacted, &c., as follows:

SECTION 1. The assessors of the several cities and towns shall annually, on or before the first Monday of August, return to the treasurer of the Commonwealth the names of Assessors shall return to state treasurer annually, name of corporation and

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value of property taxed.

all corporations having a capital stock divided into shares, chartered by this Commonwealth or organized under the general laws, and established in their respective cities and towns, or owning real estate therein, and the value of the real estate and machinery for which each was taxed in such cities and towns on the first day of May preceding.

Corporations to return list of shareholders, capital, location and par and market value of shares May first.

SECTION 2. Every corporation and every banking association organized under the laws of, or located in this Commonwealth, having a capital stock divided into shares, and not exempted from state and municipal taxation, by the laws of the United States, shall annually, between the first and tenth days of May, return to the treasurer of the Commonwealth, under the oath of its cashier or treasurer, a complete list of its shareholders, with their places of residence, the number of shares belonging to each on the first day of May, the amount of the capital stock of the corporation, its place of business, and the par value and the cash market value of the shares on said first day of May. This return shall also be made by the stock department of "stock and mutual" insurance companies.

Railroad extending over state line, corporation to make additional return.

SECTION 3. When any railroad extends beyond the limits of the state, the corporation shall return, in addition to what is required in the preceding section, the whole cost, exclusive of rolling stock, of the road and its branches, owned by the company, or represented in its capital stock, and the cost, exclusive of rolling stock, of the road and branches lying within the limits of this state.

Guardians, executors and trustees to return shares of wards and others, held in trust.

SECTION 4. Every guardian who holds, or whose ward or wards hold stock in any corporation, and every executor, administrator or trustee who holds in trust any such stock, shall between the first and tenth days of May in each year return under oath to the treasurer of the Commonwealth, the names and residences on the first day of that month, of themselves and all such wards or other persons to whom any portion of the income from such stock is payable, the number of shares of stock so held, and the name and location of the corporation in which they are held.

Treasurer and auditor commissioned to learn excess of value of stock over property of certain corporations and notify officers.

SECTION 5. The treasurer and the auditor of the Commonwealth shall be a board of commissioners who shall, excepting in the cases of telegraph, coal and mining companies, and such railroad companies as own lines of railroad extending beyond the limits of the state, ascertain from the returns or otherwise, the excess of the market value of all the capital stock of each corporation or banking association not exempted from taxation, state and municipal, by the laws of the United States, over the value of its real estate

and machinery, if any, as returned under the first section of this act, and shall annually, on or before the first Monday of October, notify its cashier or treasurer respectively, of the excess thus ascertained; and every such corporation or banking association shall annually, on or before the first Monday of November, pay to the treasurer of the Commonwealth a tax of one and one-sixth per cent. upon such excess. Nothing in this section shall affect the liability of any bank, insurance company, or any other corporation for any other tax imposed upon it, and payable to the treasurer of the Commonwealth under other existing laws.

Tax upon excess.

Tax otherwise imposed not to be affected.

SECTION 6. When a railroad extends beyond the limits of this Commonwealth, the part of the capital stock of the company owning the same, to be taxed under this act, shall be such a proportion of its whole capital stock as the cost of the road and its branches in this state, exclusive of rolling stock, bears to the whole cost of the road and its branches, exclusive of rolling stock. Said board of commissioners shall ascertain the excess of the market value of said part of the capital stock of each of such railroad companies, respectively, over the value of its real estate and machinery, as returned under the first section of this act, and shall annually, on or before the first Monday of October, notify each of said railroad companies, respectively, of its excess thus ascertained; and each of said companies shall annually, on or before the first Monday of November, pay to the treasurer of the Commonwealth a tax of one and one-sixth per cent. on such excess.

Railroad extending beyond state limits, taxation of company defined.

Excess of value of stock over property to be ascertained by commission and corporation notified.

Tax upon excess.

SECTION 7. When any stock insurance corporation, taxed under the provisions of this act, legally owns or holds absolutely, and not in mortgage pledge or as collateral security, on the first day of May, shares in the capital stock of any other corporation, taxed under the provisions of this act, said stock insurance corporation shall be credited and allowed, in the payment of the tax upon its capital stock, the amount assessed to such other corporation upon the portion of its capital stock so owned or held. Where any savings bank or institution for savings, including the Massachusetts Hospital Life Insurance Company and the Mercantile Savings Institution, in the city of Boston, legally owns or holds as above, shares in the capital stock of any bank, taxed under the provisions of this act, such savings bank or institution for savings shall, in each semi-annual payment of the tax assessed under the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two, and chapter one hundred and sixty-four of

Stock insurance company holding stock of other corporation to be allowed credit therefor.

Savings banks to be allowed one-half semi-annually.

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the acts of the year eighteen hundred and sixty-three, after the payment to become due within ten days from the first day of June next, be credited and allowed one-half the amount assessed to such bank at the last preceding annual assessment upon the portion of its capital stock so owned or held.

Moneys received under sections five and six, except from corporations, to be credited cities and towns.

Proviso.

Lines of telegraph extending beyond state, how taxed.

Coal and mining companies, returns of.

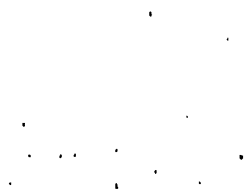
SECTION 8. Such proportion of the taxes paid under the fifth and sixth sections of this act as corresponds to the proportion of the stock of each corporation owned in this Commonwealth by other parties than insurance companies, savings banks and institutions for savings, shall be credited and paid to the several cities and towns where it appears from the returns that the shareholders resided on the first day of May, according to the number of shares held in such cities and towns respectively: *provided*, that in case stock is held by guardians, executors, administrators or trustees, the proportion of tax corresponding to the amount of stock so held shall be credited and paid to the towns where the stock would have been taxed, under the provisions of law contained in the fourth and fifth divisions of section twelve of chapter eleven of the General Statutes.

SECTION 9. When a line of telegraph extends beyond the limits of the Commonwealth, the corporation shall, in addition to the returns required by section two, return, under the oath of its treasurer, the whole length of the line and the length of that part of the line lying within the limits of the Commonwealth; and the portion of the capital stock of said corporation to be taxed under this act shall be such a proportion of its whole capital stock as the length of the line in the Commonwealth bears to the whole length of the line; and every telegraph corporation shall annually, on or before the first day of October, pay to the treasurer of the Commonwealth a tax of one and one-sixth per cent. on the market value of all its capital stock, if the line owned by it is wholly within the state, otherwise on so much of its capital stock as corresponds to the length of its line of telegraph in this state.

SECTION 10. Each coal and mining company chartered by this Commonwealth, or organized under the general laws, shall, in addition to the returns required by section two, return at the same time, under the oath of its treasurer, the amount of taxes paid by such company within the preceding six months upon any of its real estate and machinery, specifying what was paid in this state and what was paid elsewhere; and shall make a like return between the first and tenth days of November as is required between the first and tenth days of May.

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SECTION 11. Said board of commissioners shall semi-annually, on the first Mondays of June and December, assess a tax of seven-twelfths of one per cent. on the market value of all the capital stock of every coal and mining company chartered by this Commonwealth, or organized under its general laws, as ascertained from the returns and otherwise, and shall immediately notify the treasurer of the company of the excess of such tax over the amount of tax paid by such company on its real estate and machinery within the preceding six months; and every such company shall semi-annually, on or before the the first Mondays of July and January, pay to the treasurer of the Commonwealth the amount of such excess.

Commissioners to assess tax of 7-12 per cent. on market value of shares semi-annually.

SECTION 12. In cases where towns or cities shall have fixed the amount of taxes to be assessed for the present year, prior to the passage of this act, they may, if they see fit, at meetings called for that purpose, reduce the amount of money so to be raised, in view of the provisions of this act.

Towns may reduce amount fixed to assess.

SECTION 13. If the assessors of any city or town shall neglect to comply with the requirements of this act, each assessor so neglecting shall forfeit a sum not exceeding two hundred dollars; and any guardian, executor, administrator or trustee, neglecting to comply with said requirements, shall forfeit a sum not exceeding two hundred dollars.

Forfeiture for neglect by assessors or trustees.

SECTION 14. If any corporation, company or association, fails to make a return according to the provisions of this act, it shall forfeit two per cent. upon the par value of its capital stock, to be recovered by indictment, and if any corporation, company or association, fails or neglects to pay the taxes required by this act, the treasurer shall forthwith commence an action of contract, in the name of the Commonwealth, for the recovery of the same, with interest, and the said corporation, company or association, shall be further liable, on application of the treasurer of the Commonwealth therefor, to an injunction restraining said corporation, company or association, and the agents thereof, from the further prosecution of its business until all taxes due by virtue of this act, with costs and interest, shall be fully paid.

Forfeiture for neglect of corporations to make returns.

SECTION 15. The shares in the capital stock of any corporation, company or association, taxed by this act, shall be exempt from taxation to the shareholders for the current year in which the taxes provided by this act are assessed; but nothing in this act contained shall be construed to affect the right of any city or town, under existing laws, to assess and collect taxes, as heretofore, on the real estate and machinery of any corporation.

Capital of corporations taxed herein, how exempt.

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Inspection of the books of corporations.

SECTION 16. Every corporation taxed by this act shall, when required, submit its books to the inspection of the board of commissioners named in section five of this act.

Annual returns.

SECTION 17. The annual returns required to be made between the first and tenth days of May, under the provisions of this act, may be made the present year on or before the first day of June.

Repeal.

SECTION 18. Chapter two hundred and thirty-six of the acts of the year eighteen hundred and sixty-three is hereby repealed; but this repeal shall not affect any right, claim or liability, which has already accrued under the provisions of said act.

SECTION 19. This act shall take effect upon its passage.

Approved May 11, 1864.

Chap. 209

AN ACT TO ESTABLISH THE CITY OF TAUNTON.

Be it enacted, &c., as follows:

City established.

SECTION 1. The inhabitants of the town of Taunton shall continue to be a body politic and corporate, under the name of the City of Taunton, 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.

Government.

SECTION 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-four to be called the common council, said boards in their joint capacity to be the city council. The members of said boards shall be sworn to the faithful discharge of their respective duties. A majority of each board shall make a quorum.

Division into wards.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act, and its acceptance as is herein provided, to divide said town into eight wards, to contain as nearly as conveniently may be, an equal number of legal voters, which division may be revised by the city council within one year from the passage hereof. The city council shall once in five years and not oftener, alter, if needful, the boundaries of said wards, in such manner, however, as to preserve an equal number of voters in each ward.

Election of ward officers.

SECTION 4. On the first Monday in December, annually, there shall be chosen by ballot in each of said wards, a warden, clerk and three inspectors of elections, who shall

be different persons, residents in the ward, who shall hold their offices one year and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the power of moderators of town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is chosen by ballot; if both the warden and clerk are absent the senior in age of the inspectors present shall preside until a warden *pro tempore* is thus chosen; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so chosen. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to the faithful discharge of their duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk and the inspectors, or to either of said officers by any justice of the peace for Bristol County; certificate of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meeting, shall be issued by the mayor and aldermen and shall be in such form, and served and returned in such manner and at such times as the city council shall direct.

SECTION 5. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards; and one alderman, three common councilmen and one assessor, shall be elected from, and by the voters of each ward. Said officers shall be chosen by ballot, and hold their offices for one year from the first Monday of January, and until others are chosen and qualified in their stead. At the first annual election under this act, there shall be chosen, in the manner provided for the election of mayor, a board of school committee, consisting of nine, one-third of whom shall be chosen for one year, one-third for two years, and one-third for three years. At each annual election thereafter, three members of said board shall be chosen, in the manner provided for the election of mayor, for the term of three years. Vacancies in the board shall be filled in the manner provided by law for filling vacancies in the school committees of cities.

Ward meetings,
presiding officers.

Vacancy in ward
office by absence.

Clerk of ward,
duties.

Inspectors.

Oaths of ward
officers, how
administered.

Warrants for
meetings.

Elections, mayor,
aldermen, council
and assessors.

School committee
and tenure.

Vacancies.

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Election of mayor, aldermen, councilmen, school committee and assessors, annual.

Certificates of election.

Plurality of votes to elect.

Proceedings in case of failure to elect.

Mayor and school committee to be notified of election.

Proceedings in case of failure.

Mayor, vacancy in office of, how filled.

Oath, how taken.

Aldermen and council, oaths of, when and how taken.

Organisation of council.

SECTION 6. On the first Monday of December annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee and assessors, as provided in the preceding section; and all the votes so given shall be assorted, counted and declared, and registered, in open ward meeting, the name of each person voted for, and the number of votes given for each, to be recorded in words at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected aldermen, common councilmen and assessors, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors, and shall deliver to the city clerk a copy of the record of such elections certified in like manner. Such persons as receive the greatest number of votes for their respective offices shall be declared elected. If no person is elected because two or more have received the same number of votes for any of said offices, except for mayor, another ballot may then be had or the meeting may be adjourned from time to time until some person is elected. The board of aldermen shall, as soon as may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who has received the greatest number of votes for mayor, and the persons who have received the greatest number of votes for school committee, respectively, to be notified in writing of their election; but if no person is so elected, or if any person refuses to accept, the board shall issue their warrants for a new election, and the same proceedings as before provided, shall thereupon be had, until such officers are chosen. If a mayor dies or resigns, or is unable to perform the duties of his office, the boards of aldermen and common council shall respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention, and elect a mayor to fill the vacancy, who shall hold the office until the inability aforesaid is removed, or until a new election. The oath shall be administered to the mayor by the city clerk or any justice of the peace for Bristol County. The aldermen and common councilmen elect shall on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the mayor shall administer the oath to the members of said boards, or in the mayor's absence, said oath may be administered by any justice of the peace for Bristol County, a certificate whereof shall be entered on the journals of said boards by their respective clerks. The boards shall then separate, and the common council shall choose one of their

number for president, and shall also choose a clerk, who shall be sworn to the faithful discharge of their duties. If the mayor be absent, the board of aldermen may choose a chairman, who shall also preside at joint meetings of the two boards. Each board shall keep a record of its proceedings, and judge of the election of its members. In case of failure of election, or if a vacancy is declared by either board, or if a vacancy exists in the board of assessors, the mayor and aldermen shall order a new election. The mayor and aldermen shall constitute the board of overseers of the poor.

Chairman of aldermen, *pro tempore*.

Records required.

Vacancies in either board.

Overseers of poor.

SECTION 7. The mayor shall be the chief executive officer of the city; he shall also be, *ex officio*, a member of the board of assessors. He shall be vigilant to cause the laws and regulations of the city to be enforced; he shall exercise a general supervision over the conduct of all subordinate officers and shall cause neglect of duty to be punished. He may call special meetings of the aldermen and common council, or either of them, by causing written notices thereof to be left at the places of residence of the several members. He shall communicate such information and recommend such measures as he thinks proper. He shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only.

Mayor, powers and duties defined.

SECTION 8. The executive power of said city, generally, and the administration of the police, with all the powers heretofore vested in the selectmen of the town of Taunton shall be vested in and exercised by the mayor and aldermen, as fully as if the same were herein specially enumerated. The mayor and aldermen shall have exclusive power to appoint constables, and a city marshal or chief of police and assistants, with the powers and duties of constables, and all other police officers, and to remove the same when cause exists therefor. All powers now vested in the inhabitants of said town, and all powers granted to them in this act, shall be vested in the mayor and aldermen and common council, except so far as different provisions are herein made, to be exercised by concurrent vote, each board to have a negative upon the other. The city council shall annually, as soon as may be, after their organization, elect by joint ballot, a city treasurer, collector of taxes, city clerk, and all other necessary subordinate city officers, not herein otherwise provided for, for the ensuing year. The city council shall, by by-law, fix the compensation of said officers, and shall define their duties, so far as the same are not determined by the laws of the Commonwealth. The city council

General executive power vested in mayor and aldermen.

Appointments.

Treasurer, clerk and collectors, council to elect.

Compensation and duties.

Vacancies.

Sittings to be public.

Money to be appropriated and restrictions imposed by council.

City buildings and property, council to control.

Salary of mayor.

Incompatible offices.

Duty of city clerk.

Tenure.

Assessors, powers and duties.

Collection of taxes.

List of jurors.

Drawing of jurors.

Venires, how served.

Laying out of streets.

may fill a vacancy existing in any such office. The sessions of the boards aforesaid shall be public when they are not engaged in executive business. The city council shall see that money is not paid from the city treasury unless granted or appropriated; shall secure a just and prompt accountability by requiring bonds with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money, and also from such other officers as they may think fit; they shall have the care and superintendence of the city buildings, and the control and management of all city property, with power to let or sell what may be legally let or sold. They may purchase property, real and personal, in the name and for the use of the city when it is expedient to do so. The city council shall publish annually, a particular account of the city receipts and expenditures, and a schedule of the city property and debts. They shall also fix the annual salary of the mayor.

SECTION 9. No alderman or common councilman shall be appointed or elected by the city council to any office, the salary of which is paid by the city.

SECTION 10. The city clerk shall also be clerk of the board of aldermen and shall be sworn to the faithful discharge of his duties. He shall perform such duties as are prescribed by the board of aldermen and such as are incumbent upon the town clerk of said town, and shall have the powers vested in such town clerk. He may be removed by the city council.

SECTION 11. The assessors chosen as aforesaid shall exercise the same powers, and be subject to the same duties and liabilities as town assessors exercise and are subject to, under the laws of the Commonwealth. They shall be sworn to the faithful discharge of their duties. The city council may establish further or additional provisions for the collection of taxes.

SECTION 12. The list of jurors shall be prepared by the mayor and aldermen, in the manner now required of selectmen, and the list shall be submitted to the common council, for concurrent action or amendment. The mayor, aldermen and city clerk, shall have the powers in regard to drawing jurors, and other matters relating to them, now vested in selectmen and town clerks. Venires for jurors to be returned from said city, shall be served on the mayor and aldermen.

SECTION 13. The mayor and aldermen, with the concurrent vote of the common council, may lay out, alter or discontinue, streets and town ways, fix the grades thereof,

and estimate the damages sustained by parties thereby; parties aggrieved by such action to have the same right of application and complaint to the county commissioners, that they now have when dissatisfied with the action of selectmen.

Streets and ways, council to control and estimate private damages.

SECTION 14. The mayor and aldermen, with the concurrence of the common council, may lay drains and common sewers through streets or private lands, paying the owners such damages as they sustain thereby. They may require any person opening a drain into such common drain or sewer, to pay a reasonable sum for that privilege.

Drains and sewers.

SECTION 15. The mayor and aldermen shall each year issue their warrants for calling meetings for the election of the whole number of representatives to the general court, to which the said city is by law entitled, such number to be specified in such warrants.

Election of representatives to general court.

SECTION 16. All elections of county, state and United States officers, who are chosen by the people, shall be held at meetings of citizens qualified to vote in such elections in their respective wards at the time prescribed by law; the votes given for such officers shall be received, assorted, counted, declared and registered, in open ward meetings as is herein provided in reference to city officers. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record so made. The city clerk shall forthwith record such returns. The mayor and aldermen shall, within two days after such elections, examine and compare the same, and make out a certificate of the result, to be signed by the mayor, a majority of the aldermen, and the city clerk, and shall transmit the same in the manner in which selectmen are required to do. If the whole number of representatives to the general court are not elected, the mayor and aldermen shall issue their warrants for such election, conformably to the constitution and laws.

County, state and federal officers, elections.

Returns of votes.

Failures to elect.

SECTION 17. Lists of voters in each ward shall be prepared by the mayor and aldermen, as is required of the selectmen of towns. For this purpose they shall have access to the assessors' books and lists, and be entitled to the assistance of all the city officers. Said lists shall be delivered to the clerks of the wards, to be used at elections, and copies of the list for each ward shall be posted in three public places in said ward, at least seven days before such elections. No person shall be entitled to vote in a ward whose name is not borne upon the list for that ward: *provided*, that any person whose name is not thereon may have his name entered thereupon, at any time before the closing of the polls in such ward, upon presenting to the ward

Lists of voters, how prepared.

Right of suffrage, conditions prescribed.

Meetings of citizens.

officers present a certificate signed by the mayor or city clerk, setting forth his right to have his name thus entered.

SECTION 18. General meetings of the citizens qualified to vote may be held according to the right secured to the people by the constitution of the Commonwealth. Such meetings shall be called by the mayor and aldermen on the petition of fifty qualified voters.

Inspection lumber, wood, coal and bark.

SECTION 19. The city council may make by-laws with suitable penalties, for the inspection, survey, measurement, weighing and sale of lumber, wood, coal and bark, brought into or exposed in the city for sale, and all such other by-laws as towns may make and establish; but no penalty for a breach thereof shall exceed twenty dollars. Such by-laws shall not require the sanction of any court. Such by-laws shall be presented to the mayor for his approval; if he approve he shall sign them, if not he shall return them to either branch of the city council, with his objections; if they are again passed by two-thirds of each board present and voting thereon, the same shall become a law, otherwise not. All fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

Fines and penalties, how recovered.

SECTION 20. All fines, forfeitures and penalties, accruing for the breach of any by-law of said city, or of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for, and recovered before the municipal court of said city, in the manner in which fines, forfeitures and penalties, are now by law prosecuted for and recovered; reserving, however, to the party prosecuted, the right of appeal to the superior court. If any person refuses to pay such a fine imposed upon him, or refuses to recognize with sureties to prosecute his appeal, the same proceedings shall be had as under like circumstances in any criminal prosecution.

Right of appeal.

Refusal to pay, proceedings upon.

Municipal court established. Jurisdiction.

SECTION 21. A court to be called the municipal court of Taunton is hereby established in said city. Said court shall have the jurisdiction heretofore exercised and possessed by the police court of Taunton, and by any justice of the peace in Bristol County; and also in civil causes its jurisdiction shall extend to cases when the *ad damnum* stated in the writ does not exceed two hundred dollars, and in criminal causes, to any offence which is not a felony. Said court shall consist of one able and honest man, to be appointed by the governor as principal justice, one such man to be appointed in like manner, as associate justice, and one clerk, who shall hold his office five years from the time of his election and qualification. Said clerk shall be chosen

Justices and clerk.

by the legal voters of said city in the manner and at the time they first elect city officers under this charter. A clerk of said court shall be elected every fifth year thereafter, at the municipal election in said city. At any time after this act is accepted, as herein provided, the governor may appoint the justices of said court; but this section, except as to the choosing of said clerk, and the making of said appointments, shall not take effect until the first Wednesday of January next. The principal justice of said court shall have the powers conferred by the laws of the Commonwealth upon justices of police courts. He shall be paid an annual salary, from the treasury of the Commonwealth, of one thousand dollars. The clerk shall receive from the same source, an annual salary of six hundred dollars. The associate justice, who shall officiate only in case of the absence or other inability or disability of the principal justice, shall receive from him three dollars for each day on which he holds a session of said court. All the provisions of the laws of this Commonwealth relating to police courts, their justices and clerks, shall apply to the court herein created, except so far as they are inconsistent with the provisions hereof.

SECTION 22. For the purpose of organizing the system of government hereby established, and putting the same into operation, the selectmen of the town of Taunton shall, after the acceptance of this act, and at least seven days before the first Monday of December next, issue their warrants, calling meetings of the legal voters on that day, in the different wards, at some place in each, to be designated in said warrants, for the purpose of choosing a warden, clerk and inspectors, for each ward, and all other officers whose election in such manner is provided for in this act; and the transcripts of the record of each ward specifying the votes given therein for the several officers aforesaid, certified by the warden and the clerk of each ward, shall be returned to the said selectmen, who shall examine and compare the same; and if said elections are not completed at the first meeting they shall then issue new warrants until such elections are completed. They shall give notice to the persons elected, in the manner herein before provided. At said first meetings any inhabitant, being a legal voter in the ward, may call the meeting to order and preside until a warden is chosen. A list of voters in each ward, prepared and corrected by the selectmen, as herein before provided, shall be delivered to some legal voter therein and shall be used in such election. The city council shall meet and the city

Election and tenure of clerk.

Governor may appoint justices, and clerk be elected. Section otherwise to have force in Jan. '65.

Powers and salary of justice.

Salary of clerk.

Associate justice.

Application of Gen. Stat. to court.

Ward meetings for choice of officers, when to be called.

Certificates to be returned to selectmen.

Notices of election. Meetings, how conducted.

City council.

When to organize and elect officers.

government be organized on the first Monday of January next, at some place to be designated by the selectmen. Immediately after their organization, the city council shall elect all necessary city officers, who shall hold their offices, respectively, until others are chosen and qualified in their stead, unless sooner removed.

Records and muniments of town, delivery of to city clerk.

SECTION 23. All officers of the town of Taunton 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. The treasurer and collector

Moneys, transfer to city treasurer.

of the town of Taunton shall pay over to the city treasurer, within one week after he enters upon the duties of his office, all money in his custody or control, belonging to said town; and any money subsequently collected by said collector, shall be paid to said city treasurer. All town officers of Taunton shall hold their respective offices until city officers are chosen and qualified in their stead.

Tenure of town officers.

Act void unless accepted within three months.

SECTION 24. This act shall be void unless a majority of the legal voters of the town of Taunton, present and voting at any legal town meeting called for that purpose shall, within three months from the passage of this act, vote to accept the same; the voting at such meeting to be by ballot, written or printed, yea or nay. The voting list shall be used as at elections of state officers; the selectmen shall preside at any such meetings.

Repeal.

SECTION 25. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 26. This act shall take effect, except as is otherwise provided, upon its passage. *Approved May 11, 1864.*

Chap. 210

AN ACT TO PROVIDE FOR THE VALUATION OF THE PROPERTY OF THE COMMONWEALTH.

Be it enacted, &c., as follows:

Assessors of towns shall deposit with secretary copies of books and tables of aggregates for 1863-4.

SECTION 1. The assessors of the several cities and towns in the Commonwealth for the year one thousand eight hundred and sixty-four, shall, on or before the first day of October next, deposit in the office of the secretary a certified copy, under oath, of the assessors' books and tables of aggregates for the years one thousand eight hundred and sixty-three and one thousand eight hundred and sixty-four; and the secretary shall, on or before the first day of June, furnish triplicate copies of blank books to the cities and towns for the foregoing purpose: *provided, however*, that in the case of the city of Boston, the returns required by this section to be deposited in the office of the secretary may be

Secretary to furnish books.

Proviso.

City of Boston.

thus deposited on or before the first day of November of the present year.

SECTION 2. The assessors of the several cities and towns in the Commonwealth for the year one thousand eight hundred and sixty-five shall, instead of the certified copy of the assessors' books and tables of aggregates which by law they are now required to deposit in the office of the secretary of the Commonwealth, on or before the first day of October, eighteen hundred and sixty-five, deposit in said office an attested copy of the table of aggregates which, by law, they are now required to deposit in said office the first four years of each decade.

Attested copies of aggregates to be returned to Secretary.

SECTION 3. Whenever it shall have been ascertained by the assessors of any city or town that the aggregate values of their city or town, respectively, have been diminished since the first day of May of the preceding year, they shall return with the table of aggregates or books, which they are required by the act of the year one thousand eight hundred and sixty-one, entitled "An Act to secure a uniform description and appraisal of estates in the Commonwealth, for the purposes of taxation," and the several acts in addition thereto, to deposit in the office of the secretary, a statement in writing, under oath, of the causes which, in their opinion, have produced such diminution.

Diminution of yearly valuation, books or aggregates to be accompanied with statement of probable cause.

SECTION 4. If the assessors of any city or town shall neglect to comply with the requirements of this act, each assessor so neglecting shall forfeit a sum not exceeding two hundred dollars.

Penalty for neglect to comply with act.

SECTION 5. The secretary of the Commonwealth shall furnish the assessors of each city and town with a copy of this act within ten days of its approval by the governor.

Copy to be furnished assessors.

SECTION 6. All forfeitures arising by this act may be recovered in the supreme judicial court of this Commonwealth, by information filed in said court by the attorney-general, and the secretary is hereby required to furnish the attorney-general with a list of the cities and towns, the assessors of which shall neglect to lodge in his office a certified copy under oath of the assessors' books and tables of aggregates, agreeably to the provisions of this act, to the end that they may be prosecuted at the discretion of said officer.

Forfeitures, how recovered.

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

Approved May 11, 1864.

Chap. 211 AN ACT IN RELATION TO BOUNTIES TO PERSONS ENLISTING IN THE NAVAL SERVICE.

Be it enacted, &c., as follows:

Governor may pay bounty for enlistments in navy credited militia quota.

Proviso.

May suspend act by proclamation.

May pay fractional bounty for proportional credit since Apr. 11, '64.

Proviso.

SECTION 1. The governor is authorized to offer and pay a bounty of one hundred dollars to any person who shall enlist in the naval service and be credited as a part of the quota of this Commonwealth, under any future call of the president of the United States: *provided, however*, that all the provisions and restrictions of sections three and four, of chapter one hundred and forty-three of the acts of the year eighteen hundred and sixty-four, shall be applicable to such bounty; and *provided, further*, that the governor, with the consent of the council, may suspend, by proclamation, the operation of this section, whenever he shall deem expedient.

SECTION 2. The governor is authorized to pay a portion of any bounty provided for persons enlisting in the naval service, to a person who has enlisted since the eleventh day of April, in the year eighteen hundred and sixty-four, or shall hereafter enlist in such service for a term of service which shall entitle the Commonwealth to only a fractional credit upon its quota: *provided, however*, that the proportion of such bounty so paid to any person shall not exceed such fractional credit.

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

Approved May 11, 1864.

Chap. 212 AN ACT TO ALLOW ADMINISTRATORS AND GUARDIANS TO MORTGAGE REAL ESTATE OF THEIR INTESTATES AND WARDS.

Be it enacted, &c., as follows:

Judge of probate may authorize mortgage for raising of money or removal of liens.

SECTION 1. When the judge of probate in any county in whose court an estate is in process of settlement, is of the opinion that the interests of said estate require that the administrator should have power to mortgage the real estate of his intestate, for the purpose of raising money to pay debts, or to remove liens existing thereon; or that the guardians of spendthrifts and insane persons should have like power for the same purposes; he may by decree authorize such administrator or guardian to execute a mortgage of the real estate of his intestate or ward, to an amount not exceeding that fixed by his decree.

Hearing upon petition of, to be first had.

SECTION 2. No decree authorizing an administrator to execute such mortgage, shall be passed by any judge of probate, except after a hearing upon a petition from the administrator, or some party interested therein, which petition shall set forth a description of the lands to be mortgaged, the amount of money necessary to be raised,

and the reasons therefor; and the written assent of all the heirs or their guardians shall be first obtained, unless all have joined in the petition.

Assent of heirs or guardians required.

SECTION 3. No decree shall be granted upon the petition of a guardian of a spendthrift, or insane person, for the power to mortgage the real estate of his ward, for the purposes named in the first section of this act, until due notice of the pendency of the petition, and of the time of the hearing of the same, shall have been given to all parties interested, in such manner as the court shall order, and a hearing had thereon.

Petition of guardian of spendthrift or insane person, notice of pendency and hearing.

SECTION 4. In every mortgage executed under the provisions of this act, the administrator or guardian shall set forth in the mortgage that the same was executed by leave of the court, and the date when such leave was granted, and such mortgage, when executed, shall bind the estate of the intestate and wards only, and shall not interfere with the proper settlement of the estate by such administrator or guardian.

Authority to be set forth in mortgage, which shall bind intestate and ward, but not settlement of estate.

Approved May 11, 1864.

AN ACT IN RELATION TO THE ADOPTION OF CHILDREN.

Chap. 213

Be it enacted, &c., as follows:

SECTION 1. Whenever, in case of proceedings had under chapter one hundred and ten of the General Statutes, for leave to adopt a child, the name of a parent entitled to notice thereof is unknown to the court, and the petitioners shall make affidavit that they do not know and cannot ascertain the same, although they have in good faith endeavored to ascertain it, the court shall order publication of the petition and such affidavit, and of its own order thereon, to be made once a week for three successive weeks in at least one newspaper published in the county where the petition is filed, together with such other publication as it may deem proper, if any, the last publication to be at least four weeks before the time appointed for the hearing.

Publication of petition and affidavit when name of parent is unknown to court.

SECTION 2. The affidavit shall set forth the age, as nearly as may be, and the true name of such child, if known, and any other name or names by which it may have been known and called, and the persons within whose custody it has usually been and is at the time of making the said affidavit.

Age and name of child and of custodian to be set forth.

SECTION 3. If the parents or the survivor of them shall not appear after such notice, the court may in its discretion appoint some suitable person to act in the proceedings as next friend of the child, and to give or withhold consent in writing to the adoption thereof.

Parent not appearing, court may appoint next friend.

Approved May 11, 1864.

Chap. 214 AN ACT IN ADDITION TO AN ACT RELATING TO THE TRIAL OF ISSUES OF FACT.

Be it enacted, &c., as follows :

Act of '63, ch. 180, § 1, not to apply to causes in S. J. court.

SECTION 1. The first section of the one hundred and eightieth chapter of the acts of the year eighteen hundred and sixty-three, entitled "An Act relating to the trial of issues of fact," is hereby so amended that the same shall not apply to the trial of any cause in the supreme judicial court.

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

Approved May 11, 1864.

Chap. 215 AN ACT TO EXEMPT CERTAIN PERSONS FROM SERVICE AS JURORS.

Be it enacted, &c., as follows :

Officers of charitable and reformatory institutions, light-house keepers and railway conductors engineers and teachers.

SECTION 1. The superintendents, officers and assistants employed in or about either of the state hospitals, state almshouses, jails, lunatic hospitals, houses of correction, houses of industry, reform schools, or the state prison, keepers of light-houses, conductors and engine-drivers of railroad trains, and teachers in public schools, shall be exempt from service as jurors.

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

Approved May 11, 1864.

Chap. 216 AN ACT RELATING TO DIVORCE.

Be it enacted, &c., as follows :

S. J. court may on petition, after three years, authorize party against whom divorce was granted, to marry, except.

SECTION 1. When a divorce from the bond of matrimony, for the cause of adultery, has been granted under the laws of this state, or of any state or territory in the United States, except where the party against whom the divorce was granted has been convicted of the crime of adultery, the justices of the supreme judicial court, upon petition filed at any time after the expiration of three years from the date of the decree, by the party against whom the divorce was granted, if the party resided in this state at the time of granting the divorce, and upon such notice as the court shall order, may authorize such party to marry again.

Act not to apply if parties collude.

SECTION 2. This act shall not be applicable in any case in which a divorce has been obtained by collusion of the parties.

Approved May 11, 1864.

Chap. 217 AN ACT TO REPEAL CERTAIN ACTS RESPECTING THE POLICE COURT OF TAUNTON.

Be it enacted, &c., as follows :

Repeal.

SECTION 1. All the provisions of the General Statutes relating to the police court of Taunton, and all acts or parts of acts relating to the said court, are hereby repealed.

SECTION 2. All causes pending before said court, when this act takes effect, shall be concluded as if this act had not passed, and for their services therein the same fees shall be paid to the justices and clerk, as trial justices are entitled to receive for like service.

Causes pending, how concluded.

Approved May 11, 1864.

AN ACT CONCERNING STATE SCHOLARSHIPS.

Chap. 218

Be it enacted, &c., as follows :

SECTION 1. The school committees of the towns and cities of each class may, in the year in which their class is entitled to scholarships, recommend as candidates therefor, young men, inhabitants of their town or city, who shall furnish the board of education with the certificate of the president of some incorporated college in the Commonwealth, that they have been members thereof for the term of one year at least, that they have been faithful in their studies, exemplary in their deportment, and rank in scholarship among the first half of their class ; and said board, together with the senator, if he resides within any section of such class, shall select from such candidates one scholar from each section, whom they judge the most deserving and likely to become useful as a teacher. If any section presents no such suitable candidate, the place may be filled by the board from the candidates of the other sections of the same class ; and if from a deficiency of proper candidates less than ten scholars are selected from a class, the board may complete the number from the state at large.

School committee may recommend candidates.

President of college to certify board of education.

Selection from candidates.

Board may select and complete deficiency in number.

SECTION 2. The selections for scholarships required to be made by the board, and by the senators within the respective sections, shall be made at a meeting held annually at the office of the secretary of the board, at such time in the month of August as the board appoints, of which the secretary shall give notice. The selections to be made by the board alone may be made at the same or at any other time during the year.

Selections by board and senators to be annual.

By board alone at any time.

SECTION 3. Any such scholar after leaving college shall, unless excused therefrom by the board of education, attend a state normal school at least one term, and for each term not exceeding two during which he attends such school, he shall, upon producing a certificate of such attendance and of the faithful and exemplary performance of his duties therefrom the principal master thereof, be paid by the board of education, from any unexpended balance of the funds provided by section ten of the thirty-seventh chapter of the General Statutes, the sum of fifty dollars.

Duty of scholar after leaving college.

Gratuity.

Repeal.

SECTION 4. Sections third, fifth and eighth of chapter thirty-seventh of the General Statutes are hereby repealed.

*Approved May 11, 1864.***Chap. 219** AN ACT IN ADDITION TO AN ACT TO DEFINE AND REGULATE THE ENFORCEMENT OF THE LIABILITIES OF OFFICERS AND STOCKHOLDERS OF MANUFACTURING CORPORATIONS.*Be it enacted, &c., as follows :*

Clerk of corporation shall furnish upon request of judgment creditor, list of officers and stockholders when suit commenced.

SECTION 1. It shall be the duty of the clerk or other officer having charge of the records of any manufacturing corporation against which judgment has been recovered and execution issued and returned unsatisfied, according to the provisions of the third section of chapter two hundred and eighteen of the acts of the year eighteen hundred and sixty-two, upon reasonable request of the judgment creditor, or of the attorney of such creditor, to furnish him a certified list of the names of all persons who were officers and stockholders in such corporation at the time of the commencement of the suit in which judgment was recovered.

Penalty for refusal or giving false certificate.

SECTION 2. If any officer unreasonably refuses to give the certificate aforesaid, or wilfully gives a false certificate, he shall be liable for double the amount of all damages occasioned by such refusal or false certificate, to be recovered in an action of tort.

*Approved May 11, 1864.***Chap. 220** AN ACT CONCERNING THE CUSTODY OF THE RETURNS OF LIFE INSURANCE COMPANIES.*Be it enacted, &c., as follows :*

Insurance commissioners may delay publication until annual report to legislature.

SECTION 1. The insurance commissioners shall have authority to prevent the publication of any part of the annual statements of the life insurance companies, until such time as the annual report of said commissioners is made to the legislature.

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

*Approved May 11, 1864.***Chap. 221** AN ACT AUTHORIZING THE TOWN OF WOBURN TO ESTABLISH PUBLIC BATHS.*Be it enacted, &c., as follows :*

Town authorized to raise and appropriate money.

SECTION 1. The town of Woburn is hereby authorized to raise by taxation or otherwise a sum of money not to exceed three thousand dollars, and appropriate the same in establishing public baths for the use of the inhabitants of said town.

By-laws, town may establish.

SECTION 2. The selectmen of said town are hereby authorized to establish such regulations and by-laws, relating to the use and management of said baths as they may deem proper, but the town may abrogate or amend such

regulations or by-laws at any legal town meeting called for that purpose.

SECTION 3. This act shall not take effect unless it shall first be accepted by said town at a legal town meeting called for that purpose by two-thirds of the voters present and voting thereon.

Act when in force.

Approved May 11, 1864.

AN ACT TO PROTECT CUT BEACH IN THE TOWN OF GLOUCESTER.
Be it enacted, &c., as follows :

Chap. 222

SECTION 1. No sand, gravel, earth or stones shall be removed from the beach or upland lying south of and adjoining Western Avenue, formerly Canal Street, in the town of Gloucester, extending from the old fort to the upland of Benjamin K. Hough and others, except for the municipal uses of said town of Gloucester, and by a vote of its inhabitants.

Removal of gravel or earth, except by town, forbidden.

SECTION 2. Chapter one hundred and thirty of the acts of the year eighteen hundred and fifty-nine, is hereby repealed.

Repeal.

Approved May 11, 1864.

AN ACT CONCERNING THE MASSACHUSETTS AGRICULTURAL COLLEGE.
Be it enacted, &c., as follows :

Chap. 223

SECTION 1. The corporate name of "The Trustees of the Massachusetts Agricultural College," shall hereafter be "The Massachusetts Agricultural College."

Change of corporate name.

SECTION 2. The location, plan of organization, government and course of study, prescribed for said college shall be subject to the approval of the governor and council.

Location, government, study, &c.

SECTION 3. It shall be the duty of the commissioner authorized to be appointed by section three of chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-three, to sell from time to time the land scrip which may come into the possession of the Commonwealth by virtue of said act, on such terms as the governor and council shall determine.

Commissioner under act of '68 to sell land scrip.

SECTION 4. The governor, with the advice and consent of the council, is hereby authorized and instructed to transfer to the Massachusetts Agricultural College one-tenth of the entire amount of land scrip received by the Commonwealth from the United States, by virtue of an act of congress, approved by the president, July second, in the year eighteen hundred and sixty-two, entitled "An Act donating Public Lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts;" and the proceeds from the sale of said land scrip shall be expended only for the purchase of land for the use

Governor to transfer to college one-tenth amount of land scrip received from U. S. under act of July, '62.

Proceeds of sales, how expended or invested.

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of said college. If any portion of such proceeds shall remain unexpended after the purchase of a suitable site or farm for said college, then said college shall pay the same over to the treasurer of the Commonwealth, who shall invest and hold the same as a part of the fund for the promotion of education in agriculture and the mechanic arts, established by the fourth section of the one hundred and sixty-sixth chapter of the acts of the year eighteen hundred and sixty-three.

Advance of money from treasury for expenses authorized.

SECTION 5. To defray the necessary expenses of establishing and maintaining the Massachusetts Agricultural College, there may be advanced from the treasury, to be refunded, as provided in section sixth of this act, the sum of ten thousand dollars, and the governor is hereby authorized to draw his warrants therefor: *provided*, that the money shall be paid to the treasurer of said college in quarterly instalments on the first days of June, September, December and March next.

Annual income of fund established under act of '63, applied to repayment.

SECTION 6. All moneys received by the treasurer of the Commonwealth, as the annual interest or income of the fund established by the one hundred and sixty-sixth chapter of the acts of the year eighteen hundred and sixty-three, and specially set apart for the use of the Massachusetts Agricultural College, by the eighth section of the two hundred and twentieth chapter of the acts of said year, shall first be applied to the repayment of the appropriation made in the preceding section, and the balance shall be paid to the treasurer of the college.

Repeal regarding location of land scrip and general approval of legislature.

SECTION 7. So much of section three of chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-three as authorizes the commissioner therein named to locate land scrip of the Commonwealth, and so much of section six of chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three as provides that the location, plan of organization, government and course of study prescribed for said college shall be subject to the approval of the legislature, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

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

Approved May 11, 1864.

Chap. 224 AN ACT TO CONFIRM CERTAIN ACTS OF HENRY A. EDWARDS AS A SUPERINTENDENT OF ALIEN PASSENGERS.

Be it enacted, &c., as follows:

Acts from Oct., '59, to Feb., '64.

SECTION 1. The acts and doings of Henry A. Edwards, as a superintendent of alien passengers, from the seven-

teenth day of October in the year one thousand eight hundred and fifty-nine to the fifteenth day of February in the year one thousand eight hundred and sixty-four, are hereby made valid, ratified and confirmed as fully as if during said interval he had been qualified to discharge the duties of said office by taking and subscribing his official oath.

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

Approved May 11, 1864.

AN ACT AUTHORIZING THE ESTABLISHMENT OF THE BOSTON ASYLUM FOR INEBRIATES. *Chap. 225*

Be it enacted, &c., as follows :

The city of Boston is hereby authorized to establish and maintain at Deer Island or elsewhere within the limits of said city, to be under the charge of the board of directors for public institutions, an asylum to be called the Boston Asylum for Inebriates, to which persons requiring the benefits of such an institution may be admitted as boarders, upon such terms and conditions as the said board of directors may determine, subject to the approval of the city council of Boston.

City of Boston to establish.

Supervision.

Terms of admission.

Approved May 11, 1864.

AN ACT TO CHANGE THE NAME OF THE TYPE-SETTING MACHINE COMPANY. *Chap. 226*

Be it enacted, &c., as follows :

SECTION 1. The Type-Setting Machine Company shall hereafter be known as the Type-Setting and Justifying Machine Company.

Name changed.

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

Approved May 11, 1864.

AN ACT TO INCORPORATE THE HOPKINTON SAVINGS BANK. *Chap. 227*

Be it enacted, &c., as follows :

SECTION 1. Lee Claffin, Lovett H. Bowker, Edwin S. Thayer, their associates and successors are hereby made a corporation, by the name of the Hopkinton Savings Bank, to be established and located in the town of Hopkinton, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institution for savings.

Corporators.

Name.

Powers and duties.

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

Approved May 11, 1864.

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Chap. 228

AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO STRAIGHTEN ITS LOCATION OVER MERRIMACK RIVER.

Be it enacted, &c., as follows:

Location, change defined.

SECTION 1. The Eastern Railroad Company is hereby authorized to change and straighten the location of its railroad as follows, to wit: beginning at a point in its present location near and north-easterly of its depot in Newburyport, thence diverging northerly to the left bank of the Merrimack River, thence continuing by a nearly straight line about three-fourths of a mile to the present location of said road in the town of Salisbury; with power to locate, construct and maintain a railroad, and to discontinue so much of its present road as said company may deem expedient, between said terminal points; and said company in locating and constructing said railroad shall have all the rights and privileges and be subject to all the duties and liabilities set forth in the general laws relating to railroads and railroad corporations.

Draws in bridge across Merrimack River to be constructed.

SECTION 2. The bridge across the Merrimack River on said new location, shall be constructed with a good and sufficient "pivot draw," having two openings of not less than sixty-five feet each; said draw and bridge to be constructed under the direction of a commissioner to be appointed for that purpose by the supreme judicial court sitting in any county, on the petition of said railroad company, such notice as the court may order on said petition being first given to the city of Newburyport and the town of Salisbury and to such other parties as required by said order. The compensation of said commissioner and the costs of procuring his appointment shall be borne by said company. Said corporation shall be held liable to keep said draw in good repair and to open the same and to afford all proper accommodations to vessels having occasion to pass through the same by day or by night; and shall leave the lower flooring of the present bridge secure and of proper strength for common travel, and shall within eight months from the time of the completion of the new bridge remove such portion of the upper work as may be spared without weakening the structure: *provided*, that the said company shall within eight months from the time of the completion of its said new bridge, construct and put into the present bridge a new draw not less than sixty-five feet in width, with sufficient piers and other structures to make the same secure and of proper strength for highway travel; such new draw in said present bridge to be constructed and such alterations to be made under the supervision of said commissioner and to be

Commissioner, how appointed.

Compensation.

Draw, duties concerning, etc.

Proviso.

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opposite as near as may be to the draw in the new bridge, with convenient buoys for hauling vessels from one draw to the other; and any artificial obstructions which have been placed in the channel-way of said draw shall be removed.

Obstructions in channel.

SECTION 3. In case said railroad company shall elect not to build its new bridge on the location and on the conditions prescribed in the foregoing section, but shall elect instead thereof to build a new bridge on the site of the present structure, then the said railroad company shall make and maintain in such new bridge on the present site a good and sufficient draw, of the width of not less than sixty-two feet, with sufficient piers and other structures for the support of said bridge and draw; the same to be built under the direction of a commissioner to be appointed by the supreme judicial court and paid by said corporation.

Draw to be maintained, if railroad company build bridge on site of present structure.

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

Approved May 11, 1864.

AN ACT CONCERNING STREET RAILWAY CORPORATIONS.

Chap. 229

Be it enacted, &c., as follows:

SECTION 1. Street railway companies shall have the powers and privileges, and be subject to the duties, liabilities, restrictions and provisions contained in this act, which, so far as inconsistent with charters heretofore granted, shall be deemed and taken to be in alteration and amendment thereof.

Powers and duties, general, defined.

SECTION 2. The stockholders of every such corporation shall annually choose by ballot from their own number, not less than five directors, who shall hold their offices one year, and until others are chosen in their places. The immediate government and direction of the affairs of the corporation shall be vested in the board of directors, who shall elect one of their number to be president of the board and of the corporation, and shall elect a clerk and a treasurer of the corporation. The clerk shall be sworn, and the treasurer shall give bonds with sufficient sureties, to the corporation, in the sum required by the by-laws for the faithful discharge of his trust.

Directors to be chosen annually.

Powers: required to elect president, clerk and treasurer.

Bonds of treasurer.

SECTION 3. Meetings of the corporation shall be called and notified in the manner provided in the by-laws, or if the by-laws make no provision on the subject, in the manner provided in the third section of the sixty-eighth chapter of the General Statutes.

Meetings of corporation, how called.

SECTION 4. At all meetings each member shall be entitled to one vote for each share held by him: *provided*, that he shall not be entitled to a vote for any shares beyond one-

Votes of members. Proviso.

tenth part of the whole number of shares of the stock of the corporation. No vote shall be given upon shares owned by the corporation or pledged in any form to or for its benefit.

Votes by proxy,
validity defined.

SECTION 5. No proxy shall be valid unless executed and dated within six months previously to the meeting at which it is used; and no person shall, as proxy or attorney, cast more than fifty votes, unless all the shares so represented by him are owned by one person; and no officer of the corporation shall, as proxy or attorney, cast more than twenty votes. Any salaried officer in the corporation who asks for, receives, or is the medium of transmission of a proxy in said corporation shall, upon proof of the same, be removed from office, and shall forfeit a sum not exceeding five hundred dollars, and thereafter be ineligible to office in the corporation.

Penalty for im-
plication of officer
in proxy.

Shares, par value.

Number.

Certificate to be
filed before road
is commenced.

SECTION 6. The capital stock of every such corporation hereafter organized, shall be divided into shares of one hundred dollars each. The number of shares shall, from time to time, be fixed by the directors, subject to the limitation named in its charter. No corporation shall begin to build its road until a certificate is filed in the office of the secretary of the Commonwealth, signed and sworn to by the president, treasurer, clerk and a majority of the directors, stating that the amount of capital stock so fixed, which shall in no case be less than one-half the amount authorized by its charter, has been unconditionally subscribed for by responsible parties, and that fifty per cent. of the par value of each and every share of the same has been actually paid into its treasury in cash. No certificate of stock shall be issued until the par value thereof shall have been actually paid into said treasury in cash; and the directors of the corporation shall be jointly and severally liable to the extent of the capital stock fixed, for all debts and contracts made by the company, until the whole amount of the capital stock, fixed and limited as aforesaid, is paid in, and a certificate stating the amount of the capital stock so fixed, limited and paid in, is signed and sworn to by the president, treasurer, clerk and a majority of the directors, and filed in the office of the secretary of the Commonwealth. Corporations heretofore organized shall, within thirty days after the passage of this act, file in the office of the secretary of the Commonwealth certificates signed and sworn to by the president, treasurer, clerk and a majority of the directors, stating the amount of their capital stock then outstanding.

Issue of stock.

Liabilities of di-
rectors before
payment of
capital.

Corporations pre-
viously organized
shall file certi-
ficates.

SECTION 7. After the capital stock of the corporation has been fixed, and the evidence thereof is filed in the office of the secretary of the Commonwealth, as provided in the preceding section, no increase thereof shall be made, unless authorized by vote of the stockholders at a meeting called for that purpose, and no certificate of stock beyond the amount so fixed shall be issued until a duly certified vote subsequently passed by the directors, fixing the capital stock at some larger amount, has been filed in the office of the secretary of the Commonwealth, together with a certificate signed and sworn to by the president, treasurer, clerk and a majority of the directors, stating that the full amount of the proposed increase of capital stock has been paid into the treasury of the company in cash; and whenever an increase of capital stock takes place, and the new stock is to be distributed among the shareholders, every shareholder shall have the right, within a period of thirty days, to subscribe for and take an amount of said stock, bearing the same proportion to the number of shares previously held by him, as the amount of new stock bears to the number of shares previously outstanding.

Capital stock,
how increased.

Issue of certificates.

Rights of stockholders to subscribe for new stock.

SECTION 8. The directors may, from time to time, make such equal assessments on all the shares subscribed but not paid up, as they deem expedient and necessary for the purposes of the corporation, and may direct the same to be paid to the treasurer, who shall give written notice thereof to the subscribers. If a subscriber neglects to pay his assessment for thirty days after such notice from the treasurer, the directors may order the treasurer, after giving notice of the sale, to sell such shares by public auction to the highest bidder; and the same shall accordingly be transferred to the purchaser. If the shares of a subscriber do not sell for a sum sufficient to pay his assessments, with interest and charges of sale, he shall be liable to the corporation for any deficiency; if such shares sell for more, he shall be entitled to the surplus remaining. No assessment shall be laid upon the shares beyond the par value thereof.

Assessments on subscriptions to stock.

On neglect to pay, directors may sell shares.

Liability of subscriber.

SECTION 9. When a subscriber has been duly notified and has paid nothing upon his subscription, after thirty days from the time when an assessment has become due, his rights under said subscription may be declared forfeited by the directors, who may transfer said rights to any person who subscribes for the same and pays the assessment due.

Rights forfeited by non-payment of assessments.

SECTION 10. The shares in the capital stock of such corporations shall be deemed personal estate, and may be transferred by a conveyance in writing, recorded by the treasurer,

Shares deemed personal estate.

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Transfers to be recorded.

in books kept in his office. No conveyance of shares shall be valid against any other persons than the grantors or their legal representatives unless so recorded. On making the transfer and surrendering the old certificate a new certificate shall be granted.

Petition for charter, notice of pendency and designation of route required.

SECTION 11. No petition for a charter shall be acted upon until notice of the pendency thereof has been given according to law, which notice shall designate the intended route with such certainty as to give information to all persons interested therein that their rights may be affected by the granting of the petition, and that they may have an opportunity to appear and object thereto.

Conditions of validity of acts of incorporation.

SECTION 12. The act incorporating any street railway company shall be void unless the same is accepted by said company within six months, and shall be void so far as relates to the right to construct a road within the limits of any city or town, unless the same shall be accepted by the city council of such city, or the selectmen of such town, within one year, and unless some portion of said road is located and built and put in operation within eighteen months from the passage of said act. This section shall not apply to existing corporations.

Corporation may hold necessary estate.

SECTION 13. Every such corporation shall have power to purchase and hold such real and personal estate as may be necessary or convenient for the operation of its road.

Board of aldermen or selectmen may locate tracks.

SECTION 14. The board of aldermen of any city, or the selectmen of any town, in which any corporation is authorized to construct a street railway may, upon the petition of such corporation, locate the tracks thereof within their respective jurisdictions, pursuant to the provisions of its charter: *provided*, that before proceeding to locate such tracks, they shall give notice to all parties interested, by publication in such newspapers, or otherwise, as they may determine, at least fourteen days before their meeting, of the time and place at which they will consider such location.

Shall notify parties in interest.

May make location conditional.

After a hearing of all parties interested, they shall pass an order refusing the location, or granting the same, or any portion thereof, under such restrictions as they deem the interests of the public may require, and the location thus granted shall be deemed and taken to be the true location of the tracks of the corporation, if its acceptance thereof, in writing, is filed with said mayor and aldermen or selectmen within thirty days after receiving notice thereof. The location and position of any tracks may be altered upon application of any party interested, by the same authority, and in the same manner, as is herein provided for the original

Change of location and tracks.

location. The expense of such alteration shall be borne by such party as the board of aldermen or selectmen may determine.

Expense, how borne.

SECTION 15. The board of aldermen of any city, or the selectmen of any town may, at any time after the expiration of one year from the time of the opening for use of any street railway in such city or town, if in their judgment the interests of the public require, after notice published as provided in the preceding section, and a hearing, order that the location of any of the tracks in any street or highway shall be revoked, and the railway corporation shall thereupon remove the same, in conformity with such order, and put the street in as good condition as it was in immediately before being occupied by said tracks. If said corporation neglects to execute such order and make such repairs, after thirty days' notice thereof, then said board of aldermen or selectmen may cause the same to be executed and made at the expense of the railway corporation, to be recovered in an action of tort.

Board of aldermen or selectmen may revoke.

Railroad corporation shall remove tracks.

On neglect, aldermen or selectmen may remove.

SECTION 16. The board of aldermen of any city, or the selectmen of any town, in which a street railway is operated may, from time to time, establish by an order such rules and regulations as to the rate of speed, mode of use of the tracks, and removal of snow and ice from the same, as in their judgment the interest and convenience of the public may require. If any street railway corporation, its servants or agents, wilfully or negligently violates any such rule or regulation of said board of aldermen or selectmen, such corporation shall be liable to a penalty of not more than five hundred dollars for each offence.

May establish rules and regulations.

Penalty for violation.

SECTION 17. Cities and towns may take up any of the streets or highways traversed by street railways for any purpose for which they are now authorized to take up the same, or may alter or discontinue the same, as now authorized by law, without being liable in damages therefor to any railway corporation or the owners of its stock.

Power of cities and towns over highways not abridged.

SECTION 18. Every street railway corporation, its lessee or assigns, shall maintain and keep in repair such portions of the streets, roads and bridges, respectively, as are occupied by its tracks, and eighteen inches on each side thereof, to the satisfaction of the superintendent of streets, the street commissioner or the surveyors of highways, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants, in the construction, management and use of its tracks; and in case any recovery is had against

Railroad corporations shall keep streets and bridges in repair.

Liability for misconduct of agents.

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Liability to towns and other corporations for certain defects in highway.

any city or town, steam railroad, turnpike or bridge corporation, respectively, by reason of any defect or want of repair caused or permitted by the street railway corporation of that part of any street, highway or bridge, occupied by its tracks, and eighteen inches on each side thereof, said street railway corporation, its lessees or assigns, shall be liable to said city or town, steam railway, turnpike or bridge corporation, respectively, for any sums recovered against either of them, together with all costs and reasonable expenditures incurred by them, or either of them, in the defence of any suit or suits in which recovery is had, by reason of such defect or want of repair, provided the corporation, its lessees or assigns, had reasonable notice of such suit or suits, and an opportunity to assume the defence thereof.

Disuse of tracks for six months abrogates right of continuance.

SECTION 19. If a street railway company voluntarily discontinues the use of any part of its tracks for a period of six months, the streets or highways occupied by the same shall, upon the order of the board of aldermen of the city or the selectmen of the town, forthwith, at the expense of said company, be cleared of said tracks, and put in as good condition for the public travel as they were in immediately before being so occupied.

Towns may temporarily discontinue use of tracks.

SECTION 20. The board of aldermen of any city or the selectmen of any town, may order any street railway corporation to discontinue temporarily the use of any tracks within the limits of such city or town, whenever they adjudge that the safety or convenience of the inhabitants requires such discontinuance.

Gauge of track.

SECTION 21. All street railway corporations shall construct and maintain their tracks of a uniform gauge of four feet eight and one-half inches.

Penalty for wilful obstruction of corporation.

SECTION 22. Whoever wilfully and maliciously obstructs any such corporation, its lessees or assigns, in the legal use of any railway tracks, or delays the passing of the cars or railway carriages of such corporation, or of its lessees or assigns thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. The board of aldermen of any city, or the selectmen of any town, may establish such regulations for giving notice or warning of the approach of street cars by the driver or conductor, as shall in their opinion best secure the unobstructed use of the tracks and the free passage of cars.

Regulations for notice of approaching cars.

Penalty for obstruction by corporation.

SECTION 23. If any street railway corporation, its agents or servants, wilfully or negligently obstructs any street or

highway, or hinders the passing of carriages over the same, or wilfully detains the cars of any other company having the lawful right to pass thereon, such corporation shall be punished by a fine not exceeding five hundred dollars; and the agent or servant so offending shall be punished by a fine not exceeding ten dollars for each offence, or by imprisonment in the common jail for a period not exceeding three months.

SECTION 24. No street railway corporation shall sell or lease its road or property unless authorized so to do by its charter, or by special act of the legislature. The party leasing any such railway shall make to the corporation owning the same, annual returns, verified by oath, of the operations and business of the road; and for any failure to do so, shall be liable to said corporation for all the penalties prescribed by law for a failure, on the part of the corporation, to make annual returns to the legislature; and all penalties accruing to such corporation under this section may be recovered in an action of tort. The corporation owning such leased road shall be responsible to the legislature for the completeness and correctness of its annual returns to the same extent as if the road was in its own possession.

SECTION 25. The several street railway corporations whose cars are, from time to time, run upon routes approaching Scollay's Building, in the city of Boston, and going past or from the same by return tracks, shall unite in providing reasonable station accommodations, at or near the site of said building, for all passengers having occasion to take or leave the cars, or exchange cars, at that point. In case of disagreement between the several corporations as to the accommodations to be provided, and the proportional expense thereof to be borne by them, or as to any matter connected therewith, or if said corporations neglect to furnish such accommodations, the supreme judicial court may, upon application of either corporation, or on the petition of fifty legal voters, and notice to the other parties interested, appoint three commissioners, after due notice to and a hearing of the parties, who shall decide all questions relating thereto, that may arise between the parties; and the award of the commissioners or a major part of them, being returned to and approved by the court, shall be final.

SECTION 26. Every such corporation shall furnish reasonable accommodations for the conveyance of passengers, and the directors may establish the rates of fare on all passengers and property conveyed or transported in its cars, subject, however, to the limitations named in its charter.

Sale or lease of property.

Lease of railroad to make returns to owning company.

Owning corporation responsible.

Certain corporations to provide station-rooms for passengers at "Scollay's Building" in Boston.

In case of disagreement thereon, S. J. Court to appoint commission, and decision approved by court, to be final.

Accommodations for conveyance and rates of fare

Passenger in Boston entitled to check, current in any car of other corporation on same day.

Any passenger riding from any point in the city of Boston to any other point in said city, in a car run therein by any corporation shall, upon paying one cent in addition to the established fare for such passage, being in the whole not less than six cents, receive a check which shall entitle him to a passage, on the same day only, in any car run in said city by any other corporation, between any two points therein:

Provido.

provided, that no corporation shall take any larger sum beyond six cents for both of the passages aforesaid, including the check but not including the toll upon any bridge or ferry, than a sum equal to the lowest fare charged by either corporation for a passage in the city of Boston, and one cent added thereto. Any passenger riding in the car of any corporation from any point in the city of Boston, to any other point in said city, or from any point without said city to any point therein, the established fare between such points being not more than six cents, shall, upon paying three cents in addition to the established fare, being in the whole, not less than eight cents, receive a check which shall entitle him to a passage on the same day only, in any car run by any other corporation, between any two points in said city, or from any point therein to any point without said city, the established fare between such points being not more than six cents:

Entitled to additional conveyance without city on same day.

provided, however, that a corporation, whose cars cross a ferry or toll bridge within the aforesaid limits may collect of passengers crossing said ferry or toll bridge upon commutation checks one cent additional for the ferry or bridge toll; and no ferry corporation or commissioners of a toll bridge shall exact of a railway company whose cars cross a ferry or toll bridge less than one mile in length, any other toll than one cent on each passenger carried across in its cars. The corporations issuing such checks shall redeem the same once a week, paying therefor to the corporations presenting them one-half of the amount received as fare of the passengers to whom the checks were sold. The preceding provisions of this section shall not be construed to affect any contract between street railway corporations, made prior to the first day of January, eighteen hundred and sixty-four. The board of aldermen of any city, the selectmen of any town, or fifty legal voters of any city or town in which any street railway is located, may apply to the supreme judicial court for the appointment of three commissioners, who shall, after due notice and hearing of all parties interested, revise and regulate the fares as determined by the corporations; but such fares shall not, without the consent of the corporation, be so reduced as to yield,

Provido.

Limitation upon bridge and ferry companies.

Redemption of checks.

Provisions of section, how construed.

Fares, commissioners appointed by S. J. court may revise with in limitation prescribed.

with all other profits derived from operating its road, an income of less than ten per cent. upon the actual cost of the construction of its road and the purchase of property for its necessary use, to be determined by said commissioners. The report of the commissioners, confirmed by the supreme court, shall be final and conclusive for at least one year. The expense of said application and hearing shall be borne by such party as the supreme court may determine. This section shall not be held to authorize any corporation or said commissioners to raise the rate of fare or the price of tickets, above what has been heretofore established as such rate or price for any locality, by agreement made as a condition of location or otherwise between such corporation or its directors, and the mayor and aldermen of any city or the selectmen of any town, except by a mutual arrangement with the mayor and aldermen or selectmen with whom an agreement was made, fixing a rate as a condition for a location.

Revision, when approved by S. J. court to be final for one year.

Increase of fare, limitation defined.

SECTION 27. Any street railway corporation running cars in any city, and having tracks extending beyond the limits thereof to adjoining cities or towns, shall furnish a passenger in any of its cars not running the whole distance, on payment of the established fare to any designated point beyond the city, a check, not transferable, which shall entitle him to a passage, on the day of its issue, and on that day only, from the end of the route of the car in which he pays his fare, or from where it turns off from the direct route to the passenger's destination, in any car run by said corporation to the designated point. Any person transferring such check, or any check that he may receive in accordance with the provisions of the twenty-sixth section of this act, with or without consideration, shall forfeit not exceeding ten dollars, to be recovered by complaint to the use of the corporation.

Passenger entitled to check of transfer to other car of same company.

Penalty for transfer by passenger to other person.

SECTION 28. Whenever the track of any street railway corporation connects with the track, or terminates at the terminus of the railway of another such corporation, neither of which runs cars within or into the city of Boston, either of said corporations may require the other corporation to transport passengers in its cars upon the presentation of checks issued by the first named corporation to passengers going from its railway to any point or points on the railway of the other corporation; and if such corporations are unable to agree upon the terms and conditions upon which such commutation, transfer or exchange tickets shall be issued, the supreme judicial court, upon the petition of

Conveyance on connecting roads out of Boston, interchange of checks.

In case of disagreement S. J. court may appoint commissioners to adjust.

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either party, and notice to the other, may appoint three commissioners, who, after due notice to, and hearing of, the parties, shall establish the terms and conditions on which commutation, transfer or exchange tickets shall be issued, and shall fix and determine all other things needful to insure and subserve the convenient transfer of the passengers upon one railway to the cars of the other, therein to be transported to a point or points on such railway. The commissioners, in their award, shall have reference to the convenience and interest of the public and of the corporations to be accommodated or affected thereby, and the award of the commissioners, or of a major part of them, being returned to and approved by the court, shall be binding upon the respective corporations interested therein, until the same is revised or altered by commissioners, upon like notice and in like manner appointed; but no such revision or alteration shall be made within one year from the acceptance of such award: *provided, however*, that if any such corporations neglect to apply to the supreme judicial court for the appointment of commissioners as aforesaid, for one month after they have been requested so to apply by fifty legal voters of any city or town, said number of voters may apply to said court for the appointment of commissioners as aforesaid, who shall have the same powers as if appointed on the petition of said corporations.

Award, approved by court, to be binding for one year and until revised.

Corporation failing to act upon request, citizens may apply for commission.

Entrance upon and use of tracks of one corporation by another; in case of disagreement, commissioners to be appointed, upon petition of either party.

SECTION 29. Whenever any street railway corporation, duly authorized by law, either itself or by its lessees or assigns, has entered upon and uses, or proposes to enter upon and use, the tracks, or any portion thereof, of another such corporation, and the corporations cannot agree upon the manner and conditions of such entry and use, or the compensation to be paid therefor, the supreme judicial court, upon the petition of either party, and notice to the other, shall appoint three commissioners, who, after due notice to and hearing of the parties interested, shall determine the rate of compensation to be paid for future use, and, if desired by either party, for past use, or fix the manner and stated periods of such use, or the mode of connection of the tracks, having reference to the convenience and interest of the corporations, and of the public to be accommodated thereby; and the award of the commissioners, or a major part of them, being returned to and approved by the court, shall be binding upon the respective corporations interested therein, for one year and until the same is revised or altered, by commissioners in like manner appointed: *provided, however*, that no such award shall apply to any

Award binding for one year and until revised.

Proviso.

period of time covered by any previous award of commissioners or by agreement of parties.

SECTION 30. Whenever one street railway corporation, its lessees or assigns, enters upon and uses the tracks of another such corporation, by authority of law, the corporation so entering and using shall, until the rate of compensation is agreed upon or fixed by commissioners as provided in the preceding section, pay for such use, once in each month from the time of entry, at such rate of compensation as the supreme judicial court shall, on petition of either party and notice to the other, from time to time, order; but the rate of compensation thus named by the court shall not be held as limiting, or in any wise controlling the sum to be fixed as a permanent rate of compensation by the commissioners. If the compensation established by commissioners for the prior use of tracks exceeds the rate previously fixed by the court, the excess shall be paid by the corporation using the tracks; and in case it falls below such rate, the difference shall be deducted from the compensation subsequently accruing.

Corporation using another's tracks, shall pay monthly, until fixed by commissioners, compensation S. J. court shall order.

Payments not to control decision of commissioners.

SECTION 31. If any such corporation, its lessees or assigns, using the tracks of another corporation, fails to make the monthly payment therefor, at the rate named by the commissioners or the supreme judicial court, as provided in the preceding section, the further use of said tracks may be enjoined by the court, until all payments in arrear have been made or satisfactorily secured. Street railway corporations, while using the tracks of another corporation, as herein before provided, shall conform to the rules and regulations, from time to time established, of the authorities of the respective cities and towns through which their cars run, and to the rules and regulations adopted by the corporation whose tracks they respectively use, for the regulation of their own cars and employees, and shall keep an account of the number of cars run daily by them respectively.

Upon failure to pay, court may enjoin use of tracks.

Corporation using another's tracks to observe rules and regulations of same and register cars run.

SECTION 32. In all cases heard before commissioners under the provisions of this act, the expenses and costs attending the same, including the compensation of the commissioners, shall be paid by such party, or divided between the parties in such proportions, as the commissioners determine. The court appointing the commissioners shall fix and award them such compensation for their services and expenses as it deems just and reasonable.

Hearings before commissioners, compensation and expenses.

SECTION 33. Whoever fraudulently evades, or attempts to evade, the payment of any fare lawfully established by any such corporation, either by giving a false answer to the

Penalty for evasion of lawful fare.

Refusal to pay.	<p>collector of the fare, or by travelling beyond the point to which he has paid the same, or by leaving the car without having paid the fare established for the distance, or otherwise, shall be punished by fine of not less than five nor more than twenty dollars for each offence. Whoever does not, upon demand, pay such fare, shall not be entitled to be transported over the road, and may be ejected from the car.</p>
Motive power.	<p>SECTION 34. Street railway companies may use such motive-power on their respective tracks or roads as the board of aldermen of cities, or the selectmen of towns, through which they are located, may from time to time permit.</p>
Liability for damage by fire from engine.	<p>Every such company shall be responsible in damages to any person whose buildings or other property is injured by fire communicated by its locomotive engines, and shall have an insurable interest in the property, upon its route, for which it may be so held responsible, and may procure insurance thereon in its own behalf.</p>
Crossings of steam railroads.	<p>SECTION 35. Any such corporation whose track crosses the tracks of a steam railroad, shall make the crossing in such a manner as to injure as little as possible such tracks, and shall insert no frogs therein, and make no incisions into the rails thereof, without the consent of the directors of such road.</p>
Street car to stop at one hundred feet.	<p>SECTION 36. When a street railway crosses or is crossed by a steam railroad at grade, where locomotive engines are in daily use, the driver of the car upon the street railway shall, when approaching the point of intersection, stop his car within one hundred feet of the crossing. No street railway car shall pass another car standing to receive or deliver passengers, in a parallel track in the same street, at a rate of speed faster than a walk. For each violation of this section the driver shall forfeit ten dollars, and the corporation employing the driver shall forfeit twenty dollars.</p>
Pass parallel cars at walk.	<p>SECTION 37. If by reason of the negligence or carelessness of a street railway corporation, or of the unfitness, negligence or carelessness of its servants or agents, the life of any person, being a passenger, in the exercise of due care, or of any person being in the exercise of due care, and not being a passenger, or in the employment of such corporation, is lost, the corporation shall be punished by a fine not exceeding five thousand dollars, nor less than five hundred dollars, to be recovered by indictment, and paid to the executor or administrator, for the use of the widow and children of the deceased, in equal moieties; but if there are no children, to the use of the widow, or if no widow, to the use of the next of kin.</p>
Penalties for violation.	
Loss of life from negligence of corporation or agents, pecuniary liability.	

SECTION 38. Indictments against a street railway corporation, for loss of life, shall be prosecuted within one year from the time of the injury causing the death.

Indictments to be prosecuted within year.

SECTION 39. No street railway corporation shall appropriate, for the payment of dividends, any money received for the sale of any portion of its railway, or of any of its property, unless it first reduces its capital stock issued, by an amount which, at its par value, is equal to the amount which said portion of its railway or property cost said company.

Dividends not to be made from sale of property, unless, etc.

SECTION 40. The directors of every street railway corporation shall annually, on or before the first Wednesday of January, make oath to and transmit to the secretary of the Commonwealth, a report of their doings under its charter for the year ending the thirtieth day of November preceding, the first annual report stating the number of months and days included therein. Such report shall set forth copies of all leases and contracts made during the year with other corporations and individuals, and shall contain full and complete information upon the following items, viz.:

Annual report to secretary of Commonwealth.

Condition of the Company.

1. Capital stock fixed by charter. 2. Capital stock as voted by the company. 3. Capital stock paid in, expressed in money. 4. Funded debt. 5. Floating debt, including amount of unredeemed tickets. 6. Total debt. 7. Number of mortgages on road and franchise, and amount of debt secured thereby. 8. Number of mortgages on any other property of the corporation, specifying the amounts. 9. Amounts of assets on hand, exclusive of the railway and equipments, and exclusive of all property on hand, used, or which is to be used, in running the railway and keeping it in repair.

Form of return.

Cost of the Railway.

10. Net cost of road,—to include all amounts expended for labor, timber, iron or rails and chairs, for paving-stones and paving, engineering, interest, salaries of officers during construction of road, and other expenses not included in any of the above items, and not including items of equipments or running expenses.

Characteristics of the Railway.

11. Length of railway laid with single main track. 12. Length of railway laid with double main track. 13. Length of branches owned by the company, stating amount of double track, if any. 14. Aggregate length of switches, sidings, turnouts and other track, excepting main track and branches. 15. Total length of track measured as single track. 16. Weight of rail used per yard, and length of track laid with each kind of rail, specifying whether of cast or wrought iron. 17. Maximum grade per mile, with length of grade. 18. Shortest radius of curvature, with length of curve. 19. Total length of track paved.

Cost of Equipment.

20. Number of cars and cost. 21. Number of horses and cost. 22. Cost of omnibuses, sleighs and other vehicles, excepting cars, owned by the company. 23. Cost of real estate, including buildings, owned by the company. 24. Cost of buildings owned by the company on land not owned by the company. 25. Cost of other articles of equipment. 26. Net amount at which the equipment stands charged on the books of the company.

Doings during the Year.

27. Total number of miles run during the year. 28. Average cost per mile run. 29. Total number of passengers carried in the cars. 30. Total number of round trips run during the year. 31. Average number of passengers each round trip. 32. Rate

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of speed adopted, including stops and detentions. 33. Number of persons regularly employed, specifying the occupations of each.

Expenditures for working the Railway.

34. For repairs of railway. 35. For repairs of equipments. 36. For repairs of real estate. 37. For wages, including the wages of every person regularly employed, excepting the president, directors, superintendent and treasurer. 38. For interest. 39. For taxes and insurance, other than United States taxes. 40. For United States taxes. 41. For rent and tolls paid other companies for use of their roads. 42. Amount paid other companies for the use of bridges and ferries. 43. For provender. 44. For loss on horses. 45. For incidental expenses—to include printing, president's, directors', superintendent's and treasurer's salaries, and all other expenses not herein before included. 46. Total expenses.

Earnings.

47. Received from passengers in cars and omnibuses, and for tickets sold. 48. From other roads, as toll or rent for use of road. 49. From other sources, specifying from what source in each item exceeding five hundred dollars. 50. Total earnings. 51. Net earnings after deducting expenses. 52. Surplus earnings of previous year on hand. 53. Total surplus. 54. Dividends declared during the year. 55. Total percentage of dividends for the year. 56. Present surplus.

Miscellaneous.

57. Increase during the year of capital stock as fixed by charter. 58. Increase during the year of capital stock paid in. 59. Increase of funded debt during the year. 60. Increase of floating debt during the year. 61. Decrease of funded debt during the year. 62. Decrease of floating debt during the year. 63. Increase of mortgage debt during the year. 64. Decrease of mortgage debt during the year. 65. Increase of cost of road during the year. 66. Decrease in nominal cost of road. 67. Increase in cost of equipment during the year. 68. Decrease in cost of equipment during the year. 69. Increase of unredeemed tickets during the year. 70. Decrease of unredeemed tickets during the year. 71. Present amount of unredeemed tickets. 72. List of accidents on road during the year.

Penalty for neglect to make return.

SECTION 41. Every corporation refusing or neglecting to make the return required by the preceding section, shall forfeit twenty-five dollars for each day's refusal or neglect. And the secretary of the Commonwealth shall notify the attorney-general of such refusal or neglect, who shall forthwith prosecute the same in behalf of the Commonwealth.

Blanks to be furnished.

SECTION 42. The secretary shall annually, in November, cause to be prepared, and transmitted to such corporations, blank forms for returns.

Rules and regulations of municipality and commissioners, S. J. court may enforce.

SECTION 43. In addition to the penalties herein provided, the supreme judicial court shall have full equity powers to compel the observance of all orders, rules and regulations made by the board of aldermen of any city, or the selectmen of any town, or of any commissioners appointed in accordance with this act.

Privileges and liabilities of existing corporations.

SECTION 44. Street railway corporations now existing shall continue to exercise and enjoy their powers and privileges, according to their respective charters and to the laws in force; and shall continue subject to all the liabilities to which they are now subject, except so far as said powers, privileges and liabilities are modified or controlled by the provisions of this statute.

SECTION 45. All acts and parts of acts inconsistent herewith are hereby repealed. But nothing in this act contained shall operate to annul or impair in any wise any terms or conditions upon which any charter has been accepted, or location or other privilege granted by any city or town, and which have been assented to by such corporation.

Repeal.

Act not to impair, &c.

Approved May 12, 1864.

AN ACT TO SECURE THE MORE CERTAIN PAYMENT OF ALLOTMENTS AND BOUNTIES TO SOLDIERS. *Chap. 230*

Be it enacted, &c., as follows :

SECTION 1. All moneys allotted by any soldier in the army, and which shall be distributed according to the provisions of the sixty-second chapter of the acts of the year one thousand eight hundred and sixty-two, entitled "An Act concerning the Custody and Distribution of Funds of the Massachusetts Volunteers," or which, by authority of any law of the Commonwealth, are required to be distributed by any officer of any city or town, to persons holding an allotment or assignment from any soldier in the army of the United States, shall be paid to the person entitled to receive such moneys, without any deduction, or any charge, commission or claim for compensation for any service in the disbursement thereof.

Payment to be made to person entitled without deduction or charge for service.

SECTION 2. Any treasurer or other officer of a city or town, withholding any portion of the amount which he is by law required to disburse, or charging any commission thereon for services in such disbursement, or in the care thereof, or upon any other pretence whatever, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the house of correction not exceeding three months.

Penalty for withholding.

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

Approved May 12, 1864.

AN ACT TO REGULATE THE TRANSPORTATION OF PASSENGERS, FREIGHT AND BAGGAGE, TO AND FROM THE MARTHA'S VINEYARD CAMP GROUND. *Chap. 231*

Be it enacted, &c., as follows :

Whoever, during the time of holding the Martha's Vineyard camp-meeting, or during the two weeks next preceding its commencement, or the week next after its close, and within one mile and a quarter of the place of holding said meeting, transports for hire, passengers, freight or baggage, to or from the place of holding said meeting without license from the agent of the Martha's Vineyard camp-meeting association, having charge of the camp ground, who shall act

Penalty for, without license from agent.

Fee for license.

under the general direction and subject to the control of the finance committee of said association, shall forfeit and pay for each offence a sum not exceeding twenty dollars. The amount to be paid for said license shall not exceed one dollar.

Approved May 12, 1864.

Chap. 232

AN ACT TO PROVIDE FOR ADDITIONAL PAY TO OUR MILITIA IN THE SERVICE OF THE UNITED STATES.

Be it enacted, &c., as follows:

Governor shall pay \$20 monthly to privates and non-commissioned officers, mustered since April 1, '64.

SECTION 1. The governor shall offer and pay to every private and non-commissioned officer of the Massachusetts militia, who has been since the first day of April in the year eighteen hundred and sixty-four, mustered into the service of the United States, or who shall be hereafter mustered into said service, as a part of the Massachusetts militia, the sum of twenty dollars monthly, so long as he shall remain in said service; and this shall be in full discharge of all claim upon the Commonwealth for pay, bounty and state aid.

Manner and form of payment, how made.

SECTION 2. The payment provided for in the first section of this act shall be made in manner and form as prescribed for payment in chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three, and the provisions of said chapter relating to the manner of payment are hereby made applicable to the same.

Provisions ch. 264, acts '63, to apply in payment.

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

Approved May 12, 1864.

Chap. 233

AN ACT TO AUTHORIZE THE NEWBURYPORT RAILROAD COMPANY TO CONSTRUCT RAILWAY TRACKS IN THE STREETS OF NEWBURYPORT.

Be it enacted, &c., as follows:

May construct tracks from Pond Street to Merrimac River.

SECTION 1. The Newburyport Railroad Company is hereby authorized to construct, maintain and use for the transportation of freight, railway tracks connecting the same with the tracks of their railroad near its terminus on Pond Street, in the city of Newburyport, thence upon and over such streets in said city as the mayor and aldermen thereof may from time to time determine, with the assent in writing of said company, its lessees or assigns, filed with said mayor and aldermen, to the wharves and deep water of Merrimac River; and the mayor and aldermen, in their order locating said tracks, shall determine at what distances from the sidewalks said tracks shall be laid, and shall also thus determine what portion of the expenses which may be incurred in the removal of said tracks or any part thereof, in case their location should at any time be revoked, shall be paid by said city; and before the location of any track in any street,

Mayor and aldermen to locate.

Notice to abutments.

the mayor and aldermen shall give notice to the abutters thereon, and to all parties interested, fourteen days at least, by publication in some newspaper published in said city.

SECTION 2. The manner in which said tracks shall be constructed and maintained, shall be determined by the mayor and aldermen, who shall also have power from time to time, to determine the motive-power to be used thereon, and to make all such regulations as to the rate of speed and mode of use, as the public convenience may require; and if in the judgment of said company it shall be necessary to alter the grade of any street in which tracks are located, such alteration may be made, by consent of the mayor and aldermen, and the expense thereof shall be paid by said company, unless it shall be otherwise determined by the mayor and aldermen.

Construction and maintenance.

Motive-power.

Rate of speed.

Alteration of grade.

Expense.

SECTION 3. Said company shall keep and maintain in repair such portions of the streets as shall be occupied by its tracks, and shall be liable for any loss or injury sustained by any person, by reason of any carelessness or neglect of its agents or servants; and in case any recovery shall be had against said city, for any carelessness, neglect, or want of repair, as aforesaid, said company shall be liable to pay to said city the sum thus recovered, together with costs and reasonable expenditures incurred, in defence of the suit in which the recovery may be had; *provided* the company, its lessees or assigns, had reasonable notice of such suit, and an opportunity to assume the defence thereof; and said company shall not incumber any portion of the streets not occupied by said tracks.

Repair of streets.

Liability for loss or injury by neglect of agents.

Recovery against city; corporation held to pay with costs.

Proviso.

SECTION 4. If any person shall wilfully and maliciously obstruct said company, or its lessees or assigns, or their agents or servants, in the use of said tracks or the passing of their cars thereon, such person and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a term not exceeding three months.

Penalty for obstruction of tracks.

SECTION 5. If said company, its lessees or assigns, or their agents or servants, while in the use of said tracks, shall wilfully and maliciously obstruct any street, or the passing of any carriage over the same, it shall be punished by a fine not exceeding five hundred dollars.

Penalty for obstruction of streets by company.

SECTION 6. Nothing in this act shall be construed to prevent the mayor and aldermen of said city from exercising any power which by law they now have, to enter upon and take up any street in which said tracks may be laid.

Power of mayor and aldermen to take up tracks not abridged.

May discontinue tracks and change location.

SECTION 7. At any time after the expiration of one year from the opening for use of any tracks constructed in pursuance of this act, the mayor and aldermen of said city may determine that said tracks or any portion thereof shall be discontinued, and thereupon, the location thereof shall be deemed to be revoked, and shall be removed in conformity to the order of said mayor and aldermen.

May connect and use tracks jointly with Newburyport and Amesbury Railroad Company.

SECTION 8. Said company may connect the tracks, hereby authorized to be constructed, with, and use for the transportation of freight the tracks of the Newburyport and Amesbury Horse Railroad Company, with the consent of said last named company; and the Newburyport and Amesbury Horse Railroad Company may connect its tracks with, and use for any purpose for which it may lawfully use its own tracks, the tracks hereby authorized to be constructed, with the consent of the Newburyport Railroad Company; such use and connection in either case to be upon terms mutually agreed upon by said companies, and subject to the consent first obtained of the mayor and aldermen of said city.

Conditions of validity of act.

SECTION 9. This act shall take effect upon its passage, but shall become void unless accepted by the city council of Newburyport, within one year and by the Newburyport Railroad Company within two years of its passage.

Approved May 12, 1864.

Chap. 234 AN ACT IN RELATION TO FISHERIES IN THE TOWN OF WINCHESTER.
Be it enacted, &c., as follows:

Fisheries in Mystic River, regulations extended to Winchester.

SECTION 1. All acts heretofore passed for the preservation of fish and the regulation of fisheries in the Mystic River, shall extend to the town of Winchester, and to all the ponds and streams therein; and the committee for the preservation of fish in said town, shall have full powers to remove all obstructions to the passage of fish therein, during the time fixed by law for the free passage of fish.

Construction of act.

SECTION 2. Nothing in this act shall be construed to affect any of the provisions of the act, entitled "An Act for supplying the city of Charlestown with Pure Water," approved March twenty-eighth in the year eighteen hundred and sixty-one.

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

Approved May 12, 1864.

Chap. 235 AN ACT CONCERNING THE NASHUA AND LOWELL RAILROAD CORPORATION.

Be it enacted, &c., as follows:

May construct track across streets in Lowell.

SECTION 1. The Nashua and Lowell Railroad Corporation is hereby authorized, subject to the provisions of all

general laws which now are or hereafter may be in force, to construct and maintain a railroad track or tracks from its present tracks, across Western Avenue and School Street in the city of Lowell, or either of them, to the land of said corporation on the southerly side of said avenue; said track or tracks only to be laid with the consent of the city council of said city of Lowell and under such regulations and restrictions as said city council shall establish.

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

Approved May 12, 1864.

AN ACT TO INCORPORATE THE EMIGRANT EXPRESS COMPANY IN THE CITY OF BOSTON. Chap. 236

Be it enacted, &c., as follows:

SECTION 1. Edward Atkinson, George L. Ward, George Winslow, Ginery Twichell, John M. Forbes, their associates and successors, are hereby made a corporation in the city of Boston, by the name of the Emigrant Express Company, for the purpose of aiding and promoting the emigration to the United States of skilled laborers in the various departments of industry; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to corporations, so far as the same are applicable to said corporation.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

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

Approved May 12, 1864.

AN ACT TO APPORTION AND ASSESS A TAX OF TWO MILLIONS THREE HUNDRED AND NINETY-SIX THOUSAND FOUR HUNDRED AND SIXTY-THREE DOLLARS. Chap. 237

Be it enacted, &c., as follows:

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:

Suffolk County.—Boston, seven hundred and fifty-six thousand six hundred dollars; Chelsea, eighteen thousand seven hundred and sixty-eight dollars; North Chelsea, two thousand and sixteen dollars; Winthrop, one thousand two hundred dollars.

Essex County.—Amesbury, four thousand two hundred and seventy-two dollars; Andover, six thousand six hundred and forty-eight dollars; Beverly, nine thousand and forty-

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eight dollars; Boxford, one thousand seven hundred and seventy-six dollars; Bradford, two thousand four hundred and twenty-four dollars; Danvers, seven thousand one hundred and seventy-six dollars; Essex, two thousand seven hundred and thirty-six dollars; Georgetown, two thousand two hundred and thirty-two dollars; Gloucester, twelve thousand seven hundred and ninety-two dollars; Groveland, one thousand seven hundred and twenty-eight dollars; Hamilton, one thousand two hundred and ninety-six dollars; Haverhill, fifteen thousand nine hundred and twelve dollars; Ipswich, three thousand eight hundred and sixteen dollars; Lawrence, twenty-seven thousand two hundred and forty dollars; Lynn, twenty-six thousand five hundred and sixty-eight dollars; Lynnfield, one thousand five hundred and thirty-six dollars; Manchester, two thousand three hundred and fifty-two dollars; Marblehead, seven thousand six hundred and thirty-two dollars; Methuen, three thousand seven hundred and sixty-eight dollars; Middleton, one thousand one hundred and fifty-two dollars; Nahant, one thousand three hundred and twenty dollars; Newbury, two thousand two hundred and eighty dollars; Newburyport, eighteen thousand seven hundred and sixty-eight dollars; North Andover, four thousand two hundred and seventy-two dollars; Rockport, four thousand and fifty-six dollars; Rowley, one thousand five hundred and twelve dollars; Salem, thirty-nine thousand three hundred and eighty-four dollars; Salisbury, four thousand three hundred and sixty-eight dollars; Saugus, three thousand two hundred and sixty-four dollars; South Danvers, nine thousand nine hundred and sixty dollars; Swampscott, two thousand eight hundred and eight dollars; Topsfield, one thousand eight hundred and forty-eight dollars; Wenham, one thousand five hundred and eighty-four dollars; West Newbury, two thousand eight hundred and thirty-two dollars.

County of Middlesex.

Middlesex County.—Acton, two thousand four hundred and twenty-four dollars; Ashby, one thousand three hundred and ninety-two dollars; Ashland, one thousand eight hundred and forty-eight dollars; Bedford, one thousand two hundred and ninety-six dollars; Belmont, five thousand two hundred and eighty dollars; Billerica, two thousand nine hundred and four dollars; Boxborough, six hundred and twenty-four dollars; Brighton, nine thousand and forty-eight dollars; Burlington, one thousand one hundred and twenty-eight dollars; Cambridge, fifty-three thousand four hundred and twenty-four dollars; Carlisle, nine hundred and thirty-six dollars; Charlestown, forty-one thousand five hundred

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and sixty-eight dollars; Chelmsford, three thousand eight hundred and sixteen dollars; Concord, four thousand four hundred and sixty-four dollars; Dracut, two thousand seven hundred and eighty-four dollars; Dunstable, one thousand and eighty dollars; Framingham, six thousand two hundred and sixty-four dollars; Groton, four thousand two hundred and seventy-two dollars; Holliston, four thousand three hundred and ninety-two dollars; Hopkinton, four thousand four hundred and sixty-four dollars; Lexington, four thousand eight hundred and forty-eight dollars; Lincoln, one thousand four hundred and sixty-four dollars; Littleton, one thousand eight hundred and forty-eight dollars; Lowell, fifty-six thousand five hundred and forty-four dollars; Malden, nine thousand four hundred and fifty-six dollars; Marlborough, six thousand one hundred and ninety-two dollars; Medford, twelve thousand seven hundred and ninety-two dollars; Melrose, three thousand eight hundred and sixty-four dollars; Natick, five thousand nine hundred and fifty-two dollars; Newton, eighteen thousand six hundred and forty-eight dollars; North Reading, one thousand five hundred and eighty-four dollars; Pepperell, two thousand four hundred dollars; Reading, three thousand seven hundred and sixty-eight dollars; Sherborn, two thousand three hundred and fifty-two dollars; Shirley, one thousand nine hundred and forty-four dollars; Somerville, fifteen thousand eight hundred and forty dollars; South Reading, five thousand two hundred and eighty dollars; Stoneham, three thousand eight hundred and eighty-eight dollars; Stow, two thousand and eighty-eight dollars; Sudbury, two thousand nine hundred and four dollars; Tewksbury, one thousand eight hundred and twenty-four dollars; Townsend, two thousand one hundred and thirty-six dollars; Tyngsborough, nine hundred and thirty-six dollars; Waltham, twelve thousand three hundred and sixty dollars; Watertown, six thousand eight hundred and forty dollars; Wayland, one thousand five hundred and sixty dollars; West Cambridge, six thousand four hundred and eight dollars; Westford, two thousand three hundred and four dollars; Weston, two thousand seven hundred and twelve dollars; Wilmington, one thousand three hundred and forty-four dollars; Winchester, four thousand one hundred and four dollars; Woburn, ten thousand three hundred and twenty dollars.

Worcester County.—Ashburnham, two thousand four hundred and twenty-four dollars; Athol, three thousand and twenty-four dollars; Auburn, one thousand one hundred and fifty-two dollars; Barre, four thousand six hundred and

County of Worcester.

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eighty dollars; Berlin, one thousand two hundred and seventy-two dollars; Blackstone, five thousand seven hundred and eighty-four dollars; Bolton, one thousand seven hundred and four dollars; Boylston, one thousand three hundred and forty-four dollars; Brookfield, two thousand five hundred and twenty dollars; Charlton, two thousand seven hundred and twelve dollars; Clinton, four thousand eight hundred and seventy-two dollars; Dana, eight hundred and sixteen dollars; Douglas, two thousand eight hundred and eighty dollars; Dudley, two thousand and sixty-four dollars; Fitchburg, ten thousand nine hundred and twenty dollars; Gardner, two thousand nine hundred and fifty-two dollars; Grafton, five thousand two hundred and eight dollars; Hardwick, two thousand five hundred and ninety-two dollars; Harvard, two thousand four hundred and ninety-six dollars; Holden, two thousand four hundred dollars; Hubbardston, one thousand nine hundred and forty-four dollars; Lancaster, two thousand four hundred and twenty-four dollars; Leicester, four thousand four hundred and sixty-four dollars; Leominster, four thousand nine hundred and sixty-eight dollars; Lunenburg, two thousand and sixty-four dollars; Mendon, two thousand and sixty-four dollars; Milford, ten thousand two hundred and seventy-two dollars; Millbury, four thousand two hundred and seventy-two dollars; New Braintree, one thousand four hundred and eighty-eight dollars; North Brookfield, three thousand five hundred and fifty-two dollars; Northborough, two thousand six hundred and sixteen dollars; Northbridge, two thousand nine hundred and seventy-six dollars; Oakham, one thousand and thirty-two dollars; Oxford, three thousand five hundred and fifty-two dollars; Paxton, nine hundred and thirty-six dollars; Petersham, one thousand nine hundred and sixty-eight dollars; Phillipston, nine hundred and twelve dollars; Princeton, two thousand and sixteen dollars; Royalston, two thousand three hundred and twenty-eight dollars; Rutland, one thousand four hundred and eighty-eight dollars; Shrewsbury, three thousand and seventy-two dollars; Southborough, two thousand seven hundred and sixty dollars; Southbridge, three thousand nine hundred and eighty-four dollars; Spencer, three thousand eight hundred and forty dollars; Sterling, two thousand eight hundred and eight dollars; Sturbridge, two thousand six hundred and forty dollars; Sutton, three thousand two hundred and sixteen dollars; Templeton, three thousand four hundred and thirty-two dollars; Upton, two thousand three hundred and four

dollars; Uxbridge, four thousand six hundred and eighty dollars; Warren, two thousand four hundred and forty-eight dollars; Webster, three thousand three hundred and twelve dollars; West Boylston, two thousand seven hundred and thirty-six dollars; West Brookfield, one thousand nine hundred and forty-four dollars; Westborough, three thousand five hundred and seventy-six dollars; Westminster, two thousand two hundred and eighty dollars; Winchendon, three thousand two hundred and forty dollars; Worcester, forty-seven thousand seven hundred and eighty-four dollars.

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

County of Hamp-
shire.

Hampden County.—Agawam, two thousand and forty dollars; Blandford, one thousand five hundred and eighty-four dollars; Brimfield, two thousand and sixteen dollars; Chester, one thousand four hundred and sixteen dollars; Chicopee, eight thousand four hundred and ninety-six dollars; Granville, one thousand three hundred and ninety-two dollars; Holland, four hundred and eighty dollars; Holyoke, six thousand and ninety-six dollars; Longmeadow, two thousand five hundred and forty-four dollars; Ludlow, one thousand three hundred and sixty-eight dollars; Monson, three thousand two hundred and eighty-eight dollars; Montgomery, four hundred and eighty dollars; Palmer, three thousand eight hundred and sixteen dollars; Russell,

County of Hamp-
den.

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six hundred and forty-eight dollars; Southwick, one thousand seven hundred and fifty-two dollars; Springfield, twenty-four thousand five hundred and fifty-two dollars; Tolland, eight hundred and sixteen dollars; Wales, eight hundred and sixty-four dollars; West Springfield, two thousand nine hundred and twenty-eight dollars; Westfield, eight thousand and sixteen dollars; Wilbraham, two thousand five hundred and forty-four dollars.

County of Frank-
lin.

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

County of Berk-
shire.

Berkshire County.—Adams, seven thousand seven hundred and four dollars; Alford, eight hundred and eighty-eight dollars; Becket, one thousand four hundred and sixty-four dollars; Cheeshire, one thousand nine hundred and forty-four dollars; Clarksburg, three hundred and sixty dollars; Dalton, two thousand and forty dollars; Egremont, one thousand three hundred and ninety-two dollars; Florida, four hundred and fifty-six dollars; Great Barrington, five thousand two hundred and eight dollars; Hancock, one thousand three hundred and forty-four dollars; Hinsdale, one thousand seven hundred and fifty-two dollars; Lanesborough, one thousand eight hundred and forty-eight dollars; Lee, five thousand and eighty-eight dollars; Lenox, two thousand three hundred and fifty-two dollars; Monterey, nine hundred

and thirty-six dollars; Mount Washington, two hundred and forty dollars; New Ashford, three hundred and thirty-six dollars; New Marlborough, one thousand nine hundred and twenty dollars; Otis, nine hundred and twelve dollars; Peru, six hundred and forty-eight dollars; Pittsfield, thirteen thousand seven hundred and four dollars; Richmond, one thousand three hundred and ninety-two dollars; Sandisfield, one thousand six hundred and eighty dollars; Savoy, eight hundred and eighty-eight dollars; Sheffield, three thousand two hundred and sixteen dollars; Stockbridge, two thousand seven hundred and thirty-six dollars; Tyringham, eight hundred and eighty-eight dollars; Washington, nine hundred and sixty dollars; West Stockbridge, one thousand seven hundred and twenty-eight dollars; Williamstown, three thousand four hundred and eight dollars; Windsor, one thousand and thirty-two dollars.

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

Bristol County.—Acushnet, two thousand one hundred and sixty dollars; Attleborough, seven thousand two hundred and seventy-two dollars; Berkley, nine hundred and sixty dollars; Dartmouth, seven thousand eight hundred dollars; Dighton, two thousand one hundred and thirty-six

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 dollars; Easton, three thousand four hundred and eight dollars; Fairhaven, nine thousand one hundred and forty-four dollars; Fall River, thirty-four thousand one hundred and twenty-eight dollars; Freetown, two thousand two hundred and fifty-six dollars; Mansfield, two thousand two hundred and eighty dollars; New Bedford, sixty-one thousand six hundred and thirty-two dollars; Norton, two thousand four hundred and twenty-four dollars; Raynham, two thousand eight hundred and eighty dollars; Rehoboth, two thousand five hundred and ninety-two dollars; Seekonk, one thousand three hundred and forty-four dollars; Somerset, two thousand six hundred and eighty-eight dollars; Swanzev, two thousand one hundred and twelve dollars; Taunton, twenty-two thousand nine hundred and twenty dollars; Westport, four thousand nine hundred and forty-four dollars.

County of Plymouth.

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

County of Barnstable.

Barnstable County.—Barnstable, six thousand one hundred and forty-four dollars; Brewster, one thousand eight hundred and forty-eight dollars; Chatham, two thousand seven hundred and sixty dollars; Dennis, three thousand

four hundred and fifty-six dollars; Eastham, seven hundred and ninety-two dollars; Falmouth, three thousand eight hundred and forty dollars; Harwich, two thousand eight hundred and fifty-six dollars; Orleans, one thousand five hundred and eighty-four dollars; Provincetown, three thousand eight hundred and forty dollars; Sandwich, four thousand nine hundred and twenty dollars; Truro, one thousand four hundred and sixteen dollars; Wellfleet, two thousand and eighty-eight dollars; Yarmouth, three thousand three hundred and eighty-four dollars.

Dukes County.—Chilmark, one thousand five hundred and eighty-four dollars;* Edgartown, three thousand seven hundred and sixty-eight dollars; Tisbury, two thousand seven hundred and twelve dollars. County of Dukes.

Nantucket County.—Nantucket, ten thousand six hundred and eight dollars. County of Nantucket.

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

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town, taxed as aforesaid, requiring them respectively to assess the sum so charged according to the provisions of the eleventh chapter of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively, on each city or town. Treasurer to issue warrant to cities and towns.

* Gosnold included in the tax of Chilmark. See Act 1864, chap. 97.

Warrant to require issue of warrants by towns for payment to treasurer.

Certificate of names of town treasurers to be returned.

Treasurer to notify in case of delinquency in payment.

Penalty.

In case unpaid Jan. 1, '66, warrant of distress to issue.

SECTION 3. The treasurer in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns, to pay to said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and sixty-four, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said court, or the justice thereof, before whom the hearing is had, shall order.

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

Approved May 12, 1864.

Chap. 238

AN ACT CONCERNING THE MILITIA.

Be it enacted, &c., as follows:

Persons to be enrolled.

SECTION 1. Every able-bodied male citizen resident within this Commonwealth, of the age of eighteen years and under the age of forty-five years, shall be enrolled in the militia.

Exempts from duty in militia.

SECTION 2. The following persons shall be enrolled, but exempted from military duty, in the militia, viz.: The vice-president of the United States; the officers, judicial and executive, of the government of the United States; the members of both houses of congress and their respective officers; all custom-house officers and their clerks; all inspectors of exports; pilots and mariners employed in the sea service of any citizen or merchant within the United States; soldiers in the army and seamen in the navy of the

United States; all postmasters, assistant-postmasters and their clerks, regularly employed and engaged in post-offices, post-officers, post-riders, and stage-drivers employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road. Also all justices and clerks of courts of record, judges and registers of probate and insolvency, registers of deeds, and sheriffs; and any person of either of the religious denominations of quakers or shakers who shall, on or before the first day of May, annually, produce to the commander of the company within the limits of which he resides, a certificate, signed by two or more of the elders or overseers (as the case may be,) and countersigned by the clerk of the society with which he meets for public religious worship, which shall be in substance as follows:

We, the subscribers, of the society of people called —, in the town of —, in the county of —, do hereby certify that — professes the religious faith of our society, and is a member thereof, that he frequently and usually attends religious worship with said society, and we believe that he entertains conscientious scruples against bearing arms.

A. B., } Elders or Overseers,
 C. D., } (as the case may be.)
 E. F., Clerk.

The persons hereinafter named shall be enrolled, but shall be held to service only in case of war, invasion, the prevention of invasion, insurrection, the suppression of riots, and to aid civil officers in the execution of the laws, viz.:

Exempts from military duty except in case of invasion or to execute laws.

Officers who have held or may hold for a period of five years, commissions in the army or navy of the United States, or in the militia of this or any other state of the United States; or who have been or shall be superseded and discharged; or who have held or shall hold commissions in any corps at the time of its disbandment. The superintendents, officers and assistants, employed in or about any department of the Massachusetts general hospital, the city hospital in Boston, or either of the state hospitals or state almshouses. The officers and guards employed at the state prison in Charlestown, or in any of the jails or houses of correction, or state reform schools. Keepers of light-houses. No idiot, lunatic, common drunkard, vagabond, pauper, or person convicted of any infamous crime, shall be allowed to serve in the militia; and any person convicted of such crime after enrolment shall forthwith be stricken from the rolls.

Certain unfortunate persons and convicted criminals not allowed in service.

SECTION 3. It shall be the duty of the assessors, in the several cities and towns, to prepare a list of all persons who may be living within their respective limits, and liable to

Assessors to prepare lists for enrolment; clerks to return to adjutant-general.

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enrolment; giving the name, age and occupation of each of such persons, and all facts which may determine his exemption from military duty, and place a certified copy of such list in the hands of the clerks of their respective cities or towns on or before the first day of July next; and the said clerks shall return copies of such lists to the adjutant-general on or before the tenth day of July next.

State to be divided into company districts, and captains elected.

SECTION 4. The commander-in-chief shall forthwith proceed to divide the Commonwealth into military districts of companies, which shall be numbered, and a record thereof made in the office of the adjutant-general. And the commander-in-chief shall issue orders for the election of captains in the several companies into which he shall have so divided the state.

Election, how called, notified, held, &c.

SECTION 5. The order to notify and preside at the meeting to be held for such election of officers may be issued to any justice of the peace resident within the bounds of the company; and such justice shall at once proceed to notify such meeting, by posting written or printed notices of the time and place appointed for the same in three or more public places within the bounds of said company, ten days before the time appointed for the same. The compensation of said justice for notifying the meeting and presiding thereat, and for keeping the records and making the return prescribed in section six, shall be three dollars. No person shall be allowed to vote for captain until his name shall have been checked by the presiding officer on the assessors' list, or for other officers until his name shall have been checked on the captain's enrolment list.

Records and returns to be made.

SECTION 6. The presiding officers at all such meetings shall keep records of the proceedings thereat, and make return thereof to the adjutant-general within three days from the holding of the meetings.

Captains to enrol persons in their districts in two classes, as active and reserve militia, post names, &c.

SECTION 7. As soon as the captains of the several companies shall have been commissioned and qualified, they shall, without delay, proceed to enrol in the militia, in such form as shall be prescribed by the commander-in-chief, all persons resident within the bounds of their respective companies, and liable to enrolment. And all such persons as shall be under the age of twenty-four years, and liable to military duty, shall be enrolled in one roll, and constitute the active militia; and all such as shall be above the age of twenty-four years, together with all such persons as it is provided in section second shall be exempt from military duty, or only liable to do military duty in case of war, invasion, the prevention of invasion, insurrection, the suppression

of riots, and to aid civil officers in the execution of the laws, shall be enrolled on another roll, and constitute the reserved militia. And the said captains shall forthwith expose copies of such rolls to view, by posting the same in three or more public places within the bounds of their respective companies for at least fourteen days. And the posting of the rolls shall be deemed legal notice to all persons named therein of the fact of their enrolment.

Posting rolls deemed notice.

SECTION 8. All persons so enrolled who claim to be exempt from enrolment, or have been incorrectly enrolled, shall present their claims to the captain of the company in which they have been enrolled, within said fourteen days from the first posting of the rolls of said company, and it shall be the duty of such captain to strike from the rolls the names of all such persons as shall be found not liable to enrolment, and to add thereto the names of any other persons liable to enrolment who may have been omitted in said rolls, or may have become liable to such duty since the making thereof, and to make such further corrections in his rolls as may be required by transfers between the active and reserve rolls. And each captain shall, within thirty days from his qualification, return to the clerk of the city or town in which he resides, the corrected roll of his company, of which the said clerk shall make record in the records of such city or town; and each captain shall also at the same time transmit a copy of such corrected roll to the adjutant-general.

Correction of enrolment.

Roll to be returned to city clerk, &c.

SECTION 9. The commander-in-chief may make all further rules and regulations necessary for the complete enrolment of the militia, under the provisions of this act, and in accordance with the laws of the United States.

Regulations may be made by governor.

SECTION 10. Each captain shall, from time to time, add to the rolls of his company the name of each citizen resident within its bounds, who shall arrive at the age of eighteen years, or come to reside within said bounds, or who, without being exempted, shall cease to be holden to duty elsewhere, and the captain shall notify such citizen of his enrolment without delay. And each captain shall, annually, in the month of May in each year, cause copies of the rolls of his company to be exposed to view in the manner and for the period prescribed in section seven, and having revised and corrected said rolls in the manner prescribed in section eight, return copies of the same to the clerks of their respective cities or towns to be recorded, and to the adjutant-general, on or before the first day of June in each year. And such posting of said rolls as herein before prescribed,

Roll to be added to annually, names posted, and copies returned to adjutant-general.

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shall be legal notice to all persons named therein of the fact of their enrolment.

What facts to be set out.

The roll of each company shall state the name, age, rank, occupation and birthplace of each man enrolled in said company, and whether he is married, single, or a widower, what parents, brothers, and children he has living, and their respective names, ages and residences.

Commanders of volunteer companies to return rolls to adjutant-general annually.

The commander of each volunteer company shall transmit to the adjutant-general, annually, on or before the first day of June, a complete roll of his company, with the name, age, residence, and date of enlistment of each member thereof, and of each man discharged therefrom during the preceding year, together with the date of such discharge.

Bounds of companies may be altered by governor, &c.

SECTION 11. The commander-in-chief may, from time to time, make such alterations as may by him be deemed expedient, in the bounds of the several companies, and issue such orders as may be thereby rendered necessary for the enrolment of the militia in such companies, or any of them, or in any new companies thus created.

Reserved militia, duty of.

SECTION 12. The reserved militia shall be subject to no active duty except in case of war, invasion, the prevention of invasion, insurrection, or the suppression of riots, or when required to aid civil officers in the execution of the laws of the Commonwealth or of the United States, in which cases the commander-in-chief may order a draft, as provided in section one hundred thirty-two.

When in actual service, how organized, trained, &c.

SECTION 13. When the reserved militia, or any portion thereof, are ordered out for actual service, and while engaged in the same, they shall be organized by the commander-in-chief in companies and regiments, which shall be officered, governed and trained according to the laws of the United States and of this Commonwealth, and attached to brigades and divisions of the active militia, or formed into separate brigades and divisions, as the commander-in-chief shall deem expedient.

Companies of, to be formed into regiments, brigades and divisions.

SECTION 14. The companies of the active militia shall be formed by the commander-in-chief into regiments, brigades and divisions, and organized in conformity with the laws of the United States; and the commander-in-chief may make such changes in the formation of regiments, brigades and divisions, from time to time, as may become necessary.

Organized as infantry and heavy artillery, except, &c.

SECTION 15. The commander-in-chief may authorize the recruitment at large, in each division, of four companies of cavalry, two batteries of light artillery, and one company of engineers; and the remainder of the active militia shall be organized, armed and equipped as infantry and heavy

artillery in the proportions to be determined by the commander-in-chief.

SECTION 16. The commander-in-chief may authorize the continuance or formation of volunteer companies, formed of members of the active or of the reserve militia, who shall be liable to all the duties of the active militia, but shall be excused from duty in the standing company in which they are enrolled, so long as they shall continue members of such volunteer companies.

Volunteer companies may be authorized, &c.

SECTION 17. The volunteer companies shall be formed into separate regiments, or attached to such regiments of the active militia as the commander-in-chief shall deem proper, and he may retain any existing regiments of the volunteer militia.

May be formed into separate regiments.

SECTION 18. The non-commissioned officers and privates of each volunteer company, and all recruits admitted into the same, shall sign their names in a book of enlistment to be kept by the company for the purpose, in such form as shall be prescribed by the commander-in-chief; which signing shall be a legal enlistment, by virtue whereof they shall be held to do duty in said company for six years, unless they shall become incapacitated by subsequent disability, or be regularly discharged therefrom by the proper officer.

Enlistments, form of to be prescribed by governor.

SECTION 19. Companies of cavalry, artillery, and engineers may remain unattached to any regiment or brigade, if the good of the service, in the opinion of the commander-in-chief, shall require it, and the two corps of cadets, or either of them, may be attached to divisions at the pleasure of the commander-in-chief. In such case, such companies or corps shall be subject to the immediate orders of the commanders of such divisions or brigades as the commander-in-chief shall designate; who shall receive the reports, returns and orders, have the authority and discharge the duties, with regard to such companies or corps, which are prescribed for the commanders of regiments with regard to other companies.

Term of service six years.

Companies of cavalry, artillery, and engineers may be unattached to regiment or cadets attached.

SECTION 20. The two existing corps of cadets shall remain as now constituted, except as hereinafter provided; all other volunteer companies shall be organized in all respects like the companies of the same arm of the active militia; but no new volunteer company shall be organized unless such new company shall have on its rolls at least the maximum number of enlisted men; and no election of officers shall be ordered at any time in any company of the volunteer militia, unless at the time of such

Cadets, existing, and other volunteers; organization.

Elections of officers.

order the said company shall have at least the minimum number of enlisted men on its rolls.

Volunteer companies may be disbanded for not uniforming, &c.

SECTION 21. If it appears to the commander-in-chief, on the representation of the adjutant-general, inspector-general, or officer commanding a division or brigade, that a volunteer company has failed to comply with the requisitions of the law in matters of uniform, equipment or discipline, so that it is incapacitated to discharge the duties required of it, such company may be disbanded by the commander-in-chief.

Falling to fill offices or having deficiency of members, may be disbanded.

SECTION 22. If a volunteer company is without commissioned officers, and having been twice ordered to fill such vacancies, neglects or refuses to fill them; or is reduced to a less number than the minimum number of non-commissioned officers and privates provided for a company of its arm, and so remains for six consecutive months, or appears from any return made to the adjutant-general to have been reduced below such minimum number of non-commissioned officers and privates present and doing duty at the time for which such return is made, such company may be forthwith disbanded by the commander-in-chief.

Officers and soldiers, respectively, how discharged.

SECTION 23. The commander of a regiment may, upon the written application of the commander of a volunteer company in his regiment, accompanied by a request, in writing, signed by a non-commissioned officer or private, discharge such non-commissioned officer or private from the company; and the commander of a company unattached may, upon an application in writing, signed by a member thereof, discharge such member; and commanding officers of regiments or detached companies may discharge non-commissioned officers or privates of volunteer companies, upon the request by vote of a majority of the active members of the company, but no such discharge shall operate to discharge such non-commissioned officer or private from military service under this act, and the officer granting the same shall forthwith give notice thereof to the commanding officer of the company of militia in which such non-commissioned officer or private is liable to perform military duty.

Discharge not to operate as release from service.

Brigade band, how raised, commanded, &c.

SECTION 24. The commander of a brigade may raise, by voluntary enlistment and warrant, and organize within the limits of his command, a band, to be under his direction and command, whenever his brigade parades or the said band is ordered to parade with any portion of said brigade by the commander-in-chief, a band of musicians, not to exceed, including a master and deputy-master, sixteen for a brigade. The master, and in his absence, the deputy-master,

shall teach and command the band, and issue all orders directed by such commander. Each member of the band shall keep himself provided with such uniform as may be directed by the commander-in-chief, and such instrument as the commander of his brigade prescribes, under penalty for each neglect or deficiency, or for misconduct, of dismissal from the band by such commander, and of not less than ten, nor more than twenty dollars, to be recovered, on complaint, by the brigade-inspector, to the use of the Commonwealth.

Penalty for failure to observe requirements.

SECTION 25. The militia, under the command-in-chief of the governor of the Commonwealth, shall be organized and officered as follows:

Militia, how organized and officered.

The staff of the commander-in-chief shall consist of an adjutant-general, who shall be the chief of the staff, quartermaster-general, inspector-general, surgeon-general, commissary-general, and judge-advocate-general, each with the rank of brigadier-general. One aide-de-camp with the rank of colonel, and three aides-de-camp with the rank of lieutenant-colonel. A military secretary with the rank of lieutenant-colonel, and such additional officers of the general staff as the public service may require, with such rank as the commander-in-chief may designate.

Staff of commander-in-chief.

Divisions.—To each division there shall be one major-general, one division-inspector, with the rank of lieutenant-colonel, one assistant-adjutant-general, one quartermaster, one commissary of subsistence, one judge-advocate, and one aide-de-camp, each with the rank of major, and two aides-de-camp, each with the rank of captain.

Officers of division.

Brigades.—To each brigade there shall be one brigadier-general, one brigade-inspector, with the rank of major, one assistant-adjutant-general, one quartermaster, one commissary of subsistence, one paymaster, and one aide-de-camp, each with the rank of captain, and one aide-de-camp with the rank of first lieutenant.

Officers of brigades.

Infantry.—To each regiment of infantry there shall be one colonel, one lieutenant-colonel, and one major, one adjutant and one quartermaster, each with the rank of first lieutenant, one surgeon with the rank of major, two assistant-surgeons, each with the rank of first lieutenant, one chaplain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital-steward, and two principal musicians, and ten companies; each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals,

Officers of infantry regiments.

two musicians, one wagoner, and not less than sixty-four nor more than eighty-two privates.

Officers of cavalry
regiments.

Cavalry.—To each regiment of cavalry there shall be one colonel, one lieutenant-colonel, three majors, one surgeon, with the rank of major, two assistant-surgeons, with the rank of first lieutenant, one veterinary surgeon, with the rank of sergeant-major, one adjutant, one quartermaster, one commissary of subsistence, each with the rank of first lieutenant, one chaplain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two hospital-stewards, one saddler-sergeant, one chief trumpeter, and twelve companies or troops; each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, one commissary sergeant, five sergeants, eight corporals, two trumpeters, two farriers or blacksmiths, one saddler, one wagoner, and not less than sixty nor more than seventy-eight privates.

Officers of artillery
regiments.

Artillery.—To each regiment of artillery there shall be one colonel, one lieutenant-colonel, one major to every four companies or batteries, one adjutant, and one quartermaster, each with the rank of first lieutenant, but not to be extra lieutenants, one chaplain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital-steward, and two principal musicians.

To each battery of light artillery, or company of heavy artillery, there shall be one captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster-sergeant, six sergeants, twelve corporals, two musicians, two artificers, one wagoner, and one hundred and twenty-two privates.

Officers, company,
of engineers.

Engineers.—To each company of engineers there shall be one captain, two first lieutenants, one second lieutenant, ten sergeants, ten corporals, two musicians, sixty-four artificers, and sixty-four privates.

Cadets of first
division, officers.

Cadets.—To the corps of cadets now attached to the first division, there shall be one captain, with the rank of lieutenant-colonel, one lieutenant, one ensign, and one surgeon, each with the rank of major, one adjutant, and one quartermaster, each with the rank of first lieutenant.

Cadets of second
division.

To the corps of cadets now attached to the second division, there shall be one captain, with the rank of major, one surgeon, with the rank of major, one adjutant, and one quartermaster, each with the rank of first lieutenant.

Company officers,
and musicians.

To each of said corps of cadets there shall be such number of company officers, sergeants, corporals, and musicians, as

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the commander-in-chief may from time to time deem expedient.

SECTION 26. The officers of the line shall be elected as follows : Officers of line, how elected.

Major-generals by the senate and house of representatives, each having a negative upon the other.

Brigadier-generals, by the written votes of the field officers of the respective brigades.

Field officers of regiments, by the written votes of the captains and subalterns of the companies of the respective regiments.

Captains and subalterns of companies, by the written votes of the non-commissioned officers and privates of the respective companies.

In the first election of captains of companies to be held under this law, every man whose name is borne on the roll of the company, as made out by the assessors, and who is not exempt from military duty, shall be entitled to vote. But after the enrolment by the captains so elected, and division of the militia into the active and reserve militia, no member of the reserve militia shall be entitled to vote at any election of officers of any company of the active militia. Company officers, how elected.

SECTION 27. The staff officers of the militia shall be appointed in manner following : Staff officers, how appointed.

The adjutant-general, quartermaster-general, inspector-general, judge-advocate-general, commissary-general, surgeon-general, aides-de-camp, and military secretary to the commander-in-chief, with such additional officers of the general staff as the commander-in-chief may deem necessary, by the commander-in-chief.

The major-generals and brigadier-generals shall appoint their respective aides-de-camp. All other staff officers of division and brigade staffs shall be appointed by the commander-in-chief upon the nomination of the generals commanding the respective divisions and brigades, and shall hold their offices for one year, and until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief.

Adjutants, quartermasters, commissaries, and chaplains of regiments, shall be appointed by their respective colonels.

Surgeons and assistant-surgeons, by the commander-in-chief, upon the nomination of their respective colonels, after they shall have passed an examination before a board of surgeons to be appointed by the commander-in-chief.

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The staff officers of the two corps of cadets shall be appointed by the respective commanding officers.

Officers, who eligible; not to be commissioned unless qualified.

SECTION 28. Members of the reserve militia shall be eligible to office in the active militia; but no commission shall issue to an officer elected or appointed, unless he appears to be qualified by education and ability to discharge the duties of his office. And the commander-in-chief may in his discretion cause an examination to be had, by a military board which he is authorized to appoint, into the qualifications of all persons below the rank of major-generals, claiming commissions under this act. If, upon such examination, the board finds the candidate qualified within the meaning of this section, the commission shall issue.

Disqualification to office, and removal therefor.

SECTION 29. No idiot, lunatic, vagabond, pauper, nor person convicted of an infamous crime, shall be eligible to any military office, and the habitual use of intoxicating liquors as a beverage shall disqualify any person from holding any commission under this act. When it appears to the commander-in-chief, that a person thus ineligible has received a majority of the votes cast at an election of officers, he shall not commission him, but shall declare such election null and void, and appoint some person to fill the vacancy.

Electors failing to fill vacancy, governor may appoint.

SECTION 30. When the electors neglect or refuse to elect to fill a vacancy, the commander-in-chief shall appoint a suitable person.

In absence of superior, senior officer next in rank to command.

SECTION 31. When the office of major-general, brigadier-general, colonel or captain, is vacant, or such officer is sick or absent, the officer next in rank shall command the division, brigade, regiment or company, until the vacancy is supplied. The senior non-commissioned officer of a company without commissioned officers, shall command the same, until some commissioned officer is detailed to command it, as provided in section thirty-three.

Regimental commander may order company election in certain cases.

SECTION 32. When a company is newly enrolled, or from any cause is without commissioned officers, the commander of the regiment may, without an order from the commander of the division, order an election of officers as soon as may be.

When company neglects, &c., to elect any officer, regimental commander to detail staff officer, &c., to command.

SECTION 33. When a company is first enrolled, or from any cause is without officers, and an election of officers is ordered, if such company neglects or refuses to elect any officer, or if the persons elected shall not accept, the commander of the regiment to which it belongs shall detail some officer of the staff or line of the regiment to train and discipline said company, until some officer is elected or appointed by the commander-in-chief. Such officer shall

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have the same power, and be subject to the same liabilities, as if he were captain of such company; shall keep the records of the company, and prosecute for all fines and forfeitures, in like manner as a clerk might do, under section one hundred and sixty-one; and all meetings of such company shall be notified as provided in section ninety-seven.

SECTION 34. The non-commissioned staff officers of regiments shall be appointed by the colonels of their respective regiments. Non-commissioned officers of companies shall be appointed by their respective captains, who shall forthwith make a return, in writing, of such appointments, to the officer commanding the regiment. Non-commissioned officers, appointment.

To every company there shall be a clerk, who shall be one of the sergeants, to be appointed by the commanding officer of the company. Clerk of company.

SECTION 35. Whenever the clerk of a company is absent, sick, or unable to discharge the duties of his office, the commander of the company may appoint a clerk pro tempore. In all cases of a vacancy he may order a non-commissioned officer or private to perform the duties of a clerk until another is appointed; and any non-commissioned officer or private refusing or neglecting to perform such duty when so ordered, shall forfeit to the use of the company not less than twenty nor more than fifty dollars, to be recovered on complaint by the commander. In such cases the records of the company shall be kept by the commander thereof, as long as such vacancy, absence, sickness or inability continues; and records so kept shall be competent evidence of such orders and temporary appointments, as well as of all matters of which they would be evidence if kept by the clerk. Clerk pro tem.

SECTION 36. When a company has neither commissioned nor non-commissioned officers, the commander of the regiment to which it belongs shall appoint suitable persons within said company to be non-commissioned officers thereof; and shall appoint one of the non-commissioned officers to be clerk, endorse the appointment on his warrant, administer the oath to him, and certify the same, as required by section fifty-two. Company having neither commissioned nor non-commissioned officers, certain officers to be appointed.

SECTION 37. All commissioned officers shall be commissioned by the commander-in-chief, according to the respective offices and grades to which they may be elected or appointed, except as herein otherwise expressly provided. Governor to appoint commissioned officers, except.

Every non-commissioned officer's warrant shall be given and signed by the commanding officer of his regiment. Non-commissioned officers, warrants.

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Clerks, certificates of appointment.

Clerks shall have their appointments certified on the back of their warrants, by the commanding officers of their respective companies.

Commissioned officers, how to rank, &c.

SECTION 38. Commissioned officers shall take rank according to the date of their commissions. When two of the same grade bear an even date, their rank shall be determined by lot drawn before the commander of the division, brigade, regiment, company or detachment, or president of a court-martial, as the case may be.

Date of appointment or election to be expressed.

The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof. When he is transferred to another corps or station of the same grade, the date of the original appointment shall be expressed and considered the date of his commission.

Duplicate commission in case of loss to issue.

SECTION 39. When an officer shall lose his commission, upon affidavit made before a justice of the peace and produced to the adjutant-general, a duplicate commission shall issue of the same tenor and date.

Major-generals to be notified of election by secretary.

SECTION 40. Major-generals shall be notified of their elections by the secretary of the Commonwealth, and unless within thirty days after such notice they signify to the secretary their acceptance of office, shall be taken to have refused the same.

Elections to fill vacancies, major-general to order.

SECTION 41. Major-generals shall order elections to fill all vacancies which occur in their respective divisions, in the office of brigadier-general, field officer, captain or subaltern. Such elections shall be held at the places most convenient for the majority of the electors, and shall be ordered throughout each division, at least once in each year; the elections of company officers first, and those of field officers next.

Electors, notification of, and penalty for absence.

SECTION 42. Electors shall be notified of elections at least four days previously thereto. A non-commissioned officer or private unnecessarily absent from company election, shall forfeit two dollars, to be recovered on complaint of the clerk, to the use of the company.

Presiding officers at elections.

SECTION 43. Officers ordering elections may preside, or detail some officer of suitable rank to preside.

SECTION 44. A captain or staff officer of the rank of captain, may preside at the election of an officer of equal or inferior grade within the limits of his regiment; but no candidate for the vacancy shall preside at the election, except to adjourn the meeting if no proper officer appear to preside.

Records of proceedings.

At all elections, such presiding officer shall keep a record of the proceedings, and make return thereof to the com-

manding officer of the regiment, brigade or division, as may be proper.

SECTION 45. The person who has a majority of the written votes of the electors present at a meeting duly notified, shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof, or of neglect or refusal to elect, to the commander of the division. Every person so elected and notified, shall accept, if a brigadier-general or field officer, within ten days, or, if a company officer, forthwith: otherwise he shall be taken to have refused. If, before the meeting for the election of any officer is dissolved, the person chosen signifies to the presiding officer his refusal to accept, the same shall be recorded and made part of the return, and the electors shall proceed to another election. Elections may be adjourned not exceeding twice, and each adjournment for a period not exceeding two days; but no company election shall be legal unless it be notified in the manner prescribed in section forty-two.

Votes necessary to elect. Persons chosen to be notified.

Acceptance.

Adjournment of elections.

The original roster of the brigade or regiment, or the original roll of the company, as the case may be, shall be produced at such elections, by the person having the legal custody thereof.

Roster or roll to be produced.

The commanding officer of the division shall return all elections, and refusals or neglects to elect, to the commander-in-chief, and unless he is notified by the commander-in-chief of his intention to make an appointment, he may in such case of refusal or neglect to elect, order a new election.

Return of elections to governor.

SECTION 46. When an officer holding a military commission is elected to another office in the militia, and accepts the same, such acceptance shall constitute a part of the return of the presiding officer, and shall vacate the office previously held.

Officer to hold but one commission.

SECTION 47. Commissions shall be transmitted to the commanding officers of divisions, and by them through the proper officers, to the officers elect.

Commissions, how transmitted.

SECTION 48. When a person elected or appointed to an office refuses to accept his commission or qualify at the time of acceptance, the officer commanding the division shall certify the fact on the back thereof, and return it to the adjutant-general; and if the office is elective a new election shall be ordered.

Refusal to accept commission to be certified to adjutant-general.

SECTION 49. No person whatsoever shall, pending or after an election, treat with intoxicating liquors the persons attending thereat, nor shall any person, on days of military duty, so treat persons performing such duty, under a penalty of ten dollars for each offence.

Persons attending elections not to be treated with spirits.

Exempt from
arrest in going
and returning.

SECTION 50. No officer or soldier shall be arrested on civil process, while going to, remaining at, or returning from a place where he is ordered to attend for election of officers or military duty.

Official oaths of
commissioned
officers.

SECTION 51. Every commissioned officer, before he enters on the duties of his office, or exercises any command, shall take and subscribe before a justice of the peace, or general or field officer who has previously taken and subscribed them himself, the following oaths and declarations:

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

"I, A B, do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of this Commonwealth. So help me God."

"I, A B, do solemnly swear that I will support the constitution of the United States."

And on the back of every commission the following certificate shall be written or printed, and signed by the person before whom such officer is qualified:

This may certify that A B, commissioned as within, on this _____ day of _____ A. D., _____, personally appeared, and took and subscribed the oaths required by the constitution and laws of this Commonwealth and a law of the United States, to qualify him to discharge the duties of his office. _____ Before me,

Oath of clerk of
company.

SECTION 52. Every clerk of a company, before he enters upon his duties, shall take the following oath, before the commanding officer of the company to which he belongs, viz.:

"I, A B, do solemnly swear, that I will faithfully and impartially perform all the duties incumbent on me, as clerk of the company to which I belong, according to the best of my abilities and understanding. So help me God."

Certificate upon
warrant.

The commander of such company shall, at the time of administering the oath, certify on the back of the warrant of the sergeant appointed to be clerk, that he was duly qualified by taking the oath required by law.

Officer's dis-
charge, how
granted.

SECTION 53. When an officer requests in writing his discharge from office, with the approval of the commanders of the regiment, brigade and division to which he belongs, the commander-in-chief may so discharge him.

Not to be ap-
proved between
certain dates nor
till he turns over
rolls, rosters and
all property.

SECTION 54. No commanding officer shall approve a resignation under the preceding section, if the same is offered between the first day of May and the first day of November, unless the reasons for such resignation are urgent

and proved to his satisfaction. No officer shall be discharged until he has turned over to the officers entitled to receive the same, all rolls, books, rosters and documents, and all arms, accoutrements, uniforms, equipments, equipages, ammunition and other public property, issued to him, or in his custody, or for which he is responsible or accountable, and filed with the quartermaster-general the certificates hereinafter prescribed in sections seventy-six and eighty.

SECTION 55. If an officer unreasonably refuses to approve an application for discharge, and it is so made to appear to the commanders above him, they may approve the same, and the commander-in-chief may discharge the applicant.

How discharged when officer unreasonably refuses to approve.

SECTION 56. No officer other than a staff officer appointed by the commander-in-chief shall be discharged by the commander-in-chief, unless upon his own request, except as follows:

When governor may discharge without request of officer.

When it appears to the commander-in-chief, by the report of a board of military examiners, as provided in section fifty-seven, that he has become unable or unfit to discharge the duties of his office, or to exercise proper authority over his inferior officers and soldiers, or that he has been convicted of an infamous crime.

When the commander of his division certifies that he has, either before or after receiving his commission, removed his residence out of the state, or out of the bounds of his command to so great a distance, that in the opinion of such commanding officer it is inconvenient to exercise his command.

When such commander certifies that he has been absent from his command more than one year without leave.

Upon address of both houses of the legislature to the governor.

Upon sentence of court-martial, after trial according to law.

When the corps to which he belongs is disbanded.

And upon petition of one or more superior officers.

In which cases he may be so discharged. Every officer, except when under arrest, shall perform the duties of his office until he is discharged.

SECTION 57. The commander-in-chief may, from time to time, and at any time, appoint a military board of examiners, of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualification, propriety of conduct and efficiency of any commissioned officer of the militia below the rank of major-general, who may be reported to them as a fit subject for such examination; and upon the

Board of examiners of commissioned officers, governor may appoint.

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report of such commission, if adverse to such officer, and if approved by the commander-in-chief, the commission of such officer shall be vacated: *provided, always*, that, if practicable, two members at least of such board shall be of military rank at least equal to that of the officer to be examined.

Officer accepting appointment in U. S. service to vacate office.

SECTION 58. When an officer accepts an appointment in the regular army of the United States, or any corps of United States volunteers, his office shall thereby become vacant; and if, after accepting such appointment, he exercises any of the powers and authority of such office, he shall forfeit not exceeding one hundred dollars.

Staff officers, certain, tenure of commissions.

SECTION 59. The commissions of staff officers appointed by any other officer than the commander-in-chief, shall expire as soon as the successor of such appointing officer is commissioned.

Staff of governor, tenure defined.

The adjutant-general, quartermaster-general, commissary-general, judge-advocate, surgeon-general, and all other staff officers appointed by the commander-in-chief, shall hold their offices for one year, and until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief.

Officer arrested, suspended.

SECTION 60. Officers under arrest shall not resign, but shall be suspended from exercising the duties of office.

Non-commissioned officer or clerk may resign.

SECTION 61. A non-commissioned officer or clerk of a company may resign his office to the commanding officer of his company, and may be discharged therefrom by him, if in his opinion there be sufficient reason therefor.

Adjutant-general, duties of.

SECTION 62. The adjutant-general shall distribute all orders from the commander-in-chief,—attend all public reviews when the commander-in-chief shall review the militia, or any part thereof,—obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States,—furnish blank forms of the different returns that may be required, and explain the principles on which they should be made,—distribute all books required to be furnished at the public expense, receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline, all of which the several officers of the divisions, brigades and regiments, are hereby required to make in the usual manner, so that the adjutant-general may be furnished therewith; and from all said returns he shall make proper abstracts and lay

the same annually before the commander-in-chief: and he shall annually, on or before the first Monday in January, make a return in duplicate of the militia of the state, with their arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief, and the other of which he shall transmit to the president of the United States.

SECTION 63. He shall, within twenty days after the receipt of each company or band pay-roll, under sections one hundred and twenty-five and one hundred and twenty-seven, after carrying out therein opposite to the name of each man returned, the amount of pay to which he is entitled, and certifying thereon that it contains the names of those persons only who are entitled to pay, transmit the same to the mayor and aldermen, or the selectmen, of the city or town in which the the armory or place of assembly of such company or band is situated. Same subject.

SECTION 64. He shall, on or before the twenty-fifth day of January in each year, make out a certified roll of the names of all the general, field and staff officers that appear by the returns made to him under section one hundred and thirty-one, to be entitled to the pay under sections one hundred and forty-three and one hundred and forty-five, and shall ascertain from the returns made to him under sections one hundred and twenty-five and one hundred and twenty-seven, the amount of money necessary to reimburse the several cities and towns, and shall submit such roll and result to the auditor, and the governor shall draw his warrant on the treasury for such sums as may be necessary to pay such officers, and reimburse such cities and towns. Same subject.

SECTION 65. The quartermaster-general, under the direction and supervision of the commander-in-chief, shall purchase and issue all ordnance stores, artillery, arms and accoutrements, clothing, camp equipage, and military stores generally, except such as are expressly directed by law to be purchased by other officers. He shall, under the orders of the commander-in-chief, procure and provide means of transport for the militia, and for all its implements, munitions of war, and military supplies, and shall be the keeper of the public magazines and of all military property of the Commonwealth, excepting such as is by law expressly intrusted to the keeping of other officers. He shall give bond to the state in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the Quartermaster-general, duties.

duties of his office; to use all necessary diligence and care in the safe keeping of military stores and property of the Commonwealth committed to his custody; to account for the same, and deliver over to his successor, or to any other person authorized to receive the same, such stores and property. And any other officer to whom any arms, equipments, stores, or other property of the Commonwealth shall at any time be issued, may be required to give a bond to the satisfaction of the governor and council, with the like condition.

Commissary-general.

SECTION 66. The commissary-general, under the direction and supervision of the commander-in-chief, shall purchase and issue all military subsistence supplies.

Surgeon-general.

SECTION 67. The surgeon-general, under the direction and supervision of the commander-in-chief, shall purchase and issue all medical, surgical and hospital supplies.

Adjutant, quartermaster, surgeon, commissary-generals, to account yearly for property and expenditures.

SECTION 68. The adjutant-general, quartermaster-general, surgeon-general, and commissary-general shall account, as often as may be required by the commander-in-chief, and at least once yearly, to the commander-in-chief, in such manner as he shall prescribe, for all property which shall have passed through their hands, or the hands of the subordinate officers of their respective departments, or that shall be in their care or possession, and for all moneys which they shall expend in discharging their respective duties; and they shall annually, in January, lay before the auditor, accounts, with vouchers, of their expenditures during the previous year.

Neither officer nor assistants, to be concerned in purchases or sale of articles for departments, except under law.

SECTION 69. Neither the adjutant-general, quartermaster-general, surgeon-general or commissary-general, nor any assistant of either of them, nor any subordinate officer of their departments, shall be concerned, directly or indirectly, in the purchase or sale of any article intended for, making a part of, or appertaining to, their respective departments, except for and on account of the Commonwealth, nor shall they or either of them take or supply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Duties of commissary and inspector-generals may be assigned to other officers.

SECTION 70. The commander-in-chief may, at his discretion, whenever the office of commissary-general or inspector-general, shall be vacant, assign the duties of such officer to some officer already in commission, until the commander-in-chief shall deem it necessary to fill such office by special appointment.

ARMS, EQUIPMENTS, EQUIPAGE, ETC.

Articles furnished by and to soldiers.

SECTION 71. All commissioned officers shall provide themselves with such uniforms and arms complete, as the commander-in-chief shall prescribe, subject to such restrictions, limitations and alterations as he may order.

Uniforms and arms, commissioned officer to provide self.

SECTION 72. The non-commissioned officers and privates of the active and volunteer militia upon being enrolled or organized, shall be furnished, at the expense of the state, with the proper uniforms of their regiments and corps by the quartermaster-general's department, upon the requisition of the commander of the company, countersigned by the commander of the regiment; such uniforms to be conformable with that prescribed by the general regulations for the military force of the state.

Non-commissioned officers and privates to be furnished uniforms.

SECTION 73. Such uniforms shall be deposited in the armories of the several companies for safe keeping, and worn only in the discharge of military duty; and every person to whom such a uniform is issued shall receive half pay only for his services in the discharge of military duty, under the laws of the state, until the expense is liquidated by such service, when the uniform shall become the property of such person.

Shall be deposited in armory and pay commuted for.

SECTION 74. Any non-commissioned officer or soldier who shall sell or dispose of such uniform, or secrete or remove the same with intent to sell or dispose thereof, before the same shall have become his property by such service as aforesaid, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding two hundred dollars, and by imprisonment in the county jail not exceeding six months.

Punishment for selling or removing before owning.

SECTION 75. Every officer and soldier shall hold his uniform, arms, ammunition and accoutrements, required by law, free from all suits, distresses, executions or sales for debt or payment of taxes.

Exempt from attachment, &c.

Articles furnished by the State.

SECTION 76. Whenever any corps or detachment of the militia is ordered to perform any duty requiring the use thereof, the quartermaster-general shall deliver to the commanding officer of such corps or detachment, such tents, fixtures and other camp equipage, and such ammunition as may be necessary for the discharge of such duty; and each officer to whom such equipage is delivered, shall be responsible for the safe keeping of the same, and shall return the

Tents, camp equipage, ammunition, &c., to be furnished by state.

How kept, &c.

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same to the quartermaster-general when the duty shall have been performed, for which the same was issued; and in case of the discharge or death of such officer, he or his legal representatives shall be released from such responsibility upon filing in the office of the quartermaster-general a certificate of the officer succeeding him in command that the articles so furnished are in his custody at the date of the certificate, and in good order and condition, reasonable use and wear thereof excepted, and the officer giving such certificate shall from that time be responsible for such articles as if they had been originally issued to him.

Colors furnished infantry, cavalry and artillery.

SECTION 77. Each regiment shall be furnished by the state with the national and state colors, their staffs, belts and sockets; and each battery of light artillery and company of cavalry with its proper guidon, staff, belt, and socket; and the commander of such regiment, battery, or company, shall be responsible for their safe keeping.

Arms and equipments to companies, when furnished.

SECTION 78. Each company of the active and volunteer militia, on application by the commander thereof to the adjutant-general, and producing satisfactory evidence that a suitable armory or place of deposit is provided therefor agreeably to section eighty-nine, shall be furnished by the quartermaster-general with such appropriate arms and equipments as shall be determined by the commander-in-chief.

Commissioned officers of companies to be responsible for uniforms and all property.

SECTION 79. The commissioned officers of every company of the active and volunteer militia shall, from the time of their being qualified, be responsible for the safe keeping and return of all uniforms, arms, equipment, ammunition and equipage, the property of the state, which have been, or shall hereafter be, issued to their respective companies; and for any loss or damage thereto, compensation may be obtained by an action of contract brought by the quartermaster-general against all or any of such officers, which it shall be his duty to bring.

How relieved in case of discharge or death.

SECTION 80. In case of the discharge or death of such an officer, he or his legal representative shall be relieved from such responsibility, upon filing in the office of the quartermaster-general a certificate signed by not less than two commissioned officers of his company, that such articles are, at the date of the certificate, undiminished in quantity and value, reasonable use and wear excepted.

Non-commissioned officers and privates responsible for their uniforms, &c.

SECTION 81. Non-commissioned officers and soldiers shall be responsible for the preservation of the arms, equipments, and uniforms furnished to them, and for any injury or damage thereto, caused by them or by their neglect, shall

forfeit a sum sufficient to repair or replace the same, which may be recovered on complaint of the clerk of the company, or the commander thereof may return such sum to the quartermaster-general with a proper specification, who shall cause the same to be deducted from the pay of the delinquent.

SECTION 82. Upon the disbandment of a volunteer company which has received arms, equipments, or equipage, from the quartermaster-general, he shall receive the same on presentation thereof by the officers of the company, or their agents.

Disposition of arms, &c., on abandonment of company.

SECTION 83. Each company of militia shall be furnished with such instruments of music as the commander-in-chief shall order. Each commander of a brigade may draw orders upon the quartermaster-general, or officer acting as such, in favor of the commanders of regiments, batteries and companies for colors, guidons and instruments of music. Commanders of companies shall be responsible for the safe keeping of the instruments delivered to them for the use of their companies.

Musical instruments for companies, colors, &c., how obtained.

SECTION 84. Each battery of light artillery shall be provided, by the quartermaster-general, with the battery of manœuvre prescribed for that arm by the war department of the United States; with caissons, harness, implements, laboratory and ordnance stores, as may, from time to time, be necessary for their complete equipment for the field; and, when expedient in the opinion of the commander-in-chief, such quantity of ammunition annually as he may deem necessary to be expended in experimental gunnery. The commissioned officers of each battery shall be accountable for the preservation of the pieces, apparatus and ammunition aforesaid, and for the proper expenditure of the ammunition.

Batteries of light artillery, with what to be furnished.

SECTION 85. When a battery or section of a battery is ordered to march out of the city or town where the gun-house is situated, and on occasions of parade for experimental gunnery, review or camp duty, the commanding officer shall provide horses to draw the field-pieces and caissons, and present his account of the expenses thereof, as provided in section one hundred and fifty-three. On all other occasions when ordered out by an officer of competent authority for camp or salute duty, the charges for horses, powder, and necessary expenses, shall be defrayed by the quartermaster-general.

Horses to draw field-pieces, officers to procure.

SECTION 86. Every commissioned officer shall be furnished with a manual of the tactics of his arm of the service

Books furnished commissioned officers.

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How returned. as adopted by the war department of the United States, and with a copy of the army regulations. All which books shall be considered public property, and returned by such officers to the adjutant-general before their discharge shall be granted.

Military stores, governor and council may sell. SECTION 87. The commander-in-chief, with the advice and consent of the council, may sell or exchange, from time to time, such military stores belonging to the state as shall be found unserviceable or in a state of decay, or which they think it for the interest of the state to so sell or exchange.

Arsenal at Cambridge to be visited by committee of legislature. SECTION 88. The committee of the legislature on military affairs shall, annually, in January, visit the arsenal in Cambridge, and make a thorough examination into the condition of the same, of the arms and munitions of war, and other property of the state or general government deposited there, and report the condition of the arsenal and property.

ARMORIES.

Municipality to furnish armories to companies when necessary. SECTION 89. The mayor and aldermen and selectmen shall provide to each company of the active and volunteer militia within the limits of their respective places, a suitable armory or place of deposit for the arms, equipments and equipage furnished it by the state. When a company is formed from different places, the location of such armory or place of deposit shall be determined by the commanding officer, with the approval of the commander of the regiment; but when it has been once so determined it shall not be again changed without the approval of the quartermaster-general.

Location of armory. SECTION 90. They shall, annually, in October or November, transmit to the office of the quartermaster-general a certificate, verified by the oath or affirmation of at least two of their board, showing the name of each company furnished with an armory, the amount paid for the rent thereof, and stating that a majority of their board consider such armory necessary for the use of such company, and that the rent charged therefor is fair and reasonable according to the value of real estate in their city or town.

Certificates to be examined, and payment, how made. SECTION 91. The quartermaster-general shall, annually, examine all certificates so returned to his office, institute any inquiries he may deem expedient relative thereto, and allow them in whole or in part to an amount not exceeding three hundred dollars for one company. He shall, within ten days after such examination, file in the office of the auditor his certificate, stating the sums allowed, the name of the company for whose use each sum is allowed, and the

city or town to which it belongs; and shall thereupon notify the mayor, aldermen, or selectmen, of the sum allowed to their place, which sum shall be paid upon the warrant of the governor to such mayor and aldermen or selectmen, as provided by law for the reimbursement of sums paid for military service.

SECTION 92. A city or town receiving from the treasury of the Commonwealth, by reason of a false return or certificate, under section ninety, any money to which such place is not entitled, shall forfeit a sum not exceeding four times the amount of money so received.

Penalty for town receiving money when not entitled.

SECTION 93. Each armory shall be examined, and the condition thereof reported, once at least in each year, to the commander-in-chief, by the inspector-general, or a staff officer by him detailed for that duty.

Armory to be examined, &c.

ORDERS AND NOTIFICATIONS.

SECTION 94. Orders from the commander-in-chief shall be distributed by the adjutant-general; division and brigade orders, by the respective assistant-adjutant-generals; regimental orders, by the adjutant; company orders, by the clerk, or by any non-commissioned officer or private, when so required by the commanding officer.

Orders of governor and commissioned officers, how distributed.

SECTION 95. When a commander orders out his company for military duty, or for election of officers, he shall order one or more of the non-commissioned officers or privates to notify the men belonging to the company to appear at the time and place appointed. Such non-commissioned officer or private shall give notice of such time and place, to every person whom he is ordered to notify; if he fails so to do, he shall forfeit not less than twenty nor more than one hundred dollars, to be recovered on complaint of the clerk, to the use of the company.

Notices when company is ordered out, by whom to be given.

SECTION 96. No notice shall be legal, unless given by such non-commissioned officer or private to each man verbally, or by leaving at his usual place of abode a written or printed order, signed by such officer or private, four days at least previous to the time appointed, for military duty, or for election of officers; but in case of invasion, insurrection, riot, or an unforeseen or sudden occasion, a verbal, written or printed notice, however short, shall be legal. When a company is paraded, the commanding officer may verbally notify the men to appear at a future day, not exceeding thirty days from the time of such parade, which shall be sufficient notice as respects the persons present; and all commanders of companies may, on parade, cause to

Penalty for failure to notify.

How served, given and proved.

be read, division, brigade or regimental orders, and notify the soldiers of their several commands to appear as by such order required; which notice shall be a sufficient warning. Notifications may be proved, as is provided in section one hundred and sixty-one.

Company without commissioned officer, non-commissioned or private to issue order for duty.

SECTION 97. When a company is without commissioned officers, the commander of the regiment to which it belongs, or the officer detailed by him to discipline the same, shall in writing order any non-commissioned officers or privates to notify the persons liable to do duty in such company, to appear for duty required by law, at the time and place mentioned in such order; and if a non-commissioned officer or private refuses or neglects so to notify, he shall forfeit and pay to the use of his regiment not less than twenty nor more than one hundred dollars, to be recovered on complaint by the commander thereof.

Orders and notifications to be recorded.

SECTION 98. Clerks of companies shall record, in the orderly book, company orders and notifications; but such record shall not be necessary to the recovery of a penalty.

DISCIPLINE, TRAININGS, INSPECTION, AND CAMP DUTY.

Discipline of U. S. army adopted.

SECTION 99. The system of discipline and field exercise ordered to be observed by the army of the United States, in the different corps, or such other system as may hereafter be directed for the militia, by laws of the United States, shall be observed by the militia.

Annual May parade and monthly drill, &c., of active and volunteer militia.

SECTION 100. The active militia and volunteers shall parade by companies on the first Wednesday in May, for inspection, company drill, and manœuvre. They shall also be assembled for drill six hours in each month, from the first day of May to the last day of November, and three hours in each month from the first day of December to the last day of April; and, unless otherwise ordered, the times for such monthly drills shall be fixed by the commanders of companies, respectively. If a company is so situated that the soldiers cannot be conveniently assembled at one place for monthly drills, the commander of the regiment may order the same to be drilled in squads not exceeding three to a company: each squad shall, if practicable, be under the command of a commissioned officer. The members of the company shall be notified as provided in sections ninety-five and ninety-six. Separate rolls shall be kept for each squad, and the same shall be called under the direction of the commanding officer thereof by a non-commissioned officer appointed for that purpose. The records of fines and forfeitures incurred at such squad drills, shall be kept by the officer in command,

and have the same force and validity as is herein provided in the case of company records. Nothing in this section contained shall be construed to excuse the keeping of company rolls as provided in this act.

Students in colleges, academies, professional and normal schools, not resident in the towns where such colleges, academies, professional and normal schools are established, may be enrolled and required to perform the duties exacted of the active militia in this section, in the district where said institutions are established.

Students in colleges and schools, non-residents, where drilled.

SECTION 101. Mayors and aldermen and selectmen shall provide suitable places for the parade, target practice and drill, of the militia belonging to their respective cities and towns.

Places for drill to be provided.

SECTION 102. Unless the commander-in-chief prescribes the time, place and manner of assembling the active and volunteer militia, for the purposes declared in this section, each commander of division shall annually order an encampment of his division by brigades or regiments, for four days, at some time between the middle of July and the middle of October. The order shall be promulgated in the brigade thirty days before the time appointed for the encampment; the orders for encampment by regiments shall be promulgated in the regiment twenty days before such time. The place, and if no time be designated by the commander of division, the time of encampment shall be designated by the commander of the troops to be assembled, and regard shall always be had to the convenience, proximity and accommodation of the troops to be assembled; but no ground shall be occupied for such encampment, in time of peace, without the consent of the selectmen of the town, or mayor and aldermen of the city where the encampment is to be made, unless by order of the commander-in-chief.

Annual encampment by brigades or regiments.

SECTION 103. When a company destitute of commissioned officers parades with other troops, the officer in command shall detail one or more commissioned officers present to command it, unless the officer detailed by the commander of the regiment to command it is present.

Company without officers at parade, how commanded.

SECTION 104. The division and brigade inspectors shall inspect the arms, ammunition and accoutrements of the regiments in their divisions and brigades, at such annual encampment, and see that their exercises and manœuvres are conducted in accordance with the system of military discipline required by law, and by orders received, from time to time, from the commander-in-chief.

Inspection at encampments by division and brigade inspectors.

Inspector-general to attend encampments, make reports, &c.

SECTION 105. The inspector-general shall attend at the encampments provided in this act, and superintend the instruction, drill and manœuvres practised at the encampments, critically observe the same, and make a written detailed report thereon, independent of the report of the commanding officer. Said report shall state the amount and kind of duty performed by the troops on each day, the manner of its performance, the state and condition of each regiment and company, the degree of order maintained, and the general police of the encampment; and shall also contain such suggestions as are deemed important upon the working and efficiency of the system of instruction, drill and discipline prescribed, and of the necessity of further regulation and legislation in order to perfect the military system of the state, and be transmitted to the commander-in-chief within thirty days from the breaking up of the encampments.

Bounds of parade may be fixed by commanding officer, and rules enforced

SECTION 106. Every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade, not including a road so as to prevent passing, within which no spectator shall enter without leave from such commanding officer. Whoever intrudes within the limits of the parade, after being forbidden, may be confined under guard not exceeding twelve hours, at the discretion of the commanding officer; and whoever resists a sentry who attempts to put him or keep him out of such limits, may be arrested by order of the commanding officer, and carried before a court or magistrate, to be examined or tried upon complaint for such assault, or disturbance and breach of the peace.

Authority of officer in command of camp may be extended half a mile around the camp, &c.

SECTION 107. The authority of the officer in command of any camp may be extended by order of the commander-in-chief to a distance of one-half of a mile around such camp, and upon the external space within such distance from the camp, with the exception of any road or roads within said distance, no person or persons other than the owners of the same with their servants, for the purpose of occupying and improving the same in the same manner and way in which they occupied and improved the same at the time of the establishment of such camp, shall be allowed to enter, except under such rules as shall be established by the officer commanding such camp, with the approval of the commander-in-chief, or by special permission of the officer in command for the time being, or some officer by him designated; and if any person shall so enter he may be immediately expelled, and before being expelled he may, at the

discretion of the officer commanding such camp, be confined under guard for a period not exceeding twenty-four hours.

SECTION 108. No officer or soldier shall be holden to perform military duty, except in case of invasion, insurrection, riot or tumult, made or threatened, or in obedience to the orders of the commander-in-chief, on a day appointed for a meeting in the town in which he resides for the election of governor, lieutenant-governor, senators, electors of president or vice-president of the United States, or representatives to congress or the general court; and an officer parading his company or wilfully ordering it to parade contrary to the provisions of this section, shall, besides being liable to a court-martial, forfeit not less than fifty nor more than three hundred dollars.

Officers and soldiers not required to do duty on election days, except to quell tumult or repel invasion.

SECTION 109. The commander-in-chief may order out the active and volunteer militia, or any portion thereof, for encampment, drill, inspection, review, escort or other duty.

Militia may be ordered out for drill, &c., by governor.

SECTION 110. Nothing herein contained shall be construed to prevent any company from meeting for the purpose of drill, funeral or other escort, or a voluntary service; nor to impair the obligation arising under constitutional articles of agreement adopted by a volunteer company, so far as regards the members who have signed the same, unless they are repugnant to law. All fines, penalties and assessments incurred by officers or soldiers of such company, under such constitutional articles of agreement, signed by them and approved by the commander-in-chief, may, in addition to any other remedy thereon, be recovered on complaint of the clerk.

Companies may meet for escort.

By-laws of volunteers not impaired.

Fines and assessments, how recovered.

SECTION 111. Every non-commissioned officer and private holden by law to do military duty in any company, and unnecessarily neglecting to appear at the time and place appointed for such duty, shall forfeit and pay for every such neglect the sums hereinafter mentioned.

Penalties if non-commissioned officer or private neglect to appear for duty.

For unnecessarily neglecting to appear at the inspection on the first Wednesday of May, four dollars.

At any company training, four dollars.

At any encampment or review, five dollars for each day of such encampment or review.

At any company or squad drill, three dollars.

At any meeting for special duty of escort or otherwise, where no fine is provided, four dollars.

SECTION 112. Every non-commissioned officer or private who appears at a parade or drill required by law, deficient in any arm, equipment or uniform furnished him by the state, or required of him by law or general order, or with

If he appear at parade deficient in arms or uniform.

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such arms, equipments or uniform unserviceable or in bad condition, shall forfeit one dollar, to be recovered on complaint of the clerk, to the use of the company.

If soldier come to parade with arms loaded, or discharges same without order.

SECTION 113. A soldier who unnecessarily, or without order from a superior officer, comes to any parade, with his musket, rifle or pistol loaded with ball, slug or shot, or shall so load the same while on duty, or unnecessarily, or without order from a superior officer, discharges the same when going to, returning from, or upon parade, shall forfeit not less than five nor more than twenty dollars; to be recovered on complaint of the clerk, to the use of the company.

Forfeiture if soldier behaves with contempt to officer on duty.

SECTION 114. A soldier behaving with contempt towards an officer, or conducting himself in a disorderly manner, or exciting or joining in a tumult or riot, or being guilty of unmilitary conduct, disobedience of orders, or neglect of duty when under arms or on duty, shall forfeit not less than ten nor more than forty dollars; to be recovered as provided in the preceding section.

If he quits guard without leave.

SECTION 115. A soldier, wantonly or without leave, quitting his guard, section, platoon or company, shall forfeit not less than five nor more than twenty dollars; to be recovered, if the offence is committed at a regimental parade, on complaint by the commander of the regiment to the use of the regiment; if at any other parade, by the clerk to the use of the company; and shall forfeit his pay for the term of service for which he is then engaged.

Soldier may be placed under arrest.

SECTION 116. For any offence mentioned in the preceding section the delinquent may be put and kept under guard by the commander of the company, regiment or of the field, for a time not extending beyond the term of service for which he is ordered out. A non-commissioned officer, for an offence mentioned in this chapter, or for disobedience of orders, or unmilitary conduct at a regimental parade, may, besides incurring the fine prescribed, be reduced to the ranks by the commander of his regiment; and for such misconduct at any other parade, by such commander, with the advice of his company commander.

Non-commissioned officer may be reduced to ranks.

Soldiers in companies without officers in like manner liable.

SECTION 117. Soldiers in companies without officers, when ordered out to be trained and disciplined, shall for absence, deficiency, misconduct or neglect, be liable to the fines prescribed for offences in other companies; to be recovered upon complaint of the officer so detailed, substantially as by clerks under section one hundred and sixty-one; to the use of the regiment.

Fines to inure to company.

SECTION 118. All fines incurred by a non-commissioned officer or soldier, unless otherwise provided, shall inure to the benefit of said company.

ROSTERS, ORDERLY BOOKS, ROLLS AND RETURNS.

SECTION 119. The assistant-adjutant-general of each division and brigade, and the adjutant of each regiment or corps, shall constantly keep a correct roster of the command to which he belongs; and an orderly book in which he shall record orders received and issued.

Rosters and orderly books to be kept.

SECTION 120. Commanders of the volunteer companies shall transmit on or before the twenty-fifth day of April, annually, to each commander of companies in the active militia, the name, age and date of enlistment of each member of their company residing within the limits of such companies.

Volunteers, certain, name, age and enlistment of to be sent active militia.

SECTION 121. The rolls of the several companies shall, at all times, be open to the inspection of any officer of the regiment, brigade or division to which it is attached, or to any assessor of the town wherein the company, or any part thereof, is raised.

Rolls of companies to be open to inspection.

SECTION 122. A fair and exact roll of each company shall be kept by the clerk, under the direction of the commander, with the state of the arms, uniforms and equipments furnished to each man, in the form prescribed for the returns of the militia by the commander-in-chief. Such rolls shall be annually revised in the month of April, and corrected from time to time, as the state of the company and alterations in it may require.

Arms, uniforms, &c., roll to be kept by clerk and revised annually.

SECTION 123. An orderly book shall also be kept in each company, by the clerk, under the direction of the commander, and the proceedings of the company, orders received and issued, and exact details of drafts and detachments, shall be recorded therein. Fines and forfeitures, with the time when, and the offence, neglect, default or deficiency, for which they were incurred, money collected by him, with the names of the persons from whom collected, and all delinquencies and deficiencies, shall be recorded in said book, which shall not be alienated from the company, and be always open to the inspection of its officers.

Orderly book

SECTION 124. At the conclusion of each encampment, and of any duty performed under section one hundred and nine, commanders of companies shall make correct duplicate returns of their several companies for each day of the encampment or review, upon which the commander of the regiment to which the company belongs shall certify whether such company, on each of the days of such encampment or duty, well and faithfully performed the duties required by law, and the number of officers, non-commissioned officers, musicians and privates therein reported as present and

Company returns on each day of encampment.

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cuted for by the officer to whom the return should be made.

SECTION 129. Brigade-inspectors within twenty days after each tour of camp or other duty done by their respective brigades, or the regiments thereof, shall make and transmit to the commander of the brigade a correct return of such brigades, reporting therein the condition of the arms, accoutrements and ammunition of the several corps, with such suggestions relating to the government of the militia, and the advancement of order and discipline, as in his judgment may be required; and also in like manner make and transmit to the commander of division a certified roll of the names of the general field and staff officers of their several brigades, specifying the rank of and duty done by each one who appeared uniformed and equipped, and performed duty on any day.

Brigade returns of camp duty, with suggestions; inspectors to make within twenty days.

Roll of field and staff officers to chief of division.

For neglect to make either of said returns, each brigade-inspector shall forfeit seventy-five dollars, and for making a false return in any case, three hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Penalty for neglect or mis-report.

SECTION 130. Commanders of brigades shall, within thirty days after each tour of camp or other duty performed by the troops under their respective commands, transmit to the commanders of their divisions a correct return of their respective brigades, as furnished by the brigade-inspectors under the preceding section.

Brigade returns of duty to be made division commander.

Commanders of divisions shall within ten days after the receipt of such returns of brigades under their respective commands, transmit to the office of the adjutant-general, correct returns of the state of their divisions, as derived from such brigade returns.

Return to adjutant-general.

Each officer, for neglect to make the returns required of him under this section, shall forfeit for each offence one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Forfeiture for neglect.

SECTION 131. Commanders of divisions shall, annually, on or before the first day of November, make and transmit to the office of the adjutant-general a certified roll of the general field and staff officers in their respective divisions, specifying the name, rank and duty done by each one, who has appeared armed, uniformed and equipped, and performed duty, on any day.

Division commanders to make annual return of roll of officers to adjutant-general.

For neglect to make such return, such commander shall forfeit one hundred dollars, and for making a false return in any case five hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Forfeiture for neglect or false return.

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doing duty each day, is correct. He shall deliver one of such returns to the brigade-inspector, and transmit the other, within ten days after said tour of camp or other duty, to the adjutant-general.

Pay-roll of company after camp duty to be sent adjutant-general.

SECTION 125. The commander of a company, within ten days after each tour of camp duty, or any duty performed under section one hundred and nine, shall make a correct alphabetical pay-roll of his company, containing the names of the members who appeared, armed, uniformed and equipped, and performed all the duties required on the days of such encampment or other duty, and showing the duty done by each member, and transmit the same, certified under his oath to be correct and true, to the adjutant-general. Such roll shall not contain the name of a private who has done duty as a musician, and the whole number so returned shall in no case exceed the number allowed to his company by section twenty-five.

Penalty for not making returns.

SECTION 126. A commanding officer of a company who neglects to make the returns required by the two preceding sections, shall forfeit twenty-five dollars, and for making a false return in any case, shall forfeit one hundred dollars to the Commonwealth, to be prosecuted for by the officer to whom the return should be made.

Returns by masters of brigade bands.

SECTION 127. The master of every brigade band shall, within ten days after a parade thereof, made under order of the commander of the brigade to which such band belongs, make and transmit to the adjutant-general an alphabetical list of the men who appeared in uniform and performed duty on such day, the last return to be made on or before the tenth of November; upon which the commanding officer to whom the band was ordered to report for duty, shall certify that the duty was well and faithfully performed. For neglect to make such return, the master shall forfeit twenty-five dollars, and for making a false return one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Regimental roll of officers on camp duty to be made brigade-inspector.

SECTION 128. On the last day of each tour of camp duty, or duty performed under section one hundred and nine, commanders of regiments shall make correct certified rolls of the field and staff officers of their several commands on duty for each day, specifying the names, rank and duty done by each officer who appeared armed, uniformed and equipped, on any day, and deliver the same to the brigade-inspector. Every officer neglecting to make such returns, shall forfeit for each offence fifty dollars, and for making a false return in any case two hundred dollars, to be prosecuted.

Penalty for neglect or mis-report.

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cutted for by the officer to whom the return should be made.

SECTION 129. Brigade-inspectors within twenty days after each tour of camp or other duty done by their respective brigades, or the regiments thereof, shall make and transmit to the commander of the brigade a correct return of such brigades, reporting therein the condition of the arms, accoutrements and ammunition of the several corps, with such suggestions relating to the government of the militia, and the advancement of order and discipline, as in his judgment may be required; and also in like manner make and transmit to the commander of division a certified roll of the names of the general field and staff officers of their several brigades, specifying the rank of and duty done by each one who appeared uniformed and equipped, and performed duty on any day.

Brigade returns of camp duty, with suggestions; inspectors to make within twenty days.

Roll of field and staff officers to chief of division.

For neglect to make either of said returns, each brigade-inspector shall forfeit seventy-five dollars, and for making a false return in any case, three hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Penalty for neglect or mis-report.

SECTION 130. Commanders of brigades shall, within thirty days after each tour of camp or other duty performed by the troops under their respective commands, transmit to the commanders of their divisions a correct return of their respective brigades, as furnished by the brigade-inspectors under the preceding section.

Brigade returns of duty to be made division commander.

Commanders of divisions shall within ten days after the receipt of such returns of brigades under their respective commands, transmit to the office of the adjutant-general, correct returns of the state of their divisions, as derived from such brigade returns.

Return to adjutant-general.

Each officer, for neglect to make the returns required of him under this section, shall forfeit for each offence one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Forfeiture for neglect.

SECTION 131. Commanders of divisions shall, annually, on or before the first day of November, make and transmit to the office of the adjutant-general a certified roll of the general field and staff officers in their respective divisions, specifying the name, rank and duty done by each one, who has appeared armed, uniformed and equipped, and performed duty, on any day.

Division commanders to make annual return of roll of officers to adjutant-general.

For neglect to make such return, such commander shall forfeit one hundred dollars, and for making a false return in any case five hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Forfeiture for neglect or false return.

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cutted for by the officer to whom the return should be made.

SECTION 129. Brigade-inspectors within twenty days after each tour of camp or other duty done by their respective brigades, or the regiments thereof, shall make and transmit to the commander of the brigade a correct return of such brigades, reporting therein the condition of the arms, accoutrements and ammunition of the several corps, with such suggestions relating to the government of the militia, and the advancement of order and discipline, as in his judgment may be required; and also in like manner make and transmit to the commander of division a certified roll of the names of the general field and staff officers of their several brigades, specifying the rank of and duty done by each one who appeared uniformed and equipped, and performed duty on any day.

Brigade returns of camp duty, with suggestions; inspectors to make within twenty days.

Roll of field and staff officers to chief of division.

For neglect to make either of said returns, each brigade-inspector shall forfeit seventy-five dollars, and for making a false return in any case, three hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Penalty for neglect or mis-report.

SECTION 130. Commanders of brigades shall, within thirty days after each tour of camp or other duty performed by the troops under their respective commands, transmit to the commanders of their divisions a correct return of their respective brigades, as furnished by the brigade-inspectors under the preceding section.

Brigade returns of duty to be made division commander.

Commanders of divisions shall within ten days after the receipt of such returns of brigades under their respective commands, transmit to the office of the adjutant-general, correct returns of the state of their divisions, as derived from such brigade returns.

Return to adjutant-general.

Each officer, for neglect to make the returns required of him under this section, shall forfeit for each offence one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Forfeiture for neglect.

SECTION 131. Commanders of divisions shall, annually, on or before the first day of November, make and transmit to the office of the adjutant-general a certified roll of the general field and staff officers in their respective divisions, specifying the name, rank and duty done by each one, who has appeared armed, uniformed and equipped, and performed duty, on any day.

Division commanders to make annual return of roll of officers to adjutant-general.

For neglect to make such return, such commander shall forfeit one hundred dollars, and for making a false return in any case five hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Forfeiture for neglect or false return.

CALLING OUT THE MILITIA IN CASE OF WAR, INVASION, INSURRECTION, TUMULT, OR RIOTS.

Militia, how called out in case of invasion, &c.

SECTION 132. When an invasion of, or insurrection in, the state, shall be made or threatened, the commander-in-chief shall first call upon the active and volunteer militia to repel or suppress the same; and may order out any divisions, brigades, regiments or companies thereof; or may order to be detached any parts thereof, or if required, may order any number of men to be drafted from the reserve militia, and may cause officers to be detailed, sufficient with those attached to the troops, to organize the forces. If such invasion or insurrection, or imminent danger thereof, in any part of the state be so sudden that the commander-in-chief cannot be informed and his orders received and executed in season to resist or suppress the same, any commander of division in such part of the state, may order out his division, or any part thereof, as the commander-in-chief might do.

When commander of division may order out troops.

Drafted men, how organized.

SECTION 133. When a draft from the militia is ordered, the drafted men shall be organized by the commander-in-chief, agreeably to section thirteen.

Company without officer called out, commander to be detailed.

SECTION 134. If a company of the volunteer or active militia without officers is ordered to march, or a detachment is ordered therefrom, the commander of the regiment shall detail an officer to command, who shall have the same authority to order them to appear, to command them in the field, or to make a detachment therefrom, as the captain of such company would have; and shall be under the same responsibility.

Forfeiture if non-commissioned officer or soldier fail to appear.

SECTION 135. Every non-commissioned officer or soldier so ordered out, detached or drafted, who shall not appear with such arms and equipments as have been furnished to him, at the appointed time and place, or provide a substitute, shall be taken to be a soldier absent without leave, and forfeit fifty dollars to the use of the Commonwealth; and each soldier ordered out, detached or drafted, when so ordered shall take with him provisions for not less than three days.

Rations for three days required.

Cities and towns to provide transportation when requested.

SECTION 136. The selectmen of a town and the mayor and aldermen of a city to which men so ordered out, detached or drafted, belong, when required in writing by the commander of a regiment or detachment, shall provide transportation to attend them with further supplies of provisions, and to carry necessary baggage, and provide necessary camp equipage and utensils, until notified by the commanding officer to desist; and shall present their accounts, as is provided in section one hundred and fifty-

three. For any neglect by mayor and aldermen or selectmen under this section, their city or town shall forfeit not less than twenty nor more than five hundred dollars. The officer to whom any articles above mentioned are delivered, shall be responsible that care is taken of the same.

Forfeiture for neglect.

SECTION 137. When there is, in any county, a tumult, riot, mob, or a body of men acting together by force with intent to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth, or of the United States, or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander-in-chief, or the mayor of a city, or to a court of record sitting in said county, or if no such court be sitting therein, then to a justice of such court, or if no such justice is within the county, then to the sheriff thereof, the commander-in-chief may issue his order, or such mayor, court, justice or sheriff, may issue a precept, directed to any commander of a division, brigade, regiment or corps, directing him to order his command, or a part thereof, describing the kind and number of troops, to appear at a time and place therein specified, to aid the civil authority in suppressing such violence and supporting the laws; which precept, if issued by a court, shall be in substance, as follows :

Troops, how ordered out in case of riot or tumult.

— ss. COMMONWEALTH OF MASSACHUSETTS.

Form of requisition.

L. S.

To { *insert the officer's title.* } A B, commanding. { *insert his command.* }

Whereas, it has been made to appear to our justices of our _____, now holden at _____, within and for the county of _____, that (*here state one or more of the causes above mentioned,*) in our county of _____, and that military force is necessary to aid the civil authority in suppressing the same: now, therefore, we command you that you cause (*here state the number and kind of troops required,*) armed, equipped and with ammunition, as the law directs, and with proper officers, either attached to the troops or detailed by you, to parade at _____, on _____, then and there to obey such orders as may be given them, according to law. Hereof fail not at your peril; and have you there this writ, with your doings returned thereon.

Witness, G T B, Esq., at _____, on the _____, day of _____, in the year _____ C D, Clerk.

And if the same be issued by a mayor, justice or sheriff, it shall be under his hand and seal, and otherwise varied to suit the circumstances of the case.

SECTION 138. The officer to whom the order of the commander-in-chief or such precept is directed, shall forthwith order the troops therein mentioned to parade at the time

Penalties for disobedience of officer.

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- and place appointed. If he refuses or neglects to obey such order or precept, or if an officer neglects or refuses to obey an order issued in pursuance thereof, he shall be cashiered and punished by fine or imprisonment not exceeding six months, as a court-martial may adjudge. And a non-commissioned officer or a soldier neglecting or refusing to appear at the place of parade to obey an order issued in such case, shall forfeit fifty dollars to the use of the Commonwealth.
- Failure of soldier to appear.** And any person advising or endeavoring to persuade an officer or soldier to refuse or neglect to appear at such place or to obey such order, shall forfeit two hundred dollars to the use of the Commonwealth, or be imprisoned not exceeding six months.
- Troops to appear armed and obey lawful orders.** SECTION 139. Such troops shall appear at the time and place appointed, with such arms, equipments and ammunition as has been furnished them, and shall obey and execute such orders as they may then and there receive according to law.
- Requisitions by the president, how supplied.** SECTION 140. Requisitions by the president of the United States for militia for active service shall be supplied by the commander-in-chief in the manner following, to wit:
- First, the active and volunteer militia.
- Second, the reserve militia.
- Persons exempt from draft.** The following persons only shall be exempt from a draft, to wit: Such as are rejected as physically or mentally unfit for the service, all persons actually in the military or naval service of the United States at the time of the draft, and all persons who have served in the military or naval service two years during the present war, and been honorably discharged therefrom: *provided, however*, that no person who has been convicted of any felony shall be enrolled or permitted to serve in said forces.
- Felony to exclude.** Drafted men may furnish able-bodied substitutes for themselves who if mustered into the service of the United States shall be received in lieu of their principals for the quota for which the draft is made.
- Substitutes for drafted men.** SECTION 141. The commander-in-chief shall issue all necessary orders to fill any requisition for troops made by the United States upon this state, and prescribe rules and regulations for carrying into effect the necessary drafts therefor.
- Orders to fill quota for U. S.; governor to issue.** SECTION 142. Any person drafted by virtue of the provisions of the two preceding sections shall be considered a soldier in active service, and failing to appear at the place of parade in obedience to any order lawfully issued shall be deemed a soldier absent without leave. And any person, directly or indirectly advising or in any manner attempting
- Drafted person liable if he fails to appear, &c.**

to influence any person to avoid compliance with any order issued in pursuance of the preceding section shall forfeit five hundred dollars, or be imprisoned not less than two years. Penalty for advising to avoid.

COMPENSATION.

SECTION 143. General, field and commissioned staff officers shall receive for each day's duty in camp, and according to the returns of the inspecting officers, five dollars, and non-commissioned staff officers three dollars a day, to be paid them from the state treasury, upon the warrant of the governor and council, and according to a pay-roll to be made up by the adjutant-general. Pay of general, field and staff officers.

SECTION 144. Division and brigade-inspectors, and adjutants of regiments of volunteer or active militia, shall receive twenty-five dollars annually, in addition to their pay as herein provided. Inspectors and adjutants of regiments.

SECTION 145. Every other officer of the active and volunteer militia shall receive for each day's duty in camp two dollars, and each non-commissioned officer and soldier one dollar and thirty cents. Other officers.

Every member of a brigade band shall receive, for services performed in obedience to an order of his commander, at the rate of one dollar and fifty cents a day while on duty. Brigade band, members.

Every member of a mounted company shall receive three dollars per day in addition to the compensation herein before provided, which shall include keeping and forage for horses. Mounted companies.

Such sums shall be computed by the adjutant-general on the company and band pay-rolls, made out, certified and returned, under sections one hundred and twenty-five and one hundred and twenty-seven. Adjutant-general to compute pay.

After such computation, such pay-rolls shall be transmitted to the mayors and aldermen of the cities and the selectmen of the towns in which such companies and bands are situated, as provided in section sixty-three. Pay-rolls to be sent cities and towns.

Upon receipt of the same, the mayors and aldermen, and selectmen, shall draw their warrants upon their respective treasurers, directing them to pay the amount due to the persons named in such rolls, and shall annually, on or before the first day of December, under a penalty of thirty dollars for neglect in so doing, remit such rolls to the adjutant-general, with a certificate endorsed thereon, setting forth that a warrant has by them been drawn on their respective treasurers, in favor of the several persons whose names are recorded therein. Payment to be made and rolls sent adjutant-general.

Thereupon the adjutant-general shall lay the same, together with his roll of general, field and staff officers Shall lay before auditor and warrant be drawn.

entitled to pay, prepared under section sixty-four, before the auditor, and the governor may draw his warrant on the treasury for such sums as may be necessary to pay such officers and reimburse such cities and towns.

Pay forfeited for deficiency in returns. Not to be received unless full duty be performed or excuse had.

SECTION 146. The compensation provided in the preceding section shall be forfeited for default in making the returns required by sections one hundred and twenty-five and one hundred and twenty-seven; and no person shall receive compensation who shall not remain in camp and perform all duties required during the period of encampment; except that a person who shall once appear, and be excused from further duty by reason of sickness, shall be entitled to compensation for the time he is actually engaged in service.

Personal service requisite to compensation. Excuses not to entitle.

SECTION 147. No officer or soldier in the volunteer militia shall receive the compensation provided in this chapter, unless he personally performs the duties required by law; nor shall excuses granted for absence from or non-performance of military duty entitle the person excused to receive such compensation.

Pay for special duty same as for camp, with travel.

SECTION 148. When a corps or detachment is ordered on special duty, by the commander-in-chief, under section one hundred and nine, or under section one hundred and thirty-seven, each member shall receive, while in the performance of such duty, the same pay as when performing camp duty, and four cents a mile for travel; but this section shall not apply to cases where the term of service exceeds six days.

Travel of officers at certain elections.

SECTION 149. Officers obliged to go out of the city or town of their residence to attend a military election, shall be allowed five cents a mile, each way, for travel.

Courts-martial, of inquiry and military boards, travel.

SECTION 150. Officers composing courts-martial, courts of inquiry, and military boards, and witnesses attending before them, shall receive five cents for every mile they necessarily travel, in going to and returning from the place of trial, and the following sums for each day of attendance:

President.

To the president of a court-martial, court of inquiry, or military board, three dollars.

Judge-advocate.

To the judge-advocate of the same, four dollars, which shall be in full compensation, also, for all services of preparing papers before, and making copies after, any trial, inquiry or investigation.

Marshal and members.

To the marshal and other members of such court or board, two dollars.

Witnesses.

To each witness attending on such court or board, one dollar and twenty-five cents.

Fees for subpoenas, and service of them, shall be the same as in civil cases.

Fees for subpoena, &c.

No allowance shall be made for pay or rations for a military guard, unless such guard is ordered by the officer appointing the court; nor shall the above compensation be made to officers in actual service and receiving pay.

Pay not allowed guard, unless ordered.

SECTION 151. Every officer or soldier who is wounded, or otherwise disabled, while doing military duty, and the widow or children, of every officer or soldier who is killed, or dies of wounds received while doing such duty, shall receive from the general court just and reasonable relief.

Relief to disabled soldiers and families of deceased.

SECTION 152. The militia, while in actual service, shall receive the same pay and rations as the regular troops of the United States; and the rations, when commuted, shall be valued at the rate fixed by the regulations of the United States army in force at the time.

Pay and rations of troops in actual service.

Every non-commissioned officer and private who provides himself with a uniform and blanket, when called into service, shall receive, monthly, in addition to his stated pay, as follows: Sergeants and musicians, four dollars; corporals and privates, three dollars and seventy-five cents; and if he shall not so provide himself, he shall be allowed, monthly, two dollars and fifty cents.

Pay to those who do, and who do not, provide uniforms.

When the militia are discharged from actual service, they shall be allowed pay and rations to their respective homes.

Allowance upon discharge.

SECTION 153. All military accounts, including claims against the state for money expended in the transmission of military documents to and from the department of the adjutant-general, unless it is otherwise specially provided by law, shall be transmitted to the adjutant-general and examined, and if found correct, certified by him. They shall then, unless it is otherwise specially provided by law, be presented to the state auditor for examination, and if found correct shall be certified by him to the governor, and paid to the persons to whom they are severally due, or to their order, at the treasury of the Commonwealth. And no military account shall be certified by the adjutant-general, or allowed by the auditor, unless presented to the adjutant-general for allowance within the time prescribed by law.

Military accounts, &c., how examined, certified and paid.

EXCUSES.

SECTION 154. Every non-commissioned officer or private having bodily infirmity, may be exempted from military duty, if he obtain from the surgeon or assistant-surgeon of the regiment, or detached company, to which he belongs, or if there be no such officers commissioned in such regiment

Non-commissioned officers and privates, how exempted from duty for bodily infirmity.

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or company, then from some respectable physician living within the bounds of the same, a certificate that he is unable to do military duty, on account of bodily infirmity, the nature of which shall be described in such certificate; and the captain or commanding officer of his company may, on the back of the certificate, discharge the non-commissioned officer or private named therein, from performing military duty, for a term of time which he shall judge reasonable, not exceeding one year; which certificate, when countersigned by the colonel or commanding officer of said regiment or company, shall, for the time specified, exempt him from military duty, except attendance at the election of officers. If such non-commissioned officer or private, having obtained such certificate, shall be refused a discharge or an approval of a discharge, he may apply to the commanding officer of the division or brigade, who may discharge him from military duty for such a time, not exceeding one year, as he shall judge reasonable, by endorsing the same upon the surgeon's certificate.

Surgeon's fee for examination prescribed.

SECTION 155. The surgeon or assistant-surgeon shall be entitled to receive for the examination or examinations of any soldier applying for exemption from military duty, twenty-five cents in any one year, to be paid by the applicant; and any surgeon or assistant-surgeon who shall ask or receive from any person enrolled in the militia any additional compensation for such an examination shall forfeit fifty dollars, to be recovered on complaint of the adjutant of the regiment or corps to which the surgeon belongs, to the use of the regiment or corps.

Penalty for exceeding.

Excuse for non-appearance of soldier to be made within twenty days.

SECTION 156. Excuses for the non-appearance of a soldier shall be made to the commanding officer of his company, or the officer detailed to train and discipline the company, under section thirty-three, within twenty days after a parade, or other military duty, from which he has been absent; and on the delinquent's producing satisfactory evidence of his inability to appear, such officer may excuse him, with the approval of the commander of the regiment; but no such officer shall receive an excuse for non-appearance after the expiration of the twenty days. No excuse shall avail such soldier, on a prosecution for the recovery of a fine or forfeiture, unless proved to have been made to such officer before the expiration of the twenty days, unless the delinquent satisfies the court or justice before whom the case is tried, that it was not in his power to make such excuse within the time. Such officers shall inform their clerks of all excuses allowed for non-appearance.

Officer may allow if for inability.

Excuse in case of prosecution, how construed.

SECTION 157. No commanders of companies shall receive excuses for deficiencies of equipment.

Deficiencies in equipments.

SECTION 158. When a person is entitled to exemption from military duty upon presenting evidence of the cause of his exemption to his commanding officer, within or before a certain time, as provided in sections eight and ten, and shall omit so to present such evidence, it shall not avail him, by way of excuse, upon a prosecution for a particular absence or default, unless he makes his excuse to the commanding officer within twenty days after the training, or satisfies the court or justice it was not in his power to make such excuse within the time.

Certain conditional exemptions not to excuse, unless, &c.

SECTION 159. When any person shall claim to be exempt from enrolment by reason of his age, the burden of proof respecting his age shall, in all cases of doubt, be upon him.

Exemption for age, burden of proof upon claimant.

PROSECUTION FOR FINES.

SECTION 160. Fines and forfeitures incurred by members of volunteer companies, may be collected by such persons, and disposed of in such manner, for the benefit of said companies, as a majority of the members thereof may determine.

Fines of members of volunteer companies.

SECTION 161. Fines and forfeitures incurred by members of the active militia shall be collected in the following manner, to wit: The clerk of each company, after the expiration of twenty days, and within forty days after parade, election of officers, inspection training, review or encampment, shall in those cases where fines are to be collected upon his complaint, make and subscribe an information against the offending soldiers or non-commissioned officers who have not been excused by the commander of the company, under section one hundred and fifty-six, or who have not within the twenty days aforesaid paid to him the forfeiture they have incurred, which information shall be left with some justice of the peace or filed in some police court in the county in which the offender resides. Such information shall be in substance as follows:

Prosecution for fines in active militia.

Information to be filed.

To A B, Esq., justice of the peace within and for the county of _____ or to the justice of the police court within and for _____

Form of information.

I, the subscriber, clerk of the company commanded by _____, do hereby give information against the following person [or persons] who, being duly enrolled in said company, and being duly notified to meet with said company, on the _____ day of _____, in the year _____, [for inspection or review, election of officers, special duty, or as the case may be] was guilty of the offences, and did incur the forfeitures, set against his name:

Names.	Offences.	Forfeiture.	Sum.
A B, non-com. officer ;	For unnecessarily neglecting to appear on said day, . . .	} has forfeited	
C D, private,			
E F,	For being deficient of a on said day,	} has forfeited	
G H,			
I K,	For being on said day guilty of coming on to the parade with his arms loaded,	} has forfeited	
L M,			
	For unnecessarily discharging his musket, rifle or pistol in going to, or returning from, or on the place of parade, without the orders of an officer,	} has forfeited	
	For leaving his guard, section, platoon or company without the leave of an officer,	} has forfeited	

[And in the same manner, substantially, all other offences are to be set forth against offending non-commissioned officers and privates.]

I, therefore, agreeably to my oath of office, and in compliance with the requisitions of the law in this behalf, request you to issue a summons, directed to the person named in the above information, to appear before you, and show cause, if any he has, why it should not be adjudged that he pay the forfeiture set against his name, for the offence which he is therein alleged to have committed.

Dated at _____, this _____ day of _____, in the year _____.

A B, clerk of the company commanded by _____

Summons to be issued within nine months, giving seven days notice.

The justice or court shall file the same ; and upon motion of the clerk shall, within nine months, and not afterwards, issue a summons to each person informed against, to be served at least seven days before the time appointed for showing cause.

The summons, if issued by a justice of the peace, shall be in substance as follows :

Form of by justice.

[Seal.] To the sheriff of said _____ county, or either of his deputies, or either of the constables of the town of _____, in the county aforesaid, greeting :

In the name of the Commonwealth of Massachusetts, you are hereby required to summon C D, of _____, in the county aforesaid, to appear before me, E F, one of the justices of the peace for the county aforesaid, at _____ in _____, on the _____ day of _____, at _____ of the clock in the _____ noon, then and there to show cause, if any he has, why judgment should not be rendered, that he has forfeited _____ for [here insert the offence, and the time when and place where it was committed.] Hereof fail not, and make due return of this writ, and your doings thereon, unto myself, on or before the said hour of the day of _____

Dated at _____ aforesaid, the _____ day of _____ in the year _____
E F, Justice of the Peace.

If issued from a police court, as follows :

Form by police court.

— ss. THE COMMONWEALTH OF MASSACHUSETTS.
[Seal.] To the sheriff of the county of _____ or either of his deputies, or either of the constables of the town of _____ in said county, greeting :

We command you to summon C D, of _____ in said county, to appear before our justices of our police court, to be holden at _____ within and for our _____ on _____ then and there to show cause, if any he has, why judgment should not be rendered, that he has forfeited _____ for [here insert the offence, and the time and place where it was committed.] Hereof fail not, and have you there this writ, with your doings thereon.

Witness, W S, Esq., at _____ on the _____ day of _____ in the year _____

T P, Clerk.

[or witness my hand and seal at _____ on the _____ day of _____ in the year of _____ our Lord _____ A B, Justice of said Court.]

When the person summoned appears, he may plead that he is not guilty, and give any special matter in evidence.

Defendant may plead not guilty.

Upon the trial of such complaint, made by the clerk of a company, it shall be sufficient for the complainant to prove that he is clerk of the company; for which purpose he shall produce his warrant as a non-commissioned officer, and prove the signature thereto of the colonel or commanding officer of the regiment, and that at the time of signing such warrant he was reputed to be and acted as such colonel or commanding officer; which shall be *prima facie* evidence that such complainant was appointed a non-commissioned officer by the captain or commanding officer of such company, and that a legal return of such appointment was made to the colonel or commanding officer of the regiment.

Complainant to produce warrant, prove signature and authority of officer.

He shall then show, upon the back of his warrant, a legal certificate of his appointment as clerk, and qualification as such by taking the oaths required by law. For which purpose he shall prove the signature of the captain or commanding officer of such company, and that he is such captain or commanding officer, by producing his commission as such; but if the clerk is appointed clerk *pro tempore*, his appointment may be proved by the records of the company.

Shall show appointment and qualification as clerk.

He shall then produce the roll of the company, and prove that the defendant resided within the limits of the company, and was enrolled or enlisted therein at the time he was notified of such meeting.

Shall produce roll and prove enlistment.

He shall then produce the order of the commanding officer of such company to notify the said meeting or meetings thereof, and prove his signature thereto, and that the defendant was legally notified of the time and place of such meeting or meetings.

Order for meeting and notification of defendant

If it is required by law that the order for such military duty shall in such case be given by any officer superior to the commanding officer of a company, then the orders of such superior officer, and all intermediate orders of officers transmitting the same to the commanding officer of the company shall be proved, and that the persons purporting

Proof of order when required to be given by superior officer.

by such orders to be such officers are such; for which purpose, it shall be sufficient to produce the transmitted written or printed copies of such orders, and the regimental or other last order, transmitting the same to the commanding officer of the company; to prove the signature of the proper officer to such regimental or other last order, transmitting the same; and to prove that all the officers above mentioned are reputed to be such officers and act as such.

Offence to be proved.

The absence or offence of the defendant shall then be proved, to show that he is liable to the fine alleged to be incurred by him; and, in case of absence, the burden of proof shall be upon him to show that his absence was necessary.

Burden of proof, if absence.

The evidence above described shall be taken to be *prima facie* sufficient to support the complaint.

Secondary evidence when received.

When it appears that a document or paper above mentioned cannot be produced, satisfactory secondary evidence thereof shall be received.

Testimony of clerk to be evidence.

Upon the hearing of such case, the testimony of the clerk, or other person who was ordered to notify the whole or part of the company, shall be *prima facie* evidence of notice to the defendant, and that he neglected to appear.

Exemption for infirmity, how proved.

The certificate of the surgeon of the regiment, or assistant-surgeon, approved as herein before provided, that the defendant was unable to perform military duty at the time of his absence, shall be *prima facie* evidence that he ought to be excused for a particular absence, if the provisions of section one hundred and fifty-six have been complied with; but any permanent disability, or such temporary excuse, may be proved by parole.

Execution in case of default or neglect of judgment.

If the defendant makes default, or judgment is rendered against him, and he neglects for two days after to satisfy the same, with legal costs, execution shall be issued therefor; which execution, issued by a justice of the peace, shall be in substance as follows, but if by a police court, shall be so altered as to conform to the summons:

Form of.

— ss. THE COMMONWEALTH OF MASSACHUSETTS.

[Seal.] To the sheriff of said county, or either of his deputies, or either of the constables of the town of _____, in the same county, greeting:
Whereas, E L, clerk of the company commanded by _____, in said county, on the _____ day of _____, before J D, Esq., one of our justices of the peace for our county aforesaid, recovered judgment against T P, of _____, for the sum of _____, fine or forfeiture, and _____ costs of prosecution, as to us appears of record, whereof execution remains to be done: We command you, therefore, that of the money of the said T P, or of his goods or chattels, within your precinct, at the value thereof in money, you cause to be levied, paid and satisfied, unto the said

E L, the aforesaid sums, being _____ in the whole; and also, out of the money, goods and chattels of the said T P, you levy twenty-five cents more for this writ, together with your own fees; and for want of such money, goods or chattels of said T P, to be by him shown unto you, or found within your precinct, to the acceptance of the said E L, for the aforesaid sums, we command you to take the body of the said T P, and him commit unto our jail in B, and we command the keeper thereof accordingly to receive the said T P into our said jail, and him safely keep, until he pay the full sums above mentioned, with your fees, or that he be discharged by the said E L, or otherwise, by order of law. Hereof fail not, and make return of your doings therein unto our said justice, within twenty days next coming.

Witness, our said justice at B, the _____ day of _____, in the year
one thousand _____ J D, Justice of the Peace.

The complaint or summons may be amended in any stage of the proceedings without payment of costs; and the defendant shall be allowed an adjournment or continuance of the case, if justice requires it. The clerk shall not be liable to pay costs to a defendant in a case in which the commanding officer of his company has certified upon the information of the clerk, his approval of the same. And no appeal shall be allowed from any such judgment, unless the forfeiture adjudged exceeds ten dollars, exclusive of costs.

Amendment of
summons, con-
tinuance and
liability for costs.

Appeal.

A complaint by any other officer shall be prosecuted in the like manner so far as the same is applicable thereto, the forms being varied accordingly; and he shall prove his authority by producing his commission and other competent evidence which may be necessary.

Complaints by
other officers,
how prosecuted.

SECTION 162. No person shall be imprisoned upon an execution issued upon a complaint and judgment described in the preceding section, for a longer time than six days; but shall, at the expiration of that time, be discharged by the keeper of the jail to which he is committed. The judgment debtor shall remain liable for the amount of the judgment and the costs of imprisonment; and execution for the whole of the same may be sued out against the property of such debtor.

Imprisonment
on execution.

Judgment of
debtor, liability.

SECTION 163. The clerk of each company, or other officer prosecuting such complaint, shall retain to his own use from the forfeitures so collected, the amount of the expenses incurred by him in prosecuting the same, and, upon demand, pay the remainder to the commander of the company, regiment or corps, entitled to the benefit thereof, who shall give his receipt therefor, and expend the same in defraying such expenses of the company, regiment or corps, as a majority of the commissioned officers thereof shall judge necessary. All captains or commanders of companies, and all other officers authorized by this act to direct or control the collec-

Money collected
for fines, how
disposed of.

Report of, to ad-
jutant-general.

tion of fines, shall report annually, to the adjutant-general, through the usual channels of military communication, the amount of fines imposed, the amount collected, and the disposition thereof.

COURTS—MARTIAL.

Complaints on which courts may be ordered.

SECTION 164. All complaints upon which courts-martial are ordered, shall be in writing and signed by the complainant, and shall clearly specify the offence, and the time when and place where it was committed.

Trial of officer to be within year.

No officer shall be tried by court-martial for an offence committed more than one year before the complaint, unless his absence or other manifest impediment has prevented a complaint within that time; nor on a charge preferred by a soldier, unless for an offence committed while in the actual service of the state or of the United States, nor unless such charge is preferred before such soldier has left the service.

Charges, preference defined.

Respondent to be in arrest.

SECTION 165. Every officer to be tried by court-martial shall be put under arrest.

Copy of charges, &c., to be delivered. Court may adjourn.

The judge-advocate shall deliver to the accused a copy of the charges against him, and a notice of the time and place of trial, ten days at least before the day of trial; and if he objects, and the court shall be satisfied that he has not received the same, they shall adjourn, so as to allow the time required to elapse, after the delivery of the notice and copies.

Courts, of whom to consist and when to be held.

SECTION 166. Courts-martial shall consist of a president, judge-advocate, not more than four nor less than three members, present at the organization of the court, and a marshal; and shall be holden between the first day of December, and the last day of March, in the day time.

There shall be only one general and one division court-martial, in one division, in one year.

Courts, general, to be appointed by governor, for rank above captain.

General courts-martial shall be appointed for the trial of all officers above the rank of captain, by the orders of the commander-in-chief, issued to the divisions which in his opinion can most conveniently furnish members for the same; and he shall appoint a president, not below the rank of brigadier-general, and a marshal of said court.

Courts, division, to be appointed by commandant.

Division courts-martial shall be appointed for the trial of officers of and under the rank of captain, by the orders of each commanding officer of a division, in his own division, issued to the brigades, regiments, and companies which, in his opinion, can most conveniently furnish members for the same; and he shall appoint a president, of the rank of colonel or lieutenant-colonel, and a marshal.

Officers shall be detailed to sit upon courts-martial, in manner following: Major-generals, by the commander-in-chief, from the general roster; brigadier-generals and officers of any divisionary corps by the commanding officers of divisions, from the division roster; colonels, lieutenant-colonels and majors, and officers of any company attached to a brigade, by the commanding officers of brigades, from the brigade roster; captains and subalterns, by the commanding officers of regiments, and other separate corps. And when it appears that an officer detailed or to be detailed, is or will be, for some sufficient cause unable to serve on a court-martial, the officer detailing him, having satisfactory evidence thereof, shall certify such inability to the officer ordering the court-martial, and at the same time detail the officer next in rotation on the roster. No senior officer, or superior in rank to the president, shall be detailed.

Detail of officers for courts-martial, regulations prescribed.

Provision in case any officer detailed is unable to serve.

President of court.

The officers ordered to detail members shall make returns forthwith to the officer appointing the court, who shall transmit the same to the judge-advocate.

Return to be made.

The judge-advocate of each division shall, when ordered, attend general and division courts-martial within his division; but when he is prevented by inability or legal impediment, the officer ordering the court-martial shall appoint some person to be judge-advocate to the same.

Judge-advocate or representative to attend.

If the officer appointed president shall not attend at the opening of the court, the officer highest in rank present shall be president.

If president does not attend.

When it is found that by reason of absence, challenge or other cause, the number of members of a general or division court-martial (beside the president,) qualified to act, is less than three, the court shall adjourn for a suitable time; and the president shall forthwith notify the fact to the commanding officer of the division in which such general or division court-martial is held; and such commanding officer shall himself detail from the division a number of officers of the same rank as those before detailed, sufficient to complete the court.

If sufficient members do not attend, or are not qualified.

If no judge-advocate or marshal attends at the opening of the court, the president shall appoint a judge-advocate or marshal, which appointment shall be entered on the record and signed by him. The judge-advocate acting at the commencement of a trial, shall serve during the trial, notwithstanding the attendance or appointment of any other person afterwards.

If judge-advocate or marshal does not attend.

Officers on a court-martial shall rank by seniority of commission.

Rank of court officers.

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Adjournment.

The court may adjourn, when it appears to them necessary, before a judge-advocate appears, and before they are qualified.

Oath of president and members.

SECTION 167. Before a court-martial proceeds to the trial of an officer, the judge-advocate shall administer to the president and members, severally, the following oath :

You, A B, do swear, that without partiality, favor, fear, prejudice or hope of reward, you will well and truly try the cause now before you, between the Commonwealth and the person (or persons, if more than one is accused, in the same complaint,) to be tried ; and that you will not divulge the sentence of this court-martial, until it shall be approved or disapproved of, and that you will not discover the vote or opinion of a member, unless required to give evidence thereof, as a witness, in due course of law : So help you God.

Oath of judge-advocate.

And the president shall administer to the judge-advocate the following oath :

You, A B, do swear that you will faithfully and impartially discharge your duties as judge-advocate on this occasion, as well to the Commonwealth as to the accused ; and that you will not on any account at any time divulge the vote or opinion of any member of this court-martial, unless required to give evidence thereof, as a witness, in due course of law : So help you God.

Challenges, how and when made, and by whom tried.

No member shall be challenged by the government or the accused, until the president, members and judge-advocate are sworn. Only one member shall be challenged at a time, and the challenge shall be in writing, stating the cause of it. The person challenged shall not vote, but the president and other members shall try whether the challenge is good.

Certain causes of challenges, when waived.

Illegality or irregularity in the detail of a member of the court, shall be good cause of challenge by either party ; but shall be considered as waived unless the objection be taken at the time and in the manner aforesaid.

If accused is absent or withdraws.

If the accused neglects to appear and defend, or refuses to plead, or withdraws in contempt of the court, the court may proceed to trial and judgment, as if he had pleaded not guilty.

Witnesses summoned must appear.

Persons summoned by the judge-advocate or a justice of the peace, shall appear and give evidence before a court-martial, but the defendant's witnesses shall have their fees first tendered to them, and the penalties for neglect to appear shall be the same, and the judge-advocate may issue a *capias*, in like manner as in criminal prosecutions.

Penalty.

Before the witnesses testify, they shall be sworn by the judge-advocate in the following form :

Oath of witnesses.

You, A B, do swear [or affirm] that the evidence you shall give, in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth: So help you God, [or, this you do under the pains and penalties of perjury, in case the witness shall affirm.]

When the adjutant-general shall be complainant for neglect or default in making returns, he shall not be required to be present, and his certificate shall be sufficient *prima facie* evidence that the return was or was not made, and that a copy of a return is true.

Evidence of default in returns.

Judge-advocates shall be the certifying officers, to authenticate copies of papers and documents used before courts-martial, courts of inquiry, or boards of officers, except papers or documents from the adjutant-general's office, which shall be certified by him; but copies may be proved as in other courts.

Copies of court documents and papers, how authenticated.

The statement of the complainant, and the defence of the accused, and motions, arguments and objections to the proceedings, by either party, and the answers thereto, shall be submitted to the court in writing; the evidence and proceedings in and out of the court, and opinions of the judge-advocate on questions of law arising during the trial, shall be put in writing by him. After the prosecution and defence are concluded, he shall state and sum up the evidence, and give his opinion to the court upon matters of law, which opinion, with the judgment, he shall put in writing.

All proceedings and evidence to be in writing.

When a question is to be decided, the judge-advocate shall receive the vote of each member, beginning with the youngest and proceeding to the eldest. The president shall vote; and unless two-thirds of the members agree that the accused is guilty, he shall be acquitted. If two-thirds of the members shall find him to be guilty, he shall be sentenced to be reprimanded in orders, or to forfeit a sum not exceeding two hundred dollars, or to be dismissed from office,—either or all of them; and in the last case, he may be further adjudged to be disqualified from holding any military office during life or a term of years.

Votes, how taken. Two-thirds required to convict.

Sentence.

Courts-martial may preserve order during their session; and whoever shall, in such court, behave in a disorderly or insulting manner, or make a tumult or disturbance, may be arrested by order of the court, and confined not exceeding twenty-four hours, and fined not exceeding five dollars,—either or both. If the fine is not paid, the judge-advocate shall issue a mittimus, forthwith to commit such person to prison in the same manner and with the same effect as upon executions from justices of the peace in cases of prosecutions for non-payment of other military fines and costs.

Courts-martial authorized to preserve order.

Records, how authenticated and transmitted.

The record of the trial and judgment, with the papers used therein, or copies thereof, certified by the judge-advocate, shall be authenticated by his certificate and signature, and sealed up and transmitted by him to the officer who ordered the court, who shall annex thereto his approval or disapproval of the same, and the reasons thereof in writing, and transmit the same as soon as may be to the office of the adjutant-general, to be kept and preserved.

Approval or disapproval of sentence.

Pay-roll.

The judge-advocate shall also make, certify and transmit the pay-roll of the court-martial to the same office.

Copy of record may be furnished party tried.

The officer ordering the court, and the party tried thereat, shall receive, upon request, from the adjutant-general a copy of the record; the party tried [paying a reasonable sum for his copy.

Judgment of disqualification may be reversed.

The judgment of disqualification may, after approval, be reversed in whole or in part, by the commander-in-chief, but all other parts of the sentence, when approved, shall remain in full force.

What offences may be tried by court-martial.

SECTION 168. Every commissioned officer may be tried by a court-martial for the following offences:

For conduct unbecoming an officer and a gentleman, when on duty, or to the prejudice of good order and military discipline.

For neglect of any duty required in this chapter.

For disobedience of orders, or an act contrary to the provisions of this chapter.

For oppression or injury of any under his command.

For a combination, or attempt to break, resist or evade the laws or lawful orders given to a person, or advising any person so to do.

For insult to a superior officer in the exercise of his office.

For presuming to exercise his command while under arrest; in which case, if guilty, he shall be removed from office.

For neglect or refusal, when commanding officer, to order out the troops under his command, when required by law, or ordered by his superior officer.

For excusing, as commanding officer of a company, any person under his command, for deficiency or unnecessary absence, or after the expiration of the time allowed by law.

For neglect or refusal to make a draft or detachment when legally ordered to do so.

For neglect or refusal to cause prosecutions to be commenced for fines, when it shall be necessary.

For parading the troops under his command on days of election, contrary to the provisions of section one hundred and eight.

For receiving any fee or gratuity, as surgeon or assistant-surgeon, for a certificate of inability to do military duty, and for refusing to examine an applicant in his regiment for exemption from military service.

For neglect, when detailed to train and discipline a company, or make complaint for neglect or violation of duty, as provided by law, or for any other neglect for which a commanding officer of the company would be liable.

For neglect or refusal to march, make a draft, or for disobedience to an order, in case of invasion or insurrection, as provided in sections one hundred and thirty-two to one hundred and thirty-five, inclusive.

For refusal or neglect to obey a precept or order to call out the militia, or an order issued in obedience thereto, in case of tumult, riot, or other cause, as provided in sections one hundred and thirty-seven to one hundred and thirty-nine, inclusive, or for advising any officer or soldier to do the like; in which cases, the offender shall be cashiered, beside being subject to fine and imprisonment, as provided in section one hundred and thirty-eight.

SECTION 169. Any fine not exceeding two hundred dollars, may be inflicted on any officer, by sentence of a general or division court-martial, as a part of, or the whole of, such sentence; and such fines shall be prosecuted by the judge-advocate, or person appointed to act as such at the court-martial, in an action of tort, to the use of the Commonwealth; and if any judgment for cost, shall be rendered against any judge-advocate in such case, the officer to whom the execution upon such judgment is delivered, shall demand payment of the execution of the treasurer of the county in which such judgment is rendered, and the said treasurer shall pay the same, and it shall be allowed to said county, in the settlement of said treasurer's account with the Commonwealth.

Fines imposed by court-martial, how prosecuted.

Costs against judge-advocate, how paid.

BOARDS OF OFFICERS.

SECTION 170. The commander-in-chief, when in his opinion it shall be necessary, may call boards of officers for settling military questions, or for other purposes relative to good order and discipline.

Governor may appoint boards to settle questions.

SECTION 171. No officer appointing a court-martial, or board of officers, shall order a guard for the same, unless, in his opinion, it is necessary for their protection.

Guard not to be ordered except necessary.

SECTION 172. In this chapter the word "soldier" shall include company musicians and all persons in the volunteer or enrolled militia, except commissioned officers, and the word "company" may include battery.

"Soldier" and "company," as used in this act defined.

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Penalty for falsely giving certificate that party is quaker or shaker.

SECTION 173. If elders or overseers of a society of quakers or shakers give the certificate provided in the second section, to a person who does not profess the religious faith of their society, or who is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or overseer so offending shall forfeit two hundred dollars to the use of the Commonwealth, and be imprisoned not exceeding six months. And any person claiming to be exempted from enrolment by virtue of such a certificate, who does not profess the religious faith, or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, shall be liable to the same penalty.

Same for falsely claiming to be such.

Forfeiture of keepers of taverns, &c., for not giving information to assessors of their residents.

SECTION 174. Keepers of taverns or boarding-houses, and masters and mistresses of dwelling-houses shall, upon the application of the assessors, or any officer or non-commissioned officer of the militia, within whose bounds their houses are situated, or of persons acting under them, give information of the names of persons residing in their houses liable to enrolment or to do military duty; and every person liable to enrolment shall, upon like application, give his name and age; and if such keeper, master, mistress or person, refuses to give such information, or gives false information, such keeper, master, mistress or person, shall forfeit and pay twenty dollars, to be recovered on complaint of either of the assessors or officers, or non-commissioned officers aforesaid.

Other person refusing or giving falsely.

Civil officer for failing to obey this act.

SECTION 175. Civil officers named in this chapter, neglecting or refusing to obey its provisions, shall, except as otherwise specially provided, forfeit not less than twenty nor more than five hundred dollars.

Mayors and aldermen included.

SECTION 176. The provisions of this chapter concerning the powers and duties of the selectmen of towns, shall be construed to include the mayor and aldermen of any city.

No military organizations allowed, except those authorized by law or special license of governor.

SECTION 177. It shall not be lawful for any body of men whatsoever, other than the regularly organized corps of the militia, the troops of the United States, the state guard authorized by chapter one hundred and sixty-seven of the acts of the year eighteen hundred and sixty-three, and the ancient and honorable artillery company, to associate themselves together as a military company or organization, or to parade in public with arms, in any city or town of this Commonwealth, without the license of the governor thereof, which may at any time be revoked; nor shall it be lawful for any city or town to raise or appropriate any money toward arming, equipping, uniforming, or in any way supporting or sustain-

Cities and towns prohibited from approving.

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ing or providing drill-rooms or armories for any such bodies of men.

SECTION 178. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men, with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment in the house of correction or common jail for a term not exceeding six months.

Penalty for such unlawful organization or parade.

SECTION 179. The thirteenth chapter of the General Statutes, the two hundred and forty-third chapter of the acts of eighteen hundred and sixty-three, and all laws inconsistent with the provisions of this act, are hereby repealed.

Repeal of G. S. 18, act '62, 111 in part, '63, 198, 248, '64, 15.

SECTION 180. This act, with the exceptions of sections one hundred and seventy-seven and one hundred and seventy-eight, shall take effect upon its passage.

When act takes effect.

Approved May 14, 1864.

AN ACT IN RELATION TO TRUSTS AND TRUSTEES.

Chap. 239

Be it enacted, &c., as follows:

SECTION 1. Any person having charge of money or property, as trustee under an act of incorporation by this Commonwealth, and any corporation, other than a bank, having money or property in trust, shall annually, before the first day of November, report to the secretary of the Commonwealth, a sworn statement of the amount and condition of said trusts, on the first day of July in that year, giving the amount paid from or on account of the same, for the twelve months next preceding; and the secretary of the Commonwealth shall submit the same in print to the legislature, within the month of January of the succeeding year.

Trustees under incorporation and corporations other than banks to make annual report to secretary of state.

SECTION 2. Any person holding property in trust for the benefit of any city or town, or for the inhabitants thereof, or for any religious, charitable or educational purpose therein, shall annually, in January, make a sworn report to the city council of the city, or to the selectmen of the town, where such trust is holden, of the amount and condition of the same on the first day of January of that year, with a statement of the amount expended therefrom during the twelve months next preceding.

Certain trusts held, report to be made to city council or selectmen annually.

SECTION 3. Any trustee failing to comply with the provisions of this act, shall be subject to a penalty not exceeding five hundred dollars.

Penalty for non-compliance.

Approved May 18, 1864.

Chap. 240 AN ACT TO ESTABLISH THE SALARY OF THE GOVERNOR OF THE COMMONWEALTH.*Be it enacted, &c., as follows :*

Salary.

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

Act, when in force.

SECTION 2. This act shall take effect at the commencement of the next political year. *Approved May 13, 1864.***Chap. 241** AN ACT TO INCORPORATE THE WHITMAN AND MILES MANUFACTURING COMPANY.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Augustus Whitman, Eugene T. Miles, Lowell M. Miles and Jared Whitman, junior, their associates and successors, are hereby made a corporation, by the name of the Whitman and Miles Manufacturing Company, for the purpose of manufacturing mowing and reaping machines, knives, edge-tools, and other implements of iron and steel, in the town of Fitchburg; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws, which now are or may hereafter be in force, relating to such corporations.

Name.

Purpose.

Powers and duties.

Real estate.

Capital stock.

SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, in shares of one hundred dollars each.

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

*Approved May 13, 1864.***Chap. 242** AN ACT TO AUTHORIZE THE TOWN OF SANDISFIELD TO TAKE STOCK IN THE PITTSFIELD AND NEW HAVEN RAILROAD COMPANY.*Be it enacted, &c., as follows :*

Authority granted.

SECTION 1. The town of Sandisfield is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed fifty thousand dollars, and to pay for the same out of the treasury of the town and to hold the same as town property subject to the disposition of the town, for public purposes in like manner as any other property which it may possess.

Amount.

May raise money.

SECTION 2. The said town of Sandisfield is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

May appoint committee.

SECTION 3. The said town of Sandisfield may appoint a committee who shall subscribe in behalf of the town for

such number of shares in the capital stock of said company as shall be voted by said town; and said committee are hereby authorized to cast the vote of said town in the choice of directors of said road at the first meeting of the stockholders thereof called for that purpose; and thereafter the vote of said town in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

Vote in choice of directors.

SECTION 4. The authority granted in the first section of this act shall not vest in said town unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon shall vote to make said subscription; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers.

Act shall be submitted to voters of town.

Approved May 13, 1864.

AN ACT CONCERNING THE SOMERVILLE HORSE RAILROAD COMPANY AND THE CAMBRIDGE RAILROAD COMPANY.

Chap. 243

Be it enacted, &c., as follows:

SECTION 1. The Cambridge Railroad Company is hereby authorized to purchase of the Somerville Horse Railroad Company all its rights, franchise and property, or a portion only of its tracks, upon such terms as may be agreed upon between the respective boards of directors, and ratified by a majority of the stockholders of each corporation, present and voting thereon, at meetings called for that purpose.

Cambridge Co. may purchase Somerville road, in whole or part.

SECTION 2. After the purchase of the whole or a part of the property of the Somerville Horse Railroad Company, as provided in the preceding section, the Cambridge Railroad Company may extend the tracks of the Somerville Horse Railroad, to connect with its own tracks at or near Porter's Hotel in the city of Cambridge, subject to the provisions of the general laws that are or may be in force relative to street railway corporations.

May extend tracks to connect with its own in Cambridge.

SECTION 3. If the Cambridge Railroad Company purchases the entire property, rights and franchise of the Somerville Horse Railroad Company, the latter corporation shall thereupon be merged in the Cambridge Railroad Corporation, and said corporation shall thereafter have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, now by law appertaining to the two corporations.

Union of companies in case of purchase in whole.

Powers and duties.

SECTION 4. If the Cambridge Railroad Company purchases a part only of the tracks of the Somerville Horse Railroad, said corporation is hereby authorized to increase its capital stock by adding thereto an amount corresponding to the actual sum paid in cash for said tracks; and the

Cambridge Co. may increase capital in case of purchase in part.

Somerville Co. shall reduce capital.

Somerville Horse Railroad Company shall thereupon reduce the amount of its outstanding capital stock, in the proportion which the length of track sold bears to the whole length of its tracks.

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

Approved May 13, 1864.

Chap. 244 AN ACT FOR THE BETTER ACCOMMODATION OF THE ADJUTANT-GENERAL.

Be it enacted, &c., as follows :

Assignment of room.

The room now occupied by the commissioners on public lands is hereby assigned to the use of the adjutant-general.

Approved May 13, 1864.

Chap. 245 AN ACT TO AUTHORIZE THE TOWN OF BECKET TO TAKE STOCK IN THE PITTSFIELD AND NEW HAVEN RAILROAD COMPANY.

Be it enacted, &c., as follows :

Authority granted.

SECTION 1. The town of Becket is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed forty thousand dollars, and to pay for the same out of the treasury of the town and to hold the same as town property subject to the disposition of the town for public purposes in like manner as any other property which it may possess.

Amount of subscription.

May raise money.

SECTION 2. The said town of Becket is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

May appoint committee to subscribe.

SECTION 3. The said town of Becket may appoint a committee who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town. And said committee are hereby authorized to cast the vote of said town in the choice of directors of said road, at the first meeting of the stockholders thereof called for that purpose; and thereafter the vote of said town in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

Vote in choice of directors.

Authority shall not vest in town, unless act is accepted.

SECTION 4. The authority granted in the first section of this act shall not vest in said town unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon, shall vote to make said subscription; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers.

Approved May 13, 1864.

AN ACT TO AUTHORIZE THE TOWN OF OTIS TO TAKE STOCK IN THE
PITTSFIELD AND NEW HAVEN RAILROAD COMPANY. *Chap. 246*

Be it enacted, &c., as follows :

SECTION 1. The town of Otis is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed fifty thousand dollars, and to pay for the same out of the treasury of the town and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Authority granted.

Amount of subscription.

SECTION 2. The said town of Otis is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

May raise money.

SECTION 3. The said town of Otis may appoint a committee who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town ; and said committee are hereby authorized to cast the vote of said town in the choice of directors of said road at the first meeting of the stockholders thereof called for that purpose ; and thereafter the vote of said town in the choice of directors of said road shall be cast by the person or persons whom said town may appoint.

May appoint committee to subscribe.

Vote in choice of directors.

SECTION 4. The authority granted in the first section of this act, shall not vest in said town, unless at a legal town meeting called for that purpose three-fourths of the voters present and voting thereon, shall vote to make said subscription ; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers. *Approved May 13, 1864.*

Authority shall not vest in town, unless act is accepted.

AN ACT TO AUTHORIZE THE FIRST UNIVERSALIST SOCIETY IN BOSTON
TO SELL REAL ESTATE. *Chap. 247*

Be it enacted, &c., as follows :

SECTION 1. The First Universalist Society in Boston is hereby authorized to sell and convey by deed its land and meeting-house situated at the corner of North Bennet and Hanover Streets, in the city of Boston ; and to use the proceeds thereof, after paying the debts of said society, in such manner and for such purposes as the proprietors of said meeting-house shall determine.

Authority granted.

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

Dissolution of society.

Act not to take effect, unless.

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

Approved May 13, 1864.

Chap. 248

AN ACT IN RELATION TO THE ELECTION OF FENCE VIEWERS.

Be it enacted, &c., as follows :

Elections made valid.

SECTION 1. The election of fence viewers heretofore had in the several towns in the Commonwealth shall be valid notwithstanding the ballot was not used in their election as provided in chapter ninety-three of the acts of the year one thousand eight hundred and sixty-two.

Repeal.

SECTION 2. The third section of the ninety-third chapter of the acts of the year one thousand eight hundred and sixty-two is hereby repealed.

Approved May 13, 1864.

Chap. 249

AN ACT TO AUTHORIZE THE TOWN OF LEE TO TAKE STOCK IN THE PITTSFIELD AND NEW HAVEN RAILROAD COMPANY.

Be it enacted, &c., as follows :

Authority granted.

SECTION 1. The town of Lee is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed one hundred thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Amount of subscription.

May raise money.

SECTION 2. The said town of Lee is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments, or its subscriptions to said stock, and interest thereon.

May appoint committee to subscribe.

SECTION 3. The said town of Lee may appoint a committee, who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town ; and said committee are hereby authorized to cast the vote of said town, in the choice of directors of said road, at the first meeting of the stockholders thereof called for that purpose ; and thereafter the vote of said town in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

Vote in choice of directors.

Authority not to vest in town, unless act is accepted.

SECTION 4. The authority granted in the first section of this act shall not vest in said town, unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon, shall vote to make such subscription ; and the said vote shall be expressed by a written

or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers.

Approved May 13, 1864.

AN ACT TO PROMOTE PUBLIC JUSTICE IN CRIMINAL CASES.

Chap. 250

Be it enacted, &c., as follows:

SECTION 1. No variance between any matter, in writing or in print, produced in evidence on the trial of any criminal cause, and the recital or setting forth thereof in the complaint, indictment or other criminal process, whereon trial is had, shall be deemed material: *provided*, that the identity of the instrument is evident, and the purport thereof is sufficiently described to prevent all prejudice to the defendant.

Variance in written evidence and its recital in complaint not material.

Proviso.

SECTION 2. Any objection to a complaint, indictment or other criminal process, for any formal defect apparent on the face thereof, shall be taken by demurrer or motion to quash, assigning specifically the objections relied on before a judgment has been rendered by a trial justice or a police court, or a jury has been sworn in the superior or supreme judicial court.

Objection for formal defect, how taken.

SECTION 3. No motion in arrest of judgment shall be allowed for any cause existing before verdict, unless the same affects the jurisdiction of the court.

Motion in arrest of judgment.

SECTION 4. In any plea of *autrefois acquit* or *autrefois convict*, it shall be sufficient for the defendant to state that, at a certain term of a certain court, which he shall set forth, he was lawfully convicted or acquitted, as the case may be, of the same offence with which he is now charged.

Plea of *autrefois acquit* or *convict*, defendant's statement taken.

SECTION 5. No bill of exceptions or appeal from the rulings or decision of the superior court before whom the cause is tried, shall stay judgment on an indictment, complaint or other criminal proceeding, unless the presiding justice or some justice of the supreme judicial court shall certify thereon, that in his opinion there is so much doubt as to the questions raised thereby, as to render it expedient to stay judgment until the final decision of the supreme judicial court; which certificate so made, and filed with the clerk of the proper court, shall operate to stay judgment and sentence, and if the defendant has been committed, and the offence is bailable, to authorize the clerk to issue a precept for his release, upon such terms as to bail as the justice granting the certificate shall order.

Exception or appeal from decision of Sup. court not to stay judgment, unless justice S. J. court certify doubt.

Approved May 13, 1864.

Chap. 251 www.libtool.com.cn AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE QUINCY RAILROAD COMPANY.

Be it enacted, &c., as follows :

May extend track and construct branch road.

The Quincy Railroad Company is hereby authorized to extend its track from the terminus at Penn's Hill in Quincy, into or through the town of Braintree, and also to construct a branch railroad from some point near the stone church in Quincy into or through the town of Weymouth, with authority to pass over such bridges as such extension and branch road may traverse ; subject to the provisions of all general laws that are or may be in force relating to street railways.

Approved May 13, 1864.

Chap. 252 AN ACT TO INCORPORATE THE SOUTH DANVERS AND LYNN STREET RAILWAY COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name.

Location.

May use certain tracks of Salem and South Danvers road.

May extend road to Lynn.

Proviso.

SECTION 1. William H. Little, Henry Poor, Stephen Blaney, Lewis Allen, Caleb W. Osborn, their associates and successors, are hereby made a corporation by the name of the South Danvers and Lynn Street Railway Company, with power to construct, maintain and use a railway with convenient single or double tracks, from such point or points at or near the square, so called, in South Danvers, and from such point of intersection with the railroad of the Salem and South Danvers Railroad Company, at said square in said South Danvers, as may be fixed by the selectmen of said South Danvers, and thence, upon and over Foster Street to Washington Street, Washington Street to Main and to Lynn Streets, and Lynn Street to the dividing line between said South Danvers and the city of Lynn : and with the right to enter upon and use the tracks of said Salem and South Danvers Railroad Company upon and over Main Street, from Washington Street to the square aforesaid, but not to enter upon and use any other part of said tracks, such use to be in such manner and upon such rates of compensation as may be agreed by the parties, or in case of disagreement, as shall be determined according to law. And said corporation is hereby further authorized to extend and use their railway, in manner aforesaid, from said dividing line, by one direct and eligible route, to some convenient central point in the city of Lynn, subject to location by the board of aldermen of said city : *provided, however,* that if the Lynn and Boston Railroad Company shall, within three months from and after the time when the South Danvers and Lynn Railway shall have been constructed to the said dividing line, locate and extend its tracks from a central point in said city of Lynn

to said dividing line in Lynn Street aforesaid, then the South Danvers and Lynn Railway Company, shall not extend its railway beyond said dividing line, but shall have the right there to intersect and connect with the railway of said Lynn and Boston Railroad Company, and to enter upon and use the tracks of said company by one route to some convenient and central point in said city of Lynn and no further, in such manner and upon such terms as the parties may agree, or as, in case of disagreement, shall be determined according to law.

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

SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions which are or may be in force relating to street railway corporations. Powers and duties.

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

Approved May 13, 1864.

AN ACT TO INCORPORATE THE PEOPLE'S SAVINGS BANK IN THE CITY OF WORCESTER. Chap. 253

Be it enacted, &c., as follows :

John C. Mason, William Cross, Sumner Pratt, their associates and successors are hereby made a corporation by the name of the People's Savings Bank, in the city of Worcester ; with all the powers and privileges and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth that are now or may hereafter be in force, relating to institutions for savings. Corporators.

Approved May 13, 1864.

AN ACT TO PROVIDE TRIAL BY JURY UPON THE QUESTION OF GRANTING A CERTIFICATE OF DISCHARGE IN INSOLVENCY. Chap. 254

Be it enacted, &c., as follows :

SECTION 1. The court to which an appeal is made from the decision of the judge of a court of insolvency, upon the question of granting to a debtor the certificate of discharge, shall, on a demand in writing filed with the clerk, by the debtor, the assignee or a creditor, frame issues of fact for trial by jury, and the same shall be so tried, as nearly as may be after the manner of conducting suits at common law, and a decree may be entered in conformity with the verdict thereon. Court appealed to shall, on demand, frame issues of fact for trial as at common law.

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

Approved May 13, 1864.

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Chap. 255 AN ACT IN RELATION TO THE UNION SOCIETY IN EAST BRIDGEWATER.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. George M. Keith, Clarkson W. Richards, Walter Severance, their associates and successors, are hereby incorporated as a parish or religious society, by the name of The Union Society in East Bridgewater, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws, which are or may be in force, relating to such corporations.

Name.

Powers and duties.

Former organization and proceedings under same confirmed.

SECTION 2. The organization of said society which was effected under the name of The Union Trinitarian Society of East and West Bridgewater, in the year eighteen hundred and twenty-six, and all its subsequent proceedings under and by virtue of such organization, as the same are now entered on the records of said society in the possession of E. E. Richards, the clerk thereof for the current year, with all its acts and doings, are hereby ratified and confirmed, as the records and acts of a duly and legally organized corporation.

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

Approved May 13, 1864.

Chap. 256 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF THE CITY OF CHELSEA.

Be it enacted, &c., as follows:

Salary established.

The salary of the justice of the police court of the city of Chelsea shall be thirteen hundred dollars per annum, to be computed from and after the first day of April, in the year eighteen hundred and sixty-four. *Approved May 13, 1864.*

Chap. 257 AN ACT RELATING TO THE CHARLES RIVER AND WARREN BRIDGES FUND.

Be it enacted, &c., as follows:

Fund to be applied to relieve debt and for repairs.

SECTION 1. The Charles River and Warren Bridges Fund, with all the accumulations thereof, shall be applied to the payment of obligations already incurred for the maintenance and repair of said bridges, and to their future maintenance and repair.

Certain receipts of money, draw-tenders to pay treasurer forth-with.

SECTION 2. Each of the draw-tenders for said bridges, upon the receipt of any money for rent or use of any building, privilege or property, or for the sale of any property belonging to said bridges or either of them, or for damage done to either of them or to any property thereto belonging, shall immediately pay over the same to the treasurer and receiver-general, and the same shall be added to the aforesaid fund.

SECTION 3. So much of the eleventh section of chapter ninety-six of the acts of the year one thousand eight hundred and fifty-eight, as is inconsistent with this act is hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.
Approved May 18, 1864.

AN ACT IN RELATION TO DRUNKARDS AND COMMON DRUNKARDS IN THE CITY OF BOSTON. Chap. 258

Be it enacted, &c., as follows:

SECTION 1. Persons convicted in the city of Boston of drunkenness, or as common drunkards, and sentenced to imprisonment, shall have their sentences executed in the house of industry in said city. On conviction shall be sentenced to house of industry.

SECTION 2. This act shall take effect on the first day of June, in the year eighteen hundred and sixty-four. Act, when in force.

Approved May 18, 1864.

AN ACT TO REGULATE SEINING IN THE HARBOR OF MATTAPOISETT. Chap. 259

Be it enacted, &c., as follows:

No person shall set, draw or use any seine or net in the harbor of Mattapoisett or the waters flowing into said harbor, within a line drawn from Strawberry Point, on the easterly side of said harbor, to the most southerly point of Mattapoisett Neck, on the westerly side of said harbor, without the permission of the selectmen of Mattapoisett; 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 any trial justice, for the use of the complainant. Seining forbidden except with permission of selectmen.

Penalty.

Approved May 18, 1864.

AN ACT TO AUTHORIZE THE TOWN OF TOLLAND TO TAKE STOCK IN THE PITTSFIELD AND NEW HAVEN RAILROAD COMPANY. Chap. 260

Be it enacted, &c., as follows:

SECTION 1. The town of Tolland is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed twenty-five thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property subject to the disposition of the town for public purposes, in like manner as other property which it may possess. Authority granted.

Amount of subscription.

SECTION 2. The said town of Tolland is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments, or its subscriptions to said stock, and interest thereon. May raise money.

May appoint committee to subscribe.

SECTION 3. The said town of Tolland may appoint a committee, who shall subscribe in behalf of the town, for such number of shares in the capital stock of said company, as shall be voted by said town, and said committee are hereby authorized to cast the vote of said town, in the choice of directors of said road, at the first meeting of the stockholders thereof, called for that purpose, and thereafter the vote of said town in the choice of directors of said road shall be cast by the person or persons, whom said town may appoint.

Vote in choice of directors.

Authority shall not vest in towns unless by consent of voters.

SECTION 4. The authority granted in the first section of this act shall not vest in said town, unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon, shall vote to make said subscription; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers. *Approved May 13, 1864.*

Chap. 261

AN ACT AUTHORIZING THE EXTENSION OF THE LOWELL HORSE RAILROAD INTO CHELMSFORD AND DRACUT.

Be it enacted, &c., as follows:

Authority granted.

SECTION 1. The Lowell Horse Railroad Company is hereby authorized to extend its railway, with convenient single or double tracks, into the towns of Chelmsford and Dracut, upon and over such streets and highways in said towns as shall, from time to time, be fixed and determined by the selectmen thereof with the assent in writing of the corporation filed with said selectmen.

May increase capital.

SECTION 2. Said corporation is hereby authorized, after it shall have constructed six miles of single-track railway, to increase its capital stock by adding thereto, for each additional mile thereafter built, an amount corresponding to the cost of such extension or extensions of its railway, not exceeding the rate of fifteen thousand dollars per mile for single track: *provided*, that the aggregate increase of capital stock hereby authorized shall not exceed one hundred thousand dollars.

Proviso.

Act, how limited.

SECTION 3. This act shall take effect upon its passage, and shall be limited by the provisions of section twelve of the act of the year eighteen hundred and sixty-four entitled "An Act concerning street railway corporations."

Approved May 13, 1864.

AN ACT CONCERNING THE TAKING OF THE OATHS, AFFIDAVITS, DEPOSITIONS AND THE ACKNOWLEDGMENT OF DEEDS, OF PERSONS IN THE MILITARY SERVICE OF THE UNITED STATES.

Chap. 262

Be it enacted, &c., as follows:

SECTION 1. Chapter forty-one of the acts of the year one thousand eight hundred and sixty-three is amended so as to allow oaths to be administered, affidavits, depositions and acknowledgment of deeds to be given and made before any officer in the regular or volunteer service of the United States, above the rank of lieutenant.

May be done by any officer above lieutenant.

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

Approved May 13, 1864.

AN ACT TO AUTHORIZE THE CITY OF ROXBURY TO FILL UP THE DOCK AT ROXBURY POINT.

Chap. 263

Be it enacted, &c., as follows:

SECTION 1. The city of Roxbury is hereby authorized to fill up with gravel or other suitable material, the dock situated in that part of said city known as Roxbury Point, and lying between the city wharf, so-called, on the north-west and the wharf or land of the trustees of the Grammar School in the easterly part of the town of Roxbury on the south-east, and south-westerly of a straight line drawn from the north-easterly corner of said city wharf to the north-westerly corner of said wharf of said trustees.

Authority granted.

SECTION 2. The rights of the respective owners and lessees of said dock, and of the wharves and lands adjacent thereto, as against each other, shall not be affected by the provisions of this act, nor shall the rights of any person be impaired thereby.

Certain rights not to be affected.

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

Approved May 18, 1864.

AN ACT RELATING TO THE EAST BOSTON FREIGHT RAILROAD COMPANY.

Chap. 264

Be it enacted, &c., as follows:

The East Boston Freight Railroad Company is hereby authorized to issue one hundred and forty thousand dollars of bonds secured by mortgage on any portion of railroad or other property to which they may have a legal title: *provided*, that nothing in this act contained shall be construed to prejudice, or affect the rights of any party or to ratify and confirm any acts of any parties in relation to the property now or formerly belonging to the Grand Junction Railroad and Depot Company.

May issue bonds secured by mortgage.

Proviso.

Approved May 18, 1864.

Chap. 265 AN ACT CONCERNING ORDERS OF NOTICE IN PROBATE COURTS.
Be it enacted, &c., as follows :

Applications and petitions, certain, publication of notice.

SECTION 1. In all matters in the probate courts requiring notice to be given to the heirs, devisees or legatees of any estate, where personal notice is not ordered, the judge or register of such court, shall require the person upon whose application or petition proceedings are contemplated, to publish, or cause to be published, a notice of the same, in one or more newspapers, three weeks successively, the first publication to be fourteen days, at least, prior to the time when such proceedings are to be had, and to send, or cause to be sent, a written or printed copy of such notice, properly mailed, postage prepaid, to each of the heirs, devisees or legatees, or their legal representatives, known to the petitioner, within two days of the date of the first publication of said notice.

Affidavit deemed prima facie evidence of publication.

SECTION 2. An affidavit of the petitioner, or his attorney, that he has given, or caused to be given, notice as required in the preceding section, containing a copy of such notice, made and filed in said court, shall be deemed and taken as prima facie evidence that such notice has been duly given.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed. *Approved May 13, 1864.*

Chap. 266 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BOSTON AND CHELSEA RAILROAD COMPANY.

Be it enacted, &c., as follows :

Repeal of limitation of rate of fare.

SECTION 1. So much of the act entitled an act to incorporate the Boston and Chelsea Railroad Company, passed in the year eighteen hundred and fifty-four, as provides that the rate of compensation for transporting persons or property shall not exceed five cents for each passenger, is hereby repealed: *provided*, that the rates of fare upon said railroad shall never exceed five cents for each passage, unless with the assent of the mayor and aldermen of the city of Chelsea.

Mayor and aldermen of Chelsea to approve any increase.

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

Approved May 13, 1864.

Chap. 267 AN ACT TO AUTHORIZE THE NEW BEDFORD AND TAUNTON RAILROAD CORPORATION TO EXTEND ITS TRACK.

Be it enacted, &c., as follows :

Authority granted.

SECTION 1. The New Bedford and Taunton Railroad Corporation is hereby authorized to construct, maintain and operate a railway from a point on its road in the village of Fairhaven, commencing at a point on said road between Laurel and Fort Streets, thence curving in a south-westerly direction to Fort Street; thence southerly along said street

Location.

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to the Rodman Wharf, so called, for the transportation of merchandise to and from said wharf: *provided*, said company shall not lay their rails along said street except with the consent of the selectmen of the town of Fairhaven and under their direction; and the use of said track shall be subject to all the laws which regulate the use of street railways.

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

Approved May 18, 1864.

AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.
Be it enacted, &c., as follows:

Chap. 268

SECTION 1. The city of Salem, for the purpose of supplying the inhabitants thereof with pure water, is hereby authorized to take, hold and convey to, into and through said city, the waters of Wenham Pond, so called, in the towns of Wenham and Beverly, and the waters which flow into and from the same, and any water-rights connected therewith; and may take and hold by purchase or otherwise, such land on and around the margin of said pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold, in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said city.

City of Salem may take certain waters and water-rights in Wenham and Beverly.

Marginal and other lands.

SECTION 2. Said city for the purpose aforesaid, may take, hold and convey to, into and through said city, the waters of Brown's Pond and Mineral Spring Pond, so called, in the town of South Danvers and city of Salem, and the waters which flow into and from the same, and any other ponds, streams, fountains or springs within a distance of five rods from said Mineral Spring Pond, or upon the grounds of the proprietors of the Salem and Danvers aqueduct, and all water-rights connected therewith, and may take and hold, by purchase or otherwise, such land on and around the margin of the ponds and water-sources aforesaid, or not more than five hundred feet distant therefrom, as may be necessary for the preservation and purity of said waters; and may also take and hold, in like manner, such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said city. If said city takes the ponds or other water-sources mentioned in this section, it shall also take, by purchase or otherwise, all the franchise,

May take certain waters and water-rights in South Danvers and Salem.

Land necessary for erection of dams, reservoirs, &c.

Franchise of Salem and Danvers aqueduct.

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rights and property of the proprietors of the Salem and Danvers aqueduct.

Mayor shall file description of lands taken.

SECTION 3. The mayor of said city, within sixty days after the taking of any of the lands or water-sources aforesaid, shall file in the registry of deeds for the county of Essex, a description thereof, sufficiently accurate for identifying the same.

City may build and maintain aqueducts.

SECTION 4. Said city for the purposes aforesaid, may build aqueducts from any of the aforesaid sources, and maintain the same by any works suitable therefor; may connect any or all of said sources with each other; may provide and maintain suitable machinery for raising the water above the source of supply; may erect such structures as are necessary for preserving the works; may erect and maintain

Dams, reservoirs, fountains and hydrants.

dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants, as are, from time to time deemed proper, and may change or discontinue the same; may distribute the water throughout said city; may regulate the use of the water within and without said city, and establish the rates to be paid therefor.

Distribution and use of waters.

Extension of pipes.

Said city may also, for the purposes aforesaid, carry its pipes and other works over or under any water-course, street, railroad, highway or other way in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining and repairing its pipes and other works, and may do any other acts or things necessary and proper in executing the purposes of this act.

City may lay pipes in streets.

Streets taken up beyond limits of city, selectmen of town to direct.

SECTION 5. If said city enters upon and digs up, for the purposes aforesaid, any road, street or way without its own limits, it shall do the same under the direction of the selectmen of the town in which such road, street or way is located, and shall restore such road, street or way to as good order and condition as it was in before such digging was commenced; and the work shall be done in such manner, and with such care, as not to render any road, street or way, in which said pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall at all times save harmless and indemnify any town which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it and shall reimburse to it all expenses which it shall reasonably incur, by reason of any defect or want of repair in such road, street or way caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in said pipes: *pro-*

Public safety and convenience assured.

Indemnity to towns.

vided, said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

SECTION 6. Any town under whose roads, streets or ways, said city lays its aqueduct or main pipe, may require said city to insert therein proper hydrants, at points not less than five hundred feet apart, to be used for the purpose of extinguishing fires, and for no other purpose. The expense of inserting said hydrants and keeping the same in repair, shall be paid by such town.

SECTION 7. Three commissioners shall be appointed by the city council, by joint ballot of both branches thereof, who shall, during their continuance in office, execute, superintend and direct the performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specifically provided for in this act; and shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may, from time to time, ordain and establish, not inconsistent with the provisions of law. They shall respectively hold office for the term of three years next after their appointment, unless the works aforesaid are sooner completed, but they or either of them, after having had an opportunity to be heard in defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in the board of commissioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of the said term of three years, with all the powers and under all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of the said office. They shall, once in six months, and whenever required by the city council, make and present in writing a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

SECTION 8. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid them for their services, which shall not be reduced during their continuance respectively in said office.

SECTION 9. Whenever the office of said commissioners shall cease, either by the expiration of said term of three years from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authority

Proviso.

Towns may require insertion of hydrants in streets taken up.

Expense.

City council shall appoint commissioners.

Duties of commissioners.

Terms of office.

Removal.

Vacancies.

Quorum.

Report to be semi-annual.

Salaries of commissioners.

Upon expiration of commission powers and duties to vest in city.

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given to the city of Salem by this act, shall be exercised by said city, subject to all duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the city council shall, from time to time, ordain, appoint and direct.

Liability of city for land and water damages, etc.

SECTION 10. Said city shall be liable to pay all damages sustained by any persons or corporations, by the taking of any land, water, water-rights, franchises or property, or by the constructing of any aqueducts, reservoirs or other works, for the purposes aforesaid. If any person or corporation, sustaining damage as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed and paid in the same manner, as is provided by law, with respect to land taken for highways.

How assessed and paid on disagreement.

Applications for assessments of damages, when to be made.

SECTION 11. No application shall be made to the county commissioners for the assessment of damages for the taking of any water-rights, until the water is actually withdrawn or diverted by said city. Any person or corporation whose water-rights are thus taken or affected may apply as aforesaid at any time within one year from the time when the water is first actually withdrawn or diverted.

City may issue water scrip.

SECTION 12. For the purpose of defraying the cost of such franchises, property, lands, water and water-rights, as are taken, purchased or held, for the purposes aforesaid, and of constructing the works, necessary and proper, for the accomplishment of said purposes, and paying all expenses incident thereto, the city council shall have authority to issue scrip, bonds, or certificates of debt, to be denominated on the face thereof, "City of Salem Water Loan," to an amount not exceeding in the whole, the sum of five hundred thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, said interest to be payable semi-annually, and the principal to be payable at periods not more than fifty years from the time of issuing said scrip, notes, bonds or certificates respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid; but the same shall not be sold or pledged at less than the par value thereof.

Amount.
Interest.

May sell or pledge.

Water rents, application for payment of principal and interest.

SECTION 13. The city council shall establish such price or rents to be paid for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest, and not less than one per cent. of the principal of the "City of Salem Water Loan" and shall determine the manner of collecting the same. The net surplus income and receipts, after deducting all expenses

Sinking Fund.

and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal and interest of said loan, until the same is fully paid and discharged. The mayor, city treasurer, and president of the common council, for the time being, shall be trustees of said fund, and shall, whenever required by the city council, render an account of all their doings in relation thereto.

Trustees of fund.

SECTION 14. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement; and the owner thereof shall be also liable, if on being notified of such use, he does not object thereto.

Occupant of tenement liable for water rent.

Owner's liability.

SECTION 15. If said city takes the water from the sources mentioned in the first section of this act, it shall lay its aqueduct or main pipe for conducting the same to said city, by some convenient route through the town of Beverly. The inhabitants of any town upon the line of the works authorized by this act, upon the application of its board of selectmen, shall be entitled to the reasonable use of the water, upon paying an equitable compensation therefor; which, in case of difference, shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party, and notice to the other; whose award when accepted by said court, shall be binding upon the parties for the term of five years.

Location of main pipe.

Use of water by towns on line of works.

SECTION 16. If any person shall use any of the said water, either within or without said city, without the consent of said city, an action of tort may be maintained by said city for the recovery of the damage sustained: *provided*, that nothing herein contained shall be construed to prevent the abutters on Wenham Pond from entering thereon during the winter season, with men and horses and the proper implements, for the purpose of preparing, cutting and securing ice, in the manner heretofore practised; and *provided, also*, that if said city takes the water from the sources mentioned in the second section of this act, it shall allow to the owners and occupants of the manufacturing establishments on Goldthwait's Brook, in South Danvers, the same supply of water for manufacturing and other purposes from said sources which they now have; and the rights conferred on said city, by this act, shall not be so exercised as to impair or injure the water-rights and privileges of the owners and occupants aforesaid, as the same now are and heretofore have been used and enjoyed.

Illegal use of water.

Proviso.

SECTION 17. Whoever wantonly or maliciously diverts the water, or any part thereof, of any of the ponds, springs, streams or sources of water, taken or held by said city,

Penalty for malicious diversion or corruption of water or destruction of works.

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pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used, by said city, under the authority and for the purposes of this act, shall forfeit and pay to said city, three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine, not exceeding three hundred dollars, or by imprisonment, not exceeding one year.

City may purchase and connect with Salem and Danvers aqueduct.

SECTION 18. Said city is hereby authorized to purchase all the franchise, rights and property of the proprietors of the Salem and Danvers aqueduct, and may, by any convenient mode, connect the sources and works so purchased with its other sources and works.

Act void unless approved by voters.

SECTION 19. This act shall be void, unless submitted to, and approved by, a majority of the voters of said city present and voting, at meetings held simultaneously for the purpose, in the several wards, on the first Monday of December next, upon notice duly given, at least seven days before the time of holding said meetings.

Capacity and sufficiency of water sources to be tested.

SECTION 20. The city council shall cause careful investigations to be made by skilful engineers, as to the capacity and sufficiency of the sources mentioned in the first and second sections of this act respectively; and shall by joint ballot, at least fourteen days before said first Monday of December, determine the source or sources, from which, in the event of the acceptance of this act, said city shall take the water; and shall, forthwith, notify the inhabitants of said city of its decision, by publication in the newspapers of said city. In the event of the acceptance of this act, said city shall take the water only from the sources so determined upon by the city council.

Shall be determined by joint ballot of council.

SECTION 21. This act shall take effect upon its passage.

Approved May 13, 1864.

Chap. 269 AN ACT TO REPEAL AN ACT RELATING TO AN ANNUAL ABSTRACT OF PUBLIC DOCUMENTS AND REPORTS.

Be it enacted, &c., as follows:

Repeal.

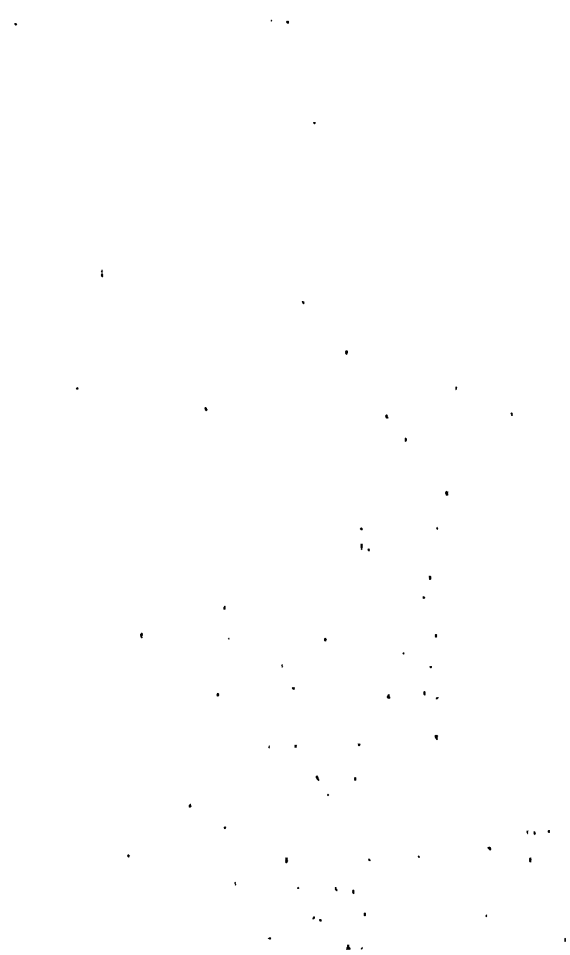
Chapter two hundred and thirty-nine of the acts of the year eighteen hundred and sixty-three is hereby repealed.

Approved May 13, 1864.

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AN ACT RELATING TO THE SALARY OF THE JAILER AND TO JAIL FEES IN THE COUNTY OF SUFFOLK. Chap. 270*Be it enacted, &c., as follows:*

SECTION 1. The twenty-second section of the one hundred and seventy-eighth chapter of the General Statutes is hereby amended by striking out the words therein "except in the county of Suffolk." Amendment
Gen. Stats.

SECTION 2. The fifth section of the one hundred and fifty-seventh chapter of the General Statutes is hereby repealed.
Approved May 13, 1864.

AN ACT IN FURTHER ADDITION TO "AN ACT FOR SUPPLYING THE CITY OF BOSTON WITH PURE WATER." Chap. 271*Be it enacted, &c., as follows:*

SECTION 1. The city of Boston, shall have the right to maintain its water pipes, as the same are now laid, in the milldam and other lands of the Commonwealth in and near said city, subject to the provisions of this act: *provided*, that any person, whose property is injured thereby, shall have his damages ascertained and paid in the manner provided in the several acts to which this is in addition; and *provided, further*, that if, at any time hereafter, the legislature shall order a draw to be made through the said milldam, or other lands on the line of said pipes, for the purposes of navigation, the city of Boston shall so adapt its said pipes, at the locality of the draw, as not to interfere with a free passage of boats and vessels through such draw. City may main-
tain pipes on
milldam and
other lands.

Provisos.

SECTION 2. Said city may enter upon and dig up the ground in said milldam and other lands, when necessary for the purpose of repairing or replacing said pipes: *provided, however*, that said milldam and lands shall be restored by said city to as good order and condition as the same are in before such digging is commenced; and that the work shall be done, in such manner and with such care, as not to render any road, street or way, in which said pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. City may enter
and dig up lands.

Proviso.

SECTION 3. The city of Boston shall at all times save harmless and indemnify the Commonwealth, and any city or town which may become liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against them respectively, and shall reimburse to them respectively all expenses which they shall reasonably incur by reason of any defect or want of repair in such road, street or way, caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons Indemnity to
Commonwealth
and towns from
damages sus-
tained by defects
in highways.

Proviso. or property caused by any defect or want of repair in said pipes: *provided* that said city shall have due and seasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

SECTION 4. This act shall take effect upon its passage.
Approved May 18, 1864.

Chap. 272 AN ACT TO INCORPORATE THE GRAND JUNCTION WHARF COMPANY.
Be it enacted, &c., as follows :

Corporators. SECTION 1. Franklin Haven; John M. Pinkerton, Caleb C. Gilbert, Ichabod Goodwin, William Brigham, their associates and successors, are hereby made a corporation by the

Name. name of the Grand Junction Wharf Company, with power

Purpose. to purchase and hold the whole or any part of the real estate, with the privileges and appurtenances thereto belonging, situated in East Boston, and lying southerly of the Eastern Railroad, south-westerly of Marginal Street, and northerly of the estate formerly of Edwards, Holman and Company; with all the powers and privileges, and subject to all the

Powers and duties. duties, liabilities and restrictions set forth in the general laws which are or may be in force relating to such corporations.

Use and improvement of premises. SECTION 2. Said corporation may use, improve and manage the premises aforesaid; may erect warehouses and other buildings thereon, and contract with any person or

Depot and warehouses. corporation for depot and warehouse accommodations, and for the transportation of merchandise for storage and wharfage thereon; may mortgage, lease, sell and convey

Wharves and docks. said premises, or any part thereof; may construct and maintain wharves and docks upon and adjacent to said premises, and lay vessels thereat, and receive wharfage and

Proviso. dockage therefor: *provided, however,* that nothing herein contained shall be deemed to authorize the building of any wharf or dock not now authorized by law.

Capital stock. SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided

Estate. into shares of one hundred dollars each. Said corporation may hold such real and personal property as may be necessary or convenient for the purposes set forth in this act.

Act, how construed. SECTION 4. Nothing in this act contained shall be so construed as to impair or affect the existing liabilities or remedies of any person or corporation. *Approved May 13, 1864.*

Chap. 273 AN ACT TO RESTRICT THE SEINING OF FISH IN THE HARBOR OF MARION.
Be it enacted, &c., as follows :

Seining forbidden except with consent of selectmen. SECTION 1. No person shall set, draw or use, any seine or net, for taking fish, in the harbor of Marion, or in the

streams running into said harbor, within a line drawn from Charles Neck Point, on the westerly side of said harbor, to Great Neck Point, on the easterly side of said harbor, without the permission of the selectmen of Marion.

SECTION 2. Any person violating this act shall, on conviction, pay a fine of not less than twenty nor more than fifty dollars, to be recovered before any court competent to try the same, for the use of said town. Penalty for violation.

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

Approved May 13, 1864.

AN ACT TO ALLOW OFFICERS COMPENSATION FOR THE USE OF A HORSE AND CARRIAGE IN THE SERVICE OF CIVIL PROCESS. Chap. 274

Be it enacted, &c., as follows :

SECTION 1. Whenever it shall be necessary for any officer, in the service of civil process, to use a horse and carriage, he shall be allowed therefor twelve cents a mile, to be computed one way: *provided*, that unless the distance for which such conveyance is actually and necessarily used exceeds two miles one way, there shall be no allowance therefor; and *provided, further*, that no officer shall be allowed for such use a greater distance than twenty miles. Allowance.
Proviso.

SECTION 2. No allowance shall be made under this act, unless the officer shall certify that it was necessary for him to use a horse and carriage, and that he actually used such conveyance the distance set forth in his certificate. Officer to certify necessity.

SECTION 3. If an officer makes a false certificate in any such case, he shall forfeit and pay thirty dollars for each offence, to be recovered by complaint or indictment, to the use of the Commonwealth: *provided*, that such prosecution is commenced within two years after the offence is committed. Penalty for making false certificate.

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

Approved May 13, 1864.

AN ACT IN FURTHER ADDITION TO "AN ACT TO ESTABLISH THE CITY OF NEWBURYPORT." Chap. 275

Be it enacted, &c., as follows :

Nothing contained in an act entitled "An Act in addition to an act to establish the city of Newburyport," passed in the year eighteen hundred and sixty-four, shall be so construed as to affect in any way the term of office of the present aldermen of said city. Term of office of present aldermen not affected.

Approved May 13, 1864.

AN ACT CONCERNING THE ESTATES OF MARRIED WOMEN HELD IN TRUST. Chap. 276

Be it enacted, &c., as follows :

A married woman may devise any income which has been by her received and invested from property held in trust for Woman may devise income.

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her benefit, under any deed, will or appointment of court, to be, with the accumulations thereof, so conveyed and transferred that the same may be held upon the same trusts as are declared in said deed, will or appointment.

Approved May 13, 1864.

Chap. 277 AN ACT RELATING TO INSURANCE COMPANIES AND TO THE OFFICERS AND AGENTS THEREOF.

Be it enacted, &c., as follows:

Policy to expire with charter of company.

SECTION 1. No insurance company incorporated in this Commonwealth shall issue any policy for a period extending beyond the time for which it was incorporated, unless its act of incorporation has been renewed, extended or continued, and then not exceeding the time of such renewal, extension or continuance.

Penalty upon officer for issue of policy contrary to first section.

SECTION 2. Any president, vice-president, director, secretary or other officer or agent, of any insurance company, who shall issue or assent to the issuing, of any policy, contrary to the provisions of this act, shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, and shall be liable in an action of tort to the holder of any such policy, for any damage he may suffer or sustain by reason of the issuing of the same.

Act, when in force.

SECTION 3. This act shall not take effect until one year after its passage.

Approved May 14, 1864.

Chap. 278 AN ACT TO CONFIRM CERTAIN ACTS OF JOHN S. HOLLINGSHEAD, AS A COMMISSIONER OF DEEDS.

Be it enacted, &c., as follows:

Acts between March 10, '62 and passage of act confirmed.

SECTION 1. All acts done by John S. Hollingshead, in the District of Columbia, as a commissioner of deeds for the Commonwealth of Massachusetts in the district aforesaid, between the tenth day of March in the year one thousand eight hundred and sixty-two and the day of the passage of this act, shall be, and the same are hereby made valid and confirmed to the same extent as they would have been valid had he filed in the office of the secretary of the Commonwealth an impression of his official seal and his oath of office and signature.

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

Approved May 13, 1864.

Chap. 279 AN ACT TO PROVIDE RETURNS FOR THE VALUATION COMMITTEE.

Be it enacted, &c., as follows:

Abstract returns of certain corporations to be furnished committee by treasurer

SECTION 1. The treasurer of the Commonwealth shall print, for the use of the valuation committee, an abstract from the returns made to him, under an act entitled "An Act

levying a tax upon certain corporations," containing the names of all corporations and banking associations having stock owned in any city or town in the Commonwealth; also the excess of the market value of all the capital stock of each corporation and banking association taxed by said act, over the value of its real estate and machinery; also the whole number of shares of such corporations and associations, and the number of shares owned in this Commonwealth, specifying the number of shares owned in each city and town by other parties than insurance companies, savings banks and institutions for savings.

of Common-wealth.

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

Approved May 14, 1864.

AN ACT RELATING TO THE COMPENSATION OF COUNTY COMMISSIONERS, AND CONCERNING COUNTY FINANCES.

Chap. 280

Be it enacted, &c., as follows:

SECTION 1. The salaries provided for the county commissioners of the several counties, by chapter one hundred and eighty-five of the acts of the year eighteen hundred and sixty, shall hereafter be taken to be in full payment for all services rendered, travel performed and expenses incurred by the county commissioners and special commissioners of the counties respectively; the special commissioners to be paid three dollars each, per day, and ten cents a mile travel each way, and the balance thereof to be divided among the county commissioners, in proportion to the services rendered, the travel performed and the expenses incurred by each; and no other or additional compensation shall be paid them, for any service performed by them for their respective counties.

Salaries established by act of 1860 to be in full.

SECTION 2. The treasurer of each county, except the county of Suffolk, shall collect, receive and safely keep, all moneys due and belonging to the county, from whatever sources derived, and shall pay out the same in accordance with existing laws; but no payment shall be made without a good and sufficient receipt or voucher, in which shall be stated in detail the items of the debt or claim paid; and all such vouchers shall be safely filed and kept by the treasurer, so as to be accessible for subsequent reference. No money shall be paid by the treasurer to the county or special commissioners, to be by them disbursed in behalf of the county.

County treasurers, except Suffolk, to receive and pay moneys.

Vouchers required.

Commissioners not to disburse.

SECTION 3. The treasurer shall keep a full and accurate account, stating the time when, from whom, and on what account, money is received, and in like manner the time when, to whom and on what account payments are made.

Treasurer's accounts.

Payments to be made upon orders of commissioners.

SECTION 4. No payments, except costs in criminal prosecutions, the expenses of the courts, and the compensation or salaries of county officers established by law, and in liquidation of outstanding notes or bonds, and the payment of interest thereon, shall be made by the treasurer, except upon orders drawn by the county commissioners, a record of which shall be kept by their clerk. The bills or evidences of county indebtedness, for which payment is ordered, shall be delivered with the order to the treasurer, to be by him filed and kept, as provided in the second section of this act.

Accounts of indebtedness to be filed.

Board of examiners to inspect semi-annually, and certify.

SECTION 5. The board of examiners of the respective counties shall, at least twice a year, in the months of June and December, and oftener if in their judgment circumstances require it, make a full and thorough inspection of all matters relating to the county finances, comparing the accounts and vouchers of the treasurer with the records of the commissioners, and if the same are found to be correct, they shall so certify upon the books of the treasurer.

Commissioners and treasurer shall make annual statement.

SECTION 6. At the close of each year, the commissioners and the treasurer shall make a particular statement of the receipts and expenditures of their several counties, except costs of criminal prosecutions, and expenses of courts, which may be embraced in a general statement, the correctness of which statements shall be certified by the board of examiners; and when so certified, the treasurer shall cause such statement to be published in a form suitable for distribution, and in sufficient numbers to furnish a copy for every three hundred inhabitants of the county, and shall cause the same to be transmitted in proper proportions to the clerk of each city and town of the county.

Treasurer shall publish and distribute same.

Repeal.

SECTION 7. All acts and parts of acts inconsistent with this act, are hereby repealed. *Approved May 14, 1864.*

Chap. 281 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF WORCESTER.

Be it enacted, &c., as follows:

Salary established.

The annual salary of the clerk of the police court of Worcester shall be nine hundred dollars from and after the first day of April last. *Approved May 14, 1864.*

Chap. 282 AN ACT IN ADDITION TO AN ACT RESPECTING THE PURCHASE AND DISTRIBUTION OF THE REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME JUDICIAL COURT.

Be it enacted, &c., as follows:

Cost of volumes published after Jan. 1, '64.

Chapter two hundred and sixty-five of the acts of eighteen hundred and fifty-nine, is so far amended in the first and second sections as to provide that the reports therein named,

published after the first day of January in the year eighteen hundred and sixty-four, may be purchased at the cost not exceeding three dollars and fifty cents per volume.

Approved May 14, 1864.

AN ACT CEDING JURISDICTION TO THE UNITED STATES OVER CERTAIN LANDS IN MALDEN. Chap. 283

Be it enacted, &c., as follows:

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America over all that certain lot or tract of land, with the buildings thereon, situate in the town of Malden, in this Commonwealth, bounded westerly on Webster Street, southerly on land now or late of Webster and Company and of the Edgeworth Company, easterly on the Malden Canal, and northerly on Medford Street, containing about two hundred and eighty-five thousand square feet, more or less; and over a certain other strip of land, thirty feet wide by about three hundred feet long, extending from the above described parcel of land westerly to the Boston and Maine Railroad; and consent is hereby given to the purchase of the same for the United States for a naval and military ordnance yard and depot, but not to be used for the manufacture or storage of gunpowder, gun cotton, cartridges, loaded shells, or any other similar explosive material, that may endanger the adjoining estates: *provided, always*, that this Commonwealth shall retain and does retain concurrent jurisdiction with the United States in and over all the land aforesaid, so far as that all civil and all criminal processes, issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided*, that the exclusive jurisdiction shall revert to and revert in the Commonwealth of Massachusetts whenever the said land shall cease to be used for the sole purpose herein before declared; and *provided, also*, that the jurisdiction of the United States shall not include any part of the streets or canal on which the said lands are bounded, or any part of the river included in said premises, if the said streets or canal, or the said part of said river, are public highways.

Jurisdiction ceded.

Location of lands.

Consent to purchase with certain restrictions

Provisos.

SECTION 2. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, shall be made and filed by the United States, in the office of the secretary of this Commonwealth, within one year from the purchase of the land by the United States.

Act void unless plan be filed with secretary.

Act, when in force.

SECTION 3. This act shall take effect from and after the purchase of such lands, or of any portion or portions thereof, by the United States, the evidence of such purchase being duly recorded in the registry of deeds for the county of Middlesex.

Approved May 14, 1864.

Chap. 284 AN ACT IN ADDITION TO AN ACT INCORPORATING THE SALEM AND SOUTH DANVERS RAILROAD COMPANY.

Be it enacted, &c., as follows :

May extend road to Marblehead and Swampscott.

SECTION 1. The Salem and South Danvers Railroad Company is hereby authorized to extend its railway with convenient single and double tracks from such point or points and on such streets and highways in the city of Salem as shall from time to time be fixed and determined by the board of aldermen of said city to the lines of the towns of Marblehead and Swampscott and thence into said towns, upon and over such streets and highways as shall from time to time be fixed and determined by the selectmen thereof: *provided, however*, that the tracks of said company shall be extended into said towns before the first of January in the year one thousand eight hundred and sixty-five.

Proviso.

May extend road into Lynn.

SECTION 2. Said corporation is further authorized to extend its railway with convenient single or double tracks from such point or points and over such streets and highways in the city of Salem and the town of South Danvers, as shall from time to time be fixed and determined by the board of aldermen of said city and the selectmen of said town, respectively, to the line of the city of Lynn and thence into the city of Lynn, over such streets and highways as may from time to time be designated by the board of aldermen of said city and assented to in writing by the Lynn and Boston Railroad Company, filed with said board.

May extend road in Danvers and South Danvers.

SECTION 3. Said corporation is further authorized to extend its railway with convenient single or double tracks upon and over such streets and highways in the towns of Danvers and South Danvers, as may be from time to time fixed and determined by the selectmen thereof.

Act void unless accepted, &c.

SECTION 4. Said corporation as regards the extension hereby authorized, and the rights hereby granted, shall be subject to the provisions of all general laws which are, or may be, in force relating to street railway corporations; and this act shall be void unless the same is accepted as provided by law, in regard to acts incorporating street railway corporations.

May increase capital stock.

SECTION 5. The said corporation is hereby authorized to increase its capital stock by adding thereto an amount

corresponding to the cost of such extension or extensions not exceeding the rate of fifteen thousand dollars per mile for single track including paving: *provided*, that the aggregate increase of capital stock hereby authorized shall be limited to two hundred and fifty thousand dollars. Proviso.

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

Approved May 14, 1864.

AN ACT TO INCORPORATE THE EASTERN MARINE RAILWAY COMPANY Chap. 285
IN PROVINCETOWN.

Be it enacted, &c., as follows:

SECTION 1. Epaphras K. Cook, Ephraim Cook, Ebenezer Cook, their associates and successors, are hereby made a corporation, in the town of Provincetown, by the name of the Eastern Marine Railway Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws, which are, or may be in force relating to such corporations. Corporators.
Name.
Powers and duties.

SECTION 2. Said corporation is hereby authorized to build and maintain a marine railway in the harbor of said town of Provincetown, at the wharf of E. and E. K. Cook, in said town, and to extend the same into said harbor, a distance of not more than one hundred feet below low-water mark: *provided, however*, that nothing in this act contained shall be so construed as to impair the legal rights of any person or corporation. May build and maintain marine railway in Provincetown.
Proviso.

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

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

Approved May 14, 1864.

AN ACT TO CONFIRM ACTS DONE BY TRIAL JUSTICES WHO HAVE NOT TAKEN THE QUALIFYING OATHS. Chap. 286

Be it enacted, &c., as follows:

SECTION 1. The acts of any person heretofore designated and commissioned as a trial justice in this Commonwealth, who has not been duly qualified, are hereby made valid and confirmed to the same extent as they would have been valid, had he been duly qualified to discharge the duties of said office. Acts confirmed.

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

Approved May 14, 1864.

Chap. 287

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AN ACT IN RELATION TO RESOLVES.

Be it enacted, &c., as follows:

When in force.

SECTION 1. All resolves passed by the legislature shall take effect upon their passage, unless otherwise specially provided.

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

Approved May 14, 1864.

Chap. 288

AN ACT RELATING TO INSANE PERSONS AND LUNATIC HOSPITALS.

Be it enacted, &c., as follows:

Justice S. J. court may, on petition, appoint commission of inquiry.

SECTION 1. On petition, under oath, to any judge of the supreme judicial court, setting forth that the petitioner believes that some person, confined as insane in any hospital or other authorized place for the treatment or restraint of insane persons, is not insane, and is unjustly deprived of his liberty, the said judge may, in his discretion, appoint three commissioners to inquire into the alleged insanity of the person so confined.

Commissioners to be sworn and give notice thereof and of hearing.

SECTION 2. Before said commissioners shall proceed with their inquiry, they shall be sworn to the faithful and impartial discharge of their duties. They shall give sufficient notice of their appointment, and of the time and place of hearing to the petitioner and to the person having charge of the hospital or place of confinement. They shall have power to summon and compel the attendance of, and to administer oaths to, witnesses; and it shall be their duty to hear the evidence offered to them on either side, touching the merits of the petition, as well as to examine the person confined.

Powers and duties.

SECTION 3. No notice shall be served upon the person confined as insane, nor shall he have the right to confer with counsel, or be present at the inquiry; but such rights shall be enjoyed by the petitioner, and by the person by or under whose authority the alleged insane person is confined; nor shall said petitioner, nor any counsel he may employ, nor any witness he may desire to use, have the right to visit, or examine said insane person, except with the permission of the superintendent of the hospital or place where said person is confined, or by special order of the judge issuing the commission.

Rights of parties in interest defined.

SECTION 4. The personal examination by the commissioners of the person confined as insane shall be had at the hospital or place of confinement, and such person shall not be taken therefrom, pending the inquiry, except by special order of the judge issuing the commission.

Examination of alleged insane person, how held.

SECTION 5. The commissioners shall report the facts bearing upon the petition, together with their opinion of the

Commissioners shall report to

condition of the person confined, to the said judge, or if he cannot conveniently attend, to some other judge of the said court; and, upon the presentation of the report, the judge may order the discharge of the person confined, or may disallow the petition, or may take such other order as the circumstances of the case shall require.

Judge, who may dispose by order.

SECTION 6. It shall be the duty of the overseers of the poor of any city or town, except the city of Boston, to commit to one of the state lunatic hospitals, or the Boston Lunatic Hospital, with the consent of the trustees thereof, any person supported by such city or town who is suffering under recent insanity, and is a fit subject for remedial treatment.

Needy persons of recent insanity, out of Boston, to be sent hospital by overseers of poor.

SECTION 7. Whenever the board of state charities shall have reason to believe that any insane person, not incurable, is deprived of proper remedial treatment, and is confined in any almshouse or other place, whether such insane person is a public charge or otherwise, it shall be the duty of said board to cause application to be made to one of the judges of the supreme judicial, superior or probate courts, for the commitment of such person to a hospital in the manner prescribed by law.

Board of state charities to apply for remedial treatment of insane in certain cases.

SECTION 8. The governor and council may license any suitable person to establish and keep an asylum or private house for the reception and treatment of insane persons, and may at any time revoke such license. And such asylum or private house shall be subject to visitation by the governor and council or any committee thereof, and by the judge of the probate court of the county wherein the same is situated.

Governor and council may license private asylums.

Rights of visitation.

SECTION 9. Whoever establishes or keeps such an asylum or private house without a license, unless otherwise authorized by law, shall forfeit a sum not exceeding five hundred dollars.

Penalty for keeping without license.

SECTION 10. There shall be established on the lands connected with the state almshouse at Tewksbury a receptacle for insane criminals, to which shall be removed all persons now in the state lunatic hospitals, whom the board of state charities shall deem to be fit subjects therefor. Any insane person who may be committed to one of the state lunatic hospitals under the provisions of the fourteenth section of the one hundred and seventy-second chapter of the General Statutes, or of the seventeenth section of the two hundred and twenty-third chapter of the acts of the year eighteen hundred and sixty-two, may, at the discretion of the court, be committed to the said receptacle under such

Receptacle for insane convicts at Tewksbury.

Certain persons may be sent to, under G. S., ch. 172, act 1862, 223.

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Judges superior or probate court may remove convicts to receptacle.

limitations as the court may direct. And the judges of the superior and probate courts may cause convicts who are insane to be removed from any prison or house of correction to the said receptacle, in the same manner that such convicts may now be removed to one of the state lunatic hospitals. But no person shall be removed or committed to such receptacle until the governor, by his proclamation, gives notice that the same is ready for inmates.

* Inspectors of almshouse at Tewksbury to establish rules and regulations for receptacle, and superintendent to have charge.

SECTION 11. The inspectors of the state almshouse at Tewksbury shall, subject, to the approval of the governor, establish rules and regulations for the government and management of said receptacle, and shall see that the same are enforced; and said receptacle shall be visited and examined once in each week by at least one inspector, who shall at the time of such visit make a record thereof in a book to be kept at the receptacle for the purpose. The superintendent of the said almshouse shall have the general supervision of said receptacle, and shall furnish all supplies needed therefor. The inmates of said receptacle shall be under the care of a suitable resident physician who shall also be the physician of the almshouse, and who shall be appointed by the inspectors of said almshouse.

Physician.

Board of state charities to certify probable quarterly expense for support.

SECTION 12. It shall be the duty of the board of state charities to certify to the auditor, within one week from the commencement of each quarter of the financial year, the probable amount due to each lunatic hospital for the support of state pauper inmates during said quarter. And upon application of any board of trustees of said hospitals the auditor may draw his warrant for a sum not exceeding ninety per cent. of the amount so certified, and the same shall be paid to the treasurer of the hospital making the application, to be used towards the payment of its current expenses, incurred within the financial year.

Ninety per cent. to be paid for current expenses.

Officers lunatic hospitals not to engage otherwise.

SECTION 13. No superintendent or other officer of any state lunatic hospital shall, so long as he remains such, hold any office or be engaged in any occupation which shall interfere with the devoting of his whole time to the performance of his duties at such hospital.

Approved May 14, 1864.

Chap. 289

AN ACT RELATING TO THE REPORTS OF RAILROAD CORPORATIONS. Be it enacted, &c., as follows:

In case of vacancy in commission of road entering other state, remaining member to act.

Whenever there shall exist a vacancy in the board of commissioners required by law to perform any duty relative to any railroad extending from Massachusetts into another state, and such vacancy cannot be filled by authority of the Commonwealth of Massachusetts, the member or members

of the board of commissioners duly appointed shall perform all the duties relating to the annual reports to the legislature, and to the apportionment of the expenditures, receipts and profits appertaining to the portions of the road lying in each state, which the said board of commissioners is required to perform.

Approved May 14, 1864.

AN ACT IN RELATION TO THE STATE INDUSTRIAL SCHOOL FOR GIRLS.
Be it enacted, &c., as follows:

Chap. 290

SECTION 1. All commitments to the State Industrial School for Girls shall hereafter be until the age of twenty-one years, or until otherwise discharged; and all the powers now by law given in relation to the government and control of inmates of said school till they arrive at the age of eighteen years, shall extend to their arrival at the age of twenty-one years: *provided*, that any girl serving her time under indentures agreeably to the seventy-fifth chapter of the General Statutes shall be discharged from the school on her arrival at the age of eighteen years.

Duration of commitments.

Proviso.]

SECTION 2. The trustees of said institution may retain therein until the age of twenty-one years, any person heretofore sentenced to said institution, if said person consents thereto in writing.

Trustees may retain present inmates.

Approved May 14, 1864.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE STOCKBRIDGE IRON COMPANY.

Chap. 291

Be it enacted, &c., as follows:

SECTION 1. The Stockbridge Iron Company, a corporation established in this Commonwealth, is authorized to mine ore for manufacture or sale, on any land owned by said corporation, or on which it has or may acquire an interest, and may dispose of such lands or any mining rights of said corporation therein, by sale, lease or otherwise.

Mining operations authorized.

SECTION 2. The said corporation is also authorized to establish works for the manufacture of iron or steel at any such place or places, in the county of Berkshire, or on the banks of the Hudson River as the stockholders may elect and determine.

May establish iron works elsewhere.

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

Approved May 14, 1864.

AN ACT IN FURTHER ADDITION TO AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO VOLUNTEERS, AND FOR OTHER PURPOSES.

Chap. 292

Be it enacted, &c., as follows:

SECTION 1. The governor is authorized in his discretion to continue to accept or raise volunteers for this Commonwealth, in advance of any future calls by the president of

Governor may continue bounties in anticipation of calls.

the United States, and to offer and pay bounties, not exceeding those now provided by law, to such volunteers, and to expend such sums as he may find necessary and proper, in the payment of transportation and other expenses incident to the work of recruitment, not exceeding the rate of twenty-five dollars for each person recruited and mustered into the service of the United States.

Recruiting expenses.

Existing laws to apply.

SECTION 2. All laws relating to the mode of payment of bounties to volunteers and to the allotment of such bounties, shall apply to the bounties of persons volunteering under this act.

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

Approved May 14, 1864.

Chap. 293 AN ACT CONCERNING THE RIGHTS OF RAILROAD CORPORATIONS TO TAKE LAND.

Be it enacted, &c., as follows:

Rights under location forfeited if known land claims remain unrecognized three years.

SECTION 1. Any railroad corporation which may hereafter locate its road, or any railroad corporation which has located its road but has not constructed the same, shall forfeit its rights under such location, unless all claims or dues for land thus taken shall be adjusted, or legal proceedings with reference to the settlement of the same be instituted within three years from the filing of such location, unless it shall appear that such claims or dues had never come to the knowledge of the corporation.

Repeal.

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

Act, when in force.

SECTION 3. This act shall take effect on the first day of November in the year eighteen hundred and sixty-four.

Approved May 14, 1864.

Chap. 294 AN ACT RELATING TO THE ASSESSMENT OF TAXES FOR THE CURRENT YEAR.

Be it enacted, &c., as follows:

Persons assessed current year for stock taxable under ch. 208, '64, may be re-assessed.

SECTION 1. If any city or town, in assessing taxes for the current year, shall have actually assessed any person or persons for shares held in the capital stock of any corporation, which is taxable, under the provisions of an act entitled "An Act levying a tax upon certain Corporations," and passed at the present session, the tax of such person or persons may be re-assessed as of the first day of May of the same year, and such shares of stock omitted from the list of personal property taxed, in the same manner as if said act had been in force on the said first day of May.

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

Approved May 14, 1864.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF CHELSEA. *Chap. 295**Be it enacted, &c., as follows :*

SECTION 1. The mayor and president of the common council of the city of Chelsea shall be *ex officio* members of the school committee. School committee *ex-officio*.

SECTION 2. Vacancies in the school committee shall be filled by the board of aldermen and the school committee acting in convention. Vacancies, how filled.

SECTION 3. Vacancies in the overseers of the poor shall be filled by the city council. Overseers of poor.

SECTION 4. This act shall be void unless accepted by the city council of Chelsea within three months from its passage. Act, when in force.

*Approved May 14, 1864.*AN ACT REQUIRING THE INSPECTOR OF GASMETERS TO MAKE ANNUAL RETURNS. *Chap. 296**Be it enacted, &c., as follows :*

The inspector of gasmeters and illuminating gas, shall annually in the month of January report to the legislature the number of meters inspected and sealed, with such other information as he may deem expedient, for the year ending on the thirty-first day of December next preceding. Report to legislature required in January.

*Approved May 14, 1864.*AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MELROSE AND SOUTH READING HORSE RAILROAD COMPANY. *Chap. 297**Be it enacted, &c., as follows :*

SECTION 1. The Melrose and South Reading Horse Railroad Company is hereby authorized to sell or lease all its rights, franchise and property to any other similar corporation, and any other similar corporation is hereby authorized to purchase or lease all the rights, franchise and property of the said Melrose and South Reading Horse Railroad Company: *provided* that such sale or lease shall be approved by two-thirds of the stockholders of each corporation respectively present and voting at meetings called for that purpose; and any corporation so purchasing or leasing, shall hold, possess and enjoy all the powers, privileges, rights, franchise, property and estates which at the time of such purchase or lease were held and enjoyed by the two corporations respectively, and shall be subject to all the duties, restrictions, obligations and liabilities to which they were severally subject. May sell or lease franchise and property. Proviso.

SECTION 2. The time allowed the Melrose and South Reading Horse Railroad Company for the location and construction of its road is hereby extended two years. Time for locating road extended.

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

Approved May 14, 1864.

Chap. 298 AN ACT TO ESTABLISH THE SALARIES OF THE JUDGES, REGISTERS AND ASSISTANT REGISTERS OF PROBATE AND INSOLVENCY FOR CERTAIN COUNTIES.

Be it enacted, &c., as follows :

Instead of the salaries now received, the judges, registers and assistant-registers of probate and insolvency in the counties hereinafter named shall receive from the treasury of the Commonwealth, annual salaries as follows:—For the county of Middlesex, the register, eighteen hundred dollars. For the county of Worcester, the judge, two thousand dollars, and the register, seventeen hundred dollars. For the county of Essex, the judge, eighteen hundred dollars, the register, seventeen hundred dollars, and the assistant-register, one thousand dollars. For the county of Norfolk, the register, twelve hundred dollars, and the assistant-register, eight hundred dollars. For the county of Bristol, the judge, twelve hundred dollars. For the county of Berkshire, the judge and register each nine hundred dollars. For the county of Hampden, the judge and register each one thousand dollars. For the county of Hampshire, the judge, seven hundred dollars, and the register, seven hundred and fifty dollars. For the county of Franklin, the judge, seven hundred dollars, and the register, seven hundred and fifty dollars. For the county of Nantucket, the judge, four hundred dollars, and the register, five hundred dollars. For Dukes County, the judge, four hundred dollars, and the register, five hundred dollars.

Approved May 14, 1864.

Chap. 299 AN ACT CONCERNING DOGS AND FOR THE PROTECTION OF SHEEP AND OTHER DOMESTIC ANIMALS.

Be it enacted, &c., as follows :

Dogs shall be annually registered and licensed and wear collar with owner's name thereon.

SECTION 1. Every owner or keeper of a dog shall, annually, on or before the thirtieth day of April, cause to be registered, numbered, described and licensed, for one year from the first day of the ensuing May, in the office of the clerk of the city or town wherein he resides, and shall cause it to wear around its neck a collar distinctly marked with its owner's name, and the registered number, and shall pay for such license two dollars for a male dog, and five dollars for a female dog.

Fee for license.

Becoming keeper after May first, license required.

SECTION 2. Any person becoming the owner or keeper of a dog not duly licensed, on or after the first day of May, shall cause said dog to be registered, numbered, described and licensed, until the first day of the ensuing May, in the manner, and subject to the terms and duties prescribed in this act.

SECTION 3. The clerks of cities and towns shall issue said licenses and receive the money therefor, and pay the same into the treasuries of their respective counties, except in the county of Suffolk, retaining to their own use twenty cents for each license. They shall also keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions, of all such dogs.

Clerks of towns to issue licenses, keep record and pay fees to county, except in Suffolk.

SECTION 4. It shall be the duty of each county treasurer, and of each city or town treasurer in the county of Suffolk, to keep an accurate and separate account of all moneys received and expended by him under the provisions of this act.

Treasurers of counties, and of towns in Suffolk, accounts.

SECTION 5. Whoever keeps a dog contrary to the provisions of this act, shall forfeit fifteen dollars, to be recovered by complaint, and the money shall be paid to the treasurer of the county in which the dog is kept, except that in the county of Suffolk it shall be paid to the treasurer of the city or town wherein said dog is kept.

Penalty for keeping dog contrary to law.

A license from the clerk of any city or town shall be valid in any part of the Commonwealth, and may be transferred with the dog licensed: *provided*, said license be recorded by the clerk of the city or town where the owner or keeper of such dog resides.

License may be transferred to other town.

Proviso.

SECTION 6. The assessors of the cities and towns shall, annually, take a list of all dogs owned or kept in their respective cities and towns, on the first day of May, with the owners' or keepers' names, and return the same to the city or town clerk, on or before the tenth day of July. Any owner or keeper of a dog who shall refuse to give just and true answers to the assessors relative to the ownership thereof, shall be punished by a fine of not less than ten dollars.

Assessors shall make annual lists.

Penalty for withholding ownership.

SECTION 7. Mayors of cities and the chairman of the selectmen of towns shall, annually, within ten days from the first day of July, issue a warrant to one or more police officers or constables, directing them to proceed forthwith either to kill or cause to be killed, all dogs within their respective cities or towns, not licensed and collared according to the provisions of this act, and any person may, and every police officer and constable shall, kill or cause to be killed, all such dogs, whenever and wherever found. Such officers, other than those employed under regular pay, shall receive one dollar for each dog so destroyed, from the treasurers of their respective counties, except that in the county of Suffolk they shall receive it from the treasurers

Annual warrant to police officers and constables for the killing of unlicensed dogs.

Fee to officer other than regular.

Bills to be approved and paid from penalties.

of their respective towns. All bills for such services shall be approved by the mayor or chairman of the selectmen, of the cities or towns in which said dogs are destroyed, and shall be paid from moneys received under the provisions of this act.

Issue of warrants to be certified district attorney to prosecute delinquents.

SECTION 8. The mayors of cities and the chairman of the selectmen of towns shall, after issuing their warrant to police officers or constables, as specified in the preceding section, forthwith certify the fact under oath to the district attorneys of their respective districts, whose duty it shall be to prosecute all such officers as fail to comply with this requirement.

Loss or injury of domestic animals by dogs, upon notice of loser, to be appraised.

SECTION 9. Whoever suffers loss by the worrying, maiming or killing of his sheep, lambs or other domestic animals, by dogs, may inform the mayor of the city, or the chairman of the selectmen of the town, wherein the damage was done, who shall appoint two disinterested persons, who with the mayor or chairman of the selectmen, shall proceed to the premises where the damage was done, and determine whether the damage was inflicted by dogs, and if so, appraise said damage. The amount of said damage shall be certified by the board of appraisers, and except in the county of Suffolk, be transmitted to the county commissioners, who shall during the month of December, examine all such bills; and when any doubt exists, may summon the appraisers, and make such examination as they may think proper, and shall issue an order upon the treasurer of the county in which the damage was done, for all or any part thereof, as justice and equity may require.

County commissioners to audit bills and order payment.

Penalties received to cover allowances.

The treasurer shall annually, on the first day of January, pay all such orders in full, if the gross amount received by him under the provisions of this act, and not previously paid out, is sufficient therefor; otherwise he shall divide such amount pro rata, among such orders, in full discharge thereof.

Compensation of appraisers.

The board of appraisers shall receive from the county, or in the county of Suffolk from the city or town treasurer, out of the moneys received under the provisions of this act, the sum of one dollar each, for every examination made by them as prescribed in this section.

Parties suffering loss may proceed either under Gen. Stats. or present act.

The owner of sheep, lambs or other domestic animals worried, maimed or killed by dogs, shall have his election whether to proceed under the provisions of this section, or under the provisions of sections sixty-one, sixty-two and sixty-three of chapter eighty-eight of the General Statutes; but having signified his election by proceeding in either mode, he shall not have the other remedy.

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SECTION 10. Any town, city or county officer refusing or neglecting to perform the duties herein imposed upon him, shall be punished by a fine not exceeding one hundred dollars, to be paid, except in the county of Suffolk, into the county treasury.

Penalty for neglect or refusal of duty by officers.

SECTION 11. The treasurer of any county may, in an action of tort against the owner or keeper of any dog concerned in doing damage to sheep, lambs or other domestic animals, in said county, which damage has been ordered to be paid by the county commissioners, recover the full amount thereof to the use of said county. If the amount so recovered exceeds the amount so received by the owner of the sheep or other animals, under the provisions of section nine, the excess shall be paid by the county treasurer to such owner. All fines and penalties provided in this act may be recovered on complaint before any police court or trial justice, in the county where the offence is committed. Moneys received by the treasurer of any county, city or town, under the provisions of this act, and not expended in accordance with its provisions, may be applied to the payment of any county, city or town expenses.

Treasurer of county may recover damage in action of tort.

Excess, how disposed.

Fines, how recovered.

Surplus, how used.

SECTION 12. In the county of Suffolk, all moneys received for licenses or recovered as fines or penalties, under the provisions of this act, shall be paid into the treasury of the city or town in which said licenses are issued or said fines or penalties recovered. All claims for damage done by dogs in said county, shall be determined by the board of appraisers as specified in section nine of this act, and when approved by the board of aldermen or selectmen of the city or town where the damage was done, shall be paid in full on the first day of January of each year, by the treasurer of said city or town, if the gross amount received by him under the provisions of this act, and not previously paid out, is sufficient therefor; otherwise such amount shall be divided, pro rata, among such claims, in full discharge thereof. After such claims have been approved by the board of aldermen, or selectmen, the city or town may, in an action of tort, recover against the keeper or owner of any dog concerned in doing the damage, the full amount thereof.

Moneys received in Suffolk to be paid municipalities.

Claims for damage to be determined by appraisers, approved by town officers where done, and paid.

Town may recover sum of keeper of dog.

SECTION 13. Sections fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-eight, sixty-four, sixty-five and sixty-six of chapter eighty-eight of the General Statutes are hereby repealed.

Repeal of sections Gen. Statutes.

SECTION 14. This act shall take effect in thirty days from its passage; but any licenses heretofore duly granted under existing laws, shall be valid for the term for which they were

Act, when in force. Existing licenses valid.

Moneys received since April 30th, how disposed.

granted; and all moneys received since the thirtieth day of April, of the current year, by the clerks of the several cities and towns for such licenses, after deducting their fees, shall be paid over, except in the county of Suffolk, to the treasurers of their respective counties, and disposed of according to the provisions of this act. *Approved May 14, 1864.*

Chap. 300 AN ACT TO ESTABLISH THE SALARIES OF THE TREASURER, AUDITOR, SECRETARY OF THE COMMONWEALTH, AND ADJUTANT-GENERAL, AND OTHER OFFICERS FOR THE CURRENT YEAR.

Be it enacted, &c., as follows:

SECTION 1. The treasurer and receiver-general, the auditor of accounts, the secretary of the Commonwealth and the adjutant-general, shall each receive for the current year a salary of twenty-five hundred dollars; and the first clerk of the treasurer and receiver-general and of the auditor of accounts shall each receive for the current year a salary of two thousand dollars.

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

Approved May 14, 1864.

Chap. 301 AN ACT ESTABLISHING RULES AND ARTICLES FOR GOVERNING THE TROOPS OF THE COMMONWEALTH, AND THE MILITIA IN ACTUAL SERVICE.

Be it enacted, &c., as follows:

SECTION 1. The following shall be the rules and articles by which the troops of this Commonwealth and the militia thereof, when called into actual service, shall be governed. And the militia shall be deemed to be in actual service, and subject to such rules and articles, whenever called out in case of war, invasion, the prevention of invasion, insurrection, to suppress riots, or to aid civil officers in the execution of the laws:

Article 1. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied, by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Rules for militia, when in actual service.

When deemed to be in actual service.

Attendance on divine service.

Art. 2. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay, for each and every such offence, one dollar, to be applied as in the preceding article.

Using profane oaths or execrations.

Art. 3. Every chaplain commissioned in the troops or militia of this Commonwealth, who shall absent himself from the duties assigned him, excepting in cases of sickness or leave of absence, shall, on conviction thereof before a court-martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court-martial shall judge proper.

Chaplain absenting himself from duties.

Art. 4. Any officer or soldier who shall use contemptuous or disrespectful words against the president of the United States, against the vice-president thereof, against the congress of the United States, or against the chief magistrate or legislature of this Commonwealth, if a commissioned officer, shall be cashiered, or otherwise punished, as a court-martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

Using disrespectful language against public officers, congress or legislature.

Art. 5. Any officer or soldier who shall behave himself with contempt or disrespect toward his commanding officer, shall be punished, according to the nature of his offence, by the judgment of a court-martial.

Disrespectful behavior to commanding officer.

Art. 6. Any officer or soldier who shall begin, excite, cause, or join in, any mutiny or sedition, in any troop or company in the service of this Commonwealth, or in any party, post, detachment or guard, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Mutiny or seditious conduct.

Art. 7. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court-martial with death, or otherwise, according to the nature of his offence.

Not suppressing mutiny, nor giving information of same.

Art. 8. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

Striking, resisting or disobeying superior officer.

Art. 9. No non-commissioned officer or soldier shall be dismissed the service without a discharge in writing; and

Discharge of soldier to be in writing.

no discharge granted to him shall be sufficient which is not signed by a field officer of the regiment to which he belongs, or commanding officer, where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer or soldier before his term of service has expired, but by order of the commander-in-chief, or the sentence of a general court-martial; nor shall a commissioned officer be discharged the service but by order of the commander-in-chief, as provided in section fifty-six of an act entitled an act concerning the militia, approved in eighteen hundred and sixty-four, or by sentence of a general court-martial.

Furloughs, when and by whom granted.

Art. 10. Every colonel, or other officer commanding a regiment, troop or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort or barrack of the Commonwealth (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

Certificates of absence.

Art. 11. At every muster, the commanding officer of each regiment, troop or company, there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself, signifying how long such officers as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers; which reasons and time of absence shall be inserted in the muster-rolls, opposite the names of the respective absent officers and soldiers. The certificates shall, together with the muster-rolls, be remitted by the commissary of musters, or other officer mustering, to the adjutant-general, as speedily as the distance of the place will admit.

Penalty for giving false certificate of absence or pay.

Art. 12. Every officer who shall be convicted before a general court-martial, of having signed a false certificate relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

Making false muster, or signing false rolls.

Art. 13. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of

musters who shall willingly sign, direct or allow the signing of muster-rolls wherein such false muster is contained, shall, upon proof made thereof, by two witnesses, before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the Commonwealth.

Art. 14. Any commissary of musters, or other officer, who shall be convicted of having taken money, or other thing, by way of gratification, on mustering any regiment, troop or company, or on signing muster-rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the Commonwealth.

Penalty for taking money, &c., on mustering or signing rolls.

Art. 15. Any officer who shall presume to muster a person as a soldier who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Mustering a person not a soldier.

Art. 16. Every officer who shall knowingly make a false return to the adjutant-general, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command, or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

Making false return to adjutant-general or to any superior.

Art. 17. The commanding officer of every regiment, troop, or independent company or garrison of the Commonwealth, shall, in the beginning of every month, remit, through the proper channels, to the adjutant-general, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished, according to the nature of his crime, by the judgment of a general court-martial.

Commanding officer to make monthly return to adjutant-general.

Art. 18. Any non-commissioned officer or soldier who shall desert, or, without leave from his commanding officer, absent himself from his troop, company or detachment, shall, upon being convicted thereof, suffer death, or such other punishment as shall be inflicted by the sentence of a general court-martial.

Desertion or absenting of non-commissioned officer or soldier.

Art. 19. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company in which he last served, on the penalty of being

Not to enlist elsewhere without discharge.

Penalty if officer shall so receive deserter.

reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

Advising officer or soldier to desert.

Art. 20. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court-martial.

Using reproachful language or gestures to another.

Art. 21. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Sending challenge to fight a duel.

Art. 22. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering punishment at the discretion of a court-martial.

Suffering persons to fight duels, as aiding, &c.

Art. 23. If any commissioned or non-commissioned officer commanding a guard shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Parties to be arrested.

Officers to quell quarrels and disorders.

Art. 24. All officers, of what condition soever, have power to part and quell all quarrels, frays and disorders, though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank), or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Upbraiding others for refusing challenge.

Art. 25. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which

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might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers who subject themselves to discipline.

Art. 26. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveille, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future sutling.

Sutlers not to sell or keep shops open at certain times.

Art. 27. All officers commanding in the field, forts, barracks or garrisons of the Commonwealth, are hereby required to see that the persons permitted to suttle shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Commanding officers to see that sutlers supply with equity.

Art. 28. No officer commanding in any of the garrisons, forts or barracks of the Commonwealth, shall exact exorbitant prices for houses or stalls let out to sutlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors or other necessaries of life, brought into the garrison, fort or barracks for the use of the soldiers, on the penalty of being discharged from the service.

Officer not to exact or permit exorbitant rent of sutler nor be interested in any traffic.

Art. 29. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, or disturbing fairs or markets, or of committing any kind of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court-martial shall direct.

Shall keep good order, redress abuses, &c.

Art. 30. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the person or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop or company, to which the person or persons so accused shall belong, are hereby

Officer or soldier accused of capital crime or offence against person or property, commanding officers to assist delivery to civil magistrates.

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required, upon application duly made by, or in behalf of the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons to the civil magistrate, and likewise be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice, in apprehending such person or persons, the officer or officers so offending shall be cashiered.

Officer deeming himself wronged by superior, may complain to general, who shall redress.

Art. 31. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general or officer commanding in chief the forces in service, in order to obtain justice; who is hereby required to examine into said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the adjutant-general, a true state of such complaint, with the proceedings had thereon.

An inferior officer or soldier thinking himself wronged by captain, may complain, &c.

Art. 32. If any inferior officer or soldier shall think himself wronged by his captain or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial either party may, if he thinks himself still aggrieved, appeal to a general court-martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing shall be punished at the discretion of the said court-martial.

Appeal.

Penalty for disposing property without order, embezzling or misapplying stores.

Art. 33. Any commissioned officer, store-keeper or commissary, who shall be convicted at a general court-martial of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully or through neglect suffered, any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the United States or Commonwealth, to be spoiled or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

Wasting ammunition.

Art. 34. Any non-commissioned officer or soldier who shall be convicted at a regimental court-martial of having sold, or designedly or through neglect, wasted the ammunition delivered out to him, to be employed in the service of

the Commonwealth, shall be punished at the discretion of such court.

Art. 35. Every non-commissioned officer or soldier who shall be convicted before a court-martial of having sold, lost or spoiled, through neglect, his horse, arms, clothes or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay,) as such court-martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement or such other punishment as his crime shall deserve.

Having sold, lost or spoiled horse, arms or clothes.

Art. 36. Every officer who shall be convicted before a court-martial of having embezzled or misapplied any money with which he may have been entrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such punishment as such court-martial shall direct.

Embezzling money entrusted to officer.

Art. 37. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel in case of their being lost, spoiled or damaged, not by unavoidable accidents, or on actual service.

Captain to be charged with arms, &c., furnished company.

Art. 38. All non-commissioned officers and soldiers who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

Penalty for leaving camp one mile.

Art. 39. No officer or soldier shall lie out of his quarters, garrison or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Lying out of quarters.

Art. 40. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

Soldier when to retire to quarters.

Art. 41. No officer, non-commissioned officer or soldier shall fail in repairing, at the time fixed, to the place of parade, of exercise or other rendezvous appointed by his commanding officer, if not prevented by sickness or some other evident necessity, or shall go from the said place of rendezvous without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the

Officers and soldiers not to fail to appear at parade, &c.

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penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Penalty for
drunkenness on
duty.

Art. 42. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending shall suffer such punishment as shall be inflicted by the sentence of a court-martial.

Sleeping at or
leaving post.

Art. 43. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

Not to hire an-
other to do one's
duty.

Art. 44. No soldier belonging to any regiment, troop or company shall hire another to do his duty for him, or be excused from duty but in cases of sickness, disability or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court-martial.

Conniving at
such hiring.

Art. 45. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court-martial.

Occasioning false
alarms.

Art. 46. Any officer belonging to the troops or militia of this Commonwealth, who, by discharging of firearms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Quitting guard,
platoon or divi-
sion.

Art. 47. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon or division, shall be punished according to the nature of his offence, by the sentence of a court-martial.

Doing violence to
persons bringing
supplies.

Art. 48. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison or quarters of the forces of this Commonwealth, upon pain of death, or such other punishment as a court-martial shall direct.

Misbehaving be-
fore enemy,
abandoning post,
&c.

Art. 49. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard which he or they may be commanded to defend, or speak words inducing others to do the like, or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such

other punishment as shall be ordered by the sentence of a general court-martial.

Art. 50. Any person belonging to the forces in the service of this Commonwealth, who shall make known the watchword to any person who is not entitled to receive it according to the rules and discipline of war, or shall presume to give a parole or watchword different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Making known watchword improperly or falsely.

Art. 51. All officers and soldiers are to behave themselves orderly in quarters and on their march; and whoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses or gardens, corn-fields, inclosures of meadows, or shall maliciously destroy any property whatsoever belonging to the inhabitants of the United States, unless by order of the then commander-in-chief of the forces in actual service, shall (besides such penalties as they are liable to by law,) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

Disorderly behavior, committing waste, spoiling trees, &c.

Art. 52. Whosoever, belonging to the forces in the service of this Commonwealth shall force a safeguard, shall suffer death.

Forcing safeguard.

Art. 53. Whosoever shall relieve the enemy with money, victuals or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

Relieving enemy.

Art. 54. Whosoever shall be convicted of holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

Informing enemy.

Art. 55. All public stores taken by the forces in the service of this Commonwealth, in the enemy's camp, towns, forts or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the use of the Commonwealth; for the neglect of which the commanding officer is to be answerable.

Public stores of enemy to belong to the state.

Art. 56. If any commander of any garrison, fortress or post, shall be compelled, by the officers and soldiers under his command to give up to the enemy or to abandon it, the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Penalty for compelling surrender of fort or post.

Art. 57. All sutlers and retainers to the camp, and all persons whatsoever, serving with the forces of this Common-

Sutlers subject to rules of war.

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wealth in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Brevet officers,
how to take rank.

Art. 58. Officers having brevets or commissions of a prior date to those of the regiment in which they serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets or dates of their former commissions ; but in the regiment, troop or company to which such officers belong, they shall do duty and take rank both in courts-martial and on detachments which shall be composed of their own corps, according to the commissions by which they are mustered in the said corps.

Officer highest in
rank to command
when corps are
joined.

Art. 59. If, upon marches, guards or in quarters, different corps shall happen to join or do duty together, the officer highest in rank of the line of the forces of this Commonwealth by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the commander-in-chief, according to the nature of the case.

General courts-
martial, of num-
ber to consist.

Art. 60. General courts-martial may consist of any number of commissioned officers, from five to thirteen, inclusively ; but they shall not consist of less than thirteen where that number can be convened without manifest injury to the service. The president shall not be the commander-in-chief, nor the commanding officer of the army, detachment or garrison where the offender shall be tried, nor under the rank of a field officer.

Commander may
appoint.

Art. 61. The commander-in-chief, or any general officer commanding a separate division, brigade or garrison, may appoint general courts-martial whenever necessary. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being ; neither shall any sentence of a general court-martial, in the time of peace, extending to the loss of life, or the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the adjutant-general, to be laid before the commander-in-chief for his confirmation or disapproval and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

Sentences to be
approved before
execution.

Art. 62. Whenever a general officer commanding a separate army shall be the accuser or prosecutor of any officer in the forces of this Commonwealth under his command, the general court-martial for the trial of such officer shall be appointed by the commander-in-chief. The proceedings and sentence of the said court shall be sent directly to the adjutant-general, to be by him laid before the commander-in-chief for his confirmation or approval, or orders in the case.

General courts-martial, how appointed when officer commanding army is accuser.

Art. 63. Every officer commanding a regiment or corps may appoint, for his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences. Regimental courts-martial may also be held by the colonel of the regiment to which the offender belongs, or by some field officer of the regiment detailed for that purpose, who shall hear and determine the offence, and order the punishment that shall be inflicted; and shall also make a record of his proceedings, and submit the same to the brigade commander, who, upon approval of the proceedings of such officer, shall order the same to be executed: *provided*, that in the event of there being no brigade commander, the proceedings as aforesaid shall be submitted for approval to the commanding officer of the post.

Regimental courts-martial, &c., how appointed, held, &c.

Art. 64. No garrison or regimental court-martial shall have the power to try capital cases or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier for a longer time than one month.

Jurisdiction of garrison or regimental court.

Art. 65. The judge-advocate, or some person deputed by him, or by the general or officer commanding the army, detachment or garrison, shall prosecute in the name of the Commonwealth, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses or any question to the prisoner the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts-martial:

Duty of judge-advocate.

"You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the Commonwealth of Massachusetts and the prisoner to be tried, and that you will

Oath of members.

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duly administer justice, according to the provisions of 'An Act establishing Rules and Articles for Governing the Troops of this Commonwealth and Militia in Actual Service,' without partiality, favor or affection; and if any doubt should arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law: So help you God."

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

Oath of judge. "You, A B, do swear, that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same: So help you God."

Proceedings if prisoner stands mute or evades.

Art. 66. When a prisoner, arraigned before a general court-martial, shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had regularly pleaded not guilty.

Challenge of members.

Art. 67. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Behavior and voting of courts.

Art. 68. All the members of a court-martial are to behave with decency and calmness; and, in giving their votes, are to begin with the youngest in commission.

Oath of witnesses.

Art. 69. All persons who give evidence before a court-martial are to be examined on oath or affirmation, in the following form:

"You swear, or affirm (as the case may be,) the evidence you shall give in the cause now in hearing shall be the truth, the whole truth, and nothing but the truth: So help you God."

Depositions, except in capital cases.

Art. 70. On the trials of cases not capital, before courts-martial, the deposition of witnesses not in the line or staff of the army, may be taken before some justice of the peace and read in evidence: *provided*, the prosecutor and person accused are present at the taking of the same or are duly notified thereof.

Art. 71. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings of trials be carried on, excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court-martial, require immediate example.

Officers to be tried only by general court-martial.

Hours of trials.

Art. 72. No person whatsoever shall use any menacing words, signs or gestures, in presence of a court-martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

Penalty for disturbing court-martial.

Art. 73. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters or tent, and deprived of his sword by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

Officer charged with crime to be arrested.

Art. 74. Non-commissioned officers and soldiers, charged with crimes, shall be confined until tried by a court-martial or released by proper authority.

Soldiers, &c., so charged, to be confined.

Art. 75. No officer or soldier who shall be put in arrest shall continue in confinement more than eight days, or until such time as a court-martial can be assembled.

Confinement not to exceed eight days.

Art. 76. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of this Commonwealth: *provided*, the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Officer not to refuse custody of prisoners.

Proviso.

Art. 77. No officer commanding a guard, or provost-marshal, shall presume to release any person committed to his charge without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court-martial.

Not to release prisoners without order.

Art. 78. Every officer or provost-marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court-martial.

Shall make report of prisoner committed to their charge.

Art. 79. Any commissioned officer convicted, before a general court-martial, of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Commissioned officer convicted of unbecoming conduct.

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Sentence of suspension may deprive of pay.

Art. 80. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

When cashiered for cowardice or fraud, to be published.

Art. 81. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode, and punishment of the delinquent, be published in the newspapers in and about the camp, and of the county, city and town from which the offender came, or where he usually resides; after which it shall be deemed scandalous for an officer to associate with him.

When there are not adequate officers at any post, court-martial may be held elsewhere.

Art. 82. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court-martial, shall, in cases which require the cognizance of such a court, report to the commander-in-chief, who shall order a court to be assembled at the nearest post, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Two-thirds vote necessary for capital conviction.

Art. 83. No person shall be sentenced to suffer death but by the concurrence of two-thirds of the members of a general court-martial, nor except in the cases herein expressly mentioned; and no officer, non-commissioned officer, soldier or follower of the army, shall be tried a second time for the same offence.

Not to be twice convicted.

Art. 84. No person shall be liable to be tried and punished by a general court-martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

Offence to have been committed within two years, unless, &c.

Pardon and mitigation of sentence.

Art. 85. Every officer authorized to order a general court-martial shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority by article sixty-two to carry them into execution, he may suspend, until the pleasure of the commander-in-chief can be known; which suspension, together with copies of the proceedings of the court-martial, the said officer shall immediately transmit to the commander-in-chief, for his determination. And the colonel or commanding officer of the regiment or garrison where any regimental or garrison court-martial shall be held, may pardon

or mitigate any punishment ordered by such court to be inflicted.

Art. 86. Every judge-advocate, or person officiating as such, at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the adjutant-general; which said original proceedings and sentence shall be carefully kept and preserved in the office of said adjutant-general to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

Proceedings of general court-martial to be sent to adjutant-general.

The party tried by any general court-martial shall, upon demand thereof, made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court-martial.

Prisoner may have copy.

Art. 87. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation or imputation against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge-advocate, or other suitable person, as a recorder, to reduce the proceedings and evidence to writing; all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

Courts of inquiry, constitution, and powers and rights of accused.

Art. 88. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer; and the said proceedings may be admitted as evidence by a court-martial, in cases not capital or extending to the dismissal of an officer, provided that the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the commander-in-chief or demanded by the accused.

Courts of inquiry, when may be held, and proceedings, how authenticated.

Art. 89. The judge advocate or recorder shall administer to the members the following oath :

Oath of court.

“ You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: So help you God.”

Judge-advocate.

After which the president shall administer to the judge advocate or recorder the following oath :

“ You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing : So help you God.”

Witnesses.

The witnesses shall take the same oath as witnesses sworn before a court-martial.

Effects of deceased officer, how secured.

Art. 90. When any commissioned officer shall die or be killed in the service of the Commonwealth, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, shall immediately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the adjutant-general, to the end that his executors or administrators may receive the same.

Effects of non-commissioned officers and soldiers, above arms and equipments.

Art. 91. When any non-commissioned officer or soldier shall die or be killed in the service of the Commonwealth, the then commanding officer of the troop or company shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the adjutant-general; which said effects are to be accounted for and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

Persons in artillery or engineer service, subject to Rules and Articles.

Art. 92. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire in the service of the artillery or engineers of the Commonwealth, shall be governed by the aforesaid Rules and Articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the Commonwealth.

Crimes and offences not enumerated, courts-martial to have cognizance.

Art. 93. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken

cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

Art. 94. The commander-in-chief shall have power to prescribe the uniform of the troops and militia of this Commonwealth. Uniform, governor may prescribe.

Art. 95. The foregoing Articles are to be read and published, once in every six months, to every garrison, regiment, troop or company in the service of the Commonwealth, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be in said service. These articles to be read semi-annually to company.

Art. 96. In time of war, all persons not citizens of, or owing allegiance to, the United States of America, who shall be found lurking as spies in or about the fortifications or encampments of the armies of this Commonwealth, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court-martial. Aliens, acting as spies, how punished.

Art. 97. Any officer, who shall refuse or neglect to march to the place of rendezvous, to make any draft, or disobey any lawful order in case of war, invasion or insurrection, or who shall refuse or neglect to obey any precept or order to call out the militia, or any order issued in obedience to such order, in case of any tumult, riot or mob of men acting together by force with intent to commit felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth, or shall advise or persuade any other officer or soldier to do the like, shall be cashiered, and punished by fine or imprisonment not exceeding six months. Punishment if officer fail to march, make draft, obey orders or resist civil law or advise thereto.

Art. 98. If any non-commissioned officer, musician or private shall desert the service of this Commonwealth, he shall, in addition to the other penalties herein before provided, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of the service for which he was held; and he may be tried by court-martial and punished, although the term of service for which he was held may have elapsed previous to his being apprehended and tried. Additional penalty if soldier or musician desert service.

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

Approved May 14, 1864.

AN ACT IN RELATION TO WRITS OF ENTRY.

Chap. 302

Be it enacted, &c., as follows:

SECTION 1. When the demandant in a writ of entry is found entitled to judgment, the court may allow him to Judgment and writ of salein may be allowed

before assessment of damages.

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 have the same, and his writ of seisin thereon, before the sums due for rents and profits or other damages, or for improvements, have been assessed.

Claim of tenant for improvements to require security of demandant.

SECTION 2. When the tenant has entered on the record the suggestion of a claim for improvements, the demandant, before taking out his writ of seisin, shall furnish such security or pay into court such sum of money, as the court may order for the purpose of securing to the tenant the payment of any balance that may be found due to him for such improvements.

Balance found due tenant, how recovered.

SECTION 3. If a balance is found due to the tenant, for such improvements, he may have judgment and execution therefor, or he may collect the same, with all reasonable costs and expenses of such collection, out of the security furnished, or receive the same out of the money paid into court, the residue of which shall be returned to the demandant.

Approved May 14, 1864.

Chap. 303

AN ACT IN RELATION TO THE STATE PRISON.

Be it enacted, &c., as follows:

Inspectors to report annually, liabilities, dues, expenditures, contracts, and estimate of necessary appropriation for ensuing year.

SECTION 1. The inspectors of the state prison shall annually, before the fifteenth day of December, make a report to the governor and council, who shall lay the same before the legislature, in print, in the month of January following. The report shall embrace a statement, which shall be made to them by the warden, of the general condition of the prison, the amount of its liabilities and of outstanding claims, giving the names of the persons indebted, the sum due from each, and when payable. It shall contain a detailed account of the expenditures for the prison; the names, position, pay and allowances of the several officers and employees; a copy of all contracts made within the current year; the sum received for the labor of prisoners, giving the names of contractors for whom the labor was performed, the kinds of labor, the number of days and pay per day, of each; and also the actual average cost of the support of each inmate. The said inspectors shall also present in said report, an estimate of the sum that will be required to meet the expenses of the prison for the following year, specifying separately the amount for salaries, for subsistence, for clothing, for bedding, for fuel, for repairs and for incidentals, together with an estimate of the probable income from labor and from all other sources.

Appropriation to be made and receipts at prison paid into treasury monthly.

SECTION 2. An annual appropriation shall be made from the treasury for the support of the state prison; and all receipts for labor of prisoners, and for articles sold at the

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same, shall, as often as once in each month, be paid over to the treasurer of the Commonwealth, who shall receipt for the same.

SECTION 3. The salaries and pay of all officers and employees at the state prison, and the payment of all bills for supplies and for other expenditures for said prison, shall be paid monthly from the treasury of the Commonwealth, the same having first been certified by the auditor, upon schedules, (accompanied by vouchers,) enumerating the bills and pay-rolls. The name of each officer and his position, the amount of his pay and the sum due to him, shall be borne on the pay-roll, which together with the several bills, shall be certified by the warden and bear the approval of at least two of the inspectors of the prison. A record in full of the pay-rolls and bills, shall be made by the clerk in a book kept for the purpose at the prison, and the originals deposited with the auditor as vouchers.

Salaries and expenditures payable monthly by treasurer.

Pay-rolls and bills to be certified by inspectors. Record of clerk and deposit with auditor.

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

Approved May 14, 1864.

AN ACT IN RELATION TO WITNESSES.

Chap. 304

Be it enacted, &c., as follows :

SECTION 1. The fourteenth section of the one hundred and thirty-first chapter of the General Statutes is hereby so far amended as that executors, administrators, guardians, trustees, assignees, and all other persons acting only in a representative capacity, who are parties to any civil action or proceeding as therein defined, shall be competent witnesses for themselves or any other party, notwithstanding the death or insanity of one of the original parties to the contract or cause of action in issue.

Representative parties in civil suits competent witnesses in case of death or insanity of original.

SECTION 2. If either party to a suit or proceeding shall give his deposition in his own behalf and subsequently die or become insane, and such deposition shall be admissible and actually used in evidence at the trial after such decease or insanity occurs, the other party shall be admitted to testify.

Use of deceased party's deposition to allow testimony of other party.

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

Approved May 14, 1864.

AN ACT CONCERNING DOGS OWNED IN GAY HEAD.

Chap. 305

Be it enacted, &c., as follows :

All the provisions of the act of the year one thousand eight hundred and sixty-four entitled "An Act concerning dogs and for the protection of sheep and other domestic animals," shall apply to the district of Gay Head. And

Act of '64 to apply to district of Gay Head.

said district shall, so far as relates to the provisions of said act, be deemed a part of the town of Chilmark.

Approved May 14, 1864.

Chap. 306

AN ACT CONCERNING THE DIVISION OF FLATS.

Be it enacted, &c., as follows :

Persons holding flats may have lines determined.

SECTION 1. Persons holding lands or flats adjacent to or covered by high water, may have the lines and boundaries of their ownership in such flats settled and determined in the manner hereinafter provided.

May apply to S. J. court as to ownership.

SECTION 2. One or more of the persons holding lands or flats adjacent to or covered by high water, may apply by petition to the supreme judicial court for the county in which the same lie for the settlement and determination of ownership in such flats.

Proceedings upon petitions.

SECTION 3. The proceeding upon such petitions shall be according to the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-ninth, thirty-second, thirty-eighth, thirty-ninth, forty-first, forty-fourth, forty-fifth, forty-sixth and forty-seventh sections of the one hundred and thirty-sixth chapter of the General Statutes, so far as the same are applicable to the proceedings under this act.

Rights of Commonwealth not to be affected unless a party.

SECTION 4. No proceedings, and no settlement or determination of any lines or boundaries of ownership, under the provisions of this act, shall affect any rights or title of the Commonwealth, to any flats or lands, unless the Commonwealth consents to become a party to the proceedings.

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

Approved May 14, 1864.

Chap. 307

AN ACT CONCERNING RETURNS OF SHERIFFS, KEEPERS OF JAILS AND HOUSES OF CORRECTION, AND OVERSEERS OF THE POOR.

Be it enacted, &c., as follows :

Secretary of board of state charities to furnish schedule for returns of prisons and workhouses.

SECTION 1. The secretary of the board of state charities shall furnish, from time to time, to the keepers of the several prisons and workhouses throughout the Commonwealth, including the state prison and the houses of industry, reformation and correction in the city of Boston, the following blank schedule for periodical returns, which shall be made weekly from all prisons where the commitments average ten a week and upwards; monthly from all prisons where the commitments average between two and ten a week; and once in six months from all other prisons :

Admissions.—Registered number; name; color; age; sex; birthplace; Schedule. parents both Americans; parents both temperate; parents both or either convicts; ever married; intemperate; what education; what property; ever in army or navy; ever in reform school; when committed; why committed; number of former commitments; when discharged; how discharged; length of sentence; number of days sick; number of times punished in prison.

Discharges.—Registered number; name; when committed; why committed; when discharged; how discharged; time in prison; number of days sick; number of times punished in prison; number remaining by last report; number committed since last report; number discharged; number transferred from other jails, &c.; number transferred to other jails, &c.; number now in confinement.

SECTION 2. The said secretary shall also furnish the sheriffs of the several counties, the board of directors for public institutions of the city of Boston, and the warden of the state prison, with the following blank schedule for annual returns, to be made on the first day of October in each year, and lodged with the said secretary before the fifteenth of October:

Sheriffs, directors public institutions and warden state prison, returns of.

1. Names and salaries of every officer employed and paid in and about the prison. Schedule.

[Name.]	[Duty.]	[Salary.]
2. Sum expended for provisions.	3. Sum expended for clothing.	4. Sum expended for fuel and light.
5. Sum expended for beds and bedding.	6. Sum expended for medicine and medical attendance.	7. Sum expended for instruction of prisoners.
8. Sum allowed to discharged prisoners.	9. Sum allowed to witnesses.	10. Sum expended for all other purposes.
11. Total amount expended.	12. Amount received for labor of prisoners.	13. Nature of instruction given.
14. Number of volumes in the prison library.	15. Number of prisoners vaccinated.	16. Number of persons committed for non-payment of fine and costs.
17. Number of persons who paid fine and costs.	18. Amount received for fines and costs.	

SECTION 3. The board of county commissioners in any county, when applied to therefor by the sheriff, shall make a return to him on or before the tenth day of October, of the amount expended by them, or with their approval, to provide all necessary supplies for the jails and houses of correction, necessary to enable him to comply with the requirements of the preceding section.

County commissioners to report expenditures to sheriff when requested.

SECTION 4. Every sheriff or prison officer who omits to make and transmit, according to the provisions of this act, true answers to the inquiries contained in the schedules, and every director or county commissioner, when his board omits to make and transmit such answers, shall forfeit one hundred dollars.

Penalty if officer fail to make return.

SECTION 5. The secretary, when he finds that a sheriff, county commissioner or director is liable to a forfeiture under the provisions of this act, shall forthwith notify the

Proceedings under liability to forfeiture.

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district-attorney for the district in which such sheriff or director resides, who shall immediately institute a complaint therefor; and the forfeiture recovered shall be applied by the county for the relief of discharged convicts.

Directors public institutions of Boston and overseers of poor, returns of, semi-annually.

SECTION 6. The board of directors for public institutions and the overseers of the poor in the city of Boston, and the overseers of the poor in the other cities and towns shall, twice in the year, namely, on the first day of March, and the first day of October, prepare and return to the secretary of the board of state charities full answers to the following schedules of questions :

Schedules.

Paupers Fully Supported.—Registered number; name; color; age; sex; birthplace; naturalized or not; settlement in the town; able to perform labor; intemperate; insane or idiotic; when registered as pauper; where supported; ceased to be supported; average weekly cost.

Persons Relieved and Partially Supported.—Registered number; number in family; color; age; sex; birthplace; came into the state; naturalized or not; settlement in the town; intemperate; insane or idiotic; when aided; ceased to be aided; residence when aided; whole amount paid.

Travellers Lodged and Persons Sent to the State Almshouse.—Name; date; color; age; sex; height; complexion; sent to state almshouse.

General interrogatories concerning poor, annual returns.

SECTION 7. During the month of September, the secretary of the board of state charities shall furnish to the officers named in the sixth section, the following schedule of general interrogatories, to be answered by them on the first of October, and returned in the form of a statement under oath to the secretary of the board of state charities, on or before the tenth of October :

Schedule.

1. Has your town an almshouse? 2. If not, in what manner are your paupers provided for? 3. If so, how long has it been built; what are its dimensions, number of rooms, and number of windows? 4. How much land is connected with it? 5. What is the estimated value of your almshouse property? (1) Value of real estate? (2) Value of personal property? 6. What sum has been paid during the present year for the superintendence of your almshouse property? 7. What further sum, if any, has been paid by the town for the support of the poor at the almshouse? What sum for the support of the poor out of the almshouse? 8. What is the estimated value of the labor performed by your almshouse poor during the past year? 9. What number of persons have been provided for under section twenty-five, chapter seventy-one, of the General Statutes? 10. How many state paupers have been sent to state almshouses? 11. What have been the whole number, and what the average number of paupers fully supported at your almshouse during the year? 12. How many of these have been vaccinated?

Repeal.

SECTION 8. Chapter two hundred and twenty, and the first, second and third sections of chapter one hundred and twelve of the acts of eighteen hundred and sixty-two, and also so much of the General Statutes as is inconsistent with this act, are hereby repealed.

Approved May 14, 1864.

AN ACT RELATING TO RECEIVERS OF INSURANCE COMPANIES.

Chap. 308

Be it enacted, &c., as follows:

SECTION 1. Receivers of insurance companies, appointed under the provisions of the sixty-eighth chapter of the General Statutes, shall report to the insurance commissioners, annually, in such form as the commissioners shall prescribe, on or before the fifteenth day of November, and as much oftener as they may direct; and such reports or abstracts therefrom shall be incorporated into the annual report of the commissioners to the legislature.

Receivers to report annually to insurance commissioners.

SECTION 2. Whenever in the opinion of the commissioners, further efforts to collect an assessment will not afford substantial relief to creditors, they shall certify the fact to the supreme judicial court, which, after public notice and hearing of the parties interested, may order the receivers to make a final report.

S. J. court may order final report upon certificate of commissioners.

SECTION 3. All accounts rendered by the receivers to the supreme judicial court shall be referred to the commissioners who shall carefully examine the same and report thereon to the court, and the court may make all such orders and decrees in the premises as to law and justice shall appertain.

Accounts of receivers to whom referred and examined.

SECTION 4. The compensation of the receivers and their expenses, other than costs of court, shall not exceed twenty-five per cent. of assessments collected and five per cent. of the proceeds of any assets of the company other than premium notes: *provided, however*, that in the case of receivers heretofore appointed, the amount of compensation to be allowed to them for past services shall rest in the discretion of the supreme judicial court.

Compensation.

Proviso.

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

Approved May 14, 1864.

AN ACT REQUIRING THE CONSTRUCTION OF A DRAW IN THE BRIDGE BUILT BY THE FALL RIVER AND WARREN RAILROAD COMPANY OVER COLES RIVER.

Chap. 309

Be it enacted, &c., as follows:

SECTION 1. If the Fall River and Warren Railroad Company build a bridge over Coles River in Swanzey, said bridge shall be constructed with a draw over the channel of said river at least thirty feet wide, and the said railroad company shall be held liable to keep said draw in good repair, and to open the same when required so as to afford all reasonable and proper accommodation for vessels having occasion to pass through the same.

Construction required in case bridge is built.

Company to keep in repair and have tender.

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

Approved May 14, 1864.

Chap. 310 AN ACT TO CHANGE CERTAIN HARBOR LINES IN THE SOUTH BAY AND FORT POINT CHANNEL.

Be it enacted, &c., as follows :

Act of 1840, ch. 85, amended.

SECTION 1. The second section of the thirty-fifth chapter of the acts of the year eighteen hundred and forty, is hereby amended by striking out all after the words "to the east end of the same," near the end of said section, and substituting the following, viz.: The said line then extends two hundred fifty-six feet straight, so as to form an angle with said bridge of seventy-five degrees; thence on an arc of a circle of six hundred feet radius, a distance of five hundred feet, to a point three hundred and eighteen feet from and perpendicular to the west side of Mount Washington Avenue; thence in a straight line and tangent to said arc, in a northerly direction, in such position, that if continued straight, it shall not approach within six hundred feet of Arch Wharf.

Line established.

Act of 1847, ch. 278, amended.

SECTION 2. The fourth section of the two hundred seventy-eighth chapter of the acts of the year eighteen hundred forty-seven is hereby amended by striking out so much of said section as relates to the "eleventh line," and substituting the following, viz.: The eleventh line is on the westerly side of the channel and is drawn from the southerly corner of Miller and Nason's wharf, southerly in a direction at right angles with the south bridge across the same, to a point eighteen hundred and twenty feet distant therefrom; thence on an arc of a circle of seventeen hundred feet radius, a distance of eight hundred feet, to a point in the twelfth line, and tangent thereto.

Line established.

Act of 1856, ch. 298, § 2 repealed.

SECTION 3. The second section of the two hundred ninety-third chapter of the acts of the year eighteen hundred fifty-six is hereby repealed, and the following is substituted therefor, viz.: The lines in South Bay commence at the mouth of the Roxbury canal in the town of Roxbury, at the north-westerly corner of the stone wall, thence running easterly on an arc of a circle of seventeen hundred feet radius, a distance of one hundred and sixty feet to a point one hundred and thirty-one feet distant from the terminus of the "twelfth line," as described in the fourth section of the two hundred seventy-eighth chapter of the acts of the year eighteen hundred forty-seven, and perpendicular thereto; thence easterly, on an arc of a circle of seventeen hundred feet radius, a distance of sixteen hundred and fifty-two feet, to the most north-easterly corner of Heath and Company's wharf; thence along the present line of said wharf, to the most south-easterly corner of the same; thence seven hundred and seven feet in the direction of a line

Lines in South Bay established.

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drawn from the last-mentioned corner, to a point on the south-easterly rail of the Boston, Hartford and Erie Railroad bridge, which point is distant forty-nine hundred and eighty-seven feet south-westerly from the south-westerly rail of the Old Colony Railroad bridge, measuring on the said south-easterly rail; thence on an arc of a circle of six hundred feet radius, a distance of eighteen hundred and eighty-four feet, to a point eleven hundred and thirty-two feet distant from the westerly side of Dorchester Turnpike and perpendicular thereto, and at a point five hundred and twenty-feet southerly from the intersection of the westerly side of Dorchester Turnpike and the westerly side of Dorchester Street; thence in a straight line to the southerly terminus of the "tenth line," as described in the fourth section of the two hundred seventy-eighth chapter of the acts of the year eighteen hundred forty-seven.

SECTION 4. The lines established by this act, so far as they vary from existing lines, are indicated by red lines upon plan C, annexed to the report of the commissioners on harbors and flats, made the present session and printed in senate document number one hundred and twenty-five.

Plan of harbor commissioners.

SECTION 5. So much of the railroad of the Boston, Hartford and Erie Railroad Company as is located outside of the harbor lines established by law in the South Bay and so much thereof as is located upon the South Boston flats inside the commissioners' lines of solid filling, shall be constructed upon solid filling, or upon piles, as shall be determined by the governor and council.

Boston, Hartford and Erie railroad, how constructed at certain points.

SECTION 6. The provisions of the sixth, seventh and ninth sections of the two hundred ninety-third chapter of the acts of the year eighteen hundred fifty-six, shall apply to the lines established by this act.

Act of 1856, ch. 298 to apply.

SECTION 7. Nothing contained in this act shall affect or take away the legal rights of any person or corporation unless a reasonable compensation shall have been previously made or provided therefor.

Act not to affect legal rights.

Approved May 14, 1864.

AN ACT CONCERNING THE INSPECTORS OF PRISONS.

Chap. 311

Be it enacted, &c., as follows:

SECTION 1. The sixty-second section of chapter one hundred and seventy-eight of the General Statutes is amended by striking therefrom the following words, viz.: "and in the county of Suffolk the judge of the probate court and the justices of the police court."

General Statutes, amendment and repeal.

SECTION 2. The sixty-fifth section of the same chapter is repealed.

Act, when in force.

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

Approved May 14, 1864.

Chap. 312

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated and shall be paid out of the treasury of this Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, herein cited, and for other purposes, to wit:

Town of Mattapoisett.

In the resolve, chapter four, in favor of the town of Mattapoisett, for the purchase of weights, measures and balances, a sum not exceeding two hundred dollars.

Charlotte E. Myers.

In the resolve, chapter six, in favor of the guardian of the Punkapoag Indians, for the benefit of Charlotte E. Myers, the sum of fifty-two dollars.

Wm. R. Black and S. G. Blandin.

In the resolve, chapter seven, in favor of William R. Black and Simeon G. Blandin, the sum of forty-nine dollars and twenty-four cents.

Sally Burr.

In the resolve, chapter eight, in favor of the guardian of the Punkapoag Indians, for the benefit of Sally Burr, of Cambridge, the sum of fifty-two dollars.

Sally and James Burr.

In the resolve, chapter nine, in favor of the guardian of the Punkapoag Indians, for the benefit of Sally and James Burr, of Boston, the sum of fifty-two dollars.

City of Boston, burial expenses at Gettysburg.

In the resolve, chapter ten, in favor of the city of Boston, for the reimbursement of burial expenses at Gettysburg, a sum not exceeding one thousand sixty-one dollars and twenty-three cents.

Town of Waltham.

In the resolve, chapter thirteen, in favor of the town of Waltham, for rent of armory, the sum of three hundred dollars.

Rebecca Davis.

In the resolve, chapter fifteen, in favor of the guardian of the Punkapoag Indians, for the benefit of Rebecca Davis, the sum of fifty dollars.

Governor's messenger.

In the resolve, chapter seventeen, for the salary of the messenger to the governor and council, two hundred dollars, in addition to the sum heretofore appropriated.

Nelly Joseph.

In the resolve, chapter eighteen, in favor of Barnard C. Marchant, for the support of Nelly Joseph, a sum not exceeding fifty dollars.

Marshpee Indians.

In the resolve, chapter nineteen, in favor of the treasurer of Marshpee, for medical attendance on Indians, a sum not exceeding one hundred dollars.

In the resolve, chapter twenty-one, in favor of the guardian of the Chapequiddic and Christiantown Indians, for the support of schools among said tribe, the sum of one hundred and four dollars, to be paid from the income of the Massachusetts school fund. Chapequiddic and Christiantown.

In the resolve, chapter twenty-two, in favor of the treasurer of Marshpee, for the support of schools in said district, the sum of seventy-five dollars, to be paid from the income of the Massachusetts school fund. Marshpee schools.

In the resolve, chapter twenty-six, in favor of the city of New Bedford, for the reimbursement of military expenses incurred in eighteen hundred and sixty-three, a sum not exceeding two thousand seventy-nine dollars and forty-four cents. City of New Bedford.

In the resolve, chapter twenty-seven, in favor of W. H. Luce and D. A. Cleveland, for medical attendance on Indians, a sum not exceeding one hundred thirty-nine dollars and eighty-six cents. W. H. Luce and D. A. Cleveland.

In the resolve, chapter twenty-eight, in favor of William Leach, for medical attendance on Indians, a sum not exceeding sixty-seven dollars and seventy-five cents. Wm. Leach.

In the resolve, chapter twenty-nine, in favor of the overseers of the poor of the town of Tisbury, for the benefit of Jemima Easton, a sum not exceeding one hundred and four dollars. Jemima Easton.

In the resolve, chapter thirty, in favor of the town of Halifax, the sum of one hundred four dollars and eighty cents. Town of Halifax.

In the resolve, chapter thirty-one, for the suppression of counterfeiting, a sum not exceeding fifteen hundred dollars. Suppression of counterfeiting.

In the resolve, chapter thirty-two, in favor of the selectmen of Spencer, for the benefit of the family of Charles Allen, the sum of three hundred and twenty-five dollars. Selectmen of Spencer.

In the resolve, chapter thirty-three, in favor of Davis Kingman, for loss of cattle, the sum of two hundred and forty dollars. Davis Kingman.

In the resolve, chapter thirty-four, in favor of Levi Baker and others, a sum not exceeding one hundred and fifty dollars. Levi Baker and others.

In the resolve, chapter thirty-five, in favor of the town of Hingham, for rent of armory, the sum of sixty dollars. Town of Hingham.

In the resolve, chapter thirty-seven, for the extirpation of the cattle disease, a sum not exceeding twenty thousand dollars. Extirpation cattle disease.

In the resolve, chapter thirty-eight, for the support of deaf mutes at the American asylum in Hartford, a sum not Deaf mutes, support.

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- exceeding forty-five hundred dollars in addition to the appropriation heretofore made.
- Gay Head Indians, for schools.** In the resolve, chapter thirty-nine, for the support of schools among the Gay Head Indians, the sum of one hundred and forty-nine dollars, to be paid from the income of the Massachusetts school fund.
- City of Boston, military expenses.** In the resolve, chapter forty, in favor of the city of Boston, for reimbursement of military expenses incurred in eighteen hundred and sixty-three, a sum not exceeding seven thousand three hundred and forty-eight dollars.
- Moses Brown.** In the resolve, chapter forty-one, in favor of Moses Brown, for medical attendance on Indians, the sum of eighty dollars.
- B. C. Marchant.** In the resolve, chapter forty-two, in favor of B. C. Marchant, for the support of an Indian pauper, the sum of twelve dollars.
- E. Mayberry.** In the resolve, chapter forty-three, in favor of E. Mayberry, for medical attendance on Indians, the sum of seventy dollars and sixty-nine cents.
- Lunatic hospital, Worcester.** In the resolve, chapter forty-four, in favor of the Worcester lunatic hospital, a sum not exceeding four thousand dollars.
- Town of Carver.** In the resolve, chapter forty-five, in favor of the town of Carver, for rent of armory, the sum of thirty-one dollars.
- Margaret Lindburg.** In the resolve, chapter forty-seven, in favor of Margaret Lindburg, on account of a soldier's bounty, the sum of three hundred and twenty-five dollars..
- Town of Pittsfield.** In the resolve, chapter forty-eight, in favor of the town of Pittsfield, for rent of armory, the sum of one hundred dollars.
- Watchmen and assistant-messenger of governor.** In the resolve, chapter forty-nine, for the salaries of watchmen of the state house and of the assistant-messenger to the governor and council, a sum not exceeding nine hundred dollars in addition to former appropriations.
- Clarissa Adams.** In the resolve, chapter fifty, in favor of Clarissa Adams, on account of a soldier's bounty, the sum of three hundred and twenty-five dollars.
- J. Stewart Brown and others.** In the resolve, chapter fifty-one, in favor of J. Stewart Brown and others, on account of military services, the sum of eleven hundred and thirty dollars.
- Selectmen of Andover.** In the resolve, chapter fifty-two, in favor of the selectmen of Andover, for the benefit of the family of John Donnelly, the sum of three hundred and twenty-five dollars.
- Rhoda M. Taylor.** In the resolve, chapter fifty-three, in favor of the selectmen of Westport, for the support of Rhoda M. Taylor, the sum of fifty dollars.

In the resolve, chapter fifty-four, in favor of the Massachusetts charitable eye and ear infirmary, the sum of twenty-five hundred dollars. **Eye and ear infirmary.**

In the resolve, chapter fifty-five, in favor of the Washingtonian home, the sum of four thousand dollars. **Washingtonian home.**

In the resolve, chapter fifty-six, in favor of the Perkins institution and Massachusetts asylum for the blind, the sum of four thousand dollars in addition to the appropriation heretofore made. **Asylum for the blind.**

In the resolve, chapter fifty-seven, in favor of the discharged soldier's home, the sum of ten thousand dollars. **Discharged soldier's home.**

In the resolve, chapter sixty, in favor of H. E. McCollum, the sum of one hundred and thirty-five dollars, for medical attendance on Indians. **H. E. McCollum.**

In the resolve, chapter sixty-one, in favor of Walter C. Smith, the sum of two hundred dollars. **Walter C. Smith.**

In the resolve, chapter sixty-three, in favor of Charles Cassily, the sum of one hundred dollars. **Charles Cassily.**

In the resolve, chapter sixty-four, in favor of Franklin Morgan, the sum of thirteen hundred dollars, for damages sustained by the breaking of a dam on the state almshouse farm at Monson. **Franklin Morgan.**

In the resolve, chapter sixty-five, for the purchase of an additional ship for the nautical branch of the state reform school, a sum not exceeding twenty thousand dollars, payable upon original bills rendered to the state auditor in the same manner as for current expenses of said institution. **School ship.**

In the resolve, chapter sixty-seven, for expenses of the allotment commissioners, a sum not exceeding eighteen hundred dollars. **Allotment commissioners.**

In the resolve, chapter sixty-two, in favor of Margaret Hubbard, the sum of three hundred and twenty-five dollars. **Margaret Hubbard.**

In the resolve, chapter sixty-eight, for the replacement of flags, a sum not exceeding two thousand and eighty-three dollars. **Replacement of flags.**

In the resolve, chapter sixty-nine, in favor of the city of Worcester, for rent of armories, the sum of five hundred and seventy-five dollars. **City of Worcester.**

In the resolve, chapter seventy, in favor of Charles T. Carret, the sum of one hundred dollars. **Charles T. Carret.**

In the resolve, chapter seventy-one, in favor of George L. Dunbar, for military services, the sum of seventy dollars. **George L. Dunbar.**

In the resolve, chapter seventy-two, in favor of Moses S. Herrick, for injuries received in military service, the sum of three hundred dollars. **Moses S. Herrick.**

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Benjamin H. Wilson.

In the resolve, chapter seventy-three, in favor of Benjamin H. Wilson, for military services, the sum of sixty dollars.

Henry Stearns.

In the resolve, chapter seventy-five, in favor of Henry Stearns, for the funeral expenses of Selden Jennings, the sum of two hundred and fifty-one dollars.

John Hecktor.

In the resolve, chapter seventy-six, in favor of Charles Brigham, for the benefit of John Hecktor, the sum of two hundred dollars.

Inspectors almshouse at Monson.

In the resolve, chapter seventy-seven, in favor of the inspectors of the state almshouse at Monson, for the erection of a barn at said institution, a sum not exceeding two thousand dollars.

Lunatic hospital, Northampton.

In the resolve, in favor of the trustees of the state lunatic hospital at Northampton, a sum not exceeding thirteen thousand six hundred six dollars and eighty-one cents.

Insane, Tewksbury almshouse.

In the resolve to provide accommodations for insane persons at the state almshouse at Tewksbury, a sum not exceeding ten thousand dollars.

A. D. Bullock.

In the resolve, in favor of A. D. Bullock, for expenses of medical attendance, the sum of fifty dollars.

Wm. Schouler.

In the resolve, in favor of William Schouler, for extra services in the preparation of his annual report, the sum of five hundred dollars.

National cemetery.

In the resolve, concerning the national cemetery, a sum not exceeding four thousand three hundred twenty-eight dollars and seventy-seven cents.

Chaplains, door-keepers and messengers.

In the resolve, in favor of the door-keepers, messengers, pages and chaplain to the legislature, a sum not exceeding four thousand dollars.

Messenger of secretary.

In the resolve, in favor of the messenger of the secretary of the Commonwealth, a sum not exceeding two hundred dollars.

Amos Butler.

In the resolve, in favor of Amos Butler, for damages sustained in serving a legal process, the sum of one hundred and thirty dollars.

Selectmen of Westport.

In the resolve, in favor of the selectmen of Westport, for the benefit of certain Indians, the sum of ninety-eight dollars.

Officers state prison.

In the resolve, in favor of certain officers of the state prison, a sum not exceeding twenty-eight hundred dollars.

Reform school, for heating apparatus.

In the resolve, in favor of the state reform school at Westborough, for a new heating apparatus, a sum not exceeding ten thousand dollars, payable on vouchers properly certified and filed with the state auditor.

Moses W. Chapin.

In the resolve, in favor of the family of Moses W. Chapin, the sum of three hundred dollars.

In the resolve, in favor of Milton P. Pierce, for damages sustained in serving a legal process, the sum of thirty dollars. Milton P. Pierce.

In the resolve, in favor of the state of Maine, the sum of two thousand four hundred and seventy-seven dollars and twenty-four cents. State of Maine.

In the resolve, in favor of the families of Abner Harlow and others, the sum of ten hundred and ninety dollars. Abner Harlow and others, families.

In the resolve, authorizing additional compensation for the executive council, a sum not exceeding eighteen hundred dollars. Council, additional compensation.

For the salary of the standing justice of the police court in Milford, in accordance with the provisions of chapter seventy of the acts of the present year, a sum not exceeding eight hundred dollars. Justice police court, Milford.

For the salaries of the secretary and agent of the board of education, in accordance with the provisions of chapter ninety-nine of the acts of the present year, a sum not exceeding four hundred dollars, in addition to former appropriations, the same to be paid from the income of the Massachusetts school fund. Secretary and agent board of education.

For the salary of the standing justice of the police court in Gloucester, in accordance with the provisions of chapter one hundred and twenty-seven of the acts of the present year, a sum not exceeding two hundred dollars, in addition to the appropriation heretofore made. Justice police court, Gloucester.

For the compensation and expenses of certain persons engaged in recruiting at Washington, under direction of his excellency the governor, a sum not exceeding six hundred dollars. Recruiting service.

For books for the library of the house of representatives, in accordance with an order of the house, a sum not exceeding seventy-one dollars and fifty-five cents. Books, library of house of representatives.

For valuation books, to be furnished to assessors of cities and towns, in accordance with the provisions of chapter two hundred and ten of the acts of eighteen hundred and sixty-four, a sum not exceeding thirty-five hundred dollars. Valuation books.

For publishing names of absentees from legislative sessions, per order of the house, a sum not exceeding fifty dollars. Publishing absentees from legislative sessions.

For clerical assistance to the clerk of the house of representatives, in the preparation of the journal for the press, as authorized by an order of the house, a sum not exceeding three hundred dollars. Clerical assistance to clerk of the house.

For the compensation of the clerk, messengers and pages of the valuation committee, appointed to sit during the recess, a sum not exceeding three thousand dollars, and for Clerk and messengers valuation committee.

- contingent and incidental expenses of said committee, a sum not exceeding five thousand dollars.
- Arms and equipments.** For the purchase of arms and equipments, in accordance with the provisions of chapter twenty-nine of the resolves of the year eighteen hundred and sixty-three, a sum not exceeding one hundred and fifty thousand dollars, in addition to the sum heretofore appropriated.
- Uniforms and quartermasters' supplies.** For uniforms and quartermasters' supplies for the equipment of the state militia, in accordance with the provisions of chapter two hundred thirty-eight of the acts of the present year, a sum not exceeding seven hundred and seventy thousand dollars.
- Justice police court, Chelsea.** For the salary of the standing justice of the police court in Chelsea, in accordance with an act of the present year, a sum not exceeding three hundred dollars in addition to the sum heretofore appropriated.
- Clerk police court, Worcester.** In the act establishing the salary of clerk of the police court at Worcester, a sum not exceeding one hundred dollars.
- Judges and registers probate and insolvency.** In the act establishing the salaries of judges, registers and assistant registers of courts of probate and insolvency, a sum not exceeding thirty-five hundred dollars in addition to the sums heretofore appropriated.
- Secretary, treasurer, auditor, adjutant-general, and first clerks of treasurer and auditor.** In the act establishing the salaries of the treasurer and receiver-general, auditor of accounts, secretary of the Commonwealth, the adjutant-general and the first clerks in the departments of the treasurer and auditor, a sum not exceeding three thousand dollars in addition to the sums heretofore appropriated.
- Board of education, postage, etc.** For postage, printing and stationery for the board of education, a sum not exceeding five hundred dollars in addition to the sum heretofore appropriated, the same to be paid from the income of the Massachusetts school fund.
- Charles River and Warren bridges, expenses.** For expenses of the Charles River and Warren bridges, for the year eighteen hundred and sixty-three, viz.: for repairs, thirteen hundred twenty-eight dollars and seventy-one cents; horse keeping, one hundred dollars and ninety-one cents; gas, oil, &c., two hundred one dollars and sixty-three cents; incidentals, twenty dollars and sixty cents; rebuilding toll-house, five hundred forty-one dollars and seven cents; and for extra repairs on said bridges for the current year, a sum not exceeding six hundred dollars; said sums to be paid from the Charles River and Warren bridges fund.
- Printing and binding, legislature.** For printing and binding for the senate and house of representatives for the current year, a sum not exceeding ten

thousand three hundred dollars in addition to the sum heretofore appropriated.

For printing public documents for the year eighteen hundred and sixty-three, a sum not exceeding nine thousand dollars in addition to former appropriations. Printing public documents.

For printing the report of the board of agriculture, a sum not exceeding thirty-five hundred dollars in addition to the sum heretofore appropriated. Printing report board of agriculture.

For the arrest of fugitives from justice, a sum not exceeding one thousand dollars in addition to the sum heretofore appropriated. Arrest of fugitives.

For the support of insane state paupers in eighteen hundred and sixty-two, and previous years, a sum not exceeding two thousand dollars. Insane paupers.

For incidental expenses of the treasurer and receiver-general for the year eighteen hundred and sixty-three, a sum not exceeding three hundred dollars in addition to the sum heretofore appropriated. Treasurer, incidental.

For the deficiency in the reimbursement of bounties, as provided by chapter two hundred and eighteen of the acts of eighteen hundred and sixty-three, the same having been caused by errors in the basis of apportionment as established by chapter one hundred ten of the acts of eighteen hundred and sixty-one, the sum of four thousand eight hundred eighty-eight dollars and sixty-seven cents. Deficiency in reimbursement of bounties.

For the burial of state paupers in eighteen hundred and sixty-two and previous years, a sum not exceeding three thousand dollars. Burial of state paupers.

For the current expenses of the hospital at Rainsford Island, a sum not exceeding eight thousand dollars in addition to the sum heretofore appropriated. Rainsford Island hospital.

For term reports, a sum not exceeding eleven hundred dollars in addition to the sum heretofore appropriated. Term reports.

For military accounts of the year eighteen hundred and fifty-eight, a sum not exceeding thirty-six dollars, and for the year eighteen hundred and sixty-one, a sum not exceeding nine dollars and sixty cents. Military accounts.

For the compensation and expenses of persons employed in the payment of state bounties, a sum not exceeding ten thousand dollars in addition to the sum heretofore appropriated. Paymasters.

For the expenses of the quartermaster's department, a sum not exceeding fifteen hundred dollars, and for expenses of the ordnance department, a sum not exceeding five thousand dollars, the same to be in addition to former appropriations. Quartermaster's expenses.
Ordnance department, expenses.

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State prison.

To meet the present liabilities and deficiencies of the state prison, a sum not exceeding twenty-six thousand dollars, and for support of the prison for the current year, a sum not exceeding fifty-eight thousand dollars.

State cabinet.

For the state cabinet, a sum not exceeding two hundred dollars, from the unexpended balance of the appropriation made in chapter ninety-three of the acts of eighteen hundred and sixty-two.

The following sums shall also be allowed and paid upon vouchers properly certified and rendered to the state auditor :

Asylum for the blind and school for idiots, clothing.

For clothing of state beneficiaries at the Massachusetts asylum for the blind and the Massachusetts school for idiotic and feeble-minded youth, and for expenses of their support during vacations in eighteen hundred and sixty-three and previous years, a sum not exceeding two hundred dollars.

Commissioner on Indian titles.

In the resolve, chapter forty-two of the year eighteen hundred and sixty-three, relating to Indian land titles, a sum not exceeding three hundred dollars in addition to the sum appropriated in said resolve.

Committees during recess.

For the compensation and expenses of committees authorized to sit during the recess of the legislature, a sum not exceeding sixteen thousand dollars.

Clerical and professional assistance to committees of legislature.

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

Second clerk of treasurer.

In the resolve, chapter thirty-six, for the salary of a second assistant clerk in the treasurer's department, a sum not exceeding twelve hundred dollars, to be computed from the first day of January, eighteen hundred and sixty-four.

Clerical assistance, secretary board of agriculture.

For clerical assistance to the secretary of the board of agriculture, a sum not exceeding four hundred dollars in addition to the sum heretofore appropriated.

Sergeant-at-arms, clerks of legislature and executive departments.

For the salaries of the sergeant-at-arms, the clerks of the senate and house of representatives, and clerks employed in the state house, whose salaries are established by law, and which have not been raised the present year, a sum not exceeding seven thousand five hundred dollars in addition to the sums heretofore appropriated.

Senate.

For compensation of senators, a sum not exceeding four thousand dollars ; and for compensation of representatives,

a sum not exceeding twenty-four thousand dollars; said sums to be in addition to the sums heretofore appropriated.

For the preparation of a skeleton map, per order of the legislature, a sum not exceeding three hundred dollars.

For expenses of the nautical branch of the state reform school for boys, a sum not exceeding three thousand dollars, the same to be in addition to the sum heretofore appropriated.

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

Approved May 14, 1864.

AN ACT TO ESTABLISH THE MASSACHUSETTS BOUNTY FUND, AND TO CREATE A SINKING FUND FOR ITS REDEMPTION.

Chap. 313

Be it enacted, &c., as follows:

SECTION 1. For the purpose of meeting the expenses already incurred and to be incurred, under chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three, and under any other law authorizing the payment of bounties to Massachusetts soldiers or sailors, there shall be created a fund to be called the Massachusetts Bounty Fund; and the treasurer of the Commonwealth is hereby authorized to issue scrip or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding ten millions of dollars; and the proceeds of such scrip so issued, shall be passed to the credit of said Massachusetts Bounty Fund, and the same is hereby appropriated for the purpose of paying all liabilities incurred, or to be incurred, on account of such bounties.

Bounty fund authorized.

Treasurer may issue scrip.

Proceeds to be credited fund and appropriated.

SECTION 2. Such scrip or certificates of debt, shall bear interest not exceeding five per cent. per annum, payable semi-annually in gold, on the first days of May and November, in each year, and shall be sold and disposed of at public auction, or in such other mode, and at such times, and in such pieces and amounts, as the governor and council shall deem for the best interest of the Commonwealth. Such scrip or certificates of debt shall be redeemable in gold in not less than twenty nor more than thirty years from date, and the same shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth.

Certificates to be sold and bear interest due semi-annually in gold.

Scrip to be redeemed with gold in 20-30 years.

SECTION 3. For the payment of the scrip or certificates of debt issued under authority of this act, a sinking fund is hereby established, to be composed as follows: first, of all dividends which may be received upon the seven thousand seven hundred and sixteen shares now held by the Commonwealth in the Western railroad, and in case said shares

Establishment of sinking fund for redemption, viz.: dividends Western railroad stock, receipts Back Bay and other lands.

Deficiency, if any, to be raised by tax, to aggregate of three per cent. of issue.

Proviso.

Sums raised and accumulations to be held as fund for redemption.

should at any time be sold to meet the payments of the debts for which they are pledged to the Debt Extinguishment Fund, then the excess of proceeds above the amount necessary for said liquidation shall constitute a part of this fund; second, of all the receipts from the sales of the Back Bay lands, less the expenses of commissioners and of filling and preparing the lands for sale, and including the portion now by law payable to the Massachusetts School Fund, as soon as said school fund shall have reached the amount of two millions of dollars, and also all net receipts not already appropriated for specific purposes, from sales of other public lands; third, if the receipts from these sources do not in any fiscal year, amount to a sum equal to three per cent. of the total amount of scrip or certificates of debt issued under authority of this act, then there shall be raised by taxation, in the following year, a sum equal to the difference between the amount of said receipts and three per cent. of the scrip or certificates of debt issued as aforesaid: *provided*, that said tax may be omitted after the fund hereby created shall have amounted to a sum, which with its accumulations of interest, will be sufficient to pay the scrip at maturity. And the sum so raised from year to year, together with its accumulations of interest, shall be pledged and held as the sinking fund hereby established, to be invested, as is now or may be provided by law for the investment of trust funds, and used for the redemption and payment of said scrip or certificates of debt.

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

Approved May 14, 1864.

Chap. 314 AN ACT MAKING APPROPRIATIONS TO MEET THE PAYMENT OF AMOUNTS NAMED IN CERTAIN RESOLVES.

Be it enacted, &c., as follows:

Roxbury Horse Guards.

Washington Home Guard.

Roxbury Reserve Guards.

SECTION 1. The following sums are hereby appropriated for the payment of the sums mentioned in the following named resolves: resolve in favor of the Roxbury Horse Guards, a sum not exceeding six hundred and twelve dollars; resolve in favor of the Washington Home Guard, a sum not exceeding three hundred and thirty-six dollars; resolve in favor of the Roxbury Reserve Guards, a sum not exceeding eleven hundred and forty-four dollars.

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

Approved May 14, 1864.

AN ACT FOR THE PROTECTION OF THE OUTER HARBOR OF THE CITY OF BOSTON. *Chap. 315**Be it enacted, &c., as follows:*

SECTION 1. The city of Boston is hereby authorized to raise, by taxation or otherwise, a sum not exceeding one hundred and fifty thousand dollars, and expend the same in the construction of sea-walls and other necessary works on Great Brewster Island, Gallop's Island and Deer Island in Boston Harbor, in order to protect said islands against the action of the sea and prevent further injury to said harbor by the washing thereinto of the earth from said islands. The plans for the construction of said works shall be submitted to and approved by the governor and council, before the same are commenced.

City may raise \$150,000 for sea-walls and works on islands.

Plan approved by governor and council.

SECTION 2. The amount expended by said city in accordance with the provisions of this act shall be reimbursed to it from the first net proceeds or receipts from sales of the flats belonging to the Commonwealth in said harbor, not already appropriated for specific purposes.

Amount expended, how reimbursed to city.

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

Approved May 14, 1864.

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RESOLVES,

GENERAL AND SPECIAL.

RESOLVE IN FAVOR OF BARNABAS SNOW.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Barnabas Snow of Ware, the sum of sixty dollars, for twenty days attendance at the present session of the general court, and sixteen dollars for mileage ; and the same is hereby appropriated.

Approved January 28, 1864.

Chap. 1.

Appropriation for attendance and mileage as a representative.

RESOLVE FOR THE BETTER ACCOMMODATION OF THE PAYMASTERS OF BOUNTIES TO VOLUNTEERS.

Resolved, That the sergeant-at-arms be, and he is, hereby authorized and directed to erect a partition in the west wing of the State House, from the room occupied by the secretary of state to the room occupied by the attorney-general, for the better accommodation of the paymasters of bounties to volunteers.

Approved February 8, 1864.

Chap. 2.

Apartment provided.

RESOLVE IN FAVOR OF COMPANY E, FIFTH MASSACHUSETTS REGIMENT.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Samuel C. Lawrence, treasurer of company E, Fifth Massachusetts regiment, for the benefit of said company, the sum of five hundred and ten dollars, in settlement of a claim for uniforms furnished in April in the year eighteen hundred and sixty-one ; and said sum is hereby appropriated. *Approved February 12, 1864.*

Chap. 3.

Appropriation, \$510 for uniforms.

RESOLVE PROVIDING A SET OF WEIGHTS, MEASURES AND BALANCES FOR THE TOWN OF MATTAPOISETT.

Resolved, That the treasurer furnish to the town of Mattapoissett, at a cost not exceeding two hundred dollars, a complete set of standard weights, measures and balances, such as have been furnished to other towns, and conforming as near as practicable to the models made as town standards. The expense of transporting the same to be defrayed by the town.

Approved February 16, 1864.

Chap. 4.

Treasurer directed to furnish.

Chap. 5. RESOLVE RELATING TO THE MUSEUM OF COMPARATIVE ZOOLOGY.
 Governor authorized to pay to trustees \$12,207.67 in anticipation.
Resolved, That the governor of the Commonwealth be now authorized to pay, out of funds in the treasury, to the "Trustees of the Museum of Comparative Zoölogy," the balance of twelve thousand two hundred and seven dollars and sixty-seven cents, which will become payable to them on the first day of August next, under the provisions of the one hundred and fifty-fourth chapter of the acts of the year eighteen hundred and fifty-nine. *Approved February 16, 1864.*

Chap. 6. RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF CHARLOTTE E. MYERS.
 Allowance of \$52.
Resolved, For reasons set forth in the petition of Charlotte E. Myers, a member of the Punkapog tribe of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of said Charlotte E. Myers.
Approved February 16, 1864.

Chap. 7. RESOLVE IN FAVOR OF WILLIAM R. BLACK AND SIMEON G. BLANDIN.
 Allowance of \$24.62 each for military services.
Resolved, For reasons set forth in the petitions of William R. Black and Simeon G. Blandin, that there be allowed and paid, out of the treasury of the Commonwealth, to said petitioners, the sum of twenty-four dollars and sixty-two cents, each, the same being in full for services rendered by them, as third and fourth lieutenants, in companies F and G of the fourth regiment of the Massachusetts volunteer militia.
Approved February 16, 1864.

Chap. 8. RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS FOR THE BENEFIT OF SALLY BURR OF CAMBRIDGE.
 Allowance of \$52.
Resolved, For reasons set forth in the petition of Sally Burr of Cambridge, a member of the Punkapog tribe of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of said Sally Burr.
Approved February 18, 1864.

Chap. 9. RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF SALLY BURR OF BOSTON, AND HER SON, JAMES BURR.
 Allowance of \$52.
Resolved, For reasons set forth in the petition of Sally Burr of Boston, a member of the Punkapog tribe of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of said Sally Burr and her son James Burr.
Approved February 18, 1864.

RESOLVE IN FAVOR OF THE CITY OF BOSTON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the treasurer of the city of Boston, the sum of one thousand and sixty-one dollars and twenty-three cents, for reimbursement of money expended by said city, in the burial of Massachusetts soldiers, in the National Cemetery at Gettysburg, in the state of Pennsylvania.

Approved February 18, 1864.

Chap. 10.

Allowance of \$1,061.23 for burial of Mass. soldiers at Gettysburg.

RESOLVE IN FAVOR OF THE OFFICERS' AND SOLDIERS OF THE COMPANY OF INFANTRY ATTACHED TO THE SIXTH BRIGADE OF THE MASSACHUSETTS VOLUNTEER MILITIA.

Resolved, That there be allowed to the officers and soldiers of the company of infantry attached to the sixth brigade, Massachusetts volunteer militia, formerly commanded by Lieutenant Alonzo E. Goodrich of Pittsfield, the sum of two dollars a day, without allowance for travel, for each day's service rendered under General Order, Number Fourteen, dated May twenty-sixth, eighteen hundred and sixty-two, in accordance with the returns now on file in the office of the adjutant-general.

The adjutant-general shall present a roll of the persons entitled to compensation, with the amounts due to each, to the auditor, for allowance, and upon such allowance certified by him to the governor, the sums due to each, respectively, shall be paid to such persons or their order, at the treasury of the Commonwealth.

The sum of four hundred and thirty-two dollars is hereby appropriated to carry out the provisions of this resolve.

Approved February 19, 1864.

Chap. 11.

Appropriation of \$432 for military services.

RESOLVE UPON THE PETITION OF W. S. HOUGHTON.

Resolved, That the treasurer of the Commonwealth is hereby authorized and directed to pay to W. S. Houghton the interest now due, and the principal and further interest as they may become due, upon certain bonds of the Commonwealth, being numbered seventy-two, fifteen hundred and eighteen, nine hundred and forty-eight, eight hundred and seventy-three, nine hundred and forty-one, and nine hundred and forty-two, respectively, as described by said Houghton, in his petition, and alleged to have been stolen from him, upon his furnishing to said treasurer from time to time sufficient security for the repayment of all sums so paid, upon demand by said treasurer made at the request of any person establishing to the satisfaction of said treasurer a legal right to the same.

Approved February 29, 1864.

Chap. 12.

Treasurer directed to pay interest and principal of certain lost bonds.

Chap. 13.**RESOLVE IN FAVOR OF THE TOWN OF WALTHAM.**

Allowance of
\$300 for armory
rent.

Resolved, For reasons set forth in the petition of the selectmen of the town of Waltham, that there be allowed and paid out of the treasury of the Commonwealth to said petitioners, the sum of three hundred dollars, in full for armory rent for the Waltham Light Dragoons, during the years eighteen hundred and sixty-two, and eighteen hundred and sixty-three.

Approved March 2, 1864.

Chap. 14.**RESOLVE IN RELATION TO PROFESSOR HITCHCOCK'S SUPPLEMENTARY REPORT ON THE ICHNOLOGY OF NEW ENGLAND.**

One thousand
copies to be
printed.

Distribution.

Resolved, That one thousand copies of Professor Edward Hitchcock's Supplement to his Report on the Ichnology of New England, with the drawings and photographs connected therewith, be printed at the expense of the Commonwealth, under the direction of the committee on the library; that one hundred copies of said supplementary report be given to Professor Hitchcock; three copies to the state library, and one copy to each free public library established under the statutes of the Commonwealth; twelve copies to the trustees of the state library, to be used for the purpose of international exchanges; and one copy furnished to each member of the executive and legislative departments of the government for the present political year, and one copy to each town and city in the Commonwealth.

Approved March 2, 1864.

Chap. 15.**RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF REBECCA DAVIS.**

Allowance of \$50.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Punkapog tribe of Indians, the sum of fifty dollars, to be expended for the relief of Rebecca Davis, a member of said tribe.

Approved March 3, 1864.

Chap. 16.**RESOLVE IN RELATION TO THE PUBLICATION OF THE GENERAL STATUTES.**

Attorney-general
to contract for
publication and
sale at price not
exceeding \$2.50
per copy.

Resolved, That the attorney-general be and hereby is authorized, in the name and in behalf of the Commonwealth, but without cost to the Commonwealth, to contract with William White, of Boston, or his assigns, to print, bind and furnish for sale to the state or to any citizen of the state, the General Statutes of the Commonwealth, with the Constitution of the State, the Constitution of the United States and all the additions to said Statutes which have heretofore been published therewith, in a manner in every respect equal to the Revised Statutes printed in the year eighteen hundred

and thirty-six, particularly as to composition, press work, paper and binding; and keep the same for sale in some convenient place in the city of Boston, until the first day of July in the year eighteen hundred and sixty-seven, at a price not exceeding two and one-half dollars per copy, and reserving to the legislature the right, at all times hereafter, to reduce the price at which the same shall be sold, to any amount not below one dollar and forty cents per copy; said contract to provide that the electrotype or stereotype plates of said General Statutes shall be and remain the property of the Commonwealth. A bond, satisfactory to the attorney-general shall be given by the said William White or his assigns, to the Commonwealth, for the faithful performance of the contract. The other provisions of the contract shall be such as the attorney-general deems expedient to secure the faithful execution of said contract: *provided*, that none of the existing provisions of law relative to the printing, promulgation and distribution of the statutes, which were enacted prior to the twenty-eighth day of December, in the year eighteen hundred and fifty-nine, shall be construed to apply to the said General Statutes. And upon the due execution of the contract hereby authorized, the contract heretofore existing between the Commonwealth and the said William White, relative to the printing and sale of the said General Statutes, shall be cancelled.

Legislature may reduce price.

Stereotype plates to remain property of State.

Bond.

Proviso.

Upon execution, present contract to be cancelled.

Approved March 5, 1864.

RESOLVE IN FAVOR OF THE MESSENGER OF THE GOVERNOR AND COUNCIL.

Chap. 17.

Resolved, That there be allowed and paid to the messenger of the governor and council, the sum of two hundred dollars in addition to his salary for the current year.

Allowance of \$200 additional.

Approved March 5, 1864.

RESOLVE IN FAVOR OF NELLY JOSEPH.

Chap. 18.

Resolved, For reasons set forth in the petition of Barnard C. Marchant, guardian of the Christiantown and Chapequiddic Indians, that there be allowed and paid out of the treasury of the Commonwealth to said guardian, the sum of fifty dollars or as much of the same as may be necessary for the support of Nelly Joseph, a member of the Chapequiddic tribe of Indians.

Allowance of \$50.

Approved March 5, 1864.

RESOLVE IN FAVOR OF THE DISTRICT OF MARSHPEE.

Chap. 19.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the present treasurer of the district of Marshpee, the sum of one hundred dollars, to

Allowance of \$100 for medical attendance on Indians.

provide medical attendance on the Indians and people of color, in said district, during the year eighteen hundred and sixty-four.

Approved March 5, 1864.

- Chap. 20.** RESOLVE IN RELATION TO DRAINAGE FOR THE STATE ARSENAL.
- Quartermaster to arrange with city of Cambridge for use of drain in Garden Street.
- Resolved,* That the quartermaster-general be and hereby is authorized to arrange with the city of Cambridge, and obtain the right to use the drain through Garden Street, in said city, for the premises connected with the state arsenal; and the sum of one hundred and twenty-seven dollars thirty-eight cents is hereby appropriated in payment for said right.
- Appropriation.
- Approved March 5, 1864.*

- Chap. 21.** RESOLVE IN FAVOR OF THE CHAPPEQUIDDIC AND CHRISTIANTOWN INDIANS.
- Allowance of \$104 for schools.
- Resolved,* That there be allowed and paid out of the school fund of this Commonwealth, to the guardian of the Chapequiddic and Christiantown Indians, the sum of one hundred and four dollars, to aid in the support of schools among the said Indians, for the year eighteen hundred and sixty-four.
- Approved March 11, 1864.*

- Chap. 22.** RESOLVE IN FAVOR OF THE MARSHPEE SCHOOLS.
- Allowance of \$75 additional.
- Resolved,* That the sum of seventy-five dollars be allowed and paid from the income of the school fund the present year, to the treasurer of the district of Marshpee for the support of the schools in that district; the same being in addition to the sums now allowed for the support of said schools, and also on the condition that the inhabitants of that district shall also appropriate and expend for the use of said schools, during the present year, twenty-five dollars in addition to the sum now annually paid by them for that purpose.
- Condition.
- Approved March 14, 1864.*

- Chap. 23.** RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY.
- Inspectors may use unexpended appropriation for cooking apparatus.
- Resolved,* That the inspectors of the state almshouse at Tewksbury be authorized to use the unexpended appropriation of last year, amounting to nine hundred and ninety-three dollars and four cents, for the purpose of supplying said institution with a new cooking apparatus, in place of the one now in use, and for such improvements and repairs of said institution, as they may deem necessary.
- Approved March 14, 1864.*

- Chap. 24.** RESOLVE IN FAVOR OF CERTAIN OFFICERS AND SOLDIERS OF THE VOLUNTEER MILITIA.
- Allowance to officers and soldiers whose names
- Resolved,* That the compensation provided by the Resolves of the year eighteen hundred and sixty-three, chapter

seventy-two, be allowed and paid, from the treasury of the Commonwealth, to any officers and soldiers of the volunteer militia, whose names were not returned to the adjutant-general, for payment, previous to the passage of said resolve, upon satisfactory evidence being furnished to the adjutant-general, that they are entitled to receive the same.

The rolls shall be presented, audited and certified, in the manner prescribed in said resolve of eighteen hundred and sixty-three, chapter seventy-two.

Approved March 14, 1864.

RESOLVE IN RELATION TO CERTAIN EXPENSES OF THE ATTORNEY-GENERAL.

were omitted on roll.

Chap. 25.

Resolved, That there be appropriated and paid from the state treasury, a sum not exceeding one thousand dollars, to defray the expenses of the attorney-general of the Commonwealth, in the case of a writ of error pending before the supreme court of the United States, sued out by John McGuire, to procure the reversal of a judgment rendered against him, in the superior court within the county of Essex.

Appropriation of \$1,000 for expenses suit of John McGuire

Approved March 14, 1864.

RESOLVE IN FAVOR OF THE CITY OF NEW BEDFORD.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the treasurer of the city of New Bedford, the sum of two thousand and seventy-nine dollars and forty-four cents in reimbursement of money advanced by said city, to pay the officers and soldiers of the volunteer militia, called into service by virtue of a precept issued by the mayor of New Bedford under the provisions of the one hundred and thirty-fourth section of the thirteenth chapter of the General Statutes.

Chap. 26.

Allowance of \$2,079.44 reimbursement for military services.

Approved March 16, 1864.

RESOLVE IN FAVOR OF WILLIAM H. LUCE, AND DANIEL A. CLEVELAND.

Resolved, For reasons set forth in the petition of Wm. H. Luce and Daniel A. Cleaveland, of West Tisbury, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioners, the sum of one hundred and thirty-nine dollars and eighty-six cents, which with the sum of seventy-five dollars contained in the resolve of the year eighteen hundred and sixty-three, chapter forty-nine, is in full for medical attendance upon Gay Head and Christian-town Indians, and of all services up to January first, eighteen hundred and sixty-four.

Chap. 27.

Allowance of \$139 for medical attendance on Gay Head and Christiantown Indians.

Approved March 16, 1864.

Chap. 28.

Allowance of
\$67.75 medical
attendance on a
Christiantown
Indian.

RESOLVE IN FAVOR OF WILLIAM LEACH.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of sixty-seven dollars and seventy-five cents to William Leach of Tisbury, as full compensation for his services as physician to Mary A. James, wife of Charles James, a blind man, and one of the Christiantown tribe of Indians, from April twenty-sixth, eighteen hundred and fifty-eight, to November fourteenth, eighteen hundred and sixty-three, when she died.

Approved March 16, 1864.

Chap. 29.

Allowance of
\$104 to overseers
poor of Tisbury.

RESOLVE IN FAVOR OF JEMIMA EASTON.

Resolved, For reasons set forth in the petition of Priscilla Freeman, that there be allowed and paid out of the treasury of the Commonwealth, to the overseers of the poor of the town of Tisbury, for the benefit of Jemima Easton, an Indian of the Deep Bottom tribe, residing in said town, the sum of one hundred and four dollars.

Approved March 16, 1864.

Chap. 30.

Reimbursement
of \$104.80 over-
tax.

RESOLVE IN FAVOR OF THE TOWN OF HALIFAX.

Resolved, For the reasons set forth in the petition of the selectmen of the town of Halifax, that there be allowed and paid out of the treasury of the Commonwealth, to the said town, the sum of one hundred and four dollars and eighty cents, to reimburse said town for a sum which it has paid above a just proportion of the state tax.

Approved March 17, 1864.

Chap. 31. RESOLVE GRANTING AID FOR THE SUPPRESSION OF COUNTERFEITING BANK BILLS AND COIN.

Allowance of
\$1,500 to associa-
tion.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the association of banks for the suppression of counterfeiting in this Commonwealth, a sum not exceeding one thousand five hundred dollars, for the purpose of the prevention and detection of the crime of making, or tendering in payment as true, counterfeit bank bills or counterfeit gold and silver coin: *provided,* that no sum be paid under or by authority of this resolve which shall exceed one-third of the amounts which said association shall certify and prove to the governor shall have been raised and judiciously expended, by said association, for the purposes aforesaid.

Approved March 17, 1864.

Proviso.

Chap. 32. RESOLVE IN FAVOR OF THE FAMILY OF CHARLES ALLEN, DECEASED.

Allowance of
\$825 as bounty
for enlistment.

Resolved, That for reasons set forth in the petition of Luther Hill, one of the selectmen of the town of Spencer, there be allowed and paid to the selectmen of said town, the

sum of three hundred and twenty-five dollars; to be by them expended for the relief of the widow and family of Charles Allen, a volunteer, who was duly enlisted as a part of the quota of said town, upon the fourth day of January, in the year eighteen hundred and sixty-four, and who died in camp, upon the fifth day of February, of said year, without being mustered into the service of the United States; the said sum of three hundred and twenty-five dollars being the bounty to which said volunteer would have been entitled after muster into the service of the United States.

Approved March 21, 1864.

RESOLVE IN FAVOR OF DAVIS KINGMAN.

Resolved, For reasons set forth in the petition of the selectmen and other inhabitants of Northborough, that there be allowed and paid out of the treasury to Davis Kingman, of said Northborough, the sum of two hundred and forty dollars, in full compensation for loss sustained by him, by cattle disease, in the years one thousand eight hundred and sixty-three, and one thousand eight hundred and sixty-four.

Approved March 21, 1864.

Chap. 33.

Allowance of \$240, loss sustained by cattle disease.

RESOLVE IN FAVOR OF LEVI BAKER AND OTHERS.

Resolved, That there be allowed and paid out of the treasury to such persons as the auditor of accounts shall certify are entitled to receive the same, for costs and expenses in the prosecution of the suit of Levi Baker against the state of Virginia, the sum of one hundred and fifty dollars: *provided*, that no part of said sum shall be paid until said Baker has in writing agreed that said sum shall be in full for all his claims in the premises against this Commonwealth.

Approved March 22, 1864.

Chap. 34.

Allowance of \$150 for expenses in suit against Virginia.

Proviso.

RESOLVE IN FAVOR OF THE TOWN OF HINGHAM.

Resolved, For reasons set forth in the petition of the selectmen of the town of Hingham, that there be allowed and paid out of the treasury of the Commonwealth, to the town of Hingham, the sum of sixty dollars, in full for armory rent for the year eighteen hundred and sixty-two.

Approved March 22, 1864.

Chap. 35.

Allowance of \$60, armory rent.

RESOLVE AUTHORIZING THE APPOINTMENT OF A SECOND ASSISTANT CLERK IN THE TREASURER'S OFFICE.

Resolved, That the treasurer of the Commonwealth be and is hereby authorized to employ a second assistant clerk at a salary of twelve hundred dollars.

Approved March 22, 1864.

Chap. 36.

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Chap. 37.

Appropriation of \$20,000 for extirpation.

RESOLVE CONCERNING CONTAGIOUS DISEASES AMONG CATTLE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of twenty thousand dollars, or so much thereof as may be necessary, to defray any expenses that may be or may have been incurred, under existing laws, for the extirpation of contagious diseases among cattle: and the governor is hereby authorized to draw his warrant therefor.

Approved March 22, 1864.

Chap. 38.

Appropriation of \$4,500 additional.

RESOLVE RELATING TO THE SUPPORT OF DEAF MUTES.

Resolved, That in addition to the annual sum already appropriated by law, for the support and instruction of beneficiaries of Massachusetts, at the American Asylum for the Deaf and Dumb at Hartford, there be allowed and paid from the treasury of the Commonwealth, such sum, not exceeding four thousand five hundred dollars, as his excellency the governor may deem expedient.

Approved March 26, 1864.

Chap. 39.

Allowance of \$149 for 1864.

RESOLVE IN FAVOR OF SCHOOLS AMONG THE INDIANS OF GAY HEAD.

Resolved, That there be allowed and paid, out of the moiety of the income of the school fund applicable to educational purposes, to John Mayhew, esquire, of Edgartown, the sum of one hundred and forty-nine dollars, to be applied to the support of schools among the Indians of Gay Head, during the year eighteen hundred and sixty-four: *provided,* that said Mayhew shall make a return of the expenditure of this money and the condition of the school, to the governor and council, previous to the next session of the legislature.

Approved March 26, 1864.

Chap. 40.

Allowance of \$7,848 as reimbursement for military services.

RESOLVE IN FAVOR OF THE CITY OF BOSTON.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to the treasurer of the city of Boston, the sum of seven thousand three hundred and forty-eight dollars, in reimbursement of money advanced by said city to pay the officers and soldiers of the volunteer militia, called into service, by virtue of a precept issued by the mayor of said city, upon the fourteenth day of July, in the year eighteen hundred and sixty-three, under the provisions of the one hundred and thirty-fourth section of the thirteenth chapter of the General Statutes.

Approved March 26, 1864.

Chap. 41.

Allowance of \$80, medical services.

RESOLVE IN FAVOR OF MOSES BROWN.

Resolved, For reasons set forth in the petition of Moses Brown of Tisbury, that there be allowed and paid out of the

treasury of the Commonwealth, to said petitioner, the sum of eighty dollars, in full for medical services rendered to the Gay Head and Christiantown tribes of Indians, to January first, in the year eighteen hundred and sixty-four.

Approved March 26, 1864.

RESOLVE IN FAVOR OF BARNARD C. MARCHANT.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Barnard C. Marchant, guardian of the Christiantown and Chappequiddic tribes of Indians, the sum of twelve dollars, in full for provisions furnished Asa Peters, one of the Christiantown tribe of Indians.

Approved March 26, 1864.

Chap. 42.

Allowance of \$12 for supplies to Indian.

RESOLVE IN FAVOR OF EDWIN MAYBERRY.

Resolved, For reasons set forth in the petition of Edwin Mayberry of Edgartown, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of seventy dollars and sixty-nine cents, in full for medical services rendered individuals of the Chappequiddic tribe of Indians, to January first, in the year eighteen hundred and sixty-four.

Approved March 26, 1864.

Chap. 43.

Allowance of \$70.69 for medical service to Indians.

RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT WORCESTER.

Resolved, That the sum of four thousand dollars be allowed and paid, from the treasury of the Commonwealth, to the state lunatic hospital at Worcester, to be expended during the current year, under the direction of the trustees of said hospital, for the purpose of supplying said hospital with pure water; and the said trustees shall report to the legislature, during the month of January next, a detailed account of the manner in which this appropriation has been expended.

Approved April 5, 1864.

Chap. 44.

Appropriation of \$4,000 authorized for supply of water.

RESOLVE IN FAVOR OF THE TOWN OF CARVER.

Resolved, For reasons set forth in the petition of the selectmen of the town of Carver, that there be allowed and paid out of the treasury of the Commonwealth, to said town, the sum of thirty-one dollars, in full for armory rent during the year eighteen hundred and sixty-two.

Approved April 8, 1864.

Chap. 45.

Allowance of \$31 for armory rent.

RESOLVE FOR THE PRESERVATION OF THE HARBORS OF THE COMMONWEALTH.

Resolved, That the commissioners appointed by the governor under the authority of chapter eighty-eight of the

Chap. 46.

Commissioners may establish harbor lines.

Notice and hearing.

Resolves of the year eighteen hundred and sixty-two, are hereby authorized, whenever they shall deem it necessary or expedient, to establish a line in any harbor in this Commonwealth, beyond which no wharf, pier, dock or other structure shall be extended into the waters of such harbor. Said commissioners, before proceeding to establish such line in any harbor, shall appoint a time and place for the hearing of all parties interested, and shall give at least thirty days' notice thereof, by publication in two or more newspapers, one of which is published in the city of Boston and one in the county where such harbor is situated.

Approved April 8, 1864.

Chap. 47.

Allowance of \$325 as enlistment bounty.

RESOLVE IN FAVOR OF MARGARET LINDBERG.

Resolved, That there be allowed and paid, from the treasury of the Commonwealth, to Margaret Lindberg, widow of Marcus Lindberg of Ipswich, a volunteer who enlisted in the service of the United States, under the call of the president, dated the seventeenth day of October, eighteen hundred and sixty-three, and who died before being mustered into the said service, the sum of three hundred and twenty-five dollars; the same being the bounty to which the said volunteer would have been entitled, if he had been so mustered.

Approved April 11, 1864.

Chap. 48.

Allowance of \$100 for armory rent.

RESOLVE IN FAVOR OF THE TOWN OF PITTSFIELD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the selectmen of the town of Pittsfield, the sum of one hundred dollars, in full for armory rent for the year eighteen hundred and sixty-two.

Approved April 13, 1864.

Chap. 49.

Allowance of \$200 to watchmen and \$100 to messenger.

RESOLVE TO PROVIDE ADDITIONAL COMPENSATION TO WATCHMEN OF THE STATE HOUSE, AND TO THE ASSISTANT MESSENGER TO THE GOVERNOR AND COUNCIL.

Resolved, That, in addition to the sum now provided by law, there be allowed and paid out of the treasury of the Commonwealth, to each of the watchmen of the state house, the sum of two hundred dollars, and to the assistant messenger to the governor and council, the sum of one hundred dollars, in full compensation for services, as watchmen and assistant messengers, for the present year.

Approved April 13, 1864.

Chap. 50.

Allowance of \$325 as enlistment bounty.

RESOLVE IN FAVOR OF CLARISSA ADAMS.

Resolved, For reasons set forth in the petition of the selectmen of the town of Brookfield, that there be allowed

and paid out of the treasury of the Commonwealth, the sum of three hundred and twenty-five dollars, to Clarissa Adams, widow of Amos Adams, a volunteer who was duly enlisted as a part of the quota of said town, on the thirtieth day of December, in the year eighteen hundred and sixty-three, and died in camp, without being mustered into the service of the United States.

Approved April 13, 1864.

RESOLVE IN FAVOR OF J. STEWART BROWN AND OTHERS.

Chap. 51.

Resolved, That there be allowed and paid out of the Union fund, to the persons hereinafter named, the following sums :

Allowances for military service.

To J. Stewart Brown of Worcester, the sum of one hundred and twenty dollars, in full compensation for services as post-adjutant of Camp Wool, to November eleventh, in the year eighteen hundred and sixty-two :

J.S. Brown, \$120.

To B. D. Dwinnell of Worcester, the sum of one hundred and forty dollars, in full compensation for services as post-quartermaster of Camp Wool, to November twenty-first, in the year eighteen hundred and sixty-two :

B. D. Dwinnell, \$140.

To Samuel W. Hopkinson of Bradford, the sum of two hundred and twelve dollars, in full compensation for services as quartermaster, at Camp Lander, to December twentieth, in the year eighteen hundred and sixty-two :

S. W. Hopkinson, \$212.

To Horace W. Durgin of Salem, the sum of one hundred and sixty-eight dollars, in full compensation for services as post-commissary at Camp Lander, to December twentieth, in the year eighteen hundred and sixty-two :

H. W. Durgin, \$168.

To Augustus Crocker of Taunton, the sum of one hundred and eighty-four dollars, in full compensation for services as post-adjutant of Camp Joe Hooker, to December sixteenth, in the year eighteen hundred and sixty-two :

Augustus Crocker, \$184.

To Thomas J. Lothrop of Taunton, the sum of one hundred and eighty-four dollars, in full compensation for services as post-quartermaster of Camp Joe Hooker, to December sixteenth, in the year eighteen hundred and sixty-two :

T. J. Lothrop, \$184.

To Henry B. Brewster of Pittsfield, the sum of one hundred and twenty-two dollars, in full for services performed by him as post-quartermaster at Camp Briggs, to the eighteenth day of November, in the year eighteen hundred and sixty-two.

H. B. Brewster, \$122.

Approved April 13, 1864.

RESOLVE IN FAVOR OF THE FAMILY OF JOHN DONNELLY, DECEASED.

Chap. 52.

Resolved, For reasons set forth in the petition of the selectmen of the town of Andover, that there be allowed

Allowance of \$325 as enlistment bounty.

and paid out of the treasury of the Commonwealth, to said petitioners, the sum of three hundred and twenty-five dollars, to be expended by them, for the benefit of the widow and family of John Donnelly, a volunteer who was duly enlisted as a part of the quota of said town, on the twenty-eighth day of December, in the year eighteen hundred and sixty-three, and died on the ninth day of January, in the year eighteen hundred and sixty-four, without being mustered into the service of the United States.

Approved April 13, 1864.

Chap. 53.

Allowance of \$50 to town of Westport.

RESOLVE IN FAVOR OF RHODA M. TAYLOR.

Resolved, For reasons set forth in the petition of Daniel Tripp and others, that there be allowed and paid out of the treasury of the Commonwealth, to the selectmen of the town of Westport, the sum of fifty dollars, to be expended for the relief of Rhoda M. Taylor, a member of the Dartmouth tribe of Indians.

Approved April 25, 1864.

Chap. 54.

Allowance of \$2,500 for current year.

Trustees shall report to legislature.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Resolved, That the sum of twenty-five hundred dollars be allowed and paid, from the treasury of the Commonwealth, to the Massachusetts Charitable Eye and Ear Infirmary, to be expended during the current year, under the direction of the trustees thereof, for the charitable purposes of said infirmary; and the said trustees shall report to the legislature, in the month of January next, a detailed account of the manner in which this appropriation has been expended.

Approved April 25, 1864.

Chap. 55.

Allowance of \$4,000, for reforming inebriates.

Directors shall report to legislature.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates, and means for reforming them, the sum of four thousand dollars.

The said directors shall report to the legislature, in the month of January next, a detailed account of the manner in which this appropriation has been expended, the amount contributed by individuals, the total income and expenses of the institution, and the number of persons admitted, with the result of their treatment, so far as can be ascertained; and no distinction shall be made, in the admission of beneficiaries to said institution, on account of color.

Approved April 25, 1864.

RESOLVE IN FAVOR OF THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

Chap. 56.

Resolved, That the annual appropriation in favor of the Perkins Institution and Massachusetts Asylum for the Blind, be increased from twelve thousand dollars a year to sixteen thousand dollars a year, commencing from the first day of April, in the year eighteen hundred and sixty-four, and continuing until otherwise ordered by the legislature: *provided*, that the trustees of said institution shall receive and gratuitously educate all such indigent persons, or the children of indigent persons, as the governor may designate, and that no charge shall be made to the Commonwealth for clothing furnished to state beneficiaries. The governor is authorized to draw his warrant upon the treasurer of the Commonwealth, in favor of the trustees of said institution, for said sum of sixteen thousand dollars annually, the same to be paid from the general revenue.

Increase of annual appropriation \$4,000.

Proviso.

*Approved April 25, 1864.***RESOLVE IN FAVOR OF THE DISCHARGED SOLDIERS' HOME.**

Chap. 57.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Discharged Soldiers' Home, located in Springfield Street, in the city of Boston, to be expended by the directors of the institution in temporarily caring for and aiding disabled and destitute soldiers, that have been honorably discharged from the service of the United States, a sum not exceeding ten thousand dollars.

Allowance of \$10,000 for destitute and honorably discharged soldiers.

Said sum is hereby appropriated, and the governor, with the approval of the council, is authorized to draw warrants for such parts thereof, as may, from time to time, be applied for, by the president and two vice-presidents of said institution. The officers of the institution shall report to the legislature in the month of January next, a detailed account of the manner in which this appropriation has been expended, the amount contributed by individuals, the total expenses of the institution, and the number of persons admitted and relieved during the year.

Appropriation.

Officers shall report to legislature.

*Approved April 25, 1864.***RESOLVES AUTHORIZING THE CONSTRUCTION OF A DRAW, IN THE BRIDGE LEADING FROM BRIGHTON TO THE ARSENAL GROUNDS IN WATERTOWN.**

Chap. 58.

Resolved, That the commissioners on public lands are hereby directed and required to construct and complete, on or before the first day of June next, a suitable draw, in the bridge leading from Brighton to the arsenal grounds in Watertown, as authorized by the resolve of the general

Commissioners on public lands to construct.

court, chapter one hundred and two, passed November seventeenth, in the year one thousand eight hundred and sixty-three.

Expense, how paid.

Resolved, That the said commissioners shall pay the cost of constructing said draw, from the tolls collected on the mill-dam.

Approved April 25, 1864.

Chap. 59.

Board of state charities to make report to legislature.

RESOLVE CONCERNING THE STATE ALMSHOUSE SYSTEM.

Resolved, That the whole subject of the state almshouse system be referred to the board of state charities, to report to the next legislature, with instructions to specially consider and report what modifications are practicable, in event of the system being retained, to prevent the disruption of families and the permanent conversion into paupers of resident aliens needing temporary assistance.

Approved April 29, 1864.

Chap. 60.

Allowance of \$135 for medical services.

RESOLVE IN FAVOR OF HENRY E. MCCOLLUM.

Resolved, For reasons set forth in the petition of Henry E. McCollum, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and thirty-five dollars, in full payment for medical services rendered to Indians and people of color, in the district of Marshpee, to the first day of January, in the year eighteen hundred and sixty-four.

Approved April 29, 1864.

Chap. 61.

Allowance of \$200.

RESOLVE IN FAVOR OF WALTER C. SMITH.

Resolved, For reasons set forth in the petition of Walter C. Smith, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of two hundred dollars.

Approved April 30, 1864.

Chap. 62.

Allowance of \$325 as enlistment bounty.

RESOLVE IN FAVOR OF MARGARET HUBBARD.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to Margaret Hubbard, widow of Horton G. Hubbard of Milford, a volunteer who enlisted into the twenty-fifth regiment of Massachusetts volunteers, on the fifth day of February, in the year eighteen hundred and sixty-four, under the call of the president, and who died before being mustered into the service of the United States, the sum of three hundred and twenty-five dollars; the same being the bounty to which said volunteer would have been entitled if he had been mustered into said service.

Approved May 3, 1864.

RESOLVE IN FAVOR OF CHARLES CASSILY.

Chap. 63.

Resolved, That for reasons set forth in the petition of Charles Cassily of Lowell, there be allowed and paid to the said petitioner, the sum of one hundred dollars.

Allowance of \$100.

Approved May 3, 1864.

RESOLVE IN FAVOR OF FRANKLIN MORGAN.

Chap. 64.

Resolved, For reasons set forth in the petition of Franklin Morgan of Palmer, that there be allowed and paid out of the treasury of the Commonwealth, to the said Franklin Morgan, the sum of thirteen hundred dollars, in full compensation for the loss incurred by him, in consequence of a dam on the state almshouse farm breaking away, on the twenty-ninth day of July, in the year eighteen hundred and sixty-three.

Allowance of \$1,300 for damages.

Approved May 5, 1864.

RESOLVE FOR THE PURCHASE OF AN ADDITIONAL VESSEL FOR THE USE OF THE NAUTICAL BRANCH OF THE STATE REFORM SCHOOL.

Chap. 65.

Resolved, That the trustees of the nautical branch of the state reform school, with the approval of the governor and council, are hereby empowered to obtain by gift or purchase, and to equip, an additional vessel, or to exchange the present vessel for a larger one, suitable for the purposes of the nautical branch of the state reform school, and to provide in such vessel accommodations for a number of boys not exceeding two hundred and sixty, and for the requisite officers of the same, at an expense to the Commonwealth not exceeding twenty thousand dollars, which sum shall be allowed and paid to said trustees for that purpose.

Trustees with executive approval may procure, to accommodate 260 boys.

Resolved, That said trustees shall have power to make all contracts and agreements necessary for the purposes mentioned in the preceding resolve, and to accept and receive the donation of five thousand dollars offered by G. M. Barnard, in aid of this object, and any other donations which may be offered, to be applied as aforesaid; and said trustees shall make a report of their doings and present all their accounts to the governor and council, to be audited and allowed from time to time, as shall be necessary and just.

Expenditure authorized.

May make contract and receive donations.

Shall report to governor and council for payment.

Approved May 5, 1864.

RESOLVE GRANTING TAXES FOR THE SEVERAL COUNTIES.

Chap. 66.

Resolved, That the sums placed against the names of the several counties in the following schedule, be and are hereby granted as a tax for each county respectively, to be assessed, paid, collected and applied, according to law, viz.:

Worcester, ninety thousand dollars; Plymouth, thirty thousand dollars; Middlesex, one hundred and fourteen

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thousand dollars; Norfolk, sixty thousand dollars; Hampshire, twenty thousand dollars; Hampden, thirty thousand dollars; Franklin, fifteen thousand dollars; Essex, one hundred thousand dollars; Dukes County, three thousand eight hundred dollars; Bristol, fifty-five thousand dollars; Berkshire, twenty-five thousand dollars; Barnstable, ten thousand dollars.

Approved May 5, 1864.

Chap. 67. RESOLVE IN FAVOR OF THE MASSACHUSETTS ALLOTMENT COMMISSIONERS.

Allowance of \$1,800 for expenses.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, a sum not exceeding one thousand eight hundred dollars, for the use of the Massachusetts allotment commissioners, during the present year, for printing, stationery, and cost of travel, including also the expenses and compensation of any agents who may be appointed under the direction of the governor.

Compensation of secretary.

The commissioners are also authorized to allow their secretary a sum not exceeding four hundred dollars per annum, for his services in the years eighteen hundred and sixty-three, and eighteen hundred and sixty-four, the same to be included in the above appropriation.

Approved May 5, 1864.

Chap. 68. RESOLVE TO PROVIDE FOR THE PROCURING OF FLAGS TO REPLACE THOSE LOST OR WORN OUT IN THE SERVICE, AND FOR OTHER PURPOSES.

Balance of appropriation to be expended by governor and council.

Resolved, That the unexpended balance of the appropriation of three thousand dollars authorized by chapter twenty-six of the Resolves of eighteen hundred and sixty-three, together with an additional sum not exceeding one thousand dollars, shall be allowed and paid for the purpose of replacing the flags of Massachusetts regiments worn out in the service, and also for providing the necessary colors and guidons for Massachusetts regiments and batteries in the service of the United States; the same to be expended from time to time, during the current year, by the governor, with the advice and consent of the council.

Approved May 10, 1864.

Chap. 69. RESOLVE IN FAVOR OF THE CITY OF WORCESTER.

Allowance of \$675 for armory rent.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the city of Worcester, the sum of five hundred and seventy-five dollars, in full, for armory rent for the year eighteen hundred and sixty-three.

Approved May 10, 1864.

RESOLVE IN FAVOR OF CHARLES T. CARRET.

Chap. 70.

Resolved, For reasons set forth in the petition of Charles T. Carret, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of one hundred dollars, in full payment for the claim set forth in said petition.

Allowance of \$100.

Approved May 10, 1864.

RESOLVE IN FAVOR OF GEORGE L. DUNBAR.

Chap. 71.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to George L. Dunbar, the sum of seventy dollars, in full for services performed by him in camp at Cambridge, in the year eighteen hundred and sixty-one.

Allowance of \$70 for military services.

Approved May 10, 1864.

RESOLVE IN FAVOR OF MOSES S. HERRICK.

Chap. 72.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Moses S. Herrick, the sum of three hundred dollars for injuries received in the military service.

Allowance of \$300 for injuries.

Approved May 10, 1864.

RESOLVE IN FAVOR OF BENJAMIN H. WILSON.

Chap. 73.

Resolved, That for reasons set forth in the petition of Benjamin H. Wilson, there be allowed and paid to said petitioner the sum of sixty dollars in full for services performed by him at Camp Schouler in the year eighteen hundred and sixty-one.

Allowance of \$60 for military services.

Approved May 10, 1864.

RESOLVES IN RELATION TO THE VALUATION OF THE PROPERTY OF THIS COMMONWEALTH.

Chap. 74.

Resolved, That a committee of this legislature be appointed to make a new valuation of the property of this Commonwealth, to consist of ten members of the senate and twenty members of the house of representatives, each county to be represented by at least one member of the house.

Committee to be appointed.

Resolved, That said committee shall meet in the senate chamber, in the recess of the general court, on the third day of October next, in order to receive a certified copy of the assessors' books, and tables of aggregates, for the year one thousand eight hundred and sixty-four, agreeably to the requirements of an act of the present session, entitled An Act to provide for the valuation of the property of the Commonwealth; and they shall examine and equalize the same, according to their best judgment and discretion; and they shall estimate the polls therein contained, of twenty years old and upwards, at the rate of half a mill each on the one

Meeting.

Duties.

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Powers if assessors neglect to make returns.

thousand dollars of tax; and shall estimate all the estate therein contained at its true and just value. And if any assessors shall neglect to make returns conformably to said act, said committee shall ascertain the polls and estates, and shall thereupon proceed to estimate and equalize the same as aforesaid, and shall make an addition thereto of twenty-five per centum on the amount thereof; and they shall take such measures as they may deem proper to correct any informal, imperfect or erroneous returns.

Vacancies, how filled.

Resolved, That said committee have power to fill any vacancy which may exist in their body at the time of and during their meeting in the recess of the general court, and such vacancy shall be filled from the branch in which it may occur. They shall choose a chairman, and be authorized to require such further returns in addition to those provided by law; from state, city and town officers, as may be necessary; to appoint a clerk and other officers, to cause to be executed all such printing as they may deem to be expedient, and to procure such stationery and other articles as shall be required; and do such other acts and things as may be necessary for the convenient dispatch of their business; and they shall make report of their doings to the next general court.

Chairman.

Clerk and other officers.

Report.

Approved May 11, 1864.

Chap. 75. RESOLVE PROVIDING FOR THE PAYMENT OF THE EXPENSES OF THE SICKNESS AND FUNERAL OF THE LATE SELDON JENNINGS.

Allowance of \$261.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Henry Stearns the sum of two hundred and fifty-one dollars, the same being the amount of expenses incident to the sickness and funeral of the late Seldon Jennings, a member of the house of representatives.

Approved May 11, 1864.

Chap. 76. RESOLVE IN FAVOR OF JOHN HECKTOR, A MEMBER OF THE HASSANAMISCO TRIBE OF INDIANS.

Allowance of \$200 to trustee of tribe for expenditure.

Resolved, For reasons set forth in the petition of John Hecktor, that there be paid to Charles Brigham, of Grafton, trustee of the Hassanamisco tribe of Indians, the sum of two hundred dollars, to be expended by him in the repair and finishing of the house owned by the said John Hecktor, situated in the city of Worcester.

Approved May 11, 1864.

Chap. 77. RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT MONSON.

Allowance of \$8,330 for barn.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the inspectors of the state almshouse at Monson, the sum of two thousand dollars for the purpose of building a barn for that insti-

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tution; and the said inspectors are hereby authorized to use, in addition to the above, the unexpended balance of last year's appropriation, amounting to thirteen hundred and thirty dollars, for the same purpose.

Approved May 12, 1864.

RESOLVE IN RELATION TO COAST DEFENCES.

Resolved, That the governor and council be and are hereby authorized to audit and allow all claims, by the various cities and towns of the Commonwealth, for expenses incurred in coast defences during the present war, under the approval of the governor, and to pay the same out of the fund provided for coast defences by the one hundred and eighteenth chapter of the acts of the year eighteen hundred and sixty-three.

Approved May 12, 1864.

Chap. 78.

Claims of towns approved by governor to be audited and paid from fund of '63.

RESOLVES IN FAVOR OF THE NORTHAMPTON LUNATIC HOSPITAL.

Resolved, That there be allowed and paid out of the treasury, to the trustees of the Northampton Lunatic Hospital, the sum of five thousand six hundred and six dollars and eighty-one cents, to meet a deficiency in the income of the said institution up to January first in the year eighteen hundred and sixty-four: *provided, however,* that such amount of the bills due to said trustees on the first day of October in the year eighteen hundred and sixty-three as shall be hereafter collected be paid into the treasury of the Commonwealth.

Resolved, That there be allowed and paid out of the treasury to said trustees the sum of eight thousand dollars for the purpose of furnishing proper boilers and heating apparatus for said hospital.

Approved May 13, 1864.

Chap. 79.

Allowance of \$5,806.51 to meet deficiency in income.

Proviso.

Heating apparatus, \$8,000.

RESOLVE PROVIDING FOR INSANE PERSONS AT TEWKSBURY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding ten thousand dollars, for the erection upon the lands of the state almshouse at Tewksbury, of a suitable building for the accommodation of one hundred harmless and incurable insane paupers; and a sum not exceeding fifteen thousand dollars for the erection, in connection therewith, of a suitable receptacle for the treatment and restraint of insane criminals; the said buildings to be erected under the direction of the inspectors and superintendent of the almshouse, and the expense thereof paid upon the warrant of the governor: *provided,* the plans and mode of construction of such buildings shall be subject to the approval of the governor and council.

Approved May 13, 1864.

Chap. 80.

Allowance of \$10,000 for building for incurables.

Building for insane criminals, \$15,000.

Supervision of construction.

Plans to be approved by governor.

Chap. 81. RESOLVE AUTHORIZING THE TREASURER OF THE COMMONWEALTH TO SELL CERTAIN PROPERTY.

Estate on Utica Street in Boston.

Resolved, That the treasurer of the Commonwealth is hereby authorized and directed to sell at public auction certain lands with the buildings thereon, situated in Utica Street in the city of Boston, numbered sixty-eight and seventy on said street and now holden by the Commonwealth and belonging to the School Fund, being the same taken under foreclosure of a mortgage given in the year eighteen hundred and forty-seven by Richard Martin to secure the payment of twenty thousand dollars in two years from that time.

*Approved May 13, 1864.***Chap. 82. RESOLVE OF THANKS TO REAR ADMIRAL CHARLES HENRY DAVIS.**

Resolved, By the senate and house of representatives in general court assembled, that the thanks of the general court be, and they are hereby presented to Rear Admiral Charles Henry Davis, a native of this Commonwealth, for his gallant services as fleet captain at the capture of Hilton Head, and Port Royal; and for his distinguished services, (after merited promotion to the position of rear admiral,) in his command of the naval forces at Fort Pillow, at Memphis, and at other points on the Mississippi River; and that a copy of this resolve be forwarded to him by his excellency the governor.

*Approved May 13, 1864.***Chap. 83.**

Allowance of \$600 for extra service.

RESOLVE IN FAVOR OF THE ADJUTANT-GENERAL.

Resolved, That in consideration of the extraordinary labor necessarily involved in the preparation of his annual report, there be allowed and paid to Adjutant-General William Schouler, from the treasury of the Commonwealth, the sum of five hundred dollars.

*Approved May 13, 1864.***Chap. 84.**

Allowance of \$4,206.30 for expenses reintering dead and finishing cemetery.

RESOLVE CONCERNING THE SOLDIERS' NATIONAL CEMETERY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the Soldiers' National Cemetery, a body politic incorporated by the general assembly of the state of Pennsylvania, the sum of four thousand two hundred and five dollars and thirty cents, being the proportion of Massachusetts of the estimated expenses of removing and reintering the dead, and finishing the cemetery at Gettysburg: also that there be allowed and paid to Henry Edwards, commissioner from Massachusetts, the sum of one hundred and twenty-three dollars and forty-seven cents, being expenses paid by him while attending meetings of the commissioners of said Soldiers' National Cemetery.

Approved May 13, 1864.

Compensation of commissioner.

RESOLVE IN RELATION TO THE VENTILATION OF THE HALL OF THE HOUSE OF REPRESENTATIVES. *Chap. 85.*

Resolved, That the speaker of the house of representatives be authorized to appoint a committee, consisting of three members of the house, with full power, during the recess of the legislature, to improve the ventilation of the hall of the house of representatives, at an expense not exceeding fifteen hundred dollars.

Committee to be appointed with discretionary power.

Approved May 13, 1864.

RESOLVE CONCERNING STREET RAILWAYS.

Chap. 86.

Resolved, That the governor, by and with the advice of the council be, and he hereby is, authorized to appoint a commission of three competent and skilful persons to examine into the relations of street railways to the cities and towns in which the same are located, the relations of connecting street railways to each other and to the use of the streets by ordinary vehicles, and into the whole matter of the conveyance of passengers through the streets by horse cars and omnibuses; whether it be advisable for the legislature further to provide for the mode of operation of street railways, the manner of using their tracks in winter, the motive-power to be employed or the systems of commutation tickets to be adopted; whether any street railway corporation has violated in letter or spirit any provisions of law in respect to paying in or making up the amount of its capital stock, or has made any illegal or fraudulent issue of any shares thereof; and if so, to what extent and how it has been done; and what legislation is necessary or expedient, if any, to correct such abuses or prevent the like hereafter; as to the expediency of providing by law for the improvement of the street railway system in the city of Boston, by removing any tracks now laid and laying other tracks; as to the expediency of legislation requiring depot accommodations to be furnished; of allowing railway corporations to discontinue the use of their tracks in any streets, and any other matters relating to street railways upon which they may deem the public interest requires further legislation.

Governor to appoint commission to consider relations of corporations to cities and towns, and the expediency of further legislation thereon.

Said commission is hereby authorized to hear all the parties interested in said matters, and for this purpose to give due notice to every such corporation and to every city or town in which any street railway is located, of the time and place of such hearing, by sending a written notice to the clerk of such corporation, city or town, at least fourteen days before such time, and by publishing a notice thereof in one or more papers published in the city of Boston, for such time as said commission may deem proper; and said com-

Parties interested to be notified and heard.

Commission to report to next legislature with draft of bill.

mission shall consider and report to the next legislature upon all the subjects submitted to them and shall also draft and report a bill containing such provisions as they shall deem necessary and expedient.

Compensation to be fixed by governor and assessed by treasurer upon corporations.

The compensation of said commissioners shall be fixed by the governor at such sum for each day spent in the business of the commission, as he shall deem equitable, and the amount thereof shall be paid by the treasurer of the Commonwealth, and by him shall be assessed upon the several street railway corporations in proportion to their paid up capital, according to their last returns to the legislature. In case any such corporation shall neglect for thirty days after written notice from the treasurer, to pay the amount so assessed, the treasurer shall institute an action in the name of and for the benefit of the Commonwealth, and shall be entitled to recover thereon the amount assessed on such company, with interest at the rate of ten per centum per annum from the date of said notice, together with the costs of action.

Approved May 13, 1864.

Proceedings if corporations delay payment thirty days.

Chap. 87.

Allowance of \$50 for medical expense.

RESOLVE IN FAVOR OF ANDREW D. BULLOCK.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Andrew D. Bullock of Fall River, the sum of fifty dollars, expense incurred by him for medical attendance during the present session.

Approved May 13, 1864.

Chap. 88.

Allowance of \$130 for serving liquor process.

RESOLVE IN FAVOR OF AMOS BUTLER.

Resolved, For reasons set forth in the petition of Amos Butler of Malden, a constable, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and thirty dollars, as indemnity for loss and damage suffered, and expenses incurred by him, in consequence of serving process under an act concerning the manufacture and sale of spirituous and intoxicating liquors, passed in the year one thousand eight hundred and fifty-five.

Approved May 14, 1864.

Chap. 89.

Allowance of \$30 for serving liquor process.

RESOLVE IN FAVOR OF MILTON P. PIERCE.

Resolved, For reasons set forth in the petition of Milton P. Pierce of Windsor, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of thirty dollars, as indemnity for loss and damage suffered and expense incurred by him, in consequence of serving process under an act concerning the manufacture

and sale of spirituous or intoxicating liquors, passed in the year one thousand eight hundred and fifty-two.

Approved May 14, 1864.

RESOLVE IN FAVOR OF THE FAMILY OF MOSES W. CHAPIN, DECEASED.

Chap. 90.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of three hundred dollars to the family of Moses W. Chapin, deceased, a member elect of the present legislature for the town of Chicopee.

Allowance of \$300.

Approved May 14, 1864.

RESOLVE AUTHORIZING THE GOVERNOR TO PROCURE COPIES OF PLANS OF THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND RHODE ISLAND.

Chap. 91.

Resolved, That his excellency the governor be requested to procure from the archives of the supreme court at Washington authenticated copies of all plans of the boundary line between the Commonwealth of Massachusetts and the state of Rhode Island used in the suits between said states heretofore pending in said court.

Approved May 14, 1864.

RESOLVE CONCERNING THE STATE REFORM SCHOOL, AT WESTBOROUGH.

Chap. 92.

Resolved, That there be paid out of the treasury to the trustees of the state reform school at Westborough, the sum of ten thousand dollars, for the purpose of procuring a new heating apparatus for said institution.

Allowance of \$10,000 for heating apparatus.

Approved May 14, 1864.

RESOLVE IN FAVOR OF CERTAIN INDIANS OF THE DARTMOUTH TRIBE.

Chap. 93.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the chairman of the board of selectmen of the town of Westport the sum of ninety-eight dollars in full, for him to distribute to certain Indians of the Dartmouth tribe to remunerate them in part for expenses incurred by them in attending at executive sessions of the governor and council, and sessions of the legislature, in the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, and eighteen hundred and sixty-four, in prosecuting their claim to certain lands in the ancient township of Dartmouth, and vicinity.

Allowance to town of Westport of \$98 for expenses of certain Indians in prosecuting claim.

Approved May 14, 1864.

RESOLVE IN FAVOR OF CERTAIN OFFICERS OF THE STATE PRISON.

Chap. 94.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the subordinate officers of the state prison, excepting the clerk and deputy warden, one hundred dollars each, one-half thereof on the first day

Additional compensation allowed for current year.

of June next, the remainder on the first day of October next, as additional compensation for the current year.

Approved May 14, 1864.

Chap. 95. RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Loan authorized. *Resolved,* That the treasurer be and he hereby is authorized to require of the several banks of the Commonwealth, a loan of such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands upon the treasury, within the current year; and he shall repay any sum which he may borrow, as soon as money sufficient for the purpose shall be received into the treasury:

Payment defined.

Amount of loan. *provided,* that the whole amount of the temporary loan authorized by this resolve, shall not at any time exceed five hundred thousand dollars. This resolve shall take effect upon its passage.

Approved May 14, 1864.

Chap. 96. RESOLVE IN FAVOR OF THE SERGEANT-AT-ARMS, THE CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND OF THE SEVERAL DEPARTMENTS.

Allowance of 20 per cent. additional compensation for current year. *Resolved,* That the sergeant-at-arms, the clerks of the senate and house of representatives, and each of the clerks employed in the State House in the several departments, whose salaries have not been raised the present year, be allowed the sum of twenty per cent. upon their respective salaries, as additional compensation for the current year.

Approved May 14, 1864.

Chap. 97. RESOLVE IN FAVOR OF THE CHAPLAINS, MESSENGERS AND PAGES OF THE LEGISLATURE.

Additional compensation allowed. *Resolved,* That there be allowed and paid to each of the doorkeepers and messengers of the legislature the sum of two hundred dollars, and to each of the chaplains and pages of the legislature the sum of one hundred dollars; said sums to be in addition to the sums now by law allowed them.

Approved May 14, 1864.

Chap. 98. RESOLVE IN FAVOR OF THE MESSENGER TO THE SECRETARY OF THE COMMONWEALTH.

Allowance of \$300 additional for current year. *Resolved,* That there be allowed and paid to the messenger to the secretary of the Commonwealth, the sum of two hundred dollars in addition to his salary for the current year.

Approved May 14, 1864.

Chap. 99. RESOLVE IN FAVOR OF THE FAMILIES OF ABNER HARLOW, JOHN DACEY, ABEL WETHERSEE AND SELDEN JENNINGS.

Allowances. *Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to the families of Abner

Harlow, John Dacey and Abel Wetherbee, late members of the house of representatives, the sum of three hundred dollars each, and to the family of Selden Jennings, a late member of the house of representatives, the sum of one hundred and ninety dollars.

Approved May 14, 1864.

RESOLVE IN FAVOR OF THE STATE OF MAINE.

Resolved, That there be allowed and paid to the state of Maine the sum of twenty-four hundred and seventy-seven dollars and twenty-four cents, in full for all claims growing out of the war debt of eighteen hundred and twelve and fifteen.

Approved May 14, 1864.

Chap. 100

Allowance of \$2,477 24 as balance of war debt of 1812-15.

RESOLVES FOR THE COMPENSATION OF THE VALUATION COMMITTEE.

Resolved, That there be paid out of the treasury of the Commonwealth to each member of the Valuation Committee four dollars for each and every day's actual attendance, not exceeding ninety days in all, and one dollar for every five miles travelled from their respective places of abode to the place of sitting of said committee once during its session. Actual attendance under this resolve shall include every day of attendance upon sessions of the committee, Sundays, days of adjournment, not exceeding two days at any one time, and days of sitting on sub-committees during sessions of the general committee.

Resolved, That the compensation to such messengers, door-keepers and pages of the Valuation Committee as said committee may deem necessary, shall be at the same rate per day as the average pay allowed at regular sessions of the legislature.

Approved May 14, 1864.

Chap. 101

Compensation for attendance.

Travel.

Actual attendance defined.

Compensation of door-keepers and messengers.

RESOLVE OF THANKS TO THE FEDERAL ARMIES.

Resolved, That the thanks of Massachusetts be and they are hereby tendered to the officers and soldiers of the Federal armies for their soldierly bearing, for their recent heroic achievements, for their self-sacrificing zeal and their unalterable determination in the cause of our country and freedom.

Approved May 14, 1864.

Chap. 102

RESOLVES IN RELATION TO NATIONAL AFFAIRS.

Resolved, That Massachusetts recognizes that the sole objects of the present war are the restoration of the constitutional authority of the National Government over every part of the Union, and the establishment of permanent peace, and that these objects can be attained, and can only be attained, by a resolute prosecution of the war; and she re-affirms her determination to support the government of

Chap. 103

Object of present war defined and support of government reaffirmed.

the United States with all her resources and to the utmost of her power.

Military emancipation of slaves approved.

Resolved, That the policy of emancipating the slaves in the insurgent districts, by a constitutional exercise of the military authority, has strengthened the hands of the government at home and enlarged its influence abroad.

Abolishment and constitutional prohibition of slavery urged.

Resolved, That the abolition of slavery is essential to the establishment of permanent peace, and that an amendment of the constitution forever prohibiting involuntary servitude within the limits of the United States, except for crime, is of urgent importance.

Public credit to be maintained.

Resolved, That the condition of public affairs demands the wise husbanding of the national resources in every department of the government, and requires the adoption by congress of a just and comprehensive system of taxation, adequate to the maintenance of the public credit.

Thanks to army and navy and respect to memory of fallen.

Resolved, That Massachusetts offers her hearty thanks to the brave men of every state, who on land and sea, have fought and suffered for the cause of the country, and gratefully cherishes the memory of those who have fallen in its defence.

President's administration approved.

Resolved, That the president of the United States, in a crisis of unexampled difficulty, has discharged the duties of his office with fidelity, sagacity and courage, and that his administration deserves the confidence of the people.

Approved May 14, 1864.

Chap. 104

Allowance of \$100 each additional.

RESOLVE TO INCREASE THE PAY OF MEMBERS OF THE COUNCIL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to each of the members of the council, the sum of one hundred dollars in addition to the sum now by law allowed them. *Approved May 14, 1864.*

Chap. 105

Allowance of \$100 each, additional, for session.

RESOLVE AUTHORIZING ADDITIONAL COMPENSATION TO MEMBERS OF THE LEGISLATURE.

Resolved, That there be allowed and paid to each member of the legislature, in addition to the amount provided for in section thirteen of chapter two of the General Statutes, for the session of the present year, the sum of one hundred dollars. [*Passed in concurrence on fourteenth of May by the Senate and House of Representatives in the manner prescribed by the constitution, upon being returned by the governor with his objections and without approval.*]

Chap. 106

Allowance of \$1,144 for military services.

RESOLVE IN FAVOR OF THE ROXBURY RESERVE GUARD.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the members of the military

organization known as the Roxbury Reserve Guard, the sum of eleven hundred and forty-four dollars, in full compensation for military services rendered to the Commonwealth from the fourteenth to the twenty-first day of July, in the year eighteen hundred and sixty-three: said sum to be distributed among the members of the said organization, in accordance with a special duty return made by Edward Wyman, in behalf of said organization, dated the twenty-sixth day of August, in the year eighteen hundred and sixty-three, and now on file in the office of the adjutant-general.

The adjutant-general shall present a roll of the persons entitled to compensation with the amounts due to each to the auditor for allowance; and upon such allowance certified by him to the governor, the sums due to each respectively shall be paid to such persons or their order at the treasury of the Commonwealth. [*Became to "have the force of law" on seventh of March from reason of not having been returned by the governor, with his objections, within five days after receiving the same, the legislature not having adjourned without day.*]

RESOLVE IN FAVOR OF THE ROXBURY HORSE GUARDS.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to the members of the military organization known as the Roxbury Horse Guards, the sum of six hundred and twelve dollars, in full compensation for military services rendered to the Commonwealth, from the fourteenth to the twenty-first day of July, in the year eighteen hundred and sixty-three: said sum to be distributed among the members of the said organization, in accordance with a special duty return made by Almon D. Hodges in behalf of said organization, dated the sixth day of October, in the year eighteen hundred and sixty-three, and now on file in the office of the adjutant-general.

The adjutant-general shall present a roll of the persons entitled to compensation, with the amounts due to each, to the auditor for allowance; and upon such allowance certified by him to the governor, the sums due to each, respectively, shall be paid to such persons, or their order, at the treasury of the Commonwealth. [*Became to "have the force of law" on seventh of March from reason of not having been returned by the governor, with his objections, within five days after receiving the same, the legislature not having adjourned without day.*]

RESOLVE IN FAVOR OF THE WASHINGTON HOME GUARD.

Resolved, That there be allowed and paid to William B. Bartlett, treasurer of the military organization in the city

Chap. 107

Allowance of \$612 for military services.

Chap. 108

Allowance of \$386 for military services.

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of Cambridge, known as the Washington Home Guard, the sum of three hundred and thirty-six dollars in full compensation for services performed by the members of said organization on the ninth day of July, in the year eighteen hundred and sixty-three. [*Became to "have the force of law" on twenty-seventh of March from reason of not having been returned by the governor, with his objections, within five days after receiving the same, the legislature not having adjourned without day.*]

☛ The General Court of 1864, during its annual session, passed three hundred and fifteen Acts and one hundred and four Resolves, which received the approval of the Governor.

The Acts may be classified as General Statutes, or Acts of a public character, ONE HUNDRED AND FIFTY-THREE; and Special Acts, relating to individuals and corporations, ONE HUNDRED AND SIXTY-TWO.

In addition to these, a "Resolve authorizing additional compensation to members of the Legislature," being laid before the Governor, and returned by him to the House of Representatives, with his objections thereto, the said Resolve was reconsidered and placed upon its final passage in the manner provided by the Constitution, notwithstanding the said objections, when two-thirds of the members present, and voting thereon, having voted in the affirmative, it was thereupon sent up to the Senate, and its passage being voted by a majority, as required, the same became a law.

Three several Resolves in favor of the "Washington Home Guard," the "Roxbury Reserve Guard," and the "Roxbury Horse Guards," respectively, were laid before the Governor, and having failed of his approval, and not being returned within five days after receiving the same, the Legislature not having adjourned without day, said Resolves acquired the force of law, and have been so certified.

INAUGURAL ADDRESS

07

HIS EXCELLENCY JOHN A. ANDREW.

At half-past twelve o'clock on Friday, the eighth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate and
of the House of Representatives :*

At the beginning of a year which opens full of Hope for our Country and for the cause of humanity succeeding one of great struggle but of unexampled moral and military progress, we cannot fail to remember the religious origin of our Commonwealth, nor to perceive in the workings of that experience by which we have been led through mutations of necessary trial up to the heights of many a victory, the ways of an Infinite Intelligence and Love.

The interest of a subject so fascinating to the imagination, so exciting to the intellect, and so winning to the heart, attracts us to the consideration of our political condition and National opportunities, illumined by a Celestial Light. But we can pause only for the moment, while we pay our vows at the altar of a new consecration, before we advance to the study of our more immediate tasks in the sphere of government.

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I propose attempting to unfold in this Address, the external history (if I may so express it,) of the relation of our Commonwealth to the movements in which she has borne a part, and those material conditions to her future usefulness of which legislation can take cognizance.

FINANCES.

The vigor of our fiscal condition is due to the fearless integrity with which preceding legislatures have regarded the financial wants and resources of the State. Adapting means to ends, they have taxed these resources sufficiently to create revenues adequate to our duties and necessities. It will become your office, gentlemen, with equal confidence in the intelligent patriotism of the people, in like manner to require such material contributions to the common treasury as the public good may require, with the least possible resort to permanent loans or any of the expedients of delay.

The receipts and payments of the State Treasury during the year 1863, have been as follows, viz. :

<i>Receipts.</i>	
State Tax, 1862,	\$34,405 88
State Tax, 1863,	2,392,344 00
Bounty Tax, 1863,	3,324,274 74
Bank Tax, 1863,	646,728 89
Savings Bank Tax, 1863,	400,080 01
Insurance Tax, 1863,	122,213 90
	<hr/>
	\$6,920,046 92
Other sources,	309,776 26
	<hr/>
	\$7,229,823 18
<i>Payments.</i>	
Executive Department,	\$26,088 31
Secretary's Department,	18,510 69
Treasurer's Department,	8,666 06
Auditor's Department,	7,082 72
Attorney-General's Department,	16,344 92
Bank Commissioners,	8,002 58
Insurance Commissioners,	5,461 06
Agricultural Department,	30,460 69
Sergeant-at-Arms, &c.,	14,959 63
Judiciary Department,	155,048 62
Legislative Department,	162,877 14
Adjutant-General's Department,	161,478 68
State aid and Reimburse'm't of Bounties, &c.,	5,116,032 19
Miscellaneous,	212,702 64
Charitable,	293,669 94
Correctional,	83,948 96
Interest,	407,773 87
	<hr/>
	\$6,728,597 70
Surplus receipts,	\$501,226 48

GOVERNOR'S ADDRESS.

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BACK BAY LANDS.

The net proceeds of sales of the Back Bay lands during the past year, (419,269 sq. ft.) is \$857,925.28.

The total net amount from the beginning, (1,190,440 sq. ft.) is \$2,017,800.

There have been paid for educational purposes, and funded for the public schools, out of these proceeds, the following sums, viz. :

INSTITUTION.	Amount of Grant.	Amount paid in 1882.	Total amount paid.
Museum of Comp. Zoölogy, .	\$100,000 00	\$67,135 33	\$67,792 33
Tufts College,	50,000 00	87,606 00	50,000 00
Williams College,	25,000 00	18,803 00	25,000 00
Amherst College,	25,000 00	18,803 00	25,000 00
Wilbraham Academy,	25,000 00	19,101 04	25,000 00
School Fund,	-	279,457 88	297,079 80
	\$225,000 00	\$440,906 25	\$509,872 13
There has been paid into the treasury, for redeeming land scrip, (in full)			220,000 00
There has been paid into the treasury, for redeeming public debt, (under chap. 235, Acts 1856,)			800,000 00
			\$1,029,872 13

The value of land unsold, but filled and the filling paid for, is estimated at \$1,500,000.

There remains less than \$13,000 to be paid the Museum of Comparative Zoölogy, to complete the grant of \$100,000 made to that institution. I trust that having wisely devoted to it a liberal sum, helping to establish one of the most celebrated museums of natural history in the world, the Commonwealth will with similar wisdom help to render it available for the instruction of the people. Classes from the normal schools and advanced classes from other schools might derive the highest benefits from resorting to the Museum and studying the specimens, aided by the lectures of its distinguished head and his assistants. How to see, how to study, not merely how to learn by rote and others' thoughts, but how to think, and thus to contribute of ourselves to science and learning, is the grand problem of education.

The Boston Society of Natural History, having completed its new building on the land granted by the Commonwealth

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on the Back Bay, is now arranging its museum. A fresh impulse has been given to the society by its new accommodations, and much benefit may be expected to public education from its large and growing collections.

The Massachusetts Institute of Technology, having complied with the conditions of the Act allotting to its use a portion of the Back Bay lands, has commenced an edifice designed especially for the School of Industrial Science, which will accommodate the Museum of Arts and Manufactures until a building shall be erected at the western end of the assigned space corresponding to that of the Society of Natural History. The Institute has formally accepted the Act of the Legislature assigning to its use a portion of the fund accruing from the Congressional grant of public lands for the benefit of agriculture and the mechanic arts. Beside its operations as a society of arts, the Institute is preparing to open courses of practical instruction and to begin the organization of its industrial museum. The liberality which has enabled it to pursue its plans of practical education is evidence of the wise foresight that accompanies the patriotic activity of the people, and is a guaranty of expanding usefulness.

MILITARY BOUNTIES—STATE AID.

By chapter 91 of the Acts of 1863, the Governor was "authorized to offer and pay bounties, not exceeding the rate of \$50 each, to volunteers for the military service of the United States who may hereafter enlist and be duly mustered into the said service during the present war," and by chapter 254 of the Acts of 1863, passed at the extra Session, November 18th, the bounty was increased to \$325 in hand, or, at the election of the volunteer, \$50 in hand with a monthly pay or bounty of \$20 during the term of service, to be paid to each *volunteer* who has been or hereafter shall be mustered into the military service of the United States.

Drafted men are clearly not included in the provisions of either of these statutes. It has been contended, however, that *substitutes* for drafted men, as being *volunteers*, are therefore within the terms of the statute, and although a strictly literal interpretation of the law might authorize the payment of this bounty to them, yet I have not thought that such was the true intent of the Act. I have been unwilling so to construe its provisions that a person who has declined to *volunteer* in his own behalf, but has reserved himself in order to *sell out* to some drafted citizen, should receive from

the Commonwealth the bounty originally offered by her to the volunteer, but denied to the drafted man in whose shoes the substitute stands. Nor have I believed it to be politic to accord to that class of soldiers known as substitutes, a favor not granted to the citizen who obeyed the call of his country by rendering his own personal service when drafted. The statute alluded to *authorized* the Governor to pay such bounties, but did not make it *imperative* on him. I respectfully lay the matter before you for such action as may seem expedient.

Under this statute, another question has been frequently raised whether the Commonwealth could lawfully recognize *orders* given by volunteers to third parties prior to their own muster into the service of the United States. I have been unable to put such a construction upon this Act as to authorize me to recognize such orders. By the terms of the Act the bounty is to be paid to volunteers who "shall enlist and be duly *mustered* into the military service of the United States," so that no man can lawfully be paid who is not *mustered*, and it is obvious that to accept such orders in advance of muster is, in effect, to pay the bounty prior to muster, thus creating the very mischief which, by making the muster-in a condition precedent to the payment of the bounty, the Legislature intended to avoid. It is evident that if a volunteer, having received an advance from a third party, on such an order, should subsequently repudiate his obligation, should desert, avoid or refuse muster, or should be rejected by the mustering officer when offered for muster, the paymaster, under such circumstances, would have no right to pay him, and the lender must sustain a loss; and if such advance had been made under the sanction or approval of the Governor, the lender would have just cause of complaint that such encouragement had tended to mislead him.

I am clearly of opinion that the provisions of the Legislature in this Act were, in this respect, prudent not less to prevent the fraud, oppression and cruelty practised upon recruits, than to prevent a wrongful depletion of the treasury of the Commonwealth. Not only am I satisfied of the correctness of the conclusions which have been reached upon this subject and the principles they involve, but the experience of a few days only in the practical working of the system adopted, impressively illustrated the correctness of the position assumed.

In consequence of an order from the office of the Adjutant-General of the United States, dated November 27, 1863, providing that "All men who in future enlist into the regular

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army, under the late call of the President for troops, will be credited upon the quota of the district in which they enlist," I recommend that the various Acts providing for bounties, and also those in aid of the families of volunteers, be extended to meet the cases of persons enlisting as soldiers in the regular army and credited to this Commonwealth in the same manner as are the State volunteers.

I also respectfully recommend such a modification of the laws relating to State relief to the families of soldiers, as to include all such families, irrespective of their residence, and to authorize relief to be given retroactively when the situation of a family may require it. The not calling for State relief until necessity for it exists, ought to be rewarded, and not to be deemed a reason for its denial. The rise of prices and of wages at home has put the soldiers already in the field under former calls, at a disadvantage. It bears heavily on their dependent relatives. And while the people feel themselves rich enough to offer large bounties to new volunteers, the relief laws for protection against want ought to be liberal in their terms, and liberal in their administration towards the families of these noble veterans who have borne and must still endure the brunt of war. Every case of reasonable expectation disappointed, is an injury to the general service. It weakens the confidence of many people, who, in humble life and narrow circumstances, cherish with even pathetic devotion the spirit of patriotism, and whose very remoteness from the possession of power renders them peculiarly sensitive to apparent injustice or want of consideration.

SCRIP—INTEREST.

The last legislature at its special session made only temporary provision for the payment of the bounties to volunteers. It will be necessary to provide either by tax or by the sale of the scrip of the Commonwealth, for reimbursement of the sums borrowed for this purpose. I assume that a portion must be obtained by loan. The difference between the market value of scrip bearing interest payable in coin, and that bearing interest payable in currency, is found not equivalent to the difference in the expense to the State of buying the gold with which the interest is paid. I therefore respectfully commend the subject to the attention of the Legislature. The faith of the State is pledged to the payment of interest on all outstanding bonds in coin, but no such pledge, express or implied, as yet attaches to future issues.

I also recommend the creation of a sinking fund for the redemption of all new securities which may be issued. With inconsiderable exceptions it has been the policy of the Commonwealth to accompany every issue of scrip with a sinking fund which should secure its redemption before maturity. This policy should not be departed from in any instance. And I have no doubt we shall maintain the credit of the Commonwealth unimpaired, even under the strain created by the exigencies of the war.

REIMBURSEMENT BOUNTY ACT.

By the Act of the legislature of last year, to provide for reimbursement of municipal bounties paid to volunteers, and to apportion and assess a tax therefor, (Acts of 1863, ch. 218,) provision was made for these objects, and returns were ordered to be rendered of bounties paid to volunteers mustered into the military service of the United States under the calls of July and August, 1862, which returns were to be made in the forms I should prescribe. In pursuance of the statute, I issued an order on the 13th of May last, directing that such returns should be under oath, by the mayor and aldermen and city treasurer of each city, and the selectmen and town treasurer of every town. These returns were examined, compared and revised under my direction; and the amount to be reimbursed to each city or town was thus ascertained, amounting, in the aggregate, to \$3,418,640.50. By the provisions of the Act, reimbursement was limited to \$100 for each volunteer. Several towns had paid higher rates of bounty and therefore do not receive back the full amount which they have paid out. The whole amount of bounties paid was \$4,596,046.45; and the excess of \$1,177,405.95, is not provided for in the Act, and was not intended to be.

Under the provisions of the same Act, I certified the amounts of reimbursement to the treasurer of the Commonwealth and to the assessors of the several cities and towns, on the 12th day of August last. The treasurer apportioned the aggregate of the amount among the several cities and towns, in the same manner as the aggregate of the annual State tax for the current year is apportioned, for the purpose of raising the same by taxation, or such other mode of payment as the towns and cities should elect under the statute. But in consequence of changes since the valuation of 1860, such assessment does not produce the amount required, and there is a deficiency of \$4,888.67 which must be provided

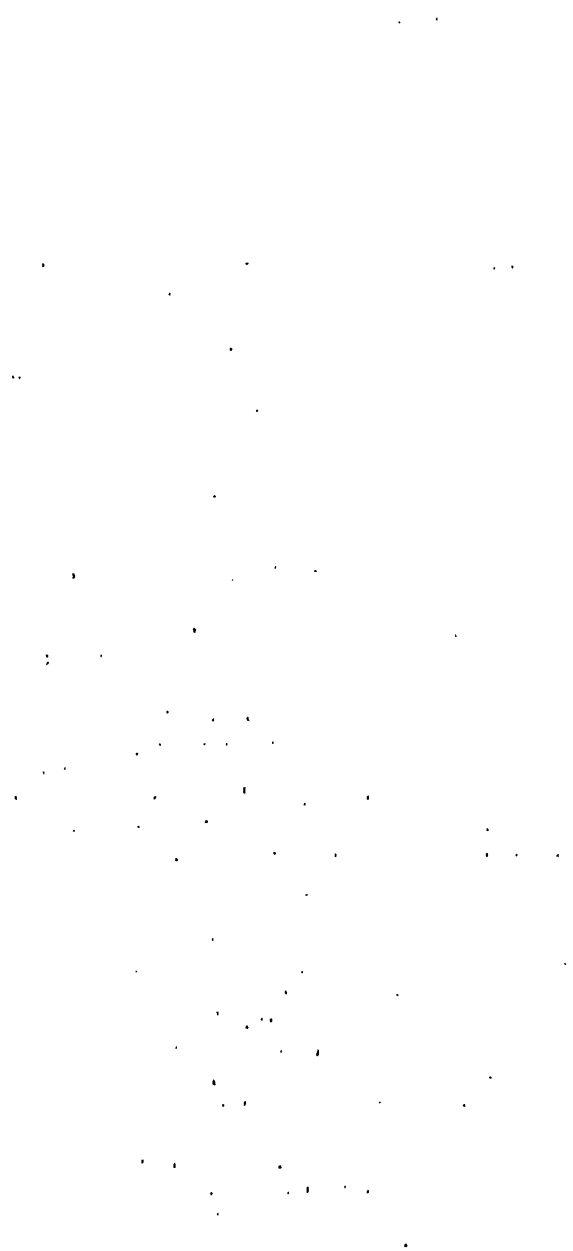
for by a specific appropriation. The tax assessed agreeably to the terms of the statute and according to the valuation of 1860, falls short, as every State tax since 1861 has done, by the sum of \$1.43 in every \$1,000, the tax to reimburse \$3,418,640.50, producing only \$3,413,751.83.

The errors in computing the State tax, as the laws now exist, arise from the following causes: A rate of taxation was fixed for every town and city in the Commonwealth, by the valuation committee of 1860. The Act of 1861, chapter 110, following the tables prepared by the committee, required each town or city to pay a certain sum for every thousand dollars of State tax that should be raised. These rates were, by the same statute, required to remain in force for ten years. By the transfer of Pawtucket to Rhode Island a deficiency was created of \$2.37 in every \$1,000. By chapter 211 of the Acts of 1861 the ratio of North Reading was changed from \$2.12 to \$0.66, causing a loss of \$1.46 in every \$1,000. By chapter 132 of the Acts of 1862 the ratio of Seekonk was changed from \$1.57 to \$0.56, causing a loss of \$1.01 in every \$1,000. And by chapter 66 of the Acts of 1863 the ratio of Halifax was changed from \$0.45 to \$0.40, causing a loss of \$0.05 in every \$1,000. There was also an error in addition for Franklin County, causing a deficiency of \$0.01 in every \$1,000. The ratio of Fall River was raised by chapter 132 of the Acts of 1862; and there was an error of \$1.25 in the addition for Middlesex County. The latter two variations tend to increase the aggregate, but they are insufficient to compensate for the opposite alterations before mentioned; and there is still a deficiency of \$1.43 in every \$1,000 of State tax that is raised, which will recur in every State tax until correction is applied.

These errors arose from making partial changes in favor of individual towns, without making corresponding *general* changes in regard to the whole basis of apportionment, and also by omission to provide for the losses by the transfer of Pawtucket to Rhode Island and by the error in addition for Franklin County. The remedy will be, a revision of the schedule established as the basis of apportionment by chapter 110 of the Acts of 1861, and the passage of an Act corresponding to such revision, so that the aggregate of amounts to be paid by each town and city upon every \$1,000 of State tax, shall amount in full to \$1,000. After that is done, no change should be made in favor of any individual town without making a corresponding revision of the schedule in order to provide for the deficiency. Such revision,

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however, will not supply the deficiency which has occurred under the Act respecting the reimbursement of bounties; and a specific appropriation, as before stated, will be necessary to make up the balance of that reimbursement.

TROY AND GREENFIELD RAILROAD, AND HOOSAC TUNNEL.

The enterprise of constructing the Hoosac Tunnel is in vigorous progress, under the management of its able and experienced Commissioners. The construction of the road lying east of the mountain, of which the eastern terminus is in Greenfield, is not yet resumed. Certain questions of title, springing from what is called "The Smith Mortgage," seemed to render it improper that the Governor and Council should assume that responsibility in advance of judicial determination. The Attorney-General of the Commonwealth was charged with instituting proceedings to bring these questions before the Supreme Judicial Court for adjudication, and I am advised by him that measures are in progress to accomplish that end.

A Report has been made by the Commissioners to the Governor and Council, bringing down to the close of the last calendar year an account of their doings and expenditures. This document with various legal opinions in writing, and the record of the proceedings of the Governor and Council in relation to the Railroad and the Tunnel, may all be important for consultation, should the Legislature find occasion to consider any matter pertaining to the enterprise, or should any new legislation be invoked concerning it. I think that a Committee of the Legislature ought annually to examine the progress of the work, the reports made to the Executive Department, and the contracts authorized, so as to understand the general economy of the management. But I do not think that either economy or efficiency requires, or is even consistent with, annually publishing the precise measures planned by the Commissioners. To do so would sometimes be fatal or injurious to their success.

Warrants have been ordered, during the past year, for the payment of \$21,993.49 in liquidation of land damages, and \$153,006.51 in liquidation of claims against H. Haupt & Company for materials, service and labor, which were presented before the Commissioners and allowed by them under the Act of 1862. These amounts represented indebtedness incurred under the former management, all of which, except the land damage claims, ought to have been paid out of means afforded by the scrip of the Commonwealth hereto-

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fore issued. These payments are therefore in the nature of a second payment for the same thing.

The progress during the year 1863, is rather in preparation than in construction. But a large force—of about 350 men—is now employed, and the work is fully begun.

The payments from the Treasury on account of the Tunnel, for expenditures incident to the business of the last year, and to meet expenses of the year 1862, are \$53,503.06. Of this sum, \$40,000 were placed in the hands of the Commissioners for disbursement, pursuant to the statute of 1863.

The expenditure the Tunnel will require during the current year, is estimated by the Commissioners at \$300,000.

The original Tunnel Loan provided for, was \$2,000,000. Its unissued balance being \$1,211,000, was by the Act of 1863, chap. 214, appropriated to the execution of the work under the new system of direct State supervision, originating in the Legislature of 1862. To the payments during the past year, already mentioned, there is to be added the interest paid on scrip. The scrip issued in 1863, was \$209,000.

HARBORS AND FLATS.

The preliminary surveys of Boston Harbor, prosecuted under the direction of the Commissioners of the Coast Survey on the part of the United States, have been completed. The results are nearly in a condition to be reported. In the meantime measures are in progress to ascertain the course to be recommended for the management and disposal of the Flats belonging to the Commonwealth, between South Boston and the channel, and also for the preservation of the Harbor of Boston. The Commonwealth Commissioners on Harbors and Flats hope to be able to make an early report thereon to the present Legislature. In the meantime I am advised by their Chairman that by communications from the United States Commissioners, they are warranted in urging attention to the importance of some immediate action to protect the outer harbor of Boston from the constant and rapid action of the winds and waves upon the islands forming its outer barriers, which threatens, if not soon arrested, to cause irreparable injury. From the high character of the Commission which has had this subject under consideration on the part of the United States, and from the urgency of the measure in their judgment, the Commonwealth's Commissioners have deemed it their duty to make this communication to myself in advance of a more extended report upon the subjects referred to them. I commend to the

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General Court, not only this most commanding subject of the harbor of Boston, but also the scheme of reclaiming the flats in Boston Harbor, which, as related to the treasury of the State and the business of the people, is of the first importance.

PLEURO-PNEUMONIA.

I have the honor to communicate to the Legislature a Report of the late Commissioners on contagious diseases of cattle; also, a report made to me by a gentleman who was authorized under chapter 75 of the Resolves of 1863, "to make experiments on Pleuro-Pneumonia among cattle so far as it relates to the laws of transmission"; also, a communication from the Secretary of the Board of Agriculture, presenting with great force of argument and with much evidence, his views of the importance of thorough and immediate treatment, in order to eradicate the disease from the Commonwealth. This supposed contagion has also been made matter of personal communication to the Executive Department by numbers of eminent farmers. I have thought it my duty, therefore, to place the documents alluded to in immediate possession of the General Court, respectfully invoking their earnest and intelligent consideration of the subject.

TAX ON NON-RESIDENT STOCKHOLDERS IN MASSACHUSETTS CORPORATIONS.

"An Act to levy a tax on the stock of corporations held by persons whose residence is out of the Commonwealth," was adopted by the last General Court, to which it becomes important that further consideration should be extended. My attention has been especially attracted to this statute by friendly remonstrances which have reached the Executive Department from those authorized to represent the people of other States, as well as by suggestions from other sources, not addressed to myself either officially or personally, of retaliatory legislation.

While I do not overlook the abuses which this Act was intended to prevent, I am bound to suggest the inquiry, whether its probable advantages will compensate its tendency to prevent investments of foreign capital in Massachusetts, to invite disproportionate taxation of Massachusetts capital invested in other States, and to alienate the feelings of our neighbors, creating hostility of sentiment towards our Commonwealth. Having officially participated in giving

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to this measure the force of law, I am the more obliged to recommend its re-examination.

Whether it bears upon property owned here by citizens of other States, or by people of foreign countries, the reasons of policy which affect our opinion of this Act, differ perhaps sometimes in degree, but not in their kind. While difference in degree alone, on a question of mere public expediency, may be sufficiently decisive to produce a difference of conclusion, I freely confess that I do not perceive in the present instance a difference so decisive. There remains, however, the graver objection of its doubtful constitutionality. The second section of the fourth article of the Federal Constitution declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States," and immunity or exemption from higher taxes or impositions than are paid by citizens of the State by which they are levied or imposed, is one of the classes of privilege or immunity which have been judicially enumerated as within the category intended by that clause of the Constitution. This provision is held by constitutional jurists to include all those privileges and immunities which are in their nature fundamental, belonging of right to the citizens of all free governments. Such are the right to the protection of life and liberty, the right to acquire and enjoy property, and to pay no higher impositions than other citizens.

The Constitution of Massachusetts, (Chapter 1, Section 1, Article 4,) gives power and authority

"To the General Court, to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities whatsoever, brought into, produced, manufactured or being within the same."

The same article further prescribes that

"In order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years."

The first section of the statute in question requires every corporation paying dividends, to reserve from each and every dividend one-fifteenth part of that portion due and payable to its stockholders residing out of the Commonwealth, and to pay it "as a tax or excise on such estate or commodity." The words "estate or commodity" are

understood to apply to these dividends. Thus the tax or excise is laid on certain "dividends" denominated "estates or commodities." And it is laid on the dividends due and payable by the same corporation to some of its stockholders, but not on those due to other stockholders. Were the statute to make such a discrimination between stockholders residing in Massachusetts, as for example that Berkshire stockholders should be subject to the tax or excise, while Nantucket should be exempt from it, no one would doubt that the statute was in collision with the principles of the Constitution. It would be held on all hands neither "reasonable" nor "proportional," and the assessment not "made with equality." But the Constitution not only requires that "assessments, rates and taxes" shall be "proportional and reasonable," and "made with equality" "upon all the inhabitants and persons resident," but also upon "estates lying" within the Commonwealth.

"Taxes" on "estates," therefore, must be "proportional" and "made with equality," as well as taxes upon "inhabitants" and "persons resident." So that if these dividends are "estates," then the tax on them is unconstitutional, because laid unequally; i. e., not laid on all the shares of the same corporation. But the statute also calls the payment it demands, an "excise," or rather, calls it a "tax or excise," in the alternative. So in like manner it calls the thing taxed an "estate or commodity," in the alternative. It may be contended, then, that if as a *tax* it is unconstitutionally laid on an *estate*, yet, as an *excise* it is unconstitutionally laid on a *commodity*. But it could not be thought reasonable that if one *inhabitant* produced, manufactured, or brought a commodity into the Commonwealth, it should be subject to an excise, while if the same thing were done by another inhabitant, it should escape the excise—save in those cases where, as a police regulation, to preserve order, prevent abuse, and protect society itself, individuals, with a view to the public good, are selected to be licensed or permitted to keep, vend or use certain commodities, subject to the burden of a reasonable imposition. And, while the citizens of other States have the same "immunities" enjoyed by those of our own State, I think the argument equally strong, if instead of using the word "inhabitant," I had used the phrase "citizen of any State."

It will be noticed that in the Constitution "*excises*," are mentioned in immediate connection with "*duties*," and that the same provision as to their reasonableness is made concerning both, and in the same sentence. While "*duties*"

was probably used in the sense of an imposition on imports and exports, "excises" was the term probably used to define an inland imposition, which is sometimes laid upon the consumption of a commodity, and frequently upon its retail sale which is the last stage before consumption. Both these terms apply to things in the nature of "goods and produce, wares, merchandise, and commodities brought into, produced, manufactured, or being within" the Commonwealth.

The term "commodities" is plainly intended, I think, to cover all of the "commodious," that is to say, useful or convenient, things of the same general description as goods, wares, and merchandise, which are capable of production, manufacture, transportation or of existence, either brought into the State or to be found within it. But a dividend cannot be such a commodity. A dividend due from a company to a shareholder is an incorporeal interest in profits, or a right in action for money belonging to the owner of that species of incorporeal property known as stock or shares in a corporation. In a word, the corporation, as an artificial person, owes certain profits or earnings to its shareholders, which they have a right to demand and receive. Our statute taxes the right. Can Massachusetts lay a tax on just demands of creditors who are citizens of other States, against her own inhabitants, not laid on similar demands of her own citizens? If she can, then the citizens of Massachusetts possess an "immunity," in spite of the Federal Constitution, not shared with them by citizens of other States.

The exercise of the power of levying duties and excises has been held to include the imposition of an excise upon certain sources of emolument and profit, not strictly called property, but which are rather to be considered as the means of acquiring property, as for example, the privilege of using particular branches of business, like those of attorney, auctioneer, or innholder. So, also, it includes the franchise of a corporation. In these instances, the convenience, privilege or franchise is deemed to be a "commodity" within the meaning of the Constitution. But in like manner it has been also determined that such taxes must undoubtedly be equalled, in the sense of operating upon all persons exercising the convenience, privilege, franchise, or commodity, so taxed. It is contrary to the principles of natural justice to make an arbitrary discrimination between citizens or subjects, not founded in the reason of the thing; and an excise laid in disregard of those principles, would be *unreasonable*, within the meaning of the Constitution.

STATE CHARITABLE AND CORRECTIONAL INSTITUTIONS.

The Board of State Charities constituted in obedience to an Act of the last General Court, was inaugurated on the first day of October. It is required, among other things, to investigate and supervise the whole system of the public Charitable and Correctional Institutions of the Commonwealth, and to recommend whatever changes or provisions it may deem necessary for their economical and efficient administration. The law establishing this Board, to a portion only of whose duties I have alluded, was the result of great deliberation and matured reflection by two succeeding Legislatures. I venture therefore to express the opinion that a fair opportunity to test its working ought to be allowed, and that existing legislation concerning the Institutions in question should remain undisturbed until the Board shall have had the term of at least one full year within which to pursue its inquiries and report its own recommendations. Although I have enjoyed the means of sharing as an executive officer in the results of its observations, I think it my own duty to forbear comment at the present time on any portion of that general subject especially committed to the oversight of the Board. When it shall have prepared those full and complete reports contemplated by the Act, it may be important that the General Court, and the Chief Executive Magistrate for the time being, should engage in the discussion.

One piece of legislation, however, adopted the last year, deserves immediate attention. It is that which forbids the commitment to the Reform School, of any boy below the age of eleven years. So long as boys less than eleven years old are deemed capable in law of the commission of crime, I respectfully submit that it is the duty of lawgivers to provide for them a punishment better fitted to their tender age than imprisonment in Jail or House of Correction.

I dismiss this topic, presenting with this Address a Report to the Governor and Council, made by Hon. Alfred Hitchcock, in his capacity of a Councillor and also a member of the Special Commission on Lunacy appointed under chapter 91 of the Resolves of 1863, on the subject of a Hospital for the curative treatment of Inebriates. I earnestly invoke for this eloquent and ably reasoned document on a subject too long neglected, the attention of the General Court.

I have on former occasions alluded to the absence of uniformity in the government, economy and discipline of our penal institutions, and to a fact, somewhat remarkable, that

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while a man may be sentenced to the State Prison, where he would be under the immediate guardianship of officers and inspectors appointed by and responsible directly to the Commonwealth, he may also for the very same offence, at the discretion of the same judge, be sent to the House of Correction, where, though convicted and punished for breaking the laws of the State, he would be governed and disciplined wholly by officers over whom the Commonwealth exerts no control. I respectfully submit that abdicating this control does not discharge the responsibility of the Commonwealth; and I trust that the condition of our county prisons and prisoners, and the character of their discipline and treatment, will receive the faithful attention of the General Court.

EDUCATION OF DEAF MUTES.

The amount annually appropriated for the support of indigent pupils at the American Asylum, at Hartford, for the deaf and dumb, has for several years fallen short of what is required. The number of our State pupils is eighty-eight, of whom seventy-one have been under instruction for one year and upwards, and seventeen were introduced last year. Many deserving cases have, for want of vacancies, been postponed from year to year, until last summer I found it imperative that the number of State pupils should be increased. I accordingly issued warrants for the admission of eight pupils in addition to the number (80) which has been the average for the past few years. Even with this number of admissions I have been obliged to postpone a few deserving cases until another year. The eight I could not in conscience postpone until another September, which is the month in which the school year begins; and I am sure that all the members of the General Court would have concurred in my disposition of each case, had they been present to examine it.

The present appropriation of \$8,500 per year was established in 1847. An average of ninety pupils now, bears no larger proportion to our population, than the average of seventy-five did to the population at the time when the present rate of appropriation was adopted. Notice has also been received from the Trustees of the Asylum that, owing to the increased expenses of living, an annual additional charge will hereafter be made of \$25 for each pupil, making the annual amount paid by the State for its beneficiaries, \$125 each. I therefore recommend an increase in the annual appropriation.

GOVERNOR'S ADDRESS.

357

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The Governor and Council have not failed, during the term of my connection with this department, annually to visit the Asylum. We have found no charity more grateful, certainly none more useful. The introduction of the light of knowledge into the minds of youth, once deprived of the delights of learning, the enjoyments and uses of cultivated and instructed reason, is one of the triumphs of philanthropic enterprise, and one of the blessings of our age.

It is usually impossible to send a child under the age of ten years to the American Asylum. The postponement of all effort to teach deaf mute children until an age so much later than that at which other children are taught, is an additional disadvantage, aggravating their original burden. A society has been formed in Boston, establishing a school and a church, maintained by private liberality, with special reference to the condition of children not congenitally deaf, but made so by disease, who are taught according to the German method, and though deaf, learn to articulate. I beg your attention, gentlemen, to this experiment. By judicious fostering it may open the way of knowledge even to our younger unfortunates; and it may open it a little wider to all of them.

HOSPITAL FOR INVALID SOLDIERS.

I am happy to inform the Legislature that there is now a reasonable hope of a United States General Hospital in this Commonwealth, to which our sick and wounded soldiers, invalided in other States, may be transferred. On the recommendation of the Medical Director of the Military Department of the East, who was specially detailed by the Acting Surgeon-General of the United States to visit the State for this purpose, and in accordance with my own views and with the suggestion of the Head of our own Medical Department, it is expected that Worcester will be selected by the proper authorities as its locality. I have sent to the Secretary of War, through our State Military Agent, documents bearing the signatures not only of the Surgeon-General and myself, but also of all the Senators and Representatives of Massachusetts in the present Congress, urging the importance of this measure, for its influence on the health and comfort of our soldiers, and the convenience and satisfaction of their friends, and also as needed to avoid future embarrassments contingent upon the want of a large General Hospital. A salubrious location, with the cheerful influence of rural scenery, and at a point where railroad facilities centre, is not only desir-

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able in a sanitary point of view, but for the convenience of the friends of the soldiers.

I refer you to the report of the faithful and able Surgeon-General of the Commonwealth, which will be presented hereafter, for other interesting particulars connected with the service, pertaining to his department. Special details have been made during the past year, of some of our most eminent medical men, to examine and report upon the condition of our Massachusetts soldiers, invalidated in the Departments of the West, South, Gulf, and the Army of the Potomac. Their visits have had a salutary influence, assuring our brave men that their comfort and welfare are not forgotten by the State, cheering them with kindly words and deeds of encouragement, besides furnishing the proper departments with correct information useful to the service and grateful to the families and friends of the absent soldier.

To the Medical Commission of the Commonwealth, for their voluntary and important services as a Board of Examining Surgeons of candidates for our Medical Staff, the Commonwealth is under new obligation, and I offer to them the grateful thanks of the State for assistance always rendered whenever occasion has required, in the spirit of a liberal profession.

With the ready coöperation of the executive officer of the Lovell United States General Hospital, at Portsmouth Grove, Rhode Island, I was enabled by an application to the Secretary of War, to procure for all Massachusetts men who were patients in that hospital and deemed fit to travel, the indulgence of a furlough for seven days on the occasion of our National and State Thanksgiving, to enable them to enjoy its festivities amid the delights of home. I have the pride to declare that of the two hundred and eighty-one men thus receiving furloughs, all but one returned, keeping their manly faith in a manly way; while that one, delaying his return a few days, reported himself to the Provost-Marshal of his district, and received transportation as a "straggler," not as a "deserter." The condition in which they returned was such as to draw from the executive officer in charge of the hospital an expression highly honorable to our men.

SOLDIERS' NATIONAL CEMETERY AT GETTYSBURG, PA.

The soldiers who fell in the battles of Gettysburg, on the 2d, 3d, and 4th days of July, baptizing with their blood the ground their valor rendered immortal, are now commemo-

rated by a National Cemetery, where they repose in becoming interment. This field of glory and cemetery of the brave, was solemnly dedicated, on the 19th of November, by a National ceremony at which the President of the United States personally assisted. Uniting with the Governors of the other loyal States of the Union, I caused Massachusetts to be represented by several gentlemen acting as Commissioners of the Commonwealth. Their Report I have the honor to communicate to the Legislature. Preserving an authentic record of ceremonies attending the consecration of a battle-ground where Northern valor saved our government and preserved our liberties, this Report deserves an honorable place in the archives of the Commonwealth.

Application will be made to the Legislature of Pennsylvania for an Act of Incorporation of the Trustees of the Soldiers' Cemetery at Gettysburg. I have accordingly nominated a gentleman to represent the interest of Massachusetts, whose name will be included in the Act of Incorporation. The estimated expenses of finishing the Cemetery are \$63,500, to be divided among the States in the ratio of their representation in Congress. The proportion of Massachusetts will be \$4,205.30. In order that this Commonwealth may sustain her share of this expense an appropriation will be necessary. I submit the Report of the gentleman named to be a Trustee on the part of Massachusetts, in which the particulars needed for the information of the General Court are properly stated.

A committee of the City Council, was raised through the effort of His Honor the Mayor, to take charge of the sepulture of those soldiers who were citizens of Boston. I transmit, as a part of the record, their Report, a copy of which I have had the honor to receive. This committee and the Commissioners of the Commonwealth so coöperated that without local discriminations between the Massachusetts dead, the remains of all were alike cared for.

THE DEFENCES OF OUR COAST.

On March 30th an Act was passed appropriating a million dollars for the defence of the coast of Massachusetts and investing the Governor and Council with a wide discretion in its expenditure. A letter addressed to me in October, 1861, by the Federal Secretary of State, which was communicated by me to the General Court of the next year, had given assurances of reimbursement by Congress of amounts to be expended by the States for that purpose, provided such

expenditures should be the subject of conference with the Federal Government, and should be made with its concurrence. Immediately on the passage of the Act measures were taken, therefore, to learn the views of the Federal Government as to the objects to which our money could be best applied; and the opinions of many of its principal officers, including those of Chiefs of Bureaus in the Departments of War and the Navy, of the Secretaries of both Departments, and of the President himself, were obtained. These opinions were not unanimous, and except by way of suggestion afforded no guide to a correct decision. But reflecting on facts known to us as to the defenceless condition of the coast, and applying to them these opinions and others gathered from engineer and ordnance officers of high distinction, two objects seemed specially worthy of attention; first, the maturing of a plan for obstructing the harbor of Boston against naval attack, so that at the moment of danger there might not be conflict of council as to the plan to be adopted; and, second, the procuring of approved heavy ordnance for our forts from whatever sources it should be obtainable in addition to those employed by the United States with whose contracts it is not our policy to interfere by competition. These objects have been pursued with all possible energy and diligence, and with a satisfactory degree of success. A plan of admirable skill and completeness has been prepared for obstructing harbors against hostile fleets, however powerful. It is the work of an informal Commission, composed of gentlemen combining a warm interest in the subject, and large experience in navigation, with the advantage of much study of the general question, and special scientific attainments. Their report and plans were referred to the Chief Engineer, by whom they were reconsidered, and the whole work was reproduced in the form of careful specifications and working drawings, ready for immediate use at a moment's call. The forts of Boston Harbor, also, have been placed in telegraphic communication with each other, and with the city. I do not propose to make a further statement of details, since publicity is not consistent with the interests of the Commonwealth, but I respectfully suggest that the whole subject be referred to an appropriate committee.

During the last year, the Federal Government has been encouraged to additional efforts for the protection of the coast. Beside important progress in the construction and armament of the masonry forts at Boston and New Bedford, earthworks have been designed, and some of them

completed, for the defence of Newburyport, Gloucester, Salem, Marblehead, Plymouth and Provincetown. Very little, however, has been done to guard the settlements along the Cape and on the neighboring islands, and also the important commerce of the adjoining waters, and I respectfully suggest the defenceless condition of that neighborhood for your consideration. An appropriation has been made by Congress for beginning a masonry fort at Provincetown; surveys for which purpose have been had; and earthworks have been built and armed there; but for the present, adequate protection of the waters on our southern shore from incursion and ravage such as was once during the year committed in the Vineyard Sound, can be rendered only by the constant presence of a naval force which it is desirable that the Federal Government should afford.

The Act of March 30th, beside making an appropriation in behalf of the State, provided for appropriations by municipal governments, with the expectation of reimbursement from the State Treasury. These have been made by some towns and cities to secure the necessary number of laborers at the current rates of wages, upon the earthworks constructing at their ports, the Federal officers having the works in charge declining to offer a rate of pay to laborers, higher than a dollar and a quarter per day. The propriety of refunding the sums thus advanced will meet your consideration.

At every stage of the investigation which now for nearly three years I have been pursuing into the subject of our defences against naval attack, the deficiency in our means of obtaining a sufficient supply of heavy ordnance has caused my chief anxiety. Massachusetts contains ample beds of iron ore of a superior quality for gun metal. No other Commonwealth possesses in higher degree all the elements of scientific and mechanical ingenuity necessary to the manufacture. There is no deficiency of private capital seeking investment. But thus far, the Federal Government, while absorbing the entire product of all existing Massachusetts gun-foundries, has failed to induce the investment of private capital in additional foundries. Nor is this surprising, for the amount of capital required to construct mechanical establishments complete enough to cast and finish the heavy cannon which we need, is rarely within the measure of the means of individuals, and the continuance in employment of such establishments, once constructed, would depend upon the regularity of appropriations by the National Congress. Indeed, the Federal Government would be the only domestic customer of such foundries.

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dries, with no competitors except foreign governments. The building of the foundries would involve also the investment of more capital in furnaces in the mining districts, to supply the iron. A trade so grand, in which nations appear as the sole customers, and which concerns so closely the honor of our flag and the security of our borders and our marine, is worthy of the most serious attention if by any legislative action it can be encouraged. I have long been satisfied that the objects we desire can best be effected by building a great National foundry. I respectfully commend the subject to your investigation, and if the project shall commend itself also to your judgment, I believe that a formal expression of opinion by the Government of Massachusetts in favor of such a work, might encourage the National Congress to authorize it.

Standing for a long time during the past year on the apparent brink of war with powerful naval States of Europe, the rebels even at this moment being restrained, almost against expectation, from launching out of foreign ports their mailed war steamers built expressly to carry destruction to the commerce and the seaports of the North; with all the dangers hourly besetting us, which spring from the unsettled condition of Europe, the French invasion of Mexico, and the sympathy of powerful persons and rulers abroad with the rebellion at home—I am firmly convinced that ordinary prudence demands of Massachusetts never to rest until her harbors shall be adequately defended.

ARMS AND EQUIPMENTS FOR THE MILITIA.

The 29th chapter of the Resolves of 1863, authorized the Executive Department to contract on behalf of the Commonwealth for the purchase or manufacture of fifteen thousand stand of arms, of such pattern as should be found best adapted for the service; also of arms and equipments for one regiment of cavalry; guns and equipments for five batteries of light artillery; and such other arms and equipments as should from time to time be found necessary for arming the militia in active service. The resolve appropriates \$450,000 for those purposes.

The sources of supply, whether by purchase or manufacture, have been made the subject of careful examination and report. The kinds of arms best adapted to the various branches of the service, were, in the light of recent experience, considered and reported on, by competent military men. Wherever different arms of the same general descrip-

tion were offered in competition, they were submitted to the test of critical comparison by a Commission of experts. All the arms and artillery required were accordingly contracted for, and are in process of construction and delivery. The amount disbursed already in payments is about fifty thousand dollars. The contracts entered into will nearly, or quite, absorb the whole appropriation. Certain articles of equipment have not been passed upon, because improvements in their construction are under consideration by the appropriate officers of the U. S. Army, whose decision it was thought advisable to await, especially as the articles can be procured on short orders when necessary. To complete the duty assigned to the Executive by the Legislature, will require a further appropriation of about \$50,000.

In order that no injurious delay shall happen, I have requested the Master of Ordnance, in advance of his regular Annual Report, which will be communicated through the Adjutant-General, to report to me in detail, all the particulars necessary to a competent understanding of this portion of the transactions passing through his bureau; and this preliminary report is now ready for the use of any committee of the General Court to which the subject may be intrusted.

MILITARY ACADEMY.

I have the honor to place before the Legislature the Report of the Commissioners appointed under the 78d chapter of the Resolves of the year 1863, "concerning the establishment of a military academy."

The Commission was directed by the resolve to inquire into the expediency of establishing an academy for the instruction of young men in mathematics, civil, military, and practical engineering, and other studies in connection with infantry, artillery and cavalry drill and tactics, and to report a design for such an institution, the mode of establishing the same, the expense thereof, a plan for its support, the number of pupils to be accommodated, their age at entering the institution, the amount of camp duty, the length of the academic course, what provision should be made for the support of the pupils, and the equivalent to be rendered therefor; and whether the Commonwealth has any, and what, property available for the endowment of such an institution.

The eminent character of the Commission, the learning, experience and ability, both civil and military, represented by its members, and the relations which all of them have

heretofore borne to education and its various public institutions, I think entitle their opinions to the most respectful consideration, and lend influence to the arguments to which their minds have yielded assent.

I believe the establishment under the patronage of the Commonwealth, of such an institution as they recommend, to be wise and expedient, that we cannot safely neglect it, and that we ought not to delay it. I believe its influence upon the public school system, or the popular education, correctly administered, will fully compensate the expenditure it may involve. Invoking the attention of the General Court to the Report itself, I will not assume to display it in advance of your own reading. The advantages of an institution like that contemplated, in its more direct and immediate bearing on the military efficiency of the Commonwealth is not easily overstated. Yet these advantages are to be gained in close and natural connection with large and constant benefits which include not only the elevation of the public schools, but also the scientific professions—the higher industrial pursuits. The education of numbers of young men of Massachusetts, not, however, excluding others who may resort hither to share their studies, in those branches of learning which fit them for mechanicians, engineers, experts in chemistry, physics, and various applications of science to the arts, will, it is not unlikely, be associated with a Military Academy. And, from a conviction so deep that I would all men in the Commonwealth might share in it, I hope I may be permitted to allude to what I pronounced from this place one year ago, in connection with the subject of an agricultural college, that the one great and commanding duty and capability of our Commonwealth—her way to unchallenged influence and admiration among the States—is the discovering, unfolding, and teaching the secrets of knowledge, and their scientific application to the arts of civilized humanity.

A most emphatic illustration of the power communicated to the world by the combination of science and industry is found in the single fact that the employment of steam was estimated more than ten years ago, to have added to the industrial efficiency of the British Islands alone, a power equal to the united forces of 600,000,000 men. Every locomotive steam-engine of fifteen tons on our own railroads does the work of fifteen hundred men; and our larger locomotives furnish the equivalent of three thousand men. While, therefore, I would not diminish by one spark the zeal of the people for the military service, nor underrate the value of

strictly military education, both as a means of preventing war and of successfully encountering its shock, I beg respectfully to remind you, as an additional argument in favor of an academy, of the incidental advantages to our peaceful industry and to the education of the people, to be derived from a proper cultivation, generously maintained, of those branches of science indispensable in modern times to the Art of War.

THE SOLDIERS CONTRIBUTED BY MASSACHUSETTS.

South Carolina adopted her pretended ordinance of secession in the month of December, 1860. The first overt act of war, committed in pursuance of the treasonable conspiracy of which the ordinance of secession was the formal beginning, was the firing on the Star of the West, a national transport laden with men and supplies for the garrison in Charleston harbor. The date of the ordinance was the 20th day of December, 1860. The Star of the West was attacked the 9th day of January, 1861. But the beginning of the War of the Rebellion is dated from the 12th day of April, 1861, that being the day when, after long and uninterrupted preparation, the batteries of the Rebels opened upon Fort Sumter.

On the 15th day of April the War Department called upon this State for two regiments of militia, and on the next day the call was enlarged to a requisition for four regiments. On the 16th, the Sixth Regiment of Massachusetts Volunteer Militia marched for Washington by railroad, and two others, the Third and Fourth, moved by sea. On the 18th, the Eighth Regiment marched under General Butler; the Third Battalion of Rifles under Major (now Brig. Gen.) Devens, on the 20th, and the Fifth Infantry and Cook's Battery of Light Artillery on the early morning of the 21st. Capt. Dodd's Rifles, added to Devens' Battalion, marched May 1st. Thus rapidly and efficiently was the call of the government responded to, and the capital of the nation, and Fortress Monroe, which was of far greater military value than Washington, were rescued from imminent danger, at a period when the consequences of a life-time were crowded upon the efforts of an hour. The number of troops thus furnished by Massachusetts for three months' service, was 3,736.

On the 8d of May, 1861, the President called for a force of volunteers to serve for three years, or during the war, of which force Massachusetts was at first asked to furnish three regiments. This number was, by much persuasion on

my own part, increased to six ; after which, by the efforts of the friends of the lamented Colonel Webster, it was again increased to seven. On the 17th day of June, 1861, ten more regiments having been offered by Massachusetts to be raised for the three years' service, were accepted by the Department of War. Marching at various intervals between the 30th day of July and the 8th of October, both inclusive, they were all put into the field, fully armed, equipped, and supplied by this Commonwealth. In the designation of these corps of three years volunteers the numbers borne by the five regiments of Massachusetts Militia in the three months' service were always omitted ; so that the infantry regiments of Massachusetts when enumerated in consecutive order, including militia and volunteers in one series, numbered in all on the 8th of October, 1861, 22 regiments which had taken the field. Added to these were the battalion of riflemen and one battery of light artillery in the three months' service, and two companies of sharpshooters and three batteries of light artillery enlisted for three years, which had marched from the Commonwealth before that date. This contribution to the National forces was enlarged subsequently by voluntary enlistments, and by the formation within the next eight months, of voluntary organizations to the number of ten more regiments and eight more companies of all arms of the service. So far from leaving any requisition unfilled, this Commonwealth was urgently pressing on the Federal Government during a large part of the first year of the rebellion, for permission to extend her military contingents. During the whole of the month of May, 1861, and until the 17th day of June, we were embarrassed by having several thousand troops under arms in the State, which the Federal Government was unwilling to accept. I had from the beginning considered that the exigencies of the war would require a much larger force of volunteers than the 42,000 called for by the President in his proclamation of May 3d, and accordingly neglected no opportunity to secure enlistments, which were easily obtained during a period of great patriotic excitement. It was with great embarrassment that I learned that the Federal Administration did not entertain the same views and refused to accept more than six three years regiments from this State, although a much larger proportion was conceded to the State of New York. Late in May, I was advised officially from the Department of War that it was "important to reduce rather than enlarge this number," and "if more were already called for, to reduce

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the number by discharge," and earlier in the month I had been warned that the administration was getting more men than were wanted. We were therefore under responsibility to men who had been encouraged to take up arms to the number of several thousands more than the Federal Administration could be persuaded to receive; and, after forcing all I could upon the General Government, and availing myself to the extremest limit of the provisions of the Encampment Law of the State, (passed on May 23d,) I found there would remain some thousands whom it would be necessary to disband. The preparations for establishing a camp or camps under the law were immediately instituted, and the process of disbandment was reluctantly commenced, according to the instructions of the War Department with reference to all regiments and companies recruited beyond the number of the six regiments which the Federal Government consented to receive, and the five additional regiments which, by law of the State, I was authorized to place in camp here for instruction and discipline.

It should not be forgotten that at this time six Massachusetts companies, organized in Newburyport, West Cambridge, Milford, Lawrence, Boston and Cambridgeport, finding no places in our volunteer service, received permission to join the Mozart Regiment and Sickles Brigade, both belonging to the State of New York; that three hundred more Massachusetts men were enlisted in the "Union Coast Guard Regiment," at Fortress Monroe, under command of Colonel Wardrop; and that others were also enlisted by persons from other States, who maintained recruiting stations in our towns and cities until they were prohibited by law from thus withdrawing the people of Massachusetts into the organizations of those States. There were estimated by the Adjutant-General of this Commonwealth more than 3,000 Massachusetts men who thus went to swell the apparent contribution of other communities while lessening the ability of this State to meet any subsequent draft upon her military population.

On the 3d of December, 1861, an Order of the War Department was promulgated that

• "No more regiments, batteries, or independent companies will be raised by the Governors of States, except upon the special requisition of the War Department."

● In February, 1862, I requested leave to recruit four companies, and to organize them, with six companies of volun-

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teer infantry doing garrison duty at Fort Warren in Boston Harbor, into a regiment, to be used in any coming emergency. The offer was declined, with the remark that "the four additional companies which would be needed to complete an entire regiment" were "not required for service." An additional company of sharpshooters was also offered on February 26th, 1862, but an answer was returned on March 17th, that they could not be accepted, unless as a company to complete some infantry regiment. The company was disbanded, because no such incomplete and authorized regiment existed, and because the men were offered as sharpshooters.

On the 3d of April, 1862, it was further ordered by the War Department as follows :

"The recruiting service for volunteers will be discontinued in every State from this date. The officers detached on volunteer recruiting service will join their regiments without delay, taking with them the parties and recruits at their respective stations. The superintendents of volunteer recruiting service will disband their parties and close their offices, after having taken the necessary steps to carry out these orders."

To this Order an exception was obtained by me later in the month, authorizing recruits to be enlisted here to repair the losses which the Massachusetts regiments in the Department of North Carolina had sustained in the battles of Roanoke and Newbern ; and on June 5th another exception was obtained in favor of the Second Regiment of Massachusetts Infantry, which had suffered in the recent withdrawal of our forces up the Valley of the Shenandoah. At the same time with this last, I received authority to recruit for any of our regiments in the field.

On the 2d day of July, 1862, in apparent compliance with the united request of the Governors of several of the loyal States, the President of the United States promulgated a requisition for 300,000 more volunteers to be enlisted under the State Governments, and to serve for three years, or during the war.

The number of organizations which up to that time had been furnished by Massachusetts was 27 regiments and 13 unattached companies of the different arms, whose whole number of men, with the addition of the recruits who had joined them after reaching the field and before the cessation of recruiting in April, 1862, was 31,377. I respectfully ask your attention to a statement arranged in tabular form, embracing the designation of each regiment and unattached company, the date when it marched from the Commonwealth, and the number of its members at the time.

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369

1st Regiment Infantry,	1,047	men, marched	June 15, 1861.
2d " " " " " " " " " " " "	1,046	" " "	July 8, 1861.
7th " " " " " " " " " " " "	1,046	" " "	11, 1861.
9th " " " " " " " " " " " "	1,047	" " "	June 24, 1861.
10th " " " " " " " " " " " "	1,047	" " "	July 25, 1861.
11th " " " " " " " " " " " "	1,050	" " "	June 24, 1861.
12th " " " " " " " " " " " "	1,055	" " "	July 23, 1861.
13th " " " " " " " " " " " "	1,021	" " "	30, 1861.
14th* " " " " " " " " " " " "	1,305	" " "	Aug. 7, 1861.
15th " " " " " " " " " " " "	1,040	" " "	8, 1861.
16th " " " " " " " " " " " "	1,008	" " "	17, 1861.
17th " " " " " " " " " " " "	951	" " "	23, 1861.
18th " " " " " " " " " " " "	1,012	" " "	26, 1861.
19th " " " " " " " " " " " "	852	" " "	28, 1861.
20th " " " " " " " " " " " "	762	" " "	Sept. 4, 1861.
21st " " " " " " " " " " " "	1,007	" " "	Aug. 23, 1861.
22d " " " " " " " " " " " "	1,050	" " "	Oct. 8, 1861.
23d " " " " " " " " " " " "	1,062	" " "	Nov. 11, 1861.
24th " " " " " " " " " " " "	989	" " "	Dec. 9, 1861.
25th " " " " " " " " " " " "	1,032	" " "	Oct. 31, 1861.
26th " " " " " " " " " " " "	1,050	" " "	Nov. 21, 1861.
27th " " " " " " " " " " " "	988	" " "	2, 1861.
28th " " " " " " " " " " " "	950	" " "	Jan. 11, 1862.
29th " " " " " " " " " " " "	881	" " "	{ †May —, 1861.
			{ †Jan. —, 1862.
30th " " " " " " " " " " " "	929	" " "	Jan. 2, 1862.
31st " " " " " " " " " " " "	941	" " "	Feb. 20, 1862.
1st Regiment Cavalry and } unattached Companies, }	1,857	" " "	{ Dec. —, 1861.
			{ Jan. —, 1862.
1st Battery Light Artillery,	170	" " "	Oct. 3, 1861.
2d " " " " " " " " " " " "	152	" " "	Aug. 8, 1861.
3d " " " " " " " " " " " "	157	" " "	Oct. * 7, 1861.
4th " " " " " " " " " " " "	154	" " "	Nov. 20, 1861.
5th " " " " " " " " " " " "	156	" " "	Dec. 25, 1861.
6th " " " " " " " " " " " "	139	" " "	Feb. 8, 1862.
7th " " " " " " " " " " " "	152	" " "	May 22, 1861.
8th§ " " " " " " " " " " " "	155	" " "	June 25, 1862.
1st Co. of Sharpshooters, }			{ Sept. 3, 1861.
2d " " " " " " " " " " " "	208	" " "	{ Oct. 8, 1861.

Recruits sent to the above organizations, after reaching the field, 2,279 men, marched at various dates.

Total of 27 Regiments and 13 Companies, and their recruits,—in all, 31,787 men.

To the above should be added—

Company "B," 40th New York Volunteers,	101 men.	} These numbers are taken from the muster-rolls at Washing'tn, and include only 3 of the 6 companies in these New York regiments.
Company "H," 1st Excelsior Brigade,	89 "	
Company "D," 5th Excelsior Brigade,	90 "	
Men in the "Union Coast Guard,"	233 "	

Total, 32,250 men.

* Afterwards First Heavy Artillery. † Seven Companies. ‡ Three Companies. § For 6 months.

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No official order was ever issued to this Commonwealth, within my knowledge, fixing the quota of Massachusetts under the requisition of July, 1862; but, upon a consultation had in Boston, between the proper representative of the War Department and the Adjutant-General of Massachusetts and myself, it was at the outset understood that the Massachusetts quota of that number was 15,000 men. On the same day (July 2, 1862,) a proclamation was promulgated by the Governor announcing the call, and on the 7th, a General Order, announcing the proportion of that aggregate which each town and city should furnish. A new crusade for the Union was preached all over the Commonwealth. The unfortunate campaigns in Virginia, which resulted in the return of both our armies within the defences of Washington, aroused and inflamed the zeal of the whole people. The requisite number of men was speedily raised.

On the 4th of August, 1862, the President, by his further Proclamation, called for 300,000 men in addition, to serve for nine months, exacting a draft to be made in accordance with certain regulations, which were promulgated by the Department of War. The quota of Massachusetts was fixed at 19,080. Although that number of nine months' men was not raised by Massachusetts, the difference was more than supplied before the first day of January last, by an excess of men who enlisted as three years' volunteers.

This result will appear by the following statement:

The requisition of July, understood to be for	15,000
That for 19,080 nine months' men is equal to one-fourth the same number of three years' men, viz., (according to the method of computation followed in the Adjutant-General's office at Washington,)	4,770

Total of both calls, when reduced to three years' men, . . . 19,770

The troops furnished by the Commonwealth, and not included in the previous statements, and to be credited against the aggregate last stated, were as follows, viz.:

THREE YEARS' VOLUNTEERS.

32d Regiment Infantry,	1,018 men, marched	May *26, 1862.
33d " " " "	942 " " "	Aug. 14, 1862.
34th " " " "	1,027 " " "	15, 1862.
35th " " " "	1,018 " " "	22, 1862.
36th " " " "	1,015 " " "	Sept. 2, 1862.
37th " " " "	979 " " "	7, 1862.
38th " " " "	1,018 " " "	24, 1862.
39th " " " "	987 " " "	6, 1862.
40th " " " "	992 " " "	8, 1862.

* Six companies only marched at this date, and the residue afterwards.

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41st* Regiment Infantry, . . .	1,127 men, marched	Nov. 5, 1862.
9th Battery Light Artillery, . .	152 " " "	Sept. 3, 1862.
10th " " " . . .	156 " " "	Oct. 14, 1862.
1st Unattached Co. H. Artillery, .	147 " mustered	Feb. 28, 1862.
2d " " " . . .	140 " " "	Nov. 3, 1862.
3d " " " . . .	156 " " "	Dec. 31, 1862.
Recruits for old Regiments and Com-		
panies, . . .	5,209 men, marched at various dates.	
10 Regiments and 5 Companies and		
Recruits for 3 years, . . .	16,083	

NINE MONTHS' VOLUNTEERS.

8d Regiment Infantry, . . .	1,007 men, marched	Oct. 22, 1862.
4th " " " . . .	982 " " "	Dec. 17, 1862.
5th " " " . . .	997 " " "	Oct. 3, 1862.
6th " " " . . .	913 " " "	Sept. 1, 1862.
8th " " " . . .	962 " " "	Nov. 7, 1862.
42d " " " . . .	998 " " "	19, 1862.
43d " " " . . .	1,024 " " "	Oct. 24, 1862.
44th " " " . . .	1,023 " " "	22, 1862.
45th " " " . . .	1,005 " " "	24, 1862.
46th " " " . . .	983 " " "	Nov. 1, 1862.
47th " " " . . .	1,024 " " "	29, 1862.
48th " " " . . .	996 " " "	Dec. 27, 1862.
49th " " " . . .	948 " " "	Nov. 21, 1862.
50th " " " . . .	964 " " "	19, 1862.
51st " " " . . .	961 " " "	11, 1862.
52d " " " . . .	940 " " "	19, 1862.
53d " " " . . .	958 " " "	18, 1862.
11th Battery Light Artillery, . .	152 " " "	Oct. 3, 1862.
17 Regiments and 1 Company or		
Battery, . . .	16,887	

Reduced to three years' men, they would be equal to . . .	4,209
Three years' men brought forward, . . .	16,083
Total, . . .	20,292
Amount of the two calls, reduced to three years' men, as above stated, . . .	19,770
Excess up to January 1, 1863, . . .	522

Since the first day of January, 1863, there has been a steady, persistent system of recruiting going on under the direction of the State Government, which has been continued without relaxation even during the enforcement of the draft of July last, by which means there have been raised, during the last year, and previous to the latest call of the President, of October 17th, 1863, (making a rest on that day because all subsequent musters are to be credited against that call,) and in excess of all specific calls by the United States government, the following troops:

* Afterwards, with unattached Companies, forming the 8d Regiment of Cavalry.

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2d Regiment Cavalry,	1,190 men, marched Feb. & May, '63.
New Battalion for 1st Regiment Cavalry,	60 " " "
2d Regiment Heavy Artillery,	1,073 " " Sept. & Nov. '63.
4th Unattached Co. H. Artillery,	152 " mustered April 22, 1863.
5th " " " "	144 " " June 6, 1863.
8th " " " "	133 " " May 19, 1863.
7th " " " "	178 " " Aug. 14, 1863.
8th " " " "	135 " " 14, 1863.
9th " " " "	141 " " 27, 1863.
10th " " " "	182 " " Sept. 16, 1863.
54th Regiment Infantry,	1,029 " marched May 28, 1863.
55th " " " "	1,023 " " July 21, 1863.
12th Battery Light Artillery,	135 " " Jan. 2, 1863.
13th " " " "	147 " " 31, 1863.
15th " " " "	172 " " Mar. 9, 1863.
Recruits for old Regiments and Companies,	509 " " at various dates.
4 Regiments and 11 Companies and	
Recruits for three years,	6,353
Making, in addition to the previous excess of	522
A total of	6,875

This is reached without including the product of the late draft, (July, 1863,) of which I shall speak hereafter, and not including the three months militia, nor the Massachusetts men enlisted in organizations of other States, nor the large numbers in the Navy, estimated at an aggregate of 12,000 seamen and marines, nor our men enlisted in the regular army. But it has recently been represented that previous to July, 1862, while Massachusetts had furnished all the troops ever asked from her, and many more, and while she was urging upon the War Department troops which the Government of the United States did not accept, and while, as a consequence, thousands of Massachusetts men were enlisting in organizations of other States,—that previous to July, 1862, Massachusetts ought to have furnished a larger number than she could prevail upon the General Government to accept. In other words, there is charged against us an estimated proportion or *pro forma* quota of all the three years volunteers furnished by the loyal States prior to July, 1862—amounting

- 1.—In the aggregate to 34,868 men.
(This reckoning charges us with our proportion of men furnished by other States, when no call was made on the State for any contingents or quotas, and when our offers were in excess of the troops accepted.)
- 2.—It is also declared that our real quota of the three years' men called for in July, 1862, was not 15,000; that we erred

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in supposing that to have been the number; and that the correct number was 19,080 men.
 3.—Adding to these numbers 19,080 nine months' men, equivalent, when reduced to three years' men, to 4,770
 These items present a total of either actual or *pro forma* calls ———
 previous to the draft of July, 1863, of 58,718 men.

Even if this view should be taken of what was due from Massachusetts, she has raised, as I have stated above—

Previously to July, 1862,	82,250
Under the call of July, 1862,	16,083
16,837 nine months' men, equal, when reduced to three years' men, to	4,209
Volunteers enlisted and mustered between January 1, 1863, and October 17, 1863,	6,353
	58,895

Making, even with this understanding of the quotas, a surplus of 177 men. And this result is arrived at without reckoning the service of the *three months militia* whom we have furnished,—and reckoning twelve soldiers enlisted for three months as of military value only equal to four men enlisted for nine months, or to one man enlisted for a term of three years, these would amount to 311 more, making up a surplus of 488 above all actual and constructive demands.

Thus far, this enumeration has pursued the method understood to be adopted in the office of the Adjutant-General at Washington. It assumes the value of each soldier to be proportioned to the term of his enlistment, crediting all three years volunteers according to their aggregate number, and all others according as the length of their respective terms of enlistment is proportioned to the term of three years. Thus, each three years volunteer counts *one*, in crediting the States with their volunteers, while four volunteers for nine months' service count only one, since one term of three years' service is equivalent to four of nine months. It has been the effort of what we deemed sound policy in this Commonwealth, to encourage enlistments for the longer rather than the shorter terms, not only because of the greater economy and superior military efficiency thus promoted, but also for reasons apparent from the statements just made.

But the enumeration after the method explained, although equitable in itself and on the whole, does not exhibit the entire number of men contributed to the military service of the United States by this Commonwealth, numbers of whom, though enlisted for shorter periods than three years, deserve

to be remembered irrespective of all the convenient rules of computation observed in comparing the services of living men, because they gave themselves for no term of months or years, but for the measure of their life-time, and *died* in the service and for the cause of their country.

The aggregate numbers in the different classes of our whole contribution of soldiers, are as follows :

For three months, 5 regiments, 1 battalion, 1 company,	3,736 men.
86 days, 1 company, (Boston Cadets,)	117 "
8 months, 1 company, (Captain Staten's,)	101 "
4½ months, 1 company, (Salem Cadets,)	131 "
6 months, 1 company, (8th Light battery,)	155 "
9 months, 17 regiments, 1 company,	16,837 "
8 years, 41 regiments, 84 companies, and recruits for same,	54,531 men.

Making a final total of men sent by Massachusetts in her own organizations into the military service of the United States, on the land, during the present war, previously to October 17, 1863, of	75,608 men.
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In this connection it may be remarked that any apportionment among different States, of their contributions to the armed force of the country, in order to be equitable and just, ought to be made according to the number of able-bodied men between the ages which are fixed as the limits of liability to military service ; and not according to the whole population, which consists partly of women, children and aged persons, in proportions that vary in different States. A newly settled community, which has drawn within its limits the active, vigorous and enterprising young men from other portions of the country, must necessarily have a larger share of able-bodied men within the military ages, than an older State, of whose population many of the active and hardy men of the military ages have emigrated to the West, leaving behind them a disproportionate number of the old and feeble, and of women and children. Unless, therefore, a careful enrolment is made, of those alone who are liable and able to do military duty, and unless the drafts into military service are apportioned according to such an enrolment, injustice will be done to those communities which have the smaller proportions of men within the military ages and capable of bearing arms.

Having in view such considerations, the Provost-Marshal-General of the United States remarks, that in executing the law of Congress of March 3d, 1863, popularly termed the "Draft Act,"

“The main object was to apportion the number among the States, so that those previously furnished and those to be furnished would make a given part of their *available men*, and not a given part of their *population*.”

This was rendered practicable by the terms employed in the last-named Act, in reference to the duty of the President “in assigning to the districts the number of men to be furnished therefrom.”

The Act, in one word, evidently contemplates, for the first time, basing requisitions for men on the enrolled military strength, and not on the population of the States, the inequality of which latter method is illustrated in the same report of the Provost-Marshal-General, by the testimony there found that under former calls

“Some of the Western States, with quotas nearly as large as some of the Eastern, not only furnished their quotas and a large excess besides; but had a larger proportion of males left than Eastern States which had not entirely filled their quotas.”

At the time when troops were accepted from other States and the volunteers of Massachusetts were declined, the Government did not probably contemplate the possible future exercise of the high prerogative implied in the enforcement of a draft for the military service. Nor had it perhaps the means of then adjusting, without delay, the acceptance of volunteers from the several States in due proportions. There were many unavoidable circumstances, not easily detailed but quite easily understood, which disturbed the equality of their distribution. And it should be remembered also that prior to the Act of 8d March, 1863, the laws of Congress required that the President, in making any requisition on the States respectively, should have reference to the numbers then in service from the several States, equalizing, so far as practicable, the numbers furnished by them, according to “Federal population,” or (as it is also styled in the national statutes,) “representative population.”

I intend to apply no criticism, in any thing which this Address may contain, on any department or functionary of the United States Government. On the contrary, I believe that the President and the Secretary at War have at all times sought to distribute the burdens, and their credits, upon and among the loyal States in obedience to the laws of Congress, and with a disposition to recognize the just demands of them all. But I have deemed it my duty to prepare this statement of the relation of Massachusetts to the volunteer contingents of the Union, with careful, and

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perhaps tiresome, elaboration, because I was unwilling to leave the history unwritten of that truth which is always the vindication of the people of Massachusetts. When those who struggled to relieve themselves from the exactions of the draft of last July, complained, even without reason, and in a spirit of insubordination; when they pointed at Massachusetts, and accused her of non-fulfilment of her duties, stimulating hostility against Massachusetts in the minds of those who dreaded the military service, disliked the national administration, opposed the war much, and the principles and ideas of Massachusetts more,—still I was silent. But, for the sake of the record, and for the truth of history,—not permitting the Commonwealth to be drawn into a discussion elsewhere unworthy her service or her character—I have now spoken, presenting to the Representatives of her People the recorded particulars from which history will hereafter be written.

THE DRAFT.

The draft for soldiers, prosecuted under the direction of the Federal Government, was based on an enrolment made by its officers, of 107,386 men between the ages of twenty and thirty-five years, and denominated the "first class." The "second class" were enumerated at 56,792, making the whole enrolment 164,178 men. The whole number drawn was 32,079, of which 22,343 obtained exemption. Of this number 3,044 have failed to report. Of the number drafted, 6,690 were held to service. Of these 743 rendered themselves for duty personally; 2,325 are represented by substitutes; 3,622 paid the sum required by law, in commutation,

The experience of all military nations in modern times favors the adoption of a reasonable system of commutation of military service in money. And notwithstanding the gust of apparent unpopularity which attached to the provision in the National Enrolment Act permitting such a commutation, I have never doubted either its wisdom, expediency or humanity. Indeed, I think its supposed unpopularity was only apparent, and not real. Its repeal would tend to deprive all but the rich of the luxury of a substitute. It would introduce to a golden harvest a class of men whose traffic would be detestable for its cupidity, oppression and injustice. Their trade would be injurious to the service, dangerous to the community, unjust to those demanding substitutes, and equally unjust to the men offering themselves in supply. The only system compatible with the public good is that which demands but one maximum price as the condition of exemption, which prevents panic and

competition, creates but one market, and but one bidder for substitutes, and leaves their procurement to the control of the government.

I respectfully suggest, however, that the duty of providing men for the military service does not equitably rest on the shoulders of those men only, of military age and capacity. In the last resort, and when the exigency is adequate, I admit that it *may* become their duty to bear it alone, because when at last the final struggle comes, it is the duty of every man according to the measure of his power, whether of mind, body or estate, to do whatever he can to save his country. But while a community is prosperous and its means abundant, both sound policy and natural justice require that all who share the benefits conferred by the soldier upon his country, should also help the soldier to bear his burden. In order that any shall have a home it is needful that some should go abroad to defend it: and those who remain ought to assist in rendering it reasonably convenient for others to go.

But the welfare of human society never fails to require of the statesman economy of all its resources. The extravagance of to-day only foretells the poverty of to-morrow. Economy itself may demand liberality of expenditure, but it never permits the wasting of resources. Nature, even, boundless in her capacity, uses only what she needs. The duty of suppressing the rebellion involves that of restoring and reconstructing order, society, civilization, where treason and slavery have subverted them, of maintaining them wherever they still exist, of encouraging every benignant, beautiful and useful art, of enlarging the boundaries of knowledge, virtue and truth. This duty involves not merely preserving that political organization known as Government, that combination of States we call our Union, or that fundamental framework of law, its Constitution. Preserving these as invaluable means and opportunities, the work before us involves the duty of perpetuating, securing and amplifying the rights, the freedom, and the welfare of all that portion of mankind whose allegiance our country may rightfully claim.

Considering how vast the responsibility, the extensiveness of the field, the protean shapes innumerable in which that duty is to be encountered, the millions of men who are to be affected, and the infinite years to be influenced by what we do, I cannot but feel that there is no peril from war half so tremendous as those which follow from temporizing, short-sighted or superficial state policy. Even in raising

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soldiers to recruit our army, we must look beyond the campaign. In carrying on war, we must look through the war to the peace which lies beyond it. And in studying how by war to conquer a peace, we must look beyond the peace itself we long for, and consider permanence, security, freedom, and progress. The duty peace will impose requires even while the war continues, the re-establishment of society wherever the army advances, or at least that its foundation shall be securely laid.

The husbanding of our means for all the uses to which they may be required hereafter, implies that they should be sometimes saved, sometimes distributed, sometimes used, but always with that discretion grounded in a clear purpose, which best adapts them to their ends. So, therefore, men should be sought for and accepted where men are abundant and where civil employment is deficient. But where the wants of a whole people demand all the efforts of labor, and capital waits to pay liberally for all that labor can perform to supply them, it is even doubtful economy for men to be there withdrawn from peaceful industry, unless the withdrawal is unavoidable ?

Having sent into the field one man at least out of every three of her enrolled militia, at some time or another since the war began, and having spent for the service already not less than \$15,000,000, including municipal expenditures, but not including the National taxation, I do not think it unbecoming the people of this Commonwealth to suggest any measure of justice tending to preserve her industry, her ability to be useful to the country, and yet to swell the ranks of the National armies. With this view, I think it not improper that she should be allowed to recruit her wasted regiments on the very fields where those regiments have borne the National flag with honor, and in the very States they have helped to grasp from rebel usurpation. Every man she might thus induce to join her ranks, would be one civilian saved to the National industry, one soldier added to the army of the Union, one the less possible victim of rebel conscription, one Union man of the South enjoying, in the form of a Massachusetts bounty, some compensation for the waste and want with which the rebellion had visited him. Now, whether white men or black men, why should we not be permitted to invite them to come ? Why should we not encourage them by the pecuniary advantages of a remunerative service ? Why not weaken the walls of the house of the enemy by attracting whatsoever supports them ? And how could the mission be more actively prosecuted of dis-

busing misinformed southern men, and spreading over the South, now ruined by an insolent aristocracy, the principles of the democratic North? I venture to suppose that the opportunity offered to any inhabitants of disloyal States of serving in the regiments of the patriotic Free-State volunteers, of being helped and relieved by their bounties, of marching under their tried and experienced commanders, shoulder to shoulder with their intelligent veterans of the rank and file, would be the beginning of one of the many moral victories of the war. This measure, already proposed in Congress, of permitting all the loyal States to recruit for their volunteer corps in those States to which no contingents are assigned, I respectfully submit, deserves the support of the Legislature of Massachusetts.

Nevertheless, under whatever decisions and laws—with fidelity and courage unswerving and indomitable,—*her People will do their duty.*

This proposition is of greater importance to the Nation than it is to Massachusetts. The organized, skilled industry constantly at work, the powers of water and steam harnessed into the service of man, the stupendous enginery of mechanical ingenuity, the brain-power wielding and directing all these vast and varied forces engaged in the production of wealth, comfort and the means wanted to maintain order, decorum, and the very existence of society, are of indispensable necessity to the whole country as a condition of maintaining her armies and of conducting the war. Whenever one community can furnish volunteers for our armies, and other communities can afford to pay them to come, but cannot afford to spare their own men from their own industry, the simplest political economy teaches the wastefulness of refusing to allow these balances to be adjusted by the laws of supply and demand. Not to do so seems to me as it would in mechanics to reject the use of the lever, and to insist on moving all bodies by a dead lift.

Do not understand me to claim any preference in our own behalf; nor in behalf of the New England States; nor of any communities whose combinations of labor and capital—whose industry—corresponds to theirs. The argument applies of course alike, wherever the facts agree; and the conclusions which follow from the facts are the deductions of inexorable logic. Do not understand that I would have such communities exempted from furnishing a proportion—perhaps a major part—of their contingents, from their own population. There are those in nearly every part of the country who can be spared for the military service. There

are those everywhere who desire ardently to render it. There are those who ought not to be exempted from it. And I only suggest that all the States should be allowed to recruit for their own regiments to the amount of a certain proportion of the quotas of the new levies assigned to them, within those States on which no requisitions are made.

I have heard, in substance, but one argument in opposition. It is simply the argument based on a supposed jealousy on the part of certain States of the West or Northwest, against some of the older Commonwealths where moneyed capital is more abundant. But can it be imagined that a great question of public economy,—the supreme interest of all people in all the States that the Arts of civilization shall not fail, and that Industry, which is their foundation, shall not be broken down,—is to be settled against the universal interest by a sentiment of local jealousy? Those who suggest it underrate their own constituencies. But if they are right, then let Massachusetts be specially excluded from the arrangement. Let all New England be excluded. But let *other* States be privileged to recruit in the manner I have suggested. It is worth the while, simply for the political and military strength to be gained to our own cause, and the weakness it would communicate to the enemy; and Massachusetts, I am sure, will be content to wait a while for justice and better views to obtain.

A State system of recruiting, both of white and colored men, in the rebel States, will succeed. A Federal system will only partially succeed. The difficulties inherent in bureau-operations I do not think under the Federal system can be seasonably overcome. The States raise State volunteers more rapidly everywhere than troops can be otherwise accumulated. It has always been so. The work can be popularized by their measures and can be accommodated to familiar traditions and methods. When committed to the Federal government it is done only after the methods and traditions of the regular army, which are intrinsically ill adapted to the task. It is well systematized, but it wants life and inspiration. All experience I have known, down to this very hour, has helped to establish the opinion I have just expressed. Troops cannot be suddenly raised, nor without considerable time occupied in the work, either by any means of volunteering, or by conscription. The reasons are both moral and material. They were little less apparent in the summer of 1861 than they are now. With a constantly maintained and systematic plan of State recruit-

ing I am confident that Massachusetts will never fail of furnishing her military contingents. But, in order to succeed well, the system pursued should never be suspended; it should be uniform and coöperative. Bounties should be equal, paid by the government, on a maximum subject to reduction and not inflexibly the same.

NEW ENGLAND AND THE NORTHWEST.

There ought to be absolute sympathy of feeling, as there is community of interest, between New England and the States of the West. By the census of 1860, 560,336 of the children of New England, natives of her soil, were residents of other States and Territories. Of the inhabitants of Massachusetts in 1860, 970,952 were American born, 805,546 were natives of the Commonwealth,—the residue of her population being either foreign to the State or to the country, by their birth. But she had contributed to other States and Territories 160,692 of her own children. Of these, 16,313 were found in Ohio, 9,873 in Michigan, 3,448 in Indiana, 19,053 in Illinois, 3,719 in Minnesota, 12,115 in Wisconsin, 6,214 in Iowa. And in Kansas, where in 1855 she made haste to hoist the flag and practically assert the principles of Liberty, and where her sons have repeatedly sealed their testimony with their blood, 1,282 natives of Massachusetts continued to guard the outposts of Freedom, always menaced and frequently assaulted by the foes of our common country and the supporters of slavery.

More than fifty millions of dollars of New England capital invested in the railroad enterprises of the Great West, (to say nothing of a probably equal amount expended in lands, or employed in loans and in personal property,) and twenty-five millions invested in mining, have been used to develop the splendid capacity and resources of those youthful but sturdy Commonwealths; while within the last twenty years, three millions of dollars, at least, and how much more I know not, in voluntary contributions have found their way from New England, flowing in numerous rills of philanthropic and religious charity, to the churches, the schools, and the other institutions of the West devoted to learning and religion. The young men and maidens who annually migrate thither from these Eastern Commonwealths, are not only drawing after them their share of the paternal inheritance, but are always weaving a sympathetic net-work of affection, reaching to cradle and prairie farm, from the old homesteads and church-yards of New England.

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 During the last session of the Federal Congress, the people of the Great Northwest enjoyed and recognized both the friendship and the comprehensive statesmanship of the Eastern representatives, in the almost undivided support extended by New England to the project of uniting the Great Lakes with the Mississippi River, as a National measure, by a ship canal.

In respect to the quantity of Northwestern food consumed in New England, no means yet exist, to my knowledge, of statistically presenting the subject in precise detail. That could only be done after carefully ascertaining the quantities carried into New England by the railways, and the coasting vessels from all the ports on the Hudson. Reasoning from a few known elements of calculation, it may, however, be satisfactorily estimated.

Foreign statistical writers differ considerably in their estimates of the cereal consumption of nations. McCulloch states the yearly consumption of England at one "quarter" of wheat, or eight bushels to each inhabitant. France, feeding more on bread and less on meat, is estimated as high as ten bushels. But New England, consuming largely of fish and other animal food, possibly may not exceed seven bushels to each person. At seven bushels each, her 3,135,293 inhabitants would consume 21,947,051 bushels.

The census of 1860 shows that her own product of the principal cereals was :

Of wheat, only	1,077,285 bushels.
rye, only	1,417,580 "
Indian corn, only	9,099,570 "

Total yield of these cereals grown in New England, 11,594,415 bushels.

But Massachusetts, with a population of 1,231,066, produced less breadstuffs in proportion than either of the New England States. While her population would, at seven bushels each, call for 8,617,462 bushels, her actual production of cereals was :

Of wheat, only	119,783 bushels.
rye, only	388,085 "
Indian corn, only	2,157,063 "

Her total being only 2,664,931 bushels.

Her residue of breadstuffs, purchased of the region to the North and West, allowing seven bushels for each inhabitant in the year 1860, was 5,952,531 bushels ; or, if she con-

sumed at the rate of eight bushels,—the computation of English consumption by McCulloch,—her purchase must have been 7,183,597 bushels. More than seven-eighths of the whole cereal yield of Massachusetts was Indian corn, of which a very large portion must have been fed to animals. Her proportional purchase, therefore, must have been much larger than the average purchase of New England. The annual consumption of purchased flour by New England,—at an estimate which is sustained by the computations I have already made,—is something near 3,500,000 barrels, or more than one barrel to each inhabitant. In the year 1862, more than 800,000 barrels of Western and Northern flour were sold in Boston for domestic consumption, or three-fourths of a barrel for each person in Massachusetts; which number I assume must have been equalled by the sales in other parts of the State.

But, to abridge a discussion which would be too protracted were the statistics to be pursued into greater detail, I venture to affirm the conclusion that the consumption of Western agricultural products within the six States of New England, including flour, grain and animal food, used for the support of man and the forage of cattle, swine and horses, during the year 1863, reached the value of \$50,000,000, the proportion of which taken by Massachusetts exceeded \$20,000,000.

Beside this, it must be remarked that the mills of New England are manufacturing wool at the rate of not less than eighty million pounds annually, producing two-thirds of the woollen fabrics made in the United States. Perhaps thirty-five million pounds are imported from foreign countries. The remaining forty-five millions or more is American grown, being about two-thirds of the whole clip, (according to the last census,) to which New England affords a market. Her own clip of wool in 1860, was less than seven millions of pounds, out of about forty-nine millions produced in the loyal States. Massachusetts, while she raised not more than $\frac{1}{4}$ th of the clip of New England, or about $\frac{1}{10}$ th of the clip of the loyal States, or $\frac{1}{10}$ th part of all the wool made into American goods, manufactured one-third of all the woollen fabrics made in the Union. Beside all this, there is the carpet and coarse blanket wool, now manufactured in New England to the quantity of twenty millions of pounds.

WESTERN TRANSPORTATION.

These calculations and statistics establishing our power of consuming Western products illustrate also the impor-

tance to the West of extending its market by the cheapening of transportation; the importance to consumers of all classes, of cheapening food by increasing the means of direct and economical transportation; the importance to the commerce of Boston, of bringing food, which, whether arriving here in the forms of grain, flour, lard, live animals, or cut meats, is becoming of more and more commanding value in our commercial exchanges; the importance of abundant and cheap transportation for *fuel*, as well as for food, if we would maintain the manufacturing power of New England. On the prosperity of these manufactures depend not only the support of the artisans and laborers they employ, the thrift of the villages they have created, but the domestic markets for vegetables, milk, fruit, poultry, and other products of the field, the orchard, and garden, which yield revenue to our own farmers.

An adequate treatment of this subject includes a consideration, not only of the procurement of cheap and abundant food for our own eaters, of prosperity to our manufacturers and mechanics, of lively domestic markets, of local welfare all over Massachusetts, but of our growth and permanence as a commercial people. It spans the ocean, it scales the mountains, bridges the rivers, and steams over the great lakes, strengthening us at home by its unifying of interests between West and East, and contributing to the power, influence and ubiquity of our commerce on every sea.

GENTLEMEN OF THE SENATE AND
OF THE HOUSE OF REPRESENTATIVES :

Several topics—among others, of the militia—omitted from this Address, already long, can be better matured hereafter, should occasion demand their discussion. I must not omit to bear public testimony again to the efficient manner in which the recruitment of volunteers is conducted through the municipal governments. The work is brought directly home to the people. Led by their own local magistrates, it is patriotically done. Time, an element not usually understood, will enable them to fill our contingent. I can never express my sense of the sublime devotion to public duty I have witnessed in this people from my watch-tower of observation; nor the gratitude I owe for their indulgent consideration.

But the heart swells with unwonted emotion when we remember our sons and brothers, whose constant valor has sustained on the field, during nearly three years of war, the

cause of our country, of civilization, and liberty. Our volunteers have represented Massachusetts, during the year just ended, on almost every field and in every department of the army where our flag has been unfurled. At Chancellorsville, Gettysburg, Vicksburg, Port Hudson, and Fort Wagner, at Chickamauga, Knoxville, and Chattanooga—under Hooker, and Meade, and Banks, and Gillmore, and Rosecrans, Burnside, and Grant—in every scene of danger and of duty, along the Atlantic and the Gulf, on the Tennessee, the Cumberland, the Mississippi and the Rio Grande—under Dupont and Dahlgren, and Foote, and Farragut and Porter—the sons of Massachusetts have borne their part, and paid the debt of patriotism and valor. Ubiquitous as the stock they descend from, national in their opinions and universal in their sympathies, they have fought shoulder to shoulder with men of all sections and of every extraction. On the ocean, on the rivers, on the land, on the heights where they thundered down from the clouds of Lookout Mountain the defiance of the skies, they have graven with their swords a record imperishable.

The Muse herself demands the lapse of silent years to soften, by the influences of Time, her too keen and poignant realization of the scenes of War—the pathos, the heroism, the fierce joy, the grief, of battle. But, during the ages to come, she will brood over their memory; into the hearts of her consecrated priests will breathe the inspirations of lofty and undying Beauty, Sublimity and Truth, in all the glowing forms of speech, of literature and plastic art. By the homely traditions of the fireside—by the head-stones in the church-yard, consecrated to those whose forms repose far off in rude graves by the Rappahannock, or sleep beneath the sea—embalmed in the memories of succeeding generations of parents and children, the heroic dead will live on in immortal youth. By their names, their character, their service, their fate, their glory, they cannot fail :

“ They never fail who die
 In a great cause; the block may soak their gore;
 Their heads may sodden in the sun, their limbs
 Be strung to city gates and castle walls;
 But still their spirit walks abroad. Though years
 Elapse and others share as dark a doom,
 They but augment the deep and sweeping thoughts
 Which overpower all others, and conduct
 The world at last to FREEDOM.”

The edict of Nantes maintaining the religious liberty of the Huguenots gave lustre to the fame of Henry the Great, whose name will gild the pages of philosophic history after

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SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE, DURING THE SESSION ENDING MAY FOURTEENTH.

[To the House of Representatives, January 18.]

I have the honor to transmit to the General Court—

1. A letter addressed to me on December 29, 1868, by the Federal Commissioner of Public Lands, announcing the forwarding of 2,250 pieces of land scrip, representing 360,000 acres, being the portion allotted to Massachusetts under the Act of Congress of July 2, 1862, concerning "colleges for the benefit of agriculture and the mechanic arts."

2. The circular to Land Registers and Receivers, which was inclosed with the Commissioner's letter.

3. A report made to me on January 11, 1864, by the Treasurer of the Commonwealth, identifying the counting of the scrip, which I have deposited in his office for safe keeping.

I have forwarded to the Secretary of the Interior my receipt for this scrip, which I have received pursuant to section 2 of chapter 166 of the Massachusetts Statutes of 1868. By section 3 of that chapter, provision is made for a Commissioner to be appointed by the Governor to dispose of this scrip, and for the Commissioner to give bond, with sureties, in the sum of fifty thousand dollars, faithfully to perform the duties of his office. The scrip not having been received from the land office until the present month, the earlier appointment of a Commissioner was unnecessary.

There are no public lands of the United States within this Commonwealth; and under the Act of Congress of July 2, 1862, (the Agricultural College Act,) the Commonwealth is forbidden to locate this scrip within the limits of any other State or of any Territory of the United States. The assignees of the Commonwealth may, however, thus locate

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the same upon any of the unappropriated lands of the United States subject to sale at private entry, at one dollar and twenty-five cents, or less, per acre.

It is important, for the cause of education in those branches of learning, related to agriculture and the mechanic arts, which it was the object of Congress to disseminate "in order to promote the liberal and practical education of the industrial classes," that this scrip should be prudently husbanded and not forced upon the market. It is important, also, that there should be some concert of action between the several States having a common interest in the subject, with a view to the promotion of the common good. I would, therefore, respectfully suggest that the 3d section of the 166th chapter of the Acts of 1863, be amended so as to vest the custody of this scrip in the Treasurer of the Commonwealth, while it remains unsold, and to authorize the agent who may be appointed to sell the scrip to give orders on the Treasurer for its delivery from time to time as sales may be made, on payment therefor into the treasury. This method will keep the scrip or its proceeds always in the treasury, precluding the necessity of appointing an officer charged with the custody of property and money giving a very large bond which is required by the Act last mentioned. The business of seeking a market for the scrip might then be properly intrusted to some person expert in such affairs, to whom a commission should be paid on his sales, which should be at a minimum price fixed by law, or by the Governor and Council.

[To the Senate, January 13.]

I have the honor herewith to communicate for the information of the General Court the Report of the Commissioners appointed under the Resolve of March 28th, 1863, being chapter forty of the Resolves of that year, to examine and, if possible, adjust various questions of the title of the Dartmouth tribe of Indians to certain lands in Dartmouth and Westport.

[To the Senate, January 20.]

I had the honor, in my Annual Address, to indicate the expectation of communicating with the General Court, on another occasion, concerning the militia. I approach this subject with diffidence, although with opinions established by some experience and much reflection. I propose, however, to confine myself at this moment principally to the simple duty of conveying to your honorable body, for the

use of the General Court, the documents by which this message is accompanied.

They are, 1st: A report made to myself by an informal commission of five gentlemen, combining a large amount of military experience, of specific military education, of familiarity with our own militia, and with general affairs.

2nd: A copy of the celebrated report of General Henry Knox, who, it will be remembered, was chief of artillery on the staff of General Washington, during the war of the Revolution, and afterwards appointed by Washington, Secretary of War, under the Constitution. This report was made to the House of Representatives, at the beginning of the year 1790, being about five years after his appointment to the Department of War.

I desire to avail myself of this opportunity to express the obligations I am under for the public spirit, and personal kindness of the gentlemen who have performed the service, of which their report is the evidence and the fruit.

While the details of the system favored in the report may require modification, and while I am not convinced that the exercise of the elective franchise should be made to depend on any previously acquired military education, or any previously rendered military service, I am profoundly impressed by its general theory of popular military education and training, and of the organization, use and governing of the militia.

I would respectfully urge upon the General Court, the great importance of a careful and patient investigation of the whole subject at the present session. The presence of an unusual number of members of either house familiar with arms, and who have rendered eminent military service to the country, presents advantages not heretofore enjoyed, and which may not soon recur. Events during the last summer intensified the conviction in thoughtful minds, that some system of popular military education, and of militia organization, adapted to the preservation of public order, as well as the principles of popular liberty, ought to be immediately devised and established. I should deprecate, however, the adoption of any methods, which, though seeming to cover the whole ground of the enrolment and training of the militia, should fail to reach the bottom of the subject, or to disregard those measures essential and fundamental.

At this day, we ought not to be driven to regard any system we may adopt as experimental. I should hope we might aim at a system intended for permanence, built on the foundation of principles now a part of our authenticated

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knowledge, confidently relying upon the virtue and intelligence of a patriotic constituency to approve our endeavors and abide by our work.

I venture to observe that I think it possible to secure efficiency, without sacrificing economy, and that broad and generous methods will be found most economical as well as most enduring. They must be rooted, therefore, in our system of popular education. And the education of the militia for the performance of its duties, must include the education of our youth for their fulfilment, when the youth shall have become men and shall form the militia of the State.

Just so much as may be accomplished by our youth at school will be spared from their militia training after they have become adults. Rudimentary military instruction, tuition and practice in the manual, the school of the soldier, the school of the company, and so on, may be introduced into our day schools and academies, or may be imparted to and enjoyed by boys, disconnected from their literary education, with manifest advantages.

I cannot doubt that many hours, monthly, may thus be rescued from unmeaning play, many from weariness and mental dullness, and many be added, by the cheerful impulse of bodily health and mental tone, to the really successful exertions of the young student. I believe we can have brighter scholars, better boys, healthier and manlier sons, steadier and more dutiful young citizens by the process. And in the process we shall be preparing them to begin their militia life, already well grounded and well disciplined in much knowledge which they would acquire less easily in later life, and for the acquisition of which in later life they would have less convenient time. Besides, military drill is a part of the best gymnastics which can be provided for the youth at school.

It may be assumed, I think, that one-tenth of the enrolled militia is a number large enough to be maintained on a constant footing of preparation for active duty. The legislation of last year requires the procurement of arms and equipments for nearly that proportion.

I doubt the wisdom of organizing as active militia the very young men by themselves. I think the influence and effect on them and on society would be better, if the number to train in the active tenth should include all ages up to thirty-five years, and even not excluding volunteers above that age. Better officers, cooler judgments, more sense of responsibility to the government and for the public welfare, would be likely to result.

The effort ought to be made to render it honorable to serve in the militia. It should not be regarded as a task to be avoided, a burden to be dreaded. A promotion in that service should be regarded as one of the tests of public confidence and respect, one of the proofs of a worthy and successful career. Had we a reasonably competent militia in the free States, we could destroy the existing rebellion in a single campaign of a few months, and with little effusion of blood. There have been several periods in this war when 200,000 militia, such as we can have on a sound footing in three years from now, if we will it, would have prevented the draft of last summer and the requisition of last October. We are spending hundreds of millions of dollars—to say nothing of all other cost—because we have no competent militia. Do not let us think that the present war will soon be over, and that we had best save our time and our money—not expending them at this moment on a militia system.

What if the war lasts much longer than our anticipations? And how should we repair the blunder? But, if it does end, the lions and vultures of the world will still remain. The next generation will need defence against them. Shall we leave our children uninstructed, our country to drift, our people to the perils of an unmanly, imbecile and chaotic social organization which omits the means—which in certain exigencies are of imperative necessity to the very life of a nation? I think the people of Massachusetts are prepared to declare now for a well armed, well educated, well disciplined militia, composed of industrious, intelligent, patriotic and determined freemen, who know their rights, and knowing, dare maintain them. I believe that the main reason why we have not such a militia to-day is that no system has been provided, which commended itself to the public opinion as being substantial, efficient, equal and apparently permanent. When a system adequate to command the respect of the people is provided, they will respect it. And they will support it, because they will always support what they see to be important to the lasting welfare of the State.

I cannot omit in this message to mention how much is due to those who in the few years next preceding the present rebellion have, under discouragements and difficulty maintained a volunteer militia in Massachusetts.

Although few in numbers, inadequately supplied and sustained, the volunteer militia of this Commonwealth, in the year 1861, was enabled to do for the country more than will be fully understood and appreciated until the excitements of war shall have given place to the cool judgment of history.

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[To the House of Representatives, February 1.]

I have the honor to transmit to the General Court a communication addressed to me by the Commissioners on Public Lands, forwarding a deed drawn for the purpose of granting to the City of Boston a right to maintain water-pipes on certain lands of the Commonwealth, which deed, to be valid, will require approval and confirmation by the legislature.

[To the Senate, February 13.]

I had the honor, on the twentieth of January, to communicate to the General Court the report of an informal commission concerning "the military instruction and training of the people of Massachusetts." I had hoped to transmit therewith some account of the reports made to the Royal Educational Commission of Great Britain on physical training in connection with the introduction of military drill and instruction into the schools for youth.

But having been unable, by reason of the pressure of other duties, to give to this subject the personal attention I desired to bestow, I requested a gentleman interested in the cause of education, to prepare a report thereon, presenting the substance of the inquiries made, the experience had, and the results reached, so far as results have yet been attainable, and I respectfully furnish his report for the information of the legislature.

I regard the subject and the various questions, direct and collateral, which it involves, as of great and lasting importance to the Commonwealth. I trust that it may be examined with full deliberation, and that all means of inquiry and all the avenues of information may be thoroughly exhausted and explored. The subject affects our educational system and its prosperity; the physical and intellectual development of our people; and their capacity to maintain, without undue expenditure of the time of our adult men, a competent and efficient militia.

[To the Senate, February 23.]

I have the honor to communicate to the General Court a report received from the Honorable Josiah Quincy, Jr., Honorable Alfred Hitchcock, M. D., and Horatio R. Storer, M. D., Commissioners appointed under the 91st chapter of the Resolves of 1863, to make certain investigations of the subject of Insanity, and the disposition of persons alleged to be insane. The Commissioners have prosecuted their inquiries with an exemplary diligence and care, conducted with a learning and ability, which commend the result of their labors to the attentive consideration of the legislature.

SPECIAL MESSAGES.

393

[To the House of Representatives, February 23.]

I have been informed by the attorney-general of the Commonwealth, of the pendency of a writ of error before the supreme court of the United States, sued out by John McGuire, to procure the reversal of a judgment against him in the superior court, within the county of Essex, upon an indictment for the offence of being a common seller of intoxicating liquors, in violation of the statutes of this Commonwealth. The question to be raised is whether the defendant, by being licensed as a retailer under the United States excise law, has obtained the privilege of carrying on the business in Massachusetts, notwithstanding the statutes of the Commonwealth.

An early day in March has been assigned for the hearing. In order that the Commonwealth may be represented by the attorney-general, at the argument of the cause at the bar of the supreme court, I would respectfully suggest that an appropriation be made to pay the expenses properly incident to the service.

[To the Senate, March 11.]

I have the honor to transmit herewith to the General Court a communication, accompanied by a surveyor's plan, addressed to me by the Honorable the Secretary of the Navy, making request that this Commonwealth will cede to the United States jurisdiction over certain lands desired by him to be purchased, to extend the water front at the navy yard at Charlestown.

[To the House of Representatives, March 25.]

I have the honor herewith to transmit to the General Court, the twenty-seventh annual report of the Board of Education, together with the accompanying reports to the Board, of its officers.

[To the House of Representatives, April 2.]

I have the honor to transmit to the General Court a communication, addressed to me by his excellency, the governor of Maine, with the accompanying copy of Resolves adopted by the legislature of that State, "inviting the Commonwealth of Massachusetts to cooperate with Maine in extending aid to a military road from Bangor to St. John River." Being thus advised that three distinguished citizens of Maine, Edward Kent, John Hubbard and Israel Washburn, Jr., Esquires, have been appointed, in compliance with these Resolves, to be commissioners to present to the government of Massachusetts the views entertained by the govern-

ment of Maine upon this subject, I therefore respectfully suggest that the subject be referred to an appropriate committee of the General Court, with authority to hear the commissioners and report at the present session.

[To the House of Representatives, April 13.]

I have the honor to communicate to the House, for the information of the General Court, a printed copy of the report of the adjutant-general of the Commonwealth, attended by the respective reports of the quartermaster-general, the surgeon-general and the master of ordnance, for the year ending the 31st day of December, 1868. I respectfully suggest to the General Court the importance of printing such a number of copies of these documents as will to a reasonable degree supply the demand of the people for the particulars of the military annals of the Commonwealth, and the record of our several volunteer military organizations in the Union Army; during a year crowded with incident, fruitful of valor, its rewards and its casualties. There can be few citizens of Massachusetts who have not a personal interest in this history.

[To the House of Representatives, April 16.]

It has become my duty to communicate to the General Court the fact of the appointment on the twenty-third day of February, in the present year, to the office of a justice of the peace for the county of Suffolk, of one Joseph Hale, Jr., to whom it is manifest that such a commission ought not to have been imparted and by whom it ought not to be longer held.

It has come to my knowledge, since the issue of the commission under which this party has taken the oaths of office, that at the January term, in the year 1860, of the superior court, for the county of Essex, he was convicted of a felony, and was sentenced to three years imprisonment at hard labor in the State Prison at Charlestown, to which prison he was accordingly committed where he remained until his sentence was duly executed. Certified copies of the indictment and mittimus are herewith transmitted for the information of the General Court.

The appointment in this case was made in reliance upon the names of several respectable gentlemen by whom it was recommended. The fact of Hale's conviction of crime was wholly unknown and unsuspected by this department. No opportunity, therefore, was had to make inquiry into the prior or subsequent reputation and course of life of the said

SPECIAL MESSAGES.

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395

Hale, with a view to ascertain whether, notwithstanding a circumstance so untoward, an office of trust could properly be conferred upon him. Since this fact in his history has come to my knowledge I have advised the said Hale of my sense of the impropriety of his continuing to hold the commission under existing circumstances, and that, in my judgment, his duty as a citizen requires its surrender. After doing so, he could, if he should choose, renew his application and stand upon such merits as might then be made to appear. But the said Hale declines to resign his office.

It may properly be added that the said Hale has not hesitated to avail himself of the legal immunities consequent upon his conviction; for since his discharge from the State Prison he has pleaded before a Board of Enrolment his conviction of felony, and proved his own identity as a discharged convict from the State Prison of Massachusetts, in bar of all claim on the part of our National Government, under the Act of Congress of March 3d, 1863, to his services as a soldier in the public defence.

I deplore the necessity of this communication. I regret the accident of an improper appointment. But I still more deeply feel the importance of correcting such an error. Having failed to obtain from the party himself a voluntary surrender of his commission, and the executive department being without power, except upon address of both houses of the legislature, to remove the said Hale from the judicial office of a justice of the peace, I make this communication in order that the legislature, being now in session, may, if it shall deem proper, present such an address, or so otherwise dispose of the case as its sense of public duty may require.

[To the House of Representatives, May 11.]

I have had the honor to receive from the House a copy of the following Order:

“COMMONWEALTH OF MASSACHUSETTS.
HOUSE OF REPRESENTATIVES, BOSTON, }
May 3, 1864. }

Ordered, That the Governor be requested, if not incompatible with the public interest, to communicate to the House the number and kind of arms purchased or contracted for, the past year, the terms of contract or purchase, the name of the contracting parties, and whether said parties have or have not complied with the terms of the contract, the principle upon which these contracts were given, and purchases made, whether by public advertisement and an award to the lowest bidder or otherwise; the number and kind of arms at present in the arsenals of the State, and such other information pertaining to the subject as it may be his pleasure to communicate.

(Signed.)

W. S. ROBINSON, Clerk.”

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In compliance therewith I have the honor to reply.

These contracts and purchases were made under the following Resolve of the General Court, passed March 10, 1863.

Resolved.—That his excellency the governor, by and with the advice and consent of the council, be and is hereby authorized to enter into contracts, on behalf of the Commonwealth for the purchase or manufacture of fifteen thousand stand of arms, of such pattern as the governor and council shall deem best adapted for the service to which they are to be applied; also of arms and equipments for one regiment of cavalry; also of guns and equipments for five batteries of light artillery, and such other arms and equipments as shall, from time to time, be found necessary for arming the militia in active service; and the sum of four hundred and fifty thousand dollars is hereby appropriated for the foregoing purposes.”

Pursuant to this Resolve, it became my duty first to ascertain what *patterns* of arms would be best adapted for the militia, preliminary to any other action. To that end I sought the advice of divers experienced and skilful officers, of the different arms of the service, including officers who had served in our own militia, in the volunteer army and in the regular army of the United States. Their undivided opinion was that out of the fifteen thousand stand of arms, thirteen thousand ought to be of the latest pattern of the Springfield regulation rifled musket; that two thousand might properly be breech-loading rifles, to be carefully distributed, for sharpshooting and skirmishing.

In like manner it was ascertained that the most efficient firearm for cavalry now in use in this country is the Spencer Magazine carbine.

It remained, (having fixed the proportion of muzzle-loading and breech-loading arms desirable for infantry riflemen,) to select the best pattern or description of breech-loading rifle. For this purpose, I appointed His Honor the Lieut. Governor, Brig. General Wm. Raymond Lee and Col. John Kurtz, a commission to examine all such breech-loading arms as might be submitted to them, to subject them to proper tests, and to report thereon. They gave public notice to all persons wishing to do so, to submit their specimen arms to the commission. And after examining a very large variety of such weapons, including all which were offered, they reported unanimously in favor of the Spencer repeating rifle and carbine. These arms are manufactured by a single company. Accordingly a contract was made, under the authority of the Governor and Council, with the Spencer Repeating Rifle Company for 2,000 rifles and 1,176 carbines,—the latter number being the appropriate number for one regiment of cavalry.

I subsequently requested His Honor the Lieut. Governor, with Col. Charles Amory and Col. Charles H. Dalton, to act as a commission to report to me the best method of seasonably procuring 13,000 stand of the United States regulation muskets of the latest Springfield pattern, and their probable cost. They immediately addressed a circular to all parties known to be engaged in the manufacture of these arms, inviting their proposals for a contract with the Commonwealth. The report of these gentlemen was then referred to the Military Committee of the Executive Council, consisting of three members, who carefully examined the proposals made, and reported in favor of a contract with Messrs. Norris and Clement, which was accordingly made. The terms of this contract will appear in a report from the Ordnance Department, hereto annexed.

It should be remarked that the Spencer Rifle Company furnished the required number of rifles early last autumn. But, in deference to a request from Brig. Gen. George D. Ramsay, chief of the ordnance bureau of the U. S. War Department, at a time when the operations of Major-Generals Burnside and Rosecrans were attracting the most anxious attention, I consented to allow the two thousand Spencer rifles to be transferred to the order of the United States Ordnance Bureau, the United States Government paying the manufacturers therefor. The guns were sent to the West, and contributed to the subsequent success of our arms; and, conformably to the agreement of the chief of the ordnance department, they were replaced early the present year.

It will be observed that the Spencer carbines contracted for have also been delivered; but it is my duty to state, however, that the War Department, through Brig. Gen. Ramsay, has, since the recent active and splendid movements in Virginia, under Lieutenant-General Grant, requested us to turn over to him for especial use all these arms, urging the great importance of being able to use immediately every weapon of the kind within reach, and promising to put the carbines into the hands of the veteran Massachusetts cavalry, now on duty before the enemy. I have taken the responsibility of directing our own master of ordnance to place these arms at the disposal of Brig. Gen. Ramsay, securing an agreement, offered by him, to replace them by new weapons of the same pattern as early as may be during the present year. I rejoice that the opportunity exists of thus arming for the desperate struggle now convulsing the nation with anxious hopes and patriotic fears, the veteran cavalry soldiers of

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 Massachusetts. And I doubt not the General Court will approve the loan.

The existing supply of arms now on hand in the arsenal, is in addition to those served out to and deposited with the various companies of militia, and some pieces of artillery, deposited with cities and towns, under specific legislation.

The appended copies of the reports, marked A, B and C respectively, made to me by the master of ordnance, exhibit the ordnance and arms contracted for, their kinds, number and prices, the names and residences of the contractors, and the number delivered, together with a schedule of the arms at present in the arsenal at Cambridge.

I avail myself of this opportunity to inform the General Court that, in order to procure and pay for the ordnance required for fifteen regiments of infantry, one regiment of cavalry and five batteries of artillery, contemplated by the Resolve of 1863, an additional appropriation is needed of one hundred and fifty thousand dollars.

The uniforms and quartermaster's supplies, needed for the same purpose, will require an appropriation of seven hundred and seventy thousand dollars.

I respectfully recommend these appropriations to be made at the present session.

[To the Senate, May 12.]

A Bill, entitled "An Act for the better Enforcement of the Laws," having been laid before me for my revision, I perceive objections to its passage, and return it herewith to your honorable body, in which it originated, together with my objections thereto in writing.

The first section of the Bill provides that "no person shall hereafter be placed on the jury list or be allowed to serve as a juror, who is at the time engaged, directly or indirectly, in any unlawful business or occupation."

It is difficult for me to understand how far, by the intention of the legislature, this exclusion was designed to extend. Whenever a man is engaged in an unlawful business in such a manner as to be liable to punishment therefor he must, in the usual acceptation of language, be deemed to be "*directly*" engaged therein.

The word "*indirectly*" therefore must be so interpreted as to have some further and additional signification—the definite limits of which do not appear. Indeed, by a subsequent clause in the Bill they are left to be fixed by each judge who may be called upon to administer the law, according to his own discretion.

In one sense a man who lets a building to a broker who violates the usury laws, or to any person who is doing business not having taken out a license under the internal revenue laws of the United States, may be fitly said to be "indirectly engaged in an unlawful business." And the statute is so drawn as to forever prevent any authoritative interpretation by judicial construction, of the true meaning of this dubious and indefinite language. For the same section provides that "the decision of the court at the trial shall be final as to the competency of the juror," thus rendering it impossible to obtain any revision by the tribunal of last resort, of the ruling of a single judge who may adopt a construction extremely lax or unduly rigorous, according to his own general temperament or the condition of his feelings at the moment.

Again, whenever a juror is excepted to as disqualified under this section, there will be a question of fact to be tried, either upon the evidence of others or by interrogating the juror himself.

If evidence may be heard upon each side of such a question, ingenious counsel would find it easy to protract the empanelling of a jury so as to consume much more time than the whole trial of the offence before the court would require. In fact, there may be at least twelve trials in the empanelment of every jury, before the trial of the defendant is reached, and at least one trial more for every one called, tried and set aside. But if it be designed to limit this trial to interrogating the juror himself, then my objection is that no juror can be compelled to answer if he sees fit to decline to criminate himself, and that while an honest juror, who may really have the requisite qualifications, will almost certainly be set aside for the slightest and most remote connection with any unlicensed occupation, any man who is ready or likely to violate his duty, his conscience and his oath as a juror, by rendering a verdict contrary to law, will with much less hesitation make such untrue answers and concealment of facts as to secure his continuance upon any panel where he has an interest to serve.

I do not, therefore, believe that the section under consideration affords any valuable safeguard to the purity of the administration of justice, while I feel it to be a decided invasion of the fundamental principle upon which trial by jury proceeds. For, upon the objection of either side, a single judge may in any case set aside any juror whom he does not desire. At the present time there may be little danger that the power proposed to be given to a presiding

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judge would be seriously abused. But there have been occasions, even in Massachusetts, when the existence of such a power would have filled the whole people with alarm, and its attempted exercise with burning indignation. How would it have been regarded, if the courts of the United States, a few years ago, had possessed the power, and assumed to exercise it, to set aside every jurymen *indirectly* engaged in the work of liberating slaves by means contrary to statutes then held to be law, or of hindering the return of the refugees from oppression to the places of their bondage?

The theory of trial by jury requires that the selection of jurymen shall be as far as possible independent of the court. I cannot, therefore, give my assent to a measure which as I think unnecessarily, and in principle dangerously, subjects the composition of the whole panel to the discretion of a single judge. Under the existing provisions of law the impartiality of a juror may be inquired into, and in this way any man can be set aside who is so connected with any business as to be unlikely by reason of interest or bias fairly to try and determine any particular issue or any class of prosecutions. This remedy seems to be adequate, and far more consistent with the spirit of the Constitution than the unprecedented provision proposed.

It will be observed further that this first section of the Bill applies alike to the composition of a jury for the trial of civil causes between parties and to a jury for the trial of persons accused of crime. And, were the legislation it proposes free from the objection that it seems to endanger the freedom and independence of the jury as one of the great defences of civil liberty; were it relieved of the objection that it may enable a venal or an unjust judge to pack juries and oppress the people; still it would be open to the objection that in civil causes it will enable a party having no meritorious defence, to embarrass and perplex, if not defeat, the plaintiff, in a cause of substantial merit, by a vexatious litigation of the right of every man called as a juror to sit in the cause. It will be of no avail that he is possessed of every other qualification to serve as a juror and to decide justly. The objecting party may claim the right of trying to the utmost to establish a technical disqualification under this Bill.

The third section of this Bill also is so written that it does not seem to admit of an intelligible construction, or of any practicable application. In its own language, it applies to "cases in any court for the violation of any provisions of

the eighty-sixth chapter of sections sixth, seventh, eighth or ninth of the eighty-seventh chapter of the General Statutes." Of course this is a verbal error in the engrossment, but it nevertheless renders it improper for me to sign the Bill in its present draft.

I ask leave also to call the attention of the Senate to the circumstance that the literal construction of this section would seem to require "*judgment and sentence*" even after a verdict of *acquittal*, or else a written motion verified by affidavit before the discharge of the defendant; thus impeding the clear and unconditional right of a man immediately upon the return of such a verdict, to be at once relieved and set free from further prosecution of the indictment upon which a jury has declared him to be not guilty.

I also call attention to the circumstance that this section appears to apply only to courts in which *verdicts* are rendered, and if so, that it limits and restrains the discretionary power of the attorney-general and of district attorneys, who are sworn, permanent, and responsible officers, and of the higher courts of law, while at the same time it leaves a greater liberty to trial justices and police courts, and to private counsel in behalf of the government, who may by chance appear on a single occasion before these inferior tribunals. But, if it should be found possible by some judicial ingenuity to escape these objections to the third section, so as to render it both operative and consistent with established principles and common right, still there will remain unremoved, what I humbly but sincerely conceive to be the fundamental errors and dangers, which in the first section menace the venerable and precious institution of trial by jury for the subject accused of crime, the slightest encroachment upon which would be a general and permanent evil, far outweighing any temporary advantages which may be gained or hoped to be gained by the proposed law upon the trial of any particular class of cases by obviating difficulties supposed to exist in the enforcement of any particular law.

My education, training, instincts, observation, and my matured convictions, alike bid me, with most commanding voice, to pause before incurring any part of the responsibility of adopting an enactment which seems to me obnoxious to this grave objection. And I am thus constrained to return this Bill to the legislature for its further consideration. If I am mistaken, I shall have the satisfaction of knowing that I have erred on the side of cautious deliberation, by invoking the most considerate judgment of the General Court

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upon a subject of transcendent importance and far-reaching consequences.

[To the House of Representatives, May 14.]

I am constrained, with much regret, to return without my signature, a bill this day presented to me for my revision, entitled "An Act to establish the Massachusetts Bounty Fund and to create a Sinking Fund for its Redemption," because I cannot give my approval to the following clause as to the mode of disposing of the public scrip, providing that it "shall be sold and disposed of at public auction in the city of Boston, or in such other mode, and at such times, and in such pieces and amounts as the governor and council and a committee of the legislature, consisting of the Committee on the Treasury of the Senate, and the Committee on Finance of the House of Representatives, by concurrent action, shall deem expedient."

In the Constitution of Massachusetts, the thirtieth article of the Declaration of Rights contains the following words: "In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men."

In the frame of government and the distribution of powers among the different departments, the treasurer and receiver-general is classed among the executive officers, and I suppose it to be clear that the administration of the treasury, the receiving and disbursing of the public moneys, must be regarded as duties of an executive character. If this be so, in the concurrent action now proposed between the governor and council and a committee of each branch of the legislature, executive functions will be devolved upon these committees contrary to the express mandate of the Constitution.

But if it be held that the creation of public debt is a matter pertaining to the legislative department, and that this includes the right to provide for the mode of selling the scrip, then this clause of the statute is objectionable because the performance of this duty is, under this bill, to be shared between the legislative committees, and the governor and council, who are the executive department.

In other words, if a determination of the mode of selling the public scrip be a legislative duty, the governor and council have no right to take part in its performance. If it

is an executive act, it is one in which the legislature cannot constitutionally participate. It seems to me that it must be the one or the other, and cannot be regarded as of a mixed character, capable of being intrusted to the united action of two departments of the government which the express language, as well as the general scheme and frame of the Constitution, show were to be kept forever separate from and independent of each other.

It may be added that if the disposal of the scrip is to be regarded as a legislative duty then it should be performed by the General Court itself, and cannot constitutionally be delegated to committees of its members, to be exercised at their discretion.

For these reasons, stated thus briefly and imperfectly, because the lateness of the hour at which this Bill has been placed in my hands has given me no opportunity to expand or illustrate my views, I feel it my duty to withhold approval from the Bill in its present form.

[To the House of Representatives, May 14.]

I find it to be my duty to return to your honorable body, in which it originated, a Resolve entitled "A Resolve authorizing additional compensation to members of the legislature," with a statement of the objections which have prevented its signature, for reconsideration by the General Court.

I am fully sensible of the extreme delicacy of the attitude I am thus obliged to assume. But I am sure that, if on reflection and reconsideration, two-thirds of the senators and representatives shall fail to support the Resolve by their votes, there will be few members of either house, of either opinion, who will not agree with me that expediency and sound policy will be best consulted by the failure of the Resolve. I think that few would desire its enactment into a law, when so large a proportion of members, alike interested in the result, could not, after such full deliberation, be brought to agree with the majority on such a question.

I do not for a moment weigh the intrinsic value to the Commonwealth of the services rendered by its legislators, against the price proposed for their compensation. I do not understand that ever they are paid, or ever were expected to be rewarded, in the form of any pecuniary wages, for the experience, good judgment, and intelligent patriotism which the Commonwealth expects to be employed in their annual work of legislation. She claims the right to draw hither, each year, by the votes of the people, a sufficient number of

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sound heads and true hearts to perform certain of the gravest and most responsible functions intrusted by organized civil society to its members. The duties of the lawgiver, his office, his powers,—all alike,—if well fulfilled, refuse to be appreciated by the scales or measures which we apply to commodities of the market. The compensation, in money, appropriated to the members of the General Court, can be regarded only as a reimbursement of the expenses incurred by them in their attendance on its session. They do not abandon or surrender their private business, like officers whose whole time is claimed by their public duties. And, unlike jurors and witnesses,—who are compelled to attend upon the judicial tribunals, and whose compensation it is not proposed to increase,—the legislature fixes its own hours, and even days, of public duty, arranging them so as to be reasonably convenient to its members, with proper and substantial regard to the wants of the public service.

Having in view the experience of many years of the legislative history of Massachusetts, a statute was adopted in the year 1858,—was re-enacted in the year 1860, and still exists as the law,—which is found in the General Statutes, (chapter 2, section 13,) expressed in the following words:—

“Each member of the Senate and House of Representatives shall receive three hundred dollars for the regular annual session for which he is elected, and one dollar for every five miles travel once in each session from his place of abode to the place of the sitting of the General Court.”

With this law, already six years old, standing on the statute book, known and read of all men, never since its enactment in one instance departed from,—with no previous notice to the People,—without the expression by any previous legislature of dissatisfaction on account of the provisions it contains,—I cannot but regard the acceptance and holding of the office of a member of the General Court, as a contract to be bound by the terms of compensation which that law provides. Officers who do not participate in giving the votes by which their salaries are fixed, I regard as entitled to receive additional compensation, if the legislature, which is the arbiter between them and the People, shall choose to increase it. But no power can arbitrate or decide between the legislature and the People on the question of the increase of the pay of members of the legislature. No tribunal exists to correct its error, if it shall vote a larger increase than a disinterested tribunal, invoked to consider the question, would adjudge as meet and just. I think, therefore, that the only proper remedy, consistent with principles of

safe application, and consistent with the preservation of the true dignity of our General Court, in cases where, like the present, it is felt that accidental circumstances have created an equity in favor of enlarging the compensation of its members, is to be found in the sense of a succeeding legislature. I cannot force myself to believe, that those who are elected under a law establishing their rate of pay, can of themselves, during the term for which they were chosen, add to the amount of that rate of compensation fixed by the law, for the performance of the very duties for which they were chosen and which they had undertaken to perform.

I know that the mere power to do so may exist. But is it a power coupled with a right? Is it any more than the power possessed by a judge or a juror to decide erroneously? Is it not an undertaking, (in spite of a law which, in connection with the circumstance of accepting the place of a member, is evidence of a *contract*) by the use of a legislative power, to become a judge in one's own cause, and to enforce the judgment; and which would be violative of a fundamental principle, not less cherished by every member of your honorable body than it is by myself.

I return this Resolve, therefore, but with diffidence, great regret and unwillingness. I fear that it is among the possible accidents of legislation, that the former existence of the rightful power possessed by the General Court, before the passage of the Act of 1858, to fix the pay of its members, is confounded with the power which, when interpreted in the light of principle, must be deemed modified by the law I have alluded to.

It is a matter of profound regret to myself personally that this Resolve reached me only during the morning of this very day, while I was surrounded with numerous other results of legislative labor, all requiring my careful examination. I am, therefore, obliged to present my reasons for omitting to sign the Resolve which accompanies this message, without any sufficient time for their appropriate elaboration; or else to detain the General Court in session until the coming week. I have preferred to sacrifice my own need for time to the convenience of the General Court.

Had this Resolve taken the form of a bill, prospective in its operation, for an increase of the compensation of the General Court, I should have signed such a bill with cheerful alacrity.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1883.			
January 26,	Sylvia Dana Eaton,	Grace Dana Homer,	Boston.
February 16,	Bridget Ann O'Brien,	Bridget Ann Kehoe,	Boston.
March 9,	Mary Josephine Pearsons,	Mary Josephine Thomas,	Boston.
" 16,	Maria J. Harris,	Edith Jane Chase,	Boston.
April 6,	Eliot Guild,	Samuel Eliot Guild,	Boston.
" 13,	Georgianna Marion Watson,	Georgianna Marion Thompson,	Boston.
" 27,	George Winfield Young,	George Winfield Siegrist,	Boston.
" 27,	Leander Sebastian Streeter,	Lee Streeter,	Boston.
May 11,	Carrie Louisa Marshall,	Carrie Louisa Pycott,	Boston.
June 8,	John Josephus,	John Cooper,	Boston.
" 22,	Flena Hatch Keenan,	Harrriet Maria Johnson,	Boston.

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June 29,	John Henry Burbeck,	Francis Herbert Short,	Boston.
August 10,	Fanny Lincoln,	Fanny Lincoln Dowdlear,	Boston.
November 30,	Catharine Fitzgibbon,	Catharine Sullivan,	Boston.
December 14,	Chas. Augustus Ferdin'd Weuskowsky,	Charles Ferdinand Bowers,	Chelsea.
" 14,	Sarah Weuskowsky,	Sarah Bowers,	Chelsea.
" 14,	Caroline Louisa Weuskowsky,	Caroline Louisa Bowers,	Chelsea.

ESSEX COUNTY.

January 6,	Hattie Newell Card,	Hattie Newell Sanborn,	Groveland.
February 3,	— Decatur,	Clara W. Carey,	Lynn.
March 17,	Eddie Higgins,	Edward D. Smith,	Danvers.
April 7,	Susan Davis,	Susan Eliza Meader,	Newburyport.
" 7,	Martha Goodwin,	Ellen Buffinton Kehew,	Salem.
May 5,	Charles Edward Wilson,	Charles Edward Burrill,	Swampscott.
September 8,	Ida Watts,	Mary Ida Waterhouse Smith,	Andover.
October 6,	Ruth N. Leavitt,	Lizzie Leavitt Main,	Marblehead.
" 6,	Eliza Gilbert Pearce,	Eliza Pearce Peabody,	South Danvers.
November 3,	John Mowry,	John Welsh,	Amesbury.

MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1908.			
March 24, .	Charles Callahan, .	Charles Edwards Hall, .	Somerville.
April 14, .	Mary Frances Brigham, .	Mary Frances Barnard, .	Marlborough.
" 14, .	Francis E. Symmes, .	Francis Edward Clark, .	Newton.
June 9, .	Lucy Angelia Law, .	Lucy Angelia Stone, .	Framingham.
" 9, .	Nancy M. Conant, .	Annie M. Conant, .	Stow.
" 9, .	Louise Prentiss Warren, .	Helen Talcott Warren, .	Charlestown.
September 1, .	William Henry Clough, .	William Henry Peabody, .	Dracut.
" 1, .	Martin Peabody Clough, .	Martin Peabody, .	Dracut.
January 27, .	Sylvanus Judkins,* .	Danforth E. Newcomb, .	Medford.
February 3, .	Marietta Montgomery,* .	Marietta Sherman, .	Lowell.
" 10, .	Lillie Catharine Shattuck,* .	Lillie Catharine Bass, .	Lowell.
" 10, .	Mary Ellen Copperthorn,* .	Minnie Treat Allen, .	Newton.
" 24,* .	Mary Ann Lindsey,* .	Mary Lindsey Patten, .	Billerica.
March 10, .	Angelina Gibson,* .	Annie Proctor Weston, .	Cambridge.
" 10, .	John A. Gibson,* .	Edward Henry Weston, .	Cambridge.
" 10, .	Mary Ella Huntress,* .	Mary Ella Fall, .	Malden.
" 24, .	Jennie Paul,* .	Jennie Laura Hardy, .	Naick.

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April 28,	Jennie Elliot Coolidge,*	Jennie Elliot Cotting,	Marlborough.
May 26,	A minor without name,	Clara Frances Woods,	Shirley.
" 26,	Marble Jennie Adams,*	Elizabeth Ann Robertson,	Lowell.
June 2,	Annie Little Eaton,*	Annie Little Emerson,	Lowell.
" 9,	Charles Leash,*	Charles Wilde,	Malden.
" 23,	Florence Evalina Mead,*	Minnie Ferris Cottle,	Belmont.
August 11,	William Turner,*	William Turner Maxwell,	Ashby.
September 1,	Alice Severns,*	Alice Parker,	Lowell.
" 8,	Cornelius Beeden,*	Cornelius Kain,	Brighton.
" 22,	Emma Esther Withy,*	Rosa Emma Sinebart,	Weston.
October 27,	John Henry Moore,*	John Henry Shorey,	Cambridge.
November 24,	Adie Foster,*	Adie Florence Putnam,	Charlestown.
December 8,	Sisane Elizabeth Kidder,*	Susie Belle Remis,	Waltham.

* Minor, name changed by reason of adoption.

WORCESTER COUNTY.

January 6,	Francis Walter Haynes,	Charles Francis Wight,	Hopkinton.
April 7,	Amelia Andi Mahan,	Caroline Amelia Burbank,	Worcester.
" 7,	Luke Cran,	Lake Remington,	Fitchburg.

WORCESTER COUNTY—continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
April 7,	Sarah Abigail Cram,	Sarah Abigail Remington,	Fitchburg.
" 7,	Charles Ansel Cram,	Charles Ansel Remington,	Fitchburg.
" 7,	George Luke Cram,	George Luke Remington,	Fitchburg.
" 7,	Walter Davis Cram,	Walter Davis Remington,	Fitchburg.
May 20,	Fannie L. Taylor,	Fannie Taylor Stratton,	Athol.
July 7,	Margaret Elizabeth Rogers,	Helen Henrietta Davis,	Templeton.
September 1,	Charles E. Sawyer,	Charles Sawyer Barrows,	Worcester.
October 20,	Louisa Gaede,	Paulina Kencher,	Clinton.
December 1,	Hannah Flora May Gill,	Flora May Jones,	Worcester.
HAMPSHIRE COUNTY.			
January 6,	Nellie Parsons,	Nellie Parsons Bray,	Northampton.
" 6,	Robert Brennan,	Clarence Dewey Ogden,	Northampton.
" 18,	Delilah Nichols,	Ida Frances Arnold,	Felham.
" 18,	Mary Ann Devine,	Mary Ann Rigley,	Amherst.
April 7,	Freddie Stanley,	Freddie Sawyer,	South Hadley.

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July 7,	Julia Almeda Newman,	Julia Almeda Newman Dickinson,	Hatfield.
October 6,	Helen M. Upton,	Helen M. Taylor,	Amherst.
November 8,	Mary Campbell,	Nellie M. Thayer,	Williamsburg.
" 8,	Mully Flanagan,	Henry Clinton Frisael,	Northampton.

HAMPDEN COUNTY.

January 6,	Ella Dora Young,*	Ella Dora Bartlett,	Springfield.
April 28,	Lydia Jane Bishop,*	Jennie Elva Palmer,	Palmer.
September 22,	Lewis P. Knight,*	Lewis P. Watson,	Holyoke.
November 4,	Corinna Josephine Davidson,*	Corinna Josephine Chase,	Springfield.
" 4,	Ada Clark,*	Ada Chase,	Springfield.
December 1,	Jason C. Case,*	Jason C. Hathaway,	Chicopee.
" 1,	Elnora Violetta Thayer,*	Ella Viola Comins,	Palmer.
February 8,	Jason Theodore Morse,†	Jason Morse,	Brimfield.
" 8,	Jane M. Holey,†	Jane M. Phelps,	Springfield.
" 8,	Joel N. Clark,†	Joel Norton,	Blandford.

* Name changed by reason of adoption.

† Decree has been made for change of name, but notice of decree not having been yet proved, no certificate has been issued.

FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1903.			
February 10,	George Hall,	George Hall Baker,	Hawley.
May 26,	Stillman Clark Turner,	Stillman Clark Carter,	Hawley.
August 4,	Abbie Maria Kenney,	Abbie Maria Jones,	Deerfield.
" 4,	Nancy Ellen Death,	Ellen Anderson,	Montague.
" 4,	Name not known,*	Willie Bush,	Greenfield.
September 1,	Emma Boswell,	Emma Melinda Bardwell,	Shelburne.
October 27,	Mary Elizabeth Clark,	Mary Elizabeth Sanderson,	Whately.

* Minor child from State Almshouse.

BERKSHIRE COUNTY.

June 2,	Alice Johnson,	Alice Hannah Bacon,	Adams.
July 22,	Willie Gilbert,	Willie Thomas Comstock,	Great Barrington.

NORFOLK COUNTY.

January 17,	Nancy Gordon,	Nancy Maria Dow,	Quincy.
March 28,	Anna Cora Bower,	Anna Bower Hibbard,	Roxbury.

CHANGE OF NAMES.

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April 4,	Elizabeth F. Wilbur,	Elizabeth F. Grover,	Foxborough.
" 7,	Jennie Brown,	Florence Evelyln Snell,	Dedham.
August 15,	Henry Packard,	Henry Thomas Packard,	Quincy.
September 1,	Clarence B. Clark,	George W. Wilcox,	Wrentham.

BRISTOL COUNTY.

January 2,	John B. Vandenhough,	John Bowers,	Somerset.
" 2;	William Lyman Vandenhough,	William Lyman Bowers,	Somerset.
February 6,	Emma S. Upham,	Emma S. Monroe,	New Bedford.
" 6,	Emma Peyser,	Emma Peyser Hyman,	New Bedford.
June 5,	James L. S. Russell,	James Russell Tracy,	Raynham.
July 10,	Adeline F. Cole,	Adeline F. Slade,	New Bedford.
August 21,	George Heighlints,	George Haworth,	Taunton.
November 6,	Mary Ellen McKim,	Nellie Delano,	New Bedford.
December 4,	Mabel Alice Hall,	Annie Mabel Maxham,	Taunton.

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PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
February 24,	Adeline L. Coots,*	Hattie Tyler Cobb,	N. Bridgewater.
" 24,	Helen P. Wood,*	Helen Pierpont Cobb,	N. Bridgewater.
July 13,	Lizzie F. Griffith,*	Florence W. Harris,	Wareham.
October 26,	Fannie Frisbie,*	Fanny Frisbie Gibbs,	Wareham.
November 28,	Harry M. Packard,*	Isaac M. P. Brett,	N. Bridgewater.
" 28,	Sarah J. Nye,*	Emma Sarah Lane,	Abington.

* Minor, name changed by reason of adoption.

BARNSTABLE COUNTY.

February 10,	Isaac Hall, 2d,	Isaac Freeman Hall,	Dennis.
August 11,	Muriel May Rogers,	Muriel May Downs,	Dennis.
September 8,	Agnes Whitmore Simmons,	Mary Lewis Simmons,	Barnstable.
December 8,	Betsey Ann Kelley,	Betsey Ann Kelley Hamblin,	Yarmouth.

No application for change of name has been made to the Judges of Probate Courts, for the Counties of Dukes and Nantucket, during the year 1888.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1864.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
JOHN A. ANDREW,
GOVERNOR.

ALBERT G. BROWNE, Jr., *Private Secretary.*

HIS HONOR
JOEL HAYDEN,
LIEUTENANT-GOVERNOR.

COUNCIL — (By Districts.)

I.—NEHEMIAH BOYNTON.	V.—ZENAS M. CRANE.
II.—EBEN S. POOR.	VI.—JONATHAN D. WHEELER.
III.—JAMES M. SHUTE.	VII.—FRANCIS W. BIRD.
IV.—HARTLEY WILLIAMS.	VIII.—SAMUEL OSBORNE, Jr.

OLIVER WARNER,
SECRETARY OF THE COMMONWEALTH.
CHARLES W. LOVETT, *1st Clerk.* ALBERT L. FERNALD, *2d Clerk.*

HENRY K. OLIVER,
TREASURER AND RECEIVER-GENERAL.
DANIEL H. ROGERS, *1st Clerk.* ARTEMAS HARMON, *2d Clerk.*

DWIGHT FOSTER,
ATTORNEY-GENERAL.
GEORGE W. BALDWIN, *Clerk.*

LEVI REED,
AUDITOR OF ACCOUNTS.
JULIUS L. CLARKE, *Clerk.*

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT SYSTEM OF 1857.

SENATE.

President—JONATHAN E. FIELD.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Mellen Chamberlain, . . .	Chelsea.
Second " . . .	Martin Griffin, . . .	Boston.
Third " . . .	Martin Brimmer, . . .	"
Fourth " . . .	Charles R. Codman, . . .	"
Fifth " . . .	George F. Williams, . . .	"
First Essex, . . .	Darwin E. Ware, . . .	Marblehead.
Second " . . .	Israel W. Andrews, . . .	Danvers.
Third " . . .	Thomas Wright, . . .	Lawrence.
Fourth " . . .	Henry Carter, . . .	Bradford.
Fifth " . . .	John I. Baker, . . .	Beverly.
First Middlesex, . . .	Francis Childs, . . .	Charlestown.
Second " . . .	Joseph Crafts, . . .	Watertown.
Third " . . .	Thomas Rice, Jr., . . .	Newton.
Fourth " . . .	George Heywood, . . .	Concord.
Fifth " . . .	Oliver B. Clark, . . .	Winchester.
Sixth " . . .	Samuel A. Brown, . . .	Lowell.
Central Worcester, . . .	E. B. Stoddard, . . .	Worcester.

District.	Name of Senator.	Residence.
South-East Worcester,	Winslow Battles, . .	Milford.
South-West " .	John D. Cogswell, . .	Leicester.
West " .	George Whitney, . .	Royalston.
North-East " .	Solon S. Hastings, . .	Princeton.
East " .	William Bassett, . .	Berlin.
Hampshire, . .	Lewis J. Dudley, . .	Northampton.
Franklin, . . .	William H. Sanborn, . .	Greenfield.
Hampshire & Franklin,	Admiral A. Ward, . . .	Orange.
West Hampden, . .	William B. C. Pearsons, . .	Holyoke.
East " . .	Thomas L. Chapman, . .	Longmeadow.
North Berkshire, .	Edwin F. Jenks, . . .	Adams.
South " . .	Jonathan E. Field, . . .	Stockbridge.
North Norfolk, . .	George Frost, . . .	Roxbury.
East " . .	Samuel Babcock, . . .	Milton.
West " . .	Otis Cary, . . .	Foxborough.
North Bristol, . .	John E. Sanford, . . .	Taunton.
South " . .	Robert C. Pitman, . . .	New Bedford.
West " . .	Walter D. Nichols, . . .	Berkley.
North Plymouth, .	H. N. Gardner, . . .	South Scituate.
South " . .	Henry Barstow, . . .	Mattapoisett.
Middle " . .	Jacob H. Loud, . . .	Plymouth.
Cape, . . .	Freeman Cobb, . . .	Brewster.
Inland, . . .	Nathan Crocker, . . .	Barnstable.

STEPHEN N. GIFFORD, *Clerk.* A. A. MINER, *Chaplain.*
 JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—ALEXANDER H. BULLOCK.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Ward 1, Boston,	{ Eneas Smyth, . . . John Dacey, . . .	Boston. “
2d,	Ward 2, Boston,	{ George T. Sampson, . Richard Beeching, . Frederick Pease, .	Boston. “ “
3d,	Ward 3, Boston,	{ Edward Riley, . . . John Glancy, . . .	Boston. “
4th,	Ward 4, Boston,	{ Augustus O. Allen, . John Brown, . . .	Boston. “
5th,	Ward 5, Boston,	{ John Bigelow, . . . Augustine G. Stimson,	Boston. “
6th,	Ward 6, Boston,	{ Harrison Ritchie, . George P. Clapp, . .	Boston. “
7th,	Ward 7, Boston,	{ Charles J. McCarthy, Henry W. Foley, . .	Boston. “
8th,	Ward 8, Boston,	{ John S. Tyler, . . . Eben Cutler, . . .	Boston. “
9th,	Ward 9, Boston,	{ Charles Nowell, . . . Daniel N. Spooner, .	Boston. “
10th,	Ward 10, Boston,	{ Moses Kimball, . . . Joseph T. Bailey, . .	Boston. “
11th,	Ward 11, Boston,	{ Ambrose A. Ranney, Jonathan A. Lane, . .	Boston. “
12th,	Ward 12, Boston,	{ Edwin Briggs, . . . Henry Souther, . . . Lewis C. Whiton, . .	Boston. “ “

HOUSE OF REPRESENTATIVES.

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COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	{ Chelsea, . . . } { North Chelsea, . . . } { Winthrop, . . . }	Ira Cheever, . . . Edward Otheman, . . .	Chelsea. “

COUNTY OF ESSEX.

1st,	{ Amesbury, . . . } { Salisbury, . . . } { Ward 6, Newbury- port, . . . }	James D. Pike, . . . Aaron Morrill, Jr., . . .	Amesbury. Salisbury.
2d,	Andover, . . .	George Foster, . . .	Andover.
3d,	{ Beverly, . . . } { Wenham, . . . } { Topsfield, . . . }	Benjamin D. Grant, . . . Nathaniel Conant, . . .	Beverly. Topsfield.
4th,	Danvers, . . .	Charles P. Preston, . . .	Danvers.
5th,	{ Essex, . . . } { Manchester, . . . }	Nehemiah Burnham, . . .	Essex.
6th,	{ Georgetown, . . . } { Groveland, . . . }	Charles Beecher, . . .	Georgetown.
7th,	Gloucester, . . .	Benjamin H. Smith, . . . Charles Fitz, . . .	Gloucester. “
8th,	Haverhill, . . .	Francis J. Stevens, . . . Charles G. Burnham, . . .	Haverhill “
9th,	{ Ipswich, . . . } { Hamilton, . . . }	William Heard, . . .	Ipswich.
10th,	{ Wards 3 and 4, Law- rence, . . . }	Thomas A. Parsons, . . .	Lawrence.
11th,	{ Wards 1, 2, and 6, } { Lawrence, . . . }	Lemuel A. Bishop, . . .	Lawrence.
12th,	Wards 2 and 5, Lynn,	Stephen N. Richardson,	Lynn.
18th,	{ Wards 1, 6, and 7, } { Lynn, . . . }	John F. Brown, . . .	Lynn.
14th,	{ Marblehead, & Ward } { 5, Salem, . . . }	Charles W. Palfrey, . . . George W. Patch, . . .	Salem. Marblehead.

HOUSE OF REPRESENTATIVES.

421

COUNTY OF ESSEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Methuen, and Ward 5, Lawrence, . . }	Jacob Emerson, Jr., .	Methuen.
16th,	{ Nahant, and Ward 4, Lynn, . . }	Simon J. Roney, .	Lynn.
17th,	{ Newbury, . . . West Newbury, . . Rowley, . . . }	Eben P. Stanwood, .	West Newbury.
18th,	{ Wards 1 and 2, New- buryport, . . }	George Goodwin, .	Newburyport.
19th,	{ Wards 3, 4, and 5, Newburyport, . }	Albert W. Stevens, .	Newburyport.
20th,	{ Bradford, . . . North Andover, . . Boxford, . . . }	Jefferson Kimball, .	Boxford.
21st,	Rockport, . . .	Austin W. Story, .	Rockport.
22d,	Wards 1 & 3, Salem,	Thomas H. Prime, .	Salem.
23d,	{ Wards 2, 4, and 6, Salem, . . . }	Nathaniel J. Holden, George F. Brown, .	Salem. “
24th,	{ Saugus, . . . Lynnfield, . . . Middleton, . . . }	Charles W. Newhall, .	Saugus.
25th,	South Danvers, .	William H. Little, .	South Danvers.
26th,	{ Swampscott, & Ward 3, Lynn, . . . }	John C. Stimpson, .	Swampscott.

COUNTY OF MIDDLESEX.

1st,	Ward 1, Charlestown,	Horatio Wellington, .	Charlestown.
2d,	{ Wards 2 & 3, Charles- town, . . . }	James M. Stone, . George S. Pendergast, Moses B. Sewall, .	Charlestown. “
3d,	Somerville, . . .	Charles Powers, .	Somerville.
4th,	Malden, . . .	George W. Copeland,	Malden.

HOUSE OF REPRESENTATIVES.
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COUNTY OF MIDDLESEX—Continued.

District.	Town or City.	Name of Representative.	Residence.
5th,	Medford, . . .	John Stetson, . . .	Medford.
6th,*	{ West Cambridge, . . . } { Winchester, . . . }	Samuel Butterfield, . . .	W. Cambridge.
7th,	Cambridge, . . .	{ Charles Beck, . . . } { J. Warren Merrill, . . . } { Lorenzo Marrett, . . . }	Cambridge. " "
8th,	{ Newton, . . . } { Brighton, . . . }	Marshall S. Rice, John S. Farlow, . . .	Newton. "
9th,*	{ Watertown, . . . } { Waltham, . . . }	F. M. Stone, . . . John K. Stickney, . . .	Waltham. Watertown.
10th,	{ Concord, . . . } { Lincoln, . . . } { Weston, . . . }	Alpheus Morse, . . .	Weston.
11th,	Natick, . . .	Willard Drury, . . .	Natick.
12th,	{ Holliston, . . . } { Sherborn, . . . }	Henry Bullard, . . .	Holliston.
13th,	{ Ashland, . . . } { Hopkinton, . . . }	N. P. Coburn, . . .	Hopkinton.
14th,	Framingham, . . .	James W. Clark, . . .	Framingham.
15th,	Marlborough, . . .	Samuel Boyd, . . .	Marlborough.
16th,	{ Stow, . . . } { Sudbury, . . . } { Wayland, . . . }	Erastus Dickinson, . . .	Sudbury.
17th,	{ Acton, . . . } { Boxborough, . . . } { Littleton, . . . } { Carlisle, . . . }	Aaron C. Handley, . . .	Acton.
18th,	{ Burlington, . . . } { Bedford, . . . } { Lexington, . . . }	William Winn, . . .	Burlington.
19th,	Woburn, . . .	Charles S. Converse, . . .	Woburn.
20th,	{ South Reading, . . . } { Melrose, . . . } { Stoneham, . . . }	Daniel Allen, . . . Isaac Emerson, . . .	South Reading. Melrose.

* Town of Belmont incorporated 1869, embracing portions of Districts 6 and 9.

HOUSE OF REPRESENTATIVES.

423

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COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Reading, . . . } { North Reading, . . . }	Charles A. Foster, . .	North Reading.
22d,	{ Wilmington, . . . } { Tewksbury, . . . } { Billerica, . . . }	Jonathan Carter, 2d,	Wilmington.
23d,	{ Wards 1, 2, and 5, } { Lowell, . . . }	Jacob Rogers, . . . Lorenzo G. Howe, . . Frederic Holton, . .	Lowell. " "
24th,	{ Wards 3, 4, and 6, } { Lowell, . . . }	Tappan Wentworth, . George W. Partridge, Joshua N. Marshall, .	Lowell. " "
25th,	{ Chelmsford, . . . } { Dracut, . . . } { Tyngsborough, . . }	Solomon E. Byam, . .	Chelmsford.
26th,	{ Shirley, . . . } { Groton, . . . } { Dunstable, . . . } { Westford, . . . } { Pepperell, . . . }	George S. Gates, . . George T. Day, . .	Groton. Westford.
27th,	{ Townsend, . . . } { Ashby, . . . }	Paul Gates, . . .	Ashby.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } { Winchendon, . . . }	Giles H. Whitney, . .	Winchendon.
2d,	{ Athol, . . . } { Royalston, . . . }	Ebenezer W. Bullard,	Royalston.
3d,	{ Dana, . . . } { Petersham, . . . } { Phillipston, . . . }	Allen Goodman, . .	Dana.
4th,	{ Templeton, . . . } { Hubbardston, . . . }	William Bennett, . .	Hubbardston.
5th,	{ Gardner, . . . } { Westminster, . . . }	Allen Folger, . . .	Gardner.

HOUSE OF REPRESENTATIVES.

www.libt.com COUNTY OF WORCESTER—Continued.

District.	Town.	Name of Representative.	Residence.
6th,	{ Fitchburg, . . . }	John W. Kimball, . .	Fitchburg.
	{ Leominster, . . . }	William H. Vose, . .	"
	{ Sterling, . . . }	Joel A. Stratton, . .	Leominster.
7th,	{ Harvard, . . . }	Marcellus Houghton, .	Bolton.
	{ Bolton, . . . }		
	{ Berlin, . . . }		
8th,	{ Clinton, . . . }	Franklin Forbes, . .	Clinton.
	{ Lancaster, . . . }		
9th,	{ Princeton, . . . }	James Packard, . .	Oakham.
	{ Rutland, . . . }		
	{ Oakham, . . . }		
10th,	{ Barre, . . . }	Albert E. Knight, . .	Hardwick.
	{ Hardwick, . . . }		
11th,	{ Warren, . . . }	John M. Fales, . .	W. Brookfield.
	{ West Brookfield, . . . }		
	{ New Braintree, . . . }		
12th,	{ North Brookfield, . . . }	Edward J. Russell, . .	N. Brookfield.
	{ Brookfield, . . . }		
13th,	{ Leicester, . . . }	Josephus Woodcock, .	Leicester.
	{ Spencer, . . . }		
14th,	{ West Boylston, . . . }	Nathan Howe, . .	Holden.
	{ Holden, . . . }		
	{ Paxton, . . . }		
15th,	{ Shrewsbury, . . . }	Joseph Allen, . .	Northborough.
	{ Northborough, . . . }		
	{ Boylston, . . . }		
16th,	{ Westborough, . . . }	Curtis Newton, . .	Southborough.
	{ Southborough, . . . }		
17th,	Grafton, . . .	Joseph M. Rockwood,	Grafton.
18th,	{ Northbridge, . . . }	George S. Ball, . .	Upton.
	{ Upton, . . . }		
19th,	Milford, . . .	A. A. Cook, . .	Milford.
		James R. Davis, . .	"
20th,	{ Uxbridge, . . . }	Scott Seagrave, . .	Uxbridge.
	{ Mendon, . . . }		

HOUSE OF REPRESENTATIVES.

425

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COUNTY OF WORCESTER—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	Blackstone, . . .	James K. Comstock, .	Blackstone.
22d,	{ Webster, . . . } { Douglas, . . . }	Charles Hutchins, .	Douglas.
23d,	{ Southbridge, . . . } { Dudley, . . . }	Warren Goodell, .	Dudley.
24th,	{ Charlton, . . . } { Sturbridge, . . . }	Henry Clarke, . . .	Charlton.
25th,	{ Oxford, . . . } { Sutton, . . . } { Millbury, . . . }	Leonard Spaulding, . Jason Waters, . . .	Millbury. Sutton.
{ 26th,	{ Auburn, and Ward } { 6, Worcester, . . }	Edwin Draper, . . .	Worcester.
27th,	{ Wards 1 and 2, Wor- } { cester, . . . }	T. W. Wellington, .	Worcester.
28th,	{ Wards 3 and 8, Wor- } { cester, . . . }	Warren Williams, .	Worcester.
29th,	{ Wards 4 and 5, Wor- } { cester, . . . }	George A. Brown, .	Worcester.
30th,	Ward 7, Worcester, .	Alexand'r H. Bullock,	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } { Hatfield, . . . } { Northampton, . . . } { Southampton, . . . }	Erastus Hopkins, . Edson Hannum, . . .	Northampton. Southampton.
2d,	{ Chesterfield, . . . } { Huntington, . . . } { Westhampton, . . . } { Williamsburg, . . . }	Charles H. Kirkland,	Huntington.
3d,	{ Cummington, . . . } { Goshen, . . . } { Middlefield, . . . } { Plainfield, . . . } { Worthington, . . . }	John H. Bisbee, . . .	Worthington.
4th,	{ Hadley, . . . } { South Hadley, . . . }	Horace S. Dickinson,	Hadley.

HOUSE OF REPRESENTATIVES.

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COUNTY OF HAMPSHIRE—Concluded.

District	Town or Ward.	Name of Representative.	Residence.
5th,	{ Amherst, . . . } { Granby, . . . } { Pelham, . . . }	William S. Clark, .	Amherst.
6th,	{ Belchertown, . . . } { Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	Edward A. Thomas, . Luther Chapin, .	Prescott Ware.

COUNTY OF HAMPDEN.

1st,	{ Brimfield, . . . } { Monson, . . . } { Holland, . . . } { Wales, . . . }	Timothy F. Packard, .	Monson.
2d,	Palmer, . . .	Jacob Stever, . . .	Palmer.
3d,	{ Wilbraham, . . . } { Longmeadow, . . . }	Walter Hitchcock, .	Wilbraham.
4th,	{ Wards 1 & 2, Spring- } { field, . . . }	Warren C. Sturtevant,	Springfield.
5th,	{ Wards 3 & 4, Spring- } { field, . . . }	Daniel L. Harris, .	Springfield.
6th,	{ Wards 5, 6, 7 and 8, } { Springfield, . . . }	Titus Amadon, . . .	Springfield.
7th,	{ Chicopee, . . . } { Ludlow, . . . }	Moses W. Chapin, Lafayette Temple, .	Chicopee. “
8th,	{ Holyoke, . . . } { West Springfield, . . . }	Nathan Loomis, .	W. Springfield.
9th,	{ Agawam, . . . } { Southwick, . . . } { Granville, . . . }	John Boyfe, . . .	Southwick.
10th,	Westfield, . . .	Thomas Kneil, . . .	Westfield.
11th,	{ Chester, . . . } { Blandford, . . . } { Tolland, . . . } { Montgomery, . . . } { Russell, . . . }	Roland Parks, . . .	Russell.

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HOUSE OF REPRESENTATIVES.

427

COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	Bernardston,	Almon Newcomb, Otis J. Davenport,	Bernardston. Colrain.
	Colrain,		
	Greenfield,		
	Gill,		
	Leyden,		
2d,	Shelburne,	Leonard B. Rice,	Charlemont.
	Buckland,		
	Charlemont,		
	Heath,		
3d,	Monroe,	Chauncey Boice,	Ashfield.
	Ashfield		
	Conway,		
4th,	Hawley,	Chris. A. Stebbins,	Deerfield.
	Deerfield,		
5th,	Whately,	George Colesworthy,	Shutesbury.
	Leverett,		
	Shutesbury,		
	Sunderland,		
6th,	Wendell,	Lucien H. Stone,	Montague.
	Erving,		
	Montague,		
7th,	Northfield,	Andrew J. Clark,	Orange.
	New Salem,		
	Orange,		
	Warwick,		

COUNTY OF BERKSHIRE.

1st,	Hancock,	Daniel Dewey,	Williamstown.
	Lanesborough,		
	New Ashford,		
	Williamstown,		
2d,		Sylvander Johnson, Abel Wetherbee,	Adams. "
	Adams,		
	Cheshire,		
	Clarksburg,		
	Florida,		
	Savoy,		

HOUSE OF REPRESENTATIVES.

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COUNTY OF BERKSHIRE—Concluded.

District.	Town or City.	Name of Representative.	Residence.
3d,	{ Pittsfield, . . . } { Dalton, . . . } { Richmond, . . . }	Henry Stearns, Selden Jennings,	Pittsfield. Richmond.
4th,	{ Becket, . . . } { Hinsdale, . . . } { Peru, . . . } { Washington, . . . } { Windsor, . . . }	Milton Barnes, . . .	Becket.
5th,	{ Lenox, . . . } { Stockbridge, . . . } { West Stockbridge, . . . }	Charles W. Kniffin, . . .	W. Stockbridge.
6th,	{ Lee, . . . } { Tyringham, . . . }	John M. Garfield, . . .	Tyringham.
7th,	{ Great Barrington, . . . } { Alford, . . . } { Monterey, . . . }	Rensselaer N. Couch, .	Monterey.
8th,	{ New Marlborough, . . . } { Sandisfield, . . . } { Otis, . . . }	Grova Gaylord, . . .	New Marlboro'.
9th,	{ Sheffield, . . . } { Mount Washington, . . . } { Egremont, . . . }	Horace W. Lamson, . . .	Mt. Washington.

COUNTY OF NORFOLK.

1st,	Dedham, . . .	Ezra W. Taft, . . .	Dedham.
2d,	West Roxbury, . . .	Anson Dexter, . . .	West Roxbury.
3d,	Brookline, . . .	James Bartlett, . . .	Brookline.
4th,	Roxbury, . . .	{ Theodore Otis, . . . } { Samuel Little, . . . } { George H. Monroe, . . . }	Roxbury. " "
5th,	Dorchester, . . .	{ Henry A. Scudder, . . . } { Robert Johnson, . . . }	Dorchester. "
6th,	Quincy, . . .	Henry Barker, . . .	Quincy.
7th,	Braintree, . . .	Edwin S. Bradford, . . .	Braintree.

HOUSE OF REPRESENTATIVES.

429

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COUNTY OF NORFOLK—Concluded.

District.	Town or City.	Name of Representative.	Residence.
8th,	Weymouth, . . . }	John P. Lovell, . . John Blanchard, Jr., .	Weymouth. “
9th,	Randolph, . . .	Richard Stephens, .	Randolph.
10th,	Stoughton, . . .	Albert Dickerman, .	Stoughton.
11th,	{ Canton, } { Milton, } { Walpole, } { Sharon, }	Oliver S. Chapman; . Naaman B. Wilmarth,	Canton. Walpole.
12th,	{ Foxborough, . . . } { Wrentham, . . . } { Medway, }	Robert W. Kerr, . . William Daniels, . .	Foxborough. Medway.
13th,	{ Franklin, } { Bellingham, . . . }	George N. Townsend,	Bellingham.
14th,	{ Needham, } { Medfield, } { Dover, }	Galen Orr,	Needham.

COUNTY OF BRISTOL.

1st,	{ Pawtucket, . . . } { Attleborough, . . . }	Handel N. Daggett, . Mina B. Daggett, . .	Attleborough. “
2d,	{ Mansfield, } { Norton, }	Jacob Ide, Jr., . . .	Mansfield.
3d,	{ Easton, } { Raynham, }	Henry H. Crane, . .	Raynham.
4th,	Taunton, {	Zacheus Sherman, . . Thomas J. Lothrop, . . James Brown,	Taunton. “ “
5th,	{ Rehoboth, } { Seekonk, }	Joseph Brown, . . .	Seekonk.
6th,	{ Dighton, } { Somerset, } { Swanzev, }	William Wood, . . .	Dighton.
7th,	Fall River, . . . {	Nathaniel B. Borden, Andrew D. Bullock, .	Fall River. “ “

HOUSE OF REPRESENTATIVES.

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COUNTY OF BRISTOL—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	Westport, . . .	Ezra P. Brownell, .	Westport.
9th,	Dartmouth, . . .	Calvin K. Turner, 2d,	Dartmouth.
10th,	{ Wards 1 and 2, New Bedford, . . . }	Charles Almy, . . . Horatio A. Kempton,	New Bedford. " "
11th,	{ Wards 3, 4, 5, and 6, New Bedford, . . }	Nathaniel Gilbert, . Wright Brownell, . Charles T. Bonney, .	New Bedford. " " " "
12th,	{ Acushnet, Berkley, Freetown, Fairhaven, . . . }	Wm. H. Washburn, . Ezekiel Sawin, .	Acushnet. Fairhaven.

COUNTY OF PLYMOUTH.

1st,	{ Hull, Cohasset, Scituate, }	Abel Sylvester, .	Scituate.
2d,	Hingham, . . .	Crocker Wilder, .	Hingham.
3d,	{ South Scituate, Hanover, . . . }	Samuel Tolman, Jr., .	South Scituate.
4th,	{ Marshfield, Pembroke, . . . }	Andrew T. Magoun, .	Marshfield.
5th,	{ Duxbury, Kingston, . . . }	Augustus Weston, .	Duxbury.
6th,	{ Plymouth, Carver, }	Thomas Pierce, . . . S. F. Jenkins, . . .	Plymouth. Carver.
7th,	{ Wareham, Marion, }	Benjamin F. Gibbs, .	Wareham.
8th,	{ Mattapoisett, . . . Rochester, Lakeville, }	Abner Harlow, . . .	Mattapoisett.
9th,	Middleborough, .	George Soule, . . .	Middleborough.
10th,	{ Bridgewater, . . . West Bridgewater, . }	Joseph E. Carver, .	Bridgewater.
11th,	{ East Bridgewater, . North Bridgewater, . }	James S. Allen, . . . Jonathan White, . . .	E. Bridgewater. N. Bridgewater.

HOUSE OF REPRESENTATIVES.

431

COUNTY OF PLYMOUTH—Concluded.

District.	Town.	Name of Representative.	Residence.
12th,	Abington, . . .	{ Horace Reed, . . . Ezekiel R. Studley, . . .	Abington. "
13th,	{ Hanson, Halifax, Plympton,	Charles H. Perkins, . . .	Plympton.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . Sandwich, . . . Falmouth, . . .	Charles Marston, . . . Elisha G. Burgess, . . . Ezra P. Pope, . . .	Barnstable. Falmouth. Sandwich.
2d,	{ Yarmouth, . . . Dennis, . . . Harwich, . . . Chatham, . . .	Marshal S. Underwood, Isaac B. Young, . . . David G. Eldridge, . . .	Dennis. Chatham. Yarmouth.
3d,	{ Brewster, . . . Orleans, . . . Eastham, . . .	Sylvanus Smith, . . .	Eastham.
4th,	{ Wellfleet, . . . Truro, . . . Provincetown, . . .	David Wiley, . . . Henry Shortle, . . .	Wellfleet. Provincetown.

DUKES COUNTY.

One.	{ Edgartown, . . . Tisbury, . . . Chilmark, . . .	Wm. H. Sturtevant, . . .	Tisbury.
------	---	--------------------------	----------

COUNTY OF NANTUCKET.

One.	Nantucket, . . .	{ Elisha Smith, . . . Reuben P. Folger, . . .	Nantucket. "
------	------------------	--	-----------------

WILLIAM S. ROBINSON, *Clerk.*
DAVID BREMNER, *Chaplain.*

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JUDICIAL DEPARTMENT.

433

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HENRY CHAPIN, Worcester,	WORCESTER.
SAMUEL F. LYMAN, Northampton,	HAMPSHIRE.
JOHN WELLS, Chicopee,	HAMPDEN.
CHARLES MATTOON, Greenfield,	FRANKLIN.
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GEORGE WHITE, Needham,	NORFOLK.
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SENATORS.

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REPRESENTATIVES.

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* Resigned. Vacancy filled by appointment of Court, until election in November.

ADDENDA.

Vacancies occurred in the House of Representatives during the annual session, as follows:

MOSES W. CHAPIN, of Chicopee, 7th Hampden District, deceased, failed by reason of illness to take his seat in the House. The vacancy occasioned by his demise was not filled.

JOHN DACEY, of Boston, 1st Suffolk District, deceased, and CHARLES F. STEVENS was chosen to succeed him.

ABEL WETHERBEE, of Adams, and SELDEN JENNINGS, of Richmond, 2d and 3d Berkshire Districts, deceased, and the vacancies were not filled.

ABNER HARLOW, of Mattapoiset, 8th Plymouth District, deceased, and SOLOMON K. EATON was chosen to succeed him.

RATES OF PILOTAGE for certain ports in the Commonwealth, as modified and amended by the "Port Wardens of the Ports upon Buzzard's Bay and the Island of Martha's Vineyard," approved by the Governor, with the advice of the Council, and proclaimed by publishment, in compliance with requirements of section seventeen of chapter one hundred and seventy-six, Acts of 1862, entitled "An Act concerning Pilotage."

Commonwealth of Massachusetts.

COUNCIL CHAMBER, BOSTON, May 12, 1864.

ORDERED, That, for the period of one year from date, the rates for pilotage, as provided in chapter 176 of the Acts of 1862, be so amended that the pilotage from the ports of New Bedford and Fairhaven to Charles Point light-house, both inward and outward, shall be fifty cents per foot, instead of thirty-five cents, as is now provided, and that the pilotage from the sea inward, to abreast of Charles Point light-house, shall be two dollars and twenty-five cents, instead of one dollar and ninety cents, as is now provided.

Adopted in Council and approved:

OLIVER WARNER, *Secretary.*

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
July 20, 1864. }

I hereby certify the printed Acts and Resolves contained in this volume to be true copies of the originals, and that the accompanying papers and other matters therewith are transcripts of official records and returns in this Department.

OLIVER WARNER,

Secretary of the Commonwealth.

I N D E X .

A.

Abolishment and Constitutional Prohibition of Slavery, urged,	Page 338
Acknowledgment of Deeds of persons in U. S. Military Service, how taken,	245
Address of Governor, Inaugural,	341
Acts of Governor and Council under Chap. 216, 1861, confirmed, . .	62
Adams, Clarissa, in favor,	322
Adjutant-General, apartment assigned to,	236
“ “ in favor,	332
“ “ Salary for 1864, established,	272
Administrators, to make return to treasurer of stocks held in trust, .	132
“ may mortgage real estate of intestates,	146
“ Sale of Real Estate by, under license of Court,	88
Adoption of Children, relating to,	147
Ætna Mills, incorporated,	18
Affidavits of persons in U. S. Military Service, how taken,	245
Agawam Bridge Company, concerning,	108
Aged Colored Women, Home for, incorporated,	52
Agents Board of Education, Salaries established,	62
“ Insurance Companies, relating to,	256
“ “ “ Foreign, relating to,	75
Agricultural College, Massachusetts, concerning,	151
Allen, Charles, deceased, in favor of family,	318
Allotment Commissioners, in favor,	328
Allotments and Bounties to Soldiers, to secure payment of,	169
Almshouse, State, at Monson, in favor,	330
“ “ at Tewksbury, in favor,	316
Almshouse System, State, concerning,	326
American Asylum for Deaf and Dumb, in favor,	320
American Machine Works, may increase capital stock,	118
“ Nail Machine Company, incorporated,	92
“ Steam-ship Company, provisions of Act 1863, extended,	88
“ Wheat Company, incorporated,	129
Amesbury and Salisbury incorporated as Town of Merrimac,	118
Amherst, Belchertown and Palmer Railroad Company, concerning, . .	9
“ Branch Railroad Company, Charter revived,	98
“ Savings Bank, incorporated,	84

Annual meetings of Savings Banks, concerning,	Page 81
APPROPRIATIONS :	
Attorney-General, certain expenses,	317
Barnabas Snow,	311
Company attached to Sixth Brigade,	313
Company E, Fifth Regiment,	311
Discharged Soldiers' Home,	325
Drainage for State Arsenal,	316
Expenses, certain, of 1863, and previous years,	55, 298
from Income of certain funds,	47
Maintenance of Government, 1864,	4, 25, 35
Mileage and Compensation of Council and Legislature,	6
from Moiety of School Fund,	74
Roxbury Horse and Reserve Guards, and Washington Home Guard,	308
State Almshouses, Rainsford Island Hospital, Lunatic Paupers, Reform and Nautical Schools, expenses, etc.,	41
Armies, Federal, Resolve of thanks to,	337
Arms Manufacturing Company, Rollin White, incorporated,	21
Arsenal, State, Draw authorized in Bridge to grounds,	325
“ “ relating to drainage of,	316
Assessment of Taxes for 1864, relating to,	268
Assessments of Mutual Fire Insurance Companies, relating to,	102
Assessors, Returns of Corporations to, concerning,	127
“ “ to State Treasurer relative to Corporations,	131
ASSOCIATIONS :	
Banking, under U. S. laws, relating to,	121
City Library, of Springfield, incorporated,	90
Congregational Library, concerning,	131
County Teachers', Bounty for annual meetings,	35
Franklin Cemetery, Charter revived,	59
Salem Charitable Mechanic, Charter revived,	120
Asylum for the Blind, Massachusetts, appointment of Trustees,	60
“ “ “ “ in favor,	325
“ “ Deaf and Dumb at Hartford, in favor,	320
“ “ Discharged Female Prisoners, incorporated,	117
“ “ Inebriates, Boston, establishment authorized,	153
Athenæum, Westfield, incorporated,	58
Attorney-General, relating to certain expenses of,	317
Auditor and First Clerk of, Salaries for 1864 established,	272

B.

Back River, Bridge over, in Salisbury, G. C. Carlton may build,	45
Baker, Levi, and others, in favor,	319
Bank Bills, concerning plates,	60
Bank Commissioners' Report, time of making, changed,	59

INDEX.

iii

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BANKS:

Amherst Savings, incorporated,	Page 84
Charlestown Five Cents Savings, may hold real estate,	45
Eliot Five Cents Savings, incorporated,	8
Faneuil Hall, may hold real estate,	21
Hopkinton Savings, incorporated,	153
Mutual Redemption, Banks holding stock of, relating to,	116
North Easton Savings, incorporated,	12
People's Savings, of Worcester, incorporated,	241
Rockland, may increase Capital,	48
Salem Savings, acts of confirmed,	77
Banks holding stock of Bank of Mutual Redemption, relating to,	116
" surrender of Charters and action under U. S. Laws,	121
" suspension of specie payments extended,	7
Banks, Savings, Annual Meetings of,	81
" investments in U. S. Bank Stocks authorized,	8
Baptist Society in Taunton, Second, may change name and hold estate,	12
" " in Tyngsborough, First, concerning,	106
" " Winthrop Street, Name established and allowed to hold estate,	12
Baths, Public, Town of Woburn may establish,	150
Bayley, Abner L., may extend Wharf in Amesbury,	87
Beach, Cut, in Gloucester, to protect,	151
Becket, Town of, may take stock in Pittsfield and New Haven Railroad,	236
Beoli Company, incorporated,	118
Berkshire Life Insurance Company, additional Act,	87
Black, W. R., and S. G. Blandin, in favor,	312
Blind, Perkins Institution for, appointment of Trustees,	60
" " " in favor,	325
Board of Education, Secretary and Agents, salaries established,	62
" of Railroad Commissioners, appointment provided for,	96
Boston Asylum for Inebriates, establishment authorized,	153
Boston, City of, in favor, for burial of Soldiers at Gettysburg,	313
" " outer Harbor, to protect,	309
" " Overseers of Poor, concerning,	82
" " in favor, for reimbursement military expenses,	320
" " supply of Water for, additional Act,	253
Boston and Chelsea Railroad Company, may use Metropolitan and Middlesex roads,	50
" " " " rate of fare, concerning,	246
" and Fairhaven Iron Works, may have track in Fairhaven,	88
" Hartford and Erie Railroad, how constructed at certain points,	297
" New Church Union, incorporated,	7
" and New York Steamship Company, incorporated,	130
" Society for Prevention of Pauperism, additional estate,	89

BOUNDARY LINES:

Douglas and Uxbridge, established,	Page 112
Massachusetts and Rhode Island, copies and plans to be pro- cured,	335
Rochester and Wareham, established,	102
Stoughton and Sharon, established,	77
Bounties for Enlistments, in Naval Service, provided for,	91, 146
" to Volunteers, additional for payment of,	24
" " more certain payment secured,	169
" " provisions of Act of 1863, extended,	44, 84
" " to whom paid on decease of person enlisting,	54
" " enlisted in anticipation of calls,	265
" " Paymasters of, apartment for, provided,	311
Bounty Fund, Massachusetts, established,	307
Boylston Fire and Marine Insurance Company, Charter continued,	8
Brewster, Henry B., in favor,	323
" Town of, authorized to hold Cape Cod Central Railroad stock,	10
Bridge over Back River in Salisbury, G. C. Carlton may build,	45
" from Brighton to Arsenal Grounds, draw authorized,	325
" of Fall River and Warren Railroads over Cole's River, draw in,	295
" of Grand Junction Railroad over Chelsea Creek, draw in,	77
" Weir, in Taunton, town required to rebuild,	119
Bridge Company, Agawam, concerning,	103
" Fund, Charles River, and Warren, relating to,	242
Bridges belonging to Commonwealth, relating to,	102
Brown, J. Stewart, in favor,	323
" Moses, in favor,	320
Building and Real Estate Company, may hold additional estate,	15
Bullock, Andrew D., in favor,	334
Burden of Proof, in certain Criminal Cases, relating to,	79
Burr, Sally and James, in favor,	312
Butler, Amos, in favor,	334

C.

Cambridge Railroad Company, concerning,	235
Camp Ground, Martha's Vineyard, transportation to and from,	169
Cape Cod Central Railroad, time of construction extended,	100
" " " Company, Town of Brewster may hold stock in,	10
Cape Cod Glass Company, incorporated,	7
Carlton, Granville C., may build bridge over Back River in Salisbury,	45
Carret, Charles T., in favor,	329
Carver, Town of, in favor,	321
Cassily, Charles, in favor,	327
Cattle, Diseases among, Contagious, concerning,	320
Cemetery Association, Franklin, Charter revived,	59
" Soldiers' National, in favor,	332

INDEX.

v

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Certificate of Discharge in Insolvency, Jury Trial provided,	Page 241
Change of Names,	406
Chapin, Moses W., family of, in favor,	335
Chaplains of Legislature, additional compensation allowed,	336
Chappequiddic Indians, in favor Guardian, for Nelly Joseph,	315
" and Christiantown, in favor, for Schools,	316
Charitable Eye and Ear Infirmary, Massachusetts, in favor,	324
" Institutions, State, support of certain Lunatics in, concerning,	88
" Mechanic Association, Salem, Charter revived,	120
Charles River and Warren Bridges Fund, relating to,	242
Charlestown, City of, Acts respecting certain Highways confirmed,	80
" " Sidewalks in, concerning construction,	101
" " supply of Water for, additional Act,	112
Charlestown Five Cents Savings Bank may hold real estate,	45
" Gas Company may increase capital and real estate,	19
Chelsea, City of, School Committee and Overseers of Poor,	267
" Police Court, Salary of Justice established,	242
" Railroad Company, may use Metropolitan and Middlesex roads,	50
Cheney Express Company, incorporated,	119
Chicopee Manufacturing Company, authorized to change its Name,	14
Children, Adoption of, relating to,	147
Church, Congregational, in Grafton, Proprietors incorporated,	38
Church Union, Boston New, incorporated,	7
Cities and Towns may raise Money for Recruiting Purposes,	67, 73
City Fire Insurance Company, Charter extended; may increase capital,	45
City Library Association of Springfield, incorporated,	90
City of Taunton established,	136
Civil Government, List of Officers,	416
Civil Process, Service of, allowance for use of Horse and Carriage,	255
Cleaveland, Daniel A., in favor,	317
Clerk, Second Assistant in Treasurer's Office, appointment authorized,	319
Clerk of Police Court, Worcester, Salary established,	258
Clerks, First, of Treasurer and Auditor, Salaries for 1864 established,	273
Clerks of Senate and House and Departments, additional compensation allowed,	336
Cliftondale Railroad, sale of in certain contingency,	85
Clinton Company, Charter annulled,	21
Coast Defences, relating to,	331
College, Massachusetts Agricultural, concerning,	151
Colored Citizens, eligible to Military Office,	12
Colored Women, Aged, Home for, incorporated,	52
Commissioners, Allotment, in favor,	323
" Bank, time of making Report changed,	59
" County, Salaries of,	257
" of Plymouth County may purchase and sell Lands in Hull,	22

Commissioners of Railroads extending into other States, Reports of,	Page 264
" Railroad, appointment of Board provided for,	96
Common Drunkards in Boston, where sentenced, on conviction,	248
Company E, Fifth Regiment, in favor,	311
" of Infantry attached to Sixth Brigade, in favor,	313
Congregational Church in Grafton, Proprietors incorporated,	38
" Library Association, concerning,	131
" Society, First, of Jamaica Plain, Name established,	12
" " First Precinct in Rehoboth, Name changed,	15
" " in Seekonk, Name established,	15
" " Third Parish of Roxbury, Name changed,	12
Connecticut River, Shad Fishery in, to protect,	43
Constables, Vacancies in Office, how filled,	112
Controversies as to Estates of Deceased Persons, adjustment of,	111
Convicts, Discharge of, concerning,	125
Convicts, Discharged, how provided for, if disabled,	109
" " Female, Temporary Asylum for, incorporated,	117
Conway Fire Insurance Company of Boston, concerning,	127
Council, Pay of Members increased,	338
Coroners, Returns of, concerning,	16
Corporations, Manufacturing, Liabilities of Officers and Stockholders,	150
" Records of and Returns to Assessors,	127
" certain, Tax levied on,	131
" holding Property in Trust, to make Annual Report to Secretary,	233
Correctional and Charitable Institutions, State, support of certain Lunatics in,	88
Counterfeiting, Aid granted for suppression of,	318
County Commissioners, Salaries of,	257
" Finances, relating to,	257
" Teachers' Associations, Bounty for Annual Meetings,	35
Court, Municipal, of Taunton, established,	142
" Police, of Chelsea, Salary of Justice established,	242
" " of Gloucester, Salary of Justice established,	82
" " of Milford established,	46
" " of Taunton, certain Acts respecting repealed,	148
" " of Worcester, Salary of Clerk established,	258
Courts, Probate, concerning Orders of Notice in,	246
Criminal Cases, certain, burden of proof in,	79
" " Public Justice in, to promote,	239
" Process in Hull, service of,	29
Crocker, Augustus, in favor,	323
Crossings at Grade, Railroad, relating to,	96
Cut Beach in Gloucester, to protect,	151

D.

Dacey, John, in favor of family,	336
Dartmouth Indians, certain, in favor,	335

INDEX.

vii

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Dartmouth Indians, in favor Rhoda M. Taylor,	Page 324
Davis, Charles Henry, Rear Admiral, thanks to,	332
Davis, Rebecca, in favor,	314
Deaf Mutes, relative to support of,	320
Dedham and West Roxbury Railroad Company, concerning,	98
Defences, Coast, relating to,	331
Depositions of persons in U. S. Military Service, how taken,	245
Dighton and Somerset Railroad Company, additional Act,	63
Discharge of Convicts, concerning,	125
Discharged Convicts, how provided for if disabled,	109
" Female Prisoners, Temporary Asylum for, incorporated,	117
Discharged Soldiers' Home, in favor,	325
Discharges in Insolvency, trial by jury provided in granting certificates,	241
Diseases among Cattle, Contagious, concerning,	320
Division of Flats, concerning,	292
Divorce, relating to,	148
Dock at Roxbury Point, filling up authorized,	245
Documents, Public, Annual Abstract, repeal relating to,	252
Dogs, concerning,	268
" owned in Gay Head, concerning,	291
Domestic Animals, for protection of,	268
Donnelly, John, in favor of family of,	323
Dorchester First Parish, authorized to sell estate,	29
" Gas-Light Company, concerning,	34
" and Roxbury Railroad Company, may sell franchise,	17
Douglas and Uxbridge, Towns of, line between established,	112
Draw in Bridge from Brighton to Arsenal grounds, authorized,	325
" " of Fall River and Warren Railroad over Cole's River, required,	295
Draw in Bridge of Grand Junction Railroad over Chelsea Creek, provided for,	77
Drunkards in Boston, where sentenced, on conviction,	243
Dry Dock Company, Simpson's Patent, may build Wharf in East Boston,	16
Dunbar, George L., in favor,	329
" William H., may build railroad track in Abington,	97
Durgin, Horace W., in favor,	323
Dwinnell, B. D., in favor,	323

E.

East Boston Freight Railroad Company, relating to,	245
East Bridgewater Union Society, relating to,	242
Eastern and Essex Railroad Companies, Act concerning revived,	21
" Express Company incorporated,	124
" Marine Railway Company in Provincetown incorporated,	261
" Railroad Company may straighten location over Merrimac River,	154

Easton, Jemima, in favor,	Page 318
Education, Board of, Salaries of Secretary and Agents,	62
Edwards, Henry, Allotment Commissioner, in favor,	332
" Henry A., acts as Superintendent of Alien Passengers, confirmed,	152
Eldridge, Luther, may extend Wharf in Chatham,	70
Election of Fence Viewers made valid,	238
" of Town Officers in 1864 legalized,	125
" of Vice Presidents of Insurance Companies authorized,	75
Eligibility to Military Office, word "White" stricken from Statutes,	12
Eliot Five Cents' Savings Bank incorporated,	8
Ellerton Mills, Name established,	14
Emigrant Express Company, incorporated,	173
Enlistments in Naval Service, Bounty and Aid to Families,	91, 146
" and Recruiting, Acts of 1863 respecting amended,	51
Entry, Writs of, relating to,	289
Essex and the Eastern Railroad Companies, Act concerning revived,	21
Estate, certain, belonging to Commonwealth, Sale authorized,	332
" Real, Sale of under License of Court, relating to,	88
Estates of Deceased Persons, adjustment of Controversies, con- cerning,	111
" and Polls, amendment of Act establishing,	110
" Trust, respecting Sale and Investment of,	108
" " of Married Women, concerning,	126, 255
Etna Mills incorporated,	18
Evasions of Taxation, Fraudulent, to prevent,	111
Evidence in Criminal Cases, respecting,	239
Exchange, Mariners', incorporated,	76
Executors, to return State Treasurer Stocks in Trust,	132
" Sale of Real Estate by, under License of Court,	88
Exemption from Service as Jurors, of certain persons,	143
Express Companies, Unclaimed Property in possession of,	89
" Company, Cheney, incorporated,	119
" " Eastern, incorporated,	124
" " Emigrant, incorporated,	173
Eye and Ear Infirmary, Massachusetts Charitable, in favor,	324

F.

Fall River and Warren Railroad, construction extended,	113
" " " " Draw in bridge of over Cole's River,	295
Families of Seamen in Naval Service, to aid,	91
Families of Volunteers, further addition to Act in aid of,	23
Faneuil Hall Bank, may hold real estate,	21
Father Mathew Mutual Benevolent Catholic Total Abstinence So- ciety, incorporated,	100
Federal Armies, Resolve of thanks to,	337

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INDEX.

ix

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Female Prisoners, Discharged, Temporary Asylum for, incorporated,	Page 117
Fence Viewers, Elections made valid,	238
Field Drivers and Fence Viewers, Vacancies in office, how filled,	112
Finances, County, concerning,	257
Fire Department, City of Lynn, concerning,	72
" " " Worcester, Election of Engineers,	42
Fire Districts may raise money for Street Lamps,	100
Fire Insurance, Form of Policies, concerning,	125
First Baptist Society in Tyngsborough, concerning,	106
" Congregational Society, Jamaica Plain, Name established,	12
" Parish in Dorchester, may sell real estate,	29
" Universalist Society in Boston, may sell real estate,	237
Fisheries in Winchester, relating to,	172
Fishery in Marion Harbor, seining restricted,	254
" in Mattapoisett Harbor, seining regulated,	243
" Fishery, Oyster, in Somerset, regulated,	22
" Shad, in Connecticut River, to protect,	43
" Trout, in Marshpee, to protect,	94
Fitchburg and Worcester Railroad Company may issue preferred stock,	13
Flags, lost or worn out in service, to be replaced,	328
Flats, Division of, concerning,	292
Foreign Insurance Companies, relating to Agents of,	75
Fort Point Channel, Harbor Lines in, changed,	296
Foxborough Branch Railroad Company, may increase Capital,	89
Franklin Cemetery Association, Charter revived,	59
Fraudulent evasions of Taxation, to prevent,	111
Friend, W. H., and Lemuel, Jr., Wharf in Gloucester,	14
Fund, Charles River and Warren Bridges, relating to,	242
" Massachusetts Bounty, established, and Sinking Fund created,	307
" Union, increased,	62

G.

Gas-Light Company, Charlestown, may increase Capital,	19
" " " Milton, and the Dorchester, concerning,	34
" " " North Adams, incorporated,	34
Gasmeters, Inspector to make annual return,	267
Gay Head, Dogs owned in, concerning,	291
" " Indians, Schools of, in favor,	320
General Statutes, relative to publication of,	314
General Theological Library, incorporated,	59
Gerrish, James, acts as Justice of Peace, confirmed,	58
Glasgow Company, concerning,	131
Glass Company, Cape Cod, incorporated,	7
Gloucester Police Court, Salary of Justice established,	82
Gosnold, Town of, incorporated,	60
Governor, Inaugural Address of,	341

Governor, Salary of, established,	Page 234
Governor and Council, Acts under chapter 216, '61, confirmed,	62
" " " Messenger of and Assistant, in favor,	315, 322
Grand Junction Railroad, Bridge over Chelsea Creek, draw in,	77
" " Wharf Company, incorporated,	254
Guardians may Mortgage Real Estate of Wards,	146
" to return to State Treasurer stock in trust,	132
" sale of Real Estate by, under license of Court,	88

H.

Halifax, Town of, in favor,	318
Hanover Branch Railroad Company, Charter revived,	99
Harbor of Boston, Outer, to protect,	309
" Lines in South Bay and Fort Point Channel, changed,	296
" of Marion, Seining in, restricted,	254
" of Mattapoisett, Seining in, regulated,	243
Harbors of Commonwealth, for preservation of,	321
Harlow, Abner, in favor,	336
Hawkers and Peddlers, licenses of,	95
Hearing of Questions of Law, relating to,	73
Hecktor, John, in favor,	330
Herrick, Moses S., in favor,	329
Highway Surveyors, vacancies in office, how filled,	112
Hingham, Town of, in favor,	319
Hitchcock's Supplementary Report on Ichnology, relating to,	314
Hollingshead, John S., acts as Commissioner confirmed,	266
Home for Aged Colored Women, incorporated,	52
Home for Discharged Soldiers, in favor,	325
Home for Inebriates, Washingtonian, in favor,	324
Hopkinson, Samuel W., in favor,	323
Hopkinton Savings Bank, incorporated,	153
Horse and Carriage, use in serving Civil Process,	255
Horse Railroads, see Street Railway Corporations.	
Hospital, Lunatic, at Northampton, in favor,	331
" " at Worcester, in favor,	321
" Massachusetts General, appointment of Trustees,	23
" Rainsford Island, admission of certain soldiers to,	109
Hospitals, Lunatic, relating to,	262
" State Lunatic, expense of supporting certain inmates limited,	88
Houghton, W. S., Resolve on petition of,	313
House of Representatives, Ventilation of Hall,	333
Houses of Correction, Returns of Keepers, concerning,	292
Howard Fire Insurance Company, Charter continued,	20
Hubbard, Margaret, in favor,	326
Hull, Common Lands in, County Commissioners may dispose,	22
" Criminal Process in, service of,	29
Hyde Park Woollen Company, increase of Capital,	15

I.

Ichnology, Hitchcock's Supplementary Report on, relating to,	Page 314
Indian Orchard Mills, may increase Capital,	49
INDIANS :	
Chappequiddic, Nelly Joseph, in favor,	315
Chappequiddic and Christiantown, in favor, for Schools,	316
Dartmouth, certain, in favor,	335
" in favor Rhoda M. Taylor,	324
Gay Head, in favor Schools of,	320
Hassanamisco, in favor John Hecktor,	330
Jemima Easton, in favor,	318
Marshpee, in favor,	315
" " for Schools,	316
Punkapog, Charlotte E. Myers, in favor,	312
" Sally and James Burr, in favor,	312
" Rebecca Davis, in favor,	314
Industrial School, State, duration of commitments to,	265
Inebriates, Boston Asylum for, authorized,	153
Insane Criminals, Receptacle for, at Tewksbury,	331
Insane Persons and Lunatic Hospitals, relating to,	262
Insolvency discharges, trial by jury in granting certificates,	241
Inspection of Milk, relating to,	79
Inspector of Gasmeters to make annual returns,	267
Inspectors of Prisons, concerning,	297
Institution for the Blind, Perkins, concerning appointment of Trustees,	60
" " " " in favor,	325
Institutions for Savings, investments in U. S. Bank Stocks, authorized,	8
Institutions, State Charitable and Correctional,	88
INSURANCE COMPANIES :	
Berkshire Life, additional to Act incorporating,	87
Boylston Fire and Marine, Charter continued,	8
City Fire, Charter extended and Capital increased,	45
Conway Fire, of Boston, concerning,	127
Howard Fire, Charter continued,	20
Marlborough Mutual Fire, Charter continued,	58
Massachusetts Mutual Life, may increase real estate,	49
Mechanics' Mutual Fire, Charter continued,	14
Mutual Protection Fire, Charter revived,	19
New England Mutual Marine, concerning,	29
Old Colony, may increase capital,	50
Wellfleet Marine, incorporated,	54
Insurance Companies, Election of Vice-Presidents, authorized,	75
" " Foreign, relating to Agents of,	75
" " Investments in U. S. Bank Stocks authorized,	16
" " Life, custody of Returns,	150

Insurance Companies, Mutual Fire, Assessments of,	Page 102
“ “ Officers and Agents, and issue of Policies,	256
“ “ Receivers of, relating to,	295
“ “ Fire, form of Policies,	125
“ “ Life, Policies assigned for married women, secured,	126
Intestates, Real Estate of, administrators may mortgage,	146
Investments of Capital and Funds of Insurance Companies,	16
“ of Savings Banks and Institutions, concerning,	3
“ of Trust Estates, respecting,	108
Iron Company, Stockbridge, relating to,	265
“ “ Washburn, incorporated,	20
Iron Works, Boston and Fairhaven, may construct railroad track,	83
Issues of Fact, Trial of, Act of '63, respecting, amended,	148

J.

Jail Fees in Suffolk County, and Salary of Jailer, relating to,	253
Jails, Returns of Keepers, concerning,	292
Jennings, Selden, deceased, expense of funeral provided for,	330
“ “ “ in favor of family,	336
Joseph, Nelly, in favor,	315
Judges of Probate and Insolvency, certain, salaries established,	268
Judgment, motion in arrest, in Criminal Cases,	239
Jurors, certain persons exempted from service as,	148
Jury Trial, upon granting discharge in Insolvency, provided,	241
Justice, Police Court in Chelsea, salary established,	242
“ “ “ Gloucester, salary established,	82

JUSTICES OF THE PEACE :

Acts of Henry Rice as Justice, confirmed,	116
“ James Gerrish as Justice, confirmed,	58
“ James Rice as Justice, confirmed,	18
“ Oramel White as Justice, confirmed,	116
“ William H. Wood as Justice, confirmed,	45
Justices, Trial, who have not taken qualifying oaths, acts confirmed,	261

K.

Kingman, Davis, in favor,	319
-------------------------------------	-----

L.

Lamps, Street, Fire Districts may raise money for,	100
Lancaster Mills, may exercise franchise in Boylston,	18
Lands, Common, in Hull, County Commissioners may dispose,	22
“ in Malden, jurisdiction ceded United States,	259
“ in Provincetown Harbor, jurisdiction ceded United States,	50
“ rights of railroad corporations to take,	266
Law, questions of, relative to hearing,	78
Leach, William, in favor,	318

Lee, Town of, may take stock in Pittsfield and New Haven Railroad, Page	288
Legislature, additional compensation authorized,	338
Lexington and West Cambridge Railroad Company may sell road,	94
Library, General Theological, incorporated,	59
" Association, City of Springfield, incorporated,	90
" " Congregational, concerning,	131
Life Insurance Companies, concerning custody of returns,	150
" " Company, Berkshire, additional to Act incorporating,	87
" " " Mass. Mutual, may increase estate,	49
" " policies assigned for married women, to secure,	126
Lindberg, Margaret, in favor,	322
Long Point, Provincetown Harbor, jurisdiction ceded United States,	50
Lord's Day, concerning observance of,	51
Lothrop, Thomas J., in favor,	323
Lowell Horse Railroad, extension authorized into Chelmsford and Dracut,	244
Luce, William H., in favor,	317
Lunatic Hospital at Northampton, in favor,	331
" " at Worcester, in favor,	321
" Hospitals and Insane Persons, relating to,	262
" " State, expense of supporting certain inmates limited,	88
Lunatics, receptacle for at Tewksbury, provided,	331
Lyceum Hall and Chapel in Marlborough, proprietors incorporated,	70
Lynn, City of, concerning fire department in,	72

M.

Machine Works, American, may increase Capital,	113
Maine, State of, in favor,	387
Malden, lands in, ceded United States,	259
Mansfield and Somerset Railroad Company, incorporated,	53
MANUFACTURING CORPORATIONS:	
Ætna Mill, incorporated,	18
American Machine Works, may increase Capital,	113
American Nail Machine Company, incorporated,	92
American Wheat Company incorporated,	129
Beoli Company, incorporated,	118
Boston and Fairhaven Iron Works, may construct railroad track,	83
Cape Cod Glass Company, incorporated,	7
Charlestown Gas Company, capital increased,	19
Chicopee Company, Name changed to Ellerton Mills,	14
Clinton Company, Charter annulled,	21
Dorchester Gas-Light Company, may purchase property,	34
Glasgow, concerning,	131
Hyde Park Woollen, may increase capital,	15
Indian Orchard Mills, may increase capital,	49
Lancaster Mills, may exercise franchise in Boylston,	18
Massachusetts Powder Works, additional to Act incorporating,	81

MANUFACTURING CORPORATIONS—Continued.

Merchants' Woollen Company, may increase capital,	Page 49
Middlesex, may increase capital,	15
Milton Gas-Light Company, sales of property authorized,	34
North Adams Gas-Light Company, incorporated,	34
Rollin White Arms Company, incorporated,	21
Stockbridge Iron Company, relating to,	265
Type Setting Machine Company, Name changed,	153
Washburn Iron Company, incorporated,	20
Whitman and Miles Company, incorporated,	234
Manufacturing Corporations, liabilities of Officers and Stockholders,	150
Marchant, Barnard C., in favor,	321
Marine Insurance Company, New England Mutual, concerning,	29
" " " Wellfleet, incorporated,	54
" " " Railway Company, Eastern, in Provincetown, incorporated,	261
" " " Plymouth, incorporated,	118
Mariner's Exchange, incorporated,	76
Marion, Harbor of, Seining of Fish restricted,	254
Marlborough Mutual Fire Insurance Company, continued,	58
Married Women, Policies of life insurance secured to,	126
" " Trust Estates of, concerning,	126, 255
Marshpee Indians, in favor of, for medical attendance,	315
" Schools, in favor,	316
" Trout Fishery in, to protect,	94
Martha's Vineyard Camp Ground, transportation to,	169
Massachusetts Agricultural College, concerning,	151
Massachusetts Allotment Commissioners, in favor,	328
Massachusetts Asylum for the Blind, appointment of Trustees,	60
" " " " in favor,	325
" Bounty Fund established,	307
" Charitable Eye and Ear Infirmary, in favor,	324
" General Hospital, appointment of Trustees,	23
" Mutual Life Insurance Company, may increase estate,	49
" Powder Works, additional to Act incorporating,	81
Mattapoissett Harbor, seining in, regulated,	243
" Town of, provided with Weights, Measures and Balances,	311
Mayberry, Edwin, in favor,	321
McCullum, Henry E., in favor,	326
McGuire, John, Suit of, expenses of Attorney-General appropriated,	317
Mechanic Association, Salem Charitable, charter revived,	120
Mechanics' Mutual Fire Insurance Company, charter continued,	14
Melrose and South Reading Railroad, construction in Reading,	94
" " " " location and sale of,	267
Merchants' Woollen Company, may increase capital,	49
Merrimac, Town of, incorporated,	113
Messages of Governor, Special,	387
Messenger and Assistant of Governor and Council, in favor,	315, 322

INDEX.

xv

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Messenger to Secretary, additional compensation allowed, . . .	Page 336
Messengers of Legislature, additional compensation allowed, . . .	336
Middlesex Company may increase capital,	15
Milford, Police Court in, established,	46
" Trinity Parish in, incorporated,	92
" and Woonsocket Railroad, location and construction,	8
MILITARY:	
Allotments to Soldiers, to secure more certain payment of,	169
Arsenal, State, appropriation for drainage,	316
Bounties to Volunteers, enlisted in anticipation of future calls,	265
" " provisions of Act for payment extended,	44, 84
" " in Regular service, concerning,	24
" " to secure more certain payment of,	169
" " to whom paid on decease of person enlisting,	54
Coast Defences, relating to,	331
Company E, Fifth Regiment, in favor,	311
Company of Infantry attached to 6th brigade, in favor,	313
Eligibility to military office, word "white" stricken from Statutes,	12
Emancipation of Slaves by military authority approved,	338
Enlistments, Acts of '63 concerning, amended,	51
Federal Armies, Resolve of thanks to,	337
Flags lost or worn out in service, to be replaced,	328
Militia, certain officers and soldiers, in favor,	316
Militia, concerning,	182
" in service, Rules for government established,	272
Militia in U. S. service, additional pay provided,	170
Oaths, Depositions, &c., of persons in U. S. service, how taken,	245
Recruiting, Acts of 1863 concerning, amended,	51
" Cities and Towns may raise money for purposes,	67, 78
Roxbury Horse Guards, in favor,	339
" Reserve Guard, in favor,	339
Soldiers' Families, additional in aid of,	23
Soldiers' National Cemetery, concerning,	332
Soldiers, right of suffrage preserved to,	92
" certain, admission to Rainsford Island Hospital,	109
Washington Home Guard, in favor,	338
Militia, certain officers and soldiers, in favor,	316
" concerning,	182
" Rules for government established,	272
" in U. S. service, additional pay provided,	170
Milk, Sale and Inspection of, relating to,	79
Mills, Aetna, incorporated,	18
" Ellerton, Name established,	14
" Indian Orchard, may increase Capital,	49

307

www.libtool.com.cn

Mills, Lancaster, may exercise franchise in Boylston,	Page 18
Milton Gas-Light Company, concerning,	84
Money, Treasurer may borrow, in anticipation of Revenue,	336
Monuments to Soldiers, Towns may raise money for,	63
Morgan, Franklin, in favor,	327
Morning Star Beneficial Society, incorporated,	126
Municipal Court of Taunton, established,	142
Munson, Lyman E., acts as Commissioner, confirmed,	81
Museum of Comparative Zoölogy, relating to,	312
Mutual Fire Insurance Companies, Assessments of,	102
Mutual Fire Insurance Company, Marlborough, continued,	58
“ “ “ “ Mechanics', continued,	14
“ Life Insurance Company, Mass., may increase estate,	49
“ Marine Insurance Company, New England, concerning,	29
“ Protection Fire Insurance Company, Charter revived,	19
Myers, Charlotte E., in favor,	312
Mystic River Railroad, relating to,	32

N.

Nail Machine Company, American, incorporated,	92
Names, Change of,	406
Nashua and Lowell Railroad Company, may cross streets in Lowell,	172
National Affairs, relating to,	337
National Cemetery, Soldiers', in favor,	332
Nautical Branch, State Reform School, concerning,	128
“ “ “ “ “ purchase of vessel, authorized,	327
Naval Service, Seamen in, Bounty and Aid to families of,	91, 146
“ “ “ Right of Suffrage preserved to,	92
New Bedford, City of, in favor,	317
“ “ and Fall River Railway Company, incorporated,	123
“ “ and New York Steam Propeller Company, incorporated,	11
“ “ and Taunton Railroad, extension of track authorized,	246
New England Mutual Marine Insurance Company, concerning,	29
New London Northern Railroad, may change location in Palmer,	117
“ “ “ Company, may unite with Amherst, Belchertown and Palmer Company,	9
New York and Boston Steamship Company, incorporated,	130
Newburyport and Amesbury Horse Railroad Company, incorporated,	80
Newburyport, City of, additional to Act establishing,	57, 255
Newburyport Railroad Company, may construct tracks in city,	170
North Adams Gas-Light Company, incorporated,	34
“ “ Water Company, Acts incorporating, and in aid,	71, 122
North Easton Savings Bank, incorporated,	12

O.

Oaths of persons in U. S. Military Service, how taken,	245
Officers allowed pay for carriage travel in service of civil process,	255

INDEX.

xvii

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Officers of Insurance Companies, and issues of policies, relating to,	Page 256
" of Manufacturing Corporations, liabilities,	150
Officers, Police and Watchmen, how armed,	73
Officers of State Prison, certain, in favor,	335
Officers, Town, election of in 1864, legalized,	125
Old Colony Insurance Company, may increase Capital,	50
" " and Newport Railway Company, may cross Streets in Fall River,	13
Orders of Notice in Probate Courts, concerning,	246
Otis, Town of, may take stock in Pittsfield and New Haven Railroad Company,	237
Overseers of Poor of Boston, concerning,	82
" " concerning Returns of,	292
Oyster Fishery in Somerset, regulated,	22

P.

Pages of Legislature, additional Compensation allowed,	336
Papers, Recording of, in Registers of Probate,	59
Parish, First, in Dorchester, authorized to sell real estate,	29
" Third, of Roxbury, Name of society changed,	12
" Trinity, in Milford, incorporated,	92
Pauperism, Boston Society for Prevention of, increase of estate,	89
Paymasters of Bounties to Volunteers, Apartment provided for,	311
Peddlers and Hawkers, Licenses of, relating to,	95
People's Savings Bank in Worcester, incorporated,	241
Perkins' Institution for the Blind, appointment of Trustees,	60
" " " " in favor,	325
Pierce, Milton P., in favor,	384
Pittsfield and New Haven Railroad Company, charter revived,	85
" " " " " " Town of Becket may take stock in,	236
" " " " " " Town of Lee may take stock in,	238
" " " " " " Town of Otis may take stock in,	237
" " " " " " Town of Sandisfield may take stock in,	234
" " " " " " Town of Tolland may take stock in,	243
" Town of, in favor,	323
Plymouth County Commissioners may dispose lands in Hull,	22
" Marine Railway Company, incorporated,	118
Police Court in Chelsea, salary of justice established,	242
" " in Gloucester, salary of justice established,	82
" " in Milford, established,	46
" " in Taunton, Acts respecting, repealed,	148
" " in Worcester, salary of clerk established,	258

Police Officers and Watchmen, how armed,	Page 73
Policies of Fire Insurance, form of,	125
“ of Life Insurance assigned married women, to secure,	126
Polls and Estates, amendment of Act establishing,	110
Poor, Overseers of, concerning returns,	292
“ “ “ in Boston, concerning,	82
Powder Works, Mass., additional to Act incorporating,	81
Prison, State, in favor certain officers of,	335
“ “ relating to,	290
Prisoners, Discharged Female, Temporary Asylum for, incorporated,	117
Prisons, Inspectors of, concerning,	297
Probate Courts, concerning orders of notice in,	246
“ and Insolvency, judges and registers, certain, salaries estab.	268
“ Registers of, record of certain papers authorized,	59
Proctor, Joseph O., authorized to extend wharf in Gloucester,	13
Proof, Burden of, in certain criminal cases, relating to,	79
Propeller Company, New Bedford and New York, incorporated,	11
Property of Commonwealth, Valuation provided for,	144
“ “ “ of, relating to,	329
Property, unclaimed, in possession of Express Companies,	89
Proprietors Congregational Church in Grafton, incorporated,	33
“ Lyceum Hall and Chapel in Marlborough, incorporated,	70
Provincetown Harbor, jurisdiction over lands in, ceded United States,	50
Public Baths, Town of Woburn may establish,	150
Public Documents, Annual Abstract, repeal of Act relating to,	252
Punkapog Indians, Charlotte E. Myers, in favor,	312
“ “ Sally and James Burr,	312
“ “ Rebecca Davis, in favor,	314

Q.

Questions of Law, relative to hearing of,	73
Quincy Railroad Company, may extend track and construct branch,	240

R.

Race Grounds and Trotting Parks, relating to,	43
RAILROAD CORPORATIONS :	
Amherst, Belchertown and Palmer, concerning,	9
Amherst Branch, Charter revived,	93
Boston and Chelsea, concerning rate of fare,	246
“ “ “ may use Metropolitan and Middlesex tracks,	50
Boston, Hartford and Erie, how constructed at certain points,	297
Cambridge and the Somerville Horse, concerning,	235
Cape Cod Central, time for construction extended,	100
“ “ “ Town of Brewster may hold stock,	10
Cliftondale, Sale of road in certain contingency,	85
Dedham and West Roxbury, concerning,	98

INDEX.

xix

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RAILROAD CORPORATIONS—Continued.

Dighton and Somerset, additional to Act incorporating,	Page 63
Dorchester and Roxbury, may sell franchise and property,	17
East Boston Freight, relating to,	245
Eastern, may straighten location over Merrimac River,	154
Eastern and the Essex, Act concerning revived,	21
Fall River and Warren, construction of Draw in Bridge over Cole's River,	295
" " " " time for construction extended,	113
Fitchburg and Worcester, may issue preferred stock,	13
Foxborough Branch, may increase Capital,	89
Grand Junction, Bridge over Chelsea Creek, draw in,	77
Hanover Branch, Charter revived,	99
Lexington and West Cambridge, may sell road,	94
Lowell Horse, may extend tracks into Chelmsford and Dracut,	244
Mansfield and Somerset, incorporated,	58
Melrose and South Reading, additional to Act incorporating,	267
" " " " may construct road in Reading,	94
Metropolitan, may use certain tracks of Dedham and West Roxbury road,	98
Milford and Woonsocket, location and construction of road,	8
Mystic River, relating to,	32
Nashua and Lowell, may cross streets in Lowell,	172
New Bedford and Fall River, incorporated,	123
" " " Taunton, may extend track,	246
New London Northern, may change location in Palmer,	117
" " " may unite with Amherst, Belchertown and Palmer Company,	9
Newburyport, may construct tracks in city,	170
" and Amesbury Horse, incorporated,	80
Old Colony and Newport, may cross streets in Fall River,	13
Pittsfield and New Haven, Charter revived,	85
" " " " Town of Becket, may take stock in,	236
" " " " Lee, may take stock in,	238
" " " " " Otis, may take stock in,	237
" " " " " Sandisfield, may take stock in,	234
" " " " " Tolland, may take stock in,	248
Quincy, may extend track and construct branch,	240
Salem and South Danvers, may extend road,	260
Somerville Horse and the Cambridge, concerning,	235
South Danvers and Lynn, incorporated,	240
Springfield and Farmington Valley, location and construction,	71
" " Longmeadow, Charter revived,	52
West Cambridge Horse, concerning,	86
Worcester Horse, may increase Capital and extend tracks,	66
Wrentham Branch, may increase Capital,	130

Railroad Commissioners, Board of, Appointment provided for,	Page 96
“ Corporations, Rights of, to take land,	266
“ crossings at grade, relating to,	96
“ Returns and Reports, amendment of Act concerning,	107
“ Track, Boston and Fairhaven Iron Works may build in Fairhaven,	88
“ “ Wm. H. Dunbar may build in Abington,	97
Railroads extending into other States, Reports of Commissioners,	264
Railway Company, Eastern Marine, in Provincetown, incorporated, “ Corporations, Street, concerning,	261 155, 333
“ Plymouth Marine, incorporated,	118
Rainsford Island Hospital, admission of certain soldiers,	109
Real Estate and Building Company, may purchase additional estate, “ “ of Intestates and Wards, Administrators and Guardians may mortgage,	15 146
“ “ Sale of, under license of Court, relating to,	88
Receivers of Insurance Companies, relating to,	295
Recording of Papers in Registries of Probate, authorized,	59
Records of Corporations and Returns to Assessors, concerning,	127
Recruiting, Acts of '68, concerning, amended,	51
“ Towns may raise money for,	67, 78
Reform School, in favor,	335
“ “ Nautical Branch, concerning,	128
“ “ “ “ purchase of vessel authorized,	327
Regimental Flags lost or worn out to be replaced,	328
Registers of Probate and Insolvency, certain, salaries established,	268
Registries of Probate, recording of papers in, authorized,	59
Report of Bank Commissioners, time for making changed,	59
“ on Ichnology, Hitchcock's Supplementary, relating to,	314
“ Trustees and Corporations to make, to Secretary,	238
Reports of cases determined in S. J. Court, purchase and distribution, “ of Commissioners of Railroads extending into other States, concerning,	258 264
“ and Documents, Annual Abstract, repeal of Act relating to,	252
“ Railroad, concerning,	107
Representatives' Hall, concerning Ventilation of,	333
Resolves, when to be in force,	262
Returns of Coroners, concerning,	16
“ of Corporations to Assessors, concerning,	127
“ of certain Corporations to State Treasurer, required,	131
“ of Inspectors of Gasmeters, required,	267
“ of Life Insurance Companies, custody of,	150
“ and Reports, Railroad, Act concerning, amended,	107
“ of Sheriffs, Keepers of Jails, Houses of Correction and Overseers of Poor, concerning,	292
“ for Valuation Committee, to provide,	256
Rhode Island Boundary Line, copies and plans to be procured,	335
Rice, Henry, acts as justice of peace confirmed,	116

INDEX.

xxi

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Rice, James, acts as justice of peace confirmed,	Page 18
Right of Suffrage preserved to Soldiers and Sailors,	92
Roads and Bridges, belonging to Commonwealth, relating to,	102
Rochester and Wareham, Towns of, line between, established,	102
Rockland Bank, increase of capital authorized,	48
Rollin White Arms Company, incorporated,	21
Roxbury, City of, may fill up dock at Roxbury Point,	245
" Horse Guards, in favor,	339
" Reserve Guard, in favor,	339
" Third Parish, name of Society changed,	12

S.

Sabbath, Observance of, concerning,	51
Sailors, Right of Suffrage preserved to,	92
Salary of Clerk of Police Court of Worcester established,	258
" of County Commissioners, relating to,	257
" of Governor, established,	234
" of Jailer in Suffolk County, relating to,	258
" of Judges and Registers of Probate and Insolvency, certain,	268
" of Justice of Police Court in Chelsea, established,	242
" of Justice of Police Court in Gloucester, established,	82
" of Secretary, Treasurer, Auditor, Adjutant-General, certain clerks, and Messenger of Secretary,	272
" of Secretary and Agents of Board of Education, established,	62
" of Sergeant-at-Arms, and Clerks of Legislature and Departments, additional,	336
Sale and Inspection of Milk, relating to,	79
" of Real Estate belonging to Commonwealth, authorized,	332
" " " under license of Court, relating to,	88
" of Trust Estates, respecting,	108
Salem Charitable Mechanic Association, charter revived,	120
" City of, for supplying with pure water,	247
" Savings Bank, Acts of corporation confirmed,	77
" and South Danvers Railroad Company, may extend,	260
Salisbury and Amesbury, Towns of, united,	118
Sandisfield, Town of, may take stock in Pittsfield and N. Haven R. R.,	234
SAVINGS BANKS:	
Amherst, incorporated,	84
Charlestown Five Cents, may hold real estate,	45
Eliot Five Cents, incorporated,	8
Hopkinton, incorporated,	153
North Easton, incorporated,	12
People's, of Worcester, incorporated,	241
Salem, Acts of corporation confirmed,	77
Savings Banks, Annual Meetings of, concerning,	81
" " Investments in United States Bank stocks authorized,	8
Scholarships, State, concerning,	149
School, State Industrial, duration of commitments,	265

www.libtool.com.cn

School, State Reform, concerning,	Page 335
“ “ “ and the Nautical Branch, concerning,	138
“ “ “ Nautical Branch, purchase of vessel,	327
Schools, Indian, Chappaquiddic, Christiantown & Marshpee, in favor,	316
“ “ Gay Head, in favor,	330
Seamen in Naval Service, Bounty and Aid to Families,	91, 146
Second Baptist Society in Taunton, may change name and hold estate,	12
Secretary of Board of Education, Salary established,	62
Secretary of Commonwealth, Salary for 1864 established,	272
“ “ Compensation of Messenger,	336
Seining in Marion Harbor, restricted,	254
“ in Mattapoisett Harbor, regulated,	243
Sergeant-at-Arms, additional compensation allowed,	336
Service of Civil Process, Compensation of officers for travel,	255
Shad Fishery in the Connecticut River, to protect,	43
Sharon, Town of, part of Stoughton annexed to,	77
Sheep and other Domestic Animals, for protection of,	268
Sheriffs, Returns of, concerning,	292
Sidewalks in the City of Charlestown, construction,	101
Simpson's Patent Dry Dock Company, may build Wharf,	16
Slavery, Abolishment by Constitutional amendment urged,	338
Smith, Walter C., in favor,	326
Snow, Barnabas, in favor,	311
SOCIETIES :	
Boston, Prevention of Pauperism, additional estate,	89
Congregational, in First Precinct, Rehoboth, acts confirmed and name changed,	15
Congregational, Third Parish of Roxbury, name changed,	12
Father Mathew Mutual Benevolent Catholic Total Abstinence, incorporated,	100
First Baptist, in Tyngsborough, concerning,	106
First Congregational, of Jamaica Plain, Name established,	12
First Universalist, in Boston, may sell real estate,	237
Morning Star Beneficial, incorporated,	126
Second Baptist, in Taunton, may change name and hold estate,	12
Union, in East Bridgewater, relating to,	242
Winthrop Street Baptist, in Taunton, name established,	12
Soldiers, Allotments and Bounties, payment of, secured to,	169
“ Discharged, Home for, in favor,	325
“ Monuments to, Towns may raise money for,	63
“ National Cemetery, in favor,	352
“ Right of Suffrage preserved to,	92
“ Sick, certain, admission to Rainsford Island Hospital,	109
Somerset, Oyster Fishery in, regulated,	22
Somerville Horse Railroad Company, may sell road,	235
South Bay, Harbor Lines in, changed,	296
South Danvers and Lynn Street Railway Company, incorporated,	240
Special Messages of Governor,	337

INDEX.

xxiii

www.libtool.com.cn

Specie Payments by Banks, suspension authorized,	Page 7
Springfield, City of, supply of Water for,	108
“ “ Library Association, incorporated,	90
“ and Farmington Valley Railroad, location and construction,	71
“ and Longmeadow Railroad Company, Charter revived,	53
Staples, Sylvanus, may build Wharf in Taunton,	76
State Almshouse at Monson, in favor,	380
“ “ at Tewksbury, in favor,	316
“ “ System, concerning,	326
“ Arsenal, drainage of, relating to,	316
“ Charitable Institutions, support of lunatics in,	88
“ Industrial School, duration of commitments,	265
“ Lunatic Hospital at Northampton, in favor,	381
“ “ at Worcester, in favor,	321
“ Prison, certain officers of, in favor,	385
“ “ relating to,	290
“ Reform School, in favor,	385
“ “ “ and Nautical Branch, concerning,	128
“ “ “ “ “ purchase of vessel,	327
“ Scholarships, concerning,	149
Statutes, General, relative to publication of,	314
Steam Propeller Company, New Bedford and New York, incorporated,	11
Steamship Company, American, provisions of Act '63, extended,	88
“ “ Boston and New York, incorporated,	180
“ “ United States, extension of time to,	100
Stetson, Philip, may extend Wharf in Chatham,	70
Stock of Corporations, Tax on levied,	181
Stockbridge Iron Company, relating to,	265
Stockholders of Manufacturing Corporations, liabilities of,	150
Story, Amos A., may extend Wharf in Gloucester,	19
Stoughton, part of, annexed to Sharon,	77
Street Lamps, Fire Districts may raise money for,	100
Street Railway Corporations, concerning,	155, 383
STREET RAILWAY CORPORATIONS:	
Boston and Chelsea, may use tracks of Metropolitan and Middlesex,	50
“ “ “ rate of fare, concerning,	246
Cambridge and the Somerville, concerning,	235
Cliftondale, Sale of property in certain contingency,	85
Dedham and West Roxbury, concerning,	98
Dorchester and Roxbury, may sell franchise and property,	17
Lowell, may extend road into Chelmsford and Dracut,	244
Melrose and South Reading, may construct road in Reading,	94
“ “ “ “ Sale of road authorized,	267
Metropolitan may use certain tracks of Dedham and West Roxbury road,	98

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STREET RAILWAY CORPORATIONS—Continued.

Newburyport, may construct tracks in Newburyport,	Page 170
Newburyport and Amesbury, incorporated,	80
Salem and South Danvers, may extend road,	260
Somerville and the Cambridge, concerning,	235
South Danvers and Lynn, incorporated,	240
West Cambridge, concerning,	86
Worcester, may increase capital and extend tracks,	66
Quincy, may extend track and construct branch road,	240
Streets, Certain, in Charlestown, Acts of city confirmed,	80
Suffolk County, Jail fees and Salary of Jailer,	253
Suffrage, Right of, preserved to soldiers and sailors,	92
Supreme Judicial Court, Reports, purchase and distribution,	258

T.

Taunton, City of, established,	136
“ Municipal Court of, established,	142
“ Police Court of, Acts respecting, repealed,	148
“ Town of, required to rebuild Weir Bridge,	119
Tax of \$2,396,468, apportioned and assessed,	173
“ on certain Corporations, levied,	131
Taxation, Fraudulent evasions of, to prevent,	111
Taxes for the several counties granted,	327
“ for '64, relating to assessment,	266
Taylor, Rhoda M., in favor,	324
Teachers' Associations, County, Bounty for annual meetings,	85
Temporary Asylum for Discharged Female Prisoners, incorporated,	117
Theological Library, General, incorporated,	59
Third Parish of Roxbury, Name of Society changed,	12
Tolland, Town of, may take stock in Pittsfield and New Haven Railroad,	243
Total Abstinence Society, Father Mathew Mutual Benevolent Catholic, incorporated,	100
Town Officers, Elections of in '64, legalized,	125
TOWNS:	
Douglas and Uxbridge, line between established,	112
Gosnold, incorporated,	60
Merrimac, incorporated,	113
Rochester and Wareham, line between established,	102
Stoughton, part of, annexed to Sharon,	77
Towns, may raise money for Monuments,	63
“ “ “ “ “ Recruiting purposes,	67, 78
Transportation to and from Martha's Vineyard Camp Ground,	169
Treasurer, authorized to sell certain Estate,	332
“ may borrow Money in Anticipation of Revenue,	336
“ Salary of, and First Clerk, for '64,	272
“ Second Assistant Clerk, appointment authorized,	319

INDEX.

xxv

www.libtool.com.cn

Trial of Issues of Fact, Act of '63 relating to, amended, . . .	Page 148
Trial Justices not having taken qualifying oaths, Acts confirmed, . . .	261
Trinitarian Society, Union, of East and West Bridgewater, . . .	242
Trinity Parish in Milford, incorporated,	92
Tripp, James H., and others, may extend Wharf in Chatham, . . .	19
Troops of the Commonwealth, Rules for government established, . .	272
Trotting Parks and Race Grounds, relating to,	43
Trout Fishery in Marshpee, to protect,	94
Trust Estates of Married Women, concerning,	126, 255
" " respecting sale and investment of,	108
Trustees to make Return to Treasurer of Stocks held,	132
" sale of Real Estate by, under license of Court,	88
" under incorporation, to make Annual Report to Secretary, . .	233
Trusts and Trustees, relating to,	233
Type Setting Machine Company, Name changed,	158

U.

Unclaimed property in possession of Express Companies, relating to, .	89
Union, Boston New Church, incorporated,	7
" Fund, increased,	62
" Society in East Bridgewater, relating to,	242
United States Banking Associations, relating to,	121
" " Jurisdiction over lands in Malden, ceded to,	259
" " " " Long Point, Provincetown Harbor,	50
" " Militia in service of, additional pay provided,	170
" " persons in Military service of, depositions, how taken, . .	245
" " Steamship Company, extension of time to,	100
Universalist Society, First, in Boston, may sell estate,	287
Uxbridge and Douglas, Towns of, line between established,	112

V.

Valuation Committee, Compensation of,	337
" " Returns for, to provide,	256
Valuation of Property of Commonwealth, provided for,	144
" " " " relating to,	329
Vessel for Nautical Branch Reform School, purchase authorized, . .	327
Vice-Presidents of Insurance Companies, election authorized, . . .	75
Volunteer Militia, Bounties to, additional for payment of,	24
" " " " enlisted in anticipation of future calls,	265
" " " " provisions of Act for payment, extended,	44, 84
" " " " to whom paid on decease of person enlisting,	54
" " certain officers and soldiers, in favor,	316
Volunteers, Families of, additional in aid,	23

Waltham, Town of, in favor,	Page 314
Wards, Guardians may mortgage real estate of,	146
Wareham and Rochester, Towns of, line between, established,	103
Warren and Charles River Bridges Fund, relating to,	242
Washburn Iron Company, incorporated,	20
Washingtonian Home, in favor,	324
Washington Home Guard, in favor,	338
Watchmen and Police Officers, how armed,	73
Watchmen at the State House, additional compensation,	322
Water, Supply, for City of Boston, additional Act,	258
" " " " Charlestown, additional Act,	112
" " " " Salem,	247
" " " " Springfield, additional Act,	103
" " " " Worcester,	67
Water Company, North Adams, Acts incorporating, and in aid,	71, 123
Weir Bridge in Taunton, Town required to rebuild,	119
Wellfleet Marine Insurance Company, incorporated,	54
West Cambridge Horse Railroad Company, concerning,	86
Westfield Athenæum, incorporated,	58
Wetherbee, Abel, in favor of family,	336
Wharf in Amesbury, Abner L. Bayley may extend,	57
" Chatham, James H. Tripp, and others, may extend,	19
" " Luther Eldridge and Philip Stetson, may extend,	70
" East Boston, Simpson's Patent Dry Dock Company, may build,	16
" Gloucester, Amos A. Story, may extend,	19
" " Joseph O. Proctor, may extend,	13
" " William H. and Lemuel Friend, Jr., may build,	14
" Taunton, Sylvanus N. Staples and another, may build,	76
Wharf Company, Grand Junction, incorporated,	254
Wheat Company, American, incorporated,	129
White, Oramel, acts as Justice of Peace, confirmed,	116
"White," word stricken from Statutes, as eligibility to military office,	12
Whitman and Miles Manufacturing Company, incorporated,	234
Wilson, Benjamin H., in favor,	329
Winchester, Fisheries in, relating to,	172
Winthrop Street Baptist Society in Taunton, Name established,	12
Witnesses, relating to,	291
Woburn, Town of, may establish public baths,	150
Women, Married, policies of Life Insurance assigned for benefit of,	126
" " Trust Estates of, concerning,	126, 255
Wood, William H., acts as Justice of the Peace confirmed,	45
Woollen Company, Hyde Park, increase of Capital authorized,	15
" " Merchants', may increase Capital,	49

INDEX.

xxvii

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Worcester, City of, Engineers of Fire Department, election of,	Page 42
“ “ in favor,	828
“ “ supply of water for,	67
“ Horse Railroad Company, may increase Capital and extend,	66
“ Police Court in, Salary of Clerk established,	258
Wrentham Branch Railroad Company, may increase Capital,	180
Writs of Entry, relating to,	289

Z.

Zoölogy, Museum of, relating to,	812
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