

Corrupting
water, &c.

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 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 in jail not exceeding one year: *provided*, that nothing herein contained shall be construed to prevent persons from cutting and securing ice on Flax and Sluice Ponds in the manner heretofore practised.

Proviso.

SECTION 14. 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 August next, upon notice duly given, at least seven days before the time of holding said meetings.

Act to be sub-
mitted to the
voters.

City council to
determine from
whence water
shall be taken.

SECTION 15. The city council shall, by joint ballot, at least fourteen days before said first Monday of August, determine the source 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.

Aqueduct to be
constructed
within three
years.

SECTION 16. This act shall be void unless the aqueduct shall be constructed within three years.

SECTION 17. This act shall take effect upon its passage.

Approved June 23, 1869.

Chap. 463

AN ACT TO ENFRANCHISE THE INDIANS OF THE COMMONWEALTH.

Be it enacted, &c., as follows:

Indians, &c.,
made citizens.

SECTION 1. All Indians and people of color, heretofore known and called Indians, within this Commonwealth, are hereby made and declared to be citizens of the Commonwealth, and entitled to all the rights, privileges and immunities, and subject to all the duties and liabilities to which citizens of this Commonwealth are entitled or subject.

Indian lands.

SECTION 2. All lands heretofore known as Indian lands, and rightfully held by any Indian in severalty, and all such lands which have been or may be set off to any Indian, shall be and become the property of such person and his heirs in fee simple: *provided*, that such lands shall not be held liable to be taken upon attachment or execution for any debt or liability which existed before the passage of this act; and all Indians shall hereafter have the same rights as other citizens to take, hold, convey and transmit real estate.

Proviso.

SECTION 3. The judge of probate of the county in which any lands held in common belonging to any tribe of Indians may lie, except in the case of the Indians of Marshpee and Gay Head, upon the application of any member of said tribe, after notice to all parties interested and a hearing of the same, if in his opinion it is for the interest of said parties that any or all of said lands be divided, shall appoint two discreet, disinterested persons commissioners to make partition of the same, and their award, being confirmed by said court, shall be final in the premises; but if he shall adjudge that it is for the interest of said parties that the same, or a part of the same, be sold, he shall direct the said commissioners, after they shall have given such bonds as the court may require, to proceed to sell any or all of said lands, and to divide the proceeds of the same among the parties rightfully entitled thereto in proportion to their several interests therein, under the direction of the said court; and the judge of probate of the county in which any lands heretofore and now known as Indian lands, and claimed in severalty by any Indians, may lie, shall direct the said commissioners to examine and define the boundaries of the lands rightfully held by individual owners, and shall properly describe and set forth the same in writing, and such description being approved by the court, shall be final in the premises; and the same, together with all deeds of partition, division or sale made by such commissioners shall be recorded in the registry of deeds in the county, and the expenses of said commissioners, including the cost of recording said deeds, the same being approved by the judge of probate, shall be paid out of the treasury of the Commonwealth, the same being also approved by the governor and council.

Judge of probate to appoint commissioners to divide lands.

Said commissioners are authorized to sue for, collect and receive all funds belonging to, or held in trust for, any tribe of Indians for which said commissioners are appointed; and all such funds shall be divided by said commissioners among the parties rightfully entitled thereto under the direction of the probate court of the county in which such tribe resides; and any property held in trust by any person for any tribe of Indians shall be sold by such person under the direction of the judge of probate, and the proceeds of such sale shall be paid over to the commissioners to be divided as aforesaid. The judge of probate of Plymouth county shall have jurisdiction over all matters relating to the Herring Pond Indians under this section.

Commissioners to collect all funds, &c., and divide same.

Any person aggrieved by any order, decree or denial of the judge of probate under this act, shall have the same right of

Right of appeal.

appeal, under the same rules and regulations as provided for in chapter one hundred and seventeen of the General Statutes: *provided*, that the attested copies and notices required to be given by said chapter shall be served upon such parties as the judge of probate shall direct.

Proviso.

Provision for the support of poor Indians in state almshouses.

SECTION 4. Upon the application of the overseers of the poor of any town, to the board of state charities, said board shall make provision in the state almshouses or elsewhere for the support of any persons heretofore known as Indians who may be unable to support themselves, and who have not acquired a settlement in any town; and upon the application of any Indian who has heretofore received aid from the Commonwealth, the said board shall furnish to such person in the state almshouses or elsewhere, such aid as they may deem expedient.

Agent of board of state charities may sell or lease house in Webster.

SECTION 5. The general agent of the board of state charities shall take charge of the house, and all property connected therewith, in the town of Webster, belonging to the Commonwealth, and may lease the same to persons heretofore known as members of the Dudley tribe of Indians, upon terms substantially like those upon which they have heretofore occupied it; or he shall, under the direction of the board of state charities, sell the same at public auction, and the proceeds of such leases or sale shall be paid into the treasury of the Commonwealth.

Approved June 23, 1869.

Chap. 464

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Compensation of legislature, &c.

In the resolve chapter ninety-six, establishing the compensation of members of the senate and house of representatives and of the clerks and chaplains thereof, and of the lieutenant-governor and council, a sum not exceeding one hundred and seventy-five thousand five hundred dollars in addition to the amounts heretofore appropriated.

Daniel Lorden and others.

In the resolve chapter ninety-seven, in favor of Daniel Lorden and others, the sum of ten thousand two hundred and seventy-two dollars and thirty-nine cents.

Invertebrate animals.

In the resolve chapter ninety-eight, in relation to the republication of the report on the invertebrate animals of Massachusetts, a sum not exceeding seven thousand dollars.