

HOUSE No. 338.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 1, 1878.

The Committee on Finance, under the order of 7th of January last relating to appropriations, report, that, in 1870 (see the Acts of that year, chap. 292), the Legislature incorporated into a town, by the name of Mashpee, the territory comprised in the district of Mashpee; that, by the sixth section of said act, it was provided that the Superior Court, under certain conditions, could appoint Commissioners to settle and define the lands of individual owners, and to sell the common lands that had heretofore been occupied by the Mashpee tribe of Indians, and to pay over the proceeds of the sale to the treasurer of the town; that, in accordance with this provision, the selectmen of the town of Mashpee petitioned to the Justices of the Superior Court for the appointment of Commissioners to define the boundaries of their lands, and to sell the common lands of the town of Mashpee; and, under this petition, Commissioners were appointed by the court, who entered upon their duties, and sold the common lands, and established the boundaries of the individual owners. For their services and expenses, the law provides that they shall be paid by the State, and requires them to pay into the treasury of the town the gross proceeds of the sales of the common lands. The Commissioners have presented their bill to the State for their services and expenses, which has been approved, as the law requires, by the Justice of the Superior Court. It appears, from the papers which

accompany the bill, that they have paid over to the treasurer of Mashpee, as the entire proceeds of the sale of lands, \$7,052.76, and have charged for their services and expenses \$17,207.90, which the State is obliged to pay, by force of the Acts of 1870, chap. 293, and of the Acts of 1878, chap. 61. The entire valuation of the town of Mashpee, according to the last return, was \$97,502. By virtue of a similar provision of law, Acts 1870, chap. 213, relating to the town of Gay Head, whose valuation is only \$11,834.00, the State has paid for services and expenses of Commissioners, whose duties were the same as those performed by the Commissioners for Mashpee, the sum of \$13,629.61.

How much the town of Gay Head has received from the Commissioners, your Committee have no means of knowing. As the law now stands, however reasonable or unreasonable these charges for services may be, there seems no alternative but for the State to pay the bills. To provide, therefore, for the payment of the Commissioners who acted for the town of Mashpee, your Committee submit the accompanying Resolve.

For the Committee,

E. F. STONE, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Eight.

RESOLVE

Providing for the Payment of Expenses incurred in Connection with Certain Lands in the Town of Mashpee.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the parties whose names are hereunto attached, the same to be in full for all services and expenses as Commissioners appointed under authority of chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy, relating to the partition of and sale of certain lands in the town of Mashpee, a sum not exceeding seventeen thousand two hundred and seven dollars and ninety cents in full therefor; and the same is hereby appropriated, in manner following, viz.:—

WENDELL H. COBB, *Commissioner*,—

31 days spent at Mashpee with Commissioners during progress of the work, at \$10.00	\$310 00
58 days comparing deeds, examining titles, &c., at \$10.00	580 00
For general services as overseer, chairman, &c., of work	1,000 00
	\$1,890 00
Hotel and travelling expenses	\$126 59
Postage	5 16
Bonds for Commissioners	6 00
Advertising, printing, &c.	34 00
Stationery	16 75
Clerk hire	200 00
	388 50
	\$2,278 50
<i>Amount carried forward</i>	\$2,278 50

<i>Amount brought forward</i>		\$2,278 50
<i>CYRUS CAHOON, Commissioner, —</i>		
For 1,114 days' services, at \$5.00	\$5,570 00	
House hire	1,638 00	
<i>Amount paid Mathias Amos, —</i>		
For services	\$504 00	
For board	607 60	
	<u>1,111 60</u>	
For cash paid services of sundry other parties	141 28	
Stationery	45 82	
Printing, advertising, &c.	34 00	
Postage, expressage, &c.	37 95	
To be paid for recording Barnstable records	168 00	
	<u>8,746 65</u>	
<i>ASA E. LOVELL, Commissioner, —</i>		
For 1,114 days' services, at \$5.00	\$5,570 00	
Cash paid for board	602 00	
Postage, &c.	10 75	
	<u>6,182 75</u>	
		\$17,207 90