

SENATE....No. 108.

Commonwealth of Massachusetts.

IN SENATE, February 26, 1866.

The Committee on the Judiciary, to whom was committed the House Resolve upon the Petition of the Emigrants' Industrial Savings Bank, report that the same ought to pass in a new draft.

By order of the Committee,

R. M. MORSE, Jr.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Six.

RESOLVE

Upon the Petition of the Emigrants' Industrial Savings Bank.

Whereas, The Emigrants' Industrial Savings Bank, a corporation established by the laws of the state of New York, is in possession of, and claims to be the legal owner of, five bonds of the Commonwealth for the payment of one thousand dollars each, with interest coupons attached for each six months' interest, all of which bonds are dated October the first, in the year eighteen hundred and sixty-one, payable as follows: namely, three on the first day of July, in the year eighteen hundred and seventy-six, one on the first day of July, in the year eighteen hundred and seventy-four, and one on the first day of July, in the year eighteen hundred and seventy-one, and with interest semi-annually, with coupons attached; and

Whereas, W. S. Houghton, of Boston, also claims to be the legal owner of the same bonds, and entitled to the sums due thereon, upon the grounds that the same were stolen from him; and

Whereas, It is alleged by said Houghton that the numbering of said bonds, since the same were stolen, has been fraudulently altered, so that the same are void as against the Commonwealth; and

Whereas, Other parties holding bonds of the Commonwealth numbered like those in possession of the said savings bank, claim that their said bonds are original, unaltered bonds of the Commonwealth; therefore, for the purpose of determining whether any, and if any which, of said bonds have been so fraudulently altered as to be void against the Commonwealth, or if otherwise, then to whom said bonds now held by said savings bank belong and are payable by the Commonwealth,

Resolved, That whenever the said Emigrants' Industrial Savings Bank shall deliver said bonds held by them to the treasurer and receiver-general of the Commonwealth, with the interest coupons attached, to abide the judgment of the court in the suit hereinafter provided for, and shall notify said treasurer and receiver-general that it has duly constituted and appointed an attorney within this Commonwealth, to receive service of process, and appear in the suit hereinafter mentioned, the attorney-general is hereby directed to commence such suit in equity, in the supreme judicial court for the county of Suffolk as may be proper, in the name and in behalf of the Commonwealth, against all the claimants of said bonds held by said savings bank, and against said other parties, to compel such parties to come into court and interplead and also establish as well against the Commonwealth as against each other, the validity of said bonds and their respective rights and claims thereto; and the said bonds so deposited in the hands of the treasurer and receiver-general shall, in case the same are declared void by the court as against the Commonwealth, by reason of the fraudulent alteration thereof since the same were stolen, be delivered to said Houghton, and, with the interest warrant thereon, paid to him according to their tenor. But if said bonds shall not be deemed void by the court, the same shall be delivered to such party as by decree of the court in said suit shall be deemed entitled to the same, upon the payment by such party of the costs of the Commonwealth in said suit.

