

HOUSE....No. 133.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 5, 1863.

The Committee on the Judiciary, to whom was referred the Message of the Senate, informing the House of the election, on their part, of two Directors of the Troy and Greenfield Railroad Company, have considered the same and

R E P O R T :

That by the sixth section of the seventieth chapter of the Special Acts of the year 1839, being an Act "to aid in the construction of the Western Railroad," it was provided, that four of the directors of said corporation shall be chosen annually by the legislature, by joint ballot of the two Houses, and the residue by the stockholders at their annual meeting.

By chapter 33, of the Special Acts of the year 1845, sect. 1, it was provided, that two directors of said corporation shall be chosen annually, who shall hold their offices for two years, and until others are chosen in their places, thereby altering the *number* to be chosen annually, but not the *manner* in which they shall be chosen.

In the year 1854 an Act was passed, authorizing a loan of the State credit, to enable the Troy and Greenfield Railroad Company to construct the Hoosac Tunnel, and by the provi-

sions of section 9, of that Act, when the Commonwealth shall have advanced to said company bonds or scrip to the amount of five hundred thousand dollars, the legislature may elect two directors of said company, who shall hold office for the same time, be elected in the same manner, &c., as the State directors of the Western Railroad Corporation.

In the year 1860, in an Act in addition to the Act authorizing a loan to the Troy and Greenfield Railroad Company, section 6, it is provided that the legislature shall, immediately after the passage of the Act, elect two directors of the Troy and Greenfield Railroad Company, to hold office for one year, or until others are elected by the legislature, again altering the *time* for which they should serve, but not the *manner* in which they shall be elected.

The practice of the legislature has been to elect the directors of the Western Railroad Corporation by joint ballot of the two Houses, and the directors of the Troy and Greenfield Railroad Company, by concurrent vote, but in the opinion of your Committee, conformity to the statutes requires that the election of directors of both companies should be by joint ballot.

By order of the Committee,

GEO. HEYWOOD.