

## HOUSE.....No. 76.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, February 12, 1866.

The Committee on the Judiciary, to whom was referred the Petition of the Emigrants' Industrial Savings Bank, have considered the same, and report the accompanying Resolve.

By order of the Committee,

H. JEWELL, *Chairman.*

## Commonwealth of Massachusetts.

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

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### R E S O L V E

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, (1861,) 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 ground that the same were stolen from him:—and *whereas*, the Commonwealth has no means of deciding between the said claimants; therefore, for the purpose of determining the person or corporation to whom the said bonds belong, and ought to be paid by the Commonwealth:

*Resolved*, That whenever the said emigrants' industrial savings bank shall deliver said bonds 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 the treasurer and receiver-general, that it has duly constituted and appointed an attorney within this Commonwealth to receive service of process and to appear in court 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 behalf of the Commonwealth against the said two claimants of said bonds and the interest due thereon, and all others interested in the question, to compel said parties to come into court, and interplead and establish their respective rights and claims to said bonds and to the interest due or to become due thereon, to the end that the question to whom said bonds belong may be decided, according to due course of law, and the Commonwealth may know and be informed to which of said claimants said bonds belong, and which should be paid the sums now due or to become due thereon as the party entitled to the same; and the said bonds so deposited in the hands of the treasurer and receiver-general, shall be held to abide the final judgment of the court, and be delivered by him to such party as by the decree of the court in such suit shall be declared entitled to the same, upon payment by such party of the costs of the Commonwealth in said suit.

