

AN ACT IN ADDITION TO AN ACT TO AID THE CONSTRUCTION OF THE
BOSTON, HARTFORD AND ERIE RAILROAD. *Chap. 450*

Be it enacted, &c., as follows :

SECTION 1. For the purpose of aiding the Boston, Hartford and Erie Railroad Company in the construction of its railroad from the city of Boston to Fishkill in the state of New York, for the equipment of the same, for filling its flats in Boston, and in building a sea-wall around them, and in construction thereon of buildings for station and railroad accommodation, the treasurer of the Commonwealth is hereby authorized and instructed to issue scrip or certificates of indebtedness, in the name and behalf of the Commonwealth, and in the manner herein designated, to such an amount as with the amount heretofore authorized to be issued in aid of said company shall make the sum of five millions of dollars, which shall be expressed in the currency of Great Britain at the rate of four and eighty-four one-hundredths dollars to the pound sterling, and payable to the bearer thereof in London, and bearing interest of five per cent. per annum payable semi-annually in London on the first days of January and July; which said scrip or certificates shall be redeemable in London on the first day of January, in the year nineteen hundred, and shall bear date on the first day of January or July, which shall next precede the issue of the same. All said scrip shall be countersigned by the governor of the Commonwealth for the time being, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof. The principal and interest on the scrip hereby authorized shall be expressed in the currency of Great Britain, and in paying the same the cost of exchange shall be paid by the Boston, Hartford and Erie Railroad Company in gold coin or its equivalent, at the option of the treasurer of the Commonwealth, and at least one million dollars of said loan shall be expended in the construction of said sea-wall and the filling said flats.

Scrip to be issued by state to aid Boston, Hartford and Erie Railroad.

—to be redeemable in London Jan. 1, 1900.

—to be countersigned by governor.

—principal and interest to be expressed in currency of Great Britain.

SECTION 2. The governor and council shall from time to time ascertain themselves, or by proper agents to be by them appointed, whether all contracts now or hereafter to be made with the Commonwealth in relation to the said flats for expenditures to be made in improving the same and in the construction of its road and all conditions required to entitle it to receive scrip have been complied with by said railroad company; and whenever the governor and council shall find that said railroad company shall have, since May first of the present year, complied with such conditions and agreements, and properly expended at least one hundred thousand

Governor and council to see that all contracts with state have been complied with.

Scrip to be issued as the work progresses.

dollars in construction of its railroad between Boston and Fishkill aforesaid, or in the purchase of new equipment to be used on said line of road, or in filling flats now owned by said railroad company, or which it may hereafter purchase of the Commonwealth on the northerly shore of South Boston, and in building a sea-wall around or along the same, as now is, or may be, provided in any contract between said railroad company and the Commonwealth, or in construction of buildings thereon for railroad uses, then said governor and council shall cause certificate thereof to be made to the treasurer of the Commonwealth, and scrip to the amount expended shall be delivered under the terms and provisions of this act to said railroad company, (reckoning a pound sterling to represent four dollars and eighty-four cents,) and for every additional sum of one hundred thousand dollars expended by said railroad company, in the manner and for the purposes aforesaid, scrip to the amount expended shall be delivered, in the manner and upon the terms aforesaid, to said railroad company, until the whole amount authorized shall have been issued and delivered. And no further issue or delivery of scrip shall be made to said company on account of any expenditure prior to May first of the present year. Any expenses incurred by the Commonwealth, or by the governor and council or any committees or agents of the same in relation to the loan hereby or heretofore authorized, shall be paid by said railroad company, together with a proper sum in compensation for any services of such agents, to be determined by the governor and council.

Expenses in relation to loan to be paid by railroad company.

No scrip to be issued until an agreement has been executed by road to comply with provisions of this act, and to pay principal and interest in gold, &c.

SECTION 3. No scrip shall be delivered to the treasurer of said railroad company under the provisions of this act until an agreement shall have been executed by said company to the Commonwealth, in a form approved by the attorney-general of the Commonwealth, and delivered to the treasurer of the Commonwealth, and conditioned that said railroad company shall comply with the provisions of this act, and shall indemnify and save harmless the Commonwealth from all expenses incurred, or loss or damage on account of said scrip, and that said railroad company shall and will well and truly pay the principal sum of said scrip in gold coin when the same shall become due and payable, and interest thereon in gold coin as the same shall fall due, together with the cost of exchange on both principal and interest as heretofore provided, and shall have executed to the Commonwealth a mortgage satisfactory to the governor and council, of the flats purchased, or which may hereafter be purchased, of the Commonwealth, and of the lands and flats purchased of the

Boston Wharf Company, in security for said purchase or purchases of the Commonwealth and for the loan hereby authorized, and for any other liability said railroad company may incur to said Commonwealth in and by any contract made or hereafter to be made, and shall deliver to the treasurer of the Commonwealth, before said railroad company shall receive the scrip as aforesaid, as security for the performance of the conditions of said agreement, one thousand dollars in the bonds secured by the mortgage to Robert H. Berdell and others, trustees, to and for every one thousand dollars to be received by said treasurer of the Boston, Hartford and Erie Railroad Company in scrip as herein provided.

SECTION 4. There shall be reserved and set apart by said railroad company from each one hundred thousand dollars of the amount received from the sale of scrip issued to said railroad company from the Commonwealth, such a sum as the governor and council shall direct, which shall within thirty days from and after said scrip is delivered, be paid to the commissioners of the sinking fund established by the act to which this is in addition, to be held and invested agreeably to the provisions establishing said fund, and the sum so reserved shall not be a less amount than shall with the accumulations produce at the maturity of such scrip an amount equal to the scrip so issued.

Portion of scrip issued to be reserved and paid over to commissioners of sinking fund.

SECTION 5. The governor and council shall themselves, or by their committees or agents appointed for that purpose, at all times, until the payment of the scrip issued under this act, and of the act to which this is in addition, have free access to all the books and accounts of said railroad company for the purpose of examination.

Governor, &c., to have access to books and accounts of company.

SECTION 6. Section four of chapter two hundred and eighty-four of the acts of the year eighteen hundred and sixty-seven, and also so much of said chapter as relates to the appointment of commissioners, and the duties to be performed by them, and the conditions for the issue of scrip, so far as relates to the further issue thereof, is hereby repealed.

Repeal.

SECTION 7. There shall be two directors of said Boston, Hartford and Erie Railroad Company on the part of the Commonwealth, with all the rights and powers of stock directors. They shall be appointed by the governor and council, and upon the passage of this act one shall be appointed to serve for one year and one to serve for two years, and each year thereafter one shall be appointed to serve for two years.

Two directors to be appointed on the part of the state.

SECTION 8. And the said Boston, Hartford and Erie Railroad Company shall grant, at *pro rata* rates, to all parties

Management of express business.

applying therefor, the privilege to run over its road, and over all other roads under the control of the said company, for the purpose of carrying on the express business between all the towns upon the line of said road or roads.

SECTION 9. This act shall take effect upon its passage.

Approved June 22, 1869.

Chap. 451 AN ACT TO EMPOWER PROBATE COURTS TO AUTHORIZE TRUSTEES AND GUARDIANS TO MORTGAGE REAL ESTATE IN CERTAIN CASES.

Be it enacted, &c., as follows :

Trustees and guardians may be authorized to mortgage for repairs or betterments.

SECTION 1. Probate courts, after notice to all persons interested, may authorize any trustee or guardian having the control and management of any real estate to mortgage the same for the purpose of paying the sums assessed thereon for betterments, or the expense of repairs and improvements thereon made necessary by such betterments, when it shall appear to the court to be for the interest of such estate ; and the interest on such mortgage and any portion of the principal which the court may direct, shall be paid out of the income derived from the mortgaged estate.

Mortgage to set forth that it was made by leave of court.

SECTION 2. In every such mortgage it shall be set forth that the same was executed by leave of the court, and the date when such leave was granted, and such mortgage shall bind only the estate so mortgaged ; but the court shall require such trustee or guardian to give bond with sufficient sureties conditioned for the faithful application of the money received on such mortgage.

SECTION 3. This act shall take effect upon its passage.

Approved June 22, 1869.

Chap. 452 AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SIXTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY, RELATING TO SINGLE ACTS OF DRUNKENNESS.

Be it enacted, &c., as follows :

1860, 166, repealed.

G. S. 165, §§ 25, 26, 27, revived.

SECTION 1. Chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty is hereby repealed, and sections twenty-five, twenty-six and twenty-seven, of chapter one hundred and sixty-five of the General Statutes, are hereby declared to be in full force and effect.

SECTION 2. This act shall take effect upon the first day of July of the present year.

Approved June 22, 1869.

Chap. 453 AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE BOARD OF STATE CHARITIES.

Be it enacted, &c., as follows :

Agent to visit children maintained or indentured by Commonwealth.

SECTION 1. The governor, with the advice and consent of the council, shall appoint an agent to visit all children maintained wholly or in part by the Commonwealth, or who have