

mouth in the county of Bristol, or its tributaries, north of a line running south-west from Ricketson's Point across said river.

Penalty for violation.

SECT. 2. Any person violating this act, shall, on conviction, pay a fine of not less than fifteen, nor more than fifty, dollars, to be recovered by any court competent to try the same, for the use of said town.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, April 14, 1855.*]

Chap. 176

An Act to confirm titles to Lands in Forest Hills Cemetery.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Certain acts legalized.

SECT. 1. All conveyances of lands in Forest Hills Cemetery heretofore made by the city of Roxbury, in which an impression of the established seal of said city has been made upon the paper on which such conveyances were written, shall be taken and held to be valid in law, to pass the title to the lands described in the same, and to bind said city by the covenants therein contained to the same extent it would have been bound had said seal been impressed on wax or wafer attached to such conveyances.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1855.*]

Chap. 177

An Act concerning sales of Real Estate incumbered by Mortgage or otherwise.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Grantors of real estate to make known all incumbrances, etc.

SECT. 1. In all conveyances of real estate by deed or mortgage, upon which any incumbrance exists, the grantor or grantors conveying such estate, whether in his or their own right, or as executor, administrator, assignee, trustee, or otherwise, by order of law, shall, before the consideration is paid, make known to the grantee or grantees the existence and nature of such prior incumbrance, so far as they have knowledge of the same, by exception in the deed or otherwise.

Penalty for withholding information, etc.

SECT. 2. If any person shall be guilty of conveying any real estate knowing that any incumbrance exists thereon without informing the grantee or grantees, as provided in the preceding section of this act, he shall be punished by imprisonment in the county jail or house of correction for a

term not exceeding one year, or by fine not exceeding one thousand dollars.

SECT. 3. Whenever any real estate shall be conveyed by deed or mortgage containing a covenant that the premises are free from all incumbrances, when by the records incumbrances appear to exist thereon, whether known or unknown to the grantor, whatever damages the grantee or grantees, their heirs, executors, administrators, successors or assigns, may sustain in removing any such apparent incumbrance, shall be chargeable to the grantor or grantors, and may be recovered in an action at law. [*Approved by the Governor, April 14, 1855.*]

Grantors, etc., to pay expense of removing incumbrances.

An Act to authorize George H. Weatherbee and others to cut a Channel through Scituate Beach. *Chap. 178*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. George H. Weatherbee, Edward Ames, Biram Simmons, and their associates, are hereby authorized and empowered, within four years from the passage of this act, to open a channel through Scituate Beach, as a new outlet for North River, at any place on said beach within two miles from the present mouth of said river.

May open channel through Scituate Beach.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1855.*]

An Act concerning the Rockport Railroad Company. *Chap. 179*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The time within which the Rockport Railroad Company may locate and construct their railroad is hereby extended to the first day of June, in the year eighteen hundred and fifty-six.

Extension of time for locating and constructing.

SECT. 2. The Rockport Railroad Company is hereby authorized to issue bonds to an amount not exceeding fifty thousand dollars, for the purposes and in the manner prescribed by the act of the legislature, passed in the year eighteen hundred and fifty-four, entitled "An Act to authorize Railroad Companies to issue Bonds," with authority to mortgage its railroad to secure the payment of the same; and said company is hereby authorized to sell such bonds,

May issue bonds to amount of \$50,000.

May sell the same