

Dennis, 400 feet into the sea. feet into the sea from land owned by them in the town of Dennis, near a place called the Shad Hole, and to lay vessels at said wharf, and receive wharfage and dockage there-

Provided, &c. for: *provided*, that this act shall in no wise affect the legal rights of any other persons whatever. [*Approved by the Governor, Feb. 22, 1847.*]

Chap. 28.

An Act relating to Westford Academy.

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

Majority of trustees may be inhabitants of Westford.

So much of the fifth section of the act to establish an academy in the town of Westford, by the name of Westford Academy, passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-three, as requires that a major part of the trustees of said academy shall consist of men who are not inhabitants of the town of Westford, is hereby repealed. [*Approved by the Governor, Feb. 22, 1847.*]

Chap. 29.

An Act to establish the City of Charlestown.

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

Charlestown to be a city.

SECTION 1. The inhabitants of the town of Charlestown shall continue to be a body politic and corporate, under the name of the City of Charlestown; and, as such, shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to, said town as a municipal corporation.

Administration, &c. to be vested in a mayor, 6 aldermen, and 18 common council men, &c.

SECTION 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of six, to be called the board of aldermen; and one council of eighteen, to be called the common council, which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business, and no member of either shall receive any compensation for his services.

Boards to serve without compensation.

Selectmen to divide the town into three wards.

SECTION 3. It shall be the duty of the selectmen of the town of Charlestown, as soon as may be after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into three wards, as nearly equal in number of inhabitants as may be consistent with convenience in other respects. And it shall be the duty of the city council, once in five years, to revise, and, if it be needful, to alter said wards, in such manner as to

Arrangement thereof to be revised every five years by the city council.

preserve, as nearly as may be, an equal number of voters in each ward.

SECTION 4. On the second Monday in March, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall hold their offices for one year from the first Monday in April following said second Monday in March, and until others shall have been chosen in their places. And it shall be the duty of such warden to preside at all ward meetings, with the powers of moderator of town meetings. And if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden, *pro tempore*, shall be chosen by ballot. And if, at any meeting, the clerk shall not be present, a clerk, *pro tempore*, shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successors in office all such records and journals, together with all other documents and papers held by him in said capacity. And it shall be the duty of the inspectors of elections to assist the warden in receiving, assorting, and counting the votes. And the warden, clerk, and inspectors, so chosen, shall respectively make oath or affirmation faithfully and impartially to discharge their several duties relative to elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Middlesex. And all warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed, and returned in such manner, and at such times, as the city council may, by any by-law, direct.

Election, qualifications, and duties of wardens,

clerk,

and inspectors of elections.

To serve under oath, &c.

Warrants for ward and city meetings.

SECTION 5. The mayor and six aldermen, two aldermen to be selected from each ward, shall be elected by the inhabitants of the city at large, voting in their respective wards, and six common council men shall be elected from and by each ward, being residents of the ward in which they are elected: all said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in April, and the mayor, until another shall be elected and qualified in his place.

Election, qualification, and term of office of mayor, aldermen and common council men.

SECTION 6. On the second Monday in March, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen and common council men, warden, clerk and inspectors, as provided in the preceding sections; and all the votes so given shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records, in words, at

Proceedings at meetings for elections.

Certificates of elections to members of common council.

length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected warden, clerk, inspectors, and members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election, certified in like manner: *provided, however*, that, if the choice of warden, clerk, inspectors or common council men cannot be conveniently effected on that day, the meeting may be adjourned, from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor to be notified, in writing, of his election; but if it shall appear that no person has received a majority of all the votes, or, if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore described, for the choice of mayor, and repeated, from time to time, until a mayor is chosen.

Provided, &c.

Notification to mayor.

Proceedings in case of failure to elect a mayor.

Proceedings to supply vacancy in the office of mayor,

In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council, in convention, to order, by vote, an entry of that fact to be made in their records, and then to elect a mayor, for the time being, to serve until another is chosen, or until the occasion causing the vacancy is removed.

and of aldermen.

And if it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore directed for choice of mayor. And each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being.

Notification to aldermen.

Administration and record of oaths of office.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Middlesex.

The aldermen and common council men elect shall, on the first Monday of April, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Middlesex; and a certificate of such oath having been taken shall be entered on the journal of the mayor and aldermen, and of the common council, by their respective clerks.

Record, &c. in case of failure to choose a mayor.

And whenever it shall appear that no mayor has been elected previously to the said first Monday in April, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid.

After the oath has been administered as aforesaid, the two boards shall separate; and the common council shall be organized by the choice of a president and clerk, to hold their office during the pleasure of the common council, and to be sworn to the faithful performance of their duties.

Organization of common council.

In case of the absence of the mayor elect on the first Monday in April, the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches.

Proceedings in case of absence of the mayor elect at the time for organization.

In the absence of the mayor, the board of aldermen may choose a chairman, *pro tempore*, who shall preside at joint meetings of the two boards.

Mayor *pro tempore*.

Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and, in failure of election, or in cases of vacancy declared by either board, the mayor and aldermen shall order a new election.

Duties of each board as to records, rights to seats, and new elections.

SECTION 7. The mayor, thus chosen and qualified, shall be the chief executive officer of said city. It shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers, with power to remove them for neglect of duty. He may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices to be left at the places of residence of the several members: he shall communicate, from time to time, to both of them, such information, and recommend such measures, as, in his opinion, the interests of the city may require: he shall preside in the board of aldermen, and in convention of the two branches, but shall have only a casting vote.

Duties of mayor.

The salary of mayor, for the first year in which this charter shall take effect, shall be five hundred dollars, and no more; his salary shall afterwards be fixed by the city council, but neither increased nor diminished during the year for which he is chosen, and he shall have no other compensation: *provided, however*, that the city council shall have power to appoint the mayor, commissioner of highways, when, in their opinion, such an officer is necessary, and allow him a suitable compensation therefor.

Compensation.

SECTION 8. The executive power of said city, generally, and the administration of police, with all the powers heretofore vested in the selectmen of Charlestown, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated. And all other powers now vested in the inhabitants of said town, as a municipal corporation, and all powers granted by this act, not herein otherwise provided for, shall be vested in the mayor and aldermen and common council of said city, to be exercised

Mayor may be commissioner of highways.

Executive powers of selectmen transferred to mayor and aldermen, and powers of inhabitants transferred to mayor and aldermen and common council.

by concurrent vote, each board to have a negative upon the other.

Power of mayor, &c. in respect to appointments, removals,

And the mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers; and the same to remove at pleasure.

requiring bonds,

And the mayor and aldermen may require any person, appointed a constable of the city, to give bonds, with such security as they may deem reasonable, before he enters upon the duties of his office, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns.

and licenses.

And the mayor and aldermen shall have the same power to grant licenses to innholders, victuallers, and retailers, within the city, which is possessed by the mayor and aldermen of the city of Boston.

City council to appoint, &c. certain officers.

The city council shall, annually, as soon after their organization as may be convenient, elect, by joint ballot in convention, a treasurer and collector of taxes, engineers of the fire department, a city clerk, three assessors of taxes,—and fix their compensations. They shall also, in such manner as they shall determine, appoint or elect all other subordinate officers, not herein otherwise directed, define their duties, and fix their compensations.

Sittings to be public, *provided*, &c.

All sittings of the common council shall be public, and all sittings of the mayor and aldermen, when they are not engaged in executive business.

Safe keeping, &c. of city property.

The city council shall take care that no moneys be paid from the treasury, unless granted or appropriated; shall secure a just and proper accountability, by requiring bonds, with sufficient penalties and sureties, from all persons trusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of the city buildings, with the power to let or to sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it. And the city council shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

Mayor to nominate, &c.

SECTION 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, such nomination, however, being subject to be confirmed or rejected by the board of aldermen: *provided, however*, that no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the

Provided, &c.

time of such appointment, shall be a member of the board of aldermen or of the common council.

SECTION 10. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Charlestown. He shall be chosen for one year, and until another shall be chosen and qualified in his place, but may be at any time removed by the city council.

Duties, &c. of city clerk.

SECTION 11. The citizens, at their respective annual ward meetings for the choice of officers, shall elect, by ballot, two persons in each ward, to be overseers of the poor; and the persons thus chosen, together with the mayor, shall constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of Charlestown.

Overseers of the poor.

And the citizens shall, at the same time and in the same manner, elect five persons from the city at large, and two persons from each ward, to be members of the school committee; and the persons thus chosen shall constitute the school committee, and have the care and superintendence of the public schools; and said school committee shall have all the powers and privileges, and be subject to all the liabilities, set forth in an act passed by the Legislature of Massachusetts, in the year of our Lord one thousand seven hundred and ninety-three, entitled "An Act to incorporate certain Persons by the name of the Trustees of Charlestown Free Schools," and all acts in addition thereto.

School committee.

And the persons chosen by the city council as assessors, shall constitute the board of assessors, and shall exercise the powers, and be subject to the duties and liabilities, of assessors in towns.

Assessors.

All taxes shall be assessed, apportioned, and collected, in the manner prescribed by law relative to town taxes: *provided, however*, that it shall be lawful for the city council to establish further additional provisions for the collection thereof.

Assessment, apportionment, and collection of taxes.

Provided, &c.

Should there fail to be a choice of overseers of the poor, or members of the school committee, the vacancy or vacancies shall be filled by the city council in convention, in the same manner that is provided for filling vacancies in the Senate of this Commonwealth.

Proceedings to fill vacancies in said boards.

SECTION 12. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way,

Powers of city council, and of mayor and aldermen, in respect to streets and ways.

Appeals for damages.

shall first be acted upon by the mayor and aldermen. And any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Middlesex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided, by the laws of this Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, in the twenty-fourth chapter of the Revised Statutes.

Health officers.

SECTION 13. All power and authority now by law vested in the board of health for the town of Charlestown, or in the selectmen of said town, shall be transferred to, and vested in, the city council, to be carried into execution in such manner as the city council shall deem expedient.

Power of city council in respect to drains and common sewers,

SECTION 14. The city council shall have authority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damage as they may sustain thereby; and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer.

and to the inspection of wood, &c.

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal, and bark, brought into the city for sale.

Duty of city council to determine number of representatives to General Court, &c.

SECTION 15. It shall be the duty of the city council, annually, in the month of October, to meet in convention and determine the number of representatives to be elected by the city to the General Court, in such year, which shall be conclusive, and the number thus determined shall be specified in the warrant calling meetings for the election of representatives.

Proceedings at and after meetings for election of County, State and Federal officers.

SECTION 16. All elections for County, State and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections in their respective wards, at the time fixed by law for these elections respectively; and, at such meetings, all the votes given for said several officers respectively shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record in words at length.

The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns; and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the

same manner as similar returns are by law directed to be made by selectmen of towns.

And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

SECTION 17. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors, assistant assessors, and city officers, and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list.

Lists of voters.

SECTION 18. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good; to instruct their representatives; and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned, by the mayor and aldermen, upon the requisition of fifty qualified voters.

Meetings of the citizens.

SECTION 19. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Charlestown, for the time being, shall, on some day during the months of March or April of the present year, issue their warrants seven days at least previous to the day appointed, calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and said selectmen shall appoint, for this first meeting, a warden, clerk, and three inspectors of elections for each ward, which officers shall be sworn to the faithful discharge of their duties; and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and, in case said elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed; and to give notice thereof, in the manner hereinbefore directed, to the several persons elected. And at said first meeting, a

First organization of city government.

list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when appointed to be used as hereinbefore directed. And the selectmen shall appoint such time, for the first meeting of the city council, as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, not later than the first Monday in May, in the year one thousand eight hundred and forty-seven, and shall also fix upon the place and the hour of said first meeting; and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers chosen as provided in this section.

Subsequent organizations.

And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

Appointment of city officers by city council.

And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified. And at the meetings to be called

Votes for county officers.

as prescribed in this section for the choice of ward and city officers, the said inhabitants may, and shall, also give in their votes for county officers, which votes shall be recorded, certified, and returned, in the manner provided in the sixteenth section of this act.

Powers of city council to make by-laws, with penalties, &c.

SECTION 20. The city council shall have power to make all such salutary and needful by-laws, as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court, or other authority whatever: *provided, however*, that all laws and regulations now in force in the town of Charlestown, shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force, and all fines and forfeitures for the breach of any by-law, or ordinance, shall be paid into the city treasury.

Provided, &c.

Annual town meeting suspended, &c., and town officers to hold over, &c.

Proceedings in case of non-acceptance of this charter.

SECTION 21. The annual town meeting for the town of Charlestown, which by law is to be held in the month of March, is hereby suspended, and all town officers now in office shall hold their places until this act shall go into operation; and in case this charter shall not be accepted in the manner and form as hereinafter provided, then the selectmen shall issue their warrant according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.

SECTION 22. All officers of the town of Charlestown, having the care and custody of any records, papers, or property, belonging to said town, shall deliver the same to the city clerk within one week after his entering upon the duties of his office.

Delivery of records, &c. to city clerk.

SECTION 23. All such acts and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are, hereby repealed.

Repeal of inconsistent provisions.

SECTION 24. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

Legislature may alter and amend this act.

SECTION 25. This act shall be void, unless the inhabitants of the town of Charlestown, at a legal town meeting, called for that purpose, shall, by a vote of a majority of the voters present and voting thereon, by a written ballot, determine to adopt the same within twenty days from and after its passage, at which meeting the polls shall be kept open not less than six hours, and the presiding officer, in receiving said ballots, shall use the check-lists, in the same manner as they are used in elections.

Act to be void unless accepted by inhabitants, &c.

SECTION 26. This act shall go into operation from and after its passage. [*Approved by the Governor, Feb. 22, 1847.*]

When to take effect.

An Act concerning the Chelsea Branch Rail-road Company.

Chap. 30.

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

SECTION 1. The Chelsea Branch Rail-road Company are hereby empowered to locate, construct, and maintain, a branch rail-road, with one or more tracks, commencing at some convenient point in the line of their road heretofore authorized to be built by said corporation in Chelsea, at or near the easterly margin of the Winnisimmet Company's marsh, near the old Malden road, thence continuing easterly and southeasterly through lands of Cary, and of said Winnisimmet Company, east of Highland street, to a point in the Eastern rail-road, or on the southeasterly side thereof, at East Boston, thence continuing southwesterly to some convenient point or depot on or near the deep water southeasterly of said Eastern rail-road depot, or to alter or discontinue so much of their granted road as lies northerly and easterly of the point at which the line of the branch hereby authorized commences, as may be deemed expedient; *provided*, that said line, if altered, shall run southerly of the Cary Dell, and so as to join the branch hereby authorized. And also to alter or straighten the line of the road northwesterly of the said old road to Malden, *provided* the Winnisimmet Company shall consent thereto; *provided, also*,

Location of branch rail-road.