

the adjutant-general: *provided*, that no clerk or employee, other than a first clerk, shall receive a greater compensation than is by law established for additional clerical assistance in the office of the secretary of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 155 AN ACT RELATING TO TRUSTEE PROCESS IN CASE OF AN ACTION PENDING.

Be it enacted, &c., as follows:

Plaintiff summoned as trustee of defendant upon demand in set-off, §§ 18, 19, 20, ch. 142 G. S. to apply.

If, during the pendency of an action, the plaintiff shall be summoned as trustee of the defendant, on account of any demand which shall be filed in set-off in such action, the first suit shall be subject to all the provisions of sections eighteen, nineteen and twenty of chapter one hundred and forty-two of the General Statutes, in the same manner and to the same effect, as if it were an action brought by the defendant against the plaintiff upon said demand in set-off.

Approved April 27, 1865.

Chap. 156 AN ACT RELATING TO THE PUBLICATION OF AMENDMENTS TO THE CONSTITUTION OF THIS COMMONWEALTH.

Be it enacted, &c., as follows:

Engrossment and deposit with secretary required.

SECTION 1. All amendments to the constitution of this Commonwealth which have been, or shall be originated and agreed to at the present or any future session of the general court in the manner prescribed in the constitution, shall be engrossed on parchment, signed by the presiding officers of the two branches, and deposited in the office of the secretary of the Commonwealth; and the secretary shall cause the same to be published in the official publications of the acts, resolves and other official information intended for the public in the same manner as is now provided in sections one, three and four of chapter three of the General Statutes, for the matters therein referred to.

Secretary to publish.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 157 AN ACT CONCERNING THE ISSUE OF PASSPORTS AND CERTIFICATES OF CITIZENSHIP.

Be it enacted, &c., as follows:

Fee for issue.

SECTION 1. Every person receiving from the secretary of this Commonwealth, a passport or certificate of citizenship, shall pay therefor the sum of two dollars: *provided*, that a person deemed by said secretary entitled by reason of poverty to be exempt from the payment of such sum, shall receive such passport or certificate free from charge; and *provided, further*, that such passport or certificate shall have

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appended to the same an oath or affirmation taken and subscribed by the person named in such passport or certificate, that he will support the constitution of the United States, together with a certificate from said secretary, or some magistrate qualified to administer oaths, that such oath or affirmation has been so taken and subscribed before him.

Oath of loyalty to be taken and certified.

SECTION 2. The moneys received under the preceding section shall be included in the certificates of quarterly returns of fees made by the secretary to the treasurer and receiver-general.

Moneys to be paid treasurer.

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

Approved April 27, 1865.

AN ACT CONCERNING THE PRESERVATION OF CERTAIN BIRDS.

Chap. 158

Be it enacted, &c., as follows :

The eighty-second chapter of the General Statutes is hereby amended by striking out in the second line of the first section thereof the word "September," and inserting in place thereof the word "October."

G. S. ch. 82, amended.

Approved April 27, 1865.

AN ACT TO AUTHORIZE THE LAYING OUT AND WIDENING OF A STREET FROM MILK STREET TO BROAD STREET, IN THE CITY OF BOSTON.

Chap. 159

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the city of Boston are hereby authorized to widen and lay out, as a street, the line of street extending from Milk street to Broad street, in the said city, nearly parallel with Pearl street, and now known by the names of Oliver street, Washington square, and Belmont street, to take sufficient land for the same, to grade the same, and to assess the cost of such widening and grading, including damages for land and buildings taken for such widening, upon estates abutting upon said widened street, as hereinafter provided. But the determination so to widen and lay out said street shall be made by the mayor and aldermen, and recorded within one year from the passage of this act.

Mayor and aldermen authorized.

SECTION 2. The said street shall be made not less than fifty feet wide, and shall be so graded, that the rise or fall shall in no place exceed two feet and a half in one hundred feet of length.

Decision to act to be made and recorded within year.

Width and grade of street.

SECTION 3. In making the estimate of the cost aforesaid, for which the assessment herein provided is to be laid, the mayor and aldermen shall estimate the damages sustained by any person or persons, by the taking of land for the said widening, including the value of the whole of the buildings on the land, and part of which shall be so taken, deducting

Mayor and aldermen to estimate damages to persons.