

**ACTS AND RESOLVES PASSED BY THE
GENERAL COURT OF MASSACHUSETTS,
IN THE YEAR 1858: TOGETHER WITH THE
MESSAGES, CHANGES OF NAMES OF
PERSONS, ETC.**

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Acts and Resolves Passed by the General Court of Massachusetts, in the Year 1858: Together with the Messages, Changes of Names of Persons, Etc. by Secretary of the Commonwealth

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SECRETARY OF THE COMMONWEALTH

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AND
RESOLVES
PASSED BY THE
General Court of Massachusetts,

IN THE YEAR

1858: ²⁻²

TOGETHER WITH THE MESSAGES,
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ETC., ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



BOSTON:
WILLIAM WHITE, PRINTER TO THE STATE.
1858.

Mass, Dec. 1. 30

1858, June 30
11. 6 of the Legislature

■ The General Court of 1858 assembled in the State House in Boston, on Wednesday, the sixth day of January, and was prorogued on Saturday, the twenty-seventh day of March.

The oaths of office, required by the Constitution, were administered to His Excellency, NATHANIEL P. BANKS, on Thursday, the seventh day of January.

GENERAL STATUTES
AND
SPECIAL ACTS
OF
MASSACHUSETTS,
PASSED
1858.

AN ACT TO ESTABLISH A BETTER SYSTEM FOR THE ADMINISTRATION
OF THE FINANCES OF THIS COMMONWEALTH. Chap. 1.

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. No money shall be paid from the treasury of this Commonwealth at any time hereafter, except upon the warrant of the governor, drawn in accordance with some appropriation contained in some act or resolve duly passed within the same political year. Money paid from treasury only on warrant of governor.

SECTION 2. There shall be excepted from the provisions of the preceding section, all payments required on account of the principal or interest of any public debt, or for the salaries established by standing laws of the judges of the supreme judicial court and of the governor: and said principal and interest shall be paid whenever they may become due, and said salaries shall be paid under the warrant of the governor, in the same manner as if a specific appropriation therefor were included in a separate law passed each year. Exceptions.

SECTION 3. This act shall not be construed to prevent the payment from the treasury in any year, to any person or persons to whom the same may be justly due, of any appropriation, or any unexpended balance of any appropriation, duly made in the preceding year. But in case any appro- How construed. Appropriations not called for, in two years, shall revert, &c.

priation or balance shall not be called for by the person or persons to whom it may be due, or shall not be applied to the objects for which it was designed, within the same political year in which it shall have been made, or the succeeding political year, such appropriation or balance shall revert to the general treasury, and shall not afterwards be paid out, except by virtue of a new appropriation.

Treasurer's annual report to contain statement of warrants unpaid, &c.

SECTION 4. It shall be the duty of the treasurer to include in his annual report to the legislature, a specific statement of all warrants remaining unpaid, and the names of the persons in whose favor they were drawn; in order that the payment of such sums under this head as may be necessary and proper, may be authorized by new appropriations.

SECTION 5. This act shall take effect from and after its passage.

Approved January 22, 1858.

Chap. 2.

AN ACT TO REGULATE THE COMPENSATION OF MEMBERS, OFFICERS AND ATTENDANTS OF THE LEGISLATURE.

Be it enacted, &c., as follows:

Compensation and mileage of members.

SECTION 1. The compensation of each member of the senate and house of representatives shall be three hundred dollars, for the regular annual session for which such member shall have been elected, and one dollar for every five miles travel from their respective places of abode, once in each session, to the place of the sitting of the general court, to be paid in the manner following, to wit: On the first day of such regular annual session, each senator and representative shall be entitled to receive his mileage, and on the first day of each month thereafter, shall be paid at the rate of two dollars per day, until the sum of three hundred dollars above named shall have been paid; and on the last day of the session there shall be paid to each senator and representative the balance, if any remain unpaid, of the said sum of three hundred dollars.

Duty of treasurer

SECTION 2. It shall be the duty of the treasurer, or other officer who may be charged with the payment of the members of the legislature, to deduct from the compensation of each member, as herein provided, three dollars for each day that such member shall have been absent, unless his absence shall have been excused by the house of which he is a member: and it shall be the duty of the clerks of the senate and house, respectively, to certify, upon the written statement of members, to the treasurer of the Commonwealth, or such other officer as may be charged with the payment of the members, the number of days of each mem-

Clerks to certify, &c.

ber's attendance, and such written statements of members shall be preserved in the office of the treasurer.

SECTION 3. The president of the senate and speaker of the house of representatives shall receive double the compensation above provided for senators and representatives, to be paid at the times and in the manner herein provided for the payment of said senators and representatives. Compensation of presiding officers.

SECTION 4. No periodicals, publications or books, other than those printed for the use of the legislature, shall hereafter be ordered for members at the charge of the Commonwealth. Publications prohibited.

SECTION 5. There shall be paid to the clerks of the senate and house of representatives, respectively, an annual salary of two thousand dollars, to be paid quarterly, which shall be considered full compensation for the performance of all the duties now required of, and performed by, the said clerks and their assistants, including the preparing of an index and duplicate copy of the journals. Compensation of clerks.

SECTION 6. There shall be paid to the chaplains of the senate and house of representatives, an annual salary of two hundred dollars each, to be paid at the close of the regular annual session of the legislature. Compensation of chaplains.

SECTION 7. There shall be paid to each of the door-keepers and messengers of the senate and house of representatives, the sum of three hundred dollars, and to the pages of the senate and house, the sum of two hundred dollars each, which shall be considered full compensation for all services which may be required of said door-keepers, messengers and pages, at the regular annual session of the legislature; said sums to be paid monthly, at the rate of two dollars per day for each door-keeper or messenger, and of one dollar and fifty cents per day for each page, until the said sums of three hundred dollars and two hundred dollars, above named, shall have been paid; and on the last day of the session, there shall be paid to each messenger, door-keeper and page, the balance, if any remain unpaid, of the sums above named. Compensation of doorkeepers, messengers, &c.

SECTION 8. All acts or parts of acts inconsistent with this act, are hereby repealed. Repeal.

SECTION 9. This act shall apply to the present legislature, and shall take effect from and after its passage.

Approved January 30, 1858.

Chap. 3. AN ACT TO PERPETUATE THE EVIDENCE OF FORECLOSURE OF MORTGAGES OF PERSONAL PROPERTY.

Be it enacted, &c., as follows:

Affidavit of mortgagee's intention to foreclose, filed in town clerk's office, may be used as evidence.

Whenever any mortgagee of personal property, or his assigns, shall have given notice of his or their intention to foreclose his mortgage, in the manner required by the seventy-second chapter of the acts of the year eighteen hundred and forty-three, or the one hundred and seventy-fourth chapter of the acts of the year eighteen hundred and fifty-six, he or they may make affidavit thereof and cause the same to be recorded at any time before foreclosure, in the town clerk's office where the mortgage is recorded; and whenever any such affidavit shall be so made and recorded, the same, or said record thereof, shall be admitted as evidence of the service of notice in the manner therein set forth.

Approved February 1, 1858.

Chap. 4. AN ACT TO AUTHORIZE THE SPRINGFIELD FIRE AND MARINE INSURANCE COMPANY TO INCREASE ITS INVESTMENT IN REAL ESTATE.

Be it enacted, &c., as follows:

Additional real estate, \$15,000.

The Springfield Fire and Marine Insurance Company is hereby authorized to hold real estate in the city of Springfield, to an amount not exceeding in value fifteen thousand dollars, in addition to the amount authorized by the second section of the one hundred and thirty-fifth chapter of the laws of this Commonwealth, for the year eighteen hundred and forty-nine, and subject to the exceptions therein contained.

Approved February 1, 1858.

Chap. 5. AN ACT CONCERNING THE BRANCHES TO BE TAUGHT IN THE PUBLIC SCHOOLS.

Be it enacted, &c., as follows:

Act amended.

SECTION 1. The first section of the twenty-third chapter of the Revised Statutes, and the first section of the fifty-sixth chapter of the laws of the year one thousand eight hundred and thirty-nine, are hereby so amended, that the teachers of schools required to be kept by such sections, shall be competent to give instruction in orthography, reading, writing, English grammar, geography, arithmetic, physiology and hygiene, the history of the United States, and in good behavior.

Competency of teachers.

Additional branches to be taught.

SECTION 2. Physiology, hygiene and algebra, shall hereafter be taught in the public schools of this Commonwealth, in all cases in which the school committee shall deem it expedient.

Repeal.

SECTION 3. Chapter two hundred and twenty-nine, of the laws of the year one thousand eight hundred and fifty, and