

pose, shall have authority to represent the town at all meetings of the stockholders for the purpose of organizing said corporation, and at all future meetings of said corporation, and vote in behalf of said town upon the whole amount of stock so held by said town.

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

*Approved April 28, 1870.*

**Chap. 212** AN ACT TO AUTHORIZE JOHN H. COGSWELL AND RICHARD T. DODGE TO EXTEND THEIR WHARVES IN IPSWICH.

*Be it enacted, &c., as follows :*

May extend wharves in Ipswich.

SECTION 1. License is hereby granted to John H. Cogswell and Richard T. Dodge, or either of them, or their assigns, to enlarge their wharves in the town of Ipswich, by extending the south-westerly end of the Cogswell wharf south-westerly thirty-eight feet to a certain line drawn south-easterly from the Ledge ninety-five feet, to a point near low-water mark ; also to extend the same on the south-easterly side twelve feet, towards the channel of the river, to a line drawn straight from the last named point north-easterly two hundred feet to a point twelve feet south-east of the easterly corner of the Dodge wharf ; and also to extend the Dodge wharf on the north-easterly side thereof two hundred and forty-five feet in a north-easterly direction, to the road leading to the shipyard : *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Provisos.

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

*Approved April 28, 1870.*

**Chap. 213** AN ACT TO INCORPORATE THE TOWN OF GAY HEAD.

*Be it enacted, &c., as follows :*

Town of Gay Head incorporated. District abolished.

SECTION 1. The district of Gay Head is hereby abolished, and the territory comprised therein is hereby incorporated into a town by the name of Gay Head. And said town of Gay Head is hereby invested with all the powers, privileges, rights and immunities, and subject to all the duties and requisitions to which other towns are entitled and subject by the constitution and laws of this Commonwealth.

Common lands, fishing rights, &c., transferred to town.

SECTION 2. All common lands, common funds, and all fishing and other rights held by the district of Gay Head are hereby transferred to the town of Gay Head, and shall be owned and enjoyed as like property and rights of other towns are owned and enjoyed.

SECTION 3. Any justice of the peace of the county of Dukes-county, may issue his warrant directed to any principal inhabitant of the town of Gay Head, requiring him to notify and warn the inhabitants thereof qualified to vote in district affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings, and said warrant shall be served by publishing a copy of the same in some newspaper printed in the county of Dukes-county and by posting up copies thereof attested by the person to whom the same is directed, in three public places in said town, seven days at least before such time of meeting. Such justice, or in his absence such principal inhabitant, shall preside until the choice of a moderator in said meeting. At such meeting all inhabitants of said town qualified to vote in district affairs may vote, and no check-list shall be required for any purpose.

Warrant for first meeting for election of town officers.

SECTION 4. The said town shall be and form a part of the same representative, senatorial, councillor and congressional district as the town of Chilmark until legally changed.

To form part of same district as Chilmark.

SECTION 5. The county commissioners of Dukes-county, shall as soon as may be after the passage of this act, proceed to lay out and construct a road from the line of Chilmark and Gay Head to the light-house on Gay Head, and may appropriate such sum from the funds of the county as may be necessary to defray the expense of the same; and the sum actually expended for that purpose shall be reimbursed from the treasury of the Commonwealth: *provided*, the same shall not exceed the sum of five thousand dollars.

County commissioners to construct a road.

Expense not exceeding \$5,000, to be reimbursed by the State.

SECTION 6. The judge of probate of the county of Dukes-county, upon the application of the selectmen of Gay Head, or of any ten resident owners of land therein, after such notice as the judge may direct to all parties interested and a hearing on the same, if he shall adjudge that it is for the interest of said parties that any or all of the common lands of said town be divided, shall appoint two discreet, disinterested persons commissioners to make partition of the same, and their award, being confirmed by said court, shall be final in the premises; but if he shall adjudge that it is for the interest of said parties that the same, or a part of the same, be sold, he shall direct the said commissioners, after they shall have given such bonds as the court may require, to proceed to sell any or all of said lands, and to pay the proceeds thereof to the treasurer of said town; and the said judge of probate shall direct the said commissioners to examine and define the boundaries of the lands rightfully held by individ-

Common lands may be divided by commissioners appointed by the judge of probate.

Commissioners to define boundaries of lands held by individual owners.

ual owners, and to properly describe and set forth the same in writing, and the title and boundaries thus set forth and described, being approved by the court, shall be final in the premises ; and the same, together with all deeds of partition, division or sale made by such commissioners shall be recorded in the registry of deeds in the county, and the expenses of said commissioners, including the cost of recording said deeds, the same being approved by the judge of probate, shall be paid out of the treasury of the Commonwealth, the same being also approved by the governor and council ; and the governor is hereby authorized to draw his warrant accordingly. Any person aggrieved by any order, decree or denial of the judge of probate under this act, shall have the same right of appeal, under the same rules and regulations as provided for in chapter one hundred and seventeen of the General Statutes : *provided*, that the attested copies and notices required to be given by said chapter shall be served upon such parties as the judge of probate shall direct.

Right of appeal from order, &c., of judge of probate.

Support of schools.

SECTION 7. All sums of money payable to the selectmen or treasurer of the district of Gay Head, under chapter thirty-six of the General Statutes, for the support of schools, shall hereafter be paid to the treasurer of the town of Gay Head, to be expended in accordance with section four of said chapter. This section shall continue in force for five years.

SECTION 8. This act shall take effect upon its passage.

*Approved April 30, 1870.*

**Chap. 214**

AN ACT TO INCORPORATE THE LANCASTER RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Solomon H. Howe, Jacob Fisher, George A. Parker, their associates and successors, are hereby made a corporation by the name of the Lancaster Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Name and purpose. Powers and duties.

May maintain railroad from Worcester and Nashua Railroad in Lancaster to the Lancaster and Sterling Branch of the Fitchburg Railroad.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing at some convenient point on the Worcester and Nashua Railroad, in the town of Lancaster, and thence running by some convenient route through the towns of Bolton, Stow, Acton and Hudson, or any of them, to some point on the Lancaster and Sterling Branch of the Fitchburg Railroad Company ; and may enter with its road upon, unite with and use the road of the Worcester and Nashua Railroad Company, and the Lancaster and Sterling branch of the Fitchburg Railroad Company, subject to the provisions of the gen-

May enter upon and unite with Worcester and Nashua and Sterling Branch Railroads.