

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY

Suffolk, ss.

John Deaton, and at least twenty-eight other
taxable inhabitants of the Commonwealth,

Ex Rel. Attorney General

Plaintiffs,

v.

Docket No. _____

Clerk of the House of Representatives and
Clerk of the Senate,

Defendants.

COMPLAINT FOR WRITS AND DECLARATORY RELIEF

1. This action seeks to enforce Question 1, a law enacted by the people of the Commonwealth at the November 2024 state election pursuant to Article 48 of the Amendments to the Massachusetts Constitution. Question 1 amended G.L. c. 11, § 12 to require the State Auditor to audit the Legislature and to require all legislative officers and employees to “promptly comply” with the Auditor’s requests.
2. Despite this clear statutory mandate, the Clerk of the House and the Clerk of the Senate (“Clerk Defendants”), acting at the direction of legislative leadership, have refused to comply with Question 1 and have expended public funds to resist its enforcement.
3. The Clerk Defendants are proper recipients of this action which addresses administrative and financial matters adjacent to legislative operations but not subject to legislative privilege. *Powell v. McCormack* 395 U.S. 486, 504-506 (1969)
4. Plaintiffs bring this action to compel compliance with Question 1, restrain unlawful expenditures, resolve jurisdictional disputes between constitutional officers, and ensure that the people’s initiative is carried into effect

Parties

5. Plaintiff John Deaton is a resident, taxpayer, and voter of the Commonwealth. He brings this action in his own name and, where specified, as relator in the name of the Attorney General.
6. At least twenty-four additional taxable inhabitants of the Commonwealth, no more than six from any one county, are named as plaintiffs pursuant to G.L. c. 29, § 63. This is a non-partisan coalition of taxpayer-voters from every corner of the state are interested in the efficacy

of their vote and the integrity of their tax dollars. Their names, addresses, and county of residence are appended in a list to this complaint and incorporated herein (Appendix A).

7. Among the plaintiffs are voters who supported, and voted for, the initiative petition for Question 1, securing standing under *Bowe v. Secretary of the Commonwealth*, 320 Mass. 230 (1946), and *Buckley v. Secretary of the Commonwealth*, 371 Mass. 195 (1976).

8. Mr. Timothy Carroll, the Clerk of the House of Representatives maintains the records, expenditures, and contracts of the House and is sued in that capacity. The Clerk of the House of Representatives is an officer of the House whose responsibilities are defined by the House Rules and by longstanding legislative practice. Under the House Rules, the Clerk keeps the Journal, records all proceedings, preserves petitions and bills, maintains payroll and expense records, oversees administrative operations, and processes and certifies legislative documents. The Clerk also supervises or approves contracts for services, including outside legal counsel, and authorizes payments from House appropriations. These responsibilities are administrative and ministerial; the Clerk does not participate in debate, does not vote, and does not engage in legislative deliberation. Accordingly, the Clerk is the officer charged with carrying out statutory duties relating to the custody and production of House financial and administrative records.

9. Mr. Michael D. Hurley, the Clerk of the Senate maintains the records, expenditures, and contracts of the Senate and is sued in that capacity. The Clerk of the Senate is the officer responsible for maintaining the official records, accounts, contracts, and administrative documents of the Senate. Under the Senate Rules, the Clerk keeps the Journal, records all proceedings, preserves petitions and bills, maintains payroll and expense records, oversees administrative operations, and processes and certifies legislative documents. The Clerk also supervises or approves contracts for services, including outside legal counsel, and authorizes payments from Senate appropriations consistent with the Rules and state finance law. These responsibilities are administrative and ministerial; the Clerk does not participate in debate, does not vote, and does not engage in legislative deliberation. Accordingly, the Clerk is the officer charged with carrying out statutory duties relating to the custody and production of Senate financial and administrative records.

Jurisdiction and Venue

10. This Court has original jurisdiction under:

- G.L. c. 249, § 5 (mandamus);
- G.L. c. 249, §§ 6 & 9 (quo warranto, Attorney General ex rel. Deaton);
- G.L. c. 249, § 4 (certiorari);
- G.L. c. 29, § 63 (24-taxpayer suit);
- G.L. c. 214, §§ 3(12), (13) (equity actions in the Attorney General's name or ex rel. relators, and in Deaton's own name);
- G.L. c. 231A (declaratory judgment);
- G.L. c. 220, § 2 (State All-Writs Act);
- Article 48 of the Amendments; and
- The public-right doctrine, *Attorney General v. Boston*, 123 Mass. 460, 479 (1877).

11. Venue is proper in Suffolk County, where the Supreme Judicial Court sits in single justice session and where defendants perform their official duties.

Factual Background

A. The Auditor's Early Attempts to Audit the Legislature (2023)

12. In July 2023, shortly after taking office, State Auditor Diana DiZoglio formally requested financial and administrative records from the House and Senate in order to conduct an audit of legislative operations. Her request included expenditures, payroll information, contracts, and other non-deliberative administrative materials.

13. Legislative leadership declined to provide the requested records. In correspondence dated July 26, 2023, the Auditor reported that the Legislature asserted separation-of-powers and legislative-privilege objections and refused to produce financial documents.

14. The Auditor responded that legislative privilege does not extend to administrative or financial records and that the Legislature's position was inconsistent with ordinary principles of public accountability.

15. Public reporting at the time noted that former Auditor Suzanne Bump had previously taken the position that the Legislature was not subject to audit, and that this view had been a matter of public debate. Auditor DiZoglio publicly disagreed with that interpretation and stated that the Auditor's office had authority to review legislative expenditures.

B. The Auditor's Request for Enforcement by the Attorney General (2023)

16. In mid-2023, the Auditor asked Attorney General Andrea Campbell to enforce her audit request. The Attorney General publicly declined to do so.

17. In a letter dated November 2, 2023, the Attorney General stated that the Auditor's enabling statute did not expressly authorize audits of the Legislature and that, under principles of statutory construction, her office could not compel legislative compliance absent explicit statutory authorization.

18. The Attorney General's letter did not assert that the Legislature was constitutionally immune from audit, nor did it endorse the Legislature's privilege claim. Rather, the Attorney General's position was that the statute, as then written, did not clearly include the Legislature.

19. The Attorney General stated publicly that her office was not "blocking" the audit and that statutory amendment would resolve the issue.

C. Question 1 and the People's Response (2024)

20. In response to the Attorney General’s statutory interpretation, Question 1 was drafted to amend G.L. c. 11, § 12 to expressly authorize audits of the Legislature and to require legislative officers and employees to “promptly comply” with the Auditor’s requests.

21. On November 5, 2024, Question 1 was approved by 71.6% of the voters—one of the largest margins in initiative history. The Governor and Council certified the result on November 27, 2024.

D. Legislative Response After Question 1

22. Immediately after Question 1’s passage, the House adopted House Rule 85A, which limited the Auditor’s access to records and denied her supervisory authority over the audit process.

23. In January 2025, the House adopted additional rules changes that did not provide the Auditor with access to the records required for an audit under Question 1.

24. The Auditor continued to request records. Legislative leadership continued to decline to provide them.

25. Shortly before January 3, 2025, the Office of House Counsel issued a public Request for Proposals (“RFP”) seeking outside legal services “to assist with potential litigation... related to the recently approved initiative petition known as Question 1.” The RFP required bidders to demonstrate experience advising government bodies on constitutional and administrative powers, to disclose potential conflicts, and to provide fee schedules and personnel information. Proposals were directed to House Counsel and were due at 12:00 P.M. on January 3, 2025. The RFP stated that all submissions would become the property of the House and that the successful bidder would be required to execute the House’s standard contract terms. The RFP was issued before any litigation concerning Question 1 had been filed and expressly identified anticipated disputes arising from Question 1 as the purpose for retaining outside counsel.

26. On information and belief, the House of Representatives entered into a contract with outside counsel pursuant to the RFP on or about January 9, 2025.

27. Following the RFP, the House entered into a contract with outside counsel to provide legal services related to Question 1. According to the State Comptroller’s CTHRU platform, approximately \$23,400.30 has been paid from FY 2025 House operations under, what Plaintiffs believe to be, this contract. These expenditures were made for the purpose identified in the RFP: to obtain legal assistance in connection with anticipated litigation concerning Question 1.

28. Unless Court intervenes more funds will be illegally spent.

E. The Auditor’s Renewed Requests to the Attorney General (2024–2025)

29. After Question 1 became law, the Auditor again asked the Attorney General to enforce her statutory authority. The Attorney General did not bring enforcement action.

30. The Auditor publicly stated that the Attorney General's office requested extensive documentation before considering enforcement. To address public statements made by the Attorney General's office, the Auditor waived privilege and released internal communications.

31. The Attorney General's office stated publicly that it would consider enforcement only upon an explicit refusal by legislative leadership to comply.

32. The Auditor stated publicly that she had not received the records necessary to conduct an audit.

F. Expenditures of Public Funds to Resist Question 1

33. On January 3, 2025, the Clerk of the House solicited bids for outside counsel to address audit-related matters.

34. On or about January 9, 2025, the House contracted with CEK Boston for audit-related legal services.

35. According to the State Comptroller's CTHRU platform, the House has paid approximately \$23,400.30 from FY 2025 House operations to CEK Boston.

G. Continuing Dispute Between Constitutional Officers

36. Public reporting in 2025 described ongoing disagreement between the Auditor and the Attorney General regarding enforcement of Question 1. The Auditor stated publicly that the Legislature continued to decline to provide records and that her office remained unable to conduct the audit. The Auditor has, in fact, accused the Attorney General of public corruption in relation to, what the Auditor says, is obstruction of her office's work.

37. The Attorney General has not brought enforcement action under Question 1.

38. The Auditor is attempting to private counsel funded through private donations.

39. The Legislature continues to assert objections to the Auditor's requests and continues to expend public funds on outside counsel

Standing

40. Plaintiffs have multiple, independent bases for standing. Any one is sufficient; together they are more than adequate.

A. Public-Right Mandamus Standing

41. Under the public-right doctrine, any citizen may seek mandamus to enforce a public duty. Attorney General v. Boston, 123 Mass. 460, 479 (1877).

42. Mandamus lies even where plaintiffs suffer no particular damage different from that of the public generally. *Sears v. Treasurer*, 327 Mass. 310 (1951)

43. Question 1 imposes a mandatory public duty on the Clerks to comply with the Auditor's requests. Plaintiffs may enforce that duty.

44. The Plaintiffs are, as citizens, voters, and taxpayers interested in the execution of the law, within the meaning of *Sears v. Treasurer*, 327 Mass. 310 (1951)

B. 24-Taxpayer Standing (G.L. c. 29, § 63)

45. Plaintiffs include at least twenty-four taxable inhabitants from at least four counties, satisfying G.L. c. 29, § 63.

46. The House's expenditure of \$23,400.30 to resist Question 1 is an unlawful expenditure subject to taxpayer challenge. *Sears v. Treasurer*, 327 Mass. 310 (1951).

C. Article 48 Petitioner Standing

47. Several plaintiffs voted for and supported Question 1.

48. Petitioners have standing to enforce Article 48 and prevent legislative nullification of an initiative. *Bowe v. Secretary*, 320 Mass. 230 (1946); *Buckley v. Secretary*, 371 Mass. 195 (1976).

D. Declaratory Judgment

49. Plaintiffs seek resolution of an actual controversy concerning the validity and enforcement of Question 1.

50. Declaratory judgment is the preferred vehicle for resolving structural disputes involving Article 48, statutory interpretation, and privilege. *School Comm. of Cambridge v. Superintendent*, 320 Mass. 516 (1946).

E. Equity (§§ 3(12) and 3(13))

51. Plaintiff Deaton (as a relator) may proceed in equity to enforce statutes (§ 3(12)) and to resolve jurisdictional disputes between constitutional officers (§ 3(13)). G.L. c. 214, § 3(12) and § 3(13)

F. Quo Warranto

52. Plaintiffs seek leave to proceed as relators in the name of the Attorney General under G.L. c. 249, § 9 and the common law.

53. The Clerks have usurped authority by denying the Auditor's constitutional and statutory audit power and spending taxpayer money to resist.

G. All-Writs Standing

54. Plaintiffs seek relief necessary to carry into effect the Court's jurisdiction under G.L. c. 220, § 2.

H. Auditor/ Informational Injury

55. The Auditor is a constitutional officer whose core function is public financial accountability. When the Clerk Defendants withhold the records necessary for an audit, they prevent the Auditor from performing the constitutional accountability function vested in her office. Plaintiffs suffer a corresponding constitutional injury because the public has a right to receive the Auditor's work product and to have the constitutional office perform its assigned role. This impairment of a constitutional accountability mechanism is sufficient to confer standing.

56. The Auditor's constitutional office and the people's constitutional right to the Auditor's accountability function. This is the Massachusetts analogue to the federal Accounts Clause (U.S. Const. art. I, § 9, cl. 7), which creates a constitutional right of the public to the government's audited financial disclosures. Massachusetts has no explicit Accounts Clause. But it has something just as powerful: A constitutional office whose core purpose is public financial accountability.

57. Plaintiffs also suffer informational injury. The Auditor's public audits are the statutory and constitutional mechanism through which the people receive information about the expenditure of public funds. When the Clerk Defendants withhold the records necessary for an audit, they prevent the Auditor from producing the public reports that the law requires and that the public is entitled to receive. The denial of information that a statute obligates the government to disclose constitutes a cognizable injury. See *FEC v. Akins*, 524 U.S. 11 (1998); *Public Citizen v. U.S. Dep't of Justice*, 491 U.S. 440 (1989). Because the Clerk Defendants' refusal to comply with G.L. c. 11, § 12 deprives Plaintiffs of information that the Auditor is required to generate and make public, Plaintiffs suffer informational injury sufficient to confer standing.

58. Because the Legislature is exempt from the Public Records Law, the Auditor's audit is the only statutory mechanism through which the public may obtain financial information about the Legislature. When the Clerk Defendants withhold the records necessary for an audit, they prevent the Auditor from producing the public reports that are the sole means of public access to legislative financial information. This denial of information that the law requires to be generated constitutes informational injury sufficient to confer standing.

COUNT I — Mandamus (G.L. c. 249, § 5) (Deaton Individually)

59. Plaintiffs repeat and incorporate all prior paragraphs.
60. Question 1 amended G.L. c. 11, § 12 to provide that the State Auditor “shall make audits... including the general court itself,” and that all officers and employees “shall promptly comply” with the Auditor’s requests.
61. The statute uses mandatory language and imposes a clear ministerial duty on the Clerk of the House and the Clerk of the Senate to provide the Auditor with the financial and administrative records necessary to conduct an audit.
62. Providing such records is an administrative function, not a legislative act, and does not implicate legislative privilege.
63. Mandamus lies because the Clerk Defendants’ refusal to provide records prevents a constitutional officer from performing her core accountability function, and courts may compel performance of duties necessary to preserve the constitutional operation of a public office
64. Mandamus lies to compel performance of a plainly defined ministerial duty. *Rice v. Board of Selectmen of Norfolk*, 350 Mass. 377, 379 (1966).
65. Any citizen may seek mandamus to enforce a public duty. *Attorney General v. Boston*, 123 Mass. 460, 479 (1877); *Sears v. Treasurer*, 327 Mass. 310 (1951).
66. Wherefore the Plaintiffs request relief as follows, a writ of mandamus compelling the Clerk Defendants to comply with G.L. c. 11, § 12 as amended by Question 1.

COUNT II — Quo Warranto (G.L. c. 249, § 9)
(Attorney General ex rel. Deaton)

67. Plaintiffs repeat and incorporate all prior paragraphs.
68. Quo warranto lies to restrain the unlawful exercise of authority by a public officer. G.L. c. 249, § 9.
69. The Clerk Defendants, acting at the direction of legislative leadership, have asserted authority to refuse compliance with Question 1 and to expend public funds to resist its enforcement.
70. Such actions constitute an assumption of authority not conferred by law.
71. Quo warranto is the appropriate vehicle to restrain such usurpation. *Haupt v. Rogers*, 170 Mass. 71 (1898); *Attorney General v. Sullivan*, 163 Mass. 446 (1895).
72. Wherefore the Plaintiffs request relief as follows, a judgment restraining the Clerk Defendants from exercising authority contrary to Question 1.

COUNT III — Application for Leave to Proceed as Relator
(Attorney General ex rel. Deaton)

73. Plaintiffs repeat and incorporate all prior paragraphs.
74. A private relator may proceed in the name of the Attorney General only with leave of court. *Goddard v. Smithett*, 69 Mass. (3 Gray) 116 (1854).
75. Leave is appropriate where the Attorney General has conspicuously failed to act and where the matter concerns the enforcement of public duties, and rights of the public.
76. The Attorney General has not brought enforcement action under Question 1.
77. Extraordinary circumstances exist warranting leave to proceed as relator.
78. Wherefore the Plaintiff requests leave to prosecute Count II in the name of the Attorney General.

COUNT IV — Certiorari (G.L. c. 249, § 4)
(Deaton Individually)

79. Plaintiffs repeat and incorporate all prior paragraphs.
80. Certiorari lies to correct substantial errors of law committed by a public officer in a proceeding not otherwise reviewable. G.L. c. 249, § 4.
81. The Clerk Defendants have made determinations purporting to deny the Auditor's authority under Question 1 and to withhold records required by statute.
82. These determinations constitute substantial errors of law.
83. No other avenue of review exists to correct these errors.
84. Wherefore the Plaintiffs request relief as follows, an order vacating the Clerk Defendants' unlawful determinations and requiring compliance with Question 1.

COUNT V — Taxpayer Action (G.L. c. 29, § 63)

85. Plaintiffs repeat and incorporate all prior paragraphs.
86. On or about January 3, 2025, the House went out to bid (under the auspices of the Clerk and the administrative offices) for legal services, specifically related to Question One litigation.
87. On or about January 9, 2025, the House contracted with CEK Boston for audit-related legal services.

88. According to the State Comptroller's CTHRU platform, approximately \$23,400.30 has been paid from FY 2025 House operations under this contract.

89. Expenditures of public funds to resist compliance with Question 1 are unlawful.

90. Taxpayers may restrain unlawful expenditures. *Sears v. Treasurer*, 327 Mass. 310 (1951).

91. Wherefore the Plaintiffs request relief as follows, an injunction restraining further expenditures and a declaration that the \$23,400.30 already paid is unlawful.

COUNT VI — Equity Action (G.L. c. 214, § 3(12))

(Deaton Individually and as AG ex rel.)

92. Plaintiffs repeat and incorporate all prior paragraphs.

93. G.L. c. 214, § 3(12) grants equity jurisdiction over actions to enforce the laws of the Commonwealth.

94. Question 1 is a statute enacted by the people under Article 48.

95. The Clerk Defendants' refusal to comply constitutes a failure to perform duties imposed by statute.

96. Wherefore the Plaintiffs request relief in the form of a judgment enforcing G.L. c. 11, § 12 as amended by Question 1.

COUNT VII — Equity Action (G.L. c. 214, § 3(13))

(Deaton Individually and as AG ex rel.)

97. Plaintiffs repeat and incorporate all prior paragraphs.

98. G.L. c. 214, § 3(13) grants equity jurisdiction to resolve disputes concerning the validity or exercise of authority by public officers.

99. A jurisdictional dispute exists between the Auditor and the Legislature concerning the Auditor's authority under Question 1.

100. Such disputes are properly resolved by the courts.

101. Wherefore the Plaintiffs request relief in the form of a declaration that the Legislature is subject to the Auditor's audit authority under Question 1.

COUNT VIII — Declaratory Judgment (G.L. c. 231A)

102. Plaintiffs repeat and incorporate all prior paragraphs.

103. An actual controversy exists concerning the Auditor’s authority to audit the Legislature and the Clerk Defendants’ duty to comply.

104. Declaratory judgment is appropriate to remove uncertainty regarding statutory duties. *School Comm. of Cambridge v. Superintendent*, 320 Mass. 516 (1946).

105. Legislative privilege does not extend to administrative or financial records. *Abuzahra v. City of Cambridge*, 101 Mass. App. Ct. 267 (2022).

106. A declaration is also necessary to resolve the parties’ dispute concerning the scope of legislative privilege. Legislative privilege protects only “core legislative functions,” not administrative or financial operations. *Abuzahra v. City of Cambridge*, 101 Mass. App. Ct. 267, 276–77 (2022). Courts in other common-law jurisdictions have reached the same conclusion, holding that privilege does not extend to employment, payroll, or expense matters. *R v. Chaytor*, [2010] UKSC 52. The Clerk Defendants’ duties—maintaining records, accounts, contracts, and administrative documents—are administrative and ministerial, not deliberative. Declaratory relief is therefore appropriate to clarify that legislative privilege does not bar compliance with G.L. c. 11, § 12 as amended by Question 1.

107. A declaration is also necessary to resolve the parties’ dispute concerning the constitutional function of the Auditor’s office. The Auditor is a constitutional officer charged with ensuring public financial accountability, and her work product is the mechanism through which the people receive information about the use of public funds. The Clerk Defendants’ refusal to provide records impairs this constitutional accountability function. Declaratory judgment is therefore appropriate to remove uncertainty and ensure that the constitutional office may perform its assigned role.

108. The Legislature is exempt from the Public Records Law, and the Clerk Defendants are the sole custodians of the financial and administrative records necessary for an audit. The Auditor’s work product is therefore the only mechanism through which the public may obtain financial information about the Legislature. The Clerk Defendants’ refusal to provide records prevents the Auditor from producing the public accountability reports required by statute. Declaratory judgment is necessary to remove uncertainty and ensure that the public’s sole avenue of access to legislative financial information is not nullified

109. Wherefore the Plaintiffs request relief in the form of a declaration that the Auditor may audit the Legislature and that legislative privilege does not bar access to records required by Question 1.

COUNT IX — Article 48 Enforcement

110. Plaintiffs repeat and incorporate all prior paragraphs.

111. Article 48 authorizes voters and petitioners to enforce initiative laws.

112. Several of the Plaintiffs voted for, supported, and signed for the initiative petition for Question 1.

113. Petitioners have standing to ensure that an initiative is not nullified. *Bowe v. Secretary*, 320 Mass. 230 (1946); *Buckley v. Secretary*, 371 Mass. 195 (1976).

114. Wherefore the Plaintiffs request relief in the form of enforcement of Question 1.

COUNT X — State All-Writs Act (G.L. c. 220, § 2)

115. Plaintiffs repeat and incorporate all prior paragraphs.

116. G.L. c. 220, § 2 authorizes courts to issue all writs necessary to carry into effect their jurisdiction.

117. The relief sought in this action may require orders or writs not expressly provided by statute.

118. The Court has inherent authority to frame appropriate process.

119. Wherefore the Plaintiffs request such writs or orders as are necessary to enforce Question 1.

COUNT XI — Secretary of Administration & Finance v. Attorney General Claim
(Arbitrary and Capricious Refusal to Enforce Question 1)

120. Plaintiffs repeat and incorporate all prior paragraphs.

121. In *Secretary of Administration & Finance v. Attorney General*, 367 Mass. 154, 165 (1975), the Supreme Judicial Court held that although the Attorney General possesses broad discretion, “the Attorney General cannot act arbitrarily and capriciously or scandalously,” and that the Court does “not preclude recourse to the courts where such is the case.”

122. The Attorney General’s November 2, 2023 letter stated that the Auditor lacked statutory authority to audit the Legislature and that the Attorney General therefore could not compel compliance. The letter did not assert that the Legislature was constitutionally immune from audit.

123. Question 1 amended G.L. c. 11, § 12 to expressly authorize audits of the Legislature and to require legislative officers and employees to “promptly comply” with the Auditor’s requests.

124. The statutory basis for the Attorney General’s refusal has therefore been eliminated.

125. Despite the statutory amendment, the Attorney General has not brought enforcement action under Question 1.

126. The Auditor has publicly stated that she has not received the records necessary to conduct an audit and that her office remains unable to perform the duties assigned by Question 1.

127. The Attorney General's continued refusal to enforce Question 1, despite the removal of the statutory basis for her earlier position, constitutes arbitrary and capricious conduct within the meaning of *Secretary of Administration & Finance v. Attorney General*.

128. The Attorney General has obstructed the Auditor's efforts to obtain counsel to press her own summons of records.

129. Extraordinary circumstances exist in which the Attorney General's refusal prevents the enforcement of a statute enacted by the people under Article 48.

130. Plaintiffs therefore seek leave to proceed as relators in the name of the Attorney General and request that the Court authorize enforcement of Question 1.

COUNT XII—Public's Constitutional Right to Audits
(Deaton Individually)

131. Plaintiffs repeat and incorporate all prior paragraphs.

132. The Auditor is a constitutional officer established by Part II, c. 2, § 1, art. XI of the Massachusetts Constitution. As one of the Commonwealth's executive officers, the Auditor's core constitutional function is to ensure transparency and accountability in the expenditure of public funds. Her duties include providing independent financial oversight and reporting to the public on the condition of the Commonwealth's accounts

133. The Auditor's work product—public audits—is the constitutional mechanism through which the people receive information about the use of public resources. The office exists to provide independent financial oversight and to report on the condition of the Commonwealth's accounts.

134. The public therefore has a constitutional interest in the Auditor's ability to perform this accountability function. The Legislature may not, by withholding records or refusing cooperation, nullify or materially impair the constitutional office's ability to carry out its core purpose.

135. When the Clerk of the House and Clerk of the Senate decline to provide the records necessary for the Auditor to conduct an audit, they interfere with the constitutional accountability mechanism vested in the Auditor's office. Such interference impairs the public's constitutional right to receive the Auditor's work product and defeats the constitutional design of independent financial oversight.

136. A constitutional controversy therefore exists concerning whether the Clerk Defendants may, by withholding records, prevent a constitutional officer from performing her core accountability function.

137. Because the Legislature is exempt from the Public Records Law, the Auditor's constitutional accountability function is the only mechanism through which the public may obtain financial information about the Legislature. The Clerk Defendants' refusal to provide records therefore impairs not only a statutory duty but the constitutional accountability mechanism vested in the Auditor's office. The public has a constitutional interest in the Auditor's ability to produce the work product that is the sole means of public access to legislative financial information.

138. Wherefore the Plaintiffs request relief in the form of a declaration that the Auditor, as a constitutional officer charged with public financial accountability, must be permitted to obtain the records necessary to perform her constitutional function, and that the Clerk Defendants may not obstruct or nullify that function by refusing to provide the records required for an audit

CONCLUSION

139. Question 1 was enacted by an overwhelming majority of the voters.

140. The Clerk Defendants' refusal to comply with Question 1, and their diversion of public funds to resist it, undermine the sovereignty of the people.

141. Plaintiffs bring this action to enforce public duties, restrain unlawful expenditures, resolve jurisdictional disputes, and ensure the initiative law is faithfully executed.

Wherefore, the Plaintiffs renew their requests for all relief listed about and any and all relief the Court deems just and appropriate.

Respectfully Submitted,

John Deaton, et al
By their Attorney

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/S/ Michael Walsh
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Dated: February 9, 2026

Certificate of Service

I, Michael Walsh hereby certify that a copy of this complaint was served upon the Clerk of the House, the Clerk of the Senate, and the Attorney General's office, by certified mail return receipt on this 9th day of February 2026

/S/ Michael Walsh

List of Taxable Inhabitant Plaintiffs

Name	Address	County
Liz Huemmer	175 North Plain Rd., Great Barrington MA 01230	Berkshire County
Gary Reardon	6 Washburn Lane, South Dartmouth MA 02748	Bristol County
Wayne Daley	350 Weetamoe St Fall River Massachusetts 02720	Bristol County
Keith Camire	158 Olympic Ln North Andover ma 01845	Essex County
Chris Peterson	11 Whittier Ave Merrimac, Ma	Essex County
Joe Demino	49 N Shore Ave. Danvers, Ma	Essex County
Chris Trupiano	15 Clark Road Peabody, Ma	Essex County
John Kolackovsky	5 Philips Avenue Rockport, Ma	Essex County
Christina Delisio	6 Lincoln Ave. Manchester, Ma	Essex County
Christopher Byrne Sr	460 Bliss Road Longmeadow MA 01106	Hampden County
Patrick Clarke	282 South Loomis Street, Southwick, MA 01077	Hampden County
Michael Stosz	115 Market Hill Rd Amherst, Ma 01002	Hampshire County
Lori Stosz	115 Market Hill Rd Amherst, Ma 01002	Hampshire County
Jonathan DiRusso	183 Winthrop St Medford, MA 02155	Middlesex County
Paul Murphy	180 Ridge St Winchester, Ma	Middlesex County
Ted Guertin	Maynard, Ma	Middlesex County
Chris Hardie	164 Union St, Weymouth MA 02190	Norfolk County
Denise Washington	5 Clapp Street Milton, MA 02186	Norfolk County
Mark Farrell	11 Philip Rd Walpole ma	Norfolk County
Andy Mulcahy	2 Howe lane Foxborough MA 02035	Norfolk County

Ian Brookfield	55 Poknocket Lane Marshfield, Ma 02050	Plymouth
Paul Barton	1 Courthouse way, Boston, ma 02210	Suffolk County
Thomas Jurentkuff	441 Washington Ave #202 Chelsea, Ma 02150	Suffolk County
Debra Soligan	1 Sea Harbor Road PH2 Winthrop, Ma	Suffolk County
Jason Jablonski	10 Barry Avenue. Dudley, MA 01571	Worcester County
Brian Farrell	11 Manor lane Oxford ma 01540	Worcester County
Patrick Kaltner	375 Pinedale Rd Athol ,Ma	Worcester County
John Deaton	138 W Berlin Rd Bolton, Ma	Worcester County
Lisa ConTreras	68 Cloverleaf Rd Leominster, Ma	Worcester County

REQUEST FOR PROPOSALS

FOR OUTSIDE LEGAL SERVICES TO THE MASSACHUSETTS HOUSE OF REPRESENTATIVES

A sealed original proposal in response to this request must be received by Counsel to the House of Representatives (“House Counsel”), as directed herein, for providing the House of Representatives with the goods/services listed herein by the date and time set forth below.

Date: **Friday, January 3, 2025**

Time: **12:00 P.M.**

Contractual Requirements and Administrative Information

The following legal and administrative provisions govern this Request for Proposals (RFP):

Proposal Requirements

Proposals submitted in response to this RFP should provide a concise and straightforward description of the bidder's ability, resources, and methodology for fulfilling the RFP's requirements. Bidders shall be responsible for furnishing House Counsel with sufficient information, including detailed costs, about the products and services offered. House Counsel shall determine whether that information is sufficient for the purposes described.

To be considered, bidders shall submit their proposals electronically to House Counsel by January 3, 2025 at 12:00 P.M.:

James C. Kennedy
Counsel to the House
State House Room 139
Boston, MA 02133
James.kennedy@mahouse.gov

A letter of transmittal must accompany each proposal. The letter must be signed by an individual who is authorized to bind the bidder.

All proposals must be received by House Counsel by 12:00 P.M. on Friday, January 3, 2024. Late proposals will not be considered. Oral or faxed proposals will not be accepted. Upon submission, all proposals become the exclusive property of the House of Representatives.

Bidders may be asked to make oral presentations of their proposals. If presentations are deemed necessary, bidders will be contacted by the Office of House Counsel to arrange the date and time.

The House of Representatives is not responsible for any costs incurred by the bidder in preparing or submitting a response to this RFP.

Questions about RFP

Questions about this RFP should be addressed to House Counsel via email at: James.kennedy@mahouse.gov.

Modification of RFP

This request has been issued to assist the House of Representatives with identifying bidders who can fulfill the RFP's requirements. The House of Representatives reserves the right to amend or cancel this request at any time, to reject any and all proposals as a result of this

request, or to negotiate in any manner that serves the best interest of the House of Representatives.

Modification and Withdrawal of Proposals

The bidder may modify a proposal in writing or may withdraw a proposal upon written notice at any time prior to the deadline for submittal of proposals identified above. The bid, including the bid amount, shall be binding and irrevocable for ninety (90) days after the deadline for submittal of proposals identified above.

RFP Not Offer to Contract

This RFP is not an offer to contract. A final award shall be contingent upon the successful negotiation of a contract(s) for goods and/or services separate from this RFP. A contract awarded as a result of such negotiations may incorporate any or all portions of the bidder's response to this RFP.

Standard Contract Terms

In addition to negotiated specific terms, the successful bidder will be required to execute the Contract Terms and Conditions of the House of Representatives and other contract documentation as required by the House of Representatives.

Project Information

Scope of Work

The successful bidder will serve as outside legal counsel to the House of Representatives to assist with potential litigation that has been publicly threatened by numerous parties related to the recently approved initiative petition known as Question 1.

Other Employment and Potential Conflicts of Interest

As part of the response to the request for proposals, the bidder shall disclose any current, prior or anticipated contracts or engagements for legal counsel services on the part of the bidder, or any personnel of the bidder who would work under this proposal, involving a party that the bidder knows, or anticipates may become, adverse or potentially adverse to the House's interests. As part of any contract awarded, the House of Representatives may require that the House of Representatives approve any work by the bidder with any third party related to the litigation or dispute at issue in this RFP.

Please note that the successful bidder and key personnel may be deemed state or special state employees pursuant to the Massachusetts Conflict of Interest Law, G.L. c. 268A. Bidders should consult with their private legal counsel or the Massachusetts State ethics Commission for advice on the requirements of the Massachusetts Conflict of Interest Law.

Required Information for Proposals

In submitting a proposal, bidders should provide evidence of the bidder's qualifications to perform the scope of work. Evidence should include:

- (1) evidence of specific legal experience providing representation or counsel to a government body on issues related to governmental and administrative powers and processes governed by the Constitution of the Commonwealth;
- (2) evidence of the bidder's ability to perform the services, as required and upon request, in a professional, thorough and expeditious manner;
- (3) identification of the individuals who will be assigned to work on the contract and the nature of the services they will perform and provision of resumes and credentials or other background information for each of the individuals, including projects of a similar nature on which the individual or firm has worked to demonstrate the extent to which the bidder is qualified to perform the scope of work as outlined in this RFP;
- (4) references; and
- (5) a copy or printout of the Board of Bar Overseers' record of good standing for each attorney who will provide services under this proposal.

The bidder shall provide a fee schedule with the hourly billing rates of the individuals who will be assigned to work on the contract.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 23, 1849.*]

An Act to authorize Stephen Cook to extend his Wharf.

Chap. 54.

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

Stephen Cook is hereby authorized to extend and maintain the wharf now owned by him, and adjoining his land, into the harbor of Provincetown, to low water mark, and shall have the right to lay vessels at the end and side of said wharf, and receive wharfage and dockage therefor: *provided* this act shall not in any manner interfere with the legal rights of any person whatever. [*Approved by the Governor, March 23, 1849.*]

Wharf in Provincetown.

Proviso.

An Act extending the Time for constructing the Barre and Worcester Railroad, and for changing its Name.

Chap. 55.

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

1847, ch. 276.

SECT. 1. The time allowed to the Barre and Worcester Railroad Company, by an act passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-seven, for constructing their railroad, is hereby extended to the twenty-sixth day of April, in the year one thousand eight hundred and fifty-one.

Time extended to April 26, 1851.

SECT. 2. The Barre and Worcester Railroad Corporation, after the passing of this act, shall be known and called by the name of the Boston, Barre, and Gardner Railroad Corporation.

Name of corporation changed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1849.*]

An Act to establish the Office of Auditor of Accounts.

Chap. 56.

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. There shall be elected, by the two branches of the Legislature, by joint ballot, during the present session, and in the month of February in each succeeding year, an officer, to be styled Auditor of Accounts, who shall continue in office one year, and until a successor be duly chosen and qualified. He shall give bond to the treasurer, with sufficient sureties, to be approved by the governor, with the advice and consent of the council, in the penal sum of five thousand dollars, for the faithful dis-

Auditor to be chosen annually by the Legislature.

To give bond.

Case of vacancy.

Proviso.

Duties.

Treasurer's accounts to be countersigned by auditor.

To keep accounts of receipts and expenditures,

Also of school fund, debts, obligations, &c.

Auditor to examine treasurer's accounts, &c., and report to Legislature.

General report in January annually.

charge of the duties of his office. In case of any vacancy in said office, by death, resignation, or otherwise, a successor shall be appointed according to the above provisions : *provided*, that, if such vacancy happen during the recess of the Legislature, such successor may be appointed by the governor, with the advice and consent of the council, and shall hold his office till a successor be chosen by the Legislature, and qualified.

SECT. 2. The auditor shall examine all accounts and demands against the Commonwealth, except for such sums as may be due on account of the principal or interest of any public debt, or of the pay-rolls of the council, senate, or house of representatives, and shall certify the amount due on any such demand, the head of expenditure to which the same is to be charged, and the law authorizing the payment thereof, to the governor, who may draw a warrant therefor, as provided by the constitution, and all such certificates shall be recorded by the auditor, in a book to be kept for that purpose. No warrant shall be drawn for the payment of any account or demand, except the said pay-rolls, which has not been certified as above. And all receipts given by the treasurer shall be approved and countersigned by the auditor, and no such receipt shall be valid until so countersigned. And, as soon as may be after the drawing of any warrant, the secretary shall transmit to the auditor a written statement of the amount and purport of the same.

SECT. 3. The auditor shall keep, at all times, a distinct account of all public receipts and expenditures under appropriate heads, and shall charge, against each head, all expenditures properly belonging thereto ; and, in case the sum allowed by law shall have been expended or drawn for, shall communicate such fact, in writing, to the secretary, who shall lay the same before the governor and council as soon as may be. He shall also keep a like statement of the school fund, and all other public property, and of all debts and obligations due to and from the Commonwealth ; and, for the above purposes, shall have free access to any books or papers in the offices of the secretary, the treasurer, or the land agent.

SECT. 4. The auditor shall annually, in the month of January, carefully examine all the books and accounts of the treasurer, with all the vouchers of such accounts, and shall report thereon to the Legislature. He shall, on or before the fifteenth day of January annually, exhibit to the Legislature a complete statement of the public property of the Commonwealth, its debts and obligations of every kind,

its revenue and expenses during the preceding year, and the balance left in the treasury at the close of such year, explaining whether such balance resulted from an excess over current expenses, or otherwise. He shall likewise submit, at the same time, an estimate of expenses for the current year, distinguishing those which are ordinary and current from those which are extraordinary, together with an estimate of the ordinary income of the Commonwealth, and of all other means which he may be able to point out for the defraying of expenditures, and shall annex, to the said statements or estimates, such representations or suggestions as he may deem necessary.

SECT. 5. The books and accounts of the auditor shall be carefully examined, at least once during the recess of the Legislature, by a committee of the council, or such other person as the governor, by and with the advice and consent of the council, may appoint; and shall also be carefully examined by the committee of accounts, in the month of January annually.

Auditor's books, &c., to be examined during recess of Legislature.

SECT. 6. The salary of the auditor shall be fifteen hundred dollars per annum, payable quarter-yearly. He shall keep his office in such place as the governor, with the advice of the council, may direct; and a further sum, not exceeding three hundred and fifty dollars, is hereby appropriated to defray such expenses as may be necessary for the establishment of the auditor's office, and support of the same, during the present year.

Salary, \$1,500.
Place for office.

SECT. 7. The auditor shall, at all times, comply with any regulations, in relation to the duties of his office, not repugnant to the provisions of this act, which may be transmitted to him in writing by the governor and council.

Regulations for auditor from governor and council.

SECT. 8. So much of any act or resolve, heretofore passed, as may be inconsistent with the provisions of this act, is hereby repealed.

Repeal.

SECT. 9. This act shall go into operation from and after its passage. [*Approved by the Governor, March 24, 1849.*]

An Act to establish a Portion of Boundary Line between the Towns of Middleborough and Carver.

Chap. 57.

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

That part of the boundary line between the towns of Middleborough and Carver, which lies between High Stone, so called, and Rocky Point, so called, is hereby established, as follows: beginning at the High Stone, on the descent of of Great Hill, so called, twenty rods southerly of the place

Boundary line defined.

Chap. 75.

§150 annually,
for five years.

RESOLVE on the Petition of the Massachusetts Teachers Association.

Resolved, That there be paid, annually, in the month of August, for the term of five successive years, to the president or treasurer of the Massachusetts Teachers Association, the sum of one hundred and fifty dollars, to be applied to the purposes of said association; the said amount to be deducted from the proceeds of public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, entitled "An Act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes," and that warrants be drawn accordingly. [*Approved by the Governor, April 20, 1849.*]

Chap. 76.

Authorized to
sell real estate
in South Boston.

RESOLVE on the Petition of John H. Pearson, Trustee.

Resolved, That John H. Pearson, trustee, be authorized to sell, at public or private sale, a certain piece of land, situated in that part of Boston called South Boston, in the county of Suffolk, and described in a deed thereof to said Pearson from Theophilus Stover, dated the thirteenth day of June, in the year one thousand eight hundred and forty-three, and recorded in the registry of deeds for the county of Suffolk, book five hundred and three, page fifty-four, and to hold the proceeds thereof, subject to the same trusts upon which said land is now holden, first giving satisfactory bonds, to the judge of probate for said county, for the faithful execution of the powers hereby granted. [*Approved by the Governor, April 21, 1849.*]

*Proviso, as to
bonds.*

Chap. 77.

§5000, condi-
tionally.

RESOLVE concerning the Employment of Adult Blind Poor.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the Perkins Institution and Massachusetts Asylum for the Blind, the sum of five thousand dollars: *provided,* said institution add thereto a like sum of five thousand dollars from its own funds, for the purpose of erecting, on the land of said institution, a suitable workshop for the employment of adult blind poor persons, and any such further sums as may be necessary to complete the said building, and that a warrant be drawn accordingly. [*Approved by the Governor, April 21, 1849.*]

Chap. 78.

To audit ac-
counts of ser-
geant-at-arms

RESOLVE relating to the Duties of the Auditor of Accounts.

Resolved, That the auditor of accounts be directed to audit the accounts of the sergeant-at-arms, for incidental expenses which have occurred since the close of the last

annual session of the General Court, and to report the excess, if any, over and above the appropriation, to the governor, and that a warrant be drawn therefor accordingly. since the close of the session of 1848. [Approved by the Governor, April 24, 1849.]

RESOLVE for the Purchase of Railroad Maps.

Resolved, That the clerk of the senate purchase, for the use of the General Court, one thousand copies of Goldthwait's Map of the Railroads in New England, and that a warrant be drawn therefor accordingly. [Approved by the Governor, April 24, 1849.]

Chap. 79.

1000 copies.

RESOLVE in Remuneration of Horace Mann.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Horace Mann, late Secretary of the Board of Education, the sum of two thousand dollars, in full for money advanced by him for the erection of normal school houses, and for other purposes of a public nature; the said amount to be deducted from the proceeds of public lands or the school fund, according to the provisions of the act of the year eighteen hundred and forty-six, chapter two hundred and nineteen, entitled "An Act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes:" and that a warrant be drawn therefor accordingly. [Approved by the Governor, April 24, 1849.]

Chap. 80.

\$2000 for mon-
eys advanced.

RESOLVE for the Pay of the Clerks of the Legislature.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the clerk of the senate and the clerk of the house of representatives, each, the sum of ten dollars per day, and to the assistant clerk of the senate and the assistant clerk of the house of representatives, each, the sum of six dollars per day, for each and every day they have been or may be employed in that capacity during the present session of the Legislature; and that there be further paid, to the clerk of the senate, and the clerk of the house of representatives, the sum of one hundred and fifty dollars, each, for copying the journals for the library, as required by the orders of the two houses, and that warrants be drawn accordingly. [Approved by the Governor, April 24, 1849.]

Chap. 81.

\$10 per day.

\$6 per day.

\$150 for copy
of journals.

RESOLVE for the Pay of the Chaplains of the Legislature.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the chaplain of the sen-

Chap. 82.

Resolve relative to Meteorological Observations.

Chap. 77.

Resolved, That there be allowed and paid out of the treasury, thirty dollars a year, for the term of two years, to each of the persons employed, in full for each year's service hereafter performed, in taking meteorological observations at the thirteen stations now established in Massachusetts: *provided*, that no greater sum than thirty dollars shall be paid for services for one year, at one station, and *provided*, \$30 a year, for two years, for taking observations. *further*, that the governor shall be reasonably satisfied that the person claiming the appropriation, has taken all the observations and memoranda required by the Smithsonian Institution. And the governor is authorized to draw his warrant for the same. [*Approved by the Governor, April 29, 1854.*]

Resolve concerning the Expenses of the Sickness of Members of the General Court. Chap. 78.

Resolved, That all claims for expenses of sickness of members of the legislature, be presented to the State Auditor for his examination and approval; and the governor is hereby authorized to draw his warrant to pay such claims as shall be approved by the auditor. [*Approved by the Governor, April 29, 1854.*]

Resolve on the Petition of Edward L. Penniman, and Sarah Augusta Penniman, his wife. Chap. 79.

Resolved, For the reasons set forth in said petition, that George Morey, executor of the last will and testament of Montgomery Newell, late of Boston, in the county of Suffolk, deceased, be and he is hereby authorized and empowered in his said capacity, to execute a suitable deed, whereby he shall grant and convey to some suitable person or persons, to be agreed upon by him and the said Edward L. and Sarah Augusta, a certain parcel of land conveyed to said Newell, by an indenture made and concluded on the fifth day of February. in the year eighteen hundred and fifty, by and between William W. Stone of the first part, said Newell of the second part, and said Edward L. and Sarah Augusta of the third part, and recorded in the registry of deeds, for said county of Suffolk, lib. 607, fol. 212, with proper declarations of trust, so that the said grantee or grantees, shall be constituted trustee or trustees in the place and stead of said Newell, to execute and perform all and singular the trusts specified and declared in and by the

George Morey authorized to execute deed.

resolve, she giving her receipt for the same. [*Approved by the Governor, March 17, 1856.*]

RESOLVES on the Petition of the Selectmen of Marshpee.

Chap. 11.

Resolved, That there be appropriated and paid, from the treasury of the Commonwealth, the sum of three hundred and fifty dollars, in addition to five hundred dollars granted by the legislature of the year one thousand eight hundred and fifty-five, for the purpose of repairing the meeting-house at Marshpee, the said sum to be expended under the same conditions and restrictions as the previous aforesaid grant. \$350 additional for repairing meeting-house.

Resolved, That there be also appropriated and paid, from the treasury of the Commonwealth, the sum of two hundred dollars, for the proprietors aforesaid, to make up a deficit in the repairs and enlargement of two school-houses in said district of Marshpee, the said sum to be expended under the conditions and restrictions aforesaid. [*Approved by the Governor, March 21, 1856.*] \$200 for repairing school-houses.

RESOLVE relative to the enlargement of the State House.

Chap. 12.

Resolved, That his excellency the governor, with the advice of the council, be authorized to draw his warrant upon the treasury, to an amount not exceeding the sum of five hundred and sixty-four dollars and eighty-nine one-hundredths, for the payment of such bills as have been incurred and are now outstanding, on account of the enlargement of the State House, after the same shall have been audited by the auditor of the Commonwealth. [*Approved by the Governor, March 21, 1856.*] \$564.89 for enlargement of State House.

RESOLVES on the Petition of Jared Benson and others.

Chap. 13.

Resolved, For reasons set forth in said petition, that Caleb Thayer, one of said petitioners be, and he hereby is, authorized to sell the personal property and outlands of the late Jared Benson, mentioned in said petition, and convey the same, by proper deed or deeds, and invest and hold the proceeds thereof for the use and benefit of the devisees and legatees, named in the will of said Jared, in the same manner as the property itself would be holden under the provisions of said will; said sales to be made in the same manner as is provided by law, for sales by administrators by license of court. Caleb Thayer authorized to sell and convey certain personal and real estate. Sales, how made.

Resolved, That the judge of probate for the county of Worcester, be authorized to appoint three commissioners, to make partition of the homestead of said Jared Benson, deceased, among the devisees thereof for life, and that the Commissioners to divide homestead, &c.

the late Edward Tuckerman, of Boston, to mortgage certain lands therein described, for the purposes therein mentioned, be, and the same is hereby, extended so as to authorize and empower the said Sohler, as such trustee, and his successors and successor in office for the aforesaid purposes, to mortgage the said estate or estates, or either of them, for any sum not exceeding twenty-five thousand dollars in the whole, by a mortgage or mortgages, payable at any time or times that may be agreed on with any mortgagee or mortgagees, and to cancel, modify and renew the mortgage or mortgages whenever he may think it expedient so to do; but to reserve out of the income of said estates, over and above the interest of said mortgage and mortgages, two thousand dollars per annum, instead of one thousand dollars, as required in the aforesaid resolve, toward the payment of the principal sum. [*Approved by the Governor, April 19, 1856.*]

Chap. 32.

RESOLVE relative to Repairs and Furniture for the State House.

\$17,172.80 for repairs and furniture of State House.

Resolved, That his excellency the governor, with the advice and consent of the council, be authorized to draw his warrants upon the treasury, to an amount not exceeding the sum of seventeen thousand one hundred and seventy-two dollars and eighty cents, for the payment of such bills as have been incurred and are now outstanding, for repairs and furniture for the State House, under a joint order of both branches of the legislature, of the fourteenth day of February, in the year one thousand eight hundred and fifty-five, and chapters eighty-one and eighty-seven of the resolves of the year one thousand eight hundred and fifty-five, after the same shall have been audited by the auditor of the Commonwealth. [*Approved by the Governor, April 25, 1856.*]

Chap. 33.

RESOLVES concerning the Annual Report of the Secretary of the Board of Agriculture.

10,000 copies annual report to be printed.

Resolved, That the clerk of the senate, for the time being, be authorized and directed to cause to be printed, annually, before the meeting of the legislature, or as soon thereafter as may be, ten thousand copies of the Annual Report of the Secretary of the Board of Agriculture, and that he cause the same to be numbered four of the senate documents.

2,000 copies for legislature, &c.

Resolved, That two thousand copies of said report be reserved for the use of the legislature, and that the residue be placed at the disposal of the secretary of the board of agriculture. [*Approved by the Governor, April 30, 1856.*]

of its pastor for the time being, in accordance with the intent and spirit of the aforesaid will and testament. [*Approved March 27, 1857.*]

Chap. 18. RESOLVES providing for the Contingent Expenses of the Council, Legislature, and Offices in the State House.

\$847 to the sergeant-at-arms, for arrearages of contingent expenses.

Resolved, That there be paid out of the treasury of the Commonwealth, to the sergeant-at-arms, the sum of eight hundred and forty-seven dollars, being the balance due him for contingent expenses, which accrued prior to the first of January, one thousand eight hundred and fifty-seven, and not covered by previous appropriations.

\$2,000 for contingent expenses of council, general court, offices in state house, &c.

Resolved, That there be paid out of the treasury of the Commonwealth, to the sergeant-at-arms, a sum not exceeding two thousand dollars, to enable him to defray certain contingent expenses of the council, general court, offices in the state house, and for the care of the grounds and buildings during the year commencing January first, and ending December thirty-first, one thousand eight hundred and fifty-seven; and the governor is hereby authorized to draw his warrants, from time to time, accordingly. [*Approved March 28, 1857.*]

Chap. 19. RESOLVE for the payment of certain General Expenses, not otherwise provided for.

Accounts for expenses incurred by order of either branch of the legislature, &c., to be approved by presiding officer.

Resolved, That all accounts for expenditures incurred or services rendered, from time to time, under orders of either branch of the legislature, including those which have already been passed at the present session, and for which no provision is made by previous acts and resolves, shall be approved by the presiding officer of that branch by which such orders have been or may be passed; and upon such approval the auditor is authorized to audit and certify such accounts, and the governor to draw his warrants for the payment of the same. [*Approved March 28, 1857.*]

Chap. 20.

RESOLVE in favor of Edward Lamb.

\$576.53 allowed for defending a suit brought by Lawrence, Richards & Co.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Edward Lamb, the sum of five hundred and seventy-six dollars and fifty-three cents, in full of his claim for defending a suit brought against him, by Lawrence, Richards and Company, and that the governor be authorized to draw his warrant accordingly [*Approved April 2, 1857.*]