

SECTION 3. The route of a railroad as proposed by the directors under section six of said act, and fixed under the seventh and eighth sections of the same, may include such spurs and branches and connecting and terminal tracks in any city or town as may be necessary to enable the corporation to conveniently collect and deliver passengers and freight in such city or town; but no such branch, spur or connecting or terminal track, shall be laid longitudinally within the limits of a public way without the consent of the mayor and aldermen, or of the selectmen, and in giving such consent they may impose such conditions as to the location, construction and use thereof as may be agreed upon between themselves and the directors; and the corporations owning or operating any such tracks so laid longitudinally in a public way, shall, in respect to the same, be liable to the city or town in which the same are laid, for all loss or damage caused thereto by the construction and use of such tracks, and by the negligence or default of their agents or workmen thereon; and the provisions of this section shall apply to all routes heretofore proposed or fixed under said act, and all things done in and concerning the proposal and fixing of the same, shall have the same force and effect as if this section had been part of said act.

Route may include spurs and branches necessary to carry passengers and freight.
1872, 53, §§ 6-8.

Tracks not to be longitudinally in a public way without consent of selectmen.

SECTION 4. The board of railroad commissioners may, notwithstanding anything contained in the twelfth section of said act, allow one railroad to cross another at grade, whenever in their opinion the public convenience shall so require.

Commissioners may allow one railroad to cross another at grade.

SECTION 5. This act shall take effect upon its passage.

Approved March 27, 1873.

AN ACT RELATING TO THE BONDS OF TRUSTEES UNDER WILLS.

Be it enacted, &c., as follows:

SECTION 1. A trustee under a will shall be exempt from giving a surety or sureties on his bond, when the testator has ordered or requested such exemption, or that no bond should be taken, or when all the persons interested in the trust-fund, being of full age and legal capacity, request such exemption; but such trustee shall in all cases give his own personal bond: *provided*, that the judge of the probate court may at any time require a bond, with sufficient surety or sureties, if he is of opinion that the same is required by a change in the situation or circumstances of such trustee, or for other sufficient cause.

Ch. 122.

Trustee under will to be exempted from giving bond when testator has so ordered.

Bond may be required to be given for sufficient cause.

If trustee neglect to give bond as required, he shall be considered as having declined the trust.
 Proviso.

SECTION 2. Every trustee under a will who neglects to give bond as required by this act, within such time as the probate court allows, shall be considered as having declined the trust: *provided*, that no trustee who has already undertaken a trust under laws heretofore existing, shall be required by the provisions of this act to give bond, except when the judge of the probate court is of opinion that the same is required by a change in the situation or circumstances of such trustee or for other sufficient cause.

Approved March 27, 1873.

Ch. 123. AN ACT TO AUTHORIZE EUNICE H. STANWOOD AND MEHITABLE F. STANWOOD TO CONSTRUCT A WHARF IN IPSWICH.

Be it enacted, &c., as follows :

May construct wharf in Ipswich.

SECTION 1. License is given to Eunice H. Stanwood and Mehitable F. Stanwood to construct a wharf on their land on Ipswich River, in Ipswich, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

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

Approved March 27, 1873.

Ch. 124. AN ACT TO AUTHORIZE ELIAS T. INGALLS AND ALFRED R. KIMBALL TO CONSTRUCT A WHARF IN HAVERHILL.

Be it enacted, &c., as follows :

May construct wharf in Haverhill.

SECTION 1. License is given to Elias T. Ingalls and Alfred R. Kimball to construct a wharf in Haverhill, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

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

Approved March 27, 1873.

Ch. 125. AN ACT TO CONFIRM AN INDENTURE BETWEEN THE COMMONWEALTH AND THE BOSTON AND ROXBURY MILL CORPORATION.

Be it enacted, &c., as follows :

Indenture between the Commonwealth and Boston and Roxbury Mill Corporation, confirmed.

SECTION 1. The indenture between the Commonwealth of Massachusetts and the Boston and Roxbury Mill Corporation, dated December fifteenth, eighteen hundred and sixty-two, approved by the governor and council, and recorded in the registry of deeds for the county of Suffolk, book eight hundred and twenty-two, leaf ninety-seven, is ratified and confirmed.

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

Approved March 27, 1873.