

seers of the poor, two from the district comprising the first and fifth wards ; two from the district comprising the second and fourth wards, and two from the district known as the third ward, as said wards are now constituted. The person receiving the highest number of votes in each district shall hold office for two years, and the other person elected shall hold office for one year: *provided*, that in case the two persons elected from a district shall have the same number of votes, the person who is senior in age shall hold office for two years, and the other person shall hold office for one year, and at every subsequent annual meeting for the choice of municipal officers, one person shall be elected overseer of the poor from each district to hold office for two years and until his successor is chosen and qualified.

*Approved June 4, 1873.*

To hold office for two years.

*Ch.* 338.

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE REGULATION AND INSPECTION OF BUILDINGS, THE MORE EFFECTUAL PREVENTION OF FIRE, AND THE BETTER PRESERVATION OF LIFE AND PROPERTY IN BOSTON.

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

Amendment to 1871, 280, § 2.

SECTION 1. The clause of section second, chapter two hundred and eighty, of the acts of eighteen hundred and seventy-one, defining a "tenement house," is amended in the fifth line thereof by inserting the word "one" before the word "another."

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

*Approved June 4, 1873.*

*Ch.* 339.

AN ACT AUTHORIZING THE TAKING OF LAND FOR THE PURPOSES OF A STATE PRISON.

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

Commissioners may take lands for a state prison.

SECTION 1. The commissioners for locating and constructing a state prison, appointed under chapter one hundred and fifty-five of the acts of the year one thousand eight hundred and seventy-three may purchase or otherwise take any lands required for the location and erection of a state prison, and for other purposes connected therewith, subject to the approval of the governor and council.

Description of the land to be filed in registry of deeds.

SECTION 2. A certificate of such taking, containing a description of the land sufficiently accurate for identification shall be recorded in the registry of deeds in the district in which such lands are situated, and such certificate, so recorded, shall be conclusive evidence of the time of such taking, and the title of the Commonwealth in the lands so taken.

SECTION 3. If the commissioners fail to offer in payment for any land so taken, a sum satisfactory to the owner thereof, such owner may within one year thereafter, petition the superior court for the county in which said lands are situated, and the matter of his damages shall be tried by a jury, and the proceedings shall be conducted in the manner provided in case of damages by laying out highways. If the damages found by the jury, exceed any amount offered by the commissioners, the damages and all charges shall be paid by the Commonwealth; otherwise, the charges arising on such petition shall be paid by the petitioner.

Matter of damages may be tried by a jury.

SECTION 4. This act shall take effect upon its passage.

*Approved June 5, 1873.*

AN ACT TO AUTHORIZE THE RAISING OF THE GRADE OF CERTAIN LANDS IN THE CITY OF BOSTON, FOR THE PURPOSE OF PRESERVING THE PUBLIC HEALTH IN SAID CITY.

Ch. 340.

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

SECTION 1. The city council of the city of Boston, may order the owners of lands in said city, situated and lying within the district which is bounded north-westerly by Washington Street, south-westerly by Eustis Street and Mall Street, south-easterly by Albany Street, and north-easterly by Northampton Street, or any of such owners to raise the grade of their said lands, filling up the same with good materials to such permanent grade as may be deemed necessary by the board of aldermen in order to secure a complete drainage thereof, so as to abate and prevent nuisances, and to preserve the public health of the city.

City council may order owners to fill up certain lands in Boston.

SECTION 2. All orders under the preceding section shall be made and served upon said owners or occupants, or their authorized agents as prescribed by section nine of chapter twenty-six of the General Statutes for the service of orders of the boards of health, and if the owner of any such lands fails to comply with any such order within six months after such service, the city council shall raise the grade of his said lands, and the private streets, ways and courts thereon, filling up the same with good materials to the grade authorized by the preceding section and specified in the order; and all necessary expenses incurred thereby shall constitute a lien upon the lands filled, and a lien upon all buildings upon such lands, and may be collected, and the city collector may purchase such

Orders to be served upon owners or occupants.

If owner fails to comply, city council may raise the grade.