

shall be made for the improvement by raising the grade of said land. The damages awarded by the jury shall be paid by the city, and if the damages are increased above the sum before offered by the city, all legal charges arising on such application shall be paid by the city; otherwise, by the applicant.

SECTION 6. The city, at its own expense, shall raise the grade of all public and private streets and courts bordering upon any lands the grade of which is ordered to be raised under this act, filling up such streets and courts with good materials to the grade established by the board of aldermen of said city.

Streets bordering upon land filled up to be raised to same grade by the city.

SECTION 7. This act shall not be construed as in any way exempting the city of Boston from any obligation it would otherwise be under to make compensation to the owners of lands abutting upon or near to any land or street filled hereunder, or for any injury done or caused to the lands of such owners, under any order or proceeding hereunder.

City not exempted from damages to abutters.

SECTION 8. The city of Boston is authorized to lay railroad tracks through any street or streets of said city, and to maintain them so long as necessary for transporting earth and other material under the provisions of this act.

Railroad tracks may be laid in streets.

SECTION 9. If in the execution of the provisions of this act it shall be deemed necessary to change the grade of any street, now established by law, which change shall require the raising of any buildings which have been erected in conformity to said grade, the city of Boston shall pay the expense incurred in consequence of such change, or be liable to damages as now provided by law in cases of change of grade.

If grade of street is changed city to pay expense of raising buildings.

*Approved June 5, 1873.*

AN ACT CONCERNING FEES OF TOWN CLERKS FOR OBTAINING AND RECORDING THE FACTS RELATING TO DEATHS.

*Ch. 341.*

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

Chapter one hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six is amended by striking out the words "twenty cents" at the close of section one, and substituting therefor the words "thirty-five cents."

Amendment to 1866, 138, § 1.

*Approved June 6, 1873.*

AN ACT IN RELATION TO THE COMPENSATION OF AUDITORS.

*Ch. 342.*

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

Section fifty of chapter one hundred and twenty-one of the General Statutes, as amended by chapter sixty-seven

Amendment to G. S. 121, § 50. 1867, 67.

of the acts of the year eighteen hundred and sixty-seven, is further amended by adding at the end thereof the following words: "and the court may make all orders and decrees and issue any process which to it may appear necessary or proper to enforce the payment of such compensation to auditors."

*Approved June 6, 1873.*

**Ch. 343.** AN ACT IN RELATION TO THE OATH FOR THE RELIEF OF POOR DEBTORS.

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

Intoxicating liquors not exempt from being taken on execution.  
G. S. 124, § 21.

SECTION 1. Intoxicating liquors shall not be considered a part of the estate by law exempt from being taken on execution within the meaning of the oath set forth in the twenty-first section of the one hundred and twenty-fourth chapter of the General Statutes.

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

*Approved June 6, 1873.*

**Ch. 344.** AN ACT TO AUTHORIZE THE TOWN OF NEWTON TO AID THE NEWTON CEMETERY CORPORATION.

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

Town may raise \$40,000 and loan the same to the Newton Cemetery Corporation.

SECTION 1. The town of Newton is authorized to raise, by issuing its bonds, or by loan, a sum of money not exceeding forty thousand dollars, and to loan the same, or such bonds, to the Newton Cemetery Corporation, to be applied for increasing the value of the lots of the town of Newton in the cemetery of said corporation by enlarging and improving said cemetery of said corporation, situated in said town; such bonds to be issued and such loan to be made for a period not exceeding fifteen years from the respective dates thereof, and at a rate of interest not exceeding seven per centum per annum, payable semi-annually.

Cemetery to be mortgaged as security for loan.

SECTION 2. Before said corporation shall receive any loan, or bonds, in pursuance of the preceding section it shall make and deliver to said town such a mortgage or mortgages on its cemetery, as shall be agreed upon by the parties.

Subject to acceptance by a two-thirds vote.

SECTION 3. The said town shall not exercise any of the authority conferred by this act, unless two-thirds of the voters present and voting thereon shall vote to accept the provisions of this act, at the annual meeting in November next, notice thereof being given in the warrant calling said meeting.

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

*Approved June 6, 1873.*