

AN ACT PROVIDING FOR NOTIFICATION OF THE APPELLEE IN THE CASE OF APPEALS FROM CERTAIN ORDERS OF THE BOARD OF APPEAL ON MOTOR VEHICLE LIABILITY POLICIES AND BONDS. Chap. 46

*Be it enacted, etc., as follows:*

The sixth paragraph of section one hundred and thirteen D of chapter one hundred and seventy-five of the General Laws, as appearing in section two of chapter one hundred and forty-six of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "registrar" in the eighteenth line the words:— and to the appellee,— so as to read as follows:—

Any person or company aggrieved by any finding or order of the board, other than a finding that the complainant is or is not a suitable and proper person to whom to issue such a policy or on behalf of whom to execute such a bond as surety, may, within ten days after the filing of the memorandum thereof in the office of the commissioner, unless the policy or bond has expired or will expire prior to the expiration of said period, and any person or company aggrieved by any finding of the board that a complainant is or is not a suitable and proper person as aforesaid may, in any case, within said period, appeal therefrom to the superior court or any justice thereof, in any county. The appellant shall file with his appeal a duly certified copy of the complaint and of the finding and order thereon, and, if the appeal is taken from a finding and order of the board in respect to a cancellation, the clerk of the court shall forthwith upon the filing of such an appeal, give written notice of the filing thereof to said registrar and to the appellee. The court or justice shall, after such notice to the parties as it or he deems reasonable, give a summary hearing on such appeal and shall have jurisdiction in equity to review all questions of fact and law, and to affirm or reverse such finding or order and may make any appropriate decree. The court or justice may allow such complaint, finding or order to be amended. The decision of the court or justice shall be final. If the court or justice finds in favor of the company in the case of such a cancellation, the decree shall, unless the policy or bond has expired, affirm the cancellation and specify a date not earlier than five days from the entry thereof, on which the cancellation shall become effective; but, if the policy or bond will expire on or before the termination of a period of five days from such entry, the decree shall specify a date prior to such expiration, or the court or justice may dispense with such a specification. The clerk shall, within two days after the entry thereof, send an attested copy of the decree to each of the parties and the commissioner and, in the case of a decree rendered upon an appeal in respect to the cancellation of such a policy or bond, to said registrar, or his office. The court or justice may make such order as to costs as it or he deems equitable. The su-

G. L. (Ter. Ed.), 175, § 113D, amended.

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perior court may make reasonable rules to secure prompt hearings on such appeals and a speedy disposition thereof.

*Approved February 21, 1934.*

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*Chap. 47* AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO CONSTRUCT AND OPERATE A SYSTEM OF SEWERS.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Weymouth may lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal, and may construct such sewers or drains over and under land or tide water in said town as may be necessary to conduct the sewage to the south metropolitan sewerage system, and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it deems best. And for the purposes aforesaid, the town may, within its limits, make and maintain sub-drains, and, with the approval of the department of public health, discharge the water from such sub-drains into any brook, stream or water course within the town.

SECTION 2. The town may make and maintain in any way therein where main drains or common sewers are constructed, such connecting drains, under-drains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way.

SECTION 3. The board of sewer commissioners, acting for and on behalf of said town, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water rights, rights of way or easements, public or private, in said town, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers, sub-drains and under-drains under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public land or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

SECTION 4. Any person injured in his property by any action of said board of sewer commissioners under this act may recover damages from said town under said chapter seventy-nine.