

and such expense may be recovered in tort. If a company without right or lawful excuse discontinues the use of any track and when requested by the board of aldermen of the city or by the selectmen of the town where such track is located refuses to operate the same, the mayor of such city, if duly authorized by vote of the city council or the selectmen of such town if duly authorized by vote of the town, may petition the supreme judicial court to compel said company to resume the use of such track and to perform all its corporate duties relating thereto. Such petition shall set forth the facts upon which the petitioner relies and the relief sought, but shall not be defeated for informality, and may be amended at any stage; and said court shall have jurisdiction in equity to determine the cause and enforce its decrees and orders relative thereto. Upon the filing of any such petition said court shall order due notice to be served upon the company and shall advance the cause to speedy hearing and final decision. In case the track, the use of which has been discontinued, is located in two or more cities or towns, any or all of such cities or towns, acting by the officials above named and authorized as hereinbefore provided, may join in such petition. This section shall not be deemed a legislative construction of any existing law or an impairment of any existing right of a company to discontinue the use of tracks.

*Approved June 19, 1934.*

*Chap. 311*

AN ACT PROVIDING FOR THE REINSTATEMENT IN THE POLICE FORCE OF THE METROPOLITAN DISTRICT COMMISSION OF WILLIAM J. DUNPHY.

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

The metropolitan district commission shall, when a vacancy occurs in its police force, or when the personnel of said force is increased, or a new position is established therein, appoint as a permanent member of said police force, William J. Dunphy who was discharged from said force; provided, that a physician selected by said commission certifies to it that he has examined said Dunphy and finds him physically fit to serve as such police officer.

*(This bill, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, June 20, 1934, and, in concurrence, by the Senate, June 21 (P.M.), 1934, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)*