

Part of harbor line at East Boston established, etc.

lished as follows:—Beginning at the Point I of the harbor line established by chapter forty-eight of the acts of the year eighteen hundred and eighty-two; thence running southeasterly, in the prolongation of the line H-I of the said harbor line ten hundred and fifty feet; thence deflecting to the left and running northeasterly about twenty-nine hundred feet to a point in the harbor line established by chapter two hundred and ninety-three of the acts of the year eighteen hundred and fifty-six, and therein described as in the northeasterly line of Everett street continued southeasterly, and distant sixteen hundred and ten feet from the southeasterly line of Jeffries street: *provided*, that no structure shall be licensed to encroach upon the channel within the harbor line hereby established without first providing a channel in substitution of the portion encroached upon, substantially as accessible as the one then existing.

Proviso.

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

*Approved May 17, 1901.*

Chap.420

AN ACT TO LEGALIZE AND CONFIRM CERTAIN PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF BROOKFIELD.

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

Proceedings of town meeting of Brookfield confirmed, etc.

SECTION 1. The proceedings of the annual town meeting of the town of Brookfield held on the first day of April in the year nineteen hundred and one, and the election of town officers thereat, shall not be invalid by reason of the omission in the warrant calling such meeting to specify by name all the offices to be filled at such meeting; and the proceedings of said meeting are hereby legalized and confirmed, notwithstanding said omission in the warrant and notwithstanding any irregularities in the proceedings of the meeting, the result of said omission.

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

*Approved May 17, 1901.*

Chap.421

AN ACT RELATIVE TO THE CONSTRUCTION OF A NEW BRIDGE OVER THE CONNECTICUT RIVER BETWEEN THE CITY OF SPRINGFIELD AND THE TOWN OF WEST SPRINGFIELD.

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

Special commission may prescribe manner, etc., in

SECTION 1. The special commission appointed under the authority of chapter four hundred and fifty-eight of

the acts of the year nineteen hundred is hereby authorized to prescribe the manner in which the New York, New Haven and Hartford Railroad Company shall raise and alter the grade of its railroad at the point where said railroad crosses or may cross the roadway of the easterly approach to the new bridge which shall be selected by the said special commission, and that commission shall have authority to determine and prescribe within what reasonable time the grade of said railroad, tracks, grounds and buildings shall be so raised and altered.

which certain grade of New York, New Haven and Hartford Railroad Company shall be raised or altered.

SECTION 2. After the grade of said railroad, tracks, grounds and buildings has been altered and the work has been completed, as prescribed by the said special commission, the commission shall determine the damages and expense to the New York, New Haven and Hartford Railroad Company caused by raising or changing the grade of its tracks, grounds and buildings, as prescribed by said commission under the authority of this act, and shall certify an itemized account of the same to the county commissioners of the county of Hampden, and shall also file a duplicate of the same with the clerk of the superior court of said county. The county commissioners of the county of Hampden, having received the report of the said commission, as hereinbefore provided in this section, shall audit and the county treasurer shall pay the just claims of said railroad company for such expense and damages, but under the restrictions and as provided in section two of said chapter four hundred and fifty-eight, as amended by section five of this act.

Payment for expense and damages to railroad company.

SECTION 3. If said railroad company or any city or town in interest is aggrieved by the estimate and determination of damages or expenses sustained, as made by the special commission aforesaid, such company, city or town may have its damages assessed by a jury in the manner provided with respect to damages sustained by reason of the laying out of highways.

Damages may be assessed by a jury in certain cases.

SECTION 4. Section one of said chapter four hundred and fifty-eight is hereby amended by striking out the words "and grade", in the fourteenth line, and by inserting in the fifteenth line, after the word "bridge", the words: — and fix the grade of said bridge and approaches, — and by striking out the word "four", in the twenty-seventh line, and inserting in place thereof the word: — six, — so as to read as follows: — *Section*

1900, 458, § 1, amended.

New bridge to be constructed over Connecticut river between Springfield and West Springfield, etc.

1. The county commissioners of the county of Hampden are hereby authorized and required, within four years from the passage of this act, to construct and complete a bridge, with suitable approaches, over the Connecticut river between the city of Springfield and the town of West Springfield. Three commissioners, no one of them being a resident of the county of Hampden, shall be appointed by the supreme judicial court or by the superior court, or by any justice thereof, upon application by the county commissioners of the county of Hampden, or by any city, town or person in interest, which application shall be made in not less than three nor more than six months from the passage of this act, to select the site and locate the approaches of the said bridge, and fix the grade of said bridge and approaches. The said commission shall also apportion in the manner hereinafter provided, the expense of constructing the bridge and the approaches thereto. The said commissioners, having been duly sworn to the faithful and impartial discharge of their duties, shall give one or more hearings in the city of Springfield, of which due notice shall be given, at which all parties in interest may be heard as to the site, location of approaches and grade most suitable for said bridge. After hearing such parties, inspecting the sites and approaches proposed, and taking any other steps which said commissioners may deem just and proper, they shall select a site and fix the grade and approaches for the said bridge, and, within six months from the date of their appointment, file their finding in the office of the clerk of the supreme judicial court or of the superior court for the county of Hampden. The said finding when accepted by the court shall be final and binding upon all parties.

1900, 458, § 2, amended.

SECTION 5. Section two of said chapter four hundred and fifty-eight is hereby amended by inserting after the word "approaches", in the eighteenth line, the words: — including the changing of the grade of the tracks of the New York, New Haven and Hartford railroad, — and by striking out the words "one year from the passage of this act", in the last sentence of said section, and inserting in place thereof the words: — twelve months from the date of the appointment of said special commission, — so as to read as follows: — *Section 2.* When the location, approaches and grade for said bridge have

Apportionment of expense, etc.

been determined and the finding filed as above provided, the commission appointed under the authority of section one of this act shall, after due notice to all parties interested, and one or more hearings in the city of Springfield, determine and decree what proportional part of the cost of said bridge, and of the approaches thereto, and all other expenses incurred under this act, including their own fees and what proportional amount of all the expenses of maintaining and repairing said bridge and its appurtenances, excluding the approaches, shall be borne and paid by said county of Hampden and by such towns or cities in said county as the said commissioners shall determine to be specially benefited by the construction of said bridge, and assess upon them the cost of construction and maintenance, in such manner and in such proportions as they shall deem just: *provided, however,* that any excess in the cost of constructing said approaches, including the changing of the grade of the tracks of the New York, New Haven and Hartford railroad, above the sum of one hundred thousand dollars, shall be borne and paid by the city of Springfield. They shall also determine and award how, by and to whom such proportional amounts shall be paid, and their determination and decree, or that of the major part of them, shall be made in writing and reported to the supreme judicial or to the superior court for the county of Hampden, and when the same is filed and accepted by said court it shall be final and binding upon all parties interested. The said finding and decree shall be filed not later than twelve months from the date of the appointment of said special commission.

Apportionment  
of expense, etc.

Proviso.

SECTION 6. Section three of said chapter four hundred and fifty-eight is hereby amended by striking out the words "The easterly approaches", in the eleventh line, and inserting in place thereof the words: — The roadway of the easterly approach, — so as to read as follows: —

*Section 3.* The bridge authorized by this act shall be a substantial structure; the roadway shall be not less than fifty nor more than fifty-seven feet wide, out of which provision shall be made for double street car tracks, and it shall be so built that it can be paved with brick or asphalt; the footwalks shall not be less than six feet wide each; the piers shall be so located and the bridge so constructed that a draw can conveniently and economi-

1900, 458, § 3,  
amended.

Construction of  
bridge, etc.

Construction of  
bridge, etc.

cally be placed in the structure when required; and the plans of the bridge in this respect must be approved by the board of harbor and land commissioners. The roadway of the easterly approach to said bridge shall pass under the tracks of the New York, New Haven and Hartford Railroad Company at a suitable grade for the passage of vehicles and street cars, allowing fourteen feet in the clear under said tracks, and the design, dimensions and construction of the foundations of the piers and abutments of said bridge may be such, if the city of Springfield so requires, as to permit of the construction of piers and extension of the abutments thereof on the down stream or southerly side of the bridge, of sufficient length and form to admit of the convenient and safe placing of a pipe line and its supporting bridge, trusses or girders, for conveying water to the city of Springfield, and any increased cost caused thereby in the designs, dimensions and construction of the foundations of the piers and abutments of said bridge shall be determined by the contractor for the foundations and the county commissioners, and shall be paid by the city of Springfield.

SECTION 7. This act shall take effect upon its passage.

*Approved May 22, 1901.*

*Chap. 422*

AN ACT RELATIVE TO FRATERNAL BENEFICIARY CORPORATIONS.

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

Fraternal benefi-  
ciary corpora-  
tions may be  
formed.

SECTION 1. Seven or more persons who are residents of this Commonwealth may form a fraternal beneficiary corporation for the purpose of providing for the payment of benefits in the case of death, sickness or disability, or of both death benefits and sick or disability benefits. The disability may be temporary or permanent and the result of sickness or of accident. Any educational, charitable, benevolent or social purpose may be united therewith.

Membership  
may be limited.

The membership may be limited to members of a particular order, class or fraternity, or to the employees of towns or cities, or of the Commonwealth, or of the federal government, or of a designated firm, business house or corporation, or to persons of the same occupation.