

Proviso.

thorized to use real estate owned by them without subjecting the same to taxation under the provisions of the third paragraph of section five of chapter eleven of the Public Statutes, and of acts in amendment thereof or in addition thereto, shall not subject said armory to taxation; and *provided, further*, that if any part of the armory building is actually used and occupied by post sixty-six of the Grand Army of the Republic, such part shall be exempted from taxation to the same extent, in the same manner, and upon the same terms and conditions, as if belonging to and in actual use and occupation by a grand army association under the provisions of chapter four hundred and sixty-five of the acts of the year eighteen hundred and eighty-nine, provided the net income from such part is used by said veteran association for charitable purposes in aid of needy soldiers of the war of the rebellion and their dependents; and the personal property now held or hereafter acquired shall be exempt from taxation in the same manner and to the same extent as that of a literary, educational, benevolent, charitable or scientific institution under the provisions of said third paragraph, and of acts in amendment thereof or in addition thereto.

SECTION 6. This act shall take effect upon its passage.

*Approved June 14, 1901.*

*Chap. 503* AN ACT RELATIVE TO THE CONSTRUCTION AND OPERATION OF STREET RAILWAYS UPON PRIVATE LAND.

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

Certain street railways may be constructed and operated upon private land, etc.

SECTION 1. Any street railway company heretofore or hereafter organized under the laws of this Commonwealth or in process of organization thereunder, having first obtained the approval of the aldermen of the city or selectmen of the town in which private land is situated to the construction of its railway thereon, may, for the purpose of avoiding grades and curves in a public street or way and for such other purposes incidental to the use of the public streets or ways as the board of railroad commissioners may in the manner hereinafter provided approve, petition said board for authority to construct and maintain parts of its railway and extensions thereof upon such private land outside the limits of such public ways. The company in such petition shall set forth the

purpose for which such authority is desired in each case, and shall file with the petition a plan, in such form and upon such scale as the board may prescribe, of the proposed railway or extension, and of the localities where it is desired to construct the same upon private land, and said board, after public notice and a hearing, and if it is satisfied that public necessity and convenience demand that portions of the proposed railway or extension should be built outside the limits of public ways, substantially on the private land selected, and that the approval of the aldermen or selectmen of the city or town in which the land is situated has been obtained as aforesaid, may authorize the petitioner to construct and operate its railway upon and over private land, and for that purpose to purchase or lease private land or rights therein and there-over, in such cases and to such extent as the board is of opinion that public necessity and convenience in the construction and operation of the proposed railway require. Said board in granting such authority may prescribe the kind of construction to be used, the grade and alignment of the tracks, and may order such special appliances to be furnished and such safeguards to be adopted in the construction and operation of the railway upon private lands as in its judgment regard for public necessity, convenience and safety may demand.

Certain street railways may be constructed and operated upon private land, etc.

SECTION 2. No street railway hereafter constructed upon private land shall be opened for public use until the board, after an examination, certifies that all laws relating to its construction and all requirements of said board have been complied with, and that it appears to be in a safe condition for operation; and said board may, at any time after the opening of any street railway for public use, order such changes and improvements to be made in the construction and operation of any part of the railway located on any private land as in its judgment may be necessary for public safety in the use thereof; and such order shall be complied with by the street railway company.

Not to be opened for public use until examined, etc., by board of railroad commissioners.

SECTION 3. Any street railway company which has heretofore without special legislative authority therefor constructed any part of its railway upon private land, with the consent of the owners of such land, or upon land leased or purchased by such company, or which has heretofore purchased or leased land for the purpose of

Certain street railway companies may construct, maintain, etc., its railway upon private land, etc.

constructing its railway thereon, or which has heretofore after public notice and a hearing obtained the approval of the aldermen of a city or of the selectmen of a town to the construction of any part of its railway upon private land within such city or town, and has actually with the consent of the owners of the land begun, or obtained their consent to begin, such construction, may construct, maintain and operate its railway upon such private land, subject however to the same control by the board of railroad commissioners as is provided in the preceding section and in other general laws.

Street railways not to be constructed, etc., outside the limits of a public highway, etc., except in certain cases.

SECTION 4. Except as provided in this act and in chapter four hundred and four of the acts of the year eighteen hundred and ninety-eight, and except for the purposes of reaching its car barns and repair shops, and of reaching and providing convenient terminals in parks and pleasure resorts situate upon the line of its railway, no street railway company shall, unless heretofore or hereafter authorized by special act of the general court so to do, construct or operate any part of its railway outside the limits of a public highway, street or bridge.

SECTION 5. This act shall take effect upon its passage.

*Approved June 14, 1901.*

*Chap. 504* AN ACT TO AUTHORIZE THE TOWN OF AMESBURY TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

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

Town of Amesbury may construct, etc., a system of sewerage, etc.

SECTION 1. The town of Amesbury is hereby authorized, through a board of commissioners elected as hereinafter provided, to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, and such connections and other works as may be required for a system of sewage disposal, to be operated in connection with the main sewers and other works; and said board, for the purpose of providing better drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best; and may, within the limits of the town, deepen, widen and clear of obstructions any brook, stream or water course, and straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and discharge the water into any brook,