

*Chap.*340 AN ACT PROVIDING FOR THE REMOVAL OF THE REMAINS OF THE DEAD FROM THE MELVILLE STREET CEMETERY IN PITTSFIELD.

Be it enacted, etc., as follows:

City may remove remains of the dead from old burial ground, etc.

SECTION 1. The city of Pittsfield is hereby authorized and empowered, under the direction and supervision of its mayor and board of health, to remove the remains of the dead and the monuments erected to their memory, from the old burial ground on Melville street in said city, to the present Roman Catholic cemetery in said city.

To fix a time for removal and publish notice thereof.

SECTION 2. The said city of Pittsfield shall fix a time for the removal of said remains and monuments and shall publish a notice thereof once each week for three successive weeks, in some newspaper published in said city of Pittsfield, the last publication thereof to be at least seven days preceding the time fixed for said removal.

Remains may be removed by relatives or friends.

SECTION 3. The city of Pittsfield shall, upon a request in writing by any relative or friend of the person or persons whose remains are to be removed, permit said relative or friend to remove at his own expense the remains of such person or persons to any other cemetery, or to any private lot in said Roman Catholic cemetery.

City authorized to make contracts.

SECTION 4. The city of Pittsfield is hereby authorized and empowered to make all necessary contracts for carrying out the purpose of this act.

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

Approved June 2, 1892.

*Chap.*341 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO LAY OUT AND MAINTAIN PUBLIC PARKS.

Be it enacted, etc., as follows:

May take lands and lay out public parks.

SECTION 1. The city of Cambridge by its city council, at any time within three years after the passage of this act, may take and hold, by purchase or otherwise, any and all such real estate and lands within said city as it may deem advisable, and may lay out, maintain and improve the same as a public park or parks.

To file in the registry of deeds a description of land, etc., taken.

SECTION 2. The said city shall, within sixty days after the taking of any lands and real estate as aforesaid, otherwise than by purchase or gift, cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which statement shall be signed by the mayor.

SECTION 3. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of, or injury to, any of their land, real estate or property, for the purposes aforesaid. If any person sustaining damage as aforesaid does not agree with said city upon the amount of said damage, he may, within one year from such taking and not afterwards, apply by petition for an assessment of the damage, to the superior court in said county of Middlesex. Such petition may be filed in the clerk's office of said court, and the clerk shall thereupon issue a summons to the said city, returnable on the first Monday of the next month after the expiration of fourteen days from the filing of the petition, to appear and answer to the petition. The summons shall be served fourteen days at least before the day at which it is returnable, by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said city; and the court may, upon default or hearing of said city, appoint three disinterested persons who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid, together with interest at the rate of four per centum per annum from the date of the actual entry and taking of possession by said city. And the award of the persons so appointed or a major part of them being returned into and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the parties claims a trial by jury, as hereinafter provided.

Liability for damages.

SECTION 4. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the sitting at which such award was accepted, or the next sitting thereafter, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof with interest as aforesaid; and the verdict of the jury being accepted and recorded by the court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Parties dissatisfied with award may have trial by jury.

SECTION 5. In every case of a petition to the superior court for an assessment of damages as provided in this

City may make tender for damages.

act, the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court, or offer of judgment, and shall not be entitled to either costs or interest afterwards, unless the amount recovered by him in such action exceeds the amount so tendered.

Assessments for betterments.

SECTION 6. At any time within two years after any land is taken or purchased for a park or parks under this act, the board of aldermen of said city of Cambridge, if in its opinion any real estate in said city receives any benefit and advantage from such taking or purchasing, or from the locating and laying out of a park or parks under this act, beyond the general advantages to all real estate in said city, may adjudge and determine the value of such benefit and advantage to any such real estate, and may assess upon the same a proportional share of the cost of land so purchased or taken, and of the expense of laying out, grading and making such park or parks; but in no case shall the assessment exceed one half of the amount of such adjudged benefit and advantage. Said real estate subject to such assessment may include the remainder of the land of which a part is taken for said public park or parks, and real estate which does not abut upon the park, from the laying out of which the betterments accrue, or upon a street or way bounded upon such park.

Assessments to be a lien upon the real estate.

SECTION 7. Assessments made under the preceding section shall constitute a lien upon the real estate so assessed and shall be collected and enforced, with the same rights to owners to surrender their estates, and the same proceedings thereupon, and with the same rights of and proceedings upon appeal, as are provided by chapter fifty-one of the Public Statutes.

Cambridge Park Loan not to exceed \$200,000.

SECTION 8. For the purpose of defraying the cost of such real estate and lands as may be purchased, taken or held for the purposes aforesaid, and of constructing the park or parks authorized by this act, and paying all expenses incident thereto, the city council of Cambridge

shall have authority to issue, in excess of the limit allowed by law, scrip or bonds to be denominated on the face thereof, Cambridge Park Loan, to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding four and one half per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. The provisions of the tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to this act.

SECTION 9. If the city of Cambridge shall accept the provisions of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two and acts in amendment thereof, then all lands and real estate which may be taken by virtue of this act shall be under the care and management of the board of park commissioners of said city authorized to be appointed by virtue of said act.

Land, etc., to be under care of the board of park commissioners.

SECTION 10. This act shall take effect upon its acceptance by the city council of Cambridge.

Subject to acceptance by the city council.

Approved June 2, 1892.

AN ACT TO ESTABLISH A BOARD OF METROPOLITAN PARK COMMISSIONERS AND TO DEFINE ITS POWERS AND DUTIES.

Chap. 342

Be it enacted, etc., as follows:

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint three persons, to be known as the Metropolitan Park Commissioners, who shall hold their office for one year from the first day of May in the year eighteen hundred and ninety-two. Said commissioners shall consider the advisability of laying out ample open spaces for the use of the public, in the towns and cities in the vicinity of Boston, and shall have authority to make maps and plans of such spaces and to collect such other information in relation thereto as it may deem expedient, and shall report to the next general court, on or before the first Wednesday of February, a comprehensive plan for laying out, acquiring and maintaining such open spaces.

Metropolitan Park Commissioners to be appointed.

To report to the next general court.