

any improvements of any interest or right of which he may have been deprived by such judgment or decree: *provided*, he might but for such judgment or decree have been able under the statute of limitations then in force to maintain at the date of bringing such suit an action for the recovery of such interest or the enforcement of such right. The court if, because of substantial reasons existing for believing that there are bona fide claimants in existence or for other special cause, it deems justice so demands, may in its judgment or decree require the giving of a bond to respond to any such suit brought within five years from such judgment or decree.

Court may require that a bond be given, etc.

SECTION 5. Chapter one hundred and seventy-six of the Public Statutes is hereby repealed.

P. S. 176 repealed.

SECTION 6. This act shall not affect any proceeding begun under said chapter one hundred and seventy-six prior to the taking effect of this act.

Not to affect proceedings begun under P. S. 176.

SECTION 7. This act shall not apply to any property, right, title or interest of the Commonwealth.

Not to apply to property, etc., of the Commonwealth.

Approved May 12, 1893.

AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW FOR PARK PURPOSES.

Chap. 341

Be it enacted, etc., as follows:

SECTION 1. The city of Waltham, for the purpose of providing a park system in said city, may incur indebtedness and may from time to time issue bonds or certificates of indebtedness therefor, which shall become due and payable within a period not exceeding fifty years from the date of issue, to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness now fixed by law for said city; and the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

May incur indebtedness beyond the limit for park purposes.

SECTION 2. The city shall, on issuing any of said bonds or certificates of indebtedness, establish a sinking fund and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. In such apportionment to said sinking fund, one two hundredth part of the amount of bonds or certifi-

Sinking fund.

ates of indebtedness issued shall be set apart for said sinking fund in each of the first ten years; one one hundred and fiftieth part in each of the second ten years; one one hundredth part in each of the third ten years; one seventy-fifth part in each of the fourth ten years, and the remainder shall be equally divided in the last ten years. Such sinking fund and its accumulations shall be used for no other purpose than the payment and redemption of such debt. Any premium realized in the sale of said bonds or certificates of indebtedness shall be applied to the payment of the interest on said loan as it accrues.

Refunding of money already expended or appropriated.

SECTION 3. The city of Waltham may use any portion of the issue of bonds or certificates of indebtedness authorized by this act for the purpose of refunding any sums of money already expended or appropriated by said city for park purposes.

SECTION 4. This act shall take effect upon its passage.

Approved May 12, 1893.

Chap. 342 AN ACT FOR THE PROTECTION OF PUBLIC HEALTH IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Lands in Boston to be filled to a certain grade, etc.

SECTION 1. Whenever the board of health of the city of Boston shall adjudge that the public health requires, and shall order that any lands in said city not bordering immediately on tide water be filled to the grade of eleven feet above mean low water, the owners of said land shall forthwith fill the same in accordance with said order and in a manner and with material satisfactory to said board.

Enforcement of orders of board of health.

SECTION 2. Any justice of any court having jurisdiction in equity may, on the petition of the board of health of said city, enforce the provisions of this act by any proper process or decree.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1893.

Chap. 343 AN ACT FIXING THE TIMES AND PLACE FOR HOLDING PROBATE COURTS IN THE COUNTY OF BARNSTABLE.

Be it enacted, etc., as follows:

Sessions of probate courts in Barnstable county.

SECTION 1. Probate courts shall be held in each year in the county of Barnstable, at Barnstable on the second Tuesdays of January, February, March, May, June, July, August, September, November and December, and on the first Tuesdays of April and October.