

incur indebtedness to an amount not exceeding thirty-six thousand dollars, and may issue negotiable bonds, notes or certificates of indebtedness therefor, bearing on their face the words, Saugus Schoolhouse Loan, bearing interest at a rate not exceeding four per cent. per annum. The principal of said bonds, notes or certificates of indebtedness shall be payable, three thousand dollars in the year nineteen hundred and four, and a like sum in each succeeding year until the whole amount of said indebtedness is provided for. Said town may sell said bonds, notes or certificates of indebtedness, or any part thereof, at public or private sale: *provided*, that the same shall not be sold for less than the par value thereof. Proviso.

SECTION 2. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the town of Saugus under the provisions of section four of chapter twenty-nine of the Public Statutes. Not to be considered in determining debt limit.

SECTION 3. The provisions of section nine of chapter twenty-nine of the Public Statutes relative to the establishment of a sinking fund, and the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and eighty-two relative to making annual proportionate payments, shall not be binding upon the town of Saugus in the payment of the indebtedness herein provided for. P. S. 29, § 9, and 1882, 133, not to apply.

SECTION 4. This act shall take effect upon its acceptance by a majority vote of the voters of the town of Saugus present and voting thereon at a legal town meeting called for that purpose within one year from its passage, but the number of meetings so called shall not exceed three. When to take effect.

Approved March 8, 1895.

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO ESTABLISH HOSPITALS FOR DANGEROUS DISEASES. Chap. 99.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge by its city council, from time to time, 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, for the erection and establishment thereupon of one or more hospitals for the reception of persons having a disease dangerous to the public health. May take lands, etc., for hospital purposes.

Description of
lands, etc., to be
recorded.

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.

Damages.

SECTION 3. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of 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.

Damages may
be assessed by
jury, etc.

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.

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

City may tender a specified sum, etc.

SECTION 6. For the purpose of defraying the cost of such real estate and land as may be purchased, taken or held for the purposes aforesaid, and of constructing, equipping and maintaining the hospital and hospitals authorized by this act, and paying all expenses incident thereto, the city council of Cambridge shall have authority to issue from time to time as it may require, in excess of the limit allowed by law, scrip or bonds to be denominated on the face thereof, Cambridge Hospital Loan, to an amount altogether not exceeding one hundred and fifty thousand dollars, bearing interest not exceeding four per centum per annum, payable semi-annually, the principal to be payable at periods of not more than twenty 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 pledged or sold 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.

Cambridge Hospital Loan.

SECTION 7. Such hospitals shall be subject to the orders and regulations of the board of health of said city,

Subject to orders of board of health, etc.

and to the provisions of sections seventy-three to eighty-three inclusive of chapter eighty of the Public Statutes and acts in amendment thereof and in addition thereto.

Distance from certain inhabited dwelling houses.

SECTION 8. No such hospital shall be established within one hundred rods of an inhabited dwelling house situated in an adjoining city or town, without the consent of such city or town by its city council or board of selectmen, respectively.

When to take effect.

SECTION 9. This act shall take effect upon its acceptance by the city council of the city of Cambridge.

Approved March 9, 1895.

Chap. 100 AN ACT TO ABOLISH THE OFFICE OF COMMISSIONER OF INSOLVENCY.

Be it enacted, etc., as follows:

Office abolished.

SECTION 1. There shall be no election of commissioners of insolvency in the year eighteen hundred and ninety-five, and said office shall be abolished after the first Wednesday in January in the year eighteen hundred and ninety-six.

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 9, 1895.

Chap. 101 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO SELL A PARCEL OF LAND IN QUINCY.

Be it enacted, etc., as follows:

Certain land in Quincy may be sold by city of Boston.

SECTION 1. The city of Boston may sell and convey, at public or private sale, the parcel of land which was conveyed to the selectmen of the town of Dorchester by Daniel Preston, senior, by deed dated the twenty-first day of January in the year sixteen hundred and ninety-seven, and recorded with Suffolk deeds, libro forty-two, folio two hundred and twenty-five, and of which said city became seized by the annexation to it of the town of Dorchester.

Proceeds of sale.

SECTION 2. The proceeds of such sale shall be invested in such other property as any justice of the supreme judicial court sitting in equity for the county of Suffolk shall deem best and proper, and the same shall be held by the city of Boston on the same trusts as said land was held by said city, or upon such other trusts as shall be deemed by such justice sitting in equity as aforesaid, just and proper.

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

Approved March 9, 1895.