

*Chap.*388 AN ACT TO AUTHORIZE THE PURCHASE OF HISTORICAL WORKS RELATIVE TO THE SERVICES OF MASSACHUSETTS VOLUNTEERS DURING THE SPANISH WAR.

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

1893, 413, to apply to histories of certain Massachusetts volunteers in the Spanish war.

SECTION 1. The provisions of chapter four hundred and thirteen of the acts of the year eighteen hundred and ninety-three, entitled "An Act to authorize the purchase of historical works relative to the services of Massachusetts volunteers during the late civil war", shall apply to histories of organizations of Massachusetts volunteers which saw active service in the field during the Spanish war.

Distribution.

SECTION 2. The volumes purchased under this act shall be distributed as follows:— One copy to the office of the secretary of the Commonwealth; one to the office of the adjutant general; one to the free public library of each city and town or to the office of the town clerk of every town which has no free public library; one to the library of each college or university in the Commonwealth; one to each of such historical societies in the Commonwealth as may be designated by the secretary of the Commonwealth; one to the library of congress; one to the library of each state and territory of the union; ten copies to the state library of Massachusetts, and the remainder at the discretion of the secretary of the Commonwealth, preference to be given by him to free libraries.

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

*Approved May 23, 1899.*

*Chap.*389 AN ACT RELATIVE TO DELAYING SERVICE OF WARRANTS IN CRIMINAL CASES.

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

Penalty for delaying service of certain warrants.

Any officer who shall wilfully delay service of a warrant of arrest or a search warrant which has duly been committed to him for service, shall be punished by fine not exceeding fifty dollars.

*Approved May 23, 1899.*

*Chap.*390 AN ACT RELATIVE TO THE CROSSING OF RAILROADS AND PUBLIC WAYS IN EAST BOSTON.

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

Commission may be appointed to deter-

SECTION 1. Upon a petition filed by the mayor and aldermen of the city of Boston for the abolition of grade

crossings of the Boston and Maine and the Boston and Albany railroads in that part of Boston called East Boston, the superior court or any justice thereof sitting in equity for the county of Suffolk, after a hearing given upon such notice by public advertisement or otherwise as the court or justice shall direct, may appoint a commission of three disinterested persons to determine whether said grade crossings or any of them should be abolished as hereinafter provided, or the use thereof changed or regulated.

mine as to the abolition of certain grade crossings, etc.

SECTION 2. If the commission shall determine that no alteration should be made at present in the grade or location of said public ways, or of said railroads, or that further protection at said grade crossings, or any of them, should be provided, or that the use thereof should be changed or regulated, it shall so report to the court within six months from the time of its appointment, with its recommendations relative thereto, and the recommendations and decision of the commission, if confirmed by the court, shall forthwith be carried out.

To report within six months.

SECTION 3. If the commission shall determine that the public interests require the abolition of said grade crossings, or any of them, the commission shall prescribe the manner and limits within which alterations of the grade crossings of Curtis street, Saratoga street, Bennington street, Maverick street, Sumner street and Webster street shall be made by lowering the tracks of said railroads within the limits thereof, and by carrying said streets over said tracks. Prescott street and Porter street shall also be carried over said tracks: *provided, however*, that Prescott street and Porter street may also be carried over Bremen street, and that Saratoga street and Bennington street may be carried over said tracks on one and the same bridge, if the commission determines that the public interests so require.

To prescribe manner, etc., of alterations.

Proviso.

SECTION 4. The cost of carrying out the recommendations and decision of the commission, as confirmed by the court, including land damages, shall be borne in the following proportions: Twenty per cent by the city of Boston, thirty per cent by the Commonwealth and fifty per cent by said railroad companies in a proportion determined by the commission; but if one only of said companies abandons or discontinues its location under the provisions of the following section said fifty per cent shall be borne by the other company.

Apportionment of cost.

Railroad companies may discontinue locations, etc.

SECTION 5. If the commission shall decide that any of said grade crossings should be abolished, or the use thereof further regulated, either of said railroad companies, within two months after the report of said commission has been confirmed by the court, may discontinue or abandon its locations in all the public ways in East Boston, and file a notice to that effect in the court which has confirmed said report, and in such case the decision of said commission, so far as it relates to the railroad company making such abandonment or discontinuance, shall not be enforced, but such company may retain possession and control of the docks, wharves and other property owned or occupied by it outside of the public ways: *provided, however*, that whatever property of the company making such abandonment or discontinuance is taken by said commission, and is required to carry out its determinations and prescriptions, shall not be retained by such company, and the company making such abandonment or discontinuance shall, within six months after such filing, remove its railroad tracks from within the limits of every public way in East Boston, and any court having jurisdiction in equity shall have authority in equity to compel such removal.

Proviso.

Damages, etc.

SECTION 6. In case any land, wharf or dock heretofore taken by purchase or otherwise by either of said railroad corporations or by said city is taken under authority of this act, the damages to be paid to such corporation or city, on account of the taking of such land, wharf or dock shall be assessed as if the railroad corporation or city were the sole owner thereof; and either of said railroad corporations may sell and convey any land, wharf or dock occupied by it for railroad purposes in East Boston, and the purchaser thereof for any public purposes shall have the right to occupy the same thereafter for said public purposes, and if either of said railroad corporations is required by the order of said commission to abandon any part of its location, and thereupon abandons the same, the value of the land, wharf or dock so required to be abandoned shall be included in the total cost of the alterations.

1890, 428, etc., to apply.

SECTION 7. The provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts in amendment thereof and in addition thereto, so far as they are not inconsistent with

the provisions of this act, shall apply to said commission and to the carrying out of its decisions.

SECTION 8. No change in the grade of either of said railroads shall be prescribed by said commission until such change has received the approval of the board of railroad commissioners.

Change of grade to be approved by railroad commissioners.

SECTION 9. This act shall take effect upon its passage.

*Approved May 23, 1899.*

AN ACT TO ESTABLISH THE DISTRICT COURT OF EASTERN FRANKLIN. *Chap.391*

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

SECTION 1. The towns of Orange, Erving, Warwick, Wendell and New Salem shall constitute a judicial district under the jurisdiction of a court, which shall be called the district court of eastern Franklin. Said court shall be held in the town of Orange.

District court of eastern Franklin, jurisdiction, etc.

SECTION 2. There shall be one justice and two special justices and a clerk of said court. The justice shall receive an annual salary of five hundred dollars, and the clerk an annual salary of two hundred dollars, to be paid by the county of Franklin. All the provisions of law applicable to district courts shall apply to said court.

Justices, clerk, etc.

SECTION 3. Sittings of said court for criminal business shall be held at Orange daily, except on Sundays and legal holidays. Sittings of said court for the transaction of civil business shall be held at Orange as required by law, and on such other days as may be fixed by rule of court.

Sittings of court.

SECTION 4. The first session of the court shall be held on the first day of July in the year eighteen hundred and ninety-nine; but nothing in this act shall affect any suit or other proceedings begun prior to said first day of July.

First session, etc.

SECTION 5. So much of sections one and three of chapter three hundred and fifty-three of the acts of the year eighteen hundred and ninety-six as is inconsistent with this act is hereby repealed.

Repeal.

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

*Approved May 23, 1899.*

AN ACT TO INCORPORATE THE WEST SUTTON CEMETERY ASSOCIATION. *Chap.392*

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

SECTION 1. Such owners of lots in the cemetery known as the West Sutton Cemetery, comprising lands owned and

West Sutton Cemetery Association incorporated.