

termini: *provided, however*, that the rates of toll shall not for foot passengers, and for one, two, three and four horse teams and carriages, exceed the average rates upon the ferry formerly of the East Boston Ferry Company, for the five years ending January first in the year eighteen hundred and seventy-two; and *provided, further*, that the legislature may at any time regulate and fix the rates of toll within such limits as not to reduce the yearly net income of said corporation at such time below eight per cent. on the actual cost to said corporation of said tunnel and its appurtenances.

Rates of toll.

SECTION 8. No land or real estate occupied by the existing East Boston ferries shall be taken by said corporation under the provisions of this act, except with the consent of the city of Boston.

Land occupied by ferries not to be taken without consent of city.

And the city of Boston is hereby authorized at any time after said tunnel is constructed, and within five years therefrom, to purchase of said corporation the said tunnel and its appurtenances, at their cost to said corporation at the time of purchase, with ten per cent. interest on said cost, less the net profits of said corporation from tolls or otherwise. And if said city and said corporation cannot agree upon the amount of said cost, and of said net profits, the same shall be ascertained and determined by the supreme judicial court upon the petition of said city, and after due notice and hearing, with costs at the discretion of the court.

Approved April 23, 1872.

AN ACT IN RELATION TO THE ASSESSMENT OF BETTERMENTS IN BOSTON.

Chap. 242

Be it enacted, &c., as follows:

SECTION 1. The board of street commissioners of the city of Boston may assess betterments on estates abutting on streets laid out, extended or widened, in said city, under the provisions of chapter four hundred and forty-eight of the acts of the year eighteen hundred and sixty-nine, chapter seventy-nine of the acts of the year eighteen hundred and seventy, and chapter ninety-six of the acts of the year eighteen hundred and seventy-one, within one year from the time when the streets so laid out, widened or extended, are graded and opened to public travel.

Street commissioners of Boston may assess betterments on estates abutting on streets laid out, etc., under 1869, 448, 1870, 79, and 1871, 96.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1872.

AN ACT FOR THE PREVENTION OF FIRE IN CITIES AND TOWNS.

Chap. 243

Be it enacted, &c., as follows:

SECTION 1. Cities and towns may, by ordinances and by-laws not repugnant to the laws of the Commonwealth, pre-

Towns may regulate the construction of buildings.

scribe rules and regulations for the inspection, materials, construction, alteration and safe use of buildings and structures within their respective limits not owned or occupied by the United States or the Commonwealth, and excepting bridges, quays and wharves, for the purpose of securing the prevention of fire and the preservation of life; and may prescribe penalties, not exceeding one hundred dollars, for each and every violation of any provision of such ordinances or by-laws.

By-laws to be in operation upon the whole or part of town.

SECTION 2. Such ordinances and by-laws may be made operative upon and within the whole territory of any city or town, or upon and within any prescribed and defined district or districts of such territory.

S. J. C. may issue injunction to restrain erection etc., of building contrary to by-law.

SECTION 3. The supreme judicial court, or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from constructing, altering, maintaining or using any building or structure contrary to or in violation of any lawful ordinance or by-law made under or by virtue of this act, and may order and enforce the removal, or abatement as a nuisance, of any building or structure constructed, altered, maintained or used in violation of such ordinance or by-law.

Subject to adoption by cities and towns.

SECTION 4. This act shall not be in force in any city or town unless the city council or the inhabitants of the town shall, by legal vote, decide to adopt the same, and it shall not apply to the city of Boston.

Not to apply to Boston.

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

Approved April 23, 1872.

Chap. 244 AN ACT TO EXTEND AN ACT CONCERNING MANUFACTURING AND OTHER CORPORATIONS TO HOTELS AND PUBLIC HALLS.

Be it enacted, &c., as follows:

Corporation may be formed for erection of hotels and public halls.

SECTION 1. The provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy are hereby extended to include and apply to any three or more persons who shall associate themselves together by an agreement in writing, with the intention of constituting a corporation for the purposes of erecting and maintaining a hotel or for the purposes of erecting and maintaining a public hall, with a capital of not less than five thousand nor more than five hundred thousand dollars: *provided*, that nothing herein contained shall authorize any such corporation to engage in the business of keeping a hotel.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1872.