

## AN ACT TO SUPPLY THE TOWN OF IPSWICH WITH WATER.

Chap. 313

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

SECTION 1. The town of Ipswich may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of Ipswich may supply itself with water.

SECTION 2. The said town, for the purposes aforesaid, may take by purchase or otherwise and hold the waters of any pond, stream or spring within the limits of said town, or sink wells upon any land situate therein, and take by purchase or otherwise and hold any lands, rights of way and easements necessary for holding and preserving any water thus obtained and for conveying the same to any part of the said town of Ipswich; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water-courses, railroads or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act, said town may dig up any such lands, and under the direction of the board of selectmen of said town may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take waters of ponds, streams, etc.

May erect dams, fixtures, etc.

May dig up lands and ways.

SECTION 3. The town shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of land, etc., taken, to be recorded in the registry of deeds.

Payment of damages.

SECTION 4. The town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

No application to be made for damages until water is diverted.

Ipswich Water Loan, not to exceed \$100,000.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, Ipswich Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town of Ipswich and be countersigned by the water commissioners hereinafter provided for. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold nor pledged at less than the par value thereof. The town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

May sell securities or pledge the same for money borrowed.

Sinking fund to be established.

Return to state amount of fund.

SECTION 6. The return required by section ninety-one of chapter eleven of the Public Statutes, or acts amenda-

tory thereof, shall state the amount of any sinking fund established under this act.

SECTION 7. The said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund as may be required by the provisions of this act.

To raise by taxation sufficient, with income from water rates, to pay current expenses, etc.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property, owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wilfully polluting or diverting water.

SECTION 9. The said town shall, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Water commissioners to be elected.

To be trustees of the sinking fund.

Vacancies.

SECTION 10. Chapter three hundred and fifty-nine of the acts of the year eighteen hundred and eighty-nine is hereby repealed.

Repeal of 1889, 359.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town

Subject to acceptance by a two-thirds vote

present and voting thereon at any legal town meeting called for the purpose within three years from its passage; but the number of such meetings shall not exceed two in any one year, and notice of such meetings shall be given at least seven days before the time fixed for holding the same.

*Approved May 23, 1890.*

**Chap.314** AN ACT TO AUTHORIZE SUBORDINATE LODGES OF THE INDEPENDENT ORDER ODD FELLOWS, UNDER THE JURISDICTION OF THE GRAND LODGE OF MASSACHUSETTS, TO HOLD AND TRANSMIT REAL AND PERSONAL ESTATE AS VOLUNTARY ASSOCIATIONS.

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

Subordinate lodges may hold and convey real and personal estate.

SECTION 1. Any subordinate lodge of the independent order odd fellows, duly chartered by and under the jurisdiction of the grand lodge independent order odd fellows of Massachusetts, may take, hold and convey real and personal estate in the name of such subordinate lodge as a voluntary association, under such rules and regulations as may be framed and prescribed therefor by said grand lodge.

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

*Approved May 23, 1890.*

**Chap.315** AN ACT TO AMEND AN ACT IN RELATION TO SAFE DEPOSIT, LOAN AND TRUST COMPANIES.

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

May advance money, on real property in this state, and on personal security. 1888, 413. 1889, 342.

SECTION 1. Every safe deposit, loan and trust company subject to the provisions of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-eight is hereby authorized, subject to the limitations of section one of said act and of chapter three hundred and forty-two of the acts of the year eighteen hundred and eighty-nine, to advance money or credits, whether capital or general deposits, on real property situated within this Commonwealth and on personal security, on terms that may be agreed upon, and also to invest its money or credits, whether capital or general deposits, in the stocks, bonds or other evidences of indebtedness of corporations; and all the rights and privileges necessary for the execution of such powers are hereby granted: *provided*, that no safe deposit, loan or trust company whenever incorporated shall as agent, buy, sell or negotiate any securities or evidences of debt on which said company may not lawfully advance money

Proviso.