

reservations, forfeitures and conditions therein contained to be enforced, and for that purpose may institute proceedings in the name of the Commonwealth, and may take possession of any premises for breach of condition of such lease, and after revesting the Commonwealth therewith may again lease the same.

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

*Approved April 8, 1902.*

AN ACT TO INCORPORATE THE SALEM SAFE DEPOSIT AND TRUST COMPANY. Chap.284

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

SECTION 1. Charles Sanders, George C. Vaughn, Joseph N. Peterson, William H. Gove, Ira Vaughn, King Upton, William S. Nichols, Francis Dane and E. Kendall Jenkins, their associates and successors, are hereby made a corporation by the name of Salem Safe Deposit and Trust Company, with a capital stock of not less than two hundred thousand dollars, with authority to establish and maintain a safe deposit, loan and trust company in the city of Salem; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to such corporations.

Salem Safe Deposit and Trust Company incorporated.

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

*Approved April 9, 1902.*

AN ACT TO AUTHORIZE THE TOWN OF SUNDERLAND TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER. Chap.285

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

SECTION 1. The town of Sunderland, after the purchase of the corporate property, rights and privileges of the Sunderland Water Company, as provided for in section eight of chapter one hundred and seven of the acts of the year eighteen hundred and eighty-four, may supply itself and its inhabitants with water for the extinguishment of fires and for domestic 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 therefor.

Town of Sunderland may supply itself with water, etc.

SECTION 2. Said town, for the purposes aforesaid, may take by purchase or otherwise and hold the waters of Sawmill brook in said town, and the waters which flow

May take certain waters, lands, etc.

into and from the same, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding, storing and preserving such water and for conveying the same to any part of said town, and for constructing and maintaining ponds; and may erect on the land thus taken, purchased 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 conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such ways 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 purposes of this act, said town may dig up any such lands, and, under the direction of the selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel.

May erect structures, lay pipes, etc.

Description of lands, etc., to be recorded.

SECTION 3. Said 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 are situated, a description thereof sufficiently accurate for identification, with a statement, signed by the water commissioners hereinafter provided for, of the purposes for which the same were taken, and of the damages awarded to each person or corporation.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation 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 authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with the town as to the amount thereof, or who is aggrieved by the doings of the said commissioners, may have the damages assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within three years after the taking of such land or other property or

the doing of other injury under 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 rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. 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 twenty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Sunderland 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 cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. Said 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. Said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting the 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 the loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of the loan and shall be used for no other purpose.

SECTION 6. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said town shall be extinguished.

SECTION 7. 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

Sunderland  
Water Loan.

Sinking fund.

May provide for  
annual pay-  
ments on loan.

Town to raise a  
certain sum by  
taxation an-  
nually.

on the bonds, notes or scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

May purchase interest in certain property, etc.

SECTION 8. Said town may contract with any person or corporation, and may purchase any interest in any property which may be deemed necessary to carry out the purposes of this act, and may hold such interest and property.

Penalty for corruption of water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority 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 whoever is convicted of any of the said wilful or wanton acts shall be punished by a fine of five hundred dollars or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment.

Water commissioners, election, terms, etc.

SECTION 10. Said town, after its acceptance of this act, shall at any legal meeting called for the purpose elect by ballot three persons, legal voters of said town, to be the board of water commissioners, to serve one for three years, one for two years and one for one year from the first day of May then next ensuing, and from the time of their election to the first day of said May; and thereafter the town shall annually elect in the same manner one person to serve on said board for the term of three years from the first day of May. Before entering on their duties said commissioners shall be sworn to the faithful performance thereof. All of said commissioners shall serve until their successors are elected and qualified. All the authority granted to said town by this act and not otherwise especially 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 from time to time impose by its vote, within the scope of its authority. Any vacancy occurring in said board from any cause may be filled temporarily by a majority vote of the selectmen of the town. The person so selected shall hold the office until the town fills the vacancy by ballot in the usual manner, which it may do at any special or annual town meeting duly

Vacancy.

warned for the purpose. A majority of said commissioners shall constitute a quorum for the transaction of any business. Quorum.

SECTION 11. Said commissioners shall have charge of the system of water works in said town, as aforesaid, and of all matters pertaining thereto; but no contract shall be made by them which requires the payment of money not provided by the town, or otherwise, for the purpose before the making of such contract. The lawful contracts of the commissioners shall be the contracts of said town. To have charge of system of water works, etc.

SECTION 12. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon by ballot, as provided by law, at a legal town meeting called for the purpose within five years after its passage; but the number of meetings so called in any one year shall not exceed three. The polls shall be kept open from twelve o'clock at noon until four o'clock in the afternoon. Subject to a two thirds vote.

SECTION 13. The indebtedness incurred under this act shall not be reckoned in determining the limit of indebtedness of the town under the provisions of section four of chapter twenty-seven of the Revised Laws. Indebtedness not to be reckoned in determining debt limit.

SECTION 14. In the event of the acceptance of this act as provided for in section twelve, said town shall as a condition precedent to taking any other action under this act, purchase all the corporate property and all the rights and privileges of the Sunderland Water Company and of the Williams Water Company, corporations now furnishing water to the inhabitants of said town, at prices which may mutually be agreed upon between said corporations and the town. In case said corporations or either of them and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. Town to purchase certain property, etc.

*Approved April 11, 1902.*