

tion except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. Said town shall leave any way so dug up in the city of Lawrence in a condition satisfactory to the city engineer of said city.

SECTION 2. No act shall be done under authority of the preceding section until plans of said outfall sewer with an outlet into the Merrimack river shall have been approved by the department of public health of the commonwealth, and no lands, water rights, rights of way, or easements outside the boundaries of the town of Andover shall be taken or acquired by said town until approved by the said department after notice to the cities and towns affected by said acquisition or taking and a public hearing by said department to all parties interested.

Plans, etc., to be approved by state department of public health.

SECTION 3. Any person injured in his property by any action of said town under this act may recover damages from said town under said chapter seventy-nine.

Recovery of damages.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, said town may from time to time borrow such sums as may be necessary not exceeding, in the aggregate, one hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Andover Sewer Loan, Act of 1923. Each authorized issue shall constitute a separate loan. Indebtedness under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

May borrow money.

Andover Sewer Loan, Act of 1923.

SECTION 5. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred thereunder unless said act shall first be accepted by vote of two thirds of the legal voters of the town of Andover present and voting thereon at a legal meeting called for that purpose within three years from the date of its passage.

To be submitted to voters, etc.

*Approved February 26, 1923.*

AN ACT VALIDATING THE ACCEPTANCE BY THE VOTERS OF THE TOWN OF GARDNER OF THE ACT INCORPORATING THE CITY OF GARDNER.

*Chap. 70*

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

SECTION 1. Chapter one hundred and nineteen of the acts of nineteen hundred and twenty-one, entitled "An Act to incorporate the city of Gardner", shall be deemed to have been duly and regularly accepted by a majority of the voters of the town of Gardner voting thereon under section fifty-three of said chapter one hundred and nineteen at the annual town election in the year nineteen hundred and twenty-two, notwithstanding that the question placed on the official ballot at said election did not conform to that set forth in said section fifty-three.

Acceptance by voters of Gardner of the act incorporating the city of Gardner, validated.

SECTION 2. No election or appointment and no act or proceeding of said city, or of any board, commission, officer or agent thereof, shall be deemed invalid by reason of any irregularity or informality attending the submission of said chapter one hun-

Elections, appointments, acts, etc., validated.

dred and nineteen to the voters of the town of Gardner, but all said elections, appointments, acts and proceedings, if otherwise in conformity to law, are hereby validated and confirmed.

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

*Approved February 28, 1923.*

*Chap. 71* AN ACT RELATIVE TO THE SALE OF LAND SUBJECT TO A CONDITIONAL LIMITATION OR REVERSION.

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

G. L. 183, § 49, amended.

Probate court may appoint trustees to convey, etc., land subject to remainder, conditional limitation, reversion, etc.

Section forty-nine of chapter one hundred and eighty-three of the General Laws is hereby amended by inserting after the word "devise" in the second line the following:—, conditional limitation, reversion,— so as to read as follows:— *Section 49.* If land is subject to a vested or contingent remainder, executory devise, conditional limitation, reversion or power of appointment, the probate court for the county where such land is situated may, upon the petition of any person having an estate or interest therein, either present or future, vested or contingent, and after notice and other proceedings as hereinafter required, appoint one or more trustees and authorize him or them to sell and convey such land or any part thereof in fee simple, if such sale and conveyance appears to the court to be necessary or expedient, or to mortgage the same for such an amount, on such terms and for such purposes as may seem to the court judicious or expedient; and such conveyance or mortgage shall be valid and binding upon all parties. *Approved February 28, 1923.*

*Chap. 72* AN ACT INCORPORATING THE WILBUR H. H. WARD EDUCATIONAL TRUST, INCORPORATED.

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

The Wilbur H. H. Ward Educational Trust, incorporated, incorporated.

SECTION 1. Ernest M. Whitcomb, Cady R. Elder and William T. Chapin, all of the town of Amherst, county of Hampshire and commonwealth of Massachusetts, trustees under the will and codicils of Wilbur H. H. Ward, late of said town of Amherst, and their successors in office as trustees appointed, in accordance with section four, are hereby made a corporation, under the name of The Wilbur H. H. Ward Educational Trust, Incorporated, with the right to receive and administer the bequests and endowments to them accruing under said will and codicils, which provide for assisting young men of good character, residents of said Hampshire county, who are pursuing a course of study at Massachusetts Agricultural College, or, if said college ceases to exist, at some other selected institution of learning located within this commonwealth, and who, in the opinion of said trustees and their successors, shall be worthy of such assistance, preference being given to young men who are residents of the town of Amherst.

Authorized to receive property, etc.

SECTION 2. The corporation is hereby authorized to receive all the rest and residue of the estate, both real and personal, of said Wilbur H. H. Ward remaining after payment of his debts,