

exercise all the rights, powers and authority granted to said city relative to the duties appertaining thereto.

SECTION 9. The said city may, for the purposes 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 beyond the limit of indebtedness fixed by law for said city. Such bonds, notes or scrip shall bear on the face thereof the words, Newburyport Sewer Loan, Act of 1889, shall be payable at the expiration of periods not exceeding thirty years from the date of issue and shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum: but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue of such bonds, notes or scrip and to the establishment of a sinking fund for the payment thereof at maturity.

Newburyport  
Sewer Loan,  
Act of 1889.

SECTION 10. This act shall take effect upon its passage.  
*Approved April 9, 1889.*

**Chap. 234** AN ACT RELATIVE TO THE RIGHTS OF A HUSBAND OR WIFE IN  
THE REAL ESTATE OF A DECEASED WIFE OR HUSBAND.

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

SECTION 1. Section seventeen of chapter one hundred and twenty-four of the Public Statutes is hereby amended so as to read as follows:— *Section 17.* When a husband or wife claims to be entitled under the provisions of section one or section three of this chapter to an estate in fee in the real estate of a deceased wife or husband, the probate court having jurisdiction of the estate of said deceased shall on a petition of any person in interest and after such notice to all parties interested as the court may order, give a hearing thereon, and if upon the hearing said court shall determine that said husband or wife is entitled to such an estate in fee, it shall enter a decree to that effect, which shall be binding upon all parties and privies thereto; and cause such estate in fee to be assigned and set out by metes and bounds in the same manner as in other partitions of lands of persons deceased, except that, when such assignments cannot be made without greatly injuring the residue of the estate or of some specific part thereof, an undivided portion of such

Rights of hus-  
band or wife in  
the real estate  
of deceased wife  
or husband.

real estate or of some part thereof may be set off instead of a specific part.

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

*Approved April 9, 1889.*

AN ACT TO PROVIDE FOR ESTABLISHING THE TERM OF OFFICE OF OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF LOWELL.

*Chap.235*

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

SECTION 1. The city of Lowell is authorized to fix and establish by ordinance the length of the term for which the officers and members of its fire department shall hold office.

Term of office of members of fire department.

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

*Approved April 9, 1889.*

AN ACT TO SUPPLY THE TOWN OF AVON WITH WATER

*Chap.236*

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

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

Town of Avon 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 Porter's brook or spring in said town or of any other stream or spring or artesian or driven wells within the limits of said town, and the water rights connected therewith; and may take, by purchase or otherwise, and hold all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; 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

May take and hold waters of Porter's brook.

May construct and lay down conduits.