

eighteen hundred and eighty-four is hereby amended by striking out the following words, "The said commissioners shall, with the superintendent, cause provision to be made for the employment of the prisoners; but no such provision shall be made without the approval of the governor and council"; also by striking out the words "the said commissioners shall endeavor to establish in said reformatory such industries as will enable prisoners employed therein to learn valuable trades", and inserting in place thereof the following words:—The superintendent of said reformatory, and the general superintendent of prisons, shall endeavor to establish in said reformatory such industries, within the provisions of the requirements of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven, as will enable prisoners employed therein to learn valuable trades. Section thirty of said chapter is amended by striking out so much thereof as requires the approval, by the commissioners of prisons, of bills incurred in carrying out the provisions of said chapter four hundred and forty-seven in said reformatory.

SECTION 8. So much of chapter two hundred and twenty of the Public Statutes as gives to the county commissioners or to the board of directors of public institutions of the city of Boston any authority or control over matters connected with the employment of prisoners in any house of correction is hereby repealed, and all such authority and control is hereby vested in the general superintendent of prisons and the master of such house of correction.

Amendment to  
P. S. 220.

SECTION 9. Three hundred copies of the report of the general superintendent shall be printed annually for his use.

Three hundred  
copies of report  
for superintendent.

SECTION 10. This act shall take effect upon its passage.

*Approved May 24, 1888.*

AN ACT TO SUPPLY THE TOWN OF MILLBURY WITH WATER.

*Chap. 404*

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

SECTION 1. The town of Millbury 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  
Millbury may  
supply itself  
with water.

May take water of ponds and water sources lying east of Blackstone river.

SECTION 2. The said town for the purposes aforesaid may take by purchase or otherwise and hold the water of any ponds or water sources within the limits of said town of Millbury and lying east of the Blackstone river, together with any water rights connected therewith, and also 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 of Millbury; 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 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 on such ways.

May erect buildings and other structures.

May dig up lands under direction of the selectmen of towns in which lands are situated.

To cause to be recorded in the registry of deeds a description of the land taken.

SECTION 3. The said town shall, within ninety 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 and district of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the water commissioners hereinafter provided for.

Town to pay damages.

SECTION 4. The said 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 things done by said town under the authority of this act, except that said town shall not be liable to pay any damages resulting from taking the water from any pond other than the Commonwealth itself would be legally liable to pay. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the

Parties failing to agree may have damages determined as when land is

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.

taken for  
highways.

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 and twenty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Millbury 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 and be countersigned by the water commissioners hereinafter provided for. The 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: *provided*, that such securities shall not be sold or pledged for less than the par value thereof. The said town, unless it avails itself of the provisions of section six, 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.

Millbury Water  
Loan not to  
exceed in the  
aggregate  
\$125,000.

Sinking fund to  
be established.

SECTION 6. The 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

May provide for  
annual propor-  
tionate pay-  
ments in lieu of  
sinking fund.

year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return required to state amount of sinking fund, etc., established.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

To raise annually by taxation sufficient to pay current expenses and interest.

SECTION 8. 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 and payments on the principal as may be required under the provisions of this act.

Town may contract with city of Worcester for a supply of water.

SECTION 9. The said town may contract with the city of Worcester for a supply of water necessary for the purposes of this act, on such terms as may be agreed upon between said town and the said city; and the said city of Worcester is authorized to contract for and furnish, from its water supply, water to said town, and to make the necessary connections of its conduits or pipes with the conduits or pipes of the said town: *provided*, that nothing herein contained shall be construed to compel the said city to make such connections or to furnish said water.

Proviso.

Penalty for wilfully corrupting or diverting water.

SECTION 10. 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 fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Board of water commissioners to be elected.

SECTION 11. The said town shall, after its acceptance of this act, 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 said town by this act, and not otherwise specifically 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.

To be trustees  
of sinking fund.

Vacancies in  
board.

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 at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Subject to  
acceptance by a  
two-thirds vote.

*Approved May 25, 1888.*

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AN ACT PROVIDING FOR SPECIAL JUDGMENTS IN CERTAIN CASES WHERE BONDS ARE GIVEN TO DISSOLVE ATTACHMENTS OR TO PROSECUTE REVIEWS.

*Chap. 405*

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

SECTION 1. Whenever any defendant in a civil action dissolves an attachment made in said action by giving bond as provided by the statutes of this Commonwealth and has already been, or afterwards is, discharged from his debts by proceedings in composition in insolvency under chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four and chapter three hundred and fifty-three of the acts of the year eighteen hundred and eighty-five, and where there has been no assignment in the insolvency proceedings, the court may at any time, upon motion, if it appears that the plaintiff is otherwise entitled to judgment in said action, enter a special judgment therein, and said judgment shall be deemed and taken to be a sufficient judgment within the meaning of chapter one hundred and sixty-one of the Public Statutes to enable the plaintiff to maintain an action

Special judgment in certain cases where bond is given to dissolve attachment.