

that the aggregate of expenses and liabilities incurred under the provisions of the original act of eighteen hundred and seventy-three, and this act as amendatory thereof, shall not exceed the sum of one million dollars.

Aggregate expense not to exceed \$1,000,000.

SECTION 2. The commissioners appointed under said chapter shall, as soon as a plan has been selected for said prison, proceed to make arrangements with the warden and inspectors of the state prison, for the employment of the prisoners in said institution, who are or may be unemployed, in the manufacture of the cell doors, and other iron work, or any part thereof, that may be required in the construction of the new prison.

Prisoners in state prison to be employed in manufacture of cell doors and other iron work.

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

Approved May 22, 1874.

AN ACT TO SUPPLY THE TOWN OF MARLBOROUGH WITH PURE WATER.

Ch. 256.

Be it enacted, &c., as follows:

SECTION 1. The town of Marlborough is authorized to take and hold the waters of Gatic Pond, in said town, and the waters which flow into the same, together with any water-rights connected therewith, and may take and hold by purchase or otherwise, such land around the margin of said pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may take and hold such lands as are necessary for maintaining dams and reservoirs for the storage of said waters, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through said town of Marlborough.

Marlborough may take water from Gatic Pond.

SECTION 2. Said town of Marlborough shall, within sixty days from the time of taking any land, as aforesaid, file in the registry of deeds for the county of Middlesex, a description of the land so taken, sufficiently accurate for identification, and state the purposes for which it is taken, and the title of all land so taken shall vest in said town. Any person injured in his property under this act, and failing to agree with said town as to the amount of damages, may have the same assessed and determined in the same manner as is provided where land is taken for highways; but no assessment of damages shall be made for the taking of any water-rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town, under the authority of this act.

To file in registry of deeds a description of the land taken.

May construct
dams and reser-
voirs.

SECTION 3. Said town of Marlborough may construct dams, reservoirs and aqueducts, and maintain the same by any works suitable therefor. Said town of Marlborough may also carry its conduits, pipes and drains over or under any water-course, street, railroad, highway or other way in such a manner as not to obstruct the same, and may enter upon and dig up any road or way in such a manner as to cause the least hindrance to the travel thereon; and in general may do any other acts and things necessary, convenient or proper for the carrying out of this act.

Penalty for
polluting the
water.

SECTION 4. Whoever wilfully corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said town 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 acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Marlborough
water loan not
to exceed
\$150,000.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, said town of Marlborough, through its treasurer, may issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Marlborough Water Loan," to an amount not exceeding one hundred and fifty thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually: the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates of debt respectively. Said town may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as it may deem proper. Said town is further authorized to make appropriations, and assess from time to time, such amounts as may be necessary to pay the interest on said loans, together with an amount not exceeding in any one year the sum of five thousand dollars, towards payment of the principal of the money so borrowed; except the year in which said principal becomes due.

Three commis-
sioners to be
elected.

SECTION 6. At any meeting of the inhabitants of the town of Marlborough, called for that purpose, three commissioners shall be elected by ballot; one for the term

of three years, one for the term of two years, and one for the term of one year from the next succeeding annual town meeting, and at each annual town meeting thereafter, a commissioner shall be chosen to serve for the full term of three years. All the authority granted to the town of Marlborough by this act and not specifically provided for shall be vested in said commissioners, who shall receive such compensation as said town may, from time to time determine.

SECTION 7. Said water commissioners shall so establish the rents for the use of said water as to provide annually from the net income for the payment of the interest on the "Marlborough Water Loan," and also, after five years from the introduction of said water, for the further payment of not less than one per centum of the principal of said loan. The net surplus, after deducting all interest and expenses, shall be set apart as a sinking fund and applied solely to the payment of the principal of said water loans until the same are fully paid and discharged. Said water commissioners shall be trustees of said sinking fund, and shall annually, or as often as said town may require, render an account of all the doings in relation thereto.

Commissioners to establish rents for use of water.

Sinking fund to be established.

SECTION 8. At any time after the expiration of five years from the introduction of said water, and before the reimbursement of the principal of said "Marlborough Water Loan," if the net income from said water rents, at the rates established by the water commissioners, shall, for any two successive years be insufficient to pay the accruing interest on said loan, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, upon the petition of twenty-five or more legal voters of said town, shall appoint three commissioners, who, upon due notice to the parties interested, may increase the price of said water so far as may be necessary for the purposes aforesaid, but no further; and the award of said commissioners, or the major part of them, being returned and accepted by said court at the next term thereof, shall be binding and conclusive for not less than three years next after its acceptance.

If after five years the receipts are not sufficient to pay interest, &c., water rates may be increased.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, if, on being notified of such use, he does not object thereto.

Occupant and owner liable for water rates.

Act void unless accepted within five years, by two-thirds vote.

SECTION 10. This act shall take effect upon its passage, and shall become void unless accepted within five years, at an annual meeting, by a two-thirds vote of the town.

Approved May 22, 1874.

Ch. 257. AN ACT TO CONFIRM THE ORGANIZATION OF THE AMERICAN WHIP COMPANY.

Be it enacted, &c., as follows :

American Whip Co., organization confirmed.

SECTION 1. The acts and proceedings of the persons who associated themselves in the year eighteen hundred and seventy for the purpose of forming a corporation under the title of the American Whip Company, and all other acts and proceedings of said corporation so far as the same may be defective or invalid in consequence of assuming said name, are hereby ratified and confirmed and said corporation shall hereafter be known as the American Whip Company.

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

Approved May 22, 1874.

Ch. 258. AN ACT RELATING TO THE JURISDICTION OF TRIAL JUSTICES OF JUVENILE OFFENDERS IN SUFFOLK COUNTY.

Be it enacted, &c., as follows :

Trial justices, &c., in Suffolk to have exclusive jurisdiction of offences committed by minors under seventeen years of age.

SECTION 1. The trial justices of juvenile offenders of Suffolk County shall have exclusive jurisdiction of all offences committed in said county against the laws of the Commonwealth, by minors under seventeen years of age, and may impose such punishment as the said laws now or hereafter in force, may provide for such offences, except when the laws provide that an offence may be punished by death or imprisonment for life. The defendant in all cases shall have the right of appeal in manner now provided by law in criminal cases.

Commitment of an insane person.

SECTION 2. When application is made to a trial justice of juvenile offenders in Suffolk County for the commitment of any insane person, if an officer representing the Commonwealth, the county of Suffolk or the city of Boston, or any person in behalf of such insane person shall so request in writing, any two of said justices shall, together, hear and determine such application, under the provisions of law now governing the hearing of such matters before judges of probate courts.

Boston to provide convenient place for trials.

SECTION 3. The city of Boston shall provide some convenient place for the trial of juvenile offenders and for hearing applications for the commitment of insane persons