

Chap. 93 AN ACT TO EXTEND THE CHARTER OF THE REAL ESTATE AND BUILDING COMPANY.

Be it enacted, etc., as follows:

Charter extended.

The Real Estate and Building Company, incorporated by chapter twenty-two of the acts of eighteen hundred and sixty-one, the charter of which was extended by chapter forty-three of the acts of eighteen hundred and eighty, shall be and remain a corporation for a further term of ten years after the expiration of its present charter, and shall, during said further term, have the powers and privileges, and be subject to the duties, liabilities and restrictions, set forth in its charter and in all general laws which are or may be in force relating to such corporations, except that nothing herein contained shall be so construed as to grant said corporation authority to purchase additional land.

Approved March 24, 1885.

Chap. 94 AN ACT RELATIVE TO THE EMPLOYMENT OF PRISONERS IN THE REFORMATORY PRISON FOR WOMEN, AND TO THE ESCAPE OF PRISONERS FROM SAID PRISON OR LAND APPURTENANT THERETO.

Be it enacted, etc., as follows:

Employment of prisoners.

SECTION 1. The superintendent of the Reformatory Prison for Women may employ upon the lands appurtenant to said prison, or in any building situated upon said land, any prisoner held in said prison.

Penalty for escape.

SECTION 2. Whoever, being held in said prison, escapes or attempts to escape therefrom, or being taken from said prison for any purpose escapes or attempts to escape from the land appurtenant to said prison, shall be punished by imprisonment in said prison or in the house of correction within the county of Middlesex not exceeding two years.

Jurisdiction.

SECTION 3. The first district court of Southern Middlesex shall have jurisdiction concurrent with the superior court of offences arising under this act.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1885.

Chap. 95 AN ACT TO SUPPLY THE TOWN OF CANTON WITH WATER.

Be it enacted, etc., as follows:

Water supply for Canton.

SECTION 1. The town of Canton may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fount-

ains and hydrants, re-locate 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.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the waters of Beaver Hole Meadow Brook, at any point in its course within the towns of Sharon or Canton, and of Knowles' Brook, so called, being one of the tributaries of the east branch of the Neponset River, at any point in its course within the towns of Stoughton or Canton, 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 Canton, 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.

Town may take waters of Beaver Hole Meadow Brook.

May erect dams and other structures.

May dig up lands.

SECTION 3. The 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 of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of lands, etc., taken to be filed and recorded in registry of deeds.

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 thing done by

Damages to be paid by the town.

said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the 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.

Application for damages not to be made until water is actually diverted.

Canton Water Loan.

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 fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Canton 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. The said town 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.

Sinking fund to be established.

May provide for annual proportionate payments instead of establishing sinking fund.

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

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.

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.

Return to be made of amount of sinking fund, etc., established.

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.

Payment of annual expenses and interest.

SECTION 9. The said town may purchase from the owner of any aqueduct or water pipes now used in furnishing water to the inhabitants of said town all the estate, property, rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May purchase any existing aqueduct.

SECTION 10. The said town is authorized to contract for and furnish, from its water supply, to the town of Sharon a supply of water for the use of the town of Sharon and its inhabitants, for the extinguishment of fires and for domestic and other purposes, on such terms as may be agreed upon between said towns, and to make the necessary connections of its conduits or pipes with the conduits or pipes of the town of Sharon: *provided*, that nothing herein contained shall be construed to compel the town of Canton to make such connections, or to furnish said water.

May supply town of Sharon with water.

SECTION 11. The said town may, at a legal town meeting called for that purpose, by a vote of said town, declare the quantity of water it proposes to take daily, and from what source, and the quantity of water so declared shall be held to be the measure and limit of the right of said town to take or divert the waters of such source, under this act.

Declaration of quantity of water to be taken.

Penalty for polluting water or injuring property.

SECTION 12. 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 a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Board of water commissioners to be elected.

SECTION 13. 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.

Vacancies in board.

Subject to acceptance by a two-thirds vote.

SECTION 14. 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.

Approved March 24, 1885.

Chap. 96

AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS HELD IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE.

Be it enacted, etc., as follows:

Proceedings confirmed.

SECTION 1. The town meetings for election of town officers held during the month of February in the year eighteen hundred and eighty-five in the towns of Prov-