

AN ACT RELATIVE TO THE VENUE OF CRIMES IN GENERAL. *Chap.340*
Be it enacted, etc., as follows:

Chapter two hundred and seventy-seven of the General Laws is hereby amended by inserting after section fifty-seven the following new section: — *Section 57A.* A defendant shall not be discharged for want of jurisdiction if the evidence discloses that the crime with which he is charged was actually committed without the county or the territorial jurisdiction of the court in which he is being tried; provided, that the attorney general or the district attorney petitions to the court before proceeding with the trial for leave to proceed, stating that he is in doubt from the state of the evidence then in his possession as to whether or not the crime was committed within the county or the territorial jurisdiction of the court, and the court after hearing said petition orders the trial to proceed. *Approved May 1, 1923.*

G. L. 277,
new section
after § 57.
Venue of
crimes in
general.

Proviso.

AN ACT ESTABLISHING THE HOUSATONIC FIRE AND WATER DISTRICT IN THE TOWN OF GREAT BARRINGTON. *Chap.341*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Great Barrington residing in precinct B of said town are hereby made a body corporate by the name of the Housatonic Fire and Water District, for the purpose of supplying said district with water for the extinguishment of fires and for domestic and other purposes. Said district may construct sidewalks, including curbstones, upon the public streets and highways of said district, and may repair the same, and may construct and maintain in said district such main drains and common sewers as it shall by vote adjudge to be necessary for the public convenience or public health, but no work shall be done on or in the streets of the town of Great Barrington by the officers of said district except with the approval of the board of selectmen of said town. All general laws now or hereafter in force relating to fire and water districts and relating to the construction of sidewalks and sewers by towns, except as herein provided, shall apply to said district.

Housatonic
Fire and
Water District,
established.

May construct,
etc., sidewalks,
drains,
common
sewers, etc.

Subject to
certain general
laws, etc.

SECTION 2. For the purposes aforesaid, said district, acting by and through its board of water commissioners hereinafter provided for, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the water of any pond or stream, or of any ground sources of supply, not already acquired for public uses, by means of driven, artesian or other wells, within the limits of the town of Great Barrington; provided, that the amount of water which shall be taken shall from time to time be determined by vote of the district. For the purposes aforesaid, said district, acting by and through said water commissioners, may also so take, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided,

May take
certain
waters, etc.

Proviso.

May take
certain
lands, etc.

Proviso.

that no source of water supply and no lands necessary for preserving the quality of the water shall be taken or used without first obtaining the advice and approval of the department of public health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of the said department. Said district may construct on the lands acquired and held under this act proper dams, reservoirs, stand-pipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways, and along such ways in the town of Great Barrington in such manner as not unnecessarily to obstruct the same. For the purpose of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; and all things done upon any such way shall be subject to the direction of the selectmen of said town. Said district shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, 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. Subject to and in accordance with the provisions of section nine of chapter two hundred and sixty-two of the acts of eighteen hundred and eighty-four, and acts in amendment thereof and in addition thereto, said district may purchase the franchise, corporate property and all the rights and privileges of the Housatonic Water Works Company, incorporated by chapter two hundred and twenty-nine of the acts of eighteen hundred and ninety-seven.

SECTION 3. For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, the said district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Housatonic Fire and Water District Loan, Act of 1923. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

SECTION 4. The said district shall, at the time of authorizing the said loan or loans provide for the payment thereof in accordance with section three; and when a vote to that effect has been passed, a sum which, with the income derived from water

May construct
dams, reser-
voirs, etc.

Requirements
for entry
upon railroad
locations.

May purchase
franchise,
etc., of
Housatonic
Water Works
Company.

May issue
bonds, etc.

Housatonic
Fire and
Water District
Loan, Act
of 1923.

Payment of
loans.

rates, will be sufficient to pay the annual expense of operating the water works and interest as it accrues on bonds or notes issued as aforesaid and to make such payments on the principal as may be required under this act, shall, without further vote, be assessed upon the said district by the assessors of the town of Great Barrington annually thereafter, until the debt incurred by said loan or loans is extinguished.

SECTION 5. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as it shall deem for the best interest of the district.

Land taken, etc., to be managed, etc., by board of water commissioners.

SECTION 6. Any person injured in his property by any action of said water commissioners under this act may recover damages from said district under said chapter seventy-nine; provided, that the right to damages for the taking of any water or water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said district under authority of this act.

Injuries to property, recovery of damages, etc. Proviso.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Great Barrington who shall assess the same on said district in the same manner in all respects in which town taxes are required by law to be assessed. The assessments shall be committed to the town collector who shall collect the tax in the manner provided for the collection of town taxes, and shall deposit the proceeds with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the same manner in which interest is authorized to be collected on town taxes.

Assessment and collection of taxes.

SECTION 8. A meeting of the voters of precinct B in said town shall be called, on petition of ten or more legal voters in said precinct, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. One of the petitioners shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator, the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority of the voters present and voting thereon it shall take full effect, and the meeting may then proceed to act upon the other articles contained in the warrant.

First meeting, how called, etc.

Question of acceptance of the act.

SECTION 9. Said district shall, at the same meeting at which this act is accepted and after such acceptance, elect by ballot a district clerk and a district treasurer, who may be the same person, to hold office until one year from the next succeeding annual meeting, and at each annual meeting after the first, their successors shall be elected by ballot for one year; and there shall also be elected by ballot three persons to hold office, one until three years, one until two years, and one until one year, from the next succeeding annual meeting, to constitute a board of water commissioners. At each annual meeting after the first,

District clerk, district treasurer and board of water commissioners, election, powers, etc.

one such commissioner shall be elected by ballot for three years. All officers of the district shall hold office until their successors are elected and qualified. All the authority granted to said district by this act, and not otherwise specifically provided for, shall be vested in the board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may impose by its vote. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the district at any legal meeting called for the purpose. No money shall be drawn from the district treasury except upon the written order of a majority of the board.

Vacancy in board, etc.

Commissioners to fix water rates, etc.

Net surplus, how used.

Annual report.

Adoption of by-laws, calling of meetings, etc.

To have certain rights, etc.

Penalty for polluting water, etc.

Time of taking effect, etc.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be used to defray all operating expenses, interest charges and payments on principal as they become due upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as said commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by said commissioners except from the net surplus aforesaid, unless the district appropriates and provides money therefor. All authority vested in said commissioners by the foregoing provisions of this section shall be subject to the provisions of section nine. Said commissioners shall annually, and as often as the district may require, render to the district a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified; and upon the application of ten or more legal voters in the district, meetings may also be called by warrant from a justice of the peace as provided in section eight. Said district may also choose such other officers, not provided for in this act, as it may deem necessary or proper. Said district shall have all the rights and privileges conferred by law upon water districts and fire districts.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, stand-pipe, aqueduct, pipe or other property, owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

SECTION 13. For the purpose of its submission for acceptance, this act shall take effect upon its passage; but it shall be void

unless such acceptance occurs within three years after its passage and the district, under its provisions, shall begin the distribution of water within four years after its passage.

Approved May 1, 1923.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN COUNTIES, FOR INTEREST AND DEBT REQUIREMENTS, FOR CERTAIN PERMANENT IMPROVEMENTS, AND GRANTING A COUNTY TAX FOR SAID COUNTIES. Chap. 342

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The following sums are hereby appropriated for the counties hereinafter specified for the year nineteen hundred and twenty-three. No direct drafts against the account known as the reserve fund shall be made, but transfers from this account to other accounts may be made to meet extraordinary or unforeseen expenditures upon the request of the county commissioners and with the approval of the director of accounts. Appropriations for maintenance of certain counties, for interest and debt requirements, for certain improvements, etc.

SECTION 2.

Barnstable County.

| Item | | Appropriations etc., and county tax, Barnstable. |
|--|------------|--|
| 1 For interest on county debt, a sum not exceeding nine thousand dollars | \$9,000 00 | |
| 2 For reduction of county debt, a sum not exceeding twenty-eight thousand nine hundred thirty-one dollars and sixty-two cents | 28,931 62 | |
| 3 For salaries of county officers and assistants, fixed by law, a sum not exceeding thirteen thousand dollars | 13,000 00 | |
| 4 For clerical assistance in county offices, a sum not exceeding four thousand dollars | 4,000 00 | |
| 5 For salaries and expenses of district courts, a sum not exceeding eleven thousand dollars | 11,000 00 | |
| 6 For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding seven thousand dollars | 7,000 00 | |
| 7 For criminal costs in the superior court, a sum not exceeding five thousand dollars | 5,000 00 | |
| 8 For civil expenses in the supreme judicial and superior courts, a sum not exceeding three thousand dollars | 3,000 00 | |
| 10 For transportation expenses of county and associate commissioners, a sum not exceeding one thousand dollars | 1,000 00 | |
| 11 For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars | 2,000 00 | |
| 12 For auditors, masters and referees, a sum not exceeding one thousand dollars | 1,000 00 | |
| 14 For repairing, furnishing and improving county buildings, a sum not exceeding three thousand dollars | 3,000 00 | |
| 15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding seven thousand five hundred dollars | 7,500 00 | |