

Determination and assessment of additional construction cost.	of Article LXII of the amendments to the constitution. The additional construction cost incurred under the provisions of this section, including interest, shall be determined and assessed in accordance with the provisions of section five relative to the Essex street-Brookline street-Cottage Farm bridge and approaches.
Maximum cost of construction of certain other bridges over Charles River Basin.	SECTION 3. Notwithstanding the provisions of section four of said chapter four hundred and ninety-seven, the maximum cost of construction, as defined in said section four, of the bridge between Watertown and Boston, the Western avenue bridge and the River street-Brighton street bridge, severally authorized to be constructed by said chapter, shall be two hundred thousand dollars, three hundred and twenty-five thousand dollars and three hundred thousand dollars, respectively; provided, that nothing in this section shall authorize any further borrowing on the credit of the commonwealth.
Proviso.	<i>Approved May 8, 1926.</i>

Chap. 328 AN ACT TO ESTABLISH THE COTUIT FIRE DISTRICT IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

Cotuit Fire District in town of Barnstable, established.	SECTION 1. The inhabitants of the town of Barnstable residing in the territory known as precinct seven, as described in the records of the town clerk of said town and as shown by a map now on file in the office of the selectmen thereof, and liable to taxation in said town, shall constitute a fire district, and are hereby made a body corporate by the name of Cotuit Fire District; and said corporation, except as herein otherwise provided, shall have all the powers and be subject to all the duties and liabilities set forth in all general laws now or hereafter in force relating to fire districts.
Powers, duties, etc.	SECTION 2. The said district may make contracts for the purchase of engines and other apparatus and articles necessary for the extinguishment of fires, for hydrant and water service, for lighting its streets and other public places with gas or electricity, for the construction and maintenance of sidewalks and for any other thing that may lawfully be done by said district.
May make certain contracts.	SECTION 3. The prudential committee of the said district may employ and pay policemen and watchmen for the protection of property and persons and for patrolling the streets of said district.
Policemen and watchmen, employment, etc.	SECTION 4. Said district may, at meetings called for the purpose, raise money by taxation for any of the purposes for which fire districts may, under general laws now or hereafter in force, raise money, and for all other purposes necessary or proper under the provisions of this act.
May raise money by taxation, etc.	SECTION 5. The first meeting of said district shall be called on petition of five or more legal voters therein by warrant from the selectmen of the town of Barnstable, or from a justice of the peace directed to one of the petitioners
First meeting, how called, etc.	

requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district seven days at least before the time of 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. The meeting may then proceed to act on the other articles contained in the warrant.

Presiding officers, etc.

SECTION 6. This act shall take effect upon its acceptance by a majority of the legal voters of said district present and voting at a meeting called for that purpose in accordance with the provisions of section five of this act, within six years after the passage of this act. If voted upon and not accepted, it may be resubmitted at subsequent district meetings, legally called for the purpose; provided, that it shall not be voted upon by the district more than three times in any one year.

Submission to voters of district, etc.

Proviso.

Approved May 8, 1926.

AN ACT RELATIVE TO CERTAIN APPEALS IN FELONY CASES AND PROVIDING FOR THE ELIMINATION OF DELAY IN ALL FELONY AND CERTAIN OTHER CRIMINAL CASES.

Chap. 329

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three A of chapter two hundred and seventy-eight of the General Laws, inserted by section one of chapter two hundred and seventy-nine of the acts of nineteen hundred and twenty-five, is hereby amended by inserting after the word "manslaughter" in the third line, the words: —, or upon an indictment or complaint for any other felony by order of a justice of the superior court made subject to this and the six following sections as provided in section thirty-one, — so as to read as follows: —
Section 33A. In any proceedings or trial upon an indictment for murder or manslaughter, or upon an indictment or complaint for any other felony by order of a justice of the superior court made subject to this and the six following sections as provided in section thirty-one, the evidence shall be taken by an official stenographer or by a stenographer appointed by the court, and transcribed in such number of copies as the court may direct. The evidence transcribed shall be designated as the "Transcript of the Evidence", shall be certified by the stenographer and shall, with such corrections as are made therein by direction of the court, be regarded as a true record of the evidence. Alleged errors in the transcript of the evidence must be seasonably called to the attention of the court. Exceptions taken during the proceedings and trial shall be numbered consecutively in the transcript of the evidence.

G. L. 278, § 33A, etc., amended.

Murder, manslaughter and certain other felony cases, taking of evidence upon indictment or complaint, etc.

"Transcript of the Evidence", certification, etc.

SECTION 2. Section thirty-three B of said chapter two hundred and seventy-eight, inserted by section one of said chapter two hundred and seventy-nine, is hereby amended by inserting after the word "manslaughter" in the second line the words: —, or other felony made subject to sections thirty-three A to thirty-three G, inclusive, as aforesaid, —

G. L. 278, § 33B, etc., amended.

Chap. 243 AN ACT CHANGING THE BASIS OF CONTRIBUTIONS BY MEMBERS IN COUNTY RETIREMENT SYSTEMS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 32, § 24,
amended.

Basis of
contributions.

Section twenty-four of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the twelfth line, the word "thirty" and inserting in place thereof the word: — thirty-five, — so that paragraph A, in lines eight to fourteen, as so appearing, will read as follows: —

A. *Deposits by Members.* — Each member shall deposit in this fund from his wages or salary, as often as the same is payable, not less than one nor more than five per cent of the amount of his wages or salary, as determined by the board under section twenty-three (5); provided, that employees receiving more than thirty-five dollars weekly in wages or salary shall not be assessed for contributions to this fund on the excess above that amount.

Approved May 4, 1935.

Chap. 244 AN ACT AUTHORIZING THE COTUIT FIRE DISTRICT TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER FOR THE EXTINGUISHMENT OF FIRES AND FOR DOMESTIC USE.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and twenty-eight of the acts of nineteen hundred and twenty-six is hereby amended by adding at the end the following new sentence: — It may also 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, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. Section three of said chapter three hundred and twenty-eight is hereby amended by adding at the end the following new sentence: — No money shall be drawn from the treasury of said district to pay any expense of, or to discharge any liability incurred on account of, its system of water supply unless and until approved in writing by a majority of the board of water commissioners hereinafter provided for and authorized by a majority of said prudential committee.

SECTION 3. Said chapter three hundred and twenty-eight is hereby further amended by inserting after section five the eight following new sections: — *Section 5A.* For the purposes set forth in the second sentence of section two, said district, acting by and through its board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the

same being hereby granted, and/or take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring or stream or of any ground water sources by means of driven, artesian or other wells or filter galleries, within the limits of said district, not already appropriated for purposes of a public water supply, and the water rights connected with any such water sources; and also may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said district; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be so taken or used without first obtaining the advice and approval of the state department of public health, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works as may be necessary in carrying out the provisions of sections five A to five H, inclusive, shall be subject to the approval of said department. Said district may construct and maintain on the lands acquired and held under authority of said sections proper dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also the establishment and maintenance of purification and treatment works which shall be subject to the approval of said department, 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, 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 any such way in said district in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all other proper purposes of said sections, 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 thereon; provided, that all things done upon any such way shall be subject to the direction of the selectmen of said town. Said district may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any works or for any other purpose authorized by said sections. Said district shall not enter upon, construct or lay any aqueducts, 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.

Section 5B. The land, water rights and other property taken or acquired under sections five A to five H, inclusive, and all works, buildings and other structures erected or constructed thereunder, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said commissioners by this section shall be subject to the provisions of section five G.

Section 5C. Any person sustaining damage in his property by any taking under sections five A to five G, inclusive, or any other thing done under authority thereof, may recover damages from said district under said chapter seventy-nine; provided, that the right to damages for the taking of any water, water source or water right, or for any injury thereto, shall not vest until water is actually withdrawn or diverted by said district under authority of said sections.

Section 5D. For the purpose of paying the necessary expenses and liabilities incurred or to be incurred for the system of water supply under the provisions of sections five A to five H, inclusive, other than expenses of maintenance and operation, said district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Cotuit Fire District Water Loan, Act of 1935. 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 said sections shall be subject to chapter forty-four of the General Laws.

Section 5E. Said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section five D; and when a vote to that effect has been passed a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating its water works or the purchasing of water, as the case may be, and the maintenance of its pipe lines, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of sections five A to five H, inclusive, shall without further vote be assessed upon said district by the assessors of the town of Barnstable annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

Section 5F. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under sections five A to five H, inclusive, or wilfully or wantonly

injures any dam, well, reservoir, pumping or filtration plant, building, standpipe, tank, fixture or other structure, or other property owned, held or used by said district under authority and for the purposes of said sections, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year.

Section 5G. Said district shall, after its acceptance of sections five A to five H, inclusive, either at the same meeting at which they are accepted or at a meeting thereafter 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 day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual district meeting subsequent to such next succeeding annual district meeting one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by said sections, except sections five D and five E, 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 district may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any annual or special district meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual meeting of said district or until another person is qualified.

Section 5H. 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 appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of section five D. If there should be a net surplus remaining after providing for the aforesaid charges it may be appropriated for such new construction as the water commissioners, with the approval of the district, may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. All authority vested in said commissioners by the foregoing provisions of this section shall be subject to the provisions of section five G. Said commissioners shall annually, and as often as

said district may require, render 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 4. This act shall take effect upon its acceptance by a majority vote of the voters of the Cotuit fire district present and voting thereon at a district meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three.

Approved May 4, 1935.

Chap. 245 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO BUILD AND EQUIP A NURSES' HOME AT THE NORFOLK COUNTY TUBERCULOSIS HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The Norfolk county commissioners are hereby authorized to raise and expend a sum not exceeding one hundred thousand dollars, subject to the provisions of sections seventy-eight to eighty-nine, inclusive, of chapter one hundred and eleven of the General Laws, for the purpose of building and equipping a nurses' home at the Norfolk county tuberculosis hospital, a hospital for the treatment of persons afflicted with tuberculosis, in the town of Braintree.

SECTION 2. The provisions of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, whereby cities and towns, and fire, water, light and improvement districts, may secure the benefits provided by the National Industrial Recovery Act and acts in amendment thereof and in addition thereto, are hereby extended and made applicable to the county of Norfolk for the purposes of the work contemplated by this act, and the county commissioners of said county may, with the consent of the governor, take any and all steps necessary from time to time to enable said county to secure for said purposes any benefits to which said county may be entitled under said National Industrial Recovery Act and acts in amendment thereof and in addition thereto.

SECTION 3. This act shall take effect upon its acceptance during the current year by the county commissioners.

Approved May 4, 1935.

Chap. 246 AN ACT EXEMPTING THE CORPORATION KNOWN AS THE DISABLED AMERICAN VETERANS OF THE WORLD WAR FROM CERTAIN PROVISIONS OF LAW RELATIVE TO REGISTRATION AND THE FILING OF ANNUAL REPORTS.

Be it enacted, etc., as follows:

Section twelve A of chapter one hundred and eighty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth