

HOUSE No. 152

Bill accompanying the petition of Emerson H. Stoddard and others that a portion of the town of Brookfield be set off and incorporated as the town of East Brookfield. Towns. January 9.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty.

AN ACT

To set off and incorporate a Part of the Town of Brookfield as the Town of East Brookfield.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. All the territory now within the town of
2 Brookfield which is bounded easterly by the town of
3 Spencer; northly by the town of North Brookfield;
4 westerly beginning at a point in the southerly line of
5 North Brookfield near the Conrad Harper place, so-called,
6 on the southerly side of the highway, at the point where
7 Moore's brook, so-called, crosses the highway, thence
8 southerly by said Moore's brook to Dunn brook, so-
9 called, thence in a southerly direction by said Dunn brook
10 to its junction with Quaboag river, thence southeasterly
11 by Quaboag river to its inlet into the Quaboag pond, so-
12 called, thence by the center line between the shores of

13 Quaboag pond to the outlet of it, thence southerly by the
14 outlet stream of Quaboag pond to its entrance into Qua-
15 cumquasit lake, thence by the center line between the
16 shores of said lake to its junction with the northerly line
17 of the town of Sturbridge; and on the south by the
18 northerly line of the town of Sturbridge and the town of
19 Charlton, is hereby incorporated as a separate town to
20 be known as the town of East Brookfield, and the said
21 town of East Brookfield is hereby vested with all the
22 powers, privileges, rights and immunities, and subjected
23 to all the duties and obligations conferred or imposed
24 upon towns by the constitution and laws of the common-
25 wealth.

1 SECTION 2. The inhabitants of and the estates within
2 the town of East Brookfield, and the owners of all such
3 estates, shall be holden to pay all arrears of taxes which
4 have legally been assessed upon them by the town of
5 Brookfield, and all taxes heretofore assessed and not col-
6 lected shall be collected and paid to the treasurer of the
7 town of Brookfield, and all moneys now in the treasury
8 of the town of Brookfield, or that may hereafter be re-
9 ceived from taxes now assessed, shall be applied to the
10 purposes for which they were raised and assessed in the
11 same manner as if this act had not been passed; and until
12 the next state valuation the town of East Brookfield shall
13 annually in the month of November pay to the town of
14 Brookfield its proportion of such state and county taxes
15 as may be assessed upon the town of Brookfield, said
16 proportion to be ascertained and determined by the last
17 valuation of the town of Brookfield, and the assessors of
18 the town of Brookfield shall make returns of said valu-
19 ation and the proportions thereof in the towns of Brook-
20 field and East Brookfield, respectively, to the tax com-
21 missioner of the commonwealth and to the county com-

22 missioners of the county of Worcester. In the distribu-
23 tion of taxes for the year nineteen hundred and twenty-
24 one, under section twenty-three of chapter two hundred
25 and sixty-nine of the General Acts of the year nineteen
26 hundred and sixteen and amendments thereto, the treas-
27 urer and receiver general shall pay to the town of Brook-
28 field an amount equal to the difference between the
29 amount of the tax levied upon personal property in the
30 year nineteen hundred and sixteen in that part of the
31 said town which then constitutes said town and the
32 amount computed by the tax commissioner that would
33 be produced by a tax upon the personal property actually
34 assessed in said town for the year nineteen hundred and
35 twenty-one, at the same rate of taxation which prevailed
36 in the town of Brookfield in the year nineteen hundred
37 and twenty, and shall pay to the town of East Brookfield
38 an amount equal to the difference between the amount of
39 the tax levied upon personal property in that part of the
40 town of Brookfield which is then the town of East Brook-
41 field in the year nineteen hundred and sixteen and the
42 amount computed by the tax commissioner that would be
43 produced by a tax upon the personal property actually
44 assessed in the town of East Brookfield for the year nine-
45 teen hundred and twenty-one, at the same rate of taxa-
46 tion which prevailed in the town of Brookfield in the
47 year nineteen hundred and twenty.

1 SECTION 3. The towns of Brookfield and East Brook-
2 field shall be liable, respectively, for the support of all
3 persons now or hereafter needing relief as paupers, whose
4 settlement was gained either by original acquisition or by
5 derivation within their respective limits; and the town
6 of East Brookfield shall pay annually to the town of
7 Brookfield such proportion of all costs for the support or

8 relief of those persons now or hereafter needing relief or
9 support as paupers, whose settlement by original acqui-
10 tion or by derivation was gained by reason of military
11 service as a part of the quota of the town of Brookfield,
12 or who cannot be located on the side whence their set-
13 tlement was derived, as the valuation of the town of East
14 Brookfield shall bear to that of the town of Brookfield
15 according to the last state valuation prior to the giving
16 of such relief or support.

1 SECTION 4. All suits and proceedings at law or in
2 equity where the cause of action in favor of or against
3 the town of Brookfield arose before the passage of this
4 act, shall be instituted and prosecuted or defended by the
5 town of Brookfield with the same effect as if this act had
6 not been passed, and the amount recovered in any such
7 suit or proceeding by or against the town of Brookfield
8 shall be received or paid as the case may be by the town
9 of Brookfield, and, with the addition of costs, expenses
10 and counsel fees, shall be divided between the towns of
11 Brookfield and East Brookfield in proportion to the last
12 valuation prior to the passage of this act.

1 SECTION 5. The corporate property of the town of
2 Brookfield, both real and personal, in being at the time of
3 the passage of this act, and the town debts then existing
4 shall be divided between the towns of Brookfield and
5 East Brookfield, according to the valuation of the town
6 property within their respective limits April first, nine-
7 teen hundred and twenty. The towns shall severally re-
8 tain and hold all the real estate and personal property
9 now within their respective limits at a valuation to be
10 agreed upon by a committee consisting of six legal voters,
11 three to be chosen by each town at a legal meeting to be

12 called for the purpose; and the difference in valuation
13 shall be equalized and balances adjusted by apportion-
14 ment of the town debt. In case of a failure to agree
15 upon a valuation and division of the assets and liabilities,
16 the same shall be determined by a board of three com-
17 missioners, none of whom shall be residents of either of
18 said towns, to be appointed by the superior court for the
19 county of Worcester, in term time or vacation, upon the
20 petition of either town after notice to the other, whose
21 award when accepted by the court shall be final, and the
22 said court may issue any return or make any order
23 thereon necessary to carry the award into effect. The
24 award may be set aside for fraud or manifest error, but
25 for no other cause, and the matters to be determined as
26 aforesaid may be recommitted to the same or other com-
27 missioners to be appointed for the purpose, with like
28 powers and duties as aforesaid.

1 SECTION 6. The town of East Brookfield, until it is
2 otherwise provided by law, shall continue to be a part of
3 the third congressional district, of the seventh councillor
4 district, of the Worcester-Hampden senatorial district,
5 and the fourth representative district of Worcester county,
6 and the inhabitants of said town shall vote for a member
7 of congress, councillor, senator and representative in said
8 districts, respectively, in the town of East Brookfield.
9 The selectmen and clerk of the town of East Brookfield
10 in each of said cases shall make returns as if said town
11 had existed at the time of the formation of said districts.
12 The town of East Brookfield until it is otherwise provided
13 by law shall continue to be a part of the judicial dis-
14 trict of the Western Worcester district court of Worcester
15 county.

1 SECTION 7. For the year nineteen hundred and twenty
2 the officers of the town of Brookfield in office on the first
3 day of May in that year shall, both for the town of
4 Brookfield and the town of East Brookfield, exercise the
5 powers and perform the duties conferred and imposed by
6 law upon such officers and they shall continue to provide
7 for both the town of Brookfield and the town of East
8 Brookfield for said year to the same extent as if said
9 town of East Brookfield had continued to be a part of
10 said town of Brookfield until their successors are chosen
11 and qualified and for the town of East Brookfield until
12 the officers of that town are elected. Section four hun-
13 dred and thirty of Part V of chapter eight hundred and
14 thirty-five of the acts of the year nineteen hundred and
15 thirteen shall not apply to this act. The said towns
16 shall call special meetings for the purpose of choosing a
17 committee for the apportionment of the assets and liabil-
18 ities as provided by section five of this act. The town
19 clerk of the town of Brookfield shall furnish a list of the
20 registered voters residing within the territorial limits of
21 the town of Brookfield and the town of East Brookfield,
22 which list shall be used at the said meetings. The town
23 clerk of the town of Brookfield shall keep an accurate
24 record of the transactions of the town meetings of Brook-
25 field and of East Brookfield for the calendar year nine-
26 teen hundred and twenty. The said town officers shall
27 provide for all primaries and elections to be held in the
28 town of Brookfield and in the town of East Brookfield
29 in the year nineteen hundred and twenty, and for this
30 purpose shall cause to be prepared lists of the registered
31 voters residing within the territorial limits of the town of
32 Brookfield and East Brookfield, respectively.

1 SECTION 8. Any justice of the peace residing in the
2 county of Worcester may issue his warrant directed to

3 any inhabitant of the town of East Brookfield requiring
4 him to notify and warn the inhabitants thereof qualified
5 to vote in town affairs to meet at the place therein ap-
6 pointed at some time in the month of January in the
7 year nineteen hundred and twenty-one, for the purpose
8 of electing town officers of the town of East Brookfield
9 in the manner and as required by law, who shall serve
10 until the annual town meeting in nineteen hundred and
11 twenty-two, or until their successors are elected and quali-
12 fied, and for making the necessary appropriations for car-
13 rying on the work of the town for the ensuing year. The
14 warrant shall be served by posting copies thereof, attested
15 by the person to whom the same is directed, in three or
16 more places in the town of East Brookfield seven days,
17 at least, before the time of the meeting. The justice or,
18 in his absence, the inhabitant required to give notice of
19 the meeting shall preside until the choice of a modera-
20 tor at the meeting. The town clerk of the town of
21 Brookfield shall prepare and furnish a list of the registered
22 voters residing within the territorial limits of East Brook-
23 field which list shall be used at said meeting and de-
24 livered to the person presiding at said meeting before the
25 choice of a moderator, and the town of East Brookfield
26 may call and hold caucuses or primaries for the nomina-
27 tion of officers to be elected at said meeting and shall
28 file, according to law, a list of such nominations or file
29 nomination papers for such officers with the town clerk
30 of Brookfield who shall prepare the ballots for use at
31 such meeting.

1 SECTION 9. All rights heretofore secured to existing
2 corporations upon territory hereby incorporated shall con-
3 tinue as though this act had not been passed. The
4 powers and privileges reserved to the town of Brookfield

5 and the selectmen thereof in any orders, decrees or con-
6 tracts heretofore made by the selectmen of Brookfield in
7 the territory hereby incorporated as the town of East
8 Brookfield, shall inure to and be exercised by the town of
9 East Brookfield and the selectmen thereof, respectively,
10 as fully as if said orders, decrees or contracts had origi-
11 nally been made by the selectmen of East Brookfield.

1 SECTION 10. The town of Brookfield shall pay all the
2 expenses of making the necessary surveys and establish-
3 ing the lines between it and the town of East Brookfield,
4 and the town of East Brookfield shall, in nineteen hun-
5 dred and twenty-one, reimburse the town of Brookfield
6 for said expense.

1 SECTION 11. The town of East Brookfield shall receive
2 from the town of Brookfield a proportional part of what-
3 ever amount may hereafter be paid by the commonwealth
4 or by the United States to reimburse the town of Brook-
5 field for bounties to soldiers or for state aid heretofore
6 paid by it to soldiers' families; but from this amount all
7 reasonable expenses may be deducted.

1 SECTION 12. All indebtedness of the town of Brook-
2 filed outstanding at the date of the passage of this act
3 shall be deemed outside the limit of indebtedness as fixed
4 by chapter seven hundred and nineteen of the acts of the
5 year nineteen hundred and thirteen.

1 SECTION 13. The debt limit of the town of Brookfield for
2 the years nineteen hundred and twenty-one, nineteen hun-
3 dred and twenty-two and nineteen hundred and twenty-
4 three, shall be three per cent of the assessed valuation
5 of the taxable property in the town as fixed by the asses-

6 sors in the year nineteen hundred and twenty, exclusive
7 of the value of that property set off as the town of East
8 Brookfield by the provisions of this act. The debt limit
9 of the town of East Brookfield for the years nineteen
10 hundred and twenty-one, nineteen hundred and twenty-
11 two and nineteen hundred and twenty-three shall be
12 three per cent of the assessed valuation of the taxable
13 property in the territory set off from the town of Brook-
14 field as the town of East Brookfield as fixed by the asses-
15 sors for the town of Brookfield in the year nineteen hun-
16 dred and twenty. For the year nineteen hundred and
17 twenty-four and thereafter the debt limit for the town of
18 Brookfield and the town of East Brookfield shall be the
19 same as for all other towns in the commonwealth.

1 SECTION 14. The towns of Brookfield and East Brook-
2 field may borrow in anticipation of the revenue of the
3 year nineteen hundred and twenty-one an amount not
4 exceeding in the aggregate the amount of the total tax
5 levy in the town of Brookfield for the year nineteen hun-
6 dred and twenty, plus the bank, corporation, street rail-
7 way and income tax received from the state in the year
8 nineteen hundred and twenty. Said amount shall be ap-
9 portioned between the towns of Brookfield and East
10 Brookfield in the porportion that the valuation of the
11 property in the respective towns bears to the total valua-
12 tion of the town of Brookfield as fixed by the assessors
13 of said town for the year nineteen hundred and twenty.

1 SECTION 15. For the purpose of paying the award
2 made in accordance with the provisions of section five of
3 this act, the town of Brookfield or East Brookfield is
4 hereby authorized to borrow within the statutory limit
5 of indebtedness a sum of money not exceeding such

6 award and to issue bonds or notes therefor, said bonds
7 or notes to be payable in accordance with the provisions
8 of section fourteen of chapter seven hundred and nine-
9 teen of the acts of nineteen hundred and thirteen, so
10 that the whole debt shall be paid in not more than ten
11 years from the date of issue of the first bond or note.

1 SECTION 16. This act shall take effect upon its passage.

