

tion or alteration thereof that may be deemed necessary or desirable. A copy of said report shall be sent to the board of gas and electric light commissioners of the Commonwealth.

May pass by-laws imposing penalties.

SECTION 14. Said town may, subject to the approval of the superior court, pass by-laws imposing penalties not exceeding fifty dollars, to protect its plant, control its use, to prevent accidents by electricity generated thereby, and govern consumers in the use thereof.

Subject to acceptance by a two thirds vote.

SECTION 15. This act shall take effect on its acceptance by said town by a two thirds vote of those present and voting at a legal meeting called for that purpose ; which meeting shall be called within six months after the passage of this act.

*Approved June 6, 1891.*

*Chap. 379*

AN ACT RELATING TO PROSECUTIONS FOR CAPITAL CRIMES.

*Be it enacted, etc., as follows :*

Court to have exclusive original jurisdiction.

SECTION 1. The superior court shall have exclusive original jurisdiction of capital crimes, and for this purpose shall be always open in every county.

Trials.

SECTION 2. In capital cases all proceedings except the trial of indictments may be had before a single justice. The trial of an indictment for a capital crime shall be before three justices, either at a regular sitting or at any time specially assigned therefor. Upon such trial exceptions may be alleged and taken as in other criminal cases, and may be entered and determined either at the law sitting of the supreme judicial court held for the county in which they arise, or, upon the order of the justices before whom the trial is had, at the law sitting of the supreme judicial court for the Commonwealth. After a decision upon exceptions, the judgment may be entered and sentence passed, or preliminary proceedings for a new trial may be had in the superior court held by a single justice.

Clerk of court where indictment is entered to notify, etc., the chief justice and the attorney-general.

SECTION 3. The clerk of the superior court for the county in which an indictment for a capital crime has been entered shall forthwith send notice thereof, with a copy of the indictment, to the chief or first justice of the superior court, and to the attorney-general ; and a time may thereupon be appointed by any justice of said court for the arraignment of the prisoner, which may be had either during any regular sitting or in vacation.

Action of court upon plea of prisoner.

SECTION 4. If the prisoner plead guilty, the court may award sentence against him ; if he does not plead guilty,

the court may assign him counsel and take all other measures preparatory to a trial. The trial shall be had as soon after the finding of an indictment as the other official duties of the justices will admit and the circumstances of the case require.

Trial to be had, etc.

SECTION 5. An indictment for a capital offence found in the county of Dukes County or Nantucket shall be tried at a court to be held in the county of Bristol; and the court for that purpose shall be convened and held and all the proceedings in relation thereto conducted as when held in the county where an indictment is found. The court in such case may, from time to time during the pendency of the indictment, make such orders as may be proper regarding the place of confinement of the person accused. But the expenses of his keeping shall in all cases be paid by the county in which the indictment is found.

Indictments found in Dukes County or Nantucket to be tried in Bristol county.

SECTION 6. Upon the petition of a person indicted for a capital offence, the court may order a change of venue to any county adjoining the county in which the indictment was found, when in the opinion of the court an impartial trial cannot be had in the county where the case is pending; and on such order the court shall have full jurisdiction in the premises in the county to which such change may be made. All other proceedings in such case shall be the same, as nearly as may be, as if the indictment had been originally entered in such adjoining county.

Venue may be changed to an adjoining county.

SECTION 7. Upon the entry of such order upon the docket, the clerk of the superior court in the county where the indictment is pending shall forthwith transmit the original indictment, with the papers in the case and a duly certified copy of said order, to the clerk of the superior court for the county to which the venue has been changed; and the clerk receiving the indictment so transmitted shall make immediate entry of the case upon the docket of the superior court for such county.

Papers to be sent to clerk of county to which venue is changed.

SECTION 8. When the venue is changed under the preceding sections, the district attorney for the county in which the indictment was found shall continue to have the same duty and authority in the case that he would have had if the venue had not been changed.

District attorney to have same duty, etc., as though venue had not been changed.

SECTION 9. When a change of venue is ordered, the sheriff having custody of the person charged shall forthwith deliver him to the sheriff of the county to which the venue has been changed, and the sheriff thereof shall

Prisoner to be delivered to sheriff of county to which venue has been changed.

receive and safely keep him, in the same manner as if the indictment had been found in that county.

Attorney-general to appear for the Commonwealth.

SECTION 10. The attorney-general shall appear for the Commonwealth in the trial of indictments for capital crimes.

Amendment to P. S. 213, § 28.

SECTION 11. Section twenty-eight of chapter two hundred and thirteen of the Public Statutes is hereby amended by striking out, in each of the sixth and eighth lines thereof, the words "supreme judicial", and inserting in place thereof, in each of said lines, the word:— superior,— so as to read as follows:— *Section 28.* As soon as may be after the finding of an indictment for murder, the party charged, when in custody, shall be served with a copy thereof by the sheriff or his deputy, with an order of the court notifying him, if the indictment is found in the county of Dukes County or Nantucket, that the indictment will be entered forthwith upon the docket of the superior court in the county of Bristol, and, if found in any other county, that it will be entered forthwith upon the docket of the superior court in said county.

Prisoner to be served with copy of indictment, etc.

SECTION 12. When a person indicted for a capital crime is, at the time appointed for the trial, or at any time prior thereto, found to the satisfaction of the court to be insane, the court may cause him to be removed to one of the state lunatic hospitals, for such a term and under such limitations as it may direct.

Prisoner, if insane, may be removed to a state lunatic hospital.

Amendment to P. S. 150, § 5.

SECTION 13. Section five of chapter one hundred and fifty of the Public Statutes, relating to the jurisdiction of the supreme judicial court, is hereby amended by striking out the words "of the trials of indictments for capital crimes", in the second line thereof.

Repeal.

SECTION 14. Sections eighteen, nineteen, twenty, twenty-four, twenty-six, twenty-seven, twenty-eight and twenty-nine of chapter one hundred and fifty, and sections twenty-nine and thirty of chapter two hundred and thirteen of the Public Statutes are hereby repealed.

Superior court, etc., to have same powers and duties as now vested in supreme judicial court.

SECTION 15. Except as herein otherwise provided, the superior court and the several justices and clerks thereof shall have and exercise the same powers and duties respectively in all matters concerning indictments for capital crimes, and in all proceedings under the same, as are now vested in and imposed upon the supreme judicial court and the several justices and clerks thereof.

SECTION 16. This act shall not be applicable to cases where indictments for capital crimes shall have been entered upon the docket of the supreme judicial court in any county before the date of its taking effect.

Not applicable to cases where indictments are entered before this act takes effect.

*Approved June 6, 1891.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A BOARD OF SEWERAGE COMMISSIONERS FOR THE CITY OF WOBURN AND TO DEFINE THEIR POWERS AND DUTIES.

*Chap. 380*

*Be it enacted, etc., as follows :*

SECTION 1. Within thirty days after the passage of this act the mayor of the city of Woburn shall appoint, subject to confirmation by the board of aldermen of said city, three able and discreet persons, qualified voters in said city, who shall constitute a board of sewerage commissioners. One person so appointed shall be designated to hold and shall hold his office until the first day of May in the year eighteen hundred and ninety-two, one until the first day of May in the year eighteen hundred and ninety-three and one until the first day of May in the year eighteen hundred and ninety-four, or until their successors respectively are appointed and qualified; and the mayor of said city shall, in the month of April in the year eighteen hundred and ninety-two and in each year thereafter, appoint in the manner aforesaid one person, qualified as aforesaid, to be a sewerage commissioner for the term of three years from the first day of May then next ensuing or until another is appointed in his place. In case of a vacancy occurring by reason of the death, resignation or removal from office of any one of the commissioners appointed as aforesaid, during the term for which he is appointed, the mayor shall appoint in the manner aforesaid a person qualified as aforesaid, for the residue of said term. The members of said board shall be sworn to the faithful discharge of their duties by the city clerk of said city or any justice of the peace, shall each receive such compensation, not exceeding two hundred dollars per annum, as the city council may determine, and shall annually in the month of May organize by the choice of a chairman from their own number.

Board of sewerage commissioners to be appointed.

Term of office.

Vacancies.

Members to be sworn; compensation; chairman.

SECTION 2. Said board shall have power to employ such surveyors, engineers or clerks or other officers as they may deem necessary, provided that no expense shall be incurred in the employment of such persons until the

May employ surveyors, engineers, etc.