

Discharge or temporary release of certain prisoners.

If a prisoner removed as insane under section one hundred who has not been restored to sanity is returned as aforesaid because in the opinion of the trustees and superintendent, or of the commissioner of correction and superintendent, as the case may be, neither the public interest nor the welfare of the prisoner will be promoted by his further retention in the hospital, they shall so certify upon the warrant or commitment and shall append thereto a report relative to the prisoner's mental condition as affecting his criminal responsibility and the advisability of his discharge or temporary release from the penal institution or custody to which he is returned.

*Approved April 10, 1929.*

**Chap. 214** AN ACT AUTHORIZING THE FALL RIVER CO-OPERATIVE BANK TO INVEST AN ADDITIONAL SUM OF MONEY IN REAL ESTATE FOR BANKING PURPOSES.

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

Fall River Co-operative Bank may invest an additional sum of money in real estate for banking purposes.

SECTION 1. The Fall River Co-operative Bank, a co-operative bank organized under the laws of this commonwealth and having its usual place of business in the city of Fall River, may, subject to the approval of the commissioner of banks, invest in the purchase of a site in said city and the erection thereon and preparation of a suitable building to be used in whole or in part for the convenient transaction of its business, an amount not exceeding forty thousand dollars in addition to the amount heretofore authorized by law to be invested for the aforesaid purposes; provided, however, that nothing contained herein shall be construed as authorizing a total investment by said bank for the aforesaid purposes exceeding in the aggregate the sum of one hundred and forty thousand dollars.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 11, 1929.*

**Chap. 215** AN ACT TO ESTABLISH IN THE TOWN OF LEXINGTON REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS.

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

Precinct voting, representative town meetings, etc., in town of Lexington.

SECTION 1. Upon the acceptance of this act by the town of Lexington as hereinafter provided, the selectmen shall forthwith divide the territory thereof into not less than four nor more than eight voting precincts, each of which shall be plainly designated, and shall contain not less than five hundred registered voters. All precincts shall contain approximately an equal number of registered voters.

Precincts, establishment, etc.

The precincts shall be so established as to consist of compact and contiguous territory, to be bounded, as far as possible, by the center line of known streets and ways or by other well defined limits. Their boundaries shall be reviewed and, if need be, wholly or partly revised or the number of precincts changed within the aforesaid limits by

the selectmen in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting not later than November thirtieth of that year.

The selectmen shall, within twenty days after any establishment or revision of the precincts, but not later than January twentieth of the succeeding year, file a report of their doings with the town clerk, the registrars of voters and the assessors with a map or maps or description of the precincts and the names and residences of the registered voters therein. The selectmen shall also cause to be posted at the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein. They shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as may from time to time be determined by vote at a representative town meeting under an appropriate article in the warrant therefor, or, in default of such determination, as the selectmen shall in the warrants for such meetings direct. The provisions of the general laws, relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

Selectmen to report doings, etc.

Division into voting precincts, effective date, etc.

Town clerk to give written notice to state secretary, etc.

Meetings of voters, when and where to be held.

Certain provisions of general laws to apply, etc.

SECTION 2. Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation of all precincts by an equal number of members and which will not cause the total elected town meeting membership to exceed two hundred and four. The registered voters in every precinct shall, at the first annual town election held after the establishment thereof, or at a special town election held prior to such annual town election and at the first annual town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first sentence of this section, to be town meeting mem-

Representative town meeting membership, number, etc.

Town meeting members, election, terms, etc.

bers of the town. The first third in order of votes received of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting, if elected at such election, and, if elected at a special town election, shall also serve from the date of such special town election to and including the day of the next following annual town meeting; in case of a tie vote affecting the division into thirds as aforesaid the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect one third of the number of town meeting members to which that precinct is entitled for the term of three years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of town meeting members in their respective precincts. Upon every revision of the precincts where the number of precincts is changed, the terms of office of all town meeting members from every precinct shall cease upon the election of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each member by mail of his election.

Notice to members elected.

Town meetings limited to elected town meeting members and certain designated town meeting members at large.

SECTION 3. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated as town meeting members at large; namely, any member of the general court of the commonwealth from the town, the moderator, the town clerk, the members of the board of selectmen and public works, the town treasurer, the town counsel, the chairman of the school committee, the chairman of the cemetery commissioners. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting.

Notice of town meetings, etc.

The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. One hundred town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. Notice of every adjourned representative town meeting shall be posted by the town clerk in five or more public places in the town; and the town clerk shall also notify the members by mail of the adjournment at least twenty-four hours before the time of the adjourned representative town meeting, if the period of adjournment will permit. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All town meetings shall be public; and, subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is

Quorum.

Notice of adjourned town meetings to be posted, etc.

Meetings public.

not a town meeting member may speak at any representative town meeting, but he shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No elected member whose official position entitles him to be a member at large shall act as a member at large during such time as he remains an elected member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is so removed by a revision of precincts shall not retain membership after the next annual election as an elected member from the precinct from which he has or is removed. The town meeting members as such shall receive no compensation.

Resignations.

Removal from town or precinct, effect.

SECTION 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than ten voters of the precinct in which the candidate resides, and filed with the town clerk at least fifteen days before the election; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least thirty days before election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Nomination of candidates for town meeting members, how made.

Proviso.

Acceptance of nomination.

SECTION 5. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, town meeting members, and as hereinbefore provided, to referenda and all matters to be acted upon and determined by ballot shall be acted upon and determined by the voters in their respective meetings by precinct. All other articles in the warrant for any town meeting, beginning with the town meeting at which said town meeting members are first elected, shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section eight.

Warrant articles, how acted upon, etc.

SECTION 6. A moderator shall be elected by ballot at each annual town meeting and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent a moderator pro tempore may be elected by the town meeting members.

Moderator, election, etc.

Moderator pro tempore.

SECTION 7. Any vacancy in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled until the next annual election by the remaining town meeting members of the precinct from

Vacancies in full number of town meeting members, filling, etc.

among the registered voters thereof. Notice of any vacancy shall promptly be given by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist and the town clerk shall call a special meeting of such members for the purpose of filling any vacancy, and shall cause to be mailed to every such member not less than seven days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by written ballot and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen who shall thereupon be deemed elected and qualified a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section three.

SECTION 8. No final vote of any representative town meeting passing or rejecting a measure under any article in the warrant, except a vote to adjourn or dissolve, or votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current financial year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two thirds vote of the town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of five days, exclusive of Sundays and legal holidays, from the dissolution of the meeting. Any such measure disposed of by a vote to lay on the table, to postpone indefinitely, or other dilatory vote, shall be deemed to have been rejected in the form in which it was presented and perfected or changed by such amendments, if any, as have been adopted by the said meeting. If, within said five days, a petition, signed by not less than two hundred and fifty registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen requesting that the question or questions involved in any such vote which has not become operative as aforesaid be submitted to the voters of the town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided, and the selectmen, within ten days after the filing of the petition, shall call a special meeting, which shall be held within fourteen days after the issuing of the call, for the purpose of presenting to the voters at large the question or questions so involved. All votes

Notices of  
vacancy.  
Calling of  
special meeting.

Choice by  
ballot.

Certificate of  
choice, etc.

Votes, when  
operative, etc.

Measures laid  
on table, etc.

Referendum.

upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by vote of the same proportion of voters at large voting thereon as would have been required by law of the town meeting members had the question been finally determined at a representative town meeting. The questions so submitted shall be stated upon the ballot in substantially the same language and form in which they were stated when presented to said representative town meeting by the moderator as appears from the records of the said meeting. If such petition is not filed within the said period of five days, the vote of the representative town meeting shall become operative upon the expiration of the said period.

Questions, how determined, etc.

Questions, how stated upon ballot, etc.

Votes operative if no petition, etc.

SECTION 9. The town of Lexington after the acceptance of this act and the first election of town meeting members thereunder, shall have the capacity to act through and be bound by its said town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

Powers of town and its town meeting members, etc.

SECTION 10. This act shall not abridge the right of the inhabitants of Lexington to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Lexington the power finally to commit the town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the town at large, using the ballot and the check list therefor.

Certain rights not abridged, etc.

SECTION 11. This act shall be submitted to the registered voters of the town of Lexington for acceptance at any annual or special town meeting. The vote shall be taken by ballot in precincts in accordance with the provisions of the general laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and twenty-nine, entitled 'An Act to establish in the town of Lexington representative town government by limited town meetings' be accepted by this town?"

Submission to voters of town of Lexington, etc.

SECTION 12. So much of this act as authorizes its submission to the registered voters of the town shall take ef-

Time of taking effect.

fect upon its passage, and the remainder shall take effect upon its acceptance by a majority of the voters voting thereon.

Resubmission  
after rejection,  
etc.

SECTION 13. If this act is rejected by the registered voters of the town of Lexington when submitted to said voters under section eleven it may be submitted for acceptance in like manner from time to time to such voters at any annual or special meeting in said town within three years thereafter.

*Approved April 11, 1929.*

*Chap. 216* AN ACT RELATIVE TO THE REVISION OF THE AMOUNT OF BAIL OF CERTAIN DEFENDANTS IN CRIMINAL CASES.

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

G. L. 218, § 30,  
amended.

SECTION 1. Section thirty of chapter two hundred and eighteen of the General Laws is hereby amended by inserting after the word "shall" in the fifth line the word:— forthwith,— by inserting after the word "entered" in the ninth line the words:— and the report of the department of mental diseases as to the mental condition of the defendant, if such report has been filed under the provisions of section one hundred A of chapter one hundred and twenty-three,— and by adding at the end thereof the following new sentence:— If such a person is committed for failure to recognize as ordered, the superior court shall thereupon have jurisdiction of the case against such person for the purpose of revising the amount of bail theretofore fixed,— so as to read as follows:— *Section 30.* They shall commit or bind over for trial in the superior court persons brought before them who appear to be guilty of crimes not within their final jurisdiction, and may so commit or bind over persons brought before them who appear to be guilty of crimes within their final jurisdiction. In such cases the clerk of the district court shall forthwith transmit to the clerk of the superior court a copy of the complaint and of the record, the original recognizances, a list of the witnesses, a statement of the expenses and the appearance of the attorney for the defendant, if any is entered, and the report of the department of mental diseases as to the mental condition of the defendant, if such report has been filed under the provisions of section one hundred A of chapter one hundred and twenty-three, and no other papers need be transmitted. If such a person is committed for failure to recognize as ordered, the superior court shall thereupon have jurisdiction of the case against such person for the purpose of revising the amount of bail theretofore fixed.

District courts  
may bind over  
certain persons  
for trial to  
superior court.

Certain infor-  
mation to be  
transmitted to  
clerk of  
superior court.

Revision of  
amount of bail  
in certain cases.

G. L. 219, § 20,  
amended.

SECTION 2. Section twenty of chapter two hundred and nineteen of the General Laws is hereby amended by adding thereto the following:— If a person is committed under this section or under section thirty-one for failure to recognize as ordered, the superior court shall thereupon have jurisdiction of the case against such person for the purpose