

By Mr. Eisenstadt of Boston, petition of Samuel Eisenstadt for appointment of a special commission to provide additional court house accommodations and facilities for the courts and other officials of the county of Suffolk. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Four.

An Act to provide Additional Court House Accommodations and Facilities for the Courts and Other Officials in the County of Suffolk.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose to provide immediate relief
3 against court house congestion in Suffolk county,
4 which is seriously impeding the administration of
5 justice, therefore it is hereby declared to be an
6 emergency law, necessary for the immediate preserva-
7 tion of the public safety and convenience.

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. For the purpose of providing addi-
2 tional court house accommodations and facilities for
3 the courts and other officials in the county of Suffolk,
4 including furnishings and equipment, there is hereby
5 established a commission, hereinafter referred to as
6 the commission, to consist of three citizens of the
7 commonwealth, who shall be appointed within two

8 months after the effective date of this act in the manner following: one by the governor, one by the mayor of the city of Boston, hereinafter referred to as the mayor, and one by the chief justice of the supreme judicial court, the chief justice of the superior court, and the chief justice of the municipal court of the city of Boston, or a majority of them. The commission shall choose its own chairman. The commissioners shall receive such compensation as may be determined by the governor and the mayor, and shall serve for a period of five years from said date. Any vacancy in the office of any commissioner shall be filled in the same manner as the original appointment.

SECTION 2. The commission is hereby authorized, and directed to determine upon the location of such additional accommodations and facilities, and whether they shall consist of alterations in or additions or extensions to the present court house building or additional court house units or any or all thereof, provided, that any additional land to be acquired hereunder shall be within the area bounded by Ashburton place, Bowdoin street, Cambridge street, Court street, Pemberton square, and the Central hall of the present court house building; and to determine the type and general style of building or buildings to be utilized, so far as consistent with the laws and regulations relative to the height of buildings applicable to the location, and what streets and ways, if any, shall be closed, altered or extended in order to consolidate location and to permit of an advantageous lay-out and adequate access thereto. Forthwith upon the determination of said questions and in accordance with such determination, the commission shall pro-

21 ceed to acquire by purchase, or to take by eminent
22 domain under chapter seventy-nine of the General
23 Laws, such land and interests therein, including build-
24 ings, as may be necessary to construct such additions,
25 extensions or units upon the locations designated as
26 aforesaid, or to relocate or extend public ways, pro-
27 vided, that in case of any taking under said chapter
28 seventy-nine, the commission at the time of taking
29 need make no award of damages sustained by the
30 person whose property is taken; and shall proceed
31 to cause to be closed, altered or extended such streets
32 and ways as may have been determined to be neces-
33 sary, and to cause to be prepared, subject to the
34 approval of the governor and the mayor, and in
35 compliance with said laws and regulations, plans and
36 specifications for the construction of such alterations,
37 extensions, additions and units, or any of them, to-
38 gether with such remodelling and alterations of the
39 present court house building, as shall have been deter-
40 mined to be necessary as aforesaid, in order properly
41 to house the superior, municipal and juvenile courts
42 and clerks' offices, the probate court, the registry of
43 probate, registry of deeds, the offices of the district
44 attorney and the sheriff of said county, the social
45 law library, the supreme judicial court, the land court,
46 the reporter of decisions, the board of probation and
47 the board of bar examiners, and adequately to accom-
48 modate all other services and facilities incidental
49 thereto and needful for the prompt and effective ad-
50 ministration of justice and the despatch of public
51 business. The services of such architects and en-
52 gineers as may be employed by the commission shall
53 be on the basis of salary or fee plus actual cost of
54 draughting and incidentals and not of commission.

1 SECTION 3. Upon completion of the necessary land
2 takings or purchases, the commission, with the ap-
3 proval of the governor and the mayor, may proceed
4 by contract, in the manner hereinafter provided, with
5 the wrecking and removal of the old buildings on the
6 land so taken or purchased. When the plans and
7 specifications, have been approved by the governor
8 and the mayor as aforesaid, and if it appears to their
9 satisfaction that after making reasonable allowances
10 for unsettled land damages, furnishings and equip-
11 ment, and contingencies, the total expense of carry-
12 ing out the provisions of this act will not exceed the
13 unexpended balance of the amount herein authorized
14 to be expended, the commission is hereby authorized,
15 on behalf of the commonwealth and the city of Boston,
16 to proceed with the making of contracts for the con-
17 struction of the alterations, extensions, and additions
18 and units, or any of them, authorized as herein pro-
19 vided, and the furnishings and equipment thereof.
20 The liability of the commonwealth and of said city
21 under any such contract, or otherwise, shall be lim-
22 ited to the proportions, in which the commonwealth
23 and said city, respectively, contribute to the cost of
24 the work, as herein provided. The commission may
25 dispose of such furnishings and equipment in the
26 existing court house building as may be replaced here-
27 under, and the proceeds shall be available for expen-
28 diture for the purposes of this act. All work shall be
29 done under written contract, and no such contract
30 shall be deemed to have been made or executed until
31 the written approval of the governor and the mayor
32 has been affixed thereto. All such contracts shall be
33 awarded by the commission on the basis of competi-
34 tive bidding and only after proposals for the same

35 have been invited by advertisement in the Boston
36 City Record once a week for at least two consecutive
37 weeks, the last publication to be at least one week
38 before the time specified for the opening of said pro-
39 posals. Said advertisements shall state the time and
40 place where plans and specifications of the proposed
41 work may be had and the time and place for opening
42 the proposals in answer to said advertisements, and
43 shall reserve to the commission the right to reject
44 any or all of said proposals. All such proposals shall
45 be open in public. Any contract made as aforesaid
46 may be required to be accompanied by a bond with
47 sureties satisfactory to the commission or by a de-
48 posit of money, certified check or other security for
49 the faithful performance thereof, and such bonds, or
50 other securities shall be deposited with the city treas-
51 urer until the contract has been carried out in all
52 respects. Alterations in any such contract or in the
53 plans and specifications to which it relates shall re-
54 quire the written approval of the governor or some
55 person designated by him for the purpose and of the
56 mayor or some person designated by him as afore-
57 said. A member of the commission may be so desig-
58 nated.

1 SECTION 4. For the purpose of completely carry-
2 ing out the provisions of this act, including payments
3 of salaries and expenses of its members, the commis-
4 sion may expend a sum not exceeding five million
5 dollars, in addition to any sums received under the
6 provisions of this act, of which thirty per cent shall
7 be paid by the commonwealth and seventy per cent
8 by the city of Boston. To meet the commonwealth's
9 share of such expenditures, the state treasurer shall

10 from time to time, on the request of the commission,
11 and with the approval of the governor and council,
12 place at the disposal of the commission such funds
13 as it may require within the said limit either from
14 such appropriation or appropriations as may be made
15 or by the issue and sale, at public or private sale, of
16 notes of the commonwealth to an amount not exceed-
17 ing one million five hundred thousand dollars, which
18 shall be designated "Court House Loan, Act of 1934."
19 Such notes shall be for such term of years as may be
20 recommended by the governor in accordance with
21 section three of Article LXII of the amendments
22 to the constitution and shall bear interest, payable
23 semi-annually, at such rate as shall be fixed by the
24 state treasurer, with the approval of the governor
25 and council.

1 SECTION 5. Upon the completion of the new Suf-
2 folk county court house, all expenses for maintenance,
3 upkeep, supplies and running the same shall be borne
4 in the following proportions:

5 Seventy per cent by the city of Boston.

6 Thirty per cent by the commonwealth of Massa-
7 chusetts.

1 SECTION 6. The city of Boston shall from time to
2 time, at the request of the commission, place at the
3 disposal of the commission, such funds, as may be
4 needed to meet the city's share of the expenditures
5 authorized by this act, and for this purpose the treas-
6 urer of said city, without further authority, shall bor-
7 row from time to time such sums as may be necessary,
8 not exceeding, in the aggregate, three million five
9 hundred thousand dollars, and may issue bonds or

10 notes therefor, which shall bear on their face the
11 words, City of Boston, Court House Loan, Act of
12 1934. Each authorized issue shall constitute a sepa-
13 rate loan, and such loans shall be payable in not more
14 than twenty years from their dates. Such indebted-
15 ness incurred under this act shall be in excess of the
16 statutory limit, but shall, except as herein otherwise
17 provided, be subject to all loss relative to the incurring
18 of debt by said city.

1 SECTION 7. This act shall take effect upon its
2 acceptance, during the current year, by vote of the
3 city council of the city of Boston, subject to the pro-
4 visions of its charter; but for the purpose only of
5 such acceptance it shall take effect upon its passage.

