

Chap. 738. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO TAKE CERTAIN LAND BY EMINENT DOMAIN IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to take by eminent domain the following two parcels of land:—

Parcel 1. Certain land in the city of Boston, Suffolk County, Massachusetts, owned by Edward D. Sweeney and Mary B. Sweeney, husband and wife, as tenants by the entirety, being the land in that part of said Boston formerly West Roxbury being lot No. 5 on a plan drawn by J. Edwin Jones, Surveyor, dated May 14, 1884, and recorded with Suffolk Deeds, Book 1688, page 243, and bounded and described as follows; Northwesternly by Lamartine Street, fifty three and sixty eight hundredths (53.68) feet; Easterly by lot 4 on said plan, eighty and fifty three hundredths (80.53) feet; Southeasterly by lot 16 on said plan, fifty three and sixty eight hundredths (53.68) feet; Southwesterly by Lawndale Terrace, eighty and fifty three hundredths (80.53) feet. Containing 4,187.3 square feet. Being the same premises conveyed to the present owners by deed of one Saver dated June 29th, 1929 and recorded with Suffolk Deeds, Book 5112, page 135.

Parcel 2. Certain land in the city of Boston, Suffolk County, Massachusetts, owned by James P. Carley and Patricia A. Carley, as tenants by the entirety, husband and wife, being the land situated in that part of Boston formerly West Roxbury and being Lot #6 on a plan drawn by Edwin Jones, surveyor dated May 14, 1884 and recorded with Suffolk Deeds in Book 1688, Page 243 and bounded and described as follows:

WESTERLY on Lamartine Street as laid out on said plan forty and 26/100 (40.26) feet;
 NORTHERLY on Lawndale Terrace, eighty and 53/100 (80.53) feet;
 EASTERLY on Lot 8 as shown on said plan, forty and 26/100 (40.26) feet; and
 SOUTHERLY by Lot 7 as shown on said plan eighty and 53/100 (80.53) feet.

Containing according to said plan, 3140.5 square feet. Being the same premises conveyed to the present owners by deed of Carley et. al. dated February 15th, 1972 and recorded with Suffolk Deeds, Book 8513, page 64.

Approved July 17, 1972.

Chap. 739. AN ACT AUTHORIZING MUNICIPALITIES TO PLEDGE CREDIT TO INDUSTRIAL FINANCING AUTHORITIES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 10 of chapter 40D of the General Laws, as appearing in section 1 of chapter 772 of the acts of 1967, is hereby amended by striking out the third sentence.

SECTION 2. Said section 10 of said chapter 40D is hereby further amended by striking out the second paragraph, as so appearing, and inserting in place thereof the following paragraph:—

Bonds issued under this chapter may constitute a pledge of the faith and credit of the issuing municipality by a vote of the governing body, thereof, otherwise, such bonds shall be payable solely from the sale or lease of a project or projects and the income therefrom or by funds derived from the issuing of refunding bonds authorized by section seventeen. All bonds shall contain on the face thereof a statement to the effect that the bonds are or are not an obligation of the issuing municipality and if not an obligation of the municipality, are payable solely from the revenues pledged for their payment.

SECTION 3. Said section 10 of said chapter 40D is hereby further amended by striking the fourth paragraph, as so appearing, and inserting in place thereof the following paragraph: —

Bonds pledging the faith and credit of a municipality shall be included in computing the debt limit of a municipality under chapter forty-four and shall be subject to the provisions of all other laws and charter provisions relating to the issuance or sale of bonds. Bonds not pledging the faith and credit of a municipality shall not be included in computing the debt limit of a municipality under chapter forty-four and shall not be subject to the provisions of any other law or charter provision relating to the issuance or sale of bonds. *Approved July 17, 1972.*

Chap. 740. AN ACT ESTABLISHING AN INTERMEDIATE APPELLATE COURT.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 211 the following chapter: —

CHAPTER 211A.

APPEALS COURT

Section 1. There shall be an intermediate appellate court to be known as the appeals court. The appeals court shall consist of a chief justice and five associate justices.

Section 2. The chief justice shall receive a salary of thirty-two thousand five hundred dollars and each associate justice a salary of thirty-one thousand three hundred dollars, and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of the expenses incurred by them in the discharge of their duties. Such justices shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

Section 3. Three justices shall constitute a quorum to decide all matters required to be heard by the appeals court or, upon order of the chief justice, four or more justices may sit. The court may sit in panels of three or more justices. The chief justice, insofar as practicable, shall assign justices to panels in such manner that each justice shall sit a substantially equal number of times with each other justice. The chief justice shall preside over any panel on which he shall sit, or, if the chief justice is not a member of a panel, the senior justice shall be the presiding justice.