

# HOUSE . . . . No. 1401

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By Mr. Kimball of Malden, petition of the Suffolk County Court House Commission for amendment of the act providing for additional court house accommodations and facilities for the courts and other officials in the county of Suffolk. Municipal Finance.

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## The Commonwealth of Massachusetts

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

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### AN ACT RELATIVE TO 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, therefore it is hereby  
3 declared to be an emergency law, necessary for the  
4 immediate preservation of the public 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 completely carry-  
2 ing out the provisions of the act entitled an act to  
3 provide additional court house accommodations and  
4 facilities for the courts and other officials in the  
5 county of Suffolk by the use of federal, state and city  
6 of Boston funds, which was approved August ninth,  
7 nineteen hundred and thirty-five, and to meet the  
8 cost of the additional accommodations and facilities,  
9 whether they consist of alteration in or additions or

10 extensions to the present court house building or  
11 additional court house units, or any or all of them,  
12 and to meet the cost of acquiring the additional land  
13 and interests therein, necessary to carry out said pur-  
14 pose, and which said commission is by the provisions  
15 of section two authorized to acquire, the commission  
16 established by section one of chapter four hundred  
17 and seventy-four of the acts of nineteen hundred and  
18 thirty-five, may expend, in addition to the amounts  
19 authorized by section four of said chapter four hun-  
20 dred and seventy-four, a sum not exceeding six hun-  
21 dred and seventy-five thousand dollars. Of the  
22 additional expenditure hereby authorized to be made  
23 by said commission thirty per cent shall be paid by  
24 the commonwealth and seventy per cent by the city  
25 of Boston.

1 SECTION 2. For the purpose of providing addi-  
2 tional accommodations and facilities necessary to  
3 completely carry out the provisions and purposes of  
4 said chapter four hundred and seventy-four said  
5 commission is hereby authorized to acquire, in the  
6 name of the city of Boston, by purchase, or to take  
7 by eminent domain under chapter seventy-nine of  
8 the General Laws, three certain parcels of land as  
9 follows:—

10 First: A parcel of land bounded and described as  
11 follows:—South by land now or late of Peter C.  
12 Brooks fifty-eight and thirty-six hundredths feet  
13 more or less, and by Pemberton square twenty-one  
14 and forty-two hundredths feet more or less; west by  
15 land of the county of Suffolk eighty-three feet more  
16 or less; north by land formerly of Loring and Dexter,  
17 trustees, fifty-nine and forty-one hundredths feet

18 more or less; east by land formerly of Loring and  
19 Dexter, trustees, and by land now or formerly of  
20 Robert Codman, executor, seventy-two and twenty-  
21 eight hundredths feet more or less, containing fifty-  
22 three hundred and fifty-four square feet more or less.

23 Second: A parcel of land bounded and described as  
24 follows: — Beginning at a point on the northwesterly  
25 corner of the premises, ten feet westerly from the  
26 straight part of the front wall of the house thereon  
27 standing and running about southerly on a curved  
28 line forming a portion of the easterly side of the said  
29 square to the center of the partition wall of the  
30 house adjoining the premises on the southerly side  
31 thirty-five feet and one inch, then turning and run-  
32 ning about easterly through the center of the last  
33 mentioned wall until it reaches the center of the  
34 easterly wall of a six feet passageway in the rear of  
35 the premises eighty-five feet and eleven inches, then  
36 turning and running about northerly through the  
37 center of the last mentioned wall until it reaches the  
38 most easterly wall of the house on the granted prem-  
39 ises, then running through the center of the last  
40 mentioned easterly wall to land now or formerly of  
41 Samuel A. Shurtleff thirty-six feet and three quarters  
42 of an inch more or less, then turning and running  
43 about westerly on the outside of the northerly wall of  
44 the house on the granted premises by land now or  
45 formerly of said Shurtleff twenty-six feet and one  
46 inch and on land of John A. Lowell fifty-eight feet  
47 six inches to the place of the beginning — all the said  
48 measurements being more or less, being the same  
49 premises conveyed by Patrick T. Jackson by deed  
50 dated April fifteenth, in the year of Our Lord eighteen  
51 hundred and thirty-nine, recorded in Suffolk registry

52 of deeds, Lib. 443, fol. 134, and being the northerly lot  
53 marked on a plan annexed to the said deed and  
54 recorded therewith.

55 Third: A certain piece or parcel of land situated in  
56 said Boston, with the buildings thereon, bounded  
57 westerly by Pemberton square, there measuring  
58 twenty-nine feet; northerly by house and land of  
59 late of P. T. Jackson by a line running through the  
60 center of the brick partition wall seventy-nine feet  
61 five inches; easterly on a passageway six feet wide  
62 thirty-three feet two and one quarter inches and  
63 southerly on house and land formerly of said Jackson  
64 by a line running through the center of the brick  
65 partition wall eighty-two feet, being the same prem-  
66 ises which were conveyed by Charles W. Cartwright  
67 by deed dated July twenty-fourth, eighteen hundred  
68 and fifty-seven, and recorded with Suffolk deeds,  
69 Lib. 722, fol. 198.

70 In case said parcels are taken under said chapter  
71 seventy-nine the commission, at the time of taking,  
72 need make no award of damages sustained by the  
73 person whose property is taken.

1 SECTION 3. To meet the additional expenditures  
2 authorized by the provisions of this act the state  
3 treasurer shall, from time to time, on the request of  
4 the commission, and with the approval of the gover-  
5 nor and council, place at the disposal of the commis-  
6 sion such funds as it may require within the said  
7 limit, either from such appropriation or appropria-  
8 tions as may be made or by the issue and sale, at  
9 public or private sale, of notes of the commonwealth,  
10 to an amount not exceeding such sums as may be  
11 necessary to meet such share which shall be desig-

12 nated, Court House Loan, Act of 1938. Such notes  
13 shall be for such term of years as may be recom-  
14 mended by the governor in accordance with section  
15 three of Article LXII of the amendments to the  
16 constitution, and shall bear interest, payable semi-  
17 annually, at such rate as shall be fixed by the state  
18 treasurer, with the approval of the governor and  
19 council.

1 SECTION 4. 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 additional  
5 expenditures authorized by this act, and for this  
6 purpose the treasurer of said city, without further  
7 authority, shall borrow, from time to time, such  
8 sums as may be necessary, not exceeding, in the  
9 aggregate, such sums as may be necessary to meet  
10 such share, and may issue bonds or notes therefor,  
11 which shall bear on their face the words, City of  
12 Boston, Court House Loan, Act of 1938. Each  
13 authorized issue shall be payable in not more than  
14 twenty years from their dates. Such indebtedness  
15 incurred under this act shall be in excess of the statu-  
16 tory limit of indebtedness and shall, except as herein  
17 otherwise provided, be subject to chapter forty-four  
18 of the General Laws, as appearing in the Tercente-  
19 nary Edition thereof, exclusive of the limitation  
20 contained in the first paragraph of section seven of  
21 said chapter.

1 SECTION 5. The provisions of said chapter four  
2 hundred and seventy-four relative to the liability of  
3 the commonwealth and of said city under any con-

4 tract, takings of land, and purchases made, or entered  
5 into, by said commission, and all other pertinent  
6 provisions of said chapter, not inconsistent with the  
7 provisions contained in this act, shall be applicable to  
8 the same extent as if contained herein.

1 SECTION 6. This act shall take effect upon its ac-  
2 ceptance on or before of the current year  
3 by vote of the city council of the city of Boston, ap-  
4 proved by the mayor, but for the purpose only of  
5 such acceptance it shall take effect upon its passage.



