

# HOUSE . . . . No. 814

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Bill accompanying the petition of James H. Kay and others relative to the development of the port of Fall River. Harbors and Public Lands. January 16.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

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### AN ACT

For the Development of the Port of Fall River.

*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. In order to develop the port of the city of  
2 Fall River, to make plans therefor and to execute the  
3 same, there shall be constituted a board of four residents  
4 of the commonwealth, to be known as the development of  
5 the port of Fall River board, to be appointed and to serve  
6 as hereinafter provided.

7 The board shall consist of the three members of the  
8 harbor and land commission, and the mayor of the city of  
9 Fall River shall appoint the fourth member of said board.

1 SECTION 2. Previous to the operation of this act, and  
2 before it shall take effect, the city of Fall River shall  
3 carry its sewer beyond the extent of said dock, and shall

4 deed all its right, title and interest in said city dock to  
5 the commonwealth of Massachusetts, with the reservation  
6 to said city of the right to carry and maintain its sewer  
7 through and beyond the boundaries of said dock; it being  
8 expressly provided that this act shall not take effect until  
9 said city has carried out the above provision.

1 SECTION 3. Said board shall proceed, after its appoint-  
2 ment and organization, to determine upon a plan for the  
3 improvement and development of the public dock of Fall  
4 River, on Taunton River, adjacent to Davol street, in said  
5 city, by its enlargement, extension, erection of new fire-  
6 proof buildings, connection with railroad or street railway  
7 lines, deepening the water around it, or by such other  
8 plans as it may adopt.

9 It shall give public hearings and hearings to the trans-  
10 portation companies concerned, and shall consult with  
11 the board of harbor and land commissioners and federal  
12 authorities. After said plan has been finally adopted by  
13 them, approved by the mayor and board of aldermen of  
14 Fall River, the board of harbor and land commissioners  
15 and the war department or other proper federal authori-  
16 ties, then said board shall file said plan with the board of  
17 harbor and land commissioners and proceed to carry it  
18 out. In so far as said plan concerns the change, altera-  
19 tion or extension of railroad or street railway lines, it  
20 shall be approved by the board of railroad commissioners  
21 before being put into operation. Said plan shall describe  
22 the land or interests to be taken, or highways to be used,  
23 and shall state the estimated cost of all work to be done  
24 and property taken.

1 SECTION 4. If the plan for the development of said  
2 public dock provides for connections between said dock

3 and any railroad or railway line, and it is necessary to  
4 take land or rights therefor, said board may take or  
5 acquire by purchase or otherwise, such property and such  
6 rights and easements therein as it may deem necessary to  
7 carry out said plan.

1 SECTION 5. In order to take any property by right of  
2 acquirement and domain, the board shall, within ninety  
3 days after voting to take any lands or easements therein,  
4 file and cause to be recorded in the Bristol county registry  
5 of deeds for the district of Fall River, a description  
6 thereof, sufficiently accurate for identification, with a  
7 statement of the purposes for which the same was taken,  
8 signed by a majority of said board. The recording shall  
9 operate as a taking of the property and the rights and  
10 easements therein described. No taking shall be valid  
11 unless it is recorded in accordance with the provisions of  
12 this section.

1 SECTION 6. The commonwealth, through its treasurer  
2 and receiver-general, shall pay all damages to property  
3 sustained by any person, firm or corporation by the taking  
4 of any land or any right or easement therein. Any  
5 person, firm or corporation sustaining damages as afore-  
6 said, and failing to agree with said board as to the amount  
7 thereof, may have the same assessed and determined in  
8 the manner provided by law, in case of land taken for  
9 the laying out of highways, on application at any time  
10 within three years after the taking of such land or right  
11 or easement therein; but no such application shall be  
12 made after the expiration of the said three years.

1 SECTION 7. The title of land, rights or easements  
2 therein acquired under the provisions of this act, shall

3 be in the commonwealth of Massachusetts, which is hereby  
4 authorized to receive and hold the same subject to the  
5 control of said board. Said board shall have the manage-  
6 ment and control of said public dock and connections,  
7 shall make such reasonable rules and regulations and shall  
8 charge such reasonable rates for the use of such dock and  
9 equipment as it may from time to time deem advisable.  
10 The income from said dock shall be collected by said  
11 board, and the net proceeds thereof, after payment of  
12 the proper expenses of maintenance and repair, shall be  
13 paid unto the treasury of the commonwealth.

1 SECTION 8. The cost and expense of the development  
2 of the public dock, as provided in section two hereof,  
3 including all sums, to be paid for dredging, wharf exten-  
4 sion, erection of buildings, track connections, land dam-  
5 ages and otherwise, to a sum not exceeding  
6 dollars, shall be paid out of the treasury of the  
7 commonwealth.

1 SECTION 9. Said board shall make comprehensive plans  
2 for the further development of the port of Fall River, and  
3 shall report to the next general court, prior to January  
4 sixteen, nineteen hundred and fifteen, a statement of the  
5 doings of said board, and such plans and recommenda-  
6 tions as to legislation, to further the purpose of this act,  
7 as it may determine.

1 SECTION 10. There shall be allowed and paid to said  
2 board out of the treasury of the commonwealth annually  
3 a sum not exceeding five thousand dollars for the salaries  
4 of said board, clerical and expert assistance, plans, sur-  
5 veys and other necessary and incidental expenses con-  
6 nected with its work.

1 SECTION 11. Said board shall seek to carry out the  
2 purpose of this act in other ways than as provided in the  
3 foregoing sections, by securing more public work to be  
4 done in Taunton Great river and the connecting waters,  
5 by promoting navigation and shipping and otherwise, as  
6 they may deem best, but shall incur no expense therefor  
7 in excess of the sum allowed it in section nine hereof,  
8 unless expressly authorized by the legislature.

1 SECTION 12. This act shall take effect upon its passage.





