

HOUSE No. 2206

Bill accompanying the petition of the mayor of the city of Beverly and others relative to the development of Beverly harbor and shores. Municipal Finance. February 26.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

Relative to the Improvement of Beverly Harbor and Shores.

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. The city of Beverly, for the purpose of
2 constructing a public wharf, and a bulkhead to afford a
3 dumping place for dredge spoil, all within the territorial
4 limits of said Beverly, and all as referred to in the re-
5 port of William T. Rossell, chief of engineers, United
6 States army, under date of September third in the year
7 nineteen hundred and thirteen, found in house document
8 number two hundred and twenty, of the first session of
9 the sixty-third congress of the United States of America,
10 said report being modified in accordance with suggestions
11 referred to in report of Edward Burr, acting chief of en-
12 gineers, found in house document number eight, of second

13 session of said congress, is hereby authorized to acquire,
14 by gift or purchase, or to take in fee by right of eminent
15 domain, such flats and other land or real estate within
16 the territorial limits of said city as may, in the discre-
17 tion of said city, be necessary or desirable therefor,
18 whether or not said flats are owned, or held as appurte-
19 nant to any upland bordering on the harbor.

20 Within sixty days after the final passage of an order
21 of said city providing for the taking of any land or in-
22 terest therein under the provisions of this act, the said
23 city shall file and cause to be recorded in the south dis-
24 trict registry of deeds for said county of Essex in said
25 commonwealth, a description thereof sufficiently accurate
26 for identification, and a statement of the purpose for
27 which it was taken, which shall be signed by the mayor
28 and a majority of the board of aldermen. The filing of
29 such description and statement shall constitute a taking
30 in fee by said city of Beverly.

31 The said city may agree with any person or corpo-
32 ration sustaining damages to his or its property by such
33 taking as to the amount thereof, and the said city shall
34 pay the same; but if they are unable to agree, the dam-
35 ages shall, on petition of the person or corporation whose
36 land is taken, or on the petition of the said city, filed in
37 the superior court within two years after the filing of
38 such description of taking, be determined by a jury in
39 the manner provided for determining damages sustained
40 in the taking of land for laying out highways.

41 Such public wharf shall be controlled and managed
42 by said city of Beverly.

1 SECTION 2. For the above purposes and for the pur-
2 pose of any dredging or other work that may by said city
3 be considered necessary or desirable for the work re-

4 ferred to in section one hereof, the said city of Beverly
5 shall have authority to borrow in excess of its statutory
6 limit of indebtedness, a sum not exceeding twenty-five
7 thousand dollars, and to issue therefor from time to time
8 bonds or notes, and the debt and loan authorized by this
9 act and the bonds, notes or scrip issued therefor shall
10 not be reckoned in determining the statutory limit of
11 indebtedness of said city. Such bonds or notes shall be
12 denominated on the face thereof, " City of Beverly, Har-
13 bor Loan, Act of 1914 ", shall be signed by the treas-
14 urer and countersigned by the mayor and auditor of said
15 city, shall bear interest at a rate not exceeding four and
16 one half per cent per annum, payable semi-annually, and
17 shall be payable by such annual payments, beginning not
18 more than one year after the date of each loan, as will ex-
19 tinguish each loan within ten years from its date. The
20 amount of such annual payment of any loan in any year
21 shall not be less than the amount of the principal of said
22 loan payable in any subsequent year. Each authorization
23 of a bond or note shall constitute a separate loan. The
24 said city may sell all said securities at public or private
25 sale, upon such terms and conditions as it may deem
26 proper, but they shall not be sold for less than their par
27 value and the proceeds shall be used only for the purposes
28 herein specified.

1 SECTION 3. This act shall take effect upon its passage.

