

HOUSE . . . . . No. 1374.

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[House, No. 1348, as passed to be engrossed.]

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Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-eight.

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AN ACT

To authorize the Construction of a Dam across the Charles River, between the Cities of Boston and Cambridge.

*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 board of metropolitan park commis-  
2 sioners, constituted under the authority of chapter four  
3 hundred and seven of the acts of the year eighteen hun-  
4 dred and ninety-three, is hereby authorized and directed  
5 to construct and maintain a dam with a suitable lock or  
6 locks across the Charles river from a point at or about  
7 the intersection of Saint Mary's street extended in the  
8 city of Boston with said river and a point in Cambridge  
9 nearly opposite Saint Mary's street extended, and for  
10 this purpose may exercise, in addition to the powers  
11 herein conferred, all the powers conferred upon said  
12 board by said chapter four hundred and seven of the

13 acts of the year eighteen hundred and ninety-three and all  
14 acts in amendment thereof and in addition thereto. Said  
15 board is authorized to apply for and take all necessary  
16 steps to obtain the approval of the Secretary of War or  
17 other proper authority of the United States for carrying  
18 out the purposes of this act. Each member of said  
19 board shall be paid his actual travelling expenses and all  
20 such othar expenses as may be incurred by him in the  
21 performance of his duties under this act, and also any  
22 such compensation for services when absent from the  
23 Commonwealth as shall be allowed by the governor and  
24 council.

1 SECTION 2. To meet the expenses incurred under the  
2 provisions of this act, the treasurer and receiver-general  
3 shall, with the approval of the governor and council,  
4 issue scrip or certificates of debt in the name and be-  
5 half of the Commonwealth and under its seal to an  
6 amount not exceeding five hundred thousand dollars, for  
7 a term not exceeding forty years, such scrip or cer-  
8 tificates of debt to be issued at such times within  
9 one year after the approval by the United States Govern-  
10 ment of the building of said dam, as the treasurer and  
11 receiver-general shall determine. Said scrip or certifi-  
12 cates of debt shall be issued as registered bonds or with  
13 interest coupons attached, shall bear interest at a rate  
14 not exceeding four per cent per annum, payable semi-  
15 annually on the first days of January and July in each  
16 year, shall be designated on their face as the Charles  
17 River Improvement Loan, shall be countersigned by the  
18 governor and shall be deemed a pledge of the good faith  
19 and credit of the Commonwealth; and the principal and  
20 interest shall be paid at the time specified therein in gold  
21 coin of the United States, and said scrip or certificates of  
22 debt shall be sold and disposed of at public auction or in

23 such other mode and at such times and prices and in  
24 such amounts and at such rates of interest not exceeding  
25 the rate above specified as the governor and council shall  
26 deem best. The treasurer and receiver-general shall, on  
27 issuing any of said scrip or certificates of debt, establish  
28 a sinking fund and apportion an amount to be paid  
29 thereto each year sufficient with its accumulations to  
30 extinguish the debt at maturity. Any premium realized  
31 on the sale of said scrip or certificates of debt shall be  
32 applied to the payment of the interest on said loan as it  
33 accrues.

1 SECTION 3. The supreme judicial court sitting in equity  
2 shall on the application of said board and after notice to  
3 the cities of Boston, Cambridge, Newton, and the town  
4 of Watertown, appoint three commissioners who shall  
5 not be residents of said cities or town, who shall after  
6 due notice and hearing, and in such manner as they shall  
7 deem best and equitable, determine the proportion in  
8 which said cities and town, respectively, shall annually  
9 pay money into the treasury of the Commonwealth for  
10 the term of five years next following the year of the first  
11 issue of said scrip or certificates of debt to meet the in-  
12 terest and sinking fund requirements for each of said  
13 years as estimated by the treasurer of the Commonwealth,  
14 and to meet the expenses of maintenance of said dam as  
15 estimated by said board and certified by said treasurer  
16 and any deficiency in the amount previously paid in as  
17 found by said treasurer, and shall return their award  
18 into said court; and when said award shall have been  
19 accepted by said court the same shall be a final and con-  
20 clusive adjudication of all matters herein referred to said  
21 commissioners and shall be binding on all parties. Be-  
22 fore the expiration of said term of five years, and every  
23 five years thereafter, three such commissioners shall

24 again be appointed as aforesaid with the same duties and  
25 powers with reference to the next succeeding term of five  
26 years.

1 SECTION 4. The amount of money required each  
2 year from each city and town hereinbefore named to  
3 meet the interest and sinking fund requirements and  
4 expenses aforesaid for each year and deficiency, if any,  
5 shall be estimated by the treasurer of the Commonwealth  
6 in accordance with the proportion determined as afore-  
7 said, and shall be included in, and made a part of, the  
8 sum charged to such city or town and be assessed upon  
9 it, in the apportionment and assessment of its annual  
10 state tax, and said treasurer shall in each year notify  
11 each city and town of the amount of such assessment  
12 and the same shall be paid by the city or town into  
13 the treasury of the Commonwealth at the time required  
14 for the payment and as a part of its state tax.

1 SECTION 5. The supreme judicial court shall have  
2 jurisdiction in equity to enforce the provisions of this  
3 act, and shall fix and determine the compensation of all  
4 commissioners appointed by said court under the provi-  
5 sions thereof.

1 SECTION 6. No action shall be taken relative to the  
2 construction and maintenance of said dam, under the  
3 provisions of this act until all plans therefor have been  
4 duly submitted to the board of harbor and land com-  
5 missioners and received the approval of said board.

1 SECTION 7. This act shall take effect upon its pas-  
2 sage.

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HOUSE OF REPRESENTATIVES, June 1, 1898.

Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*