

Chap. 761. AN ACT INCREASING THE SALARY OF THE CLERK OF THE FIRST DISTRICT COURT OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (1) of section 79 of chapter 218 of the General Laws is hereby amended in *Class III* by striking out lines 1 and 2 and inserting in place thereof the following line: —

The first district court of Bristol,
and in *Class IV* by striking out line 1 and inserting in place thereof the following two lines: —

The first district court of Barnstable,
district court of central Berkshire,.

SECTION 2. This act shall take effect on January first, nineteen hundred and sixty-three. *Approved July 26, 1962.*

Chap. 762. AN ACT PROVIDING FOR THE FILLING AND IMPROVEMENT OF SOUTH BAY, ROXBURY CANAL AND DORCHESTER BROOK AND CERTAIN TERRITORIES ADJACENT THERETO.

Be it enacted, etc., as follows:

SECTION 1. The state department of public works, hereinafter called the department, is hereby authorized and directed to improve South bay, Roxbury canal, Dorchester brook and that part of Fort Point channel southwesterly of Dover street and land adjacent thereto by providing for the discharge of storm water, surface drainage and sewage overflow therein by means of the construction of a conduit system with suitable connections to existing overflows in Roxbury canal, Dorchester brook, South bay and Fort Point channel from Massachusetts avenue northerly to Dover street.

For the aforesaid purposes, the department shall acquire in the name of the commonwealth, by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by exercise of the power of eminent domain in accordance with the provisions of chapter seventy-nine of the General Laws in so far as such provisions may be applicable, such public or private lands or parts thereof or rights therein, and such public or private ways, as it may deem necessary for carrying out of the intent of this act; provided, that no damages shall be paid to the city of Boston for any lands or parts thereof or rights therein so taken.

The cost of the construction of said conduit system, and of acquisition of such lands or rights therein as may be necessary, including land damages incidental to the carrying out of the provisions of this section, and including also engineering expenses, contingencies and interest during construction, shall not exceed five million dollars and shall be paid by the commonwealth.

SECTION 2. The state treasurer shall, upon request of the governor and council, issue and sell at public or private sale, bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor and council from time to time sufficient to provide means for payment of the cost of the undertaking herein authorized to be carried out by the common-

wealth, including land and other damages. All such bonds shall be on the serial payment plan for such maximum term of years as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest payable semi-annually at such rate as the state treasurer with the approval of the governor shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof.

SECTION 3. Upon completion of said conduit system with its connections, the commonwealth, acting through the department, shall convey to the city of Boston without consideration all right, title and interest of the commonwealth in and to said conduit system and its connections, which shall thereafter be operated and maintained by the public works department of said city. Upon such completion, the commonwealth, acting as aforesaid, shall also convey to said city without consideration all right, title and interest of the commonwealth in and to South bay, Roxbury canal, Dorchester brook, and that part of Fort Point channel southwesterly of Dover street; and said city shall thereupon proceed to improve the same by filling.

SECTION 4. Said city, acting by its commissioner of real property, may sell, lease or otherwise dispose of, any land so filled or any portion thereof or any interest therein, provided that any sale shall be at public auction; and provided further that, until the commonwealth is reimbursed in full for all sums paid by it pursuant to section one and for all interest and financing charges incurred under section two, said city shall pay to the commonwealth one half of all proceeds received by said city from every such sale, lease or other disposition.

SECTION 5. Any proceeds received by the commonwealth from the city of Boston under the provisions of section four shall be used for the amortization of the bonds issued under section two, and the payment of interest on said bonds.

Approved July 26, 1962.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, July 26, 1962.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, John A. Volpe, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 762 of the Acts of 1962 entitled "An Act-Providing For The Filling And Improvement Of South Bay, Roxbury Canal And Dorchester Brook And Certain Territories Adjacent Thereto" and the enactment of which received my approval on July 26, 1962, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose which is the immediate reclamation of the described area and its best use.

Respectfully submitted,

JOHN A. VOLPE,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 26, 1962.

I, Kevin H. White, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven o'clock and forty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and sixty-two of the acts of nineteen hundred and sixty-two.

KEVIN H. WHITE,
Secretary of the Commonwealth.

Chap. 763. AN ACT INCREASING THE AMOUNT OF BONDS WHICH MAY BE ISSUED BY THE UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide urgently needed dormitory facilities for students at the University of Massachusetts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 773 of the acts of 1960 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The Authority is hereby authorized to provide by resolution at one time or from time to time for the issuance of bonds of the Authority for the purpose of paying all or any part of the cost of a project; provided, that the Authority shall not issue any bonds the principal amount of which, when added to the principal amount of bonds theretofore issued and then outstanding hereunder, shall exceed twenty million dollars.

SECTION 2. The second paragraph of section 10 of said chapter 773 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The guaranty of the commonwealth provided pursuant to such contract shall be of the payment of the principal of, and interest on, all such notes and bonds as the same become due and payable, and the full faith and credit of the commonwealth is hereby pledged for any such guaranty; provided, that the total amount of notes and bonds so guaranteed shall not exceed twenty million dollars in the aggregate for all projects constructed by the Authority, exclusive of any such notes and bonds issued for refunding purposes.

Approved July 26, 1962.