

HOUSE . . . . No. 294.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 13, 1888.

The Committee on State House, who were instructed to consider the expediency of acquiring for State purposes any land adjoining the present State House grounds or elsewhere, and of the erection of a new State House or of any new building or buildings thereon, or of the remodelling and alteration of the present State House for the better accommodation of the State departments, report, in part, the accompanying Bill.

For the Committee,

FRANK A. FALES.

Senator CLARK dissents.

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HOUSE OF REPRESENTATIVES, March 23, 1888.

The Committee on Finance, to whom was referred the Bill to provide for the better accommodation of the State government in the city of Boston, report that the same ought to pass in a new draft herewith submitted.

For the Committee,

BENJ. H. HARTWELL.

## Commonwealth of Massachusetts.

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

### AN ACT

To provide for the Better Accommodation of the  
State Government in the City of Boston.

*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 providing  
2 suitable and adequate accommodations for the  
3 legislative and executive departments of the state  
4 government, and for the several bureaus, boards  
5 and officers of the Commonwealth whose offices  
6 are, or may be, located in the city of Boston, and  
7 for any other necessary and convenient uses of  
8 the Commonwealth in the transaction of its busi-  
9 ness, the governor and council are hereby au-  
10 thorized and directed, in the name and behalf of  
11 the Commonwealth, to acquire by gift or pur-  
12 chase, or to take within six months after the  
13 passage of this act, the whole of the following  
14 described tracts or parcels of land, with the  
15 buildings and improvements thereon, and with

16 the rights and privileges thereto appertaining,  
17 the same being situate in said city of Boston, and  
18 lying adjacent or near to the state house, namely:  
19 The square or parcel of land lying next north of  
20 the state house, and bounded north by Derne  
21 street, east by Temple street, south by the  
22 south line of Mount Vernon street and west  
23 by Hancock street. Also they are authorized  
24 to take, by purchase or otherwise, the parcel  
25 of land or any part thereof comprising the  
26 estates on the easterly side of Temple street,  
27 between Mount Vernon and Derne streets,  
28 bounded and described as follows: Northerly by  
29 Derne street, westerly by Temple street, south-  
30 erly by the south line of Mount Vernon street  
31 and easterly by a line parallel with and sixty  
32 feet from the easterly line of Temple street,  
33 including in the above description, in whole or  
34 in part, numbers thirteen and fifteen in Mount  
35 Vernon street, and eighty-two, eighty, seventy-  
36 eight, seventy-six, seventy-four, seventy-two,  
37 seventy and sixty-eight in Temple street, and  
38 nine and eleven Derne street.

1    SECT. 2. The governor and council shall file  
2 in the registry of deeds for the county of Suffolk,  
3 and cause to be recorded therein, a description of  
4 any land taken as aforesaid, as certain as is re-  
5 quired in an ordinary deed of land, with a state-  
6 ment, signed by the governor, that the same are  
7 taken in the name and behalf of the Common-  
8 wealth under provision of this act; and the act

9 and time of filing thereof shall be deemed to be  
10 the act and time of taking such lands, and to be  
11 sufficient notice to all persons that the same have  
12 been so taken. The title to all land so taken  
13 shall vest absolutely in the Commonwealth and its  
14 assigns forever.

1     SECT. 3. The governor and council shall have  
2 full power to settle, by agreement or arbitration,  
3 the amount of compensation to be paid any per-  
4 son by reason of the taking of his property under  
5 the provisions of this bill; and in case a price  
6 shall not be fixed in the manner aforesaid the  
7 governor and council shall, within six months from  
8 the date of taking, proceed to appraise the value  
9 of each parcel of property, and the value of the  
10 interest of each and every party therein, so far as  
11 may be ascertained, and shall file, in detail, a  
12 statement of their findings with the treasurer of  
13 the Commonwealth, and shall immediately there-  
14 after give public notice, by advertising once a  
15 week for three successive weeks in a newspaper  
16 published in the city of Boston, of the fact of such  
17 valuation, together with a general description of  
18 the property taken sufficient for identification, and  
19 the appraisal of the value thereof made by them;  
20 and any party at interest who shall be dissatisfied  
21 with the valuation made as aforesaid may, at any  
22 time within one year from the date of filing said  
23 valuation with the treasurer, apply to the bar of  
24 the superior court for the county of Suffolk to  
25 have his damages assessed by jury in the manner

26 provided in section one hundred and five, chapter  
27 forty-nine of the Public Statutes, and the provi-  
28 sions of sections one hundred and seven and one  
29 hundred and eight of said chapter shall apply to  
30 proceedings hereunder.

1    SECT. 4. Whenever the property taken is rep-  
2 resented by a guardian or trustee, and when  
3 there are different interests, or when the property  
4 taken is mortgaged, the provisions of sections  
5 one hundred and seven, one hundred and eight  
6 and one hundred and nine, chapter one hundred  
7 and twelve, shall apply.

1    SECT. 5. The governor and council are author-  
2 ized to negotiate with the city of Boston con-  
3 cerning the construction of any new street or  
4 way, and concerning any changes, whether of  
5 width, location or grade, in Temple street, Mount  
6 Vernon street, or any other street necessary to be  
7 changed in the course of the work herein contem-  
8 plated, and to arrange as to character and extent  
9 of any change necessary or desirable; also the terms  
10 and conditions as between the Commonwealth  
11 and the city of Boston on which such changes  
12 may be made, and may agree upon the same, sub-  
13 ject to the approval of the legislature.

1    SECT. 6. The governor and council may dis-  
2 continue the whole of Temple street between  
3 Mount Vernon street and Derne street, or any  
4 portion thereof, and any avenue or way which is

5 upon or across any land acquired or taken as  
6 aforesaid, and may acquire or take, as aforesaid,  
7 all rights and interests in and to the land under  
8 the same; and they may appropriate any portions  
9 of lands acquired or taken under this act for lay-  
10 ing out, widening or relocation of any new or  
11 existing street, avenue or way which they may  
12 deem to be necessary or convenient for access to  
13 the present state house grounds, or to the land  
14 so acquired or taken, or for public use. They  
15 shall cause such notice of such discontinuance,  
16 laying out, widening or relocation, with a de-  
17 scription by metes and bounds sufficiently accu-  
18 rate for identification, to be published in the  
19 newspaper in which the general laws are pub-  
20 lished by the secretary of the Commonwealth;  
21 and such publication shall be deemed to be suffi-  
22 cient notice to all persons of such discontinuance,  
23 laying out, widening or relocation.

1     SECT. 7. The governor and council shall have,  
2 in respect to indemnity and assessment of damages  
3 sustained by any persons in their property by the  
4 laying out, locating anew, altering or discontinu-  
5 ing a highway in the work contemplated in this  
6 act, all powers existing in the street commission-  
7 ers of the city of Boston under chapter forty-nine  
8 of the Public Statutes or other acts thereto per-  
9 taining; and the provisions of said chapter forty-  
10 nine, and other acts not inconsistent herewith,  
11 respecting assessment of damages, awarding in-  
12 demnity for damages sustained by reason of such

13 laying out, alteration, locating anew, discontinu-  
14 ance of a highway or order for special repairs,  
15 shall apply to proceedings under this act. And  
16 all awards and judgments rendered under this act  
17 shall be paid by the treasurer of the Common-  
18 wealth.

1     SECT. 8. Whenever the governor and coun-  
2     cil shall file with the auditor of the Common-  
3     wealth a statement of the assessment of damages  
4     to any person by reason of the taking of or dam-  
5     age to his property in pursuance of this act, or a  
6     statement showing the amount agreed upon as  
7     aforesaid as purchase price for any property  
8     herein described or interest therein, the auditor  
9     shall certify the amount so assessed or agreed  
10    upon, and a warrant shall be made therefor as in  
11    the case of other lawful payments from the treas-  
12    ury of the Commonwealth, and upon the execu-  
13    tion of such release or conveyance as shall be  
14    prescribed by the attorney-general, the treasurer  
15    shall pay to the party at interest the sum to which  
16    he is entitled as aforesaid.

1     SECT. 9. In order to defray the expenses  
2     which may be incurred in pursuance of this act,  
3     the treasurer and receiver-general is hereby au-  
4     thorized, under the direction of the governor and  
5     council, to issue scrip or certificates of debt, in  
6     the name and behalf of the Commonwealth, to an  
7     amount not exceeding five hundred thousand  
8     dollars, redeemable on the first day of July in the

9 year nineteen hundred and one; said scrip to bear  
10 interest at a rate not exceeding four per cent. per  
11 annum, payable semi-annually at the office of the  
12 treasurer and receiver-general in Boston. Said  
13 scrip shall be issued from time to time as may be  
14 necessary, and no portion of said scrip shall be  
15 disposed of at any price less than the original par  
16 value, and any sum or sums of money necessary  
17 to be paid for the land that shall be taken and the  
18 expenses incurred under the provisions of this act,  
19 are hereby appropriated to be paid out of the pro-  
20 ceeds of the sale of scrip as aforesaid, or from any  
21 other money in the treasury not otherwise appro-  
22 priated.

1 SECT. 10. This act shall take effect upon its  
2 passage.