

# HOUSE....No. 274.

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Sixty-Six.

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### AN ACT

For the better Drainage of certain Lands in the City of Boston, and for the Preservation of the Public Health in said City.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—*

1    SECT. 1. The city of Boston may purchase or  
2 otherwise take the lands and estates, or any of them,  
3 in said city, with the buildings and other fixtures  
4 thereon, situated and lying within the district, bounded  
5 on the north by Boylston street, on the east by  
6 Pleasant street, on the south-east and south by  
7 Tremont street and the Boston and Worcester rail-

8 road, and on the west by Ferdinand street, and the  
9 extension of the same northwardly in a straight  
10 direction to Boylston street.

1     SECT. 2. If the city is not able to obtain such lands  
2 or estates by agreement with the owners, the damages  
3 for taking the same, shall be estimated and determined  
4 in the manner provided in the cases of laying out  
5 railroads and highways: *provided, however*, that any  
6 application for a jury for the revision of the judg-  
7 ment of the board of aldermen in the assessment of  
8 damages shall be made within six months from the  
9 entry of the order on which such application is  
10 founded; and *provided, also*, that after thirty days'  
11 notice in writing to the owner, or in case he is  
12 unknown or resides out of the Commonwealth, to the  
13 occupant, the city may enter upon and take possession  
14 of any of said estates, and the damages for taking said  
15 estate, shall be deemed to have accrued from the time  
16 of such entry.

1     SECT. 3. The board of aldermen of the city of  
2 Boston, may fill up with good, clear earth, the lands  
3 of said district to a grade not less than twelve feet  
4 above mean low water, and may lay and make such  
5 main drains and common sewers as they shall adjudge  
6 to be necessary for the public health. Said board  
7 may discontinue the existing streets and ways in said  
8 district, and lay out and construct such new streets  
9 and avenues as they shall adjudge the public conve-  
10 nience to require; but of a grade not less than eighteen  
11 feet above mean low water, except where the new  
12 streets or avenues shall connect with existing streets

13 without the limits of said district which are of a lower  
14 grade.

1     SECT. 4. If the estate of any person within said  
2 district, not purchased or taken by the city, shall be  
3 injured by filling up or raising the grade of said dis-  
4 trict, by discontinuing the ways or streets within the  
5 same, or the laying out and constructing of new  
6 streets or avenues, the damages shall be assessed in  
7 the manner provided in section second of this act ;  
8 but no jury or committee shall have authority to  
9 revise the judgment of the board of aldermen, as to  
10 the filling up and raising the grade of said district, or  
11 the discontinuance of any way or street therein, or  
12 the laying out or construction of any new street or  
13 avenue.

1     SECT. 5. The board of aldermen of said city, after  
2 said land is filled up, drained, and the streets and  
3 avenues laid out, as is in the preceding section pro-  
4 vided, shall divide the lands so purchased and taken  
5 into suitable building lots, and sell such lots at public  
6 auction, at such times, in such quantities, and with  
7 such notice and conditions of sale as the said board  
8 shall adjudge to be best for the favorable sale of said  
9 lands.

1     SECT. 6. Said city of Boston shall cause to be  
2 kept full and accurate accounts of all moneys received  
3 from the sales of lands so taken, or purchased, and  
4 of the buildings and fixtures thereon, and from the  
5 use and occupation of any lands, or buildings before  
6 sales made ; of all moneys paid by the city in the

7 purchase of lands: of all damages paid for taking  
8 lands; of all damages paid for injury to lands; of  
9 the expenses of raising and filling up said district; of  
10 constructing the main drains and common sewers;  
11 of laying out and constructing new streets and ave-  
12 nues; of the laying out into lots, and the sale and  
13 conveyance of said lands; and of all other expenses  
14 incurred in carrying into effect the provisions of this  
15 act. Such account shall be open to the inspection of  
16 the governor and council, and treasurer and receiver-  
17 general of the Commonwealth, and the president,  
18 directors and treasurer of the Boston Water Power  
19 Company.

1     SECT. 7. If upon the sales of said lands it shall  
2 be ascertained by the board of aldermen of said city  
3 that the expenses incurred by the city in carrying  
4 into effect the provisions of this act shall exceed the  
5 amount received by the city from the sale of lands,  
6 buildings or fixtures thereon, or the use and occupa-  
7 tion of the same, the city may by petition (giving due  
8 notice to all the parties,) apply to the supreme judicial  
9 court for the appointment of three commissioners to  
10 ascertain and determine what proportion, if any, of  
11 such balance of expenditures over receipts ought in  
12 equity and good conscience to be paid by said city  
13 of Boston, the Commonwealth, and the Boston Water  
14 Power Company, respectively, and also what the  
15 Commonwealth ought to pay by reason of any con-  
16 tract entered into by said Commonwealth with the  
17 parties aforesaid, or either of them, or any acts of said  
18 Commonwealth under such contract.

1   SECT. 8. The supreme judicial court, after notice  
2 to the Commonwealth and the Boston Water Power  
3 Company, may appoint said commissioners who, after  
4 due notice and hearing of the parties, shall fix and  
5 determine such proportion. And the award of the  
6 commissioners, or a major part of them, being  
7 returned into said court, shall be binding upon the  
8 parties, providing the same be in accordance with the  
9 law and be accepted by said court.

1   SECT. 9. This act shall not go into effect unless  
2 the same shall be accepted by the Boston Water  
3 Power Company at a meeting of the stockholders  
4 called for that purpose, and a copy of the vote of  
5 acceptance, attested by the clerk of said company,  
6 filed with the city clerk of the city of Boston, and a  
7 like copy filed with the secretary of the Common-  
8 wealth.

1   SECT. 10. Subject to the condition contained in  
2 the last section, this act shall take effect upon its  
3 passage.

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SENATE, March 28th, 1866.

Passed to be engrossed.

Sent down for concurrence.

S. N. GIFFORD, *Clerk.*

1. The first thing I noticed when I stepped  
 2. out of the train was the fresh air and the  
 3. sound of the waterfalls. It was a  
 4. wonderful surprise. I had heard that  
 5. the waterfalls were beautiful, but I  
 6. had never seen them before. The  
 7. water was so clear and the sound  
 8. was so loud. It was a truly  
 9. amazing experience.

1. I had heard that the waterfalls were  
 2. beautiful, but I had never seen them  
 3. before. The water was so clear and  
 4. the sound was so loud. It was a  
 5. truly amazing experience. I had  
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