

# HOUSE . . . . . No. 398.

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[House, No. 361, as passed to be engrossed.]

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## Commonwealth of Massachusetts.

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

### AN ACT

In Addition to an Act to provide for a Union Railroad Passenger Station between Charles River and Causeway Street 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. Section two of chapter two hun-  
2 dred ninety-two of the acts of the year one  
3 thousand eight hundred and eighty-six is hereby  
4 amended so as to read as follows:—

5 For the purposes aforesaid, and for providing  
6 necessary approaches and appurtenances to such  
7 station, the said Boston and Maine Railroad and  
8 Eastern Railroad Company may, subject to the  
9 provisions of this act and of chapter nineteen of  
10 the Public Statutes, cover and occupy with a pile  
11 or other similar structure such portion or por-  
12 tions of the area or parcel of tide-water land

13 flowed by said Charles River and Miller's River,  
14 and situate between the now existing railroad  
15 bridges of said corporations across said rivers, as  
16 may be necessary therefor, and may, within two  
17 years from the passage of this act, with the assent  
18 of the board of harbor and land commissioners,  
19 and the written consent of the littoral proprietors  
20 whose access to the sea will be thereby ob-  
21 structed or interrupted, close the draws existing  
22 in their several railroad bridges across the said  
23 Miller's River. If any such littoral proprietor shall  
24 refuse to consent to the closing of said draws, but  
25 shall consent within ninety days from the passage  
26 of this act to submit the determination of the  
27 value of his littoral estate and real property con-  
28 nected therewith to three disinterested arbitrators,  
29 one to be chosen by him, one by said railroad  
30 companies, and the third by the two thus chosen,  
31 the said proprietor shall sell and convey said  
32 estate to said railroad companies, and said rail-  
33 road companies shall purchase the same at the  
34 price so fixed by said arbitrators; and if he does  
35 not so consent, then said companies within two  
36 years from the passage of this act may close  
37 said draws without such consent or purchase; and  
38 any littoral proprietor whose access to the sea is  
39 obstructed or interrupted by the closing of said  
40 draws may recover of said corporations all dam-  
41 ages thereby occasioned to his property and  
42 business, in the same manner and with the same  
43 rights as to security as are provided by law in  
44 relation to damages occasioned by laying out and

45 maintaining railroads; and provided, further, that  
46 no portion of said area or parcel of tide-water  
47 land shall be so covered or occupied until the  
48 board of railroad commissioners shall have first  
49 approved in writing the plans for the location,  
50 arrangement and joint use of such station, and  
51 for the changing and arrangement of the tracks  
52 of the several railroads approaching and cross-  
53 ing said rivers and entering such station, and for  
54 the avoidance of grade crossings as aforesaid;  
55 nor until the board of harbor and land commis-  
56 sioners shall have first approved in writing the  
57 plans for covering and occupying as aforesaid  
58 any portion or portions of said area or parcel of  
59 tide-water land, both as regards the location and  
60 extent of the portion or portions to be so covered  
61 and occupied, and the manner of occupying and  
62 using the same; and any plans for covering the  
63 area of tide water flowed by Charles River shall  
64 provide a means of passage for row-boats at all  
65 stages of the tide; and all things done by any rail-  
66 road corporation under this act shall be done in  
67 accordance with the respective plans so approved.

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

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HOUSE OF REPRESENTATIVES, May 11, 1887.

Passed to be engrossed.

Sent up for concurrence.

EDWARD A. McLAUGHLIN,

*Clerk.*

