

HOUSE No. 427

Bill accompanying the petition of Moses Williams and others for legislation to authorize the Boston and Eastern Electric Railroad Company to erect permanent structures in public squares and streets in the city of Boston. Metropolitan Affairs. January 10.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

Relative to the Boston and Eastern Electric Railroad Company.

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. That section seven of chapter six hundred
2 and thirty of the acts of nineteen hundred and ten en-
3 titled "An Act to authorize the Boston and Eastern Elec-
4 tric Railroad Company to construct a tunnel and terminal
5 in the City of Boston", be amended by striking out,
6 beginning in the sixth line of said section, the words
7 "but no permanent structures shall be erected upon the
8 surface in, and no openings for permanent entrances to
9 or exits from, said tunnel shall be made in, any public
10 street or way or any property now owned or occupied by

11 the city", and inserting in place thereof the following:
12 — and, for the purpose of constructing stations and per-
13 manent entrances to or exits from said tunnel, but for
14 no other purposes, the company may erect permanent
15 structures upon the surface in, and make openings for
16 permanent entrances to and exits from said tunnel in,
17 Post Office square, Liberty square and Kilby street, but
18 in no other public street or way and in no other property
19 now owned or occupied by the city, — so that said section
20 seven as amended shall read as follows:— *Section 7.*
21 For the purpose of constructing the tunnel and any alter-
22 ations thereof and additions thereto authorized by the
23 joint board, the company, to such extent as may be au-
24 thorized by the commission, may use public ways and
25 lands without compensation therefor except as herein
26 provided; and, for the purpose of constructing stations
27 and permanent entrances to or exits from said tunnel,
28 but for no other purposes, the company may erect per-
29 manent structures upon the surface in, and make open-
30 ings for permanent entrances to and exits from said
31 tunnel in, Post Office square, Liberty square and Kilby
32 street, but in no other public street or way and in no
33 other property now owned or occupied by the city. To
34 provide for such construction the company, with the
35 approval of the commission, may take by purchase or
36 otherwise any lands in fee, including the buildings
37 thereon, and any easements or limited estates or rights
38 in lands which may be deemed necessary therefor, in-
39 cluding the right to go under or above the surface
40 thereof or through or under buildings or parts of build-
41 ings thereon, and any taking in fee or otherwise may be
42 made whether the lands taken or affected are held by
43 title derived under eminent domain or otherwise, but shall

44 not be made in respect of property owned or used by the
45 city, or without the approval of the board after a hear-
46 ing, of property owned or used for railroad or railway
47 purposes. A taking or purchase of an easement or
48 limited estate or right in a given parcel of real estate,
49 whether such parcel consists of unimproved land or of
50 land and buildings, may be confined to a portion or sec-
51 tion of such parcel fixed by horizontal, vertical or in-
52 clined planes of division or curved surfaces or otherwise,
53 below, above or at the surface of the soil, and in such
54 case no taking need be made of other portions or sections
55 thereof, except of such easements therein, if any, as the
56 commission may deem necessary.

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

