

# HOUSE . . . . No. 1223.

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## Commonwealth of Massachusetts.

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### VIEWS OF THE MINORITY OF THE COMMITTEE ON WAYS AND MEANS ON THE BILL RELATIVE TO DAMAGES OCCA- SIONED BY THE CONSTRUCTION OF BASINS OR RESER- VOIRS FOR WATER SUPPLY IN THE TOWN OF ASHLAND.

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I dissent from the report of the committee on Ways and Means on the Bill which provides for the creation and payment of a claim against the Metropolitan District for damages claimed by the town of Ashland for the taking of property in that town in 1876 and 1877 by the city of Boston.

The claim is for damages to be paid to the town, in addition to the damages already paid to individuals and corporations for property thus taken.

I submit that such a bill ought not to pass. If Ashland is entitled to collect damages in addition to the damages paid to individuals and corporations, and go back 22 years, there is no reason why other towns may not also claim damages for an indefinite period, even 50 years, when the Boston water system was first established.

“It concerns the Commonwealth,” so runs the legal maxim, “that there be an end of litigation.” This property was taken in 1876 and 1877, and about \$400,000 was paid to the owners for damages. No claim was made by the town for additional compensation until 1894. This damage,

now 22 years old, is claimed for the first time against the Metropolitan Water District. It has twice been before the Legislature, and both times rejected. Previous to this year, the claim has been made against Boston; but this time, since the Metropolitan District has purchased the Boston water system, the claim is made against the whole district.

The Bill adopts the principle that damages should be paid to the town in addition to the damages paid to individuals and corporations for property taken, and makes such damages apply to matters which were settled more than 20 years ago, and may extend to matters which were settled more than half a century ago. In all cases full compensation was paid in accordance with laws in force at the time when the property was taken, and there is no reason why matters settled at such remote dates should not remain settled.

In the town of Ashland, from which the petition comes, certain mills were purchased or taken by the city of Boston in 1876 and 1877. The assessed valuation of these mills and their contents, exclusive of the land was \$83,925. Since that time no mill buildings have been taken, but the city of Boston bought a mill privilege where a mill had been burned.

Between 1881 and 1889 a few houses were purchased in Ashland by the city of Boston for the construction of the Ashland and Hopkinton reservoirs, and for protecting the purity of the water in the Sudbury River. The assessed valuation of all these houses was \$8,550.

At the time of the original purchases of mills in the town of Ashland, the city of Boston was required to go to a large expense to construct new roads and two iron bridges over the Sudbury river for the benefit of the town of Ashland.

Although the mills were taken from the town of Ashland in 1876 and 1877, no request was made for compensation for the town until 1894, when the town of Ashland first petitioned for legislation.

The taking of the mills did not prevent the growth of the town as will be seen by reference to the census returns, as the population was 183 greater in 1880 than in 1875, and 239 greater in 1885 than in 1880. Since 1885, however, there has been a decrease of population, but this decrease

cannot be attributed to the taking of property at a much earlier period. The statistics of population are as follows : —

YEAR.	Population.	YEAR.	Population.
1875, . . . . .	2,211	1890, . . . . .	2,532
1880, . . . . .	2,394	1895, . . . . .	2,090
1885, . . . . .	2,633		

The Metropolitan Water Board pays yearly to Ashland a sum in lieu of taxes and as taxes, which in 1898 amounted to \$360.62.

The provisions of the bill cover the claim of Ashland alone; but there seems to be no reason why, if the principle of the bill is correct, it should not apply to all water supplies taken for one town from within the limits of another.

And the next Legislature, if this bill is enacted, will see a vast number of similar claims against not only the Metropolitan District, but against towns and cities throughout the State.

The valuation of the town of Ashland has not been seriously affected by the taking of the property, as the following table will show : —

YEAR.	Real Estate.	Personal Estate.	Total Valuation.
1878, . . . . .	\$873,879	\$347,230	\$1,221,109
1879, . . . . .	1,056,540	117,888	1,174,428
1880, . . . . .	995,952	173,291	1,169,243
1881, . . . . .	1,030,877	217,876	1,248,753
1882, . . . . .	1,114,477	233,696	1,348,173
1883, . . . . .	1,137,028	214,645	1,351,673
1884, . . . . .	1,139,076	265,641	1,404,717
1885, . . . . .	1,117,595	243,958	1,361,553
1886, . . . . .	1,112,710	260,483	1,373,193
1887, . . . . .	1,116,072	249,667	1,365,739
1888, . . . . .	1,106,698	233,409	1,340,107
1889, . . . . .	1,085,381	205,520	1,290,901
1890, . . . . .	1,078,684	192,710	1,271,394
1891, . . . . .	1,063,334	178,484	1,241,818
1892, . . . . .	1,054,315	148,575	1,202,890
1893, . . . . .	1,058,696	163,387	1,222,083

There has never been a case where claims have been created twenty years after a full settlement of all damages has been made.

The Metropolitan District cannot be held responsible for damages for the construction of water works by Boston twenty years ago, when Boston has enjoyed the benefits all these years.

This bill ought not to pass.

C. H. ADAMS.