

HOUSE No. 389

By Mr. Bullock of Waltham, petition of Albert W. Bullock that the Metropolitan District Commission be authorized to regulate the flow of the Charles River in and above the city of Waltham. Metropolitan Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act relative to the Regulation of the Flow of the Charles River in the City of Waltham and Above.

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. Whenever during the months of June,
2 July, August and September in any year the level of
3 the water in the basin in the Charles river at and
4 above the dam at or near Moody street in the city of
5 Waltham shall fall _____ inches or more below
6 the top of the dam, except during such time as may
7 be required for making necessary repairs to said
8 structure or its appurtenances, and, in the opinion of
9 the commissioner of public health and the commis-
10 sioner of the metropolitan district commission, acting
11 jointly, the public health, comfort and convenience
12 so require, said commissioners are hereby authorized,
13 by joint order, to limit the drawing of water from said
14 basin, provided that no such order shall be made

15 which shall reduce the amount of water required to
16 be allowed to flow past said dam under any contract
17 or agreement existing at the date of the passage of
18 this act so long as such contract or agreement is in
19 force and against the objection of the person or cor-
20 poration having such contract rights. Any such order
21 shall specify the period within which the drawing of
22 water is limited, and may be revoked by said com-
23 missioners whenever in their opinion such limitation
24 may properly be removed.

1 SECTION 2. If and in so far as the provisions of
2 this act, or any authority granted thereunder, may
3 result in an appropriation of the property of any
4 person or corporation for which compensation is
5 required under the constitution, such person or cor-
6 poration may recover damages therefor from the
7 commonwealth under chapter seventy-nine of the
8 General Laws, and all proceedings in relation to or
9 growing out of the same shall conform to the provi-
10 sions of said chapter seventy-nine, except that any
11 petition for the assessment of damages may be filed
12 within two years after the effective date of this act
13 but not later. One half of the amount of damages so
14 recovered shall be paid by the cities and towns of the
15 metropolitan parks district in proportion to the
16 respective taxable valuation of the property of said
17 cities and towns as defined in section fifty-nine of
18 chapter ninety-two of the General Laws. The cities
19 of Newton and Waltham and the town of Weston
20 shall reimburse the commonwealth for the remaining
21 one half of the amount of all damages so recovered,
22 the amount payable by each such municipality as
23 aforesaid to be apportioned to the city of Waltham

24 fifty per cent, to the city of Newton forty per cent,
25 and to the town of Weston ten per cent, and the
26 amount of such reimbursement shall be assessed,
27 collected and paid over to the state treasurer by said
28 municipalities in the same manner and at the same
29 time as the state tax.

1 SECTION 3. The supreme judicial court and the
2 superior court shall each have jurisdiction to restrain
3 any violation of any order under section one limiting
4 the drawing down of the water in said river.

The first part of the report is devoted to a description of the work done during the year. It is divided into two main sections, the first of which deals with the general work of the office, and the second with the work of the various departments. The first section is headed "General Work" and the second "Work of the Departments".