

HOUSE No. 1359.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 2, 1900.

The committee on Public Health, to whom was referred the petitions (with accompanying bill, Senate, No. 68) of Eben C. Norton and others for legislation relative to the protection of the public health in the valley of the Neponset River, report the accompanying bill.

For the Committee,

W. J. BULLOCK.

HOUSE OF REPRESENTATIVES, May 17, 1900.

The committee on Ways and Means, to whom was referred the bill relative to the protection of the public health in the valley of the Neponset River, report that the further consideration thereof be referred to the next general court.

For the Committee,

GEO. H. CARLETON.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred.

AN ACT

Relative to the Protection of the Public Health in
the Valley of the Neponset River.

*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. The state board of health is au-
2 thorized and directed to expend a sum not ex-
3 ceeding one hundred and twenty-five thousand
4 dollars, exclusive of damages to land, easements
5 and rights in land, in constructing necessary
6 drains, trenches and ditches, and in dredging,
7 straightening, changing, deepening and recon-
8 structing the channel of the Neponset river be-
9 tween the place where the river is crossed by
10 Pleasant street in Norwood and the Blue Hill
11 avenue bridge between Milton and the Dorchester
12 district of Boston, and within said limits to make
13 changes and alterations in any bridge and to do
14 all other work, except as hereinafter stated, as

15 shall tend to the restoration of the lands along
16 said river to their original condition, and to the
17 abatement of malaria and other peril to the pub-
18 lic health, but no authority is granted to remove
19 permanently any dam or flashboards, or to re-
20 duce the height or the dimension of any dam. If,
21 however, any person or corporation shall obtain
22 an additional power or water supply in conse-
23 quence of the doing of the work herein contem-
24 plated, such person or corporation shall not gain
25 any prescriptive right to the use of such addi-
26 tional water power or water supply, or be en-
27 titled to any compensation therefor if such
28 additional water power or water supply shall
29 hereafter be taken for public use, and no person
30 or corporation, in the event of any subsequent
31 taking of any water power or water supply, or
32 the removal of any dam or flashboards, or the re-
33 ducing or lowering of the height of any dam, or
34 changing or altering the dimensions thereof,
35 within the limits aforesaid, shall be entitled to
36 any compensation for such additional water power
37 or water supply, and no person or corporation
38 shall be allowed hereafter compensation for any
39 increased value to his or its land or property if
40 said land or property shall be taken for public
41 use, that shall be directly derived from the work
42 done under this act.

43 The work herein provided for, except the per-
44 manent removal of the flashboards at the paper
45 manufactory of the Tileston and Hollingsworth
46 corporation in the town of Hyde Park shall be

47 done substantially in accordance with the plan set
48 forth in the report made by said board of health
49 to the legislature at the session of eighteen hun-
50 dred and ninety-seven. The work herein pro-
51 vided for shall be extended over three years
52 commencing in the year nineteen hundred, and
53 one-third of said work as nearly as may be shall
54 be done each year.

1 SECTION 2. Said board is hereby authorized
2 and directed to prohibit the entrance or discharge
3 of sewage into any part of said river or its tribu-
4 taries, whether above or below the limits herein-
5 before designated, and to prevent the entrance or
6 discharge therein of every other substance which
7 may in its opinion be injurious to the public health
8 or which may obstruct the flow of water: *pro-*
9 *vided, however,* that said board may in its dis-
10 cretion allow any waste or refuse from factories,
11 manufactories and establishments employing help
12 to discharge into said river such waste or refuse
13 as shall first have been purified by such means
14 and in such manner as said board may prescribe.

1 SECTION 3. Said board may take in the name
2 of the Commonwealth by purchase or otherwise
3 and hold all lands, easements and rights in land
4 that may be necessary to effect the object intended
5 by this act.

1 SECTION 4. Said board shall within thirty days
2 after the taking of any land, easements or rights

3 in land otherwise than by purchase, cause to be
4 recorded in the registry of deeds for the county
5 of Norfolk a certificate thereof sufficiently ac-
6 curate for identification.

1 SECTION 5. Said board shall make return to
2 the treasurer of the Commonwealth, and to the
3 assessors of the towns hereinafter named, of the
4 number of acres of land benefited by the work
5 done, or changes made under this act. The re-
6 turn to the assessors shall also contain the names
7 of the owners or occupants of the land benefited
8 so far as they can be ascertained, and the number
9 of acres belonging to or occupied by said owners
10 or occupants; but the return to the assessors of
11 any town need only contain the number of acres,
12 and the names of the owners or occupants of said
13 land in such town.

1 SECTION 6. The total expense incurred under
2 this act shall, in the first instance, be paid by the
3 Commonwealth, but after the completion of the
4 work, the towns hereinafter named shall repay to
5 the Commonwealth said expense.

1 SECTION 7. Said board shall determine what
2 proportion of the total expense incurred under
3 this act shall be paid by the towns of Sharon,
4 Norwood, Canton, Westwood, Dedham, Hyde
5 Park and Milton, respectively, and the per cen-
6 tum to be paid by said towns, respectively, shall
7 be divided and apportioned by said board among

8 said towns, one-half in proportion to the acreage
9 of taxable land benefited in each town and one-
10 half in the proportion that the valuation of each
11 town bears to the sum of the valuation of all
12 said towns as taken in the year eighteen hundred
13 and ninety-nine. Land taken by the metropolitan
14 park commission or by any public authority in any
15 town, if said land is benefited by the work done
16 or changes made under this act, shall be con-
17 sidered as belonging to such town for the purpose
18 of determining the proportion to be paid accord-
19 ing to acreage. The sum thus ascertained to be
20 due from each of said towns to the Common-
21 wealth shall be paid in ten annual instalments,
22 and each instalment shall be annually added to
23 and collected as part of the state tax.

1 SECTION 8. The assessors of each of said
2 towns shall annually divide and apportion, to the
3 best of their judgment, the sum which their re-
4 spective towns are required to pay upon the pro-
5 portion of acreage of taxable land benefited as
6 hereinbefore provided, during each of said ten
7 years, upon the land benefited, as determined by
8 said board, in proportion to the benefit received;
9 and such apportionment shall be added to the tax
10 assessed upon said lands, and shall constitute a lien
11 thereon to the same extent and for the same time
12 that taxes assessed in towns are now a lien upon
13 land assessed; and the payment thereof shall be
14 enforced in the manner provided by law for the

15 collection of ordinary taxes. Any land, the
16 owners or occupants of which appear by the
17 board's return to be unknown, if the owners or
18 occupants are unknown to the assessors in the
19 town where said land is situated, shall be taxed
20 to unknown owners, and shall be a valid tax for
21 the non-payment of which said land may be sold
22 in the same manner that land may now be sold
23 for the non-payment of taxes. Any person or
24 corporation assessed for taxes under this act, may
25 apply for an abatement thereof, and shall have all
26 the rights and be subject to all the liability that
27 persons and corporations have under the laws
28 and statutes of the Commonwealth relating to
29 taxes.

1 SECTION 9. The Commonwealth shall be liable
2 for all damages to property sustained by any per-
3 son or corporation by the taking of any land,
4 easements, or rights in land, and any such person
5 or corporation who fails to agree with said board
6 as to the amount of damages sustained may have
7 the same assessed in the manner established by
8 law in cases where land is taken for the laying
9 out of highways; provided application therefor
10 is made within two years from the taking or the
11 doing of any act herein authorized.

12 When a certificate is filed as herein provided
13 said board shall, within ten days thereafter, notify
14 by mail any owner or occupant so far as known to
15 said board of property taken or affected by the act

16 of said board, and shall keep a record of such noti-
17 fication, which record shall be conclusive of the
18 fact.

19 The certificate herein mentioned shall be signed
20 by the chairman of the state board of health.

1 SECTION 10. The sum of five thousand dollars
2 is hereby appropriated for damages arising under
3 this act caused by the taking of land, easements,
4 or rights in lands.

1 SECTION 11. This act shall take effect upon
2 its passage.