

HOUSE No. 1383.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 20, 1901.

The committee on Public Health, to whom was referred the petition (with accompanying bill, House, No. 485) of E. C. Gardner for legislation to prevent the pollution of inland waters, report the accompanying bill.

For the Committee,

HORACE B. GALE.

Mr. CURRIER of Essex, of the Senate, dissents.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

AN ACT

To Prevent the further Pollution of Inland Waters.

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. No person or body of persons,
2 corporation, town or city shall cause or permit to
3 flow or fall into any natural watercourse, stream,
4 lake or pond, any sewage, drainage or refuse of
5 such kind or amount as, either by itself or in con-
6 nection with other matter, will tend to pollute the
7 waters of such stream, lake or pond, without
8 using the best means available for rendering the
9 same harmless before it flows or falls into the
10 stream, lake or pond; *provided, however,* that
11 nothing herein shall be held to abrogate or affect
12 any rights or powers vested in any party or parties
13 by act of legislature prior to the passage of this
14 act.

1 SECTION 2. Upon complaint to the state board
2 of health of the violation of any of the provisions

3 of section one hereof the said board shall examine
4 the circumstances, and if it finds that any polluting
5 matter is being permitted to flow or fall into such
6 watercourse, lake or pond and that the best
7 means available for rendering the same harmless
8 are not employed, the said board shall notify the
9 party or parties permitting such matter to so flow
10 or fall, to desist therefrom, or to provide means for
11 rendering the same harmless within a reasonable
12 prescribed time; and the said board, upon pres-
13 entation of plans for the removal or purification
14 of such polluting matter by said party or parties,
15 shall advise as to the best means available for
16 rendering the same harmless.

1 SECTION 3. The supreme judicial court or any
2 justice thereof and the superior court or any jus-
3 tice thereof shall have jurisdiction in equity to
4 enforce the provisions of this act and any order
5 made by the state board of health in conformity
6 therewith. Proceedings to enforce any such
7 order shall be instituted and prosecuted by the
8 attorney-general upon the request of the state
9 board of health.

1 SECTION 4. This act shall take effect upon
2 the first day of January in the year nineteen
3 hundred and two.

