

HOUSE No. 8.

REPORT

OF THE

METROPOLITAN SEWERAGE
COMMISSIONERS.

Commonwealth of Massachusetts.

REPORT.

To the Honorable the Senate and House of Representatives.

The Board of Metropolitan Sewerage Commissioners, created by chapter 439, Acts of 1889, which is printed herewith, presents its

FIRST REPORT.

This Board held its first meeting on September 13, its membership then being complete (Robert T. Davis of Fall River, its third member, having been confirmed September 11), and organized by the choice of Hosea Kingman of Bridgewater as chairman, and elected Edward P. Fisk of Boston clerk, fixing his salary at the rate of two thousand dollars per annum from the date of his election.

The work entrusted to this Board is defined in the third section of the act, which is as follows:—

SECT. 3. Said board shall construct, maintain and operate for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, and the towns of Stoneham, Melrose, Winchester, Arlington, Belmont, Medford, Everett and Winthrop, such main sewers and other works as shall be required for a system of sewage disposal for said cities and towns, and for the cities of Boston, Waltham and Newton, and the towns of Watertown and Brookline another such system, both of which systems shall be in substantial accordance with the plans reported and recommended by the state board of health in its report to the legislature of eighteen hundred and eighty-nine; and for that purpose may make all contracts

necessary for the construction of the sewers and works aforesaid, or may where deemed advisable carry on such construction by day labor. Said board may from time to time contract with any other city or town for the extension thereto of either of said systems of sewage disposal, and for the reception and disposal of sewage therefrom.

The building, maintenance and operation of two such extensive systems of sewage disposal require that the man selected for the position of chief engineer of the Board shall be qualified by ability, training and experience for the work. Aiming to secure the best possible talent, the Board has consulted engineers of the highest rank and largest experience, some of whom are personally familiar with the work; but, owing to the brief period of its service, it has been unable to take definite action in making a selection.

Rooms have been engaged in the new Ames Building on Lincoln Street, Boston, for three years from Oct. 1, 1889, with the privilege of extending the lease six months at the expiration of that time, or of sub-letting at any time prior thereto. The annual rental will be two thousand dollars; and the offices of the commission will be at 93 Lincoln Street until such time as quarters can be provided for the Board in the new addition to the State House.

Realizing the importance of an early completion of this great work, the Board will proceed as rapidly in the discharge of its duties as circumstances will permit.

The expenditures to date are shown in table herewith, there having been no receipts.

HOSEA KINGMAN,
TILLY HAYNES,
R. T. DAVIS,

Metropolitan Sewerage Commissioners.

*Expenditures of Board of Metropolitan Sewerage Commissioners
to Oct. 1, 1889.*

<i>Salary of Commissioners :</i>		
Hosea Kingman, from Aug. 5, 1889, . . .	\$467 75	
Tilly Haynes, from Aug. 8, 1889, . . .	443 54	
Robert T. Davis, from Sept. 13, 1889, . . .	150 00	\$1,061 29
Salary of clerk, from Sept. 13, 1889,	100 00
		\$1,161 29

BOSTON, Oct. 1, 1889.

ACTS OF 1889.

[CHAP. 439.]

AN ACT TO PROVIDE FOR THE BUILDING, MAINTENANCE AND OPERATION OF A SYSTEM OF SEWAGE DISPOSAL FOR THE MYSTIC AND CHARLES RIVER VALLEYS.

Be it enacted, etc., as follows :

SECTION 1. The governor by and with the advice and consent of the council shall appoint three able and discreet men, inhabitants of the Commonwealth, who shall constitute a board to be known as the metropolitan sewerage commissioners, and who shall hold office, one for the term of five years, one for the term of four years and one for the term of three years beginning with the first Monday in January in the year eighteen hundred and eighty-nine ; and in the year eighteen hundred and ninety-two and annually thereafter the governor shall appoint, as aforesaid, one such commissioner to hold office for the term of three years beginning with the first Monday in January in the year of his appointment, and in case of any vacancy occurring in said board by resignation or otherwise shall in the same manner appoint a commissioner for the residue of the term, and may in the same manner remove any commissioner. The members of said board shall each receive the salary of three thousand dollars per year.

SECT. 2. Said board shall, as soon as may be after its appointment and annually thereafter on the first Monday of February of each year, organize by the choice of one of its members as chairman, and shall at the same meeting elect a clerk, who shall not be a member of said board, and may from time to time appoint such agents, officers and servants as it may deem necessary to carry out the purposes of this act, and may determine their duties and compensation and remove the same at pleasure. Said board shall be furnished with an office in some suitable place in the city of Boston in which the maps, plans and documents relating to its business, and to the sewers, land and other property in its charge, and records of all its doings shall be kept.

SECT. 3. Said board shall construct, maintain and operate for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, and the towns of Stoneham, Melrose, Winchester, Arlington, Belmont, Medford, Everett and Winthrop, such main

sewers and other works as shall be required for a system of sewage disposal for said cities and towns, and for the cities of Boston, Waltham and Newton, and the towns of Watertown and Brookline another such system, both of which systems shall be in substantial accordance with the plans reported and recommended by the state board of health in its report to the legislature of eighteen hundred and eighty-nine; and for that purpose may make all contracts necessary for the construction of the sewers and works aforesaid, or may where deemed advisable carry on such construction by day labor. Said board may from time to time contract with any other city or town for the extension thereto of either of said systems of sewage disposal, and for the reception and disposal of sewage therefrom.

SECT. 4. Said board acting on behalf of the Commonwealth may take by purchase or otherwise any lands, water-courses, rights of way or easements, and may take by purchase or otherwise or enter and use any existing sewers or parts of sewers necessary for the carrying out under the provisions of this act of the recommendations and plans of said state board of health contained in its said report. When any lands, water-courses, rights of way or easements, or any sewers or parts of sewers are so taken or entered and used in any manner other than by purchase or agreement, said board shall within thirty days of said taking or entering and using cause to be recorded in the registry of deeds for the county or district in which such lands, water-courses, rights of way or easements, or sewers or parts of sewers lie, a description of the same as certain as is required in a common conveyance of land, with a statement of the purpose for which the same is taken or entered and used, which description shall be signed by a majority of said board; and the fee of the lands, water-courses, rights of way or easements, or sewers or parts of sewers so taken or purchased shall vest in the Commonwealth, which shall pay, in the manner hereinafter described, all damages that shall be sustained by any person or corporation by reason of such taking or entering as aforesaid. Such damages to be agreed upon by said board and the person or corporation injured; and if the parties cannot agree a jury in the superior court of the county in which the property taken or damaged is situated may be had to determine the same in the same manner as a jury is had and damages are determined in the case of persons dissatisfied with the estimate of damages sustained by the laying out of ways in the city of Boston: *provided, however*, that no suit for such damages shall be brought after the expiration of two years from the date of the recording of the taking or entering as herein required.

SECT. 5. Said board may, for the purposes aforesaid, carry up and conduct any sewer by it to be made and constructed under or over any water-course, or any street, turnpike road, railroad, highway or other way in such manner as not unnecessarily to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way for the purpose of laying down sewers beneath the surface thereof and for maintaining and repairing the same; and in general may do any other acts and things necessary or convenient and proper for the purposes of this act. In entering upon and digging up any such road, street or way of public travel it shall be subject to such reasonable regulations as may be made by the mayor and aldermen or selectmen of the cities and towns respectively wherein such works shall be performed.

SECT. 6. Whenever said board shall dig up any road, street or way, as aforesaid, it shall so far as practicable restore the same to as good order and condition as the same was in when such digging commenced. And the Commonwealth shall at all times indemnify and save harmless the several cities and towns within which such roads, streets or ways may be against all damages which may be recovered against them respectively, and shall reimburse to them all expenses which they shall incur by reason of any defect or want of repair in any road, street or way caused by the construction of any of said sewers, or by the maintaining or repairing of the same: *provided*, that said board shall have due and reasonable notice of all claims for such damages or injury and opportunity to make a legal defence thereto.

SECT. 7. Said board may also alter or change the course or direction of any water-course, or may with the consent of the mayor and aldermen of cities or selectmen of towns alter or change the location or grade of any highway, townway, public street or way of travel crossed by any sewers constructed under the provisions of this act, or in which such sewers may be located.

SECT. 8. Said board shall at all times keep for each of said systems full, accurate and separate accounts of its receipts, expenditures, disbursements, assets and liabilities, and shall include an abstract of the same in its annual report to the general court.

SECT. 9. Any city or town within whose limits any main sewer shall have been constructed under the provisions of this act shall connect its local sewers with such main sewer, subject to the direction and control of said board, and any person, firm or corporation may, subject to the direction, control and regulation from time to time of said board, and subject to such terms, conditions

and regulations as each city or town may prescribe, connect private drains with said main sewer.

SECT. 10. Any person or persons who shall wantonly or maliciously destroy or injure any sewer or other property, held or used by said board by the authority and for the purposes of this act, shall forfeit and pay to the Commonwealth three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And every such person or persons may, on indictment and conviction of either of the wanton or malicious acts aforesaid, be punished by a fine not exceeding one thousand dollars and imprisonment not exceeding one year.

SECT. 11. The state board of health shall, on the organization of the board created by this act, transfer and deliver over to said board all books, plans, maps, engineers' reports, instruments and other property acquired during the surveys and investigations relating to the systems of sewage disposal for the Mystic and Charles river valleys on which the report of the said board of health, hereinbefore referred to, was founded.

SECT. 12. To meet the expenses incurred under the provisions of this act, the treasurer and receiver-general shall with the approval of the governor and council issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal to an amount not exceeding five million dollars, for a term not exceeding forty years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Such scrip or certificates of debt shall be designated on the face as the Metropolitan Sewerage Loan; shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth redeemable at the time specified therein in the lawful money of the United States, and shall be sold and disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts and at such rate of interest not exceeding four per centum per annum as the governor and council shall deem for the best interest of the state. The treasurer and receiver-general shall on issuing any of said scrip or certificates of debt establish a sinking fund, and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. But in such apportionment of a sinking fund the assessment shall be at the rate of one-eightieth part of the whole amount in each of the first ten years, one-sixtieth part in each of the second ten years, one-thirtieth part in each of the third ten years and the remainder

equally divided in the next ten years. Any premium realized in the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

SECT. 13. The supreme judicial court sitting in equity shall, on the application of said board after notice to each of the cities and towns hereinbefore named, appoint three commissioners, who shall not be residents of any of the cities or towns mentioned in this act, who shall after due notice and hearing and in such manner as they shall deem just and equitable determine for each system the proportion in which each of the cities and towns hereinbefore named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year of the first issue of said scrip or certificates, to meet the interest and sinking fund requirements for each of said years as estimated by said treasurer, and to meet the cost of maintenance and operation of said system for each of said years, as estimated by the said board and certified to said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

SECT. 14. Before the expiration of said term of five years and every five years thereafter other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in each of said systems shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

SECT. 15. The amount of money required each year from each such city and town to meet the interest, sinking fund requirements and cost aforesaid for that system in which it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into

the treasury of the Commonwealth at the time quired for there payment and as a part of its state tax.

SECT. 16. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

SECT. 17. This act shall take effect upon its passage [*Approved. June 7, 1889.*]

COMMISSIONERS:

HOSEA KINGMAN, *Chairman.*

TILLY HAYNES.

ROBERT T. DAVIS.

EDWARD P. FISK, *Clerk.*

Offices:— 93 Lincoln Street, Boston.