

HOUSE No. 364.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 18, 1882.

The Committee on Public Health, to whom was referred the Report of the Metropolitan Drainage Commissioners, beg leave to submit the following

REPORT.

The plan of the commission contemplated in a general way the incorporation into a Metropolitan Health District of the following cities and towns: the cities of Boston, Newton, Cambridge, Somerville, Chelsea, and Malden, and the towns of Brookline, Waltham, Watertown, Belmont, Arlington, Winchester, Medford, Woburn, Stoneham, Wakefield, Melrose, Everett, Revere, and Winthrop. These places would naturally drain into the Mystic and Charles River Valleys, provided they should, at any time in the future, desire to establish municipal systems of underground drainage finding an outlet to the ocean.

There is great doubt, in the opinion of a majority of the Committee, whether all the places named will ever require, necessarily, a common underground system of disposing of household sewage and excrementitious matter; and it is a serious question how far the State ought to encourage the idea (speaking here for the State at large) that all sewage-matter of this kind must ultimately find its way into rivers to be condemned to sewage purposes, or even be conducted to the sea by immense sewers to be constructed in the river-

valleys. Most of our towns dispose of their sewage in a way that is not offensive nor injurious to the public health, and to the benefit of land that might otherwise suffer from the lack of fertilizing material; and it is a question whether the State has not already proceeded quite far enough in encouraging systems of municipal water-supply and drainage without sufficiently considering the ultimate outcome of the conveniences which towns and villages have been inclined to rush into without much regard to ultimate results affecting the public health and comfort.

A majority of the Committee are also of the opinion that the hearing upon the subject of forming the particular Metropolitan Health District under consideration elicited very little real interest from most of the towns. The probable expense was objected to in many instances; representatives from some of the towns expressed doubts whether their municipalities would ever find it necessary to become a part of any such system as has been proposed; and there was very little evidence, based upon definite authority, that the towns would all unite in such an undertaking as was proposed. There was, however, a very general expression that it would be well to continue the investigation with a view to ascertaining something more definite in the way of plans and cost; but nearly all of these were based upon the idea that the expense of such investigation should be borne by the Commonwealth, and not by the towns.

The question that came before the Committee was whether, under these circumstances, any legislation would be expedient, and whether they would be justified in reporting a bill. Upon the expediency of enacting a law, the Committee are divided in opinion; but they are substantially unanimous in arriving at the conclusion that it is not expedient to incur any further expense for the State in pursuing investigations in this particular direction, for the commission of last year was as able an one as would be likely to be obtained; and this commission were unanimous and decided in the opinion that, whatever plan of drainage might be adopted, the municipalities named are those which would naturally be included in such a system as they in general recommend.

A portion of the Committee do not feel satisfied that it would be wise to pass a bill incorporating a health district

at the present time. They are led to this conclusion: *first*, because they are not satisfied that the towns themselves would approve of being thus incorporated; *second*, because they are not clear that sufficient exigency has been shown to justify the exercise, to the extent proposed, of police power on the part of the State; *third*, because the principle of incorporating a district to be managed, even for a single and limited purpose, by a board to be appointed by the Governor and Council, and not by persons of its own choice, would be an innovation they do not feel prepared to recommend; and *fourth*, because even the discharge of sewage-matter into the sea is so far regarded as questionable, that even this present Legislature is considering the question of prohibiting the city of Boston from emptying a part of its sewage into Dorchester Bay.

Other members of the Committee hold that the bill they have considered ought not to be open to serious objection; that such a bill is demanded; and that, years hence, it will be considered a mistake if such a measure as is proposed is not adopted before it is too late. The bill they favor is an act incorporating the towns already named into a health district. The affairs of the district are to be vested in a board of five commissioners, to be appointed by the Governor, who are to be residents of the district. No taxes are to be levied upon the district except for preliminary surveys, and are not to exceed \$30,000. Beyond this expenditure the commissioners cannot go except by future authority obtained of the Legislature. This bill, in the opinion of the minority, is not necessarily open to the objection that it will force towns to enter into such a district; for the board is expressly required by sect. 3 to "consider whether any method for removing such sewage, other than such as conducts and discharges into the ocean, can be adapted to any of the said cities and towns:" and it is not, in their judgment, to be presumed that the board would attempt to force a town into a position adverse to its own interest.

While the Committee are divided as to the expediency of passing such a bill as this, and while a majority are perhaps favorable to a reference of the subject to the next General Court, they unanimously agree in the opinion that a condition of things exists, in the Mystic Valley more particu-

larly, which is not likely to be satisfactorily solved until the municipalities along that valley unite in a common system of sewerage finding an outlet in the ocean. In view of this fact, as well as of the additional fact that this subject has been for two years under consideration, and while the members of the Committee will hold themselves as free to support or oppose the bill as they have been while consulting together in committee, they have concluded to place the bill before the Legislature for such action as may be deemed expedient. With this statement, and in the spirit which the statement reveals, the Committee unite in reporting the accompanying bill.

For the Committee,

JOHN C. RAND.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-two.

AN ACT

To establish a Metropolitan Health District.

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. For the purpose of protecting and
2 preserving the health of the people resident and
3 being within the limits of the territory hereinafter
4 described, and especially to carry out such purpose
5 by the acquisition, construction, and maintenance of
6 two or more main lines of intercepting sewers, as
7 and whenever the same may be authorized by act of
8 the legislature, the territory comprehended within
9 the limits of the cities of Boston, Newton, Cam-
10 bridge, Somerville, Chelsea, and Malden, and the
11 towns of Brookline, Waltham, Watertown, Belmont,
12 Arlington, Winchester, Medford, Woburn, Stoneham,
13 Wakefield, Melrose, Everett, Revere, and Winthrop,
14 be and is hereby incorporated as the Metropolitan

15 Health District, with the powers of counties
16 necessary for, or incidental to, carrying out such
17 purpose.

1 SECT. 2. The management, direction, and con-
2 trol of the property, affairs, and concerns of said
3 district shall be vested in a board of five district
4 commissioners, to serve without pay, who shall be at
5 all times residents of such districts, and who shall be
6 appointed by the governor, with the advice and con-
7 sent of the council. Said board may employ such
8 agents, officers, and servants as they may find neces-
9 sary to carry out the purposes of this act, and de-
10 termine their duties and compensation.

1 SECT. 3. Said board shall cause such surveys,
2 estimates, and plans to be made for one or more
3 intercepting sewers, with one or more branches
4 leading to or towards the ocean on both sides of
5 Boston Harbor, for the purpose of effectually inter-
6 cepting sewage and waste matter which might other-
7 wise enter the Charles or Mystic Rivers, or their
8 tributaries, or Boston Harbor proper, or any inlets
9 thereto, from said cities and towns. Said board shall
10 also consider whether any method for removing such
11 sewage other than such as conducts and discharges
12 the same into the ocean can be adapted to any of the
13 said cities and towns.

14 The board shall submit a report of its doings to
15 the legislature at its next session, with such surveys,
16 plans, estimates, and recommendations as it may be
17 prepared to report.

1 SECT. 4. For the purpose of meeting the expen-
2 ditures authorized and required by the third section
3 of this act, the board shall from time to time, subject
5 time to time issue scrip or certificates of indebted-
6 ness, payable at not exceeding two years from date,
7 to the necessary amount, but not exceeding in the
8 whole thirty thousand dollars. For the amounts so
9 raised the district shall be liable in the same manner
10 as counties are for debts lawfully created. The
11 legislature shall grant taxes to the district as it shall
12 judge expedient to meet such liabilities in the same
13 manner as taxes are granted to counties. All taxes
14 granted shall be apportioned by the board upon the
15 cities and towns contained in the district in the
16 same proportions as the state tax is apportioned;
17 the provisions of all general laws for the certifica-
18 tion and paying over of county taxes shall apply to
19 the certification by the district commissioners, and
20 paying over to them of such taxes; and in each city
21 and town such taxes shall be added to and collected
22 with the taxes assessed for municipal purposes.

1 SECT. 5. This act shall take effect upon its pas-
2 sage.

