

Commonwealth of Massachusetts.

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VIEWS OF THE MINORITY

Of the Committee on Drainage on the Bill to establish a System of Sewage Disposal for the City of Worcester (House, No. 399).

The undersigned dissents from the report of the committee and submits the following views with the accompanying bill which he recommends as a substitute for the bill reported by the committee:—

The city of Worcester is an inland city of 70,000 inhabitants, with a tax rate of about \$18.50 per thousand. In consequence of its increasing population, and the constant demands for school accommodations and new improvements of every kind and nature, it has nearly reached the limit of its borrowing capacity.

It has always enjoyed, since its existence as a city, the natural and riparian right of drainage into Mill Brook, a tributary of the Blackstone River which is the only outlet of its water supply and sewage. The effluent of all its water supply and of its sewage (should any system of purification ever be adopted) must eventually find its way into this stream. In 1867, when the city was about to adopt its present sewage system, an act was passed (st. of 1867, chap. 106) empowering the city to widen, straighten, deepen and use Mill Brook and certain other tributaries of the Blackstone so far as necessary for sewage purposes.

This legislative grant has been recognized in all subse-

quent legislation affecting the question of sewage disposal (see notably Pub. Stat. chap. 80 sect. 97). On the strength of this legislative grant, the city has completed its present sewage system at an expense of nearly \$3,000,000. A portion of this sum has been assessed upon the property of its citizens in the form of assessments and paid by them, and a portion remains a part of its present debt.

Since 1867 the population of the city has more than doubled, and this method of sewage disposal has already become to a certain degree offensive to the towns in the valley of the Blackstone, especially to the town of Millbury, and the evil is likely to increase in the future unless some remedy is provided. No such result as this was probably foreseen, or rapid growth in population anticipated at the time the act of 1867 was passed. It does not appear that any protest was made at the time by the towns below. All the towns below are also contributing to the pollution of the river, the difference between them and Worcester being one of degree.

The towns in the Blackstone Valley have petitioned for some legislative action by which the sewage of the city of Worcester shall be purified before it mixes with the waters of the Blackstone. The position of the city is, and always has been, that the city has no right to impose upon its citizens and taxpayers a new burden of taxation to devise a new system of sewage disposal in lieu of one for which they have already paid, and that the Commonwealth cannot, or in the exercise of good faith would not, take away privileges and grants upon the faith of which they have invested money. Or at any rate that this should only follow as the result of some general law applicable to the whole Commonwealth.

Therefore if legislative action is to be taken on these petitions providing for some new system of sewage disposal or sewage purification, the result of which would be the taking away from Worcester of the legislative grant of 1867, the committee are believed to be in accord on the question of compensation. The difference lies in the method of getting at it.

The bill reported by the committee provides that Worcester shall devise the system and that the Commonwealth shall reimburse the city for rights taken away. The substitute bill provides that the Commonwealth shall devise the system, and when successful shall be reimbursed by the city for what it would cost to construct a similar or equivalent system.

The latter system would seem to commend itself to the sound judgment of the House as the true policy of the Commonwealth and one for which there is abundant precedent.

On many occasions where the sanitary condition or public welfare of a comparatively small section of the Commonwealth has been affected, commissions have been appointed to abate nuisances and devise sanitary measures, and the whole expense has been paid from the public treasury, and this without reimbursement — the long controversy between the Concord and Sudbury meadow owners and the proprietors of the North Billerica dam is a case in point.

In the present instance, the legislation asked for, is upon a matter in which most of the cities and towns of the Commonwealth have a common interest. The question of sewage purification or the removal of the offensive and polluting properties from sewage, before its discharge into our inland waters is a new one on this side of the Atlantic and a comparatively new one in the old world. And it is one which all inland cities and large towns will sooner or later be obliged to meet. The best method of purification is one on which scientists are not yet agreed, the problem is unsolved, the success of sewage farms, broad irrigation and downward intermittent filtration is, according to the latest testimony of the best authorities, in greater doubt to-day than five years since.

The bill reported by a majority of the committee is in the direction of both new legislation and special legislation. The legislature of Massachusetts has never yet enacted a law containing mandatory provisions as to how a municipality should dispose of its sewage.

If legislation is necessary or desirable, as it doubtless is, it should be in the shape of a general law applying to all

towns and cities. Often the best method of purification has first been ascertained. And this method should be ascertained by the Commonwealth and at its expense.

It is manifestly unjust to single out any particular municipality and compel it to experiment for the benefit of the whole State. It would be still more unjust to compel the city of Worcester, which is in the enjoyment of a legislative grant to dispose of her sewage in exactly the way she is now doing, with which she is satisfied and which it has cost her millions of dollars to perfect, to enter upon costly experiments mostly for the benefit of the whole State.

HENRY L. PARKER.

## Commonwealth of Massachusetts.

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

### AN ACT

To establish an Experiment Station for the Purification of Sewage.

*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 governor, with the advice  
2 and consent of the council, is authorized to ap-  
3 point three persons, who shall be a board of com-  
4 missioners, with full power to take, for limited  
5 periods of time, for the purposes of making ex-  
6 periments, or permanently, by purchase or other-  
7 wise, any lands, water rights, water privileges,  
8 rights of way or easements, in the city of Wor-  
9 cester and town of Millbury, necessary for the  
10 construction of a system of experiments for the  
11 purification of sewage, at a cost not exceeding,  
12 including all damages, the sum of five hundred  
13 thousand dollars.

1    SECT. 2.  When any lands, water rights, water  
2 privileges, rights of way or easements are so  
3 taken, in any manner other than by purchase,  
4 said commissioners shall, within thirty days after  
5 such taking, file in the registry of deeds for the  
6 district in which said lands, water rights, water  
7 privileges, rights of way or easements lie, and  
8 cause to be recorded, a description of the same,  
9 as certain as is required in a common conveyance  
10 of land, with a statement of the purpose for  
11 which the same is taken, and if taken for experi-  
12 mental purposes the period of time for which the  
13 same is taken, and when taken permanently the  
14 absolute title of the property and rights taken shall  
15 vest in the Commonwealth.  The Commonwealth  
16 shall pay all damages that shall be sustained by  
17 any person or corporation by reason of such tak-  
18 ing.  Any person or corporation sustaining dam-  
19 ages as aforesaid, who fails to agree with the  
20 Commonwealth as to the amount of damages sus-  
21 tained, may have the damages assessed and  
22 determined by a jury, on petition to the superior  
23 court for the county of Worcester, on application  
24 at any time within the period of three years  
25 from the taking of such land or other property,  
26 or the doing of injury under the authority of this  
27 act.

1    SECT. 3.  Said board shall have power to erect  
2 such buildings, construct such sewers, water-  
3 mains, reservoirs, machinery and appliances as

4 shall be in their judgment convenient or necessary  
5 to purify the waters of the Blackstone river  
6 from all offensive, noxious and polluting proper-  
7 ties discharged therein by the sewage system of  
8 Worcester, and to make all contracts and employ  
9 all agents necessary for the purposes of this act.

1    SECT. 4. The city of Worcester shall, upon  
2 the reasonable success of the system afore-  
3 said, reimburse the Commonwealth and pay into  
4 treasury such an amount as three arbitrators  
5 appointed by the supreme judicial court shall  
6 assess and determine would be necessary to re-  
7 produce a plant and system of purification  
8 equally efficient with that then in use : *provided*,  
9 that said arbitrators shall have first found that  
10 the system adopted by said board and then in  
11 use is and will be thereafter successful, at a rea-  
12 sonable expense, in purifying from all offensive,  
13 noxious and polluting properties the waters or  
14 substances discharged from the sewers of said  
15 city into said river, so that said waters and sub-  
16 stances shall not of themselves, or in connection  
17 with other matters, create a nuisance or endan-  
18 ger the public health. And upon payment into  
19 the treasury of the Commonwealth of such sum  
20 thus assessed and determined, said board shall, in  
21 the name and behalf of the Commonwealth, con-  
22 vey to the city of Worcester the title of the Com-  
23 monwealth to the lands, water rights, water priv-  
24 ileges, rights of way and easements taken under

25 the provisions of this act that are necessary to  
26 this system, and the same shall thereafter vest in  
27 said city.

1     SECT. 5. In order to meet any expenses in-  
2     curred by said board under the provisions of this  
3     act, the governor is authorized to draw his war-  
4     rant on the treasurer of the Commonwealth for  
5     such sums as may be required from time to time  
6     for carrying out said provisions, and the sum of  
7     one hundred thousand dollars is appropriated,  
8     and the treasurer of the Commonwealth is au-  
9     thorized, upon the order of the governor and  
10    council, to issue scrip or certificates of debt to  
11    the amount of said appropriation, which shall be  
12    expressed in such currency, and shall bear such  
13    rate of interest, not exceeding six per cent. per  
14    annum, as the governor and council may direct,  
15    and shall be redeemable in not less than five nor  
16    more than twenty years from the date thereof; and  
17    said treasurer shall sell or otherwise dispose of  
18    the same as he may deem proper, subject to the  
19    approval of the governor and council.

1     SECT. 6. This act shall take effect upon its  
2     passage.



