

sewage or factory waste as a common nuisance from the river and its tributaries below the city of Waltham; and no sewer, drain, overflow or other outlet for factory or house drainage shall hereafter be connected with the basin below said city without the approval of the metropolitan park commission. Said metropolitan park commission shall also have and exercise over said basin, dam, lock, highway, park, parkway, drawbridge or drawbridges, all other power, duties and liabilities now imposed upon said commission by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and in amendment thereof relative to the care, maintenance and control by said commission of open spaces for exercise and recreation so far as the provisions of said acts are consistent with the provisions of this act.

SECTION 3. When the work of the Charles river basin commission as provided for in said chapter four hundred and sixty-five is finished, said commission shall certify the fact in writing to the metropolitan park commission, and such certificate or a copy of the same, attested by any member of the metropolitan park commission or by its secretary, shall be prima facie evidence that the exclusive care and control of said dam, lock, highway, park or parkway, drawbridge or drawbridges, are vested in the metropolitan park commission.

When dam is completed the Charles river basin commission to certify the same, etc.

SECTION 4. So much of chapter four hundred and sixty-seven of the acts of the year eighteen hundred and ninety-eight as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

*Approved May 8, 1906.*

AN ACT TO ESTABLISH THE BASES FOR DETERMINING THE ANNUAL ASSESSMENTS UPON THE MUNICIPALITIES WITHIN THE METROPOLITAN SEWERAGE DISTRICTS FOR INTEREST AND SINKING FUND REQUIREMENTS AND COST OF MAINTENANCE AND OPERATION.

*Chap. 369*

*Be it enacted, etc., as follows:*

SECTION 1. The proportions in which each of the cities and towns belonging in whole or in part to the north metropolitan and south metropolitan sewerage districts, respectively, shall annually pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each year, as estimated by the treasurer of

Proportion of expense of the metropolitan sewerage system to be borne by cities and towns, etc.

the Commonwealth, and to meet any deficiency in the amount previously paid in, as found by said treasurer, shall be based upon the respective taxable valuations of the property of said cities and towns, as last established by the general court for the purpose of constituting a basis of apportionment for state and county taxes.

Proportion of payments to be based on population, etc.

SECTION 2. The proportions in which each of the cities and towns belonging in whole or in part to the north metropolitan and south metropolitan sewerage districts, respectively, shall annually pay money into the treasury of the Commonwealth to meet the cost of maintenance and operation of the respective sewerage systems, as estimated by the metropolitan water and sewerage board and certified by the treasurer of the Commonwealth, and to meet any deficiency in the amount previously paid in, as found by said treasurer, shall be based upon the respective populations of said cities and towns as ascertained by the last preceding state or United States census.

Proportion when part of a city or town is included, etc.

SECTION 3. If less than the whole area of any city or town is included in either of said metropolitan sewerage systems, the valuation and population only of that part of the city or town which is included in either of said systems, as determined by the metropolitan water and sewerage board, shall be used as a basis in determining the proportion and amount which it shall pay as its share of interest and sinking fund requirements and of the cost of maintenance and operation of works.

The metropolitan water and sewerage board to fix the proportions, etc.

SECTION 4. The metropolitan water and sewerage board shall annually, in accordance with the provisions of the foregoing sections, determine for each system the proportion in which each of the cities and towns belonging in whole or in part to such system, shall annually pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements and to meet the cost of maintenance and operation of such system, and shall transmit the determinations of the board to the treasurer of the Commonwealth.

Interest and sinking fund requirements.

SECTION 5. The amount of money required each year from every such city or town to meet the interest and sinking fund requirements and cost aforesaid for that system in which it is included, and the deficiency, if any, shall be estimated by the treasurer of the Commonwealth in accordance with the proportions as determined aforesaid by the metropolitan water and sewerage board, and shall

be included and made a part of the sum charged to such city or town, and shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment of its proportion of the state tax.

SECTION 6. This act shall take effect upon its passage, but shall not modify or affect any decree of the supreme judicial court heretofore made. *Approved May 8, 1906.*

Not to affect any decree of the supreme judicial court.

AN ACT RELATIVE TO THE RECOVERY OF DAMAGES IN CASES OF DEATH CAUSED BY ACCIDENTS TO EMPLOYEES.

*Chap.370*

*Be it enacted, etc., as follows:*

SECTION 1. Section seventy-two of chapter one hundred and six of the Revised Laws is hereby amended by adding at the end thereof the words:— and in the same action under a separate count at common law, may recover damages for conscious suffering from the same injury, — so as to read as follows:— *Section 72.* If the injury described in the preceding section results in the death of the employee, and such death is not instantaneous or is preceded by conscious suffering, and if there is any person who would have been entitled to bring an action under the provisions of the following section, the legal representatives of said employee may, in the action brought under the provisions of the preceding section, recover damages for the death in addition to those for the injury; and in the same action under a separate count at common law, may recover damages for conscious suffering resulting from the same injury.

R. L. 106, § 72, amended.

Action in case death is not instantaneous.

SECTION 2. This act shall take effect upon its passage. *Approved May 8, 1906.*

AN ACT TO PROVIDE FOR THE TEMPORARY EXCLUSION FROM THE PUBLIC SCHOOLS OF PUPILS WHO HAVE BEEN EXPOSED TO INFECTIOUS OR CONTAGIOUS DISEASE.

*Chap.371*

*Be it enacted, etc., as follows:*

SECTION 1. Section six of chapter forty-four of the Revised Laws is hereby amended by striking out the word “or”, in the fifth line, by inserting after the word “measles”, in the fifth line, the words:— or any other infectious or contagious disease, — by striking out the word “or”, in the eighth line, and by striking out all after the word “that”, in the tenth line, to and including

R. L. 44, § 6, amended.