

HOUSE No. 975.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 11, 1895.

The committee on Metropolitan Affairs, to whom was referred the report of the Metropolitan Sewerage Commissioners (Pub. Doc. No. 45), report the accompanying Bill.

For the Committee,

GEORGE R. JONES.

HOUSE OF REPRESENTATIVES, March 13, 1895.

The committee on Finance, to whom was referred the Bill in addition to an act relative to the maintenance and operation of the Metropolitan sewerage system, report that it ought to pass in a new draft herewith submitted.

For the Committee,

EZRA A. STEVENS.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-five.

AN ACT

In addition to an Act relative to the Maintenance and Operation of the Metropolitan Sewerage System.

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. To meet the expenses incurred
2 under the provisions of chapter four hundred and
3 thirty-nine of the acts of the year eighteen hun-
4 dred and eighty-nine, as amended by chapter
5 three hundred and seven of the acts of the year
6 eighteen hundred and ninety-four, the treasurer
7 and receiver-general shall, with the approval of
8 the governor and council, issue from time to time
9 scrip or certificates of debt, in the name and be-
10 half of the Commonwealth and under its seal, to
11 an amount not exceeding three hundred thousand
12 dollars, for a term not exceeding thirty-five years.
13 Said scrip or certificates of debt shall be issued as
14 registered bonds or with interest coupons attached,
15 and shall bear interest at a rate not exceeding

16 four per cent. per annum, payable semi-annually
17 on the first days of March and September
18 in each year. Said interest and scrip or certifi-
19 cates shall be payable, and when due shall be
20 paid, in gold coin or its equivalent. Said scrip
21 or certificates of debt shall be designated on their
22 face as the metropolitan sewerage loan, shall be
23 countersigned by the governor, and shall be
24 deemed a pledge of the faith and credit of the
25 Commonwealth, redeemable at the time specified
26 therein in gold coin or its equivalent, and shall be
27 sold and disposed of at public auction or in such
28 other mode and at such times and prices and in
29 such amounts and at such rate of interest, not
30 exceeding four per cent. per annum, as the
31 treasurer and receiver-general, with the approval
32 of the governor and council, shall deem for the
33 best interests of the Commonwealth. Any scrip
34 or certificates of debt issued under the provisions
35 of this act shall be considered as an addition to
36 and shall become a part of the loan authorized by
37 said chapter four hundred and thirty-nine as
38 amended by chapter three hundred and seven
39 of the acts of the year eighteen hundred
40 and ninety-four, and the sinking fund es-
41 tablished under the provisions of said acts
42 shall be a sinking fund for the extinguish-
43 ment of the debt authorized by this act, said
44 fund to be increased in the following man-
45 ner: the treasurer and receiver-general shall
46 from year to year, beginning with the year
47 eighteen hundred and ninety-five, apportion to

48 said sinking fund an amount sufficient with its
 49 accumulations to extinguish the debt at maturity,
 50 and in making the assessment for the increase of
 51 said sinking fund, upon the several cities and
 52 towns liable thereto, one-fortieth part of the
 53 whole amount shall be assessed in each of the
 54 first five years, beginning with the year eighteen
 55 hundred and ninety-five ; one-sixtieth part in
 56 each of the next ten years, beginning with the
 57 year nineteen hundred ; one-thirtieth part in
 58 each of the next ten years, beginning with the
 59 year nineteen hundred and ten ; and the re-
 60 mainder shall be equally divided in the next ten
 61 years, beginning with the year nineteen hundred
 62 and twenty. Any premium realized from the
 63 sale of said scrip or certificates of debt shall be
 64 applied to the payment of the interest on said
 65 loan as it accrues.

1 SECT. 2. Each of the cities and towns herein-
 2 after named shall in the year eighteen hundred
 3 and ninety-five, pay money into the treasury of
 4 the Commonwealth to meet the interest and sink-
 5 ing fund requirements for said year, as estimated
 6 by said treasurer, in the following proportions, to
 7 wit: Arlington, two and forty-five one hundredths
 8 per cent.; Belmont, one and fifty-three one hun-
 9 dredths per cent. ; Boston, twenty and forty-five
 10 one hundredths per cent. ; Cambridge, twenty-
 11 seven and eighty-seven one hundredths per cent. ;
 12 Chelsea, eight and forty-six one hundredths per
 13 cent. ; Everett, three and ten one hundredths per

14 cent. ; Malden, seven and forty-seven one hun-
15 dredths per cent. ; Medford, four and ninety-four
16 one hundredths per cent. ; Melrose, two and
17 sixty-five one hundredths per cent. ; Somerville,
18 twelve and eighty-three one hundredths per
19 cent. ; Stoneham, one and thirty-three one hun-
20 dredths per cent. ; Winchester, one and ninety-
21 nine one hundredths per cent. ; Winthrop, one
22 and thirty-two one hundredths per cent. ; Woburn,
23 three and sixty-one one hundredths per cent.

1 SECT. 3. The commissioners appointed by the
2 supreme judicial court sitting in equity, on the
3 application of the board of metropolitan sewerage
4 commissioners made to said court in the year
5 eighteen hundred and and ninety-five, in accord-
6 ance with the provisions of chapter four hundred
7 and thirty-nine of the acts of the year eighteen
8 hundred and eighty-nine, shall after due notice
9 and hearing to each of the cities and towns named
10 in this act, in such manner as they shall deem
11 just and equitable, determine the proportion in
12 which each of said cities and towns shall annually
13 pay money into the treasury of the Commonwealth
14 for the term of five years next following the year
15 eighteen hundred and ninety-five, to meet the
16 interest and sinking fund requirements for each
17 of said years as estimated by said treasurer, and
18 to meet the cost of maintenance and operation for
19 each of said years of the system of sewage dis-
20 posal provided for said cities and towns as esti-
21 mated by the said board and certified to said

22 treasurer, and any deficiency in the amount pre-
23 viously paid in, as found by said treasurer, and
24 shall return their award into said court; and when
25 said award shall have been accepted by said court,
26 the same shall be a final and conclusive adjudica-
27 tion of all matters herein referred to said commis-
28 sioners, and shall be binding on all parties.

1 SECT. 4. Before the expiration of the said
2 term of five years and every five years thereafter,
3 the supreme judicial court sitting in equity shall,
4 on the application of the board of metropolitan
5 sewerage commissioners, after notice to each of the
6 cities and towns named in chapter four hundred
7 and thirty-nine of the acts of the year eighteen
8 hundred and eighty-nine, appoint three commis-
9 sioners who shall not be residents of any of said
10 cities or towns, who shall in such manner as they
11 deem just and equitable, determine the proportion
12 in which each of the said cities and towns shall
13 annually pay money into the treasury of the Com-
14 monwealth as aforesaid for the next succeeding
15 term of five years, and shall return their award
16 into said court, and when said award shall have
17 been accepted by said court the same shall be a
18 final and conclusive adjudication of all matters
19 herein referred to said commissioners and shall
20 be binding on all parties.

1 SECT. 5. The amount of money required each
2 year from each city and town named in said
3 chapter four hundred and thirty-nine, to meet

4 the interest, sinking fund requirements and cost
5 aforesaid for that system in which in said act it
6 is included for each year, and deficiency, if any,
7 shall be estimated by said treasurer in accordance
8 with the proportion determined as aforesaid, and
9 shall be included in and made a part of the sum
10 charged to such city or town, and be assessed
11 upon it in the apportionment and assessment of
12 its annual state tax, and said treasurer shall in
13 each year notify each such city and town of the
14 amount of such assessment, which amount shall
15 be paid by the city or town into the treasury of
16 the Commonwealth at the time required for the
17 payment and as a part of its state tax.

1 SECT. 6. The supreme judicial court shall have
2 jurisdiction in equity to enforce the provisions of
3 this act, and shall fix and determine the compen-
4 sation of all commissioners appointed by said
5 court under the provisions hereof.

1 SECT. 7. This act shall take effect upon its
2 passage.

