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CITY OF BOSTON.



REPORT

OF THE

**COMMITTEE ON WATER ON PURCHASE OF
JAMAICA POND AQUEDUCT BY THE CITY.**

In Common Council, Dec. 14, 1848.

Read, laid on the table, and ordered to be printed,
with the memorial.

Attest,

W. P. GREGG, *Clerk.*

THE Joint Standing Committee on Water, to which was referred a memorial of the Aqueduct Corporation, asking for a conference on matters of importance to both Corporations ;

R E P O R T :

That after several interviews with the Committee of their Directors, and in consideration of the memorial which is herewith submitted, the Committee agreed unanimously to report an order recommending the purchase of the franchise and all the property belonging to the Aqueduct Corporation, (except real estate not necessarily connected with the works,) in the City of Boston, and the funds they have on hand, for the sum of seventy-five thousand dollars, on condition the said Corporation would agree to sell the same for that sum provided the City Council authorized the purchase before the first day of January next.

As there was not time for a legal meeting, the shareholders individually signed the agreement, which, with a supplementary memorandum, are herewith submitted — which being satisfactory to the Committee they submit the following orders.

The reasons that led the Committee to this result are two-fold.

The City of Boston by the construction of the Aqueduct will lessen if it does not entirely deprive the Aqueduct Corporation of the income of their property, and as since the commencement of the un-

dertaking they have been of great benefit to the City in increasing the taxable property, and in ministering to the convenience and safety of the citizens, the Corporation should in the opinion of your Committee be treated with liberality.

The principle reason however arose from the conviction that the rights of the Aqueduct Corporation in a mere business point of view should be extinguished.

They are competitors with the City for the sale of water, which they can deliver at a moderate height in most of the City, as it is at present, and in all that may hereafter be reclaimed from the ocean.

Their charter is perpetual, they will forever have the right to take up our streets, and to take advantage of any rise that may hereafter be deemed expedient in the amount of the City Water Rents.

Even if the superior advantages of the City should ultimately cause the proprietors to abandon their property, it will be after a protracted struggle, during which time all that they receive will be a loss of an equal amount to the City, as it would be able to supply their takers without any additional expense to itself.

With these views the Committee report the following resolutions for the consideration of the Council.

JOSIAH QUINCY, Jr., *Chairman.*

Boston, Dec. 14th, 1848.

Ordered. That the Mayor be authorized and directed to purchase the property of the Aqueduct Corporation according to their proposal for the sum of seventy-five thousand dollars.

Ordered. That the Treasurer be authorized under direction of the Committee on Finance to borrow the sum of seventy-five thousand dollars to pay for the above purchase of the Boston Aqueduct.

The Memorial of the Directors of the Jamaica Pond Aqueduct respectfully represents to the Committee of Conference appointed by the City Government :

That, in the year 1795, the proprietors of this Aqueduct were created a body corporate, to supply the inhabitants of Boston with pure water from Jamaica Pond, in Roxbury, without any limit as to time, and with authority to dig up the streets at their pleasure. At that early period the enterprise was hailed as a blessing, and to numerous persons, as well as to many estates, it has proved of inestimable value.

That, the work at its commencement cost at least \$112,000. After struggling for many years, twelve of which they were without any income, the Corporation, was compelled in 1820, partially to re-construct their works, at a cost of \$20,000, and again in 1840, their entire main was relaid in iron, at a further cost of \$70,000, so that the aggregate cost of their works now exceeds \$200,000, which amount stands recorded on the books of the Corporation as their capital.

That, when the last permanent repairs were made in 1840, measures were taken with great labor, and at an expense of over \$6,000 to this Corporation, to seek out, in order to secure, additional sources of supply for their already extended line of distribution, and to meet the rapidly increasing demand for water, on the South Cove and Mill-pond lands, and had it not been for the expressed determination of the citizens, to procure an abundant supply of water, at the expense of the City, the intentions of the Corporation would have been carried into effect.

That, during the administration of Mr. Brimmer, immediately after the vote was taken, authorizing the

City at their expense to bring the waters of Long Pond to Boston, that gentleman expressed an anxious desire that some terms of adjustment should be agreed upon, between the City and the Corporation, so that a vexatious competition should be avoided, after the great work of the City should be completed, and the Corporation is informed, that at Mr. Brimmer's suggestion, the section in the first bill granted by the legislature, was introduced, authorising the City to purchase the franchise of this Corporation. And upon a representation to the legislative committee who reported the second bill of the injury and injustice which might be done to this Corporation, by the overwhelming influence of the City, the following section was added to the bill.

: "SECTION 16.—The said city of Boston is hereby authorised to purchase and hold all the property, estates, rights and privileges, of the Aqueduct Corporation, incorporated by an Act passed 1795, and by any convenient mode, may connect the same with their other works."

That, from the commencement of the operations of the City, under their charter, to the present time, there has also been manifested a desire that the conflicting interests which must necessarily arise after the completion of the City works, should be adjusted, by a purchase of the rights of this Corporation. The Water Committee made a report in December 1846, in which they advised a purchase, by the City, predicated upon an elaborate report of the Water Commissioners. This action was independent of this Corporation, as is shown by the concluding sentence of the report. "And the Committee, without knowing what sum would be accepted, as the officers of the Aqueduct Corporation have not yet named a price," recommended &c.

That, the relations between this Corporation and the Water Commissioners have been uniformly of a friendly character, all possible information and aid has been given to their Engineers, to facilitate their operations in the streets, so as to prevent as far as possible, an interference with the mains and service pipes of this Corporation.

That, the Corporation are urged by a large number of their customers, in the southerly part of the city, to continue their supply, from the waters of Jamaica Pond. A maintenance of supply to these customers will involve a competition, under any circumstances, obnoxious to the city and painful to this Corporation, — with the right to open the streets of the City, so long as they retain their customers, and with the necessity of using a perishable material for their main pipes, it is obvious that every occasion which shall require the closing of a public avenue, to lay down, or repair wooden logs, in close contact with the permanent iron mains of the City, will excite feelings of jealousy and reproach.

That, your memorialists cannot be contradicted, when they assert that the vast accession of taxable property which the City have secured, by the compact and substantial structures, on the new made lands of South Cove and Mill-pond, and the new streets projecting southerly from Pleasant street, could not have been acquired without the distribution of Jamaica Pond Water through all the streets of those districts.

That, the Water Commissioners in their report of December 1846, say, they suppose that three thousand customers may be taken as the maximum number of customers which the Corporation may be expected to supply. This would give a nett income of twenty thousand dollars. It must therefore be ad-

mitted that the City by a competition, must lose an equal amount.

That, in deciding upon the amount of compensation on moral grounds, some reference must necessarily be had to the value of the franchise to the Corporation, as well as to the City; it is not therefore irrelevant to state, that for several years, the property has yielded a nett income of six per cent. on three hundred and fifty thousand dollars.

That, your memorialists cannot look upon this question as one merely of bargain and sale; they cannot suppose that any stinted or illiberal rate of compensation, will be awarded to a small number of your fellow-citizens, whose property is to be crushed for the benefit of the whole community. There are members of the Company, doubtless, who are able to bear the sacrifice, but there are others, whose principle reliance for support, has been their dividends from this Corporation.

That, your memorialists do not ask redress as equals, who suffer in competition with equals, but as a few private individuals, who are sacrificed on the altar of public accommodation, a very few whose property is destroyed, for the benefit of the whole remainder.

That with the expressed desire of the City to be relieved of the interference of this Corporation, and with a sincere desire on their part to sell all their rights acquired from the Legislature, to supply Boston with water; all their real estate in Roxbury; all their pipes laid in Boston or elsewhere, and all right to repair the same or to lay others. The only difficulty is, the question of compensation. If this cannot be settled by the City Government to the satisfaction of your memorialists, they would then respect-

fully ask, that the whole matter may be referred to any three of their fellow-citizens, to be selected by the City Government, from a list of twenty names, to be furnished by your memorialists.

By order of the Directors,

THOMAS A. DEXTER,

SUP'T AND TREAS'R.

Boston, November 10, 1848.