

Appendix C: Verdict of the Coroner's Inquest

An inquisition taken at the Town Hall in Williamsburgh in the County of Hampshire, on the twentieth day of May in the year one thousand eight hundred and seventy-four and continued by adjournment at the Court House in Northampton in said County on the 25th, 26th, 27th, 28th, 29th, & 30th days of said month of May & on the 13th, 29th, & 30th days of June & 2d & 3d days of July in said year before Ansel Wright one of the Special Coroners of said County of Hampshire, upon the view of the body of John Atkinson there lying dead, by the oaths of the Jurors, whose names are hereunto subscribed, who, being sworn to inquire on behalf of said Commonwealth, when, how, and by what means said Atkinson came to his death, upon their oaths do say that said Atkinson came to his death by drowning in Mill River in said Williamsburgh on Saturday the 16th day of May 1874 at about eight of the clock in the forenoon during a sudden rise or overflow of said Mill River caused by the breaking away of the dam of the Williamsburgh Reservoir situated on said Mill River in Williamsburgh about three miles North-East from the upper village of said Town and belonging to the Mill River and Williamsburgh Reservoir Co. And the Jurors further say that the breaking away of said dam was the natural and inevitable result of the great and manifest delinquency of the several parties who were concerned in originating, planning, constructing and approving for use the said dam and Reservoir, not excepting the Legislature itself under whose authority the Reservoir company acquired its chartered privileges.

I. THE DELINQUENT LEGISLATURE

In the judgment of the Jurors the Commonwealth through its law makers assumed a large share of the responsibility for this disaster when in 1865 it granted a charter to William Skinner, Joel Hayden, Lewis Bodman and others with full corporate powers and privileges for the construction of a dam 45 feet in height flowing a basin of 104 acres holding about 600,000,000 gallons of water and overhanging at an altitude of from 350 feet to 800 feet, eight prosperous villages within a distance of eleven miles the nearest being three miles distant with no other safeguards or guarantees for the security of life and property below, than such as might depend on the self interest or will of a private citizen. Indeed our Statute law as it has stood for many years has been calculated to repel rather than invite a careful scrutiny of works like the Williamsburgh Dam, for while it provides that any person who fears the destruction of his property or of a highway from an unsafe reservoir may call out the County Commissioners for an examination, yet if his fears are not indorsed by the Commissioners he is to be inulcted [*sic*] with the costs and expenses of the whole proceeding.

In view of the utterly inadequate legislation on this subject and the desolation and ruin in the case before us, it is to be hoped the Legislature if it cannot provide indemnity for the past, will at least by prompt and stringent action ensure security for the future.

II. AS TO THE PROPRIETORS OF THE RESERVOIR

In the judgment of the Jurors while it is evident that the Proprietors as a body consulted far less for the safety and security of the lives and property of the Inhabitants below the dam, than for reducing the cost of construction to the minimum figure; nevertheless they cannot but regard those owners who acted in the capacity of a building committee as especially responsible for the breaking away of the dam. They had little or no experience in similar undertaking; they adopted the plan upon which the structure was built because of its low price; they either entirely overruled or but partially followed the advice of the Engineers whom they consulted in points vital to the strength of the dam, from parsimony or some other unaccountable motive they were led at an early stage of the work wholly to dispense with the services of the only Engineer in their employ at all competent to superintend and guard the construction at all points. When in the progress of the work signs of insecurity in the earth work were pointed out to the committee such as the action of hidden springs and the sloughing of the banks; they either but half applied the remedy or ignored the danger altogether; and finally the recorded vote of the proprietors that counsel should be consulted and all necessary steps taken for relieving the owners from individual liability in the case the dam should fail and damage and disaster follow, is speaking evidence that self interest and not the welfare of the Community dictated the action of this Company.

III. AS TO THE ENGINEERS

In the judgment of the jurors there was no engineering connected with the work which does not reflect equal discredit on the party employing and the party employed. The only Engineer by profession employed was Lucius Fenn who upon his own admission regarded himself as but the mere Attorney or Agent of the Proprietors, yielding his own judgment on points of safety and accommodating his specifications for the dam to the requirements of his unskilled employers.

The specifications moreover as finally drawn by him were ambiguous in terms and defective in details: they failed to require the constant supervision of the work by a competent engineer, and were entirely inadequate for a substantial and durable structure. Mr. Fenn's services *such as they were* terminated with the location of the dam, the draft of specifications and some slight attention to the preparation for the superstructure. Mr.

Eugene C. Gardner who succeeded him, (by profession a Surveyor and Architect) had no experience or fitness as an Engineer; and as a witness before the Jury, claimed, that he was employed merely to compute from time to time the amount of work done and payments due. The Jurors find however that he was the only Superintendent or Engineer after Mr. Fenn employed for any purpose by the Proprietors, and they further find and declare as their judgment that the entire active work on the Dam from the first breaking of ground for the foundation to the completion of the job was without an hour's attendance of a competent and watchful engineer.

IV. AS TO THE CONTRACTORS

In the judgment of the Jurors the Contractors were guilty of great and manifest delinquency in executing the work required of them, even under the specifications as drafted. The space required by the Specifications to be cleared of all soft earth roots and vegetable matter, within thirty feet each side of the central wall down to a hard foundation was found (upon a view taken by the Jurors in the presence of the Contractors) permeated with fragments of roots, rootlets and fibrous substance throughout much of the original swamp bottom as it was left by the Contractors.

The surface Soil was here removed only to the depth of a single furrow; more than this the laying of the foundation of the central wall with large boulders supported by small pinning stones resting on the original soft earth and the imperfect grouting, with excessively poor grout of large sections of the wall sometimes 20 feet long by five feet high and five feet wide from a grouting box stationed at a single point; all these with many other evidences of want of thoroughness in preparing the foundations and erecting the superstructure of the Dam, corroborated by the large profit confessedly made on the job, satisfy the Jurors that the Contractors Joel L. Bassett and Emory B. Wells did not faithfully execute the work contracted for according to the true intent of the Specifications.

V. AS TO THE COUNTY COMMISSIONERS

As to the County Commissioners who lent their approval to the structure in question.

In the judgment of the Jurors, the Legislature intentionally devolved upon the board of County Commissioners when acting upon such an application as was made in the present case a duty and responsibility of the gravest character. By the Statutes of the Commonwealth the County Commissioners have the fullest power to take all necessary steps for most thoroughly examining and testing a Reservoir Dam. If they are not

themselves Engineers and Experts they have authority to call to their aid Engineers and Experts capable of giving them reliable advice. They are expressly authorized to assess the necessary expense of their examination upon the applicant if his application shall prove needless and upon the Proprietors of the Reservoir in case the structure shall be found defective. They have power to tear down, make alterations and make safe, or cause the same to be done by the owners thereof, and the Statutes give the Supreme Court full jurisdiction to compel the Proprietors to comply with every requirement of the County Commissioners. The Jurors are therefore unable to view the action of the county Commissioners in examining and accepting this Reservoir Dam in any other light than as a Superficial discharge of a most important duty. The Statute contemplates a most thorough examination and inquiry and the testimony of the Commissioners makes it apparent that no such examination or inquiry was made; no evidence was taken concerning the work, except such as was given by the Proprietors who were present. The contractors were not called or inquired of, as to how and in what manner the dam was constructed; no Engineers having skill and experience with such structures were examined to aid the Commissioners in arriving at a right and safe decision, in short though they made three separate views of the dam, and ordered specific repairs; the evidence shows that their examinations were not thorough nor in conformity to the spirit of the law; and with these facts before the Jury they are forced to conclude that not a little of the responsibility for this terrible disaster rests with these officers.

In testimony whereof, said Special Coroner and Jurors of this inquest have hereunto set their hands the third day of July aforesaid. Hiram Nash one of the Jurors aforesaid dissenting from so much of said verdict as refers to the Legislature.

[Signatures]

Ansel Wright, Special Coroner

Jurors

Enos Parsons, *Foreman*

Hiram Nash

Geo. W. Hubbard

John Mayher

W. M. Trow

S. G. Hubbard

Source: Inquest on the body of John Atkinson, May-June 1874. Filed in Hampshire County Superior Court, July 31, 1874, Hampshire County Courthouse, Northampton, Mass.