

SUPPLEMENT TO SENATE DOCUMENT, No. 118.

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**Commonwealth of Massachusetts.**

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HOUSE OF REPRESENTATIVES, April 23, 1853.

The undersigned, a Member of the Special Joint Committee to whom was referred the petition of Wm. B. Towne and others, for the incorporation of a new county, dissenting from the views entertained by a Majority of said Committee, begs leave to

REPORT:

That he cannot concur in the expediency of the measure recommended by said committee, mainly for the following reasons, to wit:—

In the first place, and principally, because the establishment of a new county is not desired, but is zealously opposed, by the people of the territory for whose benefit new county relations are to be created. Believing that the arrangement of counties is intended for the convenience of the people, and should be made to conform to their interests and wishes, wherever no public exigency requires a sacrifice of cherished and valuable associations, such sacrifice ought not to be demanded, at the instance of individuals or corporations, having interests distinct from the great majority with whom they are associated. In the present case, the undersigned believes, that the objection to the measure recommended by the majority, arising from the wishes of those who are immediately interested in the measure, derives

the strongest support from the reasonableness of the objections which are urged by the remonstrants against the proposed action of the legislature.

They object, in the first place, that by separating them from the counties of Worcester and Middlesex, there will result an unnecessary disturbance of relations which have happily subsisted during the greater part of the time that has elapsed since the settlement of the country, and the continuance of which they greatly desire.

2. That it interferes with all their business relations, most of the towns embraced in the measure having few occasions to transact business in Fitchburg, and many which will continue to lead their inhabitants to the old county seats, notwithstanding the formation of a new county.

3. The loss of all the advantages arising from the present county buildings, erected at great expense, and designed for, and adapted to, the wants of a numerous population.

4. The burden of erecting now, or at some early period, new county buildings, with the certainty that with the limited means of a new and not rich county, accommodations combining equal advantages cannot be obtained.

5. That the last objection is not relieved by the proposition, on the part of the town of Fitchburg, to erect the county buildings, at the cost estimated by the petitioners, or at such cost as said town is able conveniently to submit to, for the remonstrants believe that such buildings will inadequately meet the wants and reasonable requirements of the present day, and will necessarily soon give place to buildings of a much more expensive character, to be erected by the new county.

The undersigned believes that the foregoing objections are by no means counterbalanced by the arguments used in behalf of the petitioners, which resolve themselves into this: that litigation is attended with more expense to parties in the old counties than it would be in the new. This argument is believed to be rather specious than real, for the evidence adduced on the hearing went to show that the inconvenience of attending court, and delay in the trial of cases, were evils shared in common with smaller counties, growing out of the accumulation of business in the courts generally of the Commonwealth,

beyond their power, at all times, speedily to dispose of, and will not be remedied by a division of counties.

The whole force of the argument is left to depend upon this fact, that parties and witnesses from some of the towns, proposed to be set off into a new county, travel a few miles further to attend court than they would, if it were held at Fitchburg. But this additional travel is nearly all by railroad, and when the fact is taken into the account that the population of those towns is agricultural, each town affording, as the evidence showed, but an average in ten years of no more than a fraction over *one* civil action annually, and, ordinarily, when the community is not excited by license questions, a proportionately small amount of criminal business, the argument dwindles into insignificance, when placed in opposition to the convenience of the public in relation to its general business, and to its expressed and earnest wishes.

The undersigned will only add, that of the twenty-three towns it is proposed to incorporate into a new county, *seventeen* of the *twenty-three* have, at their regular annual meetings, held in March last, protested against the change, while but two of them have voted in favor of it. There were also referred to the committee, petitions for, and remonstrances against, the proposed action of the legislature, coming from individual citizens of the towns immediately interested, the remonstrants greatly exceeding in number the petitioners. It was also in evidence that, in some of the towns interested, no active measures were taken to procure individual remonstrants, in the belief that, such towns having, with great unanimity, opposed the measure in their corporate capacity, further action of its citizens was unnecessary. The undersigned, for the purpose of ascertaining the wishes of the inhabitants of the territory to be incorporated, has looked to their deliberate and responsible action, in town meeting, as the true index to the general sentiment, rather than to the number of signatures obtained by personal solicitation, in some instances from individuals who were not legal voters, and in many cases, from others having little personal or pecuniary interest in the question. With the exception of citizens of the proposed shire town, and of two or three adjacent towns, the business part of the population ap-

peared to be, with great unanimity, opposed to a division of the counties.

The undersigned, therefore, recommends that the petitioners have leave to withdraw.

All which is respectfully submitted.

C. DANIELS.