

SENATE...No. 108.

Commonwealth of Massachusetts.

REMONSTRANCE.

*To the Honorable Senate and House of Representatives, in
General Court assembled.*

The undersigned, citizens of Boston, whose names are hereto subscribed and set forth, have learned with surprise and much regret that the Committee on Railways and Canals, to whom was referred the petition of certain persons, styled by said committee "Citizens of Boston," but whose names are not mentioned, together with certain other petitions, said by the committee to be "in aid" of said first petition, have reported a Bill, entitled "An Act to authorize the City of Boston to subscribe to the Capital Stock of the Troy and Greenfield Railroad Company."

The undersigned respectfully beg leave to remonstrate against the passage of said bill, believing it to be in derogation of the charter of the city of Boston, and in violation of the great principles on which Boston and several other towns in the Commonwealth have been constituted cities. They are fully persuaded that the provisions of said bill are extraordinary and wholly inappropriate, and that the same may become a dangerous precedent, and may lead to consequences very injurious, and to evils of a most serious character.

By said bill the mayor of Boston is placed in a position somewhat like that of a subordinate officer under the president of the Troy and Greenfield Railroad Company. It is provided therein that he shall, on the requisition of said president, issue a proclamation, giving notice to the citizens of Boston of what is called an "*election*," to be held on some certain day within a prescribed period,—at which *election* a question shall be submitted to the qualified voters of the city, whether the city of Boston will subscribe for a certain large amount of stock in the Troy and Greenfield Railroad Company, to be paid for by an issue of city scrip; and if the vote at such *election* shall be in favor of such subscription, then the question is to be considered as settled, and the mayor shall forthwith make the said subscription on the books of said railroad company, and the same shall be binding upon the city; but if the vote shall be in the negative, then the question is not to be regarded as settled, and a provision is inserted in the bill at the close thereof, which seems to be intended to require the having of another similar *election*, (in order to try the question over again in some convenient modified form,) and to authorize a repetition of the ceremony as many times as fifty citizens shall desire the same to be done.

The passage of said bill, or of any similar one, will, if the same be constitutional, lead to the payment of money, and it will ultimately be necessary to raise the same by a tax, to be assessed on all the citizens, many of whom, and in all probability a large majority, are wholly opposed to such subscription, or to any measure of the like kind.

Now the undersigned believe that all such proceedings will be illegal and unconstitutional, and that all persons who shall be called on to pay such a tax, will be justified in resisting payment by all the means which the laws and constitution of the State and Union have put into their hands. Such a compulsory exaction would be regarded as unreasonable and oppressive as the tax on tea, attempted to be imposed on the Colonies by the Mother Country.

Wherefore, the undersigned do most respectfully pray and implore your Honorable Bodies to arrest the passage of such a bill as has been reported by said committee, and of every other bill of a similar kind, that may be reported; and they do most

earnestly remonstrate against the granting of the prayer of the petition or petitions aforesaid, by whomsoever they may be found to have been signed, and against the adoption of any measure which, by any possibility, may become a law in consequence of the caprice of the people, who may go to the polls on a single occasion, or by reason of a bare majority of votes cast by a small number of persons, whom interested parties may have urged to the *election* on a tempestuous day, or by reason of some other untoward and unfortunate contingency or casualty, by means of which law the citizens of Boston may be exposed to be called on to pay a tax, assessed for the purpose of raising, or reimbursing the payment of, money, applied, or to be applied to the construction of a tunnel through, or part way through, the Hoosac Mountain, or to the construction of any railroad or other work connected therewith, or to the furtherance of any scheme or project of a like character; and as in duty bound the undersigned will ever fervently and respectfully pray and remonstrate as aforesaid.

FEBRUARY 14, 1860.

James Read.
Rob. Hooper.
Thomas Lamb.
M. S. Lincoln.
Sam'l May.
Ozias Goodwin.
S. Torrey.
John C. Gray.
Nathan Matthews.
Charles Inches.
John H. Dexter.
Eben Dale.
James L. Little.
W. R. P. Washburn.
Billing Briggs.
Benjamin Pond.
Wm. Dale.
H. H. Hunnewell.
John Gardner.
Nath'l Wm. Curtis.
Deming Jarves.
George O. Hovey.
Nath'l D. Hubbard.
Joseph B. Glover.
Richard T. Parker.
Chas. Torrey.
Alvah Littlefield.

R. C. Hooper.
Moses W. Weld.
Edward Dexter.
P. C. Brooks.
F. W. Lincoln.
E. Hathaway.
Philo S. Shelton.
Ann Boott.
Thomas Dwight.
Luther Parks.
Thos. C. A. Limee.
Sidney Bartlett, Jr.
W. P. Mason.
John H. Foster.
George Bates.
Thomas Russell.
Joseph Hay.
Heman Simonds.
Jno. G. Torrey.
Henry Cabot.
Chas. C. Barry.
Charles Wells.
Tisdale Drake.
Adolphus Daws.
John H. Rogers.
Charles Edw. Cook.
Wm. Brigham.

