

## SENATE...No. 124.

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### Commonwealth of Massachusetts.

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#### REMONSTRANCE.

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

The inhabitants of the town of Watertown, by the undersigned, a committee duly appointed at a town meeting holden on the eleventh day of March, A. D. 1861, respectfully represent—

That a Bill has been introduced into the honorable senate, and referred to the Committee on the Judiciary of that body, by which said Bill it is proposed to repeal the fourth section of the one hundred and fifty-fourth chapter of the Acts of 1859, and the said town of Watertown, having an interest in the provisions of said section, do hereby respectfully remonstrate against said repeal, and against any modification or other alteration of said provisions, for the following reasons, amongst many others, viz. :—

*First.* One of the ways alluded to in said section, is the Watertown Turnpike, so called, leading from Watertown to the Mill-dam road, of which about two miles is within said town, and said turnpike crosses Charles River by a bridge, one-half whereof is in said town. The said road is in a very bad state of repair, and the said bridge is in a ruinous and dangerous state, both together requiring, by recent surveys, the sum of

at least ten thousand dollars to put them in a safe and proper condition.

*Second.* The said turnpike was built by the Boston and Roxbury Mill Corporation, under an authority granted by the legislature, by the statute of 1823, chapter 81, which contained a clause in these words, to wit: "Provided, that neither the towns of Watertown or Brighton shall ever be compelled to support any part of said road or bridge, without their own consent."

*Third.* That by an indenture of two parts between the Commonwealth and said corporation dated June 9th, 1854, the said corporation amongst other things, released to the Commonwealth all its right, title, interest and estate, except the existing rights of way and toll, in and to the land over which the said mill-dam was originally constructed, to be forever kept open as a public highway, the said right of toll to cease at the expiration of ten years from the first day of May, 1853.

*Fourth.* That by another indenture dated December 30th, 1856, the Commonwealth and the said corporation agreed that the said turnpike with all the other ways therein described shall forever be open as public highways free from all toll forever from and after said first day of May, and for a valuable consideration, amongst other things released to the Commonwealth all the right, title and interest of said corporation in and to the said roads.

*Fifth.* By force of said several indentures your remonstrants respectfully insist that the said mill corporation is now bound to keep in suitable repair all of said ways, and that the Commonwealth succeeding to the rights of said corporation on and after said first day of May, will also succeed to its obligations and be equally bound to maintain said ways.

*Sixth.* Your remonstrants further respectfully insist, that the aforesaid fourth section which it is now proposed to repeal, recognized this obligation of the Commonwealth and the prior obligation contained in the statute of 1823, that the towns of Watertown and Brighton should never be compelled to support any part of said turnpike and bridge without their own consent, and made provisions accordingly for the discharge of such obligations by establishing a fund the income of which should be appropriated for the support of said ways.

*Seventh.* Your remonstrants respectfully suggest to the legislature that if said section be repealed, the Commonwealth will be compelled either to support said roads, several of which are now in a very bad condition, without any provision therefor, or will be compelled to discontinue them to the injury of many good people of the State, or else place them in the care of the towns where they lie, which, so far as the said turnpike is concerned, will be against the deliberately pledged faith of the State, and is, therefore, not to be presumed as a probable alternative.

Therefore said Town of Watertown remonstrates against the passage of said Bill.

NATH'L WHITING,  
MILES PRATT,  
FRANCIS KENDALL,  
JOSHUA COOLIDGE,  
JEREMIAH RUSSELL,

*Committee appointed by the Town.*

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*Extract from Records of the Town of Watertown.*

“*Voted*, That the Town, in its corporate capacity, remonstrates and protests against any diversion of the fund created by section four (4) of chapter one hundred and fifty-four (154) of the Acts of eighteen hundred and fifty-nine, (1859,) from the purposes specified in said section; and asks that said fund may be invested according to the provisions of the section.

“*Voted*, That the Board of Selectmen, Nathaniel Whiting and Miles Pratt, be a committee to prepare a Remonstrance in reference to the matter at issue; that said committee are hereby instructed to employ counsel, and, according to their best judgment and ability, to protect the interests of the town.”

I hereby certify that the above votes were passed at a meeting specially called for that purpose, by legal warrant, issued March 4th, 1861. Meeting held March 11th, 1861.

Attest,

WM. H. INGRAHAM, *Town Clerk.*

