

would require the county commissioners to lay the road as prayed for by the petitioners, without the intervention of legislative action. Your committee would therefore ask to be discharged from the further consideration of said petition. Which is respectfully

SENATE.....No. 88.

JOS. W. FORDWARD.

Commonwealth of Massachusetts.

THE Committee on Roads and Bridges, to whom was referred the Petition of Richard Flanders, and others, praying for the establishment of a Road in Dukes County, have had the same under consideration, and

REPORT,

That from the facts presented to the committee, they were unanimously of the opinion, that no other case exists in the Commonwealth where an equal number of inhabitants suffer for the want of a road, that justice would seem to require the county commissioners for Dukes County, to lay out a road as prayed for by the petitioners; that as an illustration of the want of a road, it appears that there are from thirty to forty families entirely shut out from all communication with the town of Edgartown, unless they pass through fifty gates and sets of bars; that they have no road to mill, to market, to school, to church, or to the public buildings, your committee are of the opinion that the good sense of the people, in Dukes County, if appealed to, would provide a remedy for the evil complained of by your petitioners, and that a sense of justice

would require the county commissioners to lay the road as prayed for by the petitioners, without the intervention of Legislative action. Your committee would therefore ask to be discharged from the further consideration of said petition. Which is respectfully submitted by order of the committee.

JOS. M. FORWARD.

Commonwealth of Massachusetts.

R E P O R T

This from the facts presented to the committee this year, and the opinion of the committee that in other cases in the Commonwealth where an equal number of inhabitants either for the town or a road, that petitioners would seem to require the county commissioners for Dukes County to lay out a road as prayed for by the petitioners; and in the opinion of the committee that it appears that there is no other way of laying out a road in the town of Edgartown, unless they have the right to lay out a road; that they have the right to lay out a road in order to connect it to the public highway, your committee are of the opinion that the best way of the people in Dukes County is opposed to would require a petition to the County Council of by your petitioners and that it seems in justice

Commonwealth of Massachusetts.

To the Honorable House of Representatives :

THE Viewing Committee, on the Petition of Richard Flanders, and others, appointed by the annexed order of the House, met pursuant to the notice which accompanies this Report, at the house of Smith Mayhew, Esq., in Chilmark, on the 20th day of June, having viewed the route of the road indicated in the petition, and heard the parties, the committee, regretting the absence of their colleague, Mr. Church, of Westport, who was confined to his home by sickness, respectfully submit the following

REPORT:

The petitioners represent, that a large portion of the inhabitants of Tisbury and Chilmark, bordering on the Vineyard Sound, are entirely destitute of a road; that, in consequence, they suffer inconveniences unparalleled in this Commonwealth; that the soil is good, well cultivated, and divided into farms by walls and fences; that in travelling from Athearn's Gate to Chaulker's Creek, a distance of seven miles, it is necessary to open and remove about fifty gates and sets of bars; that the path is circuitous and indirect, at times difficult and dangerous, especially in the night; that persons having occasion to pass this way are obliged sometimes to trespass and make themselves liable to vexatious law suits; and, in general, that the people living in this section of the island suffer great trouble, annoyance, and inconvenience; and the petitioners further represent, that they have repeatedly applied to the county

commissioners, but have obtained no redress, and they pray the Legislature to consider their peculiar and distressed situation and devise some means for their relief.

The town of Edgartown was represented by a committee, chosen for the purpose; a majority of the selectmen of each of the towns of Tisbury and Chilmark, were present, but not in pursuance of any vote of those towns; one member of the board of county commissioners was present and many other gentlemen, some favoring and some opposing the road.

On the part of the petitioners it was represented to the committee that they have now no open way to mill, to market, to school, to church or to the public buildings; that a road from Athearn's Gate to Chaulker's Creek is needed and might be made at a moderate expense, not exceeding seven hundred dollars per mile; that the value of taxable property on the line of the road would be much increased; that the towns and county on which the burden would fall, are abundantly able to make the road; that the petitioners have contributed their full proportion to all public expenses, and that it is unfair and ungenerous to deny to them a participation in common privileges and advantages. The petitioners admit that the western section of the road is less needed, but strongly urge the necessity of opening the eastern half.

In opposition to the road, the Committee of Edgartown state that their town would not derive any advantage from it, but being a part of the same county, must bear a portion of the expense; that the county heretofore had paid but little for roads, and that it would now be unfair to make this road the accommodation of a few families. The selectmen of Tisbury stated that the people living on the line of the proposed road, suffer the want of good highways in common with the people of the whole island; that the cost of making the road would be disproportioned to the benefits, and that the public good does not require the road. The Selectmen of Chilmark represent the town to be too poor to make the road; that the inconvenience of gates and bars is so common, as hardly to be noticed, and that a new road would not diminish the distance, and is not necessary.

The member of the board of county commissioners said that he differed from the opinion of the majority of the board in relation to the common necessity and convenience of the road; he thought the cost would be too great to warrant the undertaking; he has been for six years a commissioner, and has never known a road to be laid out and made in the county; thinks the expense of making the whole seven miles, including damages, might amount to ten thousand dollars; the town of Chilmark and the county, never so poor as at the present time: the Middle Line Road, not open nor travelled. By others it was stated that the new road would not diminish the distance and was not wanted, because the Middle Line Road had been open for several generations, and is "cut to the hubs;" that the people were not poor, but in moderate and comfortable circumstances, and able and willing to contribute their money when the public good requires.

By the terms of the order under which they act, the committee do not consider themselves called upon to give any opinion as to the propriety of legislative interference or to suggest any specific remedy for the grievances alleged by the petitioners. A road on the route described in the petition, commencing near Athearn's gate and running westerly toward Chaulker's Creek, about three miles, to a point within forty rods of Smith Mayhew's house, would intersect a travelled path leading from the south road by the southern shore, to Tilton's landing on the northern shore; one half of this road would be in Tisbury, and the other half in Chilmark—such a road, in the judgment of the committee, is much needed, and might be constructed for such reasonable and moderate expense as would not be very burdensome to the people of those towns, or of the county. The annual highway tax in Tisbury, is two hundred dollars; no highway tax is this year raised in Edgartown or Chilmark, nor has there been one in the latter town for many years. The whole county tax is six hundred dollars, and the tax on property for general purposes, is less than the average throughout the Commonwealth. By the State valuation of 1841—

Chilmark is rated at	\$296,123
Edgartown "	480,607
Tisbury "	330,613

The roads on the island, compared with those on the main land, are poor; the public convenience does not require that so much money or labor should be expended on them, for the islanders have less occasion for land conveyance, their great highway being on the ocean, but open roads and public ways are necessary even for them; the county commissioners have discretion in the construction and cost of a road as well as in the location.

The committee are of opinion, that the main points in the representation of the petitioners, are fully substantiated—that they suffer great inconvenience and privations, and that such urgent necessity for a road, does not exist in any other portion of the Commonwealth.

Respectfully submitted.

DANIEL P. KING,
EBENEZER NYE,

Committee.

Chilmark, June 21, 1843.

