

## SENATE....No. 92.

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### P E T I T I O N .

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

The petition of the undersigned, inhabitants of Danvers, in the county of Essex, respectfully represents, that by an act of the Legislature, passed in 1840, a certain parcel of land in Danvers, called Harmony Grove, lying north of the North River, so called, was added to the city of Salem, and a certain parcel, lying between the Main street in Salem, was taken from Salem, and annexed to Danvers; and by the alterations, aforesaid, a strip of land, nearly a half a mile in length, and about 1000 feet wide, remains in Danvers,—that the inhabitants, living on said premises, will be better accommodated to belong to the city of Salem, than to remain, as they now do, in Danvers; that a line drawn, commencing at the south westerly corner of Harmony Grove, thence running nearly south, direct to the monumental stone, on the south westerly side of the Main street, near the north west corner of William Sutton's brick wool store, would made the line between said city and the town of Danvers nearly straight, from the north west corner of said Harmony Grove, to Aborn street; your petitioners, therefore, request your honorable bodies to take such measures as may be necessary, and to cause all the territory, eastwardly of said line, now in Danvers, to be annexed to the city of Salem, and, as in duty bound, will ever pray.

CHARLES A. DEARBORN, and others.

## P E T I T I O N .

JANUARY, 1849.

*To the Honorable the Senate, and House of Representatives of  
the Commonwealth of Massachusetts.*

The petition of the undersigned, inhabitants of Danvers, in the county of Essex, respectfully shows, that they are desirous of an alteration of the boundary line between Danvers and Salem. Believing that the interests of all concerned would be best accommodated and promoted, by setting off the entire village of South Danvers to Salem; they therefore propose, that the boundary line should be established as follows, viz.:—Beginning at the bound stone, near Tapley Brook, thence across, or by the easterly part of Buxton Hill to Water's River, setting off all that part, easterly of this line, to Salem.

Wherefore, they pray, that after due notice, the aforesaid alteration of the boundary line may be established.

BENJAMIN GOODRIDGE,  
GEORGE OSBORNE, and others.

## Commonwealth of Massachusetts.

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IN SENATE, Feb. 28, 1849.

On the several petitions, aforesaid. ORDERED, that the further consideration thereof, be referred to the next General Court, and that Messrs. JEREMIAH C. STICKNEY, of Lynn,  
WM. JOHNSTON, JR., of Andover, and  
MOSES NEWELL, of West Newbury,  
be a committee to view the premises, and hear the parties, at the expense of the petitioners, and report thereon to the next General Court.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

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IN HOUSE OF REPRESENTATIVES, March 8, 1849.

Concurred.

C. W. STOREY, *Clerk.*

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A true copy of said petitions, and the order thereon.

Attest.

CHAS. CALHOUN, *Clerk of the Senate.*

## Commonwealth of Massachusetts.

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The Committee, appointed by the foregoing order, "to view the premises, and hear the parties, and report thereon, to the next General Court," have attended to the duty assigned to them, and respectfully submit the following

### REPORT:

In pursuance of an arrangement made by the counsel, of the several parties in interest, and a notice to the city of Salem and town of Danvers, the committee held their meetings in the south parish of the latter place.

The parties represented, before the committee, were the petitioners, asking for the several alterations in the boundary line between Salem and Danvers, as set forth in their respective petitions, and the town of Danvers, by her counsel, opposing any alteration, or division of the town. The city of Salem also, was present, by her mayor, but took no part in the proceedings, further than to express a willingness to acquiesce in the result.

In consequence of the inability of the counsel of one of the parties, to attend at the first meeting, the two petitions were heard, and considered separately, though, in most respects, the same evidence and arguments were applicable to each. The committee, in the first instance, examined the localities of the proposed alterations, and then heard the several parties, the evidence adduced by them, respectively, and the arguments of counsel, and after devoting several days to the investigation of facts, came to the conclusion, that no satisfactory or useful change of the existing boundary line between Salem and Danvers, can be made at present.

That, although several inconveniences in the transaction of town affairs, result from the great territorial extent of Danvers,

they would be but partially remedied by any change of the boundary line; and, while some portion of the inhabitants might be accommodated by such a change, the majority would lose more than the minority would gain.

The committee, therefore, in coming to a conclusion, have aimed to look at the interest of the whole town, rather than of a part. They think that the voice of the town of Danvers, in her corporate capacity, is entitled to much consideration. The town, as such, has uniformly opposed these several petitions for a change of boundary line, and though no great zeal seems to have been manifested in voting on the subject, yet a decided majority of those voting, has always been against the petitions.

A large amount of evidence was put into the case, to show the population, taxable property, taxes, schools, fire engines, reservoirs, and roads, in the town of Danvers, and the relative proportion of the same, in the different parts of the town, but as most of these statistics have been detailed in a legislative report, made in 1848, Senate document, No. 82, of that year, this committee do not deem it necessary to repeat them.

The reasons offered by the petitioners for a change of the boundary line, were,—

1st. The alleged inconvenience of having a street or road for a boundary line between towns.

2d. The neglect of the town of Danvers, to keep in suitable repair that part of the road, or Main street, from Salem to Danvers, passing through the territory, upon which the Dearborn petitioners reside; and, the want of a sufficient drain to take off the water from said street.

3d. The insufficiency of the police provided by the town of Danvers.

4th. The want of fire engines, and facilities to extinguish fires, and the liability of collisions and difficulties between the fire departments of Salem and Danvers.

5th. The great practical inconvenience to the voters of South Danvers, in being obliged, each alternate year, to travel nearly four miles, to attend town meetings.

It was likewise urged by the petitioners, that they suffered great inconvenience from the present location of the public

schools, and that sectional feelings and interests of the different parts and villages of Danvers, were such, as to prevent the town from agreeing upon a location for a high school, and that their children were thereby deprived of instruction in the higher branches of learning, and the town exposed to indictment for the neglect.

It was further contended, on the part of the signers of the Dearborn petition, that setting off to Salem the narrow strip of land upon which they reside, and which now seems to project into Salem, would make the boundary line much more regular and convenient than it now is, and would greatly accommodate all the inhabitants residing on said territory.

Several of the alleged inconveniences were attributed to the fact of having a street for the boundary line, and it was argued, that in the present case, the evil had been increased by some uncertainty, as to the precise line of division between Salem and Danvers.

These were the principal points assumed, and relied on by the petitioners. The facts proved, did not, in the opinion of the committee, sustain all these positions. Very considerable inconveniences no doubt exist, but are not, as it seems to the committee, the result of the present boundary line. Although it passes along the Main street from Salem to Danvers, and although there may be some uncertainty as to its precise location, no practical difficulty has ever yet arisen from this source. Salem and Danvers have, heretofore, for many years, arranged and divided the matter of repairs upon the road in an equitable and satisfactory manner, and there would seem to be no good reason, why each should not properly and sufficiently repair, and drain the several parts of said road, as mutually agreed upon. If either party should neglect to do its duty in these particulars, some milder, but not less effective remedy, than a division of the town, might be safely adopted. The same may be said as to the police, police regulations, schools, taxes, fire-engines, &c. They are all purely municipal matters, and ought to be met and dealt with at the polls. *There*, the greatest good of the greatest number, must ultimately prevail; and though it often does, and often must happen, in towns of a large territorial extent, like Danvers, especially when spread out into distinct villages, at considerable distance from each other, that

there will sometimes be a struggle for sectional ascendancy, and that, in the selfishness of a part, the interest of the whole may, for a time, be forgotten; yet, these are evils of short duration, and usually, in due time, cure themselves. Even our glorious Union has within its confines, some, who from interest, or feeling, or fancied wrong, would like a new line of division between the north and the south.

Although a road boundary may, in some respects, be inconvenient, yet, in other respects, it may be no inconsiderable benefit, especially in the matter of fires. Such seems to have been the case in South Danvers. They have not only the benefit of their own fire department and engines, but the aid of at least four Salem engines and companies, whose duty it is to attend fires upon the boundary road.

It was argued, that such a division line, (road boundary,) would be likely to generate quarrels and contentions between the firewards and firemen of Salem and Danvers, but no such inconvenience has ever happened to either, and there does not appear to be the slightest probability that any will hereafter occur. On the contrary, there has been, (upon the proof in the case,) the most cordial and generous coöperation between them for more than twenty years past.

As to the matter of schools, the committee were not shown that the inhabitants of South Danvers would be much accommodated by being annexed to Salem. There is at present, in South Danvers, a good school, where the higher branches of learning are taught, not inconveniently located for the accommodation of the whole village. It was said, in the course of argument for the petitioners, that to obtain a high school in South Danvers, they must, at the same time, grant another high school in North Danvers. Suppose this to be so. Would it be a very onerous, or oppressive duty, for the thrifty and enterprising town of Danvers, to maintain even *two* high schools? What better investment could they well make for themselves and their posterity?

The necessity of travelling nearly four miles to attend town meetings, every alternate year, is, undoubtedly, a very considerable tax upon the time and means of the voters of Danvers, and to the committee, seemed to constitute the strongest argument offered for the petitioners. If annexed to Salem, the inhabitants

of South Danvers would, on an average, have less than one-half of that distance to go to deposit their votes. This, undoubtedly, would be a great accommodation to the individuals on the territory annexed, and, if no other party or persons were to be prejudiced, might of itself, alone, be sufficient cause for the change of line. The committee have considered the probable effect of adopting either of the proposed lines upon the remaining parts of Danvers, and they think that more would be lost to the town of Danvers than could be gained to the part set off. Things have accommodated themselves to the present lines, and the adoption of any new line of division would greatly affect the whole town. To annex all South Danvers to Salem, or to set it off by itself, would not only mar the identity of that ancient and patriotic town, but would disturb all her civil and municipal relations, seriously effect her social and domestic affairs, and greatly reduce her power and influence in the community.

To annex to Salem the territory named in the Dearborn petition, would diminish the strength and energy of South Danvers, and leave her, less able than before, to cope with her vigorous sister of the north.

The town of Danvers comprises, not only a large population, but a large territory, and, like other large towns, must submit to some inconveniences. The inhabitants cannot all have the town house at their doors. The average distance from the polls does not exceed that of many of our large country towns. Indeed, there are, in the county of Essex, several towns, where the voters are obliged, on an average, to travel further *every* year to attend town meetings, than the voters of Danvers are called on to do, *every other* year. Add to this the fact, that there is now constant railroad accommodation for passing to and from North and South Danvers, at a very trifling expense, and the inconvenience which, at first, seemed so great, becomes comparatively small. If the north parish of Danvers, which is larger in every respect, than the south, is willing to submit to the trouble of travelling to South Danvers, each alternate year, to vote, and attend to the public business, will not the south parish be equally patriotic? It is no farther from South Danvers to the North, than from North Danvers to the South.

The committee are of opinion, that to justify a change of old

established town boundary lines, a strong case should be made out. That it should be shown, that the convenience and welfare of the whole town, or at least, of a majority of its inhabitants, require it.

Notwithstanding the inconveniences incident to the present local situation and condition of Danvers, the committee are unanimously of opinion, that it is better for the whole town to remain as it now is, than to have any division which shall not be the result of mutual understanding and agreement.

It was stated to the committee, that a compromise line had, heretofore, been proposed by Danvers, but had not been accepted, or favorably received, by the authorities of Salem, and such a line was suggested to the committee, as one worthy of consideration in their report. Such a line, to be satisfactory, must, of course, be the result of mutual concession and reciprocity on the part of all concerned. A strong objection to the several petitions referred to the committee, was the fact, that neither of them proposed any equivalent, or corresponding benefit to the town of Danvers for the very valuable territory, (with its dense population, and large amount of taxable property,) which each asked to have set off to Salem. The compromise line so called, while it would set off to Salem a part of South Danvers, would, at the same time, take from Salem a portion of her territory; but whether, in any respect, an equivalent, was not shown to the committee.

This line, however, passed over land which the committee had not been called on to view, and seemed to be put forward, more in opposition to the petitions for the other lines, than for any reliance upon its merits, or wish for its adoption.

The committee, therefore, believing from all they can learn, that no satisfactory compromise line has yet been found, and that the circumstances of the case will not warrant the adoption of either of the lines proposed by the petitioners, would respectfully recommend, that they have leave to withdraw their several petitions.

J. C. STICKNEY,

For the Committee.

LYNN, March, 1850.

