

HOUSE....No. 88.

PETITION.

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

Respectfully represent the subscribers, citizens of said Commonwealth, and inhabitants of that part of the County of Bristol bordering on the State of Rhode Island, from Pawtucket Falls to Bullock's Neck :

That in 1629 the Plymouth Colonists obtained a charter from the Council of Plymouth, in the County of Devon, in England, which granted to "William Bradford, his heirs, associates and assigns," "*one-half of the river called Narragansett,*" now known as the Providence, Seekonk, and Pawtucket River ; and that Plymouth Colony remained in unquestioned possession, exercising *entire jurisdiction* and ownership to the year 1691, when the Colony of New Plymouth was united to the Colony of Massachusetts Bay, by the charter of William and Mary : also, that the Province of the Massachusetts Bay continued to exercise the same jurisdiction *over one-half of this river* to the year 1746, being a period of more than 116 years.

Your petitioners further represent, that subsequent to the award of the Royal Commissioners of 1746, for nearly another century, down to the year 1844, Massachusetts, jointly with the State of Rhode Island, continued to exercise her rights in the fishery, and of jurisdiction over these waters, without interruption.

It will be recollected by the members of the present General Court, that in 1844, Rhode Island having passed a law prohibiting the people of Massachusetts, under a heavy penalty, from taking oysters in said rivers, a Joint Commission was instituted, with a view to settle, not only this difficulty, but to establish the "*true boundary line*" between said States, "from the Atlantic Ocean north and northerly to Burnt Swamp Corner." (See Senate Doc. No. 14, 1848, page 36 to 132.) It is well known, also, that on account of the extraordinary and unjust demands of the State of Rhode Island, and of her Commissioners, the object of said Joint Commission, so desirable to the peace, happiness, and prosperity of the people of both States, was not achieved. An attempt was made to establish an unjust line, not recognized by the terms of the Commission. But all the proceedings of the majority of the Massachusetts Commissioners, relative thereto, were declared *null and void*, by a resolve of the Legislature of this Commonwealth. Since which, in 1848, another set of Commissioners have been appointed, with a view to adjust the boundary, by means of a Compromise, but they, also, though every effort was made, have failed of success. Agreeable to the resolve of the Legislature (Senate Doc. No. 128, 1848, page 70), His Excellency, the Governor, has authorized and directed the Attorney-General to commence a Bill in Equity against the State of Rhode Island (as your petitioners are now informed), all prospect of a proper settlement of the line, by the acts of Commissioners, having failed. And, finally, your petitioners further state, that since said proceedings have been had, and at the last January session of the Rhode Island General Assembly, another Act, entitled "*An Act for the preservation of Oysters and other shell-fish,*" still more oppressive and obnoxious to the people of Massachusetts, has been passed. This Act, assuming for Rhode Island the entire jurisdiction of the whole Narragansett Bay and River, known as the Providence and Seekonk River, aforesaid, subjects the citizens of Massachusetts to a heavy penalty, and even imprisonment, for taking oysters and other shell-fish therefrom.

Since the passage of the Act of 1844, and while the Commissioners of the two States have been negotiating for the settle-

ment of the line, our people have been arrested by the authorities of Rhode Island, on our own shores, and subjected to expensive and vexatious litigation, and to the payment of heavy fines, for no other offence than the exercise of their just and lawful rights on the easterly side of said river; and, as we believe and contend, rightfully within the jurisdiction of this Commonwealth.

Wherefore, your petitioners most respectfully request the Honorable General Court, to pass some Act whereby the said unjust and oppressive usurpations of Rhode Island may be controlled. To cause the monuments erected within the towns of Fall River, Westport, Swansea, Seekonk, Pawtucket, and Attleborough, by the consent of the majority of the Massachusetts Commissioners, in 1848, to be removed; and to take such other action as the wisdom of the Legislature may suggest, whereby this Commonwealth, and the citizens thereof, may be protected in their rights in the fishery, and of jurisdiction over the easterly half of said rivers and waters, till this protracted controversy shall be forever settled, and the line permanently established by the Supreme Court of the United States. And, as in duty bound, will ever pray.

