

## HOUSE...No. 60.

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### Commonwealth of Massachusetts.

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### MEMORIAL.

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

Respectfully represent, the undersigned, citizens of said Commonwealth, that they will be injured, and subjected to much loss and damage, by the construction of the rail-road from Boston to Plymouth, to authorize which a bill is now pending before your honorable bodies. That, by the law of this Commonwealth, Revised Statutes, chap. 39, sec. 47, it is provided, that no petition for the establishment of any rail-road corporation "shall be acted upon until notice of the pendency thereof shall have been published according to law; which notice shall designate the intended route with such certainty as to give reasonable notice to all persons interested therein, that their rights may be affected by the granting of said petition, and that they may have an opportunity to appear and object thereto;" and in the 48th section of said act it is provided, "That every

act of incorporation for a rail-road company shall confine the road within the limits indicated by the notice required by the preceding section, shall specify the several towns through which the same may pass, and shall otherwise designate the route on which the road may be authorized to be made, with as much certainty as the nature of the case will admit."

And your remonstrants further represent, that the petition of Nathaniel Russell and others, on which said bill has been reported, designated no particular route as intended for said road, but only gave the names of the towns between Boston and Plymouth, giving the names of the different ranges of towns through which said road might pass, as it should go within a more easterly or westerly direction, so that, in fact and effect, said petition and the notice given upon it, gave the intended route with no more certainty than if said petition and notice had stated only generally a road from Boston to Plymouth.

Your remonstrants respectfully insist that this is not a compliance with the law. No town would know how its interests would be affected, how its roads would be crossed and obstructed, because it would not know through which part the rail-road would pass. No individual would know how he would be effected, or that he would be effected at all. And your remonstrants insist, that a notice that a rail-road would pass through a town generally, is not such reasonable notice to all persons interested therein, that their rights may be affected as is intended by the statute. Your remonstrants further represent, that the Dorchester Turnpike, the Neponset Bridge Corporation, and the Braintree and Weymouth Turnpike Corporation, three corporations duly established by acts of this Commonwealth, and whose interests will be much affected by the proposed rail-road, had no notice except by the publication of the petition in newspapers, which your remonstrants respectfully insist was no notice, it having been the uniform usage to give notice to corporations by summons on its proper officer or officers. Believing that the previous proceedings have not been such as the law expressly and particularly requires, and that towns and individuals would be greatly injured by such a departure from

the wholesome requisitions of the law, the undersigned respectfully remonstrate against the passage of said act.

EDWARD SHARP,

*President of the Dorchester Turnpike Corporation.*

MINOTT THAYER,

*President of the Braintree and Weymouth Turnpike Cor.*

GEO. W. BEALE,

*Treasurer of Neponset Bridge Corporation.*

