

SENATE.....No. 42.

Commonwealth of Massachusetts.

IN SENATE, March 6, 1833.

On the Petitions of the towns of Lexington and West Cambridge, to be relieved from their obligation to contribute to the support of the Bridge over Charles River, between the towns of Cambridge and Brighton, formerly called the Great Bridge, over Charles River in Cambridge; the Joint Committee, having heard the Petitioners and Remonstrants,—

REPORT THE FOLLOWING FACTS :

That in the year 1699, said Bridge having gone to decay, was rebuilt in pursuance of an act of the Legislature, which provided that the expense of repairing the same thereafter, should be borne, two third parts by the town of Cambridge, and one third part by the town of Newton—and that said Bridge from that time was supported by said towns in that proportion. At that time, Cambridge comprised the territory of the present towns of Cambridge, Brighton, West Cambridge and Lexington, and all lying on the northerly side of the river, ex-

cept that part which is now Brighton. Whether Cambridge and Newton expressly assented to the provisions of the act aforesad, or whether the support of said Bridge was imposed upon them as county roads now are upon towns by county commissioners, without or against their will, does not appear.

In the year 1712, the farmers so called, inhabiting the northerly precinct of Cambridge, as appears by the records of said town, petitioned the said town, "that they might be dismissed therefrom," and be a township by themselves—and that a Committee was appointed by Cambridge, to treat with a Committee of the Petitioners as to the terms of their dismissal—and that one of the "articles to be proposed as one of the terms of their dismissal should be *their paying a part towards the support of the Great Bridge,*"—upon whose report, it was voted—That said farmers be dismissed from the town upon paying to the Town Treasurer annually, such a proportion of the Town's charge of the Great Bridge over Charles River in Cambridge, as shall fall to them according to their annual proportion with said town, in the province tax—which article is said by said record to have been complied with by said farmers—that in pursuance of said agreement, it appears by the records of the Governor and Council, vol. 9, page 259, that said farmers were incorporated as a separate town in 1712, by the name of Lexington, on the terms¹ of their agreement with the town of Cambridge, that they should thereafter bear their proportion with said town, according to the Province tax, of two third parts of the expense of supporting said Bridge—that at that time Cambridge was held to the support of two thirds said expense, and Newton the other third.

It also appears, that in the year 1734, three thousand acres of land were granted by the Legislature, to be equally divided among the towns of Newton, Cambridge and Lexington, as a consideration for their support of said Bridge.

In 1781, on the application of Newton, the Legislature released that town from its obligation to contribute towards the support of said Bridge. The reasons for said release, as set forth in the act were, that since the burden had been imposed, five other bridges had been built over Charles River, of which that town had to support the parts lying within its limits, see vol. 1, page 15, Special Laws. In that act no provision was made for the support of the third part the expense of said Bridge, from which Newton had been released, and the whole devolved on Cambridge, or on Cambridge and Lexington. From that time to the present, Lexington has paid to Cambridge for the support of said Bridge, her proportion, with Cambridge (including Brighton and West Cambridge since they were set off,) of the whole expense, according to the State Tax, instead of her proportion of two thirds, as before the release of Newton.

Until the erection of the bridges connecting Boston with Charlestown and Cambridge, the road over the Bridge in question, was the only way to Boston, except by the Ferry in Charlestown, for the inhabitants of Lexington and that part of Cambridge lying northerly of the river, and was important to these towns in their intercourse with Boston. But since the erection of Charles River and West Boston and Canal Bridges, the Bridge in question has been of no use to said inhabitants as a way to Boston, since the establishment of a

road and bridge from Brighton to the southeasterly part of Cambridge, called Cambridgeport, about twenty-three years ago—it is also of less use as a way to Boston for the inhabitants of Brighton.

It appears, that in February 1807, the northerly part of Cambridge was incorporated into a distinct town, by the name of West Cambridge, and at the same time, that the southerly part of Cambridge was incorporated into a distinct town by the name of Brighton. In the acts incorporating these towns, passed on the 24th and 27th of February, 1807, a like provision is inserted, that each of said towns should thereafter bear its proportion with Cambridge, according to the State Valuation, of the charge then resting on Cambridge, of supporting said Bridge. And it was admitted by the parties, that this provision as it regarded West Cambridge, was in pursuance of terms agreed upon by Committees of the towns appointed for that purpose. Since that time Canal Bridge from Cambridge to Boston has been made, and the bridge above referred to, from Brighton to Cambridgeport and East Cambridge. Charles River divides the towns of Cambridge and Brighton, and these towns, together with Lexington, and West Cambridge, are now by law bound to the maintenance of the Bridge in question. The inhabitants of the towns of Cambridge, West Cambridge and Lexington, living on the northerly side of the river, have no use of this Bridge, except in passing to, or through Brighton.

To the inhabitants of East Cambridge and Cambridgeport, making a large part of the town of Cambridge, it must be of less use than to the old part of the town.

A new road has recently been laid out in the southerly part of West Cambridge, higher up, and crosses the river to Brighton, through Watertown, and was built by West Cambridge, at an expense already incurred of \$1,500, which it is stated, affords to all the inhabitants of that town living near the centre, or above it, a nearer way to Brighton than the old road over the Bridge in question, by more than a mile. This fact is urged as an additional reason for releasing West Cambridge from any charge for its support.

It appears that the causeway over the marshes leading to the Bridge in question, of about forty-five rods in length, has always been supported by Cambridge.

All which is respectfully submitted.

Per Order of the Committee.

NATHANIEL AUSTIN, *Chairman.*

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Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred and Thirty-Three.

AN ACT

To exempt the town of West Cambridge from their liability to keep up and support their proportion of the Old Bridge, so called, over Charles River, between Cambridge and Brighton.

Whereas, In the year of our Lord one thousand eight hundred and seven, the present town of West Cambridge, which was formerly a part of Cambridge, was separated therefrom and made a distinct town, on the terms and conditions that said West Cambridge should bear a proportion of the expense of supporting the Old Bridge, so called, over Charles River, between Cambridge and the town of Brighton;—and the said Bridge is remote from the territorial limits of West Cambridge, which town has long since ceased to have any interest in said Bridge—therefore,

1 **BE** it enacted by the Senate and House
2 of Representatives in General Court assembled, and
3 by the authority of the same, That the fifth section of
4 the Act, entitled “An Act to divide the town of
5 Cambridge, and to incorporate the Westerly Parish
6 therein as a separate town, by the name of West
7 Cambridge,” passed on the twenty seventh day of
8 February, A. D. 1807, which section is in the words
9 following—“That the said town of West Cambridge
10 shall be held to keep up and support their proportion
11 of the old Bridge, over Charles River, between the
12 first and third Parishes of Cambridge, which propor-
13 tion shall be ascertained from time to time by the
14 State valuation,” be and the same is hereby repealed.

Commonwealth of Massachusetts.

In the year of our Lord One Thousand Eight Hundred
and Thirty-Three.

AN ACT

To exempt the town of Lexington from their liability to contribute to the support of the Bridge over Charles River, between the towns of Cambridge and Brighton, heretofore called "the Great Bridge over Charles River, in the town of Cambridge."

Whereas, In the year of our Lord one thousand six hundred and ninety nine, by an Act of the Legislature, the town of Cambridge was made liable to sustain two third parts of the expense of maintaining the Bridge named in the title of this Act; and in the year of our Lord one thousand seven hundred and twelve, that part of the town of Cambridge which now constitutes the town of Lexington, was set off from the town of Cambridge and made a distinct town by the name of Lexington;—and the said town of Lexington was in and by

their Act of incorporation made liable to contribute to the support of said Bridge, which was then on the only avenue for loaded teams from Lexington to Boston;— and although said town of Lexington has ever since contributed to the support of said Bridge, which is far from their limits, the inhabitants of said town have for many years had no interest in said Bridge—therefore,

1 **BE** it enacted by the Senate and House of
2 *Representatives in General Court assembled, and by the*
3 *authority of the same, That the town of Lexington*
4 shall be, and hereby is, released, exempted, and dis-
5 charged from all liability to pay to the town of Cam-
6 bridge, or any person or persons, any sum or sums of
7 money, for or on account of the support, maintenance,
8 or repairs of the Bridge over Charles River, between
9 the towns of Cambridge and Brighton, formerly called,
10 “ the Great Bridge over Charles River, in the town
11 of Cambridge.”