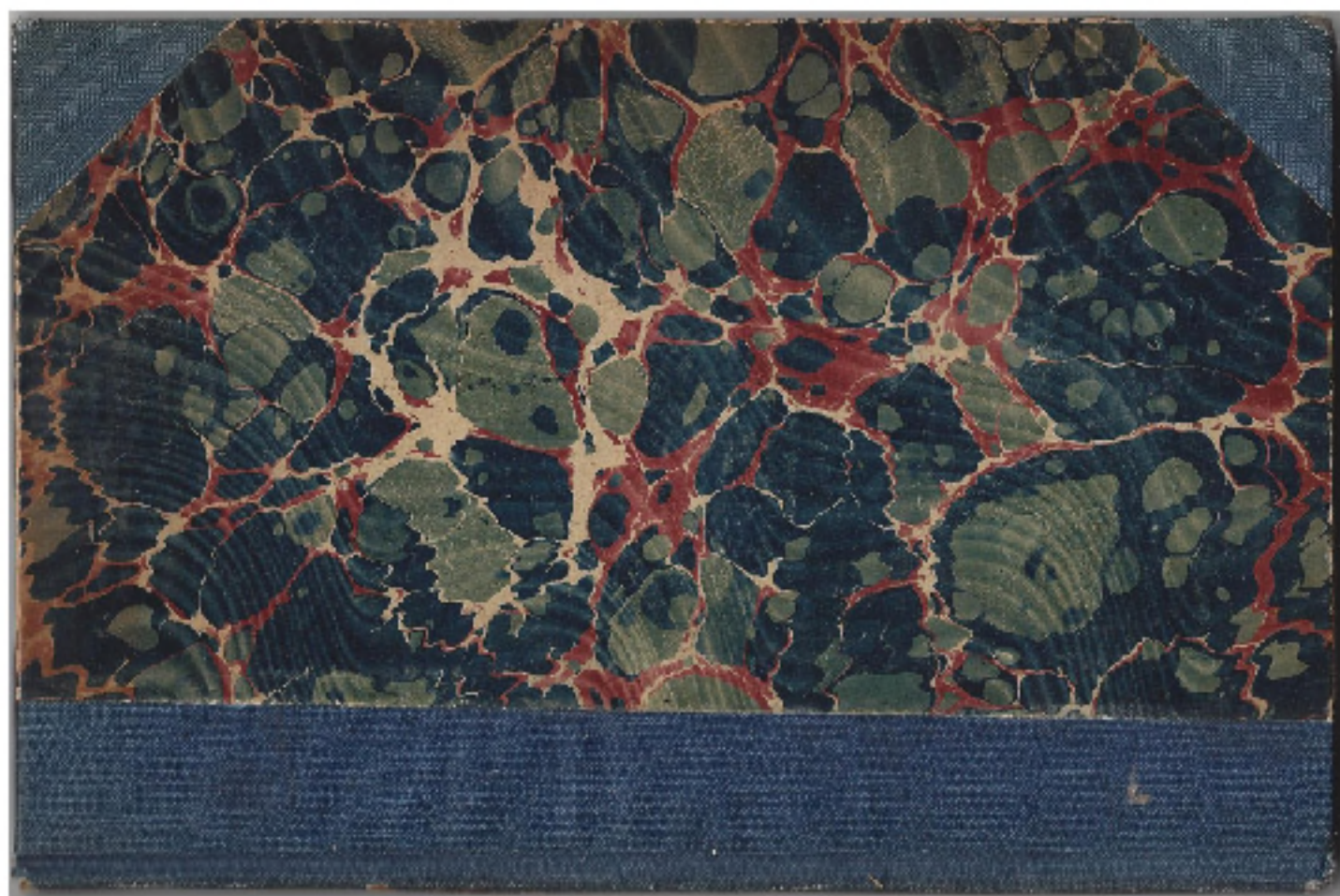
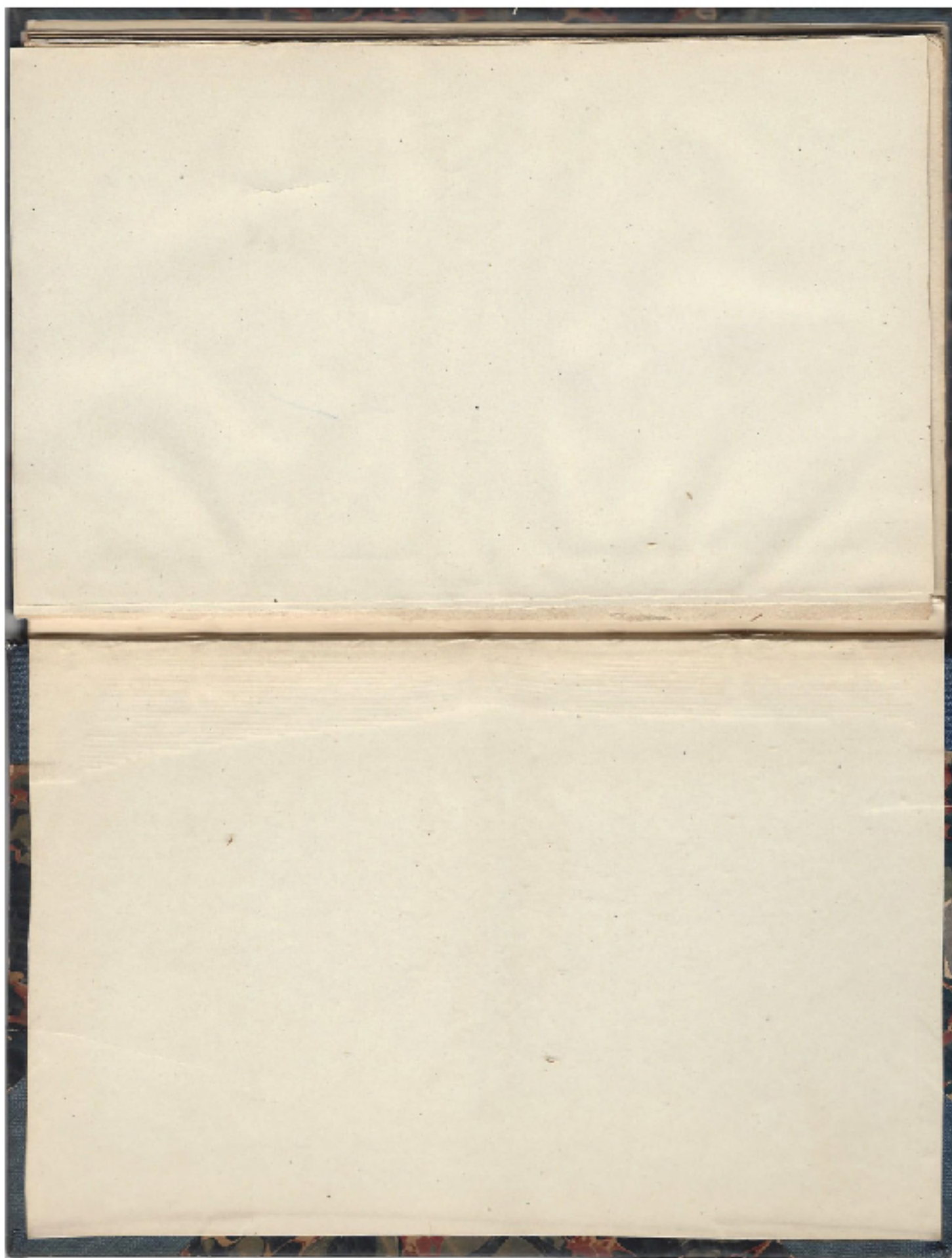
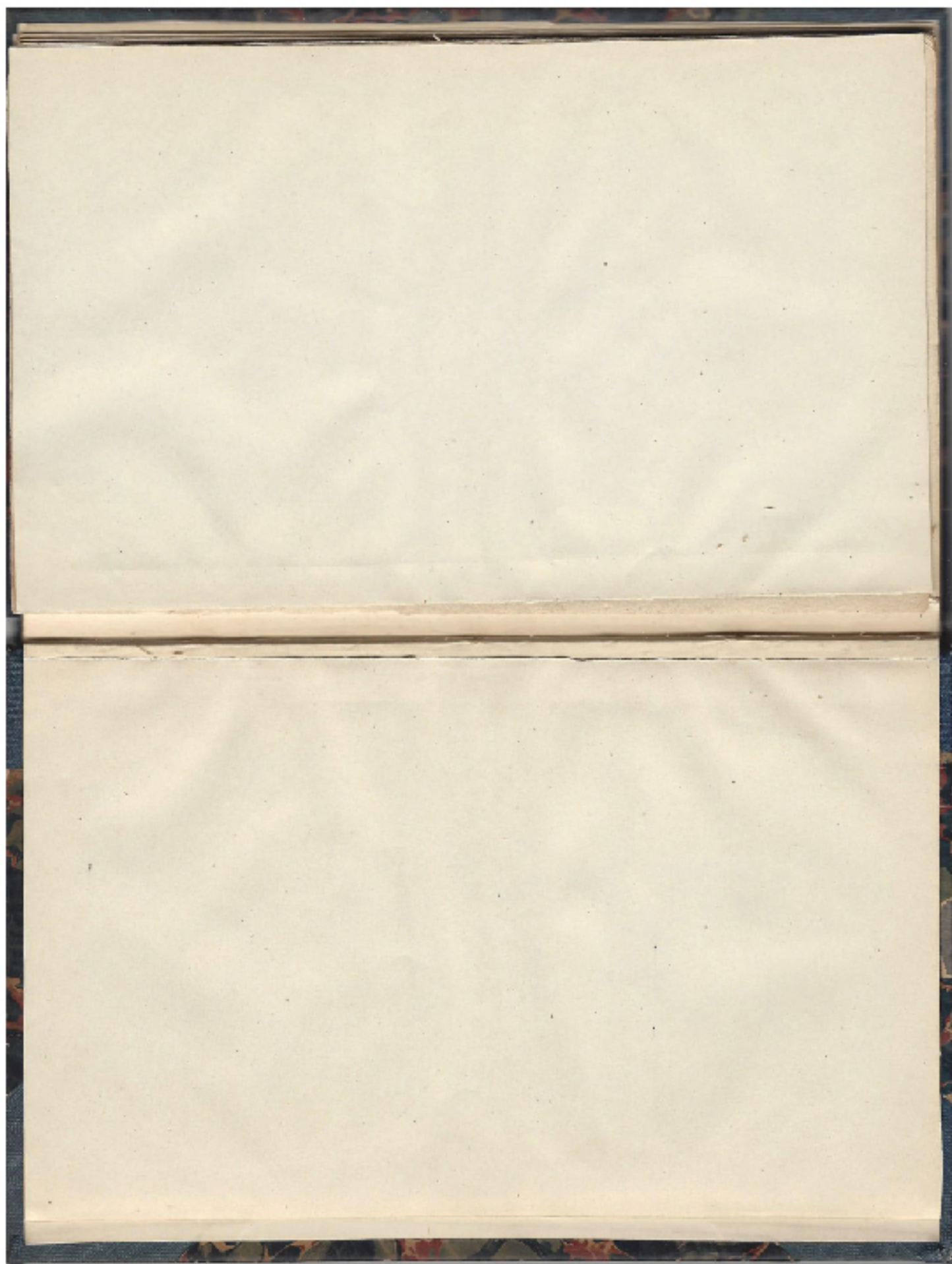








COLLECTION
OF
FACTS AND DOCUMENTS

RELATIVE TO THE

PROJECT OF A BRIDGE

FROM

SOUTH STREET IN BOSTON TO DORCHESTER NECK,

AND THE

ANNEXATION OF THAT PENINSULA

TO THE

TOWN OF BOSTON.



"SEE WATER TAIL ON END A GOOD ALLENT"

Boston :

PRINTED BY A. LANGOLE, WATER STREET.

1868.

COLLECTION

LEGISLATIVE DOCUMENTS

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1857

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TO THE PUBLIC.

No question of a local nature, ever offered to the town of Boston, or submitted to the Legislature of the Commonwealth, excited more agitation, warmth and alarm, than the proposition of a Bridge from South Street, and the annexation of Dorchester Neck to the Metropolis. The controversy on these subjects has been considered by many, as settled and at rest forever. But those, who have so considered it, are unhappily disappointed; they find one of those subjects renewed. A question of such extreme importance certainly deserves to be well understood, and it is presumed, it cannot be so clearly comprehended as by a connected exhibition of the *causes* of the two *great parties* in the contest; the *positions* they have from time to time taken; the *statements* they have made; the various *memorials*, *petitions*, *remonstrances* and *answers* they have submitted, and the *facts* and *arguments* they have adduced. It is intended all these shall be fairly and conspicuously shown.

On a subject of such extensive interest and concern, it is not surprising, much contrariety of opinion has existed; which opinions were the most correct and the best founded, the community at large will decide. It is not for those whose interests are deeply involved, to determine it. It is proper, however, to furnish facts; not merely proper, it is a sacred duty, to the performance of which we feel ourselves obligated, that the public have a faithful and impartial history of all the prominent transactions relative to the Dorchester Speculation, and the variety of projects which that speculation originated.

Let not the heavy charge be made, that in doing this, an inclination is evinced to interrupt the harmony, which has been in some measure restored; that with barbarous hands and unbending hearts, we open wounds, once closed, and cause them to fester and rankle anew. Far, very far from us is such intention. The sole aim is, by an impartial exposition of facts and documents to place the subject in such a point of view, as every one may see and understand it.

The facts, the reasoning, and the illustrations contained in the documents, it is believed, will remove all doubts and enforce an universal acquiescence in the opinion, that the erection of a Bridge from South Street to South Boston will be far more injurious to *public property* than *private* of *public property*; that the *public expenses* neither render such a measure necessary, nor *repay* it; and, that any attempt *directly or indirectly* made to obtain a Bridge to the northward of the one now erected is not justifiable, and will not be countenanced; and that such an attempt *will not be permitted* in, except by those, who, blundered by pride in wealth, do not hesitate to violate contracts and agreements solemnly made, and care not what extent of injury, destruction and distress they inflict on others, provided they benefit themselves.

Boston, Jan. 26th, 1805.

THE summer of 1803 found the inhabitants of Dorchester Neck in quite a similar situation to that, in which they and their ancestors had been for many years before. Most of the *staves families* there residing were quietly cultivating their lands. Their peaceful labours and pursuits, and their useful occupations were seldom interrupted, except by occasional visits of parties from the Matrons to their *back-pit* alleys and their tea and coffee houses.

The greater portion of the Peninsula was owned by its inhabitants, who passed their lives in happiness and peace, not suspecting their serenity would soon be invaded, nor

even dreaming of the oppressive and troublesome favours and blessings which others were creating for them. These good people had not then made the discovery that Boston was not large enough to contain itself!! They had not then become so conversant with magicians, and great magicians, as to conceive the possibility of making Boston go to Dorchester, and Dorchester go to Boston. When from their far famed heights they viewed the wharves on the opposite shore lined with shipping, they honestly and correctly judged Boston to be a commercial town, and did not entertain the least faint hope, her inhabitants would consent to the erection of a Bridge, which would cut off and banish all navigation from one third of her sea front. But some of those, who owned land on the Peninsula, and did not there reside, conceived the mighty project. These personages, combined with others of extensive wealth and great talents and influence, monopolized as much as they could about of the whole territory, before their more remote objects and plans were disclosed.

So anxious were they to preserve their intentions involved in secrecy they were at great pains to obtain some person, pre-eminent in dissimulation and well qualified to accomplish the leading purposes of their establishment. A person of artful management and disinterested bluntness was soon found and fully authorized to sell good stories to the farmers, and purchase "all the land he could lay his hands on." He was depicted, well supplied with the master key to every human passion, and by all the arts and devices of an able agent secured a belief among some of the more credulous owners of the soil, that he wanted a large number of acres for a gentleman of great fortune, who was about to remove from the West Indies to inhale the air of this more salubrious clime, and renounce a constitution which had long languished under the oppressive heat of a tropical sun. This representation was believed by some; others, more wary, concluded that the "gentleman from the West Indies" would not be obliged to cross the ocean

to take possession of his lands, and the checking of the agent confirmed them in their suspicions. They saw the dawn of a mighty speculation. No sooner did its light beam on them, than the prominent features of their character were effaced. As the change in their circumstances was unexpected and remarkable, it produced an equally remarkable change in their minds and their manners. Many of them relinquished the useful labours and employments, in which they were engaged, and fell of the crude conceptions which the novel profits generated in their inexperienced minds, soon exchanged those, of whom they had believed their refusal keen in every sound advantage, which seemed to have the most remote connection with speculation, the exterminator of their innocence. They began to view with contempt the truly progressive of labour in certain riches, which to their new *enlightened* understanding appeared as the only source of every human blessing. A single lesson in speculation threatened with them to become the fertile source of much gambling inequality, and a remuneration to every science of industry, which bid fair to prosper. They conceived, they had at length learned what the world was, and determined to profit much by their knowledge of good and evil; and in the abundance of imaginary consequences, with less generosity than their magnanimous leaders, have attempted, even unto this day, to violate the sanction of solemn contracts and destroy the basis of mutual confidence.

Soon after the association had obtained all the land on the peninsula they could, the plan of incorporating Dorchester Neck with Brixton, and connecting them by a bridge across the South Harbour, were disclosed to the petitioners and memorialists, which were submitted to the Legislature and the Town. As among those who opposed these projects there were gentlemen of eminent talents, it caused here in the least doubt, that their memorialists and petitioners contained all the argument and reasoning in favour of their design, of which it was susceptible.

The following is the memorial submitted to the Selectmen.

DECEMBER 27th, 1803.

To the Selectmen of the Town of Boston.

GENTLEMEN,

WHOMSOEVER has attentively considered the geography, and territorial extent of the town of *Boston*, which within its narrow limits, embraces but eleven hundred acres, must be convinced that the present boundaries are too scanty to admit the erection of a large capital, subject to the same municipal jurisdiction. And from its present flourishing condition, that the period has arrived, when sound policy points to the expediency of making provision for annulling this disadvantage.

The rural situation of this town, now become a city; the security, beauty and convenience of its harbour, placed at the bottom of one of the finest and most important Bays within the dominion of the United States; conspire to raise it to the head of all the commercial towns of *Massachusetts*; and whilst it is fast progressing to the distinction of being the Emporium of the five Eastern States, with common justice and justice interfering, must forever secure to it this enviable advantage.

The rapid increase of her population, the various arteries now opening, the shortening the distances, and improving the roads leading from the principal inland towns, and neighbouring seaports; her irresistible foreign commerce, combined with an extensive coasting trade, both annually augmenting, and raising the energies of her citizens, will soon imperiously require an enlargement of the boundaries, within which this metropolis is now circumscribed.

The adjacent towns of *Roxbury*, *Cambridge* and *Charlestown*, cannot be supposed to consent to surrender the most valuable portions of either of their respective townships, and the seats of their business population, to

effect this purpose, great as it assuredly is in a national view. But on the scathery quarter of the town, and most advantageously extending upwards of two miles along the port, lies a tract of land almost uninhabited, and comparatively useless, comprising two hundred and 60 acres, which, if united to *Bacon*, would give that town a superiority, which no other capital, *Mexico* excepted, can boast of. This peninsula, bounded by the harbor, which it so much contributes to adorn, exalts such a variety of ground, and excellence of location, as to fully answer the purposes contemplated.

The Bays which at present separate it from the southern side of the town, admit of their being easily bridged, and the communication might in a few moments be completed at an expense insignificant, when contrasted with the important benefits necessarily resulting from the project. And when to this statement it is added, that the three avenues leading into *Bacon* have become such crowded streets, as to be extremely inconvenient, and sometimes hazardous, from the numerous carriages of every description that hourly frequent them, it will be admitted that the opening of a new passage through the least busy part of the town, and thereby creating an easy, pleasant and short intercourse with the country, is an object worthy of the public attention, happily conducing to promote the health, by the exercise and relaxation of her numerous citizens.

The totally unnumbered part of this isolated district of land, lying at the distance of eight hundred and eighty-four yards, and on the side of its nearest approach only six hundred yards, admits of extending a plan, whereby it shall be thought eligible, of another section of *Bacon*, in which regular and wide streets, and symmetry in the buildings, favoured with air and aspect, might combine their efforts in gradually raising a most desirable estate of suburbs. While the present town would always continue the great *focus* of business, this quarter of it could provide for the surplus of population, and furnish the inhabitants with suitable sites for houses and other buildings, at prices greatly beneath those in the town,

which have at length become exorbitant, and consequently detrimental to an increase of new citizens, and obliging to those arts, upon which such an indefinite variety of trades are dependent.

Impressed with these motives, and with a view to appreciate advantages, we join you, gentlemen, to take the opinion of the inhabitants at large of the town of *Bacon*, upon the subject of this memorial, and upon the merits on which we invite their impartial discussion, and to assure them, that we shall and do cheerfully support to the uttermost of all our lands, lying upon the peninsula aforesaid, in the town of *Bacon*, upon the single condition, that the inhabitants will procure a Bridge to be erected between *Bacon* and *Dorchester* Acre, and as evidence of his our consent we herewith transmit to you a copy of our petition to the Legislature of the Commonwealth, to enable us to carry this our purpose into immediate and complete effect. We are, with sentiments of great respect, gentlemen, your faithful, humble servants, &c.

WILLIAM TUCKER, SAMUEL CORB, JOHN AVERY,
GEORGE BRUCE, JONATHAN BIRD, JOHN
GREYS, JOHN HICKESSON, MANCAMP NEW,
JAMES HARRISON, MARY, MARY CLAR, LEONARD,
CLARK, JOHN HAWES, JACOBUS GALE, JOHN
MOSES, ELLIOTT, KENNETH HARRISON, JAMES
HARRISON, GEORGE GREENE, JAMES EV-
ERT, JOHN DE LUCE, JAMES BAKER

It is consented of the foregoing memorial if a Hon-
ourable Board of Selectmen issued the following

NOTIFICATION!

THE PARISHIONERS and other INHABITANTS
of the town of *Bacon*, qualified as the law directs,
are hereby notified to meet at *General Court*, on Mon-
day, the sixteenth inst. at 10 o'clock, A. M. then
and there, upon the application of Wm. Tucker and
others, to consider, whether the town will embrace the

the lands on *Dorchester Neck*, as proposed in the petition of the owners, be annexed to, and incorporated with the town;—whether the town will accept, as a gift, one half of a bridge, proposed to be built from the bottom of *South Street* to *Dorchester Lane*, after the same shall be completed;—and whether the town will adopt any measures to carry the foregoing objects into effect.

By order of the Selectmen.

WILLIAM COOPER, Town Clerk.

JANUARY 12, 1894.

It does not appear necessary to particularize the services and events, which occurred at the several Meetings of the Town held on the occasion. The succinct account contained in the Town Records will suffice, a copy of which records is here presented.

At a meeting of the Freeholders and other
Jan. 16. Inhabitants, &c. at Faneuil Hall on Monday, at
10 o'clock, A. M.

Warrant for calling meeting, read.

Mr. James Prince chosen Moderator by a
Majority hand vote.

Adjourn. On motion, voted to adjourn this meeting to the
evening of Old South Church.

The town being assembled at the Old South
Church, the warrant for the meeting, petition,
&c. being read, after some debate it was moved
and seconded, that the town receive the proposal of
William Tudor and others, that the land on
Dorchester Neck be annexed to the town of Bos-
ton on certain conditions, to a committee to be
chosen for that purpose. A debate on this
question ensued, which continued until 2 o'clock,
when on motion the meeting was adjourned to
3 o'clock, P. M.

Town met, and the debate
3 o'clock, P. M. which continued until 6 o'clock,
again taken up, which continued until 6 o'clock,

Adjourn when on motion the meeting was adjourned to
the next day, 13 o'clock, A. M.

January 17th, 11 o'clock, A. M. Town met,
when the debate was renewed, and continued
till 1 o'clock. The question of annexment
was then taken, and it passed in the negative.

Vote 49.
F. was then moved and seconded, that the
petitions will warrant that the lands on Dorchester
Neck, agreeable to the petition of the owners,
shall be annexed to, and incorporated with the
town of Boston, provided it can be done on such
conditions as the town shall hereafter agree to.

The question being accordingly taken, passed
in the affirmative.

It was then moved and seconded, that a com-
mittee be chosen in the Woods, consisting
of two persons from each Ward, to consider
the conditions, on which the lands on Dorches-
ter Neck shall be annexed to, and incorporated
with the town of Boston, and that the Selectmen be
requested to assemble the Wards for this purpose.

Adj. Jan. 23, 10 o'clock, Town met ac-
cording to adjournment, when the chairman of

the Selectmen reported, that the inhabitants of
the several Wards had met and chosen the com-
mittee agreeable to a vote of the town of the 17th
inst. that the committee had entered upon the
business assigned them, but were not yet ready
to make report, and proposed that the meeting
should be adjourned to Monday 30th inst.
whereupon voted, that this meeting be adjourned
accordingly.

Monday Jan. 30, 10 o'clock, met according
to adjournment.

The report of the committee chosen in the sev-
eral wards was read, whereupon it was moved
and voted, that the report be considered by pre-
sents.

The following is the report of the committee,

REPORT.

THE Committee chosen by the select wards, agreeable to a vote of the town of the 17th inst. to consider the conditions on which Dedchester Neck shall be annexed to Boston, are LEAVE to a majority.

That the lands on Dedchester Neck be annexed to, and incorporated with the town of Boston on the following conditions:—

1st. That a good and suitable Bridge be built from South Street of 42 feet wide, with good accommodations for foot passengers, who shall pass toll free; and having two draw-ways in the channel of 32 feet wide, and one on the flats, on the northerly side, of 28 feet wide, with a wharf of not less than 55 feet in width to each draw, on each side the bridge, extending below the bridge 300 feet, and above it 100 feet, and leaving a house on the wharf at the channel draw, for persons to be at, at all hours of the day and night, to hoist the draw, for vessels to pass whenever required, and the whole bridge to be well-lighted.

2d. The Proprietors of the Bridge shall pay to the owners or masters of all vessels above 20 tons, passing up above the bridge to discharge their cargoes, at and after the rate of five cents per ton, register measurement, but nothing recurring below the bridge.

3d. That there be inserted in the act of incorporation a clause, whereby it be provided, that if the inhabitants of the town, on the southern side of the bridge, apply to the Legislature at any future period to be set off as a separate town, or annexed to any other, without the consent of the inhabitants of the northern side, that then and as soon as it shall be the charter of the bridge shall come to the then holders, and shall inure to the sole advantage of the old town of Boston.

4th. The proprietors of the land to be annexed, shall consent that the Selectmen of the town of Boston shall immediately lay out such streets, public squares and market places, as they shall judge necessary for the public accommodation, without any compensation for the land so appropriated.

5th. There shall be two burial grounds, ten school house lots, and two lots for houses of public worship, also to be laid out without any payment therefor.

6th. In lieu of the offer of one half of the proposed bridge, there shall be set off by a joint committee of the proprietors on the one part, and the town of Boston on the other part, upon the land so bequeathed in four different parts of the same, one *seach* of all the land therein, (that is not used or set apart for public purposes) which shall be held at the disposal of the town of Boston.

All which is submitted.

JOSEPH RUSSELL, *per Order.*

The first paragraph relative to a Bridge from South Street was read and voted to be accepted. The second paragraph relative to what shall be paid to vessels passing up above the bridge, was read, and after a long debate, the question, whether the same shall be accepted being put, it was declared by the Moderator that the same had passed in the affirmative. This vote being debated, a division of the house was called for on one part and warmly opposed on the other part. The Moderator then put the question called for, whether it was the sense of the town, that the house should be divided, which was declared by the Moderator to be in the negative. As it now appeared to be impossible under the present application of the meeting to proceed in the consideration of the paragraph, Mr. Ous proposed, that the terms and conditions of the proposed Bridge from South Street shall be referred to the Legislature; the applicants *looking themselves out to do as well as pay them twenty-five thousand dollars, or give one half of the bridge, and the street, and also for public accommodation, as proposed.*

This motion led to some general conversation, and was objected to, as being out of order. The debates and observations having continued until 2 o'clock, there was then a general call for an adjournment, and the meeting was accordingly adjourned to Tuesday, 10 o'clock, A. M.

Jan. 31. Tuesday. At 1st Int. met according to adjournment.

It was then moved and seconded, that the votes taken yesterday upon the report of the Committee, be reconsidered, and that *the place from which the bridge shall be built, shall be left in the hands of the Legislature.* The question being put, it passed almost unanimously in the affirmative.

Such was the result of the Boston town meeting upon which the *Advocates* for a bridge have so much vaunted, and have had the hardihood to declare amounted to an express and unreserved declaration of the sense of the town in their favour. It is true the two first paragraphs of the report were at one time accepted by very high authorities. But those paragraphs were accepted as they stood connected with the whole report. There can be no pretension they would have been accepted, had they been unconnected with, and severed from the whole report.

It is worthy of remark, that notwithstanding the bringing offers of money, or bridge shares, made by some of the petitioners; the bids and offers proposed to be given for public purposes; the partial compensation offered to vessels for passing the bridge, and the reservation of "one tenth" of the whole territory for the exclusive use and benefit of the town of Boston, in the opinion of some amounted to an equivalent for the injuries the project would occasion, yet a few hours reflection, on the evil and injustice of securing an important section of the town at the shrine of private speculation, operated so far as to induce an immense majority to reconsider the two years, which under the influence of the atrocious and alluring presents and temptations had been passed, and by a vote nearly unanimous the subject was submitted to the Legislature. It was introduced in the consideration of that Honorable body by the one following petitions,

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

THE subscribers most respectfully represent, that they are owners of the land situated within the peninsula, commonly designated by the name of Dorchester Neck, in the County of Norfolk, in the operations hereafter mentioned. That it is upwards of 173 years since the incorporation of the town of Dorchester, within whose municipal jurisdiction your petitioners lands lie, and that there are but ten small houses within the whole district, computed at 500 acres, nor for one mile beyond its limits. That the neck aforesaid be coterminous the municipality of the State, and on one point approximate to within one third of a mile of the populous and commercial capital. That the town of Dorchester is nearly ten miles in length, as will appear by a recent survey lodged in the Surveyor's office, and the principal part of its population is confined to its extreme south western border. That the nearest family on the peninsula is three miles distant from public worship, and two from the town school; and that the extensive flats which surround this neck on its northern and eastern sides prevent any communication with Boston, except by a postal and very inconvenient stage, and this so often rendered impracticable by the nature of the flats as to be generally neglected. Thus insulated, it cannot be matter of surprise that there are fewer houses on this spot of territory than there were eighty years ago.

To be relieved from these disadvantages, they pray, that the premises, respectively assigned to your petitioners' names, may be set off and incorporated with the town of Boston, on the condition however that a bridge should be granted by the Honorable Court connecting the said peninsula with the last mentioned town. Whereby

* The point of greatest approximation of the new district to the old town is a few rods north of the bridge now built. A line drawn from that point and extended parallel to said bridge until it strikes South Street at the same distance. An extension on the point of least approximation to which the said line should be a third longer.

your memorialists presume, that great public, as well as private benefit would accrue, because it would enlarge the narrow territory of the capital of the State, shorten and facilitate the greatest part of the southern travel of the Commonwealth, conduce to lessen the conversion of a large range of useless flats into valuable ground, and reduce the distance of the lands of your petitioners from five miles to half of one of this important resort.

And as in duty bound shall pray.—William Tudor 31 acres. Samuel Cobb for self and others 6 acres. John Avery 20 acres, 2 houses and barns. George Bruce for 12 acres, a house and barn. Jonathan Bird 49 acres, a house and 2 barns. Julia Gray 8 acres. Stephen Higginson 8 acres. Margaret Newman 19 acres. Rebecca Martin 23 acres, house and barn. Mary Clap for self and children 58 acres. Lemuel Clap 15 acres. John Hawes 24 acres. Jeremiah Gore, junr, 3 acres and 1 quarter. Moses Everett 6 acres and in half. Hannah Everett 6 acres. James Harnbury 12 acres. Gardner Greene 117 acres, 2 houses and two barns. James Everett 41 acres. John De Luce a house, barn and half an acre. James Blake with others 70 acres. Henry Gardner 11 acres. Aaron Spear a house, barn and half an acre. Rufus Harrington 2 small houses and 1 8th of an acre. Ezekiel Bird 9 acres. Nathl. Clap 4 acres. Thomas Bird with others 15 acres.

PETITION FOR A BRIDGE.

To the Hon. Senate and to the Hon. House of Representatives of the Commonwealth of Massachusetts in General Court assembled at Boston, Jan. 1804.

THE SUBSCRIBERS HEREBY SHew,

THAT the erection of a Bridge on the sea shore side of the town of Boston, beginning at the town's landing at the foot of South Street, and uniting with the north-western point of land on Dorchester Point, opposite to Old Street,

has long been a desirable object, embracing many public advantages, among others, that of opening a new avenue to the town of Boston, and thereby uniting a large and valuable tract of land with it, by means whereof its population and businesses would be aided and extended. Your petitioners, therefore, pray, that they and their associates may be empowered to erect a Bridge as aforesaid, upon such terms and under such conditions and restrictions as to this Honourable Court shall appear proper, and as in duty bound shall pray.

Signed, { WILLIAM TUDOR,
GEORGE BRUCE.

The enclosed remonstrance against the foregoing petition was submitted to the General Court.

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

THE subscribers, petitioners of the town of Boston, residing at, and proprietors of estates in the said part of said town, humbly shew—

That we have seen the petition of William Tudor and Gardner Greene, Esqrs. praying for leave to erect a Bridge from South Street, across the harbour at Boston, to Dorchester Point; and believing that such a measure would be unnecessary, and extremely prejudicial to the commercial interest of the town, and of that part of it in particular in which we presently reside, we raise the libels, which we deliver to this Commonwealth are constitutionally entitled to, of expressing to your Honours our hopes and expectations that the prayer of said petition will not be granted.

The request of the petitioners is grounded upon two facts, which are set forth in their petition, viz. that by the erection of this Bridge a New Avenue will be opened to the town of Boston; and that by uniting a large and valuable tract of land to it, its population will be aided,

and its boundaries extended. Without encroaching upon your Honours' time by preliminary observations, we will proceed immediately to state the principles and facts upon which we ground our opposition to the Bridge at the place particularly named for by the petitioners.

The project of erecting the Bridge is founded solely upon private speculation. The public at large are not in any degree interested in it. The measure is not such as public utility or convenience requires; but on the contrary it is a disbursement involves in it the sacrifice of some of the most important public privileges, as well as of the most sacred rights of private property.

In proof of this declaration, we beg leave to observe, that if a Bridge should be erected, and a road laid out to it in any direction which the petitioners can contemplate, the saving in the Distance from Dorchester to the centre of the town of Boston, will be so inconsiderable, as that on that account the project would be unnecessary. The Petitioners and their associates have never imagined that the erection of the Bridge would facilitate the communication between the town and the country. Their object, avowedly is, to appropriate Dorchester Point with Boston, by an act which they have already petitioned your Honours to pass; and then to bring forward a settlement of their lands upon that point, for the purpose of advancing their private fortunes. The idea, therefore, that the "project enhances many public advantages," is totally unfounded.

Of the same nature is the pretence that a New Avenue will be opened to the town. The fact is (as will appear by the statements which we will, with your Honours' permission, be eager to make, and which we are prepared to prove) that if that part of the Navigation of the town which now belongs to us, together with that which has annually visited the south part of the town from other places, is permitted *hereafter to exist*, the Bridge cannot be a convenient avenue to the town; but on the contrary, its draw must be raised a considerable portion of each day to accommodate the many vessels that must pass through it.

And if the Petitioners had not been more partial to their own interest, than to that of the public, they would readily have perceived, that this "New Avenue to the town" which they propose to open, though it may accommodate them and the few individuals who may be induced to build upon their lands, yet at the same time it will obstruct and render useless any avenue to the town by water, which the God of nature has provided for us; which He has opened for the unlimited use and enjoyment of all classes of the community; and which He never intended should be closed for the mere gratification of individual interest, or private speculation.

The other advantage contemplated by the Petitioners, viz. that of aiding the population by extending the boundaries of the town, we humbly conceive, deserves your Honours' particular consideration. At present we give but one answer to it; and that is, that it is unnecessary even upon the ground contended for by the Petitioners. It can never be necessary to aid the population of the town, by extending its boundaries, until more of the land of which it is now composed is settled and built upon. For it is a fact, that of the eleven hundred acres comprehended within the present limits of the town, three hundred of them now run in vacant; and that one thousand acres (amounting to a full quarter part of the whole town) furnishes more building lots, which are both eligible and valuable, than will be demanded for the purpose "of aiding the population of the town" for many years to come. This argument, therefore, for extending the boundaries of the town, is such a trifling and futile.

But independent of these facts, we humbly submit to your Honours, whether it comports with the true policy of the country for the Legislature to lend their aid for the extension of these large and wealthy towns, which are already too populous for the important purposes of town government. The establishment of *swamp* colonies, for the exercise of our most important rights, and the formation of our best social and civil habits, was the policy of our wise and pious ancestors. Our consi-

tation has recognized and sanctioned this policy. And until the time shall come, when the bridge shall be the assembly the greater shall be its injury, and the better its means of delineation, we consider the town of Boston may with propriety be left in its natural and ordinary condition.

It thus appearing that the established intent of this Bridge is not denied by any public convenience or necessity, but that it is a mere private enterprise, originating solely in the pursuit of wealth, which sometimes becomes so ardent as to blind its votaries to the sacrifices which it may occasion to others, it conclusively follows, that there is no principle of public or private justice, which will warrant the measure proposed for by the Petitioners, *if it should be considered with the manifest injury or sacrifice to public property.*

We will now, with your Honours' permission, proceed to state such facts, as will clearly prove, that if the Bridge shall be erected at South Street, the consequences will inevitably be, the ruin of those estates situated South of said Street, consisting of wharves, and other property, which the former privileges of that part of the town have rendered extremely valuable.

The erection of a bridge from South Street will shut out, from all convenient communication with the ocean, *one full quarter part of all the wharves*, belonging to the peninsula upon which the town is situated. We need not mention in a new wit in the Commonwealth, and we believe the thing to be totally unprecedented, that an obstruction across the public harbour of a great commercial town should be authorized by the authority of the State. The access to the south part of the town by the harbour is attended with difficulties not experienced at the eastern and western parts. That these difficulties should be increased by an additional and artificial obstruction, of the nature, and under the circumstances of that proposed for by the petitioners, is a hardship which we are extremely unwilling and unable to encounter. In order to make it appear, that our claims deserve a little more attention, than the petitioners are disposed to

allow them, we will exhibit proper evidence, that there are now 142 superficial feet of wharf estate, situated to the south of South Street. That of this quantity 179,513 feet, or nearly three fifths of the whole, have been built within the last ten years. In addition to this, a great extent of abutment, connecting these wharves, has been erected for the security of the harbour, and the convenience of the owners of the estates here situated.

From these facts it must be evident, that the convenience of the south part of the town has become important and flourishing; and as further evidence of this we state,

That in the course of the last year, 1858, vessels above 20 tons burden visited and unloaded their cargoes at these wharves. If, therefore, this our important commercial business is not to be destroyed, it will follow, that 2736 passages must annually be made through the draw of the bridge, should it be established, *in addition of those which go to Roxbury.* This would average 9 passages a day through the year; but when it is considered that the greater part of this business must be transacted within the term of nine months in each year, on account of the tedious season of the winter, it is evident, that in many days, during the periods of the greatest business, the draw of the bridge must either be opened a great portion of each day, or the commercial business of this part of the town must be greatly obstructed, if not totally annihilated.

There are also a great number of small boats South Street, the access to which will be equally obstructed by the erecting of the bridge.

If the fears which the establishment of the bridge at South Street have excited, are in any degree to be realized, such is the active and condition of our property, most of us will be deprived of our last and only dependence for a livelihood and support.

The erection of Charles River and West Boston bridges have, as we predicted at the time, had a ruinous effect upon the branch of trade in which we were then mostly engaged. These bridges have changed the

course of a great part of the travel from the country, and the traffic with our country, and then has mostly gone to those places and directions to which the travel has been diverted. This is supported by the fact, that ten years, which before the erection of those bridges were filled with merchandise, are now shut, and have remained unoccupied for several years. And thus the consequences and injuries which we anticipated from the establishment of those bridges have been more than realized.

Under the pressure of these events, we have for the most part turned our attention to such business, as our valuable water privileges would more immediately support. These were the only resources left to most of us; and an increase of our wharf cranes for the last 10 years, being nearly equal to 150% of all the species of property which has been erected for the purpose of our *boasted* commerce, has been the reward of our labour and industry.

Will your Honours now permit us to be assailed in this, our last and only retreat? In the establishment of the West Boston and Charles River bridges, it was a great consolation that the public convenience demanded of us the sacrifices we were then compelled to suffer. But in the present instance, we discern no such convenience or necessity. We discover nothing to sanction the measure which the petitioners are pursuing, but that most injurious and irreparable policy, which requires of us to sacrifice our private property, the fruit of long and persevering industry, at the shrine of *private* and insatiable wealth.

If there be any thing which can aggravate the sufferings which such a measure will occasion, it is, that this sacrifice, dissipated as it is, only thereby must be to us, will be made without an equivalent, and although we are so bound by the constitution, to surrender our property even for a public use, without an adequate compensation, yet in this extraordinary case, it seems, that we must be made poor, not that the Petitioners may be made rich (for they are enormously so now) but that they may be enabled to turn private, which moderate and unparalled wealth alone can erect.

Your Remonstrants confidently hope, from other facts which we are prepared to prove, to convince your Honours that their fears and feelings upon this occasion are not imaginary.

They will prove to you, by permission, that the consequences which they now deprecate have been realized in other parts of the Commonwealth, where bridges have been erected; that the value of property, the access to which has been thus obstructed, has depreciated to an alarming extent; that the price of articles of common and necessary consumption have been greatly raised whenever they have been carried above the bridges upon the public rivers; that the peculiar nature of the trade in which they are now engaged is such, that the smallest obstruction to it will probably amount to a total prohibition; that, from the course of the channel where this bridge is proposed to be built is such, it must cross it obliquely; and that from the depth of water upon the surrounding flats, such a current into and out of the bridge would occasion, in case of contrary winds, would render the approach of vessels to the South End impossible; that the damage which the bridge would occasion by confining and detaining the ice would be great and terrible; that the channel, which has been gradually deepening for the last 50 years, will be injured in this and other respects by the obstruction of the bridge, and the detention of the ice; and that the temptation which the owners of the bridge will be under to discourage and delay those who are willing to continue their trade with us, will unquestionably be such, as to become fatal to our interest.

If, however, the Petitioners are to be gratified in the union of Dorchester Point to this town, by a bridge, we anxiously hope that your wisdom will direct it to be placed where the less possible injury will arise to that free use of the harbour of Boston, which we have long considered as important and essential to us, and to our fellow citizens at large; and in which we earnestly pray that we may both be secured and protected.

Such are the principles upon which we ground our application to the prayer of the petitioners, and such the facts upon which we rely for the application of these principles. We cheerfully submit. It devolves to the Imperial and enlightened judgment of our civil rulers. Our documents and our evidence will accompany this remonstrance: and we doubt not to be able to make it appear to the satisfaction of the Legislature, what we have no hesitation in believing to be the truth, that the project of erecting this bridge from South Street to Dorchester Road, is not required by the public convenience or necessity: but that it originates from an ungrateful covetousness of wealth and talents, to effect the destruction of the earliest regard to the injuries it will occasion to a numerous and industrious class of citizens.

Signed by EDWARD TROSBERT, and several
famed others.

This remonstrance, after being read to the Honourable Senate and House, was committed to the same committee, to which the consideration of the annexation and bridge petitions was submitted, viz. to the Honourable Messrs. Starkweather and Storer of the Senate, and the Hon. Messrs. Smith from Springfield, Wade from Ipswich, and Lewis from Falmouth of the House: who issued an order of notice in the common form, which required all those, who had any thing to offer on the subjects committed to them, to appear before them on the 26th. In consequence of which, the parties interested for and against the project appeared with their friends and counsel. Deputations from the towns of Roxbury, Dorchester and Milton, and counsel for the Roxbury Canal Corporation were also present. Roxbury and the Canal Corporation confined themselves mostly to arguments against the granting of a bridge in any direction; but they suggested a wish, if a bridge were granted, it might be located as far from them as possible. If our resolution is correct, Milton was in favour of the bridge,

and silent on the subject of annexation. Dorchester was in favour of the bridge, and much opposed to the annexation. The counsel for the inhabitants of the South part of Boston argued both the annexation and the bridge, and were opposed by the counsel for the petitioners. The Hon. committee, with a degree of patience highly honourable to them, on four successive days heard the various parties, during all which time the Representatives chamber, in which they gave audience, was crowded with those persons, whose interests were deeply involved in the issue, and many others, who came to witness the brilliant display of eloquence so justly to be expected from the learned counsel; in which their high expectations were more than realised.

The Hon. Committee made the following report, which expressed the opinions of a majority of them.

THE Committee of both houses, to whom was committed the petition of William Tudor and Charles Greene, praying for leave to build a bridge from the foot of South Street, in the southerly part of the town of Boston, to the N. westerly point of land on Dorchester Point opposite said street, and also the petition of William Tudor and others, inhabitants and owners of land situated in that part of the town of Dorchester, commonly called Dorechester Mark, and also the remonstrance of a large number of the inhabitants in the south part of the town of Boston, and from the towns of Roxbury and Dorchester, and proprietors of Roxbury Canal, having met at the said parties, and at their special request referred to the said South Street, accompanied by their agents, and from Dorchester, proceeded to view at the wharves on the southerly shore, as far as Deacon William Brown's dwelling house, and from thence proceeded to Dorchester Point to examine

* The offer of money to the town of Boston, having apparently been attended with success in procuring a committee in the minds of some of the public utility of the project, the same was offered to the House of Representatives, and was offered to be born of the House to examine the merits and weaken the opposition of their inhabitants. But they were not to be engaged in that manner. They refused the offer with disdain.

Castle Island, and carefully viewed and examined the shores, beaches and hard adjuvants, as far westward as opposite to South Street or Dorchester Falls, so called, and having further particularly noticed the Roxbury canal, in all its parts and dependencies. And afterwards having again met the said parties and examined divers witnesses touching the premises, and fully heard them by their learned counsel four days in succession, and thoroughly investigated the whole subject and carefully considered the same with all conveniences, and in all its immediate and ultimate consequences, so far as the committee have been able to embrace them.—The committee are of opinion, that the erection of a bridge from the foot of South Street in Dorchester Neck, as above mentioned, and the annexation of the land contained in the petition called *Dorchester Neck* with the *Wharf* thereon situated, agreeable to the petition of William Tudor and others for that purpose, would greatly conduce to the future prosperity of the town of Boston, by opening a new and useful avenue to the town, by enlarging its boundaries, increasing its population, and giving full scope to its commercial enterprise, the expediency of all which is to promote the public interest and convenience.

The committee beg leave further to observe, that in promoting the subject committed to their consideration, they have not been unmindful of the remonstrants; and while they are interested with the great private and public utility that would accrue by carrying into effect the laudable and extensively beneficial objects embraced in the aforementioned petition, they recognize with peculiar pleasure the sentiments expressed in the several remonstrances.

That the government will not interfere and sacrifice the rights and property of one individual for the benefit of another. Nor will they do it at all, but in cases of public necessity, and where the public good requires it, and then, and without just and equitable compensation.

Under this reservation, the committee ask leave to report, that William Tudor and Charles Greene have been authorized to bring in a bill for erecting a bridge from South Street to Dorchester Point as set forth in their petition; conformable to said rules, regulations and conditions as the Legislature shall enjoin: the committee, however, conceive it their duty to observe, that it is of importance that the draw or drawers in the bridge should be well constructed, and the bridge be well lighted at the drawers during the season when vessels are used frequently navigating the waters above the bridge; and the committee are of opinion, that for the safety of vessels, and to facilitate their passing the drawers at said bridge, the proprietors should provide and constantly keep at their own expense from the first day of April to the first day of December, in each and every succeeding year, one good boat and two men, whose duty it shall be, in the best possible way and manner, to assist all vessels in passing the drawers without the necessity of tarding their advance. And the Committee are further of opinion, that the Proprietors of said Bridge ought to pay annually after the completion of the same the sum of eleven hundred dollars to a Committee chosen by the wharfmasters above the Bridge, meaning to include the Roxbury Canal wharf, as to a committee chosen or appointed in such other way as the wisdom of the Legislature shall direct, which sum shall be annually expended in such way and manner as shall in the judgment of the committee, with the advice of the wharfmasters, most efficiently and most advantageously be applied to the navigation above the bridge.

And as it is impossible to determine, with precision, the effects of the bridge on the navigation above the same, and of course to establish any rule that will ensure equal justice between the petitioners and the remonstrants concerned in navigation, the committee think it proper to suggest the propriety and necessity of providing in the bill that the proprietors may, at the expiration of three years after the completion of the bridge, apply to the Governor, who shall with the advice of council be authorized to appoint a committee of three persons to hear

the prices, and so to regulate all matters touching the premises as to them shall seem just and equitable, providing however, that they shall not increase the sum above mentioned to be paid annually. And that it shall be lawful for the proprietors to make similar applications once in five years for ever afterwards, but similar process may be had thereon.

E. STANWORTH, per order.

On the above Report being made, the subjoined Memorial was presented.

To the Honourable Senate and House of Representatives in General Court assembled.

THE Proprietors of the land and wharves at the south end of Boston, situate above South Street, who have presented an humble remonstrance against the petition of William Tudor and Gardner Greene, Esquires, petitioning for leave to erect a Bridge from South Street to Dockster Neck, humbly shew, That they have listened to their great surprise and mortification, that the honorable Committee, in whom the said petition and memorial were committed, have reported that the petitioners have leave to bring in a bill for erecting the said Bridge conformable to such rules, regulations and conditions as the Legislature shall enact; some of which conditions are submitted by said Committee in their report.

As your Committee, after detailing the principles which governed them, have reported their opinion without entering into any statement of the facts which were established by evidence, or admitted by the parties, your Memorialists earnestly request leave to state those facts, for the truth of which they shall appeal to your Committee.

Your Memorialists approved the petition of Messrs. Tudor and Greene upon these grounds, *viz.* That your Memorialists would be greatly injured in their val-

ue property. 2d. That the principles of natural and inalienable justice required that this injury ought not to be inflicted to give value to the property of residents of any other of their fellow citizens. But they admitted, that if the public exigencies required this sacrifice from them, they would willingly become victims to the public interest. 3d. That the public interest did not require this sacrifice, and that a Bridge might be erected at the south-east end of the town, which would as well, and probably better accommodate such of their fellow-citizens as would be benefited in passing the Bridge proved true.

As to the first point, it was proved, that there were above South-Street twenty-seven wharves, all of which were employed in receiving cargoes, water, boats, and sixteen disail horses; that upon an amount taken of the cargoes of various kinds landed on these wharves in the year 1833, the amount was found to be 1568; that this amount did not include any vessels employed in the fishery, nor any which loaded their cargoes at Roxbury. For the truth of these facts your Memorialists request leave to refer to your honorable Committee. That the water in the channel above the place of the proposed Bridge was at low water, on an average ten feet deep, and that at common tides, the water at the foot of the wharves was at high water about ten feet deep occupying at two wharves, viz. the Glass-house wharf, so called, and another near it, and both of them built near the place proposed for the Bridge, where the water at common tides was from seven to eight feet deep.

Your Committee will decide whether this statement is correct. That this very valuable and important navigation would be greatly injured and lost to your Memorialists, they proved by the effect of Bridges with draws in other places, and by opinions of divers distinguished witnesses founded on their own experience. Dr. Purman of Charleston testified in 1831, for Charles River Bridge had reduced the water privileges above the Bridge to a fourth part of the value of water privileges, not naturally better below the Bridge: That the wharves and stores above the Bridge were not now used

for mercantile purposes; and that although the land in Charlestown had greatly risen in value, since the erection of the Bridge, yet the wharves above the Bridge were now, in fact, of less value, than they were before the Bridge was erected.

Mr. John Wilby, of Medford, stated on his oath, that Malden Bridge had raised the price of wood at Medford, from two to three shillings by the cord, and other lumber in proportion; and that they, the Medford people, could not obtain these articles but by giving that extra price; that before that Bridge was built, the price was the same as at Boston, in consideration of the Furburser at Medford being at the expense of unloading the cargo.

Mr. Benjamin Goddard testified, that before Charles-town and Wm. Bustin Bridges were erected, the estates at the South End, on the west side of the street, were considered as the most valuable, but now they were at one half the value of the estates on the east side of that street, where the same privileges were not affected by a Bridge.

To prove that the draw would be no impediment to navigation, the Petitioners for a Bridge produced the depositions of Washington Phell, Vincent Ellwell, and Rufus Jamison, who were coarsers, but who did not testify, that they had ever been through a draw of a Bridge. The depositions are with your Committee. These witnesses all deposed, that in their opinion the Bridge with a draw would not be prejudicial, but of benefit to the navigation, because vessels had often to light above in a gondola, in order to get into a wharf, and a wharf on the draw would be better to lighten on, than a gondola. What was to be done with the cargo, thus laid on the wharf at the draw, the witnesses did not state; and as their depositions are taken *ex parte*, the question was not asked them. The said Petitioners also examined, *ex parte*, David Phillips, a master of a vessel, but who had been through no draw except in the city of Rotterdam. He testified, that he had formerly, more than ten years ago, been in Mr. Welles' employ at the South End, that there was only eight feet of water at spring tides, that he had often grounded on the flats, and had waited

three times for spring tides; that a vessel might pass the draw without dropping anchors, in which case it would take them ten minutes, or in a bad time, fifteen minutes. But if a vessel dropped anchor, it would take thirty or forty minutes in passing the draw; that a draw with a wharf would be of benefit, as vessels could lighten on the wharf better than in a gondola; and that it would be a saving of a quarter of a dollar the thousand to land lumber on the wharf at the draw. The other witnesses examined by the Petitioners were, Levi Dow, Moses Gardner and Nathl. Cal, who are wood-wharfingers at Boston, and did not profess to have any knowledge of managing vessels, and Seth Spring of Biddeford, who is in the practice of collecting lumber at the north end, and never commanded a vessel. Levi Dow, after stating his opinion of the difficulty of navigating at the South End, on account of the flats, gave his opinion, that a Bridge with a draw and wharf would not improve that navigation, as it was better to lighten in the Bridge wharf, and truck the cargo thence to the South End wharves, and that vessels need not drop anchor in passing the draw, but might make fast to a buoy below the bridge.

Moses Gardner, who hires a timber wharf of the Hon. Mr. Oris, at West Boston, testified, that he generally gives 1s. a cord more for wood, and 1s. per ft. more for boards, on account of Charles river bridge, and not more.

Nathaniel Call keeps a lumber wharf above Charles-town bridge, but has no lumber brought through the draw. He has his lumber landed at Alimot's T., and rafts through the Mill Creek to his wharf. When that cannot be done, he trucks it to his wharf, which, if he hired trucks, would cost him 3s. 6d. per M. In his opinion the bridge would not injure the south end in common weather, as vessels in passing the draw need not drop anchor.

Seth Spring said, that formerly he sent empty vessels to the south end; that they frequently ran aground, and the masters grumbled to go there; that he has sent vessels through a draw without any extraordinary pay;

but the under also grumbled; that in his opinion a bridge with a draw would not insure the safe and navigation, as to what all the bridge would hold a vessel without decaying anchor.

Measures. The largest and Tully also secure, that in Taunton river, which was narrow and tranquil, the vessels which were of about fifty tons burden passed without delay, as they sailed through the draw in that passage without dropping anchor or waiting.

These were all the witnesses who were examined as part of the testimony for a bridge; and your materialists believe they have fairly laid before you. Honour all their testimony that was material. They have ever lay upon your committee to correct any mistake, if there be one.

On the other side, your Memorialists examined on each, Capt. John Rice, Benjamin Dyer, Samuel Dyer, Samuel Holmes, Joseph Lord, Levi Bates, Anna Clark, Mary Jonathan Lewis, James Humphrey and Allen Dyer, twenty, all masters of vessels, who were acquainted with such a navigation and with passing draws. Capt. Rice testified, that he had delivered ten cargoes of Mr. Welch's wheat in one year, in a vessel of 101 tons, drawing from 9 to 10 feet of water, without lightening his vessel at all; that he had delivered other cargoes at other wharves at the south end to the amount of 70 M. of board's at a time; that he was very little obstructed by want of water; that he was well acquainted with the navigation at the south end, and also with the difficulty of passing a draw; that in his opinion, the delay, which a bridge with rollers would occasion, would at some times render it impossible to pass at all, as when the wind was a head and blew fresh; that he had refused thirty-seven dollars at one time rather than pass through Charles River bridge; that he had often been offered half a dollar a thousand, more for his lumber in passing through that bridge, but had refused it; that the draw of the bridge could not be passed with such a vessel as he sails in, under half an hour's time in one time.

much injured. For the truth of this representation of their testimony, they appeal to your committee, and if un-aided they hope to be corrected. To this mass of evidence they beg leave to add the declarations made by themselves in their remonstrances. They have certainly no motive arising from an alienation of prejudice or gain or advantages over their fellow citizens. The testimony above will convince your Honours, that the wharves before have great natural advantages, which nothing but the activity and industry of your Memorialists could counterbalance. Their only object must be self preservation. They must therefore be wiser so weak and ignorant, as to apprehend danger without cause, or so wicked as to counteract a bar of danger without motive, and against their own knowledge. They flatter themselves, that your committee will prize their conduct to ignorance, rather than to vice, as they thought your Memorialists believed themselves so interested, that they needed to learn them verify, in their calls, the causes and motives they had to fear.

Attorneys were made by the petitioners to shew, that the bridge proposed would be so situated as not to occasion the inconveniences arising from other bridges. That the current now was not a knot an hour, and consequently that vessels might always come up to the wharf without anchoring. Your Memorialists wish not to repeat all the arguments. Your Honours know that in all tide waters the water is still at high and low water; and that the winds blow fresh on our coasts most parts of the year; and particularly, in the spring of the year, the easterly winds blow a long time together, which occasions a great swell in all harbours exposed to it. And that the building of the Bridge will greatly increase the current by removing the passage, which will be still further increased by the building out of the wharves to the channel on each side.

As your committee suppose, from the indemnity recommended, that the remonstrances of your Memorialists had some foundation, and as your Memorialists rejoice that your committee had aimed to govern themselves by

the evident principles of not ill justice, that government will not interfere with the rights or property of an individual, but in cases of public necessity, and when the public good requires it, your Memorialists beg leave to state the evidence on the third point.

Your committee observe, that the proposed bridge will greatly conduce to the future prosperity of the town of Boston, by a more and useful avenue, by enlarging the boundaries, by increasing its population, and by giving full scope to its commercial enterprises. When your Memorialists read that they had expected a confirmation that this future prosperity of Boston was necessary for the public, and required by the public interest; but they found, they were to be sacrificed to produce only vanishing and unceremonious events, which merely had a plausible tendency to promote the public interest and convenience. Your Honours will determine whether every measure which has a tendency to promote the public interest is to be considered as a public necessity, the property of every man may not be sacrificed to his neighbour, who from local circumstances and a larger capital may employ in so that it may have a tendency to the public good. Your Memorialists will only trouble your Honours with the evidence of the several points which, when united, by promoting the prosperity of Boston, have the tendency declared by your committee.

1. As to the avenue, no evidence was produced by the Petitioners; but your Memorialists appeal to your committee, whether they did not prove, by a plain statement, that this avenue will save to travellers, who pass Dr. Chester's Meeting House, but 72 rods in a mile to the old State House, conveyed with a bridge at the south end; which may be built at much less expense, being one-third shorter, and which will occasion no injury to any of the inhabitants of Boston. The same observation applies to the native inhabitants of the neck, as the same plan will save your Honours, that the south end bridge will land at Boston with a few rods of the proposed bridge, and the traveller will have the advantage of passing a street thickly inhabited. Your committee will recollect,

that it was restricted by the compact for the Penobscot, that the south end would not suffer by the loss of any country trade by their proposed bridge, as no people engaged in the country trade would travel over their bridge. What then are the travellers that require this avenue? Certainly none who will aid the commercial enterprise of Boston. But the same point will show your Honours, that if the *Old South Meeting-Place* is to be a central point, *nothing will be saved*. And must this sacrifice be required in your Memorialists to find a New Avenue, which must exclude them from their customers, friends and acquaintance?

2 and 3. As to enlarging the limits and increasing the population of Boston, your Memorialists cheerfully submit to your Honours the moral and political consequences of increasing the inhabitants of a town which now has 20,000 legal voters, and pays five fifths of the State tax, with the title of a City. They only say, that Mr. Buford declared on his oath, that there were yet 100,000 more lots in Boston of convenient size remaining to be built upon.

As to the 4th point, "the giving full scope to the commercial enterprise of Boston," let the committee state what evidence it had, that such full scope was not now given. Your Memorialists found no such evidence. Your Honours have commercial men in the Legislature. They can declare, what impediments restrain this enterprise; and whether there is a want of wharves or docks. They can tell you, that every species of trade is fully occupied. That no new source can be discovered, in his place was so common. That we respect more than our own opinion, and are the carriers of the surplus for other states and other countries; that no state or country carries us over; and *whether lessening the value, if not reducing, of our slaves, and the value of them, and whatever belonging to them is a reasonable method of giving commercial enterprise its full scope.*

And your Memorialists beg leave to add, that all these supposed advantages are obtained only by a few individuals, who are not merchants, and whose large prop-

erty is not employed in giving scope to commercial enterprise, but in making gain in the purchase of lands and building of bridges. In this it may be asked, if the town of Boston are silent on this subject, and its merchants take no part in this measure, do neither of them have made any application to your Honours for assistance?

Your Memorialists have conferred themselves to letters, sworn to or admitted before the committee, for such as may be known to every merchant in the Legislature. And we hereby pay your Honours, that in two days are addressed which were not before the committee, and which your Memorialists have but no opportunity to answer, they may again be heard of soon then; and that private information and confident assertions by words, may easily have, and who cannot then be refuted, may be disregarded. We are anxious for a property, from which we sustain ourselves and families; and we wish to live in comfort but open eyes.

We hope your Honours indulgent in a Republican line on the indemnity proposed by the committee. When we found that a law and document were a part, we regretted exceedingly, that the committee had not been sequestered. We suppose, that the law was not intended to stop the vessels' way by running foul of them, but when there was little or no wind, and the water smooth, to take them in tow. The old, few crews, in which such a law can be useful, are those cases in which that assistance is least wanted. A single hour and two men to aid in the course of time months thirteen or fifteen hundred vessels to pass the draw, of which thirty at times sometimes would pass in a day, is a very inadequate and trifling relief.

We are sorry at a loss to decide, on what principles the committee limited our petitioners indemnity to 1,000 dollars; it was not amounting to one cent a year. And we are still more unable to comprehend the reason why, if the Committee should, on experience, prove to have been mistaken, the proposed indemnity may have been paid, but can never do justice by increasing it. Either

the Committee must be confident that £1000 dollars was the extreme of injury, or that, if the injury was greater, your Memorialists, contrary to the axiom of the Committee, must go without indemnity.

But as our rights are to be sold for money, without our consent, we hope we may be allowed to preserve them by the payment of money. And we now solemnly engage to pay annually, twenty two hundred dollars, either to Messrs. Tudor and Greene and their associates, or to our fellow-citizens of Boston, or to the Commonwealth, as your Honours shall think most reasonable, if we are not allowed to preserve our rights without. Such payment to be continued annually, so long as the Bridge shall be erected to the northward of the Old Fortification, and for such payment we will give all reasonable security. Now that we consider this sum as bearing any proportion to the injury, loss and destruction, which will arise from the erection of a Bridge as prayed for, but as purchase money of redemption.

We beg leave to throw ourselves, not only on the justice and gravity, but on the compassion of our Legislature, and as in duty bound shall ever pray.

From the commencement of the controversy, until they had submitted their last verified memorial, the inhabitants of the southern part of Boston were frequently accused by their adversaries of deficiency in public spirit, and of possessing an inclination to oppose every measure, which promised agreement to any part of the town or county; if such agree and consent was attended with even the most remote probability of injuring them. Notwithstanding they were fully conscious of not deserving this imputation, they anxiously sought for evidence, by which they could furnish the highest possible evidence, that the claims of self-interest, and want of public spirit, was totally unfounded. It would not have been made, had they exhibited more willingness to give up their immemorial rights and privileges

and the desire of individual acquire, and devote them to the service of a private speculation.

Among the variety of plans, which had been devised to enable them to effect some thing highly promotive of the public interest, and greatly advantageous to their native town, that of building a new street, and connecting it with Dorchester Neck by a bridge, had the preference. No sooner was this plan suggested, than they felt a conviction, it would meet with general approbation, and receive the sanction of the Legislature. Instantly they resolved to forward all their property in its accomplishment, and within two days effected the execution of a covenant, which bound all the landholders on the eastern side of Orange street to bear, each one, his proportionable part of the expense of building a new street, of half a mile in length, and fifty feet wide, across the lots. Others, their neighbours, joined them in an application to the General Court for leave to erect a bridge, northward of this new *roadway*, and for an act to incorporate them into a body politic, to effectuate these two purposes.

The following petition was humbly submitted to the wise consideration of the Hon. Legislature.

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

THE subscribers humbly shew, that they, with their associates, are desirous of being incorporated into a body politic, for the purpose of erecting a Bridge from, at or near the meeting landing place in Orange Street, in the town of Boston, to Dorchester Point—and also for the purpose of making a new Street from Essex Street through Rainsford's lot, so called, running parallel with the main street in Boston, &c. the place on the Boston side, where they propose to erect the said Bridge, and to continue the said street in a proper direction to the lowing land on Boston neck;—said street to be at least fifty feet wide.

What would could more intelligibly declare the intention which the mayor or the petitioners wish to be granted, than these which declare it to be founded on the presumption, that no liberty would be granted for the erection of another bridge, northward of the river, they have said.

The undertaking became exceedingly popular at the instant of its publication. It possessed every public advantage, which was precluded to exist with the South Street project, with none of the great mischiefs, which confessedly attend the latter. Overtures were made by the leaders of the association and South Street bridge petitioners to some of the south and inland, and upon a request, that the latter would appoint a delegation to meet with them on the subject of a non-partisan committee. Four gentlemen were selected by a committee of the inhabitants of the southerly part of Boston, who were everywhere, as expressed in their communications, to agree in *cooperation* with the said Petitioners, their Agents or *Delegates*, in any manner or manner, terms or conditions which to them might seem reasonable. They did, however, they be not authorized to consent on any terms whatever, to the erection of a bridge at any place *westward* of the town's landings, near the house of William Henry, Esq.

The representatives of the two contending parties met, and after much discussion, it was agreed by and between them, for *Delegates* and *their associates*, that the petition for a bridge from South Street should be given up and abandoned. And that the bridge project, in the petition of the inhabitants of the south end, should be transferred to them and their associates; and that part of the petition, which alluded to building the new bridge, was agreed to be retained by the Petitioners. It is not difficult to discern in what way the persons, the Honorable Messrs. Mason and Olin represented, are, when they meant should be understood they represented by the other party. In the second clause of the articles of agreement for the first and faithful performance of all which the parties bound themselves on this

other in the penalty of \$5,000, did not exist. On the part of the first party, Messrs. Mason and Olin, and their associates, contempered to procure from the Legislature of Massachusetts, an act of incorporation, authorizing them to erect a bridge, *see, I and also to erect, if practicable, the extension of Dorchester Neck to the town of Boston.*

Now, the parties of the first part had even contending for both these objects. Where are we to look for these parties of the first part, but at the whole number of those, who had been so wondering? I may even, I believe, add and considered all the signs of the petition for an extension, and the signers of the petition for South Street bridge.

The compromise was fully understood by the General Court, and received the high sanction of their approbation in the several acts of incorporation, which resulted from it. Why should the Legislature have to have to act upon the report of the first Committee, which was in favour of a Bridge from South Street, unless they had considered the South Street Bridge Petitioners and their associates, had deserted their first object? Why did not the Legislature go on, and act upon both petitions, and formally give leave for one to be withdrawn? An order of notice was issued on the petition for a Bridge from Orange Street, as well as on the one from South Street. No one appeared in the cases, who the lawyer of the former petition should say is granted; nor even *represented* against a single article it contained. The Committee whom it was submitted, reported unanimously in its favour, which report was accepted in both Houses. The head of the of Dorchester Neck, and with standing acts of the might have preferred a Bridge to South Street, yet they were anxious to have their work incorporated with Boston, on the single condition of a Bridge being given to any part of the Metropolitan. This will appear by reference being had to their petition for annexation (page 16), in which they do not even suggest a preference of any place the Bridge should and at on the Boston side, and a preference for building another at it along with Dorchester, for building another each

This appears, that a compromise upon this subject was fairly entered into by the agents of each party, duly and fully authorized for that purpose. It is not that a compromise binding upon both the parties, and upon third, for whom they acted, in law, equity, and conscience. It is unquestionably binding in point of law. That consideration upon which it was made, was both legal and valuable. The instrument, which was executed, has both the form and substance of a legal contract, with a forfeiture of 50,000 dollars by the party failing to fulfil. The covenants are mutual, and therefore both legal and sacred. The bonds of land on Dorchester Neck had, in their own option, a vast property situated on the issue of this business before the Legislature. The inhabitants of the South part of the town were distressed with an incalculable injury to their property, and privileges, if the South Street Bridge prevailed. In this original state of things, each party feeling the consequences of every step taken by its adversary, chose to put a stop to the controversy by the agreements before alluded to. One party solemnly covenanted to build a Bridge at their expense in the manner stipulated in the agreement; the other with equal solemnity covenanted to open and reserve Street, all the levels of the land well ground and above any thing they will see fit, and to execute this instrument, if the first party fails to proceed.

Was it, in this point of equity? Look to the first point and interesting stipulations, which it contains, then the answer. The said features upon the Point never seen, might conceivably for a moment, (if they could utilize) by some few people in a belief, that their project occurred in them as a thing of public utility. They had incoincided a large portion of the citizens by definition and involving prospects of wealth and pleasure, to obtain which the town had been shaken to its foundations. But the definition they had created, had reached its crisis, and was about to subside. What was to be done? The attribution of Dorchester Point, and a bridge from it to any part of the town, was an immediate object. They seized the golden opportunity, and entered into the stipulations above referred to, compelled the people at the

South Point under the penalty of 50,000 dollars to lay out and make a street, which they did not want, and which was to cost them 70,000 dollars, and for what purpose? To *subvert the dissent from Dorchester Neck* to the centre of the town; by which they retained the distance over the bridge they were to build, to the centre of the town, to the city, what it would be over a bridge to South Street. Thus under the title of this same promise, the people of the South Part have expended and will be obliged to expend immense sums of money to fulfil the stipulations on their part. The public will judge of the principles and motives of the other party to this compromise, should they have the boldness to take any measures to defeat its only object by endeavouring to obtain a bridge in South Street.

Was this compromise binding in point of honour? The agents who signed it on the part of the south end, could not be deprived of that trust. Messrs. Orio and Mearns solemnly pledged themselves, that they were authorized. The issue therefore, that they acted with authority is indisputable, and a shadow upon their characters as men of honour. They are so well known to the town and to the world, and their characters are so respectable and exalted, for such an insinuation to be introduced for a moment.

It was known to the whole town and to the whole Legislature, that those gentlemen were the *people* and as for a lenders of the whole party for this subscription and the South Street bridge. And it is a remarkable fact, that after this compromise, made by them, for a *democratic and the people's interest*, that the bonds instantly subsided, peace was restored; and during the passage of the bills of incorporation through the Legislature, not a whisper, not a murmur was heard from their party.

Upon this view of the subject, honest men will arise, what sort of people have the south end submitted to been dealing with? "Are they honest, are they capable, are they faithful to their contracts? They pledged themselves by sacred promises not to ask for a bridge, north of the present South Boston bridge. Nay more, by

holding the bridge petition of the said Indian people, they solemnly and deliberately subjected the natives to be governed by its *malicious and wickedness*, and one of the express conditions is, that no bridge be granted to the Indians, if the one therein moved for.

The sequel will show, who attempted to render the acts of the government null and void, and were on their trial to a sense of honour, as to disavow to take measures contrary to the constitution. Nothing after the acts creating the Front Street and South Bridge Corporations were passed, six of the persons, who were signers of the petition for annexation, conditioned an *agreement of bridge* in *its way* *therein*, and were clearly and positively in the parties to the compromise, (as before shown) published a notice, with their names affixed, warning the Front Street Corporation against effecting the purposes and intents of the government. This disclaimer would not have been deemed worthy of regard, had it also have been addressed of late, as a reason, why that Corporation ought to have desisted an enterprise, which the Legislature has authorized, not to say, had commanded it to perform. It is astonishing, that instead of resenting it as an *insult* upon government, and a *defiance* to proceed under authority given by law, any one should complacently bear this publication without and instead of, as a justification for breaking through contracts, and restoring the times of violence in the town, by another call for a bridge at South Street. It is asserted, they gave the notice before the Corporation had incurred any expense. It is not true. The bond in the penalty of \$53,000 was already executed. Did these people wish for the *revocation* of the penalty, that they endeavoured to cause an infraction? The covenants and contracts between the several owners of land over and through which the new street was to be made, were already entered into. Did these people wish an infraction, that they might have company in their shame?

The times, though turbulent was however their prelude to a second attack, which was made in a novel manner. An ancient drawing of the Andu Bridge was exhibited to

That this communication may be obtained upon the cheapest terms to the public, and with the least possible detriment to every individual interested in preserving above the Bridge your petitioners pray, that they may be incorporated and empowered to erect a Bridge at some place between the easterly side of Hatch's Mill and the easterly side of South Street, upon the construction of having Arches in the centre that shall admit the passage of any vessel, whose draft of water permits her reaching any wharf to the westward and southward of Wheeler's point, agreeably to the plan herewith exhibited in your two Hon. Houses, and upon it all that shall be equivalent to keeping the same in repair, and to be paid for pleasure earnings drawn by more than one vessel, and other earnings drawn by more than one boat—and your petitioners, as in duty bound, shall evermore, &c.

MARY TOWNSEND, JOHN WOODWARD, LEONARD BART,
HENRY GARDNER, JAMES ROBINSON, JR., EDWARD
PORTERMAN, LEVY CLARK, MARY CLARK, JOSEPH CLARK,
JOHN FLEMING, JAMES BLAKE, JAMES BLAKE,
JAMES BLAKE.

An order of notice was issued on the foregoing peti-

The two following memorials were then jointly submitted.

119 to the Honorable the Senate and the Hon. the House of Representatives of the Commonwealth of Massachusetts, in General Court assembled.

THE Sibley's, directors of the town of Boston, residents at and proprietors of estates in the north part of said town, humbly shew, that a few days since, we understood there was an intention of Messrs. Everett, Joseph Woodward, and others, before your honor-
 ourse, praying for liberty to erect a bridge from some place near to South Street, in Boston, to Dorchester Point, (late so called) now South Boston.

was admitted to the town; it was not acceptable to either of the parties. As the report was not satisfactory, the debate on it renewed the heats and animosities which existed before the matter was committed. The feelings of a great many disinterested and good men were exceedingly wounded on seeing an action of the town contending for self-preservation, another anxious to build itself on the ruin of its neighboring section; and the fire was becoming exterminated embers, and alive with the cherishing feelings excited by a conflict in which thirty-five wealthy, free for speculation and freedom of trade, forming one party, and the architects of a property secured by years of determined industry, preserved by frugality and prudence, and the disinterested votaries of equity and justice forming the other. A motion was made and carried, that the matter should be submitted to the Legislature. The fact is, both parties, because tired of the contest, it being evident, they were so equal in justice, little or nothing permanent could be effected. If the town merely signified its consent to the annexation or incorporation with Dorchester Point, but all the conditions and every thing appertaining to the Bridge, as whether there should be one, and if one, where it should be placed, was submitted to the wisdom of our civil listers. We should not have presumed to have troubled your Honor's with a history of the Bridge even touching in passing, had not your petitioners referred to it in their petition. It is painful to our feelings to recall the scene of memory, and to bring fully before our minds the time when our prosperity and livelihood were threatened with destruction by the speculations of some of our fellow townsmen; many of whom we have hitherto held in high estimation, and shall continue so to hold them, if solemn contracts are maintained with good faith. It is our duty to state the whole truth to your petitioners and have stated the whole truth, the proceedings of the town of Boston, in which they seem to rely, and which are extraordinarily referred to in their petition, would afford them very little assistance. It is unfortunate for them, the transactions have so recently passed, that the memo-

ry of them is correctly and distinctly preserved, and is near at hand for the use of those who are interested. We will, with your Honours' indulgence, proceed in our argument. The petition of Messrs. Parker and Greene, and their associates, was all his time before the Honorable Council. A circumstance from the private notes of certain signed to be filed injudiciously by the contemplated Bridge, was hardly, suddenly, which is now on your Honours' files, and contains most of the leading facts and objections against their petition for a Bridge from South Street. It is true the committee, when the petition was committed, reported in favour of a Bridge from South Street, but in fact certain reservations and conditions. After the Honorable committee had made their report, a memorial was annually submitted containing our reasons founded on the facts advanced in our remonstrance, and arguments drawn from those provisions and conditions, before the Honorable Committee. This memorial is also in your Honours' files. The reasons and arguments referred to it did lead us to hope with confidence, the petitioners would not have agreed to bring in a Bill; but the subject was not taken up for debate, for causes which we shall with permission bring after state. The circumstances merely of a Committee having reported in favour of a Bridge from South Street, and that we under certain conditions, for the purpose of to our state in some small degree the increase of the destruction of property the Bridge would occasion, is set upon by the present petitioners in a new and reason in favour of the new project. If a Committee of your Honours be truly should ever err, we hope it is in your power to correct that error by passing our motion, the report never came before you for your investigation, and the result would have been, after the report was made, and before it was taken up by your Honours, a petition was presented by a number of us for liberty to erect a Bridge from, at or near the town's landing in Grove Street to Dorchester Point; and in such incorporation was at the same time proposed for to enable the same petitioners to build a new Street from

near the end of the Bridge on the Boston side, to Rainsford's Stores (so called). Fully sensible, as we all were, of the interruption and embarrasment the Bridge would occasion, it was asked for in kind a situation as would place it where it would not annihilate the important navigation of the south harbour of Boston; and for as long as we had another strong inducement; if it were necessary to connect Nook Hill with Boston by a Bridge, it was conceived right and just to place it where travellers over it would not be detained several hours in each day by the passing of vessels. But still our brethren, increased in the Roxbury Canal, were exposed to injury; and we conceived ourselves bound in equity and good conscience, in making it a great evil not to let any part of it fall on them, or any others, without a full compensation. For this purpose a full compensation was offered to all vessels for the delays and injuries a passage through the Bridge would occasion. The offer was accepted by the Roxbury Gentlemen; and the principles of compensation were settled and agreed upon in the Bill which afterwards passed the Legislature.

The object of the street was to lessen the insupportable difference in the distance from Nook Hill to the centre of the town by a Bridge from South Street; and in addition to this, to make a new and spacious avenue to the town, which will excel in beauty and elegance any street in Boston. These proposals evinced to themselves so much public spirit, and such a tendency to the public good, and such disinterested views in their supporters, that they instantly met with the warmest approbation from all classes, whose expectation is desirable. The petitioners and their associates for the Bridge from South Street, who were also deeply interested in the Doncaster lands, advised a select committee their petition, and to effect a compromise; their desire was gratified; a compromise, founded on fair and liberal principles, was made; the petitioners and their associates for the South street Bridge took the place of the petitioners for a Bridge from the town's landing; and the owners of the estates, fronting the Sea from the old fortification to Rainsford's lane, were incorporated to build and make

the new Street. It is needless for us to recite to the minds of all your Honours, who were then present in the Legislature, the pleasure and satisfaction the compromise afforded. We humbly conceive, no transactions ever passed within your walls among contending parties, which gave more heartiest satisfaction to all of liberal, expansion, and just views. No question affecting private property has within our recollection excited such a deep interest. The compromise received the high sanction of the Legislature; and the faith of the Government was pledged in its support in the several acts of incorporation which resulted from it.

In that faith we put the firmest reliance that we shall ever be preserved from the attempts of those, whose interests and whose inclinations may prompt them to endeavour to cause a violation of contracts, made under the solemn sanction of the Legislature, and in the face of the whole.

The reasons above advanced we earnestly entreat, that the prayer of the said petition may not be granted, and as in duty bound, will ever pray.

Signed by THOMAS TUCKERMAN, and
351 others.

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

THE President, Directors and Members of the Front Street Corporation, in the town of Boston, ask permission respectfully to present, that we have sent a copy of the Petition of Messrs Everett and others, now before the Honorable Court, praying they may be incorporated and empowered to build a bridge from some point between the westerly side of South Street and the easterly side of Hatch's wharf in Nook Hill. We have flattered ourselves we should not be called from the important public labours, in which we are engaged, in order to

some real objections to, and counteract this new project of a bridge from New South Street to Neck Hill. Your Honours will recollect, that at your last session there were three petitions before you. One praying for a bridge from South Street to Dorchester peninsula, one for the annexation of that peninsula to the town of Boston, and another petition for a bridge from, or near the town's buildings to Orange Street to Dorchester Point, and for the incorporation of certain individuals for the purpose of making a new street from near the end of the last mentioned bridge to Kainsford's Street. The two first petitions were brought forward and supported by the gentleman interested in the first comprising the peninsula of Dorchester; the petition of the bridge and street last mentioned was submitted by the owners and proprietors of estates situated south of South Street. We will not construe your Honours' valuable time by giving a recitation of the circumstances which transpired the last winter relative to the South Street bridge project. The short time which has elapsed, has not have buried these occurrences in oblivion. Important as they were, they must, we think, be perfectly recollect. We will, therefore, spare nothing more, than is absolutely necessary to show the causes, which gave to an existence as a Corporation, one which exists in its astonishment and indignation, that an attempt should now be made to encroach that existence of no utility to the public and ourselves.

When the former attempt was made to connect Dorchester peninsula with Boston by a bridge from South Street, we, with many others, as individuals, appeared in two capacities. First, that it was founded solely on private considerations, the measure not being such as the public convenience or utility required. Secondly, that its execution involved in it the sacrifice of some of the most important public privileges, and out of the most sacred rights of private property. The facts and arguments in support of these positions were spread before the Legislature the last session, and are contained in the numerous arguments against the petition for a bridge in the direction of the one

now proposed, and in a memorial on the same subject, which was then submitted to your Honours. The nature of the structure and the material are laid on the files of the Honorable Courts and on the facts and arguments submitted to them apply to the present petition, as much as to the former, save the liberty of considering, as if they were in detail. We will with permission address your Honours to detail. That neither the public convenience nor utility demanded a bridge in that direction, and that the direct evils and injuries it would inflict would be much greater than any benefit arising from it, were eventually completely supported and demonstrated even in the opinion of those, as it is, whose petition they were offered. Had not this been the case, these gentlemen, neither as *legislators* or *individuals*, would have submitted the proposition of the *public interest*, especially when it coincided with their *own*. Were this not the case, they would not have given up their own petition and sought and consented to a compromise and concession with the other petitioners. The fact is, as we apprehend, that when those gentlemen, and their associates, discovered the immense evils and embarrassments their project, if successful, would occasion to the commercial *existence* of the town of Boston, the great destruction of private property it would cause, they, in an highly laudable and honorable manner, gave up all pretensions for a bridge in the direction proposed for. These gentlemen and their associates took the place of the petitioners for a bridge from, or near the town's buildings, and we, with our associates, were incorporated to build a new street from the bridge, near the Boston side, to Kainsford's street, all which was predicated on the idea of a bridge being asked for, or granted to the northward of the one already granted. All this took place before a joint committee of your two Honorable Houses, and afterwards received the high sanction of the Legislature. Such were the causes which gave to us existence as a corporation, and such were the cir-

circumstances under which the compromise of the extending injuries was actually made.

Confident in the security the arts of the government afforded us, and of the protection it will ever extend to us, we have progressed in our work to complete the objects of our incorporation beyond our most sanguine expectations. We have already expended large sums of money, and we are now entering for materials and labour, which must, and will be compelled with. We are not in the habit of breaking contracts solemnly entered into. We never have, nor we never will be guilty of a breach of faith.

What can more clearly evince the great value and public importance of our water privileges, than is exhibited by us in our determination to preserve them? What will more clearly demonstrate the destruction, which will arise to them from a bridge in the direction prayed for, let it be *strongly* according to the *old project*, or *weakly*, according to the *new one*, than we have exhibited, and continue to exhibit? We are building a street for the public, at our own expense, which will cost, upon the most moderate of the calculations we have made, *seventy thousand dollars*. We are cutting off, and reeking within the street, about two hundred and fifty thousand superficial feet of wharves, valued at *one hundred thousand dollars*. We are filling up ground of two thousand nine hundred and seventy feet in length, and on an average about two hundred feet in breadth, and fourteen feet in height, at the expense of *two hundred and twenty two thousand, seven hundred and fifty dollars*. We are projecting wharves from the east side of the street into the harbour, of greater magnitude and cost, than these shut within the street. Their cost will be much greater, as they will be larger, than the old ones, and many of them will be made solid, and cement with stone. Included also in our plan, is one wharf of eight hundred and thirty feet in length, and ninety feet wide, to be made solid and cement with stone, to which lumbered ships of any burden less than three hundred and fifty tons may come with ease. It is true, we

have not gorgeously painted our plan on paper, and distributed it in loan and vanity, to amuse the imagination and abuse credulity. Ours is solid, permanent *ground work*, and has nothing airy and imaginary about it. It involves in it no flimsy, which has not been reduced to practice. It is what has been done, and will, under the sanction of the Legislature, be again done by us.

Were our enterprise less, and our determination to effect the great public objects of our incorporation not so apparent, your Honours would not have been troubled with the petition now before you, and this minor stage of our work. The hope of your Petitioners is not, we pretend, so great to obtain the bridge they pray for, as to check us in our enterprise, and banish, and counteract our intentions. It is impossible for them to imagine the prayer of their petition will be granted; but they are fully sensible, if we are left for a few months in the uninterrupted pursuit of our intentions, we shall exhibit such a *high degree of impetuosity*, we shall present such an extent of *commercial accommodation*, that all ideas of a bridge in any direction so in line with that improvement and this accommodation, will be entirely futile, yet will not be entertained by any, excepting those, who may weakly hope thereby to attach an additional local value to the lands on the peninsula.

We will have with you a Horacious petition examine the pretensions of your present Petitioners, as they have set their teeth in their petition. They state, that the answering the petition of Dorchester, or Boston appears to be precisely on the principle, that the enlargement of the canal of the State was an object of great public and general importance. We will suppose this to be true. They further state, that this purpose should be completely abstracted it is certainly necessary, that a communication should be opened with this new section of the road to all, so as to bring the same to bear to the care of business, as the nature of the ground will admit. If they had here said, as near to the nature of business, &c. as the nature of existing circumstances and things

will permit, that H. would not be so much less of a

will admit, we might agree with them in the position. But we would suggest, that the capital of the State is a commercial town, and that it owes its convenience to its harbor, and means of accommodating navigation. It is not pretended, the new district entails any accommodation of this nature, worth taking into consideration; and yet the project of your petition goes to destroy nearly one third of all the accommodation for navigation in the old town of Boston, which already suffers in the want of more accommodation of this nature. All this we are prepared abundantly to prove.

Under these circumstances, will it comport with wise or just policy to sacrifice commercial advantages of a very great and valuable extent, to bring a few settlers on the new district a few rods nearer to Faneuil Hall, than the South Bridge and Front Street will bring them? Can they, or any others interested in the Dorchester neighborhood, with the least show of reason demand more accommodation, than the proprietors of the South Bridge and we are now affording them? Are the claims of your petitioners of so high a nature, that *renew are of consequence* and *compensation*, made under the *present location* of the *Legislature*, are to be considered as *unjust*? Is the purchase of four or five farms to be put in competition with a large part of the produce of the whole district of Maine, and a large West India trade? Are the desires of a few gentlemen of leisure to be put in competition with the accommodation of nearly fourteen hundred vessels, which were piers to have deposited their cargoes the last year at the wharves south of South Street? Is a very valuable commercial section of the town, already built and thickly inhabited, in which greater improvements of a public nature are progressing than in any other, to be sacrificed to gratify the whims and further the views of the purchasers, and few inhabitants of the new section?

So long as the new district remains a part of Boston, so long it must be viewed in connexion with the whole town. And it is a fact, that the disfigurement the new district to the real centre of the town, is much shorter by

the South Bridge and the new street, than in the direction pointed out by your petitioners.

Your petitioners acknowledge the detriment their project will be to the individuals interested in property lying above their Bridge. But, *as they say*, in order to make this detriment as small as possible, they ask on the incorporation to build a Bridge upon the construction of having arches in the centre that shall admit the passage of any vessel, whose draft of water permits her reaching any wharf to the southward and westward of Wheeler's Point, agreeably to a certain plan, which, they say, they have exhibited to your two Honorable Houses.

We are ready to demonstrate and prove, that according to the plan they have exhibited, their enactment is unfounded. The height of the arch on the plan is 65 feet; the greatest width 60 feet, which width at a small distance from the bottom is contracted so much by the supports of the arch, that a vessel of eighty tons burden, if she traverses in the least, will destroy her masts. These happen to be now at the wharves above the contemplated bridge vessels of about 30 tons burden, whose masts are from 80 to 85 feet high; to this we must add 8 feet for the swell of the sea (for your petitioners' project is not to be carried over a tropical point, or river) it follows, that independently of other equally great and weighty objections to their plan, the arch must be 38 feet high, at least, even to accommodate vessels of eighty tons only, and of course about the width of the channel, to admit vessels through, whose draft of water permits them to go to the wharves above the Bridge. We will not, with your Honorable petitioners, go further into detail on this point. This arch project is an *absurdity* in itself, as such it has the prescriptive *privilege* of *absurdity* in not being fully answered.

Ever since the project of a Bridge from near Wheeler's Point first crept into existence, it has been a misfortune to contend with those who, however wise and learned they may be in other respects, possess little or no information of the effect of Bridges on navigation. For, if what they have repeatedly advanced be true, that a Bridge is

not injurious to navigation, they might as well build one in any direction front of the town, as where they contented. It would matter not, whether one were erected from the end of the Long Wharf, or any other place in town, in land at Governor's Island, the Castle, or any part of the New District. The South Is. Bridges and invagination of any extent interfere so much, that one must give way to the other. They cannot exist together. Vessels will not encounter any greater impediment than the vessels they glide through; if they strike rocks, they are wrecked and bulged; if a Bridge opposes them, they turn away and seek accommodation where no restriction offers.

May it please your Honours: The fact and we are engaged in, is what is undertaken willingly. Many of us are arrived at that period of life, when years of industry in this happy country are generally rewarded with ease. It was with reluctance that many of us renewed the toils of our youth. But we will heartily work, we will cheerfully labour even in our old age, to preserve the rights and privileges we have heretofore enjoyed without interruption. And never while we live will we cease so to demand the good of our Country, shall demand of us the sacrifice of all we possess. We know the value of property, because nearly every individual of us has earned what he has with his own hands. We have had no undisciplined aim from fortune. And it is with honest pride we furnish to your Honours the highest possible evidence of the great value, and public importance of our water privileges and means of commercial accommodation, and that certain ruin which will fall on them, if they are cut off from a free communication with the ocean. We are not idle declaimers. The great sums we have expended, and the much greater sums we shall be obliged to expend, in the works we are engaged in, under the sanction of the Legislature, clearly evince our fears of the dreadful evils and sufferings of being blockaded by a bridge. And thus, much as the public are interested, do not demand such immense sacrifices, whatsoever may be the motives, or your petitioners may ask for, we know we shall be

protected by the wisdom and justice of your Honours. We therefore have the highest confidence your Honours will not see fit to grant them the prayer of their petition. And bound in duty to the public and ourselves we shall ever pray you will not.

Signed by ARTHUR WALKER, and the other Members of the Corporation.

The two preceding memorials, and the petition, against which they were offered, were committed to the Hon. Messrs. Bidwell and Hooker of the Senate, and the Hon. Messrs. Biglow, Kirtbridge and Whitman of the House, who after a full and patient hearing of the parties, reported unanimously, that the petitioners should have leave to withdraw their petition. This report was accepted in the Senate, and sent to the House for concurrence the last June session. It came into the House of Representatives near the close of that session, and was referred over to the present session, when no doubt it will meet the fairest merits.

We have thus, agreeably to our intention, furnished the public with an impartial exposition of all the prominent transactions relative to the South Street bridge project, and the annexation of Dorchester Neck to the Municipality, and of the conduct of the parties in the contest which originated from those projects.

It appears from the documents, that after the subjects of the annexation of Dorchester Neck, and a bridge from South Street had been agitated in town-meeting with great warmth for several days, the town of Boston referred the whole business to the Legislature; that a committee of the Legislature reported in favour of the annexation, and a bridge from South Street, to be built under certain conditions and restrictions; that before this report was taken up in either branch a petition to be authorized to make a new street, and erect a bridge

to connect the new street with Dorchester Neck were submitted by those, whose estates were threatened with destruction by a bridge from South Street. It also fully appears that the latter petition produced a compromise between all the contending parties, which compromise was sanctioned by the government; that by it, the interests of the public were not compromised in the least; and that they *been, the compromise would not have been compromised by the Legislature.* No acts of incorporation would have been predicted or it. It further appears, that several attempts have been vainly made, to effect a violation of the compromise, and to render the acts of incorporation, which resulted from it, mere nullities. These attempts have hitherto proved abortive. Will any or either of the parties hereafter come forward to the Legislature contrary to their solemn stipulations? Will they, before they make their applications to the Legislature, have the folly or the weakness to address themselves to the passions of some, to the vanity, and the avarice of others, in an assembly of the town? Let those who regard the peace, tranquillity and honour of the town of Boston, guard themselves again: let the insidious attacks of such men. Let those, who love their wealth, more than their characters, and more than their fellow townsmen, look to the consequences of again opening the umbels of a fire, which they *do not any longer to keep alive.* If they have any sense of honour or of shame, let them, before they again appear in the presence of their fellow citizens, deliberately read the agreement, their representatives made for them, and recollect their own solemn engagements. If they have any sense of honour or shame, the town yet yet remain in peace.

It is to be regretted that the compromise, which has been made, is not more generally known. It is to be regretted that the compromise, which has been made, is not more generally known. It is to be regretted that the compromise, which has been made, is not more generally known.

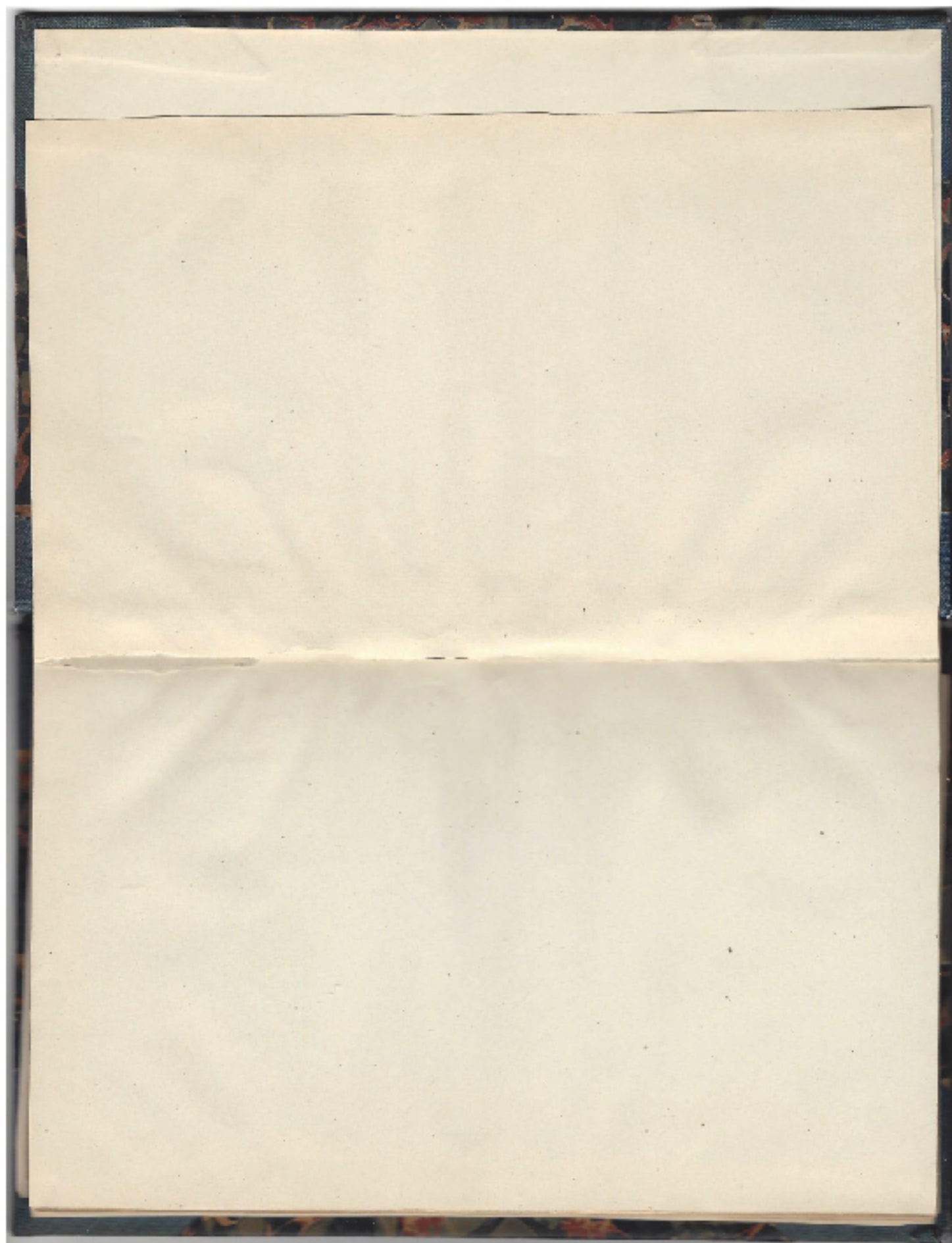
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