

R E P O R T S

IN RELATION TO THE

ANNEXATION OF DORCHESTER

TO BOSTON,

And the Act of the Legislature to unite said Town and City.



BOSTON:

ALFRED MUDGE & SON, CITY PRINTERS, 34 SCHOOL STREET.

1869.



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CITY OF BOSTON.

EXECUTIVE DEPARTMENT, CITY HALL,
BOSTON, March 1, 1869.

TO THE CITY COUNCIL OF THE CITY OF BOSTON:

I have the honor herewith to transmit to you the very able and comprehensive report of the Commissioners appointed on the thirty-first of December, 1868, to consider and report to the City Council on the subject of annexing a portion or the whole of the territory of Dorchester to the City of Boston; and recommend it to your early and favorable consideration.

NATH'L B. SHURTLEFF, *Mayor.*

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CITY OF BOSTON.

In Common Council, Dec. 10, 1868.

Whereas, In the opinion of the City Council, it has become necessary, in order to complete the system of drainage and harbor improvements, which have been devised for the benefit of Boston by the various commissions which have had, and now have these subjects in charge, to annex a portion or the whole of the town of Dorchester to the City of Boston.

Ordered, That His Honor the Mayor be requested to appoint a Commission of three discreet and intelligent persons, who shall carefully examine the subject, in all its financial, industrial, and sanitary relations, cause such surveys to be made by the City Surveyor, or under his direction, as they may consider necessary, and report the result of their doings, with such suggestions as they may think proper, to the City Council, as soon as may be.

A true copy of order passed by City Council, Dec. 22, 1868.

Attest:

S. F. McCLEARY, *City Clerk.*

CITY OF BOSTON.

THE Commissioners appointed by His Honor the Mayor in pursuance of the foregoing order, respectfully submit their

REPORT.

TO THE CITY COUNCIL OF BOSTON:

PRELIMINARY REMARKS.

In 1867, during the Mayoralty of the Hon. Otis Norcross, the subject of the annexation of the town of Dorchester was brought to the notice of the City Government, and a Board of Commissioners appointed to confer with Commissioners on the part of that town. In that instance, the movement originated with citizens of Dorchester. In the present instance, it proceeds from the City Council. That Commission was unable to arrive at any definite conclusions with respect to the subject-matter submitted to them, except that, after expressing the opinion that it may become desirable, if not necessary, at some early day to annex a portion at least of the town of Dorchester, in order to complete the elaborate system of drainage and harbor improvement, which has been devised for the benefit of Boston, "they recommended a reference of the whole subject of this and future annexations of territory to the City, to a Commission to be created by the Legislature." No action was taken by the City Council on this recommendation, and none by the General Court, and the net result is, the loss of a year's time in the accomplishment of this desirable public improvement.

Your Commissioners have carefully considered the subject intrusted to them. Assisted by an accurate map of Dorchester, made by the City Surveyor, showing its boundaries, water-shed, harbor and river lines and streets, they have personally examined the territory. They have also held frequent conferences with an intelligent Committee, appointed by citizens of that town upon the bearings of this proposed annexation, upon the separate interests committed to their charge. The substance of these opinions, together with much statistical information upon the financial, industrial, and sanitary condition of the town, will be found embodied in this report.

BAD EFFECTS OF PAST NEGLECT.

It has been the misfortune of the City of Boston, hitherto, to be governed by necessity, rather than choice, in the improvements which the advancing tide of business and population has rendered essential to the comfort and convenience of its citizens. Its peninsular situation, and the conformation of its territory interposed, at the beginning, natural obstacles to the adoption of a uniform system of streets and squares, in which the element of space should have due consideration.

Nor was there any effort made during its early history to surmount these obstacles. The old thoroughfares, which nature had in part provided, supplemented by narrow cross streets and lanes, were considered sufficient for the uses of those days, but they served to fix the boundaries of estates, and thus, unfortunately, entailed upon succeeding generations the difficult and costly labor of adapting them to the uses of an overflowing population. A large part of this expense has fallen to our lot, under circumstances, in the financial condition of the country, that aggravate the difficulty, and greatly increase the cost of every new undertaking.

We have before us, at the present time, in the widening of

several of our public streets, a conspicuous illustration of the truth of this statement.

The founders of the city were, in most things, sagacious and far-sighted men; but they seem to have been sadly deficient in the first duty of their time: the laying out of its streets and squares upon some regular plan, which would have simply required extension to meet the demands of increasing numbers.

In this respect we may be thought wiser than our fathers, but there is danger that we may render ourselves liable to the charge of a similar short-sightedness.

THE GREAT INCREASE OF POPULATION.

The multiplication of our population by an increasing ratio is a mathematical certainty. We cannot close our eyes to the fact, nor can we avoid the immediate responsibility it imposes upon us, to make a wise and timely provision for its future welfare. Looking at the present population of the city— which may be roughly estimated at 240,000 — and adopting the ratio of increase between the years 1855 and 1865 as a basis of calculation, it is apparent that we shall have, at the end of the next decade, 1880, without accessions from suburban cities or towns, a population of rising 300,000; in 1890, on the same ratio, 360,000 and upwards; in 1900, 450,000. Such a population cannot be compressed within the existing limits of the city. Some portions of it may find accommodation on the Back Bay, but a greater part will be obliged — if desirous of enjoying its privileges — to occupy South Boston or the Highlands. The Back Bay territory is limited, and will continue to be occupied, for a considerable time at least, by the more wealthy class of our citizens.

South Boston, with its prospective extended area of filled land, it is generally conceded, is to become the seat of extensive manufacturing industries, as also of the freighting business

for the railroads on the south side of the city, which is estimated to require at least one hundred and fifty acres of filled land. The Highlands are left, then, as the only territory on that side of the city proper accessible to persons who prefer to remain within its limits, and yet wish to avail themselves of the better sanitary conditions of the suburbs. The importance of retaining the industrial classes of our community within the city limits cannot be over estimated. An industrious, intelligent mechanic, who has a family, and is laboring to place his children in a better position than he has been able to attain, is a most valuable man in any community. To retain such men we must be able to give them land at moderate prices. They will always remain in the city if they can live as cheaply and comfortably as elsewhere, not only because the interests of their labor are here, but because of its better facilities of education, recreation, libraries, and other advantages which the metropolis affords. The money invested in building up compact villages in the near suburbs should be applied within the limits of the city, thus retaining the population and wealth now lost, and adding to its character, wealth, numbers and virtue. The amount of Boston capital invested in real estate in the cities of New York and Chicago, not to mention numerous other localities, is estimated to reach millions of dollars. This capital should be employed here, but will not be so long as Boston maintains its present contracted limits. It is apparent to the most casual observer that there is not sufficient room for the middling and laboring classes, and if the present state of things should be permitted to continue, the city will ultimately be left to the care of the very rich and the very poor.

The wants of business in the city proper continually encroach upon the habitations of the people. The removal of Fort Hill for business purposes, and the still more recent demand for eight acres of land north of Causeway Street, for the accommodation of the business of the Eastern and Lowell Railroads,

thus depriving seven hundred and nineteen families and a population of four thousand people of their homes, are remarkable illustrations of the truth of this proposition. This population may not itself seek homes beyond the present limits of the city, but it displaces, of necessity, another class of inhabitants which the city cannot afford to lose, and which will accommodate itself in the adjacent towns. The growth of these suburban towns is mainly due to the overflow of the population of Boston, and what they gain in the advantages which the country affords, we lose in the substantial character of our citizens.

The annexation of Roxbury, though unwisely delayed, was a most important step in the right direction. It is then evident, on these general views, that timely provision should be made for the acquisition of territory of large capacity, bordering closely upon the city, in the direction of the movement of population, best adapted to our existing system of water distribution, drainage, etc., a territory which we shall have the power to shape at small expense, for the healthful occupation of our increasing population.

THE TERRITORY PROPOSED TO BE ANNEXED.

Dorchester seems to your Commissioners to present these important requisites. It has a large area of high land, well adapted for residences, and its situation is such that it can be easily and cheaply drained. Its north and west boundaries, following those of the city, intersect neighborhoods that have lived in common for generations. Indeed, so undefined and obscure are these limits, that a non-resident would find it difficult to tell where the territory of Dorchester begins, or that of the city ends. These lines cut many streets at right angles, thus rendering impossible — in the existing state of things — any general and comprehensive system of street and sewerage improvements. It has a navigable harbor and river line on the

east of about three miles in extent, and a continuous river line above, navigable to Lower Mills, and reaching to within a short distance of its southern limit, with valuable deep water at Commercial Point and Port Norfolk, affording sites for wharves, factories, ship-yards, etc., unsurpassed by any in the vicinity of Boston. Vessels drawing from eighteen to twenty feet can come up to Commercial Point, and sixteen feet at high water, to Port Norfolk. The Old Colony and Newport Railroad, with three passenger stations in the town, runs within a quarter of a mile of the shore, crossing the river at Port Norfolk, from whence the Dorchester and Milton Branch Railroad runs near the river to Mattapan. The Hartford and Erie Railroad passes through the entire territory, with five passenger stations therein, while the Metropolitan Railroad intersects the town with three distinct lines of tracts. The distance from the farthest station in the town to State Street, is accomplished in twenty minutes. The navigation of the river is closed for only about two months in the year by ice.

There are various important industries in different parts of the town, that give employment to large numbers of its population, and they are represented to be in a prosperous condition. Nearly one half of the population, it has been estimated, do business in the city. Its streets are in good order, and the same may be said of its public buildings and other property; and the health of the town is as good, if not superior to that of any other in the neighborhood of Boston. The following statistics exhibit the number of its population, dwelling-houses, legal voters and other details, as also its financial condition.

STATISTICS OF THE TOWN.

Inhabitants, estimated	12,000
Dwelling-houses, May 1, 1868	1,830
Ratable polls	2,918
Legal voters	2,100
Churches	13
School-houses, of the larger class,	7
“ “ of the small “	3
One steam fire engine, and several hand engines.	
Scholars	2,000
Acres of land	4,532 $\frac{3}{4}$
Valuation for 1868,	
Real estate	\$9,291,200 00
Personal	6,035,100 00

FINANCIAL CONDITION.

Town debt	\$147,700
Cash on hand Feb. 1, 1869, and due from State and for taxes	111,092 41
Actual debt	\$36,607 59
Valuation of town property	237,182 26

COMPARATIVE STATISTICS.

The following statistics are presented for the purpose of showing the comparative areas of Boston, Roxbury and Dorchester, the aggregate area of the three places being 9,902 acres, and the density of population to the square acre and square mile of Boston proper, as compared with other large cities.

The original area of upland in Boston was	690 acres.
The area added, and in progress by filling flats, is	880 "
The area of South Boston is	900 "
The area of East Boston is	800 "
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Making a total of	3,270 acres.
The area of Roxbury is	2,100 "
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The united areas of Boston and Roxbury are	5,370 acres.
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The area of the City of New York is	14,502 acres.
" " Philadelphia is	82,560 "
" " London is	74,070 "
The population of Boston to the square acre is	59
" " Roxbury " "	13
" " New York " "	56
" " Philadelphia " "	7
" " London " "	40
The population of Boston in 1865 was	192,317
" " " 1855 "	160,490
	<hr/>
Increase in ten years	31,827
	<hr/> <hr/>
	19 $\frac{83}{100}$ per cent.
The area of Dorchester is	4,532 acres.
" " Boston is	5,370 "
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The united areas of Boston and Dorchester are	9,902 acres.
	<hr/> <hr/>
The population of Dorchester in 1865 was	10,707
" " " in 1855 "	8,340
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Increase in ten years	2,377
	<hr/> <hr/>
	28 $\frac{50}{100}$ per cent.

Boston has less square miles within its corporate limits than either of the following cities.

New York has	.	.	.	.	.	22 square miles.
Philadelphia	.	.	.	.	.	129½ " "
Baltimore	.	.	.	.	.	15 " "
Buffalo	.	.	.	.	.	27 " "
Pittsburg	.	.	.	.	.	24 " "
Louisville	.	.	.	.	.	12¾ " "
Chicago	.	.	.	.	.	23¾ " "
Boston	.	.	.	.	.	10 " "

And its proportion of population to the square mile is large in comparison with that of other cities, being more than that of the city of London.

London has to the square mile	.	.	.	.	.	24,768
Liverpool	"	"	.	.	.	29,712
Bristol	"	"	.	.	.	22,080
New York	"	"	.	.	.	32,068
Cincinnati	"	"	.	.	.	30,143
Philadelphia (census of 1860)	.	.	.	.	.	4,403
Chicago has to the square mile	.	.	.	.	.	10,833
Pittsburg	"	"	.	.	.	5,623
Boston	"	"	.	.	.	25,600

CENTRALIZATION OF WEALTH AND POPULATION.

The tendency of population to centralize in cities, is an established physical law, and its operation upon this continent, in the building up of great cities, presents more striking illustrations than may be found in any part of the Old World. This concentration has not advanced as rapidly in the city of Boston as in many other cities of the Union, but if the rate of progress has been slow, it has been sure and irresistible. In a note appended to the printed census of 1865, the following statements

occur: " Within the limits of the City of Boston, are contained about one-seventh of the population of the State — 44.06 per cent, or nearly one-half of the personal property — and more than one-third of the real estate. The cities and towns within ten miles, but exclusive of Boston, contain more than one-sixth of the population of the State — nearly one-sixth of the personal property — and a fraction over one-fifth part of the real estate. Within ten miles and inclusive of Boston, therefore, are comprised about one-third of the population — six-tenths of the personal property — and above one-half (.54) of the real estate of the Commonwealth. More than *one-half* of the population of the State, *seven-tenths* of the personal property, and *two-thirds* of the real estate, are situated within a distance of twenty-five miles from the State House.

" This condensation of population in the vicinity of Boston, as compared with other portions of the State, has existed from an early period. A circumscribing circle, drawn from the State House at Boston as a centre, and containing exactly one-half of the population of the State, would have had a radius in 1765 of less than 30 miles; in 1800 of less than 35 miles; 1810 of 34 miles; in 1820 the radius would have been 32 miles; in 1830 31 miles; in 1840 $29\frac{1}{2}$ miles; and in 1865 a fraction less than 25 miles.

" The number of dwellings in Massachusetts in 1865 was returned as 208,698; the number of families 269,968; there being 61,270 more families than dwellings. The proportion of families to dwellings in Boston being 38,021 of the former to 20,649 of the latter."

In view of these facts, for they are facts and not speculations, the duty of the present and future guardians of the city is as clear as the day. It is not to attempt to divert this wealth and population into new channels, or to create new centres for it. It is to accept the actual, existing conditions, and provide, by seasonable legislation, for its natural, necessary and healthful

expansion and distribution over a wider area, into the beautiful suburbs which nature has so lavishly furnished for the purpose.

DRAINAGE AND HARBOR IMPROVEMENT.

On this subject, your Committee refer to the report of the Back Bay Commissioners, made to the City Council in 1863 — City Document No. 81. The Commissioners say: “By the second report of the United States Commissioners on the condition of Boston Harbor, dated Dec. 12, 1860, it is shown that between the years 1835 and 1847, there has been deposited in Charles River, between the Mill-Dam and Charles River Bridge, an amount of sediment equal to 1,499,000 cubic yards. No doubt the largest portion of this sediment has been brought down by Charles River, draining as it does many square miles of territory. The remedy which we think must finally be adopted will be to intercept Stony Brook at or near Washington Street in Roxbury, and by the construction of a tunnel and sewer, in a southeasterly direction through Roxbury and Dorchester, discharge all the water of this brook and this territory into the most easterly end of Dorchester Bay.

“This method of its discharge will relieve Charles River and the main body of the harbor from the deposit of any sediment from this section of territory. The proposed point of discharge for this great sewer, when built, is three-quarters of a mile from the nearest point of South Boston, three-quarters of a mile from Savin Hill, and more than a mile from Thompson’s Island; and is so situated that all the discharge from the sewer will be swept by the current from Neponset River into the back way or channel of the harbor, and thus tend to keep the main channel and shores of the harbor free from the deposit of sediment from the sewers.”

It is obvious that the Commissioners in considering this subject, to which they seem to have given great attention, anticipa-

ted the time when South Bay would be filled up solid as well as the fact that Fort Point Channel should not be made the point of discharge for the sewerage which will be required for the population which is to occupy South Bay and the adjacent territory.

His Excellency the Governor, in his recent inaugural address, interprets accurately the public sentiment. Speaking in connection with the filling up of the South Boston flats, he said: "The filling up of these flats is no doubtful experiment. The continual rise in the value of real estate in Boston proves that *the great present and future need of this City is land.* These flats, *together with a very large territory belonging to the Commonwealth in South Bay,* are directly in the path of the growth of Boston. If a large portion of this territory was filled up, it would sell at remunerative prices. The whole of it will be needed within this generation."

Your Commissioners have obtained from the State Harbor Commissioners an expression of their views which, without expressing an opinion further upon the question of how best to deal with this subject, which increases in importance and difficulty with the growth of the south part of the city, they append hereto. There is no difference of opinion, that the interests of our commerce require that the whole harbor front of what is known as Boston Harbor, in all matters of regulation and police, should be under the municipal control of the city.

WHETHER A PART OR THE WHOLE.

Your Commissioners have given careful attention to the consideration of how much, if not all, of the town of Dorchester it is necessary, expedient, or desirable, should be annexed to the city. The question is attended with some difficulty. An experimental line has been surveyed from the southeast corner of the city, in the Highland District, as a continuation of our

south boundary on Seaver Street, thence running nearly in a southeasterly direction, parallel with and in the rear of Washington Street, Dorchester, south of said street to a point on that street midway between the Town House and the church, and thence by a nearly direct course to Granite Bridge, on the Neponset River. This line, at the first view, would seem to be the most natural one that could be drawn, because it preserves the continuity of the south boundary, follows the trend of the land to Neponset River, and gives us Dorchester Bay, the basin, and tidal waters of Neponset River up to a given point, and also the ground through which a drain may be constructed.

But such a line could hardly be expected to meet the views of the citizens of the town. The territory left out would be too small for a township, having less than two-fifths of the whole area, and one-fifth of the population, bad in shape, and so situated as to make its annexation to either one or the other of the towns of Milton, Hyde Park, or West Roxbury, which it adjoins, unavoidable. This line is within the six-mile radius, and however convenient it might seem to be for a boundary, there were so many objections raised to it that your Commissioners felt obliged to abandon it. A more contracted line, taking in less territory, would clearly be to the disadvantage of the city. On this subject your Commissioners assumed that it would not be going beyond the scope of their instructions to canvass the opinions of the citizens of the town. They did so freely, and the balance of opinion was found to be, so far as they could judge, in favor of the annexation of the whole of the territory, rather than its division by the proposed line, or any line which would separate one part from the other. A strong feeling of attachment to the name of the town, and its history and traditions was manifested.

It was thought that, as in the case of Roxbury, by the annexation of the whole territory, Dorchester might continue to retain her boundary and local history, as a precinct of the city.

The annexation, last year, of a portion of the back territory of the town to Hyde Park, relieves the question of much of this difficulty. It was found that the present south boundary of the town came within the seven-mile radius, which seems to be generally admitted to be a rational and practicable limit to the extension of the city's boundary. It should also be stated that by taking the whole territory, a part of Mount Hope Cemetery will be embraced within the city limits, an object both interesting and desirable.

CONCLUSION.

On the ground, therefore, of the necessity for a part, and the desirableness of the whole of the territory for the present and prospective wants of the city, the highly favorable financial, industrial, and sanitary condition of the town, and paying due respect to the opinions and wishes of its inhabitants, your Commissioners report it to be their unanimous judgment that the whole of the territory should be annexed to the City of Boston without delay, and they respectfully recommend to the City Council that His Honor the Mayor be authorized to petition the Legislature in their behalf, for an Act to that effect.

CHAS. R. TRAIN,
 NATH'L J. BRADLEE, } *Commissioners.*
 GEO. A. SHAW,

Boston, March 1, 1869.

COMMONWEALTH OF MASSACHUSETTS.

HARBOR COMMISSIONERS' OFFICE, CITY HALL,
BOSTON, Feb. 25, 1869.

HON. CHARLES R. TRAIN, *Chairman Commissioners on the annexation of Dorchester to Boston.*

SIR, — The Board of Harbor Commissioners have the honor to make the following report upon the request of the Commissioners appointed by the Mayor of Boston to consider the subject of the annexation of a portion or the whole of the town of Dorchester to the City of Boston.

Upon the general question of the expediency of enlarging the water front of the city, it would not be proper for this Board to express any opinion, as they have jurisdiction equally over the water fronts of Boston and Dorchester, and can take as efficient measures for the protection of navigation and the preservation of the Harbor, whether the corporation limits are diminished or enlarged.

In regard to the matter of drainage, the Commissioners, desirous of furnishing such information as they could command, directed their Engineer to examine into the subject of deflecting the drainage of Stony Brook from Charles River to Dorchester Bay. The results of his examinations have been communicated to the Board as follows :

The topography of the country of which Stony Brook is the natural drain, does not admit of other relief for its water-shed, except at points near the mouth of said brook, at its confluence with Muddy River.

Between this general locality and the shores of Dorchester Bay, the ground is low and level, and a drain or sewer carrying even a part of the flowage of Stony Brook at times of freshet, would have to be of large capacity, and through expensive ground to occupy for this purpose.

The distance from the nearest point of Stony Brook, favorable for deflecting drainage, to the present nearest shore of Dorchester Bay, is about two miles, 10,500 feet.

The distance from the same point to Charles River, is about one and a quarter miles, 6,500 feet.

The route most favorable and practical for a drain or sewer, turning Stony Brook into Dorchester Bay, passes just tangent to the township line of Dorchester and is already within the limits of the City of Boston, near the head waters of South Bay, and would not, therefore, involve questions of municipal interest.

The physical bearing of the drainage from Stony Brook is a questionable one. As a tributary to Charles River it is of value. Its volume, during a recent freshet, was 400 cubic feet per second. The deposits from it, as a sewer, would be injurious; but its influences in comparison with the water volume of Charles River, or with its mud deposits, are of small proportions.

Respectfully submitted,

JOSIAH QUINCY,

Chairman Board of Harbor Commissioners.

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, May 6, 1869.

The Joint Committee on Towns, to whom was referred the petitions of the Mayor of Boston, and of Edmund P. Tileston, Marshall P. Wilder and others, of the town of Dorchester, praying that the town of Dorchester may be annexed to the City of Boston, have duly considered the same, and submit the following

REPORT.

The census of 1865 fixed the centre of the population of the State at a point less than two miles from the State House. The increase since that period eastward of the point then indicated has, without doubt, removed that centre very near to, if not within the limits of the metropolis. It is safe, therefore, to assume that the City of Boston has become the centre of the population, as it has long been the centre of the business and capital of the Commonwealth. In considering the question of the enlargement of its territorial area, this fact should be borne in mind; for whatever legislation may be found desirable or necessary for the prosperity and security of the City of Boston, is legislation for all the people and every interest of the State. The concentration of population in Boston and its suburbs has been going on for a period of years. The present population of the city is estimated to be 240,000, and it is believed that it will reach, in 1880, to near 300,000. It appears, from the testimony submitted to your Committee, that there is not sufficient

room for the healthy action of the numbers which now occupy its territory, and that the increase of these numbers anticipated during the next decade, must be seasonably provided for by the annexation of some territory contiguous to the city, of sufficient area and elevation to furnish healthful sites for dwellings and open spaces for ventilation.

The present restricted limits of the city are illustrated by a comparison with those of other cities. The entire territorial area of Boston is 5,370 acres, upon which there are forty-five persons to the square acre.

With a population of 300,000 there would be fifty-four persons to the square acre, while the population of New York is fifty-six, that of London forty, and of Philadelphia, but seven to the square acre. Boston has but eight and one-third square miles of territory, while New York has twenty-two, and Philadelphia one hundred twenty-nine and one half.

Boston has a population of 29,000 to the square mile, while London has but 24,768, and Philadelphia 4,403. These figures exhibit both the density of its population and the limited area to which it is confined, in comparison with other cities, these two conditions being, in the case of Boston, in excess of those of the two great commercial capitals, London and New York.

The increase of population in the city proper, exclusive of East Boston and South Boston, has nearly, if not quite, reached its culminating point. There may and probably will be some partial increase of resident population in these two localities before they are finally absorbed by the demands of business. The future growth of the city, by natural increase and accessions from abroad, if retained within its present limits, will be necessitated to seek accommodation mainly on the unoccupied lands of the Highland District. These lands are filling up rapidly, and will be found inadequate to the demands made upon them. The day is not far distant when, if the present limits of Boston are maintained, its resident population will decrease, and its

central parts become simply a congeries of warehouses. This tendency has been apparent for some time, but is now particularly conspicuous. The increase of the population of the city from 1855 to 1865, was $19\frac{83}{100}$ per cent. The increase in the valuation of real and personal estate during the same period was a fraction over 53 per cent, indicating a large increase of successful business without a corresponding increase of population, the densely peopled limits of the city forcing its most active business men to find their homes in the adjoining towns. The operation of these causes is also illustrated by the accelerated growth of the suburbs, which have become the dormitories of the merchants of Boston. Nine cities and towns immediately surrounding the city had, in 1855, an aggregate population of 100,256; in 1865, 139,558; an increase of 39,302. This increase was made up largely from the overflow of the population of the city, and this overflow has been going on with increasing magnitude since 1865. The testimony taken by your Committee in the hearing of these petitioners, fully sustains this conclusion. Mr. Thomas Hills, Chairman of the Board of Assessors of the City of Boston, testified as follows :

“Fort Hill covers four acres of land. The improvements thereon remove 185 dwelling-houses. The population is chiefly foreign, and averages 10 to 15 persons to a house. This is an underestimate. After the change, the property will be too valuable for use for other than business purposes. More than 3,000 people will be deprived of homes. Assessed the Church Street district in 1867. The area is 26 acres, the same size as the Public Garden. Many of the houses were not fit to raise, and had to come down. There were on the territory 453 dwellings, 867 families and 3,528 persons. This population was more than three-quarters American, of the middling class, mechanics, clerks and men of small means, paying \$200 to \$300 rents. This property, while under grade, was cheap. The effect of the im-

provement is to make it too valuable for the residences of this class of people. They must vacate, and have already begun to do so. It is the exact centre of the city, within two to ten minutes' walk of the Common. The population of Boston is being steadily crowded out from the old hard land, and goes south. Business would drive the population away from Beacon Hill if it were not for the hill. There are very few vacant buildings in Boston. Buildings once converted into stores will not be re-converted into dwellings."

Mr. C. A. Connor, an assistant assessor, resident in South Boston, testified as follows :

"There are 27 brick and 70 wooden houses going up in South Boston. In 1863, assessed marsh land at eight cents per foot. It has been sold within a year at a shilling a foot. The upland in Washington Village, assessed by me at ten, and twelve and a half cents, cannot be bought now for twenty-five cents a foot. The land between the line and the Norfolk House has risen from twenty to forty per cent. The number of houses built in South Boston has averaged 100 per year for the last ten years. Property in South Boston has doubled since 1863. The demand is for small houses. The growth is a steady and not a speculative one."

In addition to these facts is the recent demand for 8 acres of land north of Causeway Street, for the accommodation of the Lowell and Eastern Railroads, which, if granted, will deprive 719 families and from 3,000 to 4,000 people of their homes. The material fact deducible from the foregoing statements is, that Boston is constantly losing the most valuable portion of its citizens, who, notwithstanding that their business and property are embraced within its limits, becoming, of necessity, non-resident, cease to exercise any control over its affairs, and to feel any personal responsibility for their proper administration,

leaving this duty in the hands of a class least fitted for its discharge. To remedy this state of things, there must be expansion, by the acquisition of suitable territory, for the present wants and future growth of the city, and this expansion should take place on the line of the movement of population. It is conceded that that movement is southward. We shall thus retain the population now being driven out, recall a valuable class of citizens, living upon the territory to be acquired, to their just responsibility for the welfare of the city with which all their interests are identified, and open a field for improvements in avenues and squares, commensurate with the demands of our advanced civilization, for the healthful, moral and physical growth of a great city.

The City of Boston asks for the territory of Dorchester. The Mayor and a Committee of the City Council have appeared to urge this request. At the same time, between eight and nine hundred citizens of Dorchester, a large portion of whom have their business in the city, have petitioned for the same object.

The petition of Dorchester was urged by an intelligent committee of eighteen gentlemen, appointed by the town at a meeting legally called. Repeated and patient hearings have been given to both parties of petitioners, as also to the County Commissioners of Norfolk, who appeared in opposition; there being no formal appearance, by remonstrance, from the town of Dorchester.

The territory asked to be annexed contains 4,532 acres, which, added to the area of Boston, would give 9,902 acres. It has a population of about 12,000. Its valuation for 1868 was \$9,291,200 for real, and \$6,035,100 for personal estate.

Its net town debt, as determined February 1, 1869, was \$36,607.59, and the value of town property \$237,182.26. It has a harbor and river line, with valuable water frontage, of from four to five miles, and is intersected by two steam rail-

roads and three tracks of horse railroad, which furnish abundant accommodation.

The whole territory, with little exception, is well adapted for residences, and can be easily and cheaply drained. Its streets are represented to be in fair condition.

Some of the reasons urged by the petitioners on the part of the town of Dorchester were; that its population has become too large for a town organization, and they do not desire a separate city organization; that fully one-third, if not more, of its citizens do business in the city, a large number of whom are taxed in both places, and they prefer to be taxed in one place; that living close upon the borders of the city, they are denied the benefit of its institutions; that the value of real estate would be enhanced by annexation, and a system of improvements inaugurated which would add greatly to their convenience and comfort; that a common system of streets and drains will soon become necessary, and that, believing annexation to be simply a question of time, any further delay in the adoption of such a system will be injurious to the best interests of both the City of Boston and the town of Dorchester. It was objected by the Commissioners of the county of Norfolk that the loss of Dorchester would operate unfavorably upon the interests of the county, by the withdrawal of so large a portion of its territory, population and taxable estates, as to increase the burdens of the remaining towns, but it was shown by the petitioners that there existed no real grounds for such an apprehension. In the ten years between 1855 and 1865 Norfolk County was the third in rank of increase, Suffolk being first, and Middlesex second. In 1865 the county had a population of 116,306. The loss of Roxbury reduced this number to 87,880, leaving it—allowing for increase subsequent to 1865—the fifth in rank as to population among the counties of the State.

The loss of Dorchester, population of 1865, 10,717, would leave 77,163 as the population of the twenty-one towns remain-

ing to the county after the annexation of Dorchester to Boston, and place it the sixth in rank as to population. But to this 77,163 should be added the large increase since 1865, together with that number of the inhabitants of Dorchester set off to Hyde Park in 1868, which town, made up of more than a quarter part of the territory of Dorchester, preserves the full complement of twenty-two towns now comprised in the county, and will, hereafter, if its present rapid growth receives no check, replace the population and wealth hitherto represented by the town of Dorchester.

The county had, in 1867, a valuation of \$104,792,620. The loss of Roxbury reduced this valuation to \$78,240,900. The valuation of the county in 1868, without Roxbury, was \$82,032,850, showing a gain in a single year of \$3,791,950. The loss of Dorchester would reduce this amount to \$66,706,550, thus leaving the county with its present number of twenty-two towns, made good by the addition of Hyde Park, the sixth in rank as to valuation.

The county can suffer no injury by the loss of Dorchester. She will have her full number of towns left, together with abundant wealth and population to enable her to maintain her rank, and, moreover, her financial condition is as good, if not better, than that of any other county in the state. *The county is entirely free from debt*, and its public buildings are stated to be worth \$300,000; \$75,000 having been expended upon them during the last fifteen years, of which Dorchester has contributed her full share.

With so satisfactory an exhibit of the condition of Norfolk County there would seem to be no reasonable ground for objection, on its part, to the granting of the prayer of these petitioners. The fact that no organized opposition to this measure exists within the town itself, or if existing, appeared before your Committee, is a gratifying proof that a greater degree of una-

nimity prevails among its citizens than is usually found upon questions of this nature.

But there are higher considerations, affecting the interests of the Commonwealth, involved in the decision of this question. The growing influence of the metropolis in state affairs, arising from the aggregation of wealth and population within and upon its borders — a wealth in which every citizen living in the most remote corner of the Commonwealth is interested, and a population that will hereafter possess a larger share of political power than it now wields — should engage the attention of the legislature. How this influence may be made to subserve in the highest degree the interests of the whole Commonwealth is an important inquiry. Whatever will add to the stability of its institutions, to the moral and intellectual culture of its people, to the stock of private and public virtue in the community, and to its commercial character and prosperity, as the metropolis of Massachusetts and of New England, should be welcomed as invaluable contributions to the general good of the whole Commonwealth. Can any or all of these objects be attained by narrowing the limits of its territory? Must we not look rather to the enlargement of its boundaries, to the granting of freer scope for the exercise of the enterprise of its citizens, and the opening of wider spaces for the movements of business and population?

There appears to be nothing in the relative conditions of the City of Boston and the town of Dorchester, to militate against the union which they both desire.

The former puts in its plea on the ground of necessity, and the latter on the ground of the benefits which she hopes to derive from the union. This necessity and these benefits have been established by the petitioners.

The annexation of Roxbury was persistently opposed for a series of years upon the same grounds now urged against the annexation of Dorchester, but the experience of a single year has demonstrated the wisdom of the measure, and the people,

not only of Boston and Roxbury, but of the Commonwealth, agreed in the opinion that the only mistake was in delaying that measure so long.

The interests of the two municipalities and public policy require that they should be united, and your Committee therefore report the following Bill.

GEO. H. SWEETSER,

Chairman of Committee on the part of the Senate.

T. G. KENT,

Chairman on the part of the House.

JACOB BATES,

T. H. GOODSPEED,

Of the House.

MINORITY REPORT.

THE undersigned, members of the Joint Standing Committee on Towns, to which were referred the several petitions for the annexation of the whole of the town of Dorchester to the City of Boston, submit the following minority Report:

On the 10th day of December, 1868, the following order was introduced into and passed by the Common Council of Boston:

CITY OF BOSTON,
In Common Council, Dec. 10, 1868.

Whereas, In the opinion of the City Council, it has become necessary, in order to complete the system of drainage and harbor improvements which have been devised for the benefit of Boston by the various commissions which have had, and now have, these subjects in charge, to annex a portion or the whole of the town of Dorchester to the City of Boston.

Ordered, That His Honor the Mayor be requested to appoint a commission of three discreet and intelligent persons, who shall carefully examine the subject in all its financial, industrial and sanitary relations, cause such surveys to be made by the City Surveyor, or under his direction, as they may consider necessary, and report the result of their doings, with such suggestions as they may think proper, to the City Council as soon as may be.

A true copy of order passed by City Council, Dec. 22, 1868.

Attest:

S. F. McCLEARY, *City Clerk.*

In compliance with that order the Mayor of Boston appointed three Commissioners, who made their report March 1, 1869. Annexed to their report is the following communication from Josiah Quincy, Chairman of the Board of Harbor Commissioners.

COMMONWEALTH OF MASSACHUSETTS.

HARBOR COMMISSIONER'S OFFICE, CITY HALL,
BOSTON, Feb. 25, 1869.

HON. CHARLES R. TRAIN, *Chairman Commissioners on the annexation of Dorchester to Boston.*

SIR,—The Board of Harbor Commissioners have the honor to make the following Report upon the request of the Commissioners appointed by the Mayor of Boston to consider the subject of the annexation of a portion or the whole of the town of Dorchester to the City of Boston.

Upon the general question of the expediency of enlarging the water front of the city, it would not be proper for this Board to express any opinion, as they have jurisdiction equally over the water fronts of Boston and Dorchester, and can take as efficient measures for the protection of navigation and the preservation of the harbor whether the corporation limits are diminished or enlarged.

In regard to the matter of drainage, the Commissioners, desirous of furnishing such information as they could command, directed their engineer to examine into the subject of deflecting the drainage of Stony Brook from Charles River to Dorchester Bay. The results of his examinations have been communicated to the Board, as follows:

The topography of the country of which Stony Brook is the natural drain, does not admit of other relief for its water-shed, except at points near the mouth of said brook at its confluence with Muddy River.

Between this general locality and the shores of Dorchester Bay, the ground is low and level, and a drain or sewer carrying even a part of the flowage of Stony Brook, at times of freshet, would have to be of large capacity, and through expensive ground to occupy for this purpose.

The distance from the nearest point of Stony Brook, favorable for deflecting drainage, to the present nearest shore of Dorchester Bay, is about two miles, 10,500 feet.

The distance from the same point to Charles River, is about one and a quarter miles, 6,500 feet.

The route most favorable and practical for a drain or sewer, turning Stony Brook into Dorchester Bay, passes just tangent to the township line of Dorchester, and is already within the limits of the City of Boston, near the head waters of South Bay, and would not, therefore, involve questions of municipal interest.

The physical bearing of the drainage from Stony Brook is a questionable one. As a tributary to Charles River, it is of value. Its volume, during a recent freshet, was 400 cubic feet per second. The deposits from it, as a sewer, would be injurious, but its influences in comparison with the water volume of Charles River, or with its mud deposits, are of small proportions.

Respectfully submitted,

JOSIAH QUINCY,

Chairman Board of Harbor Commissioners.

It will be seen by a comparison of these two documents that the reasons for annexation set forth in the order, are fully met and denied by the Report of the Harbor Commissioners. As no evidence was offered before your Committee tending to show that any portion of the territory of the town of Dorchester is needed to complete any system of drainage or harbor improvements, devised for the benefit of Boston, we are led to conclude that no such necessity exists. In fact, the reasons for annexa-

tion set forth in the order were wholly abandoned at the hearing before the Committee.

What the City of Boston mainly relied upon in favor of this measure, was the necessity for more land within the city limits. Two reasons were adduced to show this necessity. First: that the city is being abandoned by the middle classes on account of the scarcity and high price of land, thereby throwing the control of the city into the hands of the very rich and the very poor, the preponderance of power being with the latter; and, second: that the commercial prosperity and importance of Boston would be enhanced by the increase of its population and area.

We are of opinion that neither reason is valid or sustained by the evidence.

The report of the Chairman of the Cochituate Water Board, of Feb. 18, 1867, shows the territory of Boston to be as follows, exclusive of streets and squares:

In Boston proper, of land improved, 630 acres ; unimproved, 340 acres.			
East Boston,	“	“	170 acres ; “ 1,033 acres.
South Boston,	“	“	285 acres ; “ 990 acres.
Roxbury,	“	“	684 acres ; “ 1,800 acres.
			—————
Total,	“	“	1,769 acres ; “ 4,163 acres.

Breed's Island, of 720 acres, is not included in this estimate.

The author of the Report, Mr. John H. Thorndike, adds the following remarks:

“When the whole territory within the present limits of Boston is peopled as densely as the portions now built upon, our population will amount to near 600,000.

“The present population of Roxbury is said to be about 30,000 and the rate of increase for the ten years from 1855 to 1865 was nearly 54 per cent; and upon the same basis that Boston can accommodate 600,000, Roxbury can accommodate 400,000.

“Inasmuch, therefore, as the present territory of Boston can accommodate 1,000,000 people, where only 240,000 now live,

there is certainly still room for her population of all classes within the city limits."

This statement was not denied, but it was urged, in reply, that a large portion of this unimproved land consists of flats, unsuitable for dwelling-houses. By examining the same report, however, it will be found that quite two-thirds of the unoccupied land in Boston is upland, and well adapted for dwelling-houses; and were it not so, a glance at the Back Bay shows that made land is not considered wholly unfit for habitation. It was also shown, in the course of the hearing, that the city itself is the owner of a large tract of territory in South Boston, most desirable for dwelling-houses, which she so hampers with restrictions as to keep it from the reach of the mechanic and middling classes.

Nor do we think it a fact that the middling classes are leaving the city more than the rich or the poor. By the report of the auditor of the City of Boston, April 30, 1868, page 202, it appears there were, May 1, 1867, in the City of Boston, before the annexation of Roxbury, 19,516 dwelling-houses, including hotels, of which 16,703 were of a less value than \$10,000 each, which was assumed by the counsel who appeared for the city to be the maximum sum which a man of the middling classes might reasonably invest in a dwelling. Of these 14,867 were of a less value each than \$7,000, and 9,093 of less value than \$4,000 each. The whole number of dwelling-houses, including hotels, in the city, of a greater value each than \$10,000, was 4,649.

The influence of the foreign population of Boston is sometimes urged as a reason for annexation. But reference to the census of 1865 shows that the annexation of Dorchester would reduce the ratio of foreign population to $33\frac{65}{100}$ per cent, instead of $34\frac{25}{100}$ per cent, as it is now, a reduction too trifling to be considered; and the percentage of foreign population in Dorchester seems to us likely to increase quite as rapidly as in Boston itself.

Nor do we think the density of the population of the present wards of Boston would be rarified by the annexation of Dorchester. People live there to be near their business, their friends, their amusements (and the middling classes from necessity must), and they will continue to do so even if the whole state were annexed, as one witness conceived might some time be proper.

We are unable to perceive how the commercial prosperity of Boston will be enhanced by annexation or the mere increase of population or territory, since by the evidence both of the petitioners and remonstrants it clearly appeared that the facilities for commerce in Boston are now greatly in advance of its requirements. Neither the commerce nor commercial position of Boston will be improved till she offers a better and cheaper market to the buyer than other cities, or until she furnishes cheaper transportation to and from Europe and the West than through other ports, and we cannot conceive how annexation will contribute these results.

Nor do we think it was shown that annexation would benefit Dorchester. Her town affairs appear to be well managed. Her roads are in good condition. Her schools are among the best in the Commonwealth, and we failed to see that there is anything in her local affairs which cannot be as well provided for by the town as by Boston, and with as great economy.

The debt of Dorchester would be largely increased by annexation. Her present debt is \$36,607. Her proportion of the aggregate debt of Boston and Dorchester would be \$417,453. The interest on her present debt is about \$2,928. Her proportion of the aggregate interest would be \$41,444. These estimates were admitted by the counsel for the petitioners to be substantially correct.

It was claimed that annexation would increase the price of lands in Dorchester, and most of the testimony on the part of the petitioners from Dorchester came from persons having large landed interests there. If this be so, a small part of the com-

munity would be benefited at the expense of all the rest. Moreover, any rise there, if hastened by legislation, must be at the expense of some other portion of the Commonwealth, and certainly should not be encouraged by those who seek to provide the mechanics of Boston with cheap homes.

Whether such would be the result or not we think should have no effect upon the legislature.

The effect of the proposed measure upon the county of Norfolk is also worthy of consideration. Roxbury has been taken from her, with a population of 28,426 and a valuation of \$26,551,000. Take Dorchester with a population of 10,717 and a valuation of \$15,326,300; Brookline, which is sure to follow if this step be taken, with a population of 5,262 and a valuation of \$14,870,700; and West Roxbury, with a population of 6,912 and a valuation of \$10,302,600, and you will reduce the population of the county of Norfolk fifty-six per cent, and her valuation sixty-two per cent, while her county expenditures, except for land taken for new highways in these towns will remain substantially the same. Such a dismemberment of an ancient county can only be justified by the pressure of urgent necessity.

The counsel for the City of Boston, in his opening, spoke of this step as one to be followed by the annexation of Brookline, West Roxbury and Brighton, to Boston; but Charlestown and Somerville have applied for annexation at this very session, and it is apparent, that if the measure now before us is carried, the annexation of all these municipalities and also of Cambridge, Watertown, Newton, Malden, Medford, Chelsea, North Chelsea and Winthrop, will be persistently urged upon succeeding legislatures, and there is scarcely one of them for whose annexation to Boston stronger reasons cannot be given than for the annexation of Dorchester, and this step will be urged as a precedent in their cases as the annexation of Roxbury is in this. The consummation of this plan will combine more than one-third of the population and more than one-half of the assessed wealth of the state under one municipality, and make the State House and

the Governor of the Commonwealth subordinate in dignity and real power to the City Hall and the Mayor. Already the disbursements and patronage of the city exceed those of the state. The union in interest of her senators and representatives will enable her to carry any measure here she may wish. The treasury of the Commonwealth will be at her command, or rather at the command of the knot of politicians into whose control the affairs of so large a municipality must inevitably fall.

We feel, therefore, that in view of the results which must follow this measure, the legislature should pause and determine deliberately and carefully what shall be the policy of the Commonwealth upon this subject of annexation, and we most respectfully suggest that a commission of the ablest men to be found in the Commonwealth, free from private interest and local bias, be appointed by the Supreme Court to sit during the recess of the legislature, with power to send for persons and papers, to order surveys and estimates, to examine into the relation of the City of Boston to the suburbs, and report thereon to the legislature recommending such measure or measures as they may deem expedient.

It may be that the cities and towns we have mentioned are so interwoven that they should be united in one municipality. It may, and we think will be found, upon a full report of all the facts, either that no legislation at all is required, or that certain common interests can be cared for by legislation short of annexation. Whatever the result be, the legislature would possess the information necessary, now wanting, to enable them wisely to form a definite plan, and pursue a fixed policy.

Respectfully submitted,

JOSEPH G. RAY,

Of the Senate.

SAMUEL D. SAWIN,

E. FOSTER BAILEY,

Of the House.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Sixty-nine.

CHAPTER 349.

AN ACT

To unite the City of Boston and the Town of Dorchester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

1 SECT. 1. All the territory now comprised within the
2 limits of the town of Dorchester, in the county of Norfolk,
3 with the inhabitants and estates therein, is hereby annexed
4 to and made part of the city of Boston, in the county of Suf-
5 folk, and shall hereafter constitute a part of the county of
6 Suffolk, subject to the same municipal regulations, obligations
7 and liabilities, and entitled to the same immunities in all re-
8 spects as the said city of Boston: *provided, however,* that until
9 constitutionally and legally changed, said territory shall con-
10 tinue to be, for the purpose of electing members of the house
11 of representatives, part of the county of Norfolk, constitut-
12 ing the fifth representative district thereof; for the purpose
13 of electing a senator, part of the second Norfolk senatorial
14 district; for the purpose of electing a councillor, part of the
15 second council district; and for the purpose of electing a rep-
16 resentative in congress, part of congressional district num-
17 ber two, as the same are now constituted.

18 All the duties now required by law to be performed by
19 the selectmen and town clerk of the town of Dorchester, or
20 either of them, pertaining to the election of representatives in
21 congress, state councillors, senators and members of the house
22 of representatives, shall in like manner devolve upon and be
23 performed by the board of aldermen and city clerk of the
24 city of Boston.

25 It shall be the duty of the ward officers of the ward
26 erected out of said territory, as hereinafter provided, to make
27 return of all votes that may be cast therein, from time to
28 time, for representatives in congress, state councillors, sena-
29 tors, members of the house of representatives, and for all
30 other national, state, district, county, municipal and ward
31 officers, to the city clerk of the city of Boston.

1 SECT. 2. All the public property of the said town of
2 Dorchester shall be vested in, and is hereby declared to be
3 the property of the city of Boston; and said city of Boston
4 shall succeed to all the rights, claims, causes of action,
5 rights to uncollected taxes, liens, uses, trusts, duties, privi-
6 leges and immunities of said town of Dorchester. The town
7 treasurer of the town of Dorchester shall, on or before the
8 second Monday of January, in the year eighteen
9 hundred and seventy, under the direction of the select-
10 men of said town of Dorchester, who shall for this
11 purpose, and for all other purposes necessary to carry into
12 full effect the provisions of this act, continue to hold
13 their offices over, transfer, deliver, pay over and account
14 for to the city treasurer of the city of Boston, all books,
15 papers, moneys and other property in his possession as town
16 treasurer of said town of Dorchester, when this act shall
17 take effect; and the city of Boston shall become liable for
18 and subject to all the debts, obligations, duties, responsibilities
19 and liabilities of said town of Dorchester. All actions and

20 causes of action which may be pending, or which shall have
21 accrued at the time this act shall take effect, in behalf of or
22 against the town of Dorchester, shall survive, and may be
23 prosecuted to final judgment and execution, in behalf of or
24 against the city of Boston.

1 SECT. 3. The several courts within the county of Suf-
2 folk, except the municipal court for the southern district of
3 the city of Boston, after this act shall take effect, shall have
4 the same jurisdiction over all causes of action and proceed-
5 ings in civil causes, and over all matters in probate and in-
6 solvency, which shall have accrued within said territory
7 hereby annexed, that said courts now have over like actions,
8 proceedings and matters within the county of Suffolk: *pro-*
9 *vided, however,* that the several courts within the county of
10 Norfolk shall have and retain jurisdiction of all actions,
11 proceedings and matters, that shall have been rightfully
12 commenced in said courts prior to the time when this act
13 shall take effect; and the supreme judicial court and the
14 superior court within the county of Suffolk, after this act
15 shall take effect, shall have the same jurisdiction of all
16 crimes, offences, and misdemeanors, that shall have been
17 committed within the said territory, that the supreme judi-
18 cial court and superior court within the county of Norfolk
19 now have jurisdiction of: *provided* proceedings shall not
20 have been already commenced in any of the courts within
21 the county of Norfolk, for the prosecution of said
22 crimes, offences, and misdemeanors; in which case, the said
23 courts within the county of Norfolk shall have and retain
24 jurisdiction of the same for the full, complete and final dis-
25 position thereof. All suits, actions, proceedings, complaints
26 and prosecutions, and all matters of probate and insolvency
27 which shall be pending within said territory, before any
28 court or justice of the peace, when this act shall take effect,

29 shall be heard and determined as though this act had not
30 passed.

1 SECT. 4. Said territory shall be added to, and constitute
2 a part of the judicial district under the jurisdiction of the
3 municipal court of the city of Boston. Said court shall have
4 the same civil and criminal jurisdiction in said territory as
5 it now has by law in its district as it now exists.

1 SECT. 5. The said territory shall constitute a ward of
2 the city of Boston, to be called ward sixteen, and shall so
3 remain until the alteration of the ward limits of the city of
4 Boston, provided by law. And the ward so established
5 shall be entitled to all the municipal and ward officers which
6 each of the other wards of said city of Boston is entitled to.

1 SECT. 6. If this act shall be accepted as hereinafter pro-
2 vided, said territory shall, after the second day of November,
3 in the year eighteen hundred and sixty-nine, constitute a
4 ward of the city of Boston, to be called ward sixteen, for all
5 the purposes mentioned in this section and in section seven of
6 this act. And the board of aldermen of said city of Boston
7 shall, in due season, issue their warrant for a meeting of the
8 legal voters of said ward, to be held on the second Monday
9 of December, in the year eighteen hundred and sixty-nine, at
10 some place within said ward, which shall be designated in
11 said warrant, there first to choose a warden, clerk, and five
12 inspectors of elections for said ward, who shall hold their
13 offices until the first Monday of January, in the year eighteen
14 hundred and seventy, and until others shall be chosen and
15 qualified in their stead; second, to give in their ballots
16 for the several municipal and ward officers for the year
17 eighteen hundred and seventy, for which they shall
18 be entitled to vote by virtue of the provisions of this
19 act.

20 The voters of said ward shall designate, by their ballots
21 cast at said meeting, the term of service for which each of
22 the six school committee men, who shall be chosen in said
23 ward, shall serve, so that two of the number so chosen shall
24 serve for three years, two for two years, and two for one
25 year. The board of aldermen of the city of Boston shall
26 prepare lists of all the legal voters in said ward, to be used
27 at said meeting, and shall do all other things which they are
28 now by law required to do in respect to like elections in
29 other wards in the city of Boston; and at said meeting any
30 legal voter of said ward may call the citizens to order, and
31 preside until a warden shall have been chosen and qualified.
32 All ward officers whose election is provided for in the pre-
33 ceding section, shall be qualified according to law. The
34 citizens of the territory by this act annexed to the city of
35 Boston, shall have the same right to vote for municipal offi-
36 cers, at the annual municipal election of the city of Boston,
37 in the year eighteen hundred and sixty-nine, as they would
38 have had if said territory had formed part of the city of
39 Boston for more than six months next before said election.

1 SECT. 7. After the present municipal year the board of
2 aldermen of the city of Boston shall consist of twelve mem-
3 bers, and the common council of the city of Boston shall con-
4 sist of sixty-four members. The number of wards of said
5 city, including the ward to be formed out of the territory
6 hereby annexed, shall be sixteen.

1 SECT. 8. The several police officers and watchmen that
2 may be in office in the town of Dorchester when this act
3 shall take effect shall thereafter continue in the discharge of
4 their respective duties, in the same manner as if they were
5 police officers and watchmen of the city of Boston, until
6 others shall be appointed in their stead. And the fire engi-
7 neers and firemen of the town of Dorchester shall in like

8 manner continue in the discharge of their duties as if they
9 were engineers and firemen of the city of Boston, till others
10 are appointed in their stead.

1 SECT. 9. All the interest which the town of Dorchester
2 now has in the public property of the county of Norfolk, is
3 hereby released and acquitted to said county of Norfolk.
4 Such proportion of the debts and obligations of the county
5 of Norfolk existing when this act shall take full effect, over
6 and above the value of all the property belonging to said
7 county as should proportionally and equitably be paid by
8 the inhabitants and property owners of the territory by this
9 act annexed to the city of Boston, shall be paid by said city
10 of Boston to said county of Norfolk; and the supreme judi-
11 cial court shall have jurisdiction in equity to determine the
12 amount of such proportion (if any), and enforce the payment
13 of the same upon a suit of equity, in the name of said county,
14 to be brought therefor within six months after this act shall
15 go into full operation, by the county commissioners of said
16 county of Norfolk, if they shall deem such suit for the
17 interest of said county; but no such suit shall be insti-
18 tuted after said six months.

19 Nothing contained in this act shall impair the obligation
20 of contracts; and the property and inhabitants of the terri-
21 tory by this act annexed to the city of Boston shall continue
22 liable to the existing creditors of the county of Norfolk, in
23 like manner as if this act had not been passed: *provided*, that
24 if any person, by reason of his being an inhabitant of, or
25 owning property in, said territory, shall be compelled to pay
26 any part of an existing debt or obligation of the county of
27 Norfolk, the amount of such payment shall constitute a debt
28 to him from said county as hereafter to be constituted, ex-
29 clusive of said territory, and may be recovered in like man-
30 ner as other debts against the county of Norfolk.

1 SECT. 10. This act shall not take full effect unless ac-
2 cepted by a majority of the legal voters of the city of Bos-
3 ton present and voting thereon by ballot at meetings which
4 shall be held in the several wards of said city, and also by
5 a majority of the legal voters of the town of Dorchester
6 present and voting thereon by ballot, at a meeting which
7 shall be held in said town. All said meetings shall be held
8 simultaneously on the twenty-second day of June of the pres-
9 ent year, and upon notice thereof duly given at least seven
10 days before the time of said meetings, and the polls shall be
11 opened at nine o'clock in the forenoon of said day, and shall
12 be closed at six o'clock in the afternoon. In case of the
13 absence of any ward officer at any ward meeting in said
14 city held for the purpose aforesaid, or of any of the select-
15 men, or of the town clerk at any meeting in said town held
16 for said purpose, a like officer may be chosen, *pro tempore*, by
17 hand vote, and shall be duly qualified and shall have all the
18 powers and be subject to all the duties, of the regular officer
19 at said meetings. Said ballots shall be "yes" or "no" in
20 answer to the question, "Shall an act passed by the legisla-
21 ture of the Commonwealth, in the year eighteen hundred
22 and sixty-nine, entitled 'an act to unite the city of Boston
23 and the town of Dorchester,' be accepted?" Such meeting
24 in the town of Dorchester shall be called, notified and
25 warned by the selectmen of said town, in the same manner
26 in which meetings for the election of town officers in said
27 town are called, notified and warned; and such meetings in
28 the city of Boston shall be called, notified and warned by
29 the board of aldermen of said city in the same manner in
30 which meetings for the election of municipal officers in said
31 city are called, notified and warned.

32 The ballots given in shall be assorted, counted and de-
33 clared in the ward meetings in which they are given in in the
34 city of Boston, in open ward meeting, and shall be registered

35 in the ward records ; and in the town of Dorchester the ballots
36 given in shall be assorted, counted and declared in open
37 town meeting, and shall be recorded upon the records of the
38 town. The clerk of each ward in the city of Boston shall
39 make return of all ballots given in his ward, and the number
40 of ballots in favor of the acceptance of this act, and the num-
41 ber of ballots against said acceptance, to the board of alder-
42 men of the city of Boston ; said returns to be made within
43 forty-eight hours of the close of the polls.

44 It shall be the duty of the board of aldermen of the city
45 of Boston to certify as soon as may be the ballots cast in the
46 city of Boston, and the number of ballots cast in favor of the
47 acceptance of this act, and the number of ballots cast
48 against said acceptance in said city, to the secretary of the
49 Commonwealth.

50 The selectmen and town clerk of the town of Dorchester
51 shall, as soon as may be, make a like return of the ballots
52 cast in said town, and the number of ballots cast in favor of
53 acceptance of this act, and the number of ballots cast against
54 said acceptance in said town, to the secretary of the Com-
55 monwealth.

56 And if it shall appear that a majority of the votes cast
57 in the city of Boston, and a majority of the votes cast in the
58 town of Dorchester, respectively, is in favor of the accept-
59 ance of this act, the said secretary shall immediately issue
60 and publish his certificate declaring this act to have been
61 duly accepted.

1 SECT. 11. So much of this act as authorizes and directs
2 the submission of the question of acceptance of this act to
3 the legal voters of said city and said town, respectively,
4 provided for in the tenth section of this act, shall take effect
5 upon its passage.

1 SECT. 12. If this act shall be accepted as herein pro-
2 vided, it shall take effect on the third day of November, in

3 the year eighteen hundred and sixty-nine, so far as to author-
 4 ize, legalize and carry into effect the acts and provisions of
 5 the sixth and seventh sections of this act; but for all other
 6 purposes (except as mentioned in section eleven of this
 7 act), it shall take effect on the first Monday of January, in
 8 the year eighteen hundred and seventy.

1 SECT. 13. If any election or balloting upon the question
 2 of the acceptance of this act, by either said city or said
 3 town, shall within two months thereafter be declared void
 4 by the supreme judicial court, upon summary proceedings
 5 which may be had in any county on the petition of fifty
 6 voters of either said city or said town, the question of accept-
 7 ing said act shall be again submitted to the legal voters of
 8 said city or town, and a meeting therefor shall within thirty
 9 days thereafter be called, held and conducted, and the votes
 10 returned and other proceedings had thereon, in like manner
 11 as hereinbefore provided. But no election or balloting shall
 12 be held void for informality, in calling, holding or conduct-
 13 ing the election, or returning the votes, or otherwise, except
 14 upon proceedings instituted therefor and determined within
 15 sixty days thereafter, as aforesaid.

HOUSE OF REPRESENTATIVES, May 3, 1869.

Passed to be enacted.

HARVEY JEWELL, *Speaker*.

IN SENATE, June 1, 1869.

Passed to be enacted.

ROB'T C. PITMAN, *President*.

JUNE 4, 1869.

Approved.

WILLIAM CLAFLIN.

SECRETARY'S DEPARTMENT, BOSTON,

June 4, 1869.

A true copy.

Attest:

OLIVER WARNER, *Secretary of the Commonwealth*.



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