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REPORTS

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.

Sp. Coll.

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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.*

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 "
	<hr/>
Making a total of	3,270 acres.
The area of Roxbury is	2,100 "
	<hr/>
The united areas of Boston and Roxbury are	<u>5,370 acres.</u>
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/>
	$19\frac{83}{100}$ per cent.
The area of Dorchester is	4,532 acres.
" " Boston is	5,370 "
	<hr/>
The united areas of Boston and Dorchester are	<u>9,902 acres.</u>
The population of Dorchester in 1865 was	10,707
" " " in 1855 "	8,340
	<hr/>
Increase in ten years	2,377
	<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, agree 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,	“	“	<u>1,769 acres ; “ 4,163 acres.</u>

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*.

REPORTS

IN RELATION TO THE

ANNEXATION OF ROXBURY

TO BOSTON,

AND THE ACT OF THE LEGISLATURE TO
UNITE SAID CITIES.



BOSTON:

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

1867.

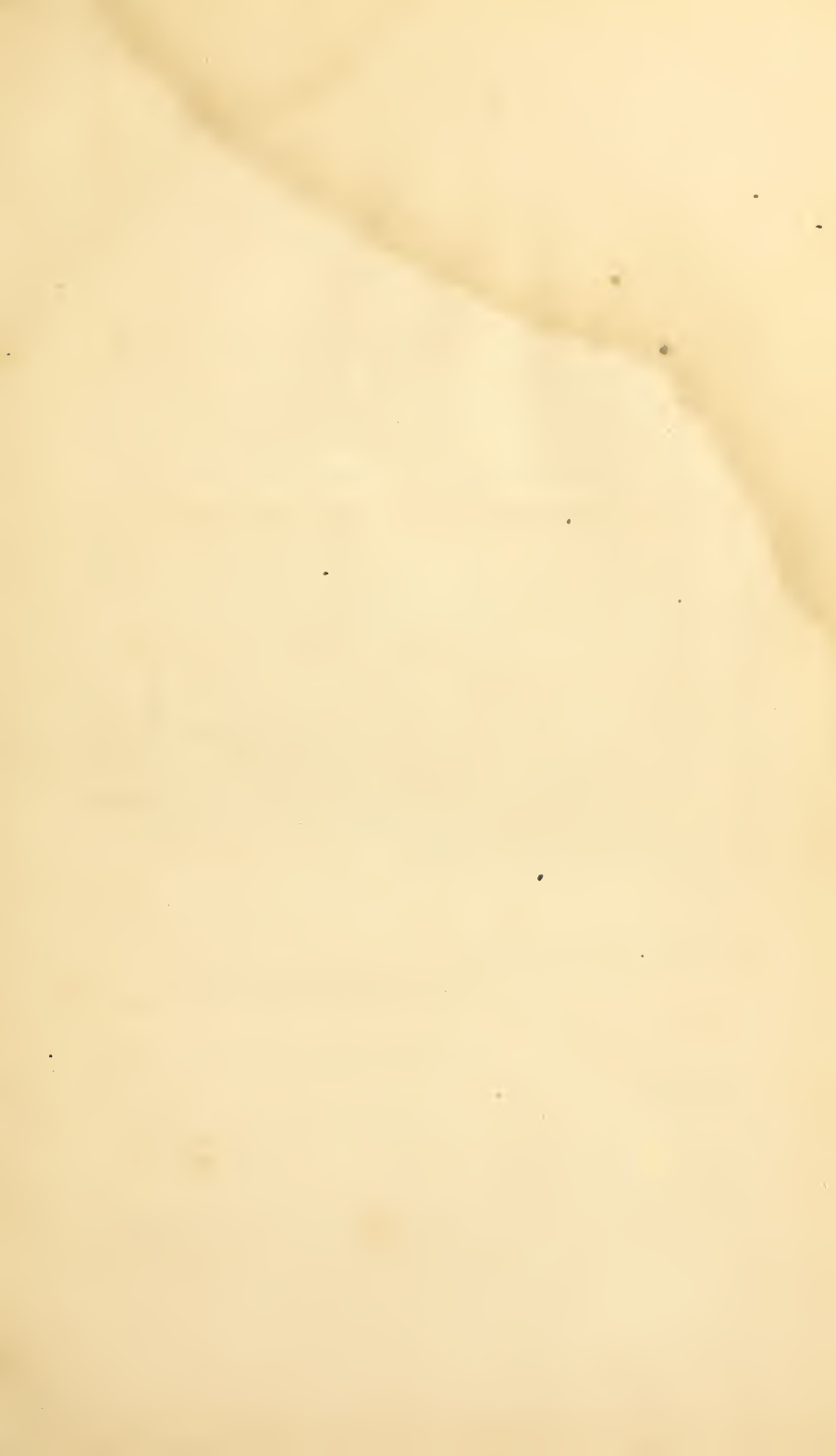
REPORT OF THE CITY COMMISSIONERS.

MAYOR'S OFFICE, Feb. 18, 1867.

To the Honorable the City Council of the City of Boston.

GENTLEMEN, — I have the honor to submit, for your information, the Report of the Commissioners, appointed under an Order approved April 14, 1866, upon the subject of the Annexation of Roxbury to Boston.

OTIS NORCROSS,
Mayor.



CITY OF BOSTON.

In Board of Aldermen, April 2, 1866.

ORDERED: That whenever the City Council or Selectmen of any city or town, whose territory adjoins that of the City of Boston, shall notify the City Council of Boston, that in accordance with a vote of their respective bodies, they are empowered to consult with the authorities of Boston with a view to the annexation to the City of Boston of their city or town, it shall be the duty of His Honor the Mayor of Boston, to appoint three Commissioners from the citizens of Boston, to meet an equal number from the city or town making the request. Said Commissioners shall take the whole subject into consideration, and those appointed on the part of Boston shall report to the City Council the financial, industrial, and sanitary condition of the city or town applying for admission, with such suggestions as they may think proper regarding conditions which would make such annexation mutually desirable.

Passed.

Sent down for concurrence.

G. W. MESSINGER, *Chairman.*

In Common Council, April 12, 1866.

Concurred.

JOSEPH STORY, *President.*

Approved April 14, 1866.

F. W. LINCOLN, JR., *Mayor.*

CITY OF BOSTON.

The Commissioners appointed by the Mayor of Boston, in pursuance of the foregoing order, to meet Commissioners on the part of the City of Roxbury, respectfully submit their

REPORT

to the City Council of Boston.

Two neighboring communities, each dating its origin in the year 1630, have existed for two hundred and thirty-seven years under separate municipal organizations. These organizations, congenial to the character of the people, were, for more than two centuries, well adapted to their convenience and welfare. In the year 1852 they began to consider the expediency of annexation; and from that date this question has been one of the important problems of public discussion. In some aspects its decision may affect the Commonwealth: in other respects, it relates especially to the residents of the two 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 "
	<hr/>
Making a total of	3,270 acres.
The area of Roxbury is	2,100 "
	<hr/>
The united areas of Boston and Roxbury are	<u>5,370 acres.</u>

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
in 1855 "	160,490

Increase in ten years	31,827
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19 $\frac{93}{100}$ per cent.

The population of Roxbury in 1865 was	28,426
in 1855 "	18,469

Increase in ten years	9,957
-----------------------	---	---	---	---	-------

53 $\frac{91}{100}$ per cent.

The Assessors' valuation in Boston, in 1865,

was—	Real Estate	.	.	.	\$201,628,900 00
	Personal Estate	.	.		170,263,875 00

Total	\$371,892,775 00
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In 1855 Real Estate was	\$136,357,300
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Personal Estate	105,580,900
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Total	\$241,938,200 00
-------	---	---	---	---	------------------

Increase in ten years	\$129,954,575 00
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53 $\frac{30}{100}$ per cent.

The Assessors' valuation in Roxbury, in 1865, was:

Real Estate	\$16,574,900 00	
Personal Estate	7,057,000 00	
Total		\$23,631,900 00
In 1855, Real Estate	\$10,714,800 00	
Personal Estate	4,862,400 00	
Total		\$15,577,200 00
Increase in ten years		\$8,054,700 00
51 $\frac{71}{100}$ per cent.		

The amount raised by taxation in Boston, in

1865, was, including polls \$5,945,313 84
 and the rate was \$15.80 per M.: deduct-
 ing the amount included in the tax, and
 raised for military purposes, the rate
 was \$15.63 per M.

in 1855 1,910,280 00
 and the rate was \$7.70 per M.

Increase in ten years \$4,035,033 84
 211 per cent.

The rate of taxation, for 1866, was \$13 per M.

The amount raised by taxation in Roxbury,

in 1865 was, including polls 507,089 90
 and the rate was \$21 per M.: deduct-
 ing the amount included in the tax, and
 raised for military purposes, the rate
 was \$17 per M.

in 1855 127,208 16
 and the rate was \$7.80 per M.

Increase in ten years \$379,881 74
 299 per cent.

The rate of taxation for 1866 was \$16 per M.

The debt of Boston, Dec. 31, 1866, was	. \$13,020,375 91
of which is payable in specie, by vote passed April 5, 1862 . . . . .	. \$10,690,375 91
in currency, contracted since 1863	. 2,330,000 00
	<u>\$13,020,375 91</u>
From which deduct cash assets . . . . .	. 3,368,526 00
	<u>Net debt . . . \$9,651,849 91</u>

The debt of Roxbury, Dec. 31, 1866, was \$971,145.00 in currency.

We add to these statistics a table showing the population and percentage of increase in Boston, and nine of the neighboring cities and towns in 1855, 1860 and 1865. It will be observed that the percentage of increase was very much smaller during the war than in the five preceding years.

CITIES AND TOWNS.	POPULATION.			PERCENTAGE.		
	1855.	1860.	1865.	1855 to 1860.	1860 to 1865.	1855 to 1865.
Boston	160,490	177,840	192,317	10·81.	8·14	19·83
Charlestown	21,700	25,065	26,399	15·50	5·32	21·65
Cambridge.....	20,473	26,060	29,112	27·29	11·71	42·20
Chelsea.....	10,151	13,395	14,403	31·95	7·53	41·88
Roxbury.....	18,469	25,137	28,426	36·10	13·08	53·91
Dorchester	8,340	9,769	10,717	17·13	9·70	28·50
Brookline.....	3,737	5,164	5,262	38·18	1·89	40·81
West Roxbury	4,812	6,310	6,912	31·13	9·54	43·64
Somerville.....	5,806	8,025	9,353	38·22	16·55	61·09
Newton.....	6,768	8,382	8,974	23·82	7·06	32·59
Total (except Boston)	100,256	127,307	139,558	26·97	9·62	39·20

A table prepared by the Board of Assessors, May 1, 1865, shows that six of the twelve wards into which Boston was then divided, (1, 3, 4, 7, 8 and 10,) had, in the aggregate, three hundred and seventeen thousand three hundred and sixty-nine square feet of vacant land, equal to seven acres and a quarter; and that, excluding East Boston and South Boston, all the vacant land in the city, excluding the Common and squares, and including flats inside of riparian ownership, is equal to one hundred and seventeen acres and a half, of which eighty-five acres and three-quarters were in Wards 9 and 11. To this must be added the tract of land belonging to the Commonwealth and other parties, partially filled, below the line of riparian ownership, and not included in the estimate of the Assessors. The area of this territory, usually called the Back Bay, including streets and squares laid out on a liberal scale, may be two hundred acres.

The aggregate population of the six wards (1, 3, 4, 7, 8 and 10) decreased, as shown by the census of 1865, 4702 from the census of 1855; and the aggregate increase in East Boston, South Boston, and Ward 11, which adjoins Roxbury, exceeded the increase in population in the whole city from 1855 to 1865; in other words, there was a loss of population in the aggregate of nine wards (1, 3, 4, 5, 6, 7, 8, 9 and 10), of the twelve wards into which the city was divided. We use the old wards in conformity with the statistics given.

If we recall the comparative density of population in the large cities already mentioned, in connection with these facts, the inference seems inevitable that, under existing circumstances, no further increase of population is to be expected or desired in eight of the wards, — 1, 3, 4, 5, 6, 7, 8 and 10. It is not to be expected, because the land is too valuable to continue to be used for dwelling-houses to the extent to which it is now occupied; it is not to be desired, because it can only be had by crowding together larger numbers of persons to the injury of health and character. Some other territory must be sought for

the future homes of an increasing population. Within the limits of the city, there remain the vacant lands in East Boston, South Boston, and Wards 9 and 11.

In regard to East Boston, the census of 1865 shows an increase, in ten years, of 4,609, equal to $28\frac{9}{10}$ per cent, and the valuation of its vacant land by the Assessors averages $12\frac{3}{10}$ cents per foot. From the moderate increase in this district, we infer that its insular position will prevent its attracting a large population, as long as land can be had on reasonable terms in territory contiguous to the city proper, or connected by bridges.

In South Boston, the census of 1865 shows an increase in ten years of 12,751, equal to $76\frac{9}{10}$ per cent, and the valuation of its vacant land by the Assessors averages $13\frac{9}{10}$ cents per foot. There can be no doubt that the population of this district will largely increase; but South Boston as well as East Boston, will probably be chiefly occupied by those employed in manufactures, to the exclusion in a great measure of persons engaged in commercial and professional pursuits.

In Ward 11, the census of 1865 shows an increase in ten years of 13,876, nearly 105 per cent; and the valuation of its vacant lands by the Assessors averages $88\frac{9}{10}$ cents per foot. The increase and valuation in this ward shows that population is not deterred from favored spots by a large increase in the price of land, and, to the extent of its capacity, this district will continue to attract population. Nearly four-fifths of its territory is already occupied, however, and no very great addition can be made to the number of its residents. The high cost of the land on the Back Bay, and the restrictions imposed as to building on that territory, will prevent its occupation by persons of moderate wealth.

It seems to us that a large, additional territory will soon become a necessity for the healthful growth of Boston. Persons especially engaged in foreign commerce have expressed the

opinion that our city must become stationary, unless her former relative position in this respect can be regained. It must be remembered, however, that while the exchange of the product of its industry, beyond the requirements of its own consumption, is essential to the prosperity of a community, and that the greatest portion of its accumulated capital must be drawn from other communities by such exchange, — such other communities, within the territorial limits of our own country, may be as valuable to us in this respect as residents of a foreign soil. A rapidly increasing coastwise commerce, facilitated by the use of steam, connecting the industry of New England with consumers throughout our own country, may be a full compensation for the relative loss of a foreign commerce, valuable as it was. And it cannot be fairly doubted, that a territory comprising the cities and towns in the table already given, whose population increased from 260,746 to 331,875 in ten years, during five of which its people were witnesses and actors in a great rebellion, has other elements of growth than those furnished by foreign commerce. Unless additional territory be obtained at an early day, the increasing population of Boston will be compelled to seek residences beyond its limits, if not constrained to emigrate to places offering more liberal accommodations, to our loss and injury. If the offer were now made of a territory of the size of Roxbury, as favorably situated as that, in proximity to Boston, without buildings or population, we entertain no doubt that the welfare of our own city would dictate its acceptance.

With these views we ask attention to the relative condition of the two cities :

The property of Boston in 1865 was equal to \$1,934 00 per head.

Roxbury	“	“	“	831 00	“
The tax in Boston	“	“	“	30 91	“
Roxbury	“	“	“	17 84	“

The tax in Boston in 1865, on valuation, was equal to	$1\frac{6}{100}$	per ct.
Roxbury “ “ “	$2\frac{14}{100}$	“
The debt of Boston in 1866 was equal to	\$50 18	per head.
Roxbury “ “ “	34 16	“
The debt of Boston in 1866, on valuation, was equal to	$2\frac{6}{10}$	per ct.
Roxbury “ “ “	$4\frac{1}{10}$	“
The increase of capital in Boston in 10 years was	$53\frac{5}{100}$	per ct.
Roxbury “ “ “	$51\frac{7}{100}$	“
The increase of tax in Boston “ “ “	211	“
Roxbury “ “ “	299	“
The increase of population, Boston “ “ “	$19\frac{8}{100}$	“
Roxbury “ “ “	$53\frac{9}{100}$	“

The wealth and probable future growth of a people are to be estimated by their accumulated capital and recent increase of population; neither is to be omitted. Many cities, with great accumulated capital, have dwindled and passed away; and, if a large population exist without accumulated capital, it can only be a victorious army or a wandering people, consuming the accumulations of those whom they despoil. With this principle in mind, we find the accumulated capital in Boston far in excess of that of Roxbury, while, in the percentage of increase in population, the latter largely leads the former.

In order to ascertain on which side the balance inclines, it is necessary to consider some of the most important objects of municipal care.

The whole number of seats for pupils in the Boston	
Public Schools is	30,346
in Roxbury Public Schools is	5,150
The average number of Pupils in Boston, in 1866,	
was	27,723
in Roxbury “	5,189

The estimated value of Boston Public School Houses	
is	\$3,000,000
Roxbury " " "	300,000

The cost of teaching in Boston is \$20.77 per scholar,
Roxbury, 14.89 " "

The per centage of population attending Public
Schools in Boston was $14\frac{4}{10}$.
Roxbury $18\frac{2}{10}$.

The proportion of children from 5 to 15 years of age attending Public Schools in Boston was	79 per ct.
in Roxbury "	82 "

We have made inquiry as to the relative condition of the Streets, Fire Department, Police, Lighting, and Paupers in the two cities, and find no such differences as are material, and it seems unnecessary to introduce the details into this Report.

The great want of Roxbury at this moment is a supply of water, and in this respect she is less fortunate than her sister city. We have addressed inquiries to, and had conferences with, the Cochituate Water Board, as to the supply in regard to the present and future wants of Boston, and the expense of its introduction into Roxbury, and we annex their written communication. We adopt this course, that the full force of the objections may be presented in the language of the Board especially intrusted with this subject in Boston. After full consideration, however, we feel bound to declare, that, in our opinion, the facts stated ought not to prevent the annexation of the two cities. We cannot doubt that from some source Roxbury, either alone, or united with Boston, will procure a supply of water. Her natural advantages of position, the character of her people, and the necessity of the case, require and demand it. It will greatly facilitate an early introduction of it, should annexation take place, and it may be justly said that in this respect Roxbury will derive the greatest advantage at the earliest time; but we

believe that the people of both cities intend to consider this great question in a liberal spirit, and with a comprehensive view.

Roxbury is also at a disadvantage on the subject of sewerage. Works are now in progress designed to remedy this defect.

The large tract of land lying partly in Boston and partly in Roxbury, on the easterly and westerly sides of Boston Neck, comprising the territory of South Bay and Back Bay, demands immediate attention. We annex a map on which is indicated the level of this territory above the base line of mean low water. The grade originally adopted for the new streets on the Back Bay was twenty feet above the base line. It having been ascertained that in many places the streets in Ward Eleven were at the grade of sixteen feet; and objection having been made that the water from the new streets would flood such places, eighteen feet was adopted by the State Commissioners as the grade for the streets of the Back Bay.

Upon this intermediate territory at an early day will be a large population. The difficulties in the Church Street district, originally occupied when there was an outlet to the sea, and the grade of which is similar to that to which we refer, foreshadow the greater evils which must follow if a proper grade be not immediately established throughout this territory. Cities may refuse to accept streets as public highways unless at a grade established or assented to by them. But private owners may lay out ways, and erect buildings and sell lands, which may become densely occupied before a city is applied to for action. A nuisance is indictable, but what redress does this remedy furnish as a cure for a pestilence which may have ravaged a city? During the last summer the Back Bay, within the limits of Boston, was frequently so offensive that the windows of cars passing over it were of necessity closed; the surface of the water was covered with filth, and we deem it our duty to pre-

sent this aspect of the case with the earnestness which we feel.

We cannot doubt that the Legislature will confer a power commensurate to the end required. If this cannot be done under the powers usually given in regard to highways, perhaps it might be found under those given for Sanitary purposes to city authorities, or to a special commission. The interests of the Commonwealth in its own property, and, more especially in the health of its citizens, forbid the doubt of its ready acquiescence in a request for this purpose.

Upon the map annexed will be found the old lines of Boston Neck, in our early history the only connection between the peninsula and the main land. Upon the same map are the lines indicating the expansion of that thread of land until it has become broader than any portion of the original peninsula. Originally settled like the modern cities of the old world, Boston has suffered from her narrow streets, and like them, also, she has begun to open avenues which do credit to her sagacity. She must soon decide whether these avenues shall be carried over the intermediate territory to the hills of the open country, and be occupied by a thriving and prosperous people, or whether portions of that territory shall become suburbs of two distinct cities, and, like all suburbs, the residences of the poorest of its population in character and intelligence. It is obvious that the character and value of the buildings upon this territory, as well as the kind of population which settles there, are to be controlled by its own character and convenience.

We are led by our investigation of this subject to the conviction, that immediate annexation is equally important to Boston and Roxbury. If Boston would be the gainer by the addition of vacant territory, she will be the greater gainer by annexing a territory already occupied and improved by a people who have accompanied her own in the progress which they have

already achieved. We are satisfied that in all material respects the two communities are nearly equal in the advantages which each offers to the other, and we believe that the welfare of both will be greatly promoted by the early consummation of annexation.

Boston, Feb. 16, 1867.

WM. GRAY,
MOSES KIMBALL,
A. S. WHEELER,
Commissioners.

APPENDIX.

CITY OF BOSTON, CITY HALL,
COCHITUATE WATER BOARD OFFICE.

Feb. 18, 1867.

SIR, — In reply to your communication of the 9th ultimo, requesting to be informed of all the facts within our knowledge upon the supply of water, and of our opinion as to the sufficiency of the supply for the two cities, Boston and Roxbury; and also to be furnished with an estimate of the probable expense of the introduction of water into Roxbury if annexed, we have to say, that to furnish you with answers as correct and as much in detail as would best satisfy ourselves, much more time for engineering and surveying would be required than you can well allow us, if your Report is to be acted upon by the Legislature now in session, — and therefore, with the assistance of our able City Engineer, we have made various estimates founded upon such data as were immediately available; and now present the same for your consideration :

The area of <i>Boston Proper</i> (not including streets) is	
about	970 acres
Of this there are built upon and improved about	630 “
Leaving of available unimproved land about	340 “
The filled area of <i>East Boston</i> (not including streets	
and squares) is about	660 “
Of this there are built upon and improved about	170 “
Leaving of available unimproved land about	490 “
Besides this, there are of flats wholly unimproved	440 “
And of flats already enclosed	103 “
Making a total, ultimately available, of	1,033 “

The upland (304 acres) and marsh (416 acres) of Breed's Island, which will probably become a part of East Boston, amounts to about . . . 720 acres

The filled area of *South Boston* (not including streets and squares) is about . . . 675 "

Of this, there are built upon and improved . . . 285 "

Leaving of available unimproved land . . . 390 "

The area of the flats on the northerly shore, which may be added, is about . . . 600 "

The area of *Roxbury* (not including streets and squares) is about . . . 2,184 "

Of this, there are built upon or improved . . . 684 "

Leaving of available unimproved land about 1,500 "

The foregoing estimate of the area built upon is, of course, very rough; for in cases where, to a single house, there appears upon the map to be several acres, there has been allowed to such isolated house a half acre as improved land, calling the balance unimproved.

Beside the above . . . 1,500 acres

there are, of marsh land or flats, to be improved, 300 "

making a total of . . . 1,800 "

The population of Boston in 1865 was 192,324, and the rate of increase from 1855 to 1865 was $19\frac{13}{100}\%$ per cent. At the same rate of increase the present population of Boston is about 200,000.

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 about 400,000.

Lake Cochituate, with all its tributaries, has not the capacity to furnish a constant supply of over 16,000,000 gallons daily. By gauging the lake in 1834, Loammi Baldwin estimated the supply

at 16,156,800 gallons per day. It is true, that since raising the Outlet Dam in 1859, we have averaged a daily waste of 4,000,000 gallons ; but we know of no practicable way to save this, as it occurs only when our ponds are already full. Should reservoirs be built to retain such a quantity, this extra supply would occasionally fail us, as in the case of 1864, when the water in the lake was drawn to within four feet and ten inches of the bottom of the conduit, and the net quantity received into the lake actually available was only 11,620,000 gallons per day for that year. In 1860 there was no water wasted at the Outlet Dam, and in 1862 only 33,200,000 gallons were there wasted, being equal to about two days' supply to the city.

The present conduit, when put in good repair, can safely convey only 18,000,000 gallons per day.

Assuming the capacity of the lake to be 16,000,000 gallons per day, and the rate of consumption for domestic use, manufacturing and all other purposes, at 63 gallons per inhabitant, the lake can supply a population of 254,000 ; and, at the present rate of increase, Boston will attain that population in 14 years. If Roxbury should be furnished from our works, and the present rate of increase in her population continue, the limit of our water supply would be reached in a little less than 5 years.

Under these circumstances and conditions we are very positive in the opinion, that if any material increase to our present stock of water is needed, we must seek an additional source and convey it to the city by an entirely independent conduit.

The Jamaica Pond Aqueduct Company, we are informed, supply a population in Roxbury of about 5,000, besides the breweries and manufactories, — and a liberal estimate of the capacity of their pond as now used, is about 400,000 gallons per day ; but as the pipes laid by the Company are inadequate in strength to bear the Cochituate pressure, we have, in making the estimate for the distribution of water in Roxbury, disregarded this supply and the present means of distributing it.

The estimated cost of a suitable Reservoir and of distributing the Cochituate water in all that portion of Roxbury (excepting the marsh and flats of the Back Bay north of Ward Street and

west of the Providence Railroad), lying north of a line drawn from the junction of Grove Hall Avenue and Moreland Street, crossing Warren Street at Clifford ; Walnut Street at Otis ; through Otis to Shawmut Avenue ; from Shawmut Avenue through Marcella and Highland Streets to Center Street ; through Center and Lowell Streets to Washington Street, and through Washington Street to the line between Roxbury and Brookline, is \$650,000.

Where from, and in what manner, to obtain a further supply of water, is a problem not easy to solve. It can only be solved by extensive surveys and skilful engineering, requiring months to execute ; and what might be the result is at this present time so obscure, that the Board are disinclined to make even a suggestion in regard to it.

So far as the supply of water may affect your decision as to the feasibility of annexing Roxbury to Boston, we presume that the foregoing facts and estimates will not add to any reasons you may have for favoring it.

Very respectfully,

JOHN H. THORNDIKE,

Prest. Cochituate Water Board.

HON. WILLIAM GRAY,

Chairman of the Commissioners, on the part of the City of Boston, upon the subject of annexing Roxbury to Boston.

REPORT
OF THE
COMMITTEE OF THE GENERAL COURT.

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, May 9, 1867.

The Joint Special Committee, to whom was referred the Petition of Henry Bartlett and others, of the city of Roxbury, praying that the city of Roxbury might be annexed to the city of Boston, have duly considered the same, and submit the following Report with the accompanying Bill :

REPORT.

Boston formerly occupied a small territory, nearly surrounded by the bay, connected with Roxbury by a narrow neck of land, over which the tides occasionally washed. Their steady and permanent growth has already united their broadest foundations in the waters that once separated them ; streets and avenues are opened from one to the other, over which the travel of both cities continually passes and repasses on business and pleasure ; a dense population, crowded business and thickly packed buildings join Roxbury along the dividing line, making the two cities *one* in all the purposes of civil, social and business life ; and the Committee see no good reason for continuing two separate governments over different portions of the same city.

Boston proper originally contained only 690 acres of building land; to this has been added 880 acres reclaimed from the sea. Including South and East Boston, the present area of the city is 3,270 acres. Upon this comparatively small area is crowded a population of 200,000, giving less territory to her business and inhabitants than any other city of the Union; the area of the city of New York being 14,502 acres; Philadelphia, 82,560 acres; London, 74,070 acres.

The assessors' valuation in Boston, in 1865, was —

Real estate,	\$201,628,900 00
Personal estate,	170,263,875 00
Total,	<u>\$371,892,775 00</u>

The increase in population from 1855 to 1865 was $19\frac{3}{10}\%$ 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 business citizens to find their homes in the adjoining towns.

The nine cities and towns immediately surrounding Boston, in 1855, had an aggregate population of 100,256; in 1865, 139,558; an increase of 39,302; — while Boston, starting in 1855 with a population of 160,490, in 1865 had 192,317; a gain of 31,827.

While business has increased, the area occupied for that purpose has been enlarged, and streets formerly used for dwellings are now devoted to stores, shops and warehouses. This change is being made more rapidly at the present time than at any former period. From this cause the aggregate population of nine wards has gradually diminished during the last ten years, while the aggregate increase of the whole city during the same time has been in East and South Boston and Ward Eleven.

Excepting lands of the Back Bay, there remains but a small quantity of vacant territory, and the time must soon come when all increase of population, and those surrendering their dwellings to the demands of business, must fix their residence beyond the limits of the city.

We shall then find the metropolis of New England in this anomalous and dangerous condition, limited and fixed in two essential elements of her growth,—territory and population; her vast wealth and business largely owned by non-residents, heavily taxed, having no voice or vote in the municipal government that holds jurisdiction over the wealth and trade of the city; the entire management and control of the government placed in the hands of a resident population, a large majority of whom may feel but lightly the burdens of taxation, or the responsibilities of power.

To avoid this approaching condition, a large territory, already a necessity for a free and healthy growth of Boston, must be added to her limits; thereby retaining her men of wealth and business, her men of culture and taste, of piety and learning; the business, social, and religious elements needed for her safety and prosperity.

If we grant the prayer of the petitioners, we shall in a measure meet the exigency.

The annexation of Roxbury will add 2,100 acres to the area of Boston, giving an area of 5,370 acres, with an additional population of 30,000. Your Committee can see no injury, but great benefits resulting to Roxbury by the union. The evidence proved that a large number of her citizens hold their property and have their places of business in Boston; that they have interests, opinions, and feelings, in common with her citizens; that the prosperity of one city is the prosperity of both; that the destiny of one must be the destiny of the other.

That annexation will relieve them from double taxation for the support of two governments, when one would be cheaper and more efficient, and give them their rightful influence and power in forming and modifying the municipal legislation under which they live, hold their property, and prosecute their business.

That the value of real estate in Roxbury would be greatly enhanced by annexation; lying in the direction in which Boston is most rapidly growing, her large territory of eligible building grounds would attract the most desirable class of purchasers.

Also greatly benefited in the diminished cost of introducing

water, with which Roxbury is poorly supplied, depending largely upon wells lowered at great cost.

The health, comfort, and prosperity of the city already call for a large supply of running water. Boston anticipates the necessity of increasing her supply at no distant time. It is believed that Boston and Roxbury united could furnish a sufficient supply of water to the citizens of both cities at a much less cost than the same cities could separately furnish themselves. It would be a needless expenditure of money for two cities, in all respects one, united by mutual growth, to adopt and forever maintain separate dams, reservoirs, aqueducts and pipes, when a small additional expense on the part of one would furnish an ample supply to both.

It appeared in evidence that the present supply of water for the city of Boston was sufficient for both cities for five years.

The two cities are alike interested in the subject of streets and drains. The evidence, and survey of the grounds show that a uniform and extended system of streets and drainage should be *immediately* adopted, embracing all the Back Bay lands. A complete and thorough system for Boston must extend within the limits of Roxbury: and Roxbury gains four additional feet to the fall of her drainage by extending it through the lands of Boston. Until a common plan of sewerage is accepted, meeting this mutual necessity, a large area of the flats must remain a shallow cesspool for the waste and offal of both cities.

The pressing importance of *immediate*, systematic action appears from the quotation we make from the Report of the Commissioners appointed by the Mayor of Boston, to meet and confer with the Commissioners of Roxbury upon the question of annexation, (both Commissions reporting in favor of annexation.)

“The large tract of land lying partly in Boston and partly in Roxbury, on the easterly and westerly sides of Boston Neck, comprising the territory of South Bay and Back Bay, demands *immediate* attention. The grade originally adopted for the new streets on the Back Bay was twenty feet above the base line. It having been ascertained that in many places the streets in Ward Eleven were at the grade of sixteen feet; an objection having been made

that the water from the new streets would flood such places ; eighteen feet was adopted by the State Commissioners as the grade for the streets of the Back Bay.

“ Upon this intermediate territory, at an early day, will be a large population. The difficulties in the Church Street district, originally occupied when there was an outlet to the sea, and the grade of which is similar to that to which we refer, foreshadow the greater evils which must follow if a proper grade is not *immediately* established throughout this territory. Cities may refuse to accept streets as public highways, unless at a grade established or assented to by them ; but private owners may lay out ways, and erect buildings, and sell lands, which may become densely occupied before a city is applied to for action. A nuisance is indictable ; but what redress does this remedy furnish as a cure for a pestilence which may have ravaged a city ? During the last summer, the Back Bay, within the limits of Boston, was frequently so offensive that the windows of cars passing over it were of necessity closed ; the surface of the water was covered with filth, and we deem it our duty to present this aspect of the case with the earnestness which we feel.

“ We cannot doubt that the legislature will confer a power commensurate to the end required. * * * The interests of the Commonwealth in its own property, and, more especially, in the health of its citizens, forbid the doubt of its ready acquiescence in a request for this purpose.”

Intelligent citizens of Boston and Roxbury testified that the want of a common system had retarded the progress of public improvement, endangered the public health, depreciated property, and involved both cities in present and future loss ; that unity of plan and concert of action had never been secured by the two governments ; that conflicting opinions divide their plans and defeat their united action ; that a common system of streets and sewerage could never be devised and prosecuted with any hope of practical success under two municipal governments.

We cannot urge with too great stress, the pressing necessity of a common system of streets and drains. The evils and embarrassments already experienced, should warn against similar and greater evils to come. The rapid growth of Boston in the past, should enlarge our conceptions of the future; and the judgment, sagacity and taste of her citizens should immediately project a comprehensive plan of parks, squares, spacious avenues and streets, in which the future of Boston may receive a permanent form, and her health, beauty and greatness be secured.

Hitherto Boston has been walled in by the sea, cramped and compressed in her growth, her streets narrow and irregular, like the walled cities of the East. For half a century she has carted gravel into the bay, making land for streets and warehouses, to the serious damage of her harbor. What she most needs at the present time *is room*.

Not only should the territory of Roxbury be added, but her borders extended across the waters to the surrounding main land and to the highlands beyond, that she may hereafter embrace within her corporate limits the population, wealth and civilization that legitimately belong to her.

The county of Norfolk, of which Roxbury is a part, can suffer no real injury by the union.

The prejudice against changing the geographical limits of an ancient county, the pride of retaining within her borders an important city, may lead some to oppose it. But these reasons do not practically affect her interests. Roxbury will leave her county with large and commodious public buildings, — a court house and jail recently built, not excelled by any in the Commonwealth, and sufficient for half a century, — her highways and bridges thoroughly constructed and in good state of repair, and the county *free from debt*. To this condition Roxbury has contributed her proportion. *The county is prepared for the separation*. Norfolk will remain the sixth county of the State in population and wealth, — now the third in wealth and the fifth in population.

With her territory joining the united cities, her prospect and

advantage for a rapid increase in the future will be equal to any county in the State.

Not only are the citizens of Boston and Roxbury interested in this question, but all the citizens of the Commonwealth. The State owns 1,000,000 square feet of Back Bay land, exclusive of streets, filled and paid for, the present value estimated at \$2,000,000. In the opinion of the Back Bay Commissioners, the value of this land would be materially enhanced by annexation; by occupying a more central position, in a larger city; by the more rapid increase of wealth and population; and still further increased by an improved system of streets and drains, — *essential* to the sale, value and occupation of this land.

The citizens of the Commonwealth are interested in the growth and prosperity of Boston, not from pecuniary considerations alone, but from higher and broader reasons of State policy and influence. The commercial, political and national influence and power of Massachusetts cannot be separated from the consideration and importance of her capital, at home and abroad.

The relative condition of the two cities, as to public institutions and buildings, public schools and charities, and city finances, offers no serious obstacles to annexation; so similar are they in these respects that neither would materially gain or lose.

We close this Report in the unanimous opinion, that the *benefits* to Roxbury, the *necessities* of Boston, and the *interests* of the Commonwealth, sanction and require the annexation.

S. W. BOWERMAN, *Chairman*,
WILLIAM L. REED,
CHESTER SNOW,

Of the Senate.

JOSHUA C. STONE,
WM. C. SPAULDING,
GEO. SHELDON,
JOHN W. STEVENS,
J. C. TAYLOR,
FRANCIS J. STEVENS,
WINSOR WRIGHT,

Of the House.

[CHAP. 359.]

An Act to unite the Cities of Boston and Roxbury.

Be it enacted, etc., as follows:

SECTION 1. All that territory now comprised within the limits of the city of Roxbury, in the county of Norfolk, with the inhabitants and estates therein, is hereby annexed to and made part of the city of Boston, in the county of Suffolk, and shall hereafter constitute a part of the county of Suffolk, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects as the said city of Boston: *provided, however,* that until constitutionally and legally changed, said territory shall continue to be, for the purpose of electing members of the house of representatives, part of the county of Norfolk, constituting the third and fourth representative districts thereof; for the purpose of electing a senator, part of the first Norfolk senatorial district; for the purpose of electing a councillor, part of council district number three, and for the purpose of electing a representative in congress, part of congressional district number three, as the same are now constituted.

All the duties now required by law to be performed by the mayor and aldermen and city clerk, of the city of Roxbury, or either of them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon and be performed by the board of aldermen and city clerk of the city of Boston.

It shall be the duty of the ward officers of the several wards, that shall be erected out of said territory as hereinafter provided, to make return of all votes that may be cast therein, from time to time, for representatives in congress, state councillors, senators, members of the house of representatives, and for all other national, state, district, county, municipal and ward officers, to the city clerk of the city of Boston.

SECT. 2. All the public property of the said city of Roxbury shall be vested in and is hereby declared to be the property of the city of Boston; and said city of Boston shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens,

uses, trusts, duties, privileges and immunities of said city of Roxbury. The city treasurer of the city of Roxbury shall, on or before the second Monday of January, in the year eighteen hundred and sixty-eight, under the direction of the mayor and aldermen of said city of Roxbury, who shall for this purpose, and for all other purposes necessary to carry into full effect the provisions of this act, continue to hold their offices over, transfer, deliver, pay over and account for to the city treasurer of the city of Boston, all books, papers, moneys and other property in his possession as city treasurer of said city of Roxbury, when this act shall take effect; and the city of Boston shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of said city of Roxbury. All actions and causes of action which may be pending, or which shall have accrued at the time this act shall take effect, in behalf of or against the city of Roxbury, shall survive, and may be prosecuted to final judgment and execution, in behalf of or against the city of Boston.

SECT. 3. The several courts within the county of Suffolk, after this act shall take effect, shall have the same jurisdiction over all causes of action and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within said territory hereby annexed, that said courts now have over like actions; proceedings and matters within the county of Suffolk: *provided, however*, that the several courts within the county of Norfolk shall have and retain jurisdiction of all actions, proceedings and matters, that shall have been rightfully commenced in said courts prior to the time when this act shall take effect; and the supreme judicial court and the superior court within the county of Suffolk, after this act shall take effect, shall have the same jurisdiction of all crimes, offences and misdemeanors, that shall have been committed within the said territory, that the supreme judicial court and superior court within the county of Norfolk now have jurisdiction of; *provided*, proceedings shall not have been already commenced in any of the courts within the county of Norfolk, for the prosecution of said crimes, offences and misdemeanors; in which case the said courts within the county of Norfolk shall have and retain jurisdiction of the same for the full,

complete and final disposition thereof. All suits, actions, proceedings, complaints and prosecutions; and all matters of probate and insolvency which shall be pending within said territory, before any court or justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

SECT. 4. Said territory shall continue a judicial district under the jurisdiction of the police court of the city of Roxbury, which shall continue to exist, and shall hereafter be designated and known by the name of the municipal court for the southern district of the city of Boston. Said court shall have the same civil and criminal jurisdiction in said district and the same civil jurisdiction in the county of Suffolk as the police courts, other than that of the city of Boston, have by law in their respective districts and counties.

Appeals shall be allowed from all judgments of said court, in like manner and to the same courts that appeals are now allowed from the judgments of the municipal court of the city of Boston. All acts and duties, (if any,) now incumbent upon the city council of the city of Roxbury, or either branch thereof, relating to the said court of the city of Roxbury, shall hereafter devolve upon and be performed by the city council of the city of Boston. All fines and forfeitures, and all costs in criminal prosecutions in said court, and all fees and charges received in said court in civil proceedings, shall be accounted for and paid over, in the same manner as is now provided for the municipal court within the city of Boston.

SECT. 5. The city council of the city of Boston shall, as soon as may be after the fifth day of November in the year eighteen hundred and sixty-seven, divide the said territory into three wards, one of which shall comprise the same territory now comprised in said fourth representative district, and the other two shall be so constituted as to contain as nearly as practicable an equal number of legal voters; and the wards thus established shall so remain until the alteration of the ward limits of said city of Boston provided by law. And the clerks of the said wards shall for the purpose mentioned in section eleven of the eighth chapter of the General Statutes of this Commonwealth assemble at such

places as are or shall be required by law. And the board of aldermen are hereby authorized to designate such places, whenever such designation shall by law become necessary or proper, and said board shall succeed to all the powers and duties in reference to the same which are now vested in the county commissioners of the county of Norfolk. And each of the wards so established shall be entitled to all the municipal and ward officers which each of the other wards of said city of Boston is entitled to. And the board of aldermen of said city of Boston shall, in due season, issue their warrants for meetings of the legal voters of said wards respectively, to be held on the second Monday of December in the year eighteen hundred and sixty-seven, at some place within said wards respectively, which shall be designated in said warrants, there first to choose a warden, clerk, and five inspectors of elections for each of said wards, who shall hold their offices until the first Monday of January in the year eighteen hundred and sixty-eight, and until others shall be chosen and qualified in their stead; second, to give in their ballots for the several municipal and ward officers for the year eighteen hundred and sixty-eight for which they shall be entitled to vote by virtue of the provisions of this act.

The voters of each of said wards shall designate, by their ballots cast at said meetings, the term of service for which each of the six school committee men, who shall be chosen in each of said wards, shall serve, so that two of the number chosen in each ward shall serve for three years, two for two years, and two for one year. The board of aldermen of the city of Boston shall prepare lists of all the legal voters in said wards respectively, to be used at said meetings, and shall do all other things which they are now by law required to do in respect to like elections in other wards in the city of Boston; and at said meetings, any legal voter of said wards respectively may call the citizens to order, and preside until a warden shall have been chosen and qualified.

All ward officers whose election is provided for in this section shall be qualified according to law. The citizens of the territory by this act annexed to the city of Boston, shall have the same right to vote for municipal officers, at the annual municipal elec-

tion of the city of Boston, in the year eighteen hundred and sixty-seven, as they would have had if said territory had formed part of the city of Boston for more than six months next before said election.

SECT. 6. All provisions of law requiring an election of municipal and ward officers for said city of Roxbury on the second Monday of December in the year eighteen hundred and sixty-seven, for the municipal year then next ensuing, are hereby repealed.

SECT. 7. After the present municipal year, the board of aldermen of the city of Boston shall consist of twelve members, and the common council of the city of Boston shall consist of sixty members. The number of wards of said city, including the wards to be formed out of the territory hereby annexed, shall be fifteen.

SECT. 8. The several police officers and watchmen that may be in office in the city of Roxbury when this act shall take effect shall thereafter continue in the discharge of their respective duties, in the same manner as if they were police officers and watchmen of the city of Boston, until others shall be appointed in their stead.

SECT. 9. All the interest which the city of Roxbury now has in the public property of the county of Norfolk, is hereby released and acquitted to said county of Norfolk. Such proportion of the debts and obligations of the county of Norfolk, existing when this act shall take full effect, over and above the value of all the property belonging to said county as should proportionally and equitably be paid by the inhabitants and property owners of the territory by this act annexed to the city of Boston, shall be paid by said city of Boston to said county of Norfolk; and the supreme judicial court shall have jurisdiction in equity to determine the amount of such proportion, (if any,) and enforce the payment of the same upon a suit in equity, in the name of said county, to be brought therefor within six months after this act shall go into full operation, by the county commissioners of said county of Norfolk, if they shall deem such suit for the interest of said county; but no such suit shall be instituted after said six months.

Nothing contained in this act shall impair the obligation of contracts; and the property and inhabitants of the territory by

this act annexed to the city of Boston shall continue liable to the existing creditors of the county of Norfolk, in like manner as if this act had not been passed: *provided*, that if any person, by reason of his being an inhabitant of, or owning property in, said territory, shall be compelled to pay any part of an existing debt or obligation of the county of Norfolk, the amount of such payment shall constitute a debt to him from said county as hereafter to be constituted, exclusive of said territory, and may be recovered in like manner as other debts against the county of Norfolk.

SECT. 10. This act shall not take full effect, unless accepted by a majority of the legal voters of each of said cities, present and voting thereon by ballot, at meetings which shall be held in the several wards of said cities, respectively upon notice duly given, at least seven days before the time of said meeting. Meetings for that purpose shall be held simultaneously in said cities on the second Monday of September next. And the polls shall be opened at nine o'clock in the forenoon of said day, and shall be closed at six o'clock in the afternoon.

In case of the absence of any ward officer, at any ward meeting, held in either city for the purpose aforesaid, a like officer may be chosen *pro tempore*, by hand vote, and shall be duly qualified and shall have all the powers and be subject to all the duties of the regular officer, at said meetings. Said ballots shall be "Yes" or "No" in answer to the question, "Shall an act passed by the legislature of the Commonwealth in the year eighteen hundred and sixty-seven, entitled 'an act to unite the cities of Boston and Roxbury' be accepted?" Such meeting shall be called, notified and warned by the mayor and aldermen of the city of Roxbury, and the board of aldermen of the city of Boston, respectively, in the same manner in which meetings for the election of municipal officers in said cities respectively are called, notified and warned. The ballots given in shall be assorted, counted and declared, in the wards in which they are given in open ward meeting, and shall also be registered in the ward records. The clerk of each ward in the city of Boston shall make return of all ballots given in, in his ward, and the number of ballots in favor of the acceptance of this

act and the number of ballots against said acceptance to the board of aldermen of the city of Boston, and like returns by the clerks of the several wards in the city of Roxbury shall be made to the mayor and aldermen of the city of Roxbury. All of said returns shall be made within forty-eight hours of the close of the polls.

It shall be the duty of the board of aldermen of the city of Boston, and of the mayor and aldermen of the city of Roxbury, respectively, to certify and return as soon as may be the ballots cast in their respective cities, and the number of ballots in favor of the acceptance of this act and the number of ballots against said acceptance, in their respective cities, to the secretary of the Commonwealth. And if it shall appear that a majority of the votes in each of said cities is in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

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

SECT. 12. If this act shall be accepted as herein provided, it shall take effect on the fifth day of November, in the year eighteen hundred and sixty-seven, so far as to authorize, legalize and carry into effect the acts and provisions of the fifth, sixth and seventh sections of this act; but for all other purposes (except as mentioned in section eleven of this act), it shall take effect on the first Monday of January, in the year eighteen hundred and sixty-eight.

SECT. 13. If any election or balloting upon the question of the acceptance of this act, by either of said cities, shall within two months thereafter be declared void by the supreme judicial court, upon summary proceedings, which may be had in any county on the petition of fifty voters of either city, the question of accepting said act shall be again submitted to the legal voters of said city, and meetings therefor shall within thirty days thereafter be called, held and conducted, and the votes returned and other pro-

ceedings had thereon, in like manner as hereinbefore provided. But no election or balloting shall be held void for informality, in calling, holding or conducting the election, or returning the votes, or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter, as aforesaid. [*Approved June 1, 1867.*]

