

**SPEECHES OF THE HON. GIDEON
HAYNES, HON. W. S. BRAKENRIDGE,
AND HON. HUGH W. GREENE, ON THE
QUESTION AS TO INCORPORATING
THE TOWN OF BELMONT**

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GIDEON HAYNES & W. S. BRAKENRIDGE & HUGH W. GREENE

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S P E E C H E S

OF THE

HON. GIDEON HAYNES,

HON. W. S. BRAKENRIDGE,

AND

HON. HUGH W. GREENE,

ON THE QUESTION

AS TO

INCORPORATING THE TOWN OF BELMONT.

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SPEECH OF HON. GIDEON HAYNES,

Delivered March 26, 1857,

IN THE MASSACHUSETTS SENATE.

MR. PRESIDENT:

One of the greatest privileges we enjoy in this country is the right of petition, a right guaranteed to all whether high or low, rich or poor, and I, sir, am the last man that would seek to deprive even the humblest of this right. If there were any act in the long and brilliant career of the "Old man," eloquent, that endeared him to the people of New England, to the people of his native state, it was his gallant defence of this right of petition. Oh! sir,

"It is excellent to have a giant's strength,
But it is tyrannous to use it like a giant."

So, sir, it may be excellent to have this right of petition, but, may it not be so abused as to become an evil, wrong and tyrannous? If, sir, such a thing could be possible as the abuse of this privilege I think we have an exemplification of it in the matter now before the senate. For the four past years the towns of West Cambridge and Watertown, have been annually taxed almost as much to defend their territory against the fillibustering propensities of certain land companies and land speculators, as they have to support their schools; by men who have publicly owned that

they have the means, and come what would, or come what may, they were determined to follow this matter up until the legislature was forced to grant their petition. Well, sir, I acknowledge they have wealth, probably no community in this vicinity can compare with them in this respect, and that they have heretofore used it most liberally I do not question. But, Mr. President, I do not believe this senate is prepared to do an act of injustice so flagrant as the passage of this bill will prove to be. Now what are the facts in this case? Three years ago these petitioners came before the legislature and asked for this town, the committee reported unanimously that they have leave to withdraw their petition: the next year they came again, and a bill was reported by the committee in the senate and was rejected upon its passage to a third reading; not satisfied we find them here again last year, when after a long, patient and careful hearing, the committee, with one exception, reported in the house that the petitioners have leave to withdraw their petition; the report was unanimously accepted; it came up to the senate for concurrence, when a motion was made by the dissenting member of the committee to substitute a bill for the report, this was refused, and the senate concurred with the house; the next day a motion was made to reconsider the vote whereby they concurred with the house, and by some arrangement not clearly understood by any one, the matter was again before the senate, and by the indomitable perseverance of the senator who moved the bill as a substitute, it was engineered through this body, but was killed in the house without a count; and now, sir, with a pertinacity worthy of a better cause they are here again for the fourth time, and a bill has been reported by the committee. Mr. President, I contend

that the true policy of this State ought to be, and is, that no new town should be incorporated unless in extraordinary cases. I believe it to be the duty of the advocates of this bill to show conclusively that the people in these towns would be benefited, not that a few land speculators, but the community at large, would be benefited by the granting of this petition; the burden of proof rests with them, and now let us see what kind of a case they have made out.

Mr. President, I hold in my hand a report signed by the committee. I do not wish to insinuate anything unfair or disrespectful on the part of these gentlemen, but it seems to me that no one who listened to the argument of the counsel for the petitioners, and has read this report, can have failed to discover a great similitude between them; and I am constrained to say that a more gross, unjust, one-sided, *ex parte* statement never came from the pen of man, than this same report will prove to be.

On the second page the committee say, that "The town of Waltham did not appear before the Committee." A word of explanation in regard to this matter. The town of Waltham did, in open town meeting, acting under an article in the warrant for that purpose, vote unanimously to instruct the Selectmen to oppose this petition before the committee; and it will be recollected that I presented the remonstrance of 191 legal voters of Waltham against this petition; and that was referred to the committee, and yet they tell us that Waltham was not represented before them. Again, on the third page we have the following:—

"Upon this territory, so situated, by a census taken with care in October last, there are 1,101 people, 170 voters, 325 children, a valuation of \$1,836,015, two religious societies, one meeting-house, built within the past year, two lyceum halls, two stores."

By a census taken in October last, there are 1,101 people.

Now one word in regard to this census; it was taken by two gentlemen more particularly interested in this matter, than any others that signed the petition; it was not sworn to by either as being correct, for this reason, that a part was taken by one, and another part by the other; consequently, neither of them could swear to its correctness as a whole. While upon the other hand the town of Watertown presented to the committee a census taken by a gentleman well qualified, and familiar with the business,—and some three or four months later, which was sworn to as being correct; yet the committee chose to take the census of the petitioners—which was not sworn to—in preference to that of the remonstrants, which was; and the only reference made to the latter census, is to be found upon the ninth page, as follows:—

“It should be added that another census was taken by Watertown, during the hearing, which slightly varied the whole population, and the relative proportions of foreigners, but not essentially, nor more than would be expected from the different modes and times of taking the two.”

Now, Mr. President, they tell us that Belmont is increasing very rapidly in population, and that the last census did not vary more than would be expected from the different modes and times of taking the two, some three or four months intervening between them. Would you not be led by the language of the report to suppose that there had been an increase in the numbers? Is not that the idea that the committee wish to convey? Now what is the fact? Mr. Crafts, who took the last census, found but 1028 persons, —73 less than the petitioners claim,—and 89 of these were transient foreigners, and probably not one of them could be found there to-day. Notwithstanding all these facts were presented and sworn to before the committee, they, in my opinion, most unjustly adopted the figures of the petitioners.

But let us examine into this matter a little further. In 1854, the petitioners claimed that they then had 1,005 inhabitants upon this territory; they now say (three years later) that they have 1,101, an increase according to their own figures in three years of only 96 persons, and by ours of only 23. This does not show a very rapid growth! I think it would be difficult for them to place their fingers upon the same amount of territory within ten miles of Boston which would not show a greater increase. And to prove how anxious these petitioners have been to get mechanics to settle there, and with what success, Mr. Hittinger, in his testimony, stated that he offered two carpenters a lot of land, and would find them constant employment if they would build a house upon it; they refused (as he says) because there were no school accommodations. You can judge how much they were influenced by this, when it came out that they had but *one child between them*. Again, sir, they say they have two religious societies, *one meeting-house built within the past year*. Now, sir, there is no meeting-house built within the past year! True, they are building one, but it is *not* built, and should this bill fail, may not be. "Two Lyceum Halls," well, sir, if they have, we have 50 such in Waltham, and probably every town in the State has at least a dozen; they are simply rooms over stores. But where are their societies? Echo answers "where?" "Two stores!" Do they wish the Senate to understand that they have two stores in operation upon this territory? If so, it is a mistake. True, there are two buildings erected for that purpose, but one of them has been closed for years—the one at Waverly; and I don't believe that there can be found a Yankee shrewd enough to get a living in that store, if his goods were given him,

were he obliged to sell them at the common retail prices. They have upon this territory one little store at Wellington Hill, and how this is supported is a mystery to those not in the secret. Again the report says:—

“This population has become so distinct from the rest of the vicinity, as to have some time since acquired a distinct name—Belmont.”

This is true, Mr. President, and we know why it was that they took that name. It is well known that the princely residence of J. P. Cushing, Esq., is situated upon this territory, to which he years ago gave the name of Belmont; and to insinuate themselves into his good graces, they proposed to give that name to the new town; and had it been Sodom or Gomorrah they in all probability would not have hesitated in the matter. But to proceed, on the fourth page we find the following:—

“But not only have the petitioners every element of an existing town, but they ask, with unprecedented unanimity and earnestness, that it may be granted. No remonstrance from any person on the territory has been presented to the legislature.”

Now, sir, what have we in New-England, always considered among the principal elements necessary to constitute a town? I have always thought that a church, tavern and blacksmith's shop were some of them; but they have not got either, as yet. They have, as I have already stated, one small store, a shoe-repairer who tends, and works in the depot at the Waverly station; a blacksmith, who comes just within the lines, on the West Cambridge side, and who depends upon the old town entirely for his support; and these constitute all the elements (excepting their wealth) upon which they ask for this new town. “They ask with unprecedented unanimity and earnestness that it may be granted.” They claim that they have 170 voters upon this territory; 130 only signed the petition, 40 refusing, and