

**A CENTENNIAL ADDRESS,
DELIVERED AT UPTON,
MASS., JUNE 25, 1835**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649249596

A Centennial Address, Delivered at Upton, Mass., June 25, 1835 by Benjamin Wood

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

BENJAMIN WOOD

**A CENTENNIAL ADDRESS,
DELIVERED AT UPTON,
MASS., JUNE 25, 1835**

CENTENNIAL ADDRESS,

DELIVERED AT

UPTON, MASS.,

JUNE 25, 1835,

BY BENJAMIN WOOD,
PASTOR OF THE CONGREGATIONAL CHURCH.

BOSTON:
PUBLISHED BY WILLIAM PEIRCE,
No. 9, Cornhill.
1835.

~~1513483.7.0~~
1513483.7.0

1513483.7.0

BOSTON:
Webster & Southard, Printers.
No. 9, Cornhill.

ADDRESS.

In the history of all nations, there are eras and events of peculiar importance. It shows us mankind engaged in pursuits common to men in every age. It exhibits the usual, and natural operations of pride and ambition—plans of empire formed—cities founded—new discoveries made, and settlements established. Hence, every day of the revolving year, becomes in its course, to one people or another, the anniversary of some thing memorable, which, befell their forefathers, and is remembered by their sons, either with joy or sorrow.

Never, before, did we assemble in this consecrated house, on an occasion like the present, and we never shall again.—The days, the months, and the years, of a *Century* are now numbered, which gave a distinct and corporate existence to this town. We have, therefore, come together to converse with generations, *now* sleeping in their graves—with our fathers, who fell the first trees on our rocky hills, and prepared our fields for the plough—yes, we have here come to survey their doings; and to catch from their lips, though sealed in silence, a history of their joys, their toils, their labors, and their sufferings.

But, in doing this, we must recur to the records, they have left behind, which, however, time has greatly defaced, and many dates wholly obliterated. Such a retrospect will, doubtless, be interesting especially to the inhabitants of this place, and it may be useful and instructive to our children's children. In prosecuting the object before me, I will first exhibit the *civil* history of the town.

That tract of land now called *Upton*, previous to its organization, was taken from Sutton on the West, Uxbridge and Mendon on the South, and Hopkinton on the East. Some of the *first settlers* on these lands, so far as I have been able to learn, from the best authenticated documents, were John Hazeltine, David Batchelor, Jonathan Wood, Israel Taft, John Sadler, William Johnson, John Bromly, William Green, Benjamin Perham, Samuel Nelson, Stephen Denny, Samuel Watkins, Marshal Baker, Samuel Work, Samuel Reaks, and John Warfield. These families thus situated, living at so great a distance from any place of public worship, that it was extremely difficult for them to attend, respectfully petitioned the several towns above mentioned, to be set off for the purpose of being incorporated into a town. — After much trouble and delay, they obtained their consent. Accordingly, in January 31, 1733, a petition signed by John Hazeltine and others, was sent to the Colonial government, praying that the Court would order the petitioners, with their families and estates into a separate township. Their prayer was heard and answered. The act of incorporation was formally passed, June 14, 1735, O. S. in the words following :

“ Whereas the out lands of the several towns of Sutton, Uxbridge, Mendon and Hopkinton, are completely filled with inhabitants, who labor under difficulties by reason of their remoteness from places of public worship in said towns, and have thereupon addressed this Court, that they may be set off, and vested with all the powers and privileges that other towns are vested with in this province ; Be it therefore enacted, by his Excellency the Governor, Council, and Representatives in General Court assembled, and by the authority of the same, that all the lands in the aforesaid Towns, containing in the whole twelve thousand nine hundred and forty-three acres, together with one hundred and forty-one taken off from Mr. John Rockwood's farm, be, and hereby are set off into a distinct and separate township, by the name of UPTON. In three days, after the passing of this bill, the House of Representatives

ordered that Mr. John Hazeltine, one of the principle inhabitants of said town in the County of Worcester, be, and hereby is fully authorized and impowered to assemble the freeholders and other qualified voters, as soon as may be, in some convenient place to make choice of town officers, to stand till the anniversary meeting in March next. On the 28th of July following, the first town meeting was holden, agreeably to the provisions of this act, at the house of Mr. John Sadier. At this meeting, the Selectmen with other appropriate officers, were elected, which gave the first impulse to the operations of this infant member of the body politic.

As the civil interests of some parts of this town were deeply effected by the *lease* and *common* lands, it will be important that some account be given why they were *so called* and in what manner the incumbrance to which they were lawfully subjected was removed.

Edward Hopkins came to this country in 1637, and settled in Connecticut where he was Governor several years, and then returned to England, became a member of Parliament and having filled with credit some other important stations in the government, made his Will and died in 1657. Besides giving his whole estate in New England to pious and charitable uses; he ordered £500 sterling to be paid out of his estate in England to Trustees in six months after the death of his wife, to be invested in houses and lands in New England, and the income, after deducting one tenth part, to be applied, three tenths of it to the support of four students in Divinity at Harvard College, and one fourth to the support of five boys at the Grammar school in Cambridge. The one tenth part, which was deducted was to be applied to the purchase of books for presents to meritorious undergraduates at the College. Anne Hopkins his wife, survived her husband forty-one years and died December 17, 1698. After her death, the payment of the legacy was refused, and a suit instituted in Chancery for its recovery. Lord Harevurt, finally decreed, that the £500 legacy with interest amounting in all to £800, should be paid to twenty-

one trustee, all inhabitants of Massachusetts, for the purpose aforesaid. The money was not paid to the trustees till the year 1715. In this year the Hopkins' trustees petitioned the legislature for leave to purchase Maguncog of the Natick Indians, which was granted, and the land so purchased, together with a tract of land lying between it and Sutton was incorporated by the name of Hopkinton.

In 1716, the General Court freely gave to the trustees of the legacy of Edward Hopkins, all the Province lands contained within the town of Hopkinton, to be appropriated to the purpose of the trust. Both tracts of land amounted to about 25,000 acres. In the same year, 1716, the trustees agreed upon the terms of their leases, which were to run ninety-nine years from the 25th of March, 1723; and the tenants were to pay an annual rent of three pence per acre during that term, and not exceeding nine-pence an acre after, and the trustees agreed to pay three quarters of the Province taxes.

Nearly one half of the whole quantity of land was leased on these terms, and the remainder was reserved for *common* lands. But this arrangement was satisfactory neither to the trustees or tenants,—*not* to the trustees, because the payment of three quarters of the Province taxes consumed all the rents,—*not* to the tenants, because the leases contained no covenants that they should be renewed after the expiration of the term for the benefit of the original lessees, their heirs, or assignees. In 1735, about 3000 acres of this land was set off to the town of Upton.

In 1741, an act of the General Court was passed, reducing the rent to one penny sterling an acre for the remainder of the term of ninety-nine years, and securing to the tenants the right of renewing their leases at an annual rent, not exceeding three pence sterling an acre forever after. The trustees were also authorized to convey all the *common* lands to the tenants in fee simple, and a separate registry of deeds for these lands was established.

New indentures were executed between the trustees and tenants, and the rents collected according to the provisions of this act until 1782; when the General Court, on a representation that great inconveniences had arisen in the collection of the rents to both trustees and tenants, passed a resolve that these lands should be taxed for the term of seven years in the same manner as lands held in fee simple were taxed, and out of the taxes the Collectors should pay the rents to the treasurer of the trustees.

In 1787, another Resolve was passed, directing the treasurer of the commonwealth henceforward, to receive all the taxes and pay the rents. This was accordingly done until the year 1823, when the triple rents, amounting to \$666, 66, became due, and the governor refused to draw his warrant for this increased sum. The trustees made frequent but unsuccessful applications to the Legislature for the payment of this sum. In 1825, the Judges of the Supreme Judicial Court on a question submitted to them by an order of the House of Representatives, decided that the commonwealth was not under legal obligation, to pay the rents to the trustees of the Hopkins' donation. In consequence of this decision, the trustees in 1826, commenced suits against several of the tenants, who for more than 40 years had been entirely exempted from the payment of the rent.

But such difficulties occurred in the prosecution of these suits, that the trustees again memorialized the Legislature, which in March 1830, appointed commissioners to investigate the subject, and to make report of their doings, and in what manner the claims of the said trustees *can* and *ought* to be adjusted. The commissioners made a long and able report to the Legislature at its session in June 1830, which was referred to the next session of the Legislature, and finally came to no satisfactory result.

In 1832, after the trustees had made such preparations as would probably ensure them success, the tenants presented a petition to the Legislature; representing that they had no other