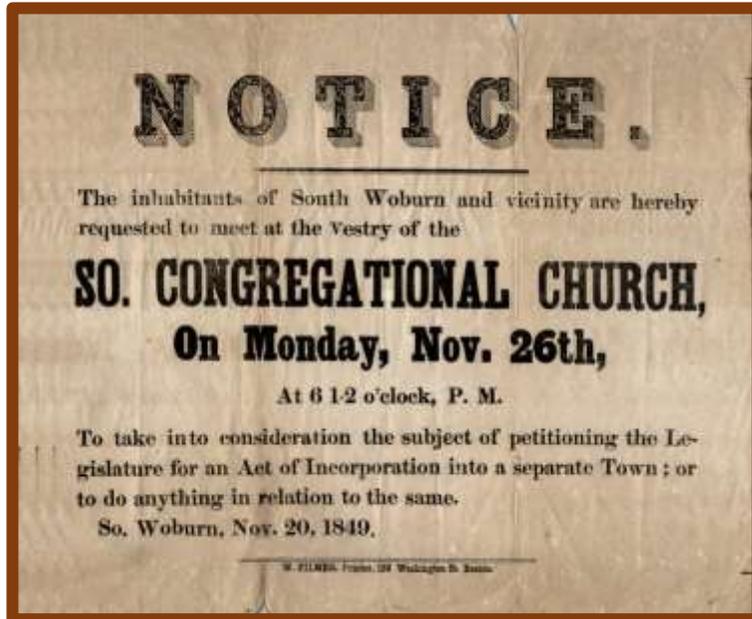


STEPS TO THE INCORPORATION OF WINCHESTER

By Ellen Knight¹



In the fall of 1849, the first steps were taken to incorporate a new town in the area of South Woburn and northern parts of Medford and West Cambridge. On Nov. 20, 1849, a meeting notice was published, commencing what Nathaniel Richardson called "a vigorous campaign the coming winter at the State House."

Nov. 26, 1849

On the evening of Nov. 26, 1849, in the vestry of the South Woburn Congregational Church, residents of South Woburn and vicinity met to discuss the incorporation of a new town. According to town records, chairman John A. Bolles stated the object of the meeting, and various remarks were made. "A call was then made for a general expression of the meeting, in relation to the expediency of a separate organization, which resulted as follows, viz.

A majority were in favor of separation.

A large number unprepared to act.

And four only opposed to such a movement."

Upon a motion of Benjamin F. Thompson, a committee was chosen from various sections of the proposed new town "for the purpose of investigating the propriety and practicability of a separate Town Organization." Those chosen were Charles Kimball, John Bacon, Charles Russell, Charles McIntyre, S. S. Richardson, Edmond Parker, Luther Symmes, Loring Emerson, Nathaniel Richardson, John Bolles, Stephen Swan, Joseph Stone, and Sumner Richardson. This group was given until Dec. 3 to prepare its report.



John A. Bolles, a lawyer and later a Secretary of the Commonwealth

December 3, 1849

On this date, the second meeting in the incorporation process was held. A 13-man committee, chosen to report on the practicability of a separate new town reported. The committee presented a map with proposed boundary lines. It reported, "Within these boundaries we find a population of more than 1,200, comprising about 250 families and including about 300 voters.

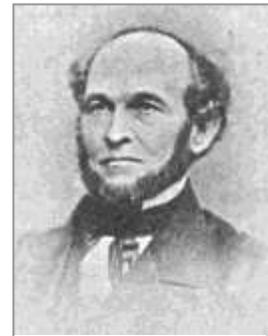


"As far as we can ascertain, there are but 44 persons within the proposed limits, who are opposed to the plan of separation, and their objection arises, chiefly, from the fear of increasing the burden of taxation."

South Woburn Village - Meetings that led to the incorporation of Winchester were held in the So. Woburn Congregational Church, pictured in this painting of Mill Pond c. 1845 by Dr. Richard Piper.

The committee then reported on taxes, concluding that "of the \$2,800 paid in taxes by So. Woburn and Medford, less than one half is expended within their districts or for their benefit."

The next step towards incorporation taken at this meeting was the formation of a five-person committee to draft a petition to the legislature in behalf of the proposed separation and to present the same to all voters in the contemplated district for their signatures. For this purpose, Charles Kimball, John Bolles, and Sumner Richardson, who had served on the previous committee, as well as Harrison Parker and Marshall Symmes Jr. were chosen. The next meeting was scheduled for Dec. 17.



Charles Kimball

December 4, 1849

After being charged at a meeting on December 3, 1849, to draft a petition to the legislature for the incorporation, the elected committee's first step, reportedly taken the very next morning, was to engage the services of a lawyer.

The Hon. Albert H. Nelson of Woburn accepted the case and a retaining fee of 50 dollars, with a promise of an additional 200 dollars upon the success of the petition.

As a member of the Senate during the previous year, Nelson was personally acquainted with most of the members of the Senate and House. According to Nathaniel Richardson, "the melody of his voice and ease of his manners would charm a committee to his views."

Nelson was also a Whig, which was important, Richardson wrote, because, while most of Woburn was Democratic, most of South Woburn was Whig. This political difference and lack of Whig representation in the government of Woburn was, Richardson wrote, one of the factors leading to the movement towards incorporation.

Dec. 17, 1849

A petition for incorporation having been drafted, a committee of three, Samuel Richardson, Oliver Clark, and John Bolles, was chosen on Dec. 17, 1849 to present it to the legislature.

At the same time, a vote was taken to choose a name for the new town. Out of 10 suggestions, the three most popular were South Woburn, Waterville, and (the favorite) Columbus. "As no name had a majority, it was voted to choose by nomination a committee of eight persons to obtain a list of names." The meeting then adjourned for another week.

Dec. 24, 1849

On the day before Christmas in 1849, the town of Winchester got its name.

A week after its appointment, the committee chosen to produce a list of suggested names did not do so. Instead, it reported, "Circumstances have occurred (of a character which renders it improper for us to do more than allude to them) which ... are both personal and pecuniary, and promise to be of material importance to the welfare and convenience of the new town and its citizens."

Though this story is not in the official record, it was later revealed that during the previous week, Frederick O. Prince had approached the names committee with his idea. He had been seeking a wealthy person who would give a substantial present in the event of the new town being named after him, and he had found that person in Col. William P. Winchester.



Frederick O. Prince, who managed the naming of the town, was elected to the House of Representatives in 1851 and was Mayor of Boston, 1877, 1879-1881.

Thus, during the incorporation meeting when the committee was told to produce a new list of names forthwith, there was the name Winchester on a list with Appleton, Avon, Channing, Waterville, and Winthrop.

No vote was taken. Rather the committee that was to present the petition for incorporation to the legislature, that is, Samuel Richardson, Oliver Clark, and John Bolles, was instructed to pick one and insert it into the petition. Winchester was adopted. The meeting on incorporation then adjourned until February, while signatures were gathered in support of the petition.

Jan. 19, 1850 - Jan. 29, 1850

In January of 1850, the petition that had been written during the previous month for the incorporation of a new town, to be named Winchester, was presented to the state legislature. S. S. Richardson, Oliver R., Clark, and John A. Bolles presented the petition to the Senate through the Hon. Charles Choate of Woburn. Choate presented it to the Senate on Jan. 19, 1850. The matter was then referred to the joint committee on towns, which included senators from Middleboro and

Dartmouth and representatives from Duxbury, Boston, Northborough, Springfield, and Dalton.

Over the next two weeks, the three parent towns--Woburn, Medford, and West Cambridge--were notified of the petition. An order of notice was served to the town clerk of each town and was advertised in the *Boston Post* and *Boston Atlas*.

Woburn was the town most to be effected, since about two-thirds of the new town would be formed from its territory. The order was served on its town clerk on January 29. Woburn then prepared for a town meeting on February 7 to see what action the town would take upon the petition.

Feb. 7, 1850

In February of 1850, the movement to incorporate Winchester ran into its first real trouble. Some citizens of Woburn, Medford, and West Cambridge were opposed to a new town being separated from their territories and began to say so.

On Feb. 7, 1850, a town meeting was held in Woburn to see what action that town would take with regard to the incorporation petition. At first, all seem to go rather easily.

The issue was discussed, according to an archival record, "very fully, fairly, and calmly" in the affirmative and in the negative. A motion that "the town is willing that the prayer of the petitioners should be granted on just and equitable terms, said terms to be agreed upon by a committee mutually chosen from each part of the town, and they to report at an adjourned meeting" passed "with great harmony."

While a nominating committee was out deliberating who should be appointed to the committee to work on the terms, the time came for the departure of the last train of cars for South Woburn and many voters from South Woburn left. Then Horace Conn moved that a committee be appointed to appear before the legislature and oppose the petition. After some angry debate, the chairman ruled the motion out of order. "It proved to be the signal of a course of conduct on the part of the meeting, alike dishonorable and disorderly."

The nominating committee then returned with its recommendations, and its report was accepted. Conn renewed his motion, which was again ruled out of order until a motion to reconsider the previous vote was taken. "In the midst of great uproar," a motion to reconsider passed. But then Benjamin F. Thompson of South Woburn moved, successfully, to adjourn the meeting. The opposition perceived "at once but too late" that the vote to reconsider had not changed the first vote, only opened it to reconsideration. But the meeting was adjourned, to reconvene on Feb. 18.

Feb. 18, 1850

The party in Woburn opposed to the incorporation of Winchester, frustrated in their attempt to pass a motion to resist the incorporation petition at a Town Meeting on Feb. 7, 1850, applied to the selectmen to call a new meeting on Feb. 18.

This time, few of the petitioners were in attendance and reportedly “all endeavors, on their part, to obtain a calm and fair hearing were put down by clamor and disorder.”

“It was voted,” according to archival record, “to raise a committee to appear with counsel, at the town’s expense, before the legislature, and resist the petition.” The legislative committee had scheduled a meeting on Feb. 19 to hear the case for the petition, but since neither party was ready to proceed, the hearing was postponed until March 13.

Meanwhile, the contest for and against the new town continued. A document titled “Facts” was distributed, which petitioners, in their own publication, claimed were not candid, ingenuous, or truthful. Arguments and petitions both for and against the incorporation of Winchester circulated amongst the townspeople.

March 13, 1850

On March 13, 1850, the petition to incorporate the new town of Winchester appeared before the legislative committee on towns.

Attorney Albert H. Nelson and John A. Bolles, as counsels for the petition, John C. Park for Woburn, and a Mr. Perry for Medford appeared before the committee. In a speech that ran for two and a half hours, Bolles opened the case for the petitioners. On this and several succeeding days, some six witnesses on the part of the petitioners were examined and cross-examined at great length. The arguments by Woburn and Medford had to wait their turn for almost two weeks.

March 26, 1850

The petitioners for the incorporation of Winchester having presented their case to the state Committee on Towns on March 13, 1850 and several succeeding days, the opposition opened its case on March 26. John C. Park opened for Woburn and a Mr. Perry for Medford. Following this, there were eight sessions of the committee. Twice it visited and viewed the proposed new town. The committee on names’ next task was to make a recommendation to the House in April.

How much support did the opposition have? In each of the three parent towns residents signed remonstrances against incorporating Winchester. Fifty-four inhabitants of Woburn protested granting the petition. There were two petitions from Medford, one signed by nine residents within the boundaries of the proposed new town and the other by 95 other residents plus the Medford selectmen. In addition, 89 residents of West Cambridge also signed a protest. Those in West Cambridge perhaps had the greatest grievance since that area had just been set off from Charlestown to West Cambridge in 1842 “by the mutual consent and agreement of all parties.”²

April 5, 1850 - April 23, 1850

During the month of April, 1850, the Legislature deliberated whether to incorporate the new town of Winchester or not. On April 5, its Committee on Towns, having heard the cases for and against the incorporation of Winchester and having twice visited the area, reported to the House.

“It was of the utmost importance,” wrote Oliver R. Clark, “that the Committee of the Legislature, before whom the petitioners were to appear, should themselves be intelligent and fair-minded, and such were the gentlemen of that committee in 1850.”



Oliver R. Clark

The chairman on the part of the House was Stephen N. Gifford, a representative from Duxbury. Through Gifford, the committee unanimously presented to the House a bill in favor of incorporation. According to Clark, “should the bill be reported favorably and pass the House, its passage in the Senate was considered reasonably sure. The chief labor in the case devolved upon the Chairman of the House Committee (Gifford).”

The petition was accompanied by additional petitions in support and by remonstrances, all of which were laid on the table after the bill was reported. According to Abijah Thompson, “There probably has never been a case of this kind accompanied by such constant, earnest, and wholesale lobbying.”³

Clark wrote that “the report, as was expected, was vigorously opposed by many in sympathy with the old towns remonstrating, and as vigorously advocated in favor of the bill. Especially was the argument of Mr. Gifford strong and influential; also that of the Hon. Moses Kimball, then a very much respected member of the Legislature.”

According to N. A. Richardson, writing in 1901, the House was largely Whig, as was South Woburn, while Woburn was largely Democrat. Gifford’s influence, he stated, was secured, “in the effort to make a new Whig town in Middlesex County.”

“In the House,” Richardson wrote, “the Democrats, for many days, resisted and contested the division, the Whigs advocating it. I am sure not one dollar was spent to silence or secure votes, but some monstrous lobbying was developed.”

On the matter of expenses, Clark affirmed that “no money was used by either side to gain influence, not a dollar for lobby or a supper; and when the Legislative Committee visited Winchester, they were given a very plain collation of meats and coffee, with no liquors of any kind; ... had the town committee given expensive entertainments it would have injured our cause.”

The bill took its second reading in the House on April 18 and, after a reportedly slight amendment, its third on April 23. The vote then was 96 to 42 in favor. Next, the bill had to go to the Senate.

April 30, 1950

By the end of April, the bill to incorporate Winchester was facing one last hurdle--passage by the Senate.

After the bill passed in the House on April 23, it went to the Senate. It was presented by the Hon. Charles Choate, who had been a member of Woburn's committee to oppose the incorporation petition. At this stage, according to Oliver R. Clark, "the town of Woburn made the only active opposition, appearing by counsel in the person of the Hon. B. F. Hallett. Medford and West Cambridge contented themselves with remonstrating on paper."

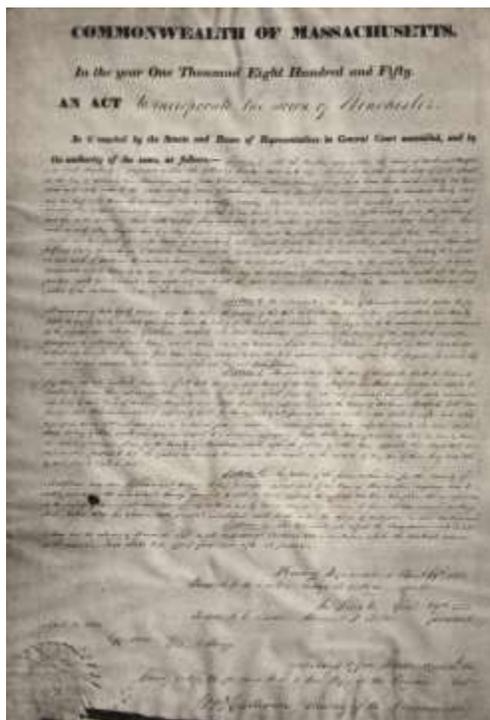
Of the 250 residents of South Woburn, in the area projected to be set off to the new town, 200 had reportedly signed the petition for incorporation. However, the town as a whole was not so eager to be parted with some of its territory and revenue. According to a contemporary account, "It was found, while the bill was before the Senate, that it must encounter a very formidable opposition; that the Senate committee was divided; Mr. William Wood (of Middleboro) in favor and Mr. William Tucker (of Dartmouth) against the bill, unless some compromise could be made as to the Woburn boundary."



Gov. Briggs

According to Clark, "the opposition was not so sharp, although the Hon. Charles Choate did good work for Woburn. As an opponent, Mr. Choate was a fair and honorable one, and it was thought that his private opinion was not strenuously adverse to the measure."

N. A. Richardson's impression was that "In the Senate the opposition was weak. Much was expected from Senator Choate. He was never aggressive, and to save a considerable territory to Woburn on her southern line, yielded or become passive."



"The Woburn community," the incorporation minutes state, "alarmed by our success in the house, were disposed to compromise, and made us a proposition which, with some modification, was agreed to, and introduced as an amendment by Senator Choate, who stated that, with this amendment, Woburn was content that the bill should pass. Mr. Tucker then came to its support and it was passed to be enacted, in both branches."

Finally, Governor George N. Briggs signed the bill on April 30, 1850.

Thirty-five years later, Clark wrote, "It is refreshing in these times, when a petition to our Legislature for the division of a town involves years of struggle and the expenditure of thousands of dollars, to record an instance where the request was granted on its first

application and without the expenditure of a dollar for lobby influence or expensive entertainments.”

Yet the birth of the town had not been easy. The task was later summarized by Clark: “The necessity of a division of the town must be shown; the number of inhabitants ascertained and attested; the wealth of the petitioners and their ability to maintain a town government successfully and economically; also to divide the territory so that no one should be injured in the division; added to this, the preparation of proper bounds and maps for the full understanding of the case by the Legislative Committee, and last, but by no means least, to secure intelligent witnesses who would not be confused in cross-examination and would be perfectly clear in their statements--all these matters were to be carefully provided for by the committee of the petitioners, and they had reason to congratulate themselves that their efforts were so successful.”

May 1, 1850

On the first day of May in 1850, the people of the new town of Winchester heard the news that their town had been incorporated.

“As soon as the bill was signed by Governor Briggs,” Oliver R. Clark, one of the petitioners wrote, “it was taken by the committee to Winchester, and the first day of May, 1850, was a joyful one to the people of the new town. To the writer of this article there never was a brighter or more cheerful spring day; the sun never before shone so bright, the birds never before sang so sweet, the grass was never so green as on that particular Mayday.”

It was a time for congratulations and a new beginning. “Though the measure was sharply contested,” Clark wrote, “no hard feelings were engendered; and I think each party, after the passage of the Act, went home with increased respect for each other.”

The tasks of organizing and running the new town lay ahead. The first town meeting was held on May 7. According to the meeting minutes by David Youngman, “John A. Bolles, on whom devolved the duty of calling the meeting to order, after a few pertinent remarks alluding in a very happy manner to some of the circumstances attending the recent Incorporation of our town: the beauty of its natural features and the fertility of its soil, the industry, enterprise, and general intelligence of its inhabitants: read the Act of Incorporation.”

Town Meeting then set about electing town officials. The town was on its way.

Forty-one years after incorporation, N. A. Richardson wrote that “Winchester was born April 30th 1850, rocked in the cradle of adventure by willing hands. Her growth is marvelous, her destiny is being fulfilled.”

¹ This article © 2018 is a revision of earlier articles by the author, Ellen Knight, published in the *Daily Times Chronicle* from Nov. 1999 to Apr. 2000, during the Town's 150th anniversary. This revision supersedes all previous articles.

² The remonstrants assembled and published "Facts" arguing against a new town. In their own publication, the pro-Winchester committee disputed those "facts," principally the percentage of land owned by the protestors that would be within the proposed boundaries. They concluded by questioning the remonstrants' declaration of being "among our most venerable and respected citizens" because only one had ever held any public office.

³ *Winchester Press*, Jan. 17, 1902.