

#146

1897

381

COMMONWEALTH OF MASSACHUSETTS

County of Norfolk

Taking

Norfolk, ss. At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the first day of July 1930, by adjournment of their June meeting next preceding: The petition of Ruel E. Heywood and others, of Franklin in said County, represents as follows: Commonwealth of Massachusetts Norfolk, ss. To the Honorable the County Commissioners of the County of Norfolk: Respectfully represent your petitioners, inhabitants of the town of Franklin in said County, that common convenience and necessity require that the way known as Pond Street, a public way in said town, be relocated between Oak Street and Medway Town Line for the purpose of establishing the boundary lines of said way, making alterations in the course or width of said way, and making repairs on said way. Wherefore your petitioners pray that said way may be relocated within the limits above specified. Dated December 13, 1928.

- Ruel E. Heywood
- Daniel A. Cody
- Edward S. Cook
- George W. Rickard
- A. Schuyler Clapp
- Fred L. Tufts

From Book 112  
 Page 564 to 569 incl. - 1930

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid, on the eighteenth day of December 1928, by adjournment of their September meeting next preceding; and the fifth day of February then next, and 11:15 o'clock in the forenoon, at the Court House in said Dedham, were appointed by the Commissioners as the time and place for commencing and proceeding to view the premises; and they thereupon caused a copy of said petition, and of this order thereon, to be served upon the Clerk of the Town of Franklin, being the town within which such relocation of --- was prayed for, thirty days at least before the time appointed for said view; and also caused copies of said petition and order to be posted in two public places in said town; and also gave notice to all persons interested by causing a like copy to be published three weeks successively in the Franklin Sentinel, a newspaper published in said County, said posting and the last publication of said copy having been fourteen days at least before the time appointed for said view, that all persons and corporations interested for or against said petition might then and there appear and be heard if they saw fit. And on the said fifth day of February 1929, the Commissioners, Edward W. Hunt, Frederick A. Leavitt, and Russell T. Bates, met at the time and place specified in said order, when and where the petitioners appeared, and the town of Franklin was represented by its selectmen; and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested; and no party interested objected; and said hearing was then continued and adjourned to a meeting of the Commissioners held at Dedham aforesaid, on the eleventh day of March, 1930, by adjournment of their December meeting next preceding, when and where the said Commissioners proceeded to consider and adjudicate upon the prayer of said petition;

and thereupon the said Commissioners did adjudge that common convenience and necessity require that said way be relocated as prayed for in said petition. And upon the adjudication aforesaid, the said Commissioners appointed the twenty-second day of April 1930, and 3:00 o'clock in the afternoon, at the Selectmen's Room in said Franklin, as the time and place when and where they would proceed to hear all owners of lands and property, rights and interests which might be taken or affected by these proceedings, and to take such action in relation to said adjudication as by law they might be authorized to do. And having given notice of such adjudication, and of the time and place appointed, and for the purpose aforesaid, in the same manner as the notice and publication were given and made before first proceeding to view, (except by publishing an abstract of said petition instead of a copy thereof) the said Commissioners met at the time and place appointed and then and there heard all persons and corporations interested, and said hearing was thence adjourned and continued from time to time to this meeting. And now the said Commissioners, by courses and distances, metes and bounds, do relocate said Pond Street, Franklin, as prayed for in said petition. And the lines of said relocation of said Pond Street are as follows: The westerly line begins at a stone bound on the westerly side of Pond Street at a point opposite and 33 ft. distant from the bound at the southerly end of the curve at the southeasterly corner of Oak and Pond Streets as laid out by the Norfolk County Commissioners by return dated July 16, 1929; thence N 3 59 40 W 223.57 ft. crossing an old layout of said Oak Street as made by the Norfolk County Commissioners in July 1881 to a stone bound; thence N 7 05 40 W 482.17 ft. to a stone bound; thence by the same course 500 ft. to a stone bound; thence by a 2050 ft. radius curve to the right 417.42 ft. to a stone bound; thence N 4 34 20 E 247.05 ft. to a stone bound; thence by a 2000 ft. radius curve to the left 310.38 ft. to a stone bound; thence continuing by the same curve 310.38 ft. to a stone bound; thence N 13 12 40 W 350 ft. to a stone bound; thence by the same course 356.38 ft. to a stone bound; thence by a 2050 ft. radius curve to the right 410.27 ft. to a stone bound; thence N 1 44 40 W 450 ft. to a stone bound; thence by the same course 411.75 ft. to a stone bound; thence by a 1450 ft. radius curve to the right 337.64 ft. to a stone bound; thence continuing by the same curve 337.64 ft. to a stone bound; thence N 24 56 20 E 108.55 ft. to a stone bound; thence by an 800 ft. radius curve to the left 98.13 ft. to a stone bound; thence continuing by a 100 ft. radius curve to the left 129.88 ft. to a stone bound on the southerly side of Beech St.; thence N 00 29 20 E 59.62 ft. across said Beech St. to a stone bound; thence easterly and northerly by a 50 ft. radius curve 105.73 ft. to a stone bound; thence continuing by an 800 ft. radius curve to the left 214.83 ft. to a stone bound; thence N 13 03 00 W 500 ft. to a stone bound; thence by the same course 500 ft. to a stone bound; thence by the same course 500 ft. to a stone bound; thence by the same course 452.12 ft. to a stone bound; thence by a 25 ft. radius curve to the left 60.99 ft. to a stone bound in the approximate southerly line of Pine St.; thence N 18 54 35 W 55.52 ft. across said Pine St. to a stone bound; thence northeasterly and northerly by a 210.41 ft. radius curve 147.72 ft. to a stone bound; thence N 13 03 00 W 292.75 ft. to a stone bound;

thence by the same course 596.85 ft. to a stone bound; thence by a 1450 ft. radius curve to  
 the right 340.73 ft. to a stone bound; thence continuing by the same curve 340.74 ft. to a  
 stone bound; thence by a 48.68 ft. radius curve to the left 92.35 ft. to a stone bound on  
 the southerly side of Plain St.; thence N 19 01 10 E 54.66 ft. across said Plain St. to a  
 stone bound in the approximate northerly line of said Plain Street; thence easterly and  
 northerly by a 100 ft. radius curve 113.66 ft. to a stone bound; thence N 20 03 40 E 535.37  
 ft. to a stone bound; thence by the same course 550 ft. to a stone bound; thence by an 800  
 ft. radius curve to the left 387.62 ft. to a stone bound; thence continuing by a 4000 ft. radius  
 curve to the left 280.22 ft. to a stone bound; thence continuing by the same curve 280.22  
 ft. to a stone bound; thence N 15 43 40 W 200 ft. to a stone bound; thence by the same course  
 about 86 ft. to an unmarked point in the middle of the Charles River and the Franklin-Med-  
 way town line. The easterly line begins at the stone bound at the southerly end of the  
 curve at the southeasterly corner of Oak and Pond Streets as laid out by the Norfolk County  
 Commissioners by return dated July 16, 1929; thence northerly and easterly by a 20 ft. radius  
 curve 24.70 ft. to an unmarked point being the middle point of the aforementioned curve;  
 thence N 9 58 E 105.04 ft. to a stone bound at the middle point of the curve at the north-  
 east corner of said Oak and Pond Streets as laid out by said Norfolk County Commissioners  
 by return dated July 16, 1929; thence northwesterly and northerly by a 360 ft. radius curve  
 106.78 ft. to a stone bound; thence N 7 05 40 W 482.17 ft. to a stone bound; thence by the  
 same course 500 ft. to a stone bound; thence by a 2000 ft. radius curve to the right 407.24  
 ft. to a stone bound; thence N 4 34 20 E 247.05 ft. to a stone bound; thence by a 2050 ft.  
 radius curve to the left 318.13 ft. to a stone bound; thence continuing by the same curve  
 318.14 ft. to a stone bound; thence N 13 12 40 W 350 ft. to a stone bound; thence by the same  
 course 356.38 ft. to a stone bound; thence by a 2000 ft. radius curve to the right 400.26 ft.  
 to a stone bound; thence N 1 44 40 W 450 ft. to a stone bound; thence by the same course 411.75  
 ft. to a stone bound; thence by a 1400 ft. radius curve to the right 326 ft. to a stone bound;  
 thence continuing by the same curve 326 ft. to a stone bound; thence N 24 56 20 E 363.30 ft.  
 to a stone bound; thence by a 200 ft. radius curve to the right 152.70 ft. to a stone bound  
 on the southerly side of Partridge St.; thence N 29 14 30 W 50.48 ft. across said Partridge  
 Street to a stone bound; thence westerly and northerly by an 80 ft. radius curve 137.21 ft.  
 to a stone bound; thence N 13 03 W 619.90 ft. to a stone bound; thence by the same course 500  
 ft. to a stone bound; thence by the same course 500 ft. to a stone bound; thence by the same  
 course 500 ft. to a stone bound; thence by the same course 452.12 ft. to a stone bound; thence  
 by the same course 500 ft. to a stone bound; thence by the same course 596.85 ft. to a stone  
 bound; thence by a 1400 ft. radius curve to the right 328.98 ft. to a stone bound; thence  
 continuing by the same curve 328.99 ft. to a stone bound; thence continuing by a 2000 ft.  
 radius curve to the right 215.84 ft. to a stone bound; thence N 20 03 40 E 498.92 ft. to a  
 stone bound; thence by the same course 550 ft. to a stone bound; thence by an 850 ft. radius  
 curve to the left 411.84 ft. to a stone bound; thence continuing by a 4050 ft. radius curve  
 to the left 283.72 ft. to a stone bound; thence continuing by the same curve 283.73 ft.

to a stone bound;thence N 15 43 40 W 200 ft.to a stone bound;thence by the same course about 91.5 ft.to an unmarked point in the middle of the Charles River and the Franklin-Medway town line,said point being about 50.3 ft.easterly from the last point in the westerly line as above described. Said lines are shown upon a plan entitled "Plan showing the Relocation and Widening of Pond St.,Franklin from Oak St.to the Medway Town Line as made by the Norfolk County Commissioners by Return dated July 1,1930. Hartley L.White,County Engineer. Scale 1 inch - 40 feet" and marked "Edward W.Hunt,Chairman",which plan is filed herewith and made a part of this return. And the Commissioners do hereby take for the purposes of a highway all the easements and rights incident to a public highway in the lands included within the lines of relocation hereinbefore described and as shown on the plan hereinbefore referred and made a part hereof in so far as such lands may lie outside the limits of said way as heretofore defined. And permanent stone or concrete bounds,not less than three feet long,two feet of which at least shall be inserted in the earth,will be erected at the termini and angles of the way relocated as aforesaid,when practicable;and,when not so,a heap of stones,a living tree,a permanent rock,or the corner of an edifice will be a substitute;or said bounds may be permanent stone or concrete bounds not less than three feet long,with holes drilled therein,and filled with lead,placed a few inches below the travelled part of the street or way. And it is determined by the Commissioners that the Inhabitants of the Town of Franklin do within two years from the date of this return and order complete said way in a thorough and workmanlike manner and to the acceptance of the County Commissioners. Said way shall be constructed to the full width indicated on said plan throughout the entire length of the portion relocated by this return and order. Suitable sidewalks,gutters,culverts,retaining walls,fences and railings shall be constructed wherever needed. And it is determined by the Commissioners that all the expenses of making the relocation of way prescribed in this return and order,including the expenses of constructing said way,and the removal of all buildings,structures,hedges,walls and fences from the lands taken,and all land and other damages and expenses incident thereto,be paid by the Inhabitants of the Town of Franklin;and that the County of Norfolk shall pay to the Inhabitants of the town of Franklin the sum of Six Thousand Dollars (\$6000),payment there of to be made at such time as the commissioners may determine,having regard to the amount of the work done and the proportion of the expense to be paid by the County. And the Commissioners have heard the proprietors of lands and property,rights and interests,taken or affected by these proceedings,and have considered and estimated the damages sustained in the premises,having had regard to all the damages done to the parties respectively,whether by taking their property or injuring it in any manner,and having allowed,by way of set off,the benefits,if any,to the property of said parties in the premises,and do estimate and determine the damages to be paid to said parties respectively,in the sums hereafter named;the same to be paid to said parties respectively by the Inhabitants of the town of Franklin when the lands hereby taken and over which said way is hereby located,have been entered upon and possession taken,for the purpose of constructing said way.

Isabella Titherington	\$5.00
Ernest D. Daniels	10.00
William Berndt et al	15.00
Carlo Ferioli	5.00
Richard H. Ward and George H. Tobin	25.00
Wilton A. Pond, Tr.	1.00
George V. Miller	1.00
Frank and Mona P. Kennedy	25.00
Herbert E. DeWinter	5.00
Grace E. Tetlow	25.00
Martin Cerel, Tr.	20.00
Albert P. Bishop	5.00
Laura D. Crockett	10.00
James M. Nowland, Tr.	75.00
Stella Ustinowicz	125.00
Wladyslaw Michalowski et ux	210.00
Gertrude S. Cole	25.00
Anthony and Blanch Bogdantzik	1.00
Isaac J. and Josephine Brothers	25.00
May A. Aulenback	10.00
Julia E. S. McKnight	20.00
Pearl A. Carroll	15.00
Mary L. McDowell	10.00
James J. Quinn et ux	15.00
Mary M. Pond et al	10.00
Thomas H. and Jessie A. Perrin	<u>15.00</u>
	\$708.00

aving heard the proprietors of lands and property, rights and interests, taken or af-  
 i by these proceedings, the Commissioners direct that all said proprietors shall have  
 ight to take off their timber, wood and trees and to remove their buildings, structures,  
 s, walls, and fences from the lands so taken, at any time within one month from the  
 of beginning of work of construction of said way as herein required.

Edward W. Hunt	)	
Frederick A. Leavitt	)	County
Russell T. Bates	)	Commissioners

wealth of Massachusetts Norfolk, ss. At a meeting of the County Commissioners, held at  
 u, on Tuesday, the first day of July 1930, by adjournment of their June meeting next  
 ling: ORDERED That the foregoing Return and Order be filed, accepted and recorded, and  
 an attested copy thereof be transmitted to the Clerk of the Town of Franklin, within  
 limits of which said highway described therein lies, that the same may be recorded by

said Clerk, within ten days, in the book of records kept in said Town for that purpose.

Edward W. Hunt	)	
Frederick A. Leavitt	)	County
Russell T. Bates	)	Commissioners

A true copy of County Commissioners' Return and Order.

Attest: Willard E. Everett Assistant Clerk

Rec'd & entered for record July 10, 1930 at 11h.35m.A.M.

KNOW ALL MEN BY THESE PRESENTS

Jones  
to  
Kingsbury

that I, Alice L. Jones, of Needham, Norfolk County, Massachusetts do hereby make, constitute and appoint Frederick S. Kingsbury of said Needham my true and lawful attorney in fact for me and in my place, name and stead and to draw checks on the Shawmut National Bank of Boston or any other bank or banks in which I may have monies on deposit and to endorse checks, sign checks and to sign, seal, execute and deliver discharges of mortgages and receipts and to demand, sue for and receive all debts, monies, securities for monies, chattels, or other properties, personal or real estate and stocks, bonds & notes to which I am now or may hereafter become entitled or which are now or may become due or payable to me from any person or persons whomsoever and from time to time to sell and dispose of any bonds which I now hold as my said attorney may think expedient, to receive the consideration for the sale thereof and for me and in my name to execute such transfers and assignments as shall be necessary to assign my bonds--the purchaser thereof and generally to act as my agent or attorney in relation to the premises and all other matters in which I may be interested or concerned and on my behalf to execute all such instruments and to do all such acts and things as fully and effectually in all respects as I myself do if I personally were present and I hereby for myself, my heirs, executors and administrators ratify and confirm and agree to ratify and confirm whatsoever my said attorney shall do by virtue of these presents

IN WITNESS WHEREOF I have hereunto set my hand and seal this twenty-first day of May nineteen hundred and thirty.

Witness Theresa H. Dubois ) Signed-Alice L. Jones (-----)

The Commonwealth of Massachusetts Norfolk ss. July 10, 1930. Then personally appeared before me the above named Alice L. Jones and acknowledged the foregoing instrument to be her free act and deed. Allston R. Bowers Notary Public (Notarial seal) My commission expires March 23, 1934.

Rec'd & entered for record July 10, 1930 at 4h.P.M.

Falvey & al  
Admrs.

to  
Clarkin

We, Joseph W. Falvey of Boston Suffolk County and Edward A. Falvey of Somerville, Middlesex County, and Commonwealth of Massachusetts Administrators with the will annexed of the Estate of William H. Falvey late of said Somerville, deceased by power conferred by the Probate Court for the County of Middlesex in said Commonwealth by license dated June 11, 1930 and every other power for two thousand dollars (\$2000) paid, grant to Walter E. Clarkin of Foxborough, Massachusetts A cer-