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A COMPREHENSIVE  
HISTORICAL SKETCH  
OF  
CRYSTAL LAKE

IN  
NEWTON CENTRE, MASSACHUSETTS  
WITH INCIDENTAL REFERENCES  
TO INTERESTING EVENTS  
IN THE  
HISTORY OF NEWTON



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A COMPREHENSIVE  
HISTORICAL SKETCH  
OF  
CRYSTAL LAKE



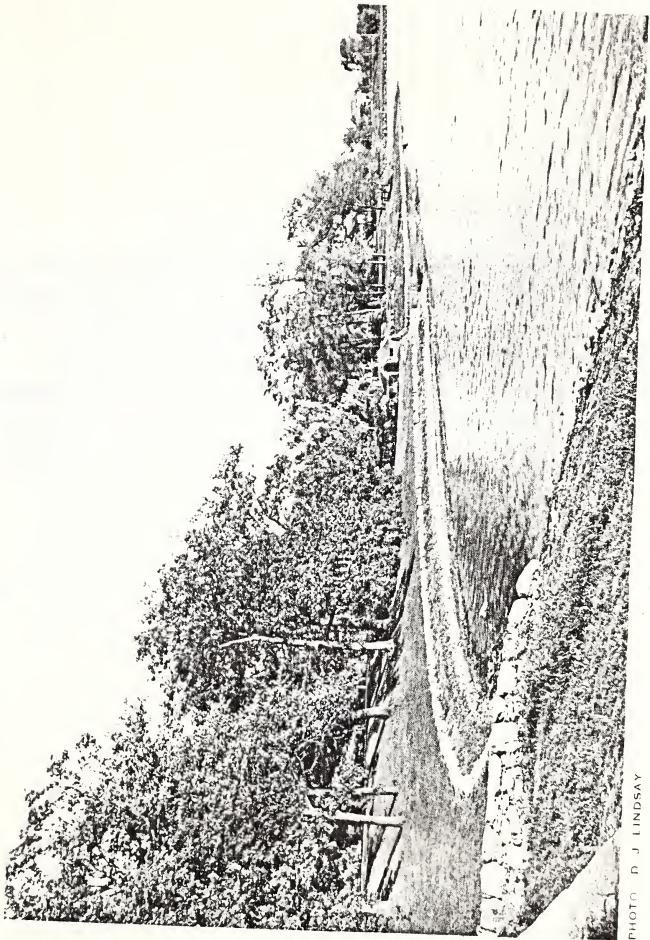


PHOTO BY J. LINDSAY

THE EAST SHORE OF CRYSTAL LAKE, 1910

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*NEWTON CENTRE Improvement Association, .....*  
Center, Mass.

A comprehensive historical sketch of Crystal Lake in Newton Centre, Massachusetts, with incidental references to interesting events in the history of Newton. [Newton Centre, Mass.] 1911.

**SHelf CARD**

A 951



Don't think to find within these pages  
The wisdom of the seven sages;  
Just read them with a friendly eye  
And pass their imperfections by.

The Stetson Press, Boston

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# A COMPREHENSIVE HISTORICAL SKETCH OF CRYSTAL LAKE



## CHAPTER I INDIAN TRADITIONS

*There's an undertone of sighing,  
There's a hush in all the air,  
And the face of nature, dying,  
Wears a glow divinely fair;  
If you listen, listen, listen,  
In the quiet woodland ways,  
You will hear the forest singing,  
You will catch the breath of praise.*

MRS. M. A. LATHERBURY

Indian traditions so far as the territory now included in the city of Newton is concerned are few in number and not directly connected with the history of Crystal Lake. In their dealings with the Indians the founders of the Massachusetts Colony were careful to avoid the least scruple of intrusion. They directed the settlers to purchase the title whenever the savages pretended to any or all of the lands granted in their patents. The land north of the Charles River, as far as



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the Merrimac, was accordingly bought from an Indian queen in consideration of a new fur-lined overcoat each winter, as long as she lived, and other valuable presents. This was the first transaction in fur-lined overcoats in the annals of Massachusetts, and it was certainly a bargain. The queen's example was followed by four Indian chiefs south of the Charles, one of whom was John Eliot's friend, Cutshamekin. This chief lived at Neponset, but his authority included the Indians of Nonantum, the name by which they designated the site of what is now Newton.

Nonantum means rejoicing. Its use by the Indians shows that they had a keen sense of the many good things belonging to their native land. It is generally conceded that the modern Newton is a happy combination of mythical Arcadia and the Forest of Arden, with all the advantages of a large city near at hand. To the Indian nature, where the Happy Hunting Ground figured as the final goal, the ancient Nonantum may have been even more attractive. An Indian was quick to detect the salient features of a landscape. A wilderness of forest, broken by hill and dale, en-

## INDIAN TRADITIONS

compassed by streams, and enclosing lakes of crystal purity, appealed to him and brought rejoicing to his spirit. All these things he found in abundance up and down the wilds of Nonantum. Whether he roamed the forest in quest of game or fished in the quiet waters of the ponds and streams, the Great Spirit was above him and around him, speaking in the rippling wave, the refreshing breeze, and the placid beauty of the sky. Treated fairly by the colonists in the purchase of their lands, the red-skins kept their peaceful surroundings and lived on terms of friendship with their white-skinned neighbors, doing their part in making the chronicles of Newton an unbroken record of brotherly affection.

The Indian whose career was most closely connected with the early history of Newton was the famous chief Waban. This well-known Indian was a scion of the Concord tribe. When he grew to manhood he improved his worldly state by marrying a rich wife, the lady's father being the Sachem of Concord. He then moved to Nonantum and became leader of the Nonantum Indians. When the Reverend John Eliot began his mission-

## CRYSTAL LAKE

ary work, he sought out Waban and made him his friend. His influence was soon enlisted to aid Eliot, and under that banner the apostle's labors began to meet with success. The clever chief, however, was not converted until a number of embarrassing questions had been answered to his satisfaction. Eliot's position in the beginning was not unlike that of a modern Sunday-School teacher in charge of the infant class, but as soon as he could recover from surprise at the untutored cleverness of the Indian's curiosity he was equal to the emergency. He was aided at the critical moment by his sensible method of work, teaching, as he did, practical as well as spiritual lessons. His patience was rewarded by seeing Waban's clan rise in time to a commendable plane of civilization. The records speak of the Nonantum Indians as dwelling in compact villages on the slopes of Nonantum Hill. Their wigwams were divided into apartments. They had patches of ground surrounded by ditches and stone walls. They planted orchards and fields of corn. They acquired some knowledge of carpentry and other trades. The women advanced in like manner as

## INDIAN TRADITIONS

their husbands. They learned to spin, to braid baskets, and to make brooms. In spring and summer they sold berries and fish to the white people. In this way the clan accumulated a fund and built a church, where services were held under the guidance of ministers from Boston and the neighboring settlements. In the hunting grounds of Nonantum the rude aborigines thus became amenable for the first time to English law, and replaced their own savage customs with the milder and more equitable system of their white teachers.

Waban lived to a good old age and died, as he had lived, in peace and amity with his neighbors. Waban Hill, near which he received his first lesson from John Eliot, commands a surpassing view of the entire country once subject to his authority. It is a grand and everlasting tribute to a wise and faithful Indian, but it is not the only tribute. His name is also commemorated in the beautiful village of Waban and in many other ways. His greatest monument is the City of Newton.

Crystal Lake, so far as known, was not the centre of any special Indian activities. None the

## CRYSTAL LAKE

less it is a reasonable conjecture that Waban and his kinsmen sometimes skimmed its surface in their light canoes and took an occasional fish-dinner from its limpid pools. Their camp fires may have illuminated its wooded shores, and the deer, coming from their forest lair to seek the clear, cold water, may have paid tribute to the unerring aim of an Indian arrow. The Lake, like the forest, was a part of the Indian's existence, and to picture it as it was in the ages of its solitude the Indian must be regarded as an essential element.

## CHAPTER II

# THE COLONIAL PERIOD

*Should auld acquaintance be forgot  
And never brought to min'?*  
*Should auld acquaintance be forgot  
And days o' lang syne?*

ROBERT BURNS

The colonial history of the Lake begins with the grant of one thousand acres and a great pond to John Haynes, Esquire, in 1634. In those days land was granted in large tracts, and John Haynes' one thousand acres put him in possession of an estate that began at the northern boundary of the Lake and extended southwesterly to the nearer borders of the Upper Falls. Haynes was a native of the English county of Essex. He came to this country with the Reverend Thomas Hooker in 1633, and settled in Cambridge. In 1635, he was chosen governor of the colony. The next year he went with Hooker and his company on their journey through the wilderness to Hartford, Connecticut, allured thither by the greener fields and greater extent of open country in the Connecticut

## CRYSTAL LAKE

valley. In 1639 he was chosen governor of Connecticut. His death occurred there in 1654.

His one thousand acres, or such part of them as had not been conveyed by him during his lifetime or by his heirs immediately after his death, were leased by Captain Thomas Prentice, who held possession of them for many years either as agent or lessee. Prentice's own land was on Ward Street, in another part of the settlement, and if he ever lived on any part of the Haynes' tract, it was for a short time only and near the close of his life.

The first actual settler was Thomas Wiswall, who leased from Prentice so much of the Haynes' estate as bordered on the south side of the Lake. Before he came to Newton, Wiswall was a prominent citizen and town-officer of Dorchester. His experience in town-government soon brought him to the front in Newton, which, it should be remembered, was then a part of Cambridge and known as Cambridge Village. With the assistance of John Jackson, probably the first settler in Newton, he soon began active measures for a separation from Cambridge in the matter of church dues. His efforts met with strong oppo-

## THE COLONIAL PERIOD

sition from Cambridge for several years, but he held his ground, and in the end succeeded to the full extent of his wishes. In the new parish then created he performed the duties of elder, assistant pastor, and catechist. He was twice married, but there is some evidence that in his second matrimonial venture he did not use the same good judgment as in the first. The lady appears to have been spirited as well as spiritual, and Wiswall was apparently unable to curb her spirits. It became necessary to resort to the discipline of the Church, and the ecclesiastical dignitaries compelled her to retract some of her rash statements. At the same time they drily counselled her "to set a watch before her mouth and keep the door of her lips." In spite of this domestic drawback the elder seems to have gone on his way in peace and prosperity. He built a good house on the south shore of the Lake, beside the Dedham trail. This house stood where the Luther Paul house now stands, and the Dedham trail is now Centre Street.

The Wiswall house was built in 1654, and was the first house on the shore of the Lake or any-



## CRYSTAL LAKE

where near it. It was situated on a high bank above the water, and had pleasant views of the Lake through the intervening trees. It was large for that early period, and divided into comfortable rooms. It was the only house in the neighborhood for many years, and, excepting so much of the land as Elder Wiswall saw fit to clear, was surrounded by forest. The Lake soon came to be known as Wiswall's Pond, a name which it kept for almost one hundred and fifty years.

The Elder had seven children, two of whom, Ichabod, born in 1637, and Noah, born in 1638, achieved distinction, the former as a clergyman, the latter as a soldier. Ichabod was ordained pastor of the Duxbury Church in 1676, and was agent for the Plymouth Colony, in England, to obtain a new charter, in 1689. This brought him into a diplomatic controversy with the Reverend Increase Mather, who was exerting himself to obtain a charter that would unite Massachusetts, Plymouth, and Maine under one government. Mather was successful, but Wiswall proved himself a worthy opponent and a devoted representative of the interests of Plymouth.

## THE COLONIAL PERIOD

Noah was a selectman in 1685, and an assessor in 1686. In the spring of 1690 Indian depredations became frequent in the vicinity of Casco Bay. As captain of a company of infantry, Noah was sent to the front. He overtook the enemy at a place called Wheelwright's Pond. An engagement followed, in which Captain Wiswall, with seventeen of his troops, was killed. His bravery received public recognition some years afterwards, when the General Court granted to his heirs several hundred acres of land at the foot of Wachusett Mountain.

This record of service to the community was repeated by the grandsons and the great grandsons. For example, the martial instinct was so strong in Captain Noah Wiswall of the fourth generation that he could not resist the battle-cry even in extreme old age. On the day of the Battle of Lexington his eagerness to see what the boys were doing, as he expressed it, led him so near the firing-line that he received a serious wound in the hand and returned home a hero, carrying as proof of his value the captured rifle of his dearest enemy. His age at the time of this

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exploit was 76. This sturdy descendant of the original Wiswall tore down the ancient dwelling of his great grandfather in 1744 and replaced it with a more modern house, parts of which remained intact until very recent times.

This brief sketch of the Wiswall family will suffice to show that the first settler on Crystal Lake was not only a man of parts himself, but also the progenitor of many excellent people who afterwards tilled the hills and valleys of which he was once almost the sole lord and master.

The first grant on the north side of the Lake was made to Jonathan Hyde. It consisted of 240 acres and extended north in line with Centre Street as far as Ward Street and west as far as Bullough's Pond and the Newton Cemetery. The house stood some distance back from Centre Street between Homer Street and Commonwealth Avenue. Hyde seems to have devoted his time and labor to clearing and planting his farm. He was also a road-builder, having reserved and laid out a road one rod wide from Centre Street at the Common to that portion of his estate which bordered on Crystal Lake. This road followed

## THE COLONIAL PERIOD

the general direction of Pelham Street and then turned towards the Lake very much after the manner of the present Lake Avenue. In size of family Hyde's record has never been broken in the Crystal Lake district. He was the father of 21 children and was able to take good care of all of them.

His son Samuel, by deed of gift, afterwards came into possession of the part of his father's estate lying next to the Lake, and there, in 1702, somewhere near the present Moreland Avenue, he built the first house in that neighborhood. He lived in his new house until 1725, when his estate passed to a French-Canadian named Francis Blanden. There had been a previous agreement that the rod-wide way laid out by Jonathan Hyde should remain free "to bring hemp or flax to the pond, and sheep to washing, or such like necessary occasions to come to the pond." The Blanden family continued to reside there during the greater part of the colonial period.

The Wiswall and Hyde dwellings were the only houses in the immediate vicinity of Crystal Lake for many years. Centre Street and the rod-wide way, first named Pond Street and afterwards Blanden's Lane, were the only public ways. The

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Common, where the schoolhouses now stand, also came into use during the Colonial period. It was given to the parish by Thomas Wiswall and Jonathan Hyde for educational and military purposes. Owing to the danger of Indian raids, followed by the revolutionary struggle, its use until the close of the Revolution was almost entirely that of a training-field. It was also, however, the site of the nooning-houses which were built soon after the Newton brethren had obtained their legal separation from the Church at Cambridge. These noon-day resting places were rudely constructed buildings of one story. They afforded some protection from the heat of summer and the cold of winter, but were devoid of anything more that might be conducive to comfort, with the possible exception of primitive methods for warming the toes. Seated on rough benches the faithful parishioners ate their lunches after the long morning service and fortified themselves for the still longer afternoon service. Yet it is an interesting fact that the long services of these early times did not consume much, if any, more time than Sunday services do today.

## THE COLONIAL PERIOD

It is in the matter of variety and comfort that the present generation has such a long lead.

This fleeting chronicle of the Colonial Period shows, when summarized, that the history of the Lake in that period centres in the Wiswall and Hyde families, with a spice of Indian and Revolutionary warfare added. Perhaps the most notable achievement was the progress made in road-building, the Dedham trail being converted into something resembling the modern Centre Street, and a way opened from the Common to and around the northern end of the Lake. Moreover, the growth of the Church should not be forgotten, nor the modest beginning of educational training for the boys and girls. As for the Lake itself, it lay during these years in its woodland setting very much as it had during the centuries of unwritten history that made up the past. It may have reflected more clearly the autumnal sunset because of clearings here and there in the forest. It may have afforded a quiet retreat by day for the spiritual meditations of the parish clergy. But it is safe to say that it was none the less by night a welcome haunt of the deer and the owl.

## CHAPTER III

# THE MIDDLE AGES

*Ah, why  
Should we, in the world's riper years, neglect  
God's ancient sanctuaries, and adore  
Only among the crowd, and under roofs  
That our frail hands have raised.*

WILLIAM CULLEN BRYANT

For the purposes concerned in this narrative the Middle Ages cover the period from the Revolution down to the rise of the Newton Centre Improvement Association. It was a period during which the natural attractiveness of Newton began to receive recognition. As early as the year 1757 the Reverend John Cotton said, "From its early settlement Newton has been remarkable for the salubrity of its air and the health and longevity of its inhabitants." In proof of this he cited the many instances of long life among all classes. Of the first fifty settlers in Newton three lived to be over 90, eleven over 80, and several more over 70. Elder Thomas Wiswall died in his 83rd year, and Jonathan Hyde died in his 85th. The Reverend

## THE MIDDLE AGES

Dr. Homer is authority for the statement that in 1792 a 23rd part of the population of Newton was over 70 years of age. This fine record has not materially changed down to the present time, the number of aged persons still being remarkably large.

Soon after the colonies had gained their freedom a financial storm burst upon them and caused great distress. So many persons were unable to pay their debts that the courts were clogged with business. The trouble culminated in rebellion, and Daniel Shay led a band of insurgents one thousand strong through the streets of Worcester. Newton was asked to join the insurrectionary movement. Her response was striking evidence of respect for law and loyalty to government on the part of her people. Among other things the reply said: "The grievances you complain of, mainly, are public taxes, which are occasioned by the public debt, and the payment of private debts, which result from private obligations.

"We cannot consider public taxes grievances; they are burdens, it is true, which bear heavy upon us, but the public debt, which we have



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voluntarily contracted, is the price of our spirit and independence, and we feel ourselves bound by every principle of justice and every tie of gratitude honorably to discharge it.”

While these stirring events were transpiring the Wiswall homestead passed into possession of the Paul family, where it remains to this day, standing on the site of the original dwelling. The Wiswall connection with Crystal Lake thus came to an end, after existing without a break for one hundred and fifty years. The Blanden estate on the opposite shore remained in the Blanden family some years longer, and was then gradually parceled out among various purchasers. Other houses were built in the neighborhood of the Lake, and the romantic atmosphere heretofore dominant began to yield to something resembling the march of modern improvement. In 1765 Newton had 1360 inhabitants. In 1850 the number had risen to 5258, of which the Lake district had its share. The ancient farms of Wiswall and Hyde began to be but a memory. The names of Paul, Parker, Norman, and Murdock became common. Towards the close of the period stage-

## THE MIDDLE AGES

coaches were running through Newton Centre on their way from the Upper Falls to Boston, the fare from Newton Centre being  $37\frac{1}{2}$  cents. A railroad from Brookline to Needham soon succeeded the stage-coach, though not without opposition from residents along the line, who feared injury to their gardens and the bringing in of an undesirable population. The Air Line, as it was called, afterwards became the Charles River Railroad. As such it was merged into the Boston, Hartford, and Erie, which was soon renamed the New York and New England. It was finally bought by the Boston and Albany, which passed by lease a few years ago into control of the New York Central.

On the Common which the early settlers gave to the town, a small powder-house was built, in 1799, at the corner of Lyman and Centre Streets, and served as a rallying-point for such military operations as were needed to keep the martial spirit intact. It was torn down in 1850. The Common has also been the site of some sort of a public school from the year 1700 down to the present era. Its usefulness was increased in 1835 by the erection of a town-hall, where the seat of

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government was maintained until 1855, when it was removed to West Newton. These uses served to commemorate the foresight and civic spirit of Wiswall and Hyde, and ought to increase the respect in which those benefactors should be held by all to whom their generous gift has brought so many blessings in the present generation.

In the nearer locality of the Lake private schools flourished to some extent during these Middle Ages. The seat of learning was first located on the southern shore, but was afterwards transferred to where the Davis house now stands. The first venture was a so-called classical institute, modeled on the German plan. Not being conspicuously successful, it was followed by a school approaching the American idea more closely. Next came a girls' school, and when that too had run its course, the cause of learning languished and finally fled to newer fields.

Meantime a movement was in progress on the south shore, which has since resulted in great achievements. A Baptist church was founded, being the first in Newton. In 1729 there were

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only two Baptists in the whole settlement. In 1753 there were six. But in 1780 Elhanan Winchester, an eloquent preacher of the new faith, moved into Newton, and under his able leadership a church was soon organized with an enrollment of 73 members. In 1795 a meeting-house was dedicated. It stood between Centre Street and the Lake, on land given to the society by Noah Wiswall. It was necessarily a rude structure. The seats were made of rough boards, and the pulpit of unplanned planks. It remained without a stove for fifteen years. The stove, which was then set up, cost 11£, 14s., and 10d. The first minister was Caleb Blood, and his salary was 60£ a year. He was succeeded, in 1788, by the Reverend Joseph Grafton, who held the charge until 1836 and added a total of 567 persons to the list of members. Father Grafton's successor, the Reverend F. A. Willard, built a larger church as soon as the parish could afford the cost. The first humble sanctuary, however, is still standing, but it has been used as a dwelling-house for more than half a century. The modest beginning of the new faith culminated

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in the dedication, in 1887, of the beautiful house of worship at the corner of Beacon and Centre Streets. During these years Wiswall's Pond, after a short period as Silver Lake, became Baptist Pond, and that name was kept down to very recent times.

If the Colonial Period be taken as typifying the first rude awakening to the blessings of free government, the Middle Ages may be regarded as setting a pace in the direction of those things which introduce a more refined civilization. Religion and education received their due, and interesting experiments with successful issues were made in both. With all the various steps of progress there is a picturesque and inspiring connection on the part of Crystal Lake, and no one can appreciate the full significance of this beautiful body of water unless he thus considers it in the broadest historical sense.

## CHAPTER IV

### THE MODERN ERA

*Not in vain the distant beacons. Forward,  
forward, let us range.*

*Let the great world spin forever down the  
ringing grooves of change.*

ALFRED TENNYSON

The Modern Era is largely a record of what the Newton Centre Improvement Association has done for the Lake. Private enterprise is of course responsible for the many attractive homes which now adorn the shore and the adjacent streets. But whatever of public spirit has been shown in using Crystal Lake to the best possible advantage owes its inspiration to the work of the Improvement Association. The building of a sea-wall and embankment, the reservation of a bathing beach with the adjoining grove, and the lowering of the railway tracks in connection with the abolition of grade crossings, to mention only the larger undertakings, all belong to the Modern Era, and were promoted and helped along to ultimate completion by the Improvement Association.

The Association was organized more than fifty

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years ago by a company of gentlemen interested in the planting and care of trees. Many of the trees which now shade and beautify the highways and byways of Newton Centre were set out under the direction of this tree club. As other public needs arose it widened its sphere of usefulness and became an improvement association. It then turned its attention to the Lake, and the first result of its influence was the construction by the city of the Lake Avenue embankment. The work was completed in 1883, at a cost of \$500. It reserved to the public a very accessible and attractive part of the shore, and has greatly increased the number of persons attending the annual celebration of the Fourth of July in Newton Centre, which under the management of the Improvement Association has assumed the proportions of a civic affair. During the water sports of the early evening, and the band concert, pyrotechnic display, and general illumination with which the celebration always closes, thousands of people mass themselves on the embankment and from that vantage-point enjoy the magnificent spectacle in progress on the Lake.



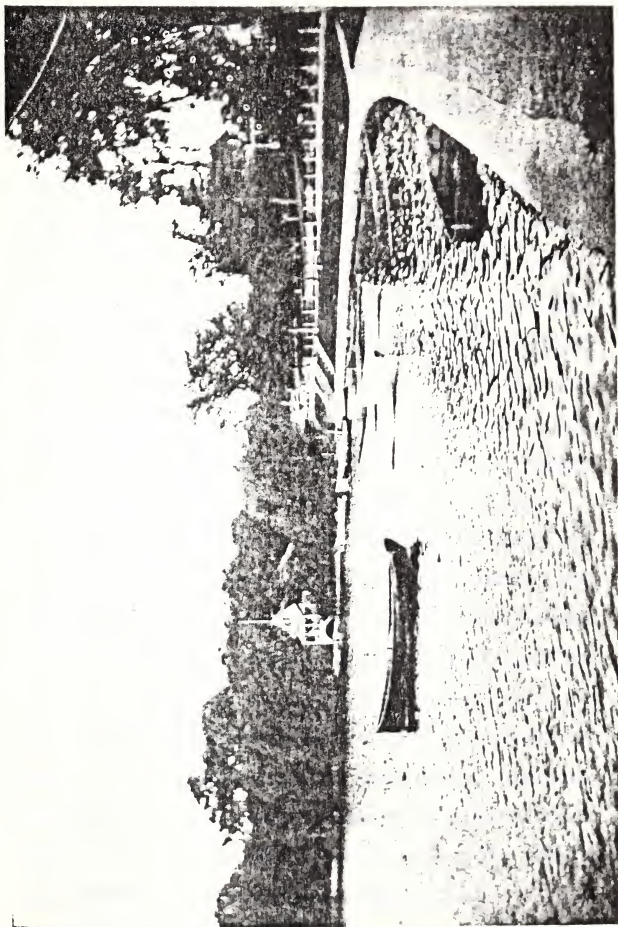


PHOTO C S YOUNG

THE PROMENADE IN 1898      12 BOATS AT MOORINGS



## THE MODERN ERA

In the cozy little bay fronting the embankment there used to be moored a pleasing flotilla of canoes and row-boats. In those days pleasure parties and lone fishermen were seen upon the Lake every pleasant afternoon in summer. All that has now been changed. The annual vacation exodus from Newton has destroyed the naval supremacy of Crystal Lake and reduced the fleet to insignificant numbers. A solitary boat moored here and there to a private wharf is all that remains of a once powerful fresh water navy, and processions of gayly decorated boats are no longer a part of the festivities on Independence Day.

Bathing facilities on the other hand have increased. It was the custom for many years to use the most remote corner of the Lake as a swimming-pool. Under the simple manners and customs then in vogue it was considered good form to dress and undress behind the friendly shelter of a tree, after which a quick run without any stops to and from the water, forming a picture more akin to the school of impression than the school of realism, was strictly en regle. Then, attired solely in nature's garb, the bathers disported

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themselves to their hearts' delight and expressed their satisfaction in stentorian yells easily heard a mile away. When the permanent residents increased in number these primitive habits had to be given up. Under the supervision of the Improvement Association a bath-house was built, rules were established, and bathing was raised from its former simplicity to the fashionable atmosphere of well-regulated watering-places.

The most popular sport on Crystal Lake is skating. On the clearest and crispest of winter days good ice brings out hundreds of skaters to enjoy the exhilarating and healthful exercise. The size of the Lake affords ample room for everybody. All ages are there, and every degree of proficiency may be seen from the uncertain movements of the beginner to the graceful evolutions of the professional expert. Exciting games of hockey add to the zest, and sometimes an ice boat goes skimming by. On moonlight nights crystal sky combines with Crystal Lake to increase the fascination. In the frosty night air the sport grows merrier and the skaters are braced up to their best efforts. . . Once in a while good skating

## THE MODERN ERA

and good sleighing come together. Crystal Lake, under such a combination, partakes of all the good things belonging to an old-fashioned winter, the rigorous severity of zero weather being lessened by modern comforts without taking away any of its bracing quality.

The lowering of the railway tracks improved the general situation on the south side of the Lake. The passing trains are still a conspicuous object but less so than when the tracks were more elevated. The work of abolishing grade-crossings on this part of the Newton Circuit encountered at the outset some very considerable obstacles, all of which centered in the opposition of the railroad company. This became all the greater when control of the Boston and Albany passed to the New York Central. During the six years of agitation and doubt the Improvement Association led the fight for abolition, and, ably supported by the city government, finally won a signal victory. The work was begun in 1904 and completed in 1907. When done it was well done. In any future scenic development of the Lake, such, for example, as will be discussed in the

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concluding chapter of this sketch, the changes made by changing the grade of the tracks will be of material assistance in improving that side of the Lake where improvement is most needed.

The building of the Newton sewer system was begun in 1891. Soon after it had been finished in the Lake district, the water receded and the former area was perceptibly lessened. This was doubtless due to less surface drainage emptying into its former natural basin. Seeing so much more land and so much less water, a few people became apprehensive that Crystal Lake as such might disappear entirely and leave behind it nothing more than a gigantic mud-hole. Fortunately the receding waters stopped far short of the impending catastrophe, and it is more than probable that they have now reached their final new low-water mark.

During the period of which this chapter treats the landscape on the shore of the Lake has undergone a great transformation. Most noticeable are the many houses built in the last twenty years, and the green lawns and profusion of shrubbery with which they are surrounded.

## THE MODERN ERA

The contrast with the former unbroken stretch of forest is very great. Happily many of the original trees have been saved on these private estates, and the public reservations preserve still more, so that there is still something left to suggest the scene as it was in bygone days.

1778957

## CHAPTER V

### JUDICIAL NOTICE

*Four things belong to a Judge: To hear courteously, to answer wisely, to consider soberly, to decide impartially.*

SOCRATES

On the first day of February, 1896, information in the nature of a bill in equity was filed in the Supreme Judicial Court for the county of Middlesex by the Attorney-General, at the relation of the Board of Harbor and Land Commissioners, alleging that the land had been filled in and encroachments made below high-water mark on the waters of a great pond, *i. e.*, a pond containing more than 10 acres — in Newton, known variously by the names of Wiswall's Pond, Silver Lake, Baptist Pond, and Crystal Lake, and praying for an order to remove the filling and enjoin further encroachments.

The case was referred to a master, who made a report favorable to public ownership, after a series of investigations and hearings lasting several years. To this report both the parties

## JUDICIAL NOTICE

concerned filed exceptions. The plaintiff's general exception was that the case had been tried upon the theory that title to the Lake had been acquired by the Commonwealth by the dedication thereof to public use, but the master had regarded this contention as of little importance and had refused to find that such dedication had been established. The defendant excepted because the master found that title to the Lake and its waters and the right to control the same had become vested in the Commonwealth by prescription.

The next step was a hearing on the exceptions before a justice of the Supreme Judicial Court. The hearing resulted in the exceptions on both sides being overruled and the case reported for consideration by the full court.

In February, 1908, twelve years after the bill had been filed, and therefore a vivid illustration of the law's delay, the question at issue was finally decided, the decision by Justice Henry N. Sheldon being in substance as follows:

In the bill filed by the Attorney-General the plaintiff claimed that Crystal Lake was a great pond and subject as such to the provisions em-

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bodied in chapter 96 of the Revised Laws. The defendant contended that the Lake was not subject to the provisions of that statute because it had been granted to John Haynes in 1634 by the Court of Assistants, and having thus been appropriated to a private person, was private property.

The master has found that Crystal Lake is a great pond; that the defendant owns a parcel of land bounded on the Lake upon which he was and is carrying on an ice business; that he had filled the land and made encroachments upon the waters of the Lake below high-water mark, such as to interfere with the use of the water and the soil of the Lake in that locality; that he had received no authority to do this from the General Court or from the Board of Harbor and Land Commissioners; that it was not done in a manner sanctioned by or under any license from that Board; that he had not in himself, either under the Haynes grant or otherwise, any title to the waters of the Lake or any right of control over them; that he had not acquired any adverse right to cut ice in the Lake, or any other adverse rights.

As to the title to the Lake the master found



## JUDICIAL NOTICE

that at a Court of Assistants, held in Boston April 1, 1634, a valid grant of a thousand acres of land and this lake was made to John Haynes, and that there had been no forfeiture of this grant; that there was evidence that the Lake had been used during at least sixty years for boating, bathing, and fishing, and also for the cutting of ice, by any one who cared to do so; that no claim had been made by any one representing the Haynes' interest or any other interest to control the same; that at different times bath-houses had been placed on the shore; that at one time, when there was a drought, an attempt had been made to use the water; that the water had been used otherwise for baptismal purposes; that in 1883 the City of Newton had appropriated \$500 to improve the shore; and that said amount had been expended for that purpose.

On the other hand the master did not find that there had been any dedication of the Lake to the public by its owners; and, though somewhat doubtful, he has not found that the general use of the Lake made by the public for many years was in itself sufficient to oust anyone having the

## CRYSTAL LAKE

right to claim under the Haynes' grant from his title thereto.

But on Sept. 12, 1870, the Commonwealth, by its Commissioners on Inland Fisheries, executed a lease of the Lake to certain parties for a term of twenty years. This lease contained strict provisions and limitations upon the acts of the lessees in and upon the Lake and in the use thereof which the lessees covenanted to observe, and provided that they should thoroughly stock the Lake with black bass. The lessees took possession under this lease and held such possession during the term of twenty years. The master found that this lease was given by the Commissioners on Inland Fisheries in good faith and in the belief that the Lake was a part of the public domain; that it was a declaration and claim of title on the part of the Commonwealth; and upon the occupancy thereunder for twenty years, together with the other use of the Lake made by the public during the past sixty years, the plaintiff had shown that the title to the Lake and its waters and the right to control the same had become vested in the Commonwealth by prescription.

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The defendant contends that on the facts found as to the lease given by the Commissioners on Inland Fisheries, and as to the use made of the Lake by the public for the last sixty years, the master had no right to find that the Commonwealth had acquired title by prescription. We do not understand, however, that the master rested his conclusion solely on the lease and the acts done under it. He found indeed that the general use made by the public and by individual members of the public was not of itself sufficient to show a dedication, or to oust from his title anyone claiming under the Haynes' grant, and that without the lease and possession thereunder title by prescription would not have been shown; but this could not prevent him from considering all the evidence together, and giving to the whole of it an effect which perhaps no single part of it would have produced on his mind; and it seems clear that he intended to indicate in his report that he did this.

It is immaterial that notice of the lease and of the acts of the lessees under it was not given to anyone claiming under the Haynes' grant. If

## CRYSTAL LAKE

there was anyone in existence making such claim, which appears to be at least doubtful, yet actual knowledge by him of the adverse use was not necessary.

The other uses found to have been made of the Lake by the general public were of such a character as to be entitled to consideration. That the master did not regard the evidence of these uses, though running through more than sixty years, as sufficient to sustain the burden of proof, which he ruled was upon the plaintiff, did not, as already said, preclude him from adding its effect to that of the other evidence.

This decision of the Supreme Judicial Court closed the record of John Haynes' ownership of Crystal Lake. It is more than probable that neither Haynes himself nor any of his descendants ever saw the Lake. During his short stay with the Massachusetts Colony Haynes lived in Cambridge, and there is nothing to show that he ever returned to Boston or any of the neighboring towns after the hardships of his journey through the wilderness to Connecticut. There is the same lack of evidence as to the movements of his

## JUDICIAL NOTICE

descendants during the two hundred and fifty years of their presumptive ownership. The Lake now belongs to the Commonwealth by virtue of a decree issuing from the court of highest jurisdiction in Massachusetts, and the ghost of John Haynes is thereby laid at rest forever.

CHAPTER VI  
MISCELLANEOUS DETAILS

*Altho' unpictured and unsung  
By painter or by poet,  
Our lake awaits the tuneful tongue  
And cunning hand to show it;  
We know full well the fond skies lean  
Above it warm with blessing,  
And the sweet soul of our Undine  
Awakes to our caressing.*

JOHN GREENLEAF WHITTIER

Between the hills of Newton, West Newton, and Waban, on the north, and the similar elevations of Chestnut Hill, Institution Hill, and Oak Hill, on the south, lies the plain on which Newton Centre is situated. Although broken into many local undulations between its extreme eastern and western limits, this plain maintains an average of about one hundred feet above the valley of the Charles River. It is one of the most beautiful and attractive residential spots in the world, and in its very midst sparkles like a gem the sunlit face of Crystal Lake. During the long ages when Nature was preparing it for the habitation of man, this miniature plateau between the hills

## MISCELLANEOUS DETAILS

was covered with a thick layer of ice. The action of the ice hollowed out in the softer parts of the earth's surface the great bowl which Crystal Lake now fills, while carving at the same time the more solid border lands into forms fitting them for the uses which have since been made of them. To recite the many geological steps in the process of thus transforming a dismal waste of snow and ice into a sunny table-land of field and garden would be quite beyond the scope of this narrative. In itself, however, the operation was simple and easily understood, nor are there wanting plentiful sources of information for those who may be especially interested in geological data.

Crystal Lake is not far distant from the geographical centre of the City of Newton. It lies entirely in precinct 2 of ward 6, which ward includes all that part of the city known as Newton Centre. On the south and west, ward 5 approaches closely enough to make the Lake an object of interest and pride to a large section of Newton Highlands, the chief village of that ward. The line between wards 5 and 6 in this part of its course runs through the middle of Berwick Road

## CRYSTAL LAKE

from Walnut Street to Lake Avenue, thence through the middle of Lake Avenue to the private way called Rogers Street, and thence by a similar central line to Centre Street, where it diverges in the direction of Clark Street

The Lake covers 31 acres and contains, estimated by liquid measure, 142,600,000 gallons, or, estimated by solid measure, 1,190,000,000 pounds. Its shore circumference is about one mile. The greatest length, from north to south, is 1,200 feet; the greatest width, from east to west, 1,000 feet; and the greatest depth, 31 feet. The shore line is irregular and forms two bays, one at the north, the other at the southwest. At those points Lake Avenue runs near the water's edge and affords fine views across the Lake.

The sources of supply are mostly subterranean, and the Lake is therefore a big, or more exactly, a very big spring. To this is added considerable surface water, but not enough to cause any serious contamination. In 1905, preparatory to a thorough examination and purification of the Lake, a hydrographic survey was made. During the warm weather of that year a kind of seaweed



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made its appearance, accompanied in the more stagnant water by an unpleasant odor. The Board of Health having been notified, their agent was directed to apply a treatment of copper sulphate. Three hundred pounds were used, being about 2 1-10 pounds to each 1,000,000 gallons of water. The treatment was applied by suspending the sulphate in burlap bags over the the side of a boat and letting it slowly dissolve as the boat was rowed along. The time occupied was eight hours, and the distance travelled eighteen miles. The date was August 18th. In less than a week favorable results were noted. In four weeks the water had entirely resumed its normal state.

Between July, 1909, and January, 1910, analysis of the water at different periods, and of the ice taken from it, was made by the Bacteriological Department of the Massachusetts Institute of Technology at the request and expense of the Newton Centre Improvement Association. The result is shown by the following reports:—

Dec. 6th, 1909.

The examination of the water of Crystal Lake

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has been made both before the "overturn" caused by the cooling of the surface and after. The condition of the water is not at all "bad." It shows no *B. coli.* and while it would not be recommended as drinking water, it is in much better condition than in August, 1905. The dosing with copper sulphate then applied seems to have kept down the algae growth.

The water carries rather more albuminoid ammonia in solution than is usual, but otherwise does not appear to be seriously contaminated.

The greatest risks are from the wash of the streets and lawns and from the possible contamination of ice by skaters.

Only great care in cutting the ice will obviate these risks.

BOSTON, MASS., Jan. 10, 1910

Referring to my previous report on the water of Crystal Lake, it will be seen that the water compares favorably with other surface waters in settled regions. No *B. coli* were found and only the usual amount of ammonia even at the time of the overturn. The chloral was in slight excess

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over the normal, but the oxidized nitrogen was low.

The sample taken December 5th showed abundant cyclops — a common crustacean — some of which were included in the ice, but have no special significance.

On January 5th two samples of ice were taken from the cakes being cut and stored from Crystal Lake. The pieces represented the average character of the ice. It was then twelve inches thick, with about four inches of snow ice and four inches of somewhat bubbly ice showing a few inclusions of foreign matter, the rest being crystal clear. Having solidified so quickly the block was very brittle.

*B. coli* were not found, as, indeed, they were not in the water samples taken November 10th and December 5th (1909). The chemical analysis compares with good ice. (See Mass. State Board of Health Report of 1889.) The sample was cut, melted, and tested in exactly the same manner as were those reported at that time. It would seem, therefore, as if the ice itself might be quite safe, but that is not to say that it may

## CRYSTAL LAKE

not become contaminated in the process of collecting and storing, and even more likely in the delivery. Such contamination, however, gives no prejudice to the ice itself but is a matter of inspection. There is danger of contamination of single blocks in so densely settled a region where skating is practiced.

The presence of so much snow-ice is to be deprecated since there is more opportunity for contamination. Since the ice is cut only from the centre of the lake, the condition of the shore does not affect the crop. The quick freezing, without layers, was an advantage.

From the examination made it is my belief that the Newton householder runs no more risk from the use of this ice than from any other ice gathered in the open. He should see to it that it is rinsed off before using to cool food or water and that only the crystal-clear ice is so used.

Very truly yours,

E. H. RICHARDS.

The outlet of the Lake is the brook that passes under the railroad near the ice-house. This brook

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comes to the surface on the south side of Paul Street, after which it crosses Paul's Meadow to Parker Street. Passing under Parker, Jackson, and Boylston Streets, it reaches the Great South Meadow, where it unites with the brook which drains that district. Then recrossing Parker Street and following a general westerly course, it finally empties into the Charles River near the pumping station at Newton Upper Falls. From that village it flows by the winding ways of the picturesque Charles to the ocean at Boston. There it adds its tiny mite to the waters of the great sea, after travelling twenty-five miles to reach a point eight miles from where it started. In this long journey it skirts some of the prettiest and most varied bits of scenery in New England, and passes through many places of great historical interest in the Colonial records of Boston.

In the year 1700 this roundabout way to the sea came near being shortened by the building of an artificial outlet through an excavation at the northern end of the Lake. The moving spirits in this venture were the mill owners on Smelt Brook (now Cold Spring Brook), who wished to

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increase their mill facilities on Bullough's Pond near the present Mill Street. It was not a success, the quantity of water obtained not being enough to cover the cost of the trench and keep it in repair. This outlet, beginning near the bend in Lake Avenue, passed through the Loring estate, crossed Pleasant Street to the playground, joined there the brook coming from Hammond's Pond, and emptied into Smelt Brook at Homer and Walnut Streets.

The piscatorial history of the Lake begins with the organization of the Black Bass Club, to which, in 1871, the Commissioners on Inland Fisheries leased the Lake for a term of twenty-five years. The nine members of which the club was composed undertook to stock the Lake with one hundred black bass from Plymouth and protect them by law against the casual hooks of the village youth. The latter was an easy task, the fish being so clever in eluding their would-be captors that neither the youth nor the club members themselves ever returned home with anything more than empty baskets. In 1877 three thousand land-locked salmon were added to the finny

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population. The salmon and the bass then lay down together, but to the disgust of the fishermen the salmon were all inside of the bass. In 1878 a hundred or more white perch were set loose against the bass. This time the club was more successful, The hard backs of the perch were a sure defense against the appetites of the bass. The latter gradually disappeared, as did likewise the club that imported them. The perch on the other hand not only increased but also multiplied, so that their progeny are caught by the patient fisherman even down to the present day. It is but a lone and solitary individual however who ventures now-a-days to gratify his piscatorial ambition on Crystal Lake. The fishing fraternity hereabout is too near the glorious lakes and streams of Maine and Canada to be contented with the occasional capture of a perch. Indeed it is more than probable that the now almost forgotten Black Bass Club never expected to achieve anything more than the name and reputation of fishermen when they dumped their Plymouth bass into Crystal Lake. For substance and the real thing they too, no doubt, went into the Maine wilderness or the Canadian forest.

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To the circumnavigator of its coast line in this year of grace, 1911, Crystal Lake unfolds a scene of the following description. Starting on the south side, just west of the outlet and opposite the ancient Baptist church, now a tenement, and proceeding by the right flank past the ice plant, the Edwin M. Fowle house, built in 1859, and now the second oldest modern dwelling on the shores of the Lake, soon comes into view. Many noble trees shade the ways, both public and private, in this vicinity, and there are little headlands jutting into the water, which help to diversify the panorama. A short distance ahead is the public embankment, pleasant to look upon, and affording easy landing for the sailing craft which sometimes seek in this pretty spot the safe anchorage afforded by the little bay. Across the street at this point, on the gently sloping green, are several attractive homes, with beautiful views across the Lake to the southward. A little further away, at the corner of Beacon Street, and numbered 21 on Lake Avenue, is the oldest modern dwelling in the near neighborhood of the Lake. It was once a private school.



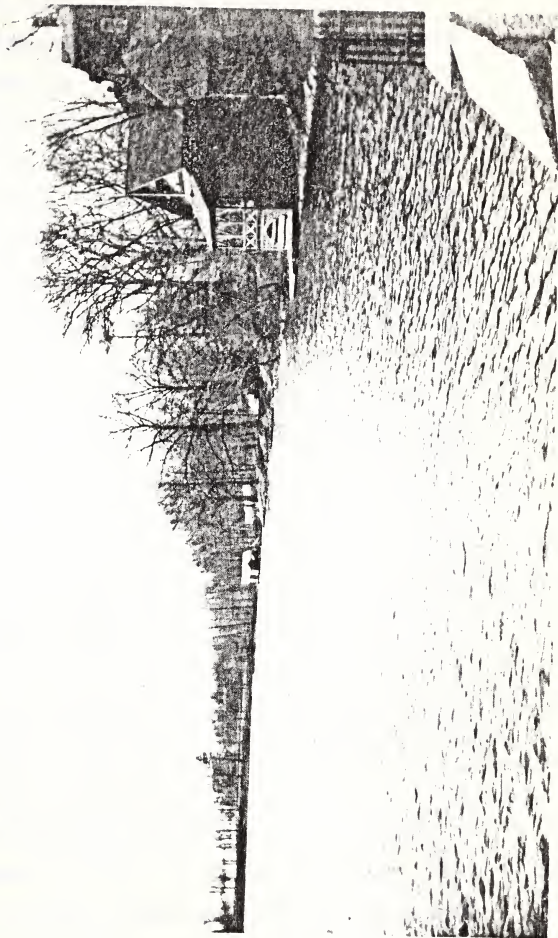


PHOTO. E. J. PAYNE

THE WEST SHORE IN 1898

OLD BOAT-HOUSES AND BATH-HOUSE

IN THE DISTANCE

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Beyond the embankment are two estates almost overhanging the water's edge, and then three or four vacant lots, now forming a shady grove, but only awaiting a fair price before being converted into the pleasant abode of some present-day homebuilder. Passing two more private estates, Lake Terrace, a tributary street to Lake Avenue, completes the first half of the journey and opens to the gaze of the voyager a fine prospect in all directions. Of the view across the Lake where the wooded slopes of Institution Hill, rising one hundred and fifty feet above the plain, loom into view, a writer, gifted with a strong poetic imagination, once said: "Sailing or rowing out here and looking up at the height, the scene is German or Italian in its bold and romantic character. The lines in the stone of the Institution chapel, and its architecture, embracing a heavy tower, give it, set upon the wooded hill, an air of age, and recall the castle sites on Como, or the religious habitations which rise upon the banks of the Danube." This of course is poetry. The prosaic historian cannot go as far as Como and the Danube. He can say, however, that it is a

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beautiful and romantic scene, in spite of the ice-house and the railroad, and a very good place for a half-way rest in this little journey around the Lake.

Resuming the trip, two more private estates are passed, and then comes the other little bay, which, with its counterpart on the opposite shore, adds so much to the beauty of the Lake. There is a path here close to the water, a green bank between the path and the street, a steep, rocky hill across the street, a modern villa perched high in air, and all the other elements of a bold and picturesque scene. Just beyond, where Lake Avenue bears away to the right, is the dainty little natural park reserved by the city. In this classic retreat communion with Nature in all her various moods is the order of the day, and the sibilant whispering of languishing couples enjoying the solitude of their own uninterrupted society, the order of the night. Here are trees of the ancient forest, rocks of the paleozoic age, the soft turf of the natural grove, the rustic seat of modern civilization, and the ripple of tiny waves on a pebbly beach. Further along, where the grove meets the railway, is

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the bath-house, and there at almost any hour in summertime young Neptune may be seen disporting himself in the cool water with loud splashings and still louder yells of delight.

At this point romance and poetry give way to sober reality, and along a barren shore beside the iron track of a commercial age, the journey is hastily completed. The traveller should not forget, however, that here on the bank above the railway stood the pioneer settlement of the attractive region that he has just traversed. Indeed, the best lessons of this voyage of discovery would be lost without a retrospect of those early times of the Wiswall epoch, when the hardy settler was planting the seed and laying the foundation of the finished product that now greets the eye and gratifies the senses. It is the story of the tiny acorn over again, for these comfortable homes and shady lanes of the 20th century have all grown from the simple dwelling and rude trail of the Colonial period.

## CHAPTER VII

### A VISION OF THE FUTURE

*Lives of great men all remind us  
We can make our lives sublime,  
And departing leave behind us  
Footprints on the sands of time.*

HENRY WADSWORTH LONGFELLOW

Crystal Lake is now several feet lower than it was previous to the year 1890. The lower level followed close upon the building of the sewers. When the tracks were lowered there was a further fall. The volume of water was thus considerably reduced while the shore was increased by the additional dry land. In this way sufficient territory was acquired to admit of useful development. For example, a driveway might be built around the Lake on the new land. Between the driveway and the water there could be, first, a six-foot grass plot, planted with a row of shade trees, and then a six-foot pathway. On the south side of the Lake a further improvement could be made by planting shrubbery here and there so as to screen the railway trains and the ice-house

## A VISION OF THE FUTURE

from view. If a pier at the public embankment were included in the general scheme of improvement, with one or more boats in readiness for a trip around the Lake, after the manner of the Public Garden in Boston, it would certainly find favor with the children, and possibly with the older folks too. In that case there should be a superintendent to run the boats, keep the shore in good condition, and have charge of things in general. Under such conditions a drive through the Newtons would always include the Lake, and sometimes the boat ride around it. Thus raised to a high plane of development, Crystal Lake would become one of the show-places of Metropolitan Boston, to say nothing of the added attraction to the natural beauty of Newton Centre, the additional use of the Lake itself by residents of Newton, and the consequent gain to the city as such through a wider acquaintance with its residential advantages on the part of the general public.

An educational value could also be given to the Lake by appropriately designating the places of special historical interest. The site of the

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Wiswall House, the Samuel Hyde House, the original Baptist Meeting House, the private schools, the artificial outlet, the natural outlet. the length, breadth, and depth of the Lake, the names of the trees on the immediate shore, the date of the public reservations, and much other information, could thus be used to awaken and maintain the public interest. To the intensely practical portion of the present generation these suggestions may sound like a dream. But the few who are noting the signs of the times will view them otherwise. It is a very superficial observer who has not already noticed that the beautiful side of things is gaining recognition more and more as time goes on. In fact, the American public is beginning to appreciate its opportunities and feel somewhat ashamed of its past neglect of them. To make the most of a beautiful body of water in the very midst of a community of beautiful homes is not a dream to the thoughtful observer.

To treat Crystal Lake as thus outlined would require a large sum of money. For obvious reasons the city of Newton could not afford such

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an outlay for many years to come. Private subscription would be the only way to meet it, unless some public spirited citizen of abundant means could be aroused to an appreciation of this civic opportunity. Here is another chance for the rich man. Will he grasp it or will he join the long procession of unfortunates who have allowed their golden opportunities to slip by unnoticed. The latter fate shall not be his if this historical sketch can help it.

Once developed and equipped for full service, Crystal Lake would need but a small sum for annual maintenance. If the city could help the situation to that extent, it would encourage other wealthy residents to make similar disposals of a part of their estates and reap the reward of an imperishable monument. Newton has already had examples of the public spirit and far-seeing wisdom shown in such beneficent action. Farlow Park, in ward 7, is perhaps the most conspicuous instance. At the present time Crystal Lake affords the best opportunity at the least percentage of cost. Newton needs no library and educational gifts. Its facilities in those matters



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are unsurpassed in any city of its size at home or abroad. Far greater is the need to develop more fully its wonderful natural attractions. The Lake is the most appropriate place for a good beginning, but there is no reason why the good work should not go further. There are many waterways in Newton that are now sluggishly making their way down the valleys to the Charles River. They could be easily converted into charming features of the municipal landscape. Perhaps all these good things will come in time, but why wait? The sooner they are here, the better. They will bring to the community a new value that cannot be estimated in dollars and cents. May the day not be far distant when not only Crystal Lake, but all the lakes, and the streams too, of the Garden City, shall receive the attention they richly deserve, and become a harmonious part of the general progress already so conspicuous in the homes and private estates of this goodly heritage.