

STEWART & CHASE

FRANK H. STEWART
FREDERIC H. CHASE
RAYMOND BALDWIN
LAWRENCE BLACK

FRANCIS X. DALY
E. H. SULLIVAN

ONE FEDERAL STREET

BOSTON

October
Four
1934

To the Honorable The City Council of Cambridge,
City Hall
Cambridge Massachusetts.

Gentlemen:

On February 10, 1931 the City Council of Cambridge passed an order assessing estates alleged to have been benefited by a sewer which had been constructed in a private way known as University Road and directing the City Treasurer to levy and collect sewer assessments from the persons named. This order was approved by the Mayor on February 12, 1931. As a result Herbert H. White was assessed \$138.29 on Lot 22 on City Engineer's Plan No. 165 and \$645.02 on Lot 27 on City Engineer's Plan No. 165. On March 2, 1931 Herbert H. White brought a petition for a writ of certiorari in the Supreme Judicial Court for Middlesex County against the Mayor, City Council and Treasurer of Cambridge, alleging that the sewer betterment was illegally assessed and praying that it be quashed. After hearing, the Supreme Judicial Court made an order quashing the proceedings of the City Council relating to the sewer assessment because the proceedings were illegal and not in accord with G.L. c. 80, § 2, Acts of 1928, c. 120. Certified copies of said order were duly served upon the City Treasurer and the City Council. Attached hereto is a copy of that order.

Herbert H. White is informed that the City Council has not

STEWART & CHASE

To the Honorable, the
City Council of Cambridge.

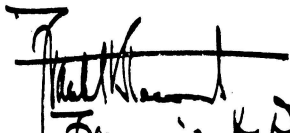
-2-

October 4, 1934

as yet taken steps to quash and cancel this assessment and the proceedings of February 10, 1931 assessing the betterments and to order the City Treasurer of Cambridge to strike the assessments from his books, and therefore respectfully requests that this may now be done without further delay.

FXD:B

Enclosure.


Attorneys for Herbert H. White

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

SUPREME JUDICIAL COURT.

No. 1014 Law

HERBERT H. WHITE

v.

MAYOR AND CITY COUNCIL OF CAMBRIDGE
AND
TREASURER AND COLLECTOR OF TAXES OF
THE CITY OF CAMBRIDGE.

RULINGS OF LAW AND ORDER.

I ordered that the petition insofar as it seeks to quash the taking of the easement should be denied.

Olsen v. Fall River, 257 Mass.556

Byfield v. Newton, 247 Mass.46

As to the part of the petition relating to the sewer assessment, I ordered the record quashed, for the reasons that the proceedings were not in accord with G. L. Chap.80, sec. 2, Acts of 1928, Chap.120.

Union St.Ry. v. New Bedford, 253 Mass.304,312

See G. L. Chap. 80, sec. 1

G. L. Chap. 80, sec. 17

Folan v. Dedham, 259 Mass.347,348

Requests for rulings of the defendant Nos. 2, 3 and 5 are granted; No.4 is denied so far as it relates to the assessment proceedings; No.1 is denied.

March 20, 1931.

James B. Carroll
Justice Supreme Judicial Court

A true copy.

Attest,

(Seal)

March 20, 1931.

JOHN F. CRONIN

Clerk

Cambridge, 193

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray

PETITION

of Herbert W. White, (by Atty's.
Frank H. Stewart & Francis X. Daly)
for abatement of sewer assessments in
the sum of \$158.29 and \$645.02 levied,
by order of City Council adopted on Feb. 10, 1931
and approved by the Mayor on Feb. 12, 1931,
against property of Herbert W. White on
University Road Oct. 6, 1934

In City Council,

Referred to the Committee on

City Eng.

Attest:

Fredrick H. Burke

City Clerk



City of Cambridge

In City Council

November 20, 1934.

ORDERED:-

That, from the sewer assessment made by the City Council by its order adopted February 10, 1931 and approved February 12, 1931 the sums following be and hereby are abated, namely:-

UNIVERSITY ROAD

Assessors' Block Plan 165, Lot No 22
Herbert H. White

\$138.29

Assessors' Block Plan 165, Lot No 27
Herbert H. White

\$ 645.02

The City Treasurer is hereby authorized to desist and refrain from the collection of the aforesaid assessment.

NOV 20 1934

In City Council _____

Adopted by the affirmative vote

of 13 members.

Frederick H. Runkle City Clerk.

Executive Department

NOV 22 1934

Approved _____

Richard W. Runkle
Mayor

City of Cambridge

NOV 22 1934

Presented to the Mayor

for approval.

Frederick H. Burke

City Clerk

City of Cambridge

In City Council November 20, 1934.

The

Committee on City Engineering

to which was referred communication from Herbert H. White for abatement of sewer assessments in the sums of \$138.29 and \$645.02 levied on account of construction of common sewer in University Road.

Reports,

Recommending the adoption of the accompanying order for abatement of said sewer assessments.

Howe Coolidge Arnee

For the Committee.

REPORT

Committee on *City Engineering*
recommending order for
abatement of sewer assessments
in University Road

Nov. 20, 1934