

Gentlemen of the Board of Aldermen
and of the Common Council:

In pursuance of that provision of the City Charter which says, that the Mayor "shall, from time to time, communicate to the two Boards, respectively, such information, and recommend such measures, as the interests of the City shall, in his judgment, require". I deem it my duty to present to your consideration some matters, the importance of which is sensibly felt by many citizens, and on which some prompt and decided action seems greatly to be desired.

The first relates to the "Great Bridge" so called, between Old Cambridge and Brighton, the care and repair of which have been left, by the recent action of the Legislature, without any specific provision. With the principal facts in the history of the case you are already familiar. The bridge has never constituted any part of what is

considered a public highway or a County road;
It has never been under the care, as it is
believed, or subject to the direction or super-
vision of the Court of Sessions, or Commis-
sioners of Highways, or County Commissioners;
but solely under the care of the Legislature
of the Colony and the State; which has,
from time to time, prescribed the manner
in which it should be maintained, and
the proportions of the cost to be borne by the
several towns charged with that mainte-
nance. Lexington and West Cambridge,
two of these towns, on their own petition,
have been released and exempted from
all "obligation to pay any portion of any
charge that may hereafter arise from
rebuilding, repairing, or in any way sup-
porting or maintaining" said bridge; and
the County Commissioners have been authorized,
by the same act of the Legislature, to
lay out said Bridge as a public high-
way. A petition for such laying out
was, pursuant to an order of the City
Council, presented to the Commissioners;
and a hearing has been had by them on the

Subject. The Town of Brighton appeared by Counsel to oppose the proceeding.

The Commissioners have taken time to consider. Meanwhile the Bridge is considered as in a dangerous condition; and, in the absence of any Legislative provision for its repair or maintenance after the release of the parties from the obligations that had existed, and in the uncertainty as to the decision of the Commissioners, and where the legal obligation may rest in case they decline to act, it seems to be a matter of importance to the City, for its own protection against claims for damages should accidents occur, to serve a notice upon the Town of Brighton, to the effect, that the City of Cambridge holds itself discharged by the recent action of the Legislature from all obligation to keep in repair any portion of said Bridge which lies beyond its own territorial limits, or south of the centre of the channel. The immediate passage of a Resolve or order to that effect I think it my duty to recommend.

In managing this business thus far in relation to the bridge, I have been led to perceive the disadvantages under which we are acting, and the detriment which the City sustains from time to time, for want of some able counsel, who, being permanently retained as Solicitor, would acquire a familiarity with the interests of the City in its various relations and departments; would be at hand for consultation by the officers of the Government, and Committees of the Council, when questions of difficulty arise; ^{or} when titles are to be investigated and documents drawn; - thus guarding against mistakes which lead to litigation; preparing, when necessary, the complaints to be brought before our Police Court, attending ^{at the trial} to sustain them, and taking the charge of them on appeal to the Courts above. How liable such cases are now to be neglected or forgotten, and at what cost to the City, may be learned from the fact, that I have just received from the Clerk of the Courts a notice that an action of the City

against John Henly ~~for~~ breach of a City Ordinance which was appealed from our Police Court, has been pending on the Criminal Docket, since October 1857, or nearly three years. The costs accumulating from term to term; ~~because~~ ^{having} there ~~had~~ been no one to give his attention to it. May it not have been from this same cause, I respectfully ask, that, in the large number of lawsuits in which the City has, for a few years, been unfortunately engaged, she has been almost uniformly unsuccessful? Under such circumstances it can hardly fail to be otherwise than that the authority of the Government will become weakened, and the ordinances of the City become disregarded.

The necessity of a City-Solicitor has been made the more urgent by the several trusts the City has assumed, of which the most important is the one relating to the West Boston and Canal Bridges, and the investment of the funds for their support; but more especially by the new and complicated relations into which ~~it~~ ^{the City} had been brought with the Horse Railroad Co., the Water Works

and the Gas Works, - the reciprocal powers and duties of the parties in interest being as yet but indistinctly defined and determined.

Another matter to which I think it my duty to call the attention of the Council, and it is one which presses upon us more particularly at this season of the year, is that of nuisances, and sources of filth, of which complaints are so constantly made, and petitions preferred for the removal of the same; but in regard to which so little has been done. The Board of Health are clothed with a power by Law which would seem to be adequate to meet the requirements of every case; - but, in practice, it proves otherwise; or, at any rate, the expectation on the part of petitioners, from the exercise of the powers of the Board, is but seldom realized. There is often no small difficulty in deciding what constitutes a nuisance, in the contemplation of the Law; and a reluctance is naturally felt to exert the power of the Board upon individuals, unless in very aggravated cases, in that summary manner which the Law prescribes, but which

alone will remove the cause. It is the keeping of swine by individuals to the annoyance and offence of others, of which most frequent complaint is made; and it is earnestly hoped that some ordinance suited to the case, that in its operation will prove effectual, may at an early day meet the approval of the two Boards.

There is another matter to which I must ask the attention of the Council - it is with reluctance that I revert to it, - but my duty to the City, as I believe, requires it of me, - and that is - the peril to which the lives and property of our Citizens are exposed from the careless manner in which large quantities of gunpowder are carried through our City. - Any man, so far as he alone is concerned, may sleep, if he pleases, with his head upon a barrel of gunpowder, and then enjoy the distinction he will so richly merit of being regarded for it as a madman or a fool. But he has no right to put in peril the person or the property of another. Large loads of powder, as much as four horses can draw, containing

five tons each, as was testified before a Committee of the Legislature, have for years been driven through several of our principal streets. - amounting, in the course of the year, at an average of two such loads per week, to more than 300 tons, ^{they} ^{are} ^{sometimes} packed in straw; on one occasion, if not more, ^{such} three loads were left standing over night upon the street, - exposing, should any accident have lead to its ignition, both persons and property to destruction, ~~and an extent~~ ^{such an occurrence} might be not less calamitous, - in some ^{circumstances} ~~positions~~ it probably would be more so, than the fall of the Pemberton Mills at Lawrence. But familiarity with danger begets indifference. We have never been blown up, and therefore there is no fear that we shall be.

The suggestion of the insecurity of the Pemberton Mills was met by some with ridicule; and so were the apprehensions expressed in petitions to the City Council of Wilmington, in Delaware, for some measures of precaution against the occurrence of the great calamity, which, for want of such precaution at length came upon them, at an unexpected

moment, and from a cause and in a manner which no one left alive has been able to ascertain. God grant that we may not ourselves nor our families, become the victims of any such stolid indifference!

There are interests of transcendent magnitude confided to our protection, — interests not of our own citizens merely, but those in which the Commonwealth, and, I may add, our whole country is concerned.

To no inconsiderable extent we are the custodians of these interests; and, if we will but for a moment reflect, we cannot be insensible to the obligations imposed.

The most stringent bylaws and ordinances to regulate the transportation of Gunpowder have long been enforced in Boston, and in some other cities, where the danger is much less than here: and shall we show less concern for the protection of our citizens than they for theirs? especially since the danger has become vastly more imminent by the laying of the pavements and the iron rails in our streets.

No petitions, it may be said, have come

in from the citizens, for any action on the subject. No attempt to procure petitions was made. A thousand signatures could have been had for the asking. It was deemed superfluous. It was believed that the mere communication of the facts to the City Government would be sufficient; and confidence was felt in the Gentlemen selected to preside over and protect both public and private interests to adopt the measures that would be adequate to the occasion.

I have but a word to add in reference to another matter, and I shall close this communication. — I refer to the Cemetery in the Second Ward. The design is entertained, as I am informed, to effect the removal, as soon as possible, of the remains of those who have been deposited there, that the ground may be appropriated for a public square; and some progress has been made toward effecting the object.

If the contemplated change can be brought about, with a proper regard for the rights, interests and feelings of those who have here secured for themselves and families places of

separation, it is certainly desirable that it should be done, as it would conduce to the benefit, healthfulness and comfort of a large portion of our City. But there may be difficulties in the way of its complete accomplishment until after the lapse of several years; and, in the mean time, the feelings of living relatives are sorely tried by the neglected - nay worse than neglected condition of the ground. In its present state it is a scandal to the City. Tombs that have been emptied of their occupants have been left in a dilapidated condition, - doors swinging on their hinges, - arches broken down, - stones, bricks and rubbish scattered over the ground; and grave stones here and there broken off and prostrate on the ~~parties~~ ground. Boys resort here for sport among the remains of the crumbling tombs; and there is a public passage way through the centre of the Cemetery little in accord with the proper associations of the place. Under such a state of things it cannot be otherwise than that the feelings of those whose near relatives have been here interred, should be painfully lacerated by the desecration

to which the cemetery is exposed.

It surely cannot be that such a state of things has been suffered to exist for the sake of forcing a reluctant consent for the removal of the remains of the loved and revered departed. So long as it remains a Cemetery let the ground be scrupulously cared for, and preserved in a condition suitable to the character of the place. I recommend that instructions be forthwith given to the superintendent of the Cemetery to cause all rubbish and loose materials, both stones and bricks, to be removed, cavities filled up, empty tombs closed, ~~and~~ prostrate grave stones removed or reset, and the grounds ^{hereafter} ~~ever~~ kept in a decent and appropriate condition.

All which is respectfully submitted.

Jas. D. Green,
Mayor. -
City of Cambridge,
Aug. 8. 1860.

In Board of Aldermen. Aug. 8. 1860-

Read and well - known -

attest, Justin A. Jacobs, City Clerk.

In common Council, Aug. 9, 1860-

Laurel on the table-

~~was~~ Josiah Porter - clerk for term.

17
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Communication

from the Mayor.

Commissary Grace - Bridge St.

Aug. 20, 1860.