

To the City Council of Cambridge

Gentlemen.

The undersigned mechanics and laborers, residents of ward four, and employed in business on the lower portion of main street and vicinity. Respectfully represent that Albany street as heretofore laid out by your Board will be when constructed of great value to them in passing to and from their places of employment, and also of very great convenience to the public generally. and they most respectfully pray that said street may be so far constructed as to be a passable thoroughfare without unnecessary delay. And they hereby protest against representations made to your honorable body that no public or general interest is taken in the matter.

Names

Names

Joel L. Sanborn
N. H. Holbrook
Jas. & Co
J. M. Carthy
J. A. Chambers
J. H. Chambers
W. Wardwell
John O'Connell
J. H. Innis
Thomas McGrath
John Montague
William Dwyer
James Mack
Mike Keane
Frank Brennan
Walter J. Town
Edw. J. Cairns
John Sullivan
Michael O'Leary
Michael O'Leary
John O'Leary
A. J. O'Leary

Patrick Boit
C. D. Chapman
Joseph Crupon
Ira J. White
Timothy Kaley
John J. Ryan
John Coleman
James Griffin
Frederick Lee
James Lenon
John Brooks
William H. Eaton
John Linn
Harrison Chapman
John W. Pileade
Charles Corr
C. C. Edwards
John Reardon
Robert Mead
Hamilton Porter

Patrick B. Hackett
John Donnan
George Murray
John H. Allen
S. B. Cogswell
J. D. Keally
J. B. Mace
Geo. W. Tower
Samuel P. Hall
E. Rivers
William Bailey
Walter J. Hall

Rufus B. Chapman
Patrick J. Barron
W. E. Rowe
Thomas V. Gibson
John C. Connor
Theodore Pearce
H. Thorpe
A. C. Haughton
C. W. Smith
William P. Lamphell
Chas. E. Jernard
Edward Murphy
Arthur W. Gormley
William Davis
William Galt
John J. Welch
J. W. E. ref.
Geo. W. F. F. F.
S. Bechtel
A. B. Hayman
J. M. Campbell
Anne O'Leary

John Seaville
George A. Edwards
Michael Cook
Edw. Burke
Albert Pearce
R. Halse
Adam H. Dwyer
J. Fickers
J. Burns

James Jagger
John Johnson
John O'Connell
Samuel Laughton
George M. Barry
James M. Hanna
Henry Carey
Edwin Fairbanks
Alfred Quinn
John B. Smith
Edw. J. Eggar
James O'Hanrahan
John M. O'Connell
J. M. Smith
John Kelly
George D. Hendee
Edw. J. F. F.
John O'Leary
A. J. O'Leary
James Linn
Daniel Allene
George J. O'Leary
George O'Leary

Michael Gault
J. M. Jones
W. H. Sturtevant
John W. W. W.

Albany Lo.

113 name

THE LAYING OUT OF ALBANY STREET.

The following is a portion of the argument of Samuel Snow, Esq., counsel for the petitioners, for the laying out of Albany street, made before the Committee on Roads and Bridges of the City Council of 1874. This street, when constructed, will extend from Main street, at a point about 200 feet west of the Grand Junction Railroad, and will run parallel with that railroad as far as Waverly street at Fort Washington.

After some preliminary remarks, the Counsel spoke substantially as follows:—

"The proposed street, from Main street to Waverly street, is about 3800 feet in length. It gives a shorter line than any which can now be traveled from West Boston bridge to all the lands in Ward Four lying east of Magazine street and south of Auburn street. The large and rapidly increasing population within this district is entitled to ask of the City Council, as a right not to be withheld, the best means of communication with important centres of business which any reasonable exercise of municipal powers can provide. The Assessors' returns during the last five years are a sufficient justification of this claim. The abutting estates have increased in value (according to the Assessors' estimates) from \$244,000 in 1873 to \$503,000 in 1874.

But for the territory lying in the vicinity of Fort Washington, thence to Pearl street and Brookline bridge, this street will not only be a great convenience, but it is and has long been a pressing and imperative necessity. The well-known Clerk of the Suffolk Courts, until recently a resident in that locality, says that this street ought to have been made twenty years ago. He only expresses the unanimous feeling of the inhabitants of that region. The lands there, from the nature of their soil, are as salubrious and from their situation, their actual proximity to all parts of Boston and their natural surroundings, are the most pleasing and desirable of any lands which the limits of our city contain. By means of this proposed street they will be made as accessible from the West Boston bridge, and as near to it, as the region between this city hall and Hancock street. Yet, by the only existing means of communication, they are practically so remote and inaccessible as to be almost unknown to the greater portion of the people of Cambridge.

Brookline bridge, the Mill Dam, and the Boston & Albany R. R. are more used by the people of that neighborhood to reach the vicinity of Boston City Hall, than the streets of their own city. The vicinity of the crossing of Main street, by the Grand Junction track is the great central point towards which all the lines of the travel which passes over West Boston Bridge, converge. From this point to the corner of Brookline and Main sts., the distance is not less than 2700 feet. Many streets lead to the north within these limits, through a compact population. To the south not a street is to be found. Yet in 1792, when the bridge corporation constructed the road and causeway through Pelham's Island and the marshes, the waters of Charles river flowed these lands to the north as much as they did the lands to the south. The long marshes, as they were called, stretched from the highlands of Fort Washington to Lechmere Point on one common level, except a little spot, between the present sites of the Universalist church and the brick buildings of Allen and Endicott, which was hardly raised above high water mark.

From the corner of Main and Brookline streets to corner of Putnam Avenue and Brookline streets the distance is 3000 feet, and thence to Fort Washington it is 800 or 900 feet, making the whole distance to be travelled, over streets as now laid out, from the junction of Washington and Main streets to Fort Washington, not less than 6500 feet, or to Fort Washington, not less than 6500 feet, or to Fort Washington, not less than 6500 feet. As has been already said, the distance between the same points in a direct line over the proposed street is about 3800 feet. This is a saving of more than half a mile in distance, besides the improvement in the appearance of the principal approach to our city, (a consideration which justly appeals to that municipal pride which ought ever to be solicitous and ensure liberality in such matters) as well as in the convenience of a straight and sightly avenue, instead of the circuitous approaches around the "desolation" of marshes, which must now be passed over in travelling between the same points.

From the south-westerly end of this proposed street, Waverly street passes the public square called Fort Washington, on the west—crosses Allston street and Putnam avenue at right angles—and connecting with private ways and streets, now little used, leads by a curved line along the borders of the high land of the river bank to Brookline bridge, in all a distance of about 2000 feet. Private enterprise and interest would, no doubt, insure the laying out and making of a commodious and convenient street from the southerly end of Waverly street through these narrow private ways, if the proposed street is opened, and thus would be established a much needed thoroughfare from Brook-

line and Brighton to East Cambridge, Charlestown and Somerville, by the way of either Portland street or Sixth street. The whole is sufficiently before the committee by virtue of the original petition, if they should deem it advisable to lay out the entire thoroughfare under one order.

It must be conceded that a public thoroughfare across these lands, lying between Main and Brookline streets and the river, which include an area of about one hundred and fifty acres, is a public necessity, which is increasing as the population becomes denser on the surrounding lands of the fourth ward, East Cambridge and the Lower Port. This great triangle, now impassable, is a barrier which must be broken through for the increasing streams of travel.

Private enterprise cannot be depended upon to provide for this necessity. The little that has heretofore been done by private owners on these lands has been done without conception of the idea of an avenue, as proposed. Already some of the work shops on the Allen & Endicott estate are in the way. Pacific street has been built in condition to be accepted by the city, and the lines of another street near to and running in the same direction as Pacific, have been thrown up, and it will be carried to completion if this proposed street is not built. The lands are so owned and held that the proprietors cannot co-operate to lay out the street even if they were willing to do so.

Three large portions belong to the Dana, the Hastings, and the Otis estates. They have been owned by those families for seventy years and more. They are now in the hands of trustees. These trustees have neither the legal authority, nor the disposition, nor the means, for the improvement of their lands. They can hold them or sell them—nothing more. They are unwilling to sell, because they regard them as the best possible investment. It is therefore reasonable and proper that the city should exercise its corporate power to promote this great and important improvement.

To do so is in pursuance of the policy to which Cambridge is indebted for all its great thoroughfares which converge or lead towards the bridges to Boston—Main street, from the Universalist Church to the bridge, River street, Western avenue, the Concord turnpike, now Broadway, and Hampshire street; formerly the Middlesex turnpike, were all laid out and built by the West Boston Bridge Corporation or by the turnpike corporations, which were outgrowths of the bridge corporation, and were for many years maintained and cared for by the bridge company, which levied and collected tolls for reimbursement and profit. When those corporations were established there was no municipal corporation in the State—not even County Commissioners—having authority to lay out highways or great public thoroughfares. Towns, with their scant populations and small means, could not provide for this want of the community. When the County Commissioners were authorized to lay out roads within their jurisdictions the turnpike companies were authorized to relinquish their roads and the care of them to these officers. The city succeeded to the rights and duties of the County Commissioners in respect of highways, and at a later period to those of the West Boston Bridge Corporation. The system of tolls is abolished. Experience has taught that it is less burdensome for a community to construct its own highways and make them free to the public—and rely on its own enterprise and wealth for the accommodations which, under the old system, capitalists provided at an enormous charge in the aggregate. Consequently there is now no inducement nor encouragement for private enterprise to establish main avenues, however much they may be needed by the public.

But this change of policy in the method of building and paying for great thoroughfares ought not to affect the policy under which they are laid out. Whenever a new street will obviously facilitate travel and develop surrounding territory it is now as much the duty of the City Council to construct it, as under the old system it would be for the interest of the corporation. Neither is the construction of such a street through low lands any departure from previous policy of the City Council. It would not initiate a new policy for the city.

"The building of COURT STREET, NOW THIRD STREET, is in a similarity of situation the nearest precedent of this kind. That street was laid out by the County Commissioners many years ago, but was built and constructed from time to time, as necessity required, until the present year it has seen the completion of it. It was simply to give access to Main street from Lechmere Point—Craigie bridge already afforded the best avenue to Boston.

The new street on the margin of Fresh Pond, leading from Concord avenue to the foot of Lake View and Lexington avenues, involved a great expenditure in construction through low lands over which it was laid. So, also, Portland street was

laid out and constructed across marsh lands. All these streets are for the purpose of giving better means of communication between districts of more or less importance across lands which private parties owned but were not disposed to improve. The propriety and wisdom of the policy will not be questioned.

The city has also expended large amounts in the construction of streets over low lands which cannot be called thoroughfares, and in which, aside from considerations of police, health and safety in management of fires, the public interest is almost nothing. Such are the streets in the Washington street, and Cambridge street, and Cowperthwaite and Sparks streets, and other low land districts. Great thoroughfares, convenient to the public, (some almost a necessity at this time,) might, by judicious foresight, have been laid out over those districts while they were as unoccupied as the marsh over which the proposed thoroughfare is to pass. The city treasury would have been no more burdened and the public moneys would have brought a much larger return in benefiting the public and enhancing values. It is proposed that the city lay out this street and award no damages, except where actual improvements are disturbed—being less than \$1000. It is understood that if the line adopted by the committee is acceptable to the abutters, (and of this there is no reason to doubt,) no one will appeal from such an award.

This street is furthermore a necessity for improving the sewerage system. By means of it a trunk sewer can be laid so as to receive the entire sewage of the city east of Harvard Square—cutting off the outlets which now discharge into the river from old Brighton bridge to West Boston bridge—carrying it off with the contents of the sewers now entering Broad Canal to deep water, where the narrow channel and swift current will quickly bear it seaward.

That such a street as is here proposed is a plain necessity for access to any new bridge from Cambridge to the mill dam road is too obvious to need argument. This proposition is equally true, whether such bridge is built from the foot of Putnam avenue or from the foot of Front street, or from any intermediate point. This consideration should not be overlooked, because not enforced at length, but should have great weight in determining the action of the City Council.

The necessity of this street, for both present and future wants, being established, and the exercise of the municipal powers in constructing it having been shown to be both reasonable and in pursuance of established public policy, the seeming magnitude of the undertaking ought not to lead to hesitation or delay. The money outlay required will not exceed \$30,000—all for grading—which would be distributed through a series of years. Procrastination, in enterprises of this character, viz., the laying out and securing the public right, is the most costly policy which the public can adopt. The lands required have an actual increase in value with each passing year, and a fictitious increase because of the pending question, and speculators take advantage, not improperly, of the situation. Large estates, to whose proprietors it is an object to aid in the enterprise, are liable to be subdivided among numerous owners, none of whom would be sufficiently benefitted to be willing, or perhaps able, to contribute the free right of way. In the case of this street this result is sure to be reached if this City Council does not take action. The right of way over that portion of these lands abutting on Main street is of great value, and is now offered as a gift to the city as an inducement to go forward, only because the owners are interested in large tracts of surrounding lands. No like opportunity to carry out an improvement of such extent and conferring so great a public benefit at such an insignificant public cost has ever been offered to a City Council of Cambridge, and none other exists within our limits. It is confidently believed by the petitioners that this opportunity will not be permitted to pass unimproved by the wisdom and sagacity of your boards."

In response to these petitions, the City Council of 1874 laid out a street, not straight from Main street to Fort Washington, but running at right angles from Main street, opposite Portland, to 115 feet distant from the railroad; thence curving round Allen & Endicott's building to the end of Waverly street. The owners of the land on Main street now propose and intend to build the street from where it crosses Osborn street in a straight line to Main street, a distance of 1100 feet, being a substantial execution of the idea of the petition. They will build at a grade sufficient to make a good road bed—all that will be required until water pipes and sewers are laid in it. The City Council is now considering the question of appropriating \$11,000 to complete the construction of the proposed thoroughfare from Main street to Fort Washington, being at the foot of Putnam avenue, or of abandoning the enterprise.

Albany St.
1874
[Argument]

As regards the building of a
proposed road parallel to
the Boston & Albany Railroad
in Cambridge.

So far as this proposed road
has relation to my own land
I hereby agree to give the land
50 feet wide, 150 feet from the
Railroad or whatever distance
the owners of the various tracts
agree upon.

Lowell D. Allen.

Dresden, Germany
August 24th 1874.

September 13th / 1874

The undersigned agree to main all land
damages for land for any street which
the City of Cambridge may lay out
running from Main Street in Cambridge
between the B + A. R. R. crossing & land of
Allen & Endicott thence to the vicinity of
Washington Square, as a continuous street
fifty feet in width provided said street
be laid out during the current
municipal year.

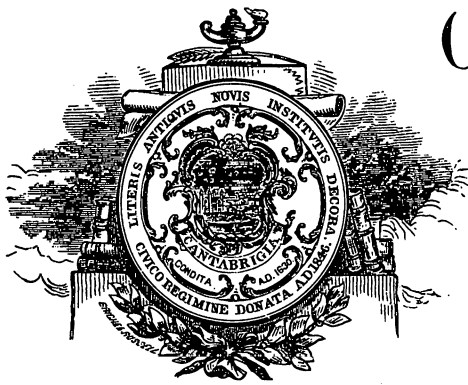
Samuel P. Allen

Oliver Ames

by Fred L. Ames Atty -

James M. Allen

(Harriet A. Porter)



CITY OF CAMBRIDGE.

IN BOARD OF ALDERMEN,

Nov. 30, 1874.

WHEREAS: It is adjudged by this Board that the public necessity and convenience require that

Albany Street

should be laid out as a public Street. Ordered that a strip of land *fifty feet* in width between

Main Street and Fort Washington
at Waverly Street,

included between the *red* lines as shown on a plan drawn by

Wm. H. Jackson
dated November 24, 1874

and now before this Board, be taken for public use and laid out as a public Street.

Ordered that *no* damages be allowed for the land so taken as aforesaid,

and that until July 1, 1875 be allowed to
the persons whose land is taken as above,
for the removal of all obstructions standing
thereon.

See claim for encumbrances.

attn. - Justin A. Jacobs, City Clerk.
Concurred, *Attest.* *J. W. Cotton, Clerk.*
Outstanding Council Dec. 3, 1874.

Order
Laying out Albany St.,
Nov. 30, 1874.

Presented to the Mayor
for his signature Dec. 8.
1874. Not having been
returned by him within
ten days after it was
presented, now in force.

Attest: Justin A. Jacobs
City Clk.
Dec. 20, 1874.



City of Cambridge.

MAYOR'S OFFICE,

December 9, 1874 -

John W. Hammond, Esq -
City Solicitor,

Dear Sir:

I enclose you the order, passed under date of yesterday by the City Council, for the laying out of Albany Street; and submit the question, whether the order as drawn, (if approved by the Mayor,) will bind the City to enter July 1, 1875 - to complete the laying out: and if not, what will be the effect particularly as relates to contingent damages.

Yours respectfully,
Isaac Bradford -
Mayor.

(over)

City of Cambridge.

In Board of Aldermen, Nov. 30, 1874.

The Committee on Roads & Bridges
to which were recommitting papers
in relation to widening of
Pearl and River Street,
also

papers in relation to laying out a
new street from Main St. to Fort
Washington,

Reports

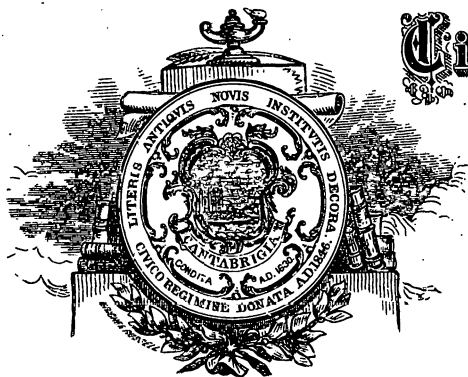
recommending the
adoption of the three accompanying
Orders.

For the Committee,
John M. Loring

Report
Com. on Roads & Bridges
Nov. 30, 1874,

Postponed one week

City of Cambridge.



Office of City Solicitor,

Dec. 10 . . . 1874

Hon. Isaac Bradford
Mayor.

Dear Sir: The order referred to in your communication of 9th inst. even if approved by the Mayor will not bind the city to complete the laying out. The City Council may at any time hereafter discontinue the street, and may do that if they choose even the day after the approval of this order. Moreover this order will be void as against the owner of any land over which the street is located unless within two years possession of some portion of the land over which the street is located be taken for the purpose of constructing

But where large and expensive buildings have been removed or other expensive changes made in accordance with the order the indemnity would be greater.

In general terms the landowner would be entitled to fair and just compensation for damages caused to his property by the existence of the encumbrance on paper and such loss ~~as~~ as he had sustained thereby.

I remain

Yours respectfully
J. M. Hammond
City Solicitor

the same. So that it will be seen that the City Council either by discontinuance or by declining to take possession within ^{the two years} may avoid this order so far as the construction of the street is concerned.

But the order (if approved) will give the landowner a claim for damages to be assessed by a jury or settled by ~~him~~ ^{him with the} the city, upon an appeal from this order awarding no damages. These damages are not payable until possession be taken of some portion of the street for the purpose of constructing the same. If such possession be not taken then the owner cannot have damages ^{or} for the land taken, but is entitled to indemnity for the damage caused to him by the order not followed by possession ^{to construct}. Of course the amount of such indemnity will vary greatly according to circumstances. Where possession has never been taken and the owner never disturbed the ~~the~~ indemnity would not be great.

City of Cambridge.

In Board of Aldermen, May 5. 1875,

The Special Committee of five from this Board, appointed to meet a like Committee of five from the Common Council, for a Conference in relation to the disagreement between the two branches of the City Council, concerning the "Appropriation for Widening and Extension of Streets", and the "Order for creation of certain City Debts".

Reports

That a conference has been had, but the Committees from the two Boards were unable to agree; and at the close of the conference, remained equally divided.

For the Committee,
W. S. Blanchard
Chairman

Report
Spec. Com. of Conference,
Albany Street,
(May 5, 1875,

Adelphi Street,

160

Dec. 21. 1874-