

To the Honorable The City Council of Cambridge

The undersigned respectfully represents that a petition to which this is a remonstrance has been signed by sixty three petitioners & laid before your honorable body praying that at street be opened from Bow St. into Mt. Auburn St. that the Committee to whom the subject of this petition was referred have been on to view the locality and thought in case a street was there required it should be laid out through your Remonstrants premises. That on the evening of Friday last May the second, your Remonstrant appeared before the said Committee and then and there showed adequate and ample cause why such street should not be opened through his premises, but knowing that with this honorable body lies the final disposition of this subject your Remonstrant respectfully desires that he may be permitted to present his reasons directly and they are as follows - to wit,

First: that because twelve hundred feet of street lies on our side unintersected by another street, is no sufficient reason of itself and by necessity that there should be a street opened to intersect it, and thereby your Remonstrants property injured and his domestic

privacy destroyed, and he would call attention to the fact that in many large cities of comparatively recent date there is greater distance than that between the great armies, New York and Philadelphia among others.

Second, that because a person desiring to reach a point two or three hundred feet distant in a straight line is obliged in order to do so to travel twelve hundred feet - even by these rods, is no adequate reason for laying out a street, thereby increasing the taxes, employing that high prerogative,

Eminent Domain, the judicious restraint in the use of which is its greatest bulwark, and appropriating to public use both private property and individual rights - unless it is clearly, undeniably and absolutely proved, that the "public exigency" demands that such sacrifice should be made, and that such an amount of travel is run to seek this passage as will justify the damage inflicted.

Third: that the petitioners or some one for them should show that the "public exigency" required a street through your respondents premises, and that public

travel was seeking some such passage and was much inconvenienced by want of it. whereas on the contrary, at the said Committee meeting on Friday last - during the whole of which your remonstrant was present, there were none of the petitioners present save those viz. Mr John Holmes who said he did not think a street was necessary, but that a narrow passage way for foot travel would be desirable and Mr Hayn and Mr J. H. Hubbard, who reside in the immediate neighborhood, and who said they signed the petition under a misapprehension of its prayer, and they did not think a street was necessary. And many three of the petitioners told me that of your remonstrant's information and belief have said the same as the two last named.

Fourth. that if your remonstrant believed that the public required a street through his premises from Bow St. to Wat. Auburn St. he would not thus remonstrate, but of the six or seven petitioners, only a few or less than twenty reside in the neighborhood, and many citizens who would be most benefited by the reason of their locality did not join in the

petition, and this readily may be seen from a diagram of the locality now in the hands of the Committee.

Fifth, that our test of "public exigency" or necessity must be that the convenience, accommodation and advantage to the public shall be commensurate with the injury inflicted, that in this case both your remonstrant is convinced, and many worthy and discriminating judges, citizens of Cambridge did testify before the said Committee, that the opening of such street would inflict very great damage to the property and rights of your remonstrant -

Wherefore your remonstrant prays that this honorable body from whose final decision there is no appeal will protect him in his rights, and will not take from him and appropriate to the public, that, which the public do not need, and to gain which the public does not care sufficiently, ^{has} appeared before the Committee and showed that the "public exigency" requires it.

But in that your remonstrant has been informed that a foot passage

Through from Bow St. to Mt. Auburn St. -
will be a convenience to many of his
neighbors he does now hereby offer to the
City of Cambridge, a strip of land five feet
wide to be taken from the extreme western
limit of his premises aforesaid, so that
the said strip shall run from Bow St.
straight to Mt. Auburn St. and form a
passage way for foot travellers, and it
shall be bounded on the west by land of
Mr. Stickney and on the east by land of
Gordon Mackay, provided that the City shall
erect a fence between said Mackay's land
and the passage way, said fence to be a close
board one at least six feet in height - and paid
for by the City.

Respectfully Submitted by

Gordon Mackay

In Common Council May 5th 1888
Refer^d to St. Com. on Roads and Bridges and sent up for con-
currence - Attest J. W. Cotton Clerk

In Board of Aldermen, May 5th 1888.

Concurred, Attest, Justin A. Jacobs, City Clerk

Remonstrance 10
of Gordon & Co. Reg.
against new Street

May 3. 1860