

Cambridge Aug. 28, 1872,

Petition to the board of
Mayor and Aldermen, Gentlemen we
the undersigned Abbuttors of Spark St.
pray that your honorable Body will take
immediate action And cause said Street
from Brattle to No^o Auburn St. to be ac-
cepted as a public Street. We have conformed
with the rules of the City ordinance by
grading and filling up the Street ac-
cording to Mr. Chasers directions and
also we have subscribed and paid for
a plan of the Street which is in Mr.
Chasers possession at the City Hall.

Timothy Burns.
Patrick O'Connor.
Timothy Brennan
Patrick Deel
Thomas Ford
James Gallivan
William O'Brien
Joseph G. Moody,
Francis R. Grou
William Gibson
John Moody
Timothy Connor
Michael Shea

In Received of Aldermen. Aug. 28. 1872.
Referred to the Committee on Roads
and Bridges. See also for amendments
as suggested by Jacobus. City Clk

Concurred,

In Common Council
Sept. 10, 1872,

Attest, J. W. Cotton, Clk.
Sept. 12, 1872
approved
Henry O. Humphreys
Mayor.

Position
of Tim. Burns, &c.
Accepted of

Sparks Street,

Aug. 28, 1872.

City of Cambridge.

In Board of Aldermen, Nov. 20, 1872

Ordered,

The Committee on Roads & Bridges
to which was refer^d the petition of
Timothy Burns and others for acceptance of
Sparks Street from Brattle to Mt. Auburn Sts.,
Reports

That like petitions for acceptance
of this street between points named above, have
been reported upon at various times with
recommendations that it be accepted when
properly graded. It certainly is not
yet in condition to be accepted by the
City. It is therefore recommended
that petitioners have leave to withdraw.

For the Committee,
C L Harding

Accepted. Sent down for concurrence.

Attest. Justin A. Jacobs. City Clerk

Concurred,

Attest,

In Common Council Nov. 27, 1872,

J. W. Otton, Clerk,

Nov. 30, 1872 approved
Henry A. D. and others
Meyers

Report -

Acceptance of Sparks St.

Nov. 20. 1872.

Original

Gift of Cambridge

to Board of Trustees

187

Gift of Cambridge

Original

to Board of Trustees

Jan 2. 1873 - Passing Sparks St. and electing Veto.

YEAS AND NAYS.

	YEA.	NAY.
Ald. Caldwell,		/
" Harding,		/
" Holmes,		/
" Kendall,		/
" Ransom,		/
" Snow,	/	
" Sortwell,		/
" Whitney,		
" Winnett,		
" Woodbridge,	/	

Yeas, 2

Nays, 6

City of Cambridge.

In Board of Aldermen, December 26, 1872

Gentlemen, of the Board of Aldermen:
I herewith return to you the Order for the acceptance of that part of Sparks Street between Mount Auburn and Brattle Streets. I have not approved said Order and my objections are as follows:

I consider the acceptance of a private street which has not been brought substantially to the proper grade, and which must, after its acceptance, be graded at a heavy expense by the City, a dangerous departure from long established precedent.

It is not claimed that this street had become a public way prior to 1846 - and since that time, by statute, no way opened and dedicated to the public use, is chargeable upon the City unless laid out in the mode prescribed by Statute.

Those who lay out streets through their lands and thus bring their estates into the market ought to raise such streets to a proper grade before they call upon the City to assume the burden of maintaining them forever. This is no more than just, because such streets are not originally laid out upon the ground of public necessity and convenience. It is not unjust to subsequent purchasers, because they obtain their lands for a less price than they otherwise would.

If this Order is adopted and the precedent one established, when will the City stop in making such improvements?

The Grade Act, accepted by the City, is intended to prevent the evil consequences which are sure to result from raising the grade of a street without alteration of the grade of the abutting lands, and to obviate the production of such nuisances as that which resulted from raising Franklin Street. The street

has been raised, but a worse nuisance exists in all the lanes abutting, which can be removed only by filling.

Had such an act been in force
at an earlier day we should not
have had that expensive nuisance
the Washington Street District.

In brief I think the petitioners
for the acceptance of Sparks
Streets have no claim legal or
equitable, and that the
acceptance of it would entail
unlimited expense upon the
City.

Henry H. H. H.
Mayor

295

W. S. S.

by His Honor, the Mayor
of the City concerning
Spaulds Street.

Dec. 26. 1872.

Dec. 26. 1872.

Levee on the table