

HOUSE...No. 228.

Commonwealth of Massachusetts.

MEMORIAL.

To the Honorable the Senate and House of Representatives of the Commonwealth of Massachusetts, the Memorial of the undersigned, Inhabitants of the City of Boston, and of other parts of the Commonwealth, respectfully represents :—

That the inhabitants of Boston have, from ancient time, had the use and occupation of the Boston Common as a public square or park, to be, in the language of an authoritative document, “freely used by the public for military training, and as a place of general resort for exercise, and *the circulation of pure and wholesome air.*”

The value of the Common for such uses has been recognized by all the public acts of the municipal authorities of Boston. When, in 1794, they granted, for prudential considerations, land beyond Charles Street, for certain rope-walks, the grant was on condition that the buildings should not rise above seven feet in height, the use of the land thus granted being supposed not incompatible with the public use to which the land had been dedicated, since “the erection of such low buildings not materially obstructing *the prospect, or free circulation of air,* it was supposed *would not materially affect its public use.*”

When, in 1824, the question arose whether the land which has since been made into what is now called a "public garden," but which was then a marsh, should be sold and built upon, to meet a large city debt, a committee of two from each ward was appointed, at a large public meeting, to consider and report upon the subject. The report of this committee, which was made "after many meetings and long deliberation," set forth "the inexpediency of selling the land west of Charles Street," and declaring "the duty of keeping the space open *for a free circulation of air from the West, for the sake of the health of the citizens;*" and this report was accepted by a large majority of the citizens, voting by ballot, at a public meeting held for that purpose.

Throughout all the discussions which preceded that decision, whether at public meetings, or in the columns of the newspapers, the argument against selling rested on the importance of the *air and view*, for the *health and enjoyment* of the inhabitants.

In 1850, another attempt was made to carry out a plan of building on the land beyond Charles Street; and an elaborate report of some hundred pages in length, with plans, was made by a joint committee of the aldermen and common council, and printed for distribution among the citizens; but, so strong was the manifestation of public sentiment against the project, this report was suppressed.

These references are made to show the value set upon advantages which the inhabitants of Boston had inherited from their fathers, and which they had counted upon transmitting to their children. What they had renounced the strongest temptations of pecuniary gain for the sake of preserving, they are now to be deprived of by the Commonwealth. The action of a preceding legislature, by which the qualified ownership of the Commonwealth, in the soil below low-water mark, has been converted into a source of revenue, leaves to the inhabitants of Boston no other resource than to appeal to the humanity of the present legislature, and it will be the object of the remarks which follow to show that the consequences of filling up and building on the Back Bay territory to the extent proposed, and especially the entire exclusion of water, which the plan adopted implies, do constitute a ground for such an appeal.

It need not be stated to so intelligent a body as the undersigned are addressing, that the south-west wind is the prevailing, almost the constant wind of summer, in our latitudes. In the present advanced state of the science of physical geography, the fact that it must be so, is almost as capable of demonstration as any other fact in nature. This wind blows directly over the Common; and, taking its bracing qualities from the wide area of water over which it now passes—water renewed from the ocean twice in twenty-four hours—it bears health and refreshment to every part of this crowded and closely built city. There is no passage so narrow, no habitation so humble, but feels, to some degree, its health-giving influence. Cover this territory with land and dwellings, which the sun will be beating upon all day, and impregnating with heat which will be radiated all night, and you impose a cruel deduction from the health, comfort, and duration of life even, of those classes of our fellow-citizens whose means and occupations compel them to remain in the city during the warm months. To such classes the Common, as it now is, with its access of pure and water-freshened breezes from the country, affords not only a mitigation of the closeness of the air in which their habitations and places of business are situated, but it affords a cheering and restorative resort at hours and days of cessation from labor.

In favor of the many mechanical occupations that could be enumerated, to which the condition of working in numbers and in close apartments is of necessity attached, not only may the humanity of the State be appealed to, but its regard to material interests; for whatever causes a diminution of health, reduces productive power, and diminishes the aggregate of the produce of labor.

The moral bearing of this question ought never to be lost sight of. The relation between a depressed state of health and irregularity of habits is obvious. A low state of physical condition, tempts to a resort to artificial means of rousing the vital energies, and habits of intemperance are soon induced. It is here to be remarked that the people of all parts of the Commonwealth have a direct interest in the moral condition of the capital. It is thither that their young men resort to get forward in life, and when removed from the observation and

restraint of parents and friends, they will inevitably fall in with the habits of life about them.

Your memorialists will conclude, by earnestly entreating your honorable body to pass some enactment which will allow of a modification, before it is too late, of the plan of building on the Back Bay territory, so as to leave a wide area of water in the central part, communicating with the full basin. The most experienced engineers have given the assurance that it is perfectly practicable to keep such a basin at any desirable level, and to insure a constant renewal of the water at every tide. A practical illustration of this is, in fact, to be seen at the city of Providence, Rhode Island.

In addition to the sanitary influences already spoken of, which a wide space for the sweep of the westerly breeze will secure, there is a consideration of great importance to be drawn from the fact that the empty basin has been the receptacle of a half century of drainage, and there is good reason to believe that, when the water is removed, fermentation, or exhalation without fermentation, will take place from the matter thus accumulated. Nothing can resist the penetrating power of gases, and habitations in the central parts must be particularly exposed to these noxious exhalations. The defecating influence of salt water, of course, protects from what it covers, and it would exercise a favorable influence on the building ground in its vicinity.

It is the conviction of your memorialists, that, by the adoption of such a plan as has been suggested, the value of the land reserved would be so much enhanced, that the revenue derived to the Commonwealth would be increased rather than diminished, by giving up the two central ranges of house lots and the central avenue. This would leave a basin of about 700 feet in width, with avenues at its side of nearly a hundred feet each, on which 60 feet could be allowed for a carriage way, and 40 feet for a shaded promenade, making an aggregate of avenue of 200 feet, and of water surface and avenue of nearly 900 feet. The adoption of this modification would preserve to the capital much of the picturesque beauty for which it has been so long celebrated, and also that remarkable exemption from prevailing epidemics, which, notwithstanding its unfavorable structure, it

has hitherto enjoyed, chiefly, it is believed, through its open western aspect.

Your memorialists therefore pray your honorable body to direct such a modification of the plan of building on the Back Bay lands, as will secure the advantages, and prevent the evils, which have been set forth in this Memorial, believing it to be demanded not only by a regard for the welfare of those who are permanent residents, but also of the inhabitants of all parts of the Commonwealth whose public duties or private affairs require them to be occasional residents at the capital.

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