

Special Assignment -

March 5, 1883,

8. P. M.,

Schubert Telephone Co.,

March 5, 1883 -

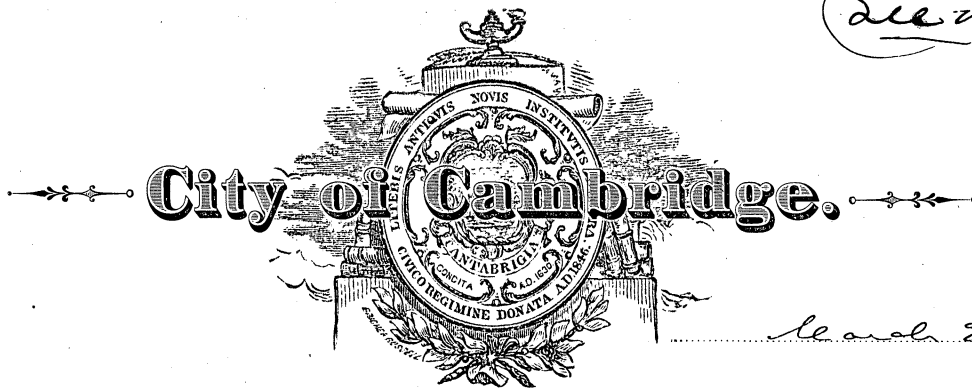
Hearing commenced and
continued to March 18, 1883.

March 19, 1883,

Hearing finished.
Laid on the table,

Telephone Dispatch Co.,
40 Pearl St. Boston

(Sever)



City of Cambridge.

March 23 1883.

Dear Sir,

The Telephone Dispatch Company was cited to appear before the Board of Aldermen to show cause why said Company should not be directed to change the location of its posts on the bridge of its wires, at the crossing of the Boston & Albany Railroad on Main Street, so as to allow the use of both of the gates created at the said crossing by the Boston & Albany Railroad Company.

A petition being was heard March 5th and the case was continued to March 15th when the Railroad Company was cited to appear.

Judge Sewall appeared for the Company.

The Telephone Dispatch Co. claims that its posts and wires are duly located by order of the Board, and that the Railroad Company since said location desires to erect gates which interfere with

its wires.

11- therefore claims that any alteration should be made at the expense of the Railroad Co.

Second. That by an alteration of the post of the gate from the inside to the outside of the sidewalk no change of the Telephone posts or wires will be necessary.

Judge Saile, claims that the Railroad Co. had its "location" at that point long before Telephones were invented, and that it has the right to erect gates, within its location, in any way it chooses for the purpose of protecting the public against accident; while performing its duties as a Railroad Co., that its gates were placed as they now are for good and sufficient reasons, and that the Telephone Co. cannot interfere with it.

The matter was laid on the table for the purpose of obtaining your opinion as to the rights of the two companies.

Yrs truly,

Justin A. Jacobs. City Clerk

City of Cambridge,
Office of City Solicitor,
April 2, 1883.

To the Mayor and Aldermen.

Gentlemen. I have considered the subject matter of the foregoing communication and respectfully report as follows:-

I am of the opinion
1st. That the board of Aldermen upon proper notice of the telephone company may direct any alteration in the location or erection of the posts, pins or abutments and in the height of the wires, and this may be done at the will of the board.

2nd. That the railroad company having the right to cross the highway is bound to use that franchise in a manner consistent with the public safety, and has the right to take such measures as are proper for that purpose. In the performance of this duty it should not be hampered. Public safety should be paramount.

3rd. If the present location of the posts and wires is such as to seriously hamper the railroad in the discharge of its duty to protect the public the location should be changed.

Respectfully yours

J. W. Hammond
City Solicitor.

City of Cambridge.



In Board of Aldermen, Feb. 19, 1883.

Ordered,

That the Suburban Telephone Company be notified to appear before this Board on Monday, the fifth day of March next, at eight o'clock, P.M., then and there to show cause, if any it have, why said Company shall not be directed by this Board to alter the location of its posts, on the bridge of its wires, at the crossing of the Boston and Albany Railroad on Main Street in this City, so as to permit the use of both of the gates erected by the Boston and Albany Railroad Company at said crossing.

Attest. Justin A. Jacobs. City Clerk.

*Order**Telephone Post and Wires.**Feb. 19, 1883.*