

To the Honorable, the Mayor,  
and Board of Aldermen of the  
City of Cambridge;

The undersigned respectfully  
represent, in regard to the award  
made them for damages in widening  
Bridge St., that they understood  
that the time allowed them for appeal  
from said award, to a jury, was  
one year instead of six months -

The time allowed having  
expired, they respectfully petition  
for a reference to three persons, -  
one to be appointed by your Board,  
and one by your petitioners, and  
the two to appoint a third person,  
and that the decision of the referees  
so appointed shall be final.

Cambridge  
Jan. 10<sup>th</sup> 1871

A B Sanborn  
A B Sanborn

Petition  
of A. C. Sanborn & co.  
Reference of Claims.  
Jan'y 11. 1871-

Cambridge Jan. 18<sup>th</sup> 1871  
To the Honorable, the City Council  
of the City of Cambridge.

The undersigned respectfully represents  
that the award made to them by the City  
Council of 1870 for damage to land and  
buildings, caused by the widening of Bridge  
Street was wholly insufficient - that they  
have asked your honorable bodies for a  
reference of the subject to three disinterested  
persons and that the decision of said referees  
should be final, but that this proposition  
was rejected by you -

We therefore now respectfully  
ask that we may be allowed to state our  
case before your honorable bodies in  
convention, at such time as may be  
found convenient, and that after  
hearing the same, you will take such  
action in the premises as you may  
deem equitable and just

A. C. Samborn  
A. C. Samborn & Co

In Board of Aldermen. Jan'y 18. 1871-

The prayer of the aforesaid Petitioner is granted.  
Sent down for concurrence.

Attest: Justin A. Jacobs. City Clerk.

In Common Council Jan'y 18, 1871

Concurred - Attest J. W. Cotton  
Clerk

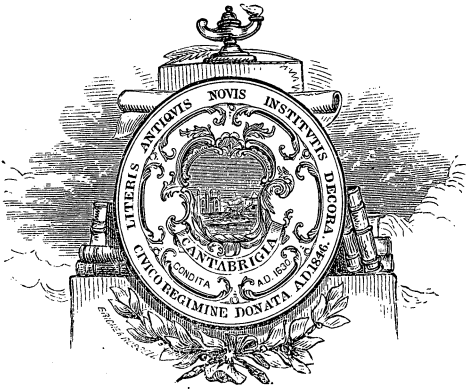
Jan 19, 1871.

Approved

H. R. Harding,  
Mayor

of A. C. Sanborn & Co  
for a Reading -  
Jan'y 18. 1871 -

Briggs St.



# City of Cambridge.

CLERK'S OFFICE,

Feb. 21. 1871.

To the Honorable, the City Council:-

An Order in relation to Sub:

mitting to a reference the claim of A. C. Sanborn for damages sustained by the widening of Bridge Street, having been referred to me for my "opinion as to the legality of the claim of Mr. Sanborn", I would respectfully submit the following as my reply:-

The Order awarding damages for the widening of Bridge Street was approved March 23. 1870.

By the amended City Charter, Stat. 1853, ch. 1557, "Any person dissatisfied with the decision of the City Council, in the estimate of damages, may, within six months thereafter, make a complaint to the County Commissioners" and have a jury to pass upon the question.

The six months expired September 23. 1870.

Two points have been suggested by the Counsel for Mr. Sanborn.

1<sup>st</sup> - That the effect of the Order approved Dec. 15, 1871, authorizing the payment of the further sum of \$511.43, to the Messrs. Sanborn, was to open the award, and to allow the further time of six months from that date for an appeal to the County Commissioners.

My answer to this is - that originally, as a matter of right, Mr. Sanborn had six months within which to appeal, and, at the expiration of that time, the matter was fixed and his right ceased.

If the City Council saw fit, as a matter of grace, to vote any further sum, it was purely a voluntary matter, Mr. Sanborn having no legal claim and of course no right of appeal.

2<sup>d</sup> - It is urged that the General Statutes Ch. 43, Section 22, provide that applications for a jury may be made at any time within a year, or, if within that time a suit should be instituted to test the legality of the proceedings, such application may be made within one year after the final determination of the suit.

But section 81 of the same chapter is in these words - "The provisions of the foregoing sections of this chapter, so far as applicable, shall apply to

the several ~~cler~~ cities and towns, except as may be otherwise provided by city charters and acts in amendment thereof?

The effect of this is to provide that in Cambridge the party has six months within which to appeal to the County Commissioners, or, if within that time a suit shall be instituted, i.e. then six months from the final determination of the suit.

By the charter of the City of Salem, applications for a jury must be made at the next meeting of the County Commissioners.

Upon the best reflection which I can give the subject, I think Mr. Sanborn has no legal claim.

Respectfully submitted,

Justin A. Jacobs.

In Common Council Feby 21, 1871

Accepted and sent up for concurrence,  
Attest J. W. Otten Clerk

In Board of Aldermen, March 1, 1871 -  
Concurred.

Attest: Justin A. Jacobs. City Clerk

March 2, 1871  
Approved  
J. R. Harding Mayor

Bridge L<sup>y</sup>

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Report

on claim of Sanborn.

Feb. 21. 1871-