

City of Cambridge
Oct 8. 1873

To the Com. on Roads & Bridges
Gentlemen:

I have examined the matter of the claims made by owners and occupants of land on Broad Canal for damages caused by the laying out of Sixth street (as they say) over that Canal.

I am of the opinion that the claimants cannot legally compel the city to pay as asked for, and that they should be granted leave to withdraw.

I herewith submit a ^{rough} draft of a report to be made by the Committee, should ~~the~~ ^{your} report as suggested by me. I do this because it is important the report should not be so worded as to give the petitioners a chance to claim that it is in the nature of an award from which they could claim an appeal.

Remain
Yours respectfully
J. W. Hammond

Opinion
City Solicitor Hammond
Broad Canal
Oct. 8, 1873

To the Honorable, the City Council of the
City of Cambridge:-

Respectfully represent your
petitioners, William R. Ellis, of Cambridge,
and Edward Page, of Boston, copartners
under the firm names of the Boston Rolling
Mill and William R. Ellis and Company,
that they are seized and possessed of a large
and valuable tract of land, lying upon
the north~~east~~erly side of Broad Canal, and
including a part of the soil of said canal,
above and northwesterly of the bridge lately
constructed over and across said canal
and laid out as a highway, in continuation
of Sixth Street, by the City Council; that
they have erected upon their said premises
extensive buildings and works for the carrying
on of their business; that appurtenant to
their said land is an easement and right
in your petitioners to pass and repass, with
vessels, boats, rafts, and other things, over
and through the said canal, in which
the tide ~~the~~ and flows, to and from
Charles River; that the said easement and
right of passage in and over the said canal

has existed, as an appurtenance of your petitioners' said estate, in them and their predecessors in title, for more than sixty years, and is of great value to your petitioners in the carrying on of their business; that the establishment of the said bridge and highway over the said canal is a great injury to the said easement, and a serious obstruction and hindrance to the free and rightful use and enjoyment by your petitioners of the said canal, and the cause of much inconvenience, loss, and expense to them in navigating the same:

Wherefore, they pray that your honorable bodies will make to them a just and reasonable compensation and award for the damage to their said estate, rights, and property, caused by the establishment and maintenance of the said bridge and highway.

And your petitioners further pray that they may be heard before your honorable bodies, or a committee thereof, upon the matter of this, their petition.

Edward Page
W^m R. Ellis —

A. W. Murray,
of counsel.

Sept. 10, 1873.

In Board of Aldermen. Sept. 10. 1873.
Referred to the Committee on Roads & Bridges.
Said claim yet unsummed.

Attest. Justin A. Jacobs. City Clerk.

In Common Council Sept. 16, 1873,
Concurred. Attest. J. M. Cotton, Clerk.

Approved, Sept. 19, 1873 -
Isaac Bradford
Mayor -

Petition of William R. Ellis
et al.

Sept. 10, 1873.

To take opinion
of City Solicitor

To the Hon. Board the Mayor
and Aldermen of the City of Cambridge

The undersigned respectfully
represents that they are the
owners of a large lot of land
situated on the Southern side
of Broad Canal in that
part of said Cambridge called
Cambridgeport containing twenty
eight thousand three hundred
and sixty-three feet — between
land formerly of Simpson on the
West and Land of Fiske on the
East —

That as such owners they
are entitled to the free and
unobstructed navigation
of said Broad Canal
That said City has located
over and across said Canal
a New Street called Sixth
Street and thereby greatly impeded

The navigation of the
same to the great injury
of your petitioners
Wherefore your petitioners
ask that they will grant
them a hearing in the premises
and award them such damages
as they may have sustained
by reason of location of said
street.

September 26. 1873

Hancock & Greely.

In Board of Aldermen, Dec. 1. 1873.
Referred to the Committee on Roads
and Bridges. Sent down for con-
sideration.

Concurred,
Attest, J. W. Cotton, Clerk.
In Common Council Oct. 7, 1873,
Attest, Justin A. Jacobs, City Clerk.

approved, oct. 11, 1893 -
Isaac Bradford
Mayor

Hancock Greely
Shelton
Danvers

Cal. 1. 1873

To the Honourable, the City Council of the
City of Cambridge:—

Respectfully represents Edgar
L. Kinsley, that he is seized and possessed of
a large and valuable tract of land, lying upon the
southwesterly side of Broad Canal, above and
northwesterly of the bridge lately constructed over and
across said canal and laid out as a highway, in
continuation of Sixth Street, by the City Council;
that he has erected upon his said premises extensive
buildings and works for the carrying on of his business;
that appurtenant to his said land is an easement
and right in your petitioner to pass and repass, with
vessels, boats, rafts, and other things, over and through
the said canal, in which the tide ebbs and flows,
to and from Charles River; that the said easement
and right of passage in and over the said canal
has existed, as an appurtenance of your petitioner's
said estate, in him and his predecessors in title,
for more than sixty years, and is of great value
to your petitioner in the carrying on of his business;
that the establishment of the said bridge and highway
over the said canal is a great injury to the said
easement, and a serious obstruction and hindrance
to the free and rightful use and enjoyment by your

petitioner of the said canal, and the cause of much inconvenience, loss, and expense to him in navigating the same:

Wherefore, he prays that your honorable bodies will make to him a just and reasonable compensation and award of damages for the injury to his said estate, rights, and property caused by the establishment and maintenance of the said bridge and highway.

And your petitioner further prays that he may be heard before your honorable bodies, or a committee thereof, upon the matter of this, his petition.

Dated Sept. 10, 1873.

Edgar L. Kinsley

H. W. Muzzey
of Counsel.

In Board of Aldermen, Sept. 10, 1873-

Referred to the Committee on Roads & Bridges

Sever closed for concurrence.

Attest: Justin A. Jacobs, City Clerk

Concurred,

In Common Council

Sept. 16, 1873.

Attest, J. M. Cotton, Clerk.

approved, Sept. 19, 1873 -
Isaac Bradford -
Mayor -

Petition of Edgar L. Kinsley.

Sept. 10. 1873.

To take opinion of
City Solicitor

To the Hon. Board. The Mayor
and Aldermen of the City of
Cambridge -

The undersigned ~~has~~ respectfully
represents that he is the owner
of certain lots of land situated
in said Cambridge on the South
side of Broad Canal; and as such
owner is entitled to the free
and unobstructed navigation
of Broad Canal -

That the City has located
Sixth Street over and across said
Canal and thereby obstructs the
Navigation of said Canal to the
great injury of your petitioner.
Wherefore he respectfully ^(urges) that your
Hon. Board will award him such
compensation for injury sustained
by him as he reasonably may be entitled
to -
Cambridge Aug 27. 1873

George G. Loring

In Room of Aldermen, Sept. 3, 1873.

Referred to the Committee on Roads and
Bridges. Sewer drain for convenience.

Attest: Justin A. Jacobs. City Clerk

Concurred, In Common Council Sept. 9, 1873,
Attest J. W. Cotton, Clk.

Approved, Sept. 12, 1873 -

Chas Bradford

Mayor -

George G. Page
P.L. for dam
for location of
Sixth Street across
Broad Canal

Sept. 3, 1873-

to City Sol.

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1873

Rds & Bridges in relation to a
Bridge over Broad Canal