

City of Cambridge.

In Common Council, June 30 1874.

The Committee on Roads & Bridges
to which was recommitteed the
Report upon petⁿ of Daniel Kennedy
for compensation, ~~giving~~ recommending
"that he have leave to withdraw"
together with the City Solicitor's
Opinion in regard to petitioner's claim,
Reports

That it sees no reason
for in any way changing the recommend-
ation contained in its report of May
13th viz "that petitioner have leave to
withdraw"

For the Committee,

E. W. H. Norton

June 30th 1874 Accepted and sent up for concurrence,
Attest J. W. Cotton, Clerk.

Report
Com. on Roads & Bridges
in petⁿ of Danl Kennedy
June 30, 1874,

Aug. 3, 1874.

Laid on the table

City of Cambridge.

In Board of Aldermen, July 6, 1874.

The Petitions of John J. Fiske,
Joseph Rosenblum, and Samuel
Kennedy, for damages on Lincoln
Street, and laid on the table for one
week - and the City Solicitor is re-
quested to give his opinion upon the
question whether the City can lawfully
pay them damages -

Attest, Justin A. Jacobs. City Clerk

Question
of damages on
Lincoln Station

July 4, 1874-

City of Cambridge.

In Board of Aldermen, May ¹³~~14~~ 1874,

The Committee on Roads and Bridges
to which were referred petitions of
Michael Quinn, and others for widening
of Carson St. to a width of sixty feet,
and Daniel Kennedy for compensation
for land taken on Lincoln St.

Respectfully
recommending that each
of abovenamed petitioners have leave
to withdraw, as no reason exists for
granting the prayer of either,

For the Committee,

John W. Loring

Accepted. Sealed and for concurred.

Attest, Justin A. Jacobs. City Clerk

In Common Council May 20th 74

As much as relates to Michael Quinn, accepted
in concurrence -

As much as relates to Daniel Kennedy, laid on
the table -

Attest J. W. Cotton, Clk,

As much as relates to Daniel Kennedy is re-
committed to Committee, { kept up in concurrence,
with City Solicitor's opinion - } Attest, J. W. Cotton, Clk.

In Board of Aldermen June 23. 1874.
Carried -

Attest, Justin G. Jacobs.
City Clerk

Approved, June 30, 1874 -

Isaac Bradford
Mayor -

Report
on Petition of
Quinn and Kennedy
May 13. 1874 -

City of Cambridge
August 8. 1874

To the Mayor and Aldermen.
Gentlemen,

I return herewith the petitions of Messrs Fatal, Rosenberger and Kennedy severally asking for an award for damages to their property by the order laying out Lincoln street, which were referred to me by your Board for an opinion upon the question whether the city can lawfully pay their damages.

The petition of Mr. Kennedy has once been to me from the Common Council and my opinion thereon given, but on a point entirely different from the question now referred by your Board as will appear upon examination of the papers.

The order laying out Lincoln street and awarding compensation to the owners of land thereby taken was approved in September last. No compensation was awarded to either of these petitioners, and more than six months have since expired.

I proceed upon the assumption that the proceedings were regular and that these petitioners upon an

appeal seasonably made from the award of the City Council might have recovered something. Their right of appeal is gone. They have no claim against the city and acting as the agents of the city and in that capacity alone the City Council have no right to vote money from the city treasury to pay these petitioners in the present aspect of the matter.

But in laying out streets and assessing damages the City Council act not as the agents of the city nor of the owners of the land taken, but independently either as public officers designated by the law of the land to exercise a judicial power. They decide as judges between the rights of the public on the one hand and the rights of the property owners upon the other, and their award allowing compensation to the owner of land taken takes effect ~~more~~ as the decision of a judge and not as the offer of a party representing the city.

Now the question is whether acting as such public officers the City Council may make an award to these petitioners.

I am strongly inclined to the opinion that they cannot. The rights of the public as represented by the city are to be protected as well as the rights

of the petitioners. After the petitioners have lost their right to appeal, the rights of both parties are fixed. If the tribunal laying out the street can ~~thereafter~~ at the expiration of ~~a~~ one year after the rights of the parties are thus fixed change those rights by a new award, why may they not do the same thing at the expiration of ten years?

When the City Council have laid out the street and made the awards, they have in my judgment performed their whole duty in the premises, and any ^{one} dissatisfied thereby may in the language of the City Charter "within six months thereafter make complaint to the County Commissioners in the County of Middlesex".

I remain

Yours respectfully
J. M. Hammond
City Solicitor

Office
of City Solicitor
Lincoln Street,

Aug. 3, 1874 -

City of Cambridge
June 15, 1874

To the Common Council:

Gentlemen. I return
herewith the petition of Daniel Kennedy for
compensation for damage done as he says to
him by the widening of Lincoln street, which
petition was referred by your Board to me "for
an ~~opinion~~ opinion as to said claim
irrespective of petitioner's loss of legal right
to appeal."

Such a reference involves ~~an~~ an inquiry
into facts as well as law and that inquiry
has been made.

I have heard the petitioner personally and by
his counsel and have sought information
from the Committee on roads and bridges
and from other sources.

I am satisfied that the petitioner and those
under whom he claims have maintained

their fence where it was before it was moved back by the order of the city for more than twenty years and that his claim against the city for compensation was a valid legal claim. Of course I cannot say what was the amount of his claim.

I am satisfied also that prior to the year 1845 Lincoln street as then used included all the land which the petitioner says the city has taken from him and that since 1845 the owners of the land now owned by the petitioner moved their fence about ten feet south of where it had before been so as to inclose land which had for many years been used as Lincoln street, and that they paid no additional compensation for the land thus enclosed which land was more than the city took from the petitioner.
I remain

Very respectfully
J. M. Hammond
City Solicitor

Opinion
of the
City Solicitor - on
Paul Kennedy's claim,
June 15, 1874.

Cambridge, July 6, 1874,

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

The undersigned respectfully prays for a hearing before
your honorable Board in the matter of ~~his~~
a claim for damage to his estate by
widening Lincoln St.

Joseph H. Rosenberg

13 Petition

Peltia

of Jas. Rosenberg,
Seneca, Lincoln St.

July 1. 1874

Aug. 3. 1874-

Laid on the table.

Cambridge, July 6 1874

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

The undersigned respectfully pray for a hearing before
Your Honorable Board in regard to a
claim for compensation for land taken
from his estate on Lincoln Street for
the purpose of widening said street.
John J. Fatah

More Honorable, before
Aldermen
12- Meeting of 17-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-22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Petition
John J. Fratol for
hearing in matter of
Lincoln St.
July 6, 1874,

Aug. 3, 1874.

Land on the corner.

Cambridge, Sept. 1, 1874.

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

The undersigned respectfully pray that compensation be awarded him for land taken for widening Lincoln St. being convinced that an investigation will prove that he had a good claim to said land, & compensation therefor, at the time of said widening.

Francis W. Brown

In Common Council

Sept. 1, 1874.

Refer? to Joint Special Committee and sent up for concurrence. Messrs. Henderson, Graham and Kelly being appointed on the part of the Common Council, with such as the Board of Aldermen may join.

Attest.

J. W. Cotton, Clerk.

In Board of Aldermen, Sept. 7, 1874.

Reference amended, so as to include the petition of Messrs. Kennedy, Foster and

1st. Petition of
Graham

Rosenburg,

Seven days yet concurred, - Aldermen Clarke
and Whitman being joined on said Councils
on the favor of this Bond.

Attest, Justin A. Jacobs, City Clerk

In Common Council Sept. 15/74

Concurred,

Attest, J. W. Cotton, Clk.

Approved, Sept. 14, 1874 -

Edw. Bradford, Mayor

Petition
Francis W. T. Brown
for compensation. Dismissed.

Sept. 1, 1874.



CITY OF CAMBRIDGE.

IN BOARD OF ALDERMEN,

Copy

1873

WHEREAS: It is adjudged by this Board that the public necessity and convenience require that

Lincoln Street

should be laid out as a public Street. Ordered that a strip of land in width between

forty feet

Elm St. and Webster Avenue

included between the *red* lines as shown on a plan drawn by

E. F. Bowker

dated May 8, 1873.

and now before this Board, be taken for public use and laid out as a public Street.

Ordered that — damages be allowed for the land so taken as aforesaid.

as follows—

To Mary Ann Sweet for 1165 ft. Land 50 = 582.50
Barn 40. =
\$ 622.50

Order^d That 30 days be allowed for the removal of all obstructions standing on the land so taken as aforesaid —

Cambridge, November 30th 1874

To the Honorable, the City Council, Mayor and Aldermen
of the City of Cambridge

The undersigned respectfully pray that land
damages may be awarded her, for land
taken by the City for the purpose of
widening Lincoln Street, and your
petitioners will ever pray.

Respectfully

Mary A. Lewis.

In Board of Aldermen, Dec. 7, 1874

Referred to the Committee on Roads & Bridges.

Same closed for concurrence.

Attest: Justin A. Jacobs, City Clerk

In Common Council Dec. 8, 1874

Concurred,

Attest: J. W. Cotton, Clerk,

approved, Dec. 9th 1874 -

Isaac Bradford.

Mayor -

Petition
of Henry A. Lewis
for damages -
Dec. 5. 1874.

2

"Lincoln St." Petition
1874