

Cambridge April 29, 1895.

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

The Bridge Commissioner
has attended to your request to consider
the advisability of placing suitable seats
on the promenade at Harvard Bridge
for the use of the public, and herewith
submits his report thereon with an estimate
of the probable expense of the same.

The sidewalks are now used as a
promenade. the seats would be an
obstruction and would probably be used
by others than those for whom they were intended.

It would necessitate extra patrolman
to preserve order thereby increasing the
expenditures.

1 The cost per dozen, for settees the same pattern as used in the Boston Parks, each to accommodate three persons, is Fifty seven dollars, \$57-00.

This is the estimate of the Belmont Iron Works, Philadelphia, Pa.

The number required would probably be three dozen.

The Commissioner sent a request to the City Solicitors of Boston and Cambridge for their opinion in the matter. What I have received I submit with this report.

Respectfully,

William J. Marvin.

Bridge Commissioner
for Cambridge.

City of Boston
Office of Law Department
14 Beacon St.

April 25th.1895.

To the Commissioners of the Harvard Bridge,

Gentlemen:

Your communication of the 24th.inst., was received, enclosing the copy of an order passed by the Common Council of the City of Cambridge, April 16th.1895. By chapter 155, of the acts of the year 1882, as amended by subsequent acts, the bridge is made a public highway, and the expense of maintaining in repair the part which lies between the harbor lines was to be borne equally by Cambridge and Boston. The care and management of the bridge and draw is vested in the board of commissioners, consisting of one person from each city. In my opinion the bridge is a public highway and the Commissioners have the same authority over it that cities and towns have over highways within their limits. Highways are to be kept by the officers in charge of the same reasonably safe and convenient for travellers whether on foot or in vehicles by day or by night, and anything in the highway which interferes with the safety or convenience of travellers is a nuisance, unless it has been specially authorized by some legislative enactment. Public officers having charge of a highway cannot grant to private individuals any exclusive privileges in a highway, unless they have been expressly authorized so to do by some act of the legislature. They can authorize things in the highway which are for the use of the public,

unless the existence of such things so interferes with the safety and convenience of travellers as to make them a nuisance. It follows, therefore, that if seats on the promenade of Harvard bridge can be provided for the public, in a manner which does not interfere with the safety and convenience of travellers walking on the sidewalk, your board can authorize them. If, however, they cannot be placed outside of the line of travel in such places as do not interfere with the safety and convenience of travellers using the sidewalk, then your board cannot authorize them.

Yours truly,

Thomas W. Babson
City Solicitor.

ENGINEERING DEPT.
APR 25 1905
Recd B. B. —

Communication⁹
from the Bridge 115
Commissioner

April 30. 1895.

IN BOARD OF ALDERMEN

April 30. 1895.

Read and sent down.

Attest
Edward Prandon
Asst. City Clerk.

IN COMMON COUNCIL

CONCURRED. April 30. 1895

Attest: Edward A. Connelley Clerk.

pro tem