

Jan. 9, 1893.

Mr. W. A. Stephens,
St. Paul, Minn.

Dear Sir:-

The deed to Mr. Hill bearing date September 25, 1890, from Robert Mannheimer and the devisees of Herman Greve, of the fifteen foot strip, lying just south of the portion of Block 71 Dayton & Irvine's Addition, upon which has been constructed Mr. Hill's stable, is by the terms thereof made subject to all the easements thereon which have been heretofore granted to other parties. For the purpose of ascertaining definitely the character of these easements we have had the abstract continued to show all claims on this property, and we have examined the records for the purpose of ascertaining what easements appear of record to have been granted prior to the date of this deed. The only rights in this strip appearing to have been so granted or held by other persons is the use of the same as an alley, which was reserved to Mr. Greve and Robert Mannheimer in their partition of Lots 17 and 18, and a portion of Lot 16 of Block 71, Dayton & Irvine's Addition, and a grant of an alley right over the westerly end of the strip made to Mrs. Ella S. Saunders in a deed from Earle S. Goodrich and wife.

The alley rights so reserved and granted are appurtenant to said Block, lying between said strip and Summit Avenue, and now held by Frank A. Seymour, James H. Weed and Agnes I. Weed, his wife, James S. Robertson and Amelia K. Peet.

The rights of property in the strip, except the right of these persons and their successors in interest to the land lying between the strip and Summit Avenue to use this strip as a private alley in connection with such abutting property, are in Mr. Hill, and subject thereto. He has all the rights over the property that any owner of land can have.

The right to an alleyway created as ^{SAINT PAUL, MINNESOTA,} in this case, is the right to use the land in the ordinary way for alley purposes in connection with the abutting property, and to have it left in such condition that its enjoyment for such purposes will not be substantially interfered with.

Mr. Hill has perfect right to fill up his own property for the purpose of preventing surface water from flowing on to it from adjacent lands, and would, we think, have a like right to fill the alley also, provided that in so doing he did not materially change the condition of things, or interfere with the enjoyment of the strip for alley purposes by the owners of the abutting property.

Very truly yours,

Eller. & How

James J. Hill Papers
Minnesota Historical Society