



# City of Cambridge.

CLERK'S OFFICE,

Jan'y 3. 1872.

To the Honorable, the City Council:

From the last eleven years the duties of City Solicitor have been imposed upon the City Clerk. I would respectfully suggest that the duties of the former office are no longer compatible with the proper discharge of my duties as City Clerk, inasmuch as they require me to be absent from my office for days, and sometimes for a week or more, at a time; and oftentimes at those seasons of the year, when my presence is most required at the City Hall.

In fact, I think I ought to have no business which cannot be performed in my office.

There are, at this moment, important cases pending in the Supreme Judicial and Superior Courts, in both Suffolk and Middlesex, before the County Commissioners, and before

Arbitrators, in any of which I am liable to be called upon at any moment. There will be nice and difficult questions involving hearings before the Legislature, and in the matter of the Washington Street District, and the Oxford Street and North Avenue Sewers.

I would respectfully suggest the urgent necessity of immediately creating the office of City Solicitor to be filled by some gentleman whose sole business is the practice of the law, as I believe such action is demanded for the best interests of the City.

Respectfully submitted,

Justin A. Jacobs.

In Board of Assessors, July 3, 1872.

Referred to the Committee on Assessments.

Sent down for concurrence

Attest, Justin A. Jacobs, City Clerk.

In Common Council July 3, 1872  
Concurred, Attest, J. H. Cotton, Clerk,  
July 5, 1872 approved  
Henry Houghton

Communication  
from the City Clerk.

July 3. 1872.

City of Cambridge.

In Board of Aldermen, *Jan'y 17 - 1872.*

The Committee ~~on~~ on Ordinances to which was refer'd the communication of the City Clerk suggesting the expediency and necessity of appointing a City Solicitor to attend to the legal business of the City, has consider'd the same and would,

Report, That in the opinion of the Committee, there is an imperative necessity for the appointment of such an officer forthwith, and the passage of the Ordinance herewith submitted is accordingly recommended.

In the Committee

*Wm. L. Whitney*

# City of Cambridge,

In the year One Thousand Eight Hundred  
and Seventy two

An Ordinance  
Providing for the appointment of a "City  
Solicitor," and prescribing his duties

Be it ordained by the City Council of Cambridge,  
as follows,

Section 1. On the first <sup>Wednesday</sup> Monday of April,  
annually, or within thirty days thereafter,  
there shall be elected by concurrent vote of  
both branches of the City Council, to be first  
acted upon by the Mayor and Aldermen, a  
Solicitor for the City of Cambridge, who shall  
be a resident citizen thereof, and who shall have  
been admitted an attorney and counsellor of  
the courts of the Commonwealth, and who shall not  
hold any other office under the City Government  
during the period for which he is elected.

He shall hold his office for one year from  
the first Monday of April in the year in  
which he shall be elected, and until his  
successor is elected and qualified, unless sooner  
removed; and he shall be removable at the  
pleasure of the City Council, and vacancies

may be filled at any time for the unexpired term.

Section 2. It shall be the duty of said solicitor, by himself or by some person by him duly authorized, for whose conduct, skill and faithfulness, he shall be accountable, to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements, and other legal instruments, of whatever nature, which may be required of him, by any ordinance or order of the board of Aldermen, or of the City Council, or which by any ordinance or order heretofore passed, may be requisite to be done and made by the City of Cambridge, and any person or persons contracting with the City in its corporate capacity, and which by law, usage, or agreement, the City is to be at the expense of drawing.

Section 3. It shall be the duty of said City Solicitor, to commence and prosecute all actions and suits to be commenced by the City, before any tribunal in this Commonwealth, whether in law or equity; and also to appear in, defend, and advocate the rights and interests of the City, or any of the officers of the City, in any suit or prosecution, for any act or omission in the discharge of their official duties, wherein any estate, right, privilege, ordinance or act of the City Government, or any breach of any ordinance

may be brought in question. And said Solicitor shall also appear before the Legislature of the Commonwealth, or any committee thereof, whether of either or both branches of the same, and there in behalf of the City, represent, answer for, defend, and advocate the interests and welfare of said City, whenever the same may be directly or incidentally affected, whether to prosecute or defend the same; And he shall in all matters do all and every professional act, incident to the office, which ~~he~~ may be required of him by the City Government, or by any joint or special committee thereof, or by any ordinance or order heretofore passed; And he shall, when required, furnish the Mayor, board of Aldermen, the Common Council, or any joint or special committee of either branch thereof, and any officer of the City Government who may require it in the official discharge of his duties, with his legal opinion on any subject touching the duties of their respective offices.

Section 4. A City Solicitor shall forthwith be elected, to hold office until his successor shall be duly elected and qualified, as provided in the first section of this Ordinance.

Section 5. In full compensation for all the services of said solicitor, he shall receive such salary as the City Council may from time to

Order of  
City Solicitor

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time fix and determine. In all cases, however, when his attendance may be required out of the City, his reasonable traveling expenses shall be allowed him, and in suits and prosecutions, he shall be entitled to receive and retain for his own and the legal taxable costs which may be recovered of the adverse party, where the City shall recover the same, according to the usage and practice of the courts.

Section 6. So much of Chapter Four of the Revised Ordinances as imposes certain additional duties upon the City Clerk is hereby repealed.

In Order of Council, of July 17, 1872,  
Passed to the effect aforesaid.

Given under my hand and seal of the City of

Seattle, this 17th day of July, 1872.  
City Clerk