

AUSTIN J. COOLIDGE,
COUNSELLOR AT LAW,
28 Pemberton Square.

Boston, June 19th 1873

Hon. W. R. Harding

Chairm^r Com. on Ordinances,

Dear Sir:— Yours of the 17th inst., requesting me to draft an ordinance to prevent domestic fowls from going at large was rec^d last evening.

When I presented the petition for such an enactment, I had considered only the injury to gardens and lawns during the period of vegetation, and therefore suggested as the time for such restraint from the 1st of May to the 1st of Nov^r. If I were not satisfied, upon reflection, that the ordinance should be without limitation as to time, I should say that the 1st of May is often not early enough to prevent mischief, and ^{should} propose that it should run from the 1st day of April to the 1st day of November.

But all the reasons which favor the adoption of such an ordinance seem to me to require it to be perpetual.

The reasons for an ordinance, at all, are:—

- 1st The injury—public and private: scratching among plants & seeds, & dropping dirt everywhere to the inconvenience of persons owing labour, or passengers in streets, &c. —
- 2^d The difficulty of privately checking the evil, as the sufferer is generally unable to identify the owner of the offending animals, as he would be able in case of a horse or cow. —
- 3^d The mischief resulting from the naturally consequent attempt at remedy of trespass on private grounds, by destruction of the offending animals, as by shooting or poisoning—thus raising bad blood, and stirring up animosities among neighbors. (I am happily free from any personal experience under this head, but know that cases ~~too~~ often occur.)

The additional reasons for making the ordinance perpetual are:-

1st The law will be more easily enforced, if the liberties of hens, roosters, ducks and geese under the comprehensive term, "domestic fowls," are placed with those of cows, horses, pigs, sheep and goats: - inasmuch as, if there were five months in which they could run, there would be an assumption of the sacredness of such running at large as a vested right, as well as great carelessness in remembering the times of liberty and restraint.

2nd If decency is a reason at all, as it seems to me a very strong one, it extends to the whole year as well as a part. Fowls are kept more extensively by people who have no enclosed yards, and they therefore wander long distances, and everywhere exhibit their animal propensities, which is certainly not appropriate as a public spectacle.

I do not think such an ordinance will increase the price of eggs or poultry. -

Nor is the act one in favor of people who have large means and against those who have little means. - Nobody suffers more from such injury than do the poor themselves. Our city has reached the compactness when we cannot have the freedom of country farmers. One by one the "liberties" unfit for city life fade out - such as the keeping of hogs: and all the reasons seem to me to require the liberties of domestic or barn-yard fowls to be placed with those of hogs and other cattle.

XXV - Street. I submit two Drafts, preferring the simpler amendment of Sec. 23, Ch. New York 7 1874 A. J. Coolidge

Boston,

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Sec. 23^d Chap. XXV (p. 118) Cambridge Ordinances,
with proposed amendments.

"No owner or person having the care of any"
[domestic fowls, goats,] "sheep, swine, horses, oxen,
cows, or other grazing animals shall permit or
suffer the same to go at large, or to graze on any
street, lane, or alley, common, square, or other public
place within the city."

[The word "goats" is found in the index of the
printed edition of the Ordinances as being under this interdiction, and
it seems to me better to insert it here, than have it under the
inferential head of "grazing animals."]

The following corresponds to what was asked, but seems
open to the objections elsewhere stated. —

"No owner or person having the care of any domestic fowls
shall permit or suffer the same to go at large, or feed on
any street, lane, or alley, common, square, or other public
place within the city, from the first day of April until
the first day of November in each year. —"

City of Cambridge

In the year one thousand, eight hundred
and seventy three.

An Ordinance

in relation to the going at large of domestic fowls and goats.

Be it ordained by the City Council of the City of
Cambridge as follows:-

Section 1. Section 23 of Chapter twenty five of the
Revised Ordinances is amended by the insertion after the
word "any" in the first line, the words "domestic fowls,
goats",

In Board of Aldermen. July 2, 1873.

Passed to be enrolled.

Attest: Justin A. Jacobs. City Clerk

An Obedience
in relation to the going
at large of Domestic
Fowls and Goats.

1873 -

June 25th. 1873 -

Received.

In cc, July 8, 1873.
* 2^d rdg

City of Cambridge.

In the year One Thousand Eight Hundred
and Seventy Three.

An Ordinance
in relation to the going at large of domestic
Fowls and Goats.

Be it ordained by the City Council of the
City of Cambridge; as follows.

Section Twenty three of Chapter Twenty five
of the Revised Ordinances is amended
by the insertion after the word "any"
in the first line, of the words "domestic
fowls, goats;"

In Common Council July 22, 1873.
Passed to be ordained.

Francis H Whitman President.

In Board of Assessors. July 23, 1873.
Passed to be ordained.

Isaac Bradford Assessor.

An Ordinance ¹²
in relation to
Fowls and Goats.

1873.

In Common Council
July 22, 1873.
Correctly enrolled.

Attest,

C. C. Read } Clerk
John Stow }
Thomas Griever } Ordinance