

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

EXECUTIVE DEPARTMENT

JOHN H. CORCORAN

City Manager

JAMES L. FARRELL

Assistant City Manager

December 17, 1973

To the Honorable, the City Council,

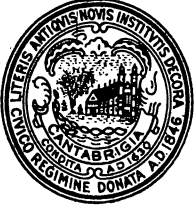
I transmit herewith self-explanatory communication from Edward D. McCarthy, Acting City Solicitor with reference to request of your Honorable Body relative to the Cambridge Common.

Very truly yours,

John H. Corcoran
City Manager

JHC/mg





CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY
ACTING CITY SOLICITOR

ROWENA E. TAYLOR
ASSISTANT CITY SOLICITOR

CHARLES WATSON
LEGISLATIVE AGENT

December 13, 1973

To the Honorable City Council
City Hall
Cambridge, Massachusetts

Re: Cambridge Common

Dear Councillors:

You have requested my opinion as to the following:

1. Who can use the Cambridge Common.
2. The purposes for which it may be used.
3. Under whose jurisdiction are permits for use of the Common issued.

1. Chapter 6 of the Acts of 1830 authorized the enclosing of the Cambridge Common and provided in part that it "shall be forever kept and appropriated to public use only".

My answer, therefore, to the first part of your request is that the Common may be used by members of the general public.

2. The same 1830 Act provided that the Common was to be used only "as a public park, promenade and place for military parade; and no part thereof shall, on any pretense be appropriated

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December 13, 1973

to any purposes of private use or emolument".

3. In the absence of a Park Commissioner and in the absence of a designation by you that the Planning Board is to act as Park Commissioners, the authority for issuing permits for use of the Common would ordinarily lie within your jurisdiction.

However, the General Ordinances, Section 14-1 the general charge of the Common is under the control of the Commissioner of Public Works with the exception of the southwesterly portion bordering Garden and Waterhouse Streets which by Section 14-5 is under the control of the Recreation Commission.

Section 14-17 and 14-19 place the issuance for permits for overall use of the Common in the Commissioner of Public Works.

I trust that this answers your request but if you have any further questions, we would be happy to co-operate in answering same.

Very truly yours,


Edward D. McCarthy
Acting City Solicitor

EDMcC:cas

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Re: to the Cambridge Common.

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