

City of Cambridge
July 3, 1873

To the Honorable the Common Council
of Cambridge.

Gentlemen:

In reply to your inquiry
(communicated to me through the clerk
of your body) "whether or not it is
"Competent for the Board of Aldermen to
"remove the fence enclosing the square
"at the junction of Cambridge and Bridge
"streets without the concurrence of this
"Board, said square having been enclosed
"by joint order of the two boards in May 1858."
I have the honor to report that

I have no means of knowing precisely the
nature of the rights of the city in and to the
square marked, nor the exact position of the
fence with reference to the line of the streets.
But upon the supposition that the square is
owned by the city in fee, and that it was
enclosed as the property of the city at the time

stated in the inquiry by a fence not obstructing
either of the surrounding streets ~~nor~~ within the
limits of either, I do not think it is competent
for the Board of Aldermen to remove the fence
without the concurrence of the Common Council
All of which is respectfully submitted.
J. M. Hammond
City Solicitor..

In Common Council July 2, 1873,
Read and sent up ~
Attest, J. W. Foltow, Clerk,

Opinion 29
of the City Solicitor -
- Square in Ward Three -
July 3, 1873,