



City of Cambridge.

OFFICE OF CITY SOLICITOR.

Aug. 15th 1885

Hon. Wm. E. Russell,

Mayor.

Dear Sir,

I have examined the statutes concerning the removal of trees in streets, as recently requested by you in writing, and report as follows: -

Prior to St 1885, Ch. 123, the law relating to the removal of shade trees is to be found in P.S. Ch. 54, Sect. 6. It is in substance that such trees can be removed only after an adjudication by the mayor and aldermen (upon a complaint) that the public necessity seems to them so to require. On this question all persons ^{interested} had a right to be heard. (White vs Godfrey, 9 Mass 472. 475).

The effect of St. 1885. Ch 123, appears

to be, among other things, to place all trees in the streets under the same law as shade trees so far as affects the removal thereof.

I am of the opinion that no tree standing in the streets of Cambridge can be legally removed, unless the mayor and aldermen, after complaint made to them, adjudicate upon the necessity of such removal, and that upon that question all persons have a right to be heard.

The order is, 1. Complaint to the board.
2. Notice and hearing.
3. Adjudication that the public necessity seems to require the removal.

Respectfully yours,
J. W. Hammond,
City Solicitor.

In Board of Aldermen. Aug. 17. 1883.

Referred to the Committee on Roads
and Bridges. on the part of this Board.

Attest.

Justin A. Jacobs.

City Clerk

Opinion
of City Solicitor
Removal of Trees.
Aug. 17, 1880.