Shade Trees and Tree Wardens: Revising the History of Urban Forestry

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Abstract

The contributions that urban forestry has made to society have been increasing over the past two decades. The profession has its origins, as does forestry and other natural resource professions, in the first conservation era of the late 1800s. Tree warden laws are some of the earliest and most important urban forestry laws passed by state legislatures. The importance of public shade trees was recognized by amateur forestry activists, and public sentimentality for shade trees was used strategically by these activists as a forest policy persuasion tool.

Keywords: history, law, policy, urban forestry

Urban forests and public shade trees have long been recognized for the significant social, economic, and environmental benefits they provide (Olcott 1860, Egleston 1878, Fox 1903). This recognition has increased dramatically over the past two decades, as has the science and application of urban forestry (Miller 1997). However, there is limited information on the history of urban forestry (Miller 1989, 1997, Koch 2000), especially for the 19th century when associated modern disciplines such as forestry, horticulture, landscape architecture, and regional and urban planning came of age (Hayes 1959, Lawrence 1995). Although forest historians have studied the people, laws, organizations, and institutions that contributed to the growth of forestry and forest conservation in the United States (Pernow 1913, Hays 1959, Kinney 1972, Clepper 1975, Miller 2001), few scholars have documented the role of 19th century shade tree advocates in the establishment of forest conservation laws and institutions. This paucity of historical research has obscured the role of urban forestry in the development of the American conservation movement, and has slowed the legitimization of urban forestry as a profession akin to others. It has also deflected scholars from recognizing that the origins of urban forestry and what is sometimes referred to as "traditional" forestry are more similar than is commonly understood, as is revealed in an analysis of the social context and environmental circumstances that led to the codification and enactment of the Massachusetts and Connecticut tree warden-enabling legislation of 1896 and 1901.

Why Did the Tree Warden Laws Come into Being?

Tree warden laws in the New England states are important examples of some of the earliest and most far-sighted state urban forestry and forest conservation legislation. In 1896, the Massachusetts legislature passed the first tree warden law, and the other five New England states soon followed suit: Connecticut, Rhode Island, and New Hampshire in 1901, Vermont in 1904, and Maine in 1919. These laws vary somewhat, but they are notable in that each required or enabled municipalities to appoint wardens, and deputies if necessary, to be responsible for the care and protection of municipal trees. Among their varied roles and responsibilities, tree wardens were empowered to appropriate funds for tree planting and regeneration, to remove trees that posed an immediate threat to public safety, to remove insect- and disease-ravaged trees, and to give public notice of removal or pruning.

Each state had different political, social, and environmental reasons for enacting these laws. However, it was primarily the explosive industrialization and urbanization of New England cities and villages after the Civil War that made the codification of these urban forestry laws so logical, timely, and necessary. To understand this codification process, it is important to grasp the social processes at work during the 19th century that encouraged the protection, regeneration, and management of trees and forests, urban and rural.

Forest Clearing and Ornamentation

As European immigrants settled New England in the 1600s, they spent considerable energy and effort clearing the forest for agriculture and forest products; out of its bounty, they gained wood for homes, fences, and fuel. These migrants considered forests as something to be conquered, and did not yet possess the romantic appreciation of the woods that was to become a part of 19th
Public Shade Trees and Forest Conservation

The tremendous rate of urbanization in New England in the late 19th century underwent the municipal governments' ability to manage the manifold problems that accompanied this rapid growth. Among the challenges was the protection of urban trees, which suffered considerably during this period. Expanding the number and widening of existing roads, stringing aerial electric lines, and digging below-ground gas lines compromised, if they did not outright kill, trees that had been growing along streets and in parks. One consequence of the growing concern over the decline of shade trees and green space was the creation of a new profession—urban forestry—defined first, perhaps, by George R. Cook, Superintendent of Parks, Cambridge, Massachusetts (Cook 1894). The emergence of this new occupation (variously called urban forester, city forester, or municipal arborist) paralleled the changes brought about by other contemporary reform movements, such as in urban sanitation and public recreation, which led to the establishment of new work in sanitary engineering and playground supervision (Campanella 2003).

None of these new professions emerged fully fledged. The urban forester, for instance, only slowly absorbed the responsibility for the care of public trees that until the 1890s had been, and in some municipalities continues to be, the purview of highway officials, park supervisors, or civic volunteers (Fernow 1910, Solotaroff 1911, Favretti 1982), just as the professional groups they launched to support their activities took over from the voluntary civic organizations they predecessors had developed. Village Improvement and City Ornametation societies had advocated for forest conservation since the early 1800s (Favretti 1982). One who had pressed this particular cause was Nathaniel H. Egleston; who served as Chief of the Division of Forestry in the U.S. Department of Agriculture from 1883 to 1886, when Bernard Fernow, a trained forester, replaced him. His book Villages and Village Life (1878) served as a manual for village improvement and as a rich source of information for public policy on rural life and forest conservation in that age of swelling cities. One chapter is focused on concerned with urban forestry matters ("Trees and Tree Planting") and another addresses forest conservation issues ("Preservation of Woodlands") (Egleston 1878). Although Egleston was the consummate romantic concerning tree planting, "What a blessing to be able to place them [trees] just where we will, to plant and care for them, and see them under our hands growing into objects of beauty and delight," he was practical too. "It would be a good thing if... the people, old and young, and of all classes, were to be brought out for the purposes of planting trees for use and ornamentation" (Egleston 1878). He also, like other preprofessionals of his day, concerned himself with urban forestry: "The one natural and universal beauty of a village is in its trees, so that one can hardly think of a pleasant bit of country without them," and forest conservation equally, "Care of our woodlands and forests is now one of our pressing duties" (Egleston 1878).

Forest conservation in the preprofessional era also received a boost from state boards of agriculture, local and regional horticultural societies, and even boards of education (Clepper 1975, Favretti 1982, Miller 2000, Campanella 2003). These societies and boards often sponsored lecture series, the results of which were often published, spreading the word about the need for greater attention to urban forestry and public amenities such as parks and playgrounds (Northrup 1885, 1887).

Higher education institutions also demonstrated an interest in forest conservation and urban shade trees well before professional forestry schools were founded. In 1860, 30 years before Fernow delivered what is believed to be the first semester-long course in scientific forestry at the Massachusetts College of Agriculture (Fernow 1913), Harvard Botanist George B. Emerson presented two lectures on "arboriculture" as part of the "Outlines of the First Course of Yale Agricultural Lectures" (Olcott 1860). (It is important to note that the term arboriculture was commonly used, but did not have the same meaning in the late 1800s as it does today; the term was then synonymous with forestry. In Great Britain, for example, the Royal Forestry Society of England, Wales, and Northern Ireland of today began as the English Arboricultural Society in 1882). Lecture one included three topics: "Character of Various Forest Trees," "Value for Various Purposes," and "Forest Culture." In lecture two, "Shade and Ornamental Trees: Modes of Cultivation" was the sole topic. Emerson's presentations ranged from the ecological value of trees and forests to the need to increase people's knowledge and
support of forestry and to the biology of tree planting and natural regeneration. What is most important to note here is that Emerson's combination of topics reflected the growing identification of the deteriorating state of America's forest resources and of the importance of urban shade and ornamental trees, and for the need to take corrective action on both issues.

This inclusive perspective of what constituted forestry, a product of the post-Civil War era, held sway until the 1890s. Take the American Forestry Association (AFA), founded in 1875. This nongovernment organization is rightly credited with promoting the forest conservation crusade that led to the establishment of the 1897 Organic Act, which regulated use on the National Forest Reserves (later, the National Forests), and to the USDA Forest Service, founded in 1905. It was, in short, one of the most influential conservation organizations in the nation, and its membership was filled with professionally trained foresters. Or it would be when there were professional foresters. At the start, however, and for the first 30 years of its existence, the AFA's rank-and-file members and its board of directors were not foresters but botanists, landscape gardeners, and estate owners. Their focus was on arboriculture and on developing an aesthetic appreciation of forests, as well as inculcating the individual study of trees (Hayes 1959). Dr. John A. Warder, founder of AFA, was himself a prominent member of the American Pomological Society, which had hosted the first AFA organizational meeting. The profession of forestry would not exist without the organizational initiatives of this generation of nonprofessionals (Miller 2000).

“Nail” Laws, Tree Wardens, and Public Duty

By the 1890s, the management of public shade trees had clearly become an important part and duty of municipal governance. Yet the boundary between private property and the public right-of-way often was unclear. In the absence of an official designation of what constituted a public shade tree, their planting and protection usually had relied on an individual whose property abutted the public way-of-way. In New England, the "Nail" laws made clear what had been nebulous, enabling towns to take definitive steps to distinguish which shade trees were public. Chapter 196 of the 1890 Massachusetts Acts and Resolves stated that a public shade tree was to be designated by driving a nail or spike, with the letter M plainly impressed on its head, into the relevant trunk. Connecticut passed a similar law in 1893, except its certified nails and spikes bore the letter C.

Six years later, Massachusetts codified the "Nail" laws into what became known as the tree warden laws. These enabled towns to appoint individuals to be responsible for the care and protection of public trees, and in 1899, these laws were amended to require that all Massachusetts cities and towns appoint a tree warden. Connecticut followed suit, passing tree warden-enabling legislation in 1901 and mandating tree warden appointments in 1918. Both states then designated all trees and shrubs growing in the public way-of-way standing as public shade trees.

Shade Trees as Public Policy Persuasion Tools

Citizens' interest in and affection for public shade and ornamental trees reinforced the demand for broader forest conservation initiatives. When the Massachusetts Forestry Association, incorporated in 1898, urged the revision of the Massachusetts shade tree laws, it argued that once changed, this legislation would "create a wider public interest in forestry as a whole by appealing first to the sentimental pride of our towns in their celebrated highway trees, and to provide a foundation for the introduction of good forest practice" (Massachusetts Forestry Association 1922). Arguing similarly was Dr. B.G. Northrup, Secretary of the Connecticut Board of Education, who, in an address to the State Control Board of Agriculture, declared: "let the sentiment of trees be duly cultivated, first among our youth, and then among the people, and they will be regarded as our friends, as is the case in Germany. The public need to learn that the interests of all classes are concerned in the conservation of forests" (Northrup 1885). Yale Professor William H. Brewer also believed that people's love of urban shade trees could be used in advocating for forest conservation. "I advocate Arbor Day in schools and for economic tree-planting ... because in the end it will be the means of spreading wood-growing in the State. It will increase interest in forest culture and tend to clothe the land with valuable timber, many hillsides where now are only worthless bushes" (Northrup 1887).

What's in a Name?

It has been assumed that the term tree warden is two centuries old, having been first used by English colonists (Koch 2000). However, there is no evidence of this. Tree warden appointments begin to appear in the municipal records of several Massachusetts towns in 1896, which corresponds precisely with the passage of the first tree warden law in that same year. "Warden" was in common usage during the late 1800s and was readily applied to other natural resource officials. For instance, in 1883, the Connecticut legislature passed an act enabling cities and towns to appointed two or three game wardens. A June 16, 1886 Massachusetts act required the selectman of all towns to appoint forest wardens, which evolved into the fire warden system (Kinney 1972).

By the time the conservation movement had made significant gains by the 1920s, the term tree warden was already well entrenched. In what may be the first comprehensive urban forestry text, William F. Fox (1903), the New York Superintendent of State Forests, highlights the New England tree warden laws in his chapter on legislation. In two other of the earliest urban forestry texts, Fernow (1910) and Solotaroff (1911) argue that someone who takes care of individual public trees should be called tree warden, and people who care for forests should be called foresters. And the first tree warden manual, Practical Suggestions for Tree Wardens, was published in 1900 (Massachusetts Forestry Association 1900), the same year as the founding of the Society of American Foresters and the Yale School of Forestry.

Conclusion

The passage of the tree warden laws occurred at the same time as a great deal of forestry activity at the national and state levels, and by the early 20th century, when the word conservation had become a household term, the concept of tree wardens was firmly entrenched in New England political culture. But what was originally part of the forest conservation movement, tree wardens, and urban forestry, eventually became viewed as distinctly separate, forgotten, or ignored by foresters and conservation historians. Bernard Fernow observed in The Care of Trees: "Throughout our entire continent,
especially in its more settled parts, and most of all in its cities, there has never before been such a widespread interest as is now manifested in trees and tree-planting for shade and ornament.” Out of this public interest has grown public recognition for “the ‘Tree Warden’ and ‘City Forester,’” and support for the “conception that the care of public shade trees is a public duty” (Fernow 1910).

Yet Fernow, as a professional forester, was also suspicious of the amateur activism of the preprofessional. “Arbor days have perhaps also had a retarding influence on the practical forestry movement,” he wrote in *A Brief History of Forestry* “leading people into the misconception that forestry consists in tree planting [and] in bringing into discussion poetry and emotions, which have clouded the hard-headed practical issues, and delayed the earnest attention of practical business men.” (Fernow 1913).

Urban and traditional forestry were not separate entities, but grew up together in response to the Industrial Revolution of the late 19th century and through the advocacy of preprofessionals, and then came of age during the Progressive Era. Although his concerns led him, like others, to divorce the two aspects of the forestry movement, Fernow miscast their shared past: the history of urban forestry can only be understood when it is married to the larger reform impulse that generated such support from rural and urban Americans for forestry and forest conservation.

**Literature Cited**


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