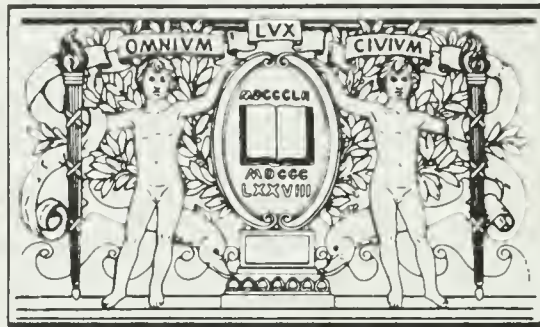


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# INDEX TO PROCEEDINGS

OF THE

# CITY COUNCIL OF BOSTON,

FOR

THE YEAR 1872.



BOSTON:

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## INTRODUCTORY NOTE.

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In indexing the Proceedings of the Board of Aldermen, the following topics have been omitted, either as not being essential in the Index, or as being better classified for reference in Department offices. References are appended in the list to sources of information.

Standing Committees. See Pamphlet "Organization of City Government, 1872."

City Officers. See Municipal Register, 1872.

Police Officers and Special Police. See Police Department Records.

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Fire Department Officers and Members. See Department Report and Records.

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## CITY OF BOSTON.

## Proceedings of the Common Council,

JAN. 4, 1872.

The first regular weekly meeting of the Common Council for the current municipal year was held this evening at 7½ o'clock, M. F. Dickinson, Jr., president, in the chair.

On motion of Mr. Flanders of Ward 5, the roll was called, when the following-named members answered to their names:

Adams, Anderson, Bickford, Bicknell, Blackmar, Bratt, Brennan, Brooks, Burditt, Burt, Casey, Caton, Clatnr, Collins, Cunningham, Dacey, Darrow, Davenport, Devine, Dickinson, Doherty, Emery, Faxon, Flanders, Flynn, Gragg, Hart, Heath, Hersey, Hughes, Jones, Kingsley, Lamb, Locke, Loring, Marston, Martin, McNutt, Moulton, Mullalee, Noyes, Page, Perkins, Pickering, Prescott, Robbins, Robertson, Robinson, Salmon, Shepard, Smith, Thacher, Walker, Webster, West, Weston, Winston, Wilbur, Wright.

Absent at roll-call—Dolan, Dowd, Holmes, Pease, Risteen.

## PAPERS FROM THE BOARD OF ALDERMEN.

The order for the appointment of a Joint Committee on the Suffolk-street District was concurred in, and Messrs. Prescott of Ward 9, Noyes of Ward 5, Webster of Ward 6, Caton of Ward 11, and Devine of Ward 15 were joined to the committee.

## SOLDIERS' RELIEF COMMITTEE.

The order for the appointment of a joint committee to determine and pay the allowance of State aid to "the families of disabled soldiers and sailors, and the families of the slain," was concurred in, and the committee joined as follows:

Ward 1, Smith; 2, Dacey; 3, Walker; 4, Shepard; 5, Loring; 6, Holmes; 7, Flynn; 8, Whiston; 9, Wilbur; 10, McNutt; 11, Blackmar; 12, Adams; 13, Dolan; 14, Jones; 15, Wright; 16, Davenport.

The following communication was laid before the Council:

BOSTON, Jan. 4, 1872.

To the City Council: Gentlemen—Having served the city for nearly twenty-six years, twenty of which in the capacity of City Messenger, and being physically unable to discharge the duties of the office to my own satisfaction, I hereby respectfully tender my resignation, to take effect on the first Monday of April next.

With my best wishes for the future prosperity of my native city,

I remain your obedient servant,

O. H. SPURR, City Messenger.

Ordered to be sent up.

## PETITIONS TO CONTEST SEATS.

Petitions were presented from John E. Fitzgerald, D. A. Flynn, James F. Supple and William B. Wilbur, contesting the seats now occupied by James J. Flynn, John T. Casey, J. B. Martin and Abraham J. Lamb, as members of the Council from Ward 7, on the ground of alleged fraudulent ballots cast for the sitting members, and from incorrectness of count of votes.

P. Edwards, contesting the seats of C. D. Bickford and H. A. Wright, as members from Ward 15, and asking for a recount of votes.

Severally referred to the Committee on Elections.

## REPORTS OF COMMITTEES.

Mr. Prescott of Ward 9, from the joint special committee appointed to prepare rules and orders for the government of the City Council during the present municipal year, made a report recommending the passage of the following orders:

Ordered, That the rules and orders of the last City Council be adopted as the rules and orders of this City Council, with the following amendments, namely:

By inserting in the first section, after the paragraph providing for the appointment of a Committee on Legislative Matters, the following:

"A Committee on the Department for the Survey and Inspection of Buildings, to consist of two Aldermen and three members of the Common Council"

Also by striking out section 12, and inserting in place thereof the following:

"Sec. 12. No chairman of any committee shall audit or approve any bill or account against the city for any supplies or services, which shall not have been ordered or authorized by the committee; and no individual member of any joint special or standing committee shall contract any indebtedness for refreshments or carriages furnished to himself without the previous consent thereto of the chairman of such committee; and the chairman shall not approve for payment any bill or account except by vote of the committee."

Also, by inserting after the word "committee" in the seventh line of the thirteenth section (as printed in the Municipal Register for the year 1871), the words "at a meeting duly called by the chairman."

The report was accepted, and the Joint Rules and Orders, amended as proposed, were adopted.

Mr. Emery of Ward 10, from the Committee of the Common Council on Elections, to whom was referred the petition of J. Q. A. Brackett, for a recount of the votes cast for members of the Common Council at the last municipal election in Ward 10, made a report that they have carefully recounted the original ballots in the possession of the City Clerk, and have verified the result, which is as follows:

Stephen L. Emery.....	759
James F. Marston.....	630
John J. McNutt.....	563
J. Q. A. Brackett.....	547
Frederick S. Risteen.....	546
Solomon S. Rowe.....	519
Eugene H. Sampson.....	255
John E. Hall.....	257
Thomas J. Whiaden.....	235

James H. Tallon, C. M. Winch, John H. White, — McNutt, one each.

It therefore appears that Stephen L. Emery, James F. Marston, John J. McNutt and J. Q. A. Brackett received the highest number of votes cast, and that Frederick Risteen, who received a certificate of election and now occupies a seat in this board, was not duly elected.

The committee would respectfully recommend the passage of the accompanying preamble and resolution:

Whereas, It appears from a recount of original ballots cast at the last municipal election, in Ward 10, that J. Q. A. Brackett was elected a member of the Common Council from said ward, in place of Frederick S. Risteen, who received a certificate of election,

Resolved, That J. Q. A. Brackett is entitled to the seat in this board now occupied by Frederick S. Risteen.

The report was accepted, and the resolution was passed.

Mr. Brackett being present, on motion of Mr. Emery, who was appointed a committee for the purpose, Mr. Brackett and Edward G. Shepard of Ward 4, not before qualified, were conducted to the Mayor, when the oaths of office were administered to them, and they took the seats assigned to them.

## ELECTION OF COMMITTEE ON ACCOUNTS.

Mr. Perkins of Ward 6, from the special committee to nominate candidates for a Committee on Accounts on the part of the Common Council, made a report recommending the election of the following-named persons:

William M. Flanders, William E. Bicknell, Henry W. Pickering, Wallace F. Robinson, Stephen L. Emery.

The election was taken up by special assignment, when Messrs. Flanders, Pickering, Robinson and Emery were unanimously elected by 63 votes each, Mr. Bicknell had 62 and was elected, and Amos L. Noyes had one vote.

## ELECTION OF COMMITTEE ON FINANCE.

Mr. Flanders of Ward 5, from the special committee appointed to nominate candidates for the Committee on Finance, made a report recommending the election of the following-named persons:

John S. Moulton, David L. Webster, Theodore C. Faxon, Wm. H. West, Wm. H. Hart, Charles Darrow, Horace Loring.

The election was taken up by special assignment, when Messrs. Faxon, West, Hart and Darrow received 54 votes each, Moulton and Loring 53 each, Webster 52, and were elected, and Mr. Flanders received one vote.

## COMMITTEES TO NOMINATE PUBLIC OFFICERS.

Committees were appointed, as follows, on mo-



tions, severally to be joined by the Board of Aldermen, for the nomination of candidates for the offices named:

On nomination of Superintendent of Streets—Robinson of Ward 11, Hart of Ward 12, Faxon of Ward 14.

On nomination of Superintendent of Sewers—Webster of Ward 6, Emery of Ward 10, Burt of Ward 16.

On nomination of Superin'endent of Health—Clatur of Ward 4, Flynn of Ward 7, Gragg of Ward 14.

On nomination of Superintendent of Public Buildings—Moulton of Ward 9, Pease of Ward 1, Whiston of Ward 8.

On nomination of Superintendent of Common and Public Grounds—Brooks of Ward 1, Moulton of Ward 9, Kingsley of Ward 3.

On nomination of Superintendent of Fire Alarms—Robbins of Ward 8, Doherty of Ward 2, Jones of Ward 14.

On nomination of Trustees of Public Library—Bicknell of Ward 4, Robbins of Ward 8, Webster of Ward 6.

On nomination of Board of Directors for Public Institutions—Faxon of Ward 14, Clatur of Ward 4, Hersey of Ward 12.

On nomination of Directors of East Boston Ferries—Flanders of Ward 5, West of Ward 16, Weston of Ward 1.

On nomination of Trustees of City Hospital—Shepard of Ward 4, Noyes of Ward 5, Wilour of Ward 9.

On nomination of a Water Board—Page of Ward 9, Loring of Ward 5, Robertson of Ward 4.

On nomination of Trustees of Mount Hope Cemetery—Noyes of Ward 5, Devine of Ward 15, Marston of Ward 16.

On nomination of City Engineer—Hersey of Ward 12, Casey of Ward 7, Brackett of Ward 10.

On nomination of Superintendents of Bridges—Adams of Ward 12, Clatur of Ward 4, McNutt of Ward 10.

On nomination of Ballast Inspectors—Dacey of Ward 2, Loring of Ward 5, Thaeher of Ward 15.

On nomination of Harbor Master—Robbins of Ward 8, Mullane of Ward 13, Cunningham of Ward 2.

On nomination of City Physieian—Blaekmar of Ward 11, Heath of Ward 8, Anderson of Ward 3.

On nomination of City Messenger—Bickford of Ward 15, Kingsley of Ward 3, Prescott of Ward 9.

On nomination of Overseers of the Poor—Faxon of Ward 14, Darrow of Ward 8, Loeke of Ward 12.

On nomination of a Chief and Assistant Engineer of the Fire Department—Ward 1, Pease; 2, Collins; 3, Anderson; 4, Robertson; 5, Hughes; 6, Webster; 7, Lamb; 8, Robbins; 9, Page; 10, McNutt; 11, Caton; 12, Loeke; 13, Brennan; 14, Bradt; 15, Wright; 16, Burt.

ORDERS PASSED.

On motion of Mr. Moulton of Ward 9,

Ordered, That the Mayor be requested to appoint the members of the Common Council special police officers, without pay, and that a committee of three be appointed to procure a suitable badge for the members; the expense to be charged to Incidental Expenses.

Messrs. Moulton of Ward 9, Clatur of Ward 4, and Martin of Ward 7 were appointed the committee.

On motion of Mr. Perkins of Ward 6,

Ordered, That the president of the Council be requested to exclude from the coat-room connected with the Council chamber all persons not members of the Council or Board of Aldermen, or who are not directly connected in an official capacity with the executive or legislative departments of the City Government.

Messrs. Prescott of Ward 9, Blaekmar of Ward 11, and Smith of Ward 1 were appointed a committee to prepare rules and orders for the government of the Common Council during the present year.

On motion of Mr. Hersey of Ward 12, an order was read once, requesting the Street Commissioners to consider the expediency of laying out those portions of Silver and Athens streets which are not now public streets.

Adjourned.





CITY OF BOSTON.

Proceedings of the Board of Aldermen.

JAN. 8, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Mayor Gaston presiding.

JURORS DRAWN.

Ten traverse jurors were drawn for the Superior (Civil) Court, second session, and eight traverse jurors for the Superior (Criminal) Court.

APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—Wm. S. Capron for buildings being erected on corner of Sixth and Ontario streets; E. A. Brackley, corner of Second, E and Bolton streets.

Undertaker—Oliver Healey.

ADOPTION OF RULES AND ORDERS.

The report on Joint Rules and Orders for the City Council, which came from the Common Council, was adopted, in concurrence.

Alderman Little, from the committee appointed to examine and report if any alterations are required in the rules and orders for the government of this board, made a report recommending the passage of the following order:

Ordered, That the rules and orders of the Board of Aldermen for 1871 be adopted as the rules and orders of this board, with the following addition thereto. Among the standing committees embraced in section 23, insert "streets."

The report was accepted, and the rules and orders, as amended, were adopted.

The Mayor announced the Standing Committees and Joint Standing Committees, as follows:

STANDING COMMITTEES.

Armories and Military Affairs—Woolley, Clark and Squires.

Bridges—Cutter, Stackpole and Squires.

Cemeteries—Squires, Sayward and Poland.

County Accounts—Jenks, Little and Power.

Manuel Hall—Sayward, Little and Poland.

Health—Little, Ricker and Sayward.

Jail—Stackpole, Squires and Poland.

Lamps, Bells and Clocks—Ricker, Woolley and Poland.

Licenses—Fairbanks, Ricker and Stackpole.

Markets, Weights and Measures—Fairbanks, Stackpole and Cutter.

Paving, etc.—Little, Cutter and Power.

Police—Cutter, Clark and Fairbanks.

Sewers—Fairbanks, Jenks and Power.

Streets—Clark, Ricker and Sayward.

Steam Engines—Stackpole, Power and Woolley.

JOINT STANDING COMMITTEES.

Assessors' Department—Ricker, Cutter and Stackpole.

Bathing—Woolley, Ricker and Power.

Claims—Jenks, Cutter and Little.

Common and Public Grounds—Clark, Little and Ricker.

East Boston Ferries—Woolley, Ricker and Poland.

Engineer's Department—Squires and Woolley.

Fire Alarms—Poland and Woolley.

Fire Department—Woolley, Cutter and Clark.

Fuel—Poland and Fairbanks.

Harbor—Power and Woolley.

City Hospital—Jenks and Clark.

Institutions at South Boston and Deer Island—Ricker, Jenks and Cutter.

Legislative Matters—Jenks and Little.

Mount Hope Cemetery—Squires and Fairbanks.

Ordinances—Cutter, Jenks and Squires.

Overseers of Poor—Sayward and Cutter.

Printing—Power and Clark.

Public Buildings—Sayward, Little and Poland.

Public Instruction—Stackpole, Sayward and Ricker.

Public Lands—Squires, Poland and Fairbanks.

Public Library—Cutter, Jenks and Stackpole.

Streets—Clark, Ricker and Sayward.

Surveyor's Department—Power and Fairbanks.

Survey and Inspection of Buildings—Poland and Sayward.

Treasury Department—Jenks and Little.

Water—Fairbanks, Stackpole and Clark.

PETITIONS PRESENTED AND REFERRED.

Timothy H. Libbey, for leave to erect a wooden stable for ten horses on Ames street and Ames court.

Reuter & Alley, for extension of time in which to build their brick stable, and that they be allowed to occupy a wooden stable temporarily.

Boston Leather Board Company, for leave to locate a stable (wooden) for three horses in rear of Dover street, near Albany street.

Severally referred to the Committee on Health.

Eastern Railroad Company, for leave to enlarge their freight-house near Orleans street. Referred to Committee on Inspection of Buildings.

Alonzo M. Giles and others, that the tracks of the Marginal Freight Railroad Company be removed from Causeway and Commercial streets.

Constantine McGinnis, against the projection of a bay window at 4 Emerald street.

Leopold Spiedel, for grade at Albany and Webster streets.

W. B. Vinal and others, for the grade of Bainbridge street, near Dale street.

Severally referred to the Committee on Paving.

John R. Brewer, for apportionment of King's-town-street betterments. Referred to the Committee on streets.

Thomas J. Harvey and others, for additional lamps in the Fourth Section, East Boston. Referred to the Committee on Lamps.

Boston Leather Board Company, for leave to locate and use a steam boiler and engine on Dover street, near Albany street. Order of notice for a hearing Monday, Jan. 29, 4 P. M.

AUDITOR'S MONTHLY EXHIBIT.

The Monthly Exhibit of the Auditor was laid before the board in print, it being an exhibit of the general and special appropriations for the present financial year of 1871-72, as shown in the books in his office, January 1, 1872, including the January draft, being nine months' payments of the financial year,—exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. A recapitulation gives the following result;

	Appropriations, Revenues, etc.	Expended.	Unexpended.
General.....	\$9,521,731 05	\$6,796,147 35	\$2,725,583 71
Special.....	6,079,687 69	3,060,046 92	3,019,640 77
	\$15,601,418 75	\$9,856,194 27	\$5,745,224 48

Ordered to be sent down.

CITY HOSPITAL MONTHLY REPORT.

The monthly report of the Board of Trustees of the City Hospital gives the following statement of the number of patients treated during the month of December:

	Medical...	Surgical...	Optician...	S. A. Pox...	Total
In Hospital Dec. 1.....	93	81	1	1	182
Admitted during month..	109	56	6	13	224
Number treated.....	202	177	7	20	406
Discharged.....	127	83	3	6	219
Died.....	11	5	0	2	18
Remaining Jan. 1, 1872.....	61	89	4	12	169

Accidents brought into the hospital included in the above, 60.

The number of visits to out-patients was as follows: Medical, 252; surgical, 503; ophthalmic, 761; aurial, 132; eutaneous, 173—total, 1821.

Ordered to be sent down.

QUARTERLY REPORT OF SUPERINTENDENT OF STREETS.

The quarterly report of the superintendent states that there has been expended and charged to the appropriation for Paving, etc., during the quarter ending Dec. 31, for paving, grading and repairs of streets, and in the settlement of grade damages in the city proper, South and East Boston, Roxbury and Dorchester, the sum of \$310,400 72. The amount paid into the city treasury during the same quarter, and credited as paid in by this department, was \$2204 15.

QUARTERLY REPORT OF CITY PHYSICIAN.

The quarterly report of the City Physician gives the following statement:

There have been vaccinated two hundred and seven persons, besides twenty-five who have been re-vaccinated. Certificates of vaccination have been given to one hundred and twelve children



for their admission into public schools, and seventy-five physicians, residents of the city, have been supplied with virus. Daily visits have been made to the jail, though there has been no serious illness among the prisoners. The Temporary Home and the City Prison have been visited as often as was necessary. While smallpox has prevailed fearfully in neighboring cities, Boston has been remarkably free from the disease, and as good citizens, we cannot be too thankful for this immunity. At the present time there are fewer than a dozen cases in the city.

#### REPORT OF PAYMASTER OF STATE AID COMMITTEE.

The report of Paymaster of Soldiers' Relief Committee gives the following statement for the quarter ending December, 1871:

Balance on hand October 1.....	\$71
Received from City Treasurer at various times during the quarter.....	21,600
Total amount.....	\$21,761
Disbursed to disabled soldiers and sailors and their families during the quarter.....	21,580
Leaving a balance January 1, 1872, of.....	181

The number of applicants in each Ward and the amount of payments was as follows:

	Oct.	Nov.	Dec.	Total Am't.
Ward 1.....	79	50	88	\$1,493
2.....	118	124	122	2,125
3.....	75	74	76	1,407
4.....	43	54	55	85
5.....	107	113	109	1,975
6.....	40	47	40	669
7.....	176	178	181	2,911
8.....	70	65	66	1,130
9.....	49	48	51	794
10.....	51	54	55	875
11.....	61	71	80	1,150
12.....	55	60	65	1,015
13-15.....	160	166	165	2,820
16.....	44	54	46	769
Out of State.....	38	37	42	679
U. S. Navy.....	54	56	53	170
Total.....	1,227	1,291	1,294	\$21,560

Ordered to be sent down.

#### ANNUAL REPORT OF CHIEF OF POLICE.

The annual report of the Chief of Police contains a statement of the police divisions, boundaries, names of patrolmen, and other particulars. The maximum number of the force as established by the Mayor and Aldermen is 500 men, but now reduced to 468, divided as follows: at chief's office, superintendent's room, City Prison and City Hall watch, 24 men; officers of rank at stations, 60 men; patrolmen at stations, 384 men, including four who are permanently disabled. The full quota at the beginning of the year, was 500; appointments, 4; died, 5; retired from office, 31—total present force, 468.

*Statistics of Crime, etc.* Arrests, 25,201—males, 19,528; females, 5,673; Americans, 7,467; foreigners, 17,794; non-residents, 5,568; minors, 4,501; committed, 18,129. Lodgers, 34,958—males, 30,342; females, 4,596; Americans, 13,623; foreigners, 21,315; non-residents, 27,668; minors, 5,489.

The amount of property taken from prisoners and lodgers, and restored as per receipts, \$79,970.54; amount of property reported stolen in the city, \$60,018; amount of property recovered, stolen in and out of the city, \$71,151.39; amount of fines imposed, \$60,370; amount of imprisonment, 1131 years 5 months; days spent in court, 12,380; witness' fees earned, \$15,398.83; larcenies reported in the city, 2014; arrests for the same, 1364; received for dog-licenses, \$10,048.

The principal offences for which arrests were made were as follows:

Adultery, 18; assault and battery, 1906; felonious assault, 252; assaults on officers, 44; attempt to rescue prisoners, 31; breaking and entering, 98; deserters, 42; disorderly, 3644; common drunkards, 498; disturbing the peace, 368; drunkenness, 11,445; embezzlement, 41; escaped convicts, 24; fast driving, 39; forgery, 17; fornication, 67; fraud, 28; gambling, 31; gaming on Lord's Day, 88; idle and disorderly, 209; keeping a house of ill-fame, 67; keeping a liquor-nuisance, 82; simple larceny, 1014; felonious larceny, 358; malicious mischief, 243; night-walking, 105; picking pockets, 20; receiving stolen goods, 49; robbery, 98; runaways, 42; shopbreaking, 90; stubborn children, 68; suspicion of larceny, 317; suspicious persons, 1347; truancy, 262; vagrancy, 261; violation of city ordinances, 461; violation of dog-law,

48; violation of health-law, 22; violation of Lord's Day, 95; violation of Sunday-law, 127; witnesses, 362.

Miscellaneous—Accidents reported, 659; boats challenged, 1348; buildings found open and secured, 2217; cases investigated, 4516; dangerous buildings reported, 74; dangerous chimneys, 40; dead bodies found, 78; defective drains and vaults reported, 1042; defective hydrants, 96; defective lamps, 10,902; defective streets and sidewalks, 2,04; defective water-pipes, 207; disturbances suppressed, 10,837; dogs killed, 55; extra duties by officers, 5339; fire-alarms given, 255; fires extinguished without alarm, 190; intoxicated persons helped home, 1918; lost children restored, 1237; rescued from drowning, 20; sick and injured persons assisted, 260; stray teams put up, 241; street-obstructions removed, 33,835; vessels boarded, 574; water running to waste, 340.

The work of issuing dog-licenses, formerly done by the city clerk, was done by the police for the first time, under an act of the Legislature. There was collected, for licenses, \$10,048, and paid out for injuries done by dogs, \$73—the balance, \$9975, was paid to the city treasurer.

In explanation of some of the statistics, it is stated that in 1864 an order was issued that such persons as were locked up for drunkenness and discharged when sober should be recorded as lodgers, and these were afterwards added to the aggregate of arrests. The last year that class have been recorded as disorderly, and there were 2000 in the station-houses as lodgers who were more or less intoxicated, while 2000 more, who were intoxicated, were helped home.

The Superintendent of Hacks reports 540 licenses issued and 18 complaints made for violation of ordinance, all of which have been convicted at court. The Superintendent of Wagons reports 2986 licenses granted, an increase of 171 over last year. The Superintendent of Pawnbrokers reports the number of licenses granted during the year, 53; juuk-shops, 183. The Superintendent of Intelligence Offices reports 113 licenses granted; \$950 collected and paid into the treasury; complaints investigated, 154; proved to be groundless, 101; cases where money was refunded, 53; complaints made at court against swindlers, 24; money refunded and paid over to parties swindled, \$630; he has also been called upon to investigate and has broken up 29 swindling one dollar concerns during the year. The Superintendent of Newsboys reports 597 licenses granted during the year. The president of the Relief Association reports the present number of members to be 396; 14 have left the department during the year, and two have died. The total amount in the treasury at the beginning of the year was \$10,298.15; there have been paid for benefits, etc., during the year, \$3600.03, leaving a balance in the treasury of \$6698.12, which is well invested. The captains of police report the number of places where intoxicating liquors are sold to be 2952; hotels, 76; groceries, where liquors are sold in connection with that trade, 1428; bar-rooms, 1121; jug-rooms, places having no bar, where liquor alone is sold privately, 327.

The captains state the number of persons recorded drunk and complained of in court, in 1871, as 11,445; discharged when sober and booked disorderly, 3644; found drunk in streets and taken home, 17,107. During the year measures were taken to ascertain as far as practicable at what class of places the persons sent to court for drunkenness obtained their liquor; but this information could only be obtained from the victims themselves and may not have been reliable in every case, but in the aggregate it is believed to be very nearly correct. From the hotels, 57; from groceries, 1425; from bar-rooms, 6452; from jug-rooms, 3511; showing that hotels averaged 1 each; groceries, 1½; bar-rooms 8½ and jug-rooms 17 each. A table is given by which it appears that the amount of drunkenness for each of the first seven months of 1871 was larger than the corresponding months of the previous year, by which it would seem that from the commencement of the year up to the first of August drunkenness had been on the increase, notwithstanding the court records show the applications of law to the trade quite as numerous as formerly.

About this time the court began to notice the increase in drunkenness, and looking about for a remedy, entered upon the experiment of giving persons charged with drunkenness the opportunity and benefit of the law in disclosing the names



of the parties who sold them their liquor. But the rule of the court to hold discharging parties to bail with sureties as witnesses consigned the poor victims to jail for months, while a conviction for drunkenness held them for weeks only, and so the experiment was spoiled. However, the order given in August has not been revoked, and a comparison of the last five months of 1871 with the corresponding months of the previous year shows a little improvement. Speaking of security of life and property, the Chief says that during the last nine years' work under the detective system, from 1861 to 1869, the smallest amount reported stolen in the city in any one year was in 1861, when, with a population of 180,000, the amount was \$169,085; amount recovered, \$75,628; the largest amount stolen was in 1864, amounting to \$943,000; amount recovered, \$90,195. Under the preventive system in 1870, with a population of 250,000, the amount stolen was \$94,901, and the amount recovered \$75,103.

The following table gives the building improvements in the several districts for the year:

Stations.	Stone.	Cost.	Brick.	Cost.	Wood.	Cost.	Total.	Total Cost.
1	18	\$282,100	1	\$3,000	19	\$285,100		
2	22	\$1,330,000	18	303,000	3	4,150	43	1,637,150
3	1	50,000	17	600,300	8	15,500	26	675,800
4	20	1,043,000	84	2,050,000	12	24,100	116	3,117,100
5	43	2,020,000	273	2,465,200	29	71,900	359	4,556,900
6	1	100,000	124	858,000	339	847,100	467	1,832,100
7	..	..	9	121,000	181	555,250	190	676,250
8	..	..	..	..	2	9,300	2	9,300
9	..	..	39	242,000	182	767,400	223	1,004,400
10	1	12,000	210	1,425,500	86	857,900	357	1,996,400
11	..	..	20	136,000	224	891,000	244	1,027,000
	93	\$4,455,000	815	\$8,472,100	1168	\$9,774,900	2076	\$16,821,700

REPORT OF SUPERINTENDENT OF LAMPS.

The superintendent states that the rapid growth of the city and the consequent laying out of new streets in recently acquired territory, and the replacing of the gas-mains on the Suffolk-street District, have contributed largely to increase the expenditures for the year over those of the preceding year, and appearances would seem to indicate that the present year will be fully equal to the past one for activity in this department. All streets in the city proper and in South Boston and in which gas-mains are laid, are now lighted with gas. In East Boston, Roxbury and Dorchester, mains have been laid in which public lamps should be located as soon as possible.

The gas-main on the Dover-street Bridge belonging to the city, is in a bad condition, and should be relaid, and that upon the Federal-street Bridge must be removed with the rebuilding of the bridge. The contracts with the several gas-companies have remained without change except in the reduction in price by the Boston Gaslight Company, from one cent per hour to eleven-twelfths of one cent for the gas consumed—the reduction amounting in cost in eight months to \$6,498 41. The contracts with the South Boston, East Boston, and Roxbury companies are at the rate of one cent per hour, with the addition of the Government tax, and with the Dorchester company at one and one-fifth cent per hour.

The gas-burners in use are what are known as Tait's regulators, by which the consumption is fixed at four feet per hour. The lamps are now burned every night during the year, and a total of about 3800 hours each. There are employed in lighting the lamps 95 men, at the rate of 2 1/4 cents per night for each lamp, with an average to each of 75 lamps, except in Roxbury and Dorchester, where they have a less number and longer routes, and are paid \$1 67 per day in Roxbury, and \$1 50 in Dorchester.

The men employed to trim, clean and light the fluid-lamps are paid at the rate of three cents per lamp per night. There are in Dorchester about seventy kerosene-lamps, for which are paid, including all expenses and work, \$20 per annum for each lamp. The men employed for lighting lamps, etc., are furnished by the city with the necessary fixtures. The fluid-lights cost at the rate of one-tenth of one cent per hour, with the exception of forty naphtha-lights, burnt at sixteen cents per gallon.

The number of gas-lamps in use in the city are as follows:

City proper, 3371; East Boston, 416; South Boston, 591; Roxbury, 950; Dorchester, 580—an in-

crease of 126 in city proper, 12 in East Boston, 74 in South Boston, 92 in Roxbury and 179 in Dorchester—total, 483. The number of oil and fluid lamps in use is 979—city proper, 206; East Boston, 296; South Boston, 316; Roxbury, 90; Dorchester, 71—a decrease of 217.

The department has continually urged upon the gas-companies the importance of laying mains in all streets where the safety and convenience of the citizens require it, and the committee of the department where mains are laid and lights are needed, in all cases supply gas-lamps.

The Brookline Gas Company propose to extend the mains of that corporation so as to supply that part of Beacon street and the Miltam covered by their charter within the city, from St. Mary's street to the sluiceway.

The appropriation for the financial year ending 30th April next, was \$350,000. The expenditures have amounted to \$245,317 67, leaving an unexpended balance of \$104,682 33, fully sufficient to meet the payments for the remainder of the year.

REPORTS OF SEALERS OF WEIGHTS AND MEASURES.

Northern District—The expenditures amounted to \$2920 23 - of which \$2275 was for salary of sealer and assistant; horse-keeping, etc., \$515 63; repairs of wagon, stationery, extra labor, etc., \$129 60.

Southern District—Expenditures, \$2956 05—of which \$346 50 was for horse-keeping, etc.; repairs on wagon, etc., \$120 45; other expenses, \$103 37.

REPORT OF INSPECTORS OF BALLAST-LIGHTERS.

The report of Inspectors of Ballast Lighters states as the receipts for the quarter ending Dec. 30, \$1931 50 for weighing and inspecting 384 lighters, with cargoes amounting 27,482 tons. Expenses of office, \$23 73, leaving a net income of \$1907 77, which has been divided among the incumbents.

REPORTS OF SUPERINTENDENTS OF BRIDGES.

Meridian-street Bridge—Number of vessels passing through the draw: January, 218; February, 255; March, 272; April, 279; May, 270; June, 268; July, 307; August, 298; September, 280; October, 252; November, 248; December, 230; total, 3157.

Dover-street Bridge—Number of vessels passing the draw: January, 250; February, 55; March, 365; April, 661; May, 725; June, 795; July, 826; August, 675; September, 590; October, 737; November, 560; December, 325—total, 6564.

Mount Washington-avenue Bridge—Number of vessels which passed the draw, 11,368.

Chelsea-street Bridge—Number of vessels which passed the draw, 23.

Broadway Bridge—Number of vessels which passed the draw, 3469.

Federal-street Bridge—Number of vessels which passed the draw, 10,851.

PAPERS FROM THE COMMON COUNCIL.

The following orders were severally passed, in concurrence:

Order to request copy of Mayor's address for publication.

Order for preparation of Municipal Register for 1872.

Order for Joint Standing Committee to resume unfinished business of last year.

Order for Joint Special Committee to report upon topics in Mayor's address, to which Aldermen Sayward and Jenks were joined.

The several orders for the appointment of committees to nominate heads of departments, boards, trustees, etc., were concurred in, and the Mayor took time for the joining of the committees on the part of the board.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of a license to Erwin Clements to exhibit a Cosmorama of the Franco-Prussian War at 176 Tremont street, and an order to revoke the license of Wallace R. Marie, No. 24 Tremont row, to keep an employment-office, in consequence of a breach of the rules regulating such offices. Severally accepted.

HEARING ON ORDER OF NOTICE.

The hearing on order of notice on petition of Allen & Woodworth for leave to put up and use a steam boiler and engine at 50 and 52 Broad street, was taken up, and the report was recommended.

ORDERS PASSED.

On motion of Alderman Ricker, Ordered, That the several standing committees



of this board resume the unfinished business of the last year which is appropriate to said committees.

On motion of Alderman Little,

Ordered, That the heads of the several departments of whom annual reports are required, be and they are hereby authorized under the direction of the Superintendent of Printing to submit said reports in print.

An order for the abatement of nuisances in Spear place, Pleasant and Athens streets.

Ordered, That all unfinished business relating to the Church-street District be referred to the Joint Committee of the Suffolk-street District, and that said committee be authorized to exercise all the powers in relation to the unsettled estates on said district that were conferred upon the Joint Special Committee of the City Council on said district for the years 1870-71.

#### THE PADDOCK'S-MALL TREES.

Alderman Cutter offered the following order:

Ordered, That the order passed Dec. 18, 1871, authorizing and directing the Superintendent of Streets to remove the trees standing in the sidewalk on Tremont street, opposite the Granary Burying-ground, be rescinded.

Alderman Cutter presented the petitions of the Massachusetts Horticultural Society, Josiah Quincy, Edward S. Rand, Abbott Lawrence and others,

H. H. Coolidge, S. M. Quincy and others, officers and members of the Union Club, H. P. Kidder and others, J. Ingersoll Bowditch and others, and of James Freeman Clarke and others, for the rescinding of the order for the removal of the trees in front of the Granary Burial-ground.

The order was read once and laid over, and the petitions were laid on the table.

On motion of Alderman Power,

Ordered, That the Superintendent of Streets be and hereby is directed to suspend the execution of the order passed by the Board of Aldermen December 18, 1871, for the removal of the trees on Tremont street, between Park and Beacon streets, until the further order of this board.

An order was adopted for the appointment of a committee on the nomination of a City Surveyor.

#### ORDERS READ ONCE.

On motion of Alderman Little, orders to pay Marcus Wyzanski, his heirs and assigns, \$4180 for estate No. 122 Castle street; to pay Wm. Pope, trustee, \$83 60 for land taken in the name of Mrs. Matthew O'Riley, for the widening of Commercial street, Ward 16; Alpheus Stetson and S. G. Howe, trustees, \$243 75 for land taken for the widening of Fourth street; Manuel Silva \$5095 for land taken for the widening of Quincy street.

Adjourned.



## CITY OF BOSTON.

## Proceedings of the Common Council,

JAN. 11, 1872.

The regular weekly meeting of the Common Council was held this evening at 7½ o'clock, M. F. Dickinson, Jr., President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petition of the Eastern Railroad Company, for leave to enlarge their freight-house, near Orleans street, was referred in concurrence.

The quarterly reports of the Superintendent of Streets, City Physician, Paymaster of Soldiers' Rebel Committee, Inspectors of Lighters, Auditor's Monthly Exhibit, monthly report of City Hospital, and annual reports of Superintendents of Bridges, were ordered to be placed on file.

The following orders were severally passed, in concurrence:

Order that the annual reports of heads of departments be hereafter made in print.

Order that the unfinished business relating to the Church-street District be referred to the Committee on the Suffolk-street District.

Orders appointing the Joint Standing Committees.

The president announced the Joint Standing and Standing Committees as follows:

## JOINT STANDING COMMITTEES.

Assessor's Department—Faxon of Ward 14, Adams of Ward 12, Weston of Ward 1, Walker of Ward 3, Casey of Ward 7.

Bathing—Adams of Ward 12, Salmon of Ward 3, McNutt of Ward 10, Bickford of Ward 15, Whiston of Ward 8.

Claims—Webster of Ward 6, Robbins of Ward 8, Robertson of Ward 4, Blackmar of Ward 11, Wilbur of Ward 9.

Common and Public Grounds—Brooks of Ward 1, Perkins of Ward 6, Clatur of Ward 4, Faxon of Ward 14, Walker of Ward 3.

East Boston Ferries—Smith of Ward 1, West of Ward 16, Bicknell of Ward 4, Mullane of Ward 13, Pickering of Ward 6.

Engineer's Department—Hart of Ward 12, Bickford of Ward 15, Dacey of Ward 2.

Fire Alarms—Hersey of Ward 12, Robbins of Ward 8, Collins of Ward 2.

Fire Department—Flanders of Ward 5, Moulton of Ward 9, Burt of Ward 16, Marston of Ward 10, Jones of Ward 14.

Fuel—Noyes of Ward 5, Darrow of Ward 8, Martin of Ward 7.

Harbor—Pease of Ward 1, Flynn of Ward 7, Hart of Ward 12.

City Hospital—Shepard of Ward 4, Loring of Ward 5, Doherty of Ward 2.

Institutions at South Boston and Deer Island—Robbins of Ward 8, Noyes of Ward 5, Prescott of Ward 9, Cunningham of Ward 2, Heath of Ward 8.

Legislative Matters—Clatur of Ward 4, Brackett of Ward 10, Flanders of Ward 5.

Mount Hope Cemetery—Burditt of Ward 16, Kingsley of Ward 3, Dowd of Ward 13.

Ordinances—Perkins of Ward 6, West of Ward 16, Shepard of Ward 4, Brackett of Ward 10, Dacey of Ward 2.

Overseers of Poor—Burt of Ward 16, Smith of Ward 1, Lamb of Ward 7.

Printing—Robertson of Ward 4, Faxon of Ward 14, Anderson of Ward 3.

Public Buildings—Bicknell of Ward 4, Bradt of Ward 14, Robinson of Ward 11, Emery of Ward 10, Hersey of Ward 12.

Public Instruction (President of Council, *ex-officio*)—Emery of Ward 10, Holmes of Ward 6, Loring of Ward 5, Page of Ward 9.

Public Lands—Robinson of Ward 11, Pickering of Ward 6, Devine of Ward 15, Locke of Ward 12, Darrow of Ward 8.

Public Library—Bradt of Ward 14, Locke of Ward 12, Robertson of Ward 4, Blackmar of Ward 11, Holmes of Ward 6.

Streets—Flynn of Ward 7, Perkins of Ward 6, Gragg of Ward 14, Burditt of Ward 16, Page of Ward 9.

Surveyor's Department—Brooks of Ward 1, Brennan of Ward 13, Davenport of Ward 16.

Survey and Inspection of Buildings—Caton of Ward 11, McNutt of Ward 10, Hughes of Ward 5.

Treasury Department—Thacher of Ward 15, Wilbur of Ward 9, Dulan of Ward 13.

Water—Moulton of Ward 9, Pease of Ward 1, Salmon of Ward 3, Wright of Ward 15, Weston of Ward 1.

## STANDING COMMITTEES OF THE COUNCIL.

Armories—Gragg of Ward 14, Hersey of Ward 12, Smith of Ward 1, Whiston of Ward 8, Davenport of Ward 16.

Health—Webster of Ward 6, Thacher of Ward 15, Marston of Ward 10, Mullane of Ward 13, Anderson of Ward 3.

Police—Bicknell of Ward 4, Burt of Ward 16, Lamb of Ward 7, Locke of Ward 12, Kingsley of Ward 3.

Paving—Clatur of Ward 4, Prescott of Ward 9, Brennan of Ward 13, Heath of Ward 8, Wright of Ward 15.

## UNFINISHED BUSINESS.

The order requesting the Street Commissioners to consider the expediency of laying out those portions of Silver and Athens streets, between Dorebester avenue and Dorchester street, not already laid out, was taken up, and on motion of Mr. Hersey of Ward 12, was referred to the Committee on Streets.

## PETITIONS CONTESTING SEATS.

Preseott, Barker and others, asking for a recount of votes in Ward 6, in contest of the seat of Edward J. Holmes.

William F. Watson, contesting the seat of Francis M. Hughes of Ward 5.

Andrew Jackson, F. S. Risteen and others, alleging fraud in the election of J. Q. A. Brackett of Ward 10.

Severally referred to the Committee on Elections.

A petition was presented from Henry Bartlett and John F. Osgood, a committee of the Fellowes Athenaeum, for the conveyance of a lot of land owned by the city on Dudley street, for a building for a branch library at the Highlands. Referred to the Committee on Public Buildings.

## PAPERS FROM THE SCHOOL COMMITTEE.

Order that the City Council be requested to furnish a tablet bearing the name of the new schoolhouse in Richmond street, to which this board at its meeting of Dec. 12 gave the name of the "Cushman School." Referred to Committee on Public Buildings.

Order that the City Council be requested to furnish such ventilation as may be needed in the various schoolhouses, by the use of Maine's Patent Ventilator. Referred to the Committee on Public Buildings.

## REPORTS OF COMMITTEES.

Mr. Moulton of Ward 9, from the Committee on Finance, announced that the committee had made choice of David L. Webster of Ward 6 as the chairman on the part of the Common Council.

Mr. Bicknell of Ward 4, from the Committee on Accounts, announced that the committee had made choice of Wm. M. Flanders of Ward 5 as the chairman on the part of the Common Council.

Mr. Emery of Ward 10, from the Committee of the Common Council on Elections, to whom was referred the petition of P. Edwards, that the ballots cast to members of the Common Council at the recent municipal election in Ward 15 may be recounted, made a report that they have carefully recounted the original ballots in the possession of the City Clerk, with the following result:

Hiram A. Wright.....	511
William C. Thacher.....	484
James Devine.....	489
Charles D. Bickford.....	460
Francis B. Kelley.....	430
Pierpont Edwards.....	420
Benjamin F. Anthony.....	374
Frederick Blieler.....	329
George W. Decatur.....	278
B. F. S. Bullard.....	277
George W. Sherman.....	193
Francis H. Mooers.....	165
G. F. Emery.....	137
Alfred H. Perry.....	75
P. B. Smith.....	73
Matthew Gateley.....	59

M. Burns and H. D. Bradt, two each; John Blieler, —Blieler, W. H. Jones, Isaac P. Gragg, Theodore C. Faxon, S. P. O'Donnell, John Dorey, one each.

It appears, therefore, that Hiram A. Wright,



Wm. G. Thacher, James Devine and Charles D. Bickford, who now occupy seats in this board, were duly elected.

The report was accepted.

Mr. Prescott of Ward 9, from the special committee of the Common Council, appointed to prepare rules and orders for the government of the council during the present year, made a report that in their opinion no changes are necessary in the rules and orders of last year, which have been adopted for the government of the present council until otherwise ordered.

The report was accepted.

#### ORDERS PASSED.

On motion of Mr. Gragg of Ward 14,

Ordered, That five members of the Common Council, consisting of the president and —, with such as the Board of Aldermen may join, be a joint special committee to have charge of the erection of the Soldiers' and Sailors' Monument.

Ordered, That the Committee on Public Buildings be requested to consider the expediency of constructing one or more elevators in the City Hall.

Ordered, That the Committee on Public Buildings be requested to consider the expediency of providing a new wardroom for Ward 14.

On motion of Mr. Prescott of Ward 9,

Ordered, That His Honor the Mayor be requested to petition the General Court, now in session, for an amendment to the thirty-fourth section of the city charter, so as to require that a majority of all the members of the Common Council shall be necessary to constitute a quorum for the transaction of business.

Ordered, That the Committee on the Suffolk-street District be authorized to secure the services of George W. Pope, to superintend the work on the Suffolk-street District, and to assist the committee in making settlements with the former owners of estates thereon, said services to be continued for such a period, during the present year, as the committee may deem expedient; the compensation therefor, not exceeding \$10 per day, to be charged to the appropriation for Suffolk-street District.

An order offered by Mr. Bicknell of Ward 4, authorizing the Fitchburg Railroad Company to build a wooden freight-house, and an order by Mr. Blackmar of Ward 11 to authorize the Metropolitan Railroad Company to make a temporary addition to their stable on Hudson and Edgewood streets, were referred to the Committee on the Survey and Inspection of Buildings.

On motion of Mr. Noyes of Ward 1, an order was read once, requesting the Street Commissioners to consider the expediency of extending Devonshire and Portland streets, and to report to the City Council an estimate of the cost of such extension.

Mr. Thacher of Ward 15 offered an order that a special committee of three members of the Common Council, with such as the Board of Aldermen may join, be appointed to inquire into the management of the Sewer Department, and report the result of their inquiries to the City Council.

Mr. Webster of Ward 6 moved a reference of the order to the Committee on Nomination of Superintendent of Sewers, as the proper disposition of it.

Mr. Bickford of Ward 15 opposed the reference, stating that some inquiries should be made in relation to the management of the sewer department, the superintendent having charged the citizens of the Highlands beyonds bounds in the construction of sewers. There were many things, he said, which should be inquired into, in the charge for pipes, and the assessment of excessive expenses.

Mr. Webster replied that if there were extra charges made, the subject should be fully investigated, and there was no reason why the committee on nomination of a superintendent should not give it a fair consideration.

Mr. Bickford further charged that the superintendent engaged in work without consultation with the committee, and in private work, while he neglected that of the public.

Mr. Hersey of Ward 12 advocated the motion to refer, and it was carried.

Adjourned.





CITY OF BOSTON.

Proceedings of the Board of Aldermen.

JAN. 15, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Mayor Gaston presiding.

APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—William Cummings, at No. 153 Hanover street, corner of Marshall street, and at 203 Hanover street, corner of Cross street, and around that locality; Antonio Enos, to attend the sale and delivery of cargoes; Charles P. Gleason, in the office of the Union Railway Company, corner of Chardon and Green streets; Charles E. Stowe, for Methodist-Episcopal Church, corner of Meridian and Decatur streets; members of the Common Council severally, as special police officers without pay.

Weighers of Coal, etc.—George E. Frost, George A. Soule.

The appointment by the city clerk of Charles R. Alley as assistant city clerk was approved.

PETITIONS PRESENTED AND REFERRED.

Wm. Jess, for leave to build a wooden stable for four horses on Pleasant street and Downer avenue, Ward 16.

G. Ramsey, for leave to build a wooden stable for two horses in rear of Norfolk avenue.

Patrick E. Murray, for leave to enlarge his stable at No. 21 East Concord street, by placing stalls in the cellar.

Nicholas Park, for leave to enlarge his stable so as to accommodate five more horses, on Lark street.

American Steam Safe Company, for leave to build a wooden stable for ten horses on Sixth street, near N street.

Severally referred to the Committee on Health.

David W. Foster, to be paid for grade damages sustained by his property on Purchase street.

Heirs of Timothy Eaton, for apportionment of Kingston-street betterments.

John Ritchie, for apportionment of Hanover-street betterments.

Julia A. Cotting and others, owners of estates on Edinboro' street, for abatement of assessments for betterments on Kingston street.

Hugh Bogue, for abatement of betterment assessments for widening of Kingston street.

Severally referred to the Committee on Streets.

Oliver J. Jordan and others, for additional lamps on Lansing street. Referred to the Committee on Lamps.

Terence C. Smith, for leave to move a wooden building through Foundry street and across Dorchester avenue.

John Sherburne, for grade at the corner of Paris and Wesley streets.

Eastern Railroad Company, for leave to cross Maverick and Porter streets with one or more tracks.

Gardner Brewer, Franklin Haven, Wm. Amory and others, that the grade of Beacon street be raised at its intersection with the Boston & Albany Railroad; Frederick R. Sears, Jos. S. Fay and others, in aid of the same.

Geo. F. Mann, to be compensated for change of grade in Warren street, at the corner of Lansing street.

Severally referred to the Committee on Paving. Baldwin-place Home, etc., for an improved system of drainage in the neighborhood of that institution. Referred to the Committee on Sewers.

Josiah Dunham, to be paid for services rendered to the city. Referred to the Committee on Claims.

Pratt & Co., for leave to enlarge their lumbershed at Neponset to dimensions exceeding the general limits. Referred to Committee on Survey and Inspection of Buildings.

Frederick H. Rand and others, for a change in conditions of sale of land on Harrison avenue, near Sharon street. Referred to Committee on Public Lands.

J. Griffin, for abatement of betterments assessed upon his estate No. 80 Village street. Referred to Committee on Suffolk-street District.

PETITIONS AND ORDERS OF NOTICE.

T. W. & L. P. Hersev, for leave to put up and use a steam-boiler and engine at No. 13 High street and 140 Summer street. Order of notice for a hearing Monday, February 5, 4 P. M.

Boston Dycwood and Chemical Company, for leave to locate a steam-engine on their wharf on Border street. Hearing Monday, February 5, 4 P. M.

A communication was received from the Metropolitan Railroad Company, accepting the location granted for a single track on Summer street, from Lincoln street to Kingston street. Ordered to be placed on file.

QUARTERLY REPORT OF SUPERINTENDENT OF HEALTH.

There has been expended by this department for the quarter ending December 31, as follows: Sweeping and cleaning the streets, removal of ashes and offal, abating nuisances, cleaning cess-pools, etc., \$87,067 78.

Demands against sundry persons for abating nuisances, team work and material sold, the same having been deposited with the city treasurer for collection, \$5546 13. Amount paid into the city treasury and placed to the credit of the department, \$4522 41.

The number of prisoners conveyed from the several station-houses to the city lock ups under the Court House, 2383 males, 694 females; total, 3077.

QUARTERLY REPORT OF PORT PHYSICIAN.

From this it appears that there have been received into the hospital twenty-five patients, of whom one was suffering from yellow fever, seventeen from smallpox, and the remaining seven were detained after exposure. Six died, fourteen were discharged and five remain. There have been 130 vessels examined and passed on the station during the quarter. Three of them had sickness on board, which required removal to the Quarantine Hospital at Gallop's Island, and the vessels to be thoroughly fumigated. Owing to the prevalence of smallpox in American and foreign ports, the utmost care has been used at the station in the inspection of vessels and persons, and whenever infection has been found, fumigation, vaccination, and detentions as are best calculated to prevent the introduction of disease by vessels, without serious hindrance and embarrassment to our commercial interests, have been adopted. Only two cases of smallpox have been found on board vessels during the last two months, and as a rule the vessels have arrived here in a good sanitary condition. In view of the fact that there are now less than one dozen cases of smallpox in the city, as stated by the city physician, with an extensive railroad communication with other cities where smallpox prevails extensively, it seems remarkable that Boston enjoys such an immunity.

ANNUAL REPORT OF THE CITY SURVEYOR.

Alderman Power presented in print the Annual Report of the City Surveyor.

The report gives the expenditures for the last year, as follows:

From appropriation for City Surveyor's Department	24,415 37
From appropriation for Survey of Roxbury	7,178 95
From appropriation for Survey of Dorchester	4,895 30

Total..... \$36,489 62

In the city surveyor's department, the salaries of the surveyor and twenty-five employes amounted to \$21,038 62; travelling and incidental expenses, and supplies of office, \$640 19; books, drawing material, etc., \$1152 54; instruments and repairs, \$783 03; expenses of committee \$245 98; horse hire for surveyor, \$106; brand and cloth for plans, \$159 98; plans and information relating to streets, \$152.

In the survey of Roxbury, the salaries of surveyors and assistants and ten persons amounted to \$6512; drawing materials, etc., \$308 48; instruments and repairs, \$176 85; incidentals and printing, \$181 62. In the survey of Dorchester, the surveyors and assistants, six persons, were paid \$3664 50; drawing materials, etc., \$317 50; rent of office, fuel, etc., \$359 10; travelling expenses and incidentals, \$208 53. The average number of persons employed was 40—city proper 24, Roxbury 10, Dorchester 6.

A large amount of work was done on the Suffolk-street District and on Fort Hill, and surveys, plans and profiles were made on about eighty streets in the city proper, fifteen each at South Boston and East Boston, seventy in Roxbury and about fifty in Dorchester.



The survey in the Roxbury District was commenced in July, 1869. There has been expended on it \$13,153 87 to January 1, 1872. A larger force has been employed on it during the past year than was employed the previous year; and the year has progressed as satisfactorily as could be expected—one party having been frequently interrupted and taken off the regular work to make special surveys and plans for the Street Commissioners. The survey is plotted on sectional plans 40 by 52 inches, a scale of twenty feet to an inch.

It is estimated that the progress of the work to the present time is equivalent to the completion of one hundred plans. The first estimate was, that one hundred and thirty plans would complete the survey; but this will be increased by about twenty additional sheets, on account of the laying out of new streets through land that was vacant at the time the estimate was made. This will make the whole number of sectional plans about one hundred and fifty. Most of the remainder of the surveying is through sparsely settled districts, where more rapid progress will be made. If the work progresses as fast as anticipated, the survey will be completed by midsummer.

The more difficult work will then remain to be done, the determining and fixing of street lines, but few of them being determined, and it is recommended that one party be kept at work on that service till all the street lines have been fixed, and that profiles of all streets not already made be made for the purpose of establishing a system of grades hereafter.

The survey of Dorchester was commenced in November, 1869, and the cost to the present time has been \$10,200 46. The out-door work is now nearly finished, and a large amount of office work has been accumulated during the past season. The number of plans now finished is twenty-two, and eighteen are in process of completion. The plans are being made in sections of the same size as the Roxbury plans; but are drawn to a different scale, being forty feet to an inch.

A large number of new streets which have been recently laid out by private owners, in different parts of the district, have not been included in the survey. As many of them are but partly completed and new buildings are being rapidly erected, it has been thought best to leave them until the survey of the accepted streets is finished.

Upon the completion of the general survey, the lines of the streets in this district should be defined and established; the same as has been recommended in the Roxbury District.

In relation to the establishment of the true meridian line, which was made on the Common, and to the requirement to keep a book of records, the surveyor says:

Only eight entries have been made in this book of records, showing that the surveyors in Suffolk County have not generally complied with the law; probably for the reason that the needle is but little used in surveying in this county; and on that account, surveyors who do not use it, except to get a "north point" for plans, do not consider that they violate the law in not "adjusting" their transits or compasses.

The average of the variations recorded is ten degrees, fifty-three minutes thirty-seven seconds west of north.

Besides the work specified in the making of plans, profiles, etc., as above given, there is a large amount of a miscellaneous nature, such as the giving of grades and lines of streets, surveys and levels, and plans for the Paving, Public Buildings, Public Land, and other departments, measurement of contractors' work for the Paving Department, drawing plans, and writing descriptions of land for the city solicitor, etc. The work has also been much increased under the operations of the Street Commissioners. The surveyor recommends that the ordinance requiring him to act as secretary of the Committee on Streets, be changed to relieve him of that labor, by which he will be enabled to devote more of his time and attention to the general work and details of his department.

The classification of indexed plans now in the city surveyor's office amount in numbers to 3667. There are also many plans which are not indexed, including a set of fifty-two plans of streets in East Boston, forty of streets of South Boston, plans of twenty-foot streets in South Boston, and an increase of bound volumes of plans by the annexation of Roxbury. There are seventeen volumes of old plans and thirty volumes of new plans, including three volumes of insurance plans.

The report was ordered to be sent down.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Manuel Silva \$5095, for Quincy-street land damages.

Order to pay William Pope, trustee, \$83 60, for Commercial-street (Ward 16) land damages.

Order to pay Alpheus Stetson et als., trustees, \$243 75, for land damages on Fourth street.

Order to pay M. Wyzanski \$4180, for estate 122 Castle street.

#### PADDOCK'S-MALL TREES.

The order to rescind order of last board to remove trees on Tremont street was considered.

Alderman Little said the order for cutting down these trees was offered by him in the last Board of Aldermen, and he had not altered his opinion on the subject. These trees had long outlived their beauty, and were a source of inconvenience to large numbers of people, who regarded them as a nuisance. He hoped the order would not pass, for the great travelling-public demanded that the trees shall be removed. In view of the importance of the subject, he should ask for the yeas and nays on the passage of the order.

Alderman Cutter said he was glad that the alderman had asked for the yeas and nays, for it saved him from making the same call. He trusted that they would not trouble these trees while there was such a feeling existing towards them. There were many old and respectable citizens who set much by the trees, and it was not advisable to cut them down. It may be that the Metropolitan Railroad Company wished to have them out of the way, but he did not know of any person otherwise who desired their removal.

Alderman Little said the remarks of the alderman reminded him of something more which he wished to have said. Much had been said of the Metropolitan Railroad Company in relation to this matter. If there was any responsibility on the subject, he should take it. The Metropolitan Railroad Company had never, to his knowledge, expressed any wish in relation to the trees, and it was unfair to charge that or any other corporation as having anything to do with offering the order. It was a question simply affecting the travelling public, for whose accommodation it was designed.

Alderman Cutter said he would except the alderman from acting in the interests of the Metropolitan Railroad Company.

Alderman Poyer said he was not aware that any one had asked that these trees be cut down; that any individual or the Metropolitan Railroad had; on the other hand, there had been numerous petitions in favor of allowing the trees to stand. They do no injury to any one, and before cutting them down there should be a demand for it and good reasons for such action. There had been no such demand yet, nor a petition presented for cutting them down, that he was aware of.

Alderman Jenks said he had had no opportunity to examine the subject, and to give an opportunity for these citizens to be heard, who had asked for a rescinding of the order, he moved a reference of the order to the Committee on Paving.

Alderman Clark supported the motion, and while he believed the trees to be an encumbrance to the sidewalks, and it would be better for the people and the sidewalks to have them removed, the three hundred respectable citizens who had petitioned the Board in relation to them were entitled to a bearing, and he hoped they would be heard.

The motion to refer was carried, and the petitions on the table in reference to the subject were taken up and referred to the same committee.

#### PAPERS FROM THE COMMON COUNCIL.

The petition of a committee of the Fellowes Athenæum in relation to a lot of land for a branch library building was referred, in concurrence.

The following orders were passed, or otherwise disposed of in concurrence:

Order for mayor to petition for an amendment to the city charter, so that a majority of the Common Council shall constitute a quorum of that body.

Order for a joint committee to investigate the operations of the Sewer Department. Referred to the committee appointed to nominate superintendent of sewers.

Orders to allow Fitchburg Railroad Company and Metropolitan Railroad Company to erect wooden buildings beyond legal dimensions. Referred to Committee on Inspection of Buildings.



Order to provide a new ward room for Ward 4.

Order to report on expediency of an elevator for City Hall.

Order to consider expediency of laying out portions of Silver and Athens streets. Referred to Joint Committee on Streets.

Request of School Committee for supply of Maine's ventilators for schoolhouses. Referred to Committee on Public Buildings.

Request of School Committee for a suitable tablet for the Cushman Schoolhouse. Referred to Committee on Public Buildings.

The order to furnish new badges to members of the Common Council, the expense to be charged to the appropriation for Incidental Expenses, being under consideration, on motion of Alderman Cutter was laid on the table.

*Committees Joined.* The following-named committees were joined to the committees of the Council on the nomination of boards and heads of departments:

Nomination of Directors for East Boston Ferries—Aldermen Ricker and Little.

Nomination of Directors for Public Institutions—Aldermen Clark and Jenks.

Nomination of Trustees of Public Library—Aldermen Woolley and Clark.

Nomination of Trustees of City Hospital—Aldermen Cutter and Little.

Nomination of Trustees of Mount Hope Cemetery—Aldermen Squires and Power.

Nomination of a Water Board—Aldermen Clark and Stackpole.

Nomination of Overseers of the Poor—Aldermen Cutter and Clark.

Nomination of Chief and Assistant Engineers of the Fire Department—Whole Board of Aldermen.

Nomination of Superintendent of Streets—Aldermen Fairbanks and Cutter.

Nomination of Superintendent of Health—Aldermen Sayward and Stackpole.

Nomination of Superintendent of Sewers—Aldermen Fairbanks and Little.

Nomination of Superintendent of Public Buildings—Aldermen Sayward and Poland.

Nomination of Superintendent of Common, etc.—Aldermen Jenks and Squires.

Nomination of Superintendent of Fire Alarms—Aldermen Poland and Woolley.

Nomination of City Engineer—Aldermen Jenks and Fairbanks.

Nomination of City Physician—Aldermen Stackpole and Ricker.

Nomination of City Messenger—Aldermen Ricker and Sayward.

Nomination of Harbor Master—Aldermen Power and Squires.

Nomination of Ballast Inspectors—Aldermen Power and Woolley.

Nomination of Superintendent of Bridges—Aldermen Cutter and Squires.

Nomination of City Surveyor—Aldermen Woolley and Poland.

REPORTS OF COMMITTEES.

Alderman Little, from the Committee on Health, reported in favor of the petition of Reuter & Alloy for extension of time for completion of stable, and for temporary use of a wooden building for stable purposes. Accepted.

Alderman Poland, from the Committee on Survey and Inspection of Buildings, to whom was referred the petition of the Eastern Railroad Company for leave to enlarge their freight-house in East Boston, made a report recommending that the petition be granted. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: William H. Leake, to give dramatic performances at the St. James Theatre; John K. Abbott, Constant F. Drury, Thomas S. Drown, Charles H. Starkey, Nathan M. Hatch and Nathaniel Hayes, as auctioneers; and to sundry persons as victuallers, to keep bowling and billiard rooms, for wagons, hack-stand, dealers in second-hand articles, intelligence-office, and for transfer of wagon-license. Severally accepted.

The same committee made a report revoking the license of Elsworth & Read, No. 67 Friend street, as keepers of an intelligence-office. Accepted.

Alderman Fairbanks, from the Committee on Markets, reported in favor of petitions as follows: Ludwig Brothers, for leave to transfer lease of stall No. 8 New Faneuil Hall Market to G. W.

Scovell; John S. Ludwig, to transfer his interest in lease of stall No. 34 New Faneuil Hall Market to Edward A. Sanger. Severally accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of petition of Allen & Woodworth to put up a steam-boiler and engine at Nos. 50, 52 Broad street. Accepted.

DISPOSITION OF THE MAYOR'S ADDRESS.

Alderman Sayward, from the joint special committee appointed to report what disposition should be made of the recommendations contained in the mayor's address, made a report recommending the passage of the accompanying orders:

Ordered, That so much of the mayor's address as relates to a new source for the supply of water, be referred to the Joint Standing Committee on Water; so much as relates to a modification of the law establishing the Board of Street Commissioners to the Committee on Legislative Matters; so much as relates to the public schools and school-houses to the Committee on Public Instruction; so much as relates to the proposed new buildings for the poor and the insane to the Committee on Public Institutions; so much as relates to a modification of the statute relating to the survey and inspection of buildings, to the committee on that department.

Ordered, That so much of the mayor's address as relates to the drainage of certain districts be referred to a special committee of the Board of Aldermen, and that said committee be instructed to consider the subject of improving the drainage of all territory in the city below the proper grade: also that so much as relates to a new Court House be referred to a special committee of the Board of Aldermen.

Ordered, That so much of the mayor's address as relates to the organization of the Board of Health, be referred to a joint special committee; so much as relates to laying out streets in the new territory, to a joint special committee.

The report was accepted, and the several orders were passed.

The mayor appointed the following as special committees, under the above orders:

On Drainage, etc.—Aldermen Squires, Sayward and Jenks.

New Court House—Aldermen Clark, Ricker and Little.

Organization of a Board of Health—Aldermen Fairbanks and Power, to be joined.

Streets on New Territory—Aldermen Jenks and Poland, to be joined.

Alderman Stackpole was appointed on the Committee on Claims, in place of Alderman Little.

ORDERS PASSED.

On motion of Alderman Clark,

Ordered, That there be allowed and paid to Franklin Evans the sum of \$13,892 34, being the award of referees for land taken from and all damages occasioned to his estate, No. 36 Kingston street, by the widening of said street, by a resolve of December 30, 1870, upon the usual conditions; the same to be charged to the appropriation for Widening Kingston Street.

Ordered, That the order passed to pay said Evans \$2661 for land taken from and damages to said estate passed January 31, 1871, be and the same is hereby rescinded.

Ordered, That there be paid to Henry C. Hutchins, Charles U. Cotting and Nathaniel J. Bradlee, the sum of \$300, for their services as referees in settling the case of land taken and damages occasioned by the widening of Kingston street upon the estate of Franklin Evans, numbered 36 thereon, upon their giving a receipt for the same; to be charged to the appropriation for Widening of Kingston Street.

Ordered, That there be paid to James Dolan, Jr., the sum of \$55 40 for land taken and all damages occasioned by the widening of Stoughton street, by a resolve of the Board of Street Commissioners Sept. 1, 1871, upon the usual conditions; to be charged to the appropriation for the Widening of Dudley and Other Streets.

On motion of Alderman Fairbanks,

Ordered, That the Board of Aldermen be and they are hereby authorized, in accordance with section 14, chapter 50, of the General Statutes, to make rules and regulations to restrain sales by minors; or to grant licenses for minors to make such sales, on such terms and conditions as they shall prescribe.

On motion of Alderman Woolley,



Ordered, That the list of jurors in this city who are qualified to serve in its several courts of the County of Suffolk, be revised by this board and be posted in the City Hall, and Court House, and be thereafter submitted to the Common Council for revision and acceptance, pursuant to law.

On motion of Alderman Cutter,

Ordered, That the Committee on Police be authorized to make such arrangements for the distribution of soup from the police-stations, or elsewhere, during the cold season, to persons in necessitous circumstances, as they may deem expedient; the expense therefor, not exceeding \$3500, to be charged to the appropriation for Police.

On motion of Alderman Little,

Ordered, That all matters of an unfinished nature relating to the improvements on Fort Hill be referred to a special committee, consisting of the chairmen of the Committees on Paving, Streets and Sewers, to be called the Special Committee on Fort Hill Improvement, with authority to exercise all the powers relating to contract-work and other matters pertaining thereto which were held by the Special Committee of the Board of Aldermen of 1871.

Ordered, That during the present municipal year, whenever this board as a Board of Health cannot be conveniently assembled, or whenever any serious emergency shall exist, the Committee on Health are hereby authorized to act as agents of the board on matters relating to the health of the city, and the port physician as an agent of the board on matters pertaining to the external health of the city, especially within the limits of this established quarantine grounds.

Ordered, That the superintendent of health be authorized during the present municipal year to make contracts, subject to the supervision of the Committee on Health, for the purchase of such quantities of hay or grain, and for such horses, as his department may from time to time require; also for such material as shall be required for the use of this department.

Ordered, That the superintendent of health be directed, until otherwise ordered, to enforce the provisions of section 54 of the Health ordinance, and for that purpose that he be directed to issue annually a limited number of licenses to such persons as the Committee on Health shall approve, to remove grease, bones, and refuse substances (except house offal) from cellars, stores and houses in

the city, upon such terms and conditions as the Committee on Health shall deem necessary; provided the fee to be paid for any such license shall not exceed one dollar.

Ordered, That the superintendent of streets be, and he is hereby directed to remove forthwith the fence recently erected across and inclosing a portion of West Rutland square.

Ordered, That the superintendent of streets be authorized to grant permits to open the streets in accordance with the ninth and tenth sections of the ordinance relating to streets.

Ordered, That the superintendent of streets be authorized, under the direction of the Committee on Paving, to grant permits for moving buildings through the public streets of this city.

Ordered, That the superintendent of streets be authorized, under the direction of the Committee on Paving, to contract from time to time for the purchase and exchange of horses, the supply of hay, grain, paving-stones, gravel and other materials for the operations of the Paving Department during the present municipal year.

Ordered, That the superintendent of streets be authorized to set the edgestones when furnished by the abutters, on any of the public streets of the city, and to pave the gutters on said streets when deemed expedient by the Committee on Paving.

Ordered, That the Superintendent of Streets be authorized to lay flagging crosswalks on the public streets of the city when deemed expedient by the Committee on Paving.

Ordered, That the Superintendent of Streets be authorized, under the direction of the Committee on Paving, to number or renumber any street, court, or place within the city limits, whenever in the opinion of said committee the public convenience will be promoted thereby.

Order to abate nuisances on Federal, Bowen, Third, Fourth, Fifth, and Ontario streets.

#### ORDERS READ ONCE.

On motion of Alderman Little,

Orders to establish the grade of Chambers street extended, from Ashland to Spring street, as shown on a plan dated Sept. 16, 1869; directing the chief of police to notify William H. Stubbs to remove forthwith a bay window projecting beyond the line of the street, at No. 4 Emerald street.

Adjourned.

## CITY OF BOSTON.

## Proceedings of the Common Council,

JAN. 18, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the president, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of F. H. Rand and another, of Josiah Dunham, Pratt & Co., and of J. Griffin, were severally referred, in concurrence.

The quarterly report of the superintendent of health, the annual report of the city surveyor, and the certificates of the appointment of Alderman Stackpole on the Committee on Claims, instead of Alderman Little, declined, and of the appointment and confirmation of the members of the Common Council as special police officers, without pay, were severally ordered to be placed on file.

The report granting leave to the Eastern Railroad Company to enlarge its freight-house at East Boston was accepted, in concurrence.

The report and orders referring to appropriate committees the several topics in the mayor's address were considered, when the report was accepted, and the second order relating to new streets was amended by substituting the Joint Standing Committee on streets for the Joint Special Committee.

The orders as amended were passed, and in relation to the subject of a Board of Health, Messrs. Loeke of Ward 12, Moulton of Ward 9, and Webster of Ward 6 were joined to the committee of the Board of Aldermen.

The order authorizing the making of rules and regulations concerning sales by minors was passed, in concurrence.

The order for the appointment of a committee to nominate a city surveyor was concurred in, and Messrs. Smith of Ward 1, Walker of Ward 3, and Dolan of Ward 13 were joined to the committee.

The order to pay Marcus Wyzanski \$4180 for estate 122 Castle street, taken by the city, was read once.

## UNFINISHED BUSINESS.

The order for the Street Commissioners to consider the expediency of extending Devonshire street to Portland street, on motion of Mr. Noyes of Ward 5, the mover, was referred to the Committee on Streets.

The Chair read a request from Mr. Moulton of Ward 9, to be excused from serving on the Committee on Fire Department. The council voted not to excuse him.

## REPORTS OF COMMITTEES.

Mr. Caton of Ward 11, from the Committee on Survey and Inspection of Buildings, on the order to allow the Metropolitan Railroad Company to make a temporary addition to their stable on Hudson and Edgewood streets, made a report that the order ought not to pass. The report was accepted, and the order was rejected.

Mr. Caton, from the same committee, to whom was referred the order to authorize the Fitchburg Railroad Company to erect a wooden freight-house, made a report recommending that the order should pass in a new draft, as follows:

Ordered, That the Fitchburg Railroad Company be authorized to erect a wooden freight-house without the intervention of a brick wall, on the conditions that the roof be covered with non-combustible roofing-material and the sides thereof to be of corrugated iron.

The report was accepted and the order was passed.

## REPORTS ON CONTESTED ELECTIONS.

Mr. Emery of Ward 10, from the Committee of the Common Council on Elections, to whom was referred the petition of William F. Watson that the votes cast for members of the Common Council at the last municipal election in Ward 5 be recounted, made a report that they have carefully recounted the original ballots in the possession of the city clerk, with the following result:

Amos L. Noyes .....	493
William M. Flanders .....	371
Horace Loring .....	336
Francis M. Hughes .....	250
William D. Park .....	230
William F. Watson .....	225
Henry N. Stone .....	200
John Quinn .....	151

— Flanders, — Watson, A. C. Wellington, Andrew N. Benton, Charles Darrow, Benjamin Heath, David Whiston, Isaac H. Robbins, John T. Clark and Grand-Duke Alexis, one each.

It appears, therefore, that Amos L. Noyes, William M. Flanders, Horace Loring and Francis M. Hughes, who now occupy seats in this board, were duly elected.

The report was accepted.

Mr. Emery, from the same committee, to whom was referred the petition of Prescott Barker, that the votes cast for himself and for Edward J. Holmes at the last municipal election in Ward 6 be recounted, made a report that they have carefully recounted the original ballots cast at said election with the following result:

Edward J. Holmes had .....	455
Prescott Barker .....	403

It appears, therefore, that Edward J. Holmes, who now occupies a seat in this board, was duly elected.

The report was accepted.

Mr. Emery, from the same committee, to whom was referred the communication from John E. Fitzgerald and others, representing that fourteen or more fraudulent ballots were cast at the last municipal election in Ward 7, for the members of the Common Council from said ward, who received the certificates of election, and asking for a hearing on the question of fraud, and also that the original ballots might be recounted, submitted a report as follows:

In accordance with the request of the petitioners, the committee gave a hearing on the allegations of fraud, to all parties interested. The substance of the testimony which had a direct bearing upon the matter under investigation was as follows:

John O'Brien stated that he saw a little bunch of what he supposed to be parts of ballots fall out of one of the ballot-boxes while it was being emptied by one of the ward-officers. These parts of ballots consisted of the lower portion of the full tickets, and appeared to contain the names of common-councilmen and ward-officers. They were wrinkled or creased in the centre and the corners were turned over. His impression was that these ballots had been put into the box by one person, and he called the attention of the ward-officers and the constable to the peculiar appearance which they presented.

One of the inspectors (M. P. McCarty) then took this bunch of ballots, smoothed them out with his hands and placed them on another part of the table, separate from the other ballots. He did not know of his own knowledge whether they were counted or not.

Lemuel Clark, a constable, whose duty it has been for a number of years to take the voting-lists from the City Hall to the wardroom of Ward 7, on election-days, and return them after election to the city clerk, with the sealed ballots, stated that John O'Brien and others outside of the rail, called his attention to a package of votes which they said had been fraudulently cast. He was looking in another direction at the time, and when he turned to look at the table, one of the inspectors (McCarty) had a small package of what appeared to be parts of ballots, narrow strips torn out of the middle of the regular ballots.

He thought it bore the names of the councilmen and School Committee. The inspector was straightening them out at the time. Witness called the attention of the warden to the fact that objection was made to their being counted, and suggested that they should be tied up separately. They were placed apart from the others and a string put around them then or subsequently. It was his impression that attention was called to this package of ballots very soon after the boxes were emptied. If the votes had been cast singly they could not have been in the condition they were when he saw them in the inspector's hands.

Wm. A. Daily, who was standing in front of the rail, had his attention called to the matter by O'Brien's statements. When he looked, the inspector (McCarty) had a package of ballots open in his hands. Noticed that there was a crease in



them. He did not see the package come out of the box, but thought from its appearance, in the hands of the inspector, that all the votes had been put in together.

W. W. Doherty stated that when he went to vote he found his name had been checked on the voting-list. He knew all the ward-officers well, and they all knew him. No one could have voted on his name without the ward-officers knowing it, and knowing that it was illegal. On his representations to the warden that he had not voted that day before, he was allowed to vote then. He saw one of the ballot-boxes emptied during the afternoon, and a number of ballots fall from the table to the floor. One package went under the settee without being noticed by the ward-officers, and a police-officer reached under and took them out. It was found to be two ballots folded together. The warden threw them both out. Witness was sure that he saw the two ballots fall from the table.

The petitioners rested their case on this evidence.

For remonstrants, Officer Thomas S. Adams, detailed for detective duty at the ward-room, stated that he saw two tickets thrown under the rail from the outside and roll under the settee. It was not clear that these were the tickets mentioned by Mr. Doherty. He told the warden about it, but didn't know what the warden did with the ballots. Witness didn't know anything about the package of tickets described by O'Brien.

Officer M. V. B. Herson, who was stationed at the rail in front of the middle ballot-box, and saw all the ballot-boxes emptied during the day, except those which might have been emptied between twelve and one o'clock, did not see any such package of ballots as O'Brien described come out of the box. O'Brien gave them a good deal of trouble during the day, crowding in where he did not belong. Witness heard some talk about a package of ballots, but he didn't pay much attention to it.

D. H. Morrissey, clerk of the ward, stated that when the boxes were emptied by the warden after he, the witness, returned from dinner, at one o'clock, some of the ballots fell on the floor. They were afterwards picked up and put in. While assorting the tickets on the table, he came across some parts of ballots and put them by themselves. He did not find them in a bunch, but scattered about through the others. Mr. McCarty, the inspector, who was assisting him, also found some parts of ballots and put them with those the witness had found. When they had all been placed together, Mr. McCarty took them up and pressed them together, making a crease in the middle, so that they would lie together on the table.

It was at this time, some twenty or thirty minutes after the boxes had been emptied, that O'Brien called attention to the package. A string was put around the package, which contained just fourteen ballots. They were not all of the same size. The names of the candidates for councilmen on these tickets were James J. Flynn, John B. Martin, John T. Casey, Abraham J. Lamb. Witness was certain these ballots were scattered when they came out of the box, and that they were not together until collected and put in one package by McCarty and himself.

John O'Leary, the warden, stated that his attention was called to the package of ballots by O'Brien. He asked the clerk if he found those ballots together or separate; he said he found them separate. They were put aside, and when the final count was made, at the close of the polls, witness asked the inspectors if they saw those parts of ballots come in separately during the day, and they told him they did. If it had appeared him that they were put in together, he should have exercised his right to throw them out. Witness thought there was an interval of twenty or thirty minutes after he emptied the box before O'Brien called attention to the package. When he emptied the box he (the warden) did not see any package of votes that looked as though it had been put in by one person.

H. P. McCarty, one of the inspectors, stated that in counting or assorting the ballots after they had been emptied on the table, he found some parts of ballots containing only the names of the councilmen and School Committee-men. He placed them with some that Mr. Morrissey had found. He picked up these mutilated ballots about twenty or thirty minutes after the boxes had been emptied, and O'Brien said "you mustn't count those tickets," and insisted that witness should pin them to-

gether. They were put aside and a string was afterwards put around them; they had regard only to their own convenience in counting, and did not intend to designate them as doubtful. Strings were put around the other packages as they were counted. Witness received ballots, but did not notice that any of these parts of ballots were put into the box. Some ballots were put in folded, but generally he required the voters to deposit their ballots open.

James Ryan, one of the inspectors, received some half-dozen torn ballots during the day; checked the names of the voters, and was sure that only one went in at a time; some of those he saw put into the box were like those contained in the package of fourteen.

John McNamara, one of the inspectors, noticed one or two such ballots go into the box he tended.

The other two inspectors, Thos. F. Dowd and Hugh O'Brien, did not notice that any such ballots were put into the box, but they were sure that not more than one ballot was put in by each voter.

It appears from the review of the testimony offered by the petitioners and the remonstrants that the allegations of fraud have not been substantiated. The statements of John O'Brien, the only witness who claims to have seen the package of votes taken from the ballot-box, are traversed by the positive testimony of two ward-officers, that the separate ballots were first collected and put together by them; by the testimony of three officers that there was an interval of twenty or thirty minutes after the boxes were opened before attention was called to the package; and by the testimony of two officers that they saw some of these mutilated tickets deposited by different voters during the day.

In connection with this evidence, which had a direct bearing on the charge of fraud, there was a good deal presented in relation to the manner in which the election was conducted. There appears to have been a great deal of negligence on the part of the ward-officers in preserving order in the wardroom and protecting the rights of the electors. Ballots were scattered over the floor behind the rail, and in transferring the ballots from the boxes to the table, they were allowed to fall on the floor and remain there for some time. In view of these facts, the committee feel it to be their duty to characterize the proceedings as discredit to the citizens and to the ward-officers of Ward 7.

Since the hearing the committee have carefully recounted the original ballots in the possession of the city clerk, with the following result:

John B. Martin.....	560
James J. Flynn.....	521
John F. Fitzgerald.....	493
Abraham J. Lamb.....	485
James F. Supple.....	495
John T. Casey.....	490
Dennis A. Flynn.....	458
Wm. B. Wilber.....	441

Thomas Haney 8; Fitzgerald 4; E. Fitzgerald, Abraham Lamb, A. L. Simmons, W. B. Lucas, John D. Richardson, Stephen A. Stackpole, Albert F. Cole, Sidney Squires, one each; John H. Locke, Wm. H. Hart, Charles H. Hersey, Thomas Gookin, two each.

Fourteen parts of ballots of three different sizes were found in the box. They all bore the names of the sitting members. Upon the evidence presented in relation to these ballots, the committee were of opinion that they should be counted, and they are included in the result given above.

In accordance with well-established precedents, and recognizing the evident intention of the voters, the committee do not hesitate to place the vote for Abraham Lamb to the credit of Abraham J. Lamb, making the whole number for him 496. The votes for E. Fitzgerald and Fitzgerald should probably be counted for John E. Fitzgerald, as it was evidently the intention of those who cast the ballots to vote for that gentleman, there being no other candidate with a similar name. It does not affect the result, however, whether these votes are counted or rejected.

It appears, therefore, that John B. Martin, James J. Flynn, John E. Fitzgerald and Abraham J. Lamb, received the highest number of votes, and that John T. Casey, who received a certificate of election is not entitled to the seat now occupied by him. It is proper to state that Mr. Flynn, member of this committee from Ward 7, did not act or sit with the committee during this investigation.

The committee would respectfully recommend the passage of the following preamble and resolve:

Whereas, it appears from a recount of the origi-



nal ballots cast at the last municipal election in Ward 7, that John E. Fitzgerald was elected a member of the Common Council from said ward, in place of John T. Casey, who received a certificate of election,

Resolved, That John E. Fitzgerald is entitled to the seat in this board now occupied by John T. Casey.

The report was accepted, and the resolution was passed.

ORDERS PASSED.

Mr. Flanders of Ward 5 offered an order that the Board of Street Commissioners be requested to consider the expediency of extending Dix place from Washington street to Tremont street. Referred to Committee on Streets.

On motion of Mr. Flynn of Ward 7,

Ordered, That ———, with such as the Board of Aldermen may join, be a committee to report a Salary-bill for the city officers for the ensuing year.

Messrs. Flynn of Ward 7, Pickering of Ward 6, and Heath of Ward 8 were appointed the committee.

Mr. Robbins of Ward 8 offered an order that Mary Bridgen, an insane person of Ward 16, too feeble to be removed to the state institution, be allowed to be admitted to the City Hospital for the Insane.

Mr. Perkins of Ward 6 inquired how long the City Council had been the proper authority to provide for the admission of insane into the City Lunatic Hospital, for he did not suppose they had anything to do with the matter.

Mr. Robbins replied that by the action of the City Council of last year all poor insane persons were required to be sent to the State institutions.

Mr. Perkins denied that the council had any power in the matter, and he feared that the proposed measure was designed to procure adverse action to that of the last City Council, as a test case to inveigle the council to change that action. The authority to send persons to the insane-hospital was vested elsewhere, and all that the order of the last council provided was, to request those having authority to send the poor insane to the State institutions. They have all the authority necessary, and if this is a pressing case the persons having charge of such matters can better ascertain and determine its necessity than the members of the City Council can.

Mr. West of Ward 16 declared that this was no such test case, and it was brought before the council because the physician in charge of the hospital says he can't receive any person except by order of the City Council.

Mr. Perkins said, we request simply, and there is no binding obligation in the order, to make it necessary to send a person to the State institutions.

Mr. Flanders of Ward 5 said it would be necessary to reconsider the vote of the last City Council unless this action should take effect.

Mr. Hersey of Ward 12 agreed with Mr. Perkins that the order of last year was not imperative.

Mr. Flanders stated that Judge Ames had said that he must be bound by the order of last year, and that he could order a person to be sent nowhere else than to the State institutions.

Mr. Burditt of Ward 16 confirmed the statement of Mr. Flanders in relation to Judge Ames, and the members of the board down stairs consider it necessary to pass this order. The woman was a neighbor of his, the case was not designed as a test, she was believed to be dangerously insane, and could not be removed, for the city authorities refuse to do anything except under the authority of such an order.

Mr. Perkins repeated his conviction that there was sufficient authority to make the removal without coming to the council, yet he would interpose no bar to the passage of the order, under the circumstances of the case.

Mr. Robbins, as a member of the Committee on Public Institutions last year and now, had not changed his views and did not wish to have any change in the action of the City Council. He had no motive in offering the order, but to meet the difficulty. It was not a test case, as was suggested, and he hoped the order would pass.

Mr. Webster of Ward 6 suggested some difficulties in the language of the order, and subsequently offered an order as a substitute, which was passed, as follows:

Ordered, That the authorities whose duty it is to commit insane persons be requested to send

Mary Bridgen, too ill to be sent to the State hospitals, to the City Hospital for the Insane at South Boston, and that the Board of Directors be directed to receive said Mary Bridgen into said hospital.

On motion of Mr. Flynn of Ward 7,

Ordered, That the clerk of the council be directed to notify John E. Fitzgerald of his election as a member of the Common Council, and that he be requested to appear in the council on Thursday evening next to be qualified.

On motion of Mr. Moulton of Ward 9,

Ordered, That the Committee on Badges be authorized to furnish members of the Common Council with badges, at an expense not exceeding the price of last year; to be charged to the Contingent Fund of the Council.

The order was passed, by a vote of 45 to 7.

On motion of Mr. Robbins of Ward 8,

Ordered, That the Committee on Public Buildings be requested to consider the expediency of having the basement of the building in which is held the Municipal Court of the Southern District, when vacated by the police, fitted up for the confinement of persons on trial before said court.

Mr. Bratt of Ward 14 offered the following order:

Ordered, That the Committee on the Public Library consider the expediency of opening the library on Sundays.

Mr. Smith of Ward 1 opposed the passage of the order and its reference to the committee, the reference itself going so far as to give the impression that the council is in favor of the measure. He therefore moved that it be laid on the table. Lost—11 to 35.

Mr. Robbins of Ward 8 said he hoped the order would not pass. Such an order was passed last year, and if this was passed it would be the last they would hear of it. He did not believe that public opinion was in favor of opening the Public Library on Sundays, and as there were soon to be branches in other sections of the city, he was certain gentlemen representing those sections would not wish to have those branches open on Sundays. Although living near the Public Library he did not wish to go to it on that day, and believed the measure was designed to be but an entering wedge for other purposes, by parties who had been agitating the question for years past. He moved to lay the order on the table.

Mr. Brooks of Ward 1 raised a question that the motion was not in order, and the point of order being sustained, Mr. Robbins moved an indefinite postponement of the subject.

Mr. Perkins of Ward 6 said it did not follow that the order should be rejected because previous orders had been unsuccessful. The question should be acted upon on its merits, and by the passage of the order it did not commit the council to any action nor did it desecrate the Sabbath. Let the order be passed, and when the subject comes up for final action, it can be further considered.

The motion to indefinitely postpone was lost, when the order was passed.

Mr. Dacey of Ward 2 offered an order that a committee be appointed, to be joined, to consider the expediency of furnishing a series of free concerts at the Music Hall, or elsewhere. Lost.

On motion of Mr. Flanders of Ward 5,

Ordered, That the Committee on Legislative Matters, be requested, if deemed expedient for the best interests of the city, to petition the Legislature for a law satisfactorily settling the question of domicile, in cases where a person removes from one town to another, or one ward to another in a city.

On motion of Mr. Locke of Ward 12,

Ordered, That a committee, to be joined, be appointed to nominate a city solicitor.

Messrs. Locke of Ward 12, Shepard of Ward 4, and Prescott of Ward 9 were appointed the committee.

On motion of Mr. Prescott of Ward 9,

Ordered, That there be allowed and paid to Ann D. Rhodes the sum of \$10,811 69, in consideration of her giving to the city a deed of estate No. 27 Indiana place, or a release and discharge satisfactory to the city solicitor, for all damages, costs and expenses in consequence of the taking of said estate; said sum to be charged to the appropriation for Suffolk-street District.

Mr. Flanders of Ward 5 moved a reconsideration of the vote by which the order was passed at the last meeting of the council to employ George W. Pope to superintend the work on the Suffolk-street District.



Mr. Robbins of Ward 8 asked for the reasons for the reconsideration.

Mr. Flanders gave his reasons, as follows:

I am opposed to the passage of this order because there is no necessity for it. A year ago Mr. Pope opposed the appointment of a superintendent (Newton Talbot among others being proposed) on the ground that it was a useless expense, and that the committee could and ought to attend to the whole business, and that there ought to be no one to come between the committee and the inhabitants.

If this was true a year ago, it is vastly more so now, when all the raising of the territory and buildings, and laying out and widening streets, is completed, and there remains nothing to be done but some gravel to fill in, and to finish one retaining-wall, both of which operations are in charge of the same assistant-superintendents who have been there from the first.

A large portion of the time of the committee of last year was taken up in planning, letting out contracts, and superintending the mechanical work; and they in addition settled a large proportion of the estates which the city took. They have also sold all the property remaining on the city's hands, with the exception of a few houses on Indiana place, and there is nothing to attend to but the settlement of the remaining estates taken by the city, and the reconveyance of property raised. This is peculiarly the work of the committee, and must in any event be passed upon by them finally.

There have been taken outright or surrendered to the city some one hundred and forty-four estates, of which the committee of last year settled one hundred and five, leaving only thirty-nine unsettled, and in nearly all of these cases the committee have passed upon them and put on record the terms on which they proposed to settle.

There have also been settled by reconveyance some seventy estates where damages were paid in some form, and there were some thirty cases where claims are made in settlement, all of which have been before the committee. The settlements already made embrace almost all the large estates.

A good many cases involving simple reconveyance remain, but involve comparatively little trouble to the committee.

There are four members of the present committee who were on it last year, and are familiar with their doings, as is also the clerk of committees, and any information in regard to the condition of the various estates can be furnished by Mr. Pratt, who has been engineer on the territory from the first.

If it should be claimed that Mr. Pope did about all the business last year, I must say that the work generally was all subdivided and by them the general superintendence was earned on, and the estates for settlements worked up through the several committees. I think the members of this council who served on that committee are entitled to great credit for the labor they have performed on this committee.

There are now employed in this district Mr. Pratt, the engineer; Mr. Knight, superintendent of the gravel-train; Mr. Kelly, superintendent of the retaining-wall; F. G. Pope, superintendent of the raising of the buildings—all at \$5 per day. The committee, I am told, must have the services of Mr. Pratt, the engineer.

You must retain Mr. Knight and Mr. Kelly or some other equally as good men to complete their work. Mr. Pope's work is all completed and his services are no longer wanted, as the work in his department is all done.

If there was no real necessity for a superintendent last year, there is not the slightest need of one now. We have one of the best committees on this work here in the council, and perfectly competent to carry this work forward without any paid head to lead them.

Mr. Prescott of Ward 9 said the gentleman was mistaken in some of his statements. The city took possession of the Suffolk-street District in July, 1870, when Mr. Talbot was chairman of the committee. Joseph Smith, who had served as superintendent on the Church-street District, was chosen superintendent, and continued in that office until he was elected a street commissioner. Mr. Pope was chairman of the committee last year, and Mr. Talbot was not brought before the committee for a superintendent. Mr. Pope had charge of the work and there were four superintendents of different departments. By the first of March all the gravel will be filled in, yet there will be a great amount of work to be done in the reconveyance of property.

Mr. Pope had had the larger part of this work to do, and the committee of last year considered his services to be very valuable. It was the intention shortly to dismiss all the superintendents, and the cost of the employment of Mr. Pope would not be so much as the present superintendence. Instead of being but thirty estates remaining unsettled, there were hardly any of them settled, and the value of Mr. Pope's services in the settlement will be five times the amount which will be paid to him. As he was familiar with every nook and corner of the territory, and knows familiarly everything relating to the damages to property, his services must be worth much more than will be paid him, and there will be retained but one man who has been engaged in the superintendence.

Mr. Robbins said he had gained the object of his inquiry, and should vote against the motion.

The reconsideration was lost.

The Chair announced as the Committee on the Soldiers' Monument, of four members of the Council besides the president, Messrs. Gragg of Ward 14, Flanders of Ward 5, McNutt of Ward 10, and Wright of Ward 15.

Mr. Robertson of Ward 4 was appointed on the Committee on Assessor's Department, in place of Mr. Casey of Ward 7, unseated. Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JAN. 22, 1872.

The regular weekly meeting of the Board of Aldermen was held at four o'clock this afternoon, Samuel Little, the chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers (without pay)—George H. Higgins, at the Boston Sugar Refinery, East Boston; Daniel Sheehan, corner of O and Sixth streets, South Boston.

## PETITIONS PRESENTED AND REFERRED.

Kilby Page, for apportionment of Hanover-street betterments.

Patrick Burke, for apportionment of Hanover-street betterments.

Jordan, Marsh & Co., for apportionment of Kingston-street betterments.

Julia M. Jordan, for apportionment of Hanover-street betterments.

John Gallagher, for an allowance for increased damages by the widening of Kneeland street.

Severally referred to the Committee on Streets.

Honora Lynch, to be paid for grade damages on Havre street.

Jane Laffey, to be paid for damages caused by change of grade of Minorca street.

H. H. W. Wright, to be paid for damages caused by the grading of Third and Dorchester streets.

H. A. Thomas, for the grade of Westminster avenue.

Daniel Bowen, for grade damages at 83 Cabot street.

Boston & Providence Railroad Company, that the grade of Columbus avenue extended, also of Providence street be established.

Severally referred to the Committee on Paving.

William Wanders and others, to be relieved from sewer assessments in Prentiss and Halleck streets.

E. Riddle & Son, to be compensated for damages caused by a defective sewer in Union street.

Richard S. Haven, for abatement of sewer assessment in Dale street.

Severally referred to the Committee on Sewers.

James McGuire, for leave to build a wooden stable on E street, near Ninth street.

T. Buekner, for leave to erect a wooden stable for two horses at the foot of Rogers street.

Severally referred to the Committee on Health.

J. H. Chadwick & Co. and others for a new house for Hook & Ladder Carriage No. 4; also for a new wardroom for Ward 13. Referred to Committee on Public Buildings.

Hamblen, Baker & Co., to be paid for damages caused by blasting earth on Fort Hill.

John Hartt and others, for compensation for damages sustained from the removal of Fort Hill in the overflow of mud and water upon their premises in Pearl street.

Severally referred to Committee on Fort Hill Improvements.

Patrick Shea, to be paid for damages to his estate No. 61 Fayette street. Referred to Committee on Suffolk-street District.

Company A, Ninth Regiment, to be provided with a suitable armory. Referred to the Committee on Armories.

An order of notice was adopted for a hearing Monday, Feb. 12, on petition for removal of tracks of the Marginal Freight Railroad Company from Commercial street.

COMMUNICATION FROM THE TRUSTEES OF THE  
PUBLIC LIBRARY.

A communication was received from the trustees of the Public Library, transmitting a vote of the trustees, as follows:

Ordered, That the trustees acknowledge the opportune gift of nearly 1500 volumes from the Mattapan Literary Association, and that the collection, so admirably fitted for the purpose, be, as far as is practicable, assigned to the South Boston branch.

Ordered, That this vote be transmitted to the association, in testimony of the grateful thanks of the trustees.

The reports of various departments, in print, were submitted by the committees on those departments, and were ordered to be sent down. Abstracts of these reports are as follows:

## REPORT OF COMMISSIONERS ON SINKING FUND.

The report of Commissioners on Sinking Fund for the redemption of the city debt for the six months ending Dec. 30, 1871, shows that during that period the funded debt has been increased \$1,907,000. There has been purchased and cancelled from the Revenue funds \$48,000; from the Sinking funds \$59,888 89; from the Appropriation and Revenue fund of 1870-71 \$419,000. Total, \$526,888 89.

The condition of the several funds is given, with a recapitulation, as follows:

General Debt Sinking Fund.....	\$ 724,002 56
Water Debt .....	1 151,700 00
Consolidated Street Improvement Fund.	214,035 33
Appropriation and Revenue Fund, '70-'71	6,4735 54
Church-street District Sinking Fund.....	2,211 53
Columbus-avenue Sinking Fund.....	4,900 00
Suffolk-street District Sinking Fund.....	59 335 20
Seillon's-Building Sinking und.....	8,835 00
Kingston-street Widening Sinking Fund	4,249 25
Shawmut - avenue Extension Sinking Fund.....	10,922 60
Hanover-street Widening, No. 2, Sinking Fund.....	13,200 00
Hanover-street Widening, No. 1, Sinking Fund.....	6,750 00
Harrison - avenue Extension Sinking Fund.....	13,204 80
Dudley and other Streets Widening Sinking Fund.....	4,500 00
Federal-street Bridge Sinking Fund.....	2,950 00

\$10,871,231 51

The total funded debt of the city, of all classes, June 30, 1871, was.....\$26,403,716 50

Increase since that date,

City debt .....\$1,577,000 00

Water debt..... 330,000 00

1,907,000 00

\$ 8,310,716 80

Debt paid from Sinking Funds..\$59,888 89

Revenue Funds.. 48,000 00

Purchased and cancelled with

Appropriation and Revenue

Fund, 1870-71..... 419,000,00

526,888 89

Gross funded debt, Dec. 30, 1871.....\$27,789,827 91

Less redemption funds..... 10,871,231 51

Net debt Dec. 30, 1871.....\$16,912,536 40

## ANNUAL REPORT OF THE STREET COMMISSIONERS.

The report gives a schedule of the various improvements in streets, by laying out, extension, widening, discontinuing, etc., during the year. The aggregate of the estimated expenses of these improvements amounts to \$2,373,872 22. The commissioners state that many petitions have been presented for the laying out of streets which may some time be required, but which would not be worked within the time in which betterments could be assessed, and they suggest that some alteration in the existing law should be made, whereby the city should be authorized to lay out streets in certain localities, and build them when they are actually required; thus preventing private parties from laying out streets without regard to system or the future wants of the public.

A great number of street improvements have been asked for in nearly every direction, and it has been the constant endeavor of the commissioners to discriminate properly, and to recommend first those which the public safety and convenience needed most.

The commissioners have entirely exhausted their appropriation of \$150,000, for laying out and widening streets, for the financial year 1871-2.

The propositions of the board for the widening and extension of Portland street, of South Market and Commerce streets, are referred to, and these projects may again be brought to the attention of the City Council. The widening of Parker street, from Ruggles to Heath street, it is believed ought not to be disregarded, since the extension of Huntington avenue to Parker street will make a wide and direct street from the city to the vicinity of the West Roxbury line. The widening of South street and the raising of the territory on Hunneman street, in connection with the acceptance of that street are suggested, and some remarks are made in relation to the proposition for the extension of Atlantic avenue, north and south.



REPORT OF SUPERINTENDENT OF PUBLIC LANDS.

The sales of land during the year consisted of lots as follows: 1873 feet on Harrison avenue, corner of Newton street, \$1 50 per foot; 11,022 feet on Harrison avenue between Newton and Stoughton streets, \$1 62½; 16,500 feet on Chardon street, west of Columbus avenue, \$1 40; 2310 feet on Yarmouth street, \$1 50; 17,230 feet on East Dedham street, \$1 30; 14,190 feet on Yarmouth street, west of Columbus avenue, \$1 40; 18,788 feet on East Dedham street, \$1 73½; 7588 feet on Plympton street, east of Harrison avenue, \$1 30; 38,838 feet on East Canton street, \$1; 12,229 feet on Albany, between Newton and Sharon streets, \$1 88¾; 8548 feet on Albany, between Brookline and Sharon streets, \$1 40; 2024 feet on East Newton street, \$1 50; 2104 feet corner of Harrison avenue and Springfield streets, \$2; 6250 feet on Fourth street, 75 cents; 3875 feet on Broadway, 70 cents; 7500 feet on Third street, 70 cents; 3750 feet on Third street, 60 cents; 13,500 feet on Gibson street, Ward 16, 15 cents; 15,960 feet on Gibson street, 10 cents;—making a total of forty-eight lots, containing 201,079 square feet, for the sum of \$232,386 67. Of this amount there was received in cash, \$23,460 67; taken in bonds, payable in nine annual instalments, \$232,386 67.

The receipts for rent of land, release of conditions, extending time for building upon land, paving sidewalk and for sewer assessment, amounted to \$5150 45. The expenditures amounted to \$8217 67, of which \$1800 was for salary of superintendent, \$2261 74 was for construction of sewers in Albany, Newton and L streets, \$2469 50 was paid to heirs of Leopold Herman for land on Lenox street, \$699 44 for plans, tax, auction commissions, etc., \$90 50 for committee of 1870, and \$487 05 for expenses of committee of 1871.

The amount of salable lands belonging to the city in charge of the Committee on Public Lands is as follows:

At the South End and at South Boston.....	1,004,216 sq. ft.
Wharf property.....	26,024 "
Boston Highlands.....	376,510 "
Wharf property.....	22,060 "

By the annexation of Dorchester (Ward 16), the city of Boston came in possession of the following-named lands, which are also in charge of the Committee on Public Lands:

One lot on Dorchester avenue and Gibson street, known as the Gibson School Fund property, containing about.....	593,211 sq. ft.
Two lots of marsh land in the town of Quincy, containing about.....	370,910 "
One wood lot in the town of Milton, containing about.....	414,627 "
One lot on Bird street, containing.....	80,632 "
Three lots on Commercial street, containing.....	109,015 "
One lot on Norfolk street, containing.....	50,222 "
Two lots on Codman street, containing.....	90,120 "
Five lots on Ashmont street, containing.....	57,160 "

Total.....3,194,847 sq. ft.

REPORT OF SUPERINTENDENT OF PUBLIC BUILDINGS.

The expenditures for repairs, alterations, etc., of public buildings, not including schoolhouses and county buildings, amounted to \$93,517 31, as follows: rent, \$4411 66; fuel, \$2519 90; care and cleaning, \$4315 33; salaries, \$6300; alterations, repairs, water, gas and furniture, \$75,940 42.

The expenditures on county buildings amounted to \$20,678 94, of which \$3020 30 was for fuel, \$17,658 64 for care, repairs, furniture, etc.

The expenditures on schoolhouses amounted to \$239,182 24, as follows: fuel, \$51,997 69; rents, \$11,429 72; care and cleaning, \$50,289 03; repairs, alterations, supplies and furniture, \$125,465 80.

The extraordinary expenses of this department are those for the erection of new, and alterations of old buildings, for which appropriations are made by order of the City Council. The following is a list of the buildings in progress of erection: Police Station-house, District No. 9, will be ready for occupancy May 1, and will cost, including land, about \$48,000.

Engine-house No. 15 will be completed in March next, and will cost, including land, about \$35,000.

Engine and Hose House, Ward 15, Tremont street, will be completed in February, and will cost, including land, about \$28,700.

Rebuilding the Lyman Schoolhouse, damaged by fire, August 2, 1871; the rebuilding will be completed about the first of May, and will cost, including furniture, about \$50,000 00.

Alterations of Public-Library Building, including the putting in of new steam-heating apparatus, will cost about \$50,000 00. One-half the work will be completed during the coming March.

During the past year the following-named buildings have been completed. The cost of each, including land, is annexed:

Paving Buildings, West City Wharf.....	\$15,269 74
Girls' High and Normal Schoolhouse.....	310,717 51
Grammar Schoolhouse, Ward 14.....	133,334 10
Primary Schoolhouse, Shurtleff District.....	35,920 06

The expense of remodelling and alterations of the several buildings are each given, including eight engine and hose houses, one police station, fourteen schoolhouses, and the ofal depot. The number of county and public buildings and schoolhouses is now 183—4 county, 72 public and 107 schoolhouses. The number of feet of land covered by them is 2,963,322, showing an increase in eight years of 1,863,688 feet. This shows also an increase of 74 buildings and of land equivalent to 43 acres.

The estimated valuation of the several county, public buildings and schoolhouses, including furniture, land, etc., is as follows:

County.....	\$2,000,000
Public buildings.....	5,060,000
Schoolhouses.....	6,000,000

Total.....\$13,060,000

The amount of fencing surrounding the various schoolhouses is equal to about nine miles lineal measurement.

The report gives in detail the various buildings, size, feet of land, locality, etc.

REPORT OF INSPECTOR OF BUILDINGS.

The report of inspector of buildings for the three months since the department was organized, shows that 441 permits have been issued, of which there were 86 for buildings of brick or stone, 150 for wooden and frame buildings, and 205 for repairs, alterations and additions. Of the brick and stone buildings, 2 are for churches, 1 the Art Museum, 176 for dwellings, 25 for stores, 12 for tenement-houses, 9 for manufactories, 6 for stores and workshops, 5 for mechanical purposes, and the others for family hotels, stables, warehouses, etc.

The officers of the department have inspected all buildings in process of erection, alteration, and repair throughout the city, so far as has been possible, and endeavored to have them conform to the requirements of the law. A record shows the number of violations of law investigated and reported upon as amounting to two hundred and fifty-one. The inspectors examined seventy-one cases of buildings damaged by fire, in which the damage was estimated at \$51,105. The causes of fire were defective heating apparatus, defective gas pipe and flues, careless use of lamps and matches, of kerosene and other inflammable material, spontaneous combustion, incendiarism, etc.

The inspector says, in reference to the danger of fires from Mansard roofs:

I would recommend that on all brick or stone buildings, the eaves of which exceed forty feet in height from the street, all Mansard or French roofs shall be limited to a single story, and to a height not exceeding twenty feet from the upper floor of the building to the highest point of the roof; and that all cornices, mouldings, bulkheads, turrets, lutherns and projections upon buildings, more than forty feet in height from the sidewalk, shall be constructed of non-combustible material. I would also recommend that no bay-window of wood shall be built to extend more than three feet above the second story of any brick building.

It is desirable that the strength of iron girders and supports should be properly tested, and that all girders and lintels of wood, intended to support heavy superstructures, should be of sufficient size and strength therefor.

The business interests of the city seem to require the erection of frame buildings or sheds, upon wharves, for storage, and I recommend that provision be made for the erection of such buildings, limiting them to a height not exceeding twenty feet, and providing that they shall be roofed and covered with non-combustible material.

ANNUAL REPORT OF THE SUPERINTENDENT OF SEWERS.

The annual report of the superintendent of sewers was submitted in print.

The amount of expenditures has been as follows:



From Sewer Appropriations.....\$121,256 67  
From Suffolk-street District Appropriation.. 38,736 07

Total.....\$159,992 74

A recapitulation of the work done during the year shows the following result:

City proper.....	2,170 feet,	812,820 55
Suffolk-street Dist.....	10,146 "	38,736 07
South Boston.....	6,020 "	15,920 85
East Boston.....	2,540 "	7,186 25
Roxbury.....	13,462 "	65,169 56
Miscellaneous exp's.....		20,159 65

Totals.....34,338 feet or 6½ miles. \$157,992 74

Total length of city sewers, 117 miles.

Of the amount expended from the Sewer appropriation there has been assessed upon estates benefited, the amount of.....\$59,706 12  
The treasurer has collected during the year, assessments amounting to.....49,832 84  
The superintendent has collected and paid into the treasury from fees, use of tools, wharfage, etc.....3,726 78

Total collections.....\$53,559 62

During the year, one thousand three hundred and sixty-six permits have been given to construct or repair house drains, seventy-nine man-hole-covers renewed with iron, and ninety-one manholes cleaned, containing eighty-nine loads of sewage matter.

During the month of August it was discovered that the tide-gates of the Dover-street outlet had broken so badly as to be beyond repair, and to threaten that district with an inundation of the tide. After much difficulty the outlet was completely closed, the drainage diverted through Tremont into Dedham street at some temporary inconvenience to the lowest cellars, the lower end of Dover-street sewer pumped out, and a double system of improved tide-gates put in; and there have been no further complaints from this section.

No measures have been taken towards converting the upper part of the channel of Stony Brook into a sewer, except to take some evidence relating to the probable damages which will be claimed from the city for destroying the purity of the water. It is to be hoped that the policy of the city toward this proposed improvement may be defined and acted upon before its necessity becomes any greater, or the settlement of damages more complicated.

The superintendent calls attention to the necessity of covering the outlet of the Stony-Brook sewer, and to the question of utilizing sewage matter. It is denied that there is any evidence of shoaling the harbor by sewage matter, there being hardly a trace of any deposited beyond the ends of the wharves, or to be found in the harbor.

In a few docks, which form outlets for large sewers, it is necessary to dredge from time to time to preserve the requisite depth; but, in the majority of cases, no such measure is necessary, and never has complaint been made at this office of any shoaling outside the wharves. In a suit brought against the city by the owner of a dock on Fort-Point Channel, it was proved that the material of the shoal was not such as found its way into the sewer; that shoaling took place in docks on each side into which no sewer discharged; and that all the docks on that channel suffered from the easterly storms blowing across South Boston flats.

Various objections are given against the attempt to adopt any system of utilizing sewage, not applicable to other localities or countries.

The quantity of rain-fall, as ascertained at the south yard in Albany street, last year, was 48.33 inches.

The annual report of the Sealers of Weights and Measures was also submitted, an abstract of which has been published.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order for W. H. Stubbs to remove a bay-window projecting beyond No. 4 Emerald street.

Order to establish the grade of the extension of Chambers street, at Spring street.

#### PAPERS FROM THE COMMON COUNCIL.

The report in favor of allowing the Fitchburg Railroad Company to erect a wooden freight-house on wharf near Warren Bridge, was accepted in concurrence.

The order for Suffolk-street District Committee to employ George W. Pope as superintendent of

said district, at a rate of compensation not exceeding ten dollars per day, coming up.

Alderman Ricker inquired if it came from the Committee on Suffolk-street District, and what were the reasons for it.

Alderman Cutter replied that Alderman Pope as chairman of the committee on Suffolk-street District, last year, had the charge of the work on that district; and acting as he should do in his own business, to procure the person most competent for the work to be done, he was in favor of the employment of Mr. Pope, as more familiar with the business than any one outside could be, and better qualified in setting up the various matters relating to that territory. The money which would be paid to him would be well laid out for the benefit of the city.

On motion of Alderman Jenks the order was laid over.

The following orders were severally passed, in concurrence.

Order for Committee on Legislative Affairs to procure an act to determine the question of domicile.

Order for Committee on Public Library to consider the expediency of opening the Library building on Sundays.

Orders for the Street Commissioners to consider the expediency of extending Devonshire street to Portland street. Also of extending Dix place to Tremont street. Referred to Joint Committee on Streets.

Order to pay Ann D. Rhodes \$10,811 66, for estate 27 Indiana place.

Order that Mary Brigden, an insane person, be committed to the Boston Lunatic Hospital, she being too old and feeble to be sent to any State hospital for the insane.

The order for the appointment of a joint special committee on the Soldiers' Monument, coming up,

Alderman Cutter moved that it be laid on the table.

Alderman Clark moved to amend by an indefinite postponement of the order. He said he did not understand that there was any occasion for the appointment of a committee during the present year, since there would be no expenditure. The work of quarrying stone was going on, the artist designed to go abroad, and there would be no need of any action during the year.

Alderman Cutter accepted the amendment to indefinitely postpone.

Alderman Ricker believed it would be better to lay the order on the table today, and if it should be found unnecessary to appoint the committee this year, it could be taken up and indefinitely postponed.

The motion to indefinitely postpone was carried.

The order for appointment of a joint special committee to nominate a city solicitor was concurred in, and Aldermen Fairbanks and Clark were joined to the committee.

The order for appointment of a joint special committee on the salary bill was concurred in, and Aldermen Cutter and Stackpole were joined to the committee.

The board receded from its action in the appointment of a joint special committee on streets in new territory; and a reference of said subject to the Joint Standing Committee on Streets by the Council was concurred in.

The order for Committee on Public Buildings to consider the expediency of providing lock-ups in basement of old City Hall, Roxbury, was passed, in concurrence.

#### REPORTS OF COMMITTEES.

Alderman Squires, from the Committee on Public Lands, reported leave to withdraw on the petition of Frederic H. Rand and another, for a change in the conditions of sale of land on Harrison avenue, near Sharon street. Accepted.

Alderman Little, from the Committee on Health, reported in favor of the erection of stables, as follows: A. Parker Newman, to build a wooden stable for two horses on Thornton place; G. Ramsey, to build a wooden stable for two horses rear of Norfolk avenue; William Jess, to build a wooden stable for four horses on Pleasant street and Downer avenue; Aremhald Park, to enlarge his stable to accommodate five more horses on Lark street; Timothy H. Libby, to erect a wooden stable for ten horses on Ames street and Ames court; J. Oscar Kent, to build a brick stable for two horses on King street. Severally accepted.



The same committee, on the petition of the American Steam Safe Company, reported that leave be granted to construct a stable, on the condition that the company cause the entrance of their stable to be made from their own premises; that leave be granted to the Metropolitan Railroad Company, on that portion of their petition for an addition to their stable on Warren street, and leave to withdraw so far as relates to Stoughton street; leave to withdraw on petition of Flanders & Crawford to build a wooden stable for two horses, on H and Seventh streets. Severally accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: T. C. Kennedy, to give a musical exhibition at Summer Hall, Jan. 22; James F. Wheeler, to give a dramatic entertainment at Washington Hall, Jan. 25; Henry J. Clinker, as an auctioneer; and to sundry persons to keep intelligence offices, dealers in second-hand articles, wagon licenses, transfer of wagon licenses, as victuallers. Severally accepted.

Alderman Little, from the Committee on Paving, on the petition of Avery Stockwell and others, that Division street, South Boston, be put in order for travel, made a report that they are not in possession of sufficient evidence to warrant the conclusion that Division street is a public highway, and they accordingly recommend its reference to the Committee on Streets, as the appropriate committee for its investigation. Accepted.

The same committee reported no action necessary on petition of John Sherburne for grade at corner of Paris and Wesley streets; also, on petition of Terence C. Smith, for leave to move a wooden building through Foundry street and across Dorchester avenue, leave having been granted; and no action necessary on petition of Leopold Speidel for grade at the corner of Allany and Webber streets. Severally accepted.

Alderman Sayward, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Pratt & Co. for leave to enlarge their lumber shed at Nepouset to dimensions exceeding the general limits, made a report recommending that the petition be granted. Accepted.

The Committee on Paving reported the following order:

Ordered, That permission be given to the Eastern Railroad Company to lay down four additional tracks across Maverick street, between Bremen and Orleans streets, and one additional track across Decatur street, upon condition that said company shall station flagmen at said crossings, to give notice of the approach of an engine or train of cars.

Assigned for consideration to Monday next.

**ADDITIONAL APPROPRIATION FOR FIRE ALARMS.**

A request was submitted from the Committee on Fire Alarms, for an additional appropriation of \$9000 to meet the ordinary expenses of the department during the remainder of the financial year. The amount of the appropriation was \$33,718, and there remains unexpended but \$204573.

The amount required is, for salaries, \$4617 50; bell, striking machine, work, etc., \$2500; necessary expenses, \$3928 23—making a total of \$11,045 73. The expenses not contemplated when the appropriations were made, were as follows: Increase of salaries, \$1847; three large bells, \$3452 85; for bell-striking machines, \$1440; work on three bell towers, \$757 14; nine engine-house gongs, \$645; four signal boxes, \$240; horse, vehicles, etc., \$1173; exchange of horse, \$400; total \$9954 99.

Referred to the Committee on Finance.

**SUPERINTENDENT OF PUBLIC BUILDINGS.**

Alderman Sayward, from the committee to nominate a superintendent of public buildings, made a report recommending the election of James C. Tucker. Accepted.

**DIRECTORS OF EAST BOSTON FERRIES.**

Alderman Ricker, from the committee to nominate Directors of East Boston Ferries, made a report in part, recommending the election of Alderman Woolley on the part of this Board, and William F. Brooks and Wallace F. Robinson on the part of the Common Council. Accepted.

The Board proceeded to an election, when Al-

derman Woolley was chosen by a vote of 10, Wm. F. Brooks 10 and Wallace F. Robinson 11.

**DIRECTORS OF PUBLIC INSTITUTIONS.**

Alderman Clark, from the committee to nominate Directors for Public Institutions, made a report recommending the election of Alderman Sayward, and William M. Flanders and David L. Webster on the part of the Common Council. Accepted.

The board proceeded to an election, resulting as follows:

Whole number of votes.....	11
Necessary to a choice.....	6
Alderman Wm. Sayward.....	11
Common Council—	
Wm. M. Flanders.....	5
James J. Flynn.....	5
David L. Webster.....	4
Frederic Pease.....	3
William E. Bicknell.....	2
Stephen D. Salmon.....	1
John S. Moulton.....	2

Alderman Sayward was declared to be elected. On the second ballot, the vote was as follows:

Whole number of votes.....	11
Necessary to a choice.....	6
William M. Flanders.....	5
Frederic Pease.....	4
David L. Webster.....	4
James J. Flynn.....	4
John S. Moulton.....	2
H. D. Bradt.....	2
William E. Bicknell.....	1

The third ballot resulted in the choice of Wm. M. Flanders by a vote of 6 to 5 for David L. Webster, 5 for Frederic Pease, 4 for James J. Flynn, and one each for John S. Moulton and Wm. E. Bicknell.

The fourth ballot resulted in no choice, the votes being as follows: David L. Webster, Frederic Pease and James J. Flynn 3 each, and Wm. E. Bicknell and John S. Moulton one each.

The subsequent ballots were as follows:

Fifth—David L. Webster, James J. Flynn, and Frederic Pease 3 each, John S. Moulton and William E. Bicknell 1 each.

Sixth—David L. Webster, James J. Flynn, 3 each, Frederic Pease 2, William E. Bicknell, S. D. Salmon, Jr., John S. Moulton 1 each.

Seventh—David L. Webster 5, James J. Flynn 4, Frederic Pease and William E. Bicknell 1 each.

Eighth—David L. Webster and James J. Flynn 5 each, William E. Bicknell 1.

Ninth—David L. Webster 5, James J. Flynn 4, Wm. E. Bicknell and H. D. Bradt, 1 each.

Tenth—James J. Flynn 5, David L. Webster 4, H. D. Bradt and Wm. E. Bicknell, 1 each.

Eleventh—David L. Webster and James J. Flynn, 4 each, Wm. E. Bicknell 2, Frederic Pease, 1.

The twelfth ballot resulted in the choice of James J. Flynn, by a vote as follows: James J. Flynn 6, David L. Webster 4, Wm. E. Bicknell, 1.

**TRUSTEES OF CITY HOSPITAL.**

Alderman Cutter, from the committee to nominate Trustees of the City Hospital, made a report recommending the election of Alderman Thomas L. Jenks on the part of the Board, and Stephen L. Emery and Washington L. Prescott on the part of the Common Council. Accepted.

Alderman Jenks and Messrs. Emery and Prescott were each unanimously elected, having 11 votes.

**ORDERS PASSED.**

On motion of Alderman Jenks,

Ordered, That the Committee on Legislative Affairs be requested to procure the passage of an act by which the several municipal-court districts in this city may be consolidated, and the clerks thereof be elected by the citizens on the same day.

In answer to an inquiry by Alderman Cutter, it was stated to be desirable to have these elections made on the same day on a general ticket.

On motion of Alderman Power,

Ordered, That the time within which N. Ward & Co. were required to discontinue the use of their wharf at South Boston as a place of shipment for material collected by them be extended to the first day of March, 1872.

Alderman Power stated, in answer to an inquiry by Alderman Jenks, that it was no fault of Messrs. Ward & Co., but of the owners of the wharf which they had purchased, that the delay had occurred, and in the coolness of the winter weather there could be no danger of an offence in continuing to ship from their wharf at South Boston. He had



no doubt, however, that in half a month more they would vacate their old place of shipment.

On motion of Alderman Clark,

Ordered, That there be paid to Maria B. Newhall the sum of \$40, for land taken in the name of John M. Newhall, and all damages occasioned by the extension of Newhall street to Pierce avenue, by an order of the town of Dorchester, March 1, 1869, upon the usual conditions; to be charged to the appropriation for Unliquidated Street Claims.

Ordered, That the Committee on Common and Public Grounds be authorized to expend a sum not exceeding \$1200 in grading Orchard square; the said sum to be charged to the appropriation for Common and Public Grounds.

Ordered, That the Superintendent of Streets be directed to notify the owner of estate numbered 46 Church street to remove within ten days the stone step recently placed in the sidewalk in front of said estate; and in default thereof the superintendent of streets is hereby directed to remove said step at the expense of the owner of said estate.

On motion of Alderman Woolley.

Ordered, That the chief engineer of the Fire Department be and hereby is authorized, with the approval of the Joint Standing Committee on Fire Department, to make such purchases of hay, grain and horses, and make the necessary repairs on hose, and furnish such material and supplies for the use of this department as may be needed from time to time during this present municipal year; the same to be charged to the appropriation for Fire Department.

Ordered, That the chief engineer of the Fire Department be and hereby is authorized, with the approval of the Joint Standing Committee on Fire Department, to make such repairs as may be needed on the engines, hose and hook and ladder carriages, from time to time during the present municipal year, provided the expense of said repairs does not exceed the sum of \$500, on any one piece of apparatus at one time; the same to

be charged to the appropriation for Fire Department.

On motion of Alderman Ricker,

Ordered, That the superintendent of lamps be and he is hereby authorized, under the approval of the Committee on Lamps, during the municipal year 1872, to contract and purchase the lamp-posts, brackets, burners, tips, cocks, and such articles as shall be found necessary for the carrying on of the Lamp Department; the cost thereof to be charged to the appropriation for lamps.

An order was also passed for an abatement of nuisances on Kilby, Eighth and Bedford streets.

#### BADGES FOR MEMBERS OF THE COMMON COUNCIL.

On motion of Alderman Cutter, the order to furnish new badges to members of the Common Council, the expense to be charged to the appropriation for Incidental Expenses, was taken from the table, and a further motion was made by him for its indefinite postponement.

Alderman Woolley opposed the motion, stating that if the members of the Council wished for badges he had no objection to their having them, and it was proper that they should, for they had been appointed special police officers without pay, and to give authority to the office they should have badges to indicate that authority.

Alderman Cutter stated that another order had been passed by the Council, which was awaiting the signature of the Mayor, and as this made no reference to the cost of the badges, while the other did, that being right and this being wrong, it would be better to have this out of the way.

Alderman Woolley said he had no objection to the motion, under the statement which was made.

Alderman Jenks suggested that the statement was no reason for an indefinite postponement, but for sending the order back unconcurred in, when the Council can use the other if they choose. He moved to amend by a non-concurrence in the passage of the order, which was carried.

Adjourned.











CITY OF BOSTON.

Proceedings of the Common Council,

JAN. 25, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7 1/2 o'clock, M. F. Dickinson, Jr., the president, in the chair.

On motion of Mr. Clatur of Ward 4, the roll was called, when the following-named members answered to their names:

Buckford, Bicknell, Blackmar, Brackett, Bradt, Brennan, Brooks, Burditt, Butt Caton, Clatur, Collins, Cunningham, Darrow, Davenport, Devine, Dickinson, Emery, Faxon, Flanders, Flynn, Gragg, Heath, Hersey, Holmes, Hughes, Jones, Kingsley, Locke, Loring, Marston, Martin, McNutt, Moulton, Mullane, Noyes, Page, Pease, Perkins, Pickering, Prescott, Robbins, Robertson, Robinson, Thacher, Walker, Webster, West, Weston, Whiston, Winbur, Wright.

John E. Fitzgerald of Ward 7, declared to be elected in place of John T. Casey, appeared, was conducted to the city clerk, by whom he was qualified, and took his seat.

PAPERS FROM THE BOARD OF ALDERMEN.

The annual reports of the Street Commissioners, Commissioners on sinking fund, superintendents of public buildings, sewers, public lands, and the scales of weights and measures, were severally ordered to be placed on file.

The petition of Patrick Shea was referred, in concurrence.

The following reports were accepted, in concurrence:

Report (leave to withdraw) on petition of F. H. Rand for a change of conditions in the sale of land on Harrison avenue, near Sharon street.

Report of Committee on Survey and Inspection of Buildings, recommending that the petition of Pratt & Co., for leave to enlarge their lumbershed at Neponset to dimensions exceeding the general limit, be granted.

The request of the Committee on Fire Alarms for an additional appropriation of \$9000 (City Dec. No. 15) was referred, in concurrence.

The communication from the secretary of the trustees of the Public Library, transmitting a vote acknowledging with thanks a gift of nearly fifteen hundred volumes from the Mattapan Literary Association, was ordered to be placed on file.

The report nominating James C. Tucker as superintendent of public buildings was read, and the election was laid over.

The following orders were severally read once:

Order for the purchase of hay, grain and horses for the Fire Department, for making repairs on hose and the furnishing of such material and supplies as may be needed during the present year for said department.

Order for such repairs as may be needed on the engine, hose, and hook and ladder carriages to be made during the year, at not exceeding \$500 at a time on any one piece of apparatus.

The order for the Committee on Legislative Affairs to procure the passage of an act for the consolidation of the several Municipal-Court districts in this city and for the election of the clerks thereof on the same day, was considered.

Mr. Perkins of Ward 6 asked of the committee an explanation of the order.

Mr. Clatur of Ward 4 stated that he knew nothing of the matter, which originated with the chairman of the committee.

On motion of Mr. Perkins, the order was laid on the table, but was subsequently taken up and referred to the Committee on Legislative Affairs.

The order for an expenditure of not more than \$1200 in grading Orchard square was read twice and passed, under suspension of the rules.

ELECTION OF TRUSTEES OF CITY HOSPITAL.

The report nominating trustees of the City Hospital to represent the City Council, and the certificate of the election of Alderman Thomas L. Jenks and Common-Councilmen Stephen L. Emery and W. L. Prescott as said trustees was read, when the election was ordered to be laid over one week.

Subsequently, on motion of Mr. Noyes of Ward

5, the rules were suspended and the council proceeded to an election.

Messrs. Noyes of Ward 5, Smith of Ward 1, and Marston of Ward 10 were appointed a committee to receive and count the votes, and reported as follows:

Whole number of votes.....	61
Necessary to a choice.....	32
Alderman Thomas L. Jenks.....	55
Sidney Squires.....	5
Councilman Stephen L. Emery.....	57
W. L. Prescott.....	59

Lewis Noyes, A. J. Lamb, H. D. Bradt, T. P. Gregg, one each.

Alderman Jenks and Messrs. Emery and Prescott of the council were declared to be elected, in concurrence.

ELECTION OF DIRECTORS OF EAST BOSTON FERRIES.

The report nominating directors of the East Boston Ferries, to represent the City Council, was accepted, in concurrence, and under a suspension of the rules, the council proceeded to a ballot.

Messrs. Flanders of Ward 5, Webster of Ward 6, and Hersey of Ward 12 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	61
Necessary to a choice.....	31
Alderman Wm. Woolley.....	59
Councilman Wm. F. Brooks.....	61
Wallace F. Robinson.....	58

Alderman Woolley and Messrs. Brooks and Robinson of the Common Council were declared to be elected, in concurrence.

ELECTION OF DIRECTORS OF PUBLIC INSTITUTIONS.

The report nominating directors of public institutions to represent the City Council coming up for concurrence, Mr. Flanders of Ward 5 addressed the council as follows:

Mr. President—) desire at this time to make a personal explanation before the council proceed to the election of directors of public institutions. The explanation is due the council from the fact that several members had expressed their willingness to support me for a director, and, if I was to be a candidate, that they would not allow their names to be used in opposition to mine. I said to them frankly and unequivocally that under no circumstances would I accept the position. I made this declaration in good faith, and I still adhere to it at this time. My reasons for thus declining are simply that I have not the time to give that is actually required of a director. Sincerely regretting as I do the remarks made by some members of this council, that there has been an underground current worked by me to influence the committee in my behalf, in all candor and truthfulness, of this soft impeachment, gentlemen, I wash my hands clean of any and all insinuations of that nature, and trust my associates here will give me credit for sincerity and integrity of purpose in declining the honor or even wishing to be considered a candidate for director of public institutions.

On motion of Mr. Flanders, the council proceeded to an election, when Messrs. Robinson of Ward 1, Locke of Ward 12, and Perkins of Ward 6 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	61
Necessary to a choice.....	31
Alderman William Sayward.....	53
S. Little.....	1
S. Squires.....	1
Councilman James J. Flynn.....	23
David L. Webster.....	28
S. D. Salmon, Jr.....	5
Frederick Pease.....	7
William M. Flanders.....	9
William E. Bicknell.....	17
J. S. Moulton.....	17
H. D. Bradt.....	12
David Whiton.....	1
J. F. Marston.....	1

Alderman Sayward was declared to be elected, and there was no choice of members of the Common Council.

Further balloting resulted as follows:

	2d.	3d.	4th.
Whole number of votes.....	62	62	62
Necessary to a choice.....	32	32	32
David L. Webster.....	31	30	33
James J. Flynn.....	30	26	26
Wm. E. Bicknell.....	21	18	18
J. S. Moulton.....	11	7	9
H. D. Bradt.....	10	6	7
S. D. Salmon, Jr.....	8	3	4



F. Pease.....	5	9	5
Wm. M. Flanders.....	3	7	1
D. L. Whiston.....	1	0	1
C. Darrow.....	1	0	0
A. A. Catur.....	0	2	0
W. H. Jones.....	0	2	0
F. M. Hughes.....	0	1	0
D. Dowd.....	0	0	1
G. P. Kingsley.....	0	0	1

Mr. Webster was declared to be elected on the fourth ballot, in non-concurrence.

The result of other balloting was as follows:

	5th.	6th.
Whole number of votes.....	61	61
Necessary to a choice.....	31	31
James J. Flynn.....	22	22
W. E. Bicknell.....	19	33
J. S. Moulton.....	7	4
S. D. Salmon, Jr.....	3	0
H. D. Bradt.....	3	1
F. Pease.....	2	0
W. M. Flanders.....	2	1

Three ballots two names each.

On the sixth ballot Mr. Bicknell was declared to be elected, in non-concurrence.

UNFINISHED BUSINESS.

The order to pay Marcus Wyzanski \$4180, for estate 122 Castle street, was read the second time and passed.

PETITIONS PRESENTED AND REFERRED.

Bay State Iron Company, for a fire-alarm bell at City Point. Referred to the Committee on Fire Alarms.

REPORT ON ALLEGED FRAUDS IN THE ELECTION OF WARD TEN.

Mr. Bicknell of Ward 4 presented a majority and minority report from the Committee on Elections.

On motion of Mr. Page of Ward 9, they were laid on the table and ordered to be printed, and a copy of them be sent to each member with the proceedings of the council.

These reports were as follows:

The Committee of the Common Council on Elections, to whom was referred the petition of F. S. Risteen and others, legal voters in Ward 10, asking to be heard on the question of frauds at the last municipal election, in said ward, made a report of considerable length.

The committee say that the petitioners represented that they believed that J. Q. A. Brackett, who now occupies a seat in this board, was elected thereto through fraud on the part of some of the ward officers of Ward 10, and in support of this charge submitted evidence to sustain it.

[The testimony in the case has been quite fully published, and we omit that which is given by the committee.]

The committee remark upon the testimony as follows:

It appeared to a majority of the committee that the question of fraud was to be determined mainly by the appearance of the pencil marks on the ballots, from which Mr. Risteen's name had been erased. The original ballots were therefore procured from the city clerk and submitted to a careful scrutiny. There are twenty-four ballots on which the pencil marks are peculiar, and the committee are unanimous in the opinion that these marks were made by one man. On twenty-two of the ballots Risteen's name is wholly or partially erased by a single stroke of the pencil. On many of these ballots the printed names of other candidates are erased and other names printed or pasted on, evidently the work of individual voters using different pencils, and before Risteen's name was erased in this peculiar manner. In order that this peculiarity may be fully understood, the ballots are submitted to the council as a part of the report.

It would have been hardly possible for Mr. Risteen's name to have been so systematically scratched by one person in the wardroom before the ballots were deposited, without the facts coming to the knowledge of Mr. Risteen and his friends, who were on the alert in the immediate vicinity of the ballot boxes during the day. The ballots show of themselves that the erasure was made after the individual voters had prepared the tickets to suit themselves; and if the erasure was made before the tickets were deposited in the boxes, it must have been done by some person near the ballot boxes, who took the tickets from the hands of the voters and erased a name to suit himself. If there had been such a person, why

has he not come forward to testify to the fact? Or why has not some one of the twenty-four electors who had had his ticket manipulated by this unknown individual been willing to give information upon that point?

On the other hand, the suspicions of at least five persons in the wardroom, as to the manner in which the warden was using his pencil, are satisfactorily accounted for by the actual marks found on the ballots. There is another point deserving of some attention, namely, the destruction of a ballot by the warden, with the concurrence of two other ward officers. Doubtless the officers who concurred in the act of destroying one of two ballots that they supposed had been cast together, were actuated by proper motives, and thought they were exercising a discretion vested in them by the statutes. Although it was proper for them to determine whether they would include one or both of the ballots in their returns, it was clearly improper for them to destroy any ballot after it had been deposited in the box. The two ballots should have been inclosed in an envelope, a statement of the decision in relation to them written on the back of the envelope, and deposited in the sealed box sent to the city clerk.

The committee are aware that it is not an uncommon thing for ward officers to destroy ballots under similar circumstances, and they take this opportunity of calling attention to the danger which such a practice involves when exercised by inexperienced or unscrupulous persons.

In view of all the evidence, a majority of the committee are of the opinion that the charge of fraud in the election of councilmen in Ward 10 at the last municipal election has been proved. The erasure of Mr. Risteen's name in such a peculiar manner on such a large number of ballots can only be accounted for after the ballots were deposited in the boxes. The evidence is to a certain extent circumstantial, but it is complete.

In the first examination of the ballots, when they were recounted upon the petition of Mr. Brackett and others, the members of the committee had their attention attracted to these peculiar pencil marks, but the question of fraud had not been raised, and the only question was upon the whole number of ballots thrown for the different candidates. It appeared from that recount that Mr. Brackett had one more vote than Mr. Risteen, and upon that finding Mr. Brackett was declared to have been duly elected.

The charge of fraud having been substantiated in the manner described, that is, by the erasure of Mr. Risteen's name on a certain number of ballots after they had been deposited in the ballot boxes, it is clear that the seat belongs to Mr. Risteen, and the passage of the accompanying preamble and resolution is therefore, respectfully recommended.

It should be stated that Mr. Emery, a member of the committee from Ward 10, has not acted with the committee in this investigation.

WM. E. BICKNELL.  
JAMES J. FLYNN.  
GEO. L. BLUNT.

Whereas, it appears that the name of Frederick S. Risteen as a candidate for the Common Council was erased from a number of ballots at the last municipal election in Ward 10, after said ballots were deposited in the ballot boxes, by the electors in said ward; and whereas, it appears that if the name of said Risteen is counted upon said ballots, he would be entitled to the seat in the Common Council now occupied by J. Q. A. Brackett;

Resolved, that Frederick S. Risteen is entitled to the seat in this board now occupied by J. Q. A. Brackett.

The undersigned, a member of the Committee on Elections, respectfully dissents from the conclusions arrived at by the majority on the charge of fraud in the recent municipal election in Ward 10, and begs leave to state briefly his reasons therefor.

The majority of the committee find that the warden then presiding at the election fraudulently erased the name of Frederick S. Risteen from a considerable number of the ballots after they had been deposited in the ballot boxes by the electors, and that he did this criminal act in the presence of a large number of persons within a few feet of him, with an inspector sitting beside him during the whole time, and a clerk opposite to him and near enough to touch him.

What is the evidence on which such a grave



charge is sustained? Separated from the mass of irrelevant matter by which it has been surrounded, the material evidence may be stated in a very few words. Several vote distributors, interested in the election of Mr. Risteen, observed the warden marking with a pencil on the ballots. Although they were not in a position to see clearly what he was doing, he appeared to them to be drawing his pencil across the face of some of the ballots instead of making figures on them. None of them saw him erase any name. One of them didn't know which end of the pencil he drew across the ballots, and the portion of the ballot over which the pencil passed could not be definitely fixed by any one of them.

No weight should be attached to the fact that more than one person thought the movements of the warden's pencil suspicious, because it would appear that the suspicions all emanated from one person. The fact that these suspicions were not acted upon sooner, shows that they were not seriously entertained at the time. Mr. Risteen's seat was contested, the ballots were recounted, Mr. Brackett was found to be entitled to the seat given by the returns of the ward officers to Mr. Risteen; the Common Council gave the seat to Mr. Brackett, and it was not until a week after the whole question had been passed upon that the suspicions entertained on election day were brought to the attention of the Government.

A good deal of stress is laid upon the peculiarity of the marks found on a certain number of ballots returned to the City Hall, and submitted as a part of the majority report. There is nothing unusual or deserving of special consideration in the fact that the names of certain candidates are erased and no other names substituted. Any one familiar with the proceedings of voters, and vote distributors in closely contested elections, knows that there is no limit to the variety of ways in which tickets are scratched for the purpose of securing particular results.

Admitting that all these, twenty-four in number, were marked by one person, and that he must have occupied a place in the immediate vicinity of the ballot boxes, it proves nothing that those interested in the election of Mr. Risteen did not see any such person. The peculiarity of the marks can be readily accounted for on the supposition that some individual interested in securing either the election of Mr. McNutt, Mr. Rowe, or Mr. Brackett, who were known to be running close to Mr. Risteen, had taken ballots from his friends as they approached the boxes, and with their assent hastily erased Mr. Risteen's name with one stroke of the pencil and handed the ballots back to them.

In order to avoid attention, he would not have given much time to the different ballots, and this accounts for the peculiarity of the single mark. The irregularity of the mark—in some instances covering the full name, in others only a portion of the name—can be accounted for in the most natural way by supposing that the person who did the marking held a number of ballots in his left hand for distribution, that he took a ballot from another person, and placing it upon those in his left hand drew his pencil across the name of Risteen. As the ballot did not rest on a hard substance, it was liable to give way occasionally, causing the pencil to make an irregular mark. Had the ballots been lying on a table when the mark was made, the character of the marks would have been entirely different.

All the other circumstances which have been considered suspicious are explained in the fullest manner by the evidence of the ward officers. Two experienced ward officers, Mr. Hopkins and Mr. Wynau, who are entitled to full confidence, were with the warden all day. They saw him take the different packages of ballots, and after counting the number in each, place the figures upon the top ballot. When additional ballots of the same kind were received, the first number was crossed out—accounting for the movement of the pencil across the ballot—and the corrected number was put on. The presence of loose ballots on the floor is satisfactorily accounted for by the clerk.

The other ward officers saw more or less of the warden during the day and saw nothing in the smallest degree suspicious on his part. If the warden struck the names from ballots at different times during the day, those officers who sat

beside him all day would certainly have been as likely to see the act as persons outside the rail. The warden himself says, on his oath, that he did not erase any name from any ballot on that election day except the one ballot that he himself cast. There is no sufficient motive shown on the warden's part to perform such a criminal act as he has been charged with. He was known to be a friend of Mr. Risteen, and it was understood that he was rather favorable than otherwise to his election.

In regard to the destruction of a ballot by the warden, with the concurrence of two of the ward officers, the undersigned fully concurs in the comments made by the majority of the committee. Undoubtedly the ward officers acted as they did in this case through ignorance of their duty. However that may be, the ballot has been destroyed, and the only question is whether the ward officers had reasonable grounds for rejecting one ballot and counting the other. It is not pretended that their decision would have been reversed if both ballots had been preserved and sent to the City Hall.

It appears from the review of the testimony that the charge of fraud rests almost wholly on circumstantial evidence, and that the chain of evidence by which it is sought to establish the charge, is very defective. All the suspicious acts of the warden have been accounted for in the most natural and reasonable way. The marks upon the ballots by which Risteen's name is erased, can be readily accounted for before the ballots were deposited; and as to the peculiarity of those marks, it is hardly possible to account for them in any other way than the one herein suggested, namely, that the ballot was held in the hand when the mark was made on it. That the person who made these marks, and the persons who voted the tickets, have failed to appear and give information of the fact, is not surprising. They have not been sought for by any one; and no evidence has been presented in support of this charge of fraud which would make it the duty of those persons to come forward voluntarily.

It appears to the undersigned that the petitioners have utterly failed to sustain their charges. There is not a particle of testimony by which any fraudulent act can be definitely fixed upon the warden, or any of the other ward officers or any person whatever. The law presumes that every man is innocent until he is proved to be guilty. The charge against the warden is a very grave one. Is it possible for any one to say upon the evidence here presented, that it has been proved beyond a reasonable doubt? Has there been such a preponderance of evidence in support of the charge as would sustain it for a moment before any court in the country? No man's life or reputation would be safe where such circumstantial evidence as has been offered in the case was accepted as sufficient to secure conviction.

With these views as to the insufficiency of the evidence to sustain the allegations of fraud, the undersigned would respectfully recommend that the petitioners have leave to withdraw.

CYRUS A. PAGE.

Mr. Flanders of Ward 5 offered the following order, which was read once:

Ordered, That the sum of \$860 be and hereby is appropriated to pay for new hose; the same to be charged to the appropriation for Fire Department.

Messrs. Webster of Ward 6, Thacher of Ward 15, and Burditt of Ward 16 were appointed a committee, to be joined by the Board of Aldermen, to nominate from the citizens at large a member of the Board of Commissioners on the Sinking Fund.

The chair read a note from Mr. Robertson of Ward 4, resigning his position as a member of the Committee on the Public Library.

The resignation was accepted, and Mr. Fitzgerald of Ward 7 was appointed to fill the vacancy.

Mr. Fitzgerald was also appointed on the Committee to nominate a City Surveyor, in place of Mr. Casey, whose seat he occupies.

On motion of Mr. Robinson of Ward 11, an order offered by him that the Street Commissioners be requested to report to the City Council the estimated expense of the extension of Commerce street to Atlantic avenue, was referred to the Committee on Streets.

Adjourned.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JAN. 29, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Weigher and Inspector of Bundle Hay, and Weigher of Coal—George A. Soule.  
Constable—George D. Lund.

Officers of the Fire Department—Foremen: Fred. S. Wright, Engine Company No. 1; Daniel H. Twiss, No. 2; Fred. M. Hines, No. 3; George A. Tucker, No. 5; Henry Daniels, No. 6; Daniel T. Marden, No. 7; Charles H. Blake, No. 8; Samuel L. Fowle, No. 9; William Parker, No. 10; Alanson C. Keene, No. 11; Moses N. Hubbard, No. 12; Conrad L. Rosemeyer, No. 13; Lewis P. Webber, No. 14; Nicholas C. Cogley, No. 15; William W. Carsley, No. 16; John F. Greenwood, No. 17; J. Foster Hewins, No. 18; Thomas F. Temple, No. 20; James B. Graham, No. 21.

Hose Companies—Foremen: Benjamin C. Brownell, No. 1; George W. Clarke, No. 3; Edwin F. Barney, No. 4; George C. Fernald, No. 5; John H. Westou, No. 6; Charles G. Green, No. 7; Charles H. Prince, No. 8; Thomas C. Byrnes, No. 9.

Hook and Ladder Companies—Foremen: John S. Stevens, No. 1; Charles Simmons, No. 2; Isaac K. Jennings, No. 3; William Ferry, No. 4; John B. Hill, No. 5; Henry Cram, No. 6; Edmund Truean, No. 7.

Assistant Foremen Hook and Ladder Companies—Daniel C. Bickford, No. 1; Alden S. Turner, No. 2; Benjamin B. Wright, No. 3; Daniel Cochran, No. 4; L. M. Clifford, No. 5; Samuel Bridgett, No. 6; Lewis P. Bird, No. 7.

Thomas E. Fennelly, Oscar B. Bussey, Chandler Griffin, Charles H. Knox, rakemen of Hook and Ladder No. 1; Joseph M. Hodet, Isaiah H. Ware, William J. Hicks, Thomas B. Flannegan, axemen of Hook and Ladder No. 1.

Stephen C. Stinson, Edwin Fish, James W. Seavey, Leroy P. Lawrence, rakemen of Hook and Ladder No. 2; John H. Elliott, Geo. A. Brown, John L. Tewksbury, David H. Jones, axemen of Hook and Ladder No. 2.

John L. Starrett, F. A. W. Gay, Daniel W. Sampson, Geo. A. Kenison, rakemen of Hook and Ladder No. 3; Levi W. Shaw, Hiram D. Smith, Wm. H. Darling, John L. Darling, axemen of Hook and Ladder No. 3.

John Trull, Thos. Jennings, Jacob Schmittes, Edward Bartlett, rakemen of Hook and Ladder No. 4; I. H. Randall, John M. Powers, Geo. W. Frost, Daniel Crockett, axemen of Hook and Ladder No. 4.

Joseph J. Bell, Anthony Martin, John A. Hodgkins, rakemen of Hook and Ladder No. 5; J. H. Howard, Appleton Lathe, A. E. Goodwin, axemen of Hook and Ladder No. 5.

Wm. Hudson, fireman of Engine No. 10; B. E. Flanders, fireman of Engine No. 21.

## PETITIONS PRESENTED AND REFERRED.

Alpheus Bigelow's heirs, for apportionment of Kingston-street betterments.

United States Hotel Company, for apportionment of Kingston-street betterments.

Severally referred to Committee on Streets.

M. C. Ferris for removal of a tree from the sidewalk in Bedford street. Referred to the Committee on Common, etc., on the part of this board.

Ashel Gilbert's heirs, for abatement of a sewer assessment in St. James avenue.

Abigail Merriam, for postponement of collection of sewer assessments on estate 838 Shawmut avenue.

Severally referred to the Committee on Sewers.

Ezekiel R. Jones, for release of certain conditions of sale of land on East Newton street.

H. W. Nelson and others, for restrictions in the sale of city lands in South Boston.

Martin Hayes, for extension of time in which to build on Fourth-street land.

Severally referred to the Committee on Public Lands.

Patrick F. Shevlin, to be paid for grade damages in extension of Broadway.

E. & F. Dillingham, to be paid for grade damages on Water street.

Severally referred to the Committee on Paving. Benjamin Johnson, for leave to alter house No. 17 Trumbull street into a stable for three horses. Referred to the Committee on Health.

William Waring and three hundred others, for the aid of the City Government in obtaining increased railway accommodations between the Highlands and the city proper. Laid on the table.

Benjamin Burlingame, that lamps be placed in Cnuard street and in Davenport street. Referred to the Committee on Lamps.

Henry W. Nelson and others, that a hose carriage be located at City Point, Ward 12. Referred to the Committee on Fire Department.

Martin Chiriski, for leave to give exhibitions by a combination troupe in this city. Referred to the Committee on Licenses.

John W. Mahan and others, for an inquiry into the refusal to admit Michael Reardon into the City Hospital. Referred to the Committee on City Hospital.

## REPORT OF TRUSTEES OF FRANKLIN FUND.

The report of the trustees of the Franklin Fund shows the condition of the fund to be as follows:

Balance as per account Jan. 1, 1871.....	\$151,193 37
Interest accrued last year.....	9,717 73

Total.....	\$160,911 15
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This amount is invested as follows:

Massachusetts Hospital Life Insurance Co.....	\$159,449 30
P-rovident Institution for Savings.....	452 42
Suffolk Savings Bank.....	439 43
Joseph T. Puget's bond.....	270 00
William Evans's bond.....	270 00

Total.....	\$160,911 15
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Referred to Aldermen Clark and Jenks.

## REPORT OF COMMISSIONER ON CHARLES-RIVER AND WARREN BRIDGES.

The report states that since the appointment of commissioner on the 22d May, 1871, he has had occasion to make several communications to the City Council detailing the condition of the bridges, which he deems unnecessary to recapitulate in this report.

Charles-River Bridge, which was frequently closed to public travel in consequence of the machinery of the draw, has been altered so as to relieve the draw of the weight of about sixty tons, and since those improvements were made, there has been no interruption to the travel, nor any expense incurred for repairs. Before the alterations the time required to open and shut the draw and allow a vessel to pass through was from ten to twelve minutes; at this time the average is five minutes, the draw being moved on or off in less than a minute; formerly it required from three to four minutes.

The improvement of the draw has therefore resulted in a gain of over thirty-two days of twenty-four hours each in the interruption to public travel over this bridge. The whole expense was about \$6500, but it included a thorough renewal of the piles and sheathing of the draw-way, which was much needed, and all this portion of the bridge is in thorough order, and with the exception of the repairs to the fender guards, for which appropriation has been already made, and the painting of the bridge, railing and the buildings, no unusual expense will be required at present.

The whole number of vessels which passed the draw of this bridge during the year was 9228.

By the act of the Legislature the draw in Warren Bridge, which is now 30 feet 7½ inches wide, is required to have a clear opening of 36 feet. In consequence of the location of the system of the water works, it will be necessary to take away the piling on both sides of the draw. As the bulkheads will require renewal, and much of the superstructure of this bridge, together with a new draw in lieu of the present one, an appropriation will be necessary. The commissioner, however, will omit further allusion to the condition and needs of the bridge until the examination and estimates now being made are completed, when they will be submitted to the City Council in the response of the commissioner to the auditor in regard to the amount of appropriation required for the fiscal year.

The number of vessels which passed the draw of this bridge during the year was 7123. In February the draw of the Fitchburg Railroad was closed, and only eight vessels passed through Warren Bridge during that month.

The receipts and expenditures on account of Charles-River and Warren bridges from June 1 to December 31, 1871, were as follows:



Balance of fund.....	\$4,450 00
Appropriation by City Council.....	7,500 00
Received for rents, etc., paid to City Treasurer.....	400 00
	<hr/>
	\$11,550 00
Expenditures, including bills payable Jan. 1, 1872.....	9,762 01

ANNUAL REPORT OF THE SUPERINTENDENT OF STREETS.

The annual report of the superintendent of streets was laid before the board in print.

The report gives in detail the expenditures on the several streets in the various sections of the city, for paving, repaving, grading, repairs of streets, removing and levelling snow, and for grade damages, etc. A recapitulation gives the following result:

City Proper.....	\$418,362 24
South Boston.....	134,998 82
East Boston.....	41,124 67
Roxbury.....	164,192 46
Dorchester.....	69,638 09
Incidentals.....	64,692 86
Grade damages.....	30,493 23
	<hr/>
	\$923,312 37

Total amount appropriated for paving, etc., for the present financial year, 1871-2, \$1,000,000; total expenditures of the present financial year, to January 1, 1872, \$767,690 85; balance of appropriation unexpended January 1, 1872, \$232,309 15.

The amount of bills for edgestones, constructing and repairs of sidewalks, and old materials, lodged with the city treasurer, during the year 1871, for collection, was \$17,007 87.

The amount paid into the city treasury during the same period, and credited as having been paid in by the Paving Department, on account of work done by said department, was \$9,225 35.

The expenditures charged to the special appropriations for grading new streets amounted to \$11,818 72; Water-street grade damages, \$47,967 56; Broadway extension and grade damages on Broadway, Silver street and Dorchester avenue, \$50,780 36.

The total cost of the Broadway-extension Bridge, not including land and grade damages, is as follows: Abutments, walls and approaches, \$73,204 40; iron bridge, \$377,052 61; wood pavement in roadway and concrete sidewalks, \$25,592 86; total, \$475,849 87.

The amount expended on Atlantic avenue during the year was \$129,469 33; expenditures on Harrison-avenue extension, including grade damages, \$42,715 78; Canton-street grading, including grade damages, \$16,885 14; Suffolk-street District, \$22,534 70; Church-street District, \$1542 80; Kingston street, \$14,536 68; Fort Hill, \$28,405 17; Hanover street, \$18,882 93; Shawmut-avenue extension, \$110 85. Severally charged to appropriations for these improvements.

The report specifies the several locations granted to the Metropolitan, South Boston and Middlesex Railroad corporations during the year, refers to a conflict in relation to the construction of the law requiring these corporations to keep in repair the space between the tracks, and suggests that measures be taken to have this matter definitely settled at the present session of the Legislature.

The report concludes as follows:

*Beacon Street.* Early last spring it was proposed to pave Beacon street below Charles street with small granite blocks. When this became known numerous remonstrances were laid before the Board of Aldermen, and at a hearing before the Committee on Paving, very fully attended, the opinion was unanimously expressed that a macadamized road only would satisfy the requirements of the residents in that locality. After long consideration the committee, with some misgivings, concluded to make the experiment between Arlington and Berkeley streets. In order to insure success, and make certain that the road should be constructed in the most thorough and scientific manner, the drawings of the plans and specifications, and the entire supervision of the work was intrusted to the sole charge of the City Engineer's Department. The work was executed by the contractor in exact conformity to the specifications, and under the daily superintendence of the Engineer's Department.

The result of the experiment was far from satisfactory. A great error committed in the construction of this road was in covering the crushed stones with a layer of from three to five inches of what is called "binding gravel," which is about two-thirds clay, and wholly unfit for the surface of a street, and which in the present case was con-

verted into a sheet of liquid mud by a rain storm of two days' duration. A road cannot stand the wear and tear of heavy travel unless the surface is composed of a hard material, nearly if not quite impenetrable to water. If gravel is put on to form the surface, it must of necessity be softened after a day or two of continuous rain; then if the road is exposed to heavy travel, it will be worked up and converted into mud, which will accelerate the cutting up and destruction of the layer of broken stones below. The result of the above experiment would have been more satisfactory, though the expectations of its friends might not have been fully realized, if, instead of forming the surface with binding gravel, the foundation stones had been covered with six or eight inches in depth of broken stones, put on in layers, and each layer thoroughly rolled with a heavy roller, until a smooth surface was formed.

In the early part of last year the Street Commissioners, acting in conjunction with the County Commissioners of Norfolk County, widened the highway over Neponset River at Milton Lower Mills. Plans were drawn by the city engineer for widening the bridge, and the contract for the work awarded by the Committee on Paving to Messrs. Blodgett & Curry. The bridge was to be completed by the first day of November, 1871, but, owing to delay in the shipment of a portion of the iron work from England, it will not be done much before the first of February. The contract price was \$22,797 69, of which amount \$5000 is to be paid by the town of Milton. When the bridge is completed it will be necessary to raise the grade of Washington street, between the bridge and Dorchester avenue, which will require the raising of a few buildings in the vicinity. This was anticipated when the highway was widened.

In my annual report, made to the City Government, January, 1866, I called attention to the low territory in East Boston, lying between Bennington, Porter, and Chelsea streets, and recommended that the streets be raised to an elevation sufficiently high to secure proper drainage before the erection of buildings should have made it too expensive an undertaking.

The necessity of this improvement has grown more apparent every year; nothing, however, had been done till the Committee on Paving of last year took the matter earnestly in hand, and after making satisfactory arrangements with the abutters in relation to grade damages, reported to the Board of Aldermen orders establishing the high grades, and authorizing the raising of the portions of Bennington, Havre, London, Marion, Brooks and Putnam streets lying within the limits of the low territory, and the settlement of grade damages with the abutters in accordance with the terms of the releases obtained. The work is now in progress, and will probably be completed early the coming season. The cost of this improvement, including grade damages, will amount to about fifty thousand dollars.

HEARING ON ORDER OF NOTICE.

The hearing on order of notice on the petition of the Boston Leather Board Company for leave to put up and use a steam boiler and engine on Dover street, near Albany street, was taken up. No person appeared, and the report was recommended.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Benjamin B. Newhall \$838 20, for land damages on Quiney street.

Order to appropriate \$600, for copying old records in City Registrar's office.

PAPERS FROM THE COMMON COUNCIL.

The petition of the Bay State Iron Company and others was referred, in concurrence.

The notice of appointment of John E. Fitzgerald on Committee on Public Library, and on committee to nominate a city engineer, was ordered to be placed on file.

Order for appointment of a joint special committee, to nominate a commissioner on sinking funds was concurred in, and Alderman Fairbanks and Cutter were joined to the committee.

The order to obtain the estimated cost of extending Commerce street to Atlantic avenue was referred to the Joint Committee on Streets, in concurrence.

The order for the Committee on Legislative Affairs to procure the passage of an act for the consolidation of the several Municipal Court Dis-



tricts in this city, and for the election of the clerks thereof on the same day, coming up referred to the Committee on Legislative Affairs, the reference was concurred in.

ELECTION OF DIRECTORS FOR PUBLIC INSTITUTIONS.

The election of directors for public institutions came up, the council having made choice on their part of Wm. E. Bicknell and D. L. Webster of the council, in place of Wm. M. Flanders and James J. Flynn, chosen by this board. The result of a ballot was as follows:

Whole number of votes.....	11
Necessary to a choice.....	6
David L. Webster.....	7
Wm. E. Bicknell.....	6
Frederick Pease, and John S. Moulton, 3 each;	
James J. Flynn, H. D. Bradt and Wm. M. Flanders,	
1 each.	

Messrs. Webster and Bicknell were declared to be elected, in concurrence.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: J. W. Cadwell, to give exhibitions of mesmerism, etc., at 588 Washington street; John Tyler, as an auctioneer; also, to sundry persons to keep intelligence offices, for a hack stand, and for transfer of a wagon license; and leave to withdraw on petition of Dennis Hurley for a hack stand at the corner of Berkeley and Newbury streets. Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of stables as follows: T. Buckner, to erect a wooden stable for two horses at the foot of Rogers street; Boston Leather Board Company, to locate a stable rear Dover street, on condition that the building now used shall be for only temporary use during the construction of a brick stable. Severally accepted.

Alderman Clark, from the Committee on Streets, to whom was referred the petition and the report thereon of the Committee on Paving, in relation to Division street, made a report that the city solicitor has given his opinion that Division street is not a public way. Accepted.

Alderman Clark, from the Committee on Streets, to whom was referred the petition for abatement of assessments for betterments on the lower part of Hanover street, made a report that the betterments have been revised and abated in part, and that no further action on them is necessary. Accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw on petition of Richard S. Haven, for abatement of sewer assessment in Dale street, and of E. Riddle & Son, to be compensated for damages caused by a defective sewer in Union street. Severally accepted.

Alderman Little, from the Committee on Fort Hill Improvement, reported leave to withdraw on the several petitions of Edmund Kemble to be paid for grade damages on Pearl and Purchase streets, and Hamblin, Baker & Co., to be paid for damages caused by blasting earth on Fort Hill; no action necessary on petition for the paving of Sturgis street. Severally accepted.

Alderman Little, from the Committee on Paving, reported leave to withdraw on the petition of Jane Laffey, to be paid for grade damages on Mindoro street. Accepted.

Alderman Sayward, from the Committee on Public Instruction, to whom was referred the request of the School Committee that the City Council would purchase the estate adjoining the southerly side of the present Quincy-Schoolhouse lot, made a report, that the owner refused to sell the estate upon any terms. The committee are of the opinion that the necessity for this additional land is not sufficient to justify the city in exercising its authority to take it, under the right of eminent domain, as it would revert to the original owner if discontinued at any time for school purposes. They would therefore report that it is inexpedient to comply with the request of the School Committee. Accepted.

The Committee on Finance, to whom was referred the report of the Committee on Fire Alarms, asking for an additional appropriation of \$9000, made a report in favor of the application. They would also report that the auditor of accounts represents that the appropriation for salaries is exhausted, and that the insufficiency of the original amount appropriated for that object was caused by the increase of several of the salaries, and of the amount allowed for clerk-hire in the Treasury Department and Assessors' Department, under authority of the City Council. The salaries

charged to the appropriation are those not chargeable to any other appropriation.

The amount needed for the balance of the present financial year is \$19,000, and the committee are in favor of making such additional appropriation. They therefore report the accompanying order making the necessary transfers:

Ordered, That the auditor of accounts be and he hereby is authorized to transfer from the reserved Fund to the appropriation for Fire Alarms the sum of \$9000, and to that for salaries the sum of \$19,000.

The report was accepted, and the order was read twice and passed.

MEMBERS OF COCHITUATE WATER BOARD.

Alderman Clark, from the committee to nominate members of the Cochituate Water Board on the part of the City Council, made a report recommending the election on the part of the Board of Aldermen Leonard R. Cutter, and on the part of the council Amos L. Noyes and Edward P. Wilbur.

The report was accepted, and on motion of Alderman Clark the board proceeded to an election, with the following result:

Whole number of votes.....	11
Necessary to a choice.....	6
Alderman Leonard R. Cutter.....	9
John F. Clark.....	2
Councilman Amos L. Noyes.....	11
Edward P. Wilbur.....	2
Alfred A. Clatur.....	8
Charles H. Hersey.....	1

Alderman Cutter and Messrs. Noyes and Clatur were declared to be elected.

TRUSTEES OF MOUNT HOPE CEMETERY.

Alderman Squires, from the Committee to Nominate Suitable Candidates for Trustees of Mount Hope Cemetery, made a report recommending the election of the following-named persons to represent the City Council on said board: Alderman George D. Ricker, and Isaac H. Robbins and Theodore C. Faxon on the part of the council.

The report was accepted, and the board proceeded to an election, when Alderman Ricker and Messrs. Robbins and Faxon were chosen by a unanimous vote.

ORDERS PASSED.

On motion of Alderman Jenks, Ordered, That Alfred T. Turner be and he is hereby appointed clerk for the Board of Accounts of Suffolk County until otherwise ordered, and that said clerk be directed to examine and audit all bills against said county for the keeping of the jail.

Ordered, That the expense of preparing printing and binding the Municipal Register and other documents furnished to the City Council under the direction of the Committee on Joint Rules and Orders, be charged to the appropriation for Printing.

Alderman Jenks presented a petition from S. R. Spaulding, president of the Boston, Baltimore & Norfolk Steamship Line, Francis Dane & Co., and 145 others, asking for the widening of Wendell street, as petitioned for by J. E. Brown and others, when the following order was offered and passed:

Whereas, in the opinion of the City Council, the public necessity and convenience require that a change should be made in the present line of Wendell street, at and near its junction with Broad street, upon its northerly line; therefore,

Ordered, That the Street Commissioners be and they hereby are requested to lay out Wendell street upon a new line on its northerly side, at and near its junction with Broad street, on the line of the northerly side of Wharf street extended, or as near as may be thereto, in substantial accordance with the petition of J. E. Brown and others, presented to the Street Commissioners Oct. 25, 1871, by removing the remaining portion of the store owned by William H. Bordman, numbered 105 Broad street, and fronting thereon twenty-two feet.

On motion of Alderman Cutter, Ordered, That the Committee on Bridges be authorized to contract for building a retaining wall and abutment, and filling solid a portion of the roadway of Commercial-street Bridge in Ward 16, in accordance with plans and specifications prepared by the city engineer, for a sum not exceeding \$8000; to be charged to the appropriation for Bridges.

On motion of Alderman Clark, Ordered, That the order of the City Council approved Dec. 24, 1869, to purchase the estate of the heirs of Adua Bates, numbered 15 on Washington avenue, for the sum of \$5000, be and the same is



herely rescinded, as the said heirs have refused to deed their estate to the city.

Ordered, that the order of the City Council approved Sept. 16, 1870, to purchase estate No. 1 Washington square of the heirs of William Reynolds for the sum of \$12,500, in the settlement of damages occasioned by the grading of Fort Hill on said square, be and the same hereby is rescinded; said heirs having refused to deed their estate to the city, and having since disposed of it to another party.

On motion of Alderman Fairbanks,

Ordered, That the sewers built previous to the year 1871 in the following-named streets (being the Suffolk-street District) be and are hereby discontinued:

Suffolk, Orange, Middlesex, Paul, Emerald, Village, Albion, Hingham, Chapman, Lucas, Castle, Kirkland, Porter, Garand and Cherry streets, Carney, Indiana, Ohio and Osborn places, and Wheeler's court.

Ordered, That \$7 be and hereby is abated from the amount assessed on Patrick Connell, for a sewer in Magazine street; also, that the amount of \$341.34 assessed upon Wm. F. Jenkins's heirs for a sewer in Tremont street, be hereby abated, and the sum of \$202.09 be assessed upon R. F. Wheat; also, that the amount of \$61.21 assessed upon Daniel W. Burns, for a sewer in Thornlon street, be hereby abated and the same amount assessed upon Clara L. Harrington.

On motion of Alderman Fairbanks, the usual order with the rules and regulations for the government of minors on licenses to sell papers, fruit, etc., and as bootblacks, was passed.

Orders were also passed to meet a jail requisition for \$2031.26, to pay bills of persons connected with the City Government, and for the abatement of nuisances on Federal and Rochester streets.

#### ADDITIONAL APPROPRIATION FOR FIRE ALARMS.

Alderman Jenks moved a reconsideration of the passage of the order adding \$9,000 to the appropriation for Fire Alarms.

Alderman Clark asked for the reasons for reconsideration before being called upon to vote for the motion.

Alderman Jenks stated that he wished for an explanation of the cost of the horse and vehicle for the superintendent of fire alarms.

Alderman Poland, of the committee, referred to Alderman Woolley, his associate, who was on the committee last year, who could better explain the item of expense referred to.

Alderman Woolley stated that the City Council last year authorized the purchase of a horse and carriage for the superintendent of fire alarms, and the cost was \$1173. The horse ran away, was injured, proved to be of no further use, and a sub-committee was authorized to exchange him to the best advantage, the cost of exchange being \$400.

Alderman Cutter said he voted against the additional appropriation, as he did against furnishing a horse and carriage, and he wished to know under what circumstances the horse ran away, whether the superintendent was on duty or riding for pleasure?

Alderman Woolley said he knew nothing personally of the matter, and took the word of the superintendent that he was on his way to Dorchester, on business of the office, and leaving his horse on Tremont street while he went into a store, some one came in and told him that the horse had run away. An investigation was made by which it was ascertained that two boys frightened the horse, which ran away, threw himself down and was badly injured.

Alderman Jenks said the explanation was satisfactory to him, for he feared from the item that the city had made a bad speculation in the purchase of horses.

Alderman Woolley stated that this was no extraordinary occurrence, in the change of horses, for the superintendent of one department had had three horses last year.

Alderman Cutter said he voted against the allowance last year, believing it to be large, and it now proves to be greater than then proposed. The superintendent has little to do, could take his own time in visiting the fire-alarm boxes, and could go in the horse cars to any portion of the city. It did not become him as an alderman to vote away the public money in this style. The superintendent did not need a horse, and every year a demand is made from some new department for such expenditures. The horses are used more for pleasure than for business.

Alderman Poland stated that most of the wires need repairing principally in heavy, wet weather, when it is difficult to get about so easily, and when

other departments were not so liable to be called upon for the use of a horse.

Alderman Cutter said the superintendent does not repair the wires, as it appeared in a case before the Committee on Claims, where a wire had been down some time before it was known, and a mechanic and not the superintendent made the repairs.

Alderman Woolley declared that this department more than any other needed the use of a horse. There was much ground to be travelled over, night and day, and in some cases the horse cars did not run within two miles of some of the boxes, to which he would be obliged to travel on foot. It would be out of the power of the superintendent to do his duty without the use of a horse.

Alderman Cutter said it appeared that the original appropriation was \$33,000 for fire alarms, and this would increase it by \$9,000, which he thought was considerable for a wire department.

Alderman Woolley referred the alderman to the top of the building as some occasion for expense, and showing something besides wires and boxes. The expense of the last year he said was much less than it was in 1870, when it was \$57,000, and this expense was but carrying out the votes of the City Council.

Alderman Jenks withdrew his motion, being satisfied with the explanations, remarking that he did not know when he made the inquiry that the horse was furnished last year, and supposed the cost was in jockeying.

The order to allow the Eastern Railroad Company to lay down two more tracks across Maverick and Decatur streets, on certain conditions, was taken up.

A petition was presented from Henry S. Washburn and others, asking for a hearing before passing the above order.

On motion of Alderman Woolley, the order was recommitted, with instructions to hear the parties.

#### SOLDIERS' MONUMENT COMMITTEE.

Alderman Woolley moved to reconsider the vote by which the appointment of a Joint Committee on the Soldiers' Monument was indefinitely postponed, and in support of the motion said he had been informed by the auditor that the appointment of the committee would be necessary.

Alderman Clark said he understood the matter differently, and as the stone was being quarried, the artist had gone abroad to be absent the whole year, there was no use for a committee unless to use up the money. There is enough to do for committees which work, and there was no need of a committee now to look after affairs which will require five or ten years for completion.

Alderman Woolley repeated that he understood the auditor as saying that the committee would be necessary. As to spending money, there is none to spend. An appropriation had been made for the work, the contractors would be entitled to money, and if there is no committee, there will be no way to get the money. The motion to reconsider was made at the request of several gentlemen, and the auditor and the mayor believe the committee will be necessary.

Alderman Poland said it could not be supposed that the work would be done unless there was a committee to see how it was done, and he did not suppose the work would lie idle all the year.

Alderman Clark stated that the work had been contracted for, but not a dollar of it was to be paid for this year. Yet, if the mayor and other gentlemen desire to have a committee appointed, he would not object to it.

Alderman Woolley said he would not say that the mayor desired it, but he understood him to be of opinion that the committee should be appointed. With an order to appropriate money, there is no one to approve of the payment of the contractor under it, and it would not be business-like to have work done and no one to look after it. The work was not to be done in Europe, and part of it is now done.

The motion to reconsider was carried, when on motion of Alderman Cutter, the order was laid over.

#### ORDERS READ ONCE.

Orders to pay Timothy Hannon \$814 as a balance of contract for removal of earth from Oliver street; to pay E. C. Baufield \$2471 for land taken in Bainbridge street; to pay Aionzo Hagg \$13,000 for damages sustained in the extension of Shawmut avenue; to pay Philip and Mary King \$750 for Cabot-street grade damages; to establish the grade of Alston street, between Melville avenue and Centre street, Ward 16.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
FEB. 1, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the president, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The annual report of the superintendent of streets was ordered to be placed on file.

The petitions of Henry W. Nelson and others, John W. Mahan and others, Ezekiel R. Jones, and Martin Hayes, were severally referred in concurrence.

The report, inexpedient to comply with the request of the School Committee for the purchase of certain land adjoining the Quincy Schoolhouse was accepted, in concurrence.

The following orders were severally passed in concurrence:

Order to rescind order of the 24th of last December, for the purchase of the estate of the heirs of Adna Bates, 15 Washington square, as they have refused to convey the same.

Order to rescind order of the 16th of last September, to purchase estate 4 Washington square, of the heirs of William Reynolds, as they have refused to convey the same.

Order to charge to the appropriation for Printing, the expense of providing the Municipal Register and other documents to the City Council, under the direction of the Committee on Joint Rules and Orders.

Order, bills to be paid, February draft.

Report and order for a transfer of \$9000 from the reserved fund to the appropriation for Fire Alarms; and to that for Salaries of \$19,600.

## ELECTION OF TRUSTEES OF MOUNT HOPE CEMETERY.

The report nominating trustees of Mount Hope Cemetery to represent the City Council, and certificates of election, were read, when the report was accepted, under suspension of the rules, and the council proceeded to an election.

Messrs. Hersey of Ward 12, Page of Ward 9 and Noyes of Ward 5 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	57
Necessary to a choice.....	29
Alderman George D. Ricker.....	57
Councilman Isaac H. Robbins.....	56
" Theodore C. Faxon.....	27
" John H. Locke.....	31

Messrs. Ricker and Robbins were declared to be elected, in concurrence, and Mr. Locke in non-concurrence.

## ELECTION OF MEMBERS OF THE WATER BOARD.

The report nominating members of the Water Board to represent the City Council and the certificate of election were read and report accepted when it was voted under suspension of rules to proceed to an election.

Messrs. Flanders of Ward 5, Cunningham of Ward 2 and Wright of Ward 15 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	61
Necessary to a choice.....	32
Alderman Leonard R. Cutter.....	58
Sidney Squires, T. L. Jenks, one each.....	2
Councilman Amos L. Noyes.....	57
" Edward P. Wilbur.....	19
" Alfred A. Clatur.....	17
" Charles H. Hersev.....	28

Messrs. Cutter and Noyes were declared to be elected, in concurrence, and there was one vacancy.

The council proceeded to another ballot for one member on the part of the Common Council, with the following result:

Whole number of votes.....	57
Necessary to a choice.....	29
Charles H. Hersey.....	24
Alfred A. Clatur.....	12
Edward P. Wilbur.....	21

Three ballots for ineligible persons.

Further balloting results as follows:

	Third.	Fourth.
Whole number of votes.....	60	62
Necessary to a choice.....	31	32
Charles H. Hersey.....	28	41
Edward P. Wilbur.....	19	13
Alfred A. Clatur.....	13	3

Mr. Hersey was declared to be elected in non-concurrence.

## WENDELL-STREET WIDENING.

The order requesting the Street Commissioners to lay out Wendell street on a new line, in substantial accordance with the petition of J. E. Brown and others, of the 25th of October last, was read once, and a communication was read from S. R. Spaulding and others inviting the Common Council to visit the locality.

Mr. Emery of Ward 10 moved that the council visit the premises on Wednesday afternoon next, at four o'clock.

Mr. Flynn of Ward 7 said the order should be referred to the Committee on Streets for action before any other course was pursued.

Mr. Shepard of Ward 4 said this subject had been considered fully by the last council. The report of the hearings before the Street Commissioners, and the debates in the council had been published in the papers. There was no need that the Committee on Streets should consider the subject separately from the members of the council, each one of whom in visiting the premises could judge for himself as to the necessity of the measure. As the matter must come before the council, the action of the committee could not facilitate its settlement. He moved, therefore, that the subject be postponed one week.

Mr. Perkins of Ward 6 advocated the reference of the order to the Committee on Streets, and urged in its support that the Street Commissioners have before them proposed street improvements which will cost \$4,000,000 or \$5,000,000. Last year the council visited the territory, and recommended the measure, but it was not passed by the only body which had any authority in the matter. The members of the council should consider that if they indulge in any luxury of this kind, there would be less money to expend elsewhere. It did not follow that the Street Commissioners will pass the order. It takes it out of the hands of the Street Committee and should be referred to them as all subjects relating to streets should be. The last council said the street should be widened, and expressed their views. He had no objection to this body expressing their views, but it should be after passing through the regular course. The matter will be considered as fairly and fully in committee as it was last year.

Mr. Gragg of Ward 16 said it was understood to be the intention of the mover of the order in the other board to have had it referred to the Committee on Streets.

Mr. Brooks of Ward 1 said it seemed to him that this order was different from others relating to streets, and it was proper that the council should constitute itself a committee to consider the subject. Should the order be laid over and the council visit the locality, they can form their opinions and make up their minds as well as the committee can.

Mr. Flynn said he would agree with the gentleman that this order was different from most others, but this difference was in making it imperative upon the Street Commissioners to make the widening without regard to cost. Is any gentleman, he asked, ready to vote for such a measure without regard to its cost? If so, and they preferred such a course to the proper method of reference to the committee to obtain an estimate of the cost, then they could do so. But the order should not be passed until it is referred to the committee.

Mr. Shepard said he would add to the motion that the council meantime visit the locality. The only reason for referring such matters to the committee was that they may be more conveniently considered in hearing the evidence on the subject.

Mr. Perkins, making an inquiry if the gentleman knew how much the widening would cost, said he inquired because a proper time was not allowed for the committee to find out. If it should not be referred to the committee now, it would not probably be next week.

Mr. Emery said there would be no objection to laying the matter over.

Mr. Brooks said they could not get the estimates of the cost from the Committee on Streets, but from the Street Commissioners, and he could see no reason or damage in letting the order lie over.



Mr. Perkins said he was surprised to learn that the gentleman wished to get an estimate of the costs.

Mr. Brooks said he did not expect to act upon the matter without consideration.

Mr. Flynn stated that the last council voted in favor of making the widening if it did not cost over \$13,000 in addition to the expense for the widening as adopted by the Street Commissioners; but that was killed in the Board of Aldermen. This was a new order and in an imperative form to the Street Commissioners to lay it out as proposed. He wished the order referred, to get at an estimate of the cost.

Mr. Wright of Ward 15 stated that new members wanted information on the subject, and it was the proper way to get it from the Committee on Streets. Not to refer it would be like casting a slur on the committee. He wished all the information he could obtain and in the way of referring it to the committee.

Mr. Shepard said it would be just as easy next Thursday evening to make the reference as now, and they were not called upon now to argue one side or the other.

Mr. Perkins inquired if the gentleman would move the reference next week?

The Chair reminded the gentleman that he was out of order in addressing a member and not the Chair.

Mr. Perkins said it would practically be a slur upon the committee not to make the reference, and there was no reason to believe that it would be referred if not now. He wished to know if the members of the council would go blindfold, headforemost in this matter—slap in the face of the Street Commissioners.

Mr. Shepard said he had the highest respect for the committee and intended no slur upon them. It would be the greatest slur upon the council if their minds should be so prejudiced in visiting the locality, that the committee with good reasons could not change them. Going there certainly will not prejudice them.

Mr. Emery said the further consideration of it might find him one of the strongest advocates for the reference, and he had no objections to the reference and their visit to the locality, when the question would be upon concurring with the Board of Aldermen.

Mr. Flynn repeated that the proper way was to refer to the Committee on Streets, which would report upon it at a proper time. They might then in the interval visit the locality. It might happen, too, that the Board of Aldermen would not agree to the reference, and the reference would not prevent their going.

Mr. Smith of Ward 1 said he had not proposed to say anything on this subject. It mattered not whether the Street Commissioners or the Committee on Streets considered this subject last year; the matter was all new now, and it was highly proper that it should be referred to the committee, and due to them that it should be. He had no personal interest in the matter, and he believed the Committee on Streets would report on it at the proper time.

The question was taken on postponement and to visit the premises, and lost—20 to 26.

The motion to refer to the Committee on Streets was carried.

On motion of Mr. Flynn it was voted to accept the invitation to visit the locality.

#### UNFINISHED BUSINESS.

The report nominating James C. Tucker as superintendent of public buildings was accepted.

The following orders were read the second time and passed:

Order for the purchase of hay, grain and horses for the Fire Department, for making repairs on hose and the furnishing of such material and supplies as may be needed during the present year for said department.

Order for such repairs as may be needed on engines, hose and hook and ladder carriages, to be made during the year, at not exceeding \$500 at a time on any one piece of apparatus.

Order appropriating eight hundred and sixty dollars to pay for new hose for the Fire Department.

#### REPORT OF THE CITY REGISTRAR.

The city registrar reports that during the quarter ending Jan. 31 he has received for certificates of intentions of marriage \$693, which sum has been paid into the city treasury.

The number of births in Boston during the year 1871 was 8555, an increase of 463 over the number returned in 1870.

The number of marriages during the same period was 3714, an increase of 222.

The number of deaths was 5888, a decrease of 210 from the number recorded during the preceding year.

The usual detailed report will be submitted to the City Council at an early day.

Ordered to be sent up.

#### PETITION PRESENTED AND REFERRED.

Louisa Sanford, to be paid for damage to her business, 225 Marion street, in consequence of the digging of a sewer in said street, the raising of the street, and the obstruction to the entrance of her bakery. sent up.

#### REPORTS OF COMMITTEES.

Mr. Flynn of Ward 7, from the Joint Standing Committee on Streets, to whom was referred the order requesting the Board of Street Commissioners to consider the expediency of laying out those portions of Silver and Adams streets between Dorchester avenue and Dorchester street, made a report that no action is necessary on the part of the City Council, as the Board of Street Commissioners have already taken the subject into consideration. Accepted.

Mr. Flynn, from the same committee, to whom was referred the order requesting the Board of Street Commissioners to consider the expediency of extending Dix place from Washington street to Tremont street, made a report that in their opinion it would be inexpedient to extend Dix place to Tremont street. They would therefore recommend that the order be rejected. Accepted.

Mr. Flynn, from the same committee, to whom was referred so much of the mayor's address as relates to the laying out of streets in the newly acquired territory, made a report, in part, at the present time, by recommending the passage of the accompanying order:

Ordered, That his honor the mayor be requested to petition the General Court, now in session, for the passage of an act authorizing the Board of Street Commissioners of the city of Boston to assess a betterment on estates abutting on streets laid out, extended or widened in said city, under the provisions of chapter 448 of the acts of the year 1869, chapter 79 of the acts of the year 1870, chapter 96 of the acts of the year 1871, within one year from the time when the streets so laid out, extended or widened are graded and opened to public travel.

The report was accepted and the order was passed.

Mr. Clatur, from the joint special committee to nominate a suitable candidate for the office of superintendent of health, made a report recommending the re-election of George W. Forristall. Laid over.

#### ORDER PASSED.

On motion of Mr. Prescott of Ward 9,

Ordered, That the Committee on the Suffolk-street District be authorized to contract for repairing and refitting the basements of houses surrendered to the city on Indiana place, the expense to be charged to the appropriation for Suffolk-street District.

On motion of Mr. Prescott, an order was read once to pay Ann L. Hatfield, trustee, \$3800 for estate No. 128 Castle street.

On motion of Mr. Flanders of Ward 5, an order was read once authorizing an exchange of steam fire engines Three, Four and Five for new ones, at a cost not exceeding \$10,000.

#### ELECTION CASE IN WARD TEN.

On motion of Mr. Bicknell of Ward 4, the majority and minority reports of the Committee on Elections on the election in Ward 10 were taken from the table.

The Chair stated the question to be on giving the preamble and resolve in the majority report a second reading, and it was so ordered.

Mr. Bicknell addressed the council as follows:

"The reports of the committee having been before the council for a week and each member having had a printed copy, I will not take up the time of the council in rehearsing the testimony, but briefly state my views of the case as I understand it. In the first place the committee were unanimous in the belief that these characteristic marks were made by one hand; unmistakable as the handwriting of man are these marks. In the next place the committee were unanimous in the belief that the marks were made after the votes had been altered by the individual voter, to suit himself—scarcely two votes of the twenty-four scratched votes are alike in other par-



ticklers. On some of them the mayor's, on others some aldermen, and still others concavemen, school committee, and the like, are changed by pencil or pasters indicating the different tastes of the voters—showing beyond a doubt that this *back scratch* was put upon the ballot after the other attractions referred to. Besides in some instances the black marks appear over a paster put on by the voter. The members of the council will see these changes I have referred to by inspecting the ballots. Now it being clear to the committee that one hand made these black marks, and that they were made after the voter had fixed his ballot to his own satisfaction, the question before the committee was, whether these black marks were put upon the ballots before or after they were cast into the ballot box. Bearing upon this point is the evidence of several witnesses who swear that they saw the warden mark across the face of ballots with his pencil clasped in his hand differently from the usual way, and one witness swears that there were a number of them. The warden admits he held the pencil in this form, but claims that he was marking on the table simply from force of habit. No evidence was introduced to show that these marks were made before the ballots were deposited in the boxes. I submit to those who take an active part in elections, if it is possible for a man to induce twenty men of any party to erase the name of a prominent candidate of that party—one who stands a chance of an election—and not have it known to some friend of that candidate. If twenty men thus scratched Mr. Risteen's name five times, that number would probably be invited to do so, for my experience tells me that it is an uncommon thing for a voter *after* he has got his vote to his satisfaction to deliver it up to a stranger to have him erase a name he is satisfied to vote for. It could not have been possible that this large number of men knew of this attempt to defeat Mr. Risteen and the fact not have come to the knowledge of somebody. Nor is there any evidence to show that any inspector saw any of these black marks until the ballots were upon the warden's table. Mr. Hackett stated that he saw five or six of these ballots, but upon being recalled could not say that he saw any *before* the warden had them in his possession. We find, then, the case to stand thus: Some twenty or more single black pencil marks across the name of Mr. Risteen, made by *one hand, after* the ballot had been altered to suit the views of each voter.

From the testimony presented to the committee, the majority believe the marks referred to were made after the votes were deposited in the ballot boxes. Such action is a fraud upon the voters of Ward 10, and the members of the committee believing this, could do no less than bring in this report, and no gentleman in this Council thinking thus can do less than to sustain the majority report of the committee.

Mr. Page of Ward 9 said: "If I understand this matter correctly, it comes at last to this: Did the warden of Ward 10, at the last municipal election in that ward, fraudulently erase the name of Mr. Risteen from any of the ballots cast on that day?"

This council is sitting here as a jury to decide this case on the evidence which has been submitted by the Committee on Elections, and say whether this man is guilty or not guilty of that crime.

Now I do not pretend to know much about law, but this I do know, that every man is to be considered innocent until you prove him guilty; that fraud is never to be presumed; and that the burden of proof is on the petitioners to show you by a fair preponderance of evidence that this fraud was committed. What evidence is there to substantiate any such charge? Two or three parties say they saw the warden make marks upon ballots about ten o'clock in the forenoon. Now no one pretends to say that at that early hour of the day any man could tell whether the contest for the council was to be a close one or not. Certainly the matter had not become sufficiently definite at that time to make it reasonable to suppose that the warden would have committed the crime of altering the ballots without knowing whether or not it was necessary in order to accomplish any particular result.

You will notice that none of the witnesses saw the warden erase any names, and in response to an inquiry from one of them, he took the ballots to the rail and showed him that he was making figures upon them—something which is probably done in every ward in Boston. In regard to

the peculiar marks on a number of the ballots, it is not for the respondents to prove who made them; but if they are to be counted for Mr. Risteen it must be shown beyond a doubt that his name was erased fraudulently. I have yet to find any evidence in this case sufficient to convince me that such is the fact.

And I think the members of this council will hesitate some time before they convict a man on the small amount of proof which is relied upon in this case to substantiate the grave charge of fraud. I therefore move that the minority report be substituted for that of the majority."

The Chair stated the question to be on the substitution of the minority report for that of the majority.

Mr. Fitzgerald of Ward 7 said it had been talked that there were outside influences at work to make this a party question. He liked to see as many Democrats in places where they should be as it was possible to have, and while the majority report would give the seat to a Democrat, he wished to know whether the members of the council would throw aside the question of right for that of party. If they were to respect their official oaths, they must be bound by the testimony as a juror is, and they were jurors. He hoped it would be a long time before the council should copy the pernicious example of Congress, where the contestant who is in the majority is always sure to get his seat.

On the charges made by the majority of the committee, the warden would be guilty of official perjury, derelict of his duty, and, if found guilty, it would be a crime which would send him to the State Prison. Therefore it was that they sit here as a jury, to determine whether he is guilty of official perjury and has violated his oath. It should be no presumption or hearsay testimony which should satisfy them, nothing less than that he be proved positively guilty and the proof laid at his door. Five men testify, and substantially to the same effect, that they noticed something suspicious in the action of the warden; they saw him make a pencil mark across a ballot; he had something in his hand, and one man saw his hand somewhere down in a bundle of ballots.

The inspectors testified that they saw nothing out of the way in the proceedings of the warden, and the warden swore that he scratched no tickets, but put down the number of ballots on the package, and when new ones were added corrected the number by drawing his pencil through the old numbers. This completely answers the suspicious which four or five men had. Hackett, one of the inspectors, saw nothing suspicious, but saw a number of ballots with Risteen's name scratched off. That was the testimony, but what do the committee say?

Mr. Fitzgerald quoted the remarks of the committee, that it would be hardly possible for Mr. Risteen's name to have been so systematically scratched without coming to the knowledge of Mr. Risteen or his friends, and if done by a friend, why does not the person come forward and testify to the fact? In this he dissented from the committee. In this assumption they put the warden on the defensive, and say you are guilty and must prove yourself innocent. On the contrary, it is Mr. Risteen's friends upon whom the burden of proof lies that there was fraud.

There was no evidence in the testimony to show that there was fraud, and they could not convict on such slender and flimsy evidence as was assumed in making up the report. The fact that names were scratched and pasted over proved nothing at all, and there was no proof that the pencil mark of the warden was made on Risteen's or any other names. There were scratches on the name of Mr. Read for School Committee, and there were on the name of Mr. McNutt eight scratches precisely similar. There were scratches also on the name of the warden.

On such testimony he could not see how the majority could come to the conclusion which they had. It could have been done only by outside pressure, and by nothing else. He had read the report carefully and would like to see Democrats in the seats of the council, but this was not a question of Democrat or of Republican, but of right. There were mere suspicions that certain things were done, but on such suspicions no man could be convicted of perjury.

On motion of Mr. Perkins of Ward 6, the yeas and nays were ordered on the question.



Mr. Blackmar of Ward 11 said the question to be considered was whether the warden had been guilty of malfeasance in office. The burden of proof was on the petitioners, and their proof must be confined to the report and to its testimony. For what purpose did the warden use his pencil? Mr. Fallon said he asked the warden what he was doing, and he explained as he testified before the committee. All the testimony negated the charges against the warden. With reference to the committee he understood that one of the members was obliged to leave before the testimony was all in, and the petitioners' case was managed by able counsel who well considered every point, and the best case was made for the majority that possibly could be. It was not necessary to go outside for evidence, and by the evidence the majority report falls to the ground.

Mr. Burt of Ward 16 said he was the member of the committee who had to leave before the hearing was over, but he heard all the testimony, was satisfied with the report, and should have signed it had his own seat depended upon it.

Mr. Flynn of Ward 7 said he had not designed saying anything, but as so much had been said on the other side, he should say something in sustaining the report of the majority. There were twenty-four ballots scratched and characteristic marks were made over the name of Mr. Risteen. Who made those marks and scratched off Risteen's name and did not insert another name? It could not have been any intelligent voter of Ward 10, who should scratch off one name and not know whose name to put on.

There were the names of Emery, McNutt and Rowe, for whom they could vote, and names on other tickets, which could have been substituted. Did any intelligent voter do it, or did the warden do it? There were five witnesses who testified on their oaths that they saw the warden draw his pencil over Democratic tickets, or on tickets. Mr. Gill saw him draw his pencil through the centre of a ballot. Where was there such a mark except over Risteen's name? Did any intelligent voter do it? Five men saw the warden marking over the names of Democrats.

Mr. Perkins of Ward 6 called the gentleman to order in regard to the testimony.

Mr. Flynn proceeded in his remarks, with the inquiry whether the warden was capable of doing the acts alleged. Between the witnesses who swore to seeing him make marks on the ballots, would they believe them or Mr. Pope? Were they ready to believe that he would not have scratched the ballots? No one would trust him politically, for on the Sunday night previous to the election, the ballots were put into his hands, and he told his friends that they might scratch all the names except that of Brackett. The tickets were intrusted to him as the warden, and would he not be capable of doing these acts after selling his own party? For his part he would not trust him.

The ballots were legally deposited without these characteristic marks, and they must have been taken out after they were deposited and the marks made by the warden. The question then was to whom to give the seat, Brackett or Risteen. If the ballots were scratched after they were deposited, Risteen is entitled to the seat, and if done at all, it must have been done inside of the rail. He was free to say that no one but Pope could have done it. There was the fact that there were twenty-four ballots and one scratch upon them all alike. If they believed the report of the committee they must give the seat to Risteen, and they should do all they can to keep the ballot box pure.

Mr. Hersey of Ward 12, with reference to the stress put upon the fact that the name of one man was scratched from twenty-four ballots, said he could assure the gentleman that it was not peculiar, for there were seventy-five persons in Ward 12 who voted for one person only for the council.

Mr. Perkins of Ward 6 said he should have left the case as it was by the report, but for the traveling out of the record, and the wrong impressions given by the statements which had been made.

It had been stated that five witnesses swore that they saw the warden draw his pencil through Democratic ballots. Such a statement was not in the evidence. Mr. Gill says he saw the warden mark on Democratic ballots, but the other witnesses do not say so.

The time when the suspicions were aroused was eleven o'clock, and the two who saw the warden marking called the attention of others to it. This was done when there could be no motive for it,

and when no person on the ticket could be supposed to be in a dangerous place. If the design was to mark some one in by a gross fraud, it was a preposterous absurdity not to mark more than twenty-four tickets. It would be selling himself cheap, and belie his character for smartness, which he was supposed to possess. This was before twelve o'clock, and if it was designed to commit a fraud, why did he allow the vote to run so close as it did at the close of the polls, when by the counting of one vote it would change the result.

No sane man, or man of common sense, would have resorted to such a course. On an examination of the ballots, he found there were marks on other names, and the more he looked at them the more satisfied he was that there was no evidence to show that the warden could have made these marks. So far as related to what an intelligent voter would have done it was not their business, but what was the evidence to show that the warden did it? The evidence of Hackett, the inspector, was much to the point, that he saw the ballots, quite a number, with Risteen's name stricken off; saw the ballots after they were taken from the box and before they were counted; saw the warden engaged in straightening out ballots, but could not tell whether they had been in the warden's hands before he saw them. Of course he could not.

The conclusions of the committee were but theories, monstrous in assuming that the warden was guilty of fraud, and a fool in addition. With reference to the destruction of a ballot where two were found together, that matter had been settled by the House of Representatives in the case of the town of Dartmouth, where two ballots were destroyed of three thrown together of the same kind. In this case the ballot was destroyed in perfect good faith, and gentlemen of high character took part in it.

Mr. Gragg of Ward 14 referred to two assumptions of the committee relative to certain impossibilities, and he would make a supposition equally as possible, that if a person designed to scratch names from a ticket belonging to the same party as that on which the names were, he would naturally go into some corner to do it. Nine out of ten would step outside.

Mr. Flynn inquired if an amendment would be in order.

The Chair asked to what he wished to make the amendment.

Mr. Flynn replied, An amendment to the report of the minority.

The Chair ruled that such an amendment would not be in order, the question simply being that of substituting the report of the minority for that of the majority. Should the substitution be lost, then a motion to amend the majority report might be made.

The question was taken, and a doubt being raised as to the result, the vote was twice verified and the Chair announced the vote to be 29 yeas 31 nays.

The vote was as follows:

Yeas—Adams, Blackmar, Bradt, Burditt, Fitzgerald, Clatur, Darrow, Emery, Faxon, Gragg, Hersey, Holmes, Jones, Loring, Marston, Page, Pease, Perkins, Pickering, Prescott, Robertson, Robinson, Shepard, Smith, Walker, West, Whiston, Wilbur, Wright—29.

Nays—Anderson, Bickford, Bicknell, Brennan, Brooks, Burt, Collins, Cunningham, Dacey, Davenport, Devine, Doherty, Dolan, Dowd, Flanders, Flynn, Hart, Heath, Hughes, Kingsley, Lamb, Locke, Martin, McNutt, Moulton, Mullane, Noyes, Robbins, Salmon, Thatcher, Weston—31.

Mr. Shepard of Ward 4 moved to amend by substituting for the report of the majority a preamble setting forth that the evidence in this case is insufficient to determine satisfactorily the question of fraud, with an order that the seat be declared vacant, and that a new election be ordered.

Mr. Perkins of Ward 6 said that inasmuch as the proposed substitute had not been considered, he moved that the subject be laid on the table. Lost.

The question was stated to be on the adoption of the substitute.

Mr. Dacey of Ward 2 said there was not the slightest necessity for sending the election back to the people. It was uncalled for, and the substitute should not prevail. He had listened to the arguments. There had been a fair investigation, and it was evident that Mr. Pope had been guilty of fraud. There was evidence of fraud on suspec-



tion of the ballots, and there was no reason why the report of the majority of the committee should not be accepted. The evidence was circumstantial, but very strong. To send the election back would be but to encourage fraud and cheating, and he hoped it would not prevail.

Mr. Shepard of Ward 4 said he agreed with the gentleman from Ward 7, who spoke first, that this was not a party question. In coming to a decision every member of this council was to decide upon his conscience as a juror. There was no doubt that the marks upon these tickets were made by one man, and they were made by an illiterate man, and none of the marks were to be found upon the Mercantile-Hall ticket, while it would just as likely to have been on those tickets if the warden had scratched them for the purposes supposed. The marks must have been made while the tickets were held in the hand, and if watched, as it was said the warden was watched all day, some one must have seen him do it, and he must have been seen by the inspectors.

Mr. Brooks of Ward 1 said the warden was not above suspicion, and the evidence was sufficient to show that he made the marks. He agreed also that this was not a party question, for members of both parties had voted on both sides in the case.

Mr. Fitzgerald of Ward 7 said there was not a particle of testimony and nothing had been said in favor of the majority report to convince him beyond a reasonable doubt that the warden had been guilty of the alleged charges. He knew nothing of the outside testimony or of Mr. Pope, and he is as clear of the charges, so far as the report goes, and as clean as anybody else. If they go outside of that, they transgress as members of the committee.

The ballots had been examined by him and the characteristic marks on them, and the more he had examined them the more he was convinced that they were made by a man who held them in his hand. The pencil mark was crooked and had a curve in it, not such as it would have been if made on a hard substance. In such a case his obligation to do right was greater than the obligation of a party, and when party lines are allowed to decide such questions, the sooner the people get rid of them and form people's parties, the better. In voting on this question he should vote every time against the majority report, and against sending it back to the people. He did not be-

lieve in patching, and as they had taken it upon themselves to decide this question, they should do it upon its merits, and have the manliness to take the responsibility and not shirk it.

The yeas and nays were ordered and the substitute of Mr. Shepard was lost, by a vote of 23 to 37, as follows:

Yeas—Adams, Blackmar, Clatur, Darrow, Emery, Faxon, Gragg, Heath, Hersey, Holmes, Loring, Marston, Page, Pease, Perkins, Prescott, Robertson, Robinson, Salmon, Shepard, Walker, Whiston, Wilbur.

Nays—Anderson, Bickford, Bicknell, Bradt, Brennan, Brooks, Burditt, Burt, Fitzgerald, Collins, Cunningham, Dacey, Davenport, Devine, Dolan, Doherty, Dowd, Flanders, Flynn, Hart, Hughes, Jones, Kingsley, Lamb, Locke, Martin, McNutt, Moulton, Mullane, Noyes, Pickering, Robbins, Smith, Thacher, West, Weston, Wright.

The question recurred upon the acceptance of the majority report—which was adopted by a vote of 31 to 29, as follows:

Yeas—Anderson, Bickford, Bicknell, Brennan, Brooks, Burt, Collins, Cunningham, Dacey, Davenport, Devine, Doherty, Dolan, Dowd, Flanders, Flynn, Hart, Heath, Hughes, Kingsley, Lamb, Locke, Martin, McNutt, Moulton, Mullane, Noyes, Robbins, Salmon, Thacher, Weston.

Nays—Adams, Blackmar, Bradt, Burditt, Fitzgerald, Clatur, Darrow, Emery, Faxon, Gragg, Hersey, Holmes, Jones, Loring, Marston, Page, Pease, Perkins, Pickering, Prescott, Robertson, Robinson, Shepard, Smith, Walker, West, Whiston, Wilbur, Wright.

The preamble and resolve, as the conclusion of the majority report, which was passed, were as follows:

Whereas, It appears that the name of Frederiek S. Risteen, as a candidate for the Common Council, was erased from a number of ballots at the last municipal election in Ward 10, after said ballots were deposited in the ballot boxes by the electors in said ward; and whereas, it appears that, if the name of said Risteen is counted upon said ballots, he would be entitled to the seat in the Common Council now occupied by J. Q. A. Brackett,

*Resolved*, That Frederiek S. Risteen is entitled to the seat in this board now occupied by J. Q. A. Brackett.

On motion of Mr. Page the council adjourned, the vote upon the question being 31 to 24.











## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
FEB. 5, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Mayor Gaston presiding.

## JURORS DRAWN.

Seven petit jurors were drawn for the United States District Court.

## APPOINTMENTS MADE AND CONFIRMED.

Constable—George D. Munroe.

Officers of the Fire Department—Foremen; Matthias Conley, Engine Company No. 4; George F. Fenno, Engine Company No. 19; John L. Bowers, Engine Company No. 16.

Undertakers—Caleb I. Pratt, Richard Dillon, Constant T. Benson, William Cooley, Lewis Jones, David Marden, John W. Pierce, Nahum P. Whitney, Hiram Stearns, Job T. Cole, William H. Brown, Benjamin F. Smith, Philip E. Fiel, John H. Peak, Jeremiah O'Sullivan, William E. Brown, James Haynes, Daniel Ellard, Robert S. G. Marden, Hugh Taylor, Jeremiah Tinkham, Louis Adam, William D. Rockwood, Ira W. Orentt, Philip Kennedy, George V. Field, Joseph S. Waterman, Wm. Manning, John Heintz, John Haynes, Joseph S. Blye, James Farrell, Ebenezer Bird, John W. Lavery, S. Gleason, Geo. Johnson, Jr., Samuel J. Crockett, Hyman L. Wiener, James Cotter, Oliver Healy, George A. Willard, Rufus French.

Measures of Wood and Bark—B. G. Prescott, William Keith, Robert Hale, James C. Whitney, Thomas L. Haskell, J. B. Quimby, H. F. Lawrence, Stanley C. Burnham, William Jordan, Randall G. Morse, A. W. Burnham, Robert Vose, A. J. Wheeler.

Inspectors and Weighers of Bundle Hay—Israel M. Barnes, Samuel B. Livermore, Henry Emerson, William S. Holmes, Jasper H. Eaton, William R. Inman, E. G. Dudley, J. T. Dalrymple, E. W. Harding, C. A. Upham, A. J. Wheeler, Ebenezer Curtis, C. E. Stevenson, Aaron Bradshaw, Edward D. Reeve, George A. Soule.

Surveyor of Marble—William B. Bayley.

Inspectors of Petroleum and Coal Oils—Robert F. Means, Nathaniel Cleaves.

## PETITIONS PRESENTED AND REFERRED.

Philip McDonough, to be paid for grade damages in the raising of grade of Emerson street.

L. D. Davenport, to be paid for grade damages in Renfrew street.

Joseph M. Gilson, for removal of a bay window at No. 7 Oak street.

Chauncey Chase, to be paid for grade damages on Elliot street.

Dennis Conway and others, for an alteration of the grade of Fourth street, between A and B streets.

Severally referred to the Committee on Paving.

Lewis W. Shaw, to be elected an assistant-engineer of the Fire Department. Referred to the Committee on Nomination of Chief and Assistant-Engineers.

C. E. Jackson, for abatement of Kingston-street betterments.

Sarah Rogers, for apportionment of Hanover-street betterments.

Heirs of Andrew P. Young, for apportionment of Hanover-street betterments.

James W. Merriam, for apportionment of Seolay's-Building betterments.

John J. Williams, for abatement of Hanover-street betterments.

John B. Tremere, for apportionment of Hanover-street betterments.

James P. Thorndike and others, for a revision of Kingston-street betterments.

Severally referred to the Committee on Streets.

Angus Currie, to be allowed the benefits of the Franklin Fund. Referred to Aldermen Clark and Jenks.

Robert T. Paine, Jr., that the city would apply to the Legislature to raise the low territory in the vicinity of Ruggles street. Referred to Committee on Drainage of Low Districts.

C. B. Johnson and others, owners on Boylston street, near Church street, to be compensated for impartial drainage in that locality.

Henry A. Woodward, for abatement of sewer assessment on Marcella street.

Severally referred to the Committee on Sewers.

John G. Hodgdon to be paid for injuries done to his horse on Broadway bridge.

Dennis S. Daley, police officer, for aid on account of sickness procured while in the service of the city.

Severally referred to the Committee on Claims.

## MEMORIAL OF THE TOWN OF BRIGHTON RELATIVE TO ANNEXATION.

The memorial of a committee of the town of Brighton in relation to annexation to this city was laid before the board.

The committee, in urging the request for aid from the city to obtain an act for annexation, say: "We do not seek to disguise the many and great benefits which will accrue to our town from the proposed measure. A system of drainage and of streets, better protection against fire, a plentiful supply of water, whenever the city shall obtain such supply for itself, an increased value of our real estate, and an opportunity to be represented and have a voice in the management of the affairs of the city, in the prosperity of which our own is now in fact identified, are among the substantial advantages which we shall gain, and which, we believe, will more than compensate us for the increased burden of taxation which the duty of bearing our share of the city expenses will impose upon us."

The committee further say that they do not feel that their gain will be a loss to the city, the territory being needed, the growth westwardly being assured, and the symmetry of that growth being of importance, while under the present want of system five different boards are authorized to lay out highways on portions of the territory between Charles River and the Newton line, and villages are built up by speculators in land in narrow lanes and alleys, which some day will hardly be paralleled in the oldest portions of our oldest cities. The system of drainage would seem to require also that the city should control at least the southerly bank of Charles River, as far as the tide ebbs and flows, and its importance to the health and comfort of the citizens of Boston cannot be overestimated.

The large amount of land comparatively unimproved, so near the city, the desirableness that the approaches to the Chestnut-Hill Reservoir should conform to the character of the place, where so much money has been expended, the question of meat supply and the more perfect regulations of slaughter houses under municipal health regulations by the city, are also urged in favor of annexation.

The difficulty that the measure will require the annexation of a portion of Brookline, is referred to, with the opposition to annexation by the people of Brookline, and it is suggested "that the immediate annexation to the city of the territory which is needed for its growth is a duty which they who have a voice in shaping the policy of today owe to those who are to follow them. No community has a right, for the sake of preventing an increase of taxation now, to take a course which must hereafter make the city crowded, unsightly and unhealthy."

The vote of this town in favor of annexation, which was passed January 10, 1872, and the appointment of the committee are appended to the memorial, the said committee being directed to appear before the committee of the Legislature in favor of the passage of an act for annexation and to memorialize the City Council of Boston to lend their approval to the measure; also to take such other steps as they may deem proper to secure the necessary legislation on the subject.

## AUDITOR'S MONTHLY EXHIBIT.

The monthly exhibit of the auditor was presented in print, it being an exhibit of the general and special appropriations for the present financial year of 1871-72, as shown in the books in his office, February 1, 1872, including the February draft, being ten months' payments of the financial year, — exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. A recapitulation gives the following result:

	Appropriations, Revenues, etc.,	Expended.	Unexpended.
General.....	\$9,523,112 15	\$7,501,517 35	\$2,021,5 4 80
Special.....	6,079,687 69	3,278,157 88	2,801,529 71
	\$15,602,799 84	\$10,779,675 33	\$4,823,124 51

Ordered to be sent down.



QUARTERLY REPORT OF SUPERINTENDENT OF MARKET.

The report of the superintendent of Faneuil-Hall Market gives the receipts for the quarter as follows:

Received for rent of stalls.....	\$10,396 50
Received for rent of cellars.....	5,395 00
Received for permanent outside stands.....	648 75
Fees for weighing at market scales.....	200 33
Received for rent of stalls in new market....	3,030 00
Received for rent of cellars in new market....	1,462 50
<b>Total.....</b>	<b>\$21,123 08</b>

all of which has been paid into the city treasury.

Ordered to be placed on file.

QUARTERLY REPORT OF THE CITY CLERK.

The report of the city clerk states that during the quarter ending 31st ult. he has received as fees in said office the following sums, viz.:

Recording mortgages, assignments, liens, etc....	\$538 72
Licenses of billiard saloons.....	245 00
“ “ auctioneers.....	54 00
“ “ intelligence offices.....	8 00
Superintendent of Faneuil Hall for use of said hall in 1871.....	186 00
Cash for revenue stamps.....	6 45
<b>Total.....</b>	<b>\$1088 17</b>

all of which has been paid into the city treasury.

Ordered to be sent down.

QUARTERLY REPORT OF OVERSEERS OF THE POOR.

The receipts and expenditures of the Overseers of the Poor for the quarter ending Jan. 31, were as follows:

RECEIPTS.	
Cash on hand Oct. 21, 1871.....	\$903 18
Draft on city treasurer, including requisitions for Temporary Home.....	17,248 64
Cash from cities and towns.....	3,650 00
Cash from State, for sick, \$5140 38; burials 15'2.	6,732 33
Cash from occupants of Charity Building for heating.....	298 93
<b>Total.....</b>	<b>\$27,929 95</b>

The expenditures were as follows:

Paid for burials.....	\$564 87
“ cities and towns for relief of Boston poor.....	502 04
“ expenses City Temporary Home.....	2,248 64
“ pensions and grants at office.....	4,568 75
“ immediate relief of persons having no settlement.....	77
“ for coal.....	2,177 50
“ “ groceries.....	3,924 00
“ salary of secretary.....	550 00
“ “ “ bookkeeper.....	425 00
“ “ “ clerks.....	275 00
“ “ “ visitors.....	900 00
“ office expenses.....	93 76
“ transportation.....	28 92
“ expenses Charity Building, salaries, fuel, etc.....	1,357 51
<b>Total.....</b>	<b>\$16,732 99</b>

Paid city treasurer, receipts from State..... 6,732 33

Cash balance Jan. 31..... \$5,367 76

Ordered to be sent down.

REPORT OF COMMISSIONER ON BOSTON AND CAMBRIDGE BRIDGES.

The first report of the commissioner on bridges between Boston and Cambridge, was laid before the board in print, the report containing a brief historical statement in relation to the bridges. Under the act of 1870, transferring the bridges to the care of commissioners, one from each city, the fund for the support of the bridges was equally divided, that portion paid to this city amounting to \$65,048 50. Extensive repairs have been made on West Boston Bridge during 1871, under the direction of the commissioners.

In the spring the bridge will be lighted with gas and other improvements completed. It was thought best to postpone the erection of a new draw until the draws on the bridges below were completed, to obtain the advantages which might be had from them in experience, and in the hope of the establishment of a permanent policy by the State in regard to their width. The commissioner says of Craigie's or Canal Bridge that its present condition "is a reproach and disgrace alike to Boston and Cambridge, and requires a radical improvement, even to the construction, possibly, of almost a new structure." The present structure is old and narrow, and totally inadequate to the service to which it is devoted. The commissioners have now under consideration a plan for its reconstruction, the cost of which will necessarily be large, but the public safety as well as public convenience seem to call for a prompt commencement of the enterprise

The commissioner calls attention to the question of widening Leverett street, but forty feet wide, while Bridge street, at the Cambridge end of the bridge, is seventy-five feet.

The payments on account of the bridges during the year have been as follows: Craigie's Bridge, \$1052 31; West Boston Bridge, \$24,865 29—of which \$24,448 65 was for repairs; salary of commissioner, \$304 71; total, \$26,222 39. The number of vessels which passed the draw of the canal bridge was 3552; number passing draw of West Boston Bridge, 1,574.

ANNUAL REPORT OF SUPERINTENDENT OF HEALTH.

The annual report of the superintendent of health was laid before the board in print.

The amount appropriated for the present financial year 1871-72.....	\$364,000 00
Unexpended balance this financial year, Jan. 1, 1872.....	115,618 16

Amount expended during the financial year 1870-71, from January 1 to May 1.....	80,271 00
Expended this financial year 1871-72, from May 1, 1871, to January 1, 1872.....	248,381 84

Total amount expended 1871..... \$328,652 84

In these expenditures \$115,722 58 were for sweeping and cleaning the streets, removal of snow and ice from public walks, etc.; collection of house dirt and offal, \$100,355 80; hay and other feed, \$25,705 54; pay of foremen, feeders and mechanics, \$20,144 63; new horses and exchange of old ones, \$14,255; salaries of superintendent, city physician, and others, \$8266 25; clerks, constables and inspectors, \$6996 20.

The incidental expenses are given in detail. Bills were deposited with the city treasurer for collection during the year amounting to \$27,295 87. There has been paid into the city treasury and credited to the department the amount of \$39,916 64. The number of persons conveyed by the vehicle of the department between the Court House and jail, to steamer Henry Morrison and to House of Correction for which no income was derived, was 10,340. The number of prisoners conveyed by a prison carriage furnished by this department, from the several station houses, morning and evening, to the city lock-up under the Court House, and for which the charge of twenty-five cents per head is made to Police Department for such conveyance, is as follows: Males, 8596; females, 2817—total, 11,412.

On the subject of tenement buildings, to which particular attention has been given, certain amendments to the law are required, and a marked improvement has been the result of the measures of the department. The subject of overcrowding has been referred to, and the only remedy is suggested to be in the building of houses outside of the present city limits upon cheap lands, by those who are interested in the welfare of the poor. Twenty-seven orders have been passed to cause buildings to be vacated, and the occupants of fourteen cellars received notice to quit. Upon a thorough investigation the superintendent is satisfied that the mortality of the city occurring in tenement buildings will compare favorably with any city in the Union in comparison with its proportion of inhabitants, and much improvement may be anticipated from the cooperation with him of the inspector of buildings.

During the year 2036 notices were served upon parties to abate nuisances in the old portion of the city and 700 in the newer portion. There were collected by city teams 87,715 loads of ashes, 42,312 loads of street dirt, and 5457 loads of cesspool matter. Large portions of ashes and street dirt are sold. The number of teams employed was fifty-one for ashes, thirty-two for street dirt, thirty for horse offal, nine for cesspool matter, and one for street sweeping. The principal thoroughfares are swept daily and others twice a week at certain seasons. House dirt and ashes are collected from dwellings once a week, and from large buildings and stores twice a week. The superintendent favors the appointment of an inspector of meats, and recommends early action by the Government on the subject of unaccepted streets and to the drainage of certain districts.

The schedule of city property connected with the several stables amounts in value to \$109,926 01. The largest items are as follows: 140 horses with harnesses, \$325 each, \$45,500; 100 carts for ashes, etc., \$15,000; 41 offal wagons, \$8200; 13 wagons for cesspools, \$3900; 123 sleds for offal and ashes, \$9450; 6 water carts, \$2100; oak boards, plank, etc., \$2310; 6500 pounds new shoes, \$1105 85; 28,279 pounds re-



fined iron, \$1272 55. The number of horses owned was 160, and there were sold 5, exchanged 6, died 6, and killed 3, leaving on hand 140.

#### HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice on petition of T. W. & L. P. Hersey, for leave to put up and use a steam boiler and engine at No. 13 High and 149 Summer street, also of Boston Dyewood and Chemical Company, for leave to locate a steam engine on their wharf on Border street, were taken up. No person appearing in either case, the reports were re-committed.

On an invitation of S. R. Spaulding and others, to visit the locality of the proposed Wendell-street widening, the board voted to do so on Wednesday, assigned as the time for the visit of the Common Council.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to establish the grade of King street.

Order to establish the grade of Allston street, Ward 16.

Order to pay [E. C. Banfield, trustee, \$2471, for land taken for sewer purposes in Bainbridge street.

Order to pay Philip and Mary King \$750, for grade damages at 83 Cabot street.

Order to pay Timothy Hannon \$814, for removal of earth from Fort Hill.

Order to pay Alonzo Flagg \$13,000, for Shawmut-avenue land damages.

#### PAPERS FROM THE COMMON COUNCIL.

The petition of Louisa Sanford was referred, in concurrence.

The report of the city registrar was ordered to be placed on file.

The order requesting the Street Commissioners to lay out Wendell street on a new line, in substantial accordance with the petition of J. E. Brown and others, of the 25th of October last, was referred to Joint Committee on Streets, in concurrence.

The following orders were severally passed, in concurrence:

Order for Committee on Suffolk-street District to contract for finishing the basements of the Indiana-place houses.

Order appropriating eight hundred and sixty dollars to pay for new hose for the Fire Department.

Report and order for the mayor to petition the General Court now in session for the passage of an act authorizing the Board of Street Commissioners of the City of Boston to assess a betterment on estates abutting on streets laid out, extended or widened in said city, under the provisions of chapter 448 of the acts of the year 1869, chapter 79 of the acts of 1870, and chapter 96 of the acts of 1871, within a year from the time when the said streets are graded.

The report of Committee on Streets that no action is necessary on proposed laying out of portions of Silver and Athens streets was accepted, in concurrence.

#### SUPERINTENDENT OF PUBLIC BUILDINGS.

James C. Tucker was re-elected superintendent of public buildings by an unanimous vote.

#### MEMBERS OF WATER BOARD.

The election of one member of the Water Board on the part of the Common Council coming up, Alderman Clark withdrew the name of Edward P. Wilbur. Charles H. Hersey was elected, in concurrence, by a vote of 7 to 5 for Alfred A. Clatur.

#### TRUSTEE OF MOUNT HOPE CEMETERY.

The election of one member of the Common Council as trustee of Mount Hope Cemetery coming up, the board having previously elected Theodore C. Faxon, John H. Locke was elected, in concurrence, by a vote of 7 to 5 for Mr. Faxon.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Hiram A. Wright to exhibit a drama at Institute Hall, Feb. 13-17; Martin Chriskie to give exhibitions in this city; F. A. Harmon to give exhibitions in legerdemain at Wait's Hall; T. C. Power, Joseph P. Silsby, R. H. Spaulding and James C. Bennett, as auctioneers; also licenses to twenty-eight newsboys, three pedlars, sixteen bootblacks, and to sundry persons, as victuallers, dealers in second-hand articles, pawnbroker, and transfer of wagon licenses; and leave to withdraw on petition of John Bird for a license as victualler. Severally accepted.

Alderman Clark, from the Committee on Common and Public Grounds, on the petition of M. C. Ferris for the removal of a tree from the sidewalk of Bedford street, made a report recommending that the petitioner be allowed to remove the tree in front of his estate on Bedford street at his own expense, under the direction of the Superintendent of Public Grounds. Accepted.

Alderman Clark, from the Joint Standing Committee on Streets, to whom was referred the order requesting the Street Commissioners to furnish estimates of the expense of extending Commerce street to Atlantic avenue, made a report recommending the passage of the order in a new draft, as follows:

Ordered, That the Street Commissioners be requested to report to the City Council estimates of the expense of extending Commerce street, South Market and Clinton streets to Atlantic avenue.

The report was accepted and the order was passed.

Alderman Little, from the Committee on Paving, to whom was referred the petition of Henry S. Washburn and others, for a hearing in relation to the Eastern Railroad crossing certain streets at East Boston, made a report that they have given the petitioners a hearing, and at their request would again recommend the passage of the order submitted January 22, authorizing the Eastern Railroad to lay down additional tracks across Maverick and Decatur streets.

The report was accepted and the order was passed, as follows:

Ordered, That permission be given to the Eastern Railroad Company to lay down four additional tracks across Maverick street, between Bremen and Orleans streets, and one additional track across Decatur street, upon condition that said company shall station flagmen at said crossings to give notice of the approach of an engine or train of cars.

Alderman Poland, from the Committee on Fire Alarms, to whom was referred the petition of the Bay State Iron Company and others, for a more efficient alarm at City Point, made a report that they have given the petitioners a hearing, and after a careful consideration of the subject, are of the unanimous opinion that a larger bell is needed on the Lincoln Schoolhouse, South Boston. They would therefore recommend the passage of the following order:

Ordered, That the Superintendent of Fire Alarms, under the direction of the committee on that department, be authorized to place a fire-alarm bell in the tower of the Lincoln Schoolhouse, South Boston, weighing not less than 300 pounds, at an expense not exceeding \$1200; the same to be charged to the appropriation for Fire Alarms.

The report was accepted, and the order was passed.

Alderman Squires, from the Joint Standing Committee on Public Lands, to whom was referred the petition of Martin Hayes for extension of time in which to build on Fourth street, on land purchased by him in 1869, made a report recommending the passage of the accompanying order:

Ordered, That the time for building upon the lot of land situated on Fourth street, near N street, South Boston, as sold to Martin Hayes, Nov. 30, 1869, be extended one year from April 1, 1872, upon condition that he pays to the superintendent of public lands the sum of \$100 within ten days from the passage of this order.

The report was accepted and the order was passed.

#### REPORT ON MANAGEMENT OF THE SEWER DEPARTMENT.

Alderman Fairbanks, from the joint special committee to whom was referred the order to inquire into the management of the Sewer Department, made a report, as follows:

When a member of the Government asks for a special committee to investigate the management of a public department it is presumed that he has some evidence, conclusive to his own mind, at least, that the department is improperly or corruptly administered. As the proceeding is public, and is calculated to impair the confidence of the Government and the citizens in those who administer the department, great injustice is done if such an investigation is demanded upon mere suspicion or from personal feelings.

In order to ascertain the facts upon which an inquiry had been deemed necessary in the present instance, the committee notified the members of the Government who instituted the proceedings to appear before them and furnish such evidence as



they had, tending to show corruption or mismanagement in the Sewer Department.

The member of the council who introduced the order stated that he did so at the request of another member; that he had no charges whatever to make against the superintendent of sewers, and that he simply desired to be informed in relation to the assessments made by the Board of Alderman for building certain sewers in the Highland district.

Mr. Bickford of the council, upon whose request and statements the order had been presented and passed, asked for time to prepare for an investigation. The committee granted all the time he desired, and he was informed that he had free access to such records in the department relating to the expenditures and the assessments as he might wish to examine.

Before the time arrived for a hearing, the gentleman who introduced the order stated that he was satisfied, from an examination of the records, that the assessments to which he had referred, were laid according to law, and he desired that no further proceedings should be had in the matter.

Mr. Bickford, however, appeared before the committee at the time designated for a hearing, but did not bring any witnesses, and after expressing his opinion upon various matters connected with the City Government, to the effect that the city had more for its work than private individuals; that the laborers employed in the several departments loafed a good deal, and that he would take a contract to build sewers cheaper and better than they were built at present, he said he had nothing more to offer.

Under these circumstances the committee deem it their duty to state that the order of inquiry was entirely unwarranted by anything in the knowledge of the member of the Government upon whose representations it was passed; and that the attempt to cast suspicion on the character of a public officer, by asking for an inquiry, without a particle of evidence to justify it, is deserving of severe reprehension.

It should be stated in the most emphatic manner, that nothing has been shown affecting in the slightest degree unfavorably either the integrity or the ability of the present superintendent of the Sewer Department.

So far as the general management of the department is concerned, the responsibility rests with the Board of Aldermen; and that branch of the Government is also responsible, under the statutes, for the assessments upon abutters for constructing sewers. Any individual who is dissatisfied with the assessment has a right to petition, and be heard before the committee on the department or the full board. There is no reason to believe that the rights of citizens are not properly protected, and that the department is not managed intelligently and economically.

The report is signed by the whole committee, Aldermen Fairbanks and Little, and Messrs. Webster, Emery and Burt of the Common Council.

The report was accepted.

#### TRUSTEES OF PUBLIC LIBRARY.

Alderman Woolley, from the committee to nominate trustees of the Public Library, made a report recommending the election of Alderman Little, and Messrs. Herman D. Bradt and Frederick Pease of the Common Council. The report was accepted, when the board proceeded to an election, and Alderman Little was chosen by a vote of 11 to 1 for Alderman Clark, Frederick Pease 11, William E. Perkins 9, H. D. Bradt 3, E. O. Shepard 1.

Alderman Little and Messrs. Pease and Perkins were declared to be elected.

#### CITY SURVEYOR.

Alderman Woolley, from the committee to nominate a city surveyor, made a report recommending the reelection of Thos. W. Davis. The report was accepted, and Mr. Davis was elected by an unanimous vote.

#### CITY MESSENGER.

Alderman Ricker, from the committee to nominate a candidate for city messenger, made a report recommending the election of Alvah H. Peters. The report was accepted, and Mr. Peters was elected by an unanimous vote.

#### HARBOR MASTER.

John T. Gardner was unanimously reelected harbor master, on the nomination of a committee, reported by Alderman Squires.

#### SUPERINTENDENT OF SEWERS.

Alderman Fairbanks made a report recommending the election of William H. Bradley as superin-

tendent of sewers, and Mr. Bradley was reelected by eleven votes, one blank.

#### SUPERINTENDENT OF STREETS.

Alderman Fairbanks, from the Committee to Nominate a superintendent of streets, made a report recommending the reelection of Charles Harris. The report was accepted, and it was voted to proceed to an election.

Alderman Little read some portions of the mayor's address on the subject of corruption of city officers in other cities, with complimentary remarks upon the efficiency and successful manner in which the duties were discharged by the heads of the several departments of this City Government.

With this introduction he proceeded to comment upon an anonymous printed communication which had been sent to members of the City Council, and which he characterized as false and as base as it could be, and he only regretted that the writer was not present that he might hear this denunciation. The writer had spoken of a "ring" in connection with the Paving Department, and the persons composing the "ring" were Aldermen Pierce, Gibson and Cowdin, just such a "ring" as every one would put confidence in, and just such a "ring" that drunken, faithless contractors could not get inside of.

In relation to the charges that the city paid much more than other cities and corporations for paving work, he replied as follows: It was said that the city of New Haven had paving done at \$2.95 per square yard, for which this city paid \$4.50. The contractor for the New Haven work assured him that he had \$2.98 per square yard for the work in question, but the stone was furnished by the city, the contractor quarrying it, and all the gravel but a few loads was given to him. The stone was such as would not be received by this city, and the contract was based on a higher sum than that of this city, and yielded a larger profit.

A job was said also to have been done for the Fitchburg Railroad at \$2.97 per square yard, but in that case the stone was freighted at half price, all the gravel was on the spot, and delivered where it was wanted, and there were no edgestones set. The stone was roughly quarried, and would not have been received by this city at any price. The paving of Garland street was said also to have cost \$4.53 per square yard, when the actual cost was \$3.42.

On these statements Alderman Little said it would be seen how base, false and calumnious these anonymous charges were, and it was the duty of the City Council to stand by the honest and faithful public servants against the charges of drunken contractors who have failed to get contracts. The Paving Department is open to inspection, and he only regretted that the "Ring" of last year was not now in charge of that department, just such a "ring" as would prevent any chance of stealing from the city treasury.

The board proceeded to a ballot, when Charles Harris was reelected by 11 votes, and there was one blank.

The election of other officers was taken up, in cases which no nominating committees were appointed.

#### PORT PHYSICIAN.

Dr. S. H. Durgin was reelected, by a vote of 11 to 1 for Dr. J. W. Foye.

#### CLERK OF COMMITTEES.

James M. Bugbee was reelected by an unanimous vote of 12.

#### WATER REGISTRAR.

William F. Davis was unanimously reelected.

#### SUPERINTENDENT OF PUBLIC LANDS.

Robert W. Hall, reelected unanimously.

#### CITY REGISTRAR.

Nicholas A. Apollonio, reelected unanimously.

#### COMMISSIONERS ON PUBLIC LANDING PLACE IN MILTON.

Edmund J. Baker, E. J. Bispham, E. H. R. Rugles, 11 votes each.

#### TRUSTEE OF CEDAR GROVE CEMETERY.

Nathan Carruth, elected unanimously.

#### ADDITIONAL LOAN FOR SUFFOLK-STREET DISTRICT.

Alderman Little, from the Committee on the Suffolk-street District, submitted a request for an additional appropriation for the work on that district.

The amount of appropriations made for carrying on the work to the present time is \$1,506,248.96



The principal expenditures have been as follows: Widening of Washington street, \$483 40; widening of Carney place, \$10,000; Castle street, \$61,311 50; Middlesex street, \$35,856 91; Suffolk street, \$121,827 81; laying out of Cobb street, \$41,300—total on widening and laying out streets, \$270,779 62. Sewers and cesspools, \$10,890 97; repairing buildings, \$20,811 34; estates surrendered, \$389,623 63; retaining walls, \$7655 52; raising and underpinning, \$302,899 59; salaries, \$17,636 40; paving streets, \$22,447 24; moving buildings and building foundations, \$19,773; filling, \$182,184 02; bridge extension, \$98,420 79—total, \$1,427,575 42.

The amounts to be paid on contracts not completed are \$69,707 20 in the aggregate.

There are to be credited to the improvement in old buildings, materials, betterments, etc., \$58,551 76; sales of estates by auction, \$400,637 42—making a total of \$459,189 18.

The committee say in conclusion:

The total estimated cost of the improvement upon the plans which are being carried out was \$2,351,550 00. This did not include the payments for those estates surrendered to the city, which are outside of the line of streets widened or extended. It will be seen by the foregoing statement that the amount already paid on that account is about \$390,000. If we deduct this sum from the total expenditures, it appears that the amount properly chargeable to the improvement up to the present time is a little over one million dollars.

It is impossible to make an accurate estimate, at this time, of the amount required to complete the improvement. It is probable, however, that exclusive of the estates which may be surrendered to the city, the additional expenditures will not exceed the sum of five hundred thousand dollars. In that case the improvement will be completed for several hundred thousand dollars less than the estimates.

The committee recommend the passage of the accompanying order:

Ordered, That the treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of five hundred thousand dollars, to be added to the appropriations heretofore made for the improvement of the Suffolk-street District, so called.

The order was read twice and passed.

#### ADDITIONAL LOAN FOR FORT-HILL IMPROVEMENT.

Alderman Clark, from the Committee on Streets, made a request for an additional loan of \$325,000 for the payment of unsettled damages on the Fort-Hill territory and for contractor's work.

The loan authorized July 23, 1869, was \$1,250,000. There has been paid for land taken and damage to estates \$715,773 70; damage to estates \$53,300; purchase of estates, \$197,150; removal of earth, \$196,375 83; paving, \$30,348 76, with other small amounts—the total being \$1,204,095 40, leaving a balance of \$45,904 60.

The estimated expense of completing the work amounts to \$348,407 16, as follows: Land taken and damages, \$100,000; removal of earth, \$30,000; paving streets, etc., \$83,000; water pipes, hydrants, etc., \$15,000; drafts in auditor's office, paid and unpaid, \$129,407 16. Deduct balance of loan of \$45,904, and there is to be provided for \$302,502 56. The items in excess are: Removal of earth, \$145,000; purchase of estates, \$101,000; land taken and damage, \$60,000; damage to estates lowered to new grade \$53,300; paving, \$40,000; extension of Wendell street, \$37,000; widening of Broad street, \$18,000—making a total of \$454,300. The purchase of estates, damage to estates lowered, and the extension and widening were not included in the original estimates.

In the original estimates for removal of earth it was the intention to charge most of the cost to other appropriations, and of the sum of \$127,198 95, for filling the Atlantic-avenue docks, the revenue derived from the pay for filling will be credited to the Fort-Hill Loan, and added to the Sinking Fund. A large amount of revenue will be derived from the sale of estates purchased, when sold. There will be a saving to the loan of \$20,500 in sewers and street gaslights. The amount to be provided for is \$302,502 56, but to cover all contingencies, the committee ask for \$325,000.

The order reported by the committee was read twice and passed, as follows:

Ordered, That the treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of \$325,000 00; the same to be added to the Fort-Hill Improvement Loan.

#### ORDERS PASSED.

On motion of Aldermen Jenks,

Ordered, That the trustees of the City Hospital be authorized to receive at said hospital, and make suitable provision for the care of persons sick with infectious diseases, whenever in their judgment it would be expedient to do so.

Ordered, That his honor the mayor be requested to petition the General Court now in session for the passage of an act authorizing the city of Boston to take sufficient land on each side of Beacon street, at the point where it crosses the Boston & Albany Railroad tracks to enable the city to raise the grade of said street, without incurring any liability therefor, so as to cross the said tracks by a bridge.

On motion of Alderman Little,

Ordered, That there be paid to John Cassen the sum of \$109, in full compensation for all damages caused to his estate in Brooks street by the raising of the grade of said street, as ordered by the Board of Aldermen Sept. 12, 1871, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to Patrick Fitzpatrick the sum of \$409, in full compensation for all damages caused to his estate Nos. 198 and 200 Marion street, by the raising of the grade of said street, by resolve of Feb. 5, 1872, upon the usual conditions; the same to be charged to the appropriation for Paving.

Ordered, That there be paid to David W. Foster the sum of \$1350, for all damages—including those of the tenant—occasioned by the widening and grading of Purchase street upon estate numbered 137 thereon—formerly of Abram French, by a resolve of the Board of Aldermen of July 23, 1869, upon the usual conditions; the same to be charged to the Fort-Hill Improvement Loan.

An order was also passed to abate nuisances in Albany, Orsego and Oneida streets and rear of Malden street.

#### SUPERINTENDENT OF SUFFOLK-STREET DISTRICT.

On motion of Alderman Little, the special assignment, the order for Suffolk-Street District Committee to employ George W. Pope as superintendent of said district, at a rate of compensation not exceeding ten dollars per day, was taken up.

Alderman Little stated that it was the unanimous vote of the committee to employ Mr. Pope, for there was yet a large amount of labor to be done, of a delicate and difficult character, in the settlement of claims, while most of that of last year was that of mechanical work, done under the direction of sub-committees. That work was mostly performed, and now there are settlements to be made with various parties, for estates all or partially destroyed.

It was estimated at a meeting of the committee that damages to the amount of from \$500,000 to \$600,000 were to be settled, and in such delicate work it was desirable to have some one thoroughly conversant with the work to aid the committee; in the employment of Mr. Pope there would be a great saving to the city. Such employment of persons was no new thing, for several parties were employed last year to estimate the amount of betterments to estates. No one could doubt the ability of Mr. Pope for such work, and the committee could employ others, as they have, to aid them in their labors. They did not expect to be relieved of their duty, and did not want to shirk it, but they wished to have advice from competent authority in the settlement of claims of from \$150,000 to \$100.

Alderman Jenks said he had been informed that the facts were different from those stated by the alderman; that the committee were not unanimous, and that one of them was willing to take upon himself the labor of settling these claims. He had as much reason to believe that statement as that it was not so, and he did not believe that it was necessary to sacrifice so much money, or that it was well to appoint middle men to make such settlements. An hour a day for thirty days would be better in the settlement of such claims than the labor of ten middle men for six months. He had no disposition to oppose the appointment if desirable, but he objected to shifting the labor on a third party, when it could be better done by the committee.

Alderman Little replied that he did not believe that the alderman knew better than the committee the amount of labor to be done, and he did not believe that any member of the committee had such

conceit as to suppose that he could go on and settle the damages better than any one else. The committee did not ask to be relieved from their labors, and are ready to do all that is expected of them; neither do they want middle men nor ask for them, but wish to secure the benefits of competent experience in the discharge of their duties.

Alderman Cutter said he voted to employ Mr. Pope because he believed it would be for the interests of the city to do so. The committee had discharged two superintendents who had been employed, and there would be no additional charge for the work, while Mr. Pope was worth a dozen of such persons.

Alderman Squires stated that the question of employment of Mr Talbot as a superintendent was before the committee last year. It was not then believed to be necessary, and for the same reason it was not necessary this year. In this matter he was in a minority in the vote of the committee.

Alderman Little said if the alderman did not vote for the appointment, he spoke in favor of the action. In regard to the work of the superintendents, it was easy work, simply mechanical, and of the three, two had been discharged. They made a reading room of their office, and they are now cleaned out. The committee now want business, and wish to employ a man who cannot be bought or sold, but whose services will be invaluable to the city.

Alderman Jenks, with reference to a remark of Alderman Little that there was less to talk about in the "reading room" since the elections were over, said he regretted that the new superintendent to be appointed was of the same political kidney with those who were ousted. If they were not satisfactory in that respect it would be better to

have some of another grade. It was not worth paying \$5 or \$10 a day for political canvassers, and if that was the purpose of putting the gentleman forward he was opposed to it. If the election in Ward 10 was a fair sample, it showed where one of these superintendents got his lessons in politics. That the proposed superintendent possessed all the qualifications claimed for him, he did not know.

Alderman Little replied that he would disdain to bring in political considerations in the matter. In his allusion to the talking of politics in the office by the superintendents, it was at a time when they had little to do.

Alderman Clark regretted that there was a difference of opinion in this matter. No one could doubt that the services of Mr. Pope would be of the greatest value to the city, for he was equal to the task of settling these claims to the best advantage. With his practical knowledge as a builder, and of the value of real estate, he will be a great help to the committee. He had been connected with the work from its commencement, and devoted most of his time to it last year. The committee could not give the time to the work which they should in justice to other departments. The board should defer to the opinions of the committee, and he had hoped the order would have passed unanimously. The pay of \$10 a day was insignificant for the value of such services.

The order was passed, by a vote of 7 yeas to 3 nays, as follows:

Yeas—Clark, Cutter, Fairbanks, Little, Power, Sayward, Squires, Stackpole, Woolley.

Nays—Jenks, Poland, Rieker.

Adjourned.









## CITY OF BOSTON.

## Proceedings of the Common Council,

FEB. 8, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the president, in the chair.

On motion of Mr. Flynn of Ward 7, the roll was called, when the following persons answered to their names:

Anderson, Bickford, Bicknell, Bradt, Brennan, Brooks, Burditt, Burt, Catou, Clatur, Collins, Cunningham, Dacey, Davenport, Devine, Dickinson, Doherty, Dowd, Emery, Faxon, Flanders, Flynn, Hart, Heath, Hersey, Holmes, Hughes, Jones, Kingsley, Lamb, Locke, Loring, Marston, Martin, McNutt, Moulton, Mullane, Noyes, Page, Pease, Perkins, Pickering, Prescott, Robbins, Robertson, Robison, Salmon, Shepard, Smith, Thacher, Walker, Webster, West, Weston, Whiston, Wilbur, Wright.

Absent at Roll-call—Adams, Blackmar, Darrow, Dolan, Fitzgerald, Gragg.

Mr. Flynn of Ward 7 moved that a committee be appointed to accompany F. S. Risteen of Ward 10 to the mayor to be qualified.

Mr. Flynn was appointed on said committee, and subsequently reported that Mr. Risteen had taken and subscribed to the oaths of office, when Mr. Risteen took his seat.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly reports of the City Clerk and Overseers of the Poor, the annual report of the Superintendent of Health, and the Auditor's monthly exhibit were severally ordered to be placed on file.

The petitions of John G. Hodgdon, Dennis S. Daley and L. W. Shaw were severally referred, in concurrence.

## SUPERINTENDENT OF PUBLIC BUILDINGS.

The certificate of the election of James C. Tucker as Superintendent of Public Buildings was read, when the council proceeded to an election, Messrs. Bradt of Ward 14, Fitzgerald of Ward 7, and Bickford of Ward 15 acting as a committee to receive and count the votes. Mr. Tucker received 59 of 60 votes, and was declared elected, in concurrence.

## CITY MESSENGER.

The report nominating City Messenger was accepted, under suspension of the rules, when the council proceeded to an election, Messrs. Pease of Ward 1, Hart of Ward 12, and Brennan of Ward 13 acting as a committee, resulting in the election of Alvah H. Peters in concurrence, by a unanimous vote of 63.

## CLERK OF COMMITTEES.

The certificate of election of James M. Bugbee, as Clerk of Committees, was read, when the Council proceeded to an election, Messrs. Noyes, of Ward 5, West of Ward 16, and Wilbur of Ward 9, acting as a committee, resulting in the election of Mr. Bugbee by an unanimous vote.

The order authorizing the trustees of the City Hospital to receive at said hospital, when expedient, persons sick with infectious diseases, was referred to the Committee on City Hospital.

The report and order that the time for building on certain land on Fourth, near N street, sold to Martin Hayes, Nov. 30, 1869, be extended for one year from the first of April next, was read once.

The following orders were severally passed:

Order for mayor to petition General Court to authorize the city to take sufficient land on each side of Beacon street, where it crosses the Boston & Albany Railroad, for the purpose of grading said street.

Report and order authorizing a fire-alarm bell to be placed in the tower of the Lincoln Schoolhouse, at a cost of not more than \$1200.

Report and order (new draft) requesting Street Commissioners to report estimates of the cost of extending Commerce, Clinton and South Market streets to Atlantic avenue.

## CITY SURVEYOR.

The report nominating City Surveyor was accepted, the certificate of election of Thomas W. Davis was read, when the council proceeded to an elec-

tion, Messrs. Salmon of Ward 3, Burt of Ward 16, and Marston of Ward 10 acting as a committee, the result being the election of Mr. Davis by an unanimous vote.

## HARBOR MASTER.

The report nominating Harbor Master was accepted, the certificate of election of John T. Gardner was read, when the council proceeded to an election, Messrs. Faxon of Ward 14, Loring of Ward 5, and Darrow of Ward 8 acting as a committee, the result being the election of Mr. Gardner by an unanimous vote.

## PORT PHYSICIAN.

The certificate of the election of Samuel H. Durgin as Port Physician was read, when an election took place, Messrs. Robertson of Ward 4, Blackmar of Ward 11, and Doherty of Ward 2 acting as a committee, the result being the election of Dr. Durgin by an unanimous vote.

## WATER REGISTRAR.

The certificate of the election of William F. Davis as Water Registrar was read, when an election took place, Messrs. Adams and Locke of Ward 12 and Holmes of Ward 6, acting as a committee, the result being the choice of Mr. Davis by an unanimous vote.

## SUPERINTENDENT OF PUBLIC LANDS.

The certificate of the election of Robert W. Hall as Superintendent of Public Lands was read, when an election took place, Messrs. Pickering of Ward 6, Brooks of Ward 1, and Kingsley of Ward 3 acting as a committee, the result being the choice of Mr. Hall by an unanimous vote.

## SUPERINTENDENT OF STREETS.

The report nominating Superintendent of Streets was accepted. The certificate of election of Charles Harris was read, when an election took place, Messrs. Clatur of Ward 4, Whiston of Ward 8, and Wright of Ward 15 acting as a committee, resulting in the choice of Mr. Harris by an unanimous vote.

## TRUSTEES OF THE PUBLIC LIBRARY.

The report nominating Trustees of the Public Library was accepted, when the certificate of the election of Alderman Samuel Little, and of Wm. E. Perkins and Frederick Pease, was read, and an election took place, resulting as follows:

Whole number of votes.....	63
Necessary to a choice.....	32
Alderman Samuel Little.....	58
Thos. L. Jenks.....	2
Councilman Wm. E. Perkins.....	29
Frederick Pease.....	60
H. D. Bradt.....	36
Thos. J. Anderson.....	1

Alderman Little and Councilman Pease were declared to be elected, in concurrence, and Mr. Bradt in non-concurrence.

## REPORT ON SEWER DEPARTMENT.

The report of the Special Committee on the Management of the Sewer Department, was read, and the question being on its acceptance,

Mr. Bickford of Ward 15 presented a communication signed by Hugh McGrady and others, stating that in constructing sewers in Hallock, Mindoro and Preutiss streets, they have been unjustly assessed and their hills are larger than they ought to be. As the character of one of their councilmen had been called in question, they cordially sign this as right and just to him. The paper was signed by twenty-nine persons.

Mr. Bickford stated that the order for the investigation of the management of the Sewer Department, was offered in good faith, his constituents believing that they had been wrongfully taxed for sewers. He thought he had a right to inquire into the management of any department, and the morning after the appointment of the committee was assured that it would kill him. That the report was a good shot, he admitted, and if it killed him he was perfectly satisfied. In room of notifying the gentleman who offered the order, the committee notified him, and he notified that gentleman. When asked to furnish the evidence to sustain the charges, he was allowed a week, and he went for some of the parties who made the complaint, but it was not his fault that they did not come before the committee.

In putting in the sewers, the parties wanted to know if the money paid in was credited to the abutters, and they believed that it was nothing but fair that they should know, but it was found to be up-hill work and they could not get the informa-

tion they wished. Further time was asked, but they got no satisfaction. He made no charges against the superintendent, but believed that he went beyond his power, and wished to ascertain whether it was so or not. He thought he did, and where there was so much smoke there must be some fire. On this account he thought the report was severe, and its reflection upon him was wrong.

Mr. Flynn of Ward 7 thought the council should pause before accepting the report, after the gentleman had made the explanation which he did, and he moved that the report be laid on the table, which was carried.

The report nominating Superintendent of Sewers, and certificate of the election of William H. Bradley to said office were taken up, when Mr. Emery of Ward 10 moved to suspend the rules to go into an election.

Mr. Brooks of Ward 1 opposed the motion, and the motion to suspend the rules was lost.

The following orders were severally read once:

Request and order for a loan of \$325,000, to be added to the Fort-Hill Improvement Loan. (City Doc. 20.)

Request and order for a loan of \$500,000, to be added to the loan for the improvement of the Suffolk-street District. (City Doc. 22.)

#### CITY REGISTRAR.

The certificate of election of N. A. Apollonio as City Registrar, was read, when the council proceeded to an election, Messrs. Prescott of Ward 9, Jones of Ward 14, and Martin of Ward 7 acting as committee, the result being the election of Mr. Apollonio by an unanimous vote.

#### COMMISSIONER OF CEDAR-GROVE CEMETERY.

Nathan Carruth was elected, in concurrence, commissioner of Cedar-Grove Cemetery, by a vote of 40 to 2 for other persons.

#### COMMISSIONERS ON MILTON LANDING PLACE.

E. J. Baker, E. J. Bispham and E. H. R. Ruggles were elected, in concurrence, as Commissioners on Milton Landing Place.

#### UNFINISHED BUSINESS.

The report recommending the reflection of George W. Forristall as Superintendent of Health, was accepted, when an election took place, Messrs. Perkins of Ward 6, Burditt of Ward 16, and Dolan of Ward 13 acting as committee, resulting in the choice of Mr. Forristall by an unanimous vote.

The following orders were read a second time and passed:

Order authorizing negotiations to be made for the exchange of old steam fire engines Nos. 3, 4 and 5, for three new ones, at a cost not to exceed ten thousand dollars.

Order to pay Ann L. Hatfield, trustee, three thousand eight hundred dollars, for estate 128 Castle street, taken by the city.

#### PETITION PRESENTED AND REFERRED.

Albert L. Read, to be paid for damages to his horse, on account of carelessness of employes of the city. Referred to the Committee on Claims.

The Chair appointed Mr. Risteen on the Committee on Legislative Matters and on Ordinances.

#### REPORTS OF COMMITTEES.

Mr. Flanders of Ward 5, from the Committee on Fire Department, to whom was referred the petition of E. H. R. Ruggles, for an additional horse hose carriage to be located in Ward 16, made a report recommending the passage of the accompanying order:

Ordered, That the Chief Engineer of the Fire Department, be and he hereby is authorized to furnish and equip a horse hose carriage, and to locate the same in Engine House No. 16; the expense, not exceeding \$500 for said equipment, to be charged to the appropriation for the Fire Department.

The report was accepted, and the order was read once.

Mr. Webster of Ward 6, from the Joint Standing Committee on Claims, reported leave to withdraw severally on petitions of Thomas Kelley to be compensated for personal injuries caused by an alleged obstruction on the Tremont-street Bridge, over the Boston & Albany Railroad tracks; of Charles A. Neuert to be compensated for personal injuries caused by the falling of a telegraph wire across the railroad bridge on Tremont street; and of Joseph H. Bird to be paid for the loss of a horse, caused by an alleged defect in Pacific street, South Boston. Severally accepted.

Mr. Emery of Ward 10, from the Committee on Public Instruction, to whom was referred the request of the School Committee that the City Council would purchase a suitable lot of land in South Boston, near M and Sixth streets, and erect thereon a grammar schoolhouse, to contain not less than fourteen rooms and a hall, made a report in part by recommending the passage of the accompanying orders:

Ordered, That the Committee on Public Instruction be authorized to purchase for the purposes of a grammar schoolhouse, a lot of land on L street, between Fifth and Sixth streets, Ward 12, containing 35,000 square feet, more or less, for a sum not exceeding seventy cents per square foot; provided that the owners of said land will give the city a deed of the same satisfactory to the City Solicitor.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$26,000, to be applied to the purchase of a lot of land in Ward 12, for the purposes of a grammar school.

The orders were read once.

#### CITY PHYSICIAN.

Mr. Blackmar of Ward 11 from the Committee to nominate a City Physician, made a report recommending the election of Samuel A. Green. The report was accepted, under suspension of the rules, and an election took place, Messrs. Bicknell of Ward 4, Lamb of Ward 7, and Dacey of Ward 2 acting as committee, the result of which was the election of Dr. Green, by a vote of 46 to 1 for Dr. J. A. McDonough.

#### SUPERINTENDENT OF COMMON.

Mr. Brooks of Ward 1, from the Committee to Nominate a Superintendent of Common and Public Grounds, made a report recommending the election of John Galvin. On a motion to suspend the rules to go into an election, Mr. Blackmar of Ward 11 made objection, desiring to look further into the matter, but the motion prevailed by a vote of 33 to 15. Messrs. Smith of Ward 1, Walker of Ward 3, and Bickford of Ward 15 were appointed a committee to receive and count the votes. Mr. Galvin was elected, by a vote of 39 to 11 for Azel Bowditch and 1 for Patrick Norton.

#### ORDER ADOPTED.

On motion of Mr. Flynn of Ward 7,

Ordered, That the Committee on Ordinances be requested to consider the expediency of changing the ordinance in relation to the City Hospital, so as to provide that the superintendent shall be a physician.

Adjourned.





CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
FEB. 12, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the Chairman, presiding.

APPOINTMENTS MADE AND CONFIRMED.

- Inspector of Milk—Henry Faxon.
- Weigher of Coal and Measurer of Wood and Bark—H. W. Crafts.
- Superintendent of Faneuil Hall—Henry Taylor.
- Superintendent of Lamps—George H. Allen.
- Funeral Undertakers—Simon Barry, John McCaffrey, Lewis L. Jones, Daniel O'Sullivan, A. T. Baxter.
- Railroad Police Officers (under chap. 331, acts of 1871)—for Boston & Albany Railroad, L. R. Burrell, William Corey, Albert Hooper; for Boston & Providence Railroad, Charles H. Wheeler, William H. Ladd, David Leete, Edmund W. Lyon, Ephraim Craft, J. F. Sullivan, Elbridge Currier, James G. Dow, Aaron E. Lincoln, Enoch P. Davis, R. C. Jordan, Samuel Hazelwood, William S. Keith, Chauncey Jordan, Abner Guild, Abner Alden, Henry A. Hutchinson, Jacob Silloway, Jr., A. T. Upham, Eugene A. Pierce, S. Warren Bullard, M. P. Forrest, Frederick Paine, John Bayley, R. Henry Lee, Abel Gleason, Horace M. Seribner, Charles A. Nelson, C. F. Warren, Moses Boyd, Charles E. Adams, William R. Rice, Alfred M. Smith, Franklin Kimball, William Neale, E. G. Neale, Stephen H. Nason, David O. Clarke, F. W. Lucas, H. Martin, George F. Lincoln, N. J. Marshall, Henry E. Strout, John C. Rice, Gerge W. Allen, Warren S. Brown, William Capen, Benjamin Titcomb, Charles A. Rand.

PETITIONS PRESENTED AND REFERRED.

- D. N. Skillings, trustee, that the grade of Western avenue may be raised from the railroad crossing to Muddy Brook.
- Edward Taylor and others, for the grade of Pynchon street.
- George Frost, that edgestones be set and gutters paved in Myrtle street, Ward 16.
- Edward P. Spalding, for an inquiry into the prices paid by the city for paving materials.
- Severally referred to the Committee on Paving.
- Bartholomew Otheman, for an apportionment of Hanover-street betterments. Referred to Committee on Streets.
- Joseph H. Chadwick and others, that the plot of ground known as Washington park may be properly improved. Referred to Committee on Common and Public Grounds.
- H. T. Reed, for leave to give a series of popular concerts at Music Hall and other halls in this city. Referred to the Committee on Licenses.
- A. J. Tibbets and others, for a sewer in Stafford and Dennis streets.
- Daniel D. Adams, for a sewer in Lewis park.
- John S. Graham and others, for a sewer in E street, between Seventh and Eighth streets.
- Severally referred to the Committee on Sewers.
- William F. Veazie, to be paid for rent of wharf on Warren Bridge. Referred to Committee on Claims.

A communication was received from the Boston & Providence Railroad Company, showing an additional location in Suffolk County, under the act of 1869, chapter 321, of the General Court, authorizing the company to construct an additional track from Boston to Readville, in Hyde Park. Ordered to be placed on file.

MONTHLY REPORT OF CITY HOSPITAL.

The monthly report of the Trustees of the City Hospital gives the following statement of the number of patients treated at this institution during the month of January:

	Med.	Surg.	Ophth.	Small-pox.	Total.
In hospital January 1.....	64	81	4	12	169
Adm'd during the month....	158	107	5	28	298
Whole number treated.....	222	196	9	40	467
Discharged.....	102	94	6	22	224
Died.....	12	9	0	3	24
Remaining February 1.....	108	93	3	15	219

Accidents brought into the hospital, included in the above, 69.

In the out-patients department the visits made were as follows: medical, 393; surgical, 651; ophthalmic, 790; aural, 16"; cutaneous, 199—total 2202.

Ordered to be sent down.

REPORT OF HAYWEIGHER OF NORTH SCALES.

The Superintendent of the City Scales in Haymarket square reports that he has received for weighing during the quarter ending Jan. 31 the sum of \$884 04, forty per cent. of which—\$353 63, less expenses \$129 07—amounting to \$224 55, has been paid into the City Treasury.

Ordered to be sent down.

REPORT OF THE SUPERINTENDENT OF PRINTING.

The first report of the Superintendent of Printing was laid before the board in print, giving the result of the operations of the department for the six months of its organization, with the manner in which the accounts are kept, and a table showing the amounts charged to each appropriation account for printing, stock and stationery, with the items in connection with the several departments of the City Government. An abstract of these expenditures has been published, by which it appears that an anticipated saving of nearly forty per cent. will be made over the expenditures of last year.

Ordered to be sent down.

HEARING ON ORDER OF NOTICE.

The order of notice on the petition for removal of tracks of the Marginal Freight Railroad from Commercial street was taken up, when a note was read from E. W. Morton, counsel for the corporation, asking for a postponement on account of necessary absence.

On motion of Alderman Cutter, the hearing was postponed one week.

UNFINISHED BUSINESS.

The order to pay the Merchants' Insurance Company \$9897 26 for Water-street grade damages, was read a second time and passed.

PAPERS FROM THE COMMON COUNCIL.

The petition of Albert L. Read was referred, in concurrence.

The majority and minority reports in relation to the election in Ward 10, and the appointment of F. S. Risteen on certain committees, were ordered to be placed on file.

The reports from Committee on Claims (leave to withdraw) on petitions of Joseph H. Bird, Thomas Kelley, and Charles A. Neuert were accepted, in concurrence.

The order authorizing the Trustees of the City Hospital to receive at said hospital, when expedient, persons sick with infectious diseases, coming up referred to Committee on the City Hospital, the reference was concurred in.

The following orders were severally passed in concurrence:

Order authorizing negotiations to be made for the exchange of old steam fire-engines Nos. 3, 4 and 5, for three new ones, at a cost not to exceed \$10,000.

Order to pay Ann L. Hatfield, trustee, \$3800 for estate 128 Castle street, taken by the city.

Order relative to changing the ordinance concerning the City Hospital, to provide that the Superintendent shall be a physician.

TRUSTEES OF THE PUBLIC LIBRARY.

William E. Perkins was again elected a Trustee of the Public Library, as a member on the part of the Common Council, in non-concurrence, by a vote of 8 to 4 for Herman D. Bradt, chosen by the Council.

SUPERINTENDENT OF THE COMMON, ETC.

The report recommending the election of John Galvin as Superintendent of the Common, etc., was accepted, and Mr. Galvin was elected, in concurrence, by an unanimous vote.

CITY PHYSICIAN.

The report recommending the election of Samuel A. Green as City Physician was accepted, and Dr. Green was elected, in concurrence, by a vote of 11 to 1 for Dr. Joseph S. Jones.

SUPERINTENDENT OF HEALTH.

The report recommending the election of Geo. W. Forristall as Superintendent of Health was accepted, and Mr. Forristall was elected, in concurrence, by an unanimous vote.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Warren-street Chapel Association, to hold a festival at the Music Hall February 22; Post 7, G. A. R., to hold a fair at Boylston Hall for one week from the 19th inst.; Sullivan & Howard, to give a concert at the corner of B street and Broadway Feb-



ruary 22; licenses to thirty-seven newsboys and to two peddlers; J. H. Diman as an auctioneer; also to smuttry persons as dealers in second-hand articles, to keep billiard saloons, for intelligence offices, hack and wagon licenses, and for transfer of wagon licenses. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw severally on petitions of Henry A. Woodward for abatement of sewer tax on Marcella-street sewer, and Baldwin-place Home, etc., that an improved system of drainage be adopted in the neighborhood of that institution. Accepted.

Alderman Fairbanks, from the Committee on Sewers, on the petition of Abigail Merriam, reported an order as follows, which was passed:

Ordered, That the payment of an assessment levied upon Abigail Merriam for a sewer on Shawmut avenue, amounting to \$370 45, be postponed until entrance is made into the sewer from the estate.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of petitions to locate steam engines, as follows: Boston Dyewood and Chemical Company, on the wharf on Border street; T. W. & L. P. Hersey, at 13 High and 140 Sumner street. Severally accepted.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on the petition of Louisa Sanford to be paid for damages to her estate on Marion street. Accepted.

Alderman Clark, from the Committee on Streets, reported leave to withdraw severally on petitions of Robert B. Brigham, for a reduction of his Eliot street betterment; heirs of Thomas G. Atkins to be paid for land taken in 1848 to widen Richmond and Hanover streets; A. Boschke to be compensated for a certain amount of filling in the docks rear of Atlantic avenue; and of Nathaniel Brewer, administrator, for additional compensation for land taken on Fort Hill. Severally accepted.

Alderman Clark, from the committee to whom was referred the report of the Treasurer of the Franklin Fund, in regard to the condition of said fund on the 1st day of January, 1872, made a report that they have examined the Treasurer's accounts and find that the statements made in said report are correct. The amount of the fund on the 1st January last was \$160,911 15. Accepted.

Alderman Jenks, from the Joint Standing Committee on the City Hospital, to whom was referred the order authorizing the Trustees of the City Hospital to make suitable provisions for the reception and care at said hospital of persons sick with infectious diseases, made a report recommending the passage of the order in a new draft, as follows:

Ordered, That the Trustees of the City Hospital be authorized, whenever they deem it expedient, to receive and make provision for the care of persons sick with infectious diseases in such buildings as have heretofore been placed under their charge for that purpose.

The report was accepted, and the order was passed.

Alderman Rieker, from the Joint Standing Committee on the Assessor's Department, made a report, representing that under the present ordinance, the number of First Assistant Assessors is limited to twenty-two. The number of assessment districts having been increased from twenty-two to twenty-six, an additional number of first assistants is required, and the committee would therefore respectfully recommend the passage of the accompanying ordinance.

The ordinance proposed amends the existing ordinance by providing for one first assistant assessor for each assessment district, as provided by section four of said ordinance.

The ordinance was referred to the Committee on Ordinances.

#### ADDITIONAL ACCOMMODATIONS FOR REGISTRY OF DEEDS.

Alderman Sayward, from the Committee on Public Buildings on the part of this board, made a report that after protracted negotiations with the Massachusetts Historical Society for a lease for a term of years of the building owned by said society on Tremont street, north of the King's Chapel Burial Ground, for the purposes of affording additional accommodations for the Suffolk Registry of Deeds and the Probate Court, they have concluded to accept a lease of such portions of the said premises as the county may require, for a term of fifteen years, at an annual rent of \$9000 and taxes.

It is proper to state that the Historical Society propose to meet all the expenses of the alterations

of the building necessary to adapt it to the purposes for which it will be required. These alterations, which will be quite extensive, as projected by Messrs. Ryder & Harris, architects, are to be fully completed before the liability for the rent of said rooms will commence. Immediate and perfect connections will be made from said building with the rooms now occupied as a Registry of Deeds and Probate Office.

Without entering further into the details of the proposed improvements, the committee recommend the passage of the following order:

Ordered, That the Board of Aldermen, subject to the consent of his Honor the Mayor, does hereby accept and approve of the proposed lease of the necessary rooms in the building of the Massachusetts Historical Society which may be needed for county purposes, as projected in the plans of Messrs. Ryder and Harris, architects, for the term of fifteen years, at an annual rent of \$9000 and taxes, payable quarterly.

The report was accepted, and the order was passed.

#### INSPECTION OF BUILDINGS AND SOLDIERS' RELIEF.

Alderman Sayward, from the Joint Standing Committee on Public Buildings, who were requested by the Committee on the Survey and Inspection of Buildings to provide a room for the use of that department, made a report, as follows:

The committee find that the business of the Department for the Survey and Inspection of Buildings is connected with that of six other departments, viz.: The City Clerk, Surveyor's, Engineer's, Police, Streets and Health, and it is necessary that the office should be in the same building with those departments. They have made a careful examination of the City Hall, but cannot find any room which will answer the purpose, excepting that now occupied by the Paymaster of the Soldiers' Relief Committee.

The committee have no desire to remove the paymaster from his present office, other than to facilitate the transaction of public business, but as the business of the Soldiers' Relief office is in no way connected with that of other departments, they feel convinced that it can be as well transacted in another locality as in the City Hall, and with far greater comfort to the applicants for relief.

They have therefore obtained the use of a suite of rooms in the Central Charity Bureau, which can be fitted up for the use of the paymaster, and which they consider in every respect preferable to his present quarters. The rooms are situated in the front of the building looking towards Bowdoin square, are well lighted and easy of access and can be so arranged as to provide an office for the paymaster and a comfortable waiting room for the applicants for State aid, who are now crowded into a close, stifling room, with the alternative of standing in the passages of the City Hall.

The principal objection that has been made to the removal of the paymaster is that should the recipients of the State aid be obliged to go to the Charity Bureau for their money, they would feel degraded and become identified with paupers, but the fallacy of such a statement is shown when it is known that these same persons have been obliged for the last three years to visit an office in the same building and on the same floor with the office of public institutions and have never yet become identified with either paupers, felons or lunatics. In view, therefore, of the advantages to be gained, the committee respectfully recommend the passage of the following order:

Ordered, That the room now occupied by the Paymaster of the Soldier's Relief Committee be assigned to the Department for the Survey and Inspection of Buildings, and that the Superintendent of Public Buildings be authorized to fit up the said room for the use of that department, and to transfer the office of the paymaster to the Central Charity Bureau.

The report was accepted, and the order was read twice and passed.

Alderman Woolley, from the Joint Standing Committee on the Fire Department, would respectfully report that the appropriation for Fire Department for the present financial year having become nearly exhausted by expenditures authorized by the City Council (a part of which were not contemplated when the appropriation was made), they are under the necessity of making application for an additional sum to meet the requirements of the department for the remainder of this financial year.

The appropriation for the year was divided as follows, viz.:



Salaries.....	\$203,926
Water.....	60,584
New hose and repairing hose.....	25,000
Contingencies.....	5,600
Expenses of the department, exclusive of salaries, water, new hose and contingencies.....	64,409

Making a total of.....\$359,310

In order to meet the monthly bills and pay-roll, there will be required (in addition to the balance of appropriation, February 1, amounting to \$8558 03) a further sum of \$40,000 for the remainder of the present financial year.

A statement is given of the expenditures which were not contemplated, and which cause the deficiency in the appropriation of this department at the present time, amounting to \$47,397 95. In this amount were for repairs of apparatus, \$22,120 37; parade of department 17th September, and paid to injured firemen, \$4537 23; new hose and repairing hose, \$3935 71; salaries, \$10,365; new harnesses and repairing harnesses, \$2307 05. The committee in conclusion ask for an additional appropriation of \$40,000.

Referred to the Committee on Finance.

**DRAINAGE OF RUGGLES-STREET TERRITORY.**

Alderman Squires, from the special committee on so much of the Mayor's address as relates to the drainage of low territory in the city of Boston, to whom was referred the petition of Robert T. Paunc, Jr., that the city would petition for the passage of an act by the Legislature authorizing the taking of the territory between Ruggles street and Ward street, for the purpose of raising the grade thereof, made a report recommending the passage of the accompanying order:

Ordered, That his Honor the Mayor be requested to petition the General Court now in session for the passage of an act authorizing the city to purchase, or otherwise take, for the purpose of abating a nuisance thereon, the lands, or any of them, not within the limits of the Boston & Providence Railroad, with the buildings and other fixtures thereon, situated and lying within the district which is bounded northeasterly by Ruggles street, southeasterly by Tremont street, southerly by Hayden place and Ward street, and northwesterly by Parker street.

The report was accepted, and the order was passed.

**CITY SOLICITOR.**

Alderman Fairbanks, from the joint special committee appointed to nominate a suitable person for a City Solicitor, made a report recommending the election of John P. Healy. The report was accepted, and Mr. Healy was elected, by a vote of 9 to 1 each for Oliver Stevens and Benjamin Pond.

**BALLAST INSPECTORS.**

Alderman Power, from the joint special committee appointed to nominate four suitable persons for Weighers and Inspectors of Lighters and other vessels, made a report recommending the election of the following-named persons: Edward Hatch, Inspector-in-Chief; John Kenny, Abijah R. Tewksbury, George Faulkner, Assistant Inspectors. Accepted, and election laid over.

**PRINCIPAL ASSESSORS.**

Alderman Ricker, from the Joint Standing Committee on the Assessor's Department, made a report recommending the election of the following named persons as Assessors of Taxes in the city of Boston for the year beginning April 1, 1872:

Thomas Hills, Benjamin Cushing, Horace Smith, Thomas J. Bancroft, Daniel H. Whitney.

The report was accepted, and the board proceeded to an election, resulting in the choice of the above named, by votes as follows:

Thomas Hills, 12; Benjamin Cushing, 10; Thomas J. Bancroft, 12; Horace Smith, 12; Daniel H. Whitney, 11; James Ritchie, 2; Benjamin F. Palmer, 1.

**SUPERINTENDENT OF FIRE ALARMS.**

Alderman Poland, from the joint special committee appointed to nominate a suitable person for a Superintendent of Fire Alarms, made a report recommending the reelection of John F. Kennard.

The report was accepted, and Mr. Kennard was elected by an unanimous vote.

**ENGINEERS OF FIRE DEPARTMENT.**

Alderman Little, from the joint special committee, appointed to nominate a Chief Engineer and fourteen Assistant Engineers of the Fire Department, made a report recommending the election of the following-named persons:

Chief Engineer—John S. Damrell; Assistant Engineers—Joseph Dunbar, Zenas E. Smith, Wm. A. Green, George Brown, John W. Regan, Elijah B.

Hine, John S. Jacobs, Phineas D. Allen, Rufus B. Farrar, James Monroe, John Colligan, Joseph Barnes, Sylvester H. Hebard, Levi W. Shaw.

The board proceeded to an election, when John S. Damrell was chosen Chief Engineer, by a unanimous vote.

The vote for Assistant Engineers was as follows:

Joseph Dunbar.....	12
Zenas E. Smith.....	11
William A. Green.....	12
George Brown.....	12
John W. Regan.....	11
Elijah B. Hine.....	9
John S. Jacobs.....	10
Phineas D. Allen.....	12
Rufus B. Farrar.....	11
James Monroe.....	8
John Colligan.....	11
Joseph Barnes.....	12
Sylvester H. Hebard.....	11
Levi W. Shaw.....	8
Charles H. Prince.....	6
George W. Clark.....	5
George W. Orrok.....	6

All but the last three named, the nominees of the committee, were elected.

**SUPERINTENDENTS OF BRIDGES.**

Alderman Cutter, from the committee to nominate Superintendents of Bridges, made a report recommending the election of the several Superintendents now in office. The report was accepted, and the elections took place as follows:

*Federal-street Bridge.* Jacob Norris, by a unanimous vote.

*Dover-street Bridge.* Angus Nelson, by a vote of 10 to 1 for James E. Quinn and one blank.

*Chelsea-street Bridge.* Edward T. Stowers, by an unanimous vote.

*Meridian-street Bridge.* Abner Knight, by an unanimous vote.

*Granite Bridge.* B. S. Hawes, by an unanimous vote.

*Neponset Bridge.* John Galvin, by an unanimous vote.

*Broadway Bridge.* John C. Poole, by a vote of 11 to 1 for James E. Quinn.

*Mount Washington-avenue Bridge.* George H. Davis, by a vote of 10 to 1 each for Hugh J. Mealy and Frederick Silsbee.

**ORDERS PASSED.**

On motion of Alderman Squires, Ordered, That his Honor the Mayor cause the flags to be displayed on the public buildings, and a national salute to be fired at East Boston, South Boston, the city proper, Roxbury and Dorchester, at noon on the twenty-second day of February, inst., in commemoration of the birthday of George Washington; the expense to be charged to the appropriation for Incidental Expenses.

On motion of Alderman Woolley, Ordered, That Alderman Woolley, Stackpole and Sayward be a committee to nominate to this board suitable candidates for the offices of Field Drivers and Pound Keepers, Cullers of Hoops and Staves and Inspectors of Lime.

On motion of Alderman Fairbanks: Ordered, That the Treasurer be authorized to pay to Horace Littlefield the sum of \$21, being one-half of the appraised damages done to his poultry by dogs, the other half having been paid by the owner of said dogs; said sum to be charged to the amount received for dog licenses.

Ordered, That the Committee on Sealers of Weights and Measures be and they hereby are authorized to dispose of by public or private sale, as they shall deem best for the interests of the city, such property of the Sealers of Weights and Measures Department, as is not actually required for the purpose of carrying on of said department, and that the proceeds thereof be paid into the City Treasury.

On motion of Alderman Poland, Ordered, That the Committee on Fire Alarms be authorized to expend a sum not exceeding \$500 in each case, for apparatus, or making such alterations and repairs as may at any time be necessary; said sums to be charged to the appropriation for Fire Alarms.

On motion of Alderman Clark, Ordered, that the order to pay to Abram French \$1000, approved May 10, 1870, for grade damages occasioned his estate 137 Purchase street, be and the same hereby is revoked, he having conveyed his said estate to another person to whom damages have been awarded and paid in consequence of the said grading of Purchase street.

An order for the apportionment into three parts of the betterments assessed upon the persons named therein, on account of the widening of Hanover street.



Ordered, That his Honor the Mayor be and he hereby is authorized to convey to David W. Williams, 4437 square feet of land, to Harriet A., wife of Wm. Barton, 915 square feet, and to the heirs of Ralph Haskins 326 square feet, discontinued from the northerly side of Quincy street, at the corner of Warren street, and adjoining the estates of the afore-mentioned persons by a resolve of the Board of Street Commissioners, passed Feb. 9, 1872, upon the said Williams paying to the city at the rate of fifty cents, and the said Barton and heirs of Ralph Haskins at the rate of thirty cents per square foot for the land so conveyed; and that the proceeds thereof be paid into the City Treasury.

Alderman Sayward offered the following order:

Ordered, That the Committee on Legislative Matters be instructed to aid the petition of Hon. H. R. Harding, late Mayor of Cambridge, for a new avenue between Main street in Cambridgeport and the extension of West Chester park in Boston, as prayed for in said petition.

Referred to the Committee on Streets.

Alderman Woolley offered the following order:

Ordered, That the Chief Engineer of the Fire Department, under the direction of the joint committee on that department, furnish and equip a horse hose carriage for Ward 1, and locate the

same in Engine House No. 9, at an expense not to exceed \$1500; the same to be charged to the appropriation for Fire Department.

Referred to the Committee on Fire Department.

On motion of Alderman Little, an order was passed, to abate nuisances in South, Tyler, Pine, Malden, Oneida, Pleasant and Hanover streets and Cove place.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, orders to pay John Mahoney \$300 for Havre-street grade damages; to establish the grade of a portion of Townsend street; to pay L. D. Davenport \$75 for grade damages.

Order directing the removal of a bay window at No. 5 Oak street.

On motion of Alderman Sayward,

Order revoking the order of August 26, 1871, giving Gallop's Island into the care and custody of the Directors of Public Institutions, and providing that after the first of May next the care and custody of said island shall be in the Standing Committee on Health of this board, and also the care and maintenance of all sick persons detained thereon.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
FEB. 15, 1872.

The regular weekly meeting of the Common Council was held this evening at 7½ o'clock, M. F. Dickinson, Jr., President, in the chair.

On motion of Mr. Flanders of Ward 5, the roll was called, when the following-named members were shown to be present:

Anderson, Bickford, Bicknell, Bradt, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Davenport, Devine, Dickinson, Doherty, Dolan, Dowd, Emery, Faxon, Fitzgerald, Flanders, Flynn, Hart, Heath, Hersey, Holmes, Hughes, Jones, Kingsley, Lamb, Locke, Loring, Marston, Martin, McNutt, Moulton, Mullane, Noyes, Page, Perkins, Pickering, Risteen, Robbins, Robertson, Robinson, Salmon, Shepard, Smith, Thaeher, Webster, West, Weston, Whiston, Willbur, Wright—58.

Absent at Roll Call—Adams, Blackmar, Gragg, Pease, Prescott, Walker.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly report of Hay-weigher of North Scales, the monthly report of the Trustees of City Hospital, and the report of Superintendent of Printing were severally ordered to be placed on file.

The petitions of J. H. Chadwick and others, and of William F. Veazie, were referred, in concurrence.

The following matters received concurrent action:

Reference to Committee on Finance of request of Committee on Fire Department for an additional appropriation.

Reference to the Committee on Ordinances of an ordinance to amend an ordinance concerning the assessment and collection of taxes.

Reference to the Committee on Streets of an order to instruct Committee on Legislative Matters to aid petition of H. R. Harding for new avenue from Cambridge to Chester park.

Reference to the Committee on the Fire Department of an order to equip a horse hose carriage in Ward 1.

The order authorizing an expenditure, of not more than \$500 in each case, for fire alarm apparatus, and making such alterations and repairs as may at any time be necessary in relation thereto, was read once.

The following orders were severally read twice and passed:

Order authorizing flags to be displayed on the public buildings and salutes to be fired at South Boston, East Boston, Roxbury, Dorchester and the city proper at noon of the 22d instant.

Report and order (new draft) that the trustees of the City Hospital be authorized to receive and provide for persons sick with infectious diseases in buildings heretofore set apart and placed in their charge for such purpose.

Order for conveyance to be made to D. W. Williams of 437 square feet of land, to Harriet A., wife of William Barton, 915 square feet, and to the heirs of Ralph Haskins 326 square feet, discontinued from the northerly side of Quincy street, corner of Warren street, by a resolve of the 9th of February last.

Order authorizing the sale of such property of the Sealers of Weights and Measures' Department as is not actually required for the said department.

Order for Mayor to petition the General Court to purchase or take for the abatement of a nuisance, the lands, or any of them, not within the limits of the Boston & Providence Railroad, situated within the district, bounded northeasterly by Ruggles street, southeasterly by Tremont street, southerly by Hayden place and Ward street, and northwesterly by Parker street.

## PRINCIPAL ASSESSORS.

The report nominating Assessors was accepted, when the Council proceeded to an election, Messrs. Noyes of Ward 5, Devine of Ward 15, and Hughes of Ward 5 acting as a committee to receive and count the votes, the result being as follows:

Whole number of votes.....	60
Thomas Hills.....	53
Benjamin Cushing.....	53
Horace Smith.....	54
Thomas J. Bancroft.....	54
Daniel H. Whitney.....	57
Benjamin F. Palmer.....	5
James Ritchie.....	4
A. R. Holden.....	2
John Brown, J. Durie, I each.....	2

Messrs. Hills, Cushing, Smith, Bancroft and Whitney were declared to be elected, in concurrence.

The report nominating Weighers and Inspectors of Lighters was read and laid over.

## SUPERINTENDENT OF FIRE ALARMS.

The report nominating Superintendent of Fire Alarms and the certificate of the election of John F. Kennard were read, when the Council proceeded to an election, Messrs. Robbins of Ward 8, Mullane of Ward 13, and Collins of Ward 2, acting as a committee, the result being the election of Mr. Kennard, by a vote of 58 to 1 for James J. Flynn.

## CITY SOLICITOR.

The report nominating City Solicitor was read and accepted, the certificate of election of John P. Healy was read, and the Council proceeded to an election, Messrs. Brooks of Ward 1, Loring of Ward 5, and Dowd of Ward 13 acting as a committee to receive and count the votes. The result was as follows:

Whole number of votes.....	53
Necessary to a choice.....	30
John P. Healy.....	30
Oliver Stevens.....	28
Abner Knight.....	1

Mr. Healy was declared to be elected, in concurrence.

## TRUSTEE OF PUBLIC LIBRARY.

The certificate of the election of William E. Perkins as trustee of the Public Library, in place of Herman D. Bradt chosen by the Council, was read, and the Council proceeded to an election. Messrs. Emery of Ward 10, Robinson of Ward 11, and Cunningham of Ward 2, a committee to receive and count the votes, reported the result as follows:

Whole number of votes.....	63
Necessary to a choice.....	32
H. D. Bradt.....	34
William E. Perkins.....	29

Mr. Bradt was declared to be elected, in non-concurrence.

The Chair subsequently called the attention of the Council to the fact that there were one more ballot cast than there were members present, which, however, would not effect the result.

## ENGINEERS OF THE FIRE DEPARTMENT.

The report nominating Chief and Assistant Engineers of the Fire Department, was accepted, and an election took place—Messrs. Faxon of Ward 14, Davenport of Ward 16, and Caton of Ward 11 acting as a committee on votes for Chief Engineer, John S. Damrell being elected by a unanimous vote.

Messrs. Flanders of Ward 5, West of Ward 16, and Page of Ward 9, a committee on votes for Assistant Engineers, reported the result, as follows:

Whole number of votes.....	62
Necessary to a choice.....	32
Joseph Dunbar.....	55
Zenas E. Smith.....	58
William A. Green.....	58
George Brown.....	59
John W. Regan.....	55
Elijah B. Hine.....	44
John S. Jacobs.....	53
Phineas D. Allen.....	59
Rufus B. Farrar.....	56
James Monroe.....	57
John Colligan.....	43
Joseph Barnes.....	57
Sylvester H. Hebard.....	40
Levi W. Shaw.....	40
George E. Orrok.....	40
J. Foster Hewins.....	21
Charles H. Prince.....	34
Scattering.....	10

Messrs. Dunbar, Smith, Green, Brown, Regan, Hine, Jacobs, Allen, Farrar, Monroe, Colligan, Barnes, Hebard and Shaw were declared to be elected, in concurrence. Mr. Prince, although having votes enough, was not elected, there being but fourteen Assistant Engineers.

## SUPERINTENDENTS OF BRIDGES.

The report nominating Superintendents of Bridges was accepted, and an election took place—Messrs. Hersey of Ward 12, Claters of Ward 4, and Wright of Ward 15 acting as a committee, the result being as follows:

*Federal-street Bridge.* Jacob Norris, 53 votes to 1 for Hugh Mealey.

*Dover-street Bridge.* A petition, signed by Robert McDevitt and others, against the election of Angus Nelson, as an irritable, unfit person for the office, presented by Mr. Flynn of Ward 7, was ordered to be placed on file. The vote was—Angus Nelson 31; Hugh Mealey 24; James Quinn 6; Frank Tilden 1. Second ballot—Nelson 30; Mealey 27; Quinn 2; E. T. Stowers 1. Mr. Nelson was elected, on the third ballot, by a vote of 32 to 28 for Hugh Mealey and 1 for James E. Quinn.

*Chelsea-street Bridge.* Edward T. Stowers, by a vote of 56 to 2 for others.

*Meridian-street Bridge.* Abner Knight, 55; scattering, 3.

*Granite Bridge.* B. S. Hawes, 54; scattering, 6.

*Neponset Bridge.* John Glavin, 53; scattering, 4.

*Broadway Bridge.* John C. Poole, 47; scattering, 12.

*Mount Washington-avenue Bridge.* George H. Davis, 31—elected; D. J. Holland, 13; Frederiek Tilden, 10; C. T. Henley, 4; J. S. Donovan, 1; and there were two votes for members of the Council.

The several Superintendents were declared to be elected, in concurrence.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

The request and order for a loan of three hundred and twenty-five thousand dollars, to be added to the Fort Hill Improvement Loan. (Printed City Doc. No. 20, 1872.)

Report and order that the time for building on certain land on Fourth, near N street, sold to Martin Hayes, Nov. 30, 1869, be extended for one year from the first of April next.

Report and order authorizing the purchase, for the purposes of a Grammar School, of thirty-five thousand square feet of land on L, between Fifth and Sixth streets, Ward 12; and authorizing a loan of twenty-six thousand dollars to be applied to the purchase of said land.

Order authorizing a horse hose carriage to be furnished, equipped and located in Engine House No. 9.

Request and order for a loan of five hundred thousand dollars, to be added to the loan for the improvement of the Suffolk-street District. (Printed City Doc. No. 22, 1872.)

#### SUPERINTENDENT OF SEWERS.

The report nominating a Superintendent of Sewers, was accepted, when an election of Superintendent took place, Messrs. Hart of Ward 12, Martin of Ward 7, and Kingsley of Ward 3 acting as a committee, the result being the election of Wm. H. Bradley, by a vote of 40 to 9 for Samuel Little, and 4 scattering.

Mr. Bradley was declared to be elected, in concurrence.

The Chair appointed Mr. Risteen of Ward 10, in place of Mr. Brackett, on the committee to nominate a City Engineer.

#### WORLD'S PEACE JUBILEE.

The following communication was laid before the council:

BOSTON, Feb. 15, 1872.

To the Honorable the Common Council—The Executive Committee of the World's Peace Jubilee and International Musical Festival Association respectfully request an opportunity to confer with the Council upon some preliminary matters concerning the success of this enterprise.

GEO. H. DAVIS, Chairman.

HENRY G. PARKER, Secretary.

On motion of Mr. Robinson of Ward 11, it was voted that when the Council adjourn, it be to Friday evening, for a conference as suggested in the above communication.

#### ORDERS FROM THE SCHOOL COMMITTEE.

Orders from the School Committee, requesting an appropriation of \$5000 for the evening drawing school, and that provision be made for the accommodation of a primary school in the Preseott Schoolhouse, for two grammar-school classes, a class for special instruction, and a primary-school class in the Lincoln School District, were referred to the Committee on Public Instruction.

#### PETITIONS PRESENTED AND REFERRED.

Frederic H. Henshaw, Eleanor D. Rockwood and others, Frank Goodwin, Josephine Hunt and others, severally, that the City Council may direct that the reading room of the Boston Public Library may be kept open Sunday afternoons and evenings. Referred to Committee on Public Library.

Hiram B. Oreat, to be paid for injuries received. Referred to Committee on Claims.

Francis L. Lee and others, against the proposed construction of a bridge across Charles River from Cambridge. Referred to Committee on Streets.

#### ORDERS PASSED.

On motion of Mr. Noyes of Ward 5,

Ordered, That there be allowed and paid to Charles A. Welch, guardian, the sum of \$3800 for estate numbered 128 Castle street, in consideration of said Welch, guardian, and E. D. Sohler, executor under the will of Ann L. Hatfield, giving to the city a release and discharge, satisfactory to the City Solicitor, for all damages, costs and expenses in consequence of the taking of said estate, said sum to be charged to the appropriation for the Suffolk-street District.

Ordered, That the order passed Feb. 13, 1872, to pay Ann L. Hatfield \$3800, for estate No. 128 Castle street, be and the same is hereby rescinded.

#### HORSE-RAILROAD REGULATIONS.

Mr. Bradt of Ward 14 offered the following orders:

Ordered, That the Mayor, by and with the advice and consent of the Board of Aldermen, appoint a commission of five persons, neither of whom shall be a stockholder in any existing horse railway, to represent as well as may be the business interests of the city, and to contain among its members competent legal, engineering and mechanical skill, to investigate and report in what manner the existing horse railway system centring in Boston can be best regulated, improved and extended so as to form a harmonious and efficient plan for freight and passenger transport in the best interests of all the citizens, and to secure the best development of the city.

Ordered, That said commissioners be requested to report within two months; that they be allowed to call upon the City Surveyor's office for assistance in their investigations; that they give as many public hearings as they may deem necessary upon the subject; and report any legislation that may be necessary to carry their plan into effect, and that they report a plan, if possible, which shall place the railway system under municipal control, guarding it well against becoming a political machine; that they be empowered to appoint a shorthand reporter to take down the evidence given and report in print the evidence taken.

On motion of Mr. Bradt these resolutions were referred to the Committee on Streets.

On motion of Mr. Cunningham of Ward 2, it was ordered that the next regular weekly meeting of the Council be held on Wednesday evening, Feb. 21, at 7½ o'clock.

Adjourned to Friday evening, Feb. 16, 7½ o'clock.









## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

FEB. 19, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Mayor Gaston presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Constables—George H. Phillips, James R. Stone. Measurer of Wood and Bark—Ebenezer Curtis.

Undertaker—Jabez B. Cole.

Special Police Officers, without pay—William B. Hall, for Park-street Hall, Harrison Square; Chester R. Merrill, for Sears Building; Thomas Langdon, in the service of the Society for the Prevention of Cruelty to Animals; William S. Capron, for the American Safe Company's Works, City Point.

Assistant Superintendent of Health—The appointment by the Superintendent of Health of Daniel B. Curtis, as Assistant Superintendent, was confirmed.

## PETITIONS PRESENTED AND REFERRED.

A. T. Robinson, that Glenway avenue may be graded.

Shelton Barry and others, that the grade of Bowdoin street, Ward 16, may be established.

James C. Sharp, to be paid for grade damages on Allston street, Ward 16.

Thomas Keyes, to be paid for damages caused by change of grade in Athens street.

Severally referred to the Committee on Paving. Charlotte A. Johnson for abatement of her Kingston-street betterments.

Charles E. Jackson for an apportionment of his Kingston-street betterments.

Severally referred to the Committee on Streets.

George W. Vincent and others, for replacing the horse hose carriage formerly located in Engine House No. 17, on Meeting-House Hill. Referred to the Committee on Fire Department.

Benjamin Dean and others, for a new police station near Broadway and K street. Referred to Committee on Public Buildings.

Officers of Central Office of Police, and patrolmen of the several police stations, for an increase of salaries. Severally referred to the Committee on Salaries.

John J. O'Donnell, to be paid for injuries caused by an alleged defect in Tennyson street. Referred to Committee on Claims.

William B. Duggan and others, for a sewer in Vinton street.

James Galvin, for an abatement of sewer assessment in Thornton street.

M. F. Lynch and others, abutters on Dorehester avenue, Ward 16, that the surface water flowing from said avenue upon their estates may be diverted.

Severally referred to the Committee on Sewers.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay L. D. Davenport \$75, for Renfrew-street grade damages.

Order to pay John Mahoney \$300, for Havre-street grade damages.

Order to establish the grade of Townsend street, between Warren street and Warren avenue.

Order for owner of estate No. 5 Oak street to remove his bay window.

Order to place the custody of Gallop's Island of the sick persons thereon in charge of the external Health Department.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Francis L. Lee and others, Hiram B. Orent, Josephine Hunt and others, and of Eleanor D. Rockwood and others, were severally referred, in concurrence.

The requests from the School Committee for additional accommodations for primary scholars in the Lincoln-School District and in the Prescott-School District, and for an additional appropriation of \$5000 for Evening Drawing Schools, were severally referred to Committee on Public Instruction, in concurrence.

The order for appointment of a commission to consider and report upon the whole subject of the management and control of street railways was

referred to Joint Committee on Streets, in concurrence.

The following orders were severally passed, in concurrence:

Order to pay Charles A. Welch, guardian, and Edward D. Solier, executor, under the will of Ann L. Hatfield, \$3800, for estate 128 Castle street, and to rescind previous order to pay Ann L. Hatfield said amount.

Report and order authorizing the purchase, for the purposes of a grammar school, of thirty-five thousand square feet of land on L, between Fifth and Sixth streets, Ward 12; and authorizing a loan of twenty-six thousand dollars to be applied to the purchase of said land.

Report and order authorizing a horse hose carriage to be furnished, equipped and located in Engine House No. 16.

The order approving of a reasonable expenditure for two bridges on the Back Bay and the appointment of Mr. Risteen on the committee on nomination of City Engineer were ordered to be placed on file.

## TRUSTEE OF PUBLIC LIBRARY.

The election of one Trustee of the Public Library, to represent the Common Council, came up, the Council having nonconcurred with the Board in the choice of William E. Perkins, by electing Herman D. Bradt.

The Board proceeded to a ballot, in which there was no choice, William E. Perkins and H. D. Bradt receiving 6 votes each.

On the second ballot, H. D. Bradt was elected, in concurrence, by a vote of 7 to 5 for William E. Perkins.

## HEARING ON ORDERS OF NOTICE.

The hearing on petition of Alonzo M. Giles and others for the removal of tracks of the Marginal Freight Railroad Company from Causeway and Commercial streets, specially assigned, was taken up. No one appeared for the petitioners.

E. W. Morton appeared for the corporation, and stated that he was ready to proceed after hearing the reasons of petitioners for removal of the tracks.

Alderman Ricker stated that there must have been some mistake in the failure of petitioners to appear, since they were much interested in the matter, and there was some question among them whether the hearing was today or next week.

On motion of Alderman Jenks, the hearing was further postponed one week.

## REPORTS OF COMMITTEES.

Alderman Little, from the Committee on Health, reported in favor of the petition of James McAnaw, for leave to erect a wooden stable for four horses on Havre street, between Porter and Marion streets, and leave to withdraw on petition of James McGuire, for leave to build a wooden stable on E street, near Ninth street. Severally accepted.

Alderman Little, from the Committee on Finance, to whom was referred the report of the Committee on the Fire Department, asking for an additional appropriation of \$40,000, made a report of the accompanying order granting the request. They also reported the annual order authorizing the Auditor of Accounts to make the necessary transfers of appropriations for closing the present financial year.

Ordered, That the Auditor of Accounts be and he is hereby authorized to transfer from the Reserved Fund to the appropriation for the Fire Department the sum of \$40,000.

Also to make such transfers of appropriations as are required to make up the deficiencies in other appropriations, and such others as may be necessary in closing the business of the financial year, which terminates April 30, 1872.

The report was accepted, and the order was passed.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: S. C. Martin, Jr., for leave to give concerts at East Boston in February and March; Post No 23 G. A. R. for leave to hold a fair at East Boston; H. T. Reed, to give a series of popular concerts at Music Hall and other halls in this city; William H. Merriam, J. C. Davis and Charles O. Quincy, as auctioneers; also licenses to sixty-two newsboys, five pedlars, and four bootblacks, and licenses to sundry persons as victuallers, pawnbrokers, and keepers of intelligence offices, for a hack stand, wagon licenses and transfer of wagon licenses. Severally accepted.

Alderman Squires, from the Joint Special Committee on Public Lands, to whom was referred the petition of George Curtis for leave to purchase a lot of land adjoining his land on Albany street, op-



posite the City Hospital, made a report that they had considered the same and are fully convinced that it is not for the interest of the city to sell said land at the present time; and they therefore recommend that the petitioner have leave to withdraw. Accepted.

Alderman Squires, from the same committee, to whom was referred the petition of George H. Davis and others, for the release of certain conditions attached to the passageway in rear of their houses on Newton street, having viewed the premises and given the subject due consideration, are satisfied that the interests of the city will not be promoted by a release of any conditions placed on said passageway. They therefore recommend that the petitioners have leave to withdraw. Accepted.

Alderman Clark, from the Committee on Streets, reported no action necessary on the petitions of Henry M. Mann & Co., for damages in widening Hanover street, as the claim had been settled; also of Mrs. H. E. B. Bliss, for damages in widening Hanover street, the claim having been settled; also of Quincy Dyer, a settlement having been made in full with the owner of estate; also on petition of Boston Dispensary, for abatement of assessment of betterments on Avon place; and of W. W. Page, for claim for leasehold damages corner of Tremont and Warrenton streets, and that the petitioner have leave to withdraw. Severally accepted.

Alderman Clark, from the same committee, reported leave to withdraw on petition of C. E. Jackson for abatement of Kingston-street betterments; of Samuel A. Way for damages caused by the closing of Way street; Samuel A. Hastings, to be paid for land taken to lay out Gray street; Samuel A. Way, to be compensated for losses sustained in consequence of the proposed widening of Castle street, which was not accomplished; and inexpedient on sundry Oliver-street claims, as full settlement has already been made of the claims for damages arising from the widening and grading of Oliver street mentioned therein. Severally accepted.

#### FIELD DRIVERS AND OTHER OFFICERS.

Alderman Woolley, from the special committee appointed to nominate suitable candidates for the offices of Field Drivers and Pound Keepers, Cullers of Hoops and Staves, and Inspectors of Lime, made a report recommending the election of the following-named persons:

Field Drivers and Pound Keepers—Wm. D. Cook, S. E. Partridge, Henry Morse, Thos. M. Cotton, Chas. Spear, Wm. Gordon, Wm. T. McChesney, Wilson Stanley, Samuel McIntosh, Edward F. Mecuen, E. T. Hitchcock, John Robie, Wm. Moulton, Patrick H. Rogers.

Inspectors of Lime—Andrew Abbott, Ebenezer Curtis.

Cullers of Hoops and Staves—Lewis Beck, Horace Sawyer.

The report was accepted and the several persons named were appointed as recommended.

#### ORDERS PASSED.

On motion of Alderman Little,

Orders to pay Samuel Dillaway \$100, John McKinnin \$725, Naomi G. Potter \$700, Mary Nagle \$175, Ellen Prince \$200, Elizabeth C. Cook \$250, William B. Gardner \$275, Joseph Woodside \$50, J. T. Simpson \$25, F. P. Waters \$100, John Harris \$700, Paul Knowles \$700, Hannah C. Joy \$650, Charles P. Jameson \$25, severally for grade damages on Bennington street; Jane Collins \$225. Andrew Woodside \$175, Thomas Conroy \$300, Henry Ewell \$350, Robert Swan \$350, Matthew O'Brien \$400, Jane E. Blake \$400, Thomas McDonald \$500, Michael McCarthy \$250, Daniel Murphy \$450, John Walsh \$500, severally for Havre-street grade damages.

Orders to pay John Lynch \$1100 for Havre and Marion street grade damages; Michael Gavaghan \$300, Michael Doyle \$300, Richard Rich \$375, Sarah H. Allen \$375, E. H. Farnham \$450, Thomas J. Garrigan \$1087, Hugh Cain \$450, Arthur Hayes \$300, Caroline Ritchie \$300, Matthew Whitten \$300, Henry Snow \$150, severally for Marion-street grade damages; Julia Dorgan \$200, John F. Wood \$275, John Barry \$250, Honora Hayes \$250, Rumney Noble \$100, Daniel F. Murphy \$300, severally for Brooks-street grade damages.

Ordered, That the Committee on Paving be authorized to build iron bridges with stone abutments on Huntington avenue, over the Boston & Albany Railroad, and on Newton street, over the Boston & Providence Railroad, and to fill on said Huntington avenue all that may be required to raise the same from the elevation of eighteen feet above mean low water to such grade as may be necessary to cross said bridge; also to grade West Newton street: provided that agreements in writing satisfactory to his Honor the Mayor and the City Solicitor be first obtained from all parties in interest on said Huntington avenue and West Newton street, and from the Boston & Albany and the Boston & Providence railroads, holding the city harmless from any and all claims for damages on account of the erection of the bridge and the grading of the street and avenues, as aforesaid.

Ordered, That the Treasurer be authorized, under the direction of the Committee on Finance, to borrow the sum of \$175,000 to defray the expense of erecting bridges on Huntington avenue and West Newton street, and grading said avenue and street.

An order was also passed for abatement of nuisances in East Canton, Norwich, Dove, First, Second, Third, I, Second and I between K and L, and South streets and Harrison avenue.

On motion of Alderman Clark,

Ordered, That there be paid to Thomas Connolley the sum of \$700 for land taken and all damages occasioned by the extension of Sixth street to Fountry street, by a resolve of this Board, of March 27, 1867, upon the usual conditions; the same to be charged to the appropriation for Unliquidated Street Claims.

Ordered, That the order of this Board of Nov. 30, 1868, to pay the said Connolley \$400, be and the same hereby is rescinded.

On motion of Alderman Cutter,

Ordered, That the Committee on Public Institutions be requested to ascertain and report to the City Council what action, if any, the Directors for Public Institutions have taken in relation to the erection of temporary structures for certain purposes in connection with the House of Correction at South Boston.

On motion of Alderman Stackpole,

Ordered, That the Committee on the Jail be authorized to exchange the horse now used in conveying prisoners between the jail and the Court House, and to purchase an additional horse for said service; the cost of the same to be charged to the appropriation for the county of Suffolk.

On motion of Alderman Ricker, it was ordered that a joint special committee be appointed to nominate suitable persons for consulting physicians.

Aldermen Ricker and Fairbanks were appointed on the committee.

On motion of Alderman Woolley, the order for the appointment of a joint special committee upon erection of the soldiers' monument was taken from the table and passed, in concurrence.

Orders to pay J. M. W. Yerrinton, Ann J. Phillips and others were read once.

Adjourned.









## CITY OF BOSTON.

## Proceedings of the Common Council,

FEB. 21, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock—M. F. Dickinson, Jr., President, in the chair.

On motion of Mr. Brooks of Ward 1, a call of the roll was ordered, when the following named members appeared to be present:

Adams, Bicknell, Bradt, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Davenport, Devine, Dickinson, Dowd, Emery, Faxon, Fitzgerald, Flanders, Hart, Holmes, Jones, Kingsley, Lamb, Locke, Martin, McNutt, Moulton, Noyes, Page, Pickering, Risteen, Robbins, Robertson, Robinson, Thacher, Webster, West, Weston, Wright.

Absent at roll-call—Anderson, Bickford, Blackmar, Doherty, Dolan, Flynn, Gragg, Heath, Hersey, Hughes, Loring, Marston, Mullane, Pease, Perkins, Prescott, Salmon, Shepard, Smith, Walker, Whistou, Wilbur.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Benjamin Dean and others, George H. Vincent and others, John J. O'Donnell, and of the police officers of the city, were severally referred, in concurrence.

The reports (leave to withdraw) on petition of George Curtis, for leave to purchase a lot of land adjoining his estate on Albany street, and (leave to withdraw) on petition of G. H. Davis and others, for release of certain conditions attached to a passageway in rear of their houses on Newton street, were severally accepted.

The order appointing a joint committee to nominate Consulting Physicians was concurred in, and Messrs. Locke of Ward 12, Blackmar of Ward 11, and Smith of Ward 1 were joined to the committee.

The following orders were passed, in concurrence:

Ordered, That the Committee on Public Institutions report what action, if any, the directors of said institutions have taken, in relation to the erection of temporary structures in connection with the House of Correction.

Report nominating, and confirmation of the following-named persons to the offices mentioned:

Field Drivers and Pound Keepers—William D. Cook, S. E. Partridge, Henry Morse, Thomas M. Cotton, Charles Spear, William Gordon, William F. McChesney, Wilson Stauley, Samuel McIntosh, Edward F. Mecuen, E. T. Hitchcock, John Robie, William Moulton, Patrick H. Rogers.

Inspectors of Lime—Andrew Abbott, Ebenezer Curtis.

Cullers of Hoops and Staves—Lewis Beek, Horace Sawyer.

The report and order for a transfer to be made from the Reserved Fund of \$40,000, to the appropriation for the Fire Department; also such transfers of appropriations as are required to make up the deficiencies in other appropriations, and such others as may be necessary in closing the business of the year were passed—49 yeas, no nays.

Order authorizing iron bridges to be built with stone abutments, on Huntington avenue, over the Boston & Albany Railroad, and on Newton street, over the Boston & Providence Railroad; to fill and raise said avenue from the elevation of eighteen feet above mean low water to such grade as may be necessary to cross said bridge; also to grade West Newton street, provided that satisfactory agreements be first obtained from all parties in interest, holding the city harmless from all claims, from damages on account of the building of the bridges and grading of the street and avenue aforesaid. And an order for a loan of \$175,000, to defray the expense thereof.

Mr. Noyes of Ward 5 moved a suspension of the rules for the passage of the above order.

Mr. Brooks of Ward 1 said he should like to hear from some gentleman the reasons for passing the order now. They should not act hastily on the subject, and he would ask if it was necessary that it should be passed tonight.

Mr. Noyes replied that in conversation with a member of the Committee on Paving, he was told that the order should be passed at once. It will be

necessary to get out specifications and advertise for proposals, and there should be no delay; for there was hardly time now for the contractors for the bridges to be ready when required.

Mr. Brooks said it seemed to him that they could not be prepared to vote now on the order, and he could not say that he would not vote for it, while the reasons given were hardly sufficient for a suspension of the rules. Progress might be made in the matter, and the order passed next week as well as tonight. In the expenditure of \$175,000, they should look at it somewhat and obtain all the information necessary, for it came from no committee. There was some action taken at a special meeting of the Council, but without any specific reference to plans or cost.

Mr. Hersey of Ward 12 said it was important that the bridges should be built, and they should be about it at once, with no delay.

Mr. Emery of Ward 10 stated that in a conversation with a contractor for building iron bridges, this contractor said if they wished him to build the bridges he should want three months and no less time. Should he get the contract, he should want it in a week. Another contractor had said if he should put in proposals for a contract the order should be passed tonight.

The rules were suspended, and the order was passed, by a vote of 54 yeas, 1 nay—Mr. West of Ward 16.

## UNFINISHED BUSINESS.

The order authorizing an expenditure of not more than \$500 in each case for fire-alarm apparatus, and making such alterations and repairs as may at any time be necessary, was read a second time and passed.

A communication was received from H. D. Bradt resigning his position as a member of the Committee on the Public Library, having been elected a Trustee of the library. The resignation was accepted, and the Chair took time for filling the vacancy.

## PETITIONS PRESENTED AND REFERRED.

S. H. Russell and others, for the removal of the bathing house at the foot of Broadway. Referred to the Committee on Bathing.

Horace L. Duncklee, to be paid for loss of a horse frightened by a steam train on Shawmut avenue. Referred to the Committee on Claims.

## REPORTS OF COMMITTEES.

Mr. Clatur of Ward 4, from the Committee on Legislative Matters, to whom was referred the order in relation to the consolidation of the municipal court districts in this city, made a report that the order ought to pass, it being as follows:

Ordered, That the Committee on Legislative Affairs be requested to procure the passage of an act by which the several municipal court districts in this city may be consolidated, and the clerks thereof be elected by the citizens on the same day.

The report was accepted and the order being on its passage,

Mr. Shepard of Ward 4 said he could not understand the object of the order. There was no necessity for legislation at present, nor for several years. If the purpose is to act in relation to the redistricting of wards, the wards cannot be changed until 1875, and the clerks, although elected differently, have been elected for five years. The object might be desirable to elect the clerks on the same day, but no action which may be taken would affect anything at present.

Mr. Fitzgerald said the order was indefinite in its language; and if by consolidating the courts it was intended to abolish all but the principal one, he should vote against it; but if it was designed that the election of the clerks should be made at large, he should vote for it.

Mr. Clatur, in explanation, stated that nothing was brought before the committee except to provide that the clerks should be elected on the same ticket and at the same time.

Mr. Fitzgerald said if that was the explanation, the order should be recommitted, for by its language it abolished some of the courts. He moved therefore that the report be recommitted.

Mr. Webster of Ward 6 moved an indefinite postponement of the order.

The motion to recommit was first in order, and was carried, by a vote of 35 to 7.

Mr. Bicknell of Ward 4, from the Joint Standing Committee on Public Buildings, to whom was referred the petition of the Trustees of the Fellowes Athenæum, with instructions to hear the petitioners, made a report that they have complied with

the request, and as the sale of land asked for in said petition is inexpedient, they recommend that the petitioners have leave to withdraw. Accepted.

Mr. Bicknell, from the same committee, made a report that it will be necessary to build a retaining wall and fences for the yard of Engine House No. 15, the estimated cost of which work will be \$2000; also, that there will be required the sum of \$1000 to build a division fence and complete the engine hose house on Tremont street. The committee would therefore recommend the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to build a retaining wall and fences for the yard of Engine House No. 15; also, to build a division fence and complete the building of engine hose house on Tremont street; the expense thereof to be charged to the appropriation for Public Buildings.

The order was read once.

#### ORDERS PASSED.

On motion of Mr. Perkins of Ward 6,

Ordered, That a committee, with such as the Board of Aldermen may join, be appointed to confer with the Executive Committee of the Interna-

tional Musical Festival, and report to the City Council what part, if any, it is desirable that the city should take in connection with the proposed festival.

Messrs. Perkins of Ward 6, Robinson of Ward 11, and Noyes of Ward 5 were appointed the committee on the part of the Council.

On motion of Mr. Noyes of Ward 5,

Ordered, That his Honor the Mayor be authorized to release the restriction that no building shall be erected on the strip of land five feet wide in front of estates numbered 14 and 16 Garland street, provided the owners of said estates will assent by an instrument satisfactory to the City Solicitor to the removal of said restrictions upon a strip of land five feet wide in front of all the estates on the southerly side of Garland street, between Washington street and Shawmut avenue.

Mr. Perkins of Ward 6 offered the following order, which, on his motion, was referred to the Committee on Streets:

Ordered, That the Board of Street Commissioners be requested to report to the City Council an estimate of the cost of extending Williams street to Madison square.

Adjourned.















## CITY OF BOSTON.

## Proceedings of the Common Council,

FEB. 29, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock—M. F. Dickinson, Jr., President, in the chair.

On motion of Mr. Dacey of Ward 2, a call of the roll was ordered, when the following named members were shown to be present:

Anderson, Bicknell, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Davenport, Devine, Dickinson, Dolan, Emery, Faxon, Fitzgerald, Flanders, Gragg, Hart, Heath, Hersey, Holmes, Hughes, Jones, Kingsley, Lauh, Locke, Loring, Martin, McNutt, Moulton, Noyes, Page, Pickering, Risteen, Robbins, Robertson, Robinson, Smith, Thacher, Webster, West, Weston, Whiston, Wilbur, Wright.

Absent at roll-call—Adams, Bickford, Blackmar, Bradt, Doherty, Dowd, Flynn, Marston, Mullane, Pease, Perkins, Prescott, Salmon, Shepard, Walker.

## PAPERS FROM THE BOARD OF ALDERMEN.

The communication from the Executive Committee of the World's Peace Jubilee Association, the petitions of the Massachusetts Society for the Prevention of Cruelty to Animals, of Alonzo Warren and others, Sullivan & Macdonald, B. C. Libby, A. C. Wheelwright, E. H. Hall & Co., and of F. W. Clarke and others, and the communication of the City Treasurer relative to a claim of John A. Lowell, were referred in concurrence.

The reference to the Committee on Legislative Matters of the "Memorial of the Town of Brighton on the subject of annexation to Boston" (City Doc. No. 24) was concurred in.

The order that John S. Underwood be appointed Field Driver and Pound Keeper for East Boston was adopted, in concurrence.

The following orders were severally read once:

Report and order that additional accommodations be provided for a primary school in the Prescott District, as requested by the School Committee.

Order to pay J. M. W. Yerrinton \$325 25, for making a phonographic report of the testimony before the fire inquest concerning the fire in the store of George W. Ware & Co.

Report and order to provide additional accommodations for schools in the Lincoln School District, as requested by the School Committee.

The order to pay bills of the March draft was read twice and passed.

## OVERSEERS OF THE POOR.

The report nominating for reelection as Overseers of the Poor, James A. Little, Thomas Blasland, Francis E. Parker and George Fabyan, and the certificate of the election of said persons as overseers, were read, and the report accepted, when the Council proceeded to an election.

Messrs. Bicknell of Ward 4, Heath of Ward 8, and Mullane of Ward 13 were appointed a committee to receive and count the votes, and reported the result to be as follows:

Whole number of votes 54, of which James L. Little had 52, Thomas Blasland 50, Francis E. Parker 54, George Fabyan 51, and three scattering. Messrs. Little, Blasland, Parker and Fabyan were declared to be elected, in concurrence.

The report nominating Henry W. Wilson as City Engineer, together with a minority report nominating Henry M. Wightman for said office, was accepted, and the election was laid over.

The report and ordinance to amend an ordinance concerning the assessment and collection of taxes was read twice and passed.

The following orders were severally passed:

Order to pay Company B, Ninth Regiment M. V. M., \$498 07, for repairs of armory.

Order to pay Company G, First Regiment M. V. M., for rent of armory, \$600 per annum, beginning on the first of April last.

The unfinished business, the order to build a retaining wall and fence for the yard of Engine

House No. 15; also to build a division fence and complete the building of the engine and hose house on Tremont street, coming up, Mr. Bicknell of Ward 4 stated it to be unnecessary, and on his motion the order was indefinitely postponed.

## PETITION PRESENTED AND REFERRED.

Wm. H. Adams for removal of restriction and change of bond given for land on Harrison avenue, between Newton and Sharon streets by Samuel W. Luce. Referred to Committee on Public Lands.

The Chair appointed Mr. Burditt of Ward 16 on the Committee on the Public Library, in place of Mr. Bradt of Ward 14, resigned.

## WIDENING OF FEDERAL STREET.

A resolve and order for the widening of Federal street, between High street and Federal court, was received from the Board of Street Commissioners. The resolve provides for the taking of land and damages, as follows: William Sohler, trustee, Nos. 155, 157 Federal street, 387 square feet, \$15 per foot, \$5805, and damages to buildings and occupants of \$6000—total \$11,805; D. L. & J. G. Webster, Nos. 145, 147, 250 feet, \$12, \$3000, and \$2000 damages—total \$5000; heirs of J. G. Torrey, Nos. 135, 137, 495 feet, \$10, \$4950, and \$4000 damages—total \$8950; Horatio H. Hunnewell, No. 125, 419 feet, \$10, \$4190; making a total of 1551 feet of land, at a cost of \$17,945, and damages of \$12,000, the entire cost amounting to \$29,945.

The resolve and order were read and referred to the Committee on Streets.

## ORDERS PASSED.

On motion of Mr. Noyes of Ward 5,

Ordered, That there be allowed and paid to Elijah Russell the sum of \$3710, in consideration of his giving to the city a deed of estate numbered 82 Albion street, or a release and discharge satisfactory to the City Solicitor, for all damages, costs and expenses in consequence of the taking of said estate; said sum to be charged to the appropriation for Suffolk-street District.

On motion of Mr. Webster of Ward 6,

Ordered, That a special committee, consisting of the President and three members of the Common Council, with such as the Board of Aldermen may join, be appointed with authority to take such action as they may deem expedient in regard to the entertainment of the members of the Japanese Embassy during their stay in this city; the expense attending the same to be charged to the appropriation for Incidentals.

The above order was passed, by a vote of 56 yeas to 2 nays, as follows:

Yeas—Adams, Anderson, Bicknell, Blackmar, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Dacey, Darrow, Devine, Doherty, Dolan, Dowd, Emery, Faxon, Fitzgerald, Flynn, Gragg, Hart, Heath, Hersey, Holmes, Hughes, Jones, Kingsley, Lamb, Locke, Loring, Marston, Martin, McNutt, Moulton, Mullane, Noyes, Pease, Perkins, Pickering, Risteen, Robbins, Robertson, Robinson, Salmon, Shepard, Smith, Thacher, Walker, Webster, West, Weston, Whiston, Wilbur, Wright.

Nays—Cunningham, Davenport.

Messrs. Webster of Ward 6, Salmon of Ward 3, and Hart of Ward 12 were appointed the committee, with the President, to be joined.

Mr. Robbins of Ward 8 offered the following order:

Ordered, That the Committee on Ordinances consider and report on the expediency of amending the ordinance in relation to the public institutions, by striking out so much of section seven of said ordinance as prevents members of the Board from furnishing supplies for the institutions.

Mr. Robbins moved a reference of the order to the Committee on Ordinances.

Mr. Perkins of Ward 6 said the Committee on Ordinances had no special facilities for judging of the expediency of the measure; and as the Committee on Public Institutions could better determine upon it, he moved to amend by reference to that committee.

The Chair suggested that the order itself provide for its consideration by the Committee on Ordinances.

Mr. Perkins said if it was desirable to consider the matter, that committee should do so which best understands the matter.

The reference to the Committee on Institutions prevailed.

Adjourned.

## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MARCH 1, 1872.

A special meeting of the Board of Aldermen was held at twelve o'clock, noon, today, Mayor Gaston presiding.

## JURORS DRAWN.

For grand and four petit jurors were drawn for the United States District Court.

## PETITIONS PRESENTED AND REFERRED.

John C. Crowley, that Paris street be graded from Porter street to Bennington street.

Joanna Leahey, to be paid for grade damages at No. 164 D street.

Hawes & Hersey, to be paid for grade damages on Dove and E streets.

Severally referred to the Committee on Paving.

Edward Mellen and others, for lamps on Tudor street, between C and D streets. Referred to Committee on Lamps.

Augustus Hardy, for leave to build a brick stable for two horses on Warren and Rockland streets. Referred to the Committee on Health.

A notice was received from the School Committee of a vacancy in that board, caused by the resignation of George F. Haskins of Ward 2, with a

proposition for a convention on Tuesday, March 12, at 7½ o'clock P. M., for the purpose of filling said vacancy. The proposition for a convention was concurred in.

## SENATOR FOR THIRD SUFFOLK DISTRICT.

The Mayor read a notice from Hon. H. H. Coolidge, President of the Massachusetts Senate, that a vacancy exists in the Third Suffolk Senatorial District, caused by the resignation of Hon. Charles Hale, late a member of the Senate from said district, with a warrant pursuant to the provisions of article 24 of the amendments of the constitution, appointing Monday, March 11, 1872, as the time for holding an election in said district to fill said vacancy.

On motion of Alderman Ricker,

Ordered, That warrants be issued for meetings of the legal voters of Wards Nos. 4 and 5, in their respective wardrooms on Monday, the 11th day of March, instant, at 11 o'clock, A. M., then and there to give in their ballots for one person, being an inhabitant of the district, as a Senator from the Third District of the County of Suffolk, in place of Charles Hale, resigned.

The polls to be kept open until 4 o'clock, P. M.

## REPORT OF COMMITTEE.

Alderman Little, from the Committee on Health, reported (leave to withdraw) on petitions for stables, as follows: A. J. Browne (at his own request) to build a brick stable for seventy horses on Walnut avenue; N. P. Doty, to build a stable for five horses on Concord and Jones streets; Patrick E. Murray, to enlarge his stable at No. 24 East Concord street. Severally accepted.

Adjourned.









## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MARCH 4, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Truant Officers—Chase Cole (Chief), Edward G. Richardson, George M. Felch, Phineas Bates, Charles E. Turner, Abraham M. Leavitt, Samuel McIntosh, Edward F. Meeuen, James P. Leeds, Jeremiah M. Swett.

Bridge Commissioners—Frederic W. Lincoln, for West Boston and Craigie's bridges; Joseph M. Wightman, for Charles-River and Warren bridges.

## PETITIONS PRESENTED AND REFERRED.

Stephen S. Thing, for leave to build a wooden stable for three horses on Heath place.

Stone & Tuttle, for leave to add twenty stalls to stable 1053 Washington street.

John P. Barnard, for leave to raise, alter and enlarge his stable on Joy street to accommodate thirty more horses.

Severally referred to the Committee on Health.

Andrew Marshall, for leave to erect and use a steam boiler and engine on Heath place.

Referred to Committee on Steam Engines.

Feroline J. Clark, for abatement of sewer assessment on Shawmut avenue.

Cornelius H. Callahan, for a sewer in Seventh street, from G to H streets.

Severally referred to the Committee on Sewers.

Heirs of William Parmenter, for apportionment of their Hanover-street betterments. Referred to the Committee on Streets.

Winthrop Railroad Company, to be relieved from paving streets occupied by them.

Ira Allen, to be paid for grade damages on Cabot street.

Jeremiah Boyle, to be paid for grade damages on Old Harbor street.

Severally referred to the Committee on Paving.

Atlanta Boat Club, for leave to build a floating boat house adjacent to Federal-street Bridge. Referred to Committee on Bridges.

Pitkin Brothers and others, that an additional police force be stationed in Haymarket square. Referred to Committee on Police.

L. B. Lent, for leave to exhibit his circus company in East Boston, South Boston and city proper in May next.

Hoyt, Wheeler & Bradley, for licenses as auctioneers.

Severally referred to the Committee on Licenses.

## ANNUAL REPORT ON CEDAR GROVE CEMETERY.

The fourth annual report of the Commissioners of Cedar Grove Cemetery was laid before the Board. During the year 790 feet of paths have been completed, 1188 linear feet of avenues finished and gravelled, 3024 ornamental shrubs and trees planted, and 4030 cubic feet of ledge have been removed. Twenty-seven lots have been graded and put in condition for sale, twenty-four lots have been selected by parties intending to purchase, and twenty-one lots have been sold and paid for, and the proceeds devoted to the care and improvement of the cemetery.

The Shawmut Railroad has been located over one portion of the grounds, in accordance with authority by the Legislature. It is expected that the road will be in operation by July next, and will afford further facilities of access to the cemetery. The railroad corporation is to construct the roads within the cemetery limits, and bridge the crossings of the cemetery avenues to the satisfaction of this Board. The line of location through the grounds has been established, and due regard has been paid thereto to the interests of all concerned. The Treasurer's report shows receipts of \$2011 91, and there is a balance in the treasury of \$204 70.

The report was laid on the table and ordered to be printed.

## UNFINISHED BUSINESS.

The report and orders to appropriate \$1500, in addition to former sums, for support of drawing

schools, and for Committee on Public Buildings to expend \$2500 for suitable accommodations, being under consideration,

Alderman Cutter asked for an explanation by the committee for the increased appropriation.

Alderman Stackpole stated that it could better be given by the member of the committee who was on the School Board.

Alderman Ricker, in reply said, that the money had been expended, or arrangements had been made for the expenditure, and there was nothing left but to make the appropriation. The School Board have authority to make the expenditures, and the bills must be paid.

Alderman Cutter inquired how much the extra expenditures had been.

Alderman Ricker replied that the whole expenditure for the drawing school amounted to \$20,000, and \$15,000 had already been appropriated.

Alderman Cutter said he thought this was rather a large sum to expend for drawing schools, and he should be obliged to vote against the order, as it stands now.

Alderman Jenks moved that the order be laid on the table, which was carried.

The following orders were severally passed:

Order to pay Henry Davenport \$68,179 58, for estate on Washington street between Castle and Orange streets, taken in the improvement of Suffolk-street District.

Order to grade up a low portion of the Common, at an expense of \$5000.

The order to pay the Ninth Regiment of Infantry \$150, for music engaged by them last year, coming up, Alderman Cutter moved its indefinite postponement, stating that it was considered on its merits last year and was in that manner disposed of.

The motion was carried.

## PAPERS FROM THE COMMON COUNCIL.

The petition of W. H. Adams was referred, in concurrence.

The notice of appointment of Mr. Burditt of Ward 16 on the Committee on Public Library, in place of Mr. Bradt, resigned, was ordered to be placed on file.

The resolve of Street Commissioners to widen Federal street from High street to Federal court, at a cost of \$29,945, was referred to Joint Committee on Streets, in concurrence.

The following orders were passed, in concurrence:

Order to pay Elijah Russell \$3710, for estate No. 82 Albion street, in Suffolk-street District.

Order for Committee on Ordinances to consider the expediency of amending ordinance in relation to public institutions, so that the directors of said institutions may furnish supplies to the city.

The order appointing a joint committee on reception of the Japanese Embassy being on its passage,

Alderman Woolley said he could not see the necessity of its passage now, for it would be anticipating the time of the arrival of that embassy, and he moved to lay it on the table.

Alderman Cutter replied that the embassy were now here, and if anything was to be done it was necessary to take some measures now, and there was no time for delay.

The motion to lay on the table was lost, and the order was passed by an unanimous vote.

Aldermen Fairbanks and Ricker were joined to the committee, and on motion of Alderman Cutter the Chairman of the Board was added.

## REPORTS OF COMMITTEES.

Alderman Ricker, from the Committee on Assessor's Department, made a report, recommending as First Assistant Assessors the following-named persons: William J. Ellis, Benjamin F. Palmer, Michael Carney, Theophilus Burr, John Brown, John M. Maguire, Joseph L. Drew, Otis Rich, P. Ambrose Young, Abraham G. Wyman, James Dennie, Michael J. Croak, Edward F. Robinson, George F. Williams, William Gallagher, Edwin B. Spinney, George F. Davis, Phineas B. Smith, L. Foster Morse, William Withington, Joseph T. Swan, James Healy, W. H. McIntosh, H. N. Holbrook, Charles E. Jackson, I. F. Atwood. The report was accepted.

The Board proceeded to ballot for First Assistant Assessors, Aldermen Clark and Woolley acting with the City Clerk as a committee to receive and count the votes. The result was as follows:



Whole number of votes.....	12
Necessary to a choice.....	7
William J. Ellis.....	12
Benjamin F. Palmer.....	11
Michael Carney.....	11
Theophilus Burr.....	6
John Brown.....	8
John M. Maguire.....	11
Joseph L. Drew.....	9
Otis Rich.....	9
P. Ambrose Young.....	10
Abraham G. Wyman.....	11
James Dennie.....	8
Michael J. Croak.....	8
Edward F. Robinson.....	10
George F. Williams.....	11
William Gallagher.....	11
Edwin B. Spinney.....	11
George F. Davis.....	11
Phineas B. Smith.....	8
L. Foster Morse.....	12
William Withington.....	9
Joseph T. Swan.....	3
James Healy.....	9
W. H. McIntosh.....	3
H. N. Holbrook.....	4
Charles E. Jackson.....	7
I. F. Atwood.....	9
John D. Richardson.....	10
John L. Brigham.....	9
J. K. Crowley.....	10
Henry Pierce.....	9
A. D. Capen.....	9
Harvey King.....	7
A. R. Holden.....	5
Thaddeus Gould.....	4
Joseph Allen.....	4
W. S. Kyle and Thomas Caswell, 3 each; W. H. Cundy, 2; E. C. Kingsbury, Thomas W. Brown, Jr., and Henry Sivers, 1 each.	

The nominees of the committee, with the exception of Messrs. Burr, Swan, McIntosh, Holbrook and Jackson, were elected; Messrs. Richardson, Brigham, Crowley, Pierce and Capen making up the number. Messrs. Jackson and King had the requisite number of votes, but without them the number was filled.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: D. E. Connor, to give a concert at Broadway Hall, March 18; Morris Brothers, to give a concert at Summer Hall, March 8; Boston Young Men's Christian Union, to give dramatic performances at 300 Washington street, March 5, 9 and 11; licenses to fifty-nine newsboys, and to George W. Parker and Wm. J. S. Glover as auctioneers; also to sundry persons as dealers in second-hand articles, pawnbrokers, victuallers, wagon licenses, and transfer of wagon licenses. Severally accepted.

Alderman Fairbanks, from the Committee on Licenses, to whom was referred the petition of Wm. A. Spalding for leave to run coaches from Charlestown into this city, made a report that the prayer of the petitioner ought to be granted, and they recommend the passage of the accompanying order:

Ordered, That leave be granted to Wm. A. Spalding to run not more than two coaches from Charlestown through Haverhill, Union and Hanover streets to Scollay's square, and thence through Cornhill, Dock square, Union and Haverhill streets to Charlestown. The report was accepted and the order was passed.

Alderman Fairbanks, from the Committee on the Market, reported in favor of leave to Edwin Read to transfer lease of cellar No. 5 Fanenil-Hall Market to E. K. Goodall. Accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw on petition of Ashel Gilbert, for a sewer in St. James street. Accepted.

INTERNATIONAL MUSICAL FESTIVAL.

Alderman Jenks, from the joint special committee appointed to consider what part the city shall take in the proposed International Musical Festival, made a report as follows:

That they have conferred with the representatives of the citizens' association having charge of the festival, and find that it is desired that the City Government should assume the duty of receiving and entertaining such distinguished officials as his Honor the Mayor and a committee of the City Council appointed for that purpose may hereafter invite.

As much time will be consumed in preparing the invitations, sending them to those at a distance, receiving answers and providing accommodations for those who accept, it is necessary that the city should enter upon the discharge of this duty at an early day.

The committee would, therefore, respectfully recommend the passage of the accompanying order providing for the appointment of a commit-

tee of three on the part of the Board of Aldermen and five on the part of the Common Council, with authority to take such action in this matter as they may deem expedient;

Ordered, That a special committee, consisting of three members of the Board of Aldermen and five members of the Common Council, be appointed, with authority to receive and entertain such distinguished strangers as they may invite to attend the World's Peace Jubilee and International Musical Festival, to be held in this city in June next, the expense attending the same to be charged to the appropriation for Incidentals.

The report was accepted, and the order was unanimously passed, and Aldermen Jenks, Clark, and Cutter were appointed on the committee, to which the chairman was added.

HOUSE OF CORRECTION AND ITS REMOVAL.

Alderman Ricker, from the Committee on Public Institutions, who were instructed by an order passed February 19 to ascertain and report to the City Council what action, if any, the Directors of Public Institutions have taken in relation to the erection of temporary structures for certain purposes in connection with the House of Correction at South Boston, having visited the locality and conferred with the Directors, asked leave to submit the following report:

The committee find that the Board of Directors have caused to be prepared plans and specifications, and have obtained estimates for the erection of a building on or near the site of the one destroyed by fire last year, three stories in height; the main building covering an area of sixty by ninety feet, with a projection on the front sixteen by twenty-four feet. With some slight modifications the plans are the same as those submitted last year as a part of the general improvements.

The building is to be constructed of the best quality hard burnt merchantable brick, laid in the best lime mortar, the underpinning to be laid in cement; the walls to be sixteen inches thick in the lower and twelve inches thick in the upper stories. The trimmings are to be of granite, and the roof is to be hipped four ways and slated. A copy of the specifications is herewith submitted. It appears from the estimates which have been received that the building, when completed, will cost from \$38,000 to \$42,000. The contracts for doing the work are not completed, and consequently no action by which the city would be liable for damages has been taken.

The report was accepted.

Alderman Power offered the following order:

Ordered, That the Directors for Public Institutions be instructed to stay proceedings under the orders passed the 27th of November and the 11th of December, 1871, in relation to the erection of temporary structures in connection with the House of Correction, South Boston, until otherwise ordered.

The order being on its passage, Alderman Sayward asked the reasons for the proposed action.

Alderman Power replied that the committee were directed to report what action had been taken in relation to the erection of temporary structures at the House of Correction, but it appeared by the report of the committee that no temporary structures were designed, and that the plans were for a fine building for permanent purposes. The people of South Boston were opposed to any expenditures for permanent buildings there, and mean to have the House of Correction removed as soon as possible. He did not propose to stand in the way of the orders of last year for temporary repairs on the buildings, but was opposed to such buildings as were contemplated by these plans.

Alderman Jenks stated that the appropriation was \$48,000, and by the report of the committee the estimated cost was but \$38,000, or \$10,000 less than the original order. It was the design of the Directors to have a suitable building for temporary use, and this was as cheap as possibly could be erected to carry out the spirit of the order, while the location was such if the property should be sold, the building would bring nearly as much as it cost to the city. If this was so, he was opposed to any change of their plans, but rather than not have any, he should be in favor of receiving estimates for wooden buildings.

Alderman Power said he wished in staying proceedings to gain time to see what sort of buildings it was proposed to put up. In relation to getting back the cost of buildings to the city, they all knew what a difference there is between the cost of city buildings and what they are sold for, as in the case of magnificent schoolhouses



sold to be torn down. If this was to be but a temporary wooden building, it ought not to cost \$38,000, and he wished to look into the plans before they were carried out, which he believed were not in accordance with the votes of last year.

Alderman Sayward said it was well known that the citizens of South Boston were opposed to the location of the House of Correction over there, and wished for its removal; but they would not be likely to accomplish their ends by thus heading off the Directors in making necessary repairs, until such time as they can provide for the removal. He was not himself opposed to the removal of the House of Correction, but it would take some time to do it. There was need of new buildings, call them temporary or permanent as they would, but they could not in justice put up such buildings as would burn or tumble down, any more for the safety of prisoners than they would such buildings for schoolhouses.

The course proposed was an unusual one, to stop the measure after an appropriation had been made, and would be a stigma upon the Directors. Neither the Board nor the committee had any idea contrary to the order which was passed, which was that of putting up a suitable building. That being so, he could not see why any one should object. It was not proposed to put up an extravagant building, but such an one as they might use to advantage.

Alderman Power said he did not intend to cast a stigma or a slur upon the Board of Directors, but he did object to any more buildings or to such buildings at the House of Correction. The people of South Boston were determined that the House of Correction should remain there but a very short time, and it would be a useless expense and too large a sum of money to be thrown away to expend so much there. He hoped, therefore, that so much would not be expended.

Alderman Cutter said he had a high opinion of the Board of Directors, but they made a mistake in not advertising for proposals. It appeared that they gave notice to four carpenters and masons, who alone were allowed to make estimates, and it was an error to expend \$38,000 on one building when others needed repairs, for the laundry building required \$10,000, and should this be passed that would probably be asked for. It was said that this was \$10,000 less than appropriated, but the Directors should have advertised for proposals, which would have been fair, honest and just, and not have received proposals from four only. He hoped the order would be passed.

Alderman Sayward replied that a larger job than this had recently been contracted for without advertising for proposals. In the estimates in this case, the Directors had done just as they would if the work had been done for themselves—the work to be given to the lowest bidder. He would ask the Alderman if he had seen the plans. The committee report that there were to be granite trimmings, but these trimmings were but rough-cut stone for window sills, necessary for the safety of the prisoners, with rough stone foundations, plain brick walls, thick enough so that they would not tumble down in a week, and as safe as they should be for their children.

The walls were plain until they reached the chapel, and that was as plain as it could be made, with not a cornice in it, although he would liked to have had them. This even may burn down. Before making the statement that this is to be a fancy building, the Alderman should see the plans.

Alderman Power said it was not strange that the alderman, like a drowning man, catches at straws. In the case mentioned, which was well known, there were two bidders, in the work of building bridges, and it could not have been carried out if the committee had not taken the course they did. They could not wait a day, and requested bids from several persons within reach. Of these there were but two who had courage enough to bid, for the forfeiture was large, and there was no time for consideration. In relation to advertising in this case, he knew nothing about it until now, but saw by the report that it was to be a permanent building, for with sixteen-inch walls it would not be temporary, but was intended for a permanent institution, and a good substantial one.

He did not intend any aspersion upon any one in offering the order, but to get time to look at the proposed plans, and that the people of South Boston may know what it is proposed to do.

Alderman Sayward said he was aware in the case of building the bridges, that there was no time for advertising, but in this case the directors had waited a year for appropriations to repair the loss by fire.

The Board asked for more, and the estimated cost was less than the appropriation made.

Alderman Cutter said it was a mistake to say that the Board were agreed in the proposed manner of getting proposals.

Alderman Sayward replied that it was a custom in the Board, as in the Committee on Bridges, to give such matters into the hands of a committee with full powers. In the agreement referred to eleven out of twelve were in favor of the course taken, and it was because it did not suit this disappointed one that objection was made. There were eleven stubborn men and one who knew all about the business.

Alderman Jenks moved to lay the order on the table.

Alderman Cutter hoped the motion would not prevail.

Alderman Jenks said they could let the matter stand as it does, and examine the plans, for there would be time enough.

Alderman Power said he wished the assurance of a stay of proceedings, that he might know whether the Directors intended to carry out the orders of the City Council or evade them.

Alderman Jenks replied that it was evident enough that they did not intend to evade the action of the City Council, in being \$10,000 short of the appropriation; for if it was merely for a temporary purpose they no doubt would take that course.

Alderman Power was not satisfied that \$38,000 would be all that would be called for; should it prove that the appropriation was exhausted before getting on the roof, they would undoubtedly vote more. There were many such mistakes heretofore, and for fear that this might be such a mistake, he would like to see the plans and inquire into them before the order was passed.

Alderman Poland said he could see no reason why the plans should not be carried out. They could not hurry away the institution from South Boston, for they must make preparations for it before the removal can take place, as it cannot be supposed that the materials of the old buildings can be used for the new ones.

Alderman Cutter stated that these plans were changed from the original plans, drawn up before the orders were passed under which these estimates are made.

Alderman Jenks said that the plans submitted last year called for \$123,000, while this was but for \$38,000.

Alderman Cutter said he had been assured that the old building burnt cost but \$9000, and one could be built for \$19,000, equally as good. If the House of Correction should be removed in a short time, the money expended, as proposed, will be thrown away.

Alderman Sayward said in regard to the original plans, that the estimates were as cheap as they could be. Some things had been taken out and alterations had been made, and a wooden staircase substituted for iron. It would not do to put in eight-inch brick walls. If so, and they should tumble down, would the people be satisfied? The people of South Boston would not be satisfied to spend anything over there. Yet it would take five years for the removal if measures for it were taken now. The building which was burnt was put up nineteen years ago, and one like it could not be built now for three times the amount. For the purposes for which it was wanted it never was a fit building.

Alderman Cutter said it could not perhaps be built for any less if proposals were not advertised.

Alderman Ricker stated that the committee had given no opinion in the report, for they were not asked to; they gave facts. He was willing to give more time for consideration if needed, for the work would not suffer for one or two weeks' delay.

Alderman Sayward objected to stopping work which was needed, but he did not object to measures for the removal of the House of Correction, and they might put in their order tomorrow; the quicker the better.

The motion to lay the order on the table was lost, when it was passed, by a vote of 7 to 5, as follows:

Yeas—Clark, Cutter, Little, Power, Ricker, Squires, Stackpole.

Nays—Fairbanks, Jenks, Poland, Sayward, Woolley.

#### SALARY BILL.

Alderman Cutter, from the joint special committee appointed to prepare and report to the City Council orders establishing the salaries of the several city officers for the year beginning on the first day of April, A. D. 1872, having carefully considered



the subject, would respectfully recommend the passage of the accompanying orders.

The only changes proposed in the salaries, as at present established, are as follows:

The Assistant Messenger's salary reduced five hundred dollars.

The Port Physician's salary increased four hundred dollars.

The pay of the First and Second Assistant Assessors, while on street duty, reduced one dollar per day.

The allowance for clerk hire in the Assessor's Department increased three thousand dollars.

The pay of the Captains of Police increased from four dollars per day to fifteen hundred dollars per annum.

The pay of Lieutenants of Police increased from three dollars and a half per day to fourteen hundred dollars per annum.

The pay of Sergeants of Police increased from three dollars and a quarter per day to thirteen hundred dollars per annum.

The pay of Patrolmen of the Police Department increased from three dollars per day to twelve hundred dollars per annum.

A minority of the committee (Messrs. Cutter of the Aldermen and Pickering of the Council) dissents from the recommendation to increase the salaries of members of the Police Department.

Respectfully submitted,

LEONARD R. CUTTER,  
STEPHEN A. STACKPOLE,  
JAMES J. FLYNN,  
H. W. PICKERING,  
BENJAMIN HEATH.

The report was laid over.

ORDERS PASSED.

A communication from the Superintendent of Health recommended the passage of the accompanying order:

Ordered, That the Superintendent of Health be directed to notify Morris Fitzgerald, Mrs. E. Harvey, Eugene Sweeny and Patrick Sweeny to remove from and quit premises No. 3 Lucas street, within ten days from March 4, and in the event of said parties so refusing the Superintendent is authorized to forcibly eject them; said premises after having been vacated are not again to be occupied without the authority of this Board or some person by them authorized.

An order was also passed for the abatement of a nuisance in Athens street

On motion of Alderman Clark,

Ordered, That there be paid to Charles F. Bradford the sum of \$13,366 68, being judgment of court of the sum due said Bradford for land taken from and all damages occasioned him by the laying out and widening and extension of Cliff street, by an order of this Board of December 30, 1870, including all expenses and costs of court, upon his giving to the city a release for the same, to be charged to the appropriation for Unliquidated Street Claims.

On motion of Alderman Cutter,

Ordered, That the Board establish the grade of Providence street, between Park square and Church street, as shown on a plan and profile drawn by the City Surveyor, dated Oct. 25, 1871, and deposited in the office of said City Surveyor.

Ordered, That the Board establish the grade of Columbus avenue, between Park square and Berkeley street, as shown on plans and profiles drawn by the City Surveyor, dated Oct. 23, 1871, and deposited in the office of said City Surveyor.

Ordered, That the Board establish the grade of Athens street, between E and F streets, as shown on a plan and profile drawn by Thomas W. Davis, City Surveyor, dated September 21, 1871, and deposited in the office of said City Surveyor.

Ordered, That the Board establish the grade of Silver street, between A and B streets, as shown on a plan and profile drawn by the City Surveyor, dated November 10, 1871, and deposited in the office of said City Surveyor.

Ordered, That the Board establish the grade of Gold street, between D and E streets, as shown on a plan and profile drawn by the City Surveyor, dated July 8, 1871, and deposited in the office of the said City Surveyor

On motion of Alderman Fairbanks,

Ordered, That the following sums be abated from assessments for sewers in Thornton street, on account of surrender of right of way: James Galvin, \$30; Mary A. Chase, \$46; Edward L. Perkins, \$75.

Also, that the collection of \$30 02, assessed upon Nathan P. Sanborn's heirs for a sewer in Gleuwood street, be postponed until entry is made into the sewer.

Also, that the sum of \$50 57 be abated from the amount assessed upon William A. Hayden for a sewer in Fifth street, and that the same amount be assessed upon Helen M. Draper.

On motion of Alderman Jenks,

Ordered, That the City Clerk be directed to notify Edwin Wright not to perform any work under an alleged contract with the city of Boston, dated twentieth September, 1869, after the first day April, 1872, and that no further payments will be made to him or his assigns, on account of work performed under said alleged contract, after said first day of April.

Alderman Jenks, in answer to an inquiry by Alderman Cutter, replied that \$9000 or \$10,000 had been expended on this contract with Mr. Wright, but no progress had been made. It was likely to last during his natural life, and descend to his heirs. In doubt whether such a descent should be made, he had offered this order.

On motion of Alderman Woolley,

Ordered, That the Board of Street Commissioners be requested to report to the City Council an estimate of the cost of extending Marion street to Meridian street.

ORDERS OF NOTICE.

On the proposed construction of sewers in Vinton street, Bristol street, Warren street between Washington street and Dudley street, Gore avenue, Lewis park and Linwood street. Hearings severally on Monday next, March 11, 4 P. M.

On the proposed taking of land of W. Eliot Woodward, Mary Wells and others, for the construction of a sewer. Hearing Monday, March 18, 4 P. M.

ORDERS READ ONCE.

On motion of Alderman Cutter, orders to pay John and Mary Burt \$900, for Clarendon street grade damages; to pay Elizabeth A. B. Briseott \$200, for Havre-street grade damages:

On motion of Alderman Little, orders to pay Jane Wood \$125, for Havre-street grade damages; Honora Lynch \$300, for Havre-street grade damages; Joseph Byrne \$1000, for Clarendon-street grade damages.

FENCE VIEWERS.

The election of Fence Viewers was taken up, when the following-named persons were chosen:

Moses Gragg.....	12
John Dove.....	12
John Noble.....	12
Luther Briggs.....	11
E. H. R. Ruggles.....	12
E. W. James.....	1

BALLAST INSPECTORS.

The election of Ballast Inspectors took place, with the following result:

Edward Hatch, Inspector-in-Chief.....	11
John Kenny.....	11
Abijah R. Tewksbury.....	12
George Faulkner.....	7
Charles C. Davis.....	6
E. W. James.....	1

Mr. Faulkner was elected in place of Mr. Davis, the present incumbent.

CITY ENGINEER.

On motion of Alderman Sayward, the election of City Engineer was taken up.

Alderman Cutter said the election of City Engineer was a very important matter, and he wished more time for its consideration. He therefore moved that it be laid over.

Alderman Power opposed further delay, the election having been laid over one week at the request of the Alderman. He did not think it necessary to go outside of the city for a candidate, and the candidates in nomination were well known.

Alderman Sayward said he was as anxious as others to get a good City Engineer, but did not see the necessity of further delay.

Alderman Jenks moved an adjournment, and called for the yeas and nays on the motion. The motion was lost, by a vote of 6 to 6, as follows:

Yeas — Clark, Cutter, Jenks, Little, Poland Rieker.

Nays — Fairbanks, Power, Sayward, Squires, Stackpole, Woolley.

A motion was made to lay the election on the table.

Alderman Clark said he had heard that one candidate had resigned; if so, there was but one candidate to choose from.

Alderman Jenks read a note from Henry M. Wightman withdrawing his name as a candidate; Wightman learned that Joseph P. Davis had consented to be a candidate, and knowing his superior



qualifications for the office he would relinquish all claims for the office in his favor.

Alderman Power said that Mr. Davis was first talked of as a candidate when Mr. Wilson was likely to be elected. Mr. Davis's qualifications were well enough known not to need Mr. Wightman's indorsement. A week ago Mr. Wilson's friends were in a majority, and they magnanimously granted a postponement; now it is proposed to throw over the other candidate, when he had a better prospect, in the hope of defeating Mr. Wilson. It is clear, now, that Davis and Wilson are to be the opposing candidates.

On motion of Alderman Cutter, the yeas and nays were ordered on the motion to lay on the table, and it was lost, by a vote of 6 to 6, as before, Alderman Staekpole having voted yea and changed to nay.

Alderman Cutter moved an adjournment, on which Alderman Sayward demanded the yeas and nays, and the motion was lost, as follows:

Yeas—Clark, Cutter, Jeuks, Little, Poland.

Nays—Fairbanks, Power, Rieker, Sayward, Squires, Staekpole, Woolley.

Alderman Jenks moved a postponement one week, and called for the yeas and nays on the motion.

Alderman Power said he would like some reasonable excuse for delay and this waste of time. He was willing to vote for delay, if there was good reason.

Aldermen Jenks replied that he did not know until a late hour that Mr. Wightman declined a nomination, and he stood here without a candidate. It was not sufficient evidence that the candidate of the Alderman was competent because he lives in South Boston.

Alderman Power said that was not a satisfactory excuse, and it was his own fault if the Alderman had no candidate. Mr. Wightman did not desire to be thrown under the table, and even though he might not come up to Mr. Davis, he might make a good engineer; he should prefer him, even if he were not so good, rather than go abroad to hunt up one. The excuse was not a good one for delay.

Alderman Jenks said he did not consider it an excuse because the candidate was born outside of the city; his friend the Alderman was not born here, yet he did not think it was an objection to him. He had a choice of candidates and wished for further time for consideration of the subject.

Alderman Power said he did not say anything of the place of birth of candidates, but a citizen

should have a preference of other candidates. He did not care where a man was born if he was a citizen of this city.

Alderman Cutter further advocated delay, in better understanding the candidates.

Alderman Sayward reminded the Alderman of his wish for postponement last week, that he might vote for Mr. Wilson if the election was laid over.

Alderman Cutter said he did not say he would do so, but that it was possible he might.

Alderman Jenks said he would inform the Alderman who did not wish to go out of the city, that Mr. Davis was a Boston boy.

Alderman Rieker said it had been stated that one gentleman as a candidate was not a citizen; if so he could not hold the office, and time should be given to see whether it was a fact.

Alderman Poland said he was sorry Mr. Wightman had resigned, for an examination of the records showed more in his favor, while they did not so much for Mr. Wilson.

Alderman Power did not doubt that the Alderman came to that conclusion if he looked at all which was in favor of Wightman while he looked for that which was against Wilson. Mr. Wilson was certain of an election last week, and his friends allowed a postponement; his opponents would not wish further delay if they were sure their candidate would succeed.

Alderman Cutter said there was good reason for delay to ascertain the citizenship of one of the candidates.

The motion of Alderman Jenks for a postponement for one week was lost, by a vote of 6 to 6, as follows:

Yeas—Clark, Cutter, Jenks, Little, Poland, Rieker.

Nays—Fairbanks, Power, Sayward, Squires, Staekpole, Woolley.

The question recurring upon the motion of Alderman Sayward, to go into an election, that was lost, by a vote of 6 to 6, as follows:

Yeas—Fairbanks, Power, Sayward, Squires, Staekpole, Woolley.

Nays—Clark, Cutter, Jenks, Little, Poland, Rieker.

Alderman Clark moved an adjournment, on which Alderman Sayward asked for the yeas and nays, when the motion to adjourn was withdrawn.

After the passage of an order above mentioned, On motion of Alderman Rieker, the Board adjourned.







## CITY OF BOSTON.

Proceedings of the Common Council,  
MARCH 7, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The following orders were severally read once:

Order requesting the Street Commissioners to report an estimate of the cost of extending Marion street to Meridian street.

Order to pay Henry Davenport \$68,179 58, for estate on Washington street between Orange and Castle streets, taken by the city.

Order authorizing the grading of the portion of the Common south of the hill on which the Army and Navy Monument is located, at not exceeding \$5000.

Report and order for a joint committee to receive and entertain such distinguished strangers as they may invite to attend the International Musical Festival in June next being on its passage, under suspension of the rules.

Mr. Flynn of Ward 7 moved to amend, by substituting for the words "three members of the Board of Aldermen and five members of the Common Council," "one member of the Common Council from each ward, with such as the Board of Aldermen may join."

In answer to a question for the reasons for the amendment, Mr. Flynn stated that it was found difficult at the former festival for so small a committee to attend to the duties of this character, and there would be a larger duty devolving upon this committee.

The amendment was adopted, and the order as amended was passed, by a vote of 55 yeas to 2 nays, the nays being Messrs. Caton and Robinson.

## PAPERS RELATING TO THE HOUSE OF CORRECTION.

The report of the Committee on Institutions upon the order of the 19th inst., as to the action that has been taken relative to the erection of temporary structures in connection with the House of Correction at South Boston, was accepted.

The order instructing the Directors of said institutions to stay proceedings under the orders of the twenty-seventh of November and eleventh of December last, relative to the erection of temporary structures in connection with said House of Correction, was considered, under suspension of the rules.

Mr. Webster of Ward 6 said this was an unusual order, and should not pass without the consideration which its importance requires. It would be recollected by those who were members of the Council last year that an order was passed appropriating \$48,000 for temporary repairs and alterations of buildings at the House of Correction, with a view of the removal of the institution from South Boston. It was understood at the time that there was no chapel and not sufficient workshops for the accommodation of the prisoners. The Board of Directors had not authority on the order of Nov. 23 to build, and the order of Dec. 11 authorized the Board to build a suitable chapel and workshops as contemplated in the previous order.

The Board intended to carry out in their action the spirit of those orders, and even the letter as far as possible. The last order authorized the building of a suitable chapel and workshop. To ascertain what are suitable buildings it is necessary to consider for whom they are designed, for different buildings must be erected for prisoners than for volunteers. The plan proposed was a plain, simple brick building, and as required by the laws of the State and the ordinances of the city, to be constructed with walls for the lower portion of sixteen inches thick, and twelve inches in the upper stories.

The building is to be of plain brick, with rough granite trimmings, and no finish, the chapel to be of the simplest character, with no ornaments or cornice. It is to be well ventilated and as plain and simple as the Board could plan it. It may be said that the building in capacity is more than sufficient for the workshop and chapel. It is necessary that it should be large enough for the next three years at least, and must cover land enough to give sufficient

chapel accommodations in one of the stories. The area of the building, 60x92 feet, was fixed by the necessities of the chapel, which is to take the entire third story. The second story divided by a brick wall into two rooms is to be used for sleeping apartments; and the first story divided in the same manner for workshops.

The old workshop and chapel building, which was burned, covered an area of 120x100 feet, with the chapel in the second story, more than twice as much as the new one proposed to be built.

It would not be suitable to erect the proposed building of wood. If wooden buildings are to be erected they must not be so high and must cover more ground, to give the same accommodations. Larger foundations and greater area of roof would be required, and whatever material is used, the windows must be grated for the security of the prisoners. But little could be saved by building of wood, even if that were a suitable material for the purpose.

That there is a pressing necessity for a chapel no one can doubt, when they are informed that there has been but one public service at that institution since the chapel was burned, now nearly a year. That service was provided for last Christmas, by clearing away machinery and tools in the shoe shop, at great inconvenience. With that exception, the prisoners have been kept confined in their cells from Saturday night to Monday morning ever since the fire. It is inhuman to keep men confined thirty-six hours at a time in cells having an area of only six by seven feet.

Sleeping apartments are greatly needed. A large number of the prisoners are now required to sleep in a rough unfinished attic over cells in which the other prisoners are confined. This place is heated by red hot stoves, and the prisoners who sleep near these stoves suffer from the excess of heat, while those further off suffer from the cold.

The workshops are now crowded, and there is an absolute necessity that this or some other building should be erected at once.

One or two words he wished to add as to the management of the institution. The House of Correction had been managed in a manner to provide for the security, health, comfort and convenience of the prisoners just so far as the overcrowded accommodations will allow, and it had been done in the most economical and best manner. It was the only correctional institution of the kind in the State which had paid its expenses, and there was a surplus of \$10,000 in the earnings of the last ten months. The City Council could not afford to quibble on such a trifle as this. The appropriation was \$48,000, and this would cover the erection of a building for \$38,000 or less, and the remainder will be sufficient for other necessary alterations and repairs, to be required for a service of three years. He hoped, therefore, that this order would not pass, but that the Directors would be allowed to go on.

Mr. Hersey of Ward 12, said: It seems to me that a majority of the Board of Directors, in their zeal to carry out their ideas of remodelling the institution at South Boston, have entirely lost sight of the letter and spirit of the order passed at the last session of the City Council, and under which they are supposed to be acting.

That order provides for the erection of such temporary buildings and doing such repairs as are necessary with regard to the probable removal of the institution from South Boston.

The plans upon which they now propose to erect the chapel and workshop is the plan which they had adopted before the passage of the order, and contemplate the erection of a building of most substantial and permanent character, and are in direct violation of the order.

All the ends sought to be attained in the erection of this expensive building, except that of rendering the institution a fixture in its present location, can be attained by the erection of a wooden building protected by covering it with slate, making it one story less in height. The story which the directors propose to use as a dormitory for confining the prisoners is unnecessary, as they can more efficiently and economically be provided for in the wing now devoted to cells for female prisoners. This wing contains one hundred and eighty-four cells, only fifty-two of which are occupied, and by putting in a brick partition one hundred additional cells can be obtained for the use of the male prisoners.

While the removal of the institution from South Boston at an early day is at least among the probabilities, it is an extravagance to erect a building of the character proposed by the Directors. A por-



tion of the money had much better be expended in making such repairs as are needed in the laundry and other buildings.

Mr. Webster replied that it must be admitted if a site was selected today and a building commenced, it would take two years and probably three years before a removal of the House of Correction could take place. Mechanics had assured him that it would take three years. Yet no proposal for obtaining a site had been received, or had been ordered, and it would not be surprising should it take two years for procuring a site. It was necessary, therefore, to provide accommodations for the prisoners for two or three years, at least three years.

The Board of Directors were much disappointed that the proposals to build the building did not come within \$30,000. There may be changes in the plans which shall reduce the expense. Something may be cut off by making a flat roof, and the Board had under discussion the reduction of expense. He had no doubt the Board would cut down the expense \$2000 to \$4000. As had been suggested, further accommodations for sleeping for men can be obtained by dividing the female wing; but he had been assured by competent mechanics that not more than \$1000 could be saved by the measure, and the inconvenience would be more than the equivalent for the saving.

Mr. Perkins of Ward 6 was of opinion that the surprise of the Board in regard to the cost was a little too much. Last year, under the order proposed by a member of the Council now an Alderman, the estimated cost of the plans were \$123,000; now, with buildings precisely the same for chapel and workshop, with slight alterations, they are surprised that the cost will be \$38,000. If the estimates last year were correct, and the cost will not now be more than estimated, the Board are not fit to spend the money as proposed. He did not believe that all the members were so much in the dark as that the change in the substitution of wood for an iron staircase would not amount to more than \$1200. The surprise must be rather affected than felt.

The order of November 23, was passed after the proposed plans had been defeated, and it was necessary to look at that to see what the design of the order of December 7 was. Under the first, authority was given only to make repairs, and through an oversight it became necessary to pass the other, when authority was given to expend \$48,000 for temporary repairs, with a view to the probable removal of the House of Correction. The gentleman had laid a stress on the term "suitable" repairs, as provided in the last order, but there should be as much force given to the term "temporary," as contemplated in the order of November 23.

On the first order the whole authority lies, which was after the appropriation of \$123,000 had been voted down, and there was great unanimity on that vote. With a full understanding of the matter, the policy of the Council was determined to be different from that of the Board of Directors. Yet they had proposed, instead of two buildings to put up one at a cost of \$48,000, and might wait in the hope that after that was completed more money would be appropriated for the other. The design was for a temporary building, but a construction had been put upon it which did not keep faith with the City Council in letter or in spirit.

Mr. Webster referred to some of the other improvements originally contemplated, but those the directors did not propose to do now, but to keep within the appropriation. They were considering the plans, with a view to their modification, if possible, but in what was done, the buildings must be put in condition to last three years. It seemed to him that no one could gainsay the fact that the House of Correction would be continued for at least three years at South Boston.

Mr. Shepard of Ward 4 said it must be conceded as absolutely necessary that there must be a chapel and an additional workshop. It was not claimed that the Board of Directors contemplated any extravagance or ornamentation, or an expenditure in any way not judicious. The only charge made was, that their plans were not in the spirit of the action of last year. The order of November 23 provided for such alterations and repairs as are judged necessary and imperative, with relation to the "probable" removal, not of its certainty. In the order of December 7 there was nothing said of a temporary purpose, but to provide for a suitable workshop and chapel, and the Directors were to be guided by such arrangements.

The proposed plans and specifications he had

taken pains to examine, and found they were drawn with general reference to the exterior, and no large expense for fitting up. It had been said that a wooden building would answer the purpose, but a wooden building in that spot would be but a tinder box, and dangerous to other buildings, besides being contrary to the city ordinances. The judgment of the Directors he believed could be trusted, which was not adverse to the action of the City Council. A year had passed since the fire, and the prisoners had no privileges such as they should enjoy, and it was high time that the city should furnish those accommodations which are required under the policy of buildings for reformatory purposes. He moved, therefore, an indefinite postponement of the order.

Mr. Hersey said he could see no harm in concurring in the order from the other branch. If the Directors are considering the subject of modifying their plans, it will take some time and nothing would be lost. In relation to a wooden building, such a building slated would be as well protected as a brick building.

Mr. Perkins said the gentleman from Ward 4 was not a member of the Council of last year, or he would not have given the construction of the orders which he did. There was no conflict in them, an informality in the first necessitating the second, and so far as related to the term "suitable," as used, it was not inconsistent with that of "temporary."

Mr. Webster said he hoped no member of the Council would be deceived in regard to the proposed building. It must be grated, and not a mere shell, and made strong with regard to the safety of the prisoners.

The motion to indefinitely postpone was carried, by a vote of 35 yeas to 23 nays, as follows:

Yeas—Bicknell, Blackmar, Brenau, Brooks, Burditt, Burt, Caton, Clatur, Dacey, Darrow, Devine, Doherty, Dolan, Dowd, Emery, Flanders, Gragg, Heath, Holmes, Loring, Martin, Moulton, Pease, Pickering, Prescott, Risteen, Robertson, Salmon, Shepard, Smith, Thacher, Walker, Webster, West, Wilbur.

Nays—Adams, Bickford, Collins, Cunningham, Davenport, Faxon, Flynn, Hart, Hersey, Jones, Kingsley, Lamb, Locke, Marston, McNutt, Mullane, Noyes, Page, Perkins, Robbins, Robinson, Weston, Whiston.

Mr. Brooks of Ward 1 subsequently moved a reconsideration of the vote, with the hope that it would not prevail. The reconsideration was lost, by a vote of 25 to 26, as follows:

Yeas—Adams, Anderson, Bickford, Collins, Davenport, Doherty, Dowd, Faxon, Flynn, Hart, Hersey, Holmes, Hughes, Jones, Kingsley, Lamb, Locke, Noyes, Page, Perkins, Robbins, Robertson, Robinson, Weston, Whiston.

Nays—Bicknell, Blackmar, Bradt, Brennan, Brooks, Burditt, Burt, Clatur, Dacey, Devine, Dolan, Emery, Flanders, Heath, Loring, Martin, Moulton, Pickering, Prescott, Salmon, Shepard, Smith, Walker, Webster, West, Wilbur.

#### FENCE VIEWERS.

The election of Fence Viewers was taken up, Messrs. Faxon of Ward 14, Darrow of Ward 8, and Walker of Ward 3, a committee to receive and count the votes, reporting as follows: Messrs. Gragg received 54 votes, John Noble 54, and John Dove, Luther Briggs and E. H. R. Ruggles 53 each, and there were five scattering votes, with three cast for Ballast Inspectors. All of the above-named were elected, in concurrence.

#### BALLAST INSPECTORS.

Messrs. Burt of Ward 16, Wilbur of Ward 9, and Whiston of Ward 8, a committee to receive and count the votes, reported the whole number to be 57, with 29 necessary to a choice. Edward Hatch, Inspector-in-Chief, had 53, John Kenny 54, Abijah R. Tewksbury 51, George Faulkner 36, Charles R. Davis 20, and there were four scattering. All of the above were in concurrence.

#### FIRST ASSISTANT ASSESSORS.

The report nominating First Assistant Assessors was accepted, and the Council proceeded to an election, Messrs. Bicknell of Ward 4, Page of Ward 9, and Hart of Ward 12 acting as a committee to receive and count the votes. The committee reported the result as follows:

Whole number of votes .....	59
Necessary to a choice .....	30
William J. Ellis .....	55
Benjamin F. Palmer .....	58
Michael Carney .....	51
John Brown .....	37
John M. Maguire .....	52



Joseph L. Drew.....	56
Otis Rich.....	58
P. Ambrose Young.....	54
Abraham G. Wyman.....	48
James Dennie.....	45
Michael J. Croak.....	45
Edward F. Robinson.....	55
George F. Williams.....	56
William Gallagher.....	45
Edwin B. Spinney.....	55
George F. Davis.....	44
Phineas B. Smith.....	15
L. Foster Morse.....	55
William Withington.....	56
James Healy.....	44
I. F. Atwood.....	46
Henry Pierce.....	42
J. K. Crowley.....	34
John D. Richardson.....	34
John L. Brigham.....	52
A. D. Capen.....	32
Charles E. Jackson.....	34
Theophilus Burr.....	47
W. H. McIntosh.....	52
W. H. Cundy.....	26
A. R. Holden.....	23
E. C. Kingsbury.....	23
Harvey King.....	16
Joseph Allen.....	14
Joseph T. Swan.....	12
Thaddeus Gould.....	5
Johu Ollis.....	2
Scattering.....	8

The declaration was made that twenty-five of the twenty-six were elected, and three persons received a tie vote, 34—more than sufficient for an election.

On a second ballot, J. K. Crowley was elected, by a vote of 30 to 12 for C. E. Jackson, 7 for J. D. Richardson, 3 for W. H. Cundy and 1 for A. D. Capen.

It having been ascertained that but twenty-four were elected on the first ballot, the last vacancy was filled by the election of C. E. Jackson, by a vote of 34 to 9 for J. D. Richardson, 4 for A. D. Capen, and 3 each for King, Holden and Cundy.

All of the persons elected by the Board of Aldermen were elected in concurrence, except P. B. Smith, J. D. Richardson and A. D. Capen, in whose places Theophilus Burr, W. H. McIntosh and C. E. Jackson were elected.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Report and order that additional accommodations be provided for a primary school in the Prescott District, as requested by the School Committee.

Order to pay J. M. W. Yerrinton \$325 25, for making a phonographic report of the testimony before the fire inquest concerning the fire in the store of George W. Ware & Co.

Report and order to provide additional accommodations for schools in the Lincoln School District, as requested by the School Committee.

The report nominating Henry W. Wilson as City Engineer, together with a minority report nominating Henry M. Wightman for said office, was accepted.

AUDITOR'S ESTIMATES FOR 1872-73.

The Auditor's estimates for the financial year 1872-73 were submitted to the Council as follows;

OFFICE OF THE AUDITOR OF ACCOUNTS, }  
CITY HALL, February 27, 1872. }

M. F. Dickinson, Jr., President of the Common Council: Sir—The undersigned, Auditor of Accounts, has the honor of presenting to the City Council, in conformity with the requirements of the ordinance on Finance, the accompanying estimates of the amount of money which will be required to defray the expenses of the

City of Boston  
and  
County of Suffolk

for the financial year of 1872-73, commencing with the first day of May, 1872, and terminating with the thirtieth day of April, 1873.

The estimated expenditures for 1872-73 are \$9,808,032 00  
The estimated income, " 2,297,205 00

Leaving the excess over income to be met by taxation..... \$7,510,827 00  
To which add three per cent. for the amount of taxes which will not be paid into the treasury during the financial year..... 225,325 00

We have a total, which in the judgment of the Auditor of Accounts should be the gross tax for 1872, say..... \$7,736,152 00

The following comparison shows that the amount to be raised by taxation this year is slightly decreased compared with that of 1871:

Tax of 1871.....	\$7,790,444 00
Estimated tax of 1872.....	7,736,152 00

Decrease in 1872..... \$54,292 00

To meet the tax, as above stated, of \$7,736,152, for city, county and State purposes this year, will require a rate less than that of last year, which was \$13 10 on each one thousand dollars, based on the same valuation of property.

The estimates show the introduction of three new appropriations as compared with last year, being those of one-half of the cost of the care, maintenance and repair of the bridges between this city and the cities of Charlestown and Cambridge, as required by the acts of the Massachusetts Legislature of 1871, and the expenses for carrying on the department of Inspection of Buildings. The comparative table of appropriations also shows that most of the departments ask for an increase, the principal one being for the Fire Department, which, in addition to the appropriation originally granted last year, had an addition of \$40,000 voted by the City Council of this year. The larger part of this increase is caused by the increase of the pay of members of the department voted by the City Council of last year.

The increase in the amount required for salaries other than those charged to regular appropriations is in consequence of the increase of salaries voted by the City Council of 1871, the largest amounts being for the Assessor's Department, \$12,000, which has also been increased in the number of assessors and clerks, and \$3300 for the Treasury Department. The deficiency in the appropriation for salaries of some \$19,000 the present year was met by transfer.

There will be no taxation required this year for the sinking fund for the reduction of the debt, the percentage required by ordinance having been obtained from the balances of appropriation and revenue of 1870-71. The amount taxed for this object last year was \$77,625.

The amount required for the State tax is placed at \$747,020, being \$186,755 less than last year, the former being Boston's proportion of a State tax of \$2,000,000, while that of last year was \$2,500,000.

The amount asked for the "Contingent Funds" is apparently increased \$976, but that sum was granted the present year by transfer from "Incidental Expenses," after the original appropriation was made, and the amount for "Incidental Expenses," it will be noticed, is reduced the amount of the increase.

The amount for the paving, grading, and repairs of streets is \$1,000,000, the same as for two years past. The item for widening streets and unliquidated street claims is increased over the amount appropriated last year, in consequence of outstanding claims for small widenings and prospective similar ones.

In the income column is added \$180,000 for tolls on the East Boston ferries; no income was estimated from this source last year, as the question of the freeing of the ferries was before the City Council at the time the estimates were voted upon. The amount to be derived from outstanding taxes is increased \$75,000, and that from the water rates \$50,100.

Total increase of estimated appropriations for 1872-73.....	\$671,098
Total decrease of estimated appropriations.....	363,809

Net increase of estimated appropriations for 1872-73..... \$307,289

Income.

Estimated income 1872-73.....	\$2,297,205
" " 1871-72.....	1,937,205

Increase 1872-73..... \$360,000

Percentage of Taxes.

3 per cent. on amount required (\$7,563,538) in 1871-72.....	\$226,906
3 per cent. on amount required (\$7,510,827) in 1872-73.....	225,325

Decrease 1872-73..... \$1,581

Recapitulation.

Net increase of revenue in 1872-73.....	\$360,000
Net decrease of percentage in 1872-73.....	1,581

Less increase of appropriations in 1872-73..... \$361,581

307,289  
\$54,292



The accompanying communications, which I have received from the several boards, departments and committees, contain the details which aggregate the amount required.

All of which is respectfully submitted.

ALFRED T. TURNER,  
Auditor of Accounts.

Referred to the Committee on Finance, with such as the Board of Aldermen may join.

The statement below shows the estimates of the several departments, with the increase or decrease from last year.

Advertising, \$4000; annuities, \$512—decrease, \$288; armories, \$25,000; bells and clocks, \$4050—increase, \$250; harbor, \$10,000; bridges, \$26,500—decrease, \$500; cemeteries, \$16,506—increase, \$2300; Charles River and Warren bridges, \$42,000—increase, \$42,000; Chestnut-hill driveway, \$5000; city debt, none—decrease, \$77,625; City Hospital, \$107,000—decrease, \$3600; Common squares, etc., \$90,000—increase, \$2100; contingent funds, \$10,000—increase, \$976; County of Suffolk, \$290,000—increase, \$15,000; East Boston ferries, \$240,000—increase, \$31,500; Engineer's Department, \$20,000—increase, \$2000; Fire-alarm Department, \$40,600—increase, \$6882; Fire Department, \$445,000—increase, \$85,690; Health Department, \$365,000—increase, \$15,000; inspection of buildings, \$10,950—increase, \$10,950; interest and premium, \$1,284,000—increase, \$32,000; incidental expenses, \$90,000—decrease, \$976; lamps, \$370,500—increase, \$20,500; Lyman Schoolhouse, \$15,000—increase, \$15,000; markets, \$10,000—decrease, \$500; militia bounty, \$45,000—decrease, \$5000; Mt. Hope Cemetery, \$16,000—decrease, \$5000; Overseers of Poor, \$69,800—increase, \$2600; old claims, \$1500; paving, grading and repairs of streets, \$1,000,000; police, \$610,000—increase, \$2500; printing and stationery, \$30,000—decrease, \$5000; public baths, \$40,000—increase, \$3000; public buildings, \$92,000—decrease, \$3000; public institutions—House of Industry, \$153,500—increase, \$7000; House of Correction, \$88,500—decrease, \$1500; Lunatic Hospital, \$70,000—decrease, \$3000; pauper expenses, \$31,000—increase, \$14,600; steamboat Henry Morrison, \$13,500—increase, \$500; office expenses, \$8000—increase, \$200; coal sheds at Deer Island, \$15,000—increase, \$15,000; wharf at Deer Island, \$12,000—increase, \$12,000; house for engineer at Deer Island, \$7500—increase, \$7500; other expenses at Deer Island decreased \$30,000; public lands, \$10,000; public library, \$91,000—increase, \$24,000; quarantine department, \$25,000—increase, \$12,500; reserved fund, \$300,000; salaries, \$160,000—increase, \$23,000; school instructors, \$919,600—increase, \$44,600; school expenses, School Committee, \$73,600—increase, \$6000; salaries of officers of School committee, \$24,000; schoolhouses, public buildings, \$235,000—decrease \$500; sealers of weights and measures, \$7000—decrease, \$2565; sewers,

\$150,000—increase, \$50,000; sinking fund commissions, \$2500; State tax, \$747,020—decrease, \$186,755; Surveyor's department, \$38,000—increase, \$4000; war expenses, decrease, 500; water works, \$241,000—decrease, \$33,000; water works' interest and premium, \$630,000—increase \$44,000; West Boston and Cragie's bridges, \$5000—increase, \$5000; widening streets, \$325,000—increase, \$110,000.

The income is increased from \$1,937,205 to \$2,297,205. The principal items of increase are ferries, \$180,000; outstanding taxes, \$75,000; sewers, \$10,000; water works, \$50,100; county of Suffolk, \$20,000; interest, \$10,000; and there is a decrease of \$5000 on militia bounty.

#### AUDITOR'S MONTHLY EXHIBIT.

The monthly exhibit was presented in print, it being an exhibit of the General and Special Appropriations for the present financial year of 1871-72, as shown in the books in his office, March 1, 1872, including the March draft, being eleven months' payments of the financial year,—exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. A recapitulation gives the following result:

	Appropriations, Revenues, etc.	Expended.	Unexpended.
General.....	\$9,524,474 54	\$7,957,353 10	\$1,567,121 44
Special.....	7,106,501 69	3,407,706 50	3,698,795 19
	\$16,630,976 23	\$11,365,059 60	\$5,265,916 63

Ordered to be sent down.

#### RESIGNATION.

A communication was received from John T. Bradlee, resigning his office as trustee of the City Hospital, which he has held for eight years, to take effect the first of May. Accepted.

#### PETITIONS PRESENTED AND REFERRED.

Elizabeth West, to be paid for injuries received by a fall in Hawley street, caused by ice upon the sidewalk.

Referred to Committee on Claims.

#### REPORT OF A COMMITTEE.

Mr. Flynn of Ward 7, from the Joint Committee on Streets, to whom were referred the resolve and order of the Street Commissioners for the widening of Federal street, on its westerly side, between High street and Federal court, at an estimated expense of \$29,945, having considered the subject, made a report that the resolve and order ought to pass.

The report was accepted, and the resolve and order were concurred in.

Mr. Flynn raised the question whether a two-thirds vote was not required, but the Chair (Mr. Webster of Ward 6) ruled that a concurrence only was required by a majority vote.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MARCH 11, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—Thomas Boyle, for Merchants' Building, corner of Water and Congress streets; Peter J. Stuyvesant, for Bishop's Building, corner of Dorchester avenue and Swan street.

Superintendent of Wagons and Trunks—Timothy R. Page.

Superintendent of Hacks and Carriages—Rufus C. Marsh.

Superintendent of Intelligence Offices, etc.—Harrison O. Read.

Superintendent of Pawn Brokers—Ebenezer Shute.

Measurers of Wood and Bark—William Swan, William Seaver, Jr.

Member of Fire Department—Frank W. Munroe, Hook and Ladder Co. No. 4.

## PETITIONS PRESENTED AND REFERRED.

Daniel Shillaber, for apportionment of Scollay's-Building betterment.

Job F. Bailey, to be paid for land taken to widen Kneeland street.

Edward Sands and others, that speedy action be taken on the extension of South Market and Commerce streets.

Severally referred to Committee on Streets.

Joseph B. Glover and others, in aid of the petition for stone drinking troughs for horses and other animals. Referred to Committee on Water.

Samuel Edwards and others, that the ringing of Hollis-street Church bell may be suspended during the illness of residents in its vicinity. Referred to Committee on Bells, Clocks, etc.

David R. Lecraw, for settlement of his claims against the city. Referred to Committee on Claims.

John P. Morrison, to be paid for grade damages on Chelsea street.

Sigwart Anderson and wife, Hannah Anderson, to be paid grade damages on London street.

John Ryan, to be paid grade damages on Paris street.

Patrick H. Barry, to be paid for grade damages on Chelsea street.

Phillip Campbell, to be paid for grade damages on Paris street.

Edward Quinn, and other laborers in the Paving Department, for increase of pay.

W. E. Woodward and others, to be paid for change of grade in Circuit street.

Mary A. M. Newell, to be paid for grade damages on Circuit street.

Severally referred to the Committee on Paving.

Elwin Wright, to be heard on the order passed at the last meeting of this board, in relation to the collation of papers in the Probate Office. Referred to Committee on County Accounts.

F. A. Welch, for leave to build a wooden stable for one horse at No. 6 Jenkins street.

Martin A. Hayes, for leave to build a wooden stable for six horses in Albany street, near Randolph street.

Benjamin Jones, for leave to sprinkle certain streets designated.

Severally referred to Committee on Health.

A. Jackson, and other lamplighters in this city, for increase of pay. Referred to Committee on Lamps.

Mitchell Leavitt and others, for a sewer in Dudley street from Blue Hill avenue to Dennis street.

M. H. Robinson and others, for sewers in Dudley, Stoughton and other streets in Ward 16.

Severally referred to Committee on Sewers.

William H. Swan and others of Ward 16, for a new station house in that locality. Referred to Committee on Public Buildings.

## MONTHLY REPORT OF CITY HOSPITAL.

The report of the Trustees of the City Hospital gives the following statement of the number of patients treated at the hospital during the month of February:

	Med.	Surg.	Ophth.	Small-pox.	Total.
In hospital February 1.....	123	79	3	18	223
Adm'd during the month.....	132	98	9	24	263
Whole number treated.....	255	177	12	42	486
Discharged.....	104	80	7	28	219
Died.....	12	6	0	3	21
Remaining March 1.....	139	91	5	11	246

Accidents brought into the hospital, included in the above, 31.

The number of out-patients was as follows: medical, 387; surgical, 534; ophthalmic, 609; aural, 171; cutaneous, 138—total, 1839.

Ordered to be sent down.

## EXTENSION OF SOUTH MARKET AND COMMERCE STREETS.

A communication was received from the Street Commissioners, as follows:

BOSTON, March 8, 1872.

To the Honorable City Council—The accompanying resolves and orders for the extension of South Market and Commerce streets to Atlantic avenue are respectfully transmitted herewith for the concurrence of the City Council.

In view of the recent unfavorable decision in the late betterment case of Wheelwright, petitioner, against the city, upon Atlantic avenue, the Commissioners have felt a hesitancy in submitting projects of improvement to the honorable Council with little prospect of the city being able to reimburse itself to some extent upon the abutters benefited by the laying out and widening of such streets as the Board should recommend.

In the case of the project submitted herewith, however, the Commissioners are able to say that they have conferred with most of the owners of property who would be liable for betterments under the extension of these streets, and have found an entire willingness on their part to assume such a portion of the expense as the benefit to their respective estates may warrant.

The estimate of damages on South Market street is as follows: John F. Mills, 17 Commercial street and corner of City Wharf, 520 feet of land, \$20 per foot—\$10,400; damages \$1600—total, \$12,000; the same, 13 and 15 Commercial street, 2032 feet, \$20—\$40,620; damages to buildings and occupants, \$32,500—total, \$73,140. David Snow, 13 City Wharf, 600 feet, \$9—\$5400; damages, \$10,000; total, \$15,400. A. A. M. & A. Jacobs, 15 and 17 City Wharf, 600 feet, \$8 75—\$5250; damages, \$10,000; total \$15,250. W. F. Robinson, 19 and 21 City Wharf, 600 feet, \$8 50—\$5100; damages, \$10,000—total \$15,100. Thomas Dana, 23 and 25 City Wharf, 600 feet, \$8 25—\$4950; damages, \$10,000—total, 14,950. Mary H. Potter, 27 and 29 City Wharf, 600 feet, \$8—\$4800; damages, \$10,000—total, \$14,800. Mary A., wife of F. A. Hall, 31 and 33 City Wharf, 600 feet, \$7 75—\$4650; damages, \$10,000—total, \$14,650. Thomas W. Nickerson, 35 and 37 City Wharf, 600 feet, \$7 50—\$4500; damages, \$11,000—total, \$15,500. Josiah and Edmund Quincey, executors, etc., 6152 feet, \$4 50—\$27,684 and no damages. A person or persons unknown, 4659 feet, \$2 50—\$11,647 50. Proprietors of T Wharf, 12,708 feet, \$4—\$50,832; damages, \$1500—total, \$52,332.

The total gives the following result: 30,271 feet of land taken, at a cost of \$175,853 50; value of buildings before extension, \$175,200; value after extension, \$108,000; value of old materials cut off, \$5700; damages to buildings, owners and occupants, \$106,600; total amount of cost of land and damages to estates, \$282,453 50.

The cost of extension of Commerce street is estimated as follows:

Unknown owners, 18,898 feet, no estimate; proprietors of Long Wharf, 15,124 feet, \$3 75—\$56,715; proprietors of T Wharf, 4874 feet, \$5—\$24,370; total cost, \$81,085.

The communication and resolves and orders were referred to the Joint Committee on Streets.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice on the proposed construction of sewers in Lewis park and Linwood street, in Warren, Bristol and Vinton streets and in Gore avenue, were severally taken up. No person appeared in either case, and the several reports were recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Joseph Bryne \$1000, for grade damages at 51 Clarendon street.



Alderman Cutter said it was not right to charge trickery on those who are not in favor of Mr. Wilson. They should take time, and he trusted the rejection of the order would be reconsidered. If they could get information let it be had, and they would not lose anything. Why should there be such a tenacity? There was no trickery, but a desire to get honestly, fairly and squarely the information as to the best candidate, and those who have the interest of the city at heart should not be hasty.

Alderman Power said gentlemen may talk that there was no trickery. Their candidate was Mr. Wightman, a younger man, and not competent for such an office, and when they gave him up they resorted to these tactics to defeat Mr. Wilson. They were prejudiced in the matter, and no matter how many commissions there might be, they would vote against him.

Alderman Clark said it was unfair to charge trickery against the opponents of Mr. Wilson. With all their commendations of him, he could not believe he was so good an engineer as Mr. Davis is. He did not wonder they asked where the engineers could be found for an examination, because about all the eminent engineers in the country are in favor of Mr. Davis. Mr. Healy says he is a resident of Boston, and a proper candidate. He was born in Boston, and his great capacity called him away on important works, but he had never heard of Mr. Wilson's being engaged on any great piece of work. He hoped that the order would pass, and if the commission should be in favor of Mr. Wilson he would vote for him.

Alderman Sayward said that when he took the oaths of office, it was to act according to his best knowledge and belief, and in this he did so. But in making an examination of candidates, he could not hope for an independent jury.

Alderman Cutter said he did not like to hear the Alderman on his left hurl contempt on the City Solicitor. His opinions were sound, and by such statements he hurt his own case.

Alderman Woolley replied that he had good and sufficient reasons for what he said. He had as good a right to his own opinions as Mr. Healy had to his. His actions were in accordance with his best understanding, and the honesty was not all on one side. His opinion was that Mr. Wilson was a competent man for the office, and in five of the six years he had been in the City Government, he had worked in this matter of the City Engineer. Mr. Wightman's capability was not sufficient to run the office.

Alderman Cutter said the Alderman had charged them with trickery, yet admitted that in six years' connection with corruption he had failed to find a remedy for it. With as much service in the City Government he might have done as much.

Alderman Woolley replied that the lack of efficiency in the head of the Engineer's Department was well known.

The question was taken on reconsideration, and it was carried.

Alderman Power proposed an amendment that four members of the Board, with the Mayor, be appointed to select the engineers, two on each side.

The Chair ruled that such an amendment would not be in order, for the Chair had no means to determine on which side the Aldermen were.

Alderman Clark suggested that Aldermen Cutter and Power be associated with the Mayor, for their position was known.

Alderman Power said he preferred his own amendment, and being pressed to name other members of the committee suggested Aldermen Little and Cutter for one side, and Alderman Sayward and himself for the other.

The Chair stated that if a committee was appointed it must be a joint committee.

Alderman Jenks remarked that if constructed, under the rules, with eight members of the Council, it would be an unwieldy committee, and nothing would come out of it.

Alderman Power withdrew his amendment in favor of that of Alderman Clark.

The amendment was adopted and the order as amended was passed.

#### REPORT AND ORDINANCE ON CITY HOSPITAL.

The Committee on Ordinances, to whom was referred an order relative to an amendment of the ordinance relating to the City Hospital, so as to require that the Superintendent of the hospital shall be a physician, submitted a report in favor of such an amendment. The report sets forth that a majority of the trustees are of the opinion, however, that the present system works well, and that any change will be detrimental to the best interests of

the institution; and a sub-committee of their board appointed for that purpose appeared before the committee to present the views of the trustees. When the institution was first organized, a medical education was not considered a necessary qualification for the office, and the Superintendent then elected has continued to hold the position up to the present time.

After referring to the increased number of applications more than the accommodations of the hospital can provide for, and to the requirement that application must be made at the hospital at certain times, it is said that in case of emergency any of the trustees or either of the physicians or surgeons in attendance may send a patient to the hospital on a written permit. The Board of Visiting Physicians and Surgeons consists of eight physicians, of whom two are on duty three months at a time, and six surgeons, two of whom are on duty four months in each year. They go to the hospital at 9 o'clock in the morning, and remain until their duties are completed, and are seldom there after 11 o'clock unless specially sent for.

In addition to these visiting physicians and surgeons there are six house officers, young men who have passed the prescribed course of medical studies, but have not received their degrees. It is the duty of these officers to see that the directions of their superiors are properly carried out, to attend to patients on their admission, and give directions for their care until the regular physician or surgeon arrives. There are always two and generally three or more of these officers on duty.

It is further stated that the larger number of such establishments in this country are not under the charge of medical men. It is not reasonable to suppose that one man will be found who will combine the requisite professional requirements with the practical business knowledge and mechanical skill necessary for the proper management of the different departments, and in their opinion the practical result of a change like the one proposed will be that the hospital will have two superintendents, that there will be a conflict of authority, a want of responsibility, and increased expense.

As the success of the institution is due in a great measure to the gratuitous services of medical men, the committee applied to eighteen of the leading physicians and surgeons in the city to give their views upon the expediency of placing a professional man at the head of the hospital. They were unanimous in the opinion that there would be advantages in having a medical superintendent, and most of them very decided in the opinion that such an institution could not be successfully managed without one.

It appears, therefore, to the committee that the objections presented by the trustees are satisfactorily answered by the statements of these physicians, and that there can be no permanently successful administration of the City Hospital until it is placed under the superintendence of an experienced medical man. It can hardly be possible that the difficulty of finding a physician of sufficient practical ability to perform the varied duties of a superintendent would be greater than the difficulty of finding a non-professional person who could satisfactorily perform those duties.

In order to insure pleasant relations between the Superintendent and the medical staff, a majority of the committee would recommend that the visiting physicians and surgeons should have an opportunity to nominate, subject to the approval and confirmation of the trustees, a member of the Massachusetts Medical Society for the office, and to that end they would recommend the passage of an accompanying ordinance.

The ordinance amends the printed ordinance to provide that the visiting physicians and surgeons may annually in April, and whenever a vacancy occurs, nominate a member of the Massachusetts Medical Society for Superintendent of the Hospital, and the Trustees shall confirm or reject such nomination within seven days after it is made; and in case of rejection further nominations may be made; but if no nominations are made, or are not confirmed within a month from the 1st April or of a vacancy, then the Board of Trustees may proceed to an election of a member of the Medical Society. The Superintendent shall constantly reside at the institution and may be removed at the pleasure of the Trustees, the compensation to be fixed by the City Council.

Messrs. Shepard and Dacey of the Council, agree with the majority of the committee upon the expediency of appointing a physician as superintendent of the hospital, but dissent from the nomination by the visiting physicians and surgeons, believing that the trustees should have the sole re-



Alderman Sayward moved to amend by making the pay the same as that of patrolmen, \$3 a day.

Alderman Ricker hoped the motion would not prevail, for these officers had always ranked as lieutenants of police. Their duties are different, and they are required to report to the mayor. If any change was to be made, they should be required to report to the School Committee.

Alderman Sayward stated that in his section of the city, the patrolmen were as good as the truant officers.

Alderman Jenks hoped the motion would not prevail, for if justice could be done only to half a dozen, he would prefer that to none.

The amendment was lost, by a vote of 3 to 9, as follows:

Yeas—Power, Sayward, Squires.

Nays—Clark, Cutter, Fairbanks, Jenks, Little, Poland, Ricker, Stackpole, Woolley.

The remaining sections of the bill were adopted, without change, and the several orders were passed.

The only changes from the salaries at present established are as follows:

The Assistant Messenger's salary reduced five hundred dollars.

The Port Physician's salary increased four hundred dollars.

The pay of the First and Second Assistant Assessors, while on street duty, reduced one dollar per day.

The allowance for clerk hire in the Assessors' Department increased three thousand dollars.

#### PAPERS FROM THE COMMON COUNCIL.

The petition of Elizabeth West was referred, in concurrence.

The resignation of J. Tisdale Bradlee, as Trustee of the City Hospital, was accepted, in concurrence.

The Auditor's Exhibit, for March, was ordered to be placed on file.

Aldermen Fairbanks, Woolley, Sayward and Clark were joined to the Committee of the Council on the Auditor's Estimates for 1872-73.

The report from Committee on Streets that the resolve and order to widen Federal street ought to pass was accepted, and said resolve and order were passed, in concurrence.

#### FIRST ASSISTANT ASSESSORS.

The election of Theophilus Burr, William H. McIntosh and Charles E. Jackson as First Assistant Assessors, in place of Phineas B. Smith, John D. Richardson and Aaron D. Capen, chosen by this Board, came up, when the board proceeded to an election, with the following result: Theophilus Burr, 9; Charles E. Jackson, 7; Phineas B. Smith, 7; Harvey King, 5; Aaron D. Capen, 4; A. R. Holden, 2; W. H. McIntosh and E. C. Kingsbury, one each. Messrs. Burr and Jackson were declared to be elected in concurrence, and Mr. Smith in non-concurrence.

The order for the appointment of a Joint Special Committee on the International Musical Festival came up amended by striking out five members of the Common Council and inserting "one member from each ward."

Alderman Cutter said it appeared to him that this would make a very large committee to do business, and with the addition of the Board of Aldermen, making twenty-eight members in all, it would be a ridiculous affair. He moved that the Board non-concure and adhere to its former action. Carried.

#### RETURNS OF VOTES FOR SENATOR.

Aldermen Ricker and Squires were appointed a committee to examine the returns of votes cast this day for Senator for the Third Suffolk District. The committee subsequently reported that the votes appeared to be properly recorded in the book kept for that purpose, and that there were for Lewis Rice 270, and for Francis W. Jacobs 539. They therefore recommended that the results be certified to the Secretary of the Commonwealth. Accepted.

#### REPORTS OF COMMITTEES.

Alderman Clark, from the Committee on Streets, reported no action necessary on petition of heirs of William Parmenter for apportionment of Hanover-street betterments, for the reason that the Treasurer has made his demand for the assessment mentioned herein, subsequent to which no apportionment can be made. Accepted.

Alderman Jenks, from the Joint Standing Committee on Claims, reported leave to withdraw on petition of Horace L. Duncklee, to be paid for damages caused by frightening his horse by the operations of the engine and cars used in filling the Suffolk-street District. Accepted.

Alderman Fairbanks from the Committee on Licenses, reported in favor of licenses as follows: L. B. Lent, to exhibit his circus company in East Boston, South Boston and the city proper in May next; J. W. Cadwell, to give an exhibition of mesmerism at No. 18 Boylston street; P. A. Hynes, to give a dramatic entertainment at Lincoln Hall March 16 and 18; John O'Brien, to give a concert at Lyceum Hall, Dorchester, March 17; Daniel E. Fogarty, to give a dramatic entertainment in Tremont Temple, March 18; Jahn T. Harrington, to give a concert, March 15, at Broadway Hall; also licenses to Hoyt, Wheeler & Bradley, and Franklin Sprague as auctioneers, and to sundry persons for a hack stand, a billiard saloon, as victuallers and dealers in second-hand articles, wagon licenses and transfer of wagon licenses. Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of a license to Augustus Hardy to erect a brick stable for two horses on Warren and Rockland streets. Accepted.

#### NOMINATIONS FOR OFFICERS.

Alderman Ricker, from the committee to nominate candidates for Directors for the East Boston ferries, made a report, recommending the election of Nehemiah Gibson and Samuel Hosea, Jr., for two years, from the first of May next. Accepted, and the election laid over.

Alderman Fairbanks, from the joint special committee appointed to nominate a suitable candidate for Commissioner of the Sinking Fund for the redemption of the city debt, made a report recommending the reelection of John O. Poor.

The report was accepted, and the Board proceeded to an election, when John O. Poor was chosen, by a vote of 11 to 1 for Albert Bowker.

Alderman Clark, from the joint special committee appointed to nominate suitable candidates for Directors for Public Institutions, made a report recommending the election of Samuel C. Cobb, George E. Learnard and James K. Fagin as Directors at large for three years, beginning the first Monday in May.

Alderman Jenks dissented, and recommended the election of Thomas Dinsmore.

Mr. Clatur of the Council dissented, and recommended the election of Samuel Talbot, Jr.

#### REPORT ON EXTENSION OF WASHINGTON AND DEVONSHIRE STREETS.

Alderman Clark, from the Joint Standing Committee on Streets, to whom was referred the order requesting the Street Commissioners to consider the expediency of extending Devonshire street to Portland street, and also to procure estimates of the expense and report the same to the City Council, made a report as follows:

During the past twenty years a great many plans have been proposed for increasing the accommodations for the public travel, between the northern and eastern railway stations and State and Washington streets. That such additional facilities of communication would contribute greatly to the public convenience has been generally admitted; but hitherto every definite proposition for accomplishing the object desired has failed, either on account of the great expense involved or the conflicting interests of large owners of real estate affected by the proposed improvements. The immense increase in the business of the railroads having their termini in this section, and the rapid growth of the city in business and population have brought this question to a point where further delay is indefensible. There is an absolute necessity for prompt action. The expense will, of course, be large, but the benefit, both local and general, will be on a corresponding scale.

The plan proposed by the Commissioners is calculated, as they believe, to harmonize the interests of the large real-estate owners between Causeway street and State street, and at the same time to satisfy the public convenience. It is to extend Devonshire street to Dock square; to widen Portland street between Causeway street and Hanover street and extend it to Dock square; and to extend Washington street from Cornhill to connect with Portland street, as extended.

Several of the largest owners of real estate on these proposed lines of extension and widening came before the Committee and expressed their willingness to pay any reasonable assessments for the great benefit which their property would receive from the adoption of the plan herein suggested.

For the purpose of procuring estimates of the expense of these improvements this committee would respectfully recommend the passage of the accompanying order, being a new draft of the order referred to them:



Ordered, That the Board of Street Commissioners be requested to report to the City Council separate estimates of the expense (1) of extending Devonshire street, fifty feet in width, through Wilson's lane, to Dock square; (2) of widening Portland street to sixty feet, and extending the same to Dock square, so as to connect with Devonshire street; (3) of extending Washington street to meet the extension of Portland street.

The report was accepted and the order was adopted.

## ORDERS PASSED.

On motion of Alderman Rieker,

Ordered, That the Committee on Health be authorized to expend a sum not exceeding \$1500, in furnishing an outfit for the quarantine steamboat; said sum to be charged to the appropriation for Health.

An order to abate nuisances in Harrison avenue, Viual place, South, Pleasant, Second and Albany streets.

An order was also passed to collect sidewalk assessments in Auburn, Ball, Pyncheon, Warren, Linwood, Prentiss, Halleek and Mindoro streets and Hartopp place.

On motion of Alderman Power,

Ordered, That there be paid to Margaret Wakefield \$125 in full compensation for all damages caused to her estate, rear of 275 Havre street, by the raising of the grade of said street, on the usual conditions; to be charged to the appropriation for Paving.

Ordered, That the Superintendent of Streets be directed to grade Brookline avenue with ashes, to its full width between the Boston & Albany Railroad crossing and Maple avenue, at an estimated cost of \$2000.

Ordered, That the Board establish the grade of Clifford street, from Warren street to Blue Hill avenue, according to a plan and profile drawn by Thomas W. Davis, City Surveyor, dated August 25, 1871, and deposited in the office of said City Surveyor.

Ordered, That in consideration of the payment of \$8000 by the Boston & Albany Railroad Company, his Honor the Mayor be authorized to give a release and discharge to said corporation from all claims and demands for damages, costs and expenses to the estates situated upon the westerly side of Washington street, between Chapman street and Orange street, on account of the raising of the grade of said Washington street, or Orange street and Castle street, in accordance with the order of the Board of Aldermen approved the 31st of May, 1870.

Alderman Clark offered the following order:

Whereas, The selection of a competent Engineer is of the highest importance to the city of Boston, on account of the extensive public works now in progress or in contemplation, requiring the best engineering skill; and whereas, it is necessary, in order to make the City Council to act intelligibly upon the question, that the relative qualifications for that position should be fully known: it is hereby

Ordered, That his Honor the Mayor be requested to appoint three experienced engineers to examine the several candidates for the office of City Engineer, and report as early as practicable upon their qualifications.

The yeas and nays were ordered on the passage of the order, and it was lost by a vote of 6 to 6, as follows:

Yeas—Clark, Cutter, Jenks, Little, Poland, Squires.

Nays—Fairbanks, Power, Rieker, Sayward, Stackpole, Woolley.

Alderman Woolley moved that the Board proceed to the election of a City Engineer. Carried by a vote of 7 to 5, as follows:

Yeas—Fairbanks, Power, Rieker, Sayward, Squires, Stackpole, Woolley.

Nays—Clark, Cutter, Jenks, Little, Poland.

While the Clerk was collecting votes, Alderman Cutter asked for the reading of letters in favor of one of the candidates.

Alderman Power objected.

Alderman Cutter stated that the letters related to the qualifications of one of the candidates, and would enable the Board to vote understandingly.

Alderman Sayward said he presumed the Alderman knew what they were, or if he did not he could find out.

The Chair ruled that the election having been ordered, it should proceed.

The result of the ballot was 6 for Henry W. Wilson and 6 for Joseph P. Davis.

Alderman Clark sent to the chair letters from

E. S. Chesboro of Chicago, formerly of the Boston Water Works, Mr. Kirkwood of Brooklyn, N. Y., Thomas J. Whitman of St. Louis, Moses Lane and others, engineers, commending Mr. Davis for his qualifications; and a letter from Mr. Healy, City Solicitor, giving it as his opinion that Mr. Davis was eligible to office in this city.

Alderman Sayward sent letters to the chair, which were read, from George B. James, Charles R. Train, John Souther, Naylor & Co., John H. Reed, John H. Allen, James Slade and others, in commendation of the ability of Mr. Wilson as an engineer.

Alderman Jenks moved a reconsideration of the rejection of the order providing for a commission to examine the several candidates for City Engineer.

In advocacy of the motion, he said he could not conceive how the friends of Mr. Wilson could hesitate in regard to his competing for the office if they had such confidence in his ability.

Alderman Power replied that it was not that the friends of Mr. Wilson had any doubt of his ability. They had undoubted faith in his ability, and did not wish to waste further time in the election. If those who wish for an examination were sincere, they might have their candidate examined. It was believed that this was one of the species of tricks designed to put off the election. If they wished Mr. Davis to be examined, why not come in on his examination? They had no faith in him, while the friends of Mr. Wilson know his ability, and that it would be an insult to him to call for his examination.

Alderman Clark said Mr. Davis had had a searching examination, with the commendation of half a dozen of the most eminent engineers of the country. It had been a frequent remark that this city should have retained Mr. Chesboro here, even at a salary of \$20,000, so important was the office. He had no doubt that Mr. Wilson was a first-rate fellow, and a gentleman, and all they asked for was for an opportunity of testing his qualifications by an examination by three engineers. Wilson, Davis, Wightman and forty others might compete for the office. The gentlemen who believe in the qualifications of Mr. Wilson will have a chance to show their sincerity. He hoped there would be an opportunity for competition, and would support the one who proves to be the best qualified.

Alderman Sayward said that, with regard to honesty, they claimed to be governed by it as much as the other side. If they were honest in the belief of the qualifications of the candidate, why not elect him? Should Mr. Wilson be elected, what harm could be done in an election for one year? The election should have been three years ago. This was an unusual course, and not fair; and if there was to be an examination, where were they to get the engineers for an examination? If they had had a liberal Committee on Salaries, they might have been more successful in getting such an engineer as was required.

Alderman Clark said he believed it would be of no use to ballot, for no one would go back, unless they were convinced from the recommendations for Mr. Davis. Such a board of three engineers could be had, and that was the only way to settle the matter. In regard to the statement that it would do no harm to elect Mr. Wilson, if he should not be competent he may do a great injury.

Alderman Sayward—And if competent, he may do much good.

Alderman Jenks said he was satisfied that civil-service reform in this case may do good. He was surprised at the gentleman's urging large salaries, after voting as he did on salaries.

Alderman Sayward replied that plenty of men could be had for police officers, but not for engineers. He had no faith in examinations, and was ready to go on with the balloting or let it go over to another week.

Alderman Woolley opposed the order as one of the tricks of the opposition to defeat Mr. Wilson. He had no doubt of the competence of Mr. Davis, but he was not a resident of the city and not eligible to the office.

Alderman Clark—Mr. Healy says he is eligible to the office.

Alderman Woolley repeated that Mr. Davis was not eligible, notwithstanding the opinion of the City Solicitor, for which he had no respect. He was not anxious or afraid that Mr. Wilson should be examined. But, he asked, where were they to get the engineers to make the examination? A commission of engineers who had recommended one candidate could not give an unbiased opinion, and he regarded this as out of the usual course and a trick to defeat Mr. Wilson.



Order to pay John and Margaret Bird \$900, for grade damages at 53 Clarendon street.

Order to pay Honora Lynch \$300, for grade damages at 240 Havre street.

Order to pay Jane Wood \$125, for grade damages at rear of 273 Havre street.

Order to pay Elizabeth A. D. Bissett \$200, for grade damages at 297 and 299 Havre street.

#### SALARY BILL.

The Salary bill was considered by sections, which were severally adopted, without objection, until that portion was reached relating to the pay of police officers, on which an increase was reported.

On section four of the fourth order, the salary of the Captains of Police was fixed at \$1500 a year, increased from \$4 per day.

Alderman Clark inquired if it was not an increase on the pay of last year, and the statement of increase being made, he moved that the report of the minority be adopted, to make the pay of the police the same as now. In support of the motion, he said there was no occasion for an increase, and he could not vote for it until some good reasons were given for it. There were now two thousand applicants for appointment as police officers, and many of the officers were satisfied with the present pay. As members of the City Government they had no right to vote away the money of the taxpayers unless sufficient reasons were given for it, and police officers were now receiving as high pay as those who occupy similar positions in other kinds of business.

The pay of laboring classes as competent as are the police officers is not over \$12 or \$15 a week. Under the policy of the city the officers are most liberally provided for, and it was but fair and just that it should be so. He would pay those who are sick, and go further, by continuing pay to those who remain in service until they become incapacitated. This increase would involve an increased expense of \$60,000 a year, and they had no right to increase this burden of taxation unnecessarily, for should it become necessary, as it probably will, to make a large increase in the force, two thousand men can be had at the present pay. He hoped, therefore, that the report of the committee would not be adopted.

Alderman Jenks gave as reasons in favor of an increase of pay, that the present was not sufficient to allow the police officers to dress as well as they are required to, or to live in the style they ought to. The present pay was no more than officers receive in Cambridge, Chelsea, Providence, Worcester and Hartford, and was about one hundred dollars less than officers receive in New York and Brooklyn. He hardly thought the Alderman meant what he said when he compared the police officers to laborers, for he did not think that ordinary laborers could properly discharge the duties of police officers.

It was said that there were 2000 applications for appointment as police officers. No doubt there were. So, also, there were a large number of applications for the seats of the Alderman and himself, without pay, and it was likely there would be more next year. But that was not the question at all. The question was, is it a proper investment to appropriate \$60,000 more for the pay of the police? There were many expenditures of less value than this, and there would be many during the year. For these reasons he should vote for this increased pay.

Alderman Cutter said he believed in doing the city's business as he would his own, and if he had men in his employment who made a strike, when there were 2000 ready to take their places at their pay, he should employ the latter. The salaries paid the officers were not small, but good pay, and it was proposed to make an increase of \$93. It was sufficient to induce men to change their vocations to get it. He would remind the gentleman that he was elected on a reform ticket, which did not mean an increase of pay.

Alderman Jenks remarked that he was in favor of it to produce a reform in the force.

Alderman Cutter replied that such was not his meaning of reform. Let the Alderman look at the burden of taxation which was driving away rich men from the city, and yet it was proposed to increase it by sixty thousand dollars. As he wished for economy in his own business, he should adopt a like policy for the city. Besides, the proposed increase was unfair, for it gave to the captains forty dollars more, and the patrolmen one hundred and five dollars. The report was loose in that respect, and the minority report should be adopted. Before increasing pay, they should pause and consider their duties to the taxpayers, and as consistent and honest men they should adhere to the present pay.

Alderman Jenks said the Alderman seemed to think that nobody was interested but the taxpayers, but there were others besides. The pay which these men receive would not pay the rent of the house of the Alderman four months. With their pay they must crowd into tenement houses and eke out their living as best they may. These men were not on a strike, but they ask for an increase of \$105 more, while the salary of the head of the department had been increased three times since their pay was fixed. In his view there was too great a distance between the pay of the captains and that of the patrolmen, for in the duties and abilities required \$1 a day was too much.

The sum of \$1200 was as small as would serve and enable the officers to live, so that those who pay taxes will not be ashamed of them. Their house rent must cost them \$300; they are required to have two suits of clothes, and change their hats as often as they are directed to, which is about four times a year. These expenses will take \$500; an overcoat will cost \$60, and the chief will not permit a man to go about with a rusty coat. To have a family is also a prerequisite, and a family cannot live on air, and he could not conceive how an officer could live at a less sum than it was proposed to pay. If he had half the real estate which the Alderman owned, he should wish to pay the officers more than his property might be better protected. The additional \$60,000 he did not doubt would bring back some of the rich men who have left the city, for the reason of better protection of their property.

Alderman Cutter, referring to the petitions for increase of pay, said the Alderman knew of them before he did, and how they were circulated. No one of the Police Committee knew of it or was in favor of it, and it was a forced thing, the petitions being placed round in the station houses for the officers to sign, while forty men thought they were paid enough. He did not doubt that somebody in the City Hall got it up. The pay was fair, the police were well provided for, and when they tear their clothes on duty, the committee provide for having them renewed. Besides, they receive \$15,300 as witness fees, have fourteen days a year as a vacation, while they draw their pay, and when sick a month draw half pay. The city was generous to them, and when they were satisfied, why should this measure be crowded in? The Police Committee nor the Chief knew anything of it.

Alderman Jenks said it was true that the Chief was sick, but the Deputy-Chief, acting in his place at the time, knew of it and recommended it.

Alderman Cutter—I presume you knew of it and how the petitions were got up.

Alderman Jenks—And of many other things. No honest man with half a million of dollars should hesitate a moment in giving the increased pay. The department would be made one hundred per cent. more efficient by the increase of ten per cent.

Alderman Clark said if it would be the means of turning out the inefficient and putting in more efficient men, it would be more justifiable.

Alderman Jenks replied that the reform had commenced already, and he should be glad to have the right men for \$1200.

Alderman Clark said the present pay was as good as was paid to men of like capacity, and should be reduced, if anything. The cost of living had been reduced twenty-five or thirty per cent., and he had in his employment as competent men as were the police officers, to whom he paid but fifteen dollars a week. He did not believe that many of the policemen wanted a change in pay, and so long as good men could be had at present prices, there was no reason why there should be an increase.

The motion to substitute \$4 a day, the present pay, for \$1500, was carried, by a vote of eight to four, as follows:

Yeas—Clark, Cutter, Fairbanks, Little, Poland, Power, Sayward, Squires.

Nays—Jenks, Ricker, Staekpole, Woolley.

The section, as amended, was adopted.

On the motion to substitute \$3 50, as now, for \$1400, as the pay of lieutenants, the vote was the same, and as amended, the section was adopted.

The pay of sergeants of police was fixed at present rates, \$3 25 a day, and that of patrolmen at \$3, instead of \$1300 and \$1200, by the same vote.

Section eight, the salary of truant officers, at \$1200, being under consideration,

Alderman Jenks inquired what difference there was between a truant officer and a patrolman.

Alderman Cutter replied that the Alderman knew as well as he did. It was not intended to advance the pay of truant officers, but leave it as they found it. He supposed their duties were less and that the men were of a better quality.

sponsibility in the appointment of the person who is to execute their orders.

They accordingly submit an ordinance providing for the appointment of a superintendent who shall

be a member of the Massachusetts Medical Society, the ordinance to take effect the 1st of April next.

The reports and ordinances were laid on the table, and ordered to be printed.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Common Council,  
MARCH 14, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Edward Sands and others, William H. Swan and others, David R. Leeraw, and of Joseph B. Glover and others were severally referred, in concurrence.

The monthly report of the Trustees of the City Hospital was ordered to be placed on file.

The reference to the Committee on Streets of resolves and orders from the Street Commissioners for the extension of South Market street, from Commercial street to Atlantic avenue, and of Commerce street to said avenue (City Docs. Nos. 28 and 29) was concurred in.

The report (leave to withdraw) on petition of Horace L. Duncklee to be paid for loss of a horse frightened by a gravel train was accepted, in concurrence.

The following orders were severally passed, in concurrence:

Order authorizing a release and discharge to the Boston & Albany Railroad Corporation of all claims for damages to certain estates on the westerly side of Washington street, between Chapman and Orange streets, on account of the raising of the grade.

Report and order that the Street Commissioners report separate estimates of the expense—first, of extending Devonshire street fifty feet in width through Wilson's lane to Dock square; second, of widening Portland street sixty feet and extending the same to Dock square, to connect with Devonshire street; third, of extending Washington street to meet the extension of Portland street.

The order for the appointment of a commission to examine candidates for the office of City Engineer was considered.

Mr. Fitzgerald of Ward 7 inquired whether the order was amended from its original design of requiring an examination by engineers to an examination by the committee.

The Chair read the order providing that the committee shall appoint the engineers to make the examination.

Mr. Hersey of Ward 12 said he did not intend to oppose the order, for as a friend to one of the candidates, he had no fear of the result of an examination, but he wished to add an amendment to provide for the expense of such commission, a sum not to exceed \$3000, to be charged to the appropriation for Incidental Expenses.

Mr. Perkins of Ward 6, moved as a further amendment, to insert in place of the words "such as the Common Council may join," the names of Messrs. Webster of Ward 6 and Hersey of Ward 12, as such committee.

Mr. Flynn of Ward 7 hoped the amendment would not prevail, it being an unusual course for any member of the Council to dictate or take away the prerogative of the president in the appointment of a committee.

Mr. Perkins replied that the order itself was an unusual thing, and the amendment was precisely parallel with the action of the other branch in the appointment of the committee on its part. He did not desire to dictate as to who should be appointed or take away the prerogative of the president. It was understood that it would be agreeable to the friends of the candidates that these gentlemen named should serve on the committee.

Mr. Brooks of Ward 1 said he believed both of the amendments to be unnecessary. There was no reason why, after the appointment is made and there is need of an appropriation, the committee should not come here for the purpose.

The Chair stated that it would be competent, under the rules, for the Council to elect the members of the committee, but the adoption of the first amendment would require the order to lie over.

Mr. Hersey said he offered the amendment to facilitate business, for the time was drawing nigh when an Engineer should be elected; the engi-

neers, to make an examination, will require compensation, and the committee will have no power to pay them for their services.

Mr. Brooks wished to know if the Mayor or members of the committee wished for such an appropriation. If the time was drawing nigh for an election, he supposed that the Engineer who had carried on the business of the office for months past can do so a while longer.

Mr. Hersey stated that the resignation of the Engineer took effect on the 1st April.

Mr. Webster did not think it necessary that an appropriation of \$3000 should be made. The committee will have authority to engage such persons as may be necessary, and the expenses must be paid. He hoped, therefore, that the amendment would be withdrawn, as he thought it would require a two-thirds vote for the passage of the order.

Mr. Fitzgerald said he failed to understand the whole thing from the beginning to the end. It appeared that this committee was to nominate somebody as engineers to examine and see that somebody is competent for the office of engineer. There were but two candidates, and the Board had appointed as a committee one on each side, and it was proposed to do the same here. That was not the way in which it should be done, but disinterested parties should be chosen who are not biased, to appoint these engineers. He did not doubt that these gentlemen would do their duty, but in this way they did not get rid of their partisan character or prejudice. The men who should be appointed are those who know nothing about the candidates and do not care, except what shall be for the interest of the city.

Mr. Perkins replied that it would be difficult to find any members of the Council who had not formed an opinion of the qualifications of the candidates. It was true that there were no others except the two candidates whose names were before the Council, and every member would vote for one or the other. It might be that the design was to kill the whole scheme of examination, and if they should go into an election their object would be secured.

Mr. Brooks hoped the order would be passed without either amendment. The failure of them would not postpone the action of the committee, for whatever was necessary to pay the expenses could be appropriated at any time.

Mr. Hersey said he had no desire to serve on the committee, and would withdraw his name.

Mr. Webster added that he had no desire to serve, and withdrew his name.

Mr. Perkins withdrew his amendment.

The question recurring upon Mr. Hersey's amendment, Mr. Webster moved that the sum be reduced to \$2000, to be charged to the appropriation for Incidental Expenses.

Mr. Hersey accepted the amendment.

The amendment was adopted by a vote of 33 to 15, when the order was required to be laid over, under the rules.

Mr. Hersey moved a suspension of the rules for a passage of the order, which was carried.

On motion of Mr. Webster, the order was amended by providing for the appointment of two members of the Council.

The order was passed, when the Chair appointed Messrs. Webster of Ward 6 and Hersey of Ward 12 as the committee.

The report nominating Samuel Hosea, Jr., and Nehemiah Gibson as Directors at large of the East Boston Ferries, was accepted, and the election was laid over.

The report and orders establishing the salaries of city officers for the year 1872 (City Doc. No. 27, 1872) were read once.

The reports nominating Samuel C. Cobb, George E. Learnard and James K. Fagin as Directors at large for Public Institutions, with one minority report recommending the election of Thomas Drinsmore, and another that of Samuel Talbot, Jr., were read, and the elections were laid over.

## COMMISSIONER OF THE SINKING FUND.

The report nominating John O. Poor as Commissioner of the Sinking Fund for the redemption of the city debt was accepted, when the certificate of election of Mr. Poor was read, and the Council proceeded to an election. Messrs. Daecy of Ward 2, Whiston of Ward 8, and McNutt of Ward 10 were appointed a committee to receive and count the votes, all of which, 54, were for John O. Poor.

## FIRST ASSISTANT ASSESSOR.

The certificate of election of Phineas B. Smith as



a First Assistant Assessor, in place of William H. McIntosh, chosen by the Council, was read. The Council proceeded to an election, Messrs. Flynn of Ward 7, Bradt of Ward 14, and Prescott of Ward 9 acting as a committee to receive and count the votes. The result was as follows:

Whole number of votes.....	57
Necessary to a choice.....	29
Phineas B. Smith.....	19
William H. McIntosh.....	25
E. C. Kingsbury.....	6
A. D. Capen.....	5
Harvey King, A. R. Holden, one each.....	2

The second ballot resulted as follows:

Whole number of votes.....	57
Necessary to a choice.....	29
Phineas B. Smith.....	14
William H. McIntosh.....	34
A. D. Capen.....	4
E. C. Kingsbury.....	2
Three others, one each.....	3

Mr. McIntosh was declared to be elected, in concurrence.

The non-concurrence of the Board with the Council in the amendment to the order concerning the International Musical Festival, that the committee consist of one from each ward, with such as the Aldermen may join, came up for consideration.

Mr. Page of Ward 9 said he had an order to provide for the appointment of eight members of the Council instead of sixteen, which he would offer in place of that under consideration, and he moved that the pending order be laid on the table. The motion was lost.

Mr. Flynn of Ward 7 moved that the Council recede from its former action, and if it should prevail, he would move to substitute for the members mentioned therein eight members on the part of the Council, and five on the part of the Board of Aldermen.

Mr. Perkins of Ward 6 suggested that no number be fixed on the part of the Board, for if it should disagree in the number, it would cause more delay, which was undesirable.

The motion to recede was carried, when Mr. Flynn modified his motion to provide for eight on the part of the Council, with such as the Board of Aldermen may join.

As amended, the order was passed, by a vote of 50 yeas, 2 nays—Messrs. Brooks and Locke.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order requesting the Street Commissioners to report an estimate of the cost of extending Marion street to Meridian street.

Order to pay Henry Davenport \$68,179 58, for estate on Washington street between Orange and Castle streets, taken by the city.

Order authorizing the grading of the portion of the Common south of the hill on which the Army and Navy Monument is located, at not exceeding \$5000.

PAPERS FROM THE SCHOOL COMMITTEE.

Ordered, That the City Council be requested to provide temporary accommodations for one class of the Mather School, in the Dorchester District.

Ordered, That the City Council be requested to purchase a suitable lot of land on Warren avenue for a site for a new building for the English High School.

Ordered, That the City Council be requested to take the necessary steps for the erection of a primary schoolhouse in the Prescott School District.

Ordered, That the City Council be requested to purchase a site, and cause to be erected thereon a grammar school building of sixteen rooms, in which may be consolidated the Washington and Dudley schools, said site to be located south of Washington and north of Cedar streets.

Ordered, That the City Council be requested to make provision for a master's private room in the Lewis Schoolhouse, provided it be feasible to accomplish this purpose without encroaching upon any of the other necessary conveniences of the school.

Ordered, That the City Council be requested to provide additional accommodations for the School for Deaf Mutes.

Severally referred to the Committee on Public Instruction.

PETITIONS PRESENTED AND REFERRED.

John P. Squire and others, in aid of petition of Edward Sands and others, for speedy action in the extension of South Market and Commerce streets.

David Snow and others, against the widening of City wharf.

Severally referred to the Committee on Streets.

Shawmut Congregational Society, for discontinuance of sewer under their church, discharging into the cellar and causing a nuisance, and for its construction on Brookline street. Referred to Committee on Public Lands.

Lamplighters of Ward 16, for an increase of pay equal to that of the lamplighters in Ward 15, \$1 77 per day. Ordered to be sent up.

REPORTS OF COMMITTEES.

Mr. Flynn of Ward 7 presented the majority and minority reports of the Committee on Streets, on the order relating to the Wendell-street widening. The majority report was signed by Alderman Clark, for the committee, and the minority report by Mr. Perkins of Ward 6.

Mr. Perkins moved that they be laid on the table and ordered to be printed, which was carried.

The reports are as follows:

The Joint Standing Committee on Streets, to whom was referred the order requesting the Street Commissioners to lay out Wendell street on a new line at and near its junction with Broad street, by removing the store numbered 105 Broad street; and to whom was referred the petition of S. R. Spalding, president of the Merchants' & Manufacturers' Transportation Company, Francis Dane & Co., and one hundred and forty-five others doing business on Pearl and High streets, asking the aid of the City Council to procure the widening of Wendell street, having considered the subject, report as follows:

The present average width of Wendell street, between Oliver and Broad streets, is about twenty-eight feet. From Oliver street to Halfmoon place it runs in nearly a straight line. At that point, which is about one hundred feet from Broad street, it makes a sudden curve in a southerly direction, which practically destroys the value of the street for business purposes. By cutting off a portion of the store on the northerly side to the depth of about twenty-three feet at the entrance on Broad street, an opening would be made directly opposite Wharf street, which runs into India street. This would give a front of about fifty feet on Broad street, and an uninterrupted view to Oliver street. The amount of land required is only 1377 square feet.

After hearing the petitioners and remonstrants, the committee are fully satisfied that it would be for the public benefit to make this improvement. The petitioners include many of the most prominent and enterprising business firms in the city, representing taxable property to the amount of forty millions. Not only the large owners of real estate and those doing business in the vicinity, but the citizens generally, so far as can be judged from the numerous expressions of opinion upon the subject, are strongly in favor of making the widening.

From the best information which can be obtained, it is evident that the first cost of the improvement will not exceed \$35,000, and that a large portion of this sum will be returned to the city treasury from assessments for betterments to property in the vicinity.

In view, therefore, of the public demand for this measure, the increased facilities which it will afford for the transaction of business, and the comparatively small expense involved, the committee would report that the order referred to them ought to pass.

JOHN T. CLARK, Chairman.

The undersigned, a member of the Committee on Streets, agrees with the majority that \$35,000 is a fair estimate of the expense which the city would incur from the taking of the store No. 105 Broad street, but is unable to concur with them in their conclusion that the order which was referred to them ought to pass.

In the view taken by the undersigned it is not necessary to consider whether or not the public safety and convenience require that Wendell street should be widened in accordance with the prayer of the petitioners. We may hold that the present appearance of the street is insightly and ought to be remedied; or we may hold that the street can never be anything but a wretched lane unless it is widened throughout its whole length. Without committing one's self to either of those opinions, it appears that there is solid ground on which one may stand and oppose the passage of the order referred to the committee; it is this, that the City Council is not the tribunal to which the petition ought to be addressed.

Since the passage of the act of 1870 creating the Board of Street Commissioners, all the power possessed by the Board of Aldermen concerning the



laying out, altering or discontinuing the streets and ways in the city was transferred to the new board. The City Council, as is well known, never possessed any power concerning the laying out of streets except what was given to it by the act just mentioned, the third section of which provides that the Commissioners, when they shall have adjudged that the public safety and convenience require the laying out of a street shall, if their estimate of the cost exceeds \$25,000, submit the order to the City Council for their confirmation or rejection.

Such being the state of the law, what are the facts in the case? They are, briefly, that the subject of extending and widening Wendell street was, in one form or another, before the Street Commissioners during a great part of last year, an amount of time entirely disproportionate to its importance, and finally this very proposition, which is now urged upon the City Council, the removal of store No. 105 Broad street, was presented to the Commissioners and formed the subject of an exhaustive hearing, lasting through several days. The testimony was reported very fully and published. It is now a matter of common knowledge that the Commissioners at this hearing decided that the public safety and convenience did not require the removal of the store, and gave the petitioners leave to withdraw.

The next expedient adopted was the presentation of the present petition to the City Council, on which the order recommended by the committee is founded. This petition, which is highly respectable, both from the number and character of the signers, asks the Mayor and City Council to ask the Street Commissioners to widen the street according to the plan petitioned for last year. The question now before the City Council is whether we shall accede to the petitioners' request. The undersigned is of opinion that it is highly improper for the City Council to act in the manner requested.

The City Council is in the habit of applying to the Street Commissioners for information on subjects within their cognizance, but never before, it is believed, has the City Council sent to the Commissioners such a communication as is now rec-

ommended by the committee. Certainly the Street Commissioners have never before been asked to do an act which they in their exercise of their exclusive jurisdiction, have previously decided, after a long and laborious investigation, not to do.

The object of the proposed order can only be to browbeat and coerce the Street Commissioners, an independent body elected by the people, and responsible to them and not to the City Council, to retrace their steps and perform a judicial act against their own recorded judgment; or, in other words, to stultify themselves, and admit their unfitness to perform the duties of the office to which they have been elected.

In the opinion of the undersigned, such a course is not in accordance with good taste or the dignity of the City Council, but is an innovation fraught with danger to the preservation of the good understanding between two coördinate branches of the Government, which is essentially necessary to the successful administration of our municipal affairs.

For the foregoing reasons the undersigned would recommend that the order ought not to pass.

W. E. PERKINS.

Mr. Bieknell of Ward 4, from the Joint Standing Committee on Public Buildings, to whom was referred the petition of Sullivan & Maedonald for leave to purchase the Cooper-street Armory building, made a report that it is inexpedient to sell the same, the building being required for an armory and schoolhouse. They would therefore respectfully recommend that the petitioners have leave to withdraw. Accepted.

ORDER PASSED.

On motion of Mr. Clatur of Ward 4,

Ordered, That his Honor the Mayor be authorized to execute, in behalf of the city of Boston, an agreement made with the Boston & Albany Railroad Company relating to the building of a bridge, abutments, wing walls and the filling and grading of Huntington avenue, at the crossing of said railroad; said agreement having been drawn to the satisfaction of his Honor the Mayor and the City Solicitor, in accordance with an order passed by the City Council, Feb. 24, 1872.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MARCH 18, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, chairman, presiding.

## JURORS DRAWN.

Thirty-six traverse jurors were drawn for the Superior Court, civil session.

## APPOINTMENTS MADE AND CONFIRMED.

Superintendent of Faneuil-Hall Market—Charles B. Rice.

Measurer of Grain—George P. Ray.

Undertaker—Edward Ellard.

Superintendents of Hay Scales—North scales, Henry A. Davis; South scales, Levi Chadbourne; South Boston scales, John M. Johnson; East Boston scales, John A. Brown; Highlands, Andrew W. Newman.

## PETITIONS PRESENTED AND REFERRED.

S. Rowland Hart, to be paid for damages caused by widening Kneeland street.

Stumcke & Goodwin, lessees, for apportionment of Scollay's Building betterments.

B. S. Wright, lessee, for apportionment of Scollay's Building betterments.

J. W. Converse and others, for abatement of assessment for betterments on Atlantic avenue.

Nathaniel Whiting's heirs for apportionment of Kingston-street betterments.

William Manning, to be compensated for land taken to widen Stoughton street.

Severally referred to the Committee on Streets.

Patrick Lally, to be compensated for grade damages on Second street.

E. P. Tileston and others, that Blue Hill avenue may be graded from Madison street to the railroad tracks.

Severally referred to the Committee on Paving.

Marshall P. Wilder and others, that the history of Boston be published, from 1770 to 1822. Referred to the Committee on Printing.

Rose Gateley, for abatement of sewer assessment on Halleck street.

Arlotta H. Bixby, for abatement of sewer assessment on Cliff and Glenwood streets.

Severally referred to the Committee on Sewers.

C. Brown and others, lamplighters in Roxbury, for increase of pay. Referred to the Committee on Lamps.

Stephen Hammond, for the removal of two trees from sidewalk No. 281 Dudley street. Referred to Committee on Common on the part of this Board.

William Priesing, for leave to erect a wooden stable in the lot No. 10 Phillipps street, Ward 15.

C. D. McIntyre, for leave to build a stable for two horses at 186 Bennington street.

Severally referred to the Committee on Health.

George Wilson, to be compensated for personal injuries sustained from a fall on Fourth street.

Hannah Mulvin to be compensated for personal injuries by a fall on sidewalk on Fifth street.

Severally referred to the Committee on Claims.

## PAPERS RELATING TO THE CITY HOSPITAL SUPERINTENDENCE.

The following communications were laid before the Board:

CITY HOSPITAL, BOSTON, March 18, 1872.

To the City Council: Gentlemen—In accordance with the instructions of the Trustees of the City Hospital, I have the honor to transmit for your consideration the inclosed copy of a letter addressed by the Board to the Association of Physicians and Surgeons in relation to the subject of a medical superintendent, together with the reply of said association.

Respectfully your obedient servant,

JOHN T. BRADLEE, President.

CITY HOSPITAL, March 16, 1872.

D. W. Cheever, M. D., Secretary Association Physicians and Surgeons: Dear Sir—At a meeting of the Board of Trustees held this evening, the President made a statement of the action taken by the committee appointed at a former meeting to appear before the Committee on Ordinances of the

City Council considering the matter of a Medical Superintendent, and suggested that it might seem desirable to obtain from the Association of Physicians and Surgeons connected with the hospital their views upon the subject; whereupon it was

*Voted*, That the President is hereby requested to obtain from the association their views upon the subject.

Requesting an early reply,

I am yours, respectfully.

JOHN T. BRADLEE,

President Board of Trustees City Hospital.

CITY HOSPITAL, BOSTON, March 18, 1872.

Mr. John T. Bradlee, President of Board of Trustees: Dear Sir—At a full meeting of the Association of Physicians and Surgeons of the City Hospital, held this day, in response to a request from the Board of Trustees as to their opinion on the question of a Medical Superintendent for the hospital, the following reply was *unanimously voted*:

That although under some circumstances it might be desirable that the Superintendent of this hospital should be a physician, the medical staff deem it inexpedient that any *requirement* to the effect should be incorporated in the ordinances relating to the hospital; and in view of the fact that in their opinion no emergency exists requiring a change *now*, inasmuch as the duties of the office of Superintendent, as far as the medical staff are aware, are successfully and faithfully discharged by the present incumbent for the best interests of the patients and the city, they are entirely opposed to *any change* until a vacancy naturally occurs.

They believe that the choice of future superintendents should be left wholly to the discretion of the Board of Trustees and the medical staff, who from their familiarity with the economic and scientific wants of the institution, can best judge as to the qualifications of candidates.

Very respectfully,

DAVID W. CHEEVER, M. D.,

Secretary of Association of Physicians and Surgeons, Boston City Hospital.

Alderman Cutter presented letters from the several leading physicians and surgeons of this city, whose opinions had been given in favor of placing a professional man at the head of the hospital, as was stated in the report of the Committee on Ordinances at the last meeting of the Board.

The papers from the Board of Trustees and these letters were laid on the table and ordered to be printed.

## HEARING ON ORDER OF NOTICE.

The hearing on the order of notice of the intention of the Board to take land of W. Eliot Woodward, Mary Wells and others, for a common sewer, was taken up. No person appeared in relation thereto, and the report was recommitted.

## UNFINISHED BUSINESS.

The order to pay William M. Wise \$4120, for estate No. 54 Orange street, in the Suffolk-street District, was read a second time and passed.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of the Shawmut Congregational Society, John P. Squire and others, and remonstrances of David Snow and others, were referred, in concurrence.

The petition of lamplighters of Ward 16 was referred to the Committee on Lamps.

The requests from School Committee—1, for additional accommodations for Deaf Mute School; 2, for additional accommodations for the Mather School; 3, for a master's room in the Lewis Schoolhouse; 4, for a site for the Washington and Dudley schoolhouses; 5, for additional accommodation in the Prescott School District; 6, for a new site for the English High Schoolhouse on Warren avenue—were severally referred to the Committee on Public Instruction, in concurrence.

The report of Committee on Public Buildings, that it is inexpedient to sell the Cooper-street Armory building, was accepted, in concurrence.

The order for Mayor to execute a contract with the Boston & Albany Railroad Company in relation to the erection of the proposed bridge over said company's tracks at Huntington avenue, was passed, in concurrence.

The order for the appointment of a commission to examine candidates for City Engineer, coming up amended by inserting \$2000 to meet the expense thereof, the amendment was concurred in.

The order for the appointment of a joint special committee on the International Musical Festival



coming up amended by striking out "three Aldermen and five members of the Common Council," and inserting "eight members of the Common Council, with such as the Board of Aldermen may join," the amendment was concurred in.

On motion of Alderman Sayward, two members of the Board were added, and the Chair appointed Aldermen Sayward and Poland.

FIRST ASSISTANT ASSESSOR.

The certificate of election of William H. McIntosh as First Assistant Assessor, in place of Phineas B. Smith, chosen by this Board, was read, when the Board proceeded to an election, resulting in the choice of Phineas B. Smith, in non-concurrence, by a vote of 7 to 4 for William H. McIntosh, and 1 for Everett C. Kingsbury.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: A. P. Peck, to give concerts at the Music Hall March 19 and 20; J. D. Judge, to give a concert at Tremont Temple March 18; Charles W. Lawrence and William Cook & Co., as auctioneers; also licenses to sundry persons as victuallers, billiard saloons, hack stands, wagon licenses and transfer of wagon license. Severally accepted.

Alderman Jenks, from the Committee on Claims, to whom was referred the petition of John J. O'Donnell, to be compensated for personal injuries caused by an alleged defect in Tennyson street, made a report recommending that the petitioner have leave to withdraw. Accepted.

Alderman Jenks, from the Committee on Claims, to whom was referred the petition of Dennis S. Daley, a member of the Police Department to be paid during absence from duty on account of sickness contracted in the service of the city, made a report, recommending the passage of the accompanying order:

Ordered, That there be allowed and paid to Dennis S. Daley, a member of the Police Department, the sum of \$1 50 per day from the 20th December, 1871, until the 18th day of May, 1872; said sum to be charged to the appropriation for the Police Department.

The report was accepted and the order was passed.

Alderman Sayward, from the Joint Standing Committee on Public Buildings, to whom was referred the petition of Benjamin Dean and others for a new police station, near Broadway and K street, South Boston, made a report recommending that the said petition be referred to the Committee on Police. Accepted.

Alderman Sayward, from the same committee, to whom was referred the petition of W. Henry Swan and others for a new police station in the Eleventh Police District, made a report recommending the reference of the petition to the Committee on Police. Accepted.

Alderman Fairbanks, from the Committee on Sewers, to whom was referred the petition of M. F. Lynch and others, abutters on Dorchester avenue, Ward 16, that the surface water flowing from said avenue upon their estates may be diverted, made a report that the petition be referred to the Paving Department. Accepted.

Alderman Fairbanks, from the same committee, to whom was referred the petition of William Wanders and others for abatement of sewer assessments on Halleck and Prentiss streets, made a report as follows:

That, after notification to all parties interested, they appeared with counsel, and all the evidence offered was to the effect that the sewers were beneficial, and the assessments not burdensome; but that the property owners had been aggrieved by the raising of the grade of the streets without paying them damages, and they were therefore entitled to relief by abatement of sewer taxes. The committee do not deem it their province to pronounce upon the acts of another department by awarding compensation for acts of the city done outside of their own jurisdiction, and therefore give the petitioners leave to withdraw. Accepted.

Alderman Little, from the Committee on Paving, who were authorized by an order passed by the City Council and approved by the Mayor February 24, 1872, to build bridges with stone abutments on Huntington avenue, over the Boston & Albany Railroad and on Newton street over the Boston & Providence Railroad, and to grade said Huntington avenue and Newton street, provided releases were first obtained from the railroad corporations and all parties in interest on said avenue and street, made a report that the necessary releases have been obtained with the exception of one from the owner of a lot front-

ing thirty-five feet on Huntington avenue; that the whereabouts of said owner is unknown to your committee no reply has been received in answer to written communications and to telegrams sent to him at his last known place of residence. The committee do not deem the failure to obtain this release of sufficient importance to warrant any further detention in a work of this importance. They therefore recommend the passage of the accompanying order:

Ordered, That the Committee on Paving be authorized to proceed with the work of building the bridges on Huntington avenue and Newton street, and of grading said avenue and street in accordance with the order passed by the City Council and approved by the Mayor Feb. 24, 1872, a release for damages having been obtained from all parties in interest on said avenue and street, excepting Bartlett Doe, the owner of a lot of land on Huntington avenue.

The report was accepted, and the order was passed.

TRUSTEES OF CITY HOSPITAL.

Alderman Cutter, from the committee to nominate candidates for Trustees of the City Hospital, made a report recommending the election of David H. Coolidge and William A. Rust, as trustees at large for three years, and Charles J. Prescott for two years, to fill a vacancy occasioned by the resignation of John T. Bradlee.

The Board proceeded to an election, when David H. Coolidge received 10 votes, William A. Rust 9, and were elected for three years. There was one vote each for A. K. Tilden and L. Slade. Charles J. Prescott received 12 votes, and was elected for two years.

DIRECTORS OF EAST BOSTON FERRIES.

The election of two directors of East Boston ferries, was taken up, and resulted as follows:

Whole number of votes.....	12
Necessary for a choice.....	7
Nehemiah Gibson.....	8
Samuel Hosca, Jr.....	6
Samuel B. Hopkins.....	7
Albert C. Pond.....	2
Solomon H. Woods.....	1

Messrs. Gibson and Hopkins were declared to be elected.

DIRECTORS FOR PUBLIC INSTITUTIONS.

On motion of Alderman Clark, the election of Directors for Public Institutions was taken up, when the Board proceeded to an election, which resulted as follows:

Whole number of votes.....	12
Necessary for a choice.....	7
Samuel C. Cobb.....	9
S. A. Denio.....	5
James K. Fagin.....	5
Samuel Talbot, Jr.....	4
Thomas Dinsmore.....	4
George E. Learnard.....	3
Increase E. Noyes.....	3
Harrison Loring.....	3

Mr. Cobb was declared to be elected, and there were two vacancies.

Further balloting resulted as follows:

	3d.	4th.
Whole number of votes.....	12	12
Necessary for a choice.....	7	7
Samuel Talbot, Jr.....	6	5
James K. Fagin.....	4	2
S. A. Denio.....	4	6
George E. Learnard.....	4	4
Thomas Dinsmore.....	3	2
H. Loring.....	1	3
I. E. Noyes.....	1	2
L. Slade.....	1	0

	5th.	6th.
Whole number of votes.....	12	12
Necessary for a choice.....	7	7
Samuel Talbot, Jr.....	5	3
S. A. Denio.....	4	5
Thomas Dinsmore.....	4	6
James K. Fagin.....	4	3
George E. Learnard.....	3	2
Harrison Loring.....	3	3
I. E. Noyes.....	1	0

On the sixth ballot there was one ballot with three names, which were not counted.

On motion of Alderman Poland the election was postponed for one week.

SECOND ASSISTANT ASSESSORS.

Alderman Ricker, from the Committee on the Assessor's Department, made a report recommending the election of the following-named persons, as Second Assistant Assessors:

Daniel J. Sweeney, John Noble, Dennis Cawley, Jr., George W. Close, Horatio N. Holbrook, William S. Whitney, Martin Dowling, Roger H. Scannell, John J. Gallivan, Emerson Coolidge, Patrick O'Con-



nor, Dudley Pray, Ira D. Davenport, Charles Nowell, James H. Tallon, George W. Skinner, Thomas Leavitt, George Holmes, John D. Carty, Andrew J. Brown, Elbridge G. Scott, Edward Kelly, Barney Madden, E. H. R. Ruggles, Aaron D. Capen, Jonathan Battles.

The report was accepted, and the Board proceeded to an election, with the following result:

Whole number of votes.....	12
Necessary to a choice.....	7
<i>Ward 1—Districts 1 and 2.</i>	
Daniel J. Sweeney.....	12
John Noble.....	12
<i>Ward 2—Districts 3 and 4.</i>	
Dennis Cawley, Jr.....	12
George W. Close.....	11
<i>Ward 3—District 5.</i>	
M. S. Wells.....	6
Charles H. Boardman.....	3
H. N. Holbrook.....	1
W. S. Kyle.....	1
E. W. James.....	1
<i>Ward 4—Districts 6 and 7.</i>	
William S. Whitney.....	12
Martin Dowling.....	9
C. W. Davenport.....	1
Thomas Joyee.....	1
<i>Ward 5—Districts 8 and 9.</i>	
Roger H. Seannell.....	12
John J. Gallivan.....	12
<i>Ward 6—District 10.</i>	
Emerson Coolidge.....	4
John T. Princee.....	8
<i>Ward 7—Districts 11 and 12.</i>	
Patrick O'Connor.....	7
Dudley Pray.....	8
J. Sullivan.....	6
John H. Giblin.....	3
<i>Ward 8—District 13.</i>	
Ira D. Davenport.....	9
H. W. Harrington.....	3
<i>Ward 9—District 4.</i>	
Charles Nowell.....	12
<i>Ward 10—District 15.</i>	
James H. Tallon.....	7
O. H. Spurr.....	5
<i>Ward 11—District 16.</i>	
George W. Skinner.....	12
<i>Ward 12—Districts 17 and 18.</i>	
Thomas Leavitt.....	12
George Holmes.....	8
William H. Mason.....	3
<i>Ward 13—District 19.</i>	
John D. Carty.....	12
<i>Ward 14—Districts 20 and 21.</i>	
Andrew J. Browne.....	12
Elbridge G. Scott.....	12
<i>Ward 15—Districts 22 and 23.</i>	
Edward Kelly.....	9
Barney Madden.....	5
Henry A. Drake.....	5
J. H. Morrow.....	5
<i>Ward 16—Districts 24, 25, 26.</i>	
E. H. R. Ruggles.....	8
John Pierce.....	9
Oliver Hall.....	7
Aaron D. Capen.....	4
John S. Coffey.....	3
Jonathan Battles.....	2
J. H. Morrow, M. F. Lynch, 1 each.....	2

There was one vacancy in each of Wards 3 and 15. In Ward 3, on the second ballot, M. S. Wells was chosen, by a vote of 7 to 4 for Charles H. Boardman and 1 for H. N. Holbrook.

In Ward 15, on the second ballot H. A. Drake and J. H. Morrow had 5 each and Barney Madden 2; on the third ballot H. A. Drake and J. H. Morrow 6 each; on the fourth ballot H. A. Drake was chosen, by a vote of 7 to 4 for J. H. Morrow and 1 for Barney Madden.

Messrs. Wells, Princee, Drake, Pierce and Hall were not nominees of the committee.

#### ORDERS PASSED.

On motion of Alderman Fairbanks,

Ordered, That the Committee on Weights and Measures be authorized to purchase a new Troy balance and set of weights, and make such repairs as are necessary on the old averdupois balance, at an expense not exceeding \$57; to be charged to the appropriation for Weights and Measures.

On motion of Alderman Power,

Ordered, That there be paid to George Bancroft \$50, John Halloran \$50, William and Ann Flagg \$50, Charles B. Pratt \$50, and William E. Woodward, \$300, severally for grade damages on Circuit street, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to Joseph Clear \$100, for land taken and all damages caused by the widening of Hampden street, at the corner of Eustis street, by a resolve of Street Commissioners of November 24, 1871, upon the usual conditions; to be charged to the appropriation for Laying Out and Widening Streets.

Ordered, That there be paid to the heirs of Dexter Follett \$190, for land taken and all damages occasioned by the widening of Summer street, by a resolve of the Street Commissioners, passed June 3, 1871, upon the usual conditions; to be charged to the appropriation for Laying Out and Widening Streets.

An order to apportion betterments in three parts for Scollay's Building improvements, upon heirs of Frederick Tudor, Carlotta Lilley, J. W. Merriam *et al.*, trustees, A. J. Randall, heirs of B. B. Appleton, heirs of Ebenezer Chadwick, Mary J. Williams, Mary C. Bryant, Daniel Shillaber, Elizabeth W. Emmons, and heirs of Seth Knowles.

On motion of Alderman Cutter,

Ordered, That his Honor the Mayor be authorized, with the concurrence of the Trustees of the Fellows Athenæum at Roxbury, to make such modifications in the agreement entered into on the 30th day of December, 1871, between the city of Boston and the said Trustees of the Fellows Athenæum as the Trustees of the Public Library of the city of Boston may approve.

On motion of Alderman Sayward,

Ordered, That such a portion of the retiring room of the Common-Council chamber as the Committee on Public Buildings may deem necessary be assigned to the Superintendent of Printing, and that the Superintendent of Public Buildings be authorized to provide such furniture and fixtures as may be needed for furnishing the same; the expense to be charged to the appropriations for Public Buildings.

On motion of Alderman Fairbanks,

Ordered, That leave be granted to John Murdoch of Roxbury, to take or destroy within the limits of this city, for scientific purposes, any undomesticated birds or their eggs, as provided in chapter 246 of the Statutes of 1869.

#### ORDER OF NOTICE.

On petition of James C. McNeil, for leave to locate a steam boiler and engine on Dover street, near Harrison avenue. Hearing Monday, April 8, 4 P. M.

On petition of Dennison & Co., for leave to put up and use a steam boiler and engine at 7 Federal street. Hearing Monday, April 8, 4 P. M.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, orders to pay Ira Allen \$1000 for Cabot-street grade damages; Atlantic Works \$4000, for Chelsea and Marion street grade damages; W. S. Pelletier and Edward Byrne, executors, \$500 for Cabot-street grade damages; Mary Gallagher \$500, for Cabot-street grade damages, and proprietors of Rowe's wharf, \$1000, for Atlantic-avenue grade damages, and \$3000 for Broad-street grade damages.

#### CITY ENGINEER.

Alderman Power moved a reconsideration of the passage of the order providing for an examination of candidates for the office of City Engineer, stating that as the time was short before an election would be necessary, if the motion prevailed, he should move that the committee be instructed to report in thirty days.

Alderman Cutter opposed the motion, as unnecessary, for should the committee find that they have not time enough, they can come to the City Council for its extension.

Alderman Clark also opposed the motion, stating that as they had an honest committee they could be trusted when it would be necessary to make a report.

Alderman Power said he wished some definite time fixed, so that the matter shall not go by default.

Alderman Jenks said it appeared by the proceedings that the Alderman was chairman of the committee, and if he could not get the committee to act, he could come to the Board and make his complaints.

Alderman Power said he did not understand that he was chairman of the committee, for the Mayor was chairman.

The motion to reconsider was lost, by a vote of 5 to 7, as follows:

Yeas—Fairbanks, Power, Sayward, Squires, Woolley.

Nays—Clark, Cutter, Jenks, Little, Poland, Ricker.

Adjourned.



## CITY OF BOSTON.

## Proceedings of the Common Council,

MARCH 21, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Marshall P. Wilder and others, George Wilson, Hannah Mulvin, and of Anna H. Burns, were severally referred, in concurrence.

The report (leave to withdraw) on the petition of John J. O'Donnell to be paid for injuries received on Tennyson street, was accepted, in concurrence.

The following orders were severally read once:

Report and order to pay Dennis S. Daley, a member of the Police Department, \$1 50 per day, from the 20th of December, 1871, to the 1st of May, 1872, while absent from duty on account of sickness contracted in the service of the city.

Order to pay William M. Wise \$4120, for estate 54 Orange street, taken by the city.

The following orders were severally read twice and passed:

Report and order that the Committee on Paving be authorized to proceed with the work of building the bridges on Huntington avenue and Newton street, and of grading said avenue and street, in accordance with the order of the City Council of February 24, 1872.

Order authorizing the Mayor, in concurrence with the Trustees of the Fellowes Athenæum, to make such modifications in the agreement of the 30th of December, 1871, between the city and said trustees, as the Trustees of the Public Library may approve.

## FIRST ASSISTANT ASSESSOR.

The certificate of the election of Phineas B. Smith as First Assistant Assessor, in place of William H. McIntosh, chosen by the Council, was taken up, when the Council proceeded to an election. Messrs. Locke of Ward 12, Anderson of Ward 3, and Noyes of Ward 5 were appointed a committee to receive and count the votes, reporting the result as follows:

Whole number of votes.....	58
Necessary to a choice.....	30
Phineas B. Smith.....	32
William H. McIntosh.....	21
Timothy Ingraham.....	4
E. C. Kingsbury.....	1

Mr. Smith was declared to be elected, in concurrence.

## DIRECTORS OF EAST BOSTON FERRIES.

The certificate of election of Nehemiah Gibson and Samuel B. Hopkins as Directors at large for the East Boston ferries, was read, when the Council proceeded to an election, Messrs. Hersey of Ward 12, Weston of Ward 1, and Marston of Ward 10 acting as a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	61
Necessary to a choice.....	31
Nehemiah Gibson.....	35
Samuel B. Hopkins.....	31
Samuel Hosea, Jr.....	32
Albert C. Pond.....	16
T. L. Jenks.....	1

Messrs. Gibson and Hopkins were declared to be elected, in concurrence.

## TRUSTEES OF CITY HOSPITAL.

The report nominating David H. Coolidge, William A. Rust and Charles A. Prescott as Trustees at large of the City Hospital was accepted, in concurrence, and the certificate of their election was read.

The Chair read a communication from David H. Coolidge, declining to be a candidate.

A motion made to suspend the rules to go into an election was opposed by Mr. Noyes of Ward 5, on the ground of the necessity of nominating another candidate, when the motion was withdrawn, and the communication of Mr. Coolidge was ordered to be sent up.

## SECOND ASSISTANT ASSESSORS.

The report nominating twenty-six second assistant assessors was accepted, and the Council subsequently proceeded to an election, Messrs. Bicknell of Ward 4, Emery of Ward 10, and Page of Ward

9 acting as a committee to receive and count the votes. The committee reported the result to be as follows:

Whole number of votes.....	64
Necessary to a choice.....	33

## Ward 1—Districts 1 and 2.

Daniel J. Sweeney.....	61
John Noble.....	64

## Ward 2—Districts 3 and 4.

Dennis Cawley, Jr.....	60
George W. Close.....	61
H. N. Holbrook.....	1

## Ward 3—District 5.

M. F. Wells.....	17
Charles H. Boardman.....	37
H. N. Holbrook.....	10

## Ward 4—Districts 6 and 7.

William S. Whitney.....	64
Martin Dowling.....	61
Joseph Joyce.....	1

## Ward 5—Districts 8 and 9.

Roger H. Scannell.....	57
John J. Galiivan.....	57
J. Donnelly.....	5
D. J. Courtney.....	3

## Ward 6—District 10.

John T. Prince.....	43
Emerson Coolidge.....	20

## Ward 7—Districts 11 and 12.

Patrick O'Connor.....	27
Dudley Pray.....	36
J. Sullivan.....	33
John H. Giblin.....	23
J. Galligan.....	2

## Ward 8—District 13.

Ira D. Davenport.....	64
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## Ward 9—District 4.

Charles Nowell.....	64
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## Ward 10—District 15.

James H. Tallon.....	57
O. E. Spurr.....	7

## Ward 11—District 16.

George W. Skinner.....	64
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## Ward 12—Districts 17 and 18.

Thomas Leavitt.....	62
George Holmes.....	19
William H. Mason.....	44

## Ward 13—District 19.

John D. Carty.....	24
E. W. Dolan.....	38

## Ward 14—Districts 20 and 21.

Andrew J. Brown.....	64
Elbridge G. Scott.....	64

## Ward 15—Districts 22 and 23.

Edward Kelly.....	44
Barney Madden.....	18
Henry A. Drake.....	26
J. H. Morrow.....	29
John Brown.....	1
R. Drury.....	1

## Ward 16—Districts 24, 25, 26.

E. H. R. Ruggles.....	52
John Pierce.....	37
Oliver Hall.....	27
Aaron D. Capen.....	37
John C. Coffey.....	8
Jonathan Battles.....	17
M. F. Lynch.....	4
Geo. W. Conant.....	7

Messrs. Sweeney, Noble, Cawley, Close, Whitney, Dowling, Scannell, Gallivan, Prince, Pray, Davenport, Nowell, Tallon, Skinner, Leavitt, Brown, Scott, Kelly, Ruggles and Pierce were declared to be elected in concurrence, and Messrs. Boardman, Sullivan, Mason, Dolan and Capen in non-concurrence. In Districts 22 and 23 there was no choice of one assessor.

On a second ballot for assessor for those districts, Henry A. Drake was chosen in concurrence, by a vote of 32, to 23 for J. H. Morrow and 8 for Barney Madden.

## SALARY BILL.

The unfinished business, the Salary bill, was considered by sections.

Mr. Brooks of Ward 1 moved to amend section 8, first order, to increase the salary of the Assistant-Messenger from \$500 to \$700, which was lost, when the order was passed.

Mr. Adams of Ward 12 moved to increase the salary of the Superintendent of Broadway Bridge, section 16, third order, from \$3200 to \$3500, on the ground of the necessity of hiring extra help in the busy season of the year, which was lost.

In considering the fourth order, Mr. Flynn of Ward 7 moved to substitute for sections 4, 5, 6 and 7, relating to the police, the sections as reported by the committee, as follows:

Sect. 4. The salary of the Captains of Police shall be at the rate of fifteen hundred dollars per annum.





Sect. 5. The salary of Lieutenants of Police shall be at the rate of fourteen hundred dollars per annum.

Sect. 6. The salary of the Sergeants of Police shall be at the rate of thirteen hundred dollars per annum.

Sect. 7. The salary of the Patrolmen of the Police Department shall be at the rate of twelve hundred dollars per annum.

Mr. Lynn, in support of the amendment, said he did not intend to take up time in speaking on the subject, for every member of the Council must be familiar with the duties of the police and of the need of an increase of salaries. He wished only to present certain petitions, as follows, in favor of an increase of pay to the police:

Stephen Smith and 34 others, Wright & Potter and 28 other firms, John Wells Parker and 13 others, James L. DeWolf and 50 others, Benjamin T. Church and 48 others, Joseph Nickerson, Franklin Haven, S. A. Way, Kidder, Peabody & Co., David Snow and 56 others, William B. Spooner and 54 others, R. I. Burbank and 30 others, William Clafin and 57 others, P. B. Brigham and 41 others, James M. Beebe and 28 others.

These petitions, he said, represented property to the amount of \$100,000,000 in value.

Mr. Shepard of Ward 4 inquired if the amendment was in order, an amendment of the report having been made in the other branch.

The Chair stated that the amendment was to the order as it came from the Board, without reference to the report of the committee, it being an amendment to the printed order, and the question was stated to be on the adoption of the several sections as printed, as a substitute for those of the Board of Aldermen.

The petitions in favor of the increase of pay were ordered to be sent up.

Mr. Pickering of Ward 6 said:

Mr. President—It was with much regret that I felt compelled to differ from a majority of my associates of the committee, as to the propriety of recommending an increase of the salaries of certain officers of the City Government; and this was not from any disinclination on my part to afford an adequate compensation for the services rendered, for I should wish the compensation to be not only just and fair, but as liberal as the city ought to pay, or could afford to pay, for similar services.

In my judgment an increase of salaries, or, in other words, the imposing of a heavier burden upon the citizens, is unnecessary and inexpedient, while the times are not propitious for any change in this direction. I believe it will be admitted that business generally is in an unsatisfactory condition, and with no very encouraging prospects at present, and that our taxes—National, State and Municipal—have become exceedingly onerous; so much so, indeed, that the people have been very outspoken and clamorous for a reduction of the burdens of taxation.

After a long and persistent appeal from the people, their cry for relief seems to have been heard, even as far as Washington; and there is strong hope now that this appeal will not be in vain, so far as the burdens imposed by the General Government are concerned. Indeed some success has already attended the effort. Then as to State and Municipal matters, we appear to be working in the same safe direction, and it is pleasant to see that the estimates for the coming financial year, just issued by our able and faithful City Auditor, give us promise of still further improvement in the future.

There can be no doubt whatever that there is an urgent desire that the burdens of taxation should be reduced. Therefore, as I have before said, the present time does not seem to demand or to favor any unnecessary increase of the expenses of the city.

For some years past the expenses of living have very much increased, and in consequence the salaries of most if not all persons in the service of the city have been raised from time to time, and very properly too, to meet this increased expense. But the cost of living has not only not increased, but has sensibly diminished within the last two years—I feel very safe in saying by twenty per cent. at least—which of itself is more than equivalent to any proposed increase of salary.

Besides, as any one connected with the Government well knows, the applications for office and labor in every department of the city service are very numerous and very urgent, not to say very annoying to the heads of those departments, where there is always on file a very long list of

well-recommended but disappointed applicants. If there is to be a steady and continued increase of compensation for these services—it being understood, of course, that it should always be just and even liberal—the applications for these places will become numerous and urgent in proportion, and contribute just so much more to imperil the situations of the persons now employed.

Speaking, therefore, in the interest of the present incumbents, as I certainly do, and in view of the above suggestions, I could not join in the recommendation of the majority of the committee.

The expenses of the city, growing as it is with astonishing rapidity, and spreading out in every direction, must necessarily be large—especially in view of the many extensive and costly improvements about to be inaugurated; and the labors of all the public departments will be consequently increased; but this additional labor will be met more effectually by an increased force (which I should decidedly recommend) than by exacting of the present employes the performance of more work, even at a greater remuneration; and this I think would be more for the interest of the present incumbents and of the city. And while we should always be ready to treat all those in the public service justly and liberally, we should remember that we are trustees whose duty it is to expend the public money with the utmost economy consistent with the promotion of the best interests of all our fellow citizens.

Mr. Heath of Ward 8 read from the report of the committee on establishing a fund for the relief of aged and invalid policemen, (City Doc. No. 39, 1870) the following language: "The pay allowed to members of the force is not sufficient for those who have families to make provision for a long sickness, contracted, perhaps, in the discharge of their duty, or for extreme old age." This language he concurred in, and he hoped the amendment would prevail. The police deserve well of the city, they return faithful services, and they do not get sufficient pay for those services. The whole amount of the increased pay would be but \$44,313, and this was a small sum to be felt by the taxpayers.

Mr. Pickering stated further that his special objection made in committee did not apply to an increase of the pay of the police force, but on the general ground that this was not a suitable time for increase of salaries, and it was unnecessary to do so.

Mr. Webster of Ward 6 said it seemed to him hardly expedient to raise salaries at the present time. The police officers were receiving three dollars a day, Sundays included, were allowed a vacation of fourteen days in a year, and on temporary sickness there was no discount on their pay, and on protracted sickness they were allowed half-pay—the gentleman (Mr. Flynn) says for a month. Practically it is longer, for there are some cases where the pay has been continued some two years. If the pay of the police was to be raised, why not that of firemen, the men in the Paving Department, and others? Besides, they were told that there were eleven hundred applications for positions on the police, and there was no reason for an increase of pay when there was such a demand for appointments; the pay was greater than the average, and the labor was not hard.

Mr. Dacey of Ward 2 hoped the report of the majority of the committee would be adopted. We had a good police force, the best in the country, and they were not paid a sufficient compensation, considering their duties and dangers. It was time justice should be done them, for at the present rate of pay they could not live in the style they should do, and are expected to do. That there were many applicants for appointments, and on that account there should not be an increase, he did not look at the question in that light. No doubt there are many men who would be willing to take the office at half the pay. What was wanted was careful, competent, reliable men, and such men should be well paid. In the other branch the truant officers had their pay increased, and, while he did not say they received too much, the police officer performed more service. He hoped, therefore, that justice would be done in the increase of pay.

Mr. Webster remarked that the police officers had as perquisites the fees received as witnesses in courts, amounting to \$15,000, which was held for the benefit of the police force.

Mr. Fitzgerald of Ward 7 said he listened with a good deal of attention to the remarks of the gentleman from Ward 6, and agreed with him on the taxation question. The party with which he was



connected had been hammering on that subject for the last two years, and it was urged upon the people of New Hampshire, but they did not believe it. The fact was that we were taxed and overtaxed, more than we can bear. Yet that was no reason why we should not pay fairly those who protect our lives and our property. They were paid not only for the discharge of their duties, but for the abuse which they receive, as was stated by a judge in one of our courts a few days since.

The fact that there were two or three thousand applications for appointment on the police proves nothing. There was not a position in the City Government in which thirty or forty persons might not be found who would take the offices for half the amount. He was sorry that the standard for the police was not higher, as every man who loafs, or peddles tickets on election days, thinks he is competent for a police officer. On this account he was not surprised at the large number of applications, for he had had forty or fifty apply to him for his signature to aid them. Some of the applications might lie on file forty years and be forgotten. There was no reason why the pay of the police should not be increased; they do their work faithfully. The State police have an easy berth, and yet have \$1200 a year, and no one will dispute the fact that the city police do more and better work. Their pay should be fair, but not extravagant, and what was proposed was not a bit too much.

Mr. Pickering said he thought the gentleman could not have listened well to what he said. He agreed with the gentleman in a great deal of what he said, but he did not make a special point with reference to the salary of the police, and made no reference to any particular class. The salaries were supposed to be adequate two or three years ago, and as there had been a reduction in the cost of living, why should not their salaries be considered adequate today? In what the gentleman said about the reduction of taxes by the General Government, he should agree with him very nearly.

The amendments were adopted by a vote of 47 yeas to 15 nays, as follows:

Yeas—Adams, Anderson, Bickford, Blackmar, Bradt, Brooks, Burt, Clatur, Collins, Cunningham, Dacey, Davenport, Devine, Doherty, Dolan, Dowd, Fitzgerald, Flanders, Flynn, Gragg, Hart, Heath, Hughes, Jones, Kingsley, Lamb, Locke, Marston, Martin, McNutt, Moulton, Mullane, Noyes, Page, Pease, Perkins, Prescott, Risteen, Robbins, Robertson, Salmon, Smith, Thacher, Walker, Whiston, Wilbur, Wright.

Nays—Bicknell, Brennan, Burditt, Caton, Darrow, Emery, Hersey, Holmes, Loring, Pickering, Robinson, Shepard, Webster, West, Weston.

As amended the order was adopted.

In consideration of the fifth order, Mr. Davenport of Ward 16 presented a petition of J. Foster Hewins and twenty-five others, for an increase in the pay of firemen of Ward 16, and moved to amend sections four, five and seven, striking out the words "except those located in Ward 16," and substituting "\$325" for "\$175," and "\$300" for "\$150," to make the pay the same as paid for the same class of officers in other sections of the city.

Mr. Davenport, in support of the amendment, read statistics to show that the firemen of Ward 16 were called out nearly as often as in other sections; the foreman of one company had travelled to fires fifty-five miles since the 1st January, and had been on duty twenty-eight hours; in eight wards of the city the valuation of property was less than in Ward 16, the buildings were generally of wood, the area to be travelled was large, and it was but a simple act of justice to the people and to the firemen that the increase should be paid, which would amount to but \$9600, and the result would be an increased efficiency to the force.

Mr. Robbins of Ward 8 said he hoped the amendment would not be passed, and cited the condition of the Fire Department in Dorchester the year before annexation, which it was found necessary to cut down, more engines being retained than was believed to be necessary, conditioned upon a lower rate of pay. The Fire Department appropriation in 1870 for that ward was \$20,000, increased \$14,000 in 1871, making about ten per cent. of the whole amount. The firemen in that ward do not do the amount of labor done elsewhere, and the committee well understood the matter in reporting as they did.

Mr. Wright of Ward 15 advocated the amendment, hoping the firemen would not be punished for the misdeeds of the authorities of the old Town Government. The firemen were required to go more than three times the distance

travelled by other firemen, the buildings were covered with wooden shingles, there was a large valuation of property within their limits, and any member of the Council who could have witnessed their labors at the fire yesterday, would not have spoken against an increase of their pay. The people of Roxbury place great dependence upon the Dorchester engines in case of fires.

Mr. Emery of Ward 10 said he presumed the reported pay was equitable, and wished to know if some of the engineers were not before the committee.

Mr. Flynn stated that the several sections were passed upon by the committee, but no engineer was before them.

The motion to substitute \$325 for \$175 as the salaries of foremen, was adopted by a vote of 36 to 16, and that of \$300 for \$150 for assistant foremen, etc., with the striking out of the exceptional words, were severally carried, without a count.

The several orders, as amended, were then passed.

#### REPORT ON AUDITOR'S ESTIMATES.

Mr. Webster of Ward 6 presented the following report, which was read and laid over:

MARCH 21, 1872.

To the City Council—The Joint Special Committee of the City Council, to whom were referred the estimates of the Auditor of Accounts for the money requisite for defraying the expenses of the city of Boston and county of Suffolk for the fiscal year commencing May 1, 1872, and terminating April 30, 1873, and the payment of the State tax for 1872, being City Document No. 30, would respectfully report—

That they have duly considered the same, and recommend the following changes, viz.:

That the appropriation for the care and management of the East Boston Ferries be \$210,000 instead of \$200,000.

Strike out under the head of East Boston Ferries, for "Two new drops and slips at the North Ferry," \$40,000.

That the sum for the Lunatic Hospital be \$63,000 instead of \$70,000, as the amount reduced is included in that asked for the support of pauper lunatics in State hospitals.

To increase the total amount of income from \$2,297,205 to \$2,327,205, as recommended by the Auditor of Accounts, by adding \$25,000 to the amount to be received from unpaid taxes, and \$5000 to sewers.

With the above alterations, we have the following results, viz.:

Total appropriations, as per Auditor's estimates.....	\$9,808,032 00
Less reductions by this committee.....	47,000 00
	\$9,761,032 00
Add by the committee.....	10,000 00
	\$9,771,032 00
Less income, as per Auditor's estimates.....	2,327,205 00
	\$7,443,827 00
Add 3 per cent. for non-payment of taxes during the financial year.....	223,315 00
We have the amount required to be raised by taxation .....	\$7,667,142 00
The amount to be taxed this year is \$123,302 less than the amount taxed last year.	

Conforming to the above statement, your committee recommend the passage of the accompanying orders—one making the necessary appropriations for the year 1872-3, and the other levying the tax to meet the same.

For the committee,

WILLIAM GASTON, Chairman.

#### PETITIONS PRESENTED AND REFERRED.

Thayer, Brigham & Co., to be compensated for damages caused to their property by the bursting of a main water pipe. Referred to the Committee on Claims.

Boston & Albany Railroad Company, for leave to build a freight house on Marginal street, East Boston. Referred to Committee on Survey and Inspection of Buildings.

Joseph T. Bailey and others, for a fire-alarm bell on the Quincy Schoolhouse, in the place of bell on Hose House No. 2. Referred to Committee on Fire Alarms.

Moses C. Lang, for extension of Swett street to Dorchester avenue, to intersect with Dorchester street. Referred to Committee on Streets.

#### REPORTS OF COMMITTEES.

Mr. Flynn of Ward 7, from the Joint Standing Committee on Streets, to whom were referred the resolve and order passed by the Board of Street



Commissioners, extending South Market street, sixty feet wide, from Commercial street to Atlantic avenue, at an estimated expense of \$282,453 56, having carefully considered the subject, made a report that the resolve and order ought to pass.

Said resolve and order were thereupon passed.

The committee would also recommend the passage of the accompanying order, authorizing a loan to cover the expense:

Ordered, That the treasurer be authorizing to borrow, under the direction of the Committee on Finance, the sum of \$283,000, to be applied to the payment of expenses incurred in the extension of South Market street to Atlantic avenue.

Mr. Flynn, from the same committee, to whom were referred the resolve and order passed by the Board of Street Commissioners, extending Commerce street to Atlantic avenue, at an estimated expense of \$81,085, having carefully considered the subject, made a report that the resolve and order ought to pass.

Said resolve and order were thereupon passed.

The committee would also recommend the passage of the accompanying order, authorizing a loan to cover the expense:

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$82,000, to be applied to the payment of expenses incurred in the extension of Commerce street to Atlantic avenue.

The reports were accepted, and the orders were severally read once.

Mr. Flynn moved a suspension of the rules for the passage of the orders, stating that it was necessary to go on with the work at once, and to act before new leases are made on the 1st of April.

Mr. Page of Ward 9 said he hoped the rules would not be suspended, for there would be time enough for action.

The Chair stated that the proposed extension had already been approved of, and that action was called for only in making the appropriations:

The order authorizing the loan of \$283,000 for the extension of South Market street was passed by a vote of 58 to 2—Clatur and Page.

Mr. Flynn moved a reconsideration of the vote, to settle the question at once, and the motion was lost.

The order for a loan of \$82,000 for the extension of Commerce street was passed by a vote of 60 yeas, no nays.

A motion for reconsideration in this case was also rejected.

Mr. Emery of Ward 10, from the Committee on Public Instruction, to whom was referred the request of the School Committee that the City Council would provide additional temporary accommodations for one class of the Mather School, in the Dorchester District, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to provide additional accommodations for one class of the Mather School, in the Dorchester District; the expense to be charged to the appropriation for Schoolhouses, Public Buildings.

The report was accepted, and the order was read once.

Mr. Emery, from the same committee, to whom was referred the request of the School Committee, that the City Council would furnish additional accommodations for the school for deaf-mutes, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to hire an additional room for the school for deaf-mutes, at an expense not exceeding \$700 per annum, and furnish the same at an expense not exceeding \$200; to be charged to the appropriation for Schoolhouses, Public Buildings.

The report was accepted, and the order was read once.

Mr. Emery, from the same committee, to whom was referred the request of the School Committee, that the City Council would provide a private room for the master in the Lewis Schoolhouse, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to provide a private room for the master in the Lewis Schoolhouse if they deem it expedient; the expense, if any, to be charged to the appropriation for Schoolhouses, Public Buildings.

The report was accepted, and the order was read the first time.

#### WENDELL-STREET WIDENING.

On motion of Mr. Flynn of Ward 7,

The majority and minority reports on the widening of Wendell street were taken from the table.

Mr. Perkins of Ward 6 said he wished to speak on the subject, but he was incapable of doing so tonight; having made the minority report, he would like to have an opportunity to defend it.

Mr. Shepard of Ward 4 said the hour was late, the members had made up their minds, the minority report was before the Council and no argument was needed on the subject.

Mr. Perkins urged that it would be but a matter of courtesy to be allowed to defend the report.

Mr. Webster of Ward 6 moved to lay the reports on the table. Lost, by a vote of 24 to 32.

The majority report was accepted, and the order was passed, as follows, in concurrence:

Whereas, In the opinion of the City Council, the public necessity and convenience require that a change should be made in the present line of Wendell street, at and near its junction with Broad street upon its northerly line, therefore

Ordered, That the Street Commissioners be, and they hereby are, requested to lay out Wendell street upon a new line on its northerly side, at and near its junction with Broad street, on the line of the northerly side of Wharf street extended, or as near as may be thereto, in substantial accordance with the petition of J. E. Brown and others, presented to the Street Commissioners, October 25, 1871, by removing the remaining portion of the store owned by William H. Bordenman, No. 105 Broad street, and fronting thereon twenty-two feet.

A motion for the reconsideration of the order was lost.

#### ORDER PASSED.

On motion of Mr. Prescott of Ward 9,

Ordered, That there be allowed and paid to Daniel and Hugh A. Madden the sum of \$8240, in consideration of their giving to the city a deed of the estates numbered 58 and 60 Orange street, on a release and discharge satisfactory to the City Solicitor for all damages, costs and expenses in consequence of the taking of said estates; said sum to be charged to the appropriation for Suffolk-street District.

On motion of Mr. Cunningham of Ward 2, an order was read once providing for the usual committee on the celebration of the Fourth of July, to consist of one member of the Common Council from each ward, with such as the Board of Aldermen may join, and appropriating \$21,000 for the purpose of the celebration.

Mr. Shepard of Ward 4 offered the following order, which was read once:

Ordered, That under the direction of the officers having the custody thereof, the records and files kept by the Trustees of the City Hospital in their capacity as officers appointed by the city to the charge of a public trust, shall, at reasonable hours, and subject to such restrictions as to the preservation and safety thereof as the trustees may adopt, be open to public inspection and examination, and any person may take copies thereof.

Mr. Emery of Ward 10 moved its reference to the Committee on City Hospital.

Mr. Shepard said it was not necessary that it should be so referred.

The question was stated to be on the reference, when Mr. Emery asked for the reasons for the passage of the order.

Mr. Shepard said he was informed that although the law allows an examination of the records of a public institution and citizens are entitled to a right of such examination, a demand had been made for an examination of the records of the hospital, by a proper person, and objections were made by a member of the Board of Trustees.

Mr. Emery said he was aware of the case stated, yet the order should be referred to the committee.

The reference was carried.

#### DIRECTORS OF PUBLIC INSTITUTIONS.

Mr. Brooks of Ward 1 moved to take up the election of Directors for Public Institutions, which was carried.

Mr. Emery of Ward 10 objected to going into an election at so late an hour, (a quarter past 11 o'clock), and he did not think it would be treating the other branch with courtesy to go into an election, while it was pending in that branch.

Mr. Brooks said he could see no objection to an election on the part of this branch, and it might, perhaps, facilitate an election in the other branch. There could be no reason for a postponement because no election was made in the Board, and they no doubt would like to have the matter settled.

Mr. Emery moved to lay the election on the table, which was lost.



The Council then proceeded to an election, Messrs. Brooks of Ward 1, Hart of Ward 12, and Walker of Ward 3, being appointed a committee to receive and count the votes:

The committee reported the result to be as follows:

Whole number of votes.....	57
Necessary to a choice.....	29
Samuel C. Cobb.....	35
James K. Fagin.....	42
George E. Learnard.....	22
Samuel Talbot, Jr.....	20
Sylvanus A. Denio.....	19
Thomas Dinsmore.....	13
Harrison Loring.....	4
Increase E. Noyes.....	3
Moses Kimball.....	1
W. E. Hawes.....	1

Messrs. Cobb and Fagin were declared to be elected.

A second ballot resulted as follows, for one Director:

Whole number of votes.....	56
Necessary to a choice.....	29
Samuel Talbot, Jr.....	32
George E. Learnard.....	13
S. A. Denio.....	5
Thomas Dinsmore.....	4
Samuel C. Cobb.....	1

Mr. Talbot was declared to be elected.

COMMITTEE ON PEACE JUBILEE.

The Chair announced as the committee, under the order relating to the Peace Jubilee, Messrs. Robinson of Ward 11, Pickering of Ward 6, Flanders of Ward 5, Pease of Ward 1, Bradt of Ward 14, Page of Ward 9, Shepard of Ward 4, and Fitzgerald of Ward 7.

Adjourned.







CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MARCH 25, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Mayor Gaston presiding.

APPOINTMENTS MADE AND CONFIRMED.

Measurer of Wood and Bark—Thomas M. Haskell.

Special Police Officers without pay—John Luis d'Almeida, for duty in discharge of vessels con signed to the Vice-Consul of Portugal; Antonio Enos, for sales and delivery of cargoes; Owen Nawn, for duty in Nawn street and its vicinity; George Cleveland, for duty at G. A. R. Hall, corner of Orleans and Webster streets.

Officers of Fire Department—Edward Bartlett, Driver; John H. Le Cain, Foreman of Hose Com pany No. 4.

Members of Fire Department—Edward Martina, Hose No. 4; A. H. Perry, Hose No. 7; to take effect 1st April.

Sergeant of Police—(Referred to Committee on Police) William Parks for Station Eight, in place of S. W. Howe, resigned.

PETITIONS PRESENTED AND REFERRED.

Elizabeth Leonard, to be paid for grade damages on Prentiss and Halleck streets.

Samuel Carter and others, that the name of Northampton street, west of Columhns avenue, be changed to Meriam street.

T. D. Mulvey, that Hampshire street be graded. Severally referred to Committee on Paving.

D. D. Kelly and others, that an alarm bell be lo cated near the North Ferry. Referred to Commit tee on Fire Alarms.

Jacob Bancroft, to be paid for land taken to widen Windsor street, Ward 14.

Lucy P. Patten for apportionment of Kingston-street betterments.

Hugh Bogue, for apportionment of Kingston-street betterments.

George Ellis and others, for the removal of cer tain projections beyond the line of Harrison ave nue.

John B. Turner and others, that immediate meas ures be taken for the extension of Swett street to South Boston.

Severally referred to the Committee on Streets.

Smith & Walker, for leave to sprinkle certain streets in the northern and central portions of the city; G. H. Moseley & Co., for leave to sprinkle certain streets in the eastern and southern portions of the city; Moseley & Tuttle, for leave to sprinkle certain streets at the Highlands and South End; Malachi Clarke, for leave to sprinkle certain streets in the central portions of the city; Michael Gorm ley, to sprinkle streets at the westerly portion of the city; P. W. Smith, to sprinkle certain streets at the West End; Orsamus Nute, streets at the South End; and Philip Sowden, Jr., to sprinkle streets at South Boston.

Henry P. Kidder, for leave to erect a stable for seven horses on Stanhope street.

R. J. Monks, executor, and others, for leave to erect a stable rear of store on C and Second streets.

Severally referred to Committee on Health.

B. F. Bean, for a sewer on Warren street, from Edgewood street to Munroe street. Referred to Committee on Sewers.

Henry Michael, for license as a pawnbroker at 1219 Tremont street. Referred to Committee on Licenses.

William B. Fowle, for leave to build an addition to a coal shed on First street and Dorchester ave nue. Referred to Committee on Inspection of Buildings.

A communication was received from the Board of Street Commissioners, in answer to a request of the City Council for an estimate of the cost of ex tending Marion street, Ward 1, to Meridian street, in which they state that in their opinion the cost of such extension would amount to \$3300. Ordered to be sent down.

A proposition for a convention with the School Committee, to fill a vacancy in that board, Tues day evening, April 9, was concurred in.

UNFINISHED BUSINESS.

The following orders were severally read a sec ond time and passed:

Orders to pay proprietors of Rowe's wharf \$3000, for Broad-street grade damages; also \$1000, for Atlantic-avenue grade damages.

Order to pay Mary Gallagher \$500, for Cahot street grade damages.

Order to pay W. S. Pelletier *et al.* \$500, for Cabot-street grade damages.

Order to pay Ira Allen \$1000, for Cabot-street grade damages.

Order to pay the Atlantic Works \$4000, for grade damages on Chelsea and Marion streets.

PAPERS FROM THE COMMON COUNCIL.

The petitions of Joseph T. Bailey and others, Thayer, Brigham & Co., Boston & Albany Railroad Company, and of M. C. Lang and others, were severally referred, in concurrence.

The declination of D. H. Coolidge as a candidate for Trustee of the City Hospital, was referred, in concurrence.

The order that records and files of Trustees of City Hospital shall be accessible to public inspec tion, was referred to the Committee on the City Hospital, in concurrence.

The report and order in favor of the extension of South Market street and loan for \$283,000 being under consideration.

Alderman Cutter asked for an explanation from the Committee on Streets of the necessity for the measure.

Alderman Clark stated that the committee had looked over the matter thoroughly, and after a careful consideration of it had come to the con clusion that sooner or later the proposed extended street must be widened, and now was the proper time to have it done. South Market street was a very important street, and should be extended to Atlantic avenue, and it was necessary that several other streets should be opened to that avenue to make it fully available for business. In the hear ing, the committee had nearly all the abutters on South Market street before them, who said they should be willing to pay betterments, and the committee believed that there would be received back for betterments nearly enough to pay for the widening. They were unanimously of opinion that the public good requires this great improvement, and that it should be done at the present time.

Alderman Cutter replied that the case was one of considerable importance, and as he had not ex amined it, he moved that it be laid on the table for one week.

Alderman Clark said he hoped the motion would not prevail. The subject was under consideration last year, and no member of the Board who looks at it but must admit that the improvement ought to be made at once.

Alderman Cutter said he knew it did come here before the Board last year, and it was treated on its merits in its rejection. If there was anything more important now in regard to it, demanding the measure, he would like to ascertain it.

The motion to lay it on the table was carried.

The report and order in favor of extension of Commerce street with a loan of \$82,000 (City Doc.) No. 29), coming up, on motion of Alderman Little was also laid on the table, it being in the same condition with the other, and he wished to exam ine into the matter.

The following orders were severally passed, in concurrence:

Majority report in favor of the plan of widening Wendell street. (City Doc. No. 36.)

Order to pay D. & Hugh A. Madden \$8240, for estates 58-60 Orange street.

SECOND ASSISTANT ASSESSORS.

The election of Second Assistant Assessors for Wards 3, 7, 12, 13 and 16, in which the Council non concurred, was taken up.

A ballot resulted as follows:

Whole number of votes.....12  
Necessary to a choice..... 7

Ward 3—District 5.

M. F. Wells..... 5  
Charles H. Boardman..... 6  
Horatio N. Holbrook..... 1

Ward 7—Districts 11 and 12.

John H. Giblin..... 7  
Jeremiah Sullivan..... 3  
Patrick O'Connor..... 2

Ward 12—Districts 17 and 18.

George Holmes..... 7  
William H. Mason..... 4  
M. F. Wells..... 1

Ward 13—District 19.

John D. Carty..... 8  
E. W. Dolan..... 3  
Oliver Hall..... 1

Ward 16—Districts 24, 25, 26.

Oliver Hall..... 9  
Aaron D. Capen..... 3

Messrs. Giblin, Holmes, Carty and Hall were declared to be elected, in non-concurrence, all but



the first-named having before been elected by the Board, and there was no choice in Ward 3.

On the second ballot in Ward 3, M. F. Wells was again elected, in non-concurrence, by a vote of 9 to 3 for Charles H. Boardman.

**DIRECTORS FOR PUBLIC INSTITUTIONS.**

The election of two Directors for Public Institutions was taken up, the Council having chosen James K. Fagin and Samuel Talbot, Jr. The result was as follows:

Whole number of votes.....	12
Necessary for a choice.....	7
Sylvanus A. Denio.....	7
Thomas Dinsmore.....	4
Samuel Talbot, Jr.....	3
James K. Fagin.....	3
George E. Learnard.....	2
Harrison Loring.....	2
Increase E. Noyes.....	1

Mr. Denio was declared to be elected in non-concurrence, and there was one vacancy.

Further ballotings resulted as follows:

	2d.	3d.	4th.	5th.
Whole number of votes.....	12	12	12	12
Necessary to a choice.....	7	7	7	7
Thomas Dinsmore.....	3	2	2	3
Samuel Talbot, Jr.....	3	2	3	1
James K. Fagin.....	3	2	3	3
Harrison Loring.....	2	4	2	4
Increase E. Noyes.....	1	1	0	0
George E. Learnard.....	0	1	1	0

On the 4th and 5th ballots there were two names in one ballot, not counted.

	6th.	7th.	8th.	9th
Whole number of votes.....	12	12	12	12
Necessary to a choice.....	7	7	7	7
Harrison Loring.....	5	5	6	7
James K. Fagin.....	3	2	2	2
S. Talbot, Jr.....	2	3	2	2
George E. Learnard.....	1	0	0	0
Thomas Dinsmore.....	1	2	1	1
W. E. Hawes.....	0	0	1	0

On the 9th ballot, Harrison Loring was chosen, in non-concurrence.

**SALARY BILL.**

The sections of the Salary bill relating to the Police and Fire departments came up with certain amendments to increase the compensation of the members of said departments.

Alderman Jenks moved that the Board concur with the Council in the several amendments relating to the pay of the officers of the Police Department.

Alderman Cutter moved as an amendment that the Board adhere to its former action, upon which the Chair stated that the same effect would be produced by voting on the first motion.

Alderman Jenks presented petitions from J. H. Chadwick and others and W. S. Allen and others, in favor of an increase of pay of the police, when these and other petitions to the same effect which came from the Council were read.

Alderman Jenks referred to opposition to the increase which was made by Alderman Cutter on the ground of deference to the wishes of taxpayers, and as these petitions came from large taxpayers he trusted they had spoken sufficiently to relieve him on that point.

Alderman Cutter replied that he could conceive very readily how these signatures were obtained, the officers taking round the petitions, and those who were acquainted with them, and satisfied with their fidelity, would sign them; possibly he might do so himself in favor of a faithful officer. But here they were acting for the interests of the whole city, employers as well as employes, and he could not do his duty if he voted to increase the pay. They were now daily pestered with applications for appointments, as the two thousand on file in the Mayor's office would show, and why are there so many applications if the pay which they now receive is not enough? He believed they were well paid.

If an increase of pay was to be made to the police, where were they to stop? Other employes would be uneasy, and must have an increase. The members of the Fire Department occupy as responsible positions, and the men in the Health Department have more disagreeable duties. If the police have more pay, then must others have an increase, which may add from \$200,000 to \$300,000 to the expenditures by the vote now given. The taxes are now enormous and capitalists are leaving the city, and would it be judicious to drive more of them away? There should be a stop put to this business, and they should act as they would if these men were in their employ, and 2000 were rapping at their door for their places at the present pay.

Alderman Jenks said the Alderman should accord some credit to those who signed these peti-

tions. Admitting that he would sign a petition presented by an officer who had done good service, then why not pay a proper respect to the requests of those who have signed these petitions, for the same reason?

The yeas and nays were ordered, and the motion to concur was lost, by a vote of 4 to 8, as follows:

Yeas—Jenks, Ricker, Stackpole, Woolley.  
Nays—Clark, Cutter, Fairbanks, Little, Poland, Power, Sayward, Squires.

The motion of Alderman Cutter to adhere was adopted.

The amendments giving an increase of pay to members of the Fire Department in Ward 16, coming up,

Alderman Cutter said if any one in the Board understood the merits of this proposed increase, he would like to hear an explanation.

A petition was read from citizens of Ward 16 asking for an increase of pay of the firemen of that ward.

Alderman Sayward stated that all the firemen of Ward 16 asked for was an equality of pay with other firemen in the city. For the last two years they had received a less amount, and it seemed to them and to the taxpayers of that ward that the pay asked for was small enough. They were called upon to do duty as much or more than those of some other sections of the city, and there was no reason why their pay should be less.

Alderman Cutter said that as chairman of the Committee on Salaries no request reached him for an increase of pay, and he moved that the order relating to the pay of firemen be recommitted.

Alderman Woolley saw no necessity for recommitting the order, and he thought the pay of firemen should be alike in all sections of the city. It was not so much the duty, but it was hard to discriminate between portions of the Fire Department. Last month it appeared that the firemen of Ward 16 were on duty more than the firemen in the centre of the city. It would not be in their power to determine where the duty would be the most, and these firemen should receive the same pay, because they are willing and are liable to be called upon at any time for duty. There was no department in which the men were entitled to more pay than were the firemen, and he hoped the Board would concur in the amendment.

Alderman Little referred to the fact that on annexation Dorchester had six fire engines, and the question of the great disproportion was compromised by allowing them to be retained at a lower rate of pay for the firemen. Now it is proposed to retain the six and the pay is put up. The number should be reduced, and, in a new distribution, some of them should be put elsewhere.

Alderman Sayward said he was surprised at the remarks of the Alderman, when his section of the city was so much benefited by the engines of Ward 16 at the fire last week. The question of the number of engines when Dorchester was annexed was not a matter to be discussed, but whether the services of the fireman are as valuable as those of others. In some portions of the city the duty is greater, in others it is not so much. It would not be good policy to take engines from that section of the city, where there was a large increase of buildings. If necessary to recommit he should make no objection.

Alderman Cutter said if the pay was to be increased, it should go before the Committee on Salaries.

Alderman Little said there should be a redistributing of the location of engines, and they should be put in a proper place, for six engines in one ward was out of proportion to the whole force of the city. The whole matter should be recommitted.

Alderman Sayward replied that the engines were for service on more territory than that of the city proper and Roxbury. More were needed also on account of the deficiency of water.

Alderman Little did not see the necessity of so many engines if there was no water.

Alderman Sayward explained that on account of the want of water the engines were obliged to play from one to another from long distances.

The motion to recommit was carried.

**REPORTS OF COMMITTEES.**

Alderman Little, from the Committee on Health, reported in favor of stables, as follows: Stone & Tuttle, to add twenty stalls to stable 1053 Washington street; John P. Barnard, to enlarge stable on Joy street to accommodate thirty more horses; F. A. Welch, to build a wooden stable for one horse at No. 6 Jenkins street; Nelson N. Farrar, to occupy building on Quincy street, near Bird-street railroad station, for one horse; V. D. Billings, for



a wooden stable for four horses rear of Longwood avenue; also leave to withdraw severally on petitions of Elmer C. Gordon, to occupy a carriage house on Thornton street for stable purposes; Stephen S. Thing, to build a wooden stable for three horses on Heath place; Martin A. Hayes, to build a wooden stable for six horses on Albany street, near Randolph street. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw on petition of Rose Gateley for abatement of sewer assessment on Halleck street, and of Feroline J. Clark for abatement of sewer assessment on Shawmut avenue, and of Arletta H. Bixby for abatement of her sewer assessment on Cliff and Glenwood streets. Severally accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses to one minor as a pedler, two bootblacks and nine newsboys; also, licenses to sundry persons as dealers in second-hand articles, pawnbrokers, victuallers, to keep intelligence offices and billiard saloons, for a wagon license and for transfer of a wagon license. Severally accepted.

Alderman Squires, from the Committee on Public Lands, reported leave to withdraw on the petitions of W. H. Adams for a change in conditions of sale of land on Newton street and Harrison avenue, and on petition of Ezekiel R. Jones for release of certain conditions of sale of land on East Newton street. Severally accepted.

Alderman Little, from the Committee on Paving, to whom was referred the petition of M. F. Lynch and others, in relation to surface water flowing from Dorchester avenue, Ward 16, made a report recommending the passage of the following order:

Ordered, That the Superintendent of Streets be directed to open and repair the old culvert under Dorchester avenue, near Savin Hill, and to rebuild the same if found necessary.

The report was accepted and the order was passed.

The Committee on Finance, upon representation of the Auditor of Accounts that there will be sufficient balances of appropriations of the financial year to cancel several small loans authorized by the City Council, amounting in the total to \$292,000, would respectfully report the accompanying order for the accomplishment of so desirable a purpose.

For the committee,

WILLIAM GASTON, Mayor.

Ordered, That the orders passed Aug. 5, 1871, authorizing loans for the Public Library alterations of \$50,000; Sept. 8, 1871, for rebuilding the Lyman Schoolhouse, \$35,000; Oct. 6, for new water pipes, East Boston, \$21,000; Oct. 13, for purchase of Rainsford Island, \$40,000; Oct. 19, for purchase of Smith estate, Bulfinch street, \$55,000; Nov. 27, for building Engine House No. 4, etc., \$60,000; Dec. 22, for police station house, District Nine, \$5000; Feb. 20, 1872, for grammar-schoolhouse lot, \$26,000, be and the same are hereby rescinded and the Auditor of Accounts be and he hereby is authorized to transfer from the unexpended balances of appropriations of the present financial year a sum equal in amount to the sum authorized to be borrowed for each object for which the herein-mentioned sums created the loans to meet the same, viz.:

Public Library Building alterations, \$50,000; rebuilding Lyman Schoolhouse, \$35,000; new water pipes for East Boston, \$21,000; purchase of Rainsford Island, \$40,000; purchase of Smith estate, Bulfinch street, \$55,000; building engine house No. 4, etc., \$60,000; police station house, District Nine, \$5000; grammar-schoolhouse lot, \$26,000—total, \$292,000.

The report was accepted and the order was passed.

#### CONSULTING PHYSICIANS.

Alderman Ricker, from the committee to nominate suitable persons for Consulting Physicians, made a report recommending the elections of William Read, George Fabyan, Moses C. Greene, John W. Foye and Thomas Hall, Jr.

The report was accepted, when the Board proceeded to an election, and the candidates recommended were each elected by an unanimous vote.

#### TRUSTEE OF CITY HOSPITAL.

Alderman Cutter, from the committee to nominate a candidate for Trustee of City Hospital for three years, in place of David H. Coolidge, declined, made a report recommending the election of Elijah C. Drew.

The report was accepted, when the Board proceeded to an election, and Mr. Drew was chosen, by a vote of 8 to 4 for Edward J. Long.

#### ORDERS PASSED.

On motion of Alderman Little,

Ordered, That the Board establish the grade of Ninth street, between Lowland and Old Harbor

streets, as shown on a plan and profile drawn by the City Surveyor, dated Feb. 28, 1872, and deposited in the office of said City Surveyor.

Ordered, That the Board establish the grade of Old Harbor street, between Eighth and Ninth streets, as shown on a plan and profile drawn by the City Surveyor, dated March 11, 1872, and deposited in the office of said City Surveyor.

Ordered, That there be paid to E. & F. Dillingham the sum of \$300, in full compensation for all damages to their leasehold estate on Water street, by the raising of the grade of said street, by order of the Board of Aldermen, July 26, 1869, upon the usual conditions; to be charged to the appropriation for Water-street Grade Damages.

Ordered, That there be paid to James C. Sharp the sum of \$100, in full compensation for all damages caused to his estate on Allston street, Ward 16, by the lowering of said street to the grade established by the Board of Aldermen, February 6, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That in addition to the amount allowed to John P. Brown for estate No. 18 Garland street, under an order of the City Council passed June 24, 1871, there be allowed and paid a further sum of \$293 55 as interest thereon; said sum to be charged to the appropriation for Suffolk-street District.

On motion of Alderman Jenks,

Ordered, That, until otherwise ordered, the salary of the Paymaster in the Superior Criminal Court for Suffolk County be fixed at the rate of \$1500 per annum, beginning on the first day of January, 1872.

Whereas, It appears from attested orders served upon the County Treasurer of Suffolk County by the County Commissioners of Middlesex County, that said commissioners have established, in pursuance of law, highways in the city of Chelsea and the town of Revere, and assessed damages to be paid to individuals therein named, the several sums set against their names, amounting in the total to \$34,388 and \$295: it is hereby

Ordered, That the sums be paid by the County Treasurer to the several persons named in the said orders respectively, in accordance with the terms as set forth by the County Commissioners of Middlesex County in said orders; said amounts to be charged to the appropriations for the County of Suffolk. Referred to Committee on County Accounts.

On motion of Alderman Clark,

Ordered, That the assessment for betterment for \$120, made by order of this Board, Dec. 21, 1871, upon the estate of William J. Partridge, No. 4 Hall place, be and the same hereby is abated.

Ordered, That there be paid to Lucy P. Patten the sum of \$2908, for land taken and all damages occasioned by the widening of Kingston street, by a resolve of this Board approved December 30, 1870, upon the usual conditions; to be charged to the appropriations for widening Kingston street.

On motion of Alderman Fairbanks,

Ordered, That the following amounts be hereby abated from assessments for a sewer in Thornton street on account of overestimates of land: J. Sutherland, \$14 21; A. Parker Newman, \$17 49; Daniel W. Burns, \$15 30; Hiram A. Wright, \$13 66; A. F. Anderson, \$13 66. Also, that the sum of \$2 30 be abated from an assessment upon Rachael Davis for a sewer in Lexington street.

Resolve for the construction of a main drain, or sewer, from Dudley street, at the corner of Brook avenue, eastwardly to tide water, by taking land of W. Eliot Woodward, Mary Wells, John P. Treadwell, trustee, John Haven, Mary Wells, Francis Vosc and Michael Drinan, at an expense in each case of \$10; Edward E. Rice, guardian, \$100, and Mary and Caroline Bartlett, trustees of Boston, Hartford & Eric Railroad, and Peter Butler, Jr., \$1 each.

On motion of Alderman Sayward,

Ordered, That the Committee on Public Buildings on the part of the Board of Aldermen be and they are hereby authorized to cause such repairs to be made and to supply such furniture as may be needed for the Court House and Probate Building; also to the Municipal Court rooms at the Highlands and in the Dorchester districts; provided such repairs and furniture shall not exceed the sum of \$5000 during the municipal year; said expense to be charged to the appropriation for the County of Suffolk.

On motion of Alderman Woolley,

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$150 in repairing the armory of Company C, Ninth Regiment of Infantry, M. V. M.; said sum to be charged to the appropriation for Armories.

Ordered, That until otherwise ordered, there be allowed and paid for rent of headquarters for the



First Regiment of Infantry, M. V. M., at No. 11 Pemberton square, the sum of \$600 per annum; said sum to be charged to the appropriation for Armories.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$300 in providing the necessary furniture and fixtures for the headquarters of the First Regiment of Infantry, M. V. M., at No. 11 Pemberton square; said sum to be charged to the appropriations for Armories.

On motion of Alderman Fairbanks,

Orders directing the Superintendent of Sewers to construct sewers on Gore avenue, Bristol street, Warren street between Dudley and Washington streets, Vinton street, and in Lewis park and Linwood streets, and report schedules of the expense to the Board.

An order was passed to meet a Jail requisition for \$1657 31.

Orders were passed for the collection of sewer assessments on Gates street, Dorchester avenue, Ninth, B, Athens, Emerson, Sixth, Seventh, H, and Broadway, to the amount of \$2364 91; and on Albany, Tremont, Holyoke, Worcester, West Canton, Lawrence, Gray, Middle, O, and Walnut streets, Ward 16, to an amount of \$4314 40.

An order was also passed for an abatement of nuisances on Silver and Clark streets.

#### THE TIDAL BASIN PROJECT.

Alderman Jenks offered the following order:

Ordered, That the Committee on Legislative Affairs are hereby requested to favor the passage by the Legislature of a bill authorizing the city of Boston to purchase or take land situated between Parker street, the Boston & Albany Railroad track, Brookline or Western avenue, and Longwood avenue, for the purpose of constructing and maintaining a tidal basin or reservoir of salt water.

Alderman Jenks said he asked for action on this order, the subject having been brought before a committee of the Legislature, and the Committee on Legislative Business wished for instructions on this subject. The proposed tidal basin he estimated would cost not less than \$6,000,000.

Alderman Clark said he understood that all that was proposed was to get authority to take land for such tidal basin, not committing the city to the purchase and laying out of such a basin.

Alderman Little characterized the project as a measure of speculators who wished to make money at the expense of the city.

Alderman Cutter said he hoped the city would not burn its fingers, nor purchase any such expensive elephant, and he would move an indefinite postponement of the order.

Alderman Jenks stated the manner in which this measure was before the committee of the Legislature, to be reported upon next Friday, and gave the figures which were presented to the committee as the estimated cost of the tidal basin. He did not, however, believe that the cost would be less than six million dollars.

Alderman Little said he would give the parties leave to withdraw.

Alderman Clark stated that there was a gentleman present who could give some information on the subject, and he moved that Mr. Hyde be requested to address the Board, showing the proposed plan of a tidal basin.

The motion was carried.

Henry D. Hyde addressed the Board, stating that the bill gave the city two years in which to take the land for the proposed tidal basin; it did not oblige the city to do it, but only gave the privilege. It was not a new project, for in the original filling of the Back Bay the reservation of a tidal basin was contemplated, and a petition was now before the Legislature for such a basin, on sanitary grounds. The petition was signed by many of the physicians of this city, and Dr. O. W. Holmes and other physicians had testified to the advantages which such a basin would have upon the health of the city.

Alderman Cutter, in further opposition to the order, said he did not see any necessity for keeping this open space on account of air, for there were wide streets on the Back Bay, and there was no difficulty in getting air in even the old and narrow streets of the city. He preferred to amend the order by instructing the committee to oppose the passage of the bill.

Alderman Ricker moved to amend by striking out the word "favor," and insert "oppose," which motion was carried, and the question recurred upon the passage of the order as amended.

Alderman Poland said he was not prepared to vote upon the order, not understanding it sufficiently to do so.

Alderman Little said he was not prepared to vote for a project of the kind. He thought it would keep a year or two, and he would be willing to vote a million more after thoroughly considering it, and it should prove to be desirable to have it carried out.

Alderman Cutter spoke of the measure as gotten up by parties who were determined to force it upon the city.

Alderman Little further spoke of the manner in which such plans were got up, and when arranged the parties come to the city to induce it to make large expenditures to help speculative schemes.

The order as amended, was passed, by a vote of 9 to 1, as follows (Aldermen Poland and Power being excused from voting):

Yeas—Cutter, Fairbanks, Jenks, Little, Ricker, Sayward, Squires, Stackpole, Woolley.

Nay—Clark.

Alderman Little, from the Committee on Health, to whom was referred a communication from the Inspector of Milk, requesting that his salary be increased, reported that they are fully satisfied after a personal interview that his request is a reasonable one, and recommended the passage of the accompanying order:

Ordered, That the salary of Inspector of Milk, from and after April 1, be at the rate of \$1800 per annum.

After some debate upon the adequacy of the salary, the order was referred to the Committee on Salaries on the part of this Board.

#### ORDER OF NOTICE.

On the proposed construction of a sewer in Seventh street, between G and H streets. Hearing on Monday next, April 1, 4 P. M.

#### THE FRANKLIN FUND.

Alderman Jenks read the form of an act which he said was about to be reported by a committee of the Legislature in relation to increasing the facilities of the use of the Franklin Fund, now almost entirely inoperative in benefiting the class of young mechanics for whom it was designed. The committee wished it to be laid before the Board for their approval before action was taken on the subject.

Alderman Little said he supposed this was an old friend which they had before the Board last year. Lest there should be some cat in the meal, he hoped there would be no approval of the measure.

Alderman Jenks said he should have read a note accompanying the bill, signed by Josiah Quincy, which should entitle it to some respect and consideration.

Alderman Little said it was as he supposed. The Committee of the Board gave that gentleman three prolonged hearings, on the subject of a change in the conditions of the loan of the Franklin Fund, and the result was that he was convinced his changes would not be practicable, and they reported inexpedient on the subject.

Alderman Jenks further explained the design of the act, but one or two persons having received the benefits of the Franklin Fund last year.

Alderman Cutter said he had some recollection of this matter last year, and he had no confidence in it. There was no moneyed institution in the land which would lend money on the securities proposed. He moved an indefinite postponement of the subject, which was carried.

#### CITY HOSPITAL REPORTS.

On motion of Alderman Ricker, the majority and minority reports on Superintendent of the City Hospital were taken from the table.

Alderman Ricker stated as his object to move an amendment to the amended ordinance, not changing its character, but simplifying the language. The amendment was offered, and the reports were again laid over.

#### EVENING DRAWING SCHOOLS.

On motion of Alderman Ricker, the report and orders to appropriate \$1500, in addition to former sums, for support of drawing schools, and for Committee on Public Buildings to expend \$2500 for suitable accommodations, were taken from the table.

Alderman Jenks opposed the passage of the orders, believing a stop should be put to expenditures in excess of appropriations, and this might as well be met now as at any time.

Alderman Ricker stated that the expenditure must be provided for at some time, and if not in the way proposed, there was a balance of another appropriation which might be available.

The orders were rejected.

Adjourned.





CITY OF BOSTON.

Proceedings of the Common Council,  
MARCH 28, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the president, in the chair.

PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of William B. Fowle, John B. Turner, D. D. Kelly and others were referred, in concurrence.

The following reports were accepted, in concurrence:

Report (leave to withdraw) on petition of Ezekiel R. Jones, for release of certain conditions of the sale of land on East Newton street.

Report (leave to withdraw) on petition of William H. Adams, for a change in the conditions of the sale of land on Newton street and Harrison avenue.

The report of Street Commissioners upon the order for an estimate for the extension of Marion street to Meridian street, that the cost will amount to \$3300, was ordered to be placed on file.

The jury list for 1872-73 was accepted, in concurrence.

The following orders were severally read once:

Order to pay John P. Brown, for estate 18 Garland street, taken by the city, a further sum of \$293 55.

Report and order cancelling several small loans heretofore authorized by the City Council, amounting to \$292,000, and for a transfer from unexpended balances of appropriations of a sum equal to that amount to meet the same.

The following orders were read twice and passed:

Order authorizing an expenditure of not exceeding \$300 for the necessary furniture and fixtures for the headquarters of the First Regiment of Infantry, 11 Pemberton square.

Order authorizing to be paid for the rent of the headquarters of said regiment \$600 per annum.

Order authorizing not exceeding \$150 to be expended for repairing the armory of Company C, Ninth Regiment of Infantry.

Order for the Committee on Legislative Affairs to oppose the passage by the Legislature of a bill authorizing the city to purchase or take land between Parker street, the Boston & Albany Railroad track, Brookline or Western avenue, and Longwood avenue, for the purpose of constructing a tidal basin.

The order recommitting the section of the Salary bill relating to the Fire Department was concurred in.

The non-concurrence in the amendment to increase the salaries of police officers coming up, on motion of Mr. Flynn of Ward 7 the Council adhered to its amendments.

CONSULTING PHYSICIANS.

The report nominating Consulting Physicians was accepted. The certificate of the election of William Read, George Fabyan, Moses C. Greene, John W. Foye and Thomas Hall, Jr., as said physicians was read, and the Council, under suspension of the rules, proceeded to an election. Messrs. Prescott of Ward 9, Holmes of Ward 6, and Loring of Ward 5 were appointed a committee to receive and count the votes, resulting as follows:

Whole number of votes.....	49
Necessary to a choice.....	25
William Read.....	49
George Fabyan.....	46
Moses C. Greene.....	48
John W. Foye.....	47
Thomas Hall, Jr.....	48
Scattering.....	4

TRUSTEES OF CITY HOSPITAL.

The report nominating Elijah C. Drew as trustee of the City Hospital, in place of David H. Coolidge, declined, was accepted in concurrence, as was also the report making other nominations. The Council proceeded to an election, Messrs. Blackmar of Ward 11, Thacher of Ward 15, and Smith of Ward 1 acting as a committee to receive and count the votes, the result being as follows:

Whole number of votes.....	62
Necessary to a choice.....	32
William A. Rust, three years.....	53
Elijah C. Drew, " ".....	45
Edward J. Long, " ".....	23
Charles J. Prescott, two ".....	61

Messrs. Rust, Drew and Prescott were declared to be elected, in concurrence.

DIRECTORS OF PUBLIC INSTITUTIONS.

The certificate of election of Sylvanus A. Denio and Harrison Loring as Directors for Public Institutions, in place of James K. Fagin and Samuel Talbot, Jr., chosen by this Council, was read, when the Council proceeded to an election. Messrs. Moulton of Ward 9, Jones of Ward 14, and Adams of Ward 12 were appointed a committee to receive and count the votes, reporting as follows:

Whole number of votes.....	63
Necessary to a choice.....	32
Sylvanus A. Denio.....	28
Harrison Loring.....	19
James K. Fagin.....	30
Samuel Talbot, Jr.....	27
George E. Learnard.....	8
Thomas Dinsmore.....	2
Increase E. Noyes.....	1

Further ballotings resulted as follows:

	2d.	3d.	4th.
Whole number of votes.....	62	61	61
Necessary for a choice.....	32	31	31
Sylvanus A. Denio.....	29	27	15
Harrison Loring.....	19	14	7
James K. Fagin.....	30	33	..
Samuel Talbot, Jr.....	29	29	38
George E. Learnard.....	3	2	1
Thomas Dinsmore.....	2	1	..
I. E. Noyes.....	1	1	..
H. G. Loring.....	1	..	..

On the third ballot Mr. Fagin was elected, and on the fourth Mr. Talbot, each in non-concurrence.

SECOND ASSISTANT ASSESSORS.

The certificate of the election of Michael F. Wells, John H. Giblin, George Holmes, John D. Carty and Oliver Hall as second assistant assessors, in place of C. H. Boardman, J. Sullivan, W. H. Mason, E. W. Dolan, A. D. Capen, chosen by this Council, was read, when the Council proceeded to an election. Messrs. Hart of Ward 12, Salmon of Ward 3, and Darrow of Ward 8 were appointed a committee to receive and count the votes, reporting as follows:

Whole number of votes.....	62
Necessary to a choice.....	32

Ward 3—District 5.

M. F. Wells.....	19
Charles H. Boardman.....	48
Horatio N. Holbrook.....	2

Ward 7—Districts 11 and 12.

Jeremiah Sullivan.....	38
John H. Giblin.....	20

Ward 12—Districts 17 and 18.

George Holmes.....	25
William H. Mason.....	36
Howard A. Doe.....	1

Ward 13—District 19.

Edward W. Dolan.....	36
John D. Carty.....	25

Ward 16—Districts 24, 25, 26.

Aaron D. Capen.....	32
Oliver Hall.....	29

Messrs. Boardman, Sullivan, Mason, Dolan and Capen were again elected, in non-concurrence.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Dennis S. Daley, a member of the Police Department, \$1 50 per day, from the 20th of December, 1871, to the 1st of May, 1872, while absent from duty on account of sickness contracted in the service of the city.

Order to pay William M. Wise \$4120, for estate 54 Orange street, taken by the city.

Order authorizing an additional room to be hired for a schoolroom for deaf mutes, at an expense not exceeding \$700 per annum, and that the same be furnished at an expense not exceeding \$200.

Order authorizing additional accommodations to be provided for one class of the Mather School, in the Dorchester District.

Order authorizing a private room to be provided for the master in the Lewis Schoolhouse.

The order for a committee to make arrangements for the celebration of the ninety-sixth anniversary of the Declaration of American Independence, the expense not to exceed \$21,000, coming up, on motion of Mr. Moulton of Ward 9 it was laid on the table.

APPROPRIATION BILL.

The report of Committee on Auditor's Estimates was considered, and the several items of appropriations were acted upon separately.

After the item of bridges had been disposed of Mr. Moulton of Ward 9 moved to add the following:



*Burrill Claim*—To pay the claim of Charles Burrill, it being the same amount voted by the City Council in 1870, \$40,000.

Mr. Flanders of Ward 5 asked for an explanation of the amendment.

Mr. Moulton replied that the amendment did not need an explanation, for it explained itself.

Mr. West of Ward 16 said he was in favor of payment of the Burrill claim when brought up as an order in a legitimate manner, but he objected to this method of providing for it, simply by a majority vote instead of a two-thirds vote, which would be required in a direct question upon its merits. A proposition of this kind was made in the Committee on Finance, which was rejected.

Mr. Moulton defended the motion as a proper one.

Mr. West repeated that the claim should come up in regular course on an order, when he would vote for it.

Mr. Perkins of Ward 6 said he entirely agreed with the gentleman that this was not a proper course to provide for such a claim; he did not vote for the claim when before the Council, but he was not sure that he should not vote for it when it comes up in regular course on its merits. If put in now, it was out of the regular course. There had been no petition and no expression of the City Government on the subject, and they could not know how much they would want for its payment.

Mr. Burrill went to the Legislature to ask for an arbitration for the settlement of his claim, but that did not pass. Since then it had not been legitimately before the City Government, and reported upon by the Committee on Claims. When it does come it should be referred to that committee, and when they report in favor of the payment it will be time enough to act. It should not be put into the Appropriation bill, because it is not one of the regular expenditures of the Government, and it should not be passed.

Mr. Fitzgerald of Ward 7 objected to the payment of a claim in this way. As well might the claim of some one for the loss of a horse be put into an appropriation bill in the expectation of its being allowed before being examined. He was in favor of the payment of the Burrill claim; but in putting it in in this way, it looked as though its friends had little confidence in it and were afraid to risk it in the ordinary way upon its merits and upon a two-thirds vote. It should be brought in on an order in the ordinary way. Should such a precedent be established, as by this amendment, next year they might be filled with claims for damages, which failed of a two-thirds vote, yet having enough for their passage by a majority.

Mr. Shepard of Ward 4 regarded this claim as different from others. It had been before the City Government for a number of years, its merits had been discussed, it was well known what it is and all about it, and in that respect it stands different from other claims. It might happen here as on last year, that when it comes to a vote two or three votes may be found wanting. In 1870 a vote of two thirds was obtained, the order was passed, was approved by the Mayor, and but for an injunction it would have been paid. It was well known that Mr. Burrill was willing to take \$40,000, and should an order be passed, the city in justice owes it that it should be paid at once. Without this provision there would be no appropriation for it.

Mr. Perkins said it was not known what Mr. Burrill would take should his claims be paid. There had been no petition for any particular sum, and should an appropriation be made and no order passed to pay him this amount, it will go into the Sinking Fund. They should not take a step in the dark, which this would be, and it would be undignified and unparalleled to take such a course.

Mr. Pickering of Ward 6 said it would be conceded that this was an old and doubtful claim. It had been before the City Government several years, the hour was late for its consideration on its merits, the proceeding would be an extraordinary one, and he hoped it would not pass.

Mr. Brooks of Ward 1 said with reference to this claim being before the Council in 1870, if his memory served him right, it received a two-thirds vote at a special meeting, when many members were absent. The idea was started and it was worked up as tonight, out of its usual course. If it was a fair claim, it should come up in a proper manner for action.

Mr. Robinson of Ward 11 characterized the proposed action as a trick to pass the claim without a two-thirds vote.

Mr. Webster of Ward 6 stated that the claim had been before the Government for several years, and there had been no committee which had not report-

ed in favor of paying something. The first payment proposed was \$120,000, which was a recognition that there was a claim, and every committee which had examined it had voted unanimously in favor of paying him something. The sum of \$40,000 had been voted him by both branches, and it failed only in payment through an injunction. The Legislature then authorized the city to pay the claim.

If any one would read the contract made with Mr. Burrill, it would be seen that the Mayor agreed to give him \$125 for each man allowed on the quota of this city. It had been said that the Mayor was deceived, if expecting him to obtain new recruits, and possibly he might be, but it would be strange if he expected such recruits when they were worth \$300 to \$600. If he was deceived then, he could not have been when he gave Mr. Burrill a letter to Provost-Marshal-General Frye, asking him to place the number of names presented by Mr. Burrill to the credit of this city. If the Mayor did not know all about it, it was very strange.

Mr. Burrill went to Washington, and found a difficulty in getting the credits allowed. He had an interview with the President and others, and on his suggestion, the committee of Congress put a clause in the law by which the ground was covered. The law was passed, Mr. Burrill came home, put the list of credits before the Board of Aldermen, and they had them sent to the State House for the action of the Commissioners, who accepted every man, saved the city from a draft, and every one rejoiced in being so saved.

It was said that he deceived the Mayor by the use of dishonorable means. Should that be true, Boston should put itself right even to dishonest men. Any man who had a clear record could have had a claim allowed without delay. Where a man is supposed to be wrong, it is assumed to be the right of every man to give him a kick. It does not require much courage to pay a man who stands right, but if he does not stand well, it requires much courage to do him justice.

Mr. Clatur of Ward 4 moved an indefinite postponement of the amendment, on which Mr. Webster asked for the yeas and nays.

The Chair stated that a motion to amend takes precedence of a motion to indefinitely postpone.

Mr. Shepard of Ward 4 said he did not desire to discuss the merits of the question, but simply to ask that the amount proposed might be inserted here. The City Council may hereafter refuse to allow the claim if so disposed. Objection had been made that, in such a case, it would go into the Sinking Fund. If so, it would be as it had been once before, but the amount would not be lost.

Mr. Shepard referred to the action of the Common Council in 1869 and 1870, and declared that this was no trick, but simply carrying out the will of the majority in relation to the claim. An injunction was obtained against the payment simply upon a technical ground, that the city had not the power under its charter to make a contract. This was no better than the minor's plea of refusing to pay his debts because he was a minor. Authority was then obtained of the Legislature to pay this claim. By its insertion here it does not give Mr. Burrill the money, but only in case an order is passed providing for its payment.

Mr. West stated he agreed in the main with the gentleman from Ward 6, but insisted that this claim should come up in a legitimate manner. It would not do to cite the action of other City Councils, for this Council should take a responsibility for itself in the matter. This way would be to get, by a majority vote, a claim that should come in a legitimate way.

Mr. Pickering of Ward 6 said the question was not whether this was a good or a bad claim, but whether they should throw down all the safeguards in an appropriation of public money. If the reputation of the claimant was bad, they should pause before passing a claim by a majority vote by interpolating it into an appropriation bill.

Mr. Fitzgerald said his friend was mistaken in his policy of laying aside a sum of money until we could agree to give it to Mr. Burrill. John Smith might claim to have lost a horse through the action of the City Government or its agents, and he would have the same argument in favor of putting a sum claimed for his loss into the Appropriation bill, and that it might be laid aside until the committee think he is entitled to it. The question was whether they should go out of the ordinary routine in the action upon such claims by a two-thirds vote, and Mr. Burrill had no more right to get his claim in this way than had any man or woman who might have a claim against the city. By this ac-



tion it would be doing the very thing which would defeat it. He had voted for it in the Legislature, and should do so here when brought up in the proper manner. This method was too smart and tricky, and should not be established as a precedent.

Mr. Robinson of Ward 11 said he happened to be one who was in favor of an injunction, and this method of procuring an appropriation by a majority vote he characterized as a trick.

Mr. Robbins of Ward 8 referred to the action of former committees and of former governments; the agreement as to the fact of a claim, but not on the amount; the final passage of an order to pay \$40,000; the injunction, etc.; the difficulty in referring to arbitrators. The question of pay was upon the records of 1870, and if a new order was passed it would require an appropriation of twice the amount. The debt was acknowledged and an order was passed to pay it, but there was no money. This appropriation must be made in order to pay it.

The previous question was ordered, when the vote was taken, and on a doubt Mr. Webster asked that it be verified by the yeas and nays, but this the Chair declared not to be in order under their rules.

The amendment was lost, by a vote of 12 to 44.

When the question of appropriation for the East Boston ferries was under consideration, Mr. Smith of Ward 1 moved to substitute for the report of the special committee the original items of appropriations as determined upon by the Committee on Ferries, to give forty thousand dollars for new drops and slips at North Ferry.

Mr. Robinson of Ward 11 opposed the appropriation, as not being required in the opinion of the Finance Committee.

Mr. Smith declared that new drops were needed, and if provided the travel would be equalized.

Mr. Brooks of Ward 1 believed that new drops were necessary for the convenience and safety of the travellers over the ferries, and they were particularly needed in cases of fire.

Mr. Robinson further opposed the amendment.

Mr. West of Ward 16 moved an adjournment.

The question was taken and the adjournment declared to be carried, when on solving the doubt the suggestion was made that the adjournment would be to the evening of Fast Day.

The Chair stated that he could not see how the difficulty could be got over now, and the count showed the adjournment to be carried.

## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
APRIL 1, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at 4 o'clock, Mayor Gaston presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Mayor's Clerk—James R. Carret.

Special Police Officers, without pay—John L. Doty, for Lenox-street Chapel and vicinity; William Cummings, at Nos. 153 to 203 Hanover street and vicinity; Daniel Shehan, for corner of O and Sixth streets; William H. Bancroft, for Mount Vernon Bank and vicinity; Charles Wagner, for Beacon street and vicinity, from Arlington to Clarendon street; Timothy Casey, for new Coliseum and vicinity; William B. Joy, for Park-street Hall, Harrison square; George Atwood, for Parker Building and vicinity; S. M. Waldron, for Madisou Block and premises connected therewith.

Officer of Fire Department—Nathan S. Brown, foreman of Hose Company No. 2.

Drivers in Fire Department—Williston A. Gaylord, Francis Freeman.

Secretary of Board of Engineers of Fire Department—Henry W. Longley was unanimously re-elected.

## PETITIONS PRESENTED AND REFERRED.

G. H. Moseley & Co., for leave to lay down an iron pipe in Albany street, from Chester park to City Hospital.

John Ollis, to be paid for change of grade in Cabot street.

Philip O'Donnell, to be paid for damages caused by change of grade in Taber street.

Richard Best, to be paid for Havre-street grade damages.

Severally referred to the Committee on Paving.

Arthur Chanders, for a license for a variety entertainment at Watson's Hall, Haverhill street, April 8. Referred to the Committee on Licenses.

Jamieson & Aiken, for leave to move a stable to corner of Reed and Farnham streets, and use it for like purposes there.

J. E. Adams & Co., for leave to enlarge their stable on Swett street, to accommodate five additional horses.

Andrew Rothenhober, for leave to build a stable for one horse on Heath place.

John Connor, for leave to erect a stable on west side of Harrison avenue, near Hunnemaue street.

Severally referred to the Committee on Health.

William P. Hunt, that a mortgage given to the town of Dorchester by Edward Kelton may be discharged. Referred to the Committee on Treasury Department on the part of the Board of Aldermen.

Taylor & Colman, for leave to construct a building on Marginal street, beyond the legal limits. Referred to Committee on Survey of Buildings.

## COMMUNICATIONS.

A communication was received from James A. Cunningham, Adjutant-General of the State, stating that he had visited the armory of Company I, Ninth Regiment, M. V. M., and finds it, in his opinion, entirely unfit for the deposit and safe keeping of the military property which has been furnished to said company by the State. Referred to the Committee on Armories.

A communication was received from Edwin Wright, in relation to an order of the Board, notifying him not to perform any work under a certain contract therein described after the 1st April, 1872, and that no further payments would be made to him on account of work performed after 1st April. On this he says he does not consent to the order aforesaid, or any of its terms, but claims the right to proceed with said work under and according to the terms of said contract, and shall be present at the rooms assigned him and ready and desirous to proceed with said work on the 2d April and at all times thereafter, according to said contract, until the same shall be fully completed, and shall hold the city responsible for all damages that may arise in consequence of any breach of said contract, or interruption of the work on the part of the city.

Referred to Committee on County Accounts.

## REQUEST FROM DIRECTORS OF PUBLIC INSTITUTIONS.

A request was presented from the Board of Directors for Public Institutions for an appropriation of ten thousand dollars for the erection of a

suitable building for a bakery at Deer Island. They say the present bakery is located in the basement of the House of Industry, together with the receiving room, bathroom, shoemaker's and tailor's shops, all too small and much crowded. The bakery contains but one oven, which, owing to the large number of inmates, is now worked to its utmost capacity. It is important that the bakery should contain two ovens, each as large as the one now in use, so that if one should require repairs, as is the case at present, the institution would not be without baking facilities.

All the room in the basement is now required for other purposes, and the interests of the institution demand the erection of a separate building of sufficient capacity for present and future uses. The danger of fire would be materially lessened should the bakery be removed from the main building. The directors would suggest that the amount required for this purpose can be transferred from the unexpended balance of the House of Correction appropriation for the present financial year. Referred to Committee on Public Institutions.

## ANNUAL REPORT OF THE INSPECTOR OF MILK.

The thirteenth annual report of the Inspector of Milk was laid before the Board. The Inspector makes the usual statement of the different branches of the business in this city. The number of cows kept in the city is 1350; city proper, 34; Ward 16, 620; Highlands, 430; South Boston, 105; East Boston, 161; number of persons keeping one cow, 320. There have been recorded since the last report the names and places of business of wholesale dealers, including those who distribute milk from carriages or keep more than one cow, 60; whole number of wholesale dealers registered, 1281; number in the business, 514; selling from carriages, 266; selling by those who keep more than one cow, 248; retail dealers recorded since last year, 80; number recorded to date, 3047.

The number of samples of milk inspected since last report, 2006; number not adulterated, 1395; more or less adulterated, 611; cases analyzed by the chemist, 29; average amount of adulteration, 21.77; largest amount of adulteration, 54.23; samples analyzed and not adulterated, 4; number of samples analyzed to date, 282; number of cases in the courts at date of last report, 2; settled favorable to the Government, 1; complaints in the Municipal Court, and convictions, 11; complaints, indictments and convictions in the Superior Court, 7; whole number of complaints to date, 154; not convicted, 67; and there is now pending 1 case in court. The number of gallons of daily supply of milk for the city, 24,009; cost to consumers, \$8163 06; supply for the year, 8,763,285 gallons, at a cost to consumers of \$2,975,516 90.

The expenses of the office, for analyses, etc., amounted to \$520 88; fines and costs paid for violations of law, \$791 67. The duties of the office have greatly increased, from enlargement of territory and the interest which the subject of adulteration of milk has awakened in the public mind, and private families, stores, shops and the milk stations have received constant attention, generally in the morning during the hours of distribution and sale of milk, while from two to five o'clock is devoted to the hearing of complaints, etc., in the office. Similar offices have been established elsewhere since this office was established, and information is frequently sought in relation to its operations.

The Inspector repeats the information heretofore given, that contracts for the supply of milk are made 1st of April and of October. The large cans, holding nine quarts and a pint, are in general use in Worcester County and by many of those who collect milk in the vicinity of Boston; and the smaller cans, holding eight quarts and a half-pint, are mostly in use on the Fitchburg, Lowell and Eastern railroads. Further attention is called to the necessity of legislation in regulating the uniformity and sealing of milk cans. The price of milk last summer was about the same as during the previous year, at the farmer's door—33 to 42 cents per can; at the railroad depots, after transportation, 40 to 48 cents, and retailed at from 54 to 62 cents. A number of stores and shops were supplied with good milk at 40 cents, which was retailed at 6 to 7 cents per quart.

The general supply of milk in May last fully equalled the demand, with an average quality more adulterated than in May, 1870; in June the supply was sufficient for all demands; the supply from some sections was quite limited the last of July; in August the supply was very limited and considerable adulteration was found; in September there was a better supply; October closed favorably as to the



demand and supply of milk. In November the price fixed upon between producers and contractors was fifty cents per can, for the winter, delivered in Boston and Charlestown. In December there was some difficulty in supplying the demand, but the month closed with an abundant supply. In January the supply was more than equal to the demand; and the trade was considered dull, and the same was true of February. In March, at a meeting of the producers and consumers, it was agreed that the price from April to October should be forty cents per can, at the cars, and eight cents per quart at retail. The difference between the producers and contractors had a tendency to lessen the supply.

The Inspector says a great mistake is made by the friends of reform in the milk trade, whether they act in bodies or individually, in seeking changes of the law to remedy some particular or fancied irregularity, these changes defeating the ends of the law in not allowing time for a proper working of it.

In a table of analyses given by James F. Babcock, the analyst, he remarks that there were no new adulterations, those found being water, caramel, salt, and carbonate of soda. The statements circulated by the "Milk Consumers' Protective Association" in regard to the deleterious and dangerous adulterations practised upon milk, and their assertions calculated to convey the impression that all or nearly all the milk which comes into Boston is adulterated, he says, are without foundation.

Laid on the table, and five hundred copies ordered to be printed.

QUARTERLY REPORT OF CITY PHYSICIAN.

The City Physician reports for the quarter that 1113 persons have been vaccinated, and 62 certificates of vaccination have been given to children for their admission into the public schools; 35 physicians, residents of the city, have been supplied with vaccine virus. Visits have been made to the jail daily, and to the Temporary Home and the City Prison as often as it was necessary. During the last three months 165 cases of smallpox have been reported in different parts of the city, and of this number 35 have died. It is hoped the disease will die out as the warm weather comes on.

Ordered to be sent down

QUARTERLY REPORT OF INSPECTORS OF LIGHTERS.

The report of the Weighers and Inspectors of Ballast Lighters shows that in the quarter they inspected and weighed one hundred and twenty-eight vessels, whose cargoes amounted to 7364 tons. The fees received amounted to \$676; expenses of the offices, \$20 34; leaving a net income of \$655 66 to be divided among the incumbents of the office.

REPORT OF PAYMASTER OF STATE AID.

The report of paymaster of Soldiers' Relief Committee for the quarter ending March, gives the following statements:

Balance on hand January 1.....	\$181
Received from the City Treasurer at various times during the quarter.....	21,000
	<u>\$21,181</u>
Disbursed to disabled soldiers and sailors, and their families.....	21,059
Leaving a balance on hand, April 1, of.....	\$122

The number of applicants in the several wards, and the aggregate payments, were as follows:

	Jan.	Feb.	March.	Total.
Ward 1.....	91	80	85	1,569
2.....	132	105	124	2,060
3.....	82	66	72	1,281
4.....	52	44	46	804
5.....	111	100	102	1,830
6.....	48	36	35	649
7.....	179	171	180	2,927
8.....	84	64	69	1,226
9.....	53	44	44	684
10.....	54	50	51	810
11.....	72	63	63	1,069
12.....	62	54	57	970
13-15.....	172	148	169	2,813
16.....	54	37	45	830
Out of State.....	42	35	37	668
U. S. Navy.....	61	49	58	869
	<u>1349</u>	<u>1146</u>	<u>1237</u>	<u>21,059</u>

Ordered to be sent down.

UNFINISHED BUSINESS.

The following order was considered:

Order that the lot of land on the easterly side of Albany street and opposite to the City Hospital, containing 30,000 square feet, as shown upon a plan drawn by Thomas W. Davis, City Surveyor, dated March 25, 1872, be placed under the charge of the

Committee on Public Lands, and that said committee be directed to lease said land upon such terms and conditions as they deem best for the interest of the city.

Alderman Jenks said he did not know what the Trustees of the hospital thought of this matter, but he supposed they would not wish to be annoyed by any noise from the occupation of this land. He hoped nothing would be done before consulting with the Trustees in the disposal of it.

Alderman Squires replied that it was intended to consult the Trustees before any action was taken by the committee, and that the land would not be leased for any objectionable purpose.

Alderman Jenks stated, that such being the case, he should withdraw any opposition to the order.

The order was passed.

PAPERS FROM THE COMMON COUNCIL.

The following orders were severally passed, in concurrence:

Order authorizing additional accommodations to be provided for one class of the Mather School, in the Dorchester District.

Order authorizing a private room to be provided for the master in the Lewis Schoolhouse.

Order authorizing an additional room to be hired for a school room for deaf mutes, at an expense not exceeding \$700 per annum, and that the same be furnished at an expense not exceeding \$200.

The section of the Salary bill relating to the Police Department, with certain amendments to increase the compensation of the members of said department coming up, Alderman Cutter moved an indefinite postponement of the order.

Alderman Jenks said he hoped the motion would not prevail, but that a committee of conference would be appointed and the matter finally disposed of. He moved to amend the motion, that the Board insist upon its non-concurrence in the amendments.

The Chair stated that a motion to indefinitely postpone had the precedence, when the motion was put and carried, 7 to 5.

DIRECTORS OF PUBLIC INSTITUTIONS.

The certificate of election of James K. Fagin and Samuel Talbot, Jr., as Directors for Public Institutions, in place of Sylvanus A. Denio and Harrison Loring, coming up, the Board proceeded to an election, with the following result:

Whole number of votes.....	12
Necessary to a choice.....	7
Sylvanus A. Denio.....	7
Harrison Loring.....	4
James K. Fagin.....	7
Samuel Talbot, Jr.....	4
George E. Learnard.....	2

Mr. Denio was declared to be elected in non-concurrence, and Mr. Fagin in concurrence.

SECOND ASSISTANT ASSESSORS.

The election of Second Assistant Assessors for Wards 3, 7, 12, 13 and 16 was taken up, the Council having non-concurred in the choice of Messrs. Boardman, Sullivan, Mason, Dolan and Capen, in place of Messrs. Wells, Giblin, Holmes, Carty and Hall, chosen by the Board. The result of the election was as follows, the vote being taken separately:

Whole number of votes.....	11
Necessary to a choice.....	6
Ward 3—District 5.	
Michael F. Wells.....	8
Charles H. Boardman.....	2
H. N. Holbrook.....	1

Ward 7—Districts 11 and 12.

John H. Giblin.....	6
Jeremiah Sullivan.....	5

Whole number of votes.....	12
Necessary to a choice.....	7

Ward 12—Districts 17 and 18.

William H. Mason.....	9
George Holmes.....	2
E. W. Dolan.....	1

Ward 13—District 19.

John D. Carty.....	7
Edward W. Dolan.....	5

Ward 16—Districts 24, 25, 26.

Oliver Hall.....	7
Aaron D. Capen.....	5

Messrs. Wells, Giblin and W. H. Mason in concurrence; Carty and Hall were again declared elected, in non-concurrence.

HEARINGS ON ORDERS OF NOTICE.

The order of notice on the proposed construction of a sewer in Seventh street was taken up. No person appearing in relation thereto, the report was recommitted.

The order of notice on petition of Andrew Mar-



shall, for leave to put up and use a stationary engine, near Heath place, Ward 15, was taken up.

Objections were made by Messrs. Mitchell and Curley as neighbors, that it would be dangerous to property and life, the last named stating that the chimney was but thirteen feet high, and the smoke and gas were blown into his windows.

Mr. Marshall stated in reply that the chimney was five feet above the ridge pole of Mitchell's barn. Other witnesses corroborated his statements, that the engine took the place of seven stoves, with less danger and decreased insurance.

The report was recommitted.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Lewis B. Wilson and others, for leave to hold a festival at Music Hall, April 1; A. P. Peck, to give a concert at Music Hall, April 3; Thomas F. Doherty, to give a concert at Sumner Hall, April 4; W. S. & T. Kyle, as auctioneers; also licenses to sundry persons as victuallers and innholders, wagon licenses, and for transfer of wagon licenses.

Severally accepted.

Alderman Cutter, from the Committee on Police, to whom was referred the appointment of William Parks as police sergeant, made a report that the appointment be confirmed. The report was accepted and the appointment was confirmed.

Alderman Little, from the Committee on Paving, reported leave to withdraw on petitions of Martin Linehan for grade damages on Circuit street, and of Elizabeth Leonard to be paid for grade damages on Prentiss and Halleck streets. Severally accepted.

Alderman Little, from the Committee on Health, reported in favor of granting leave to Henry P. Kidder to erect a stable for seven horses on Stanhope street. Accepted.

Alderman Clark, from the Committee on Common and Public Grounds, on the petition of Calvin Torrey for permission to remove two trees in front of his residence, No. 576 Broadway, made a report that the petitioner be allowed to remove the said trees at his own expense, under the direction of the Superintendent of Public Grounds. Accepted.

Alderman Clark, for the Committee on Streets, reported leave to withdraw on petition of Hugh Boyne, for abatement of betterments upon his estate No. 59 Kingston street. Accepted.

Alderman Poland, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of the Boston & Albany Railroad Corporation, for leave to erect a freight house upon their wharf near Marginal street in Ward 1, made a report, recommending that the petition be granted. The report was accepted.

Alderman Poland, from the same committee, to whom was referred the petition of Wm. B. Fowle, for leave to construct an addition to his coal shed in the rear of First street and Dorchester avenue, made a report recommending that the petition be granted. Accepted.

Alderman Jenks, from the Committee on County Accounts, to whom was referred the order authorizing the Treasurer to pay the amounts assessed upon the city by the County Commissioners of Middlesex, for damages occasioned by laying out certain highways in the city of Chelsea and the town of Revere, made a report that the order ought not to pass.

The report was accepted and the order was rejected.

Alderman Fairbanks, from the Committee on the Market, reported in favor of granting leave to Stephen Locke to transfer lease of stall No. 28 and cellar No. 9, new Faneuil-Hall Market, to M. M. Marshall; also in favor of transfer of lease by R. F. Maxwell of stall No. 7 and cellar No. 3, New Faneuil-Hall Market, to George W. Gleason. Severally accepted.

Alderman Cutter, from the Committee on Salaries, on the part of the Board of Aldermen, to whom was referred the order to increase the salary of the Inspector of Milk, made a report that the order ought not to pass. The report was accepted, and the order was rejected.

Alderman Cutter, from the Committee on Salaries, to whom was recommitted the order for the pay of firemen, made a report recommending that the pay of firemen of companies not permanently employed in Ward 16 be increased \$75 each, so that section 7 shall be as follows:

Section 7. The salaries of members of companies located in Ward 16, and not permanently employed, shall be at the following rates, viz.:

Foremen (of the hose) of engines, and of hook and ladder companies, two hundred and fifty dollars per annum.

Hosemen, and hook and ladder men, two hundred and twenty-five dollars per annum.

Read and laid over.

#### COCHITUATE WATER BOARD.

Alderman Clark, from the Committee to nominate members of the Cochituate Water Board, made a report recommending the elections of John A. Haven and George B. Faunce for two years.

Alderman Clark moved that the Board proceed to an election.

Alderman Jenks moved that the election be laid over one week.

Alderman Cutter wished to know what good reasons there were for laying the election over, for if there could be good reasons given he would not object.

Alderman Jenks replied that for the same reasons often given by the Alderman, that as he did not know the parties he wished to make some inquiries.

The motion was carried.

#### ORDERS PASSED.

On motion of Alderman Little,

Ordered, That there be paid to Mary E. Shay, administratrix of estate of Daniel Bowen, \$500, for all damages caused to her estate No. 89 Cabot street, by the raising of the grade of said street, by order of the Board of Aldermen, September 5, 1870, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to Jacob Bancroft \$350, in full compensation for all damages caused to his estate, corner of Cabot and Windsor streets, by the raising of the grade of the said street, by order of the Board of Aldermen, September 5, 1870, and September 12, 1871, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to Ellen di Falti \$300, in full compensation for all damages caused to her estate, No. 162 Marion street, as ordered by the Board of Aldermen Sept. 12, 1871, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to H. H. W. Wright \$300, in full compensation for all damages caused to his estate, corner of Dorchester and Third streets, by the raising of grade, as ordered by the Board of Aldermen Dec. 5, 1871, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That in addition to the amount heretofore allowed to Ann D. Rhodes, for estate No. 27 Indiana place, by an order passed January 23, 1872, there be allowed and paid a further sum of \$714; said sum to be charged to the appropriation for Suffolk-street District.

Ordered, That the Superintendent of Health be directed to notify Mary Ann Richardson, John Ring, Margaret McIntire, Henry McLary and Lena McIntire to remove from and quit premises No. 87 Pleasant street, within ten days from this date; and in the event of said parties so refusing, the Superintendent is authorized to forcibly eject them. Said premises, after having been vacated, are not again to be occupied without the authority of this Board, or some person by them authorized.

On motion of Alderman Squires,

Ordered, That the Joint Standing Committee on the Engineer's Department be authorized to designate a suitable person to act as City Engineer from the date hereof until an election is had by the City Council to fill said office as provided by ordinance, the compensation of the person so designated to be the same as allowed heretofore to the City Engineer.

Ordered, That due notice be given to James W. Merriam to remove such portions of his building, numbered 5 Oak street, as project over the line of said street, in Ward 8, within ten days from this date; and in default thereof, the Chief of Police is hereby directed and empowered forthwith to cause all such projections and obstructions standing or projecting over the line of said Oak street to be cut off and removed.

On motion of Alderman Cutter,

Ordered, That Albany-street Bridge be closed to public travel on and after Friday next, April 5, until the repairs on said bridge are completed.

On motion of Alderman Little, orders to pay bills of certain persons directly or indirectly connected with the City Government.



## ORDER OF NOTICE.

On petition of Jamieson & Aiken, for leave to put up and use an engine in Farnham, formerly Foundry street, Ward 15. Hearing Monday, April 22, 4 P. M.

## EXTENSION OF SOUTH MARKET STREET.

The report and order in favor of extension of South Market street and loan for \$283,000 (City Doc. No. 28), were taken from the table and considered.

Alderman Cutter stated that this subject was before the Board last year, and settled on its merits. Unless there were some new points in its favor he hoped the order would not pass. He had not heard of any new merits in the case, and would like to hear from the committee in relation to it.

Alderman Clark said he thought there was reason enough for favorable action last year, and if any one would go down and view the street he would be convinced that the public good demands the extension of it. If the Atlantic avenue was to be of any use it should have more streets leading to it. The improvement is important, and influential parties stand ready to take hold of it and build, when the extension is made. The distance of the extension is four hundred feet, on which there are no buildings, and that portion known as City wharf is two hundred and seventy-five feet. It would be foolish to extend the street if this portion of it is not to be widened. The public good demands the improvement. From eighty to one hundred most respectable business men have petitioned for it, and most of the owners of the abutting property have been before the committee and are willing to pay reasonable betterments to have the improvement made.

Alderman Cutter said he did not see the need of widening the street, which was a back door to the Mercantile Block, and is now forty feet in width. It was a question whether it was an object to cut off these stores twenty feet, and incur a debt of \$300,000 in the destruction of property. It was not because the street was choked up, and, besides, the owners object to the cutting off of their stores. In his opinion the laying out of Atlantic avenue was an error, and paralyzed business, and the land abutting on it was not so valuable as it was before the laying out. It is now urged to spend more money to lay out streets to the avenue to enliven what was deadened by the construction of the avenue. If the proposed improvement had been on the other side, where there were older buildings, it would be much better than to cut off buildings put up not more than twelve years ago.

Alderman Stackpole remarked that the buildings were put up seventeen years ago.

Alderman Jenks said he had the honor to be in the City Government when Atlantic avenue was laid out, and considered it commercially to be of great advantage to the city. If it was to remain as now, it cannot be of so much advantage. It was objected that the widening should be on the north side. Yet he should vote for it as it is.

Alderman Cutter said he had no objection to the continuance of the street. At its present width of forty feet, the extension would utilize it.

Alderman Ricker said if it was proposed to do anything, the widening should be done now, and not be under the necessity, four or five years hence, of coming here again, at a greater expense. The merits of the question were not discussed last year, for, as the matter came before the City Council from the Street Commissioners, there was not time to refer it and act upon it legally after a discussion on its merits. This year a different course has been pursued, in first bringing it before the City Council, and the subject had been thoroughly considered, and should be acted upon without delay.

Alderman Clark stated that it was believed if the widening was made, on the other side of the street, the betterments would be less and the damages more. The stores to be cut off were 125 feet in depth, and the cutting off of fifteen or twenty feet would not materially injure them. He hoped the days of narrow-street making in this city had passed, and when streets are laid out that they shall be wide enough to do business in. The merchants who had petitioned for the improvement know what they are about. They are the largest dealers in provisions, flour and corn, and parties are ready to erect large warehouses when the improvement is carried out.

Alderman Sayward declared himself in favor of the widening, but if it had been on the other side of the street he should have been opposed to it. The improvement was necessary to bring in taxable property.

Alderman Cutter said that while he was in favor of streets of a proper width, he was not in favor of making too much space, in the destruction of property. Hanover street, in his opinion, would have been much more valuable had it been of less width.

The order was passed by a vote of 10 to 2, as follows:

Yeas—Clark, Fairbanks, Jenks, Poland, Power, Ricker, Sayward, Squires, Stackpole, Woolley.  
Nays—Cutter, Little.

## WENDELL-STREET WIDENING.

The motion of Alderman Cutter, to reconsider the vote whereby this Board passed the order to request the Street Commissioners to widen Wendell street on land of W. H. Bordman, was taken up.

Alderman Jenks opposed the motion, and hoped it would not pass, for the matter of widening had been before the City Council for the last two years, had been thoroughly considered, and was well understood.

Alderman Cutter, referring to the report of the committee, said if it meant what it said in regard to irregularity and straightening the street, it should cut off a portion of Mr. Foster's lot. In the proposed cutting off, there could be no betterments, and the widening would not be judicious at an expense of \$50,000. On the report of the committee it was not a clear case, and he hoped the vote would be reconsidered, and decided upon its merits. The proposed improvement was not sufficient to justify running the city into debt.

Alderman Clark believed the question to be well understood by members of the Board, for as it is, that portion of the street is neither a street, lane nor alley. It could be of no use at its present width of twenty-five or twenty-seven feet, while with a width of forty or fifty feet at its entrance to Broad street it would make a great thoroughfare from Pearl street through Wharf street to the wharves. The fact that abutters do not come here and ask for it does not show that there can be no betterments, and it is probable that one-half the cost can be assessed upon Mr. Foster. The evidence before the committee showed that the expense would be about \$30,000. No one could look at the street and not be satisfied that something should be done to improve it. It was a great mistake that it was not done last year, when the expense was guaranteed to be not more than \$12,000 or \$13,000. He believed it would not cost more than \$20,000 now.

Alderman Little regarded this entrance to be as good as the street warranted. He hoped the motion would prevail and that the report of the minority of the committee would be accepted. It would cost no more a year hence should the widening be needed.

Alderman Clark spoke of the uninterrupted view which the straightening would give through the whole street.

Alderman Cutter declared that it would not be straight in a line with Wharf street, and the widening would be but spending money foolishly.

Alderman Clark said no person in passing could tell whether it was a street or alley, but when widened, there would be an uninterrupted view from Atlantic avenue to Pearl street.

Alderman Little did not know what kind of a glass the Alderman used to have an uninterrupted view, for he failed to see it.

The motion to reconsider was lost.

## ORDERS READ ONCE.

On motion of Alderman Clark, to pay J. G. & D. L. Webster \$5000 for land taken to widen Federal street; to pay George W. Rumrill an additional sum of \$200 for damages in the extension of Harrison avenue; to pay J. B. Dearborn and Seth Robinson \$1920 for land taken and damages in the widening of Hawley street.

On motion of Alderman Little, orders authorizing the seizure of corrupted meat, or the meat of calves less than four weeks old, and for the appointment of persons named therein as inspectors in the Health Department.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Common Council,

APRIL 3, 1872.

A special meeting of the Common Council was held this evening, at 7½ o'clock, called by the Mayor, to take the place of the usual meeting on Thursday evening, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly reports of the City Physician, Paymaster of State Aid, and of Ballast Inspectors, and the appointment of Mayor's Clerk, were severally ordered to be placed on file.

The petition of Taylor & Colman and the request of the Board of Directors for Public Institutions were referred, in concurrence.

The following reports were accepted, in concurrence:

Report granting the petition of William B. Fowle for leave to construct an addition to his coal shed in rear of First street and Dorchester avenue.

Report granting the petition of the Boston & Albany Railroad Company for leave to build a large freight house at East Boston.

The order to pay Ann D. Rhodes, for estate 27 Indiana place, taken by the city, a further sum of \$314, was read once.

The following orders were severally passed:

Order, bills to be paid, April draft.

Order for Committee on Engineer's Department to designate a suitable person to act as City Engineer *pro tem*.

Report and order that thirty thousand square feet of land opposite the City Hospital, as shown on a certain plan drawn by the City Surveyor, be placed under the charge of the Committee on Public Lands, and to be leased for the best interests of the city by said committee.

The communication from the Board of Engineers of the Fire Department nominating Henry W. Longley as Secretary of the said Board of Engineers, and certificate of his election to said office, were read, when the Council proceeded to an election, in confirmation, Messrs. Burt of Ward 16, Marston of Ward 10, and Jones of Ward 14 acting as a committee. Therresult was the unanimous confirmation, by 52 votes.

The report nominating John A. Haven and George B. Faunce as members of the Cochituate Water Board, at large, was read, when the election was laid over.

## DIRECTOR FOR PUBLIC INSTITUTIONS.

The certificate of election of Sylvanus A. Denio as a Director for Public Institutions, in place of Samuel Talbot, Jr., chosen by this Council, was read, when the Council proceeded to an election, Messrs. Hersey of Ward 12, Clatur of Ward 4, and Pickering of Ward 6 acting as a committee to receive and count the votes.

The result of the election was as follows:

Whole number of votes.....	59
Necessary to a choice.....	30
Samuel Talbot, Jr.....	30
S. A. Denio.....	26
George E. Leonard.....	3

Mr. Talbot was again declared to be elected, in non-concurrence.

## SECOND ASSISTANT ASSESSORS.

The certificate of the election of M. F. Wells for Ward 3, J. H. Giblin for Ward 7, John D. Carty for Ward 13 and Oliver Hall for Ward 16, as Second Assistant Assessors, in place of Charles H. Boardman, Jeremiah Sullivan, Edward W. Dolan and Aaron D. Capen, chosen by this Council, was read, when the Council proceeded to an election. Messrs. Locke of Ward 12, Smith of Ward 1, and Holmes of Ward 6 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of ballots.....	60
Necessary for a choice.....	31

The vote was declared, when it appeared that in three of the four wards the candidates of the Council were again elected; and in Ward 16 Oliver Hall had 30 and Aaron D. Capen 29.

There being more ballots than there were members in attendance, the Chair stated that it appeared there were but fifty-nine members present, upon

which the chairman said there was one vote east which had but one name upon it. This ballot was for Mr. Boardman.

The Chair declared the vote to be illegal, and the Council proceeded to another ballot, resulting as follows:

Whole number of votes.....	59
Necessary to a choice.....	30

## Ward 3—District 5.

Charles H. Boardman.....	34
Michael F. Wells.....	23

## Ward 7—Districts 11 and 12.

Jeremiah Sullivan.....	35
John H. Giblin.....	18

## Ward 13—District 19.

Edward W. Dolan.....	40
John D. Carty.....	16

## Ward 16—Districts 24, 25, 26.

Aaron D. Capen.....	36
Oliver Hall.....	19

There were two ballots for two candidates in Ward 16, which were not counted.

Messrs. Boardman, Sullivan, Dolan and Capen were declared to be elected, in non-concurrence.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay John P. Brown, for estate 18 Garland street, taken by the city, a further sum of \$293 55.

Order cancelling several small loans heretofore authorized by the City Council, amounting to \$292,000, and for a transfer from unexpended balances of appropriations of a sum equal to that amount to meet the same.

## APPROPRIATION BILL.

The consideration of the report of the Finance Committee on the Auditor's estimates was resumed, the question pending at the adjournment of the last meeting being an amendment to the appropriation for East Boston ferries, by substituting for the appropriation of \$210,000 the following, as recommended by the Board of Directors:

Care and management of East Boston ferries....	\$200,000
Two new drops, and slips at North Ferry.....	40,000

\$240,000

Mr. Pease of Ward 1 advocated the amendment, believing the construction of the new drops and slips an imperative necessity. With all the facilities they now have, they were in peril from fire and ice, the ice sometimes making it difficult for days and nights to run the boats with any regularity, and with one slip or drop out of order, or a boat sunk, repairs of a week are required, throwing the burdens of travel upon the overloaded condition of the other ferry. The appropriation asked for is small in comparison with expenditures in other sections for the widening of streets, and was asked for simply for public accommodation, with no cat in the meal or speculative object in view.

There was no reason why the new drops should not be made, while there was every reason why they should. The condition of things was such at the north ferry that should a load of granite get set, or other obstruction occur, all communication with the city from that quarter must stop, for the south ferry was now burdened to its utmost capacity, the teams often extending to a great distance on each side, and requiring much delay in crossing. In making this appropriation there was no reason why it should be coupled with any plans of a new landing at T wharf or other proposition, but it should be granted as an imperative necessity.

Mr. Webster of Ward 6 stated that the Committee on the Auditor's Estimates had this matter fully under consideration, adjourned to examine the drops and slips, looked over the whole ground, and listened to the arguments of the President of the board, which were in substance the same as had been given at the last meeting and this evening. None of the members of the committee saw any present necessity for additional slips and drops. The travel over that ferry does not require the facilities, for it amounts to but half of that of the other, while the expense is nearly equal; it has been said that nearly double the business can be done which is done, every method has been taken to coax and drive business in that direction, and yet they all fail, the business being nearer to the other ferry on each side, and teamsters preferring to wait than to go to the north ferry.

The committee believed the present drops and slips were sufficient for present accommodations, but that there might be a necessity for additional ones in five years there was not a doubt. That there was a necessity for repairs of walls of the



present slip was true, and for dredging several feet, and the committee added \$10,000 to meet the repairs and for excavations. The expense of new drops and slips in the estimate of competent judges, would be \$50,000, and allowing ten per cent. for repairs, as much more for depreciation, with the interest, and loss of rent of the wharves, which now pay \$1700, the cost would be \$14,700 annually.

Admitting that the additional accommodations will be needed five years hence, they are not now, and the Council should hesitate before making the appropriation. The wharves are now paying good interest, and will be wanted, for East Boston is growing and will continue to grow. It is said that the people are all agreed that these new drops and slips are needed, but he knew many people who say they are not. Neither were the Board of Directors all agreed as to the necessity for their construction.

Mr. Perkins of Ward 6 said he remembered that in the discussions of much feeling on this question last year, the expression was used that the people of East Boston would give up their application for free ferries should all accommodations needed be granted. He was willing, on that consideration, to vote for this moderate appropriation. Business is increasing in East Boston, and the travel must increase at the north ferry, and if the problem of drawing off business from the other ferry is to be solved in any way it will be by increasing the accommodations at the north ferry. The danger from fire where the houses are generally of wood, is an additional reason for increasing the accommodations. As to the question of expense, it is not for the Finance Committee to determine, but for the Board of Directors to make the estimates. There was no reason to distrust their judgment in the matter. They say \$200,000 is needed for the care and maintenance of the ferries, and if the \$40,000 is not needed, why do the committee add \$10, which is not asked for?

Mr. Weston of Ward 1 said his colleague had gone over the whole ground, and he could only urge the almost indispensable necessity for the construction of the additional drops for the accommodation of the people of East Boston.

Mr. Brooks of Ward 1, in reply to Mr. Webster, as to the expense of new slips and drops, stated that since 1870 new drops had been constructed at the south ferry, and the expense could be easily ascertained. The piling and dredging could be learned on reliable estimates by competent persons, and he did not hesitate to say that the amount of cost would not exceed \$40,000.

The motion to amend was carried, and the appropriation, as amended, stands at \$200,000 for care and management and \$40,000 for two new drops and slips at the north ferry.

The other items of appropriation were adopted without debate, until the appropriation reached that for police.

Mr. Bradt of Ward 14 moved to strike out the item for police and insert in place thereof the following:

Police—six hundred and seventy thousand dollars..... \$670,000

The payments from this appropriation on account of the salaries of Captains, Lieutenants, Sergeants and Patrolmen belonging to the Police Department, for the year beginning the first day of April, 1872, shall be as follows, viz.:

Captains, at the rate of.....\$1500 each per annum  
Lieutenants, at the rate of..... 1400 each per annum  
Sergeants, at the rate of..... 1300 each per annum  
Patrolmen, at the rate of..... 1200 each per annum

Mr. Webster of Ward 6 said it was important that the appropriations should be settled before the 1st May, but should the amendment prevail and the other branch non-concur, there would be delay and a possible failure to make an agreement before that time. The Auditor states that he will have sufficient means to meet the sum required, should the increase of the pay of the police be made, and there should be no conflict in a matter of this kind and no delay in making the appropriations. The maximum of the police force is five hundred men, but at the present time there are fifty or sixty vacancies, and it is not likely that they will be filled for two months. There is so much saved on that account, and at any time the increased pay can be made if the City Council should determine in favor of an increase.

Mr. Flynn of Ward 7 said he hoped the amendment would pass, and that they should take the bull by the horns, and show the citizens what they mean to do. He was in favor of meeting the question squarely, and not do as the other branch had done by an indefinite postponement.

Mr. Pickering of Ward 6 took substantially the ground of Mr. Webster, that on the authority of the Auditor the increased pay, if granted, could be made up, which would obviate the necessity of making an additional appropriation of \$50,000.

The motion to amend was declared to be lost, but on a count was carried, by a vote of 34 to 18.

There were no other amendments made, and the Appropriation bill was passed.

The aggregate was made to conform to the amendments, making the total sum of \$9,861,032.

The orders accompanying the report and Auditor's estimates, which were passed, are as follows:

*An Order*

Relating to the specific appropriations for the financial year 1872-73.

It is hereby ordered by the City Council, That, to defray the expenditures of the city of Boston and county of Suffolk for the financial year which will commence with the first day of May, 1872, and end with the last day of April, 1873, the following sums of money be, and the same are, hereby respectively appropriated for the objects and purposes as explained in the Auditor of Accounts' estimates, City Document No. 30, 1872, and in the applications of the various committees and boards contained and printed in said document.

And it is further ordered, That no money shall be expended, and no debts be incurred for any object or purpose, for which a specific appropriation is herein made, beyond the amount which is so specifically appropriated: provided, however, that any sums of money which may be subscribed or contributed by individuals to promote the objects of any of the foregoing appropriations, and which form no part of the estimated income of the city, shall be strictly applied, according to the intention of the contributors, and shall be credited to such appropriations accordingly.

An order laying a specific tax to defray the expenses of the city of Boston and the county of Suffolk for the financial year 1872-73; also to pay the State tax.

Ordered, That the sum of \$7,759,842 be raised on the polls and estates taxable in this city, according to law, to pay the current expenses of the city of Boston and the county of Suffolk during the financial year, which will commence with the first day of May, 1872, and end with the last day of April, 1873; also the tax assessed by the General Court of Massachusetts for the year 1872.

RESIGNATION OF TRUSTEES OF CITY HOSPITAL.

A communication was received from Joel Richards, Samuel T. Snow and James Guild resigning their offices as Trustees of the City Hospital. Referred to the Committee on City Hospital.

PETITIONS PRESENTED AND REFERRED.

Boston & Albany Railroad Company, for leave to build an extension to their freight house.

R. D. Goodwin, for leave to erect a wooden building beyond the dimensions allowed by law, on Townsend street, near Warren street.

Severally referred to the Committee on Inspection of Buildings.

Massachusetts Charitable Mechanics' Association, for a new lease of Quincy Hall for three years on the same or more favorable terms as heretofore agreed upon. Referred to the Committee on Public Buildings.

B. J. Rennie, to be compensated for loss of his horse, caused by an alleged defect on Milk street, between Broad and India streets.

Dennis Bonner, for compensation for injuries to his wife, by an alleged defect in Prinee street.

Henry W. Paine, assignee of Charles Burrill, that the order passed by the City Council, and approved by the Mayor, September 12, 1870, may be paid, a copy of the order being appended thereto, providing for the payment of \$40,000 to Henry W. Paine, the assignee of Charles Burrill, in full settlement of all services rendered and money expended by said Burrill in procuring credits upon the quota of this city in 1864; to be paid from appropriation for Incidental Expenses, the receipts and discharges to be satisfactory to the Mayor and City Solicitor.

Severally referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. Bradt of Ward 14, from the Joint Standing Committee on Public Buildings, to whom was referred the order to consider and report upon the expediency of furnishing a new wardroom for Ward 14, made a report that Institute Hall can be hired for ward meetings, and that the building, together with its location in the ward, makes it desirable for ward purposes. They would therefore



recommend the passage of the accompanying order:

Ordered, That the Joint Standing Committee on Public Buildings be and they are hereby authorized to hire Institute Hall, Boston Highlands, for a wardroom for Ward 14.

The report was accepted and the order was read once.

ORDERS.

Mr. Bicknell of Ward 4 offered the following order:

Ordered, That the Joint Standing Committee on Public Buildings be authorized to supply the nec-

essary furniture for and cause to be made such repairs and cleaning as may be needed on the City Hall, police station houses, engine houses, and other public buildings; the expense therefor to be charged to the Appropriation for Public Buildings.

The order was read once.

On motion of Mr. McNutt of Ward 10,

Ordered, That the Committee on Public Buildings be requested to consider and report whether a new location is desirable for Hose House No. 5, and if so, to recommend a suitable site for the same.

Adjourned.





CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
APRIL 8, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

JURORS DRAWN.

Ten traverse jurors were drawn for the Superior Court, second session, and ten traverse jurors for the Superior (Criminal) Court.

APPOINTMENTS MADE AND CONFIRMED.

Assistant Port Physician (nominated by the Port Physician)—Chester Irving Fisher, M. D.

Assistant City Messenger (nominated by the City Messenger)—Foster M. Spurr.

Special Police Officers, without pay—George R. Richards, for Freeman's National Bank; Enoch A. Brackley, for Second, E and Bolton streets; George H. Higgins, for Boston Sugar Refinery and vicinity; Alfred Woods, for Church-street Methodist Episcopal Church; Samuel C. McKenney, for Washington Hall and vicinity, Washington Village; John Bradley, for Young's wharf, Commercial street; Charles A. Currier, special agent of Massachusetts Society for Prevention of Cruelty to Animals, and Joseph Baker, associate agent for the same, for the whole city; Franklin Devereux, for shipyard of Campbell & Brooks, Border street.

Special officers at Old Colony & Newport Railroad Depot—Richard Sisson, Michael Cronin, James Gilfether, James McEwen, Hezekiah Bullock, Loring Gardner, Christopher Sweeney, Daniel Lane.

Members of Fire Department—Jedediah Strangman as driver; Washington Irving Jacobs as member of Fire Department.

PETITIONS PRESENTED AND REFERRED.

Rufus Estabrook and others, that Putnam and Brooks streets be graded from White to Condor streets.

Neil Kenney and others, that Tremont street be paved south of Ruggles street.

Lewis W. Spaulding, withdrawing his consent, given in 1869, to the opening of Fifth street from G to H street.

Severally referred to the Committee on Paving. Osmyn Brewster and others and David Thayer and others, that the ringing of the Hollis-street Church bell be discontinued.

J. H. Harris and 174 others, in favor of the ringing of the Hollis-street Church bell.

Severally referred to the Committee on Bells, Clocks, etc.

Robert Vose, Jr., to be re-licensed as an auctioneer. Referred to Committee on Licenses.

M. E. Bowe, for leave to erect a brick stable for two horses at 31 Dorr street.

William Fillmore, for leave to build a brick stable for three horses on Fifth street, near K street.

Louise Hubbell, for leave to build a brick stable for two horses on Exeter street, south of Commonwealth avenue.

Patrick Mulhern, for leave to build a stable for two horses on Havre street.

Micah Dyer, Jr., for leave to erect a stable for three horses on his land on Hancock street, Ward 16.

George W. Decatur, for leave to sprinkle certain streets in Roxbury.

Peter Cain and others, against the erection of a stable at No. 17 Trumbull street.

H. H. Fitch, for leave to enlarge his stable at No. 80 Munroe street.

Severally referred to the Committee on Health. Aaron Cooley and wife, to be paid for personal injuries sustained by Mrs. Cooley from alleged defects in the sidewalk in Lenox street. Referred to the Committee on Claims.

Peter B. Brigham, to be paid for grade damages on Fort Hill. Referred to the Committee on Streets.

Calvin Swallow, for release from certain conditions on land in West Chester park. Referred to Committee on Public Lands.

Boston Forge Company, for leave to enlarge a wooden building on Maverick street. Referred to Committee on Inspection of Buildings.

A communication was received from Nathaniel J. Bradlee resigning his office as a member of the Cochituate Water Board, to take effect 1st Monday in May. Referred to Committee on Nominations for Cochituate Water Board.

VOTE OF THANKS OF THE CITY OF CHARLESTOWN.

The following resolves were received from John T. Priest, City Clerk of Charlestown, passed by the City Council of that city March 25, 1872:

Resolved, That the thanks of the City Council be and hereby are tendered to the City Council of Boston and the Fire Department of said city, for the efficient aid rendered on the occasion of the burning of the Harvard School House, on Friday, March 15, inst.

Further resolved, That the City Clerk transmit a copy of this order to his Honor the Mayor of Boston.

Ordered to be sent down.

MONTHLY EXHIBIT OF THE AUDITOR.

The monthly exhibit of the Auditor was presented in print, it being an exhibit of the general and special appropriations for the present financial year of 1871-72, as shown in the books in his office, April 1, 1872, including the April draft, being twelve months' payments of the financial year—exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. The balances unexpended will have to meet the payments of interest and premium on the city and water debt, the requisitions of the county courts, and the special drafts drawn during the month of April. A recapitulation gives the following result:

	Appropriations, Revenues, etc.	Expended.	Unexpended.
General.....	\$9,532,737 53	\$8,546,633 11	\$986,104 42
Special.....	7,107,573 08	3,558,142 70	3,549,430 38
	\$16,640,310 61	\$12,104,775 81	\$4,535,534 80

Ordered to be sent down.

CITY HOSPITAL REPORT FOR MARCH.

The following statement of the number of patients treated in the City Hospital during the month of March, was received from the Trustees of the hospital:

	Med.	Surg.	Ophthal.	Smallpox.	Total.
In hospital, March 1.....	139	91	5	11	246
Admitted in March.....	139	98	2	29	268
Whole number treated, 278	189	7	40	514	
Discharged.....	131	88	4	22	245
Died.....	17	7	0	5	29
Remaining, April 1.....	130	94	3	13	240

Accidents brought into the hospital, included in the above, 29.

The number of visits to out-patients was as follows: Medical, 333; surgical, 469; opthalmic, 673; aural, 174; cutaneous, 165—total, 1814.

Ordered to be sent down.

QUARTERLY REPORT OF PORT PHYSICIAN.

The following report of quarantine for the quarter ending March 31, 1872, was submitted from Dr. Samuel H. Durgin, Port Physician:

The whole number of patients treated in the Quarantine Hospital, at Gallop's Island, during the quarter was fourteen, all of whom had smallpox. One died, eleven were discharged well, and two remain in hospital doing well. No patients have been received from vessels during the quarter, and those received from the city, with one exception, have been of a mild character.

Ordered to be sent down.

QUARTERLY REPORT OF SUPERINTENDENT OF HEALTH.

The Superintendent of Health reports for the quarter, as follows: There has been expended by this department for the quarter ending March 30, as follows: For sweeping and cleaning the streets, the removal of house offal and ashes, and snow and ice from public walks and grounds, \$87,591 22. Demands against sundry persons for material sold and team work, said bills having been deposited with the City Treasurer for collection, \$11,471 93. Amount paid into the City Treasurer and the same credited to this department, \$12,470 38. Number of prisoners conveyed from the several station houses to city lock-up, as follows: males, 2079; females, 634—total, 2713. Number of entries for cleaning privy vaults, 1903.

QUARTERLY REPORT OF CHIEF OF POLICE.

The quarterly report of the Chief of Police for the quarter ending March 31, 1872, has the following statements:

Arrests, 5787; males, 4588; females, 1199; Americans, 1671; foreigners, 4116; non-residents, 1207; minors, 1042; commitments, 3209.



Lodgers, 13,553; males, 12,272; females, 1281; Americans, 5685; foreigners, 7868; non-residents, 11,436; minors, 1896.

Amount of property taken from prisoners and lodgers, and restored as per receipts, \$17,851 94; amount of property reported stolen in this city, \$11,541; amount of property recovered, stolen in and out of the city, \$16,873 61; amount of fines imposed, \$14,219; aggregate amount of sentences to imprisonment, 301 years 2 months; number of days spent in court, 2944; amount received for witness fees, \$3843 64; number of larcenies reported in the city, 646; arrests for same, 401; amount received for dog licenses, \$117.

The principal causes for which arrests were made were as follows: Adultery, 8; assault and battery, 380; felonious assault, 54; breaking and entering, 13; common drunkards, 90; delirium tremens, 10; disorderly, 1075; disturbing the peace, 78; drunkenness, 2522; fast driving, 14; forgery, 7; embezzlement, 9; house breaking, 12; idle and disorderly, 62; insane, 47; larceny, 253; felonious larceny, 85; malicious mischief, 62; night walking, 19; receiving stolen goods, 28; robbery, 23; shop breaking, 55; stubborn children, 12; suspicion of larceny, 58; suspicious persons, 316; truancy, 47; vagrancy, 68; violation of city ordinances, 93; violation of Sunday law, 26; witness, 83.

Miscellaneous—Accidents reported, 202; arrested on warrants, 569; buildings found open and secured, 507; cases investigated, 1463; dangerous buildings and chimneys reported, 40; dead bodies found, 24; defective cesspools reported, 5; defective drains and vaults reported, 199; defective fire alarms, 20; defective gas pipes, 6; defective hydrants, 4; defective lamps, 3159; defective streets and sidewalks, 214; defective water pipes, 71; disturbances suppressed, 2398; extra duties done by officers, 819; fire alarms given, 84; fires extinguished without alarm, 65; intoxicated persons assisted home, 393; lost children restored, 97; rescued from drowning, 9; sick and injured persons assisted, 95; stray teams put up, 69; street obstructions removed, 6017; vessels boarded, 58; water running to waste reported, 155.

Expenditures for quarter—pay roll of officers, \$129,560 87; care of station houses, \$1193 43; fuel, \$2037 70; gas, \$1804 55; water, \$267 56; furniture and carpets, \$218 39; medical attendance on persons sick or injured, \$222; printing and stationery, \$287 27; police telegraph expenses and apparatus, \$729 75; soup expenses, \$3494 06; sundries, \$2587 06. Total, \$142,402 64; previously expended, \$432,723 64—leaving a balance in the Treasury of \$32,373 72. The total appropriation was \$607,500.

Ordered to be placed on file.

#### COMMUNICATION IN RELATION TO THE WENDELL-STREET WIDENING.

The following communication was received from the Board of Street Commissioners:

BOSTON, April 6, 1872.

To the Honorable City Council—The order of the City Council of March 25, requesting the Board of Street Commissioners to lay out Wendell street on a new line, has received the respectful, very deliberate, and the unbiased consideration to which it is entitled, and the Commissioners are constrained to say that they have utterly failed to perceive how the public interest is to be promoted by the partial widening of the street as contemplated by said order.

In the Commissioners' judgment Wendell street ought never to have been extended to Broad street. This is concurred in by past and present members of the City Council, who have given attention to the subject of streets, some of whom do not hesitate to say that this Board would be sustained in discontinuing the street altogether.

Wendell street runs parallel with Sturgis street at an average distance of seventy-five feet therefrom. Sturgis street has a width of fifty feet at one end and fifty-five feet at the other, an average width greater than that of Washington street north of Dover street. Does the public necessity require streets in such close proximity to each other?

Wendell street was originally extended to Broad street at the instance of six petitioners, who were at that time granted all they asked. One of those petitioners now says that no change from the present lines of the street is needed by the public. Not so, however, with another of them, who appears to have a distinct personal interest in the matter, and who now persists in his efforts to obtain more than was asked in the original petition or is required for the public good.

The Committee on Streets say in their report upon which the order calling for the communication to the honorable Council is based, that Wendell street at a point one hundred feet from Broad street "makes a sudden curve in a southerly direction which practically destroys the street for business purposes." It would seem to be the opinion of the committee that the street should have been continued in a straight line through to Broad street, avoiding such a destructive curve. Undoubtedly, if it should have been laid out at all, such a line should have been followed, but such a laying out would not have accomplished the design of the most active petitioner, as it would have cut off his store; hence the line of his estate was followed and that is the exact line of the damaging curve which the committee think "destroys the street for business purposes."

By following such a devastating line, it leaves his estate with an undisturbed frontage upon the entire line of the extension, not interfering in any way with his building or taking a foot of his land; but being at enmity with an adjacent owner, he is willing that his neighbor's building should be demolished and the blighting curve remain.

It should be remarked that the order of the Council contemplates no interference with this curve, but, on the contrary, makes a more radical departure from the direct line of the street as it runs from Pearl street to a point within "one hundred feet of Broad street," the location of the undesirable curve, by cutting on the opposite side of the street. How this is to straighten the street, and obliterate the curve, does not appear.

Faithfully endeavoring to keep in view their duty to the public, without inquiring whether their action would affect individual interests, beneficially or otherwise, the Commissioners have, as has already been stated, failed to discover how the public safety and convenience are to be promoted by widening Wendell street to forty-nine feet at and seventy feet in from Broad street, while they should leave the balance of it, the entire distance to Pearl street, at an average width of but twenty-seven feet. Such a course would seem to be rather an injury than a benefit to travel, entering as it would into this wide mouth only to crowd and block it in the narrower parts of the street.

It is said that the partial widening would place the lines of Wendell street opposite to those of Wharf street. Notwithstanding the widening, however, a person standing in Wharf street would be unable to see much more than a hundred feet into Wendell street unless Wharf street were to be widened on its southerly side, so as to bring it in turn opposite to Wendell street. Such an argument might be urged with equal force in other cases. Temple place stands in much the same relation to Avon street that Wendell street does to Wharf street.

Would the honorable Council respect the judgment of any man who should advise the removal of the store on the southerly corner of Avon and Washington streets to widen Avon street, twenty feet more or less, for a distance of seventy feet back from Washington street, in order to bring the lines of these two streets opposite each other, while the remaining portion of Avon street was to be left at its present width? Should the city take sides in a feud between contiguous owners to expend the public money for any such purpose?

This is but one of many analagous cases which might be cited, and has admonished the Commissioners to use extreme caution in establishing the dangerous precedent of taking private property or expending the public funds, however insignificant the amount, ingenious the argument, or specious the pretext under which they are asked to do it, unless the exigency is undeniable.

Our citizens submit without a murmur to be deprived of their houses and lands when it is clearly necessary for the city to take them, but the necessity should always, in the Commissioners' opinions, be so imperative as to place the question beyond doubt or cavil.

The special exercise of its power to take land for public uses which the city is called upon to make in the subject under consideration, is but perhaps part of an embryo plan which has been suggested to this Board, to change well-defined lines established by the Board of Aldermen, involving a flagrant act of injustice to a citizen whose building has been set back to such established lines, and violating the implied faith of the city. The Commissioners are indeed inclined to think that there is more in this strenuously advocated widening of Wendell than appears upon the surface of the matter.

If the subject of the laying out of this street had



originally received such consideration as its importance deserved, it is doubtful, to say the least, whether it would have been passed. The following facts in the case warrant this assumption: It was introduced into the Council late in December, 1870, just at the close of its official term, and the order passed both branches of the Government and received the Mayor's approval within the unusually abbreviated period of thirty-six hours.

It is pretended the measure could receive the proper consideration and investigation in that time. Two of the most careful Aldermen of that year's Government objected to rushing so important a matter through in such a summary manner, contending, strenuously, that it had not been sufficiently considered. But an insinuation having been made that a certain sum of money would defeat the widening, the committee were induced to favor it, and this secured the passage of the order.

With regard to the cost of the additional width of Wendell street now asked for, it has been said that the principal petitioners already alluded to as so desirous of bringing it about, will guarantee that it shall be no expense to the city beyond thirteen thousand dollars; that is to say, he will pay all the cost over that sum. It is to be presumed, of course, that he does this for the public benefit. The Commissioners do not, however, feel warranted in advising the expenditure of thirteen thousand dollars, or any part of it, unless they adjudge that the public good requires it.

Finally, the Commissioners beg leave to remind the honorable Council that the responsibility of an unjust or injudicious taking of private property for that purpose, rests with the Board of Street Commissioners alone, and cannot be shared by any other department of the City Government; and they, failing to discover such benefit to the public as would justify them in taking the necessary land, or expending the necessary money which the work under consideration must inevitably require, however much they may wish to carry to completion any measure recommended by the honorable Council, cannot, in conformity with their oaths and their duty to the taxpayers of the city, advise the expenditure of any further sum for the widening of Wendell street.

Respectfully submitted,

JOS. SMITH,  
C. A. CONNOR,  
ISAAC S. BURRELL,  
Street Commissioners.

Laid on the table and ordered to be printed.

#### HEARINGS ON ORDERS OF NOTICE.

The orders of notice for a hearing on the petition of James C. McNeil, for leave to put up and use a steam boiler and engine in Dover street, near Harrison avenue; also on petition of Dennison & Co., for leave to locate and use a steam boiler and engine at No. 7 Federal street, were severally taken up. No person appeared in either case, and the reports were severally recommitted.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay George W. Rumrill \$200, for damages to his building on Harrison avenue.

Order to pay J. B. Dearborn and Seth Robinson \$1920, for Hawley-street land damages.

Order to pay D. L. and J. G. Webster \$5000 for Federal-street land damages.

Ordered, That the following-named persons, Benjamin Merriam, John G. S. White, Asa O. Butman and Ai Rowe, employes of the Health Department, be and they are hereby appointed Sanitary Inspectors for said department, and they are respectively hereby authorized to enter upon and into any premises which require inspection upon instructions so to do from the Superintendent of Health or his assistant; but their object in so doing must be first stated to the occupants, and all unnecessary annoyance to them carefully avoided.

Ordered, That the Superintendents of Faneuil-Hall Market and of Health, and their respective deputies, be directed to prosecute any person who sells within the limits of said market or at any other place in this city any diseased, corrupted or unwholesome meat, in violation of the 166th chapter of the General Statutes, or of chapter 253 of the statutes of 1866.

Ordered, That the Superintendent of Faneuil-Hall Market or his deputy be directed to seize and destroy any tainted, diseased or unwholesome meat, or the meat of any calf killed when less than four weeks old, which may be exposed for sale within the limits of Faneuil-Hall Market.

Ordered, That the Superintendent of Health or his deputy be directed to seize and destroy any

such tainted or unwholesome meat or calves described in the foregoing order, which may be exposed for sale at the Blackstone, Suffolk, or other market houses or places within the city.

Ordered, That the Chief of Police be directed to lend such assistance from his department as may be required to aid the Superintendent of Faneuil-Hall Market or the Superintendent of Health or their respective deputies in the execution of the foregoing orders.

Report and order to establish the salaries of the Fire Department in this city.

The original report, making the salaries the same as last year, amended on recommendation of the committee, as follows:

Section 7—The salaries of members of companies located in Ward 16, and not permanently employed, shall be at the following rates, viz:

Foremen (of the hose) of engines, and of hook and ladder companies, two hundred and fifty dollars per annum.

Hosemen, and hook and ladder men, two hundred and twenty-five dollars per annum.

#### PAPERS FROM THE COMMON COUNCIL.

The petitions of the Boston & Albany Railroad Company, Massachusetts Charitable Mechanic Association, R. D. Goodwin, B. J. Remick, Dennis Bonner, and of Henry W. Paine, assignee of Charles Burrill, were severally referred, in concurrence.

The resignation of Joel Richards, Sam'l T. Snow, and James Guild as Trustees of the City Hospital were accepted and referred to Committee on City Hospital, in concurrence.

The order for Committee on Public Buildings to consider the question of a new location for house of Hose Carriage No. 5 was concurred in.

#### DIRECTOR FOR PUBLIC INSTITUTIONS.

The certificate of election of Samuel Talbot, Jr., as a Director for Public Institutions, in place of Sylvanus A. Denio, chosen by this Board, came up, when the Board proceeded to an election, as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Sylvanus A. Denio .....	6
Samuel Talbot, Jr. ....	4
Harrison Loring.....	2

The second ballot resulted as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Sylvanus A. Denio.....	7
Samuel Talbot, Jr.....	4
Harrison Loring.....	1

Mr. Denio was again declared to be elected, in non-concurrence.

#### SECOND ASSISTANT ASSESSORS.

The election of Charles H. Boardman, Jeremiah Sullivan, Edward W. Dolan and Aaron D. Capen, as Second Assistant Assessors, instead of M. F. Wells, John H. Giblin, John D. Carty and Oliver Hall, chosen by this Board, came up for concurrence, when the Board proceeded to an election. The result of the ballotings was as follows:

Whole number of votes.....	12
Necessary for a choice.....	7

#### Ward 3—District 5.

Michael F. Wells.....	8
Charles H. Boardman.....	2
H. N. Holbrook.....	1

#### Ward 7—Districts 11 and 12.

John H. Giblin.....	7
Jeremiah Sullivan.....	5

#### Ward 13—District 19.

Edward W. Dolan.....	7
John D. Carty.....	5

#### Ward 16—Districts 24, 25, 26.

Oliver Hall.....	9
Aaron D. Capen.....	3

Messrs. Wells, Giblin and Hall were again declared to be elected, in non-concurrence, and Mr. Dolan in concurrence.

#### ORDERS

recommended in the report on the Auditor's estimates for 1872-73, viz.:

1. An order relating to the specific appropriations for the financial year 1872-73, amended by increasing the appropriation for East Boston ferries to \$240,000, and by increasing the appropriation for police to \$670,000, and providing that the pay of the Captains shall be \$1500 each per annum, of the Lieutenants \$1400 each per annum, of the Sergeants \$1300 each per annum, and of the Patrolmen \$1200 each per annum.

2. The order laying a specific tax to defray the expenses of the City of Boston and County of Suffolk, for the financial year 1872-73; also to pay the



State Tax. (Printed City Doc. No. 38, 1872.) Amended by adding \$92,700 to the amount therein printed, making the total tax \$7,759,842.

The question being upon concurring with the Council in the first amendment in relation to the East Boston ferries,

Alderman Woolley said it would be wholly unnecessary to make an explanation of the amendment, it having been so fully talked over among members of the Board during the past week. There was an actual necessity to pass the amendment to keep the ferries in running order. It was well known to the Directors that the north ferry was in a dilapidated condition, and in the making of repairs it would require the stopping of the travel four weeks.

The south ferry would be found almost impossible to do the entire business, and the needed repairs could not be made on the north ferry unless the travel was stopped. It was the opinion of the Board of Directors that additional drops and slips should be constructed, for as the horse cars pass over this ferry, to stop the travel would seriously discommode the people. The Board of Directors having the best interests of the city at heart, and knowing best what was required, and the Committee on Ferries having adopted their recommendations, he hoped the Board would concur in the amendment.

The amendment was concurred in.

The amendment to the order relating to the pay of police being under consideration,

Alderman Cutter said he hoped the Board would not concur. He did not believe in subjecting the taxpayers to more expense than necessary, and therefore moved that the Board non-concur.

Alderman Jenks said he hoped the Board would concur, for the same reason given by the Alderman, because a large number of the heaviest taxpayers had petitioned for increase of pay of the police.

Alderman Clark said the Board had declared three times that the pay of the police was sufficient, eight members of the Board declaring that the pay was as much as the police were entitled to. He did not wish to come in conflict with the Council, but believed that branch should recede from its action. This Board had concurred with them in the East Boston Ferry appropriation, because there was a real necessity for such expenditure. After having time and again expressed their convictions on the subject, he hoped the Board would non-concur in this item.

The question was stated to be on concurring, and was lost, by a vote of 3 to 9, as follows:

Yeas—Jenks, Rieker, Stackpole.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Power, Sayward, Squires, Woolley.

The order making the specific appropriations was amended to conform to the change, and the order to lay a tax was made also to conform to the amendment, the total sum being \$7,698,042.

WATER LOAN.

The following communication was laid before the Board:

APRIL 8, 1872.

To the City Council—In compliance with a vote of the Board of Commissioners on the Sinking Funds for the redemption of the debt of this city, adopted this day, I respectfully request the City Council to pass an order authorizing the renewal of the Water Loan of \$400,000, becoming due October 1, 1872, in accordance with the provisions of the ordinance in addition to the ordinance on finance of Dec. 24, 1870, pertaining to Water Loans.

WILLIAM GASTON,  
Chairman.

Referred to the Committee on Finance.

COMMUNICATION FROM THE COCHITUATE WATER BOARD.

The following communication was laid before the Board:

OFFICE OF THE COCHITUATE WATER BOARD, }  
BOSTON, April 8, 1872. }

To the City Council of the City of Boston—The Legislature of Massachusetts has this day granted to the city of Boston the right to connect Sudbury River and Farm Pond with Lake Cochituate; a copy of the act is sent herewith.

This Board consider it of the utmost importance that the connection be made with the least possible delay, and respectfully ask that a special appropriation of \$100,000 be made to enable the work to proceed. As soon as surveys and estimates are completed, they will be laid before you for further action.

Yours, etc.,

CHARLES H. ALLEN,  
President Cochituate Water Board.

Read, and thereupon, on motion of Alderman Cutter,

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$100,000, to be expended under the direction of the Cochituate Water Board, in connecting Sudbury River and Farm Pond with Lake Cochituate, as provided by an act of the Legislature, entitled "An act to authorize an additional supply of pure water," approved the 8th day of April, 1872.

Alderman Cutter stated that it was desirable to make the connection between the lake and the new sources of supply in season to get the advantage of the spring rains, for the filling of the lake.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Hook & Charter, for leave to exhibit a panorama at Sumner Hall, East Boston, one week; Robert Vose, Jr., as an auctioneer; also licenses to sundry persons as victuallers and innholders; as pawn-brokers and dealers in second-hand articles; for a hack stand and wagon license, and for transfer of a wagon license; and leave to withdraw on petition of Frank McKay for a hack stand in Newbury street. Severally accepted.

Alderman Fairbanks, from the same committee, reported on the petition of Arthur Chambers for leave to give a variety entertainment in Watson's Hall, Haverhill street, that the within application for the "use of Watson's Hall" for a variety entertainment, has been placed in their hands; but inasmuch as the city has no control of Watson's Hall and cannot therefore let it, and as the application is not signed by any petitioner; no further action is required on this paper. Accepted.

Alderman Sayward, from the Committee on Health, reported in favor of petition of C. D. McIntyre to build a stable for two horses at 186 Bennington street. Accepted.

Alderman Stackpole, from the Committee on Steam Engines, etc., reported in favor of the petition of Andrew Marshall to erect and use a steam engine of seven-horse power in a building owned by him on a court or place unnamed, leading from Heath street, Ward 15. Accepted.

Alderman Woolley, from the Joint Standing Committee on Fire Department, to whom was referred the petition of Chauncy Page and others for a horse hose carriage to be located on First street, between E and F streets, made a report recommending that the petitioners have leave to withdraw. Accepted.

Alderman Woolley, from the same committee, to whom was referred the order of the City Council of February 12, for the location of a horse hose carriage in the house of Engine No. 9, at East Boston, after having carefully considered the wants of this section of the city, are unanimously of opinion that the order ought to pass.

The report was accepted, and the order was passed as follows:

Ordered, That the Chief Engineer of the Fire Department, under the direction of the joint committee on that department, furnish and equip a horse hose carriage for Ward 1, and locate the same in Engine House No. 9, at an expense not to exceed \$1500; the same to be charged to the appropriation for Fire Department.

Alderman Woolley, from the same committee, to whom was referred the subject of provision for the further protection from fire in Ward 12, near the City Point, made a report, with an order, that the Committee on Public Buildings be authorized to purchase a lot of land and procure plans and estimates for a hose house, with the approval of the Chief Engineer of the Fire Department and of the Committee on Fire Department, at an estimated cost not exceeding \$20,000.

Read once and laid over.

TRUSTEES OF THE PUBLIC LIBRARY.

Alderman Woolley, from the joint special committee to nominate candidates for Trustees of the Public Library, made a report recommending the election of William W. Greenough and George S. Hillard as Trustees at large for three years from the 1st of May next. The report was accepted, and the Board proceeded to an election as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
William W. Greenough.....	10
George S. Hillard.....	12
Benjamin Dean.....	2

Messrs. Greenough and Hillard were declared to be elected.



## COCHITUATE WATER BOARD.

The election of two members of the Cochituate Water Board was taken up, when the Board proceeded to a ballot, resulting as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
George B. Faunce.....	8
Edward A. White.....	8
John A. Haven.....	6
Samuel Talbot, Jr.....	1
Lucius Slade.....	1

Messrs. Faunce and White were declared to be elected.

## ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That Commercial Point Bridge be closed to public travel from this date until the repairs on said bridge are completed.

Ordered, That the Committee on Bridges be authorized to expend a sum not exceeding \$1200 in repairing the draw of the Albany-street Bridge; said sum to be charged to the Appropriation for Bridges.

Ordered, That there be paid to Charles B. Emerson the sum of \$50, in full compensation for all damages caused to his estate, No. 764 Shawmut avenue, by the raising of the grade of Circuit street, as ordered by the Board of Aldermen, September 26, 1871, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to Jeremiah Boyle the sum of \$300, in full compensation for all damages caused to his estate, on Old Harbor street, by the raising of the grade of said street, by order of March 26, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That the Superintendent of Streets be directed to reduce the width of the sidewalk in front of the Public Garden on Charles street to seventeen feet, and to pave said Charles street, between Beacon and Boylston streets, with small granite blocks, at an estimated cost of \$36,000.

Ordered, That the Superintendent of Streets be directed to pave Clyde street with small granite blocks, at an estimated cost of \$6000.

Ordered, That permission be given to G. H. Moseley & Co. to lay down an iron pipe in Albany street, from the City Hospital wharf to Chester park, for the purpose of supplying their water tanks with salt water, upon condition that said parties shall first give to the city an agreement in writing satisfactory to the City Solicitor, saving the city harmless for all damages, costs and expenses which may be caused to persons or property by the laying and maintenance of said pipes in said Albany street.

On motion of Alderman Clark,

Ordered, That there be paid to Joshua P. Preston the sum of \$500, for land taken and all damages occasioned by the widening of Washington street, at the corner of Lucas street, by a resolve of June 26, 1867, upon the usual conditions; to be charged to the appropriation for Unliquidated Street Claims.

On motion of Alderman Squires,

Ordered, That the Committee on Public Buildings be authorized to furnish additional accommodations for ward meetings in Ward 8; the expense to be charged to the appropriation for Public Buildings.

On motion of Alderman Sayward,

Ordered, That the Superintendent of Health be directed to notify William Cain, Patrick Malloy, Mrs. Jane Maguire, Mrs. Mary Casey, Michael Collins, Jeremiah Sullivan and John Long to remove from and quit premises No. 56 Third street within ten days from the abate of this order, and in the event of said parties so refusing, the Superintendent is authorized to forcibly eject them. Said premises after having been vacated are not again to be occupied without the authority of this Board, or some person by them authorized.

Ordered, That the Superintendent of Health be directed to notify Frank Lamb and Patrick Gately to remove from and quit premises rear of No. 80 Norfolk avenue within ten days from the date of this order, and in the event of said parties so refusing, the Superintendent is authorized to forcibly eject them. Said premises, after having been vacated, are not again to be occupied without the authority of this Board or some person by them authorized.

On a motion of Alderman Woolley,

Ordered, That the armory of Company A, Ninth Regiment, M. V. M., in the building numbered 144 Hanover street, at the corner of Union street, be and the same is hereby approved as a suitable place for the deposit of arms and equipments.

Ordered, That there be allowed and paid to Company A., 9th Regiment, M. V. M., the sum of \$400 per annum, for rent of armory in the building numbered 144 Hanover street, corner of Union street, beginning on the 1st day of April, 1872, and continuing during the occupation of said armory; said sum to be charged to the appropriation for Armories.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$200 in repairing and putting in proper order for temporary use the armory of Company A, Ninth Regiment, M. V. M., at No. 144 Hanover street; said sum to be charged to the appropriation for Armories.

Ordered, That the armory of Company I, Ninth Regiment, M. V. M., in the building numbered 40 Essex street, be and the same is hereby approved as a suitable place for the deposit of arms and equipments.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$300 in repairing and refitting the armory occupied by Company I, Ninth Regiment, M. V. M., at No. 40 Essex street; said sum to be charged to the appropriation for Armories.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$250 in repairing the armory occupied by Company K, Ninth Regiment, M. V. M., on Broadway, South Boston; said sum to be charged to the appropriation for Armories.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$400 in repairing the armory occupied by Company F, Ninth Regiment, M. V. M., at No. 66 Federal street; said sum to be charged to the appropriation for Armories.

On motion of Alderman Fairbanks,

Ordered, That leave be granted to Samuel G. Baldry of South Boston to take and destroy, for scientific purposes only, within the limits of this city, such undomesticated birds and eggs as he may desire, as provided in chapter 246 of the acts of 1869.

Ordered, That leave be granted to Arthur W. Willard of Roxbury to take and destroy, for scientific purposes only, within the limits of this city, such undomesticated birds and eggs as he may desire, as provided in chapter 246 of the acts of 1869.

## RECONSIDERATIONS.

Alderman Power moved to reconsider the vote whereby liberty was granted to Calvin Torrey to cut down two trees in sidewalk of 516 Broadway.

It was stated in explanation that there would be no necessity for cutting down the trees, as the removal of a building could be accomplished without such an act.

The reconsideration was carried.

Alderman Clark moved to reconsider the vote whereby an order was passed for removal of bay windows on house of J. W. Merriam, on Oak street.

The reconsideration was carried, and the order was laid on the table, Alderman Clark stating that he hoped the members of the Board would take the opportunity of looking at said windows.

## COMMERCE STREET.

On motion of Alderman Jenks, the report and order in favor of extension of Commerce street, with a loan of \$82,000 (City Doc. No. 29), were taken from the table.

Alderman Jenks said he hoped the Board would not concur in the passage of the order, for the owners of property had not met the city with that liberality in regard to betterments which had been shown in other cases.

The order was rejected, by a vote of one yeas—Alderman Woolley—to eleven nays.

## ORDER OF NOTICE.

On the proposed construction of a sewer through private land, between Shirley and Cottage streets, and from Dudley street, across Norfolk avenue, to tide water. Hearing Monday next, April 15, 4 P. M.

## ORDER READ ONCE.

On motion of Alderman Cutter, an order was read once, to pay Daniel Haggerty \$350, for grade damages on Dorchester avenue, near Glover's Corner.

Adjourned.











## CITY OF BOSTON.

## Proceedings of the Common Council,

APRIL 11, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly reports of the Superintendent of Health and of the Port Physician, the monthly report of the City Hospital and exhibit of the Auditor, also thanks of the City Council of Charlestown, were ordered to be placed on file.

The petitions of the Boston Forge Company, Aaron Cooley and wife, and of Calvin Swallow were severally referred, in concurrence.

The nomination by the City Messenger of Foster M. Spurr to be Assistant Messenger was confirmed in concurrence.

The reference to the Committee on Finance of a communication from the Commissioners of the Sinking Fund, requesting that an order be passed authorizing the renewal of the Water Loan of 400,000 pounds sterling, was concurred in.

A communication from Nathaniel J. Bradlee, resigning as a member of the Water Board, to take effect on the first Monday in May next, was referred to the Committee on Nomination of said Board, in concurrence.

The report (leave to withdraw) on petition of Chauncy Page and others for a horse hose carriage to be located on First street, South Boston, was accepted, in concurrence.

The order authorizing additional accommodations to be furnished for ward meetings in Ward 8 was read once.

## DIRECTOR FOR PUBLIC INSTITUTIONS.

The certificate of the election of Sylvanus A. Denio as a Director for Public Institutions, in place of Samuel Talbot, Jr., chosen by this Council, was read, when the Council proceeded to an election. Messrs. Brooks of Ward 1, Burditt of Ward 16, and Fitzgerald of Ward 7 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	49
Necessary to a choice.....	25
Sylvanus A. Denio .....	27
Samuel Talbot, Jr. ....	21
George E. Learnard.....	1

Mr. Denio was declared to be elected, in concurrence.

The report in favor of the order of February 12, for the location of a horse hose carriage in the house of Engine No. 3, at East Boston, was accepted, and the order was passed, in concurrence, as follows:

Order for the furnishing and equipment of said horse hose carriage at not exceeding \$1500.

The following orders were severally passed, in concurrence:

Order authorizing a loan to be made of \$160,000, to be expended in connecting Sudbury River and Farm Pond with Lake Cochituate, as provided by the act of the Legislature upon the subject. Said order was accompanied with a request from the President of the Cochituate Water Board asking for said loan, that the work be may proceeded with without delay.

Order to pay Co. A, Ninth Regiment M. V. M., \$400 per annum, for rent of armory, 144 Hanover street, beginning on the 1st inst.

Order to expend in repairing and fitting up the armory of said company for temporary use, not exceeding \$200.

Order to pay Co. I, Ninth Regiment, \$600 per annum, for rent of armory, 40 Essex street, beginning on the 1st inst.

Order to expend in repairing and refitting the armory of said company not exceeding \$300.

Order to expend in repairing the armory of Co. F, Ninth Regiment, at 66 Dorchester avenue, not exceeding \$400.

Order to expend not exceeding \$250, in repairing the armory of Co. K, Ninth Regiment, on Broadway, South Boston.

## TRUSTEES OF PUBLIC LIBRARY.

The report nominating William W. Greenough and George S. Hillard as Trustees at large of the

Public Library for three years from the first of May next, was accepted, in concurrence, and the Council proceeded to an election, under suspension of the rules. Messrs. Perkins of Ward 6, Wilbur of Ward 9, and Anderson of Ward 3 were appointed a committee to receive and count the votes, resulting as follows:

Whole number of votes.....	56
Necessary to a choice.....	29
William W. Greenough.....	52
George S. Hillard.....	51
Joseph H. Barnes.....	8
C. B. Perkins.....	1

Messrs. Greenough and Hillard were declared to be elected, in concurrence.

## MEMBERS OF THE WATER BOARD.

The certificate of the election of Edward A. White and George B. Faunce as members of the Water Board, at large, was read, and the Council proceeded to an election. Messrs. Salmon of Ward 3, Loring of Ward 5, and Gragg of Ward 14 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	58
Necessary to a choice.....	30
George B. Faunce.....	32
John A. Haven.....	49
Edward A. White.....	43
L. Foster Morse.....	1

Mr. White was declared to be elected in concurrence, and Mr. Haven in non-concurrence.

## SECOND ASSISTANT ASSESSORS.

The certificate of election of Michael F. Wells, John H. Giblin and Oliver Hall, as Second Assistant Assessors, in place of Messrs. Boardman, Sullivan and Capen, elected by this Council, was read, and the Council proceeded to an election. Messrs. Hersey of Ward 12, Faxon of Ward 14, and Shepard of Ward 4 were appointed a committee to receive and count the votes, resulting as follows:

Whole number of votes for Assessor in Ward 3, 59; in Ward 7, 53; in Ward 16; 60, making the numbers necessary to a choice 31, 27 and 31 respectively.

## Ward 3—District 5.

Charles H. Boardman.....	33
Michael F. Wells.....	25
H. N. Holbrook.....	1

## Ward 7—Districts 11 and 12.

Jeremiah Sullivan.....	35
John H. Giblin.....	18

## Ward 16—Districts 24, 25, 26.

Aaron D. Capen.....	24
Oliver Hall.....	36

Mr. Hall was declared to be elected in concurrence, and Messrs. Boardman and Sullivan in non-concurrence.

The report from the Committee on Salaries on the order establishing the salaries of the members of the Fire Department, that the salaries of the members in Ward 16 be increased \$75 each per annum, was accepted, and the order was passed establishing the salaries of the members of said department.

The non-concurrence in the amendment to the item concerning the "Police" in the "order relating to the specific appropriations for the financial year 1872-73," (City Doc. No. 38,) coming up, Mr. Bradt of Ward 14 moved that the Council insist upon its amendment.

Mr. Brooks of Ward 1 moved to amend by adding "and ask for a committee of conference."

The amendment was lost, by a vote of 22 to 28; when the motion to insist was carried, by a vote of 41 yeas to 17 nays, as follows:

Yeas—Adams, Anderson, Blackmar, Bradt, Brooks, Burt, Clatur, Collins, Cunningham, Dacey, Davenport, Devine, Doherty, Dowd, Faxon, Fitzgerald, Flanders, Flynn, Gragg, Hart, Heath, Kingsley, Lamb, Locke, Martin, McNutt, Moulton, Mullane, Noyes, Page, Pease, Prescott, Risteen, Robbins, Robertson, Salmon, Smith, Thacher, Walker, Whiston, Wright.

Nays—Bicknell, Brennan, Burditt, Caton, Darrow, Emery, Hersey, Holmes, Loring, Perkins, Pickering, Robinson, Shepard, Webster, West, Weston, Wilbur.

The amendment to the "order laying a specific tax to defray the expenses of the city of Boston and the county of Suffolk for the financial year 1872-73, also to pay the State tax," making the sum \$7,698,042, instead of that fixed by this Council, was next considered.

Mr. Flynn of Ward 7 moved that the Council insist upon its amendment to the order, and the motion was carried without a count.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:



Order to pay Ann D. Rhodes, for estate 27 Indiana place, taken by the city, a further sum of three hundred and fourteen dollars.

Order authorizing that the necessary furniture, repairs and cleaning be provided for the City Hall, police stations and other public buildings.

Order authorizing Institute Hall, Boston Highlands, to be hired for a wardroom for Ward 14.

RESPECT TO THE MEMORY OF THE LATE PROFESSOR MORSE.

The following communication and resolutions were laid before the Council:

EXECUTIVE DEPARTMENT, CITY HALL, }  
BOSTON, April 10, 1872. }

To the City Council—I have received a letter from A. S. Solomons, inclosing a copy of a resolution passed by the National Telegraph Memorial Monument Association in honor of the memory of the late Samuel F. B. Morse, which letter and resolution I transmit herewith, and I respectfully invite your attention to the same.

WILLIAM GASTON, Mayor.

NATIONAL TELEGRAPH MEMORIAL }  
MONUMENT ASSOCIATION, }  
WASHINGTON, D. C., April 5, 1872. }

To the Mayor of the City of Boston: Sir—I have the honor to transmit herewith a resolution adopted by this association, inviting the cooperation of the friends and admirers of the late Professor Samuel F. B. Morse throughout the country, in holding meetings on Tuesday evening, the 16th inst., simultaneously with a great National Memorial Meeting to be held in the House of Representatives at the national capital.

On behalf of the association, I respectfully and earnestly request you to take appropriate measures, at the earliest moment possible, for holding such a meeting in your city at the time named. The telegraph wires will be freely open on the occasion for an exchange of sentiments between the several meetings and the one held here. The favor of an early reply is requested.

Very respectfully yours,

A. S. SOLOMONS,

Chairman of Committee of Arrangements.

#### RESOLUTION.

Whereas, The United States House of Representatives has placed its hall at the disposal of the National Telegraph Memorial Monument Association, for the purpose of holding a memorial meeting in honor of the late Samuel F. B. Morse, on Tuesday, April 16, and prominent members of both houses of Congress and other distinguished speakers have consented to address the meeting;

And whereas, The telegraph has been freely placed at the disposal of the association for that evening, to secure an exchange of sentiments with the meetings held in all portions of the country:

Be it Resolved, That the municipal authorities of the cities of the United States are hereby invited to call meetings of similar character in their several localities on the same evening, in order that the meetings may be in telegraphic communication, and thus a simultaneous expression be given to the national grief on the occasion of this irreparable loss.

H. AMIDON, Secretary.

The communications and resolution were ordered to be sent up.

On motion of Mr. Hersey of Ward 12, the following order was passed:

Ordered, That his Honor the Mayor be requested to call a meeting of the citizens of Boston in Faneuil Hall on Tuesday evening next, the 16th instant, for the purpose of giving expression to the feelings of this community on the great loss sustained by the nation in the death of Samuel F. B. Morse.

#### REQUESTS FROM THE SCHOOL COMMITTEE.

Ordered, That the City Council be requested to remodel the upper story of the Gibson Schoolhouse, Dorchester District, so that it shall contain two or more rooms.

Ordered, That the City Council be requested to prepare a room for school purposes in the basement of the Eliot Schoolhouse.

Referred to the Committee on Public Instruction.

#### PETITIONS PRESENTED AND REFERRED.

Simpson Clark Bixby, for an acknowledgment by the city of performance of conditions of sale of

land on Broadway. Referred to the Committee on Public Lands.

Mary Ann Andrews, to be compensated for personal injuries caused by an obstruction in Boston street, Ward 16.

Napoleon B. Whittier, to be paid for injuries done him by a fall on Fourth street, near Doverstreet Bridge, on account of an alleged defect in the highway.

Severally referred to the Committee on Claims.

Emanuel Nathans, for leave to construct a two-story addition to a building on Ward street. Referred to Committee on Survey and Inspection of Buildings.

Shepard & Chester and others, with reference to improvement of wharf property on the Roxbury Canal. Referred to Committee on Harbor.

Thomas Shehan and others, that Moore street, Ward 1, may be graded and put in order for public travel. Ordered to be sent up.

#### REPORTS OF COMMITTEES.

Mr. Shepard of Ward 4, from the Joint Standing Committee on the City Hospital, to whom were referred the resignations of Joel Richards, S. T. Snow and James Guild, members of the Board of Trustees of the City Hospital, made a report recommending that the resignations be accepted.

The report was accepted.

Mr. Robbins of Ward 8, from the Committee on Public Institutions, to whom was referred the request of the Board of Directors for an appropriation of ten thousand dollars for a bakery at Deer Island, made a report recommending the passage of the accompanying order:

Ordered, That the Board of Directors for Public Institutions be authorized to erect a suitable building for a bakery at Deer Island, at an expense not exceeding \$10,000; said sum to be transferred for that purpose from the appropriation for the House of Correction for the financial year 1871-72.

The report was read, and the order was passed.

Mr. Caton of Ward 11, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of R. D. Goodwin for leave to erect a wooden building with an L exceeding the size allowed by law, made a report recommending the passage of the following order:

Ordered, That R. D. Goodwin be authorized to erect a wooden building on Townsend and Warren streets, with an L thirty-one feet long and twenty-five feet wide.

The report was read, and the order was passed.

Mr. Caton, from the same committee, to whom was referred the petition of the Boston & Albany Railroad Company for leave to extend their freight house No. 7, made a report recommending the passage of the following order:

Ordered, That the Boston & Albany Railroad Company be authorized to build an extension to their freight house on their wharf near Marginal street, Ward 1; said extension to measure 283 by 47 feet in area and 15 feet in height, to have a non-combustible roof, the sides and ends to be covered with corrugated iron, to be separated from the adjoining building by a brick wall eighteen inches thick, with two openings therein, protected by iron doors.

The report was read, and the order was passed.

#### OPENING OF THE PUBLIC LIBRARY ON SUNDAYS.

Mr. Bradt of Ward 14 stated that two months ago he offered an order upon the expediency of opening the Public Library on Sundays, and he would like to know of the committee whether they were ready to report on the subject.

Mr. Blackmar of Ward 11 replied that the committee were seldom called together, and he did not know that any action had been taken in relation to the order.

Mr. Burditt of Ward 16, of the committee, stated that the committee had not been called together since he had been a member of it.

Mr. Fitzgerald of Ward 7 said he was a member of the committee, and he proposed that they should do something, and for that purpose he offered an order, as follows:

Ordered, That the Committee on the Public Library be requested to report in two weeks on the several petitions referred to them in regard to opening the Public Library on Sundays.

The order was read twice and passed.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
APRIL 13, 1872.

A special meeting of the Board of Aldermen was held at noon today, Alderman Little, the Chairman, presiding.

## JURORS DRAWN.

Fifty jurors were drawn to serve in the Supreme Judicial Court.

## PAPER FROM THE COMMON COUNCIL.

The following order of the Common Council was passed in concurrence:

Ordered, That his honor the Mayor be requested to call a meeting of the citizens of Boston in Faneuil Hall, on Tuesday evening next, the 16th inst., for the purpose of giving expression to the feelings of this community on the great loss sustained by the nation in the death of Samuel F. B. Morse.

## THE TREADWELL BEQUEST.

The following message was received from the Mayor:

EXECUTIVE DEPARTMENT, CITY HALL, {  
BOSTON, April 12, 1872. }

To the City Council—I transmit herewith a letter received by me from William W. Greenough, President of the Board of Trustees of the Public Library of the city of Boston, inclosing a copy of the will of the late Professor Treadwell of Cambridge, and also a letter to Mr. Greenough from John Noble, one of the executors of the will.

It will appear from the papers herewith transmitted, that Professor Treadwell has made a generous gift to the Trustees of the Public Library of the city of Boston.

I respectfully recommend the City Council to accept the legacy and to express in some appropriate manner their appreciation of its value, and their high respect for the character and memory of the donor.

WM. GASTON, Mayor.

The letter from Mr. Greenough, alluded to in the message, was also read. It is as follows:

Hon. W. Gaston, Mayor—I have the honor to inclose, for the consideration of the City Council, a letter from John Noble, one of the executors of the will of the late Professor Daniel Treadwell of Cambridge, communicating to the Trustees of the Public Library information of the bequest contained in the will, a copy of which is also inclosed.

By this generous provision of Professor Treadwell, upon the demise of his widow, the city of Boston will receive for the benefit of the Public Library one-fifth portion of the remainder of his estate.

Having devoted a long life to the successful application of science to the useful arts, he provides after his decease for such appropriation of his property to several literary institutions as shall make it valuable in the future to a very large variety of interests and occupations.

Very respectfully yours,

W. W. GREENOUGH,

Pres't Trustees Public Library.

Public Library, April 11, 1872.

BOSTON, April 2, 1872. }

32 Pemberton square. }

W. W. Greenough, Esq., President Board of Trustees of Public Library of City of Boston: Dear Sir—In behalf of the executors of the will of the late Professor Daniel Treadwell of Cambridge, I write to inform you that he has made the Public Library of the city of Boston one of his residuary legatees.

By his will, which has today been proved and allowed, he has left the residue of his estate, after payment of debts, legacies, etc., in trust to his executors, to hold during the life of Mrs. Treadwell, for her benefit. And after her decease to divide the residue then remaining in the hands of the Trustees, as therein provided, and convey one-fifth part thereof to the Trustees of the Public Library of the city of Boston.

I inclose herewith a copy of the will and codicil for your use, by which you will find the provision more fully set forth and explained.

I am, very respectfully,

Your obedient servant,

JOHN NOBLE.

Referred to the Committee on the Public Library.  
Adjourned.











## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

APRIL 15, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Six traverse jurors were drawn for the Superior Court, second session.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—Charles A. Bodge, for Franklin street and vicinity; Josiah F. Williams, for Upham's Corner and vicinity; George Dodge, for Four Corners and vicinity; Richard K. Vaughn, for Bird-street Station on Hartford & Erie Railroad; Charles H. Wright, for Marlborough street and vicinity; William S. Capron, for Sixth and Ontario streets; John Hobbs and John D. Carley, for Boston & Lowell Railroad passenger stations; J. Stanley Underwood, pound keeper at East Boston.

## PETITIONS PRESENTED AND REFERRED.

James Fitten, Thomas Sheen and others, that Moore street be graded.

Edward Davenport, to be compensated for damages caused by surface water on Melville avenue.

William M. Rumery and others, that Berkeley street, from Tremont street to the Providence Railroad Bridge, be paved with granite blocks.

J. W. McElroy and others, that Warren street be graded from Cabot to Tremont street.

Mary E. Browning, to be paid for damages caused by change of grade in Highland avenue.

Frank M. Blodgett, for grade damages on Newland street.

Samuel B. Pierce and others, for the grade of Bellevue and Glendale streets.

Joseph Ballard, that the numbers of houses Nos. 614, 616 Washington street may be properly located.

Severally referred to the Committee on Paving, the last-named with full powers.

Christopher McCarthy, for a stable for one horse at No. 54 Hampden street.

Cyrus A. Smith, for leave to erect a wooden stable for three horses on Albion street, Ward 16.

Thomas L. Farnham, for leave to erect a stable on Harvard street, Ward 16, for two horses.

Ivory Harmon, for leave to enlarge his stable on Perrin street for three more horses.

Esther W. Smith, for leave to erect a stable for three horses on Beach street, Ward 16.

Daniel W. Burns, for leave to erect a wooden stable for two horses at No. 32 Mount Pleasant avenue.

Warren Veazie, for leave to build a wooden stable for one horse on Dorchester avenue, near Veinon street.

A. M. Milner, for leave to build a wooden stable for one horse at 291 Highland street.

Patriek E. Colbert and others, against the proposed erection of a stable by John Ryan on C and Tudor streets.

Severally referred to the Committee on Health.

George H. Davis and others, that suitable drainage be furnished to the Jubilee building on the Back Bay.

Home for Little Wanderers, that the drainage in North Margin street, in rear of that institution, may be improved.

E. M. McPherson and others, for a sewer in Trenton street, east of Putnam square.

Charles H. Jenkins and others, for a sewer in Jenkins street.

Severally referred to the Committee on Sewers.

William H. Adams, for alteration of agreement respecting the purchase of land on Newton street and Harrison avenue.

Referred to Committee on Public Lands.

Philip English, to be paid for injuries done to his horse by an alleged defect in Marion street.

Emma A. Benton, to be paid for personal injuries caused by an alleged defect in Fourth street.

Severally referred to the Committee on Claims.

L. Richardson and others, for the widening of the bridges connecting Winthrop and East Boston. Referred to the Committee on Bridges.

## COMMUNICATION IN RELATION TO INSANE PERSONS.

A communication was received from the Chief of Police asking that suitable provision be made for the temporary detention and accommodation of insane persons found by the police. By the police records it appears that insanity is largely on the increase in this city, the aggregate number of insane persons cared for by the police during the last ten years having increased from ninety-five for the year 1861, to two hundred and thirty-one for the year 1871, that being the number in custody during the last year. When it becomes necessary for an officer to take an insane person into custody, it is his duty to take that person to the station house, where a prison cell is the only place of detention.

If the person is furious, or liable to do himself injury, he must be immediately conveyed to the City Prison; and if harmless he must eventually be sent there. At the City Prison there are two cells with stuffed sides and wood floors where insane persons are placed and cared for with the best means the Superintendent has on hand. But these cells are damp, dark, poorly ventilated, and placed in close proximity to thirty-four other cells, where each night from thirty to one hundred and twenty other prisoners are confined, many of them under the influence of liquor. In view of these facts the Chief suggests whether in the interests of humanity a change is not needed in relation to the temporary detention of insane persons. Referred to the Committee on Police.

## QUARTERLY REPORT OF SUPERINTENDENT OF STREETS.

The quarterly report of the Superintendent of Streets, that there has been expended and charged to the appropriation for Paving during the quarter ending March 31, for grading and repairs of streets and materials for paving, and for removing and levelling snow and ice in the streets in the city proper, South and East Boston, Roxbury and Dorchester, and for grade damages, the sum of \$156,047 86. There were bills lodged with the City Treasurer during the same quarter for collection amounting to \$11,198 25. The amount paid into the treasury during the same period, and credited as paid by the Paving Department, was \$1849 27.

Ordered to be sent down.

## HEARING ON ORDERS OF NOTICE.

The hearings on order of notice on petition of D. W. Thayer for leave to locate and use a steam boiler and engine on Dover street, opposite Williams Market, also on the proposed construction of a sewer through private lands, between Shirley and Cottage streets, and from Dudley street across Norfolk avenue, to tide water, were severally taken up. No person appeared in either case, and the reports were recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Daniel Haggerty \$350, for grade damages on Dorchester avenue at Glover's Corner.

Report and order for Committee on Public Buildings to select a suitable site for a hose house at City Point, and for a loan of twenty thousand dollars to meet the expense, amended in relation to the expense, by providing as follows: "That the Auditor of Accounts be authorized to transfer from the unexpended balances of the present financial year 1871-72 the sum of twenty thousand dollars, to be applied to the purchase of a site for and the erection of a hose house in South Boston."

## PAPERS FROM THE COMMON COUNCIL.

The petition of Napoleon B. Whitter, Emmanuel Nathans, Simpson Clark Bixby, Mary Ann Andrews, and Shepard & Chester and others, were severally referred, in concurrence.

The requests of the School Committee—1. To remodel the upper story of the Gibson Schoolhouse; 2. For a schoolroom in the basement of the Eliot Schoolhouse—were referred to the Committee on Public Instruction, in concurrence.

The following reports were accepted, in concurrence:

Report accepting the resignation of Samuel T. Snow and others, as Trustees of the City Hospital.

Reports granting leave to R. D. Goodwin and to the Boston & Albany Railroad Company to erect wooden buildings beyond the prescribed limits.

The order for Committee on Public Library to report within two weeks on subject of opening the Library reading room on Sunday, being under consideration,



Alderman Jenks stated that the committee were sending for information abroad, on the subject, and it would be impossible for them to report in two weeks. He moved that the Board non-concur in the passage of the order, and it was rejected.

The following orders were passed, in concurrence.

Report and order for construction of a new bakery at Deer Island.

Order authorizing that the necessary furniture, repairs and cleaning be provided for the City Hall, police stations, and other public buildings.

Order authorizing Institute Hall, Boston Highlands, to be hired for a wardroom for Ward 14.

SECOND ASSISTANT ASSESSORS.

The certificate of election of Charles H. Boardman and Jeremiah Sullivan as Second Assistant Assessors, instead of Michael F. Wells and John H. Giblin, was read, when the Board proceeded to an election. The result was as follows:

Whole number of votes.....	11
Necessary to a choice.....	6
<i>Ward Three—District Six.</i>	
Michael F. Wells.....	8
Charles H. Boardman.....	2
H. N. Hoibrook.....	1

Mr. Wells was again declared to be elected, in non-concurrence.

*Ward Seven—Districts Eleven and Twelve.*

On the ballot for Second Assistant Assessor for Ward 7, Alderman Power stated that he was authorized to withdraw the name of John H. Giblin in favor of Jeremiah Sullivan. Mr. Sullivan was elected in concurrence by eleven votes, none for other persons.

MEMBER OF THE COCHITUATE WATER BOARD.

The certificate of the election of John A. Haven as a member of the Cochituate Water Board, in place of George B. Faunce, elected by this Board, was read, when the Board proceeded to an election.

Alderman Clark said he was authorized to withdraw the name of Mr. Faunce, who did not wish to run against a member of the present board.

The result was as follows:

Whole number of votes.....	10
Necessary to a choice.....	6
John A. Haven.....	9
George B. Faunce.....	1

Mr. Haven was declared to be elected, in concurrence.

Amendments to the Appropriation bill, as follows, were considered:

1. An order relating to the specific appropriations for the financial year 1872-3, amended by increasing the appropriation for Police to \$670,000, and providing that the pay of the Captains shall be \$1500 each per annum, of the Lieutenants \$1400 each per annum, of the Sergeants \$1300 each per annum, and of the Patrolmen \$1200 each per annum.

2. The order laying a specific tax to defray the expenses of the city of Boston and county of Suffolk, for the financial year 1872-3; also to pay the State tax. (Printed City Document No. 38, 1872.) Amended by adding \$61,800 to the amount therein fixed by this Board, making the total tax \$7,759,842.

Alderman Cutter moved that the Board non-concur with the Common Council.

Alderman Jenks hardly saw the propriety of going back to the Council for a committee of conference, which should be proposed in this branch.

Alderman Cutter replied that the Common Council had refused to send the matter to a conference committee.

Alderman Jenks stated that if the motion to insist was carried it would call for the committee.

Alderman Ricker moved that the question of concurrence be decided by a yea-and-nay vote, which was accepted.

The question was taken on concurrence, which was lost by a vote of 4 yeas to 8 nays, as follows:

Yeas—Jenks, Ricker, Stackpole, Woolley.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Power, Sayward, Squires.

REPORTS OF COMMITTEES.

Alderman Little, from the Committee on Finance, to whom was referred the communication of the Board of Sinking Fund Commissioners, for the renewal of the Water Loan of \$400,000, becoming due Oct. 1, 1872, made a report in favor of the passage of the accompanying order for the accomplishment of the object:

Ordered, That the Treasurer be and he hereby is authorized, under the direction of the Committee on Finance, to reissue the Sterling Water Loan of

\$400,000 becoming due October 1, 1872, in accordance with the provisions of the second section of an ordinance in addition to the ordinance in relation to Finance, of December 24, 1870.

The report was accepted, and the order was passed.

Alderman Jenks, from the Committee on Claims, to whom was referred the petition of Ira B. Orcutt, to be compensated for personal injuries caused by an alleged defect in School street, made a report recommending that the petitioner have leave to withdraw. Accepted.

Alderman Stackpole, from the Committee on Steam Engines, made a report in favor of leave to Dennison & Co. to locate and use a steam boiler and engine at No. 7 Federal street. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Charles H. Codman and others, to give a musical exhibition at Wood's Hall, April 16; B. S. Evans & Co. and Theodore Hallett, as auctioneers; also licenses to three bootblacks and fifteen newsboys, and to sundry persons as victuallers and innholders, dealers in second-hand articles, transfer of wagon licenses, for hack stands, etc. Severally accepted.

Alderman Sayward, from the Committee on Health, reported in favor of petitions for stables, as follows: Louise Hubbell to build a brick stable for two horses on Exeter street, south of Commonwealth avenue; William Fillmore to build a brick stable for three horses, on Fifth street near K street; M. E. Bowe to erect a brick stable for two horses at 21 Dorr street; H. H. Fitch to enlarge his stable at 80 Munroe street; M. Dyer to erect a wooden stable for three horses on Hancock street, (Ward 16); George W. Decatur to sprinkle certain streets in Roxbury; J. E. Adams & Co. to enlarge their stable on Swett street (Ward 13); G. H. Moseley & Co., Orsamus Nute, Philip Sowden, Jr., Moseley & Tuttle, Malachi Clark, Michael Gornley, Smith & Walker, P. W. Smith, Alderman Curtis and Benjamin Jones, severally to sprinkle certain streets in this city; R. J. Monks, executor, and others, to erect a stable in rear of store on C and Second streets. Severally accepted.

Alderman Sayward, from the same committee, reported leave to withdraw severally on petitions of John Connor to erect a stable on the west side of Harrison avenue, near Hunneman street; and of Benjamin Johnson, for leave to alter a house, No. 17 Trumbull street, into a stable for three horses. Severally accepted.

Alderman Cutter, from the Committee on Paving, to whom was referred the petition of the Winthrop Railroad Company, to be relieved from paving its proposed track on Saratoga and Chelsea streets, made a report that under the location granted to said company August 31, 1869, and accepted September 6, 1869, it was required to pave the space between the rails and three feet on each side thereof. By the General Horse Railroad act, passed by the Legislature of 1871, this company, as well as other horse railroad companies, has been relieved from paving the space outside of the tracks. The committee are of the opinion that having thus been relieved of six-tenths of the paving which said company agreed to perform when it accepted the location granted by the Board of Aldermen, it is inexpedient to grant them further relief. They therefore recommend that the petitioners have leave to withdraw. Accepted.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on the several petitions of Richard Best to be paid for Havre-street grade damages; of Charles E. Jackson to be paid for grade damages on Essex street, near Kingston street, and of Samuel Carter and others that the name of Northampton street, west of Columbus avenue, may be changed to Merriam street. Accepted.

Alderman Clark, from the Committee on Streets, to whom was referred the petition of James P. Thorndike and others for a revision of betterments on Kingston street, between Summer and Bedford streets, reported that the petitioners have leave to withdraw. Accepted.

Alderman Clark, from the Committee on Streets, to whom was referred the petition of George Ellis and others for the removal of certain projections beyond the line of Harrison avenue, after consultation with the City Solicitor upon the subject, reported the following order of notice, which was adopted:

Ordered, That due notice be given to William W. Story and Nahum S. Wyeth; to remove forthwith the erections placed by them, or either of them, on the land of said Story, on the westerly side of Har-



rison avenue, and now in the occupation of said Wyeth contrary to the terms of the agreement of the proprietors of land on Front street (now Harrison avenue) and in violation of the act of the Legislature passed June 18, 1804, by which such erections are declared a nuisance.

Alderman Woolley, from the Joint Standing Committee on Fire Department, to whom was referred the petition of George H. Vincent and others, that a horse hose carriage be located in Engine House No. 17, Ward 16, made a report that they have given the subject a careful consideration, and would respectfully recommend that the prayer of the petitioners be granted, as the wants of the department for additional hose has been sadly felt at the recent fire, and the same can be done at the expense of a driver only. Accepted.

Alderman Ricker, from the Joint Standing Committee on the Assessor's Department, to whom was referred the petition of Margaret Powers, as a part of the unfinished business of last year, for abatement of her tax for the year 1870, made a Report recommending that the petition be referred to the Board of Assessors. Accepted.

Alderman Jenks, from the Joint Standing Committee on the City Hospital, to whom was referred the order in relation to allowing access, under certain restrictions, to the records and files kept by the Trustees of the City Hospital, having considered the subject, submitted the following report:

The committee find that there is no statute or ordinance which requires the records of the Trustees of the City Hospital, or the records of any department under the City Government, to be open for public examination. Under the provisions of chapter 29 of the General Statutes, the records of the city which are required to be kept open for public inspection and examination are those of which the City Clerk has the custody.

It is proper that, under such restrictions as shall prevent them from being improperly used, the citizens should have an opportunity to examine the records and files of the Trustees of the City Hospital (the medical records being excepted), and also the records of all the other city institutions and boards of managers of city departments; and the committee would respectfully recommend that the subject be referred to a Committee on Ordinances, with instructions to draft an ordinance which shall apply generally to such department records, as it is desirable to permit the citizens to examine. Accepted.

Alderman Squires, from the joint special committee appointed to nominate Trustees of Mount Hope Cemetery, submitted two reports, one of which, signed by Aldermen Squires and Power, recommended the election of Solomon B. Stebbins and Charles Caverly, Jr.

The other report, signed by Messrs. Noyes and Marston of the Council, recommended the election of Charles Caverly, Jr., and Edmund B. Vannevar.

The reports were accepted, when the Board proceeded to an election, the result of which was as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Charles Caverly, Jr.....	11
Solomon B. Stebbins.....	8
Edmund B. Vannevar.....	4

Messrs. Caverly and Stebbins were declared to be elected.

On the report of the Superintendent of Health, that the premises on the southerly side of Commercial street, near Dorchester avenue, Ward 16, are in a state of nuisance, and unfit for human habitation by reason of stagnant water under the house,

On motion of Alderman Sayward, the following order was passed:

Ordered, That the Superintendent of Health be and he is hereby directed to notify Edward Holloran, John Murray, Hugh Brady, Cornelius Leary, Daniel Holloran, Fanny Brady, William H. Brady, Bartholomew Hurley, Daniel Hurley, Ellan Holloran, Patrick Gilligan and Michael Connors to remove and quit the premises situated on the southerly side of Commercial street, near Dorchester avenue, Ward 16, within ten days from this date; and in the event of said parties so refusing, the Superintendent is authorized to forcibly eject them. Said premises, after having been vacated, are not again to be occupied without the authority of the Board or some person by them authorized.

#### ORDERS PASSED.

On motion of Alderman Sayward,  
Ordered, That the Superintendent of Public Grounds be authorized to remove the trees which obstruct public travel in front of the new police station house, Mount Pleasant avenue; the expense attending the same to be charged to the appropriation for building the station house.

On motion of Alderman Squires,  
Ordered, That the Inspector of Buildings, or his assistants, be instructed to issue no permit for any building within the limits of this city which contemplates the construction of any portico, porch, door, window or step to such building beyond the lines of any accepted street, in violation of section twenty-seven of the ordinance in relation to streets.

On motion of Alderman Clark,  
Ordered, That there be paid to Thomas Howe the sum of \$500, for land taken and all damages occasioned by the widening of Federal street, by a resolve of the Board of Aldermen, of June 6, 1868, upon the usual conditions; the same to be charged to the appropriation for Federal-street Widening.

On motion of Alderman Cutter,  
Ordered, That there be paid to Philip McDonough the sum of \$300, in full compensation for all damages caused to his estates on Emerson street by raising the grade of said street, as ordered by the Board of Aldermen, in 1871, upon the usual conditions; said sum to be charged to the appropriation for Paving.

Alderman Ricker presented a petition from William Noble and others, setting forth that the best way to extend Devonshire street would be to remove the block of buildings between Wilson's lane and Exchange street; and as the Board of Street Commissioners have been requested to furnish an estimate of the cost of the proposed extension through Wilson's lane, they ask that the Board may also be requested to furnish an estimate of the cost of extending said street by removing the block referred to.

On motion of Alderman Ricker,  
Ordered, That the Board of Street Commissioners be requested to report an estimate of the cost of extending Devonshire street to Dock square, by removing the block of buildings between Wilson's lane and Exchange street; said estimate to be furnished in connection with the estimate of providing for the extension of said street upon another line by a previous order.

#### ORDERS READ ONCE.

On motion of Alderman Clark, orders for the expenditure of \$10,000 in hiring laborers and keeping in good order the Common, Public Garden and other public grounds; to authorize the expenditure of \$6000 for resetting the Public Garden fence on Charles street, laying a brick sidewalk and removing the trees from the sidewalk; to expend \$6000 for gravel, concrete and other material for the walks and malls on the Common, etc.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

APRIL 18, 1872.

A special meeting of the Board was held at noon today, Mayor Gaston in the chair.

## ORDERS PASSED.

On motion of Alderman Little,

Ordered, That the expenses attending the Morse memorial meeting in Faneuil Hall, on the death of Professor Morse, called by order of the City Council, be charged to the appropriation for Incidentals, upon the approval of his Honor the Mayor.

Ordered, That one thousand copies of the proceedings and addresses at the meeting of the citizens at Faneuil Hall, on the death of Professor Morse, be printed for the use of the City Council; the expense to be charged to the appropriation for Printing.

On motion of Alderman Jenks,

Ordered, That the Mayor be fully authorized and empowered to execute, in behalf of the city of Boston, an indenture of lease, dated March 1, 1872, from the Massachusetts Historical Society to said city, of a portion of the building and premises belonging to said society, situated on Tremont street in said Boston; provided the sum shall be satisfactory to the city solicitor.

Adjourned.

## Proceedings of the Common Council,

APRIL 18, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly report of the Superintendent of Streets was ordered to be placed on file.

The petitions of William H. Adams, Philip English and of Emma A. Benton were severally referred, in concurrence.

The reference to the Committee on the Public Library of a message from the Mayor, with accompanying papers concerning the Treadwell bequest to the said library, was concurred in.

The following reports were accepted, in concurrence:

Report (leave to withdraw) on petition of Ira B. Orcutt, to be paid for injuries caused by an alleged defect in School street.

Report referring the petition of Margaret Powers, for abatement of her tax for 1870, to the Board of Assessors.

Report granting the petition of George H. Vincent and others, for a horse hose earriage to be located in the house of Engine Seventeen, in Ward 16.

Report of the Committee on the City Hospital on the order concerning access to the records of the Trustees of the said hospital, recommending the reference of the subject to the Committee on Ordinances, with instructions to report an ordinance applicable thereto and to such other departments as may be desirable.

The following order was passed:

Order authorizing the removal of the trees which obstruct public travel opposite the new station house on Mount Pleasant avenue.

The order directing that no permit be issued by the Inspector of Buildings or his assistants for any building in which is contemplated the construction of any portico, porch, window or step beyond the lines of any accepted street, being under consideration.

Mr. Perkins of Ward 6 said the order ought not to pass. The City Council has now an ordinance in relation to such projections, and the Board of Aldermen is charged with its enforcement, but does not execute it. After quarrelling among themselves in relation to the matter, they now propose to force it upon the Council. There are two cases now pending of bow windows on Oak street and Harrison avenue, and they wish to have the Council take the responsibility vested in them. There could be nothing

of more effect than the ordinance, and it should be observed. He moved, therefore, that the order be indefinitely postponed, which was carried.

The order that the Street Commissioners report the cost of extending Devonshire street from State street to Dock square, by removing the buildings between Wilson's lane and Exchange street, being under consideration, Mr. Perkins of Ward 6 said it was in accordance with the custom established the present year that all such matters be referred to the Committee on Streets, and he moved such a reference. Carried.

## TRUSTEES OF MOUNT HOPE CEMETERY.

The report from Messrs. Squires and Power, of the committee on the subject, recommending the election of Solomon B. Stebbins and Charles Caverly, Jr., as Trustees of Mount Hope Cemetery; also, another report from Messrs. Noyes and Marston, of said committee, nominating Charles Caverly, Jr., and Edmund B. Vannevar, as said trustees, were severally accepted, and the Council proceeded to an election, under suspension of the rules.

Messrs. West of Ward 16, Cunningham of Ward 2, and Wilbur of Ward 9, were appointed a committee to receive and count votes, the result of which was as follows:

Whole number of votes .....	54
Necessary to a choice .....	28
Charles Caverly, Jr. ....	45
Edmund B. Vannevar.....	39
Solomon B. Stebbins.....	23

Mr. Caverly was declared to be elected in concurrence, and Mr. Vannevar in non-concurrence.

## SECOND ASSISTANT ASSESSOR—WARD THREE.

The certificate of the election of Michael F. Wells as Second Assistant Assessor for Ward 3, in place of Charles H. Boardman, chosen for said ward by this Council, was read, when the Council proceeded to an election. Messrs. Robbins of Ward 8, Locke of Ward 12 and Shepard of Ward 4 were appointed a committee to receive and count the votes, resulting as follows:

Whole number of votes.....	56
Necessary to a choice.....	29
Charles H. Boardman.....	31
Michael F. Wells.....	25

Mr. Boardman was again declared to be elected, in non-concurrence.

The report and order authorizing the Treasurer to reissue the water loan of £400,000, becoming due October 1, 1872, in accordance with the ordinance on Finance, was read once.

The report and orders for the purchase of land in South Boston, and for plans for the erection thereon of a hose house, the cost not to exceed \$20,000, and for a transfer from unexpended balances for 1871-72 of said sum, to be applied therefor, were passed, under suspension of the rules.

The adherence of the Board of Aldermen to its non-concurrence in the amendment to the item concerning "Police" in the "order relating to the specific appropriations for the financial year 1872-73," and to its amendment to the "order laying a specific tax to defray the expenses of the city of Boston and the county of Suffolk for the financial year 1872-73; also to pay the State tax," making the sum \$7,698,042, instead of that fixed by this Council (City Doc. No. 38), was considered.

Mr. Flynn of Ward 7 moved that the Council insist upon its amendment.

Mr. Webster of Ward 6 said this amendment had been sent twice to the Board of Aldermen and twice had been non-concurred in. The amendment was unusual in its character—unusual in the general-appropriation order, and he supposed that, not being germane to the order, had this question been raised in the outset it would have been ruled out of order. It had no place here, for while the Council had the right to insist upon making the Appropriation bill as large as may be, such an amendment in this place was not right. Further, if the Council insisted, it looked like an endeavor to force the Board into such action as was against their sense of right.

Should this action again be sent to the Board of Aldermen and not be concurred in, the tax levy cannot be made on the first of May, and if not made then, it cannot be legally made this year. Not a dollar either can be paid out of the city treasury on the first of the month, and the consequence will be that thousands of persons dependent on the city for their pay cannot be paid. There was no reason why they should force the Board into a position to act against their sense of right, or to act in a way to bring about such conse-



quences. He hoped, therefore, that the motion would not be carried, and moved that the Council concur with the Board of Aldermen.

The Chair stated that the proper motion, then, would be, that the Council recede from its former action, which the mover acceded to.

The question was stated to be on receding from the vote adopting the amendment.

Mr. Wright of Ward 15 wished to know if it was proper to entertain as a substitute a motion to do away entirely with the foundation of the original order.

The Chair stated the question to be in order, and on motion of Mr. Bradt of Ward 14 the yeas and nays were ordered on the motion.

The motion to recede was lost, by a vote of 17 to 37, as follows:

Yeas—Bicknell, Brennan, Burditt, Caton, Darrow, Emery, Hart, Hersey, Loring, Perkins, Pickering, Robinson, Shepard, Webster, West, Weston, Wilbur.

Nays—Anderson, Bickford, Bradt, Brooks, Burt, Clatur, Collins, Cunningham, Dacey, Davenport, Devine, Doherty, Dolan, Faxon, Fitzgerald, Flanders, Flynn, Gragg, Heath, Jones, Kingsley, Lamb, Locke, Marston, Martin, Moulton, Noyes, Page, Pease, Prescott, Risteen, Robbins, Salmon, Thacher, Walker, Whiston, Wright.

The question then recurred upon the original motion, to insist upon the amendment.

Mr. Webster said he hoped that when such a motion was taken, it would be coupled with that for the appointment of a committee of conference. The time had arrived when something should be done, and on account of the action at the last meeting it cut off the privilege of the Board in making such an appointment.

Mr. Flynn said it was his intention to follow the motion to insist with another for the appointment of a committee of conference.

The Chair stated that the two motions could be coupled.

Mr. Flynn moved to amend by insisting and asking for a committee of conference.

Mr. Fitzgerald of Ward 7 said he should be in doubt how to vote on the combined motion, for this was not the proper place for a motion for a committee of conference. The amendment originated here, and it had been down or up, and the amendment was non-concurred in by the other branch, which was the proper place, under parliamentary rules, for such a motion. Instead of passing such a motion he hoped it would be rejected, and if thought to be discourteous to the other branch, his vote would not help them out of their difficulty.

Mr. Perkins cited legislative action of yesterday as authority that the branch making an amendment may ask for a committee of conference.

Mr. Fitzgerald replied that, although done, such a course was not usual.

The Chair read from the rules of the City Council that either branch might ask for a committee of conference, and cited Cushing also as authority.

Mr. Fitzgerald said he was not aware of such a rule of the Council, and would retract what he said.

The motion to insist and ask for a committee of conference was carried, and the Chair appointed Messrs. Flynn of Ward 7, Moulton of Ward 9, and Heath of Ward 8, the last named being excused, and Marston of Ward 10 was appointed in his place.

On the other order amending the amount of State tax, a similar motion was made and carried, and the same committee was appointed under this motion.

The following orders were severally read once:

Ordered, That the expenses attending the meeting at Faneuil Hall upon the death of Professor Morse, be charged to the appropriation for Incidentals.

Order for printing one thousand copies of the proceedings and addresses at the said meeting in Faneuil Hall.

#### UNFINISHED BUSINESS.

The following order was read a second time and passed:

Order authorizing additional accommodations to be furnished for ward meetings in Ward 8.

#### PETITIONS PRESENTED AND REFERRED.

Thomas B. Wilson, that the city would pay for illustrations of the City Hall and other public buildings in a Canadian Portfolio. Referred to Committee on Printing.

O. H. Davenport, to be allowed to erect a wooden building on Waverley street, not in accordance with the ordinances. Referred to Committee on Inspection of Buildings.

#### REPORTS OF COMMITTEES.

Mr. Bicknell of Ward 4, from the Joint Standing Committee on Public Buildings, made a report that there has been erected on Brattle street a temporary wood building, satisfactory to the Chief Engineer of the Fire Department, for the uses of Engine Company No. 4, during the building of the Engine House on Bulfinch street, and they would therefore recommend the passage of the accompanying order:

Ordered, That the expense for the erection of a temporary wood building for Engine Company No. 4, on Brattle street, together with the rent thereof, be charged to the appropriation for Public Buildings.

The order was read once.

Mr. Pease of Ward 1, from the Committee on the Harbor, made a report that the buildings on Rainsford Island are in need of actual repairs and painting for their preservation; and they would therefore request the passage of the accompanying order for the immediate prosecution of the work, at an estimated cost of \$4100:

Ordered, That the Committee on the Harbor be authorized to cause the buildings on Rainsford Island to be repaired and painted at a cost not exceeding the sum of \$4100, and that the Auditor of Accounts is authorized to transfer said sum from the appropriation for Boston Harbor for the present financial year 1871-72 for said purpose.

The order was passed, under suspension of the rules.

#### FOURTH OF JULY CELEBRATION.

On motion of Mr. Moulton of Ward 9, the order concerning the celebration of the Fourth of July next was taken from the table.

Mr. Flynn of Ward 7 moved to substitute \$25,000 for \$21,000 as the amount to be appropriated.

The motion was carried, by a vote of 24 to 22.

The question was taken on the passage of the order, when the following-named persons voted nay: Bickford, Blackmar, Caton, Dacey, Darrow, Devine, Emery, Loring, Page, Prescott, Thacher, Weston, Flynn.

Mr. Flynn changed his vote from no to yes, and Messrs. Bicknell, West and Adams from yes to no. The result was declared as 40 yeas, 15 nays—not two-thirds of the Council.

A subsequent motion to reconsider was carried, when on motion of Mr. Pease of Ward 1 the order was amended to appropriate \$22,500, and as amended, was passed—yeas 53, nays 2—Bickford and Thacher.

#### ORDERS PASSED.

On motion of Mr. Flanders of Ward 5,

Ordered, That the Committee on Legislative Business be instructed to apply to the Legislature now in session for an amendment to chapter 337 of the acts of 1870, providing that if the City Council by a two-thirds vote request the Board of Street Commissioners to lay out, alter or discontinue any street, lane or alley in said city, said Board shall within sixty days proceed to make such improvement in accordance with the terms of said request.

A motion to reconsider was made and rejected.

Mr. Wright of Ward 15 submitted the following, which was read once:

Ordered, That the Committee on Health be requested to inquire into the cause of the putrid water near Cedar square, Ward 15, and take such measures as may be necessary to abate such nuisance.

#### ORDERS READ ONCE.

Mr. Flanders of Ward 5 offered the following orders:

Whereas, Michael C. Sullivan, a member of the Fire Department, and attached to Engine Company No. 4, was seriously injured at a fire on the 15th day of January last, while in the discharge of his duty,

Ordered, That there be allowed and paid to Michael C. Sullivan the sum of \$100, on account of injuries received while in the discharge of his duty as a member of the Fire Department; said sum to be charged to the appropriation for the Fire Department.

Whereas, A. H. Perry, a member of the Fire Department, and attached to Hose Company No. 7, was seriously injured at a fire on the 22d day of March last, while in the discharge of his duty,

Ordered, That there be allowed and paid to A. H. Perry the sum of \$100, on account of injuries received while in the discharge of his duty as a member of the Fire Department; said sum to be charged to the Appropriation for the Fire Department.

Ordered, That the Chief Engineer of the Fire Department be and he is hereby authorized to purchase from time to time, as may be needed during



the present municipal year, ten thousand feet of new hose; the same to be charged to the appropriation for the Fire Department.

On motion of Mr. Bicknell of Ward 4,

Ordered, That the Joint Standing Committee on Public Buildings be authorized to supply the necessary furniture for and cause to be made such repairs and cleaning as may be needed on the several high, grammar and primary schoolhouses; the expense thereof to be charged to the appropriation for Schoolhouses, Public Buildings.

On motion of Mr. Gragg of Ward 14,

An order to appropriate \$200 to each post G. A. R. towards payment of expenses on Decoration Day.

Mr. Perkins of Ward 6 called for a report from the Committee on City Hospital in relation to the death of one Reardon.

Mr. Loring of Ward 5, of the committee, asked for further time for making the report.

On motion of Mr. Flanders of Ward 5, the committee were instructed to report on Thursday evening next.

Adjourned.

## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
APRIL 22, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock. Alderman Little, Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers without pay—Lewis Morse, for Federal, High, Congress and Summer streets; Francis F. Bibber, for L street and vicinity; Nathan J. Cottle, for Boston wharf.

## PETITIONS PRESENTED AND REFERRED.

Richard Twiss, for leave to erect a stable for one horse on the extension of Columbus avenue, south of Chickering's factory.

Benjamin Johnson, for leave to erect and use a stable for three horses on Trumbull street, Ward 10.

A. P. Newman, for leave to keep a stable for four horses on Thornton place.

John P. McKay, for leave to build a wooden stable for two horses on Midland street.

S. F. Marks & Son, for leave to build a wooden stable for one horse on Midland street.

Severally referred to the Committee on Health. John H. Moody, to be paid for damages to his wagon by coming in contact with a defective bridge on Green street, over the Boston, Hartford & Erie Railroad. Referred to Committee on Claims.

F. Shaw and others, that portions of Federal and Purchase streets be repaved.

George L. Randidge and others, for the paving of Lenox street.

B. B. Chandler, for leave to place an advertising slab in the sidewalk, 1669 Washington street.

Michael Gleason, to be paid for damages caused by change of grade on Emerson street.

Michael Lane and others, that Athens street, between A and Second streets, may be paved.

Metropolitan Railroad Company, for the extension of their turnout on Washington street, near Camden street.

Michael Seanlan and others, that P street be graded and paved.

George F. Bonney & Co. and others, that Charles street, from Beacon to Boylston street, be paved with wood.

George P. Dudley and others, that the grade of West Eagle street be raised.

George W. Blatchford and others, for a sidewalk on north side of Chandler street, from Berkeley to Ferdinand street.

Severally referred to Committee on Paving.

Josiah Dunham and others, that the new station house and hose house in Ward 12 be built on portions of the city lands.

First Parish in Dorchester, for leave to purchase a piece of land from the city.

Severally referred to Committee on Public Buildings.

D. A. Berry and others, for a common sewer in Eighth street, between K and L streets. Referred to Committee on Sewers.

S. H. Loring, for leave to remove a tree at the corner of Merrimac and Lancaster streets.

J. E. & N. Brown and others, for permission to cut down four trees on South street.

Severally referred to Committee on Common, etc., on the part of this board.

Bullard, Thomas & Co., for leave to build a coal shed on their wharf on Albany street, beyond the legal limits.

Ira A. Medbery, for leave to construct a wooden building on Forest avenue, beyond the legal limits, etc.

Blodgett & Curry, for leave to erect wooden buildings beyond the legal limits, at East Boston.

Severally referred to the Committee on Survey and Inspection of Buildings.

H. T. Southworth, for license as an auctioneer. Referred to Committee on Licenses.

A notice was received from the County Commissioners of Middlesex County of a meeting of Commissioners on Malden Bridge, Monday, 29th April, at the Court House in Cambridge. Referred to Committee on Bridges.

## WIDENING AND EXTENSION OF EMERSON STREET.

A communication was received from the Board of Street Commissioners, with a resolve and order for the widening and extension of Emerson street, submitted for the action of the City Council in its

concurrence therein. The total expenses of the widening and extension is estimated at \$26,542, a schedule of which gives the following items:

Michael Hourihan, 854 square feet of land, at \$1 30 per foot, \$1110 20; William A. Wood, 687 feet, \$1, \$687; damage to buildings, etc., \$1100—total \$1787; Michael Hourihan, 637 feet, \$1; damages \$4000—4637; Mary B. Parkman, 790 feet of land, 75 cents; damages \$25—total \$617; W. P. Mason and C. H. Parker, 808 feet, 75 cents; damages \$25—\$676; Jacob N. Goodnough, 991 feet, 80 cents; damages \$75—\$867; Samuel G. Howe, 1100 feet, 90 cents; damages \$25—\$1015; Margaret Ward, 1451 feet, 90 cents—\$1305; Mary B. Parkman, 119 feet, 75 cents—\$89 25; heirs of Eliza Parker, 1176 feet, 75 cents—\$882; Jonathan Mason, 2433 feet, 75 cents—\$1824 75; William Childs, 3096 feet, 80 cents—\$2476 80; Charles S. Hildreth, 1414 feet, 80 cents; damages \$1500—\$2631 20; heirs of John Osborn, 1468 feet, 80 cents; damages \$500—\$1674 40; Elizabeth and Ann M. Moore, 205 feet, 80 cents; damages \$50—\$214; Mary B. Parkman, 4580 feet, \$1—\$4580,—making a total of 21,998 feet of land, at a cost of \$19,192; damages, \$7350—whole cost, \$26,542.

Referred to the Committee on Streets.

## HEARING ON ORDER OF NOTICE.

The hearing on petition of Jameson & Aiken, for leave to locate and use a steam boiler and engine at the corner of Reed and Farnham streets, was taken up. No person appeared in relation thereto, and the report was recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to appropriate \$10,000 for labor on the Common and Public Grounds.

Order to appropriate \$6000 for gravel and concrete for walks and paths on Common and Public Grounds.

Order to appropriate \$6000 to reset the fence on Public Garden on line of Charles street, remove trees, and lay a brick sidewalk, etc.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Thomas B. Wilson and of O. H. Davenport were severally referred, in concurrence.

The request for a report on the case of Michael Reardon was concurred in.

The following orders were passed, in concurrence:

Order that the Street Commissioners report the cost of extending Devonshire street from State street to Dock square, by removing the buildings between Wilson's lane and Exchange street, comes up referred to the Joint Committee on Streets.

Order for Legislative Committee to petition for passage of an act whereby two-thirds of the City Council may require the Street Commissioners to lay any street.

On the last order a reconsideration was moved and refused, to save time, and to secure speedy action.

The report and order for repairs on Rainsford Island buildings, at a cost of \$4000, to be charged to the appropriation for the Harbor, being under consideration.

Alderman Jenks stated that he understood the Directors for Public Institutions were examining Rainsford Island to see whether the paupers at Deer Island might not be removed there, and until some communication was received from the Directors, the order had better be laid over, since very different repairs might be required for the proposed use. He moved, therefore, that the order be laid over one week. Carried.

## ASSISTANT ASSESSOR IN WARD THREE.

The certificate of election of Charles H. Boardman, as Assistant Assessor in Ward Three, in place of Michael F. Wells, was read, when the Board proceeded to an election, with the following result:

Whole number of votes.....	11
Necessary to a choice.....	6
Michael F. Wells.....	5
Charles H. Boardman.....	4
H. N. Holbrook.....	2

The second ballot was as follows:

Whole number of votes.....	11
Necessary to a choice.....	6
Michael F. Wells.....	6
Charles H. Boardman.....	4
H. N. Holbrook.....	1

Mr. Wells was again declared elected, in non-concurrence.

## TRUSTEES OF MOUNT HOPE CEMETERY.

The election of Edmund B. Vannevar as a Trustee of Mount Hope Cemetery, in place of Solomon B. Stebbins, came up.

Alderman Clark read a note from Mr. Vannevar, declining to be a candidate against Mr. Stebbins.



The Board proceeded to an election with the following result:

Whole number of votes.....	10
Necessary to a choice.....	6
Solomon B. Stebbins.....	9
Edmund B. Vannevar.....	1

Mr. Stebbins was declared to be elected, in non-concurrence.

The order to provide for the celebration of Fourth of July next, at a cost of \$22,500, was passed, in concurrence.

The adherence of the Common Council in their amendments to the Police and General Tax bills, with the appointment of committees of conference thereon, came up for consideration.

On motion of Alderman Clark, the Board insisted upon its non-concurrence in the several amendments, and Aldermen Clark, Cutter and Fairbanks were joined as a committee of conference on the several amendments.

#### HIGHLAND STREET RAILWAY.

The charter of the Highland Street Railway Company was presented from the incorporators, Donald Kennedy and others, for acceptance by the city. Referred to a special committee, consisting of Aldermen Sayward, Squires and Cutter, to be joined.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Warren-street Chapel Association, to hold a festival at Music Hall, May 1; G. F. Bailey & Co., to exhibit a circus company and menagerie in this city in May next; Edward Pearl, to give dramatic entertainments at Grand Army Hall, East Boston; to Elliot, Blakeslee & Noyes, Moses H. Libbey, Aaron D. Capen, and L. Foster Morse, as auctioneers; also, licenses to one pedler, five boot-blacks and four newsboys, some twenty-five persons as victuallers and innholders, to sundry persons as dealers in second-hand articles, to keep intelligence offices, for wagon licenses, and transfer of wagon licenses.

The same committee reported leave to withdraw on petition of Henry Goldstein for a license as pawnbroker. Accepted.

Alderman Fairbanks, from the Committee on the Market, reported leave to transfer a lease of cellar No. 1 Faneuil-Hall Market, from F. W. Delano to Thomas Dinsmore. Accepted.

Alderman Fairbanks, from the Committee on Sewers, to whom was referred the petition of C. B. Johnson and others, owners on Boylston street, near Church street, to be compensated for impaired drainage in that locality, reported leave to withdraw. Accepted.

Alderman Jenks, from the Committee on Claims, to whom was referred the petition of George Wilson to be compensated for personal injuries caused by an alleged defect in Fourth street, made a report recommending that the petitioner have leave to withdraw. Accepted.

Alderman Jenks, from the Committee on Claims, to whom was referred the petition of Thayer, Brigham & Co., to be compensated for damages caused to their property by the bursting of a main water pipe, made a report recommending that the petitioners have leave to withdraw. Accepted.

Alderman Clark, from the Committee on Common and Public Grounds, to whom was referred the petition of Calvin Torrey, for permission to remove two trees in front of his residence on Broadway, made a report, recommending that the petitioner be allowed to remove said trees at his own expense, under the direction of the Superintendent of Public Grounds. Accepted.

Alderman Sayward, from the Committee on Health, reported in favor of stables, as follows: Cyrus A. Smith, to erect a wooden stable for three horses on Albion street, Ward 16; Ivory Harmon, to enlarge his stable on Perrin street for three more horses; Thomas L. Farnham, to erect a stable on Harvard street, Ward 16, for two horses; Esther W. Smith, to erect a stable for three horses on Beach street, Ward 16; Warren Veazie, to build a wooden stable for one horse on Dorchester avenue, near Vernon street. Severally accepted.

Alderman Woolley, from the Committee on Fire Department on the part of this Board, reported in favor of licenses to Briggs & Shattuck to keep petroleum and coal oils in rear of 165 Milk street, and of Samuel Walker & Co. to keep petroleum and coal oils at 33 India street. Severally accepted.

Alderman Ricker, from the Committee on Lamps, etc., reported leave to withdraw on petition of A. Jackson and other lamplighters in this city, for increase of pay; also on petition of C.

Brown and other lamplighters in Roxbury, for increase of pay. Accepted.

The same committee, to whom was referred the petition of the lamplighters of Dorchester that their pay may be the same as the lamplighters of Roxbury, made a report recommending that the request of the petitioners be granted, and that the accompanying order be passed:

Ordered, That from April 15, 1872, and until otherwise ordered, the pay of the lamplighters in Dorchester be at the rate of one dollar and sixty-seven cents per day.

The report was accepted, and the order was read once.

Alderman Clark, from the Joint Standing Committee on Streets, to whom was referred the orders for the appointment of commissioners to report a plan for the better regulation of horse railways in the city of Boston, made a report that as the regulations under which these railways are operated are not subject to control or supervision of the City Council, the orders ought not to pass. Accepted.

#### TRUSTEES OF CITY HOSPITAL.

Alderman Cutter, from the Joint Special Committee appointed to nominate suitable candidates for Trustees of the City Hospital, made a report recommending the election of the following-named persons to fill vacancies occurring on the Board of Trustees on the 1st of May next:

George W. Pope for two years.

John H. Thorndike for one year.

Albert Gay for one year.

The report was accepted, and the Board proceeded to a ballot, as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
George W. Pope, two years.....	10
A. Gay, two years.....	2
John H. Thorndike, one year.....	5
Albert Gay, one year.....	6
P. A. Collins, one year.....	6
A. K. Tilden, one year.....	6
H. T. Rockwell, one year.....	1

Mr. Pope was declared to be elected for two years, and there was no choice of any one for one year.

Alderman Clark expressed the hope that the further balloting would lie over one week, as the question was a very important one, and he would like to make inquiry in regard to the candidates.

Alderman Cutter wished to know whether it was not necessary that the Trustees should be elected before the 1st of May?

Alderman Jenks replied that as these elections were to fill vacancies it was competent for the Board to fill them at any time.

The Chair stated that the resignations did not take effect until the 6th of May, and there would be time enough to fill the vacancies at the next meeting of the Board.

The elections were laid over.

#### REPORT ON THE CASE OF MICHAEL REARDON.

Alderman Jenks, from the Joint Standing Committee on the City Hospital, to whom was referred the petition of John W. Mahan and others for an inquiry into the alleged refusal to admit Michael Reardon into the City Hospital, submitted a report, as follows:

This request for an investigation grew out of the statement contained in the verdict of the coroner's jury which held an inquest in the case of Michael Reardon, who died of pneumonia, at the Fifth Police Station in this city, on the morning of the 6th of July, 1871. After stating the facts in relation to his death, the jury found that Reardon was sent to the City Hospital under the charge of a police officer, and that although in a dying condition, he was refused admission; and they recommended "that the Trustees of that institution see to it that a proper person be placed in charge as admitting physician, as it was in evidence before them that said Reardon might have been relieved of much suffering had he received that care and treatment which he was entitled to."

The committee have given the subject a very careful and thorough examination, such as the grave character of the charges demanded. Without dwelling upon the details, the result of their inquiry may be stated briefly as follows:

Reardon was taken to the hospital by a police officer about 8½ o'clock on the morning of the 5th July. He was suffering from the last stage of pneumonia and a complication of other diseases, caused by intemperate habits. He was sent by the lodge keeper to the waiting room, but it appears that he went away before the admitting physician arrived, which was between nine and ten o'clock.



During the day he got intoxicated, was taken to the station house in the evening, and the next morning he was found dead by the officer in charge. The officers did not consider the case serious enough to send for a physician. It was the opinion of the coroner that the man's condition was such that he would have died had he been admitted to the hospital when application was made.

On this statement of facts it appears that the coroner's jury were not warranted in finding that Reardon was refused admission to the City Hospital. It is evident that the case was a proper one for admission, and that it should have received the immediate attention of a competent physician. The fact that it did not receive that attention was not owing to any neglect of duty on the part of the admitting physician, but was inevitable from the system upon which the institution was and is managed. Had there been a competent medical superintendent to pass upon the question of admission when the man first presented himself, the charge of neglect or want of attention could never have been raised.

In view of the large number of persons applying daily to the hospital, similar cases are likely to occur in the future, unless the institution is placed under the charge of a properly qualified physician.

The report was read and accepted.

#### REPORT ON PAY OF LABORERS IN THE PAVING DEPARTMENT.

The Committee on Paving, to whom was referred the petition of Edward Quinn and others, laborers in the Paving Department, for an increase of wages, submitted a report, as follows:

The present pay of laborers in this department is \$2 per diem, including all legal holidays. Those employed in the city proper and at East Boston and South Boston lose no time unless they leave work of their own accord. In Roxbury and Dorchester the men lose a few days occasionally on account of stormy weather, as there are no sheds in those districts under which they can be kept at work. In 1861 the pay of these laborers was from \$36 to \$39 per month (\$1 38 to \$1 50 per diem), including the Sunday work, of which there was a good deal at certain seasons of the year. In 1864 the pay was increased to \$40 and \$45 per month (\$1 54 and \$1 75 per diem); in 1866 to \$45 and \$47 per month; in 1868 to \$1 75 and \$1 88 per diem; in 1869 to \$1 88 and \$2 per diem, and in 1871 the pay of all the laborers was fixed at \$2. The amount of increase now asked for by petitioners is twenty-five cents per diem.

It will hardly be claimed, we presume, that the city should pay more than the market rates for what it receives, whether furnished in the shape of materials or labor. To do so would not only be an injustice to the taxpayers, but would have a direct tendency to produce corruption in the administration of the Government. If it is known that the city, which has no competitors, will pay more for its labor than private individuals or corporations, there will be a constant struggle to secure the advantage of city work. The demand for labor in the public departments being limited, the higher prices paid by the city would not have the effect of raising the market rates for labor, but simply make it a matter of favor to those who obtain the work, and the natural consequence would be that the man who could bring the greatest influence to bear, and who would not hesitate about the use of any means to accomplish his purpose, would secure the favor. Such action would not, therefore, be for the interests of the laboring classes generally, but only for a few individuals, probably the least deserving.

In some departments of the Government the peculiar character of the service would preclude it from being measured by any general standard; but in the case of unskilled labor, such as the Paving Department requires, there is no difficulty whatever in ascertaining the average market value of the services rendered.

In response to inquiries addressed to the cities in the immediate vicinity, and to corporations and firms which employ a large number of laborers, the following statements in regard to prices paid for the same grade of work as that performed by the petitioners, were received:

Charlestown Street Department, \$2 per diem.  
Chelsea Street Department, regular laborers \$1 67 per diem; extra men \$1 75 to \$2.

Cambridge Street Department, \$1 75 to \$1 92.  
Metropolitan Railroad Company, stablemen \$1 42 to \$1 71, laborers \$1 75.

Middlesex Railroad laborers, \$1 50 to \$1 75.  
South Boston Railroad Company laborers, \$1 42.  
Hinkley & Williams Locomotive Works' laborers, \$1 50 to \$1 67.

Norway Iron Works, laborers \$1 50 to \$1 75.  
Boston Gas Light Company, regular laborers \$1 87 to \$2, transient \$1 75.  
Boston Machine Company, laborers \$1 67.  
Atlantic Works, laborers \$1 75.  
Boston Lead Company, laborers \$2 00. [Note by the agents: "We could obtain plenty at a lower price, say \$1 75, if our work was as healthy as that in the Paving Department."]  
Boston Belting Company, laborers, \$1 50 to \$1 67  
Sewall, Day & Co., " 1 75  
Boston Sugar Refinery, " 1 69  
N. Ward & Co., " 2 00  
Bay State Iron Company, " 1 60

It appears from the foregoing statements that the average rate of wages for the kind of work performed by the men in the Paving Department is about \$1 70 per diem. As the city of Boston is paying at the present time eighteen per cent. more than the market rates, the committee would recommend that the petitioners have leave to withdraw.

Signed by Aldermen Little, Cutter and Power.  
The report was read and accepted.

#### ORDERS PASSED.

On motion of Alderman Clark,  
Resolved and order for the apportionment of Kingston-street betterments into three parts, severally assessed upon Lucy P. Patten, heirs of Alpheus Bigelow, Hugh Bogue, heirs of Nathaniel Whiting, Charles E. Jackson, United States Hotel, heirs of Timothy Eaton, Jordan, Marsh & Co. and John R. Brewer.

On motion of Alderman Woolley,  
Ordered, That the Committee on Bathing be authorized to construct a new bath house for Dover-street Bridge Station, at an expense not exceeding \$3000, and that said amount be charged to the appropriation for Public Baths for the present financial year, 1871-72.

On motion of Alderman Jenks,  
Ordered, That the Committee on Claims, with the approval of his Honor the Mayor and the City Solicitor, be and they are hereby authorized and empowered to settle and adjust the claim of Thomas Richardson against this city, in such manner and upon such terms as they may deem most advantageous to the interest of the city, and that they report to the city the terms of such settlement, if any should be made; the expense of such settlement to be charged to the appropriation for Incidentals, etc.

On motion of Alderman Fairbanks,  
Ordered, That leave be granted to Eugene H. Freeman to take and destroy, for scientific purposes only, within the limits of this city, such undomesticated birds and eggs as he may desire, as provided in chapter 246 of the statutes of 1869.

Ordered, That the Boston & Albany Railroad Corporation be authorized to construct a sewer from their freight yard across Lehigh street, provided that an agreement be given satisfactory to the City Solicitor to save the city harmless from any damages arising from said crossing, and that said sewer be built to the satisfaction of the Superintendent of Sewers.

Ordered, That the sum of \$9 10 be abated from the assessment levied upon Magnus Lefstrom for a sewer in Tremont street; that the sum of \$33 71 be abated from the assessment levied upon George Graham for a sewer in P street, and that the same amount be assessed upon Harvey Penniman; that the sum of \$35 78, paid by Lucy E. Noyes for sewer assessment on Eustis street, be refunded.

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer between Shirley and Cottage streets, and between Dudley street and tide water, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in Seventh street, between C and H streets, and report a schedule of the expense to this Board.

#### VOTING ON THE BEER QUESTION.

On motion of Alderman Rieker,  
Ordered, That warrants be issued for meetings of the legal voters of this city in their respective wards on Tuesday, the 7th day of May next, at eleven o'clock A. M., then and there to give in their ballots "yes" or "no" in answer to the question, "Shall any person be allowed to manufacture, sell or keep for sale ale, porter, strong beer or lager bier in this city?"

The polls to be kept open until four o'clock P. M.

#### ORDINANCE IN RELATION TO THE CITY HOSPITAL.

On motion of Alderman Rieker, the majority and minority reports on Superintendent of City Hos-



pital (City Docs. Nos. 33 and 34) were taken from the table.

Alderman Clark said he hoped the consideration of the subject would be laid over, and that there would be no interference or change in the management of this most important institution. It was the opinion of the faithful Board of Trustees and faithful corps of physicians that no change was necessary, and they were in a better condition to understand its wants and requirements than can any gentlemen connected with the City Government. There should not be any changes made unless they seem imperatively demanded, and he would move to lay the subject on the table until the vacancies in the Board of Trustees were filled.

Alderman Jenks said he had no objection to its going over another week if necessary; yet the matter had been on the table four or five weeks, which ought to be sufficient for obtaining all the information desired.

The motion to lay on the table was lost, by a vote of 6 to 6, as follows:

Yeas—Clark, Little, Poland, Power, Sayward, Stackpole.

Nays—Cutter, Fairbanks, Jenks, Ricker, Squires, Woolley.

Alderman Ricker moved the amendment, of which he had given notice, for changing the character of the proposed ordinance, and this amendment was adopted.

Alderman Clark moved to lay the ordinance on the table.

Alderman Jenks wished for reasons for the motion.

Alderman Clark said he was not in favor of a change in the present government of the City Hospital, by the removal of the present competent superintendent, and the substituting therefor possibly of an incompetent physician.

Alderman Jenks said there was no disposition to turn out the present superintendent, who would probably be retained as steward of the institution, which he was, for he had never been superintendent but in name. If the object to lay the subject over was to await the filling of the vacancies, he did not object. That a change in the management of the institution was necessary there could be no manner of doubt. He would therefore con-

sent that the ordinance should lie over until the Board of Trustees was chosen.

The motion was carried.

#### NEW SCHOOLHOUSE IN SOUTH BOSTON.

Alderman Stackpole, from the Committee on Public Instruction, made a report recommending the erection of a grammar schoolhouse on the lot of land recently purchased by the city for the purpose on L street, between Fifth and Sixth streets, in accordance with plans approved by the Committee on Public Instruction, at an estimated cost of \$90,000.

Orders accompanying the report, for the building of the schoolhouse and for borrowing the money for the purpose, were read once.

Alderman Stackpole moved a suspension of the rules, for the passage of the orders.

Alderman Jenks objected, on the ground that there should be some delay where the expense involved was \$90,000.

Alderman Stackpole stated that the subject had been talked of for the last two years, and it was well known that there was a great necessity for the schoolhouse, and that its erection should proceed as fast as possible.

Alderman Cutter replied that the committee might know of this necessity, but the members of the Board wished time to learn also of the necessity.

The motion to suspend the rules was lost.

#### ORDERS READ ONCE.

On motion of Alderman Woolley, orders authorizing the Chief Engineer of the Fire Department to employ additional assistance, at an expense not exceeding \$3000; for the erection of a new bath house at Dover-street Bridge, for females, at an expense of \$3000; for the erection of a bath house for men and boys at West Boston Bridge, at an expense of \$3500.

On motion of Alderman Cutter, orders to pay Thomas M. Vinson \$1500, for Melville-avenue grade damages, in Ward 16; to pay George F. Mann \$250, for Warren-street grade damages.

On motion of Alderman Clark, an order to pay Laban Burt \$3493, for land taken and damages in the widening of Dudley street.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
 APRIL 23, 1872.

A special meeting of the Board of Aldermen was held today at noon, his Honor Mayor Gaston presiding. The following order was adopted:

Ordered, That Margaret Barry, being sick with smallpox in the building numbered 351 Second street, which building is occupied by two or more families, be removed to the smallpox hospital on Albany street, and that the chief of police make such removal forthwith. The Board then adjourned.

APRIL 25, 1872.

A special meeting of the Board of Aldermen was held at one o'clock this afternoon, Alderman Little, the chairman, presiding.

REPORT OF COMMITTEE OF CONFERENCE ON THE  
 APPROPRIATION BILL.

Alderman Clark, from the Committee of the Board of Aldermen appointed to confer with the Committee of the Common Council on the subject of the difference between the two branches concerning the appropriations for the ensuing financial year, submitted a report as follows:

The difference which has arisen between the two branches in this matter may be stated briefly thus: When the order establishing the salaries of the members of the Police Department during the present year was under consideration, a majority of the Common Council voted for an increase of pay to the captains, lieutenants, sergeants and patrolmen, which amounted in the aggregate to about \$51,000. This board non-concurred, and finally, as there was no likelihood of an agreement upon the proposed increase, the subject was indefinitely postponed.

The other branch, having failed to carry its point, then resorted to the unprecedented course of amending the orders making the annual appropriations for carrying on the Government, by attaching a proviso to the item covering the Police appropriation, that the officers shall receive the increased rates of pay, and also adding the sum of \$60,000 to the amount designated in the tax levy.

The committee on the part of the Common Council proposed to recommend an agreement on the basis of a reduction of half the amount of increased pay designated in the amendment; but your committee were unwilling to give their assent to anything less than an entire withdrawal of the amendment to the Police appropriation, as if allowed to stand in any shape it would create a dangerous precedent, and lead to a vicious system of legislation. The purpose of this amendment is to withhold all supplies for carrying on the Government during the year, unless this Board will concur in a measure unequalled for and an injustice to the taxpayers.

Under the present law the order for the tax levy must be passed and delivered into the hands of the assessors on or before the first of May, otherwise the tax for this year cannot be legally assessed. As it is proposed to make a considerable increase to the police force during the summer, on account of the great musical festival, and the numerous meetings and processions growing out of the Presidential election, the committee are prepared to recommend that the additional amount of \$60,000 put in the tax levy be accepted, to be appropriated hereafter for police purposes, in case the estimates for the year should prove insufficient to meet the extraordinary demands.

By adopting this course the difficulty which

would result from a failure to pass the order in season will be obviated.

JOHN T. CLARK,  
 L. R. CUTTER,  
 MOSES FAIRBANKS.

The report was read and accepted.

The question was then stated to be on concurrence with the Common Council in its amendments.

Alderman Jenks moved that the Board concur with the Council in its amendments.

Alderman Cutter asked that the Alderman withdraw his motion, as Alderman Clark had a motion to make in amendment.

Alderman Jenks—I will withdraw it if you will renew the motion.

Alderman Cutter declined to make any promise, expressing the hope that the motion would not be passed, but be voted down.

Alderman Clark said he trusted the board would not concur, as he had an order which would obviate the difficulties. He hoped the Alderman would not press his motion.

Alderman Jenks said if the alderman would agree to take the motion from the table in case his own did not pass, he would consent that the motion should be laid on the table.

Alderman Clark said he wished to amend the amendment by striking out all after the total amount of \$670,000.

Alderman Jenks wished the opinion of the Chair whether such an amendment is in order.

The Chair stated that such an amendment would be in order.

Alderman Clark moved to concur in the amendment of the Common Council in relation to the item for the police appropriation by striking out all after the total amount of \$670,000.

Alderman Jenks raised the question whether any other motion could be entertained than that of concurring or nonconcurring, that being his opinion of parliamentary matters.

The chair stated that this would be virtually a concurrence, with an amendment.

Alderman Cutter hoped the Board would adopt the amendment. The Committee on Police, if they had more fully considered the matter, would have reported in favor of an increase in the appropriation for the police. The force is not now full, and with the demand for an increase by the Festival, the presidential election meetings, the growth of the city, the reduction of some of the beats, which are much too long, there will be a necessity for an increase of the force. The amount of the appropriation, as it will stand, will be fair and just.

Alderman Jenks inquired if the item had been referred to the Committee on Police, and whether they had the power to propose an increase now?

Alderman Cutter replied that the question was now on the amendment, but if the Alderman wished to know the action of the committee, he could give it to him.

The question was taken on concurring in the amendment with the amendment proposed, and this motion was carried.

[The amendment, as concurred in, leaves the amount of appropriation as fixed by the Council, but strikes out the specific increase of pay to the several classes of police officers.]

The question then recurred upon the amendment to the tax levy.

Alderman Clark moved to recede and concur in the amendment of the Common Council to the tax-levy order.

The motion to recede and to concur by making the amount of the tax to be laid \$7,759,842, was carried.

The question was taken on the passage of the order, as amended, which was carried.

Alderman Clark moved a reconsideration of the passage of the order, as amended, which, he hoped, would not prevail. The reconsideration was lost.

Alderman Jenks moved an adjournment.

Alderman Clark hoped the adjournment would not prevail, as he wished to make a further motion.

The motion to adjourn was lost.

Alderman Clark moved a reconsideration of the vote to concur in the Council amendment relative to the police, which was lost.

Adjourned.







## CITY OF BOSTON.

## Proceedings of the Common Council,

APRIL 25, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petition of Bullard, Thomas & Co., Blodgett & Curry, Ira A. Medbury, John H. Moody, Josiah Dunham and others, and of the First Parish in Dorchester, were severally referred, in concurrence.

Messrs. Faxon of Ward 14, Hersey of Ward 12, Walker of Ward 3, Fitzgerald of Ward 7, and Darrow of Ward 8, were joined to the Committee on the petition for acceptance of the charter of the Highland Street-Railway Company.

The reference to the Committee on Streets of a resolve and order, from the Street Commissioners, for the widening and extension of Emerson street, (City Document No. 43,) was concurred in.

The following reports were accepted, in concurrence:

Report, leave to withdraw on petition of George Wilson to be paid for injuries from a fall in Fourth street.

Report, leave to withdraw on petition of Thayer, Brigham & Co. to be paid for damages to their property from the bursting of a main water-pipe.

Report of the Committee on the City Hospital on the petition of John W. Mahan and others, in relation to the alleged refusal to admit Michael Reardon into the City Hospital.

## TRUSTEES OF MOUNT HOPE CEMETERY.

The certificate of the election of Solomon B. Stebbins as a Trustee of Mount Hope Cemetery, in place of Edmund B. Vannevar, chosen by this Council, was read, when the Council proceeded to an election.

Mr. Noyes of Ward 5 stated that Mr. Vannevar had withdrawn as a candidate.

Messrs. Clatur of Ward 4, Walker of Ward 3 and Burt of Ward 16, were appointed a committee to receive and count the votes, resulting as follows:

Whole number of votes.....	50
Necessary to a choice.....	26
Solomon B. Stebbins.....	47
Edmund B. Vannevar.....	2
Edward P. Wilbur.....	1

Mr. Stebbins was declared to be elected, in concurrence.

## ASSISTANT ASSESSOR IN WARD THREE.

The certificate of the election of Michael F. Wells, as Second Assistant Assessor for Ward 3, in place of Charles H. Boardman, chosen for said ward by this Council was read, when the Council proceeded to an election. Messrs. Flanders of Ward 5, Prescott of Ward 9 and Kingsley of Ward 3 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	46
Necessary to a choice.....	24
Charles H. Boardman.....	26
Michael F. Wells.....	18
H. N. Holbrook.....	2

Mr. Boardman was again declared to be elected, in non-concurrence.

The following orders were severally read once:

Order authorizing the resetting of the Public Garden fence on the line of Charles street, laying a brick sidewalk on the westerly side of said street, between Beacon and Boylston streets, and the removal of trees now standing in said sidewalk; the expense of the above not to exceed \$6000.

Order authorizing \$10,000 to be expended in hiring laborers and keeping in good order and condition the Common, Public Garden, and other public grounds.

Order authorizing not exceeding \$6000 to be expended in furnishing gravel and concrete for walks and malls on the Common, Public Garden, and other public grounds.

Order authorizing the Committee on Claims to settle the claims of Thomas Richardson against the city of Boston, in such manner as may be deemed for the best interests of said city.

The order authorizing the construction of a new bathhouse for Dover-street Bridge Station, at not exceeding \$3000, was read twice and passed.

The report nominating George W. Pope for two years, and John H. Thorndike and Albert Gay,

each for one year, as Trustees of the City Hospital, to fill vacancies in said board on the first of May next, was read and the elections were laid over.

## THE POLICE APPROPRIATION QUESTION.

The amendment of the Board of Aldermen in its concurrence with the Council in the amendment to the items concerning police in the Annual Appropriation bill, coming up for consideration, on motion of Mr. Flynn of Ward 7, was laid on the table.

Mr. Flynn from the committee of the Common Council appointed to confer with such a committee as the Board of Aldermen might appoint, on the subject of the difference between the two branches concerning the appropriations for the next financial year, made a report, that having conferred with a committee of the Aldermen, and failed to obtain their assent to any reasonable proposition for a settlement of the matters in dispute, the committee would recommend that the Council adhere to its former action.

On motion of Mr. Noyes of Ward 5, the report was accepted.

On motion of Mr. Flynn the Appropriation bill was taken up.

Mr. Flynn moved that the Council adhere to its former vote, and that the yeas and nays be ordered on the motion.

Mr. Webster of Ward 6 said it could hardly be necessary to say anything more on the subject than to remind the Council that unless this order is passed before the 1st May, none of the employes of the city can be paid. He would therefore move to amend by a substitute that the Council recede from its amendment.

Mr. Shepard of Ward 4 said he supposed it would not do any good to say anything more on the subject. It was well understood that this matter was of too much importance to waste sentiment upon, and of too much importance to vote to adhere, for the purpose of carrying out the will of this branch against that of the other. It was vital to the interests of the city, as well as to the interests of the City Council. If the Council voted to adhere, the responsibility must rest upon this branch of the City Government. By the action of this branch it would increase the difficulty in the other, where the amendment had been rejected by a large majority.

It was known in the Council when this amendment was made that there was a strong opinion in the other branch against it, and the effect must be in the adherence to block the wheels of the Government unless the other branch recede from their convictions of duty in regard to it. As he understood the position now, the committee partly agree and partly disagree in regard to the difference. They agree in allowing an additional sum of \$60,000 for the police. Pass this, and there will be money enough to pay the police if agreed upon, and the amendment may be secured in another form. By adhering, they would block the wheels of the Government, preventing the laying of the tax levy, and force the city to go to the Legislature for authority to lay a tax. The responsibility would then be upon the Council.

Mr. Flynn said he believed the gentleman was mistaken in his views, for the tax levy was virtually settled, the other branch having concurred with the Council in the amount to be raised. Now the question is upon the Appropriation bill. We say the police officers should receive more salary, but the other branch does not agree to it. In the committee yesterday the same arguments were used which are used here that \$60,000 more is appropriated, and that fifty more men will be appointed. We told them we had nothing to do with the appointment of more men, for it was a question simply of an increase of pay of the police officers, and the Council was to decide whether the police officers should get more pay.

Mr. Webster of Ward 6, agreed that it was for the City Council to decide whether the police officers should get more pay. It is proper for the Common Council to say it, but not to force the Board of Aldermen to say so. The question was now whether they should not have one cent, which will follow if the Appropriation bill is not passed.

Mr. Flynn said it was the province of the Council to make the appropriations, as much as it was for the Board to have more police officers appointed.

Mr. Webster said the Board had the right, as a portion of the City Council, to determine how the appropriations should be made, for it was not for the Common Council alone to determine such matters. They may concur, or not, and the Council ought not to take such a course as to force them against their convictions.

Mr. Flynn wished to know whether it was right for the Board to force the Council?



Mr. Webster replied that the Board had not attempted to force action upon the Council. The Council knew the Board would not concur in the amendment, and forced it upon them against their convictions. This fixing salaries upon the Appropriation bill was not strictly in order, for it was not germane to the subject.

Mr. Flynn, in reply, said, that having been introduced and acted upon two or three times, it had become recognized as germane.

Mr. West of Ward 16 wished to know what objection there could be to letting this matter go now, by concurring with the Board, when the question of increase of pay could come up by petition and be acted upon. He did not recognize the proposed action as a legitimate way of doing business.

Mr. Flynn said they could not get what they asked in that way.

Mr. West further suggested that they should recede and let the matter come up anew.

Mr. Flynn replied that there would be the very objection there was in the first place. They were obliged to put this in the Appropriation bill, because the Board, by an indefinite postponement of the amendment to the Salary bill, left no possible means of doing it otherwise.

Mr. Shepard said that the Council knowing the convictions of the other branch, the amendment was put on to stay all proceedings in the passage of the appropriation bill to force them to agree to it. Should this action be adhered to, the responsibility must rest here.

Mr. Fitzgerald of Ward 7, said he conceived the subject must be exhausted, yet when in three or four meetings, he in common with other members of the Council had voted by as large a majority one way as was voted in the Board of Aldermen in another way, he did not think he could be accused of stopping the wheels of Government. He disclaimed any such intention. When it was asked why not bring this up in a Salary bill, it came up in that way in a legitimate manner, by petition. This branch listened to the petition, and voted to make an increase of pay. There were those who thought the police were now too well paid, but the Council did not.

Until the standard of qualification shall be raised, and so long as those who peddle tickets on election days and loaf all winter, shall think they are qualified as police officers, there will be 2000 or 3000 applicants for office. Raise that standard and pay the police better, and there will not be so many applicants. To raise that standard is a reason why they should pay more. The matter did come up in a legitimate way, and was passed and non-concurred in, until the other branch, taking advantage of parliamentary rules, got rid of it by an indefinite postponement. If anybody was to blame it was that branch.

Mr. Hersey of Ward 12 believed if the Council should recede, it will be on an equal footing with the Board of Aldermen. As it is now, the question is not under consideration on its merits. Although the two branches had agreed on the tax levy, it was understood no money could be paid out of the treasury if the Appropriation bill is not passed.

Mr. Flynn said if the Council concur in the settlement of the matter, and attempt by a new order in some way to accomplish their ends, as had been suggested, who should say that they may not be caught in the same fix they are now in?

Mr. Webster wished to know if the Board had not the right to indefinitely postpone any order?

Mr. Flynn—Yes; and have the right to indefinitely postpone the Appropriation bill.

Mr. Shepard said he supposed the minds of the Council had been firmly fixed on this question of increased pay, but the question tonight was whether they should recede and pass the Appropriation bill. The amendment originated here, and the Council may recede and stand as before. The Board cannot do so because of its action from convictions of duty, and it must be conceded that they acted as they had a right to do.

It was here, therefore, that action should be taken to relieve us from difficulty. They would lose the amendment for the time being and stand as they did before. It was not now whether they should increase the pay of the police, but whether they should be enumerated by the amendment, which, in interfering with the convictions of the other branch, cannot pass. The vote of the Council had been so expressed that the people outside cannot mistake their position. They could waive the increase of pay for the present, otherwise the laborers, the police themselves, must fail of getting their pay, and all the enterprises of the city must stop. Hereafter there may be other ways by which

the pay of the police may be increased. He would encourage the police by payments when injured and by pensions when disabled. In some such form increased compensation may be effected and the police be better satisfied.

Mr. Smith of Ward 1 said that not having said anything on the subject, he rose to inquire whether it would be in order to ask the Auditor, whom he saw present, how the matter stood. It had been said on the one side that a failure to agree would stop the appropriation, and on the other that it would not; he would like to know how the question stood. Although in favor of raising the pay of the police, he was not willing to have his vote reentered in favor of adhering, if it should be the means of stopping the wheels of the City Government, and he did not think any gentleman would be willing to take such a responsibility. He was willing to adhere if no damage would occur from it, and if in order he would like to have the Auditor give a statement to the Council.

The Chair stated that a motion to ask of the Auditor an explanation would be in order. He was present to give information if needed.

Mr. Flynn objected, that this would be an unprecedented motion. It was in the power of any member to give information, and their opinions had been given.

Mr. Smith said the information was contradictory.

Mr. Hersey hoped the motion would not be withdrawn. Some gentlemen had given as their opinion that the adherence would stop the payment of money, and others that it would not.

Mr. Blackmar of Ward 11 said the proposition made was not without precedent. As persistently voting for this amendment he would not leave one branch of the City Government to suffer on account of another, for they owed it to all that the Appropriation bill should be passed. He hoped the Auditor would be requested to make a statement.

The Chair put the question that the Auditor be requested to make a statement, and it was carried.

The Auditor stated that it was a very delicate position to be placed in, for it was not his business to take part in the discussion, but he would answer any question which might be asked.

Mr. Shepard inquired what would be the effect of failing to agree upon the Appropriation bill?

The Auditor replied that should the Council adhere to its former action, tonight, should the Board non-concur, and there should be no further meeting before the 1st May, he should have no authority to pay any bills.

Mr. Flynn—If the other Board should concur, will you have any authority?

Auditor—Certainly.

Mr. Shepard said this branch cannot expect that the Board will concur.

The question was then taken on the amendment to substitute the motion to recede for that of concurring, and it was carried by a vote of 24 to 22.

The question recurring on the motion as amended to recede, it was lost by a vote of 25 to 28, as follows:

Yeas—Adams, Bicknell, Blackmar, Brenmar, Burditt, Burt, Caton, Clatur, Darrow, Dowd, Emery, Flanders, Hart, Hersey, Holmes, Loring, Pickering, Robertson, Robinson, Shepard, Smith, Webster, West, Weston, Wilbur.

Nays—Anderson, Bradt, Brooks, Collius, Cunningham, Daeey, Davenport, Devine, Faxon, Fitzgerald, Flynn, Gragg, Jones, Kingsley, Lamb, Locke, Marston, Martin, Moulton, Noyes, Pope, Prescott, Risteen, Robbins, Salmon, Thacher, Whiston, Wright.

Mr. Flynn wished to know how the question now stood?

The president said that he should direct the papers to be sent up with notice that the Council had refused to recede.

Mr. Pickering of Ward 6 wished to know if the Council did not vote to recede by a vote of 24 to 22?

The Chair replied that the motion to amend was carried, and then the whole motion was lost.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order authorizing furniture to be supplied, and repairs and cleaning to be made to the High, Grammar and Primary schoolhouses.

Order to pay Michael C. Sullivan one hundred dollars, for injuries received as a member of the Fire Department.

Order to pay A. H. Perry one hundred dollars, for injuries received as a member of the Fire Department.



Order authorizing the Chief Engineer of the Fire Department to purchase ten thousand feet of new hose during the present year.

Order that the expense of erecting a temporary wooden building for Engine Company No. 4, and the rent thereof, be charged to the appropriation for Public Buildings.

Order authorizing the Treasurer to reissue the Water Loan of £400,000, becoming due Oct. 1, 1872, in accordance with the Ordinance on Finance.

The order to pay to the commander of each post of the Grand Army of the Republic, located in this city, \$200 towards the expenses of "Decoration Day" being under consideration.

Mr. Robinson of Ward 11 wished to know how many posts there were.

Mr. Gragg of Ward 14 replied that there were nine.

Mr. Robinson moved to amend by substituting \$100 in place of \$200.

Mr. Hersey of Ward 12 said he hoped the amendment would not prevail. The taxpaying citizens are willing that this small amount shall be appropriated; it tends to foster the spirit of patriotism, which will be desirable in case of another war, and it was but carrying out the promises made to men when they enlisted, that marble monuments should be built over them and flowers strown on their graves. The whole amount would be but \$1800, small when compared with the expenditures for the Fourth of July.

The motion to amend was lost.

The order failed of a passage by a two-thirds vote, there being 39 yeas to 10 nays, as follows:

Yeas—Adams, Anderson, Blackmar, Bradt, Brennan, Brooks, Burditt, Burt, Caton, Collins, Cunningham, Dacey, Davenport, Dowd, Faxon, Flanders, Gragg, Hart, Hersey, Holmes, Jones, Kingsley, Lamb, Loeke, Marston, Martin, Moulton, Pickering, Prescott, Risteen, Robertson, Shepard, Smith, Thacher, Webster, West, Weston, Whiston, Wright.

Nays—Bicknell, Clatur, Devine, Emery, Flynn, Loring, Noyes, Page, Robinson, Wilbur.

An order relating to removal of nuisance by standing water in Cedar square being under consideration.

Mr. Wright of Ward 15 stated that measures had been taken for the removal of the nuisance, and he moved an indefinite postponement of the order, which was carried.

#### PETITIONS PRESENTED AND REFERRED.

Boston & Providence Railroad Company for leave to erect a passenger station on Heath street.

Boston & Albany Railroad Company for leave to erect an engine house at East Boston.

Severally referred to Committee on Survey and Inspection of Buildings.

John Butland for change in the condition of sale of land on Broadway.

John Field, owner of estate on High-street place, for exchange of land to straighten a line of his estate.

Severally referred to Committee on Public Lands.

Philip Brady to be paid for injuries caused by an alleged defect in the sidewalk on Harrison avenue.

Referred to Committee on Claims.

#### REPORTS OF COMMITTEES.

Mr. Bicknell of Ward 4, from the Joint Standing Committee on Public Buildings, to whom was referred the order to consider and report whether a new location would be desirable for Hose Company Number Five, made a report recommending that said order be referred to the Committee on Fire Department.

The report was accepted.

Mr. Bicknell, from the same committee, to whom was referred an order authorizing them to furnish additional accommodations for ward meetings in Ward 8, having carefully considered the same, made a report that the same is inexpedient, for the following reasons: Firstly, to increase the size of the present wardroom in Warrenton street, would require the removal of a partition wall in the centre of the building at a great expense, and also endanger the strength and safety of the school-rooms on the upper floors. Secondly, the room adjoining the wardroom has been and now is in charge of the Lamp Department, for storage purposes. Thirdly, the committee would submit for reference the number of square feet in the various rooms in the city proper.

• Number of square feet in Ward Room No. 2, 1591; number of square feet in Ward Room No. 3, 1840; number in Ward Room No. 5, 1609; do. in Ward Room No. 8, 1570; do. in Ward Room No. 9, 1415; do. in Ward Room No. 10, 1385; do. in Ward Room No. 11, 1547; do. in Ward Room No. 12, 1525.

It will thus be seen that the citizens of Ward 8 have a ward room equal in size to other wards in the city, and greater in the number of square feet than the four southern wards, 9, 10, 11 and 12, that have a much larger voting population.

Fourthly, that in the new sub-division of the wards that will soon take place, the voting centres of the various wards will be changed; hence the committee do not deem it advisable to make any permanent improvements in ward rooms.

The report was accepted.

Mr. Bicknell, from the same committee, to whom was referred the request of the School Committee that Maine's ventilators be used in schoolhouses, made a report, as follows:

The committee have not only considered the subject so far as relates to the use of Maine's ventilators, but upon the request of the principal inventors of portable ventilators gave a hearing where an opportunity was given them to display their models and hear the argument for each particular invention. The committee are satisfied there is merit in all of them, but from experiments tried before and since the request of the School Committee, are equally satisfied that no one mode of ventilation is practicable for all the schoolhouses, from the fact that their location and construction are so various that different means of ventilation must be applied.

The committee would therefore report inexpedient on the order adopting Maine's ventilators as a permanent means of ventilation for schoolhouses, but would recommend the passage of the following order:

Ordered, That the Superintendent of Public Buildings be authorized to furnish such portable ventilators as may be suitable for the various schoolhouses.

The report was accepted, and the order was read once.

#### ORDERS PASSED.

On motion of Mr. Flanders of Ward 5, Order to pay bills of persons directly or indirectly connected with the City Government.

On motion of Mr. Cunningham of Ward 2, Ordered, That the Committee on Badges be requested to procure badges for the Assistant Messenger and the Assistant Clerk of the Common Council at an expense not exceeding \$16 each; to be charged to the Contingent Fund of the Common Council.

On motion of Mr. Gragg of Ward 14, Ordered, That there be allowed and paid for rent of quarters for the Ninth Regiment of Infantry, M. V. M., at No. 40 Essex street, the sum of six hundred dollars per annum, beginning on the 1st of May and continuing until otherwise ordered, said sum to be charged to the appropriation for Armories.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding five hundred dollars for repairing and fitting up the headquarters of the Ninth Regiment, M. V. M., at No. 40 Essex street; said sum to be charged to the appropriation for Armories.

On motion of Mr. Emery of Ward 10, Ordered, That the Trustees of the City Hospital be authorized to report in print, the expense to be charged to the appropriation for Printing.

Mr. Flynn of Ward 5 offered the following order, which was read once:

Ordered, That the Committee on Public Institutions be requested to report without delay upon the site for a new insane asylum, and submit plans and estimates for the erection of a suitable building to accommodate insane persons belonging to the city of Boston.

Mr. Flynn offered the following order, which was read once:

Ordered, That the Committee on Public Institutions be requested to report without delay upon the unfinished business before them relating to the location and construction of a Home for the Poor.

Mr. Flynn asked that the order be read again, it being in the nature of an order of inquiry.

The Chair stated that not being able to say whether or not the order involved expense, it should go over, under the rule.

On motion of Mr. Flynn, the rules were suspended, and the order was passed.

Mr. Flynn asked for a suspension of the rules for the passage of the order relating to an insane hospital.

Mr. Webster of Ward 6 hoped the motion would not prevail. It was an important question whether the city should build an insane hospital or not, and the passage of the order should not be pressed.

The motion for suspension of the rules was withdrawn.



Mr. Brooks of Ward 1 called for the report of the Committee on Public Buildings on the subject of an elevator in the City Hall.

Mr. Bicknell of Ward 4 of the committee, asked for further time in which to make a report, which was granted, and they were requested to report on Thursday evening next.

Mr. Clatur of Ward 4 offered the following order:

Ordered, That the Street Commissioners be requested to furnish estimates of the expense of widening Lyman street, between Green street and Chilson place, and widening and extending Chilson place to Merrimac street.

Referred to Committee on Streets.

Mr. Burditt of Ward 16 offered an order that the Inspector of Buildings be directed to issue a permit to the Boston Machine Company to build an open shed in connection with their works on First street, South Boston.

Mr. Emery of Ward 10 objected that the order was a peculiar one, and ought not to be passed, when such matters were referred to the Inspector of Buildings for his judgment.

Referred to the Committee on Survey and Inspection of Buildings.

Mr. Robbins of Ward 8 offered an order that there be allowed and paid to the several posts G. A. R. \$100 to each post.

On motion of Mr. Noyes of Ward 5, the order was laid on the table, by a vote of 26 to 6.

Mr. Bradt of Ward 14 moved an adjournment, which was lost.

Mr. Pickering of Ward 6 moved that when the Council adjourns, it be to Thursday evening next, at eight o'clock, and that eight o'clock be the hour of meeting until otherwise ordered. Carried by a vote of 37 to 6.

Adjourned.

## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

APRIL 27, 1872.

A special meeting of the Board of Aldermen was held at 12½ o'clock today, Mayor Gaston presiding.

The Mayor stated that he had called a special meeting of the Board today, in consequence of the disagreement of the two branches in relation to the Appropriation bill, and on account of the importance of an agreement and the passage of the bill before the 1st May.

The action of the two branches was stated, an agreement having been made in all matters except in the striking out by the Board of the provision relating to the increased pay of the police, and the Council having voted to adhere to its former vote.

Alderman Little moved that the Board insist upon its former vote.

The Mayor stated the question to be on adhering to the former vote.

Alderman Jenks hoped the Board would not adhere, for the reason that when the question was in a position for a conference on a former occasion, and a conference might have been had, the Board treated the other Board with an indignity, as he believed, and he had not changed his mind in relation to the matter, by an indefinite postponement of the amendment to the Salary bill. The Council had done everything, then, which it could do but to ask for such a Committee of Conference.

The motion to adhere was carried.

Alderman Squires moved a reconsideration of the vote to adhere, which was lost.

## ORDER OF NOTICE.

On motion of Alderman Little, an order of notice was adopted, on the petition of the Metropolitan Railroad Company, for leave to extend their turnout on Washington street, near Camden street. Hearing on Monday, May 13, 4 P. M.

Adjourned.

APRIL 29, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—Benjamin Noyes, for Mechanics' Exchange, 17 Court street; Jacob Todd, for Columbia street and vicinity; John Colter, for Harrison Square; William Gradon, for Lyman Schoolhouse.

Fire Department—Rustes Gordon, as a driver; Benjamin Carter, as a fireman; members of Fire Department, Warren M. Blood, John Graves, James King, George White, Horace D. Fernald, and Leverett L. Hooper, to take effect May 1.

## PETITIONS PRESENTED AND REFERRED.

John Proctor, to be paid for grade damages on Dorchester street.

Revere Sagar Refinery and others, that Central street be paved with wood.

James Grundy and others, to be paid for grade damages on Cabot street.

Bailey & Jenkins and others, for the paving of Congress street, from Milk to High street, with granite blocks.

A. T. Wyman, to be paid for grade damages on Warren street at the corner of Wabon street.

Sidney Bartlett and others, that Beacon street be paved with wood.

Michael Downey, to be paid for grade damages on Circuit street.

Moses Day and others, that the grade of Parker street at Parker Hill be reduced.

M. G. P. Stevens and others, for a change of name of Grotto Glen to Greenwood Avenue.

George F. Weller, to be paid for grade damages on Emerson street.

John Lynch and George H. Colby, severally for grade damages on Emerson street.

Severally referred to the Committee on Paving.

J. H. Hunneiman & Co., and others, for a sewer in Laurel street.

Elizabeth Murray, for extension of the Saratoga-street sewer.

J. H. Pote & Co., for extension of sewer in Orleans street, between Maverick and Decatur streets.

B. F. Ayers and others, for a sewer from Vine street to Mount Pleasant avenue.

Severally referred to the Committee on Sewers.

George H. Moseley & Co., for leave to lay down an iron pipe through City Hospital wharf to Albany street. Referred to Committee on City Hospital.

James Ritchie and others, that a system of streets may be laid out in Roxbury and Dorchester, and a loan negotiated therefor. Referred to Joint Committee on Streets.

Sarah S. Whitney, to be paid for damages to her estate by the widening of Bradford street. Referred to Committee on Streets.

Daniel Cram, for leave to erect a wooden stable for ten horses on Porter street, beyond the railroad.

Isaac Wyman, for leave to erect a stable for one horse on Wyman street.

Henry Hayes, for leave to build a wooden stable for one horse near Willard and Clapp streets, Ward 16.

Joseph Baker, for leave to erect a wooden stable for one horse in Murray court.

C. Tilden, Jr., for leave to place an additional horse in stable at 87 Warren street.

Abbott & Fernald, for leave to build a brick stable for thirty horses on Ninth street, between D and E streets.

Thomas Altman, for leave to erect a wooden stable on Ninth street, near Dorchester street, for twelve horses.

Severally referred to the Committee on Health.

James Harkins, to be paid for damage caused to his property at the corner of Salem and Stillman streets by a defective sewer. Referred to Committee on Claims.

John D. W. Joy and others, for the use of Faneuil Hall, May 28, for a Universalist Festival. Referred to Committee on Faneuil Hall.

A. T. Stearns & Sons, for leave to build a lumber shed at the foot of Union-park street, beyond the legal limits. Referred to Committee on Survey and Inspection of Buildings.

Metropolitan Railroad Company, for location of tracks in Bowdoin square to connect with Cambridge Railroad tracks. Referred to Committee on Paving.

Alderman Power presented the petition of Harrison Loring and about one thousand others, in language as follows:

The undersigned, citizens of South Boston, knowing that the location of the House of Correction in our midst has made the name of South Boston a reproach, retarded its growth, and unfavorably affected its prosperity, and that to retain it here would be an ever-increasing injustice to its inhabitants, the tendency being to degrade the place, do most earnestly protest against the continuance of such a penal institution within our borders, and respectfully petition that it may be removed, and that a hearing may be granted at an early date. Referred to Committee on Public Institutions, with directions to hear the parties.

## EXTENSION OF PHILLIPS STREET.

A communication was received from the Board of Street Commissioners, with a resolve and order for the extension of Phillips street from Irving to Joy street, at an estimated expense of \$68,517 25.

The several items of expense are as follows: Heirs of Samuel Smith, 28 Irving street, 220 feet of land, \$3 25 per foot, \$715; damage to buildings, \$3500—total, \$4215; Ann Maria Dyer, 30 Irving street, 646 feet of land, \$3 25, \$2099 50; damage to buildings, \$4000—\$6099 50; Ira Litchfield, 32 Irving street, 545 feet, \$3 25, \$1771 25; damages, \$4300—\$6071 25; Arad Knowlton, 25 South Russell street, 240 feet of land, \$3 50, \$840; damages, \$3500—\$4340; J. & H. P. Morrison, 27 South Russell street, 633 feet, \$3 50, \$2215 50; damages, \$3500—\$5715 50; Sarah Johnson, 29 South Russell street, 538 feet, \$3 50, \$1883; damages, \$5000—\$6883; Ira Litchfield, 26 and 28 South Russell street, 2856 feet, \$3, \$8568; damages, \$3000—\$11,568; heirs of Joshua Burnett, 58 and 60 Joy street, 5610 feet, \$2 50, \$14,025; damages, \$9600—\$23,625—making an aggregate of 11,288 feet of land, at a cost of \$32,117 25; damages to buildings, \$36,400—total, \$68,517 25.

Referred to Committee on Streets.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:



Report and order to fix the pay of the lamp-lighters in Dorchester at \$1 67 per day.

Order to pay heirs of Thomas M. Vinson \$1500, for grade damages on Melville avenue.

Order to pay George F. Mann \$250, for grade damages on Warren street.

Orders to construct a bathing house for men and boys at West Boston Bridge for \$3500, and one for females at Dover-street Bridge for \$3000.

Order to pay Laban Burt \$3493, for Dudley-street land damages.

Orders to erect a grammar schoolhouse on L street, South Boston, at a cost of \$90,000, and for a loan to meet said expense.

The order to provide assistance in office of Chief Engineer of the Fire Department, for \$3000, on motion of Alderman Cutter was recommitted.

PAPERS FROM THE COMMON COUNCIL.

The petitions of John Butland, Philip Brady, John Field, Boston & Providence Railroad Company, and the Boston & Albany Railroad Company, were severally referred, in concurrence.

The order for estimates of east of extension of Lyman street through Chilson place was referred to Committee on Streets, in concurrence.

The following reports were accepted, in concurrence:

Report that it is inexpedient to make any change at present in wardroom for Ward 8.

Report referring the subject of a new house for Hose Co. 5 to Committee on the Fire Department.

An order for the issue of a permit to the Boston Machine Company to build a wooden shed was referred to Committee on Survey and Inspection of Buildings, in concurrence.

The following orders were severally passed in concurrence:

Order authorizing furniture to be supplied and repairs and cleaning to be made to the high, grammar and primary schoolhouses.

Order to pay Michael C. Sullivan \$100, for injuries received as a member of the Fire Department.

Order to pay A. H. Perry \$100, for injuries received as a member of the Fire Department.

Order that the expense of erecting a temporary wooden building for Engine Company No. 4, and the rent thereof, be charged to the appropriation for Public Buildings.

Order to pay bills of members of City Government for April.

Order to pay \$600 per annum for rent of headquarters of Ninth Infantry, and to expend \$500 to fit up and furnish the same.

Order for Trustees of City Hospital to report in print.

The order for Committee on Public Institutions to report on Home for the Poor.

Order for Committee on City Hall Elevator to report at an early date, on motion of Alderman Sayward, was laid on the table.

The order authorizing the Chief Engineer of the Fire Department to purchase ten thousand feet of new hose during the present year was passed.

Alderman Cutter subsequently moved a reconsideration of the above order, and in answer to inquiries for his reasons, said it did not appear but what the Chief Engineer could purchase ten thousand feet of hose at a time.

Alderman Woolley stated that the language of the order was the same as was customary.

The reconsideration prevailed, and the order was recommitted.

SECOND ASSISTANT ASSESSOR, WARD THREE.

The election of one Assistant Assessor for Ward 3, the Council having made choice of Charles H. Boardman in place of Michael F. Wells, elected by this Board, was taken up.

Alderman Jenks withdrew the name of Mr. Wells, when the Board proceeded to an election, with the following result:

Whole number of votes.....	12
Necessary to a choice.....	7
Charles H. Boardman.....	10
H. N. Holbrook.....	1
Mrs. L. S. Batchelder.....	1

Mr. Boardman was declared to be elected, in concurrence.

TRUSTEES OF THE CITY HOSPITAL.

The election of two Trustees of City Hospital, specially assigned, was taken up.

A communication was read from John H. Thorn-dike, declining to be a candidate for Trustee of the City Hospital. Ordered to be sent down.

The Board proceeded to an election, with the following result:

Whole number of votes.....	12
Necessary to a choice.....	7
Patrick A. Collins.....	7
Edward J. Long.....	9
A. K. Tilden.....	3
John Goldthwait.....	3
Albert Gay.....	2

Messrs. Collins and Long were declared to be elected.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Stone & Murray's Circus Company to exhibit in East Boston and South Boston in May; to H. T. Southworth as an auctioneer; to some twenty persons as victuallers and innholders, to keep billiard saloons and intelligence offices, wagon licenses, and for transfer of wagon licenses, and licenses as dealers in second-hand articles. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported no action necessary on the petition of the Home for Little Wanderers, there being no defect or obstruction to the drainage of North Margin street. Accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of petition of Jamieson & Aiken to locate and use a steam boiler and engine at the corner of Reed and Farnham streets. Accepted.

Alderman Jenks, from the Joint Standing Committee on Clams, to whom was referred the petition of Benjamin C. Libbey, to be compensated for injuries to his son, caused by ice falling from the roof of the Chapman Schoolhouse, made a report, recommending that the petitioner have leave to withdraw. Accepted.

Alderman Jenks, from the same committee, reported leave to withdraw on petition of B. J. Remick to be compensated for the loss of his horse, caused by an alleged defect in Milk street. Accepted.

Alderman Cutter, from the Committee on Paying, reported in favor of the petition of B. B. Chandler to place an advertising slab in the sidewalk at 1669 Washington street; also leave to withdraw on the several petitions of George F. Bonney & Co. and others, that Charles street, from Beacon to Boylston street, be paved with wood; Frank M. Blodgett, for grade damages on Newland street, and M. C. Gavett and others, that Wheeler's Court be changed to Norwood Street. Severally accepted.

Alderman Sayward, from the Committee on Health, reported in favor of stables, as follows: S. F. Marks & Son, to build a wooden stable for one horse, on Midland street; John P. McKay, to build a wooden stable for two horses on Midland street; A. M. Milner, to build a wooden stable for one horse at 291 Highland street; Daniel W. Burns, to erect a wooden stable for two horses at No. 32 Mount Pleasant avenue; William Priesing, to erect a wooden stable in lot No. 10 Phillips street. Severally accepted.

The same committee reported no action necessary on petition of Jamieson & Aiken, for leave to move a stable to corner of Reed and Farnham streets, and to use it for like purposes there; also leave to withdraw on petitions as follows: Richard Twiss, for leave to erect a stable for one horse on extension of Columbus avenue; William Mahoney, to erect a stable rear of 470 Parker street; A. P. Newman, to keep a stable for four horses on Thornton place; and of Charles McCarthy, for a stable for one horse at 64 Hampden street. Severally accepted.

Alderman Poland, from the Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Ira A. Medberry for leave to construct two double houses on Forest avenue, in a range of more than forty feet, without the intervention of brick walls, made a report recommending that the petitioner have leave to withdraw. Accepted.

Alderman Poland, from the same committee, reported no action necessary on the petition of Bullard, Thomas & Company for leave to build a coal shed on their wharf on Albany street, beyond the legal limits, as the building is to be located at a distance of fifty feet from any other building and from any street or passageway. Accepted.

Alderman Poland, from the same committee, reported leave to withdraw severally on petition of Emanuel Nathans, for leave to construct a wooden building on Ward street exceeding the dimensions allowed by the ordinance; and on petition of O. H. Davenport, for leave to erect a wooden dwelling on Waverley street exceeding



the dimensions allowed by the ordinance in relation to buildings. Severally accepted.

Alderman Poland, from the same committee, to whom was referred the petition of Blodgett & Curry for leave to erect a wooden building upon their wharf in East Boston, made a report recommending the passage of the following order:

Ordered, That Blodgett & Curry be authorized to erect a wooden building upon their wharf in East Boston, according to a plan on file in the office of the Inspector of Buildings, the roof of said building to be covered with non-combustible material.

The report was accepted, and the order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of the Boston Forge Company, made a report recommending the passage of the following order:

Ordered, That the Boston Forge Company be authorized to extend the L of their present building on Warwick street, East Boston, without erecting a brick wall at the sides or ends thereof.

The report was accepted, and the order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of Taylor & Colman to alter their buildings on Marginal street, made a report, recommending the passage of the accompanying order:

Ordered, That Taylor & Colman be authorized to remove and alter their buildings on Marginal street, provided that they construct a brick wall on that side of the building next to the adjoining dwelling house.

The report was accepted, and the order was passed.

Alderman Squires, from the Joint Standing Committee on Public Lands, to whom was referred the petition of Andrew C. Wheelwright for leave to purchase a lot of city land at the foot of Belcher's lane, made a report that the interest of the city will in no way be promoted by selling said land at the present time. They therefore recommend that the petitioners have leave to withdraw. Accepted.

Alderman Squires, from the same committee, to whom was referred the petition of Simpson Clark Bixby for an acknowledgment from the city of the performance of certain conditions placed upon lots numbered nine and ten Broadway conveyed to Elizabeth M. Scott, by deed dated November 18, 1866, made a report, recommending the passage of the accompanying order:

Ordered, That his Honor the Mayor be and he is hereby authorized to execute an instrument made satisfactory to the City Solicitor, setting forth that the buildings now standing upon lots nine and ten Broadway, as shown on a plan recorded with plans of city lands sold in the office of the Superintendent of Public Lands, book two, page one hundred and fourteen, and which were conveyed to Mrs. Elizabeth Scott, wife of John M. Scott, by deed, dated November 18, 1866, have been erected in conformity with the conditions set forth in said deed and are satisfactory to the city of Boston.

The report was accepted and the order was passed.

Alderman Squires, from the same committee, to whom was referred the petition of William H. Adams for alteration of agreement respecting the purchase of land on Newton street and Harrison avenue, made a report recommending the passage of the accompanying order:

Ordered, That the Treasurer be and he is hereby authorized to cancel the bond numbering 2388, which was received for land on Newton street, corner of Harrison avenue, Nov. 30, 1870, upon the surrendering of the agreement given by the city of Boston to convey said land, and that the Superintendent of Public Lands be directed to issue a new bond and agreement, with all the conditions inserted in the previous one, to William H. Adams, upon his giving to the city a bond in the sum of \$5648 67, payable in eight annual instalments with interest, said bonds and agreements to be dated April 1, 1872.

The report was accepted, and the order was passed.

Alderman Squires, from the same committee, to whom was referred the petition of Calvin Swallow for a release of certain conditions on land on West Chester park, made a report recommending the passage of the accompanying order:

Ordered, That his Honor the Mayor be and he is hereby authorized to execute an instrument made satisfactory to the City Solicitor, releasing certain conditions imposed upon a lot of land numbering 33 West Chester park, conveyed by the city of Boston to Freeman L. Cushman by deed dated April 1, 1860, it being that part of said lot as shown in red on the accompanying plan, drawn by

Thomas W. Davis, City Surveyor, dated April 29, 1872.

The report was accepted, and the order was passed.

Alderman Cutter, from the Committee on Paying, to whom was referred the petition of Sewell, Day & Co. and others, Neil Kenney and others, and James McDowell and others, for the paving of Tremont street with granite blocks, made a report, recommending the passage of following order:

Ordered, That the Superintendent of Streets be directed to pave Tremont street with small granite blocks from Ruggles street to Pyncheon street, according to the established grade of said street, at an estimated cost of \$55,000.

The order was read once.

MEMBER OF COCHITUATE WATER BOARD.

Alderman Clark, from the joint special committee to whom was referred the resignation of Nathaniel J. Bradlee as a member of the Cochituate Water Board, made a report recommending the election of Alexander Wadsworth to fill the vacancy caused by the resignation of Mr. Bradlee.

The report was accepted, when the Board proceeded to an election, resulting as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Alexander H. Wadsworth.....	9
Thomas J. Whidden.....	2
Edmund B. Vannevar.....	1

Mr. Wadsworth was declared to be elected.

REPORT ON HIGHLAND-STREET RAILWAY CHARTER.

Alderman Sayward, from the joint special committee to whom was referred the petition of Donald Kennedy and others, corporators of the Highland Street Railway Company, that the act to incorporate said company may be accepted by the City Council, submitted a report, as follows:

The text of the charter granted by the General Court, and approved by the Governor, April 17, 1872, is as follows:

Section 1. Donald Kennedy, George W. Wheelwright, Charles Hulbert, Augustus Parker, Augustus Hardy, William K. Lewis, John F. Newton, James Ritchie, William Sheafe and Orlando H. Davenport, their associates and successors, are hereby made a corporation by the name of the Highland Street Railway Company, with authority to build, maintain and operate a street railway in the city of Boston, between Grove Hall and the line of Temple-place street, and said railway may be located over the following streets, viz.:

Warren, Cliff, Dudley, Guild row, Shawmut avenue, Tremont between Shawmut avenue and Temple-place street, Eliot, Boylston, Washington, between Eliot and Temple-place streets, and between Shawmut avenue and Dudley street and Temple-place street, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be, in force applicable to such corporations.

Section 2. Said corporation may enter upon and use with its own motive power the tracks of any street railway laid in the streets through which the tracks of said corporation may be located, or any parts thereof, and purchase or lease from the Metropolitan Railroad Corporation their track in Warren street and their Dorchester branch from Grove Hall; provided, however, that in granting a location the Board of Aldermen may, if the interests of public travel demand, require said corporation to lay one or more additional tracks in any street now occupied by the track of any other street railway, and may restrict said corporation to the use of such additional track or tracks.

Section 3. The capital stock of said corporation shall not exceed \$350,000.

Section 4. This act shall take effect on its passage.

Under the provisions of section 12, chapter 381, of the acts of 1871, the act incorporating any street railway company is void so far as relates to the right to construct a road within the limits of the city, unless accepted by the City Council within one year, and unless some portion of the road is located and built and put in operation within eighteen months from the passage of the act.

The committee would therefore respectfully recommend the passage of the accompanying order:

Ordered, That the act entitled "An act to incorporate the Highland Street Railway Company," passed by the General Court of Massachusetts and approved by the Governor the 17th day of April, A. D. 1872, be and the same is hereby accepted by the City Council of Boston.

Alderman Sayward moved a suspension of the rules for a second reading of the order.



Alderman Cutter hoped the order, as an important measure, would lie over.

Alderman Sayward stated that it was simply an acceptance of the charter, and not the location of the road.

The order was laid over.

#### ORDERS PASSED.

Ordered, That Mrs. Hannah Ryan, who is sick with smallpox at No. 40 Nashua street, which house is occupied by more than two families, be removed to the smallpox hospital on Albany street, in this city, by the City Physician, and that he have the aid of such police force therefor as may be necessary.

On motion of Alderman Fairbanks,

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in Morland street, between Perrin and Copeland streets, and to report a schedule of the expense to this Board, pursuant to law.

On motion of Alderman Jenks,

Ordered, That the Committee on Legislative Affairs be requested to apply to the General Court, at its present session, for the erection of a State asylum for the insane in some locality in the immediate vicinity of Boston, and that suitable accommodations be provided therein for insane paupers having a settlement in the city of Boston.

Ordered, That the Committee on County Accounts be authorized, with the approval of his Honor the Mayor and the City Solicitor, to contract with some suitable person or persons to complete the work of arranging and indexing the papers in the Probate Office for Suffolk County; the expense to be charged to the appropriation for Suffolk County.

On motion of Alderman Sayward,

Ordered, That during the present municipal year, until otherwise ordered, the Committee on Health be and they are hereby constituted as agents of this Board, to act upon all matters relating to the internal health of this city in cases of emergency or when this Board cannot conveniently be assembled; and more especially to hold and to exercise all the authority in the premises which is conferred upon this Board by chapter 189 of the Statutes of 1872, in relation to the prevention of the spread of smallpox; and that said agents report weekly any and all acts done by virtue of this authority.

On the recommendation of the Superintendent of Health, that premises on Dallas place, last house on left-hand side, are in a state of nuisance, and unfit for habitation by reason of broken windows, house out of repair and without water or privy accommodations and stagnant water and filth, the following order was passed:

Ordered, That the Superintendent of Health be and he is hereby directed to notify William Royal to remove from and quit premises situated in Dallas place, last house on left hand side within ten days from date, and in the event of said parties so refusing, the superintendent is authorized to forcibly eject them. Said premises after having been vacated are not again to be occupied without the authority of the Board, or some person by them authorized.

On motion of Alderman Cutter,

Ordered, That the Committee on Public Buildings be requested to procure plans and specifications for a stable on Highland street for the accommodation of the Health and Paving departments, and report to the City Council the estimated cost of the same.

Ordered, That the Superintendent of Streets be directed to water Beacon street and Brighton avenue from Brookline avenue to the Brookline line, with salt water, for the purpose of preserving the roadway of said street and avenue, the expense thereof not exceeding the sum of \$180 per month, to be charged to the appropriation for Paving.

Ordered, That the Superintendent of Streets be directed to reset the edgestones, repave the gutters and sidewalks and gravel the roadway of Oneida street, at an estimated cost of \$1400.

Ordered, That the Superintendent of streets be directed to reset the edgestones and repave the gutters and sidewalks on a portion of Worcester square, and repair the roadway of the same, at an estimated cost of \$800.

Ordered, That the street leading from Shawmut avenue to Indiana place, heretofore known as Wheeler's Court, be hereafter called and known as Wheeler Street, and that the street leading from Washington street to Shawmut avenue, heretofore known as Ohio Place, be hereafter called and known as Ohio Street.

Ordered, That the Superintendent of Streets be directed to remove all obstructions on Dudley, Stoughton and Commercial streets, Ward 16, extending over the line of widening of said streets.

On motion of Alderman Cutter,

Ordered, That there be paid to William McAdams the sum of \$4370 71, it being the amount of costs and interest awarded by referees appointed by the Superior Court of the county of Suffolk, December term, 1871, for damages occasioned to said William McAdams by the raising of the grade of Spring lane; said amount to be charged to the special appropriation for Water-street Grade Damages.

#### ORDERS OF NOTICE.

On the proposed construction of a sewer in Eighth street, between K and L streets. Hearing Monday next, May 6, four o'clock.

On the proposed construction of a sewer in Thacher street, between Charlestown and Endicott streets. Hearing Monday next, May 6, four o'clock.

On motion of Alderman Cutter, an order was read once authorizing the Chief of Police to purchase badges, clubs, etc., for the police force, and supplies and furniture for the station houses.

On motion of Alderman Power, the order for Committee on Harbor to repair the buildings on Rainsford Island, at a cost of \$4100. was taken from the table.

Alderman Jenks said he understood that the Directors of Public Institutions had no intention of removing the paupers to that island, and he had no further objection to the passage of the order.

The order was passed.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Common Council,

APRIL 29, 1872.

A special meeting of the Common Council was held this evening, at 7½ o'clock, called by direction of the Mayor.

A call of the roll showed the following-named members to be present:

Anderson, Bickford, Bicknell, Blackmar, Bradt, Brennan, Brooks, Burt, Caton, Collins, Cunningham, Dacey, Darrow, Dolan, Emery, Fitzgerald, Flanders, Flynn, Gragg, Hart, Hersey, Holmes, Jones, Kingsley, Lamb, Locke, Loring, Marston, Martin, Moulton, Mullane, Noyes, Page, Pease, Pickering, Prescott, Risteen, Robbins, Robertson, Robinson, Shepard, Smith, Thacher, Webster, West, Weston, Whiston, Wilbur.

The following communication from the Mayor was read:

EXECUTIVE DEPARTMENT, )  
CITY HALL, BOSTON, April 29, 1872. )

To the Common Council:

Gentlemen—As the next regular meeting of your Board will not occur until the second day of May next, I have requested your clerk to summon a special meeting, to be held this evening, to enable you to act upon the Annual Appropriation bill before the first day of the next month.

The unfortunate consequences which would ensue upon a failure of the City Council to pass an appropriation bill before that time, are too well understood and appreciated by the Common Council to require to be stated by me. I respectfully but very earnestly urge the subject upon your immediate attention. I feel assured that I shall not in vain appeal to the City Council to adopt such measures as may be necessary for the preservation of the good faith and good name of the city.

WILLIAM GASTON, Mayor.

The communication was ordered to be placed on file.

The Appropriation bill, from the Board of Aldermen, with the adherence of that branch, in its non-concurrence in the amendment of the Council relating to the increase of pay of the police, came up for consideration.

Mr. Emery of Ward 10 moved that the Council recede from its amendment and concur with the Board of Aldermen.

Mr. Flynn of Ward 7 moved to amend by a motion that the Council adhere to its amendment and called for the yeas and nays on the motion, which were ordered.

Mr. Clatur of Ward 4 asked to be excused from voting, having paired off with Mr. Faxon of Ward 14.

Mr. Bradt of Ward 14 said:

Mr. President—We have heard a good deal of talk by members of the Council who are opposed to raising the salary of the police, that the amendment to the Appropriation bill was put in to stop the wheels of Government and drive the Board of Aldermen. That, sir, is not a fact. I had the pleasure to put in the amendment, and it was far from any thought of mine. It was my candid opinion, and is now, that the police force should have a better salary. The Committee on Salaries reported the advance pay, and it passed this Council by a two-thirds vote or more.

The Board of Aldermen did not concur. It passed the Council again; the other branch saw fit to indefinitely postpone it. Was this fair play? No, sir; it was a slur on this branch.

Then, sir, we had petitions from a large number of our citizens, some of our largest taxpayers, representing from one to two hundred millions of

dollars, requesting us to pay the advance which was recommended by the committee. We have heard no remonstrance against it except by the other branch.

These petitions were not signed by our poorer classes, but by the rich men and large taxpayers of our city.

It has been said, "You can take a petition and get any one to sign it." But, sir, we have the very best men in Boston on the petition, men who know what they are about, and I don't believe would sign any paper unless they knew what they were doing.

Now, our police get \$1100 a year salary; out of this \$125 is expended for clothing, leaving \$975 to support themselves, and if they have families, they of course must live in a decent place.

This cannot be found for less than \$300 a year. This leaves \$675 to clothe and support their families, if they have any,—and a good policeman should do his duty and have one,—and this, sir, will take all his wages to carry him through the year.

Then what becomes of a man who has done his duty for years? He gets old in the service, too old to do duty, no money saved, no chance to save any; gets to be old. What is the consequence? If he has no friendly hand to help him he must go to Deer Island, the pauper's home.

I can state a case which came under my own observation. One of the best officers that was ever on the police force was on Franklin street for years, I think fifteen years. He died suddenly, was poor, had a daughter sick with consumption, He did not drink, was not extravagant. What was done? His brother officers subscribed two dollars each—one hundred and forty dollars—and buried him.

Now, sir, these facts are plain. We hear from the other branch that if you raise the pay of the police other employés of the city will want higher wages. Well, what if they do? if they are entitled to it, give it. The city of Boston is willing to give any one full value for their services—no matter whether it be heads of departments or common laborers. I hope this Council will stand firm in the position and adhere to the former action.

Mr. Pease of Ward 1 said he had as high an opinion of the services of the police as the gentleman who had preceded him, or as high an opinion as any person in the room. He had steadily voted for an increase in their pay, and thought they were entitled to it. It was plain that the increase could not pass the other branch, and he hoped, therefore, that the Council would recede, concur with the Board, and end this difference tonight.

The motion to adhere was lost, by a vote of 23 to 28, as follows:

Yeas—Anderson, Bradt, Cunningham, Dacey, Doherty, Dolan, Fitzgerald, Flynn, Gragg, Jones, Kingsley, Lamb, Locke, Marston, Martin, Moulton, Mullane, Noyes, Prescott, Risteen, Robbins, Whiston, Wright.

Nays—Bickford, Bicknell, Blackmar, Brennan, Brooks, Burt, Caton, Collins, Darrow, Devine, Emery, Flanders, Hart, Hersey, Holmes, Loring, Page, Pease, Pickering, Robertson, Robinson, Shepard, Smith, Thacher, Webster, West, Weston, Wilbur.

The motion of Mr. Emery to recede and concur with the Board of Aldermen was carried.

Mr. Flynn moved an adjournment, which was lost.

Mr. Noyes of Ward 5 moved a reconsideration of the rejection of the order to allow and pay \$200 to each of the posts of the Grand Army of the Republic for Decoration Day.

The reconsideration was carried, when the order was laid on the table.

Mr. Shepard of Ward 4 moved a reconsideration of the vote concurring with the Board of Aldermen in relation to the Appropriation bill, which was lost.

Adjourned.







## CITY OF BOSTON.

## Proceedings of the Common Council,

MAY 2, 1872.

The regular weekly meeting of the Common Council was held this evening, at 8 o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Harrison Loring and others, James Ritchie and others, James Harkins, A. T. Stearns & Sons, and of George H. Moseley & Co., were severally referred, in concurrence.

Reference to the Committee on the Fire Department of the order concerning the purchase of 10,000 feet of new hose was non-concurred in.

The following matters were severally referred, in concurrence.

Reference to the Committee on Fire Department of an order for the employment of assistance in the office of the Chief Engineer of said department.

Reference to the Committee on Streets of a resolve and order from the Street Commissioners, for the extension of Phillips street from Irving to Joy street. (Document 44.)

The following reports (leave to withdraw) were accepted, in concurrence:

1. O. H. Davenport, for leave to erect a wooden building on Waverley street.
2. Ira A. Medbery, for leave to erect a wooden building on Forest street.
3. Emanuel Nathans, for leave to erect a wooden building on Ward street.
4. Andrew C. Wheelwright, for leave to purchase a lot of land on Belcher lane.
5. B. J. Remick, to be paid for the loss of a horse.
6. Benjamin C. Libby, to be paid for injuries done to his son by ice falling from the roof of the Chapman Schoolhouse.

The report (no action necessary) on petition of Bullard, Thomas & Co., for leave to build a coalshed on their wharf on Albany street, was accepted, in concurrence.

The following orders were severally read twice and passed:

Order authorizing the construction of a bathhouse for females at Dover-street Bridge, at a cost not exceeding \$3000.

Order for the construction of a bathhouse for men and boys at West Boston Bridge, at a cost not exceeding \$3500.

Order for the Committee on Public Buildings to procure plans and specifications for a Stable on the city lot on Highland street, for the Health and Paving departments.

Report and order authorizing the Boston Forge Company to extend the L of their building on Maverick street, without erecting a brick wall at the sides or ends thereof.

Report and order that Blodgett & Curry be authorized to erect a wooden building on their wharf in East Boston, according to a plan in the office of the Inspector of Buildings.

Report and order authorizing Taylor & Coltman to move and alter their building on Marginal street.

Report and order authorizing the execution of an instrument releasing certain conditions on a lot of land numbered 33, West Chester park, conveyed by the city to Freeman L. Cushman.

Report and order authorizing the cancelling of the bond received for land on Newton street, corner of Harrison avenue, November 30, 1870; and for the issuing of a new agreement, with the conditions set forth in a previous one, to William H. Adams, upon his giving the city a bond, as set forth in said order.

Orders for the erection of a grammar schoolhouse on land on L street, recently purchased for the purpose, at a cost not to exceed \$90,000; and for a loan of said sum therefor.

Report and order authorizing the execution of an instrument setting forth that the buildings on lots Nos. 9 and 10 Broadway have been erected in conformity with the conditions of the deed of said lots.

Mr. Flynn of Ward 7 inquired where the lots referred to were situated.

Mr. Robinson of Ward 11 stated that the subject had been before the Committee on Public Lands, and the order was satisfactory to the committee and to the Mayor.

Mr. Flynn expressed the belief that there was a mistake in the numbers, that they could not be 9 and 10 on Broadway.

The Chair explained that the order read "9 and 10 on a plan" on Broadway.

## STATE ASYLUM FOR INSANE.

The order for Committee on Legislative Affairs to apply to the Legislature for the erection of a building for a State Asylum for the Insane, in the immediate vicinity of Boston, was considered.

Mr. Fitzgerald of Ward 7 said it appeared to him to be a piece of folly to make this application to the Legislature, for if received it must be referred, and a hearing given, when it is expected that the Legislature will go home tomorrow or the next day. Why it should come up now within forty-eight hours of the adjournment of the Legislature, he did not know, and unless some good reason should be given, he should move for an indefinite postponement of the order.

Mr. Perkins of Ward 6 said no doubt the gentlemen from Ward 7, from his legislative experience, knows when the Legislature will adjourn, but the question for them to consider was what was for the interests of the city, and not what it is probable the Legislature will do. The city now pays one-third of the State tax, which was fully stated in the discussion of this subject last year, and should the State build a hospital, the city will be obliged to pay one-third of the cost. The order passed last year, requesting the Judge of Probate to send insane persons to the State institutions, was in this direction, and this was in accordance with that. It was not their affair when the Legislature adjourns, and if the matter concerns the city, it should be sent to the Legislature.

Mr. Webster of Ward 6 hoped the order would not be indefinitely postponed. As had been said, the city pays a large portion of the State tax, and it costs the city much more than the charge for the support of the insane by the State. As the policy of the State was to support those who were the subject of State charge, there was no reason why the State should not build another hospital.

Mr. Flynn of Ward 7 said he hoped the order would be indefinitely postponed. The subject was of too much importance to be decided upon tonight. It had been under consideration for three or four years, and should not be passed over so lightly as to be acted upon in this manner.

Mr. Brooks of Ward 1 said it seemed to him that the order was useless. The Legislature was just now on the eve of adjournment, and if anything was to be done the order ought to have been here a long time ago. It seemed to him that they had waited till the last moment before offering it, and he hoped it would be indefinitely postponed.

Mr. Perkins said it appeared to be assumed that the subject never came up before. It was a question whether the city should be saddled with a large debt or not. Last year the subject of building a new hospital was up before the City Council and it could not pass. If anything was to be done it was as well to do it now. If the Legislature refuses to do anything and adjourns in forty-eight hours, let us not refuse to ask for it on that supposition; but if they refuse, there will be time enough for consideration the rest of the year.

Mr. Flynn replied, that the gentleman knew, as well as he did, that it would be impossible to get anything from the Legislature now. Besides, the subject was of too much importance to be considered tonight. There was an order on its second reading for the Committee on Institutions to report upon the subject of a site, with plans and estimates for a hospital, and when they have made a report, the subject can be discussed upon its merits. It was the opinion of the Directors that before passing upon the subject the City Council should visit their own institution, and it was his intention, before taking any action, to ask that the Council go and see that institution.

Mr. Hersey of Ward 12 said it was a question whether the city shall send the insane poor to Taunton or have them nearer home. By the action taken last year, the city determined not to build. He hoped the order would be passed.

Mr. Fitzgerald said he was sorry he trod upon any man's corns, and would apologize for speaking on the subject. As a member of the Committee on Legislative Matters, he would not even send the gentleman from Ward 6 on the fool's errand to the Legislature. If an adjournment of the Legislature was to be made in forty-eight hours, it could not be expected that it would do what the city would not do. If that gentleman or others were so anxious about the disposal of the pauper insane, it was strange that they did not come here with the



order until the eve of the adjournment of the Legislature. They might, perhaps, consider it in mock session, if it could not be considered without a hearing. The State could not be expected to expend \$90,000 to \$100,000 to accommodate Boston when accommodations could be had at Taunton. If the subject had been brought up in January or February, he would not, however, have made any objections to an application to the Legislature.

Mr. Perkins replied that he had nothing to do with bringing the matter before the Legislature, and he could not understand how the gentleman from Ward 7 should speak of staying off the subject, while he said there was not time to consider it tonight, and the Legislature was to adjourn in forty-eight hours.

Mr. Flynn said if he used the term "staving off," he did not intend it.

Mr. Perkins believed he did use this term, but if an adjournment was to be had in forty-eight hours, they would not have to wait long. They might let this go up, and await the result.

Mr. Flynn did not believe that the Council could be ready to act without ascertaining the cost of such an institution, or how the means were to be raised. It was proposed that they should ask for the erection of a new asylum, but they did not know where they should have it. It was proper that the committee should first report upon the subject, relative to its arrangements or location.

Mr. Shepard of Ward 4 said it had been assumed that the Legislature would adjourn in forty-eight hours, yet it was by no means certain. There could be no harm in trying, by passing the order.

Mr. Perkins stated that the order was introduced to the other branch by the chairman of the Committee on Legislative Business, and it was as well to let him try, he had done so much in that way.

Mr. Flynn replied that that gentleman had expressed a wish that the Council should kill the order.

Mr. Wright of Ward 15 inquired if an amendment was in order, and being assured that it was if germane to the subject, moved to add that provision be requested in the new hospital for "separate wards for the safe keeping of insane criminals."

Mr. Wright advocated the amendment with a statement of the escape of the murderer Donnelly from the Taunton Hospital, and of the difficulty of keeping such persons in the hospitals except in solitary confinement, which was objected to, the superintendents also objecting to receive them. If the petition should be received, and a new hospital built, it was hoped that accommodations would be provided in it for insane criminals.

Mr. Perkins said that after the statement made by the gentleman from Ward 7, that the chairman of the Committee on Legislative Business wished the order would be killed, he hoped the indefinite postponement would prevail.

Mr. Fitzgerald was glad that the gentleman had changed his opinions.

The motion to amend was lost, when the order was indefinitely postponed.

MEMBER OF THE WATER BOARD.

The report nominating Alexander Wadsworth as a member of the Water Board, in place of Nathaniel J. Bradlee resigned, was accepted.

The certificate of the election of said Wadsworth to said office was read, and the Board proceeded to an election. Messrs. Perkins of Ward 6, Burditt of Ward 16, and Anderson of Ward 3 were appointed a committee to receive and count the votes, resulting as follows:

Whole number of votes.....	57
Necessary to a choice.....	29
Alexander Wadsworth.....	50
George B. Faunce.....	3
Henry W. Wilson.....	1
Josiah Dunham.....	1
James B. Dow.....	1

And one vote was cast for an ineligible person.

Mr. Wadsworth was declared to be elected, in concurrence.

TRUSTEES OF CITY HOSPITAL.

The declination of John H. Thorndike as a Trustee of the City Hospital, and the certificate of the election of George W. Pope for two years, and Patrick A. Collins and Edward J. Long for one year, as Trustees of said Hospital, were read, when the Council proceeded to an election. A communication was received from Albert Gay, withdrawing his name as a candidate for Trustee. Messrs. Loeke of Ward 12, Loring of Ward 5, and Shepard of Ward 4 were appointed a committee to receive and count the votes, resulting as follows:

Whole number of votes.....	58
Necessary to a choice.....	30
George W. Pope, two years.....	44
E. J. Long, " ".....	4
John Goldthwait, " ".....	3
Albert Gay.....	1
John Goldthwait, one year.....	37
P. A. Collins.....	29
Edward J. Long, " ".....	25
Albert Gay, " ".....	9
A. K. Tilden, " ".....	5
William P. Leavitt, " ".....	1
C. M. Hinckley, " ".....	1

Mr. Pope was declared to be elected for two years, in concurrence, and Mr. Goldthwait for one year, in non-concurrence, and there was one vacancy for a Trustee for one year.

A second ballot resulted as follows:

Whole number of votes.....	55
Necessary to a choice.....	28
P. A. Collins.....	30
Edward J. Long.....	22
A. K. Tilden.....	1
C. M. Hinckley.....	1
William P. Leavitt.....	1

Mr. Collins was declared to be elected, in concurrence.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order authorizing the resetting of the Public Garden fence on the line of Charles street, laying a brick sidewalk on the westerly side of said street between Beacon and Boylston streets, and the removal of trees now standing in said sidewalk; the expense of the above not to exceed \$6000.

Order authorizing \$10,000 to be expended in hiring laborers and keeping in good order and condition the Common, Public Garden, and other public grounds.

Order authorizing not exceeding \$6000 to be expended in furnishing gravel and concrete for walks and malls on the Common, Public Garden, and other public grounds.

Order authorizing the Committee on Claims to settle the claims of Thomas Richardson against the City of Boston, in such manner as may be deemed for the best interests of said city.

The order for Committee on Institutions to report on a site, with plans and estimates, for a new building to accommodate insane persons belonging to the city, coming up for consideration, on motion of Mr. Flynn of Ward 7, it was laid on the table.

The order for the furnishing of such portable ventilators as may be needed for the various schoolhouses was passed.

PETITION PRESENTED AND REFERRED.

Lyman Mason, that the remonstrants against the extension of Phillips street be heard in relation to the same. Referred to the Committee on Streets, with instructions to hear the remonstrants.

QUARTERLY REPORT OF CITY REGISTRAR.

The City Registrar reports for the quarter ending April 30 that he has received and paid into the City Treasury the sum of \$436 for certificates of intentions of marriage. Ordered to be sent up.

REPORTS OF COMMITTEES.

Mr. Flynn of Ward 7, from the Joint Standing Committee on Streets, to whom was referred the resolve and order of the Street Commissioners for the widening of Emerson street from Broadway to Third street, and the extension of the same from Third street to Second street, at an estimated expense of \$26,542, having considered the subject, made a report recommending that the resolve and order be adopted and passed in concurrence.

The resolve and order were read a second time, and were passed, in concurrence.

Mr. Caton of Ward 11, from the Joint Standing Committee on the Survey and Inspection of Buildings, made a report representing that owing to the rapid increase of business, they find it necessary to ask for an additional number of Assistant Inspectors. They would therefore recommend the passage of the following order:

Ordered, That the Committee on Ordinances be requested to report an amendment to the ordinance in relation to the regulation and inspection of buildings, providing for the appointment of three additional Assistant Inspectors.

Mr. Caton made some statements showing the increase of business in the Department of Survey and Inspection of Buildings, the amount of labor imposed upon the three Assistant Inspectors, the care and vigilance required of them in the discharge of their duties, and the necessity for an increase in their number.



The report was accepted, and the order was passed.

REPORT ON ESTABLISHING A NEW BOARD OF HEALTH.

Mr. Locke of Ward 12 submitted in print a report of the joint special committee to whom was referred so much of the Mayor's address as relates to the organization of a new Board of Health, as follows:

The necessity for a more efficient organization of the Health Department in this city has been recognized for a number of years; but it was not until last year that the subject was presented to the City Council in a definite shape. The alarming discovery which was then made in regard to the extensive sale of unwholesome provisions in the streets and market houses, and the numerous facts brought to light by the investigation which followed, showed very clearly the dangers to which the inhabitants were exposed from the lack of systematic measures for the preservation of the public health, and led to a recommendation for the establishment of an independent board, which should have the exclusive control and management of this department.

Before proceeding to give the details of the proposed change, and the reasons on which they are based, it may be well to refer briefly to the manner in which the present organization has grown up.

The committee give a history of the Board of Health, from 1799, previous to which a Health Committee was chosen at the annual town meeting. In that year a Board of Health was chosen, consisting of twelve persons, which had charge of all matters relating to the health of the town. Under the first city charter, their authority was vested in the City Council, to be carried into execution by a Board of Health Commissioners.

By an ordinance of May 31, 1824, the Department of Internal Police was established, under the superintendence of the City Marshal and the direction of the Mayor and Aldermen. A Department of External Police was established, under the superintendence of a Commissioner of Health, in charge of matters of health in the harbor, also under the direction of the Mayor and Aldermen.

By an ordinance of October 7, 1833, the Departments of Internal and External Police were placed under the superintendence of the City Marshal, subject to the direction of the Mayor and Aldermen, provision being made for the election of five consulting physicians. In 1849 an ordinance was passed conferring upon the Mayor and Aldermen all the powers of a board of health. In 1853, a Superintendent of Health was first elected, having charge of the cleaning of streets and the care of the city carts and stables.

No change was made in the provisions of an ordinance of 1854 relative to the public health in the quarantine of vessels, etc., and the Board of Aldermen have continued from 1849 to the present time to perform all the duties of a Board of Health. In 1868, the Board of Consulting Physicians sent a communication to the City Council stating their views in regard to a modification of the sanitary system of the city, from which the committee quote.

The committee also quote from the report of the special committee of the Common Council of last year in regard to the sale of unwholesome provisions. That committee, they say, recommended the passage of an order requesting the Committee on Ordinances to prepare and report to the City Council the draft of an ordinance for the appointment of a board composed of at least five persons, not members of the City Council, to hold office for a term of years, and to have and exercise all the powers of a board of health for the city of Boston.

The order was passed, and the ordinance prepared and reported to the City Council, but too late in the year to be acted upon.

The committee also make an extract from the inaugural address of the Mayor, the present year, on this subject. They then conclude their report, as follows:

It is hardly necessary for the committee to add anything to these statements, in order to impress the City Council with the importance of taking immediate action in this matter. Since the investigation made last year, there has been an almost universal expression of opinion in favor of the proposed change from those who have carefully considered the subject. The prevalence of small-pox in certain localities, during the past few months, has shown the necessity of having an independent board, a majority of the members of which hold office for a term of years, and who have the time and ability to act efficiently in any emergency which may arise affecting the health of the

inhabitants. Apart from the necessity of having an experienced organization to act in the case of epidemics, there is great need of such an organization to institute a uniform and consistent series of sanitary measures in regard to drainage, the construction and ventilation of tenement houses, and the abatement of nuisances, caused by stagnant water, and the filthy condition of lanes, alleys and yards.

By the ordinance reported last year, it was provided that the board should consist of five persons, not members of the City Council, one of whom should be a member of the Suffolk Bar, and two should be physicians in good standing.

After mature consideration, your committee deem it advisable to change the organization somewhat, by providing for a representation of the two branches of the City Council on the Board. As amended, the ordinance provides for a board of seven persons,—one Alderman, two Councilmen, two physicians, and two citizens at large,—those not members of the City Council being appointed for a term of four years, one to retire each year. In other respects the ordinance is the same as the one submitted last year.

The committee unanimously recommend its passage.

For the committee,

MOSES FAIRBANKS,

Chairman.

The ordinance is as follows:

*An Ordinance to Establish a Board of Health.*

Be it ordained by the Aldermen and Common Council of the City of Boston, in City Council assembled, as follows:

Section 1. In the month of May, in the year eighteen hundred and seventy-two, or as soon thereafter as may be, the Mayor shall appoint, subject to the approval and confirmation of the City Council, four persons, not members of the City Council (of whom two shall be physicians in good standing), one member of the Board of Aldermen, and two members of the Common Council, who shall constitute the Board of Health of the city of Boston. The persons so appointed shall enter upon the duties of their office forthwith; and the terms of office of the four persons appointed from the citizens at large shall be so arranged at the time of their appointment that the term of one shall expire on the first Monday in May in each year, and the vacancy so created, as well as all vacancies occurring otherwise, shall be filled by the Mayor, with the approval of the City Council. The persons appointed from the Board of Aldermen and the Common Council shall hold office for one year, from the first Monday in January in the year of their appointment, and until others are appointed in their places. The members of said board shall at all times be subject to removal by the Mayor for cause.

Section 2. The said Board shall organize annually by the choice of one of their members as chairman. They shall also choose a clerk, who shall not be a member of the board; and they may make such rules and regulations for their own government, and for the government of all subordinate officers in their department, as they may deem expedient.

Section 3. The Board of Health, as hereby constituted, shall have and exercise all the powers vested in, and shall perform all the duties prescribed to the City Council or the Board of Aldermen as a Board of Health, under the statutes and ordinances now in force; and also all the powers vested in, and the duties prescribed to the Board of Aldermen by the ordinance relating to the public health, passed the thirty-first day of December, A. D. 1869, and any additions or amendments thereto.

Section 4. The said board shall annually, in the month of April, appoint a suitable person for City Physician, who shall hold his office for one year from the first Monday in May, in the year in which he is appointed. He may be removed at the pleasure of the Board, and a vacancy may be filled at any time for the unexpired term. He shall keep such records, and make such reports, as the Board of Health may from time to time direct.

Section 5. The said board shall annually, in the month of April, appoint a suitable person for Port Physician, who shall hold his office for one year from the first Monday in May, in the year in which he is appointed. He may be removed at the pleasure of the board, and a vacancy may be filled at any time for the unexpired term. He shall keep such records, and make such reports, as the Board of Health may from time to time direct.

Section 6. The compensation of the clerk, the City Physician and the Port Physician shall be such as the City Council may from time to time determine,



and the expenses actually incurred by members of the board in the performance of their duties shall be reimbursed to them.

Sec. 7. The said Board of Health shall annually, in the month of May or June, present to the City Council a report, made up to and including the thirtieth day of the preceding April, containing a full and comprehensive statement of the acts of the board during the year, and a review of the sanitary condition of the city; and they shall at the same time transmit to the City Council reports from the City Physician and the Port Physician covering the same period.

Sec. 8. Sections one, twenty-five, twenty-six, thirty-two, thirty-three, thirty-seven, thirty-nine and forty of the ordinance relating to the public health, passed the thirty-first day of December, A. D. 1869, and all ordinances and parts of ordinances inconsistent herewith, are hereby repealed, said repeal to take effect upon the organization of the Board of Health as herein designated; provided, however, that the City Physician and the Port Physician, elected by the City Council to hold office for one year from the first Monday in April, in the year 1872, shall continue to hold said offices, unless removed by said board for cause, until the first Monday in May in the year 1873.

The ordinance was read once, and a subsequent motion for a suspension of the rules for its passage was lost.

#### APPROPRIATION FOR DECORATION DAY.

Mr. Gragg of Ward 14 moved to take from the table the order to pay to the commander of each post of the Grand Army of the Republic, located in this city, \$200 towards the expenses of "Decoration Day."

The motion was carried, when Mr. Gragg urged some considerations in favor of its passage, that Decoration Day, from having been established by the soldiers, had come to be a people's day, and the expense had consequently increased beyond the means of the soldiers. The appropriations in some other cities and towns, he said, was larger than in this city, and on account of the expense there could be no objection.

Mr. Shepard of Ward 4 advocated the order, and it was passed, by a vote of 50 yeas to 4 nays, the nays being Messrs. Cunningham, Devine, Emery and Perkins.

#### ORDERS.

Mr. Pease of Ward 1 offered an order, authorizing the Boston Sugar Refinery to construct an addition to their building, 70 feet long and 45 feet wide, to be covered with non-combustible material. Referred to the Committee on Survey and Inspection of Buildings.

Mr. Flanders of Ward 5 moved a reconsideration of the reference of the order relative to the purchase of 10,000 feet of new hose by the Fire Department, with a view to an amendment of the order.

The reconsideration was carried.

The Chair ruled that an amendment could not now be in order.

Mr. Flanders withdrew his motion to amend, and moved that the Council non-concur in the reference of the order to the committee.

The motion to non-concur was carried.

Mr. Wright of Ward 15 offered an order that there be paid to Conrad L. Rosemeyer \$100, for injuries received while in the discharge of his duties as a fireman. Referred to the Committee on Fire Department.

Mr. Flynn of Ward 7 offered the following order:

Ordered, That the salaries of captains, lieutenants, sergeants and patrolmen belonging to the Police Department shall be at the following rates during the year beginning on the first day of April, 1872, viz.:

*Captains* of Police, at the rate of four dollars and twenty-five cents per diem.

*Lieutenants* of Police, at the rate of three dollars and seventy-five cents per diem.

*Sergeants* of Police, at the rate of three dollars and fifty cents per diem.

*Patrolmen*, at the rate of three dollars and twenty-five cents per diem.

The order was read once.

Mr. Flynn also offered the following orders:

Ordered, That the wages of laborers employed by the city in the Sewer Department be increased from two dollars per diem to two dollars and

twenty-five cents per diem, beginning on the date of the passage of this order.

Ordered, That the wages of the laborers employed by the city in the Paving Department be increased from two dollars per diem to two dollars and twenty-five cents per diem, beginning on the date of the passage of this order.

Ordered, That the wages of the laborers employed by the city in the Health Department be increased from two dollars per diem to two dollars and twenty-five cents per diem, to take effect on the date of the passage of this order.

The Chair ruled in relation to the order respecting the Sewer Department that it could not be entertained, the Council having no control over that department.

Mr. Flynn wished to know if the Council does not make the appropriation for the Sewer Department, and decide how it is to be spent?

The Chair stated that while it was true that the Council voted the appropriation, the control of the department rests in the Board of Aldermen.

Mr. Flynn appealed from the decision of the Chair, and asked for the yeas and nays on the appeal.

Mr. Flanders of Ward 5 asked for the grounds of the decision.

The Chair stated that he had considered the subject, and referred to page 571 of the ordinances, to sections 1 and 2, relating to the Superintendent of Sewers and his powers and duties, and from this he came to the conclusion that the control of all contracts was under the direction of the Board of Aldermen. The statute relating to sewers places sewers under the control of the Mayor and Aldermen of cities and the selectmen of towns.

Mr. Flynn said he would withdraw his objection and the appeal, for the present.

The Chair also ruled in the same manner in regard to the other orders, citing page 332 of the ordinances in relation to the Health Department, and to the provisions in relation to paving, to show that the Board of Aldermen has exclusive control over the affairs of those departments.

Mr. Flynn subsequently referred the Chair to page 622 of the ordinances in relation to streets, as covering the order relating to laborers in the Paving Department.

The Chair stated that the matter could not now be considered.

Mr. Flynn inquired if the matters were not on the table.

The Chair replied that they were not, but were ruled out.

Mr. Flynn inquired if a motion could not be made to reconsider.

The Chair replied that there was nothing to reconsider, and no appeal had been taken.

Mr. Noyes of Ward 5 offered the following order:

Ordered, That the Committee on Public Buildings be requested to exchange the present seats in the Common Council Chamber for cane-bottom chairs; the expense to be charged to the appropriation for Public Buildings.

The order was read once, and a motion for a suspension of the rules, for its passage was lost.

Mr. Robbins of Ward 8 offered the following order:

Ordered, That five members of the Common Council, with such as the Board of Aldermen may join, be a Committee of Arrangements for furnishing music once or twice a week on the Common and in other parts of the city, at an expense not exceeding \$3000; to be charged to Incidental Expenses and Miscellaneous Claims.

The order was read once.

#### COMMITTEE ON THE FOURTH OF JULY CELEBRATION.

The Chair announced as the Committee on the Celebration of the Fourth of July the following named members:

Ward 1, Brooks; 2, Cunningham; 3, Salmon; 4, Robertson; 5, Noyes; 6, Perkins; 7, Flynn; 8, Heath; 9, Prescott; 10, Risteen; 11, Caton; 12, Locke; 13, Brennan; 14, Faxon; 15, Thacher; 16, Burt.

Mr. Perkins of Ward 6 was excused, and Mr. Holmes was appointed in his place.

Adjourned.



CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MAY 6, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at 4 o'clock, Alderman Little, the Chairman, presiding.

JURORS DRAWN.

Four grand and five petit jurors were drawn for the United States Circuit Court.

Three grand jurors were drawn for the Superior Court for criminal business.

APPOINTMENTS MADE AND CONFIRMED.

Weighers of Coal—William H. Porter, Homer Wellington.

Measurers of Upper Leather—William Bragdon, William Powers, George W. Bragdon, John W. Bragdon, Jr., Melville C. Bragdon.

Sealers of Weights and Measures—William F. Reed, Charles R. M. Pratt.

Undertaker—Alexis Alexander.

Special Police Officers, without pay—Gustavus A. Smith, Charles W. Porter, James Ginnis, Stephen Osgood, for Coliseum and vicinity; Edward Brown, for Boston, Hartford & Erie Railroad station, foot of Summer street.

PETITIONS PRESENTED AND REFERRED.

George Doherty, to be paid for damages caused by change of grade to estate in Warwick and Winsor streets.

George H. Philbrook and others, that the sidewalk of Faneuil-Hall square, in rear of Faneuil Hall, may be widened.

Robert W. Carbrej and others, for a sidewalk on Second street, near Dorchester street.

P. H. Smith and others, that Barton street be paved from Lowell to Leverett street.

W. Eliot Woodward, to be paid for grade damages on Howard avenue.

A. T. Stearns & Sons, that Albany street be paved north of Chester park.

Emanuel Downing, that the grade of Northampton street, west of Columbus avenue, be lowered.

Henry F. Miller, Job A. Turner and others, that Lenox street be paved with wood.

Thomas Gogin and others, that Dorchester street be paved from the railroad bridge to Dorchester avenue.

Severally referred to the Committee on Paving John Broderick, for leave to build a wooden stable for one horse, on Clapp street, Ward 16.

Isaac H. Ayres, for leave to erect a brick stable for one hundred horses in rear of 1951 Washington street, on Shawmut avenue.

Amos S. Gould for leave to build a wooden stable for one horse on Fort avenue.

John C. Nichols, for leave to enlarge his stable on Bowen street for three more horses.

James Balfe, for leave to keep fowls at No. 34 Sixth street.

G. S. & W. F. Howe, for leave to erect additional stalls in their stable on Albany street.

Randall & Howard, for leave to build a wooden stable for five horses at 42 Marcella street.

George M. Brown, for leave to place an additional horse in stable at 45 Winslow street.

Severally referred to the Committee on Health.

N. T. Robinson, for leave to build a wooden storehouse beyond the legal dimensions on Dorchester avenue, near Glover's Corner.

Barnard & Lord, for leave to build a wooden building beyond the legal limits in Spring Garden street, Ward 16.

Eastern Railroad Company, for leave to erect a wooden passenger station at East Boston on Bremen and Maverick streets.

Severally referred to the Committee on Survey and Inspection of Buildings.

M. J. Flatley, for an extension of time for building two houses on East Newton street.

John Carlton, for modification of conditions of sale of land on West Canton street.

Thomas Lynch's executors, for a deed confirmation of his title to land on East Chester park.

Severally referred to the Committee on Public Lands.

S. A. Stetson and others, for an alarm bell on the Rice Schoolhouse. Referred to the Committee on Fire Alarms.

J. Albert Johnston and others, for a sewer in Lark street. Referred to Committee on Sewers.

A. Friedlander, for license as a pawnbroker at 156 Broadway. Referred to the Committee on Licenses.

Request of School Committee, that rooms be provided in the Appleton-street Schoolhouse for a pure normal school. Referred to Committee on Public Instruction.

Thomas G. Atkins's heirs, to be paid for land taken by the city on Richmond and Hanover streets in 1848.

T. L. Sturtevant and others, for abatement of betterments at 118 Essex street, assessed for the widening of Kingston street.

Severally referred to the Committee on Streets.

National Lancers, for use of Faneuil Hall, June 14, 1872. Referred to Committee on Faneuil Hall.

George E. Alden and 500 others, for the removal of the House of Correction from South Boston. Referred to Committee on Public Institutions.

A notice was received from the Harbor Commissioners of a hearing on application of Henry L. Pierce for a bridge over Neponset River. Referred to Committee on Harbor on the part of this Board.

QUARTERLY REPORT OF THE CITY CLERK.

The City Clerk reports that during the quarter ending April 30, he has received the following sums, viz.:

Recording mortgages of personal property,	
liens, etc.....	\$554 25
Licenses of billiard saloons.....	52 00
Licenses of auctioneers.....	44 00
Licenses of intelligence offices.....	6 00

Total.....\$656 25

All of which has been paid into the City Treasury.

Ordered to be sent down.

QUARTERLY REPORT OF SUPERINTENDENT OF NORTH SCALES.

The Superintendent of North Scales, in Haymarket square, reports that he has received for weighing merchandise from February 1 to May 1, 1872, the sum of \$917 84—forty per cent. of which, \$367 14, less expense, \$35 75—amounting to \$331 39, have been paid to the City Treasurer.

Order to be sent down.

QUARTERLY REPORT OF SUPERINTENDENT OF MARKET.

The quarterly report of Superintendent of Faneuil-Hall Market gives the following statement:

Received for rent of stalls.....	\$10,396 50
"    "    "    cellars.....	5,385 00
"    "    "    permanent outside stands.....	648 75
Fees for weighing at market scales.....	31 11
Received for rent of stalls in new market.....	3,030 00
"    "    "    cellars in "    "    .....	1,462 50

Total receipts.....\$20,953 86

All of which was paid into the City Treasury.

Ordered to be placed on file.

QUARTERLY REPORT OF THE OVERSEERS OF THE POOR.

The quarterly report of the Overseers of the Poor, for the quarter ending April 30, 1872, shows the following statements:

Receipts—	
Cash on hand Jan. 31, 1872.....	\$5,367 76
Drafts on City Treasurer (including requisitions for Temporary Home).....	20,912 34
Cash from cities and towns.....	5,214 37
"    "    State for relief of sick and burials.....	1,789 62
"    "    for burials.....	7 00
"    "    from City Treasurer, income from "Stoughton Poor Fund".....	50 88
Cash from occupants of Charity Building for heating.....	36 58
Total.....	\$33,378 55

The expenditures were as follows:

Paid for burials.....	\$811 50
"    cities and towns for relief of Boston poor.....	3,361 71
"    expenses of City Temporary Home.....	1,812 34
"    pensions and grants at office.....	4,290 00
"    for immediate relief of persons having no settlement.....	88 00
"    for coal.....	5,215 50
"    for groceries.....	4,765 00
"    salary of secretary.....	550 00
"    "    "    bookkeeper.....	425 00
"    "    "    clerks.....	275 00
"    "    "    visitors.....	900 00
"    office expenses.....	88 75
"    transportation.....	25 95
"    for charity building, salaries, fuel, etc.....	975 71
"    bills to be refunded by the State.....	\$40 37
Overpaid a city.....	50
	40 87

Cash paid City Treasurer.....\$23,625 33

8,272 88

Cash balance April 30, 1872.....\$1,480 34

Ordered to be sent down.



## ANNUAL REPORT OF THE FIRE DEPARTMENT.

The thirty-fourth annual report of the Boston Fire Department was laid before the Board in print, by Alderman Woolley.

The report states that the number of fires the past year was 549—losses \$704,329 06. In 1870 there were 497 fires, and a loss of \$855,571. There are 2375 hydrants and 96 reservoirs, charged for water at \$18 apiece, making an aggregate of \$44,478 for the use of the water, and the charge for keeping these hydrants and reservoirs in repair was \$29,652, making a total charge to the department on their account of \$74,130.

The department, as now organized, has one Chief, fourteen Assistant Engineers, and a Secretary, elected by the City Council, and 450 members, appointed and confirmed by the Mayor and Aldermen, on the recommendation of the Board of Engineers, and holding their positions during good behavior.

The expenditures were—salaries, \$206,931 84; new apparatus, \$7244 55; committee, \$2229 47; annual parade, \$3837 23; relief of injured firemen, \$700; hose and repairing, \$28,935 71; use of water, \$60,350; repairs on hydrants and reservoirs, \$2131 13; supplies, fuel, hay, oil, etc., \$79,159 52. Total expenditures, \$391,519 45.

There have been purchased, during the year, 12,932 feet of 2½-inch hose, and the total amount of hose is 52,828 feet.

New houses are recommended for hose companies Nos. 2 and 5. Seven horses have been purchased during the year. Twenty-one members of the department were injured during the year in the discharge of their duties; four members died of consumption, one died by a fall from a building, and two others from causes not mentioned. Six persons were injured from fires or from fire apparatus.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on the proposed construction of a sewer in Thacher street, between Charlestown and Endicott streets, and for a sewer in Eighth street, between K and L streets, were taken up. No person appeared in either case, and the reports were recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Report and order to accept the charter of the Highland Street Railway:

Order to pave Tremont street, from Ruggles to Pynchon street, with granite blocks, at an estimated cost of \$55,000.

Order to pay B. F. Bean and others \$339, for Warren-street land damages.

Order to pay Abner Phelps \$1195, for Sturgis-street land damages.

Order for Chief of Police to purchase badges, clubs, and other supplies for the several Police Stations.

## PAPERS FROM THE COMMON COUNCIL.

The petition of Lyman Mason was referred, in concurrence.

The quarterly report of the City Registrar was ordered to be placed on file.

The report that the resolve and order to extend and widen Emerson street (City Doc. 43) ought to pass was accepted, and the resolve to widen and extend Emerson street at a cost of \$26,542 were passed, in concurrence.

The election of one Trustee of the City Hospital, at large, was taken up, and the declination of Albert Gay was read. The Board proceeded to an election, when John Goldthwait was elected, in concurrence, by a vote of 6 to 5 for Edward J. Long.

The order of the Common Council authorizing the Chief Engineer of the Fire Department "to purchase from time to time 10,000 feet of new hose," which was referred by this Board to the Committee on the Fire Department, came up with non-concurrence in said reference, when the Board receded from its reference and the order was passed, in concurrence.

The following orders were severally passed, in concurrence:

Report and order for Superintendent of Public Buildings to furnish suitable ventilation for the several schoolhouses.

Order for appointment of Joint Special Committee on Celebration of July 4, 1872, to which the whole Board of Aldermen was joined.

The order to pay to the commander of each post of the Grand Army of the Republic located in this city \$200, towards the expenses of "Decoration

Day," being under consideration, Alderman Cutter wished to know if the amount was the same as last year, and moved to amend by making it \$100, which was lost, when the order was passed—yeas 10, nays 1, Alderman Cutter.

The following orders were referred, in concurrence:

Order to pay C. L. Rosemeyer, a fireman, \$100, for personal injuries. Referred to Committee on Fire Department.

Order to allow the East Boston Sugar Refinery to erect a wooden storehouse at East Boston. Referred to the Committee on Survey and Inspection of Buildings.

The report and order for an amendment to the ordinance relating to the survey and inspection of buildings, so as to allow the appointment of three additional assistant-inspectors, being under consideration,

Alderman Jenks inquired whether any of the assistant-inspectors have other employment than as inspectors.

Alderman Poland read statements showing the amount of business which required the supervision of the inspectors. There have been issued since the 1st January 352 permits for the erection of brick buildings, 449 for wooden buildings, and 276 for alterations, making 1077 permits, besides which there are buildings going up for which permits were issued previous to January.

These buildings are situated in all portions of the city, some of which are long distances from the steam cars. It is the duty of the inspectors to see that no violations of the law are permitted, and to look after so many requires their constant attention. There are now three of these inspectors, one for the whole section of the city north of Boylston street, including East Boston; one for the district south of Boylston street, including the Highlands; and the third for South Boston and Ward 16. Number one has 137 buildings under his supervision, number two 186, and the other has 115. To visit all of these daily would permit but four minutes and a half to each, and require the travel of a distance of thirty miles each. If the law is to be enforced there should be enough inspectors to see to all the new buildings.

Alderman Jenks said he did not think the Alderman had answered his inquiry, and he wished to know if any of the inspectors had any other business, and what salary they had.

Alderman Poland replied that the inspectors were employed constantly, and it would be impossible for them to do anything else. They received \$1200 or \$1300 as salaries.

Alderman Jenks wished to know if either of them received a salary for any other purpose, and if so how much.

Alderman Sayward said he supposed the gentleman knew as well as he did. One of the inspectors is one of the Engineers of the Fire Department, for which he receives \$500.

Alderman Jenks further inquired if one of the inspectors was not in business on his own account.

Alderman Sayward replied that he had no knowledge of anything of the kind, and if so he could not give attention to his duties to the city.

On motion of Alderman Jenks, the order was laid over one week.

## REPORTS OF COMMITTEES.

Alderman Clark, from the Committee on Common, etc., on the petition of J. E. & N. Brown, for permission to remove trees from the sidewalk on South street, made a report recommending that the petitioners be authorized to remove the trees designated, at their own expense, under the direction of the Superintendent of Public Grounds. Accepted.

Alderman Sayward, from the Committee on Faneuil Hall, made a report in favor of the petition of John D. W. Joy and others, for use of Faneuil Hall on May 28, for a Universalist festival. Accepted.

Alderman Little, from the Committee on Health, reported in favor of stables, as follows: Eli C. Wood, to add two stalls to stable 28 Swett street; Daniel Cram, to erect a wooden stable for ten horses on Porter street, beyond the railroad; Joseph Baker, to erect a wooden stable for one horse in Murray court; Isaac Wyman, to erect a stable for one horse on Wyman street.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on the petition of A. T. Wyman, to be paid for grade damages on Warren street, at the corner of Wabon street. Accepted.

Alderman Cutter, from the same committee, to whom was referred the petition of the Metropolitan Railroad Company for a location of tracks in



Bowdoin square, to connect with the Cambridge Railroad tracks, made a report that no action is necessary, as the location asked for was included in the location granted to said company September 14, 1864. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: A. L. Cary to give a concert at Music Hall, May 8; James C. Laughton to make balloon ascensions on Back Bay lands; J. W. Cadwell to give exhibitions of mesmerism at 18 Boylston street; George R. Holm to exhibit a remarkable chimney at Roxbury; also to sundry persons as innholders and victuallers, wagon licenses, transfer of wagon licenses, for billiard saloons, intelligence offices and as dealers in second-hand articles. Severally accepted.

The same committee reported leave to withdraw on applications for licenses as innholders and victuallers as follows: Bartholomew Sheehan, 289 Tremont street; Henry Cunningham, 48 Dorchester avenue; James Keenan, 96 Merrimac street; M. B. Daly, 139 Cambridge street; John B. Donovan, 340 Federal street; Patrick H. Giblin, 100 Broadway; John W. Hutch, 115 Broadway; E. H. Gilman, 52 Essex street; Patrick Cheever, 957 Tremont street; John W. Conley, 168 Eighth street; James Wall, corner of E and Seventh streets. Severally accepted.

The same committee reported leave to withdraw on petition of Arnold W. Weaver for license to keep an intelligence office at 23 Court street. Accepted.

The committee also reported an order, as follows, which was passed:

Ordered, That the victuallers' licenses heretofore granted to Dennis P. Leonard, 291 Dorchester avenue, and to Thos. J. Fitzpatrick, 121 Broadway, be and the same are hereby revoked for cause.

Alderman Poland, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of the Boston & Albany Railroad Company, for leave to extend their engine house on Marginal street, in Ward 1, made a report recommending the passage of the following order:

Ordered, That the Boston & Albany Railroad Company be authorized to extend their engine house on Marginal street, by building an addition 50 by 54½ feet in area, and 15 feet high; the frame to be covered with corrugated iron and the roof with composition, provided that a brick wall be erected at the northerly end of said addition, separating it from the adjoining wooden building. The report was accepted and the order was passed.

Alderman Fairbanks, from the Joint Standing Committee on Water, to whom was referred the petitions for the introduction of stone drinking troughs with self-adjusting supply pipes in place of the drinking fountains for animals now located in the streets of the city, made a report recommending the passage of the accompanying order:

Ordered, That the Cochituate Water Board be requested to erect iron drinking fountains with double bowls and self-adjusting supply pipes, for the use of horses and other animals, at the corner of Beacon and Charles streets, and on Washington street opposite Franklin square.

The report was accepted, and the order was passed.

Alderman Woolley, from the Joint Standing Committee on Fire Department, to whom was recommended the order of April 22, 1872, made a report unanimously recommending the passage of the order, as follows:

Ordered, That the Chief Engineer of the Fire Department be authorized to employ additional assistance in his office and department as may be deemed necessary; the expense thereof, not to exceed in amount the sum of \$3000, to be charged to the appropriation for the Fire Department.

The report was accepted, and the order was passed.

#### ORDERS PASSED.

On motion of Alderman Fairbanks, Aldermen Fairbanks and Squires were appointed a committee to examine the returns of the results of the question submitted to the voters in the several wards of this city tomorrow, and report at the next meeting of this Board.

Ordered, That the Superintendent of Faneuil-Hall Market be authorized to employ, subject to the approval of his Honor the Mayor, one deputy, to assist him in the discharge of the duties of said office.

Ordered, That the Chairman of the Board of Aldermen be authorized to approve bills for expenses incurred by the Board of Aldermen and the

standing committees of the Board of Aldermen, not having charge of any appropriations of money; also by individual members of the Board while engaged in the discharge of official duty; the amount of said bills to be charged to the appropriation for Contingent Expenses of the Board of Aldermen.

Ordered, That the annual report of the Auditor of Accounts for the financial year 1871-72 be submitted in print, and that 5000 copies thereof be printed; that 4000 copies be retained in the custody of the Auditor at City Hall, for distribution, and that the remainder be placed in the several police station houses, also for distribution; and further, that public advertisement be made of the fact in the newspapers that said reports have been placed in the Auditor's office, City Hall, and in the several police station houses, for distribution, where the citizens may obtain them on application.

Ordered, That the special committee of this board on the subject of the drainage of territory below grade be authorized to procure surveys and descriptions of the lands authorized to be taken by the city of Boston, under an act passed by the Legislature on the 3d day of May, 1872, entitled "An act to authorize the city to abate a nuisance existing therein, and for the preservation of the public health in said city;" the expense of procuring the same to be charged to the appropriation for Incidentals.

On motion of Alderman Sayward,

Ordered, That the Committee on Public Buildings be requested to procure plans and specifications for additional shed and shop room for the accommodation of the Health Department at the city stables, located on Albany street, between Sharon and Stoughton streets, and report to the City Council the estimated cost of the same.

Ordered, That the Committee on the Fire Department be requested to report upon the expediency of locating a steam fire engine in the southwesterly portion of Ward 14.

An order for the abatement of a nuisance in Barton court.

On motion of Alderman Woolley,

Ordered, That the bill of Bangs & Horton for furnishing 347 tons of coal for the East Boston ferries, at \$8 25 per ton, be allowed and paid when it is audited and approved in the usual manner.

Ordered, That the Committee on Armories be authorized to expend an additional sum of \$200 in repairing and fitting up the armory occupied by Company I, Ninth Regiment M. V. M., at No. 40 Essex street; said sum to be charged to the appropriation for Armories.

Ordered, That the Chief Engineer of the Fire Department be and he is hereby authorized, under the direction of the Joint Standing Committee on the Fire Department, to have Steam Fire Engine No. 11 repaired, at an estimated cost of \$1600; the same to be charged to the appropriation for Fire Department.

On motion of Alderman Squires,

Ordered, That the Committee on Cemeteries be authorized to lease to Lewellyn D. Davenport a portion of the land lying directly in the rear of the fire-engine house on Eustis street, containing about two hundred square feet, for the term of ten years, at an annual rent of twenty-five dollars, said land being an unused portion of the Eliot Burial Ground.

On motion of Alderman Cutter,

Ordered, That an act entitled "An act in relation to sidewalks in cities," passed by the General Court May 3, 1872, be and the same is hereby accepted.

Ordered, That there be paid to the heirs of Daniel Bowen \$500, in full compensation for all damages to their estate No. 89 Cabot street, by the raising of the grade of said street, by order of the Board of Aldermen, Sept. 5, 1870, upon the usual conditions, including costs and damages to themselves and those holding leases under them; to be charged to the appropriation for Paving; also, ordered, that the order passed by this Board, April 1, 1872, to pay Mary E. Shay, administratrix, \$500, be and the same is hereby rescinded.

Ordered, That there be paid to T. Connelly the sum of \$150, in full compensation for all damages caused to his estate, No. 335 Chelsea street, by the raising of the grade of said street by an order of the Board of Aldermen in 1870; to be charged to the appropriation for Paving.

Ordered, That there be paid to Patrick H. Barry \$100, in full compensation for all damages caused to his estate on Chelsea street, by the raising of the grade of said street, by order of the Board of Aldermen in 1870; to be charged to the appropriation for Paving.



Ordered, That the Superintendent of Streets be directed to pave Berkeley street, between Tremont street and the Boston & Providence Railroad, with small granite blocks, at an estimated cost of \$36,000.

Ordered, That notice be and hereby is given to the Metropolitan Railroad Company that in the opinion of this Board the safety and convenience of the public require that Berkeley street be paved from Tremont street to Boston & Providence Railroad, and that said company be directed to pave on said street the space occupied by their tracks with small granite blocks, in accordance with a condition contained in the location granted to said company June 23, 1870.

On motion of Alderman Clark,

Ordered, That there be paid to Job F. Bailey the sum of \$21,460, for land taken in his name and that of the New England Female Moral Reform Society, and all damages occasioned by the widening of Kneeland street, by a resolve of the Board of Street Commissioners of November 10, 1871, upon the usual conditions; to be charged to the appropriation for Widening Kneeland Street.

Orders to pay Charles S. Mason \$1208 52, H. E. B. Kelley \$1441 88, H. M. Mann and E. W. Smith \$930 55, Jerome B. Judkins \$21,586 82, Allison O. Swett \$1410 83, Thomas N. Hart, Frederiek B. Taylor and Orrin B. North \$3462 45, the amounts severally being judgments of the Superior Court of Suffolk County of the damages occasioned their

leasehold of the estate of B. F. Edmands and John J. Raynor, trustees, by the widening of Hanover street; the same to be charged to the loan for Hanover-street Widening.

#### ORDERS OF NOTICE.

On the proposed construction of a sewer in Forest street, at the northerly end, between Mount Pleasant avenue and Vine street. Hearing Monday next, 4 o'clock P. M.

On the proposed construction of a sewer in E street, between Eight and Ninth street. Hearing Monday next, 4 o'clock P. M.

On motion of Alderman Power, the report from the Board of Street Commissioners, citing their reasons for changing the present lines of Wendell street near Broad street (City Doc. No. 42), was taken from the table, when on motion of Alderman Jenks the report was referred to the Committee on Streets.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, orders: To establish the revised grade of Eagle street; to grade Paris street at an estimated cost of \$15,000; to repave the intersection of Federal and Summer streets, at an estimated cost of \$5000; to repave Congress street, between Milk and High streets, at an estimated cost of \$12,000; to repave North Bennet street, Central street and Lindall street, severally, with wood; to repave Athens street, at an estimated cost of \$3800.

Adjourned.

## CITY OF BOSTON.

Proceedings of the Common Council,  
MAY 9, 1872.

The regular weekly meeting of the Common Council was held this evening, at 8 o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly reports of the City Clerk, Overseers of the Poor and Superintendent of North Scales, and the annual report of the Fire Department, were ordered to be placed on file.

The petitions of the Eastern Railroad Company, N. T. Robinson, Barnard & Lord, M. J. Flatley, John Carlton, Thomas Lynch's executors, and Sidney A. Stetson and others, and the request of the School Committee, for rooms for a purely Normal School, were severally referred, in concurrence.

The reference to the Committee on Streets of a communication from the Board of Street Commissioners, citing their reasons for changing the present lines of Wendell street, near Broad street (Doc. 42), was concurred in.

The order that the act of May 3, 1872, in relation to sidewalks in cities, be accepted, was laid on the table.

The report and order that the Water Board be requested to erect iron drinking fountains corner Beacon and Charles streets, and on Washington street opposite Franklin square, were read once.

The following orders were severally read twice and passed:

Order that the annual report of the Auditor of Accounts for 1871-2 be submitted in print, and distributed.

Report and order authorizing the Boston & Albany Railroad Company to extend its freight house on Marginal street.

Report and order that the act to incorporate the Highland Street Railway, of the 17th ult., be accepted.

Order that plans and specifications be procured for additional shed and shop room for the Health Department, at city stables on Albany street, between Sharon and Stoughton streets.

Order that Committee on Fire Department be requested to report on the expediency of locating a steam fire engine on the southeasterly portion of Ward 14.

Order that Steam Fire Engine No. 11 be repaired at an estimated cost not exceeding \$1600.

Report recommending that the order of the 22d ult., for the employment of additional assistance in the office of the Chief Engineer of the Fire Department, be passed, together with said order.

Order that the bill of Bangs & Horton, for coal for the ferries, be paid, when audited and approved in the usual manner.

Order for surveys and descriptions of the lands authorized to be taken by the city under an act of the 3d of May "to authorize the city of Boston to abate a nuisance existing therein, and for the preservation of the public health in said city."

Order for an expenditure of an additional sum of \$200 for repairing and fitting up the armory of Co. I, Ninth Regiment M. V. M., 40 Essex street.

## UNFINISHED BUSINESS.

The following orders were severally passed:

The order for exchanging the present seats in the Common Council Chamber for cane-bottom chairs was passed by a vote of 31 to 18.

An ordinance to establish a Board of Health, in printed City Document No. 45, 1872.

An order to increase the salaries of the Captains, Lieutenants, Sergeants and Patrolmen of the Police Department passed, by a vote of 35 yeas to 19 nays, as follows:

Yeas—Adams, Anderson, Bickford, Blackmar, Bradt, Brooks, Burt, Clatur, Cunningham, Dacey, Davenport, Devine, Dolan, Dowd, Faxon, Fitzgerald, Flanders, Heath, Jones, Kingsley, Lamb, Locke, Martin, Moulton, Mullane, Noyes, Pease, Risteen, Robbins, Salmon, Smith, Thacher, Walker, Wilbur, Wright.

Nays—Bicknell, Brennan, Burditt, Caton, Collins, Emery, Hersey, Holmes, Loring, Page, Perkins, Pickering, Prescott, Robertson, Robinson, Shepard, Webster, West, Whiston.

The order for committee to make arrangements for concerts on the Common and other parts of the city, at an expense not exceeding \$3000, was passed by a vote of 50 to 2—Bicknell and Heath in oppo-

sition; and Messrs. Robbins of Ward 8, Gragg of Ward 14, Adams of Ward 12, Burditt of Ward 16, and Dacey of Ward 2 were appointed the committee.

Mr. Brooks of Ward 1 declined to act upon the Committee on the Celebration of the Fourth of July, and Mr. Weston of Ward 1 was appointed in his place.

## PETITION PRESENTED AND REFERRED.

John S. Moulton and others, residents near the Rice Schoolhouse, against the petition for a fire-alarm bell upon said schoolhouse. Referred to Committee on Fire Alarms.

## REPORTS OF COMMITTEES.

Mr. Bicknell of Ward 4, from the Joint Standing Committee on Public Buildings, to whom was referred the petition of Howard M. Hamlin for leave to place Brayton's Ready Motor in the City Hall for use as an elevator, together with the order to consider and report upon the expediency of placing one or more elevators in the City Hall, having carefully considered the subject, submitted the following report:

The committee had plans drawn for an elevator to pass through the private halls of the first two floors, thence through the closets to the Council-chamber floor; doing this would require the cutting off of iron girders, thereby weakening the various floors through which the elevators would pass. An elevator thus located, would necessarily be a small one, and not equal to the requirements of the building.

The committee have also taken into consideration the expediency of placing an elevator in the stairway hall, and find that the expense attending the same would be about \$12,000. A large elevator would be required for the business of the building, and such an one would seriously effect the light and ventilation of the various rooms and halls.

The committee would therefore report inexpedient on the order and petition accompanying this report.

The report was accepted.

Mr. Bicknell, from the same committee, to whom was referred the petition of Josiah Dunham and others, that the new station house and hose house, Ward 12, be built on portions of the city land, made a report recommending the reference of said petition, so far as it relates to the new station house, Ward 12, to the Committee on Police. Accepted.

## OPENING OF THE PUBLIC LIBRARY ON SUNDAYS.

Mr. Burditt of Ward 16, from the Joint Standing Committee on the Public Library, who were directed to consider the expediency of opening the Public Library on Sundays, and to whom were referred the petitions of F. W. Clarke and others, Josephine Hunt and others, Eleanor W. Rockwood and others, that the City Council would direct the reading room of the library to be kept open Sunday afternoons and evenings, made a report recommending the passage of the accompanying order:

Ordered, That the Trustees of the Public Library be requested to open the reading room of the Public Library and permit the use of books and periodicals therein on Sundays, between the hours of 2 o'clock P. M. and nine o'clock P. M.

The undersigned, members of the Committee on the Public Library, respectfully dissent from the recommendation of the majority in regard to the opening of the library on Sundays. They are prevented from stating their objections at length by the determination of the majority to submit their report on the very day that the views of the committee were ascertained.

This subject has been before the City Council in various forms during the past ten years, but, up to this time, it has failed to receive the approval of the Government. In 1867, the opinion of the City Solicitor was asked, and he stated that such action would be in conflict with the provisions of the General Statutes relating to the observance of the Lord's Day. Attempts were made in the two following sessions of the Legislature to obtain authority to open the library, but they were unsuccessful. In 1870 the matter was brought before the City Council again on the petition of certain citizens. In reply to an inquiry addressed to the City Solicitor, he made the following statement:

"There has been no change in the statutes, nor any late decision of court, affecting the question of opening the Public Library on Sundays. My opinion upon the subject has not been changed since I gave expression to it as published in City Document No. 75, of the year 1867.

Perhaps that opinion receives some corrobora-



tion by the action of the Legislature at its present session. A bill was introduced, discussed and rejected, to authorize the opening of libraries on Sundays. If the law already permitted it, any action of the Legislature, such as was sought, would have been unnecessary; and the debates upon the subject, so far as I read reports of them, proceeded upon the theory that libraries could not be opened on Sundays without a violation of the law."

In their report, the committee of that year say:

"Although a majority of the committee are decidedly of opinion that it would be highly beneficial, both in a moral and an educational point of view, to open the library to the public on Sundays, they do not feel that it would be judicious to recommend the opening while the legality of such a step is questionable. The strong opposition to any change in the present arrangements, on the part of many influential citizens, on account of what they regard as a tendency to violate the proper observance of the Lord's Day, makes it necessary on the part of those who favor this change that they should remove any doubts which might be cast upon the legality of their proceedings, lest their action should prove detrimental to the best interests of the institution whose benefits they wish to enlarge."

They recommended that application be made to the Legislature for authority to open the library. The recommendation was adopted, a petition was sent by the Mayor to the Legislature, but the request was again refused.

There would seem to be no question as to the illegality of the action proposed by the majority. If the City Council disregards the laws of the General Court, how can it demand of the citizens respect for its own laws? This is a very serious matter. It is proposed to take a step which is without precedent and which may lead to very grave consequences.

There are many other objections which might be urged against the proposed action, but we are prevented by want of time from discussing them here.

In our opinion it would be inexpedient to open any portion of the library for public use on Sundays.

L. R. CUTTER,  
S. A. STACKPOLE.

The reports were ordered to be printed, and the order was read once.

On a request for its second reading, Mr. Smith of Ward 1 moved that it be laid on the table, which was lost by a vote of 19 to 25.

Mr. Locke of Ward 12 asked for the yeas and nays on the passage of the order. As a member of the committee he was unable to be present when the report was adopted. He was opposed to the measure when it came up before it was acted upon by them, and had seen nothing since to change his opinion.

Mr. Perkins of Ward 6 believed this was a measure of too much importance to be pressed through at this meeting. Having sprung up unexpectedly, and the minority of the committee stating that they had not had time to prepare their report as they wished, if the plan was to be proceeded in and the order passed, it would not have the moral weight which the measure would possess should there be a delay in its passage.

In favor of the measure himself, if legally carried out, the report of the minority should be regarded. They state that the opinion of the City Solicitor being that the opening of the Public Library on Sunday would be in violation of law, the Legislature was asked to repeal the statute and refused to do so. Would it not be unwise in such a case to set an example to break the law? Admitting that the law was binding by asking for its repeal, and when refused to turn round and say it was not worth a copper, it would be unbecoming in them to take such a stand.

Mr. Pease of Ward 1 said he was opposed to the desecration of the Lord's Day by the opening of the Public Library on that day. The subject had been sprung upon them, without consideration, and many members were not prepared to vote upon it, nor were they ready to speak upon it. He moved, therefore, that it be specially assigned to Thursday evening next, at eight and half o'clock.

Mr. Shepard of Ward 4 said that although in favor of the passage of the order, he was also in favor of the fullest and freest discussion of the subject. He suggested that the assignment be made to nine o'clock, for the completion of other business.

Mr. Fitzgerald of Ward 7 had no objection, as a member of that committee, to a postponement. There are so many who want to ventilate them-

selves on the subject that he supposed it must be discussed. It was said in opposition to the order that they were not prepared to speak or to vote, yet the same parties say they are ready to vote against it; but he supposed it was that they had not their speeches prepared. He did not believe there was a man in the Council who had not made up his mind how he should vote. The subject had been kicked as a football between the City Council and the Legislature, had been discussed in these places and in the street, and he did not doubt they were as well prepared now as they would be after two hours' debate.

The minority of the committee say they had no time in which to prepare their report. The report was delayed because the minority wished to send to Cincinnati, Philadelphia, or elsewhere, to see how the opening of libraries on Sundays worked. But it proved that it had a contrary effect to what they expected, for in all those places where it had been tried they were in favor of it. The superintendent of the library in Cincinnati, himself a Boston man, and puritanic in his views, in a letter acknowledges that the opening of the library proves to be a benefit instead of a curse and a desecration of the Sabbath. If members of the Council wished to ventilate their views on religious topics, he would not wish to prevent them, but he did not believe it would change one vote.

Mr. Blackmar of Ward 11 said that in justice to the committee, in reply to the language of the minority that they were not allowed time to prepare their objections, it should be said, three times the committee had been called upon to make their report. The subject had been before the people for five years, at least, had been talked over and thought over; had been sent to the Legislature and back again, yet he did not wish to prevent discussion on it. The policy of the minority appeared to be to kill it by delay, by masterly inactivity.

That the opening of the Public Library on Sundays would be a violation of law, he regarded as a great bugbear. While he would not question the opinion of the City Solicitor, he may be mistaken, and he thought he was. Great stress was laid by the Solicitor on the fact that an attempt was made to get the Legislature to change the law, which did not succeed. There were many things which people attempted to get through the Legislature, but which are not successful. He believed that the opening of the Public Library would be perfectly legal, as a work of charity and necessity, and that the Supreme Court would sustain them in it.

He hoped, therefore, that this question would be settled tonight, averse as he might be to preventing a discussion of it. The matter had long been put off, but was no longer an experiment. Boston, which had been accustomed to lead off in all good enterprises, was now obliged to borrow from other cities. Cincinnati and Philadelphia had proved it to be a success, and clergy as well as other men were advocates of it, Henry Ward Beecher being cited as an example. Where one man had been taken from a church to a library ten had been taken from the street. Every member of the Council was as well prepared, he believed, to vote now as he would be if the question was delayed one week or six weeks.

Mr. Pickering of Ward 6 hoped the taking of the question would not be foreed. So important a question required caution in deciding upon it. The City Solicitor said the measure would be illegal, and when his last opinion was given it had not been changed. They had better wait awhile till that opinion was changed, for while he remains the legal adviser of the city, his opinion should be respected, and he hoped, therefore, that the taking of the question would be delayed.

Mr. Brooks of Ward 1 hoped the order would not be pressed, and that it would be laid over one week.

Mr. Burditt of Ward 16 disclaimed, on the part of the majority of the committee, a disposition to hurry this matter. The delay had been for the purpose of getting reports from other cities, and these reports have been in the hands of the committee for two weeks, thus giving the minority an opportunity to make up their report.

Mr. Fitzgerald said that lest the Council should be turned into a revival meeting, he should move to amend the motion to assign by limiting speeches to ten minutes.

Mr. Caton of Ward 11 said he would propose that no gentleman should be allowed to speak but once.

Mr. Fitzgerald—I accept.

Mr. Robbins of Ward 8 suggested that no gentleman who has spoken tonight should be allowed to speak at the next meeting.



Mr. Perkins said he did not remember any speeches, unless they were written, which exceeded ten minutes in length. He would agree not to speak more than three minutes.

Mr. Smith of Ward 1 said it was well known that this subject had been under consideration by the committee for some months. So far as related to calling for the report, the calls were made by the friends of the measure, of course. The subject was of such importance that speeches should not be limited to ten or fifty minutes, and the debate ought to be unlimited. Even if he had not the eloquence of a Beecher, the question was an all important one, and every man, however unlearned, had an interest in it.

This was a question for the city to decide, whether the Public Library should be opened on the Lord's Day or not. He did not see the necessity for it, and had been opposed to it from the beginning. They now had a branch library in East Boston, the first in the United States, or in any other country.

Mr. Perkins rose to a question of order, that the gentleman was not speaking to the question.

The Chair stated that he did not wish to check discussion, but the gentleman should speak more to the question.

Mr. Smith said he was going on to show whether it was designed to open the libraries on Sunday, another branch having been opened in South Boston, from which the people could take books and read at home. He believed that Sunday was set apart as a day of rest, and if this city was to go on prospering, that day should be properly observed. So far as related to Mr. Beecher, one of the most eloquent ministers of this city pitched into him last Sunday in good shape, and he had no respect for Beecher.

He would not wish to be responsible for the great and evil consequences of opening the Public Library on Sunday, for the theatres would soon be following in the train, and he believed they had something to do with the movement. Where public libraries are opened in Paris, the people go into the theatres more than in the libraries. With the little ability which he had, he asked them to pause. He trusted the question would be postponed, again and again, and no limitation of time be made in a thorough discussion of it.

Mr. Fitzgerald said he found the remedy he proposed was worse than the disease, and he would withdraw his amendment to limit speeches.

Mr. Blackmar of Ward 11 said there was blame on both sides in this matter. The committee had been blamed for delay in making their report, and it is now objected that they are forcing the settlement of the question. As far as they are concerned, they had cleared their skirts in making a report.

Mr. Holmes of Ward 6 stated that the committee passed a vote two weeks ago in deciding their opinions, and the minority had had so much time for making their objections. Today another attempt was made to delay. The vote was 5 to 3 for the report. What gain, he asked, could there be by further delay? Had not every gentleman possession of every fact necessary for a decision? One gentleman had said he had for twenty-one years held to the same opinion, and it could not be expected that he would alter it in one night. He hoped the question would be settled tonight.

Mr. West of Ward 16 moved the previous question, as the only way of ending the discussion; but a question being raised, on which the Chair ruled that it would cut off the special assignment, the motion was withdrawn.

Mr. Shepard said there was no doubt the question would be assigned, so that there should not appear to be undue haste, and he would suggest that the minority of the committee should take that time to make their report as full as they desire.

Mr. Webster of Ward 6 said if the vote was to be taken now, he should vote against his will. The City Solicitor had given his opinion, and there had been no opinion against his. He would suggest to the legal gentlemen of the Council that they should come prepared at the next meeting to show that the opinion of the Solicitor was not sound. He could not vote for the order if it was shown to be clearly against the law.

The Chair stated the question, when the several amendments were withdrawn.

The motion to assign to nine o'clock was amended to make it half-past eight o'clock, when the assignment was carried.

#### REPORT ON A SITE FOR A NEW HIGH AND LATIN SCHOOLHOUSE.

Mr. Emery of Ward 10, from the Joint Standing Committee on Public Instruction to whom was re-

ferred the request of the School Committee that the City Council would purchase a suitable lot of land on Warren avenue as a site for a new building for the English High School, having carefully considered the subject, submitted the following report:

The average number of pupils belonging to the English High School at the present time is five hundred and forty. Of these seven classes are accommodated in the schoolhouse in Bedford street, and nine in the building on Mason street, formerly occupied by the Girls' High and Normal School. The Latin School contains about two hundred and twenty pupils. Seven classes are accommodated in the Bedford-street Schoolhouse and two in the primary school building on Harrison avenue. Four of the teachers in the High School and two in the Latin School have to visit all the classes and go back and forth between the buildings in which they are located.

Besides the lack of suitable accommodations in the buildings now occupied, the locations are objectionable for the reason that they are closely surrounded by the business establishments, and the centre of population from which pupils for these schools are furnished has been removed to a point further south. The building in Bedford street was erected in the year 1844. The lot on which it stands covers an area of 12,980 square feet. Including the building, which can be moved to a suitable position and adapted, without much expense, to business purposes. The value of the estate has been estimated by competent judges at \$15 per foot, making the total value \$194,700.

The building in Mason street was erected in 1848. The lot contains 12,771 square feet, which is estimated at \$6 per foot, making a total of \$76,626. The building on Harrison avenue is used only for the two classes from the Latin School and for a wardrobe for Ward 5. When these classes are withdrawn, the property will be for sale, as accommodations for a wardrobe can be furnished at small expense in some other locality. The value of this estate, covering 5537 square feet, including the building, is estimated at \$10 per foot, making the total \$55,370.

It appears then that the value of the lands and buildings occupied by these two schools amounts to \$326,696. This is, of course, to be taken into account in considering the expense of providing accommodations elsewhere.

Last year there was a difference of opinion between the two committees having charge of these schools, both in regard to the location and the character of the new buildings to be erected. After giving the subject very careful consideration this year, these committees, consisting of two representatives from each ward in the city, unite in recommending the selection of a lot on Warren avenue, between Dartmouth street and Clarendou street, of sufficient size to accommodate both these schools, either in one large building or in a group of buildings, opening on different streets.

It was represented that such a course would not only be more economical than in the selection of sites in different localities, but that it would have a beneficial influence, in many ways, upon the schools. In the annual report of the School Committee, recently published, the general features of the proposed plan are stated thus:

"There are many reasons why the two schools should be located near each other, occupying either wings of the same edifice, or contiguous buildings in the same lot. Each school will require its separate rooms for daily occupancy, as well as separate yards. But it is no longer practicable to let the boys take their exercise upon the Common; the military drill is only an occasional resource, though it occupies quite enough of school hours, and a well-furnished gymnasium is greatly needed. Pupils will then be able to get their indispensable daily exercise with very little loss of time. One gymnasium will serve for both schools. Next, the military drill, if it is to be kept up, will require a hall.

There is no probability that the new schoolhouses will be located where the use of a large room like Boylston Hall can be obtained. To give regularity to the drill a proper hall must be provided; and for this purpose one hall will serve for both schools. The same may be said for the great hall that will be wanted for exhibitions and other public exercises, for the library, which is greatly needed for both schools, for cabinets of natural science, and philosophical apparatus. Thus it will be seen that three halls, for gymnasium, military drill, and for declamation, with other rooms enough to occupy one large building, will be



wanted for either school singly, but will easily accommodate both under joint regulations.

The schools will also exert a salutary influence upon each other; there is no danger that the English High School will become too literary, or the Latin School too practical. Furthermore, the efforts of some of our most thoughtful members have been given to the matter of allowing the freest development of pupils' faculties, and, with that view, of making the requirements for admission into the two schools as nearly equal as possible, so that pupils who begin to show abilities and taste that demand a different training can be transferred from one school to the other without much jar, and without the loss of so much time as has been the case heretofore.

We think that a spacious lot should be selected, upon an airy and handsome avenue, and that an edifice with a centre and two wings, or (what is better) three buildings conveniently near together, should be erected. If the Council properly appreciates these great interests, and looks to the wants of the future, this edifice, or this group of buildings, will be an ornament to the city that prides itself upon the honor shown to learning and the arts. \* \* \*

Provision should be made for one thousand High and five hundred Latin School pupils."

The expense involved in carrying out this scheme is somewhat startling at first, but a careful consideration of all the circumstances—the rapid growth of the city, the important position which these schools now occupy in our educational system, and the measures being taken to increase their usefulness still further—will convince the members of the Government that it is, on the whole, an economical measure.

The location on Warren avenue is admirably adapted for the accommodation of pupils attending from different sections of the city. In fact, it is the only place where a large lot of unoccupied land, located in the centre of the city, can be obtained for anything like a reasonable price. It is proposed to purchase all the land lying between Warren avenue, Montgomery street, Dartmouth street and Clarendon street, with the exception of the lot occupied by the Baptist Church on the corner of Clarendon street and Montgomery street, and the lot on the corner of Clarendon street and Warren avenue, owned by Henry B. Rogers.

In order to give the city control of the entire front on Dartmouth street, it would be advisable to purchase the five lots on the corner of Montgomery street and Dartmouth street, and move the buildings which now occupy them to Warren avenue adjoining the Rogers lot. The city would then have an estate with a front of 220 feet on Dartmouth street and 398 feet on Warren avenue, making in all 91,060 square feet, after disposing of the estates on which the houses are to be located on Warren avenue.

The first cost of the whole property, covering 101,060 square feet of land, and including the five houses on Dartmouth street, is estimated at \$412,800; the net cost, after the sale of the houses, will be \$332,800, making the actual cost per foot for the schoolhouse lot, \$3 65½. A plan of the estates is submitted herewith.

The committee would respectfully recommend the passage of the accompanying orders:

Ordered, That the Committee on Public Instruc-

tion be authorized to purchase, as a site for the English High and Latin schools, the several estates on Dartmouth street, between Montgomery street and Warren avenue, owned by Nancy L. Crump, Lucretia M. Phelps, Mary E. Beal, Eliza Pulsifer, Samuel Carr and the Washingtonian Home; also the estates in the rear of the same on Montgomery street and Warren avenue, owned by John L. Gardner, containing in all 101,060 square feet, more or less, for a sum not exceeding \$415,000.

Ordered, That the Treasurer be authorized to borrow, under the directions of the Committee on Finance, the sum of \$415,000, to be applied to the purchase of a site for the English High and Latin schools, on Dartmouth street, Warren avenue and Montgomery street.

The report was laid on the table, and ordered to be printed.

#### ORDERS PASSED.

On motion of Mr. Brooks of Ward 1,

Ordered, That the Committee on Common be authorized to contract for the construction of an iron fence around the space on Commonwealth avenue, between Clarendon and Dartmouth streets, at an expense not exceeding \$5000; to be charged to the appropriation for Common.

Ordered, That the Committee on Common be authorized to expend not exceeding \$6000, for the purchase of seeds, plants, bulbs, etc., for the Common and other public grounds; to be charged to the appropriation for Common.

On motion of Mr. Hersey of Ward 12,

Ordered, That the Committee on Legislative Matters be requested to report in print the result of all their transactions the present year.

Mr. Flanders of Ward 5, offered the following order, which was read once:

Ordered, That the President of the Common Council be authorized to approve bills for expenses incurred by the Common Council and the standing committees of the Common Council not having charge of any appropriation of money; also by individual members of the Council while engaged in the discharge of official duty—the amount of said bills to be charged to the appropriation for Contingent Expenses of the Common Council.

Mr. Cunningham of Ward 2 offered the following order, which he asked to have sent up:

Ordered, That the Board of Aldermen be requested to increase the pay of laborers in the Paving, Sewer and Health departments from two dollars per day to two dollars and twenty-five cents.

Mr. Perkius of Ward 6 inquired how the order could be sent up without passing.

The order was denied a second reading, by a vote of 9 to 22.

Mr. Cunningham also offered an order requesting the Committee on Common to increase the pay of laborers in that department twenty-five cents a day, which was referred to Committee on Common.

Mr. Emery of Ward 10 moved to take from the table the order requesting the Committee on Institutions to report a site for a new Insane Asylum, and plans and estimates for a suitable building to accommodate insane persons belonging to the city. Lost, by a vote of 19 to 21.

On motion of Mr. Page of Ward 9, it was voted that the Council visit the premises of the proposed site for a High and Latin schoolhouse, on Thursday next, four o'clock.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MAY 13, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at 4 o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Weighers of Coal—Joseph C. Robinson, Alfred Perkins, Jr.

Special Police Officers, without pay—William Barton for Plymouth and Wareham streets; James Shandon for Liverpool wharf; Charles H. Hibbard for Winter street and its vicinity; Isaac D. Dana for Foster's wharf and its vicinity; William Finnegan for Tremont and Downer streets and the vicinity; Bartley Hughes for Pine Island.

Police Officers—Martin L. White as Sergeant of Police; Sergeant Horace M. Ford to be Captain of Police, (the Committee on Police reporting in favor of immediate action).

Constable—Alfred R. Lewis.

## PETITIONS PRESENTED AND REFERRED.

William E. Abbott and others, that the grade of Blue Hill avenue be established between Harvard and Columbia streets.

Maria D. Lockwood, to be paid for grade damages on Dorr street.

Alexander Gillis, for the grade of Myrtle street, Ward 16.

Joseph Backoff, to be paid for Cabot-street grade damages.

Joseph F. Paul & Co. and others, that Bristol street be paved with wood.

Middlesex Railroad Company, for extension of location in this city, by laying an additional track on Charles-River Bridge, from the Charlestown line, to connect with its track on Causeway street.

Severally referred to the Committee on Paving.

J. N. Whitman, for leave to erect a stable for four horses on Champney street.

John M. Byron, for leave to erect a wooden stable for one horse on Longwood avenue.

James Collins, for leave to build a wooden stable on Adams street, near Park street.

John Q. A. Clifton & Co., for leave to build a stable for two horses at 263 London street.

Peter Cain and others, that the license granted to Benjamin Johnson to build a stable at 17 Trumbull street may be revoked.

E. & G. G. Hook and others, that O. Nute be allowed to water Tremont street beyond Ruggles street.

Patrick Kane and others, against the petition of W. W. Wright for a stable on Tudor street.

Severally referred to the Committee on Health.

Robert McNinch, to be paid for damages caused by defective sewerage in Fabin street.

D. N. Skillings, trustee, for a sewer in Brookline avenue.

Caleb A. Conant, for abatement of sewer assessment on Shawmut avenue.

Emily W. Wilson, for postponement of collection of Shawmut avenue sewer assessment.

George T. McLauthlin and others, for a sewer in Brookline avenue, Francis and Bellevue streets.

Boston Coöperative Building Company, for a sewer in Canton street, east of Harrison avenue.

Severally referred to the Committee on Sewers.

Charles McCarty, for leave to exhibit birds and other curiosities at No. 18 Elm street. Referred to Committee on Licenses.

John W. Rollins and wife, to be paid for damages for land taken to widen Malden street, in Chelsea. Referred to the Committee on Streets on the part of this Board.

Thomas W. Tuttle, for leave to purchase a parcel of land on Wesley avenue. Referred to Joint Committee on Streets.

Howard A. Doe, for extension of time in which to build on Broadway. Referred to Committee on Public Lands.

## HIGHLAND STREET RAILWAY.

A petition was received from the Highland Street Railway Company for a location of their tracks according to the terms of their charter, in and over the following streets, namely: Commencing at Grove Hall, or near the same, over Warren street, by a single or double track to Dudley street, over Dudley street, by a single or double

track to Shawmut avenue, over Cliff street, connecting the tracks on Warren street with the tracks hereby petitioned for on Shawmut avenue and Dudley street by a single track, over Shawmut avenue by a single track from Cliff street to Dudley street, over Washington street by a single street track between Guild row and Dudley street, and by a double track between Dudley street and Shawmut avenue; over Guild row by a single track; over Shawmut avenue by a single or double track, from Washington street to Tremont street; over Tremont street by a double track to Boylston street, and by a single track to Temple place; over Washington street by a single track from Eliot street to Temple place, and over Eliot, Boylston and Temple-place streets by single tracks, connecting the Tremont-street tracks with the Washington-street tracks, with suitable connections, switches, curves, frogs and turnouts to unite the tracks hereby petitioned for into a line of railroad from Grove Hall to Temple place.

And that your honorable Board in granting a location under this petition shall prescribe in those cases where the tracks of any other street railway are already laid in any street over which a location of tracks for the use of this railway company is hereby petitioned for, to wit: in Warren, Washington, Tremont, Boylston and Temple-place streets, in Guild row, a small part of Dudley street, and a small part of Shawmut avenue, whether or not the necessities and convenience of public travel require that this petitioning corporation shall lay additional tracks in the said streets already occupied by tracks, or whether such necessity and convenience require that the tracks already laid should be deemed to be the location of tracks for the use of this corporation; also if requiring the laying of an additional track, in any such street, whether this corporation shall be confined to the use of such new track or may use the same conjointly with the other track already laid.

An order of notice was issued on the petition, the hearing on which is assigned to Tuesday, June 4, 4 P. M.

## COMMUNICATIONS.

A communication was received from James M. Bugbee, clerk of committees, as follows:

"The undersigned respectfully requests your honorable bodies to grant him leave of absence during the months of July and August next, on condition that he will make arrangements satisfactory to the Chairman of the Board of Aldermen and the President of the Common Council for the performance of his official duties during that time without expense to the city."

It was voted unanimously that the request be granted.

A communication was received from the Board of Commissioners of Cedar Grove Cemetery, stating that it is necessary to lay out and put in condition for sale a portion of said cemetery grounds, and to improve and develop the cemetery; that in their opinion the sum of \$6000 will be required for such work; and they respectfully request an appropriation to said cemetery of that sum. Referred to Aldermen Squires, Sayward and Poland, with such as the Common Council may join.

## LEASES OF CITY PROPERTY.

A communication was received from the Auditor, submitting a statement of the leases of the property owned by the city of Boston, as they existed May 1, 1872, in conformity to the requirements of section 15 of the ordinance on finance. Laid on the table and ordered to be printed.

The principal leases are as follows:

Estate corner of Washington and Water streets, Thayer & Dunham, \$1600 per annum, lease expiring September 1, 1874; two houses on Pleasant street and eight on Madison place to J. J. Flynn. \$2500, lease to December 20, 1873; vacant lot of land on Battery street, \$60; Green House, public garden, John Galvin, \$3000, lease to October 3, 1873; market houses, as per schedule of superintendent annexed, \$84,091; buildings under jurisdiction of Committee on Public Buildings, as per schedule, \$31,868; public lands, as per schedule, \$4650, making a total of rents of \$127,769.

In the several schedules annexed the aggregates give \$63,126 per annum for the stalls and cellars in Faneuil Hall Market, \$17,970 for stalls and cellars in market under Faneuil Hall, \$2595 for rents of outside permanent stands, and \$400 for fees for weighing at the public scales. The rents of the Old State House, on a lease of ten years from July 1, 1866, amount to \$21,000; Quiney Hall, \$7000; Eastern-avenue wharf and docks, \$3000.



EXTENSION OF DEVONSHIRE STREET.

A communication was received from the Street Commissioners, with a resolve and order providing for the extension of Devonshire street fifty feet wide through Wilson's lane to Dock square, at an estimated expense of \$502,912.

The several items of cost are estimated as follows:

Charles W. Galloupe, 20 to 24 State street, 2411 feet of land, \$70 per foot, \$168,770; damage to buildings, owners and occupants, \$65,000; total, \$233,770. Charles Davenport, 2 Wilson's lane, 763 feet of land, \$16—\$12,200; damages to buildings, etc., \$12,792—\$25,000. Heirs of John Codman, 6 Wilson's lane, 1957 feet of land, \$15 per foot, \$29,355; damage to buildings, etc., \$20,000—\$49,355. Heirs of George Howe, 8 Wilson's lane, 993 feet of land, \$15—\$14,895; damage, \$7500—\$22,395. Alvin D. Puffer, 10 Wilson's lane, 683 feet of land, \$14—\$9562; damage \$8000—\$17,562. Massachusetts General Hospital, 23 Washington street, 406 feet of land, \$15—\$6090; damage, \$6000—\$12,090. Joseph Comer and others, trustees, 20 to 24 Washington street, 600 feet of land, \$15—\$9000; damage, \$9000—\$18,000. Heirs of Sally Henry, 10 and 12 Washington street, 475 feet of land, \$30—\$14,250; damages, \$7000—\$21,250. George Allen and William Noble, 6 and 8 Washington street, 783 feet, \$30—\$23,490; damages, \$20,000—\$43,490. Heirs of Henry Sargent, 24 Wilson's lane, and 2 and 4 Washington street, 1646 feet, \$25, \$41,150; damages \$18,850—\$60,000. The whole number of feet of land taken is 10,717—cost of land, \$328,770; value of buildings before extension, \$187,500; value after extension, \$74,000; value of materials to be cut off, \$7300—making a total of damages, \$174,142, and an aggregate in the cost of land and damages of \$502,912.

The Commissioners say in their communication, The need of this street seems to the commissioners, and, as they have informed themselves, to the public also, to be in advance of any extension of Washington street northward y, as that extension would increase to its greatest inconvenience the travel already crowding Washington street north of Milk street, unless it be provided with some such parallel course from the business centre to the northerly part of the city, as the order now submitted for the Council's approval will furnish. Referred to the Committee on Streets.

IMPROVEMENT OF SOUTH BOSTON FLATS.

The following communication was received from the Harbor Commissioners: To his Honor the Mayor and the City Council of the city of Boston:

Respectfully presents the Board of Harbor Commissioners of the Commonwealth of Massachusetts the following memorial:

The time has come when it is the desire of the Commonwealth immediately to begin the improvement of the South Boston flats.

The magnitude of this enterprise and the important bearing it has upon the future development of the city of Boston, are made clear by the statement that it contemplates, as an ultimate result, the addition to the city of a territory between seven and eight hundred acres in extent, bordering upon the deep waters of the main channel of its harbor, the gain of some five hundred acres to its present somewhat contracted deep-water anchorage ground of the upper harbor, and the consequent enlargement of the facilities for the transaction of the business of a great and growing centre of manufactures and commerce.

The immediate measures by which it is proposed to begin this work look to an early inclosure and filling of no less than a hundred acres of this territory. Fifty acres of it, when filled, will furnish the increased terminal facilities on deep water which, in addition to those at East Boston, are so much needed by the Boston & Albany Railroad. The residue will supply like facilities to the Boston, Hartford & Erie Railroad, and to merchants the most advantageous sites for warehouses and stores.

For the purpose of securing a more harmonious movement of the tidal currents of the harbor, the plan of this improvement provides also for an extension of the wharves at the westerly junction of the Main and Fort Point channels to such limit as will give ample accommodations to the important business that is there concentrated, and more than restore to the shipping interest the dock room that has been somewhat curtailed by the construction of Atlantic avenue.

The Commonwealth has already obtained the cooperation of the Boston & Albany Railroad Company and the Boston Wharf Company, and has

only to receive assurance of such coöperation on the part of the city as will insure the connection of the land to be made with the city proper to enter at once upon this work. The Legislature at its last session authorized this Board to begin this improvement, and placed at its disposal, subject to the approval of the Governor and Council, four hundred thousand dollars, to be applied to the inclosure of a sea wall and the filling of the Commonwealth's flats at the easterly junction of the Main and Fort Point channels.

Previous to this appropriation the Commonwealth had already expended a quarter of a million dollars in buying up titles on the South Boston shore, under which claims were made that conflicted with the execution of this improvement, so vital to the business interests of the city of Boston.

While the Commonwealth has undoubtedly had in view, in prosecuting this enterprise, the possibility of making the value of its property in these flats available for the relief of all its citizens from the burdens of taxation, the controlling consideration that has held it steadily to this work has been the conviction that even if it yielded no profit to the treasury of the State, the great harbor improvement, the large accession of territory, having a most advantageous location for business purposes, and the increased valuation Boston would gain by it, would justify the Commonwealth in undertaking it.

When it is considered that the mere cost of the improvement of this first tract of a hundred acres, which the Commonwealth desires at once to begin to occupy, will be from two to three millions of dollars, it is obvious that the expense to the city of connecting this land with the city proper by two bridges over Fort Point Channel, in extension of the projected Northern and Eastern avenues, is insignificant in comparison with the capital which others have expended and are still to expend, and the benefits to Boston that are to result from the work.

The plan of this improvement has received the sanction of the most eminent engineers in the country, and its essential features were devised by the United States Commissioners on Boston Harbor, appointed by the city itself. No question, therefore, can arise as to the beneficial effect in a physical point of view that the execution of this plan will have upon Boston Harbor.

In coöperating with the Commonwealth, the city of Boston will but contribute to the execution of its own designs, promote an enterprise it has long cherished, and help lay a new foundation for its own larger growth and increased prosperity.

JOSIAH QUINCY,  
DARWIN E. WARE,  
F. W. LINCOLN,  
J. N. MARSHALL,  
W. T. GRAMMER.

Boston, May 13, 1872.

Referred to Aldermen Clark, Power and Cutter, with such as the Common Council may join.

AUDITOR'S MONTHLY EXHIBIT.

The monthly exhibit of the Auditor was submitted in print, it being an exhibit of the general and special appropriations for the present financial year of 1872-73, as shown in the books in his office, May 1, 1872, including the May draft, being one month's payment of the financial year,—exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. A recapitulation gives the following result:

	Appropriations, Revenues, etc.,	Expended.	Unexpended.
General.....	\$9,899,285 93	\$450,059 14	\$9,449,226 79
Special.....	3,211,960 80	11,360 67	3,200,600 13
	\$13,111,246 73	\$461,359 81	\$12,649,886 92

Ordered to be sent down.

MONTHLY REPORT OF CITY HOSPITAL.

The monthly report of the Trustees of the City Hospital gives the following statement of the number of patients treated at this institution during the month of April:

	Med.	Surg.	Ophth.	Small-pox.	Total.
In hospital April 1.....	130	54	3	13	240
Adm'd during the month..	127	75	6	48	256
Whole number treated....	257	169	9	61	496
Discharged.....	133	66	7	36	242
Died.....	12	13	0	6	31
Remaining.....	112	90	2	19	223



In the outpatients' department the cases treated were as follows: Medical, 382; surgical, 615; ophthalmic, 916; aural, 186; cutaneous, 250—total, 2349. Ordered to be sent down.

#### ANNUAL REPORT OF THE CITY REGISTRAR.

The annual report of the City Registrar of the births, marriages and deaths in this city for the year 1871 was presented, laid on the table, and 500 copies were ordered to be printed.

The number of births registered during the year, including about 250 born in other places but not registered elsewhere, was 8555—4355 males and 4200 females—an increase of 463 over the registry of 1870. Based on the census of 1870, this gives one birth to 29.28 of the population. Including the still births, 543, the ratio is one to 27.53. In 1870 the proportion of children born alive was one to 31, and including the still births, one to 29.

In the nativity of parents, the report shows that in the case of children whose parents were both American born, including half of those classed as unknown, the percentage was but 25.43; parents both foreign born, 57.84 per cent.; in 1870, the percentages were 26 and 59. In cases where one or both parents were foreign born, the number of births was 6270, or 73.29 per cent. In cases of Irish parentage, the births were 3061, or one to 18.59, and of native parentage the ratio was but one to 73.30. The Irish-born population being but 22.71 per cent. of the population, the birth rate shows 35.78 per cent. of all the births. The native population making 65 per cent. of the whole, the birth rate is but 25 per cent.

In a comparison of nativities of different countries, and the relative births thereto, a table gives as follows: United States, 1 to 75.91; England, 1 to 45.80; Ireland, 1 to 18.58; Scotland, 1 to 48.51; Germany and north of Europe, 1 to 18.08; British provinces, 1 to 33.23.

The births in the several quarters were as follows: first, 2086; second, 1886; third, 2286; fourth, 2297. The largest number in any one month was in July, 806, and the smallest was in April, 577. The percentage of births in the several wards was as follows: Ward 1, 9; 2, 11.28; 3, 5.70; 4, 2.27; 5, 3.13; 6, 3.41; 7, 15.89; 8, 4.19; 9, 3.75; 10, 4.95; 11, 4.19; 12, 10.46; 13, 4.62; 14, 4.34; 15, 7.96; 16, 4.86. There was a decrease of 186 births in Wards 3, 4, 5, 9 and 14, and a gain of 9 in Ward 8, and 74 in Ward 7. In Wards 1, 2, 7, 12 and 15, containing 45.52 per cent. of the population, the births were 54.59 per cent; in the other eleven wards, with 54.48 per cent. of population, the births were but 45.41 per cent.

The ratio of births to population vary from one to 21.28 in Ward 7 to one to 52.86 in Ward 5. There were ninety-six births of colored children, a ratio of one to 36.30 of the colored population. There was an increase of ten in the number of twin births, the twin children of Irish parentage making 40.54 per cent. of the whole number. There was one case of triplets and one birth of Indian parentage. The male still births exceeded the females by 118; those of foreign parentage were 66.48 of the whole number. There were twelve still births of colored parentage, one to eight of those born alive, and of whites the ratio was one to sixteen.

The number of marriages recorded was 3714, an increase of 222, or 6.47 per cent. The percentage during the several months varied from 4.23 in March to 11.95 in November—about the same as during the previous year. The number of marriages of which both parties were native born was 1469, (the preceding year being 1414), or 39.55 per cent. The whole number in which both parties were foreign born was 1505, or 40.52 per cent., and of native born, one or both, 22.09, or 59.47 per cent. A comparison of nativities shows that the proportion of German grooms was greater than that of any other nationality, the grooms showing 1 to 29.88, and the brides 1 to 50.26; showing also the marriage of 1 male to 29.88 Germans, and of 1 in 89.60 of the native population.

In the ages of parties, 8.24 per cent. of the grooms were over forty, 30 per cent. over thirty; less than 3 per cent. of the brides were forty, and but 16.20 above thirty. There were 82 grooms under twenty-one years, and one married a bride between thirty and forty; two grooms between twenty-five and thirty married brides between forty and fifty; two others, near fifty years old, married brides under twenty; an old man nearly seventy married a bride between twenty and twenty-five years. Of the male minors, one was seventeen years old and five were but eighteen. The number of minor brides was 86; two being but fourteen, 4 fifteen, 15 sixteen, and 65 seventeen years of age. In 535 instances the brides were older than their husbands. The number of colored

couples married was 114, an increase of 30 over the previous year. In the occupations of males there were 655 laborers, 353 clerks, 280 carpenters, 254 merchants, etc., 157 mariners, 117 teamsters, 113 machinists, 82 painters, 69 masons.

The number of deaths was 5888, a decrease of 210 compared with the previous year, making the ratio of deaths to population, 23.50 to 1000 persons; in the previous year the ratio was 24.34. Compared with other cities the ratio is as follows: New Orleans, 29.21; New York, 29.12; Philadelphia, 22.97; San Francisco, 21.37; St. Louis, 16.82. The percentage of deaths in each quarter was as follows: First, 23.97; second, 22.66; third, 31.28; fourth, 22.69. In the several quarters the deaths of males exceeded the females in all but the third quarter. In the native born the deaths of males exceeded the females by 104, and of foreign born, the deaths of females exceeded the males 89.

The whole number of deaths of native parentage, including half of those unknown, was 1807, or 30.69 per cent. of the whole; Irish parentage, 47.93 per cent. of deaths, and of foreigners together, 69.15 per cent. About 25 per cent. only of deaths were of New England parentage. The percentage of deaths of native fathers was nearly two per cent. greater than the percentage of births of the same class; while of foreign fathers, the result was one and a half per cent. the other way, and the reverse of the result of last year. Of the deaths, 27 per cent. were under 1 year; 40.68 under 5 years; 43.26 under 10; and 48.54 did not reach 20 years. Of the 143 between 80 and 90 years, but 39 were males; and of 29 over 90, but 8 were males. There were two females of the ages of 101 and 105 years. Of the 1597 under 1 year, 1092, or 68.38 per cent. were of foreign parentage; of 796 between 1 and 5 years, 75.63 per cent., and of 158 between 5 and 10, 82.91 per cent. were of foreign parentage.

The number of interments in the city proper was 97; South Boston, 138; East Boston, 90; number of bodies removed elsewhere from tombs in the city, 190. Among the principal causes of deaths were the following: Accidents, 233; apoplexy, 105; inflammation of bowels, 72; disease of brain, 268; cholera infantum, 526; consumption, 1080—479 males, 601 females; croup and diphtheria, 128; diarrhoea and dysentery, 195; scarlet fever, 111; typhoid fever, 176; heart disease, 239; hydrocephalus, 138; marasmus, 217; Bright's disease, 97; pneumonia, 345; smallpox, 23. The deaths by consumption, in nativities, showed as follows: United States, 39.53 per cent.; Ireland, 37.22; England, 3; Provinces, 6.93; Germany, 2.31; children under 15 years of foreign parents, 8.61. In Ward 2, the percentage was 11.67; Ward 7, 13.43; Ward 4, 2.87; hospitals, 16 per cent.

In the several wards the ratio of deaths to the population is as follows: Ward 1, 1 to 61.55; 2, 1 to 35.33; 3, 1 to 48.20; 4, 1 to 52.40; 5, 1 to 60.24; 6, 1 to 45.15; 7, 1 to 38.40; 8, 1 to 60.63; 9, 1 to 68.65; 10, 1 to 52.18; 11, 1 to 62.46; 12, 1 to 48.29; 13, 1 to 48; 14, 1 to 40.35; 15, 1 to 40.25; 16, 1 to 54.73. The deaths in Ward 2, containing ten per cent. of the population, was twelve per cent. of the whole number of deaths; in Wards 1, 5, 8, 9 and 11, containing 31.41 per cent. of the population, the deaths were but 21.65 per cent. By an act of the Legislature the cemetery under Trinity Church has been discontinued as a burial place, and the removal of remains is now in progress.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to allow \$500 for alterations and repairs on Armory of Company K, First Infantry.

Order to allow \$300 for repairs, etc., on Armory of Company I, First Infantry.

Order to establish a revised grade for Eagle street, between Meridian and Brooks streets.

Order to grade Paris street, between Porter and Bennington streets, at an estimated cost of \$15,000.

Order to pave roadway and sidewalks of Athens street, between Second and A streets, at an estimated cost of \$3800.

Order to pave North Bennet street with wood, at an estimated cost of \$4000.

Order to pave Lindall street with wood, at an estimated cost of \$2500.

Order to pave Central street with wood, between Kilby and Broad streets, at an estimated cost of \$4000.

Order to pave Congress street, between Milk and High streets, with small granite blocks, at an estimated cost of \$12,000.

Order to pave Federal, Summer and Purchase streets, at their intersection, with granite blocks, at an estimated cost of \$5000.



Ordered, That whenever the Committee on Streets of this Board deem it for the best interest of the city to refer claims for damages or betterments relating to the laying out and widening of streets to arbitration for settlement, the said committee is hereby authorized so to refer such claims, with the approval of his Honor the Mayor and the City Solicitor.

## PAPERS FROM THE COMMON COUNCIL.

The remonstrance of John S. Moulton and others was referred, in concurrence.

The reports, inexpedient to locate an elevator in the City Hall, and referring to Committee on Police the subject of location of a new station house at South Boston, were accepted, in concurrence.

An ordinance to establish a Board of Health, in printed City Document, No. 45, 1872, on motion of Alderman Jenks was laid on the table.

The order for Joint Committee to make Arrangements for Concerts on the Common and other parts of the city, at an expense not exceeding \$3000, was passed, in concurrence, and Aldermen Clark, Sayward and Woolley were joined to the committee.

The following orders were severally passed, in concurrence;

Order for erection of fence and edgestones on Commonwealth avenue, from Clarendon to Dartmouth streets, at an expense of \$5000.

Order for purchase of seeds, plants, etc., for Common and public grounds.

Order for Committee on Legislative Affairs to report in print the results of their labors before the General Court.

An order to increase the salaries of the captains, lieutenants, sergeants and patrolmen of the Police Department coming up for consideration, Alderman Clark called for the yeas and nays, and the order was rejected, by a vote of 4 yeas to 7 nays, as follows:

Yeas—Jenks, Ricker, Stackpole, Woolley.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Power, Squires.

Order requesting Committee on Common, etc., to increase the pay of laborers in their department twenty-five cents per day being under consideration,

Alderman Poland asked for the reason for an increase of pay to this class of laborers.

The Chair stated that the action called for was simply a reference to the Committee on Common to report thereupon.

The order was referred, in concurrence.

## HEARINGS ON ORDERS OF NOTICE.

The hearing on the order of notice on the petition of the Metropolitan Railroad Company, for leave to extend their turnout on Washington street, near Camden street, was taken up. No person appearing in relation thereto, the report was recommitted.

The hearing on the proposed construction of a sewer in Forest street, between Mt. Pleasant avenue and Vine street, and of a sewer in E street, between Eighth and Ninth streets, were severally taken up; and no person appearing in relation to either, the reports were recommitted.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Charles McCarty, to exhibit birds and other curiosities; to one bootblack and eleven newsboys; to Chester H. Graves, a license as a manufacturer of spirituous liquors; to sundry persons as victuallers and innholders, to keep intelligence offices, billiard tables, wagon licenses, for transfer of wagon license, and as dealers of second-hand articles; and leave to withdraw on petition of Alonzo C. H. Laws for a license as victualler. Severally accepted.

The same committee reported the following order, which was considered:

Ordered, That the victualler's license granted to David Wagner, at 224 Broadway, be revoked for cause.

Alderman Power moved that the order be referred back to the committee, believing there was a mistake in the proposed action. He said he knew something of the party, and if any licenses were to be granted to victuallers he was entitled to one, keeping one of the most respectable of that class of places.

Alderman Stackpole inquired if the Alderman knew that the place in question was a victualling place.

Alderman Power replied that he did not know, and that there were not six of the hundred of that class in South Boston that were victualling places. He could not see any difference between this and

other places, and was opposed to making fish of one and flesh of another, for they should be served all alike.

Alderman Stackpole said if there were one hundred of that class in South Boston, the committee did not know it. Of this place they were satisfied that it was not a victualling place.

Alderman Power said if a barroom was a victualling saloon, that was as respectable as any in South Boston.

Alderman Stackpole replied that it was not rum sellers or saloons that were licensed, but victuallers; and in this case there were no conveniences for victualling.

The question was stated to be on recommitting the order.

Alderman Cutter said he could see no harm in recommitting the order.

Alderman Stackpole said he felt called upon now to state fully the facts in the case. At the time the license was asked for, an officer detailed to make inquiries, reported unfavorably upon it; the committee were asked to visit the place, and did so, when they found it fitted up in a style worthy of being licensed, and granted the license. In a few days the dishes were removed, the cook discharged, the cook room was closed up, and an officer who visited the place reported that there was not the first sign of a victualling place. Under such circumstances, the committee report that this license should be revoked.

The motion to recommit was carried, by a vote of 9 to 2, as follows:

Yeas—Clark, Cutter, Jenks, Little, Poland, Power, Ricker, Squires, Woolley.

Nays—Fairbanks, Stackpole.

Alderman Fairbanks, from the Committee on the Market, reported in favor of the transfer of lease of cellar 21 Faneuil Hall Market by W. L. Egerton to Egerton & Kendall. Accepted.

Alderman Poland, from the Committee on Faneuil Hall, reported in favor of granting the use of Faneuil Hall to the National Lancers, June 14, including permission to decorate the hall. Accepted.

Alderman Ricker, from the Committee on Health, reported in favor of petitions for stables, as follows: George M. Brown, to place an additional horse in stable at 45 Winslow street; G. S. & W. F. Howe, to erect eight additional stalls in their stable on Albany street; and leave to withdraw on petition of C. Tilden, Jr., for leave to place an additional horse in stable at 87 Warren street.

Severally accepted.

Alderman Power, from the Committee on Printing, to whom was referred the petition of Thomas B. Wilson that the city would pay for illustrations of the City Hall and other public buildings in a Canadian portfolio, made a report recommending that the petitioner have leave to withdraw. Accepted.

Alderman Poland, from the Committee on Faneuil Hall, made a report on the necessity of certain repairs upon the building, namely, painting the same, whitening the walls and ceiling, and the renovation of the pictures in the hall. The estimated cost of the above work will be about \$3500. The committee would therefore recommend the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to paint Faneuil Hall building, cleanse and whiten the walls and ceiling of the same, and cause the pictures in the hall to be renovated; the expense thereof to be charged to the appropriation for Public Buildings.

The order was passed.

Alderman Clark, from the Committee on Streets, reported leave to withdraw on the the petitions of S. Rowland Hart, to be paid for damages caused to his estate by the widening of Kneeland street; William Manning, to be compensated for land taken to widen Stoughton street; John Gallagher, lessee, to be paid increased damages for the widening of Kneeland street. Severally accepted.

Alderman Poland, from the Committee on Survey and Inspection of Buildings, reported in a new draft an order on petition of the Boston Sugar Refinery, as follows:

Ordered, That the Boston Sugar Refinery be allowed to erect a wooden building for storage purposes, on their premises on Lewis street, East Boston, seventy feet long and forty-five feet wide, with non-combustible roof, and without any partition wall, upon filing an application therefor at the office of the Inspector of Buildings.

The report was accepted, and the order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of N. T. Robinson,



for leave to build a storehouse on Dorchester avenue, near Glover's Corner, made a report, recommending the passage of the accompanying order:

Ordered, That N. T. Robinson be authorized to erect a wooden building for the storage of hay and grain, on Dorchester avenue, near Glover's Corner, said building to measure 55 feet on Dorchester avenue and 60 feet in depth, two stories high; provided that a suitable retaining wall of stone be constructed along the entire front of said building.

The order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of the Eastern Railroad Company for leave to erect a wooden passenger station on the corner of Bremen and Maverick streets, East Boston, made a report recommending the passage of the accompanying order:

Ordered, That the Eastern Railroad Company be authorized to erect a wooden passenger station on the corner of Bremen and Maverick streets, in East Boston, said building to be one hundred and twenty feet long and twenty feet wide, with slate roof, provided that a brick partition will be constructed in said building.

The order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of A. T. Stearns & Sons for leave to build a lumber shed upon their wharf east of Albany street, made a report recommending the passage of the following order:

Ordered, That A. T. Stearns & Sons be authorized to build a lumber shed upon their wharf east of Albany street, at the foot of Union-park street, said shed to measure sixty by seventy-five feet, in area, and not exceeding twenty-three feet high, to have a non-combustible roof and to be placed at a distance of not less than fifteen feet from any other building.

The order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of the Boston & Providence Railroad Company for leave to erect a wooden building upon their land on Heath street, Ward 15, for the purpose of a passenger station, made a report recommending the passage of the following order:

Ordered, That the Boston & Providence Railroad Company be authorized to erect a wooden building for a passenger station upon their land on Heath street, Ward 15, said building to measure 60 by 26 feet in area, to be one story high, and the roof to be covered with non-combustible material.

The order was passed.

Alderman Poland, from the same committee, to whom was referred the order instructing the Inspector of Buildings to issue a permit to the Boston Machine Company to build an open shed in their yard on First street, South Boston, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to the Boston Machine Company to build an open shed in their yard on First street, South Boston, upon an application therefor being filed at the office of the said Inspector.

The order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of Barnard & Lord for leave to build a wooden building beyond the legal limits in Spring Garden street, Ward 16, made a report recommending that the petitioners have leave to withdraw. Accepted.

#### VOLE ON THE BEER QUESTION.

Alderman Fairbanks, from the special committee appointed to examine the returns of votes cast in the several wards of this city on the 7th instant, in response to the question, "Shall any person be allowed to manufacture, sell, or keep for sale ale, porter, strong beer or lager bier in this city?" made a report that they found the several returns appeared to be correctly made, and the result of the election is as follows: Yeas, 442; nays, 1414. The citizens of this city have, therefore, answered the question submitted to them in the affirmative.

The report was accepted.

#### BEQUEST OF THE LATE PROFESSOR TREADWELL.

Alderman Cutter, from the Joint Standing Committee on the Public Library, to whom was referred the communication from his Honor the Mayor, in relation to the bequest made to the Public Library of the city of Boston by the late Professor Treadwell of Cambridge, having considered the subject, made a report recommending the passage of the accompanying orders:

Ordered, That the bequest to the Public Library of the city of Boston, named in the ninth article of the will of Daniel Treadwell of Cambridge, engi-

neer, and late Rumford Professor in Harvard College, be and the same is hereby accepted; and that the Trustees of the library be authorized to receive said bequest when it becomes due, and invest the amount received in bonds of said city, and expend the income in such manner as they may deem for the best interests of the library.

Ordered, That the Trustees of the Public Library be requested to make a suitable acknowledgment of this generous contribution to the funds of the library by the late Professor Treadwell, whose distinguished services in the application of science to the useful arts have given him a high position among public benefactors.

The report was accepted, and the orders were passed.

Alderman Cutter, from the Joint Standing Committee on Ordinances, made a report recommending an amendment to the ordinance in relation to streets. The purpose of the amendment is to prevent the use of slings, by which much injury has recently been caused both to persons and property.

The ordinance amends section 14 of the ordinance to read as follows:

"Section 14. No person shall play at ball, or throw stones or snowballs, or other missiles in any street, court, lane or alley; or throw stones or other missiles on the Common or Public Garden, or in any of the public squares."

The ordinance was read twice and passed.

Alderman Cutter, from the same committee, who were requested to prepare an ordinance in relation to the inspection of the records and files of the public institutions and departments in this city, made a report recommending the passage of an accompanying ordinance, as follows:

The ordinance provides that under the direction of the several boards having charge of the public institutions at South Boston and Deer Island, the City Hospital, Public Library, the Water Department, Pauper Department, Mount Hope Cemetery and the Ferry Department, the records and files of said institutions and departments shall be open for public inspection and examination, and any persons may take copies thereof; provided, however, that the medical records of the City Hospital shall not be included among the records open to public inspection unless by special vote of the City Council.

The ordinance was read once.

#### ORDERS PASSED.

On motion of Alderman Power,

Ordered, That the Committee on Printing be authorized to purchase a sufficient number of copies of the Boston Directory for the year 1872, to supply the several departments of the City Government which have no specific appropriations; the expense to be charged to the appropriation for Printing.

On motion of Alderman Cutter,

Ordered, That the Committee on Printing be requested to report to the City Council the amount of money paid to Messrs. Rockwell & Churchill, city printers, for alleged services outside of their contract with the city of Boston, and also whether said payments were authorized by any ordinance or order of the City Council.

Ordered, That the Superintendent of Streets be directed to water Beacon street from Dartmouth street to the Brookline and Brighton avenues with salt water, for the purpose of preserving the roadway of said street; the expense thereof, not exceeding \$150 per month to the city, to be charged to the appropriation for Paving.

Ordered, That the Superintendent of Streets be directed to notify the owners and abutters on Autumn street, Ward 15, to remove, within twenty days, all obstructions extending beyond the lines of said street, as laid out by the Board of Street Commissioners, September 21, 1871; and in default thereof said Superintendent of Streets is hereby directed to cause said obstructions to be removed at the expense of the owners thereof.

Ordered, That the Superintendent of Streets be directed to construct a staircase from the Dartmouth-street bridge to the Coliseum ground for the accommodation of the public during the Jubilee, in accordance with plans and specifications drawn by the City Engineer; the expense thereof, not exceeding \$600, to be charged to the appropriation for Back Bay Bridges.

Ordered, That three members of this Board be appointed to inspect the prisons and houses of detention within the County of Suffolk, and make the examination and reports required by the statutes of the Commonwealth.

Aldermen Cutter, Squires and Poland were appointed the committee.

On motion of Alderman Poland,



Ordered, That the Committee on Ordinances consider and report upon the expediency of so amending the ordinance relating to the posting of notices and placards as to include among the forbidden places the "posts of the city telegraphic fire alarm."

On motion of Alderman Squires,

Ordered, That the Inspector of Buildings furnish to each party applying for a permit to build, a copy of section 27 of the ordinance in relation to streets, which forbids the erection of any portico, porch, door, window or step beyond the line of any public street.

Ordered, That the several members of the Police Department be directed to report to the Chief of Police any instances of the violation of said ordinance which shall hereafter occur in this city.

On motion of Alderman Jenks, in response to a request of the town of Brookline,

Ordered, That the City Surveyor be authorized, in behalf of this Board, to cooperate with the authorities of the town of Brookline, or their agent or agents, in defining the line described in an act entitled "An act to change the boundary line between Brookline and Boston, and for sanitary purposes," which was passed this year, and to set proper landmarks on said lines; the expense, if any, to be charged to the Contingent Fund of this Board.

On motion of Alderman Woolley,

Ordered, That there be allowed and paid to Companies A, B and D, and the band of the First Battalion of Cavalry, the sums allowed to them respectively by certificate of the Adjutant-General of May 7, for special service in December 8, 1871; said sums, amounting to \$1767, to be charged to the appropriation for Militia Bounty.

On motion of Alderman Fairbanks,

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Warren street, between Dunreath place and Dale street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Thacher street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Eighth street, between K and L streets, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Canton street, between Harrison avenue and Albany street.

Ordered, That \$78 73 be hereby abated from the assessment levied upon Ambrose T. Tebbetts for a sewer in Blue Hill avenue.

Ordered, That leave be granted to George E. Whall of Dorchester to take and destroy, for scientific purposes only, such undomesticated birds and their eggs as he may select within the limits of this city, as provided in chapter 246 of the acts of 1869.

On motion of Alderman Clark,

Ordered, That there be paid to Elizabeth B. Howorth the sum of \$10,700, for land taken and damages occasioned by the widening of Kneeland street, by a resolve of the Street Commissioners, November 10, 1871, upon the usual conditions; to be charged to the appropriation for widening Kneeland street.

Ordered, That there be paid to James T. Eldredge and Charles B. Wilson the sum of \$12,460, for land taken (in the name of the heirs of John W. Warren), and all damages occasioned by the widening of Kneeland street, by a resolve of the Board of Street Commissioners, Nov. 10, 1871, upon the usual conditions; to be charged to the appropriation for widening Kneeland street.

Ordered, That there be paid to the heirs of Ebenezer Sumner \$323, for land taken in the name of Clarence Sumner, and all damages occasioned by the widening of Stoughton street, by a resolve of the Board of Street Commissioners September 1, 1871, upon the usual conditions; to be charged to the appropriation for widening Dudley and other streets.

Ordered, That there be paid to the heirs of John G. Torrey \$8950, for land taken and all damages occasioned by the widening of Federal street, by a resolve of the Board of Street Commissioners, February 29, 1872, upon the usual conditions; the same to be charged to the appropriation for Laying Out and Widening Streets.

#### ORDERS OF NOTICE.

On the proposed construction of a sewer in Laurel, Ottawa, Sherman and Bower streets; also for

a sewer in Trenton street, between Putnam and Eagle streets, and in Eagle street between Trenton street and Eagle square; also on the proposed extension of the sewer in Orleans street, and on the extension of the sewer in Saratoga street, near Chelsea street.

Hearings severally on Monday next, 4 o'clock.

On the petition of the Middlesex Railroad Company, for an additional track on Charles River Bridge, hearing Tuesday, June 4, 4 P. M.

#### ORDERS READ ONCE.

On motion of Alderman Cutter,

Orders to grade Autumn street, between Longwood avenue and Park street, Ward 15, according to the established grade, at an estimated cost of \$1000; to macadamize the roadway of Berwick park, pave gutters, etc., at an estimated cost of \$2800; to pave Barton street with small granite blocks, at an estimated cost of \$3500; to pay Mary F. Grady \$100 in full compensation for all damages to her estate on Trumbull street, corner of Newland street, to be charged to the appropriation for Canton-street Grading.

On motion of Alderman Clark,

Orders to pay B. F. Edmonds and John J. Rayner, trustees, \$47,825 75, said sum being the award of the Superior Court for land taken in the widening of Hanover street; to pay Thomas Richardson \$27,058 77, it being the judgment of the Superior Court, for land taken from the heirs of Jacob Kendall, on Hamilton street; to pay the heirs of Ebenezer Sumner \$3735 10 for land taken to widen Stoughton street; to pay Charles Andrews \$10,180 for land taken to widen Kneeland street; to pay William A. Prescott for land taken to widen Battery street.

#### INSPECTION OF BUILDINGS.

On motion of Alderman Cutter, the report and order for an amendment to the ordinance relating to the survey and inspection of buildings, so as to allow the appointment of three additional assistant inspectors were taken from the table, when Alderman Cutter moved their indefinite postponement.

In support of the motion, he said, in his judgment this was an extravagant department of the Government, in which the members not only do their duty but carry on business otherwise. With a heavy increasing taxation, he was desirous of not increasing the expenses of the Government.

Alderman Poland said he believed there was a misapprehension in regard to the labors of the Inspectors of Buildings. Rather than that the order should be indefinitely postponed, he would have it recommitted. There was more work now than three men can do, and, as he had before stated, to inspect all the buildings they were required to, would allow but four and a half minutes to each case. It must be admitted that the department will cost something, but if the system of inspection is of any use it should be carried out fully, and as a statute it should be sustained or be repealed.

Alderman Cutter inquired the amount of salaries paid to the inspectors.

Alderman Poland stated that there was one engineer of the Fire Department employed as an inspector, and the law encouraging that class of appointments and the fixing of the salaries had reference to it.

Alderman Cutter believed the Alderman did not understand his inquiry. He wished to know what tax the department was to the city, and what were the salaries of the inspectors.

Alderman Poland replied that the salary of the assistants was \$1500, and there were three of them.

Alderman Cutter—Three assistants at \$1500 each, a clerk at \$2000, and the chief \$3000, he thought was expense enough.

Alderman Poland believed it to be for the interest of the city that the inspection should be effectual, and that its value was much more than the cost.

Alderman Cutter—With an expenditure of \$9500 now, he thought the advantage obtained for the money was small. He had been trying to have something done by the inspectors in Lynde street, but it did not amount to anything but the leaving of notices.

Alderman Poland said there were some cases in which a notice was sufficient, but to attend to all the duties of the office required all the time of the inspectors.

The motion to indefinitely postpone was carried. Alderman Jenks moved a reconsideration of the vote, with the hope that it would not prevail, and the reconsideration was lost.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MAY 14, 1872.

At a special meeting of the Board of Aldermen held this evening, Alderman Little in the chair, an order was adopted, fixing quarantine regulations for vessels arriving at this port from foreign or American ports south of the capes of Virginia, the regulations to continue in force from the 1st of June to the 1st of November.

MAY 16, 1872.

A special meeting of the Board of Aldermen was held at twelve o'clock, noon, today, Alderman Little, the chairman, presiding.

APPOINTMENTS OF POLICE OFFICERS.

The following appointments were made by the Mayor, which were referred to the Committee on Police:

Ira N. Blackley, Bernard J. O'Donnell, William E. Nutter, Joseph Dodds, John Burke, David N. Hutchinson, Roswell M. Lyon, George W. Wescott, Michael Hunt, George Harvey, Ansel B. Briggs,

Frederick Hoffman, James McGarregill, Charles H. Stuart, George W. Gookin, George Munroe, Patrick Cookley, John Farrell, James Mitchell, John F. Metzgar, William McGonagle, Jr., Charles H. Greenleaf, Michael J. Dagny, James F. Lynch, Nathan S. Albee, John E. Parsons, Charles A. McCabe, Mark C. White, H. F. Ripley, Naroy G. Burleigh, Alonzo Wentworth, Michael Johnson, Albert C. Baker, George A. Wyman, Timothy J. O'Neil, Chauncey C. Mastin, Jacob Karcher, Albert O. Brummett, Joseph W. Weeks.

ORDERS PASSED.

On motion of Alderman Clark,

Ordered, That the Superintendent of Streets be directed to grade Shawmut avenue, from Tremont to Pleasant street, according to the established grade, and pave the roadway of said street with small granite blocks, the expense thereof to be charged to the appropriation for Shawmut-avenue extension, at an estimated cost of \$8500.

Ordered, That there be paid to William A. Prescott the sum of \$3044 66, it being the judgment of the Superior Court of Suffolk County of the damages occasioned him and for the land taken from his estate by the widening of Battery street, by a resolve of this Board September 24, 1870, the same having been receipted for upon the writ of execution issued by said Court; to be charged to the appropriation for Widening Streets.

Alderman Cutter gave notice that at the next meeting of the Board on Monday next, he should introduce an order authorizing the appointment of fifty additional police officers, making the whole number authorized on the fore to consist of 550.

Adjourned.











## CITY OF BOSTON.

## Proceedings of the Common Council,

MAY 16, 1872.

The regular weekly meeting of the Common Council was held this evening, at 8 o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The monthly report of the City Hospital, and the Auditor's Monthly Exhibit, were severally ordered to be placed on file.

The petitions of Thomas W. Tuttle and of Howard A. Doe were severally referred, in concurrence.

The request of the Clerk of Committees for leave of absence during July and August next was granted, in concurrence.

The reference to the joint special committee of a request from the Commissioners of Cedar Grove Cemetery, for an appropriation of \$6000 for the improvement of the cemetery, was concurred in, and Messrs. Emery of Ward 10, Smith of Ward 1, Blackmar of Ward 11, Darrow of Ward 8, and Thacher of Ward 15 were joined to the committee.

The reference to a joint special committee of a memorial of the Harbor Commissioners for co-operation by the city in the improvement of South Boston flats, was concurred in, and Messrs. Perkins of Ward 6, Hersey of Ward 12, Robbins of Ward 8, West of Ward 16, and Loring of Ward 5 were joined to the committee.

The reference to the Committee on Streets of a communication, resolve and order, from the Street Commissioners, for the extension of Devonshire street from State street to Dock square, at an adjudged expense of \$502,912 (City Doc. 46.), was concurred in.

The following reports, leave to withdraw, were accepted, in concurrence:

1. Of Barnard & Lord, for leave to build a wooden building beyond legal limits in Spring Garden street.

2. Of Thomas B. Wilson, that the city would pay for illustrations of City Hall and other public buildings in Canadian portfolio.

The following reports and orders were severally passed, in concurrence.

Report and order that the Boston & Providence Railroad Company be authorized to erect a wooden passenger station on Heath street.

Report and order that N. T. Robinson be allowed to erect a wooden storehouse for grain and hay on Dorchester avenue.

Report and order that the Boston Sugar Refinery be permitted to erect a wooden building for storage purposes on Lewis street.

Report and order that the Eastern Railroad Company have leave to erect a wooden passenger station at corner of Bremen and Maverick streets.

Report and order that A. T. Stearns & Sons be allowed to erect a wooden lumber shed on their wharf, east of Albany street.

Report and order that the Inspector of Buildings be instructed to issue a permit to the Boston Machine Company to erect an open shed in their yard in First street.

Order authorizing the purchase of a sufficient number of copies of the Boston Directory for 1872, for the departments of the City Government.

Order that the Committee on Ordinances consider the expediency of so amending the ordinance concerning the posting of placards and notices, as to include among the forbidden places, "posts of the city telegraphic fire-alarm."

Report and order authorizing Faneuil Hall to be cleansed and painted and the pictures therein to be renovated.

Report and orders accepting the bequest to the Public Library named in the ninth article of the will of Daniel Treadwell, late Rumford Professor in Harvard College; and that the Trustees of the library be requested to make a suitable acknowledgment of this generous contribution.

Order that the Committee on Printing report the amount paid to the City Printers for alleged services outside of their contract with the city.

Report and ordinance to amend an ordinance in relation to streets to prevent the use of slings.

Orders authorizing not exceeding \$300 to be expended in repairing and refitting the armory of Co. I, First Regiment; and not exceeding \$500 in altering and repairing the armory of Co. K, First Regiment.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order concerning the approval of bills for the expenses of the Common Council.

Order for the erection of drinking fountains at the corner of Beacon and Charles streets, and on Washington street opposite Franklin square.

The order for the purchase of a site for the English High and Latin schools, at not exceeding \$415,000, and for a loan thereof to be appropriated therefor, (City Document No 48,) was considered.

Mr. Flanders of Ward 5 moved that the order be laid on the table, which was lost.

Mr. Brooks of Ward 1 said he hoped the passage of the order would not be pressed tonight. He would like to have a little more time for a consideration of the subject. It involved a large expenditure, very large, and before passing it, it should be well considered. It might be a good wholesome order, yet all the light necessary should be obtained, which the committee may have, and he hoped its friends would allow it to lay over one week.

Mr. Fitzgerald of Ward 7 said if he should be required to vote on the order tonight, he should be obliged to vote against it. He would not say that he was opposed to voting money for a High and Latin Schoolhouse, but he could not vote for it on the information which he had received today. The cost of the land would be on the estimate \$415,000, and the whole cost would probably reach \$1,000,000 or \$1,500,000; hence he should vote against it if pressed to do so tonight, but not because he was opposed to the schoolhouse.

Mr. Robbins of Ward 8 said the gentleman from Ward 7 had expressed his views on the subject, and as he had not considered it as he ought to have done, or as it deserved, he was not prepared to vote yes or no on the subject.

Mr. Flanders moved that the order be specially assigned to 8½ o'clock on Thursday evening next.

Mr. Shepard of Ward 4 said he did not intend to oppose the motion. The order should be acted upon with caution and discussed fully, and yet there was one consideration he would urge for as speedy action as possible to be taken. The building operations upon the Washingtonian Home were advancing, and any delay would but increase the expenses and damages which must result from these operations. The work would not be abandoned on account of the delay on the part of the City Council, but would be advanced as fast as possible, for what purpose the Council might judge. If prepared, they could as well settle the question tonight as next week.

Mr. Fitzgerald further objected to pressing a vote now; yet he presumed the friends of the order meant to have it come to a vote tonight. It was a habit in the Council of rushing things through, and many members vote on appropriations of which they know no more than the man in the moon. The appropriation for the land was large and extravagant, and it was not fair for the friends of the measure to force members to vote for it without a due consideration of it. So far as related to the operations of the Washingtonian Home, those would not amount to much.

The cost of the land would be \$400,000 or \$500,000, and the whole cost of the schoolhouse \$1,200,000 probably. The estimates he knew were lower, but the members of the Board very well knew that repairs and improvements cost very much more than the estimates. Suppose it should cost \$200 or \$300 a week for driving piles for the Washingtonian Home, that would not amount to anything when so large an amount as the cost of this work is taken into consideration.

Mr. Smith of Ward 1 did not think it becoming in the gentleman from Ward 7 to sit in judgment on the actions of the members of the Council. Gentlemen were prepared to vote intelligently on all questions which come before them, and in his humble judgment the remark upon the members of the Council was not appropriate. While he was in favor of the purchase of the land which they had visited this afternoon, if any considerable number of members wished for a postponement he would not object to it; but, looking at the question carefully, they could not err much in passing it tonight.

It was evident, from the statements of the committee and those of the School Committee, that there was need of better accommodations for these schools than they have now. He did not think the city would lose anything if the land was bought and held for a term of years, for speculation, from what he knew of the value of land in that section of the city. While he would not urge the passage



of the order, he was prepared to vote upon it at this time.

Mr. Pickering of Ward 6 said he trusted as a friend to the measure that the order would not be forced to a vote. It was evident that some gentlemen were doubtful in the matter, and as a friend who wished it to succeed he hoped it would be considered until it secured an unanimous vote. He therefore hoped it would be postponed.

Mr. Page of Ward 9 said he had no objection to a postponement; but he thought the estimate of the gentleman from Ward 7 was extravagant—several hundred thousand dollars too high. The Girls' High and Normal School cost but \$310,717, and he could not see how this schoolhouse could cost so much as was assumed.

Mr. Fitzgerald replied, that as the estimate for the land alone for this schoolhouse was \$415,000, the expense of the buildings would be very large, as gentlemen must admit. He was not prepared to vote for so large a sum, and had he time to examine it, would probably vote yes. If the gentleman from Ward 1 always knew fully on what he voted, he would except him from his remark, but he had been told by others that they often voted without properly understanding the subject upon which they voted.

Mr. Emery of Ward 10 stated, that having been on the committee, he was in favor of the order, but if any members were in doubt, he should favor postponement. If the measure is good it will keep, and he should be better satisfied to have every gentleman look into the matter thoroughly.

Mr. Blackmar of Ward 11, as a friend of the measure, moved the previous question, but on being assured that the question would be brought to a vote on its merits, withdrew the motion.

Mr. Webster of Ward 6 said he was sure they were not often called upon to vote upon an order of this importance. If the schoolhouse cost \$1,200,000 as suggested, it would not be an extravagant sum for a High and Latin Schoolhouse. There were many present who regretted the limited advantages which they had in proper buildings and facilities for education when they were young, and he hoped, after deliberation and examination, the order would receive an unanimous vote. The children should be supplied with the best means which can be had for their education.

Mr. Brooks of Ward 1 said, that while he was in favor of building new schoolhouses, he did not think the gentleman from Ward 7 was far out of the way in his estimates, and it would probably cost a higher sum than that named by him. He would not say he might not vote for the order when he had investigated it as the committee had done, but he would not be doing justice to his constituents to vote so large a sum of money without investigation.

The motion to assign was carried.

#### THE SUNDAY-LIBRARY QUESTION.

The order requesting Trustees of Public Library to open the reading room of the library and permit the use of books and periodicals therein on Sundays from two till nine o'clock P. M., was taken up, by assignment.

Mr. Robbins of Ward 8 presented a remonstrance from George W. Chipman and others against the opening of the Public Library on Sunday, with a request for a hearing on the subject. Ordered to be placed on file.

The remonstrance of the Shawmut-avenue Baptist Church was also presented against the opening of the library on Sunday.

Mr. Burditt of Ward 16 addressed the Council in favor of the order, as follows: The question of opening the Public Library on Sundays has been so often agitated, has been so fully reported upon before, and the measure proposed is of such undoubted popularity, that the majority of the committee did not believe any elaborate report would be necessary. But as the measure seems likely to cause considerable discussion, I desire to give, briefly, my reasons why I think the order ought to pass. The subject has been before the City Council at various times during the past seven years. In 1865 an order passed both branches, but was vetoed by the Mayor. In May, 1867, the Joint Committee on the Public Library reported an order for opening the reading room on Sundays, and afterwards held several long public hearings on the matter. But in August they reported it inexpedient to take further action, solely on account of the adverse opinion of the City Solicitor, as to the legality of the opening. The committee, however, were warmly and unanimously in favor of the project. In March, 1870, petitions to open the Public Library on Sundays were referred to the committee.

At this time, as in 1867, the committee were in favor of the measure, but declined to recommend the passage of an order, being deterred by the opinion of the City Solicitor, as before. The subject has been before the Legislature for several sessions, but in every case with unfavorable result. It is worthy of notice, however, that among many of the members the opposition to passing a bill was made because they believed that the city had a right to open the library on Sundays, and that any law on the subject was unnecessary. The objection to the proposed opening proceeds from two classes; those who oppose it on moral and religious grounds, and those who, believing in the measure, yet are not willing to sustain it for fear that by so doing we shall be transcending the laws of the land. I am entirely unable to agree with those who fear that the passage of this order would in any way detract from the proper observance of the Sabbath. If it be claimed that the effect would be to draw people away from attendance upon church services, it may be shown that there is not church accommodation in the city for more than one quarter of its inhabitants. Therefore a large portion of the community is debarred from religious instruction from the pulpit.

The effect of this order is to meet this want, and to provide means for the employment of the day that are appropriate to its sacred character. It is not a sectarian measure. In the reading room of the Public Library are forty-one magazines that are theological publications, representing every shade of religious belief and giving every reader an opportunity to suit his peculiar views. It is a measure that is demanded by large numbers of our best citizens, and has been agitated year after year. It is a measure demanded by the spirit of the age in which we live. The evidence is overwhelming that in proportion as the masses are induced to read, are they elevated and refined in their daily lives; and the use of the library tends to develop a taste for culture and thought among those whose only opportunity for reading is at the Public Library, and whose only possible time for reading is the Sabbath. It is a measure of simple justice to large numbers of our citizens, for, as they have not the time to attend the library on secular days nor the means to purchase books, it follows that they are deprived of those advantages and means of improvement which their more fortunate fellow citizens enjoy. It is not an experiment.

It has been tried with marked success in other cities. Your committee caused inquiries to be made as to the working of the measure in the cities of Philadelphia and Cincinnati, and the replies received ought to be convincing to every unprejudiced mind. The librarian of the Mercantile Library of Philadelphia writes, "I think the friends of Sunday opening are satisfied with the trial, and I think the opponents have not found their fears realized." The testimony from Cincinnati is very emphatic. The librarian, Mr. Poole, was a Boston boy, with the strictest ideas as to the proprieties of the Sabbath. He writes, "The opening of the reading room of the Public Library of Cincinnati, after more than one year's trial, has proved to be a complete success. Persons who were opposed or indifferent to the measure when it was first proposed now give it their approval. The class of persons on Sundays are much the same as on other days, except that we have more young men who have no time on secular days to come to the library."

At another time he says, "Hundreds of young men, who have habitually strolled about the streets on Sunday, have in these rooms passed many profitable hours in reading and study. The Sunday readers have often been three times as numerous as on any other day of the week. No person, whatever may have been his opinions or prejudices on the subject before, can now, if he has watched this experiment, wish to see the reading rooms closed on Sunday." Thus it will be seen that the opening of the library on Sundays in other cities has been found to meet a positive need of the community. And can it be shown that there is any less need of such action here? I yield to no man in my respect for the Sabbath Day; in my desire to keep it as a day of sacred quiet and of grateful rest. We pride ourselves, and justly too, on the observance of the day in our city, and I would be the last man to disturb it. And it is preëminently for this reason that I advocate the order now before us. It is all very well with those who are comfortably situated at their homes, with room, and light, and air, and everything about them to conduce to the quiet enjoyment of the day.

The library is not needed to be opened for them and would not be used by them. But we owe it to



the thousands who are obliged to spend the day in the contracted rooms of a boarding house that some means be provided for its observance that shall be beneficial to them without in any way disturbing its peaceful character or being an annoyance to others. There is also a large class in the community who will have employment of some kind on the Sabbath, and it is for us to consider whether it is not better to give them the opportunity for innocent occupation and self-improvement rather than let them seek recreation in ways much less in accordance with the spirit of the day. To my mind the very fact that we should do all in our power to preserve the sanctity of the Sabbath furnishes the occasion and the justification for the passage of this order.

But many base their objection to the order on the ground that the opening of the library on Sunday would be in contravention of the statute which prohibits the keeping open of any "shop, warehouse or workhouse," and the doing of "any manner of labor, business or work, except works of necessity and charity," on the Lord's Day. To this objection I shall not undertake to reply, leaving it to be considered by the legal gentlemen in this body. But I submit, with all deference to them, that on this question we have never had anything more authoritative than an opinion, which, however valuable and well considered, is not of binding force and should not be considered sufficient to bar the way to a great public benefit. So far as the actual employment of clerks in the library is concerned, only the small number of three will be required, and their service should be made wholly voluntary. In the report of the Cincinnati Library it is stated that "Sunday service is not required of any of the regular attendants, but most of them have applied for an appointment on this duty."

I see no reason why the employment of clerks for the purposes of this order is not a thousand times more justifiable than the work required for many other purposes on the Sabbath to which no objection is made. As the case now stands, the opinion of the City Solicitor has, practically, been the sole cause of the defeat of this measure; for the committees of 1867 and 1870 were decidedly in its favor and there is no reason to doubt that their recommendations would have been sustained. This is a measure fraught with too great importance to the public to allow anything short of a decision from competent judges to defeat it. I believe that we should assume the responsibility of passing this order, and if any legal questions arise let them be settled by the proper tribunal. Looking at the question from every standpoint, I am heartily in favor of the passage of this order. Let us divest ourselves of prejudices and look at the question as one of practical morals; and if our action results in opening the doors of the Public Library on Sundays I predict that after a fair trial none would desire to have them closed.

Mr. Pease of Ward 1 said he was decidedly opposed to the measure. The Public Library was opened now ample time for obtaining books, and late on Saturday evenings, when any one can obtain for himself what he needs and carry his books home. The opening of the reading room means something more than the order, the opening of the library. It was uncalled for and unnecessary, and would be evil and that continually. It was said that the opening of libraries had been a success in other cities; it may be so; so also it was said that Sunday excursions were a success; and Sunday evening concerts and theatres may be a success. They were told that Boston had heretofore lead other cities, but was now obliged to follow others in this matter, but he hoped the time to be far distant when such a desecration would be made of the Sabbath day.

Great stress had been placed upon the fact that Henry Ward Beecher was in favor of opening libraries on Sundays; yet Mr. Beecher was but a man, and could err, as he did politically, after being right in many things, in bowing the knee to Andrew Johnson. The City Solicitor had given it as his opinion that it would be illegal to open the library on Sunday; and when they asked his advice as their legal adviser they follow it in other matters, and there was no reason why they should not in this. He hoped they would not let down the bars, for mischief, only, would follow it. He hoped the order would not pass.

Mr. Blackmar of Ward 11 said, that although there was no necessity for discussion on the subject, as a member of the committee and of the majority, something might be expected of them by way of reasons for the report. The subject had been bandied between the City Hall and the State

House times enough to allow it to be well digested, and he presumed they were as well prepared to vote tonight as they would be next Thursday night or two weeks hence. In regard to the remonstrances, it appeared that they came from one sect of Christians in this community, and on that account it should not have much effect, while for seven years it had been considered, and men of all creeds and classes were in favor of the measure.

There was not a new idea in the opposition, and it could as well be decided tonight as after a hearing. The great bugbear in the matter was the opinion of the City Solicitor. He considered the City Solicitor a worthy man and a good lawyer, but he was not infallible. The votes in the Council showed that his opinions were not always followed, and lawyers contested cases with him in the courts and successfully. He makes no claim that he is right, but simply gives his opinion, which is not always to be abided by. There were two words in a certain statute which were a matter of controversy in their construction—the words "necessity" or "charity."

There could be no crime in opening the library on Sunday, for the words necessity or charity in the prohibition of all labor except such, were not to be strictly construed. Every gentleman could consult his dictionary as well as the City Solicitor, and he could see that the words would cover the opening of the Public Library. To come to a more strictly legal definition, although no decision had been made in this case, there had been decisions near enough to bear upon it. In an opinion given by Judge Dewey, 11th Gray, 308, he stated that it was for the jury to decide whether the acts in question were acts of necessity or charity, and if there was any doubt it should be in favor of the defendant.

If the Supreme Court gives the jury the right to decide such a question, the Council is as intelligent as any jury, and may sit tonight as a jury on this question. Further citations were made to 6th Massachusetts Reports and 4th Cushing, 243, with reference to the construction of the courts, the language of the courts being that the words necessity and charity include any work fit and proper to be done. The question then was, is it fit and proper to open the Public Library on Sunday. There was no doubt in the minds of many that the construction would cover such an act.

Judge Bigelow was also quoted in the 9th Allen, in relation to the making of a will on Sunday, as being a perfectly proper act; and it was urged that if they were to construe the statute as strictly as many persons wished, it would stop all domestic work in their houses. The City Solicitor had said also that the Legislature had been asked to legalize such an act, and if necessary it would not have been asked, and if proper it would be granted. We ask many things of the Legislature which are proper and right, but which are not granted. It is urged, too, that no such law is necessary, for parish libraries are opened on Sundays, and there is no law to prohibit them and none to allow them.

In 1870, the bill to permit the opening of libraries on Sunday was passed in the House by a vote of 121 to 94, and was lost in the Senate by nine majority, and in 1871 the vote in the House was 95 to 125. The people have as much right to go to the library on Sunday as they have to go to the Common or Public Garden, and no person would be so bigoted as to say that they had not the right to go to the Common to breathe the free air. Besides, so far as related to going to church, there were not church accommodations for more than two-fifths of the people, and three-fifths were kept out of church.

The ordinance in regard to the library provides that in its management the trustees are authorized to do anything that is fit and "proper" to be done. The only limit is in regard to appropriations of money. Otherwise they may exercise their powers in any manner they may prescribe. He would cheerfully welcome the question whether such a work was a work of necessity or charity, and did not wish to have its opponents hide behind what they supposed would be a decision of the court. It was not a question of the opinion of the City Solicitor which should govern them, for many times they had voted against his opinion.

The strong argument, perhaps the strongest which was urged, was that the opening of the library would compel the involuntary services of the attendants. That could be easily met, for in 1867 a proposition was made from the Warren-street Chapel that they would run the library on Sunday, and give bonds for the proper discharge of the duties and against injuries. He did not doubt that Mr. Baldwin, president of the Young



Men's Christian Union, would furnish men enough to attend the library. One of the trustees had said that there were plenty of the employes who would be willing to serve on that duty.

Mr. Blackmar suggested that there was a large number of our citizens, the Hebrews, of whom the statute would make it right that they should discharge this duty, and intelligent Hebrews could be furnished for that purpose. The City Solicitor says employes would be open to punishment. He would presume such a case. Could it be supposed that any grand jury would indict, or any petit jury would convict a man under such a complaint? Under the opinion in the 11th of Gray, the reasonable doubt would be in favor of the defendant.

The wants of a large class of the community were referred to in this connection, in answer to the suggestion that such persons could take books to their homes, or to their rooms, and it was replied that the word "home" was the merest farce to multitudes who have no homes to go to. If every man had a home there would be some force in the argument. To such it would be a work of necessity and charity to open the Public Library. The gentleman from Ward 1 had not denied the right to take home and read books, and while he claimed that he might take one or two into his house for instruction, what right had he to do to an individual as just, right and necessary, which he denied to a large class of people?

Sacred concerts were licensed, but those were for the rich, or persons of means, while the opening of the library was for all. If it was said an idle brain was the devil's workshop, and while the library would not draw from the degraded classes, it would draw those who were inclined in that direction. The opponents of Sunday labor should be consistent in this, in eating cold dinners, and allowing the servants to have a holiday, not ride in their carriages or horse cars, and allow the law in other respects to be a dead letter.

With reference to a hearing, Mr. Blackmar said the subject had been discussed for seven years, and any call for a hearing was but seeking delay. Let the friends of strict Sunday observance close up the rum holes and dance halls, and as it was a law of nature that men cannot be idle, they should be kept busy under good influences. The action of this class was for shutting up the good avenues, while the bad ones remain unblushingly open.

Mr. Perkins of Ward 6 said he was glad that the Sunday-library experiment had been successful in Cincinnati, and he hoped it would be everywhere else. Then they might go to our Legislature, get a change in the law, and he would vote for opening the library on Sunday. But he looked upon the matter as dangerous in its present condition. They get the opinion of Mr. Healy, but do not follow his advice. But the gentleman follows some decision, that of his own, and he has an ingenious scheme, that of employing Hebrews—he thought the gentleman must have been bred in some peculiar school of law—that the persons so employed might escape the penalties of violating the law.

What would become of the employers in such a case? Could they escape the penalties? The gentleman should have suggested the measure to Mr. Healy, and should have been an Assistant City Solicitor. In regard to the opinion in the 9th Allen, he said the gentleman had not quoted enough to show the full force of the opinion. In that opinion Judge Bigelow says the purpose of the statute was to prevent the carrying on of every transaction in the usual and ordinary calling, and to include all acts of a secular nature. The construction was a different interpretation from that given by the gentleman.

But so long as they had a legal guide, he thought they might as well abide by his opinions. He supposed the so-called religious element meant to have a question in court, and should the court decide against the opening of the library, it would place the City Council in an awkward position. He did not, however, believe that the opening of the library would be an injury to religion, but so long as it was illegal to open it on Sunday the law should be regarded.

Mr. Pickering of Ward 6, in allusion to the subject as having been bandied about between the City Council and the Legislature, said that was conclusive evidence that there should be hesitation in the matter. The question was one of law. As to the necessity of opening the library because there was no room in the churches, if people came down his way they would find plenty of room in the churches. On the last Sunday afternoon, in the church where he attended, there was room for eight hundred persons without the least inconvenience.

The legal obstacle was the difficulty, and it was not for the city to defy the law. He had been listening to find some reason by which they could lawfully open the library on Sunday, but had heard only that the City Solicitor was not infallible. It was for lawyers of course to question the opinions of the Solicitor in court, but who ever heard of a client taking the law from his counsel's opponent? It was not for the Council to question the advice of their advisers, but to follow it.

On motion of Mr. Robbins of Ward 8, the yeas and nays were ordered on the question.

Mr. Fitzgerald of Ward 7 said he had heard so much of law as to remind him of the Legislature and make him think he was there, whenever the gentleman from Ward 6 spoke. His colleague on the committee he thought made a fair argument, and as it was said lawyers disagreed on the subject, they were here to decide for themselves. As a member of the Legislature for two sessions, when the question was the hardest fought, the burden of the argument by the strongest opponent, now the Attorney General, was that the City Council can open the library if they want to and nobody will molest them any more than for similar violations of the law.

It was equally as legal to open the Public Library on Sunday as it was to ride, and the objection was not so much a question of law as that it was to break down the Sabbath; it was an entering wedge, which would be but the beginning in opening lager beer saloons and places of amusement, and everything good would be neglected for the service of the devil. The opponents of opening the library set up their standard of morality, and say this is right, and all you who differ from us are desecrators of the Sabbath and violators of law. They would go to church and home again with a grim face, and keep their children shut up as a clam is shut up in his shell.

It was claimed that the Bible required such a Sabbath observance, but he defied them to show such a requirement. The Bible required the observance of the seventh day, not the first. If these men were to be tried by the standard of Cotton Mather, they would be indicted themselves for their violations of the day; and if they were living in the days of the Jews they would be stoned. He believed that the Sabbath should be observed, and that the poor and lowly, wherever and by whatever means, should breathe the pure air of heaven, and by art galleries and libraries they should be elevated, and by so doing it would be doing good to them and to religion.

To go forth into the green fields would be more pleasing to the Almighty than the setting up of false standards of morality. He did not care what some ministers think, and while, no doubt, they thought they were doing good service in keeping libraries closed, it was the old story of bigotry and intolerance which would burn its victims if it could. But its fangs and its teeth had been torn out and the monster could do no harm. Five-sixths of the citizens don't believe in that class of rules for their guidance. He had heard these preachers in the Legislature howl, and they would close everything on Sunday but the church, with the devil in their hearts. It was one thing with them to talk and another to practise.

The Athenæum had been open on Sunday for twenty years, and rich people could go in and out when they pleased, but the workingman and the artisan have no place of that kind to go to. The opening of the library would necessitate the employment of one person only, and the objection he had heard made was that it would be a place of assignation. If that was the case, then they might as well close their churches on Sunday evening, for young men go to churches on Sunday evening for the purpose of going home with the girls. Before blaming those who wish the library open, they should take care of their own young men.

Let the library then be opened, and let an injunction be obtained and granted if it is illegal; for he did not doubt that the question would be tested, and if the Supreme Court decide against the legality that would be the end of it, so far as they were concerned. There would then be no more debating the question of what is the law.

Mr. Smith of Ward 1 believed the remonstrants should have a hearing in the case, and laying aside personal considerations he would move that they have a hearing before the full board.

The Chair stated that he did not see how, in the present stage of the case, the motion could be entertained.

Mr. Smith modified his motion to lay the subject on the table two weeks, and give a hearing to the remonstrants. Lost.



Mr. Perkins moved the previous question, which was sustained, when the order was passed, by a vote of 34 yeas to 22 nays, as follows:

Yeas—Anderson, Bickford, Bicknell, Blackmar, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Dacey, Devine, Doherty, Dolan, Dowd, Fitzgerald, Flynn, Gragg, Heath, Hersey, Hughes, Jones, Kingsley, Lamb, Martin, McNutt, Noyes, Risteen, Shepard, Thacher, Webster, West, Whiston, Wright—34.

Nays—Adams, Collins, Cunningham, Davenport, Emery, Faxon, Flanders, Hart, Locke, Loring, Marston, Page, Pease, Perkins, Pickering, Prescott, Robbins, Robertson, Robinson, Smith, Weston, Wilbur—22.

Mr. Blackmar of Ward 11 moved a reconsideration of the vote. Lost.

#### PETITIONS PRESENTED AND REFERRED.

Assistant District Attorney for the Superior Criminal Court, for a further allowance for office rent. Ordered to be sent up.

Mercantile Institution for Savings, for refunding of taxes illegally assessed. Referred to Committee on Assessor's Department.

C. D. Homans and others, for compensation for injuries for defective drainage to their houses, near Church-street District. Referred to Committee on Suffolk-street District.

George A. Fisher and others, that Blue Hill avenue be lighted. Ordered to be sent up.

An invitation was received from Post 26, G. A. R., to the Mayor and City Council, to accompany them to Forest Hills Cemetery on Thursday, May 30, to participate in the services of Decoration Day. The invitation was accepted.

#### REPORTS OF COMMITTEES.

Mr. Flynn of Ward 7, from the Joint Standing Committee on Streets, to whom were referred the resolve and order for the extension of Phillips street, from Irving to Joy street, having considered the subject, made a report that the resolve and order ought to pass.

The committee would also recommend the passage of the accompanying order, authorizing a loan to cover the expense of the extension:

Ordered, That the treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$70,000, to cover the expense of extending Phillips street to Joy street.

The report and order were laid on the table.

Mr. Pease of Ward 1, from the Joint Standing Committee on the Harbor, to whom was referred the petition of H. S. Shepard and others that the Roxbury Creek be dredged, submitted a report as follows:

The shoaling in this creek appears to have been caused, in part, at least, by accretions from the contents of a city sewer which opens into it at the upper end. The owners and occupants of wharves which would be benefited by the dredging have agreed to pay \$1200 towards the expense (estimated at \$3600) for doing the work; and the committee believing this to be a reasonable proposition, would respectfully recommend the passage of the accompanying order:

Ordered, That the Committee on the Harbor be authorized to contract for the dredging of such portion of Roxbury Creek as they may deem expedient, provided that the owners and occupants of wharves on said creek will pay one-third of the expense of such dredging; the amount payable by the city to be charged to the appropriation for Boston Harbor.

The report was accepted and the order was passed.

#### ORDERS PASSED.

On motion of Mr. Brooks of Ward 1,

Ordered, That the Committee on Common and Public Grounds be authorized to contract for the erection of an iron fence around Fountain square, Ward 14; the expense to be charged to the appropriation for Common and Public Grounds.

Ordered, That the Committee on Common and Public Grounds be authorized to contract with Peter Callahan for the care of Maverick square, Belmont square, Central square and Putnam square, and the trees in the streets of Ward 1, at an expense not exceeding \$700; to be charged to the appropriation for Common and Public Grounds.

Ordered, That the Joint Standing Committee on Common and Public Grounds be authorized to contract with John Reardon for the care of Blackstone, Franklin, Worcester and Lowell squares, and Union park, at an expense not exceeding \$1650; to be charged to the appropriation for Common and Public Grounds.

On motion of Mr. West of Ward 16.

Ordered, That the Committee on Police of the two branches of the City Government investigate jointly and report upon the circumstances attending the arrest and confinement of Daniel W. Appleton in the lock-up at Neponset, on the 13th inst., and his subsequent injury therein by fire.

On motion of Mr. Webster of Ward 6, the Committee on Claims were authorized to report in print on the claims of Charles Burrill.

On motion of Mr. Hersey of Ward 12,

Ordered, That the Superintendent of Fire Alarms, under the direction of the committee on that department, be authorized to lay a new cable from the city proper to East Boston, at an expense not exceeding \$3200; the same to be charged to the appropriation for Fire Alarms.

Mr. Flanders of Ward 5 offered the following order:

Ordered, That the Street Commissioners be requested to consider the expediency of widening Avery street, from Mason street to Haymarket place through to Boylston street, in accordance with the petition of D. Chamberlin and others; and if, in the judgment of said commissioners, the public safety and convenience require said widening, they be further requested to submit to the City Council an estimate of the cost of the work, with an order for its execution.

A motion to suspend the rules for the passage of the order was objected to, when it was withdrawn.

Mr. Perkins of Ward 6 moved to take from the table the order that the act in relation to sidewalks in cities be accepted, which was lost.

#### COMMUNICATION IN RELATION TO PUBLIC INSTITUTIONS.

Mr. Webster of Ward 6 submitted the following communication, which was laid on the table and ordered to be printed:

BOSTON, May 15, 1872.

To the Honorable the City Council of Boston: Gentlemen—The Board of Directors for Public Institutions, in the discharge of the responsible duties assigned them, are compelled to again call the attention of the City Council to the over-crowded and very uncomfortable condition of the institutions at Deer Island, and to request the adoption of such measures as will relieve the great pressure for room in the House of Industry and Almshouse Department.

For the past three years the number of female prisoners has exceeded the number of cells, and at times many have been obliged to sleep in the corridors of the prison.

During the past year the number of male prisoners has increased to such an extent, that since May 1, 1871, a daily average of 100 male prisoners have slept upon beds made up in the prison corridors. In November last, the number of prisoners still increasing, the demand for room was so great, that the chapel was converted into a dormitory and since that time has been occupied for that purpose by a daily average of 36 male prisoners.

Nor is this uncomfortable crowding confined alone to the House of Industry. The number of the city poor has also steadily increased, and the dormitories in that department have been crowded to their utmost capacity.

The erection of a new bakery, and the removal of the tailors and shoemakers to the new workshop, will afford temporary relief in the basement, but no permanent advantage can be obtained while the number to be fed and lodged remains unchanged, as the greatest difficulty experienced is in providing sleeping and dining room accommodations for so large a number of inmates. The main building is demanded by the growing necessities of the House of Industry.

This urgent demand for enlarged accommodation for two classes of our dependants constantly and steadily increasing, is of a character that calls for immediate attention. In their present conditions, the institutions cannot be conducted with comfort to the inmates or to the satisfaction of the Directors. With this statement the Directors would ask the early attention of the City Council, trusting that it will speedily adopt such measures as will provide necessary relief in the most effectual manner.

Respectfully,

J. P. BRADLEE,  
President Board of Directors  
for Public Institutions.

#### COMMUNICATION FROM THE CITY TREASURER.

A communication was received from Frederick U. Tracy, City Treasurer, transmitting his accounts as City and County Treasurer for the financial year ending April 30.

These accounts show payments on the Mayor's

drafts, and charged to the several appropriations specified, amounting to \$10,746,813 75; and cash paid on accounts not drawn for by the Mayor, of \$1,023,613 26 for interest and premium on city loans; \$536,876 interest on water works; and \$933,775 State tax. There were also payments to the amount of \$832,790 59 on sinking funds and several street improvement funds, and there remained a balance of unexpended appropriations of \$257,401 08, and an excess of income over estimates of \$636,715 61. The payment of militia bounty amounted to \$39,805 50. The total payments, as shown by the above figures, amounted to \$15,007,790 79.

The amount of cash received and credited to the several appropriations was \$15,386,226 06. Cash on hand May 1, 1871, \$2,555,496 13; making a total of \$17,941,722 19. Showing a balance in the treasury April 30, 1872, of \$2,933,931 40.

The payments on county accounts amounted to \$271,941 38; receipts, \$141,607 34, showing a balance of \$130,334 04. The previous balance to the credit of the city against the county amounted to \$2,803,597 36, making the total balance \$2,933,931 40.

The communication was referred to the Committee on the Treasury Department.

On motion of Mr. Brooks of Ward 1, the report of the Committee on Claims on the petition of Benjamin C. Libby was taken from the table, when he proposed an order as a substitute.

The Chair stated as the position of the question that the report was adverse to the petitioner, and

was accepted, and subsequently the acceptance of the report was reconsidered.

The substitute was as follows:

Ordered, That there be allowed and paid to Benjamin C. Libby the sum of \$155, in full compensation for injuries caused to his son by the falling of snow and ice from the roof of the Chapman Schoolhouse in East Boston; said Libby to give a release and discharge satisfactory to the City Solicitor for all damages, costs and expenses on account of said injuries.

Mr. Brooks stated that in his judgment the circumstances of the case were that due care had not been used to prevent the snow and ice from falling from this schoolhouse, to the injury of the children. The slides were in such a manner as almost to be impossible to escape from their effect. He moved, therefore, that the whole subject be recommended to the committee, to report what is right and just in the matter. The sum named in the order was about sufficient to cover the doctor's bill.

Mr. Wilbur of Ward 9 stated that the subject had been before the committee and had been fully considered by them. Their sympathies were with the petitioner, but the City Solicitor gave it as his opinion that there was no legal liability on the part of the city.

The motion to recommit was carried.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MAY 20, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at 4 o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—Alonzo Stewart for Blackstone National Bank; Rufus K. Symmes for Faneuil Hall Market; William Willey for Foster's wharf; Charles H. Rice for Morgan Chapel; Daniel S. Gammon for Morgan Chapel; Francis W. Hill for Public Bath House at foot of L street, South Boston.

Weighers of Coal—Matthew Gannett, Daniel Driscoll.

## PETITIONS PRESENTED AND REFERRED.

Abraham D. Wyman's heirs, to be paid for change of grade in Bennington street.

G. Foster Williams and others, for culverts in Clinton street, near Blackstone street.

East Boston Improvement Company, for leave to lay tracks across Saratoga street to Breed's Island.

William Ross, for additional compensation for damages caused by change of grade in Hanover street.

Emanuel Downing and others, that the surface water be removed from Northampton street, west of Columbus avenue.

B. G. Gavett and others, that Wheeler street be called Norwood street.

Thomas R. McNulty and others, for the grade at the corner of Percival avenue and Church street, Ward 16.

M. F. Lynch and others, for the grade of Boston street, from Mt. Vernon street to the line, and Dorchester street, from Washington Village to the line of Ward 16.

Severally referred to Committee on Paving.

D. D. Kelly, for leave to build a stable of wood for two horses on Trenton street, between Brooks and Putnam streets.

Abel Goss, for leave to erect a stable at the corner of Park and Adams streets, Ward 16.

E. A. Towle, for leave to build a stable for two horses at No. 216 Warren street.

Andrew Crawford, for permission to build a wooden stable on Fenton place.

Ignatius Ennis, for leave to build a wooden stable for one horse on First street, beyond the House of Correction.

James B. Case, for leave to build a brick stable for three horses rear of Commonwealth avenue, between Clarendon and Dartmouth streets.

John A. Allen, for leave to build an addition to his stable on Athens street, near the Boston, Hartford & Erie Railroad.

Lyman O. Dow, for leave to occupy a wooden stable with two horses on Norfolk avenue.

Adams Express Company, for leave to build a brick stable for one hundred horses on Village, Lucas and Albion streets.

Metropolitan Railroad Company, for leave to build a brick stable on Stoughton street, also an addition to their stable on Warren and Edgewood streets.

W. W. Wright, for leave to move his stable nine feet, and reoccupy it in the new location.

J. & P. Shea, for removal of a nuisance attached to estate No. 1310 Washington street.

Rumrill & Stanton, for leave to place two additional horses in their stable at 43 Rockland street.

Thomas Cone, for leave to erect a stable for six horses on Notre Dame street.

E. W. Harding and others, that a watering trough be placed at the corner of Neponset avenue and Walnut street.

Severally referred to the Committee on Health.

Charles P. Tolman, for leave to erect a wooden building beyond the legal limits, on Washington street, near Norfolk street, Ward 16. Referred to Committee on Survey and Inspection of Buildings.

John Navin, for abatement of an assessment for a sewer in Mindoro street.

Francis J. Ward and others, for a sewer in Longwood avenue.

John D. Dodge and others, for a sewer in Dorchester street and Dorchester avenue.

Selectmen of Brookline, for cooperation in drainage near the borders of said town, etc., under a recent act of the Legislature.

Peter B. Brigham, for a sewer in Charlestown street, as far as Haymarket square.

John Willson and others, that suitable drainage be provided for Shamrock street, Ward 16.

Ellis W. Morton, Thornton K. Lothrop and others, for a common sewer in the territory between the Providence Railroad on the south and east and Newton and Beach streets on the north and west.

G. W. Gibson and others, for a sewer in Fairfield street.

Severally referred to the Committee on Sewers.

George W. Harrington, for benefit of the Franklin Fund. Referred to Aldermen Sayward and Cutter.

Mary Duncan, to be paid for injuries caused by a fall on the icy sidewalks in Maverick street, 30th January last. Referred to the Committee on Claims.

John C. Pilsbury and others, for gas lamps in Highland place. Referred to Committee on Lamps, etc.

Blue Hill Bank, for removal of trees in front of their premises. Referred to Committee on Common, etc., on the part of this Board.

Ancient and Honorable Artillery Company, for use of Faneuil Hall June 3. Referred to the Committee on Faneuil Hall.

An order of notice for a hearing before the Harbor Commissioners, May 22, on the proposed rebuilding of Federal-street Bridge was referred to the Committee on Bridges.

## REQUESTS FROM THE SCHOOL COMMITTEE.

A request was received from the School Committee for additional land adjacent to the Lexington-street Schoolhouse, and for the erection of a building thereon, to accommodate eight schools. Referred to Committee on Public Instruction.

A request was received from the School Committee for certain alterations and repairs on Roxbury High Schoolhouse. Referred to Committee on Public Buildings.

## RESIGNATION OF OFFICERS.

A communication was received from James H. Upham, resigning the office of Warden of Ward 16; also a communication from E. C. Kingsbury, resigning the office of Warden of Ward 15, severally under the provisions of the recent act of the Legislature, relating to contracts with city officers.

A communication was also received from John W. Foye, resigning his office on the Board of Consulting Physicians, under the recent act of the Legislature.

These communications were ordered to be placed on file.

## DORCHESTER TRUST FUNDS.

A communication was received from the City Treasurer, transmitting his accounts with the several trust funds received from the town of Dorchester, to the 30th April, with the statement of the present investment of said funds.

Gibson School Fund, income \$2003 68; paid sundry bills, leaving a balance of \$1040 39. Amount of fund invested, \$16,558 19. And there is also a lot of land on Dorchester avenue and Gibson street containing about 593,211 feet.

Stoughton School Fund, income, \$798 07, \$677 40 of which was paid to the City Treasurer. Amount of the fund investment, \$3940.

Stoughton Poor Fund, income, \$101 40, all of which was paid to Otis Norcross, Treasurer of Overseers of the Poor. Amount of the investment, \$842 06.

The communication and papers accompanying were referred to the Committee on the Treasury Department.

## HEARINGS ON ORDERS OF NOTICE.

The several hearings on the proposed construction of sewers in Laurel, Ottawa, Sherman and Bower streets, in Saratoga street, in Trenton and Eagle streets, and in Orleans street, were taken up. No person appeared in either case and the several reports were recommitted.

## ORDER OF NOTICE.

On the petition of the Smith American Organ Company for leave to locate and use a steam boiler and engine at the corner of Albany and East Brookline streets. Hearing Monday June 10, 4 P. M.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pave Barton street, from Lowell to Levrett street, at an estimated cost of \$3500.

Order to grade Autumn street, set edgestones and pave the gutters, at an estimated cost of \$1000.



Order to macadamize Berwick park, pave the gutters, etc., at an estimated cost of \$2800.

Ordinance providing that the records of boards established by the City Council shall be accessible to applicants under certain restrictions.

Order to pay Charles Andrews \$10,180, for Kneeland-street land damages.

Order to pay heirs of Ebenezer Sumner \$3935 10, for Stoughton-street land damages.

Order to pay B. F. Edmands and John J. Rayner, trustees, \$47,825 73, for Hanover-street land damages.

Order to pay James H. Upham \$1400, for Stoughton-street land damages.

Order to pay Thomas Richardson \$27,058 77, for Hamilton-street land damages.

Order to pay Lyman Titus \$2364, for Stoughton-street land damages.

#### PAPERS FROM THE COMMON COUNCIL.

The petitions of the Assistant District Attorney of the Superior Criminal Court, Mercantile Institution for Savings, C. D. Homans and others, and of George A. Fisher and others, were severally referred.

The invitation of Post 26, G. A. R., was accepted, in concurrence.

The order for exchanging the present seats in the Common Council chamber for cane-bottom chairs, on motion of Alderman Cutter, was referred to the Committee on Public Buildings.

The annual report of the City Treasurer, transmitting his accounts for 1871-72, was referred to the Committee on the Treasury Department, in concurrence.

The following orders were severally passed, in concurrence:

Order to furnish a new telegraphic cable to East Boston, at a cost not exceeding \$3200.

Order for construction of an iron fence around Fountain square.

Order to contract with Peter Callahan, for care of Maverick, Belmont, Central and Putnam squares, at \$700 a year.

Order to contract with John Reardon, for care of Blackstone, Franklin and other squares, at an expense not exceeding \$1650.

Report and order to dredge Roxbury canal, provided abutters will pay one-third of cost.

The order for Joint Special Committee to investigate the late accident at the Neponset Lock-up was passed, in concurrence, and Alderman Cutter, Clark and Fairbanks, the Committee on Police, were joined to the committee.

The report (leave to withdraw) on the petition of Benjamin C. Libby, to be paid for injuries done to his son by ice falling from the roof of the Chapman Schoolhouse, coming up recommended to Committee on Claims; also an order to pay \$155 on account of said injuries.

Alderman Jenks stated that it was the opinion of the City solicitor that there was no legal claim on the city in the matter, and the same result would be reached should the report be recommitteed.

Alderman Cutter concurred in the remarks that the report would not be changed.

The question on concurrence was declared to be lost, and a doubt was raised, which, on motion of Alderman Power, was verified by the yeas and nays, as follows:

Yeas—Power, Ricker, Woolley.

Nays—Clark, Cutter, Fairbanks, Jenks, Little, Poland, Sayward, Squires, Stackpole.

On motion of Alderman Jenks, the order was laid on the table.

The order for Committee on Claims to report in print on the subject of Charles Burrill's claim coming up, on motion of Alderman Jenks, was laid on the table.

Alderman Cutter subsequently moved a reconsideration of the vote refusing leave to the Committee on the Burrill Claim to report in print.

Alderman Jenks stated that his reason for the motion made by him was to get rid of the expense of printing.

Alderman Cutter said the question must come before the Board for action, and it would be necessary at some time to have the report printed. Referring to the report on the Richardson claim, which had been ordered to be printed, he thought the Alderman did not regard expense in that case.

Alderman Jenks replied that in the Richardson case there was a claim, while in the Burrill case the courts had decided that he had no claim, and he could conceive of no reason for printing such a report, except to give the city printers a job.

The motion to reconsider was carried, and the order to report in print was concurred in.

#### THE SUNDAY-LIBRARY QUESTION.

The order requesting Trustees of Public Library to open the reading room of the library and permit the use of books and periodicals therein on Sundays from two till nine o'clock P. M. was considered.

Alderman Clark stated that inasmuch as the City Solicitor had formerly given his opinion that the opening of the Public Library would be illegal, he hoped the order would be laid over one week and that the opinion of the Solicitor be obtained in writing.

Alderman Jenks said he trusted it would not be laid over. The subject had been under discussion for ten years, and in the consideration of it in the Legislature it was admitted that the City Council had all the power which was necessary. Should the order be passed and the Solicitor still think it to be illegal, he can ask the Supreme Court for its opinion, and their hands would be washed of the matter.

Alderman Cutter said he trusted that when it was asked to have a matter lie over, for consideration, it would be granted, and that the passage of the order would not be pressed, as it was in committee. The Alderman in the case of the claim for damages for injuries to a boy, was willing to take the opinion of the City Solicitor, and if he could in one case, he could not see why he should not in another.

Alderman Jenks replied that the class of cases like that of the boy had been adjudicated upon, while this had not. There was no precedent for this, and there was no belief that the City Solicitor had changed his opinion. They were all as well prepared to vote on the order now as they would be six months hence.

Alderman Clark believed there could be no harm in postponing the matter one week. If the opinion of the City Solicitor was the same as it had been, it was their duty to go by his advice. He had no hesitation in saying that he was in favor of opening the library on Sunday, if it could be done legally, and wished for delay.

The Chair read the remonstrances of George W. Chipman and others, and of George C. Lorimer and others of the Shawmut Baptist Church, against the opening of the library on Sundays, which were severally ordered to be placed on file.

The motion to lay over was carried.

#### REPORTS OF COMMITTEES.

Alderman Cutter, from the Committee on Police, made a report in part on the nominations for police officers, submitted by the Mayor, as follows:

George Munroe, William E. Nutter, Ansel B. Briggs, Ira N. Blackley, Patrick Coakley, John Burke, Alonzo Wentworth, Timothy J. O'Neale, Joseph Dodds, George A. Wyman, Mark C. White, Joseph W. Weeks, Roswell M. Lyon, George W. Wescott, Michael Hunt, George Harvey, Nathan S. Albee, David N. Hutchinson, John E. Parsons, Charles A. McCabe, John Farrell, A. F. Ripley, Nary G. Burleigh, Charles H. Stuart, George W. Gookin, Charles W. Greenleaf, John F. Metzger, James F. Lynch, Michael Johnson, Jacob Karcher, Frederick Hoffman, James Mitchell, William Mc-Gonigle, Jr.

Alderman Cutter stated that great pains had been taken to ascertain the characters of the nominees, and had recommended their confirmation. The nominations were confirmed.

Alderman Cutter, from the Committee on Paving, to whom was recommitteed the petition of the Metropolitan Railroad Company, for the extension of their turnout on Washington street, near Camden street, reported an order of location, as follows:

Ordered, In addition to the rights heretofore granted to the Metropolitan Railroad Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to extend their turnout on the westerly side of Washington street, between Camden and Northampton streets, seventy feet in a southerly direction.

The right to extend this turnout is upon the condition that the whole work of laying down the tracks, the precise location of the same, the form of rail to be used and the kind and quality of material used in paving said tracks shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them.

Also upon the condition that the said Metropolitan Railroad Company shall accept the order of location and agree in writing to comply with its several conditions, and file said acceptance and agreement with the City Clerk within thirty days of the date of its passage; otherwise it shall be null and void.



The order was read once.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Boston Base Ball Association, to give exhibitions at Milford place; C. W. Bruce, to exhibit a painting of the Franco-Prussian war, corner of Fleet and Garden-court streets; Elliot, Blakeslee & Noyes, to exhibit paintings, statuary, etc.; also licenses to sundry persons as victuallers and inn-holders, for transfer of wagon license and to a dealer in second-hand articles. Severally accepted.

Alderman Jenks, from the Joint Standing Committee on Claims, to whom was referred the petition of Philip English to be compensated for injuries to his horse and wagon, caused by an alleged defect in Marion street, made a report recommending that the petitioner have leave to withdraw. Accepted.

Alderman Ricker, from the Committee on Health, reported in favor of stables, as follows: Patrick Mulhern, to build a stable for two horses on Havre street, to be placed in the rear of the lot; James Collins, to build a wooden stable on Adams street, near Park street, for one horse; John C. Nichols, to enlarge his stable on Bower street, for three more horses, with permission of Inspector of Buildings; Andrew Rothenhober, to build a stable for one horse on Heath place, to be situated in the centre of rear lot, between the two houses; and no action required on petitions of Peter Cain and others, that the license granted to Benjamin Johnson for a stable on Trumbull street may be revoked; and on remonstrance of Patrick E. Colbert and others, against the proposed erection of a stable by John Ryan on C and Tudor streets. Severally accepted.

Alderman Ricker, from the same committee, reported leave to withdraw on the several petitions of Randall & Howard for leave to build a wooden stable at 42 Marcella street; Amos S. Gould to build a wooden stable on Fort avenue; Henry Hayes to build a wooden stable near Willow and Clapp streets, Ward 16, and James Balfe for leave to keep fowls at 34 Sixth street. Accepted.

The same committee reported in favor of the petition of Isaac H. Ayres to erect a stable of brick for one hundred horses rear of 1951 Washington street, provided that said stable be located at least ten feet from Shawmut avenue, and not occupied for stable purposes until a sewer has been constructed on said avenue. Accepted.

Alderman Woolley, from the Joint Standing Committee on Fire Department, to whom was referred the order of the City Council of May 2, asking that there be allowed and paid to Conrad L. Rosenmyer the sum of \$100 on account of injuries received while in the discharge of his duties as a member of the Boston Fire Department, made a report, as follows:

The committee upon inquiry obtained the following facts: That the said Conrad L. Rosenmyer is foreman of Engine Company No. 13, and was severely frozen while in the discharge of his duty at the fire on Bainbridge street, March 5, and has been unable to attend to any business for the past two months, and will in all probability have to suffer the amputation of one or more fingers of his right hand, both of his hands having been badly frozen.

The committee would therefore recommend the passage of the order with the following amendment, by striking out the word "one" and insert in place thereof the word "two," so that the order shall read "two hundred" instead of "one hundred dollars."

The report was accepted, and the order amended as recommended, and passed.

Alderman Jenks, from the Joint Standing Committee on the City Hospital, to whom was referred the petition of George H. Moseley & Co. to lay down an iron pipe through the City Hospital wharf to Albany street, made a report recommending the passage of the accompanying order:

Ordered, That George H. Moseley & Co. be authorized to lay an iron pipe from the City Hospital dock through the wharf to connect with their pipe in Albany street, for the purpose of supplying their tanks with water to be used in sprinkling the streets; said pipe to be laid under such conditions and subject to such restrictions as the Committee on the City Hospital and the City Solicitor shall approve.

The report was accepted, and the order was passed.

Alderman Jenks, from the Committee on the Treasury Department on the part of the Board of Aldermen, to whom was referred the petition of William P. Hunt that a certain mortgage given to

the town of Dorchester by Edward Kelton may be discharged, made a report recommending the passage of the accompanying order:

Ordered, That his Honor the Mayor be authorized to sign, seal and deliver to William P. Hunt a proper discharge of the mortgage to secure the payment of \$6388 12 on certain real estate described in a deed dated August 5, 1811, and recorded with Norfolk deeds, liber 39, folio 219, conveyed by Edward Kelton to Mather Withington, treasurer of the town of Dorchester.

The report was accepted, and the order was passed.

#### HISTORY OF BOSTON.

Alderman Power, from the Committee on Printing, to whom was referred the memorial of Marshall P. Wilder and others, recommending that the city should aid in the publication of a continued History of Boston from 1770 to 1822, by Samuel G. Drake, submitted a report as follows:

The committee have given the subject of their inquiry a careful consideration, and conferred with representatives of the memorialists and of the author of the history, and others. The result of their inquiries shows the probable high character of the publication contemplated, judging by the volume already issued by the same author; that it covers a most important period of the history of Boston, from the period immediately preceding the Revolutionary War to the organization of the present form of City Government; that the work is too large and expensive for a remunerative support by the public, being dependent on local and limited sales of copies; and the committee understand and believe the loss or dispersion of the mass of materials for the history possessed by Mr. Drake would be a serious public loss.

In accordance with the views of those who have conferred with the committee, it appears to be desirable that the city should receive the copy from the author, and place the work in the form of stereotype plates, not including its illustrations, the latter being supplied by the author or publisher, the plates and illustrations being then available to the city for supplying itself at cost of paper, press work and binding, with a reasonable number of copies for gratuitous distribution by the city, and the stereotype plates in possession of the city being freely available to the author or his representatives for the supply of citizens for sale.

In view of the wise policy of the State, authorizing towns to issue their local histories, and of the general desire in support of the memorial, which has the signatures of so many eminent citizens, as well as the practice in other cities of the size and eminence of Boston, the committee would recommend the passage of the accompanying order:

Ordered, That the Committee on Printing be empowered to contract with Samuel G. Drake, or his authorized representative, for rendering such assistance on the part of the city, toward a continuance of his "History of Boston from 1770 to 1822," as the committee may consider expedient, at an expense not exceeding \$5000, including the cost of copies for gratuitous disposal by the city; the expense to be charged to the appropriation for incidental Expenses.

The order was read once.

#### REPORT ON THE CLAIM OF THOMAS RICHARDSON.

Alderman Jenks, from the Committee on Claims, submitted a report under an order of May 3, for the settlement of the claim of Thomas Richardson against the city, in which they say that they have succeeded in effecting an amicable settlement of the long-standing controversy between Thomas Richardson and the city of Boston in regard to damages caused by the extension of a sewer at the foot of Summer street. The terms of the settlement are recited in the indenture, a copy of which is transmitted herewith.

The committee, in connection with this record of the settlement, present a brief statement of the litigation which has been carried on between the parties in interest during a period of twenty-two years.

The Summer-street dock cases arose out of the extension, by the city in 1849, of the Summer-street sewer over a strip of flats lying between two wharves, owned by Thomas Richardson and used by him as a dock in connection with his wharves. The strip of flats, or dock, was in continuation of Summer street, as anciently laid out, and the sewer which emptied into it was one of the oldest and most important in the city.

When Mr. Richardson purchased these wharves in 1835, one of them was a mere bulkhead and the



other a short pier. He soon after extended them both several hundred feet seaward, and the consequence was that the outlet of the sewer was left at the head of a long dock, and the tides failing to carry away the deposits from the sewer, they became offensive to the neighborhood. In December, 1848, the grand jury of Suffolk County found an indictment against the city for suffering and maintaining a nuisance at the foot of Summer street "in and upon the land of said city," occasioned by the sewer. The complaint on which this indictment was found was in the handwriting of Mr. Richardson, although not signed by him.

The city authorities undertook to remedy the difficulty by cleaning out the dock, but the remedy was not effected, and in June, 1849, another indictment was found for the same cause. The city authorities were then convinced that some more effectual measures must be adopted, and an order was passed, after reciting the indictments, that the sewer be extended five hundred feet in the direction of the channel. [The order is here given by the committee, in full, with printed remarks giving a statement of the suits resulting from the action.]

Mr. Richardson, calling himself a citizen of Rhode Island, commenced no less than ten suits against the city in the United States Circuit Court, alleging injury in the interruption of his access to the sides of his wharves by this sewer, and his tenant, Mr. Lecraw, commenced one suit in the same court. At the trial of the first case, before Judge Pitman in Rhode Island, in 1853, the verdict was for the plaintiff. The amount was not large enough to enable the city to carry the case to the United States Supreme Court, and the judgment was paid, Mr. Richardson holding the money, although in a subsequent case it was decided that the ruling of the judge in the first case was wrong.

A verdict being rendered in Lecraw's case in his favor, an appeal was taken to Washington, and the court decided in favor of the city in its right to extend sewers to low-water mark. A second case of Mr. Richardson was ruled out, which was carried to Washington, and a new trial was ordered, which took place in Newport in 1859, before Judges Clifford and Pitman. On the ruling of the court, a verdict was rendered for the city, and an appeal being taken to Washington, the judgment of the court below was affirmed. The third suit was tried in Providence in 1862, the plaintiff admitting that the city had a right to maintain the sewer, but claiming damages on the ground that the contents of the sewer caused the water to shoal by accretions at the end of the wharves. The jury were unable to agree in this case.

At the next trial in September, 1862, in Newport, a verdict of \$1600 was given to plaintiff. A new trial was obtained by the city, and the verdict was set aside, soon after which the cases were all removed to the District Court of this State. In 1862 and 1863 the city and Mr. Richardson brought petitions in the Supreme Court of this State, each asking that the other might be required to bring a writ of entry to try the title to the land covered by the sewer.

The court decided that the city should bring the action, and at the February term of the Supreme Court for Norfolk County in 1866, a verdict was rendered in favor of the city. This verdict was set aside and a new trial ordered, on the ground of misdirection in matter of law.

A new trial was had in 1868 in the same court, and the judge ruled that the city failed to make out a title, directed a verdict against it, and reported the evidence to the full court. The case was argued before the full court in 1869, and again in July, 1871. In January, 1872, a decision was rendered that the case ought to have been left to the jury, and ordered a new trial. In this position of affairs negotiations were opened with a view to a settlement. The committee say, in conclusion,

The city has never desired anything more than the confirmation of its rights to extend its sewer over the disputed premises to the sea. It has always been ready to give up the title to the land, provided this right could be established and all claims by Mr. Richardson in consequence of the erection of the sewer, and would consent to no settlement which did not admit this right. Mr. Richardson has heretofore been unwilling to treat upon any terms which did not involve the payment to him of large damages for the injury done him by the sewer.

The great changes which have taken place in the condition of the disputed premises, which are now no longer a dock but filled upland, partly occupied by the Boston, Hartford & Erie Railroad Company, and the aspect of the litigation in view of the vari-

ous decisions of the Supreme Courts of the United States and of the Commonwealth, have however induced Mr. Richardson to propose a settlement upon the terms of a mutual release of the fee of the land by the city to him, and of a perpetual right of drainage and all claims for damages in the past by him to the city. All suits on both sides to be abandoned, each party paying its own costs.

This proposition was, after a careful examination of the various questions involved, accepted by the Committee on Claims, and the indenture carrying into effect the settlement agreed upon has been executed by both parties.

The claims of the parties, who, at the time the sewer was built, occupied Mr. Richardson's wharves as tenants, remain to be disposed of, if they shall be advised to prosecute them, but nothing in the settlement of Mr. Richardson prejudices the defence of the city against his tenants.

The report was laid on the table and ordered to be printed.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That there be paid to Patrick Shevlin, \$200, in full compensation for all damages caused to his leasehold estate in Dorchester avenue and Silver street, by the raising of the grade of said street, by order of the Board, August 31, 1869, upon the usual conditions; to be charged to the appropriation for Broadway Extension.

Ordered, That the Committee on Paving be authorized to build temporary foot bridges over the Providence Railroad at West Canton street and Berwick park, the cost of the same estimated at \$7000; to be charged to the appropriation for Back Bay Bridges.

Ordered, That until otherwise ordered, the maximum number of members of the Police Department shall be five hundred and fifty men, including officers of rank.

Alderman Cutter, in support of the above order, stated that the police force will be short, even after the appointments confirmed today. During the present season there will be many visitors to this city, and petitions had been received from many citizens for an increase, showing that the present force was inadequate to the wants of the city.

On motion of Alderman Clark,

Ordered, That there be allowed and paid to H. H. Hunnewell the sum of \$4190, for land taken and all damages occasioned by the widening of Federal street, by a resolve of the Street Commissioners, February 29, 1872, upon the usual conditions; the same to be charged to the appropriation for Widening Streets.

On motion of Alderman Poland,

Ordered, that ——— be appointed a committee to inquire into the working of the department for the survey and inspection of buildings in order to ascertain if any additional force is needed therein.

Alderman Poland asked to be excused from serving on the committee, having expressed opinions on the subject.

Aldermen Cutter, Woolley and Clark were appointed the committee.

On motion of Alderman Jenks,

Ordered, That the Committee on City Hospital consider the expediency of purchasing the lot of land containing from 26,000 to 27,000 square feet of land, bounded by Sprungfield and Albany streets and East Chester park, being owned by William Evans, and report thereon.

On motion of Alderman Fairbanks,

Whereas, it appears that much confusion and trouble arise in South Market street by the concourse of wagons which approach Faneuil-Hall Market in all directions in the afternoons, and that some means of regulating the approach and location of said wagons are necessary; it is therefore hereby

Ordered, That the Superintendent of the Market or his deputy be, and they are directed with the approbation of the Market Committee, to close up one end of South Market street against the passage of vehicles whenever they shall deem it expedient so to do, and for such length of time as may be judged necessary for the purpose intended.

Ordered, That the Superintendent of Faneuil Hall Market be directed to keep a sufficient space in front of Faneuil Hall steps clear of all wagons and barrows from nine o'clock A. M. to six o'clock P. M., so as to permit the easy access of carriages to said hall, and that he forbid at all hours the placing of any tubs, barrels, boxes, and especially the carcasses or any portion of dead ani-



mals upon the sidewalks or the steps immediately in front of said hall.

On motion of Alderman Sayward,

Ordered, That the following additional rule for the use of Faneuil Hall be adopted, and printed on all future permits for the use of said hall:

"Where decorations of any kind are used the same shall be put up without the use of any nails or screws."

On motion of Alderman Rieker,

Ordered, That the Committee on Health be and they are hereby empowered to advertise for proposals to purchase the house offal collected by city teams in the city of Boston (Ward 1 excepted) for the term of three years from January 1, 1873, and to report a contract or contracts to this Board for their approval.

On motion of Alderman Squires,

Ordered, That the Committee on Public Lands be authorized to furnish edgestones on West Newton street and West Rutland street, in front of the vacant land belonging to the city, in charge of said committee.

On motion of Alderman Woolley,

Ordered, That the bill of James Boyce & Company for furnishing 329 tons of coal for the East Boston ferries, at \$7.65 per ton, be allowed, and paid when it is audited and approved in the usual manner.

Ordered, That the Committee on Bathing be authorized to repair and maintain free public bathing houses for men and boys, and for women and girls, in different sections of the city, at an estimated expense not exceeding \$15,500; also to employ such assistance as may be required for the proper care and management of the several houses, at an expense not exceeding \$18,000; to be charged to the appropriation for Public Baths.

An order was passed to meet a jail requisition for \$1523.33.

On motion of Alderman Cutter an order was read once, for the building of a sea wall at the foot of Glendon street, East Boston, at a cost of \$2340.

On motion of Alderman Power, the ordinance to establish a Board of Health, in printed City Document, No. 45, 1872, was taken from the table.

Alderman Jenks said he could see no benefit to anybody by the passage of the ordinance. It would be an unwieldy body, more difficult to get rid of than the Street Commissioners; it would involve an increased expense to the city of not less than \$10,000, and as there was no immediate necessity for it, he would move its indefinite postponement.

The motion was carried.

#### CITY HOSPITAL SUPERINTENDENCE.

On motion of Alderman Rieker, the amended ordinance (City Doc. No. 39), in relation to the City Hospital, which provides for the election of a Medical Superintendent, was taken from the table.

Alderman Clark addressed the Board in opposition to the ordinance, as follows:

Mr. Chairman—The subject before us is one of great importance, and I trust we shall give it our most careful consideration. It is no slight matter that we are called upon to consider, inasmuch as it involves a complete and entire change in the management of one of our most important and, as I believe, best managed public institutions.

The City Hospital has been in successful operation since it first opened under the direction of a faithful and efficient Board of Trustees, men of sound judgment and unimpeachable integrity, who have managed its affairs according to their best judgment, and to the entire satisfaction of the public, who pay the expense of its support.

The change in the ordinance now asked for compels the Trustees to elect a medical man for Superintendent whether a suitable one can be found or not, thus depriving them of exercising their judgment in regard to filling the most important position connected with the institution. I believe that the matter should be left entirely, as it has been, in the hands of the Trustees, to elect according to their own judgment some suitable person as Superintendent, the person who in their judgment is best fitted for the position, whether he is a medical or a non-medical man, and if we have done our duty in electing a suitable Board of Trustees, we may leave the choice of Superintendent to them.

There is no occasion for a change in section three of the present ordinance, which says, "The Board of Trustees shall elect annually in the month of May, and whenever a vacancy may occur, some suitable person as Superintendent of the Hospital, who shall constantly reside at the institution." This leaves the selection entirely in the hands of the Trustees, and if they believe it is for the interests of the hospital to have a physician at the

head, and can find a suitable one to take it, they doubtless will govern themselves accordingly.

I think, sir, that no one can go over the hospital and fail to see that something besides a knowledge of surgery and medicine is required in the superintendent of an institution that involves the expenditure of over \$100,000 per annum. I believe that it requires a thorough, practical business man at the head, and that this is quite as important as any knowledge which a physician who is not a business man may possess, for it would be an easy matter to employ a resident physician should it be found that the interests of the institution require it.

Most of the letters received in answer to the inquiry as to whether the writers think it would be better to have a medical rather than a non-medical superintendent, say that the great difficulty would be to find a physician competent to take charge of such an institution.

Doctor Green says, "I think such a change would be conducive to the welfare of the institution, provided you could find a man in whose professional abilities the profession have confidence, and who, in addition, is enough of a business man to take proper charge of the large expenses of such an establishment. Such an one would not be easy to find."

And this, sir, is just what it may be impossible for the Trustees to find. Why, then, change the ordinance, compelling them to elect a medical man, whether a suitable man can be found or not. I trust, sir, that we shall not change the ordinance at present, but let it remain as it is until the new Board of Trustees get into working order; and if they require a change they can ask for it. Unless we can have confidence that the Trustees will act honestly and do what they believe to be for the best interests of the institution, we had better abolish the Board altogether. I trust, therefore, that the ordinance will not be changed.

Alderman Jenks thought it was all very fine for the Alderman to speak so highly of the management of an institution, from which a man was driven away to die, because there was nobody to admit him. He did not think it was the model institution, acceptable in all its ends, as the taxpayers intended it should be. It could not carry out the wishes of donors and the taxpayers, that a man in the agonies of death shall be driven away to die in twelve hours. In the Reardon case he believed it was true, although the evidence was not susceptible of proof, that he applied for admission to the hospital on Saturday, and again on Monday and Tuesday, when he went away and could get no relief. The answer was, "that there was no one at the hospital to pass judgment on his case," and on this account a change in the superintendence was demanded.

Alderman Clark said there was not a particle of evidence that any one was turned away sick and wounded from the hospital. Charges had been circulated to effect this case which if true should send a man to the State Prison, and not only the Superintendent but the Trustees were involved, for the Superintendent acts under them. Under the existing ordinance it is now left at the option and discretion of the Trustees if a change is necessary. They now have the option and the right, but if the amended ordinance is passed, they are compelled to make the change. It should be left as it now stands.

Alderman Jenks said he did not make the charges alluded to by the Alderman. All the charge he made was as to the want of proper ability to decide in relation to applications to the hospital, and in that respect a change was demanded.

Alderman Poland said he did not think it was a want in the Superintendent, but in those who had the control of the hospital. If there had been a physician present, as there should have been, when the application was made, there would have been no difficulty.

Alderman Jenks said the consulting physicians had no control of the hospital.

Alderman Poland—It is the fault then of the administration of it. There have been very few complaints in regard to the management, and it would not be strange if there should be some.

Alderman Clark said he had no objection to having an admitting or resident physician in the hospital, but there was no admitting or resident physician competent to run the hospital in all its details. If left to the Trustees in the future as in the past, it will be conducted to the satisfaction of the public. There was something more needed besides being a medical or surgical man.

The question was stated to be on the passage of

the ordinance, amended to provide that it should take effect on its passage.

The passage was lost, by a vote of 6 to 6, as follows:

Yeas—Cutter, Jenks, Power, Rieker, Squires, Woolley.

Nays—Clark, Fairbanks, Little, Poland, Sayward, Stackpole.

Alderman Clark moved a reconsideration, and hoped the motion would not prevail.

Alderman Jenks moved an adjournment, and asked for the yeas and nays on the motion. Lost, by a vote of 4 to 8, as follows:

Yeas—Jenks, Power, Rieker, Woolley.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Sayward, Squires, Stackpole.

Alderman Clark renewed his motion for reconsideration, and asked for the yeas and nays on it.

Alderman Jenks moved an indefinite postponement of the motion, and asked for the yeas and nays on it.

The indefinite postponement was lost by a vote of 5 to 7, as follows:

Yeas—Jenks, Power, Rieker, Squires, Woolley.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Stackpole.

Alderman Jenks moved an adjournment, which was lost by a vote of 4 to 8, as follows:

Yeas—Jenks, Power, Rieker, Squires.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Sayward, Stackpole, Woolley.

The question recurred upon the motion of Alderman Clark for reconsideration.

Alderman Jenks moved that it be laid on the table, which was lost by a vote of 6 to 6, as follows:

Yeas—Cutter, Jenks, Power, Rieker, Squires, Woolley.

Nays—Clark, Fairbanks, Little, Poland, Sayward Stackpole.

The question again recurred upon the motion for reconsideration.

Alderman Jenks moved its postponement one week.

Alderman Clark said he did not propose to give

way; they were as able to hold out on his side as on the other.

Alderman Jenks said he admired the courage of the Alderman more than his discretion.

Alderman Power could not see why the Alderman should object to a postponement for one week.

Alderman Clark replied that it was an important measure, which had been before them for a month, and each Alderman had made up his mind on the subject. The postponement was a small way of staving off the settlement of so important a subject.

Alderman Rieker referred to the written speech of the Alderman as showing that he regarded it as requiring deliberate action.

Alderman Clark replied that the motion to reconsider could be carried, when they could talk upon the subject all night.

Alderman Jenks said he wished further time, and asked for a postponement one week.

Alderman Clark said the Alderman found himself in a tight place, and so wished postponement; they were one ahead of him in opposition to the measure.

Alderman Jenks said he was in the position of the Saviour, when one man played the Judas.

The motion to postpone was lost, by a vote of 5 to 7, as follows:

Yeas—Jenks, Power, Rieker, Squires, Woolley.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Sayward, Stackpole.

Alderman Jenks moved an adjournment, which was lost, by a vote of 5 to 7, as follows:

Yeas—Jenks, Power, Rieker, Squires, Woolley.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Sayward, Stackpole.

The question again recurred upon the motion to reconsider, which was lost, by a vote of 5 to 7, as follows:

Yeas—Jenks, Power, Rieker, Squires, Woolley.

Nays—Clark, Cutter, Fairbanks, Little, Poland, Sayward, Stackpole.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Common Council,

MAY 23, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Charles P. Tolman, Abel Goss and of Mary Duncan, and the several requests of the School Committee, were referred, in concurrence.

The resignation of John W. Foye as a consulting physician was ordered to be placed on file.

The reference to the Committee on the Treasury Department of a communication from the Treasurer transmitting his accounts of the several trust funds received from Dorchester was concurred in.

The report (leave to withdraw) on petition of Philip English to be paid for injuries to his horse and wagon from a defect in Marion street was accepted, in concurrence.

The following orders were severally passed, in concurrence:

Order authorizing the Committee on Public Lands to furnish edgestones on West Newton street in front of the city's vacant land.

Report on the order to pay Conrad L. Rosemeyer one hundred dollars, for injuries received while discharging his duties as a member of the Fire Department, recommending that the sum be two hundred dollars.

Order to pay said Rosemeyer said sum of two hundred dollars.

Order authorizing a temporary foot bridge to be built over the Boston & Providence Railroad at West Canton street and Berwick park, at an estimated cost of \$7000.

Report and order authorizing George H. Moseley & Co. to lay an iron pipe from the City Hospital Dock, through the wharf, to connect with the pipe in Albany street, for the purpose of supplying their tanks with water to be used in sprinkling the streets.

Order for the Committee on City Hospital to consider and report on the expediency of purchasing the lot of land, containing from 26,000 to 27,000 square feet, bounded by Springfield and Albany streets and East Chester park, owned by William Evans.

Report and ordinance in relation to the records of public institutions and departments.

Order that the bill of James Boyce & Co., for furnishing 339 tons of coal for the East Boston Ferries, be paid when audited and approved in the usual manner.

Order authorizing the public bathing houses to be repaired and maintained, at an estimated expense not exceeding \$15,500; and such assistance as may be necessary to be employed for the care of the several houses, at not exceeding \$18,000.

The non-concurrence in the recommitment of the report of leave to withdraw on the petition of Benjamin C. Libby to be paid for injuries received by his son from ice in falling from the roof of the Chapman Schoolhouse coming up, on motion of Mr. Brooks of Ward 1, the Council receded from the recommitment.

Mr. Brooks moved the passage of the order referred to the committee to pay Benjamin C. Libby \$155 on account of said injuries.

The Chair stated that the order was not before the Council, having been retained in the Board of Aldermen on the action of that branch.

The report of the committee was then accepted

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order authorizing the purchase of a sufficient number of copies of the Boston Directory for 1872 for the departments of the City Government.

Order requesting the Street Commissioners to consider the expediency of widening Avery street from Mason street to Haymarket place through to Boylston street.

## SITE FOR A HIGH AND LATIN SCHOOLHOUSE.

The special assignment, the order for the purchase of a site for the English High and Latin schools, at not exceeding \$415,000, and for a loan thereof to be appropriated therefor (City Doc. No. 48), was taken up.

Mr. Flanders of Ward 5 presented a remonstrance from Samuel Gould, Calvin A. Richards, Charles G. Greene, Samuel D. Crane, Charles E. Buckingham, William W. Warren, J. H. Hathorne, George W. Hunnewell, John W. Olmstead and two hundred or three hundred others against the site proposed for the High and Latin Schoolhouse as inconvenient and involving an unnecessary expenditure, and recommending as a more favorable location the site of the South Burial Ground, so-called, on Washington, Concord and James streets.

Mr. Shepard of Ward 4 moved a postponement of the assignment for one week to twenty minutes to nine o'clock, Thursday evening next, for the reason that the Council was far from being full, and the order would require a two-thirds vote.

Mr. Fitzgerald of Ward 7 objected that the absence of members was not a sufficient reason for a postponement, for every member should be present, and their absence was no reason for stopping the course of business. There might be fewer members present at the next meeting, besides; by the assignment at the last meeting notice was given that the matter would come up this evening, and the members should all be here.

Mr. Perkins of Ward 6 said the ardor with which the gentleman from Ward 7 rushes into this matter, was quite different from his reluctance in considering it at the last meeting, and looked like a desire to defeat it. To carry the measure there must be forty-three votes, and if carried in a full Council there may be chance for a reconsideration, but if it does not receive that number of votes it will be lost.

Mr. Fitzgerald replied that the gentleman from Ward 6 appeared to be far more worked up in the matter than he did; and was in the habit of de-vining the motives of others, not to find a good motive but a bad one, supposing that in "ways that are dark and tricks that are vain" everybody is like himself. He did not care about postponement in this special case, but was opposed to any postponement on account of absence of members, who ought to be here. That was the only reason, and not because he was opposed to the site in question, or to a High Schoolhouse, for he was in favor of a High Schoolhouse, and of building one. He did not know how the gentleman could suppose he wished to rush this thing through to kill it.

Mr. Perkins replied, that, to speak of things outside of the Council, the gentleman told him he was opposed to the order and wished to kill it. The insinuations of the gentleman he regarded as unfair and having not the slightest foundation.

Mr. Fitzgerald said the gentleman was in the practice of questioning the motives of others on motions that were made, and when he insists upon calling in question their motives, it was but fair to pay him back in his own coin.

The Chair called attention to the rules in regard to personal remarks upon members.

Mr. Shepard said he did not make the motion to postpone on account of absent members, but from the fact that there were many absent. It was not the members themselves, but the welfare of the order with which he was concerned.

The motion to postpone was carried.

## PETITIONS PRESENTED AND REFERRED.

Peter Daily, against any variation of the lines in the plan or division of land in Yarmouth street. Referred to Committee on Public Lands.

Ira Litchfield and fifty others, against the extension of Phillips street to Joy street. Ordered to be placed on file.

James R. Gerrish, living on an estate partly in Boston and partly in West Roxbury, for leave to connect pipes with the city water pipes. Referred to Committee on Water.

## ANNUAL REPORT OF THE TRUSTEES OF MOUNT HOPE CEMETERY.

Mr. Robbins of Ward 8 presented the annual report of the Trustees of Mount Hope Cemetery. The Trustees speak of the encouraging aspect of the cemetery, and of its better deserving the sympathy and support of the community than at any previous time. The expenditures exceeded somewhat that of the few preceding years, growing out of rigid necessity that had for years existed in a demand for a new office and greenhouse; and the Trustees have no hesitation in saying that the expenditure for these objects was a wise one.

The receipts for the year show an increase of \$3500 for lots. In addition to the usual care of the grounds, Highland avenue has been extended seventy and Elmwood avenue eighty-five feet; Forest avenue has also been extended from Oakland to Webster avenue 110 feet; the Odd Fellows' lot has been enlarged by the addition of 3400 superficial



feet; and a lot containing 1320 feet has been graded and purchased by Post 7, G. A. R.

To meet the demand for single graves, Maple Grove has been enlarged; the city cemetery has also been enlarged by the addition of 22,000 square feet on the north side of Central avenue; about 9300 square feet of avenue and driveway, surrounding the greenhouse and office have been made; two lots have been inclosed with granite curbing and one iron fence has been removed, and about 150 tablets and several handsome monuments have been erected.

The number of interments during the year, exclusive of those made in the City Cemetery, was 544. Whole number of interments to May 1, 5365.

The total receipts were \$40,899 68, consisting of balance in the Treasury May, 1871, \$2454 32; appropriation by City Council, \$21,000; received for sale of lots, \$9193 62; graves in Maple Grove, \$2040; digging graves, \$3343; care of lots, \$1567 97; and various smaller sums for foundations to headstones, use of receiving tomb, sales of wood, plants, flowers, etc.

The expenditures were—for pay rolls for labor, \$20,557 31; salary of Superintendent, \$1500; new buildings for office and greenhouse, \$10,426 97; Metropolitan Railroad Company for running coaches to cemetery, \$698 78; grain for horses, \$470 55; manure, \$550 46; stone posts and flagging, \$346 10; blacksmith work, \$427 06; water cart, \$420; with various smaller sums the aggregate expenditures being \$38,711 36, leaving a balance on hand, May 1, of \$2188 32.

The report was laid on the table and ordered to be printed.

#### DEVONSHIRE-STREET EXTENSION.

Mr. Flynn of Ward 7, from the Joint Standing Committee on Streets, to whom were referred the resolve and order of the Street Commissioners for the extension of Devonshire street fifty feet wide, through Wilson's lane to Dock square, at an estimated expense of \$502,912, having considered the subject, respectfully recommend that the resolve and order ought to pass. They would also recommend the passage of the accompanying order, authorizing a loan to cover the expense of said extension:

Ordered, That the treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$510,000 to cover the expense of extending Devonshire street through Wilson's lane to Dock square.

The report was accepted and the order was read once, when a motion for a suspension of the rules was carried by a vote of 29 to 13, and the resolve and order for the extension of the street were passed, in concurrence with the action of the Street Commissioners.

The question recurred upon the passage of the order to borrow the money for said extension.

Mr. Emery of Ward 10 objected to action on so important a matter when there were so many empty seats.

Mr. Flynn stated that the matter had been under consideration since the first week of the Council, and the Street Commissioners and Street Committee had had it before them for some time.

Mr. Perkins of Ward 6 said there should be no unnecessary delay in the matter, for the abutters on the proposed line of extension had been kept in waiting for some time as to what they should do. If not agreed in the matter delay might be beneficial, but if they were united in favor of the measure it should be put off no longer.

Mr. Brooks of Ward 1 hoped the friends of the measure would consent to have it lie over, and he moved its special assignment to Thursday evening next, 8½ o'clock, which was carried.

#### REPORT ON THE BURRILL CLAIM.

The Joint Standing Committee on Claims, to whom was referred the petition of H. W. Paine and Charles Burrill, that the order authorizing the payment of forty thousand dollars to said Paine, as assignee of said Burrill, passed the 12th of September, 1870, may be carried into effect, having carefully considered the subject, submitted their report in print. In the introduction of the report they say—

Although the general character of this claim is pretty well known by the citizens of Boston, there are many erroneous impressions in regard to the extent and value of the services which Mr. Burrill rendered to the city, and for which he has vainly endeavored to obtain compensation during the past eight years.

The committee then briefly state the transactions which took place between the claimant and the

city authorities, as they appear from the official records. To appreciate the transactions they recall the condition of affairs when they took place, the frightful riot in New York, the disturbances more or less serious in all the large cities of the country, consequent upon the impending draft, and the performances of many acts on the part of representatives of citizens in securing quotas which would not bear the scrutiny of calmer times. Among these were the payment of large bounties, without legal authority, this city paying \$100 bounty in 1862, increased to \$200 for three years' or nine months' service, and paying for bounties and recruiting expenses, between the 14th of July and the 25th of November, 1862, over \$840,000.

The State bounty of \$50 was found to be insufficient, and in March, 1864, authority was given to pay \$125 for each enlisted man; this sum, by a vote of the City Council in the latter part of March, the Mayor was authorized to pay. The National Government was paying at this time \$402 to veterans who re-enlisted, and \$302 to new recruits. Notwithstanding these bounties, recruits came in slowly, and on the 31st of May there was a deficiency of 601 men in this city. Under these circumstances the contract was made with Charles Burrill "to pay to the said Charles Burrill the sum of one hundred and twenty-five dollars per man for each and every full man so credited upon said quota of the city."

The committee say, "The evidence as to the manner in which these credits were expected to be obtained is conflicting, and there are questions as to the true construction of the contract; but, inasmuch as the present claim is not treated as being made for services rendered in exact conformity to the contract, that point is immaterial. Whatever may have been the Mayor's understanding as to the class of persons Mr. Burrill was to have credited on the city's quota, the letter to the Provost-Marshal General at Washington recognizes and indorses his services in the direction in which he was working to procure those credits."

On the 24th of February of that year, Congress had passed an act giving credit for men who enlisted in the naval service after that date. As the men contained on Mr. Burrill's lists entered the service prior to that date there was no law under which they could be credited. He then went to work, as he represents, and procured the passage of an act by Congress, which gave the credit of persons enlisted in the navy prior to the 24th of February, 1864, to the towns, districts and precincts to which they belonged at the time of their enlistment. Setting aside altogether Mr. Burrill's statements of the improper influences which he brought to bear upon members of Congress and others, and disclaiming any responsibility of the city therefor, it may be fairly inferred from his presence in Washington, the anxiety which he had to get his lists credited, and the passage of the act at that particular time, that he did, as the duly authorized agent of the city of Boston, do something towards it, and that he was at considerable expense in consequence of it."

The committee refer to the designation of Gov. Andrew and ex-Governor Clifford to apportion the naval credits due to Massachusetts, to the lists prepared, and to the fact that under it the city had a surplus of 4975 men, by which the subsequent call for more volunteers was met. They say, "It is undoubtedly true that Mr. Burrill did not furnish any men or any credits on the quota of 601 existing at the date of the contract, and we may well admit that he has, in strict right, no claim whatever, under that contract. It is also true that Mr. Burrill did not procure and present to the Mayor an official certificate from the proper authority, showing that any credits had been given. He asserts that the Mayor waived that formality, but whether he did or not is of no consequence in considering the present claim. The force of Mr. Burrill's appeal lies in the fact that he performed valuable services as agent for the city at a critical period, and at large expense to himself, and no one could have supposed that he was working gratuitously."

The subsequent action on the claim, by the courts and City Council are given, up to that of last year, when the Board of Aldermen passed an order by a two-thirds vote to pay \$40,000, and four votes only were wanting of a two-thirds vote in the Council. Thus they say "the matter comes before the present Government. Mr. Burrill is ready to give a receipt in full for all services of whatever nature performed under his contract, or outside of his contract, in procuring credits on the quota of the city, upon the payment of the sum of \$40,000—less than a third, as he represents, of the actual



expenses incurred by him on account of it. When we take into account the enormous expenses incurred for recruiting purposes at a much earlier period in the war, forty thousand dollars cannot certainly be called an exorbitant sum for the services which we have shown that Mr. Burrill performed. Any statements as to his reputation, or the use that may be made of the money, ought not to enter into the question at all. His services were accepted; the city is under an obligation to him, and further delay in discharging that obligation would be discreditable to the city. Indeed, the City of Boston owes it to herself to settle this matter."

The committee would therefore recommend the passage of the accompanying preamble and order.

(Signed by)

S. A. STACKPOLE,  
DAVID L. WEBSTER,  
ISAAC H. ROBBINS,  
EDWARD P. WILBUR,  
WILMON W. BLACKMAR.

Whereas, the City Council of this city passed an order in relation to the claim of Charles Burrill, on the 12th day of September, A. D. 1870, in the following words, to wit:

"Ordered, That there be allowed and paid to Henry W. Paine, the assignee of Charles Burrill, the sum of forty thousand dollars, in full settlement of all services rendered, and money expended by said Burrill, in procuring credits upon the quota of the city in 1864, and that the same be charged to the fund appropriated for Incidental Expenses; provided, that such receipts and discharges shall be executed, both by said Burrill and said Paine, as shall be satisfactory to His Honor the Mayor and the City Solicitor";

And whereas, before payment was made, on the petition of certain taxpayers, an injunction was served upon the city authorities, restraining them from making said payment, on the ground that there was no legal authority to do so, and consequently said order was not carried into effect;

And whereas, the Legislature of this State did, on the fourteenth day of April, A. D., 1871, pass an act authorizing this city to pay said sum, in the words following, to wit:

"The city of Boston is hereby authorized to pay to Charles Burrill of Brookline the sum of forty thousand dollars, in satisfaction for all services rendered and money expended by him, in procuring credits upon the quota of volunteers of said city, during the war of the rebellion, in conformity to the order passed by the City Council of said city, and approved September 12, 1870, and may raise said sum by taxation or otherwise";

Now, therefore, it is hereby

Ordered, That there be allowed and paid to the above-mentioned Paine, assignee of Charles Burrill, the sum of forty thousand dollars, as recited in the above-mentioned order passed Sept. 12, 1870, in accordance with the terms and conditions therein mentioned, and as authorized by the act of the Legislature above referred to; said sum to be charged to the appropriation for Incidental Expenses.

Alderman Cutter and Mr. Robertson of the Council dissent from the recommendation of the majority of the committee, and after an examination of the claim, of which they say he is either entitled to the whole sum (\$901,732 50) or not anything, they remark, "If the contract was an illegal one, we are not justified in taxing the citizens to pay the whole or any part of it; and we have just as much right to tax the citizens to pay the whole as any part of it. If he did not perform the contract he is certainly not entitled to anything under it. The courts have decided that the contract was illegal; and the majority of the committee go a step further and say it was not performed; but, curiously enough, out of these two reasons for not paying anything to Mr. Burrill, either one of which is sufficient, they find a reason for paying something—applying the rule of grammar, perhaps, that two negatives make an affirmative."

How the sum of \$40,000 is arrived at they find it difficult to conjecture, and if the "claim is a good one, the record of the city is no clearer after the payment of \$40,000 than it was before. The claimant will still believe that the city has defrauded him; that instead of paying its obligations in full it has taken advantage of a technical point of law to get a receipt in full on payment of about four cents on a dollar. The idea of preserving the credit of the city in this way may be an economical one, but it can hardly be called honest. The city has not yet gone into bankruptcy. It is fully able to meet all its just obligations. The real question,

therefore, is whether Mr. Burrill is entitled to the value of his contract."

Mr. Burrill, having been extensively engaged in procuring credits on quotas of other cities and towns, it could hardly be presumed that he or the Mayor was ignorant of the laws then in force in regard to the payment of bounties, and "according to the Mayor's interpretation of the writing which he gave to Mr. Burrill he was acting within the authority conferred upon him by the City Council. He was told, and he believed, that new men were to be obtained. Mr. Norcross, who was consulted, understood it in the same way. Mr. Burrill says he intended to do then what he claims he afterwards did—obtain credits for men enlisted in the navy prior to the 24th of February, 1864—notwithstanding such credits were not allowed by act of Congress, and payments for such credits were forbidden by the Legislature."

The minority refer to Mr. Burrill's acts in Washington, and to the fact that on the 4th July in 1864, a law was passed giving credits for enlistments in the navy prior to 24th February. "An examination of the Congressional Globe reveals the fact that the subject was under consideration before Mr. Burrill went to Washington, and that its passage was not advocated by those whom he has represented as acting for him in the matter.

The act having been passed, the city of Boston was entitled to the credit of the men contained on the list copied from the books of the receiving ship, without paying a dollar for them to anybody. The city had no authority to pay for them."

In relation to the proposed compromise by paying \$125,000, the circumstances under which it was made the minority say "deprive it of all weight. Neither the Mayor nor the Aldermen associated with him believed that Mr. Burrill had rendered any service which entitled him to that sum; but they did believe that they had committed the city, or themselves, to such an extent that Mr. Burrill would be able to recover in a court of law."

The various acts of Mr. Burrill in obtaining the claim are referred to, and in relation to the law authorizing the payment of \$40,000 the minority remark, "Now whether this act is constitutional or unconstitutional, it does not affect in the slightest degree the duty or responsibility of the city. It does not save the credit of the city if Mr. Burrill is entitled to the whole amount under his contract; and, on the other hand, it does not make the city liable for a part if there is nothing due.

Believing that, in the language of the eminent judge who presided at the trial in the Circuit Court, Mr. Burrill is not entitled to recover in any view of the case, the undersigned would recommend that the petitioners have leave to withdraw."

Alderman Jenks appends to the minority report the following:

"The undersigned assents to so much of the foregoing report as states that Mr. Burrill should be paid the whole amount due under his contract, or nothing. He believes that the Mayor was acting with full knowledge of Mr. Burrill's intent to procure credits, and not new recruits; and that the law did not sanction the payment which he contracted to make for such credits. The Mayor of the city, as the chief executive officer, having made an illegal contract, the simple question to be decided is, did the Mayor make such a contract in good faith, and, if he did, and Mr. Burrill performed his part of the contract, and the city of Boston had the benefit of it, whether the City Council will accept the action of the Mayor, or repudiate it."

On motion of Mr. Perkins of Ward 6, the reports were laid on the table.

#### ORDERS PASSED.

On motion of Mr. Adams of Ward 12,

Ordered, That the Committee on Bathing be authorized to paint the reconstructed bathing houses Nos. 11 and 12, and that the expense thereof be charged to the appropriation for Public Baths.

On motion of Mr. Shepard of Ward 4,

Ordered, That the Committee on Ordinances consider the expediency of passing an ordinance regulating and restricting the use of the streets of the city of Boston by persons soliciting the public to become passengers upon steamboats and other modes of public conveyance.

On motion of Mr. Perkins of Ward 6,

Ordered, That the Committee on Common and Public Grounds be requested to consider whether any amendment of the ordinance relating to the Common, etc., is necessary to prevent injury to the grass in the public grounds of the city.

In answer to an inquiry by Mr. Flynn of Ward 7 for the reason for the order, Mr. Perkins replied



that it did not contemplate shutting off the parade ground to any one, but there were seasons when the grass was just coming up, and needs protection, for which no provision was made by ordinance.

#### EXTENSION OF PHILLIPS STREET.

On motion of Mr. Burditt of Ward 16, the resolve and order for the extension of Phillips street from Irving to Joy street (printed City Doc. No. 44, 1872), and an order for a loan of \$70,000 to cover the expense thereof, were taken from the table and considered.

Mr. Webster of Ward 6 said:

The extension of this street to Joy street cannot certainly be to accommodate public travel, for after it is extended, as well as at the present time, it will begin and terminate against a brick wall, cutting off travel in the direction in which it runs, at both ends.

Limited as this extension is, it can be defended only on the ground of its being a sanitary measure. As a sanitary measure certainly something should be done in this neighborhood. This Phillips street, as extended, will pass through one of the plague spots of this city, one of the very worst localities, one of those places that are suggestive of small-pox, fever, cholera, and other diseases of a kindred nature.

It is located in the heart of one of the richest and most populous wards in the city, occupying a territory, which should from its altitude (it being high up on the side of Beacon Hill) be one of the most respectable and healthy localities in the city, but owing to the utter neglect of the authorities it has been in its present condition ever since Boston has been a city.

It is time that something should be done to let the pure air and light of heaven in upon this neglected spot. But, sir, the measure now proposed is entirely inadequate for the purpose.

This Phillips street is now from thirty-five to thirty-eight feet wide, with narrow alleys running from it at short distances from each other, containing what can hardly be called shelters for the crowds of human beings that congregate in them.

It is proposed to extend it to Joy street only forty feet wide. This is perhaps better than nothing, but in my judgment it should be made at least fifty feet wide (sixty would be better) and extended westerly to Charles street, as well as easterly to Joy street. If this be done it will do a great deal of good, but even this is but a beginning of what should be done to improve the northerly side of Beacon Hill; for there is not a single street running east and west, and but one running north and south over the whole territory, that does not terminate, at one or both ends, in a brick wall.

It is not often that Ward 6 (a ward that has probably paid as much or more into the City Treasury than any other ward in the city), appears here as a petitioner for any expenditure for her immediate benefit. None of her streets to my knowledge have been extended at public expense, and it seems to me that it is altogether too bad to put her off at the present time, with this miserable pittance of what she should have.

I will therefore, with the consent of the Council, after the order has been thoroughly discussed, move that it be laid on the table and that the following order be passed by the Council to take its place:

Ordered, That the Board of Street Commissioners be requested to consider the expediency of extending Phillips street east to Joy street and west to Charles street, at a width of not less than fifty feet its entire length.

With the passage of this order he should move to take up the order of the Street Commissioners, and that it be rejected.

Mr. Perkins of Ward 6 stated that he was in favor of the passage of the order of the Street Commissioners and of that proposed as a substitute, but should vote for the first if he could not get any more.

Mr. Flynn of Ward 7 said if the Committee on Streets had attended to their duty the report under consideration would have been a minority rather than a majority report. Many of the members of the committee were not present at their meeting.

Mr. Shepard of Ward 4 inquired if it was to be understood that the proposition of the gentleman from Ward 6 would have been a majority report?

Mr. Flynn replied that he never heard of the proposition until today, yet he thought favorably of it.

Mr. Brooks of Ward 1 moved to recommit the report.

Mr. Webster stated that unless some definite action was taken on the subject tonight, the resolve and order of the Street Commissioners would become a law by limitation.

The motion to lay the order on the table was carried.

Mr. Webster moved the order of which he had given notice.

Mr. Flanders of Ward 5 moved its reference to the Committee on Streets, but withdrew it.

Mr. Webster further spoke of the necessity of action in relation to the limit of time, and in reply to a remark of the Chair, that the passage of this order would not effect the other, said that should this pass, he should move to take up the order of the Commissioners and reject it.

Mr. Wright of Ward 15 inquired what would be the cost of the proposed extension.

Mr. Webster replied that the expense would not be much, for most of the buildings were poor.

Mr. Flynn stated that the estimate of abutters on the extension by the Commissioners was very low.

Mr. Perkins said that in every instance on that extension the damages estimated were more than the valuation.

Mr. Webster concurred in the statement of the estimated value of property in that neighborhood. The cutting off of ten feet in widening the street could be done as cheap as anywhere else.

Mr. Wright said he had not yet got the information he asked for. As the estimate of the extension by the Commissioners was \$68,000 or \$70,000, he wished to know whether the new project for extension was to cost \$100,000 or \$200,000.

Mr. Flynn replied that it was out of the power of the Street Committee to give the information, which would require a month to ascertain it.

Mr. Webster said as this was only a request, they could reject it if the estimate of the cost was not in accordance with their ideas.

Mr. Blackmar suggested that they could take the resolve and order from the table and kill them, if there was danger of their coming in force by default. Then the order under consideration could be referred to the proper committee.

Mr. Brooks wished to know how much the project was to cost, and whether the Street Commissioners considered how much more it will cost to make the extension fifty feet wide than forty feet.

Mr. Perkins, as a friend of this measure, would not kill the other, and was willing to commence with small beginnings, but it looked now as though they would not get either.

Mr. Webster again stated that as they had full power they could reject the project, if so disposed, when they got the estimates.

The order was passed.

On motion of Mr. Webster, the resolve and order of the Street Commissioners was taken up.

Mr. Blackmar moved their indefinite postponement.

To a question of Mr. Webster, whether the motion was equivalent to a rejection, the Chair stated that it disposed of it finally.

The Chair stated further that in the doubt it would be safer to vote to concur or non-concur.

Mr. Brooks moved an adjournment, which was lost.

Mr. Blackmar moved a rejection of the resolve and order, which was carried, and a motion to reconsider was lost.

On motion of Mr. Perkins, the order that the act of May 3, 1872, in relation to sidewalks in cities be accepted was taken from the table and passed, and a motion for reconsideration was lost.

On motion of Mr. Flanders of Ward 5, it was voted to adjourn to Wednesday evening next, Thursday being Decoration Day, and the special assignments were changed to Wednesday evening.

Adjourned.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MAY 27, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at 4 o'clock, Mayor Gaston presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Weigher of Coal—Samuel Hosea, Jr.

Special Police Officers, without pay—James McCartney, for Washington Building; Oliver Whitcomb for Howard Athenæum; Elbridge Bradshaw, for Public Library; Stephen A. Coleman, for Charity Building, Chardon street; George D. Buzzell, for John A. Andrew Hall and Eliot Hall; James S. Baker, for Boston Sugar Refinery; A. Whittemore Trask, for East Boston Branch Public Library; Thomas Colligan, for grounds of First Religious Society, Roxbury; James Morrison, for south side of Commonwealth avenue and vicinity; Robert Pierce, for North Centre street and vicinity.

Members of Fire Department—John Rae and Joseph H. Rankin.

## POLICE OFFICERS APPOINTED.

The following appointments as Police Officers were referred to the Committee on Police:

Willard S. Lewis, Josiah S. Robinson, George L. Harris, David F. Hampton, John Maley, John F. Murray, Edwin P. Getchell, A. U. Shepard, Theodore Nuncviller, Joseph R. Burrill, Robert Gavaghan, John Winterson, Dennis S. Mountain, Roswill Davis, George Herbert, Augustus Curtis, Orrick Look, Thomas Lynch, John J. Coffey, John B. Twiss, John F. Slater, Daniel M. Terry, Isaac G. Harding, Charles J. Craibe, Jr., Alonzo G. Chamberlin, John F. George, Clark T. Tripp,

## PETITIONS PRESENTED AND REFERRED.

Charles Alexander, for leave to construct a building on Dorchester avenue, Ward 16, beyond the legal limits.

A. T. Stearns & Sons, for leave to erect a wooden building on Waltham street, within the building limits.

Severally referred to the Committee on Survey and Inspection of Buildings.

James W. Sivret and others, that Lincoln street, Ward 16, may be graded.

O. S. Samders and others, that "Greenwich park" be put in order.

Thomas Wilkins and others, that Green street, Ward 16 may be graded.

J. P. Rogers & Co. and others, that the new street between Matthews and High streets be graded and paved.

Severally referred to the Committee on Paving.

Frank Thompson, for leave to build a stable for two horses on Newman and Champney streets.

James E. Blake, for leave to locate a stable for two horses on Mareella street.

Heury L. Daggett, for leave to erect a brick stable on Commonwealth avenue, between Clarendon and Dartmouth streets.

Moseley & Tuttle, for leave to sprinkle streets in Ward 16.

Donald Kennedy, for leave to build a stable for two horses at 284 Warren street.

J. C. Warren, for leave to move a stable on his land at 130 Warren street.

Eben Baker and others, against the construction of a stable by E. A. Foster on Montrose avenue.

Catharine Schwartz and others, against the erection of a soap factory by E. Nathans on Ward and Prentiss streets.

Richard L. Brown, for leave to occupy a wooden stable on Newnan street with one horse.

Globe Nail Company, for leave to erect a brick stable for six horses on Howard street, Ward 16.

P. J. Hyde and others, for abatement of a nuisance caused by stagnant water on Sixth street, between I and K streets.

Severally referred to the Committee on Health.

Nathaniel B. Shurtleff and others and Otis Clapp and others, for the extension of Phillips street east to Joy street and west to Charles street. Severally referred to the Committee on Streets.

Joseph Sherer, for a sewer in Hammond street.

F. J. P. Hunneman, for postponement of collection of sewer assessment in Mount Pleasant avenue.

R. Goodwin and others, for extension of the Bennington-street sewer.

John Navin, for abatement of assessments for a sewer in Mindoro street.

Severally referred to the Committee on Sewers. Wimmisimmet Company, for abatement of taxes illegally assessed in 1871, and previous thereto. Referred to Joint Committee on Assessors' Department.

Timothy H. Smith, to be paid for alleged loss of property on Kendall and Hammond streets, stolen with the knowledge of the police; also, to be compensated for damage done to his property in Smith's avenue by the Board of Water Works. Severally referred to the Committee on Claims.

W. A. Currier and others, for a suitable opening in the Common fence, opposite Temple place. Referred to Committee on Common.

## RESIGNATIONS OF OFFICE.

A communication was received from J. Foster Hewins, resigning his position as an Inspector of Ward 16.

A communication was also received from C. H. Prince, resigning the office of Inspector in Ward 9. Severally ordered to be placed on file.

## EXTENSION OF APPLETON STREET.

A communication was received from the Street Commissioners, with a resolve and order for the extension of Appleton street from Berkeley to Tremont street, at an estimated expense of \$93,176.

The estimates are as follows: Proprietors of Parker Memorial Meeting House, 6000 feet of land, \$3, \$18,000; passageway, 600 feet; J. F. Paul & Co., Chapman street, 4800 feet of land, \$3, \$14,400; the same on Tremont street, 6796 feet at \$8, \$40,776; damages to buildings, etc., \$20,000—\$60,776; also 600 feet on passageway and 2400 feet on part of Chapman street. The total gives 21,196 feet of land at a cost of \$73,176, and of damages \$20,000, making an aggregate of \$93,176.

Referred to the Committee on Streets.

## ANNUAL REPORT OF DIRECTORS OF EAST BOSTON FERRIES.

The annual report of the Directors of the East Boston Ferries was laid before the Board in print by Alderman Woolley.

The report states "that the boats are all in good running order, except the ferry-boat Jefferson, which will be put in good condition at once. We would say there has been built, from the fifty thousand dollars appropriated for that purpose, the new steam ferry boat Ben Franklin, which is now running on the south ferry, and gives perfect satisfaction being, we think, one of the finest boats to be found used in that capacity. The buildings, drops and landings are in good repair, and the annexed exhibit shows the receipts and expenses for the year ending April 30, 1872":

The receipts for tolls were as follows: teams, carriages, etc., \$78,346 51—of which \$40,386 20 was for 403,862 one-horse teams at 10c, and \$31,095 80 was for 155,479 two-horse teams at 20c; 2,430,470 foot passes, 1½c, \$36,457 05; 681,974 Metropolitan Railroad passengers, 1c, \$681 974; 3,115,962 foot passengers, 2c., \$62,319 24; 104,618 outstanding foot passes, 1½c, \$1569 27; outstanding team tickets, \$450 69—making a total for tolls for passengers of \$107,615 99; rent, old junk, wood, etc., \$3362 06— and a total of receipts of \$189,324 56. Of these receipts there were at the north ferry \$63,809 37; south ferry, \$122,153 13.

The expenditures were as follows: Wages and salaries \$71,420 19; expense account, \$27,379 85; repairs of boats, \$46,879 68; repairs of landing, \$11,267 02; net account, \$42,023 54; total ordinary expense, \$198,970 30. New boat Ben Franklin, as per appropriation, \$50,000, and \$1066 47 for sundry additional bills, making the total expenditures, \$250 036 77.

The amount of cash on hand May 1, 1871, was \$1539 88, added to the receipts for tolls, \$189,324 56, made a total of \$190,864 44. Paid City Treasurer \$184,600; paid tollman as capital \$75, and there remained on hand May 1, 1872, as a balance \$6189 44.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Report and order authorizing a contract with Samuel G. Drake for a continuation of his history of Boston from 1770 to 1822, at a cost not exceeding \$5000.

Order to construct a sea wall one hundred feet in length on Condor street, at an estimated cost of \$2340.

Order to lay the entry floors of the third and fourth stories of the City Hall with marble tiles.



## PAPERS FROM THE COMMON COUNCIL.

The petitions of Samuel Gould and others, Peter Daily, Ira Litchfield and others, and of James R. Gerrish, were severally referred, in concurrence.

The following orders were severally read twice and passed, in concurrence:

Order to paint bathhouses Nos. 11 and 12.

Order for Committee on Ordinances to provide a regulation to prevent public solicitations in behalf of steamboats, etc.

Order of inquiry as to expediency of a regulation to prevent injury to grass on Common, etc.

The order requesting the Street Commissioners to consider the expediency of widening Avery street from Mason street to Haymarket place through to Boylston street, was referred to the Joint Committee on Streets, in concurrence.

The rejection of resolve and order (Doc. 44) to extend Phillips street from Irving to Joy street being under consideration,

Alderman Jenks inquired what would be the effect should the Board non-concur with the Council in the rejection, and what bearing on this subject would the act of the last Legislature have.

The Mayor stated that the Alderman best understood the act of the last Legislature, and that if the Board concurred in the rejection of the order that would be the end of it.

The rejection was concurred in.

The order requesting the Board of Street Commissioners to extend Phillips street, not less than fifty feet wide, easterly to Joy street and westerly to Charles street, was passed, in concurrence.

## REPORTS OF COMMITTEES.

Alderman Little, from the Committee on Suffolk street District, to whom was referred the petition of Charles D. Homans and others, to be compensated for damages caused by the imperfect drainage of Boylston street, made a report recommending that the petition be referred to the Committee on Sewers of the Board of Aldermen. Accepted.

Alderman Little, from the Committee on Health, reported in favor of stables as follows: Abbott & Fernald, to build a brick stable for thirty horses on Ninth street, between D and E streets; Rummell & Stanton, to place two additional horses in the stable at 43 Rockland street; Andrew Crawford, to build a wooden stable on Fenton place; John A. Allen, to build an addition to his stable on Athens street, near the Boston, Hartford & Erie Railroad; John Broderick, to build a wooden stable for one horse on Clapp street, Ward 16; Thomas Cone, to erect a stable for six horses on Notre Dame street, provided a blank brick wall is constructed against the adjoining estate. Severally accepted.

The same committee reported leave to withdraw on petition of J. N. Whitman for leave to build a stable for four horses on Champney street. Accepted.

Alderman Little, from the Committee on Health, to whom was referred the petition of E. W. Harding and others that a watering trough be placed at the corner of Neponset avenue and Walnut street, made a report that it be referred to the Water Board, with a request to place a drinking fountain at the place above indicated. Accepted.

Alderman Sayward, from the special committee on the petition of George W. Harrington for the benefit of the Franklin Fund, made a report that as the proposed bondsmen were not satisfactory, they recommend that the petitioner have leave to withdraw. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: M. J. McGettrick, to exhibit a pedestrian feat at Old Pine-street Church, subject to the control of the Police, and to a revocation at any time by the Committee on Licenses; Henry O. Dockham, as an auctioneer; also, licenses to six bootblacks, three newsboys and one pedler; and to sundry persons as victuallers and innholders, dealers in second-hand articles, and for transfer of wagon and hack licenses. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw severally on petitions of Charles W. Wilder and others that the lower portion of Stony-Brook sewer be covered; of P. H. Rogers and others, that the arch over the Rogers-street sewer may be completed as far as Parker street; Emily W. Wilson, for postponement of collection of Shawmut-avenue sewer assessment; Robert McNinch, to be paid for damages caused by defective sewerage in Fabin street; John Navin, for abatement of assessment for a sewer in Miudoro street. Severally accepted.

Alderman Stackpole, from the Joint Standing Committee on Public Instruction, to whom was

referred the order of the School Committee requesting the City Council to remodel the upper story of the Gibson Schoolhouse, Ward 16, made a report, recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to remodel the upper story of the Gibson Schoolhouse, in Ward 16, so that it shall contain two or more rooms; the expense to be charged to the appropriation for Schoolhouses, Public Buildings.

The report was accepted, and the order was passed.

Alderman Stackpole, from the same committee, to whom was referred the request of the School Committee for a schoolhouse with six rooms near the Atherton Schoolhouse, made a report recommending the purchase of a lot of land owned by S. Klous, on Columbia street, Ward 16, comprising 25,252 feet, at a cost not exceeding forty-five cents per foot, with an order to borrow \$11,000 for such purpose. The order was read once.

Alderman Squires, from the Joint Standing Committee on Public Lands, to whom was referred the petition of Howard A. Doe, for an extension of time in which to erect a building upon a lot of land purchased of the city on Broadway, made a report recommending the passage of the following order:

Ordered, That the time for the erection of a building upon the lot of land situated on Broadway, between L and M streets, and standing in the name of Howard A. Doe, be extended for one year from July 1, 1872, upon condition that the said Doe pay to the Superintendent of Public Lands the sum of \$100 within ten days from the passage of this order.

The report was accepted, and the order was passed.

Alderman Squires, from the same committee, to whom was referred the petition of M. J. Flatley to have the time extended for the erection of two houses on East Newton street, made a report, recommending the passage of the following order:

Ordered, That the time for erecting dwelling houses upon lots eleven and twelve East Newton street, as sold by the city in June, 1869, to M. J. Flatley, be extended one year from May 1, 1872, upon condition that he pays to the Superintendent of Public Lands the sum of \$200 within ten days from the passage of this order.

The report was accepted, and the order was passed.

Alderman Squires, from the same committee, to whom was referred the petition of the executors of the Rev. Thomas Lynch for a deed confirmatory of his title to land on East Chester park, made a report, recommending the passage of the following order:

Upon the petition of James H. Tallon, Bernard Flood, and Charles Lynch, trustees under the will of Rev. Thomas Lynch, it is hereby

Ordered, That a confirmatory deed of the land described in said petition, in such form as the City Solicitor shall approve, be made to the petitioners.

The report was accepted, and the order was passed.

Alderman Squires, from the same committee, reported leave to withdraw on petition of John Butland, for a change in the conditions of sale of land on Broadway. Accepted.

## REPORT ON TREASURER'S ACCOUNTS.

Alderman Jenks, from the Joint Standing Committee on the Treasury Department, to whom was referred the accounts of the City and County Treasurer, submitted a report, as follows:

That they have made a careful examination of the accounts and have compared them with the records in the Treasurer's office, and they find that the entries correspond with the receipts and vouchers on file.

The business of the office during the past year amounted to.....	\$15,299,732 17
On city account.....	\$15,007,790 79
county.....	291,941 38
The amount of bonds held by the city for sales of real estate was.....	\$680,798 90
The amount of bonds for sales of estates purchased for widening streets was.....	484,023 27
The cash on hand was.....	2,803,597 36
Viz.: in bank (currency)....	\$2,496,327 76
(gold).....	2,645 00
in office (currency)....	303,908 60
(gold).....	716 00

The report was accepted, and ordered to be sent down.

## AUDITOR OF ACCOUNTS.

Alfred T. Turner was elected Auditor of Accounts by a vote of 10 to 1 for Edward A. White.



## ORDERS PASSED.

On motion of Alderman Little,  
Ordered, That the Committee on Health consider the expediency of accepting Chapter 231 of the statutes of 1872, entitled "An act to provide for the appointment of Inspectors of Provisions in cities and towns."

Ordered, That the Superintendent of Streets, under the direction of the Committee on Paving, be authorized to furnish and set edgestones on any portions of public streets where the abutters desire them set, and will pay one-half of the cost thereof.

Ordered, That the Superintendent of Streets, under the direction of the Committee on Paving, be authorized to erect fences in front of vacant lots on public streets where the public safety requires the same.

Ordered, That there be paid to Mary S. T. Macomber the sum of \$1500, in full compensation for all damages occasioned to her estate on Second and Athens streets by the raising of the grade of said streets, upon the usual conditions; also upon her giving to the city a deed of one hundred and forty square feet of land at the junction of Second and Athens street, to be laid out as a public street; said sum of \$1500 to be charged to the appropriation for Paving.

Whereas, it appears to this Board that the public safety and convenience require that edgestones be set on Albany street, between the locomotive works and Malden street, it is hereby

Ordered, That the Superintendent of Streets be directed to furnish and set edgestones on said Albany street, and report a schedule of the expense to this Board.

Whereas, it appears to this Board that the public safety and convenience require that the sidewalks on Berkeley street, between Clarendon street and the Providence Railroad Bridge, be supported with edgestones, it is hereby

Ordered, That the Superintendent of Streets be directed to furnish and set edgestones on said Berkeley street, and report a schedule of the expense to this Board.

Whereas, it appears to this Board that the public safety and convenience require that sidewalks should be constructed on Athens street, between Second and A streets, it is hereby

Ordered, That the Superintendent of Streets be directed to furnish and set the edgestones and lay the sidewalks with brick on said Athens street, and to report a schedule of the expense to this Board.

Ordered, That the Superintendent of Streets be directed to grade Townsend street, between Walnut avenue and Warren street, according to the established grade of said street, at an estimated cost of \$4000.

Ordered, That there be paid to Joseph H. Gardner \$250, in full compensation for all damages caused to his estate on Circuit street, as ordered by the Board of Aldermen, September 26, 1871, upon the usual conditions; the same to be charged to the appropriation for Paving.

On motion of Alderman Poland,

Ordered, That there be allowed and paid the expenses incurred in placing the new bell in the tower on the Lincoln Schoolhouse, the sum of \$350, in addition to the \$1200 heretofore allowed for that object; said amount to be charged to the appropriation for Fire Alarms.

On motion of Alderman Woolley,

Ordered, That the Chief Engineer of the Fire Department be instructed, under the direction of the Joint Standing Committee on the Fire Department, to provide such safeguards against fire in and around the building known as the Coliseum as the public safety may require; the expense to be charged to the appropriation for the Fire Department.

On motion of Aldermen Clark,

Ordered, That there be paid to C. O. Pratt \$579 76, for land taken and all damages occasioned by the widening of Stoughton street by a resolve of the Board of Street Commissioners, Sept. 1, 1871, upon the usual conditions; to be charged to the appropriation for widening Dudley and other streets.

On motion of Alderman Ricker,

Ordered, That Tuesday, June 4, at 4½ o'clock P. M., be the time assigned for the election on the part of this Board, of one Consulting Physician, to fill the vacancy occasioned by the resignation of John W. Foye, M. D.

On motion of Alderman Jenks,

Ordered, That a message be sent to the Common Council proposing a convention of both branches of the City Council on Wednesday next, at eight o'clock P. M., for the purpose of electing a City Treasurer for the present financial year.

On motion of Alderman Fairbanks,

Ordered, That the Superintendent of Faneuil Hall be directed to close Faneuil-Hall market houses at 9 o'clock A. M. on the 30th inst.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in E street, between Eighth and Ninth streets, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Forest street, northerly end, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Trenton and Eagle streets, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Orleans street, near Decatur street, and report a schedule of the expense to the Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Saratoga street, near Chelsea street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Laurel, Ottawa, Sherman and Bower streets, and report a schedule of the expense to this Board.

Ordered, That the sum of \$30 be abated from the assessment levied upon Ashel Gilbert's heirs for a sewer in St. James street.

Ordered, That the Superintendent of Sewers is hereby directed to furnish suitable means of drainage for the Jubilee building, on the Back Bay; the expense to be charged to the appropriations for Sewers.

An order was passed for the payment of bills of certain persons directly or indirectly connected with City Government.

An order was also passed for the abatement of nuisances at 1184-1188 Tremont street, and in Hallock, Decatur and Chelsea streets.

## ORDERS OF NOTICE.

Alderman Little, from the Committee on Paving, reported an order of notice on petition of the East Boston Improvement Company for leave to lay tracks over the causeway between Breed's Island and East Boston and across Saratoga street to Breed's Island. Hearing, Tuesday, June 18, 4 P. M.

Alderman Fairbanks reported the following, which were adopted:

On the proposed construction of a sewer in Haymarket square, between Stillman and Cross streets. Hearing Tuesday, June 4, 4 P. M.

On the proposed construction of a sewer in Shawmut avenue, between Vernon and Dudley streets. Hearing Tuesday next, June 4, 4 P. M.

On the proposed construction of a sewer in Longwood avenue, easterly end. Hearing Tuesday, June 4, 4 P. M.

## ORDERS READ ONCE.

On motion of Alderman Little, orders to pave Beacon street with wood, between Charles and Arlington streets, and from Berkeley to Dartmouth streets, at an estimated cost of \$58,000; to pave Albany street with small granite blocks, from the locomotive works to East Canton street, at an estimated cost of \$41,000; to pave Lenox street with wood between Shawmut avenue and Tremont street, at an estimated expense of \$10,500.

## PUBLIC HEALTH ORDINANCE.

Alderman Powers moved a reconsideration of the vote whereby the Board rejected an ordinance to establish a Board of Health, in printed City Document No. 45, 1872.

Alderman Powers stated in support of the motion, and as reasons for reporting an ordinance of this character, that the committee did not pretend to be experts in sanitary matters, and wishing to avail themselves of the best authorities in relation to the subject, they invited such gentlemen as had given much attention to it to come before them. After listening to Dr. Derby, Dr. Bowditch, Otis Clapp and others, they were unanimous in reporting the ordinance to establish a Board of Health.

The committee supposed a more perfect ordinance might have been framed, that they may have made some mistakes, and that other gentlemen may be able to report an ordinance which will be more acceptable, and if rejected on account of such mistakes, it ought to have been improved and not so unceremoniously indefinitely postponed. There had been a great demand for a new Board of Health, deemed of so much importance that the Mayor called attention to it in his address of last year, and the present year, and it had been ably advocated by the public press of this city, and was



petitioned for by many of the most distinguished citizens and large taxpayers, and recommended by those best able to judge in the matter.

The duties required would be much more effectually done by a Board of Health than could be by any committee, the committee being limited in their attention to the subject because of so many other matters to attend to. Some consideration should be given to such authorities as had given much attention to the subject, and he hoped a reconsideration would prevail, and that some gentlemen better qualified would give to it the attention which the subject deserved.

Alderman Jenks, in opposition to reconsideration, said the main object in the establishment of such a board, as stated in the preamble to the report, had been met by an act of the last Legislature, in relation to the sale of provisions.

The motion to reconsider was lost, by a vote of 5 to 6, a standing vote, as follows:

For reconsideration — Clark, Power, Stackpole, Cutter, Fairbanks.

Opposed — Ricker, Squires, Sayward, Poland, Little, Jenks.

Alderman Power presented the following petition, which was read:

We, the undersigned, respectfully and earnestly petition your honorable body to favorably consider and act upon the ordinance to establish a Board of Health, as reported by the special committee constituted for that purpose. We deem it of vital importance to the welfare of the city that such action should speedily be taken.

Avery Plumer, Alexander H. Rice, Samuel C. Cobb, P. W. Chandler, John T. Bradlee, Edward S. Tobey, H. P. Kidder, George S. Hale, Henry B. Rogers, W. W. Clapp, Francis C. Lowell, William Endicott, Jr., Henry L. Pierce, Stephen H. Bullard, G. Higginson, H. L. Higginson, Charles A. Whittier, J. Ingersoll Bowditch, Charles E. Guild, E. J. Hale, N. Thayer, R. W. Hodges, M. D., William Hilton, James L. Little, Charles Faulkner, Robert C. Billings, Joseph Sawyer, George P. Denney, S. R. Payson, Gilbert R. Payson, William H. Harding, George Baty Blake, Charles W. Slack, Oliver Ditson, C. Ellis, M. D., O. W. Holmes, M. D., B. R. Curtis, James Lawrence, G. S. Hillard, R. H. Dana, Jr., Horace H. Coolidge, W. Minot, Jr., H. Montgomery, H. Harris, Nathan Matthews, Henry Whitman, C. G. Putnam, M. D., Moses Kimball, E. H. Clark, M. D., Dwight Foster, P. T. Jackson.

Referred to a special committee consisting of Aldermen Power and Jenks, with such as the Common Council may join.

Alderman Sayward moved a reconsideration of the vote referring to Committee on Public Buildings the order for exchanging the present seats in the Common Council Chamber for cane-bottom chairs.

In answer to an inquiry of Alderman Power for the reasons for reconsideration, the mover stated that if the change proposed was to be made, it should be done soon, and as an act of courtesy to the other branch, in which the order was passed by a large vote, its passage should be concurred in.

The reconsideration prevailed, and the order was passed, in concurrence.

#### THE SUNDAY LIBRARY QUESTION.

On motion of Aldermen Jenks, the special assignment, the order requesting the Trustees of the Public Library to open the reading room of the library and permit the use of books and periodicals therein on Sundays from two till nine P. M., was considered.

Alderman Ricker said he had before him a remonstrance, signed by some seven hundred persons, against opening the Public Library on Sundays, and they wished a hearing on the subject.

He moved, therefore, that the subject be postponed, and that the remonstrants be heard on Tuesday, June 4.

Alderman Jenks said he hoped the subject would no longer be postponed, for should it be so, some old lady might wish to be heard a week afterwards. It should be decided on its merits today, and either be rejected or passed.

Alderman Ricker did not suppose any one could object to a hearing on the subject, as but a small act of courtesy. There was no hurry in the matter, and the order could just as well be passed after a delay of one week.

Alderman Jenks said if the parties wish to be heard they can be heard before the Trustees.

Alderman Cutter said he trusted the Board would not be hasty, for it was a very important matter. It seemed too much like the action in the committee, when at one session, held at one o'clock in the afternoon, it was voted to report it that night. In fact, it was no report, but simply an order, with no reasons for it, and it appeared to be supposed that with the influence of a Beecher and the fair name of a Putnam it would be put through without objections. He trusted that the remonstrants would be allowed a hearing.

Alderman Jenks stated, in reply to Alderman Cutter, that the report was delayed three weeks to allow an opportunity to learn of the workings of opening libraries on Sundays elsewhere, and there was time enough for making a minority report. There was no need of giving reasons for reporting such an order, and the Board did not need any. In his judgment the time asked for in a hearing, was simply for delay. The subject had been under discussion for seven years, and the petitioners for the opening were in much the same condition as the remonstrants, for they had not been heard or notified. The minority of the committee had the advantage of a delay of three weeks, and if they had had good and sufficient reasons would have asked for further delay.

Alderman Cutter replied that it could not be charged on the minority of the committee that delay was obtained to find reasons for opening the library. So far as the sentiments of the committee were concerned, it was not known whether there would be a minority when the vote was taken.

Alderman Clark inquired if there had been a petition this year for the opening of the library on Sundays. Inasmuch as there had not, and seven hundred remonstrants asked for a hearing, he should vote for a hearing, although he came to the Board prepared to vote on the order. The delay from last week he asked for to obtain the opinion of the City Solicitor. The Solicitor has the same ideas on the subject which he had when he gave his opinion, that no work could be required in the library except works of necessity or charity on the Sabbath. He thought he should some time vote for the order on the ground that it was a work of necessity and charity, for if anything was a charity it was in providing a place where young men could usefully employ their time in reading, instead of spending it in idleness and dissipation. On that account he should some time vote for the order, but for the time being he would hear the remonstrants, and vote for delay.

Alderman Jenks, in the belief that another week would convert the whole board, would not object to a postponement.

Alderman Clark suggested that the petitioners in favor of opening the library should also have a hearing.

Alderman Ricker accepted the amendment, and the order was postponed, with directions to hear all parties interested.

Adjourned to Wednesday evening, 8 o'clock.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MAY 29, 1872.

An adjourned meeting of the Board of Aldermen was held this evening at eight o'clock, Mayor Gaston presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—For Washington Market, David Clapp, Thomas W. Shapleigh, Oscar W. Cobb, Orrin P. Ford, Robert White, George S. Hill, Abner P. Leseur, George Upton, Charles Porter, Isaac R. Hart; and in connection with works of the Boston Gas Company, Charles Chittenden, Joseph K. Low, Stephen Nelson, John Kenney.

Police Officers—The following appointments were confirmed, on report of Committee on Police:

Willard S. Lewis, Josiah S. Robinson, George L. Harris, David F. Hamptou, John Maley, John F. Murray, Edwin P. Getchell, A. U. Shepard, Theodore Nuneviller, Joseph R. Burrill, John Winter-son, Dennis A. Mountain, Roswell Davis, John J. Coffey, John B. Twiss, John F. Slater, Daniel M. Terry, Isaac G. Harding, Charles J. Craibe, Jr., Alonzo G. Chamberlain, John F. George, Clark T. Tripp, James Herbert, Augustus Curtis, Thomas Lynch, Chauncey C. Masten.

## PETITIONS PRESENTED AND REFERRED.

Joseph and Caroline Keppler, to be paid for grade damages on Prentiss street.

Sarah B. Putnam, that a new street from Dudley street to George street, be called Brewer street.

Severally referred to Committee on Paving.

Benjamin Dorkey, for leave to exhibit "Buffalo Bill" at No. 88 Hanover street. Referred to Committee on Licenses.

Leander H. Jones, for leave to erect a wooden building on Dorchester avenue and Sixth street, beyond the legal limits. Referred to Committee on Survey and Inspection of Buildings.

## WIDENING OF BEACH STREET.

A communication was received from the Street Commissioners with a resolve and order for the

widening of Beach street, on the southerly side, from Washington street to Harrison avenue, at an estimated expense of \$166,905.

The Commissioners say, "It was formerly meant to widen the street upon the northerly side, and the building upon the northerly corner of Beach and Washington streets and two more just east of it were set upon the line proposed, when lately put up. From Washington street east to Newton place a line had also been drawn on the south side. For the rest of the way the cut already started on the northerly side was to be carried to Harrison avenue.

The commissioners have fully heard all persons interested on both sides of the street; have thoroughly examined the whole matter, and have carefully made and revised their estimates of the cost of either way of widening. Their decision upon the southerly side is for economy, and they think the greater public benefit. Afterwards, the land already taken near Washington street for the northerly line can be discontinued to the estate adjoining it."

The estimates are as follows:

Heirs of Ruel Baker, corner of Washington street, 1542 feet of land, \$28 per foot, \$43,176—damage to buildings, etc, \$3000—\$46,176; Mary Bourne, 11 and 13 Beach street, 498 feet of land, \$15, \$7470—damages, \$2500—\$9970; Charles L. Lynch, 15 Beach street, 516 feet, \$15, \$7740—damages \$3000—\$10,740; Fr. Friese and Caroline Weber, 4 Newton place, 32 feet, \$10, \$320—damages \$1000—\$1320; Elizabeth S. Crispiu, 17 Beach street, 329 feet, \$12, \$3948—damages \$3900—\$7848; William H. Quigley, 19 and 21 Beach street, 763 feet, \$11, \$8393—damages \$5000—\$13,393; unknown owners, passageway 54 feet; Boston Young Women's Christian Association, 25 and 27 Beach street, 894 feet, \$9, \$8046—damages \$17,500—\$25,546; proprietors of First Presbyterian Church, corner of Harrison avenue, 1826 feet, \$12, \$21,912—damages \$30,000—\$51,912. Total number of feet of land 6454, at a cost of \$101,005; damages to buildings, \$65,900—total cost \$166,905. Referred to Committee on Streets.

Communications were received from Samuel L. Fowle, inspector of elections in Ward 1, and from Gardner A. Churchill, inspector in Ward 16, severally resigning their offices. Ordered to be placed on file.

The Board went into convention for the election of City Treasurer, and on its return

Adjourned to Tuesday next, June 4, at four P. M.







## CITY OF BOSTON.

Proceedings of the Common Council,  
MAY 29, 1872.

The regular weekly meeting of the Common Council was held this evening at 8 o'clock.

In the absence of the President, the Council was called to order by Mr. Bicknell of Ward 4, senior member.

On motion of Mr. Robinson of Ward 11, the Council proceeded to the election of a President *pro tem.*, and Messrs. Robinson of Ward 11, Emery of Ward 10, and Adams of Ward 12 were appointed a committee to receive and count the votes.

The committee reported as follows:

Whole number of votes.....	45
Necessary to a choice.....	23
Henry W. Pickering.....	39
James J. Flynn.....	4
David L. Webster.....	1
William E. Bicknell.....	1

Mr. Pickering was declared elected, and took the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The report on the accounts of the City Treasurer, that the entries correspond with the receipts and vouchers on file, was accepted, in concurrence.

The petitions of Timothy H. Smith, W. A. Currier and others, Charles Alexander and A. T. Stearns & Sons were referred, in concurrence.

Messrs. Locke of Ward 12, Moulton of Ward 9, and Webster of Ward 6 were joined to the Committee on the petition of Avery Plumer and others relative to the establishment of a Board of Health.

The message proposing a convention at eight o'clock for the choice of City Treasurer was concurred in.

## ELECTION OF CITY TREASURER.

The Mayor and Aldermen soon after came in for the choice of City Treasurer. Alderman Jenks and Messrs. Emery and Hersey of the Council were appointed a committee to receive and count the votes, the result being as follows:

Whole number of votes.....	65
Necessary to a choice.....	33
Frederic U. Tracy.....	64
Alfred T. Turner.....	1

Mr. Tracy was declared to be elected, and the business of the convention being concluded, the two branches separated.

The following reports were acted upon, in concurrence:

Report of the Directors of the East Boston Ferries (City Doc. No. 55, 1872).

Reference to the Committee on Streets of a resolve and order for the extension of Appleton street from Berkeley to Tremont street (City Doc. No. 52, 1872).

Report, (leave to withdraw,) on petition of John Butland for change in condition of sale of land on Broadway.

Reference to the Water Board of a petition of E. W. Harding *et al.* for a watering trough at corner of Neponset avenue and Walnut street.

## ELECTION OF AUDITOR.

The certificate of the election of Alfred T. Turner as Auditor of Accounts was read, when the Council proceeded to an election. Messrs. Noyes of Ward 5, Whiston of Ward 8, and Brooks of Ward 1 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of ballots was.....	54
Necessary to a choice.....	28
Alfred T. Turner.....	52
Edward A. White.....	1
Frederic U. Tracy.....	1

Mr. Turner was declared to be elected, in concurrence.

The following orders were severally passed, in concurrence:

Report and order, on the petition of James H. Tallon and others, that a confirmatory deed of the land described in said petition, in such form as the City Solicitor shall approve, be made to the petitioners.

Report and order that the upper story of the Gibson Schoolhouse, Ward 16, be remodelled so that it shall contain two or more rooms.

Report and order that the time for the erection of a building upon the lot of land situated on Broadway, between L and M streets, and standing in the name of Howard A. Doe, be extended for one year.

Report and order that the time for erecting dwelling houses upon lots 11 and 12 East Newton street, as sold to M. J. Flatley, be extended for one year.

Order authorizing safeguards against fire to be provided in and around the Coliseum.

Report and order authorizing a contract to be made with Samuel G. Drake for a continuance of his "History of Boston" from 1770 to 1822, at a cost not exceeding \$5000.

Order to pay \$350, in addition to \$1200 heretofore allowed, for placing a new bell in the tower of the Lincoln Schoolhouse.

Order bills to be paid June draft.

The order authorizing the floors in the halls and corridors of the third and fourth stories of the City Hall to be tiled, being on its passage, Mr. Noyes of Ward 5 moved to amend by providing for the construction of an elevator before laying the tiles. Lost.

Mr. Webster of Ward 6 asked the use of tiling the floor of the fourth story, and Mr. West of Ward 16, the use of tiling the third story.

Mr. Hersey of Ward 12 moved its reference to the Committee on Public Buildings.

Mr. Robinson of Ward 11 stated that the matter had already been before the committee, and came from them. The reason for it was that the floors are slivering up, causing persons to trip, and if not tiled, repairs must soon be made on those floors.

Messrs. Emery and Hersey of the committee were not aware that the subject had been before that committee, and if so it was in their absence.

The motion to refer was withdrawn and was renewed, and pending its further consideration, on motion of Mr. Perkins of Ward 6, was laid on the table.

The resolve and order for the widening of Beach street, were referred in concurrence.

## EXTENSION OF DEVONSHIRE STREET.

The special assignment for 8½ o'clock, the order for a loan of five hundred and ten thousand dollars to cover the expense of extending Devonshire street through Wilson's lane to Dock square, was taken up, and was passed, without debate, by a vote of 56 yeas to 1 nay, Mr. Pease of Ward 1.

## SITE FOR A HIGH AND LATIN SCHOOLHOUSE.

The order for the purchase of a site for the English High and Latin schools at not exceeding \$415,000, and for a loan thereof to be appropriated therefor (City Doc. No. 48), was considered, by special assignment.

Mr. Fitzgerald of Ward 7 said he had not been able to see any reason why he should vote for this order. Properly and rightfully he was in favor of a High Schoolhouse and a Latin Schoolhouse, and of everything which promotes education and progress, and he did not want to have his vote construed falsely in connection with this subject. He had read the report of the committee, and there was nothing in it which the members of the Council did not know, and the very things which they did want to know were left out. They knew the advantages of education, the value of these schools and the want of accommodations for them, yet he had to hear a single member of the committee tell anything about the buying of land anywhere else than as proposed, whether inquiries had been made or conversations had in relation to any other site.

There was nothing before them but an order to purchase a lot of land for the sum of \$415,000, and they were asked to vote for it without explanations as to the price or other choice. The lot he had looked over in the stillness of the evening, and after doing so went to the Assessor's office to see what the valuation was put upon it by the Assessors. He knew very well that every one who had land to sell expected to get two or three times more from the city than the land was worth, and that it was the custom to pay more than the land was worth, and this was such a ease.

The land was well situated, making a nice square, very fair to the eye. It would be an elegant, nice, quiet place for a high school, and he would like to see it there, but he could not give his vote to pay two or three times the value of the land. What do the committee propose to do? There were three or four owners of the property, but the greater part of it was to be purchased of Mr. Gardner. They make the amount to be purchased 91,000 feet, and with the passageway thrown in, it would amount to 100,000 feet. He did not doubt, however, that Mr. Gardner would get something for this passageway.

In relation to the property of the Washingtonian Home, it would be urged, he supposed, that



they did not want to sell, and it was understood that should an offer of \$55,000 be made, they will be ready to talk to us, and would see whether they could possibly take that. Meantime, he supposed, they would drive as many piles as possible, and what might cost \$20 they would charge \$60 for. That land was sold two years ago for \$22,500. The Washingtonian Home, he remembered, asked the Legislature for a grant to aid in building a house, but was refused. If the city was to aid the institution, he objected to it in giving it in paying a greater value of the land than it was worth.

The estimated cost of land with the five houses on Dartmouth street was \$101,000. The estimates of Blair & Proctor for their removal is \$25,000, and it will cost \$1500 to \$2000 to fix them up, which will make nearly \$30,000, and added to the cost of land and houses, will make the amount \$135,000. After their removal they will probably be sold at a loss of \$60,000 as being in a less favorable location, and there will be given to the Washingtonian Home \$25,000 more than their land is worth. The sum of \$25,000 or \$30,000 for the removal and fitting up of the houses will make the cost of the land and houses \$445,000, which will be an equivalent to \$445 per foot instead of \$3 65, as estimated by the committee.

By the books of the Assessors, this land was assessed at \$1 75 per foot, and that of the Washington Home at \$2. To pay \$4 45 for land assessed at \$1 75, he could not lend his vote for such a scheme. There was not a word in the report nor had he heard that the committee tried any where else than here for the purchase of land. He would like to have a member tell them something about their negotiations and defend their report. Besides, this was but the beginning for an immense cost of this schoolhouse, commenced in such a queer kind of way.

It was not necessary to give such a price, and he would go to the Board of Aldermen and have them take the land under the statute, as they had a right to do, and if the parties were not satisfied with the offer made to them, let them go to a jury. He objected to such fancy prices as he was aware it was a custom for the city to pay; and after looking at the matter carefully, and while he was in favor of a new schoolhouse, if this was the proper location, the land should be taken for this purpose. He was aware that the argument against the taking would be, that if ever used for any other purpose it would revert to the original owners, but the change in the use was not probable. He wished, however, to hear something from the committee as to what they had done in their negotiations.

Mr. Page of Ward 9, of the committee, stated that the committee had no discretion in the matter, having been requested by the order from the School Committee to purchase this lot of land. A sub-committee was appointed by them to confer with the eight owners of the property and they reported the lowest prices, as given in the report. The land of Mr. Gardner was valued at \$3 a foot, which was not considered high compared with the property in that vicinity. The Street Commissioners estimate the value of a piece of back land not situated on an accepted street at \$3 per foot, in their report on the extension of Appleton street, which is near the proposed site.

In regard to the Washingtonian Home lot if the Trustees refuse to sell at a fair price the city can take it under the statutes; the only objection to taking it is that it reverts to the original owner should it ever be discontinued for school purposes, and it was thought by the committee that it would perhaps be better to pay a little over the market price and get a clean title.

The loss estimated by the gentleman from Ward 7 was much too high. The 9210 feet of land in the passageway the city was to pay nothing for, which, at \$3 a foot, would be \$27,000, to be deducted from his estimates. Under the circumstances, he did not see how the city could do any better; and, as a member of the committee, he had made inquiries and could not learn of any other suitable place at more favorable prices. The only choice proposed by remonstrants was, the use of a graveyard, which was worth at least \$6 a foot, and there was seventy-five owners of tombs who were to be compensated or provided for.

In the estimates of the committee the cost is put at \$3 65 per foot after moving the houses. The estimates for removal were made by those who should be considered experts, and were based on removal to Clarendon street, while it will be less as proposed by the committee, and will include the moving and the fitting up of the houses. The cost of the land he did not regard as extravagant.

Taking everything into consideration, he did not believe any member who should vote for the order would ever regret it, or would ever be found fault with for it.

Mr. Fitzgerald said it did not appear that the committee searched for any other site or visited any other place for one.

Mr. Page said he did himself, but he could find no lot in the neighborhood so fit as this.

Mr. Fitzpatrick wished to know whether the committee in their official capacity visited any other lot.

Mr. Emery of Ward 10, of the committee, in reply, said the School Committee have some power in relation to the location of schoolhouses, and they unanimously recommended buying this lot of land. There had previously been two requests last year for the purchase of land for a High School, one at five dollars a foot, and the other for this same lot. The Committee on Public Instruction last year visited both lots, and since then another lot, which he was not at liberty to designate, had been offered at \$4 50 a foot. The School Committee requested the purchase of this lot, and that was the reason why the committee decided on it. The Committee on Schoolhouses of the School Committee had a habit of looking for the most suitable location for schoolhouses, and they decided on this as the best.

This site was an eligible one from being nearer to the centre of the city and easier of access than any other. In his individual capacity, from having been burnt in such matters, he had been led to move cautiously, and he was strongly in favor of this locality. It was a large sum of money to pay for the land, but in his judgment it was not high. It would not be five years, should the opportunity be lost, before any member of the Council would look back and think a mistake had been made. He had never known an instance in which too much land had been purchased for a public building, and it was often the case that after two or three years more land is found to be necessary, and is bought at a greater price.

The value of Mr. Gardner's land he did not consider high, especially when the Street Commissioners are paying three dollars for land not worth so much. The estimate for the Washingtonian Home is sufficient to cover the cost which may be required, but it would not be paid unless absolutely necessary. All in all, it is the most eligible site in the city for the purpose, and the Council could not do any better than to vote for the order.

Mr. Shepard of Ward 4 said the gentleman from Ward 7 made objection only on account of the price to be paid for the land; he had not said that the city did not need a new schoolhouse nor that this was not the best site, and while he had made complaints that the committee did not give any information or go about to seek other sites, announced before receiving that information that he should not vote for the order.

It was conceded by every one that they must have new buildings for the High and Latin schools, that the present locations were decidedly unfit for the schools, that the buildings themselves were unfit, for the want of accommodations, and in requiring the schools to colonize, that the locations are too noisy and they must go elsewhere, and new buildings must be provided. The questions of buildings being eliminated, the question was one simply of land. He did not know where else at the South End or West End land enough could be found not covered with buildings or badly located.

Any one to look at this locality must be struck by it as being peculiarly suitable and forever accessible, and supposing the price not to be objectionable, it was fortunate that it had been held above the market price, and left unoccupied for the use of the city. No other lot could be had except by the side of the railroads on the Back Bay, or the burial ground, which by the common consent of the Council would be considered sufficient in size. Then the price was not extravagant. It may be a little above the market price, for the city is always required to pay a little higher and sell at a little lower rate than individuals.

The land now occupied by the schoolhouses is much more valuable, and it would be simply but an exchange, the estimated value of the lots being \$15, \$10 and \$6 a foot respectively. With the sale of these at \$320,000, it was proposed to make an exchange for a much larger lot finely located. The Washingtonian Home may claim more than their property is worth, but it would be better to pay it and more, should it be found necessary in fifty or one hundred years to remove to other localities and lose the land in taking it by law.



Mr. Fitzgerald, in reply to a remark that he was engaged in studying his speech in his evening visit to the lot, said he was thinking only what would be said in favor of the lot, that it was such a nice place, so finely located, etc. If no other place can be found between the North End and Dorchester, then it would be well to annex more territory to the city, and send the committee in search of another site. There had been a constant button-holding by persons who have been supposed to have influence to make him believe that this was the only place suitable for a schoolhouse. This very lobbying was evidence sufficient against it, for if it was necessary, on the face of it, there would be no need of lobbying, taking members in cabs, carriages and carryalls to look around the lot.

The members of the School Committee he would not blame, for they did not care how much the land costs, as one of them told him, and would not be responsible for the purchase, but the Council would be responsible, and must meet the expense fairly and squarely. The button-holding and lobbying for the last two weeks had put him on his guard, and he was unwilling to pay twice too much for the land, but should there be an order introduced to take the land, he would vote for it.

Mr. Brooks of Ward 1 said he was not prepared to vote to pay so much for land, and he could not agree with the gentleman from Ward 10, that there could not be too much land. He believed they would pay too much for the houses, that the moving would be an additional expense, and in the unsettled state of negotiations for the Washingtonian Home there would also be a claim for damages.

Mr. Page replied that the sum of \$55,000 would include the damages to them.

Mr. Brooks added that while he was in favor of buying land enough, this purchase would be more than needed, the price was too high, and he could not vote for the order.

Mr. West of Ward 16 said great stress had been placed on the statement that this was the only suitable lot, and he believed it was. He was on the committee, last year, which looked at the lot, and it could have been purchased then at \$250 a foot, and in another year it would be worth \$4. The city never buys land enough for public buildings, and it would be better to make a mistake the other way. It was not good economy to be obliged to buy more land after buildings are put up, but enough should be purchased to last a term of years. Other lots were under consideration last year, but there were none so favorable as this. He was not afraid of the matter of the Washingtonian Home, for it would be very little of an advantage. If gentlemen on the other side knew of a better lot, let them point it out. The gentleman from Ward 7 had spoken of land between the North End and Dorchester, and it was true land could be had cheap enough in Mattapan, but that was not the place for a High School.

Mr. Smith of Ward 1 said, with reference to button-holding, that he had always been used to think for himself, and such influence did not trouble him. It had no doubt been a custom from the beginning of the world and would be to the end, that when men wished to carry certain measures, they would bring all the influences they could find to bear upon the matter, but that was of no consequence to him. As to the price of land in that neighborhood, he was not so familiar as those who owned land in that section. But the city was not today what it was twenty years ago, and was progressing at a rate unprecedented in its history. No man would dare venture an opinion what it would be twenty years hence. This land might be worth \$3, \$5 or \$10 a foot; probably the latter would be nearer than the former.

In certain portions of the city land had been trebled and quadrupled in value within three years, and even in the poor ward which he in part represented he had known land doubled and trebled in value in the last two years. It was no argument to say that because land was assessed at only \$1 75, that was its value. No doubt the value was nearer \$3 or \$4. If the city could buy all the unoccupied land within its limits, it would rise in value enough in five years to wipe off all its debts. He would be willing to purchase all such land at its assessed value and borrow money to pay for it.

He believed this was a good location for the High Schoolhouse, and he cared not for the button-holding in relation to it. There would be some opposition to a location wherever it might be, and with further remarks in relation to the value of property and its prospective rise, he expressed the hope that the Council would vote upon the order tonight, as being as well prepared as it will be at

any time, and no gentleman would ever have cause to regret his vote upon the order.

Mr. Shepard remarked upon the inconsistency of Mr. Fitzgerald in saying that he could get no information from any one, yet he says that gentlemen came to him to give him information. He did not think he could accuse members of the School Committee of lobbying, for they could have no other motive than the highest interests of the city, and as they were so well known they would need no defence.

Mr. Fitzgerald said he would repeat what he said and would not retract it, that he got no information from the persons who lobbied him. They strove to persuade him that this was the only suitable lot, but gave him no information. The Council would be responsible and not the School Committee, for the purchase, and while members of the School Committee might not do wrong in the matter, their zeal might carry them too far.

Mr. Pease of Ward 1 moved the previous question, which was sustained, and the vote was taken by yeas and nays. On calling the name of Mr. Burt, Mr. Hughes said he had paired with that gentleman and wished to be excused, which was granted.

The vote was as follows, not two-thirds of the whole Council being in its favor.

Yeas—Adams, Bicknell, Blackmar, Brennan, Burditt, Cunningham, Davenport, Doherty, Emery, Faxon, Flynn, Hart, Hersey, Jones, Kingsley, Lamb, Locke, Loring, Marston, McNutt, Moulton, Mullane, Page, Pease, Perkins, Pickering, Prescott, Robertson, Salmon, Shepard, Smith, Walker, Webster, West, Weston, Whiston, Wilbur, Wright.

Nays—Anderson, Bickford, Brooks, Clatur, Collins, Dacey, Devine, Dowd, Fitzgerald, Heath, Martin, Noyes, Robinson.

Mr. Emery changed from yeas to nays, and the vote was announced as 37 to 14.

Mr. Faxon of Ward 14 offered the following order from the School Committee, which was placed on file.

Ordered, That the City Council be requested to purchase, for a site for the Latin and English High schools, the lot of land bounded by Dartmouth, Montgomery and Clarendon streets and Warren avenue, with the exception of that part of the lot occupied by the church on Clarendon street.

#### PETITIONS PRESENTED AND REFERRED.

A. & G. Gunn, respecting the conditions of building on certain lots of land purchased of the city. Referred to the Committee on Public Lands.

Edward E. Rice, for permission to erect an L to house on Oriole street, Boston Highlands. Referred to Committee on Survey and Inspection of Buildings.

#### ANNUAL REPORT OF TRUSTEES OF CITY HOSPITAL.

The eighth annual report of the Trustees of the City Hospital was presented in print.

The number of patients treated during the year was as follows: In the hospital May 1, 1871, 181; admitted—medical, 1527; surgical, 1109; ophthalmic, 75; smallpox, 162; total, 2873; making the whole number in the hospital 3054. Discharged, 2584; died, 247—total, 2831; remaining in the hospital April 30, 1872, 223. The largest number in the hospital at any one time was 280; smallest number, 154; average number, 206½; average length of stay for each patient, 25 6-100 days.

In the out-patients' department there were treated—medical patients, 2901; surgical, 2778; ophthalmic, 1900; eutaneons, 1060; aural, 308; total, 8947. The number of visits made in this department have been—medical 4689; surgical, 9096; ophthalmic, 10,319; eutaneons, 2880; aural, 1904; total, 28,388.

The entire expenditures for the year including everything, excepting only the cost of the boiler house enlargement, was at the rate of \$9 64 for each patient, or \$105,347 20. But of the patients 123 paid for 386 2-7 week's board, making \$4219 83, leaving as the cost of treating 2931 patients 10,550½ weeks, a rate of \$9 59 per week. The expense of maintaining the out-patients' department, being but \$1500 to \$2000, has not been deducted in making up this statement.

The daily average number of patients has been largely in excess of any previous year, and at one time two hundred and eighty persons were under treatment, being fifty more than can be comfortably accommodated. A portion of this increase has been from smallpox, treated in outside buildings on the water side of Albany street; while the resources of the hospital proper have been overtaxed to provide for those seeking relief, the room in the centre building heretofore set apart for paying patients being filled with the poor and needy,



and with every available spot in the different departments being used for beds, even then it has been necessary to decline many applications for admission for want of room.

This condition of affairs has considerably increased the cost of maintaining the hospital, by the unavoidably outlay for beds and bedding, as well as the expense of supplies and attendants, and has added greatly to the responsibilities and labors of the management and the professional staff. The trustees desire to call the attention of the Government to the pressing need of increased accommodations and facilities for treatment, if the hospital is to meet the demands of the rapidly increasing population of the city; and in this connection they feel it their duty to repeat the suggestions made in previous reports regarding the undoubted necessity for the erection of an operating room, conveniently located, and provided with adjacent wards for the reception of patients, before and after operation.

The present accommodations are situated in the corner of the centre building, and it is a positive hardship, and in many cases undoubted injury to the patient to undergo transportation from the ward to the centre, and then by two separate elevators to the operating room, to be recovered, after operation, by the same process to the starting point. This is an evil that should be remedied at the earliest possible time, in the interests of common humanity.

The work of an addition to the boiler house and for a morgue for the dead, for which an appropriation of \$10,000 was made, has been completed, and the building is now in use. The duties of the visiting physicians have increased so much as to require an increase of the number of physicians from six to eight, the two additional ones being Dr. George H. Lyman and Dr. Charles E. Stedman. Several changes in the staff have occurred since the last report, Drs. Hall Curtis and William Read appointed in place of Drs. H. I. Bowditch and A. D. Sinclair, resigned, and the places of Drs. Oliver and Thaxter have not yet been filled. Drs. O. W. Doe and A. L. Haskins have been appointed as physicians to aid patients in place of Drs. Mackie and Knights, resigned. Dr. F. E. Bundy has been appointed as admitting physician in place of Dr. H. F. Damon, resigned.

During the past year several valuable donations have been made to the library, and other donations are desired to lighten the sufferings and shorten the weary hours of pain of the sick and unfortunate. The thanks of the Board are given to the various clergymen who have conducted Sunday services, and are due to the physicians and surgeons and the superintendent for their continued labors and earnest cooperation in all that concerns the interests and successful management of the hospital.

#### REPORTS OF COMMITTEES.

Mr. Bicknell of Ward 4, from the Joint Standing Committee on Public Buildings, to whom was referred the request of the School Committee for certain alterations and repairs on the Roxbury High Schoolhouse, made a report recommending the reference of said request to the Committee on Public Instruction. Accepted.

Mr. Bicknell, from the same committee, made a report that a new flooring is required for the offal depot, Albany street. In November last one-third portion of the building was provided with new sills and flooring; the remainder is in such a decayed condition that new should be substituted. The committee would therefore recommend the passage of the accompanying order:

Ordered, That the Superintendent of Public Buildings be authorized to cause such new flooring as may be necessary to be put into the offal depot; the expense therefor to be charged to the appropriation for Public Buildings.

The order was read once.

Mr. Bicknell, from the same committee, made a report that certain alterations are required in the Public Library Building additional to those already made, and for which an appropriation has been provided. The delivery room is too small for the purposes required, from the fact that it is now used partly for the storage of books and documents. By the alterations proposed the size of the delivery room will be increased and a separate room provided for the present storage matter, and that which is to come. The estimated cost of the alterations will be about \$7000.

There will remain from the original appropriation to provide additional shelving and the putting in of steam-heating apparatus the sum of \$1500. Therefore the sum of \$5500 will be required to

complete the improvements, as proposed. The committee would recommend the passage of the accompanying orders:

Ordered, That the Committee on Public Buildings be authorized to make alterations in the delivery room of the Public Library building according to plans which have been approved by the Trustees of the Public Library.

Ordered, That the Auditor of Accounts be authorized to transfer from the Reserved Fund the sum of \$5500, to be appropriated for the alterations of the Public Library building.

The orders were read once.

Mr. Emery of Ward 10, from the Joint Special Committee to whom was referred the request of the Commissioners of Cedar Grove Cemetery, for an appropriation for the purpose of improving said cemetery, having fully considered the subject, made a report recommending the passage of the accompanying order:

Ordered, That the Commissioners on Cedar Grove Cemetery in Dorchester be authorized to expend a sum not exceeding \$6000 in improving the grounds in Cedar Grove Cemetery in Ward 16; said sum to be transferred for that purpose from the Reserved Fund.

The order was read once.

#### ORDERS PASSED.

On motion of Mr. Brooks of Ward 1,

Ordered, That the Committee on Common and Public Grounds be authorized to grade the square on Commonwealth avenue, between Clarendon street and Dartmouth street, and cover said square with loam, the expense to be charged to the appropriation for Common and Public Grounds.

Ordered, That the Committee on Common and Public Grounds be authorized to hire team work for that department at an expense not exceeding \$2500; also to purchase manure, loam and sods at an expense not exceeding \$4000; also to purchase tools, repair fountains and iron fences at an expense not exceeding \$1000; also to water portions of the streets around the Common and public squares at an expense not exceeding \$1000; all said expenditures to be charged to the Appropriation for Common and Public Grounds.

On motion of Mr. Noyes of Ward 5,

Ordered, That the Cohituate Water Board be and are hereby authorized to submit their annual report in print; the expense to be charged to the appropriation for Printing.

Mr. Brooks of Ward 1 offered the following order, which was read once:

Ordered, That there be allowed and paid to Benjamin C. Libby the sum of \$150, in full compensation for injuries caused to his son by the falling of snow and ice from the roof of the Chapman Schoolhouse in East Boston. Said Libby to give a release and discharge satisfactory to the City Solicitor, for all damages, costs and expenses on account of said injuries.

Mr. Perkins of Ward 6 offered an order that the Committee on Ordinances consider and report an ordinance to prevent the discharge of cannon within the city limits at unseasonable hours.

In explanation, he said that many persons who were sick were made more so and in some cases dangerously so by the discharge of cannon on the Common on Monday night.

The order was laid on the table.

On motion of Mr. Flynn of Ward 7, the order requesting the Committee on Institutions to report a site for a new insane hospital, and plans and estimates for a suitable building to accommodate insane persons belonging to the city, was taken from the table and referred to the Committee on Institutions.

Mr. Moulton of Ward 9 moved to take from the table the order to pay Henry W. Paine, assignee of Charles Burrill, forty thousand dollars, in satisfaction for all services rendered and money expended by said Burrill in procuring credits upon the quota of volunteers for Boston upon the terms and conditions mentioned and referred to in said order.

The motion was declared to be lost; a doubt was raised, and after explanations relative to its withdrawal, and the object of taking up the order, the motion was put again and carried, and the order was assigned to Thursday evening of next week at 8½ o'clock.

On motion of Mr. Webster of Ward 6, the communication from the Directors of Institutions, calling the attention of the City Council to the overcrowded condition of the institutions at Deer Island, and requesting that measures for relief be adopted, (printed City Doc. No. 51, 1872), was taken from the table and referred to the Committee on Public Institutions.

Adjourned.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JUNE 4, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at 4 o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—Homer Martin Bean and Arthur A. Wallingford, as railroad police on Boston & Albany Railroad; J. Greene Jones, for North End Mission; Harry P. Hersey and Joseph Gibson, for Faneuil Hall Market houses; Peter Crowley, for Lewis wharf; John B. Tuttle, for Taylor street and vicinity, Ward 16.

Police Officers (referred to Committee on Police)—Andrew W. Noyes, Roswell S. Miner, Timothy A. Murphy, Horace W. Hildreth, Edward W. Harding, James J. Curry, John T. O'Lalor, Charles Dunton, Edward F. Hallahan, John A. Mero, John T. Twombly, Michael Crosby, Peter W. Newcomb, John F. Drew, Patrick Doherty, Patrick Dacey.

## PETITIONS PRESENTED AND REFERRED.

John D. Finn and others, that Brooks street, between Chelsea and Bremen streets, be graded.

Dyer & Gurney and others and E. M. McPherson and others, for the repaving of Meridian street. Standard Sugar Refinery and others, that Broad street be repaved from Rowe's wharf to Federal street.

Samuel H. Walley and others, that Newbury street be put in order.

P. O'Beirne, to be compensated for grade damages on Circuit street.

Clement Drew and others, that sidewalks be laid in Copeland street.

Metropolitan Railroad Company, for leave to lay a temporary turnout on Tremont street, near Canton street, and on Boylston street, near Clarendon street.

Severally referred to the Committee on Paving.

Hannah Dudley, for the removal of obstructions in Stony Brook under Pyncheon-street culvert.

South Boston Iron Company and others, for a sewer in Foundry street.

Linus M. Child and others, for the removal of a nuisance at the end of a drain in Hereford street.

Severally referred to the Committee on Sewers.

George J. Myers and Charles Howard, for leave to take gravel from Withrop Beach. Referred to the Committee on Harbor on the part of this Board.

Sumner I. Ruggles, for leave to construct a building in Forest-Hills avenue, beyond the legal limits.

Daniel Rickerby, for leave to erect a wooden building on Malden street, within the building limits.

Crowley & Coughlan, for leave to erect a wooden building corner of Malden and Albany streets, within the building limits.

J. O. Whiting & Co., for leave to erect a wooden building south side of Central wharf, near India street, within the building limits.

Severally referred to Committee on Survey and Inspection of Buildings.

Jeremiah Lynch and others, that the nuisance proceeding from the lead works of E. & F. King, on Fifth street, near E street, may be abated.

Patrick O'Leary, for leave to erect a wooden stable for two horses on First street, near Dorchester avenue.

F. P. Moseley, for leave to build a stable on Carlton street, near Crescent avenue, Ward 16.

Severally referred to the Committee on Health.

James Laws and others, for the widening of Walnut avenue. Referred to the Committee on Streets.

Communications were received from the Sewer Department, with assessments for sewers as follows: Seventh street, \$1982 40; Vinton street, \$1085 66; Shawmut avenue and Cedar street, \$1297 50. Referred to the Committee on Sewers.

Communications of resignations of office were received from Dr. William Read, as a Consulting Physician, and of Daniel T. Marden, Inspector of Elections in Ward 8. Ordered to be placed on file.

A communication was received from the Metropolitan Railroad Company, accepting the location granted to them to extend the turnout on the westerly side of Washington street, between Cam-

den and Northampton streets. Ordered to be placed on file.

## EXPENSE OF EXTENDING DEVONSHIRE STREET.

The following communication was received from the Street Commissioners:

BOSTON, June 1, 1872.

To the Honorable City Council—The Board of Street Commissioners have to report on the honorable Council's order of March 11, that their estimate of the expense, first, of extending Devonshire street fifty feet in width through Wilson's lane to Dock square, is \$502,912; second, of widening Portland street sixty feet, and extending the same to Dock square so as to connect with Devonshire street, \$479,615 for the widening and \$431,106 for the extension to Dock square; and, third, of extending Washington street to meet the extension of Portland street, \$512,709. The estimates for the extension of Devonshire street the Commissioners have already laid before the Government in detailed form, accompanying the resolve and order to effect that improvement.

Ordered to be sent down.

## WIDENING OF SUMMER STREET.

A communication was received from the Street Commissioners, with a resolve and order for the widening of Summer street at the corner of South street, at an estimated expense of \$22,170.

The estimates give the following items of cost:

Josiah P. Cooke, 133 Summer, corner of South street, 356 feet of land, \$20—\$7120; wife of M. K. Hartnett, 131 Summer street, 139 feet, \$15—\$2085; damage to buildings, \$2000—4085; heirs of Hannah Allen, 129 Summer street, 190 feet, \$15—\$2850; damages, \$3000—\$5850; John N. Menzel, 127 do., 141 feet, \$15—\$2115; damages, \$3000—\$5115. Total number of feet of land 826, at a cost of \$14,170; damages to buildings \$8000—\$22,170.

Referred to Committee on Streets.

## ANNUAL REPORT OF THE OVERSEERS OF THE POOR.

The eighth annual report of the Overseers of the Poor, for the financial year 1871-72, was laid before the Board in print.

The report congratulates the citizens that the particular interest committed to their charge has not increased with the relative growth in population and the material prosperity of the city. This does not warrant the assumption that this class of poor is neglected, but is accounted for by the general thrift and providence of the people, and the more systematic method in affording out-door relief. They say, "Ample means are yearly contributed by the city or benevolent individuals to meet the necessities and to contribute to the comfort of the virtuous poor, and in many cases to the innocent dependants of the vicious; but the known impostor and importunate beggar has less of our sympathy and but little of our material aid."

In conformity with the settlement laws, assistance is given to the aged, who have outlived their ability to work, the sick struck down in their period of usefulness, and widows with little children dependent upon them. Another class is also aided through beneficiary funds, who are hardly recognized as the recipients of charity. The Board also act as agents of the Commonwealth for the sick poor, and of cities and towns in ministering to the wants of those who form a portion of our inhabitants, but who have claims for support elsewhere. In the intercourse with the State Board of Charities and a large portion of the cities and towns of the State, the intercourse is mutually satisfactory, and the business is accomplished with very little trouble, although often the pecuniary interests involved are necessarily adverse and antagonistic in character.

An exchange of documents has been made with the recently established "Society for Organizing Charitable Relief and Repressing Mendicancy," in London, and by these and visits of members of this Board to that society, much practical information has been obtained for the benefit of our own community. An elaborate communication has been furnished for the use of the English Government, at their request, on the methods pursued in Boston to meet the necessities of the destitute poor. In connection with this is mentioned an article in Macmillan's Magazine, on "The American System of Relief to the Poor," warmly commending some of the features of the plan pursued in this city. This communication and article have been printed as an appendix to this report.

The affairs of the Temporary Home are in a satisfactory condition. In regard to the complaints as to its management and the satisfactory report, a more complete record of applications for admis-



sion to lodgings was recommended, and while doubting the policy of making public charges against an institution of the kind, without evidence to substantiate them, it is believed the investigation will be productive of good in dissipating the idea that it was established for a lying-in hospital or a general asylum for all classes of lodgers and vagrants.

The statistics of the Home show the admission of 183 American and 801 foreign females; children under twelve years, 498; births, 10; total, 1492. Of these eight children were adopted, 182 lost children were restored to parents or guardians, 27 nurses were furnished with situations, 443 persons were furnished with employment, 42 adults and 47 children were sent to Tewksbury, 142 were sent to friends, and 3 died.

The number of single meals furnished was 11,806. There were 465 papers made out for new applicants for relief, and the total number on the register is 6936. Number of pensioners in Trust Funds, 288. Besides the Overseers of the Poor, City Physician and Soldiers' Aid Committee, the Charity Building is occupied by seven private associations, which in their respective spheres are accomplishing much good. All these societies act in harmony with each other and the Board, and the year closes with the feeling that this department of the city service is discharging the work to which it is assigned in a satisfactory manner, and for the public welfare.

The receipts of the Board, including cash on hand of \$8267 16, amounted to \$95,100 40; and the expenditures to \$70,324 37; cash paid City Treasurer, received from State, other cities and towns, etc., \$23,295 69; cash balance, \$1480 34. Expenditures on account of Temporary Home amounted to \$8082 21; expenditures of Charity Building, \$5004 38. Of the number aided during the year, 611 had tax settlements; 340 military settlements; 69 having tax settlements and 58 military settlements in Boston were aided elsewhere and paid for here, making 1078 city cases; 307 residing here and having settlements elsewhere were aided and aid was refunded; 379 sick State paupers were aided and aid refunded, and 97 non-settlement cases were temporarily aided—making a total of 1861 families, averaging three persons to each family, or 5583 persons.

#### HEARINGS ON ORDERS OF NOTICE.

The orders of notice on the proposed construction of sewers in Shawmut avenue, between Vernon and Dudley streets, in Haymarket square, between Stillman and Cross streets, and in Longwood avenue, easterly end, were severally taken up, and no person objecting thereto, the reports were recommitted.

The order of notice on petition of the Middlesex Railroad Company for leave to construct an additional track on Charles-River Bridge, and in Causeway street, was taken up.

Charles E. Powers, President of the Middlesex Railroad Company, stated that the length of track asked for was but six hundred or seven hundred feet, and that although they have a double track on Warren Bridge, this double track was required on account of the proposed widening of the draw of Warren Bridge, The bridge is of sufficient width to allow of a double track, and he did not know of any objection thereto.

Alderman Jenks believed that there would not be sufficient width to allow the passage of a vehicle outside of a double track, and he should object to another track, except for temporary purposes.

Mr. Powers stated that the space outside of the track would be seven feet nine inches.

The report was recommitted.

The hearing on the proposed location of tracks for the Highland Street Railway Company was taken up.

Thomas W. Clarke, for the Highland Street Railway Company, made a statement with an explanation on a map of the proposed location of tracks, as authorized in their act of incorporation. About one-half of the distance, he said, through Shawmut avenue, covered a space not occupied by tracks, and on the remaining distance there were tracks of the Metropolitan Railroad Company, which they were authorized to use.

No opposition was made, and the report was recommitted.

#### OPENING OF THE PUBLIC LIBRARY ON SUNDAY.

The special assignment, the hearing on the order requesting Trustees of Public Library to open the reading room of the library and permit the use of books and periodicals therein on Sundays from two till nine o'clock P. M., was taken up.

A memorial and protest of the Evangelical Church and Society at East Boston, and a remonstrance from the Second United Presbyterian Congregation at East Boston, against the opening of the library on Sunday, were presented. There were also remonstrances from the Clarendon-street Baptist Church, the Columbus-avenue Congregational Society, Church-street Methodist Church, Mount Vernon Congregational Society, Harvard-street Baptist Church, Bowdoin-square Baptist Church, First Presbyterian and Springfield-street Presbyterian churches, Hanover-street Methodist Church, Second Presbyterian Church, and the Young Men's Christian Association.

Addison Davis advocated the granting of the petition for the opening of the Public Library on Sunday, believing that objection should not be made unless it could be shown that it was contrary to Christian principles. As one of the means of elevating men, it should be granted. The opposition he had ever heard was, that it was contrary to Christian principles, and that it would be a desecration of the Sabbath. Is such an opening of the Public Library a violation of the Divine law? he asked; and appealing to the Scriptures, he contended that it was not. Would the objectors agree to this? And if objections were made, he asked, where are we? Nowhere in the Bible could there be found a line which says that the first day of the week is a holy day.

All that can be found in the Scriptures is a command to the Jews, and to them only, to keep the seventh day as a Sabbath, and nowhere in the Scriptures is a charge made against a Gentile of violating the Sabbath. There was no command in regard to the Sabbath until down to the time of Moses. Moses was born twenty-five hundred years after the creation of man, and nowhere before his time was there any command to observe a Sabbath. All this time men were governed by a law of nature, and the law required men to rest when they needed rest. So far as the law of nature affected the world, the birds sing, the winds blow, earthquakes take place, and everything transpires which occurs on all other days.

The law of nature, then, is to rest when one is tired, and it is a good thing, but that agreement to rest on that day, does not make it binding on man. Coming down to Christian times the first person who infringed the Jewish Sabbath was the Lord of the Sabbath, who with his disciples went into the cornfields on that day, and healed the sick; and there was no place in the Scriptures where it is stated that Christians kept that day. Paul objected to judging other men in meats and drinks, or in keeping the Sabbath. It was simply an ordinance, which Christ took out of the way, Christ saying, that they who believe enter into that Sabbath, an eternal Sabbath, which every Christian enters into in becoming a Christian.

So far as related to a passage of Scripture requiring the first day of the week to be kept as a holy Sabbath, he would give any one a thousand dollars to point out or cite such a passage, not an argument but the giving of the passage. But if that is objected to in that form, he would give a thousand dollars to the poorest church in the city for the citing of such a passage. It could not be found because it was not in the Bible. He was surprised in hearing the denunciations of Henry Ward Beecher by Mr. Fulton on this subject, in speaking of this as an entering wedge for a desecration of the Sabbath. One would suppose that there was no desecration of the Sabbath by the running of horse cars and of carriages, excursions in the harbor, etc. The first violation of the Sabbath was by Christ as the Lord of the Sabbath, but the Sabbath was made for man and not man for the Sabbath.

Relative to the commandments, all of them were repeated in the New Testament except that regarding the Sabbath, and that was expressly excepted. If this question was to be argued and objection was to be made, then let it be on some other ground than that of the sacredness of the Sabbath and its desecration. To sum up the question, there was no command before the days of Moses, and no command to keep the Sabbath was ever given to any people but the Jews. The only keeping of the Sabbath was in rest, recreation and improvement. That method of keeping the Sabbath he agreed to, and he would not deny to any one the means of improvement by reading, but would open the library and let the light shine in.

Rev. Edward Everett Hale said he was one of the earliest petitioners for opening the Public Library on Sunday, and he wished merely to speak upon the point that this was a work of mercy. As ministers, he and others were in the habit of urging



upon their people to read, in the Sunday school and elsewhere; ministers, he knew, read more on that day than on others, and they had their libraries in which they could read. But there were multitudes of persons who had no other time in which to read, and no place or libraries in which they could study. He had learned that classes in his own Sunday school took out more books on Saturdays than on other days, for the purpose of study. If it was said the churches would be deserted, should the Public Library be opened on Sunday, and if it was necessary that they should be filled by police regulations, then it would be better that they should be closed.

It was objected that if the Public Library was opened on Sunday it would lead to mere recreation on that day. Since the first petitions were presented he had received communications from all parts of the country setting forth the advantages from opening the library on that day. In Flushing, Long Island, the value of the opening of the library on that day had been shown in the shutting of grog shops, and at the rooms of the Young Men's Christian Union in this city, the small library and the hall were much more used than on any other day. In Canton, in this State, the town library had been open on Sunday for many years, and no one thought of anything wrong about it until the agitation of this question raised it here. The coming together on Sunday was believed to be advantageous in delivering books, and the library was a great place of resort.

The peculiarity of this opposition was that it did not come from the clergy, but the objection was on account of the law. Is not the law violated in the running of cars on that day, the opening of the Post Office, and in other ways? If any one should know what a violation of the Sabbath is, it should be the Jews. Yet the Jews are compelled to send their children to school on their Sabbath, and it is not considered a violation of the Sabbath that they are required to study. Have not we as good a right to study on Sunday as the Jews have to study on their Sabbath?

William Denton said knowledge was the food of the soul, and every barrier which stood in the way to such knowledge should be removed. If the day were to be kept holy, then it was best kept by reading; but if the day was to be kept as the Jews were required to keep it, then there was not a minister who would not be stoned to death for a violation of the day. He did not sympathize with the gentleman who said he would regard the Sabbath if the Bible required it, for he did not believe that the Bible was the word of God. He did not believe that God rested from necessity, and as all nature worked on Sunday, it was not objectionable to work on that day. Every man had as much right to work on Sunday as he had on any day, and every minister violated the day by overwork of his system in his health.

F. W. Clarke, who said he collected some of the petitions for the opening of the Public Library on Sunday, wished to state the workings of the opening of libraries on that day. Here were petitions for the use of the library on that day, and remonstrances against it; that is, those who did not wish to use the library on Sunday, did not wish others to use the library on that day—a dog in the manger policy. The rooms of the Christian Union had been opened on that day for four years, and had resulted only in good, and Mr. Baldwin, the President, said if the City Solicitor should require the library to be closed on that day, it would shut it when it was the most freely used. The opening of libraries on Sunday in Philadelphia and Cincinnati had also been a success.

Charles M. Ellis said it was about five years since he was requested to appear before the City Government in advocacy of this measure, when he gave his views more at length than he should now. In view of the fact that the Public Library had been in operation twenty years, it was a matter of astonishment that such a use of the library had not before been permitted. A gentleman who had been connected with the City Government, and a man of judgment and principle, had said to him today that it was a matter of surprise that the measure was not granted. The more the question was discussed, the more he was assured would the measure commend itself to the community.

Mr. Ellis said he hoped the time would come, and he would help contribute to the expense, in which a reading room would be opened, to which men could resort instead of worse places; and he hoped there would be such rooms in every ward and in every section of the city. As bearing on the question, he read from Thirteenth Massachusetts Re-

ports, in the Pierce and Atwood case, so called, to show that the Chief-Justice did not regard the obligation of the Jewish Sabbath as applicable to the Christian Sabbath, and from this opinion he read at considerable length.

The remonstrances of two Baptist churches had been placed in his hands, in which it was stated that this was a desecration of the Sabbath, and the opening of a crevasse through which, growing broader and deeper, the floods of Sabbath desecration would pour until the Lord's Day would be submerged in riot and debauchery.

To this he quoted Roger Williams, whom he supposed would be admitted to be a good Baptist, in which, after answering objections that the people of Rhode Island violated the Sabbath, he came to these conclusions—first, that forced worship stinks in God's nostrils; second, that there was no other way of preserving peace in the world but by preserving freedom of conscience. In the matter of education such men were in advance of the men of our day, and they recognized active work in education as an act of mercy.

The remonstrances make objection that this is a violation of the Constitution, but it has nothing to do with the Constitution. In regard to the statute, he did not know whether the opinion of the City Solicitor was asked in good faith or as an excuse to avoid meeting the direct question. Does any person believe that any one would be punished for a violation of the law in the work of delivering books or in attendance upon the library? He was instructed to say that there would be volunteers enough to do this work, so that no one would be required to do such labor.

The decision of Judge Bigelow was also quoted in relation to making a will on Sunday, as not in violation of law, and Mr. Ellis said he hoped to live to see the day when young men having no homes would be provided with comfortable rooms with good books, by which they would be surrounded with good associates. It was not, he said, for you or me, that this was asked, but it was a matter of Christian duty that the measure should be adopted to protect those against sin and shame who have no better place to resort to, and for the restraints upon vice which lead to the destruction of the city.

This was not a question of desecration of the Sabbath, and he would go as far as the most rigid in a proper observance of that day. He would join hands in the name of principle recognized by every sect, in the establishment in every quarter of the city of such places as he had indicated, so that every man and boy could go and sit and be quiet, and improve himself. It would not be an injury to the church, but would be the means of breeding up men of intelligence and of principle, by whom the church would be protected. In the change which was going on, men who opposed this five years ago admitted that it was a mistake, and it was asked by some of the wisest, ablest and best in the community, who give their lives for the good of men. Such men as Beecher, Osgood and Hale might be trusted in this respect.

Charles K. Whipple stated that the remonstrances misrepresent the views of the petitioners in stating that the requests are for the opening of the library, when it is only for the opening of the reading room; they also misrepresent the petitioners in other respects, which were pointed out by him, and gave reasons for remonstrating which he contended could not be sustained and were unsound. These reasons he characterized as utterly false and groundless. The labor which would be required would be in the opening of the door by the janitor and the handing of pamphlets to those asking for them, which he contended would not be labor under the statutes of Massachusetts.

Rev. A. D. Sargent, for remonstrants, said he was here in connection with a committee representing a meeting consisting of from fifty to seventy-five persons. At this meeting a resolution was passed remonstrating against the opening of the Public Library on the Sabbath. In a few remarks which he had to make, the words Sunday, Sabbath and Lord's Day, were to be used synonymously as the same. The object of setting apart the day was to give it a sanctity, and it was observed sixteen hundred years before the flood, by abstaining from all other employments which should prevent its observance in a sanctified manner.

It was claimed by those who agreed with him that the first day of the week was substituted for the seventh day by the early Christians. The sanctity of the old Sabbath was transfused into the new and kept in commemoration of the resurrection of Christ. It would be in violation of this



sanctity of the day which the proposed opening of the library would be doing, and it was objected to as being a step backward in the matter of Christian morals. It was its proper observance which has the sanctity attached to it, and the Sunday had as much of that sanctity as the old Jewish laws had. Adding this to other violations of the Sabbath, would be a step backward, and the remonstrants did not wish to take that step.

It was objected further, that in opening the Public Library on Sunday would be ignoring the action and convictions of those who established that institution. They opposed the opening of the library on that day on account of their reverence of the Christian Sabbath. Were they prepared for lessening that reverence, or an increased amount of looseness in the observance of the day? So far as related to the quoting of St. Paul, his allusions were to the keeping of festivals and not to the Sabbath, while the Christians were accustomed on the first day of the week to assemble together for religious worship. The sanctity of the Sabbath had made the character of our city what it is, and that sanctity he hoped would not be violated as proposed.

Rev. J. W. Hamilton said he would have been pleased had his other colleagues on the committee been present, particularly on account of his being a young man. It was generally supposed that old men were foggyish, and that opinions were to be taken from young men. He believed it was a good point that his colleague had referred to, that the Trustees in the opening of the library objected to opening the library on Sunday. He was willing to allow the freest liberty in opinion, and have the question settled on the logic of the argument. In regard to the Jewish Sabbath and the Lord's Day, he was willing to admit that there was a wide difference between them, but there was no reason why all regards to the observance of the Lord's Day should be lost sight of. There was to be no ignoring of all legislation because the Lord's Day was not the Jewish Sabbath.

In the matter of consistency, there could be no ignoring of the sanctity of the Jewish Sabbath, while we claim the first day, or Lord's Day, as a day of rest. The Sabbath of the Christian has as high religious character as ever the Jewish Sabbath had. If, as was argued, the day determined the character of the deed, and the planting of corn on Sunday was successful on that account, then we should go on planting corn always on that day. Things not right have succeeded, and illegitimacy of character has produced a healthy progeny.

It was neither the province of the Board nor of the Legislature to make the Sabbath, but to protect it, and he was willing to leave the topic of the argument to the Board for its decision. He was not a fog, and he was willing to allow the convictions of others, and while the arguments were to be regarded and treated with every degree of respect, the responsibility and decision were upon the Board, whether the Lord's Day was not entitled to some sanctity, and if the measure proposed was not fraught with all evil, it was a turning in that direction.

It was claimed for opening the library that it was needed because so many poor people had not an opportunity to worship; that the price of pews was so high that they could not hire them. If so, shame on the city and shame on the Christianity which should shut the poor out of the churches; and because there was not an opportunity to go to church, then we will shove them into the Public Library; or, in place of moral instruction, supply them with an intellectual feast.

Statistics could be produced to show that the class proposed to be provided for were not the class who avail themselves of libraries on Sundays, but that those who patronize them on that day were those who patronize them most on other days. It was not that class to be provided for who go there at all times. An attack was made, by the advocates of opening the library, upon the Puritanic character of the Sabbath, and it seemed strange that those who urged this claim should urge that the Sabbath was made for man. If the Sabbath was made for man, was he to have it for himself? There must be a line drawn somewhere, else, in allowing each one to do as he pleases, he will interfere with the worship of others, in bands of music or other means of interruption.

It was not an objection that the remonstrants treated the poor with any the less charity and generosity than the petitioners, and he was willing to stand on the argument in the case. It was a great mistake, he contended, in ignoring legislation and in asserting that every man had a right to make a Sabbath for himself.

Peter T. Homer, as a resident of the city, born here, and whose ancestors for several generations had resided here, said he did not come here as a young man, but to speak for the good of the city. After giving some reminiscences of himself and of Mr. Bates, the founder of the library, Mr. Homer himself being a Unitarian, he said that Alexander Baring, of the firm of Baring Brothers, with which firm Mr. Bates was connected, who had done so much for this country, established a library in which the opening of it was prohibited on Sunday. The library of the Vatican, at Rome, and the libraries of the cardinals were not opened on Sundays, and this was also true of the Manchester Library, in England, the largest public library in the world. Neither was the library of the University of Cambridge, in England, opened on Sundays.

Mr. Homer stated that he once went to Mr. Bates to obtain a loan of \$50,000, and he readily made it, on the ground of the good character of this city, stating that he never knew a Boston boy whose contract was not worth its weight in gold. In allusion to Mr. Hale, he said that some thirty years ago he was his Sunday-school teacher. In his garden in Mount Vernon street, he had a St. Michael pear tree, the fragrance of whose blossoms filled the air in the spring, and the deliciousness of its fruit gratified the taste in the fall. Its aroma of blossom and fruit was derived from the tap root, which gave it firmness.

What was wanted in religious teachers was that firmness from tap root which would draw men to them rather than take to libraries for instruction; there must be heart and depth.

It had been urged for opening the Public Library that the Athenæum Library was opened on Sunday; but that library was visited on that day by no one else except those who were there every day. With reference to the importance of keeping holy the Sabbath, it was a befriending of the people, and when in London the Post Office was opened on that day it was kept open but three weeks, the merchants and prominent men protesting against it. Where was there a city more prosperous and in which more was done for religious truth? Mr. Taine was here cited in regard to the Sabbath-keeping habits of the English, and the keeping of families together, and to the reverse in France. Mr. Homer read in conclusion, from Edwards on libraries, as sustaining his position against Sunday library opening.

Rev. Mr. Clark of East Boston, in remarking upon the importance of the laws of health and of intellectual improvement, stated that the moral laws were no less important, inasmuch as we were assured that righteousness exalted a nation and sin was a reproach to any people. In the belief that the Fourth Commandment was as binding as that of any of the others, and that Christ sanctioned its observance as a substitution for the Jewish Sabbath, he urged that the sanctity of the Sabbath should not be ignored, and that the Board, as conservators of the rights of the citizens, should weigh well the subject before taking action as proposed.

Rodney Lund, in opposition to the petition and orders, raised the question whether a change was desirable unless it would do some good, and its effects as a precedent, stated that the opening of the reading room would accommodate but fifty persons, and he wished to know whether it was worth while to break a law for the purpose of accommodating so few persons. He wished to know whether there was a single person whose name was on the petition who could not go to the library as well on other days. In answer to Mr. Ellis, he replied that in relation to the Union Baptist Church with which he was connected, there was not a signature among the seven hundred names which was not made by the several persons over fifteen years of age.

The whole story was not told by that remonstrance, for when on one Sabbath, when every seat was full, and the question was put to those who were opposed to opening the library on Sunday, 2500 persons rose to their feet in a moment. It was objected to by a class of poor people, for whom the opening of the library was said to be designed, for these men, women and children belonged to that class. They objected to breaking down the barriers in the observance of the sanctity of the Sabbath. The next step would be something else in the desecration of the day.

Ezra Farnsworth said there were some facts brought out in the discussion five years ago, to which little allusion had been made. It was then stated that there were but two libraries in Europe



which were opened on Sunday. It was understood that the City Solicitor gave his opinion at that time that it would be a violation of law, and he had not learned that he had changed his opinion. That led to a request to the Legislature for a change in the law, which had not been granted. The people of Boston were eminently a law-abiding people, and every tax-paying citizen who desires the protection of law must object to any measure which violates the law.

As the question now stands, it would be a violation of the statute to open the library on Sunday, and that was the question for decision. As a citizen he was in favor of the observance of the Sabbath, as a physical as well as moral good of the people, and as a citizen he would go as far as any one in such measures as can be taken for the benefit of the poor. He believed it had been stated that the library room would accommodate two hundred persons, but these two hundred who would go there are not the poor. And the poor were not to be benefited by ignoring the law. His name was not among those of the remonstrants for he had not been asked to sign any remonstrance, yet he objected to the measure simply and chiefly because it would be a violation of law. Let them go to the Legislature and get a change of the law, if they can, and then he would see what then could be said against the measure.

The hearing was now declared to be closed.

Alderman Clark moved that the subject be laid over one week.

Alderman Jenks asked whether the Alderman, in doing so, wished to open the question again for a debating party.

Alderman Clark replied that he had not the slightest intention of debating the question. He wished time to read and consider the testimony, for if he were called upon to act, two of the speeches in favor of the opening would incline him to go against it.

Alderman Jenks said he could not conceive how a delay could affect the question.

The motion to postpone was carried.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pave Albany street from the Locomotive Works to East Canton street with small granite blocks, at an estimated cost of \$41,000.

Order to pave Lenox street from Shawmut avenue to Tremont street with wood, at an estimated cost of \$10,500.

Order to pave Beacon street from Charles to Arlington street and from Berkeley to Dartmouth street with wood, at an estimated cost of \$58,000.

Report and orders for purchase of a site for a schoolhouse on Columbia street, 25,252 square feet, for forty-five cents per foot; and for a loan of \$11,000 to pay therefor.

Report and order for modification of terms and conditions of sale of land, on West Canton street, to John Carlton.

The order to request the Street Commissioners to lay out a street across South Bay from Pine Island to South Boston as authorized by Acts of 1869, on motion of Alderman Clark, was referred to the Committee on Streets.

#### PAPERS FROM THE COMMON COUNCIL.

The petitions of A. & G. Gunn and of Edward E. Rice were referred, in concurrence.

The order requesting the Committee on Institutions to report a site for a new insane hospital, and plans and estimates for a suitable building to accommodate insane persons belonging to the city; also the communication from the Directors of Institutions, calling the attention of the City Council to the overcrowded condition of the institutions at Deer Island, and requesting that measures for relief be adopted (printed City Doc. No. 51, 1872), were severally referred to Committee on Institutions, in concurrence.

The report referring the subject of Roxbury High School repairs, etc., to Committee on Public Instruction, was accepted, in concurrence.

The eighth annual report of the trustees of the City Hospital was received and placed on file.

The following orders were passed, in concurrence:

Order for Cochituate Water Board to report in print.

Order for Committee on Common, etc., to provide for team work, at an expense of \$2000; for manure and sods, \$4000; for tools and repairs on fountains, \$1000; to water streets, \$1000.

Order to grade the inclosure on Commonwealth avenue, between Clarendon and Dartmouth streets.

The report of Committee on Streets in favor of the extension of Devonshire street to Dock square, and for a loan of \$510,000 to meet the expense, and resolve and order to extend Devonshire street to Dock square (City Document 46), coming up for consideration,

Alderman Cutter said the matter was of great importance, and for its thorough consideration he moved that it be laid over one week.

The motion was carried.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: J. W. Turner, to give a musical entertainment at Summer Hall June 6; John Hook, to exhibit revolving horses near the Coliseum grounds; Howe's London Circus Company, to give exhibitions on the Fair grounds June 18-21, and at South Boston June 22; Merrill & Morgan, to give an entertainment at Summer Hall June 12; Benjamin M. Worcester, as an auctioneer at 46 School street; also licenses to certain persons as victuallers and innholders, as dealers in second-hand articles, for a hack stand, and for transfer of a wagon license. Severally accepted.

Alderman Poland from the Committee on Survey and Inspection of Buildings, reported leave to withdraw on petition of Leander H. Jones, for leave to erect a wooden building on the corner of Dorchester avenue and Sixth streets in a range of more than forty feet, without the intervention of a brick wall. Read and recommitted.

Alderman Poland, from the Committee on Survey and Inspection of Buildings, on the petition of Charles P. Tolman for leave to erect a shop for mechanical purposes on Washington street, Ward 16, reported an order, which was passed, authorizing the Inspector of Buildings to issue a permit for the erection of a wooden building for mechanical purposes, of the dimensions specified in an application on file in the office of said Inspector.

Alderman Poland, from the same committee, to whom were referred the petitions of Abel Goss for leave to erect a wooden building on the corner of Park and Adams streets, Ward 16, and of Charles Alexander, for leave to extend his building on Dorchester avenue, Ward 16, reported orders authorizing the erection of such buildings, of the dimensions specified and in the manner described in the applications on file in the office of the Inspector of Buildings.

The orders were severally passed.

Alderman Poland, from the same committee to whom was referred the petition of A. T. Stearns & Sons for leave to erect a wooden building on Waltham street, made a report, recommending the passage of the accompanying order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to A. T. Stearns & Sons to erect a wooden building on Waltham street, upon the following conditions, viz.: that the consent of the adjoining property owners shall first be obtained, and that the exterior of said building shall be covered with non-combustible material.

The order was passed.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on petition of Joseph and Caroline Keppler, to be paid for grade damages on Prentiss street. Accepted.

Alderman Clark, from the Committee on Common and Public Grounds, to whom was referred the order in relation to an increase of the pay of laborers in that department, made a report that the present pay of the laborers is \$2 per day or \$50 per month. This is higher than the market rates for services of the same character, as appeared very conclusively in a recent report from another department of the City Government. The committee are of opinion, therefore, that it would be inexpedient to increase the pay of these laborers, and they would recommend that the order be rejected.

The report was accepted, and the order was rejected.

Alderman Clark, from the same committee, to whom was referred the petition of W. A. Currier and others, that a suitable opening be made in the Common fence, opposite Temple place, made a report that in their opinion it would be inexpedient to grant the prayer of the petitioners. Accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw severally on petitions of John Navin, for abatement of assessment for a sewer in Mindoro street, and of F. J. P. Hunneman for postponement of sewer assessment in Mount Pleasant avenue; and no action necessary at the present time on petition of D. N. Skil-



lings, trustee, for a sewer in Brookline avenue. Accepted.

Alderman Fairbanks, from the Committee on Sewers, to whom was referred the petition of C. D. Romans and others, for compensation for damages for imperfect drainage on Boylston street, made a report, as follows:

That upon a previous petition they had given the parties interested a hearing, had made an examination of the premises, and discussed with the owners the causes and the remedy for their discomforts.

It appeared to the committee that the cellars are below the grade of high water, or the level to which the sewer is occasionally filled; that no improvement or alteration of the mode of drainage would protect them, although before the raising of Church street they suffered no damage because there were so many other cellars at a lower level; and that, moreover, they are of such height that they can be filled up above the live of flowage without injury. The committee, therefore, again recommend that the petitioners have leave to withdraw. Accepted.

Alderman Sayward, from the Committee on Health, reported in favor of stables, etc., as follows:

Metropolitan Railroad Company, to erect a brick ear house, and stable for 120 horses, on Stoughton street, and for an addition to brick ear house, and wooden stable for 120 horses, on Warren and Edgeworth streets, with the additional provision that the exterior walls shall be constructed of brick, in accordance with application on file in the office of Inspector of Buildings; Ignatius Ennis, to build a wooden stable for one horse on First street, beyond the House of Correction; James B. Case, to build a brick stable for three horses rear of Commonwealth avenue, between Clarendon and Dartmouth streets; D. D. Kelly, to build a wooden stable for two horses on Trenton street; Moseley & Tuttle, to sprinkle streets in Ward 16; James E. Burke, to locate a stable for two horses on Marcella street; Donald Kennedy, to build a stable for two horses at 284 Warren street; Richard L. Barron, to occupy a wooden stable on Newman street with one horse. Severally accepted.

Alderman Clark, from the Committee on Streets, to whom was referred the resolve and order from the Street Commissioners for the extension of Appleton street, from Berkeley street to Tremont street, made a report that the resolve and order ought to pass. The committee would also recommend the passage of the accompanying order, authorizing a loan to cover the expense of said extension:

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$100,000, to be applied to the extension of Appleton street, from Berkeley street to Tremont street.

In urging the suspension of the rules and the passage of the above order at once, Alderman Clark stated that the Twenty-eighth Congregational Society, a part of whose land was taken, were desirous of building immediately, and therefore wished the question of taking a portion of their land settled.

The passage of the resolve and order of the Street Commissioners was concurred in, and the additional order for borrowing money was passed.

#### REPORT ON LEGISLATIVE MATTERS.

The report of the Committee on Legislative Matters was presented in print by Alderman Jenks. The committee state that they attended and took part in no less than seventy-five hearings before committees of the General Court during its recent session. The value of their efforts, they think, appear more in what they succeeded in preventing in the matter of legislation inimical to the best interests of the citizens, than in what they succeeded in obtaining. There were seven matters presented to the Legislature based on actions of the last City Council, and five on action of the present City Council.

Among the acts enumerated as having been passed in the interests of the city, were—acts, providing that a majority of all the members of the Common Council shall be necessary to constitute a quorum; reducing the width of the draw of Charles River-Bridge in its reconstruction to thirty-six feet; releasing the city from expense in construction of highways or bridges in Chelsea, Revere and Winthrop; changing the time for holding municipal elections from Monday to Tuesday; authorizing the city to obtain an additional supply of pure water; to annex Mount Hope Cemetery to Boston; to provide for the appointment of Inspec-

tors of Provisions in cities and towns; in relation to the assessments of betterments in Boston; in relation to change of domicile of voters in cities; to change the boundary between Brookline and Boston for sanitary purposes; to authorize the city to abate a nuisance, by raising the Ruggles-street territory; to amend the act establishing the Board of Street Commissioners; relating to contracts with the officers of cities.

In the change of the law in relation to taxing bank stock, the committee state that the net loss to the State treasury from the legislation of the current year, will be about \$150,000. The amount assessed by the act of 1871, upon bank stock held by Boston insurance companies on account of the State which will be assessed for the benefit of the city, \$72,907; from which deducting thirty-seven per cent. of the loss of \$150,000 as above, to the State, will leave a net result in favor of the city of \$17,407.

The committee appeared as remonstrants against several schemes, for the construction of a tidal basin near the western confines of the city, the construction of another bridge across Charles River, from Cambridge, both of which were refused. The Eastern Railroad Company abandoned a project to take land inside of Causeway street for depot purposes; and that of the Hartford & Erie Railroad Company for a depot near the Providence Railroad Depot was defeated.

Another bill under the Burrill claim was unsuccessful; a report was made inexpedient to memorialize Congress for the closing of draws on Charles and Mystic rivers; unsuccessful attempts were made to throw upon the counties of Suffolk and Middlesex the expense of maintaining bridges over the Charles and Mystic rivers; also an attempt to obtain a charter for a bridge across Neponset River to Squantum; a bill was withdrawn in relation to the conveyance of the cross-dam portion of Parker street to this city; a new method of appointing assessors was deemed unwise; a project for a public park in Brookline was reported against, and an order to require the city to clear sidewalks of snow was withdrawn; an effort to require horse railroads to keep in repair a greater width of the streets where they have tracks was lost; and objection being made to re-arranging two years taxes due the city in the bill for the improvement of the South Boston flats, that provision of the bill was stricken out.

The matters relating to slaughter houses were not pressed upon the attention of the Legislature for the reason that the abattoir just built was not in operation to an extent sufficient to enable the committee to decide what sort of a bill it was desirable should be passed; and they did not deem it advisable to ask for the passage of an act which experience might require to be reformed by a subsequent Legislature. Next year, no doubt, a suitable bill may be framed.

The committee attended at a large number of hearings on petitions for annexation on the part of citizens of West Roxbury, Brookline, Brighton and Charlestown, but took no active part in the discussion. It was deemed the part of prudence to watch and understand the public sentiment of these suburban towns regarding these important questions in which are involved the system of highways, sewerage, water distribution, etc., to be adopted on the confines of our present territory. It was also necessary to see that in any acts which might be reported the interests of the city were fully secured. These hearings, some of them long, though interesting, resulted in no definite action on the part of the Legislature.

The committee acknowledge the valuable services of Charles H. Allen and N. J. Bradlee of the Water Board, of Thomas Hills, chairman of the Board of Assessors, and of J. L. Stackpole, Assistant City Solicitor.

#### ORDERS PASSED.

On motion of Alderman Clark,

Ordered, That his Honor the Mayor be requested to appoint not exceeding five hundred special police officers for duty during the International Musical Festival, beginning on the Seventeenth June and ending on the Fourth July; the expense to be charged to the appropriation for Police.

Ordered, That the Chief-of-Police be authorized to close the streets in the vicinity of the Coliseum at such times during the International Musical Festival, beginning on the 17th day of June and ending on the 4th day of July next, as he may deem necessary for the public safety and convenience; also, that he be authorized to remove obstructions from said streets in order to afford proper facilities for public travel.



On motion of Alderman Stackpole,

Ordered, That the Trustees of the Public Library cause to be printed an account of the proceedings at the recent dedication of the South Boston Branch Library; the expense to be charged to the appropriation for Printing.

On motion of Alderman Jenks,

Ordered, That chapter 140 of the statutes of 1872, entitled "An act to change the time of holding the annual municipal elections in cities," be and the same is hereby accepted.

On motion of Alderman Clark,

Ordered, That whereas certain parcels of land had been taken on Sixth street, and laid out as a public street, notice be given to Thomas Connelley, Edwin Bowker, Charles Torrey and Franklin Torrey, and all other persons interested in buildings on said land, to remove all obstructions over the line of said street on or before the 20th June next ensuing; in default thereof the Committee on Streets is directed to remove the same.

On motion of Alderman Cutter,

Ordered, That the Superintendent of Streets be directed to pave Leverett street, between Cotting and Barton streets, with small granite blocks, at an estimated cost of \$6500.

Ordered, That permission be and hereby is given to the Metropolitan Railroad Company to lay down a temporary turnout on Tremont street, between Dartmouth and Canton streets, to be removed within sixty days from the passage of this order.

Ordered, That the Superintendent of Streets be directed to raise the sidewalks on West Newton street to conform to the grade of the bridge over the Boston & Providence Railroad, to grade said street to its full width and grade the roadway, at an estimated cost of \$1800.

Ordered, That the Superintendent of Streets be directed to build a retaining wall on the line of Harrison avenue in front of the two brick blocks of houses owned by William Eliot Woodward; provided said Woodward shall first pay into the City Treasury the sum of \$1000, towards the expense of building said wall.

On motion of Alderman Squires,

Order rescinding the order passed May 31, 1872, authorizing the giving of a deed to J. H. Fallon and others, executors and trustees, and the passage of the following instead thereof:

Upon the petition of James H. Fallon, Bernard Hood and Charles Lynch, executors and trustees, under the will of Rev. Thomas Lynch, it is hereby

Ordered, That a confirmatory deed of the land on Chester park, described in said petition in such form as the City Solicitor shall approve, be made to the petitioners, or to Patrick Treanor, should he take a conveyance of the estate in question, from said executors and trustees.

On motion of Alderman Woolley,

Ordered, That the expenses incurred in fixing hitching apparatus in Engine houses Nos. 1, 5, 8, 9, 11 and 21, and Hook & Ladder houses Nos. 3 and 5, amounting to \$1260 44, having been authorized and approved by the Committee on the Fire Department of 1871 and 1872, be paid, and the said sum be charged to the appropriation for the Fire Department.

On motion of Alderman Power,

Ordered, That the Committee on Printing be authorized to contract with the proprietor of one daily paper in Boston to report and publish an abstract of the business and proceedings at the meetings of the City Council for one year from the 1st day of July, 1872, at an estimated expense of \$4500; to be charged to the appropriation for printing.

Ordered, That the Board of Street Commissioners be requested to straighten Boston street, between Ellery and Mount Vernon streets, to a width of sixty feet.

Ordered, That the Board of Street Commissioners be requested to lay out as a public highway Division street, between Dorchester avenue and Foundry street.

Severally referred to Joint Committee on Streets.

On motion of Alderman Ricker,

Ordered, That ———, with such as the Common Council may join, be a committee to examine and report upon the condition of the bonds of the several city officers.

Aldermen Ricker and Woolley were appointed on the committee.

On motion of Alderman Fairbanks,

Ordered, That the assessment of \$268 12, levied upon the Walnut-avenue Congregational Society for a sewer in Dale street, be postponed until their estate enters a drain into said sewer.

On motion of Alderman Sayward, an order was passed for the abatement of nuisances in Broadway and A street, in Bennet place, Harrison avenue, Dover and Foundry streets and in Swan place.

#### HIGHLAND STREET RAILROAD LOCATION.

Alderman Cutter, from the Committee on Paving, to whom was recommitted the petition of the Highland Street Railway Company for a location in several of the streets of the city of Boston, reported the accompanying order of location:

Ordered, That the tracks of the Highland Street Railway Company shall be located as follows, viz.:

Two tracks in Warren street, between Grove Hall and Dudley street.

Two tracks in Dudley street, between Warren street and Shawmut avenue; also a suitable turnout in said Dudley street.

One track in Guild row.

Two tracks in Washington street, between Guild row and that part of Shawmut avenue north of Washington street.

On track in Cliff street.

One track in Shawmut avenue, between Cliff street and Dudley street, and across Dudley street to that part of Shawmut avenue lying between Dudley street and Washington street.

Two tracks in Shawmut avenue, between Dudley street and Washington street.

Two tracks in Shawmut avenue, between Washington street and Tremont street.

Two tracks in Tremont street, between Shawmut avenue and Temple place.

One track in Temple place.

One track in Boylston street.

One track in Eliot street.

One track in Washington street, between Eliot street and Temple place.

Said company shall have the right to make suitable connections, switches, curves and turnouts to unite the tracks hereby located into a continuous line of railway from Grove Hall to Temple place. And whereas the interests of public travel require that the said Highland Street Railway Company shall not lay additional tracks in any street where tracks are now located and constructed, except so far as may be necessary to fill the above location, this location is on the express condition that any tracks already laid in the streets or portions of streets above mentioned shall be deemed tracks within the above location for the use of said Highland Street Railway Company, to be enjoyed under the provisions as to compensation to the corporation owning the same, provided by law.

The right to lay the new tracks located by this order is upon the condition that the whole work of laying down the tracks, the precise location of the same, the form of rail to be used and the kind and quality of pavement used in paving said tracks shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them.

Also, upon the condition that the Highland Street Railway Company shall accept the location and agree in writing to comply with the conditions therein contained, and file said acceptance and agreement with the City Clerk within thirty days of the date of its passage, otherwise it shall be null and void.

On a motion for a suspension of the rules for the passage of the order of location, Alderman Poland made objection that it was of too much importance for hasty action, and the order was laid over.

#### ORDER OF NOTICE.

On the proposed construction of a sewer in Bennington street, towards Putnam street. Hearing on Monday next, June 10, 4 P. M.

#### DEVONSHIRE-STREET EXTENSION.

Alderman Clark moved a reconsideration of the vote laying over one week the resolve and order for the extension of Devonshire street.

Alderman Cutter stated that his object in making the motion to lay the subject over was to allow a thorough examination of the report, which he had not seen until now.

The motion to reconsider was carried, when Alderman Cutter said he was in favor of the proposed improvement, and so strong a vote being shown in favor of action at this time, he should make no further objection.

The resolve and orders were passed by a unanimous vote.

On motion of Alderman Ricker, the vote whereby the order was passed requesting the Board of Street Commissioners to widen Phillips street and to extend the same east to Joy street and west to Charles street, was reconsidered, when the order was referred to the Committee on Streets.

A petition was presented from George Derby and others, physicians, in favor of the extension of Joy street east and west, from considerations of health. Referred to the Committee on Streets.



On motion of Alderman Ricker, the election of one consulting physician, specially assigned, was taken up, when the following order was passed:

Ordered, That a committee of two on the part of this Board, with such as the Common Council may

join, be appointed to nominate candidates for consulting physicians in place of John W. Foye and William Read, resigned.

Aldermen Ricker and Fairbanks were appointed.  
Adjourned.

## CITY OF BOSTON.

## Proceedings of the Common Council,

JUNE 6, 1872.

The regular weekly meeting of the Common Council was held this evening, at 8 o'clock.

In the absence of the President, the Council was called to order by Mr. Bicknell of Ward 4, senior member, when a ballot was taken for President *pro tem*.

Messrs. Brooks of Ward 1, Moulton of Ward 9, and Robertson of Ward 4 were appointed a committee to receive and count the votes, the balloting resulting as follows:

Whole number of votes.....	34
Necessary to a choice.....	18
James J. Flynn.....	32
H. W. Pickering.....	2

Mr. Flynn was declared to be elected, and took the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The annual report of the Overseers of the Poor was ordered to be placed on file.

The petitions of D. Rickerby, J. O. Whiting & Co., James Lewis, George Derby and others, C. T. Jackson and others, Sumner I. Riggles, and of Crowley & Coughlan, were severally referred, in concurrence.

The report of the Street Commissioners in relation to the cost of extending Devonshire and widening other streets, and the report of the Committee on Legislative Matters for 1872 (City Document 61), were ordered to be placed on file.

The resignation of William Read as Consulting Physician was accepted, in concurrence.

The following matters were acted upon, in concurrence:

Reference to Committee on Streets of order relative to the extension of Phillips street, east and west.

Reference to Committee on Streets of an order to straighten the line of Boston street.

Reference to same committee of an order to lay out Division street from Dorchester avenue to Foundry street.

Reference to same committee of a resolve and order from Street Commissioners for the widening of Summer street. (City Doc. No. 62, 1872.)

Recommitment of a report giving L. H. Jones leave to withdraw his petition to erect a wooden building on Dorchester avenue and Sixth street.

Reports were accepted, and orders passed, in concurrence, as follows:

Report, inexpedient to grant the petition of W. A. Currier and others for an opening in the fence of the Common, opposite Temple place.

Reports and orders that the Inspector of Buildings be authorized to issue permits, viz.:

1. To A. T. Stearns, to erect a wooden building on Waltham street.

2. To Abel Goss, to erect a wooden building on corner of Park and Adams streets.

3. To Charles P. Tolman, to erect a wooden building, for mechanical purposes, on Washington street, Ward 16.

Messrs. Wilbur of Ward 9, Martin of Ward 7 and Shepard of Ward 4 were joined to the committee to nominate Consulting Physicians, in place of John W. Foye and William Read, resigned.

Messrs. Pickering of Ward 6, Noyes of Ward 5, and Risteen of Ward 10 were joined to the committee to examine and report upon the bonds of city officers.

The following orders were passed, in concurrence:

Report and order that Charles Alexander be authorized to extend his building on Dorchester avenue in accordance with his application.

Order that the Trustees of the Public Library cause to be printed a report of the proceedings at the dedication of the South Boston Branch Library.

Order for the acceptance of an act to change the time for the annual elections in cities. (Chap. 140, of the statutes 1872.)

Order requesting the Street Commissioners to lay out the street over South Bay, from the junction of Dorchester and Federal streets to the southerly end of Pine-Island wharf.

Report and order that the agreements of the city to convey certain lots of land on West Canton street to John Carlton, dated April 21, 1871, be so modified as to permit the erection of eight houses thereon

Order to rescind the order of the 31st of May last, authorizing a deed to be given to J. H. Tallon and others, executors, confirmatory to the title of a lot of land on Chester park; and order instead thereof that a confirmatory deed of land on Chester park, described in the petition of said Tallon and others, be made to said Tallon and others, or Patrick Treanor, in such form as the City Solicitor shall approve.

Order, that \$1260 44 be paid for fixing hitching apparatus in Engine Houses 1, 5, 8, 9, 11, 21; and Hook and Ladder Houses 3 and 5.

The report in favor of passage of resolve and order from Street Commissioners for extension of Appleton street from Berkeley to Tremont street was accepted, and the order for a loan of \$100,000 for said extension was read once.

The resolve and order for extension of said Appleton street. (City Document 52, 1872) was passed.

The report and orders authorizing the purchase of a lot of land on Columbia street, Ward 16), belonging to S. Klous, containing 25,252 feet, at not exceeding forty-five cents per square foot, to be used for school purposes; and for a loan of \$11,000 to be applied to the purchase of said lot for said purposes, were read once.

The order authorizing a contract to be made for reporting and publishing an abstract of the business and proceedings of the City Council for one year, from July 1, next, being under consideration, Mr. Brooks of Ward 1 offered a substitute, as follows:

Ordered, That the Committee on Printing be directed to advertise for proposals for reporting and publishing an abstract of the business and proceedings of the City Council for one year from the 1st July, 1872, and report thereon to the City Council.

Mr. Brooks, in support of the substitute, said that was the proper way in which such things should be done, the same as in all other cases, by which means all the papers would have a proper chance.

Mr. Moulton of Ward 9 said he hoped the matter would be left with the Committee on Printing, and moved to lay the substitute on the table.

The motion was lost, when the substitute was adopted, and under a suspension of the rules the order, as amended, was passed.

## THE BURRILL CLAIM.

The special assignment, the order to pay Henry W. Paine, assignee of Charles Burrill, forty thousand dollars, in satisfaction for all services rendered and money expended by said Burrill in procuring credits upon the quota of volunteers of Boston upon the terms and conditions mentioned and referred to in said order, was taken up.

Mr. Pickering of Ward 6 inquired whether the passage of the order required a vote of two-thirds or a majority only of the Council.

The Chair stated that a majority vote only was required.

Mr. Pickering moved to amend by substituting the following for the preamble and order:

Ordered, That there be allowed and paid to Henry W. Paine, the assignee of Charles Burrill, the sum of \$40,000, in full settlement of all services rendered and money expended by said Burrill in procuring credits upon the quota of the city in 1864, said sum to be transferred from the Reserved Fund; provided said receipts and discharges shall be executed, both by said Burrill and said Paine, as shall be satisfactory to his Honor the Mayor and the City Solicitor.

Mr. Pickering said he was in favor of paying something to Mr. Burrill, but he did not notice until his attention was called to the fact that by the terms of the order but a majority vote was required for its passage. While he was in favor of paying him something, he did not wish to pay out money in this way. The treasury was hedged round in the payment of money for good and sufficient reasons, and he could not see why a claim which had been before the City Council for eight years should be passed by a majority vote, while a two-thirds vote is required for a common appropriation. It was not because it was a good claim, because other good claims require a two-thirds vote, and it was not more commendable than an order for building a schoolhouse, which required a two-thirds vote; and this should not be allowed to slip through in this way, when a larger vote is necessary on matters of every description. He did not know whether the majority of the committee intended so to favor this measure.

Mr. Webster of Ward 6, in behalf of a majority of the committee, stated that in making their re-



port they fully understood what they were doing, and the order was in accordance with the spirit and letter of the order of 1870. There were good and sufficient reasons why the order should be passed in its present form, and be passed by a majority vote. The matter had been before the City Council for many years past. The Mayor who employed him and made him his agent, and the Alderman who approved of it, proposed to give Mr. Burrill \$125,000, but Mr. Burrill, not believing it to be sufficient, refused to accept the offer, when he went to the courts, and, losing his case there, he came to the city for compensation. Every committee of the City Council had decided that he ought to be paid, and in the Board of Aldermen, last year, he had a two-thirds vote, but failed in the Council by two or three votes when the Council was not full. At this season of the year it is difficult to get a two-thirds vote, and it would be difficult tonight. The passage of such an order ought not to rest on one or two persons, and he hoped the amendment would not be passed.

Mr. Webster further spoke as follows:

While I am on my feet, I will, with the consent of the Council, briefly review the report of the minority on this claim.

The minority say that Burrill claims that "he performed the contract to the letter and spirit, and that he is entitled to \$125 for each man represented on his list, with few exceptions," and then follows an array of figures represented to be Burrill's account against the city at this time, amounting to \$901,732 50, the whole of which they say he is entitled to if he is entitled to anything.

In answer to this it may be said that he did not furnish a single credit on the quota of 601 men, on which the contract was based. He did not present to the committee any such account as the minority of the committee has conjured up, and whatever he may have claimed heretofore, he does not now claim that he performed the contract to the letter. What he does claim is, that he did a very important work for the city at a critical time, *as its duly authorized agent*, at great expense of time and money, and for this service and expense he claims that the city, having accepted his work, ought to pay him.

The idea that any such sum as \$900,000 is due him, or nothing, is preposterous. There is nothing due him for a specific performance of the contract, and the courts have decided that the Mayor had no authority to make the contract. But it does not follow from this decision that the Mayor and Board of Aldermen could not legally authorize Charles Burrill to act as agent for the city in ascertaining its rights and procuring credits for the full number of men enlisted in the navy, to which it was entitled. This the Mayor did, and the Mayor and Aldermen accepted and took advantage of the result.

The minority want to know "how the sum of \$40,000 was arrived at as the correct thing to save the city's credit." They then go on to say that Burrill testified before the Circuit Court that his payments on this account amounted to between \$14,500 and \$18,500, and afterward before the Committee on Claims in 1859 that "his actual payments amounted to \$119,150."

Now if we take the amount of \$18,500 as his legitimate payments, and throw out the \$100,000 or more above that sum, as irregular and illegitimate, and which the city has no responsibility for and ought not to pay, we have a basis to get at what is fairly due Mr. Burrill.

This money, we must recollect, was paid out eight years ago, and Burrill's services were performed at the same time. Now does any one doubt that Burrill's services, considering that he was the first person to suggest that the city was entitled to naval credits at all, and that he prosecuted that idea until the laws were changed and the credits allowed—I say, does any one doubt that his personal services, above what was legitimately paid out, were worth from \$4000 to \$5000? Would any one have considered that an exorbitant sum to have paid him at the time, considering the vast importance of securing those credits at that time? I think that any one would say it was a reasonable price, if that is all he claims he ought to be paid.

Now, Mr. President, if to the sum actually due Burrill for money paid out—\$18,500—we add for personal services \$4572, we have \$23,072 as the amount due him eight years ago, and which should then have been paid him in settlement. It not having been paid at that time, it should now be paid with interest at current rates compounded semi-annually. This nothing more than fair.

Twenty-three thousand and seventy-two dollars with interest added semi-annually at seven per

cent., amounts in eight years to just \$40,000. It is folly for the minority of the committee to say that "the record of the city is no cleaner after the payment of \$40,000 than before." The \$40,000 I have no doubt is a good fair price for what Burrill did, if paid to him now, without further delay.

The minority say that if the above amount is paid "the claimant will still believe that the city has defrauded him."

In answer to this it may be said that it is a matter of very little consequence what Mr. Burrill thinks about the city, but it is a thing of unspeakable importance that this city should not defraud him or any other citizen. This city, in the language of the minority of the committee, "has not yet gone into bankruptcy," and the real question is not, as the minority say, "whether Mr. Burrill is entitled to the value of his contract," but whether he is entitled to the value of his services.

The minority then go on to quote the laws of the State and United States and ordinances of the city concerning recruiting, and state that the Mayor and Burrill knew their scope; they both "knew what could be legally done in the way of recruiting."

"The city was not authorized to pay a dollar for men enlisted previous to March 18, 1864."

They then say, "According to the Mayor's interpretation of the writing which he gave Burrill, he was acting within the authority conferred upon him by the City Council. He was told by Burrill, and he believed, that *new men* were to be obtained."

Now, Mr. President, I am willing to give Mayor Lincoln the credit of being a very intelligent man, and one who acts from thoroughly honest motives. I have a great respect for him, but it is not reasonable to claim that either he or Burrill knew anything about law in this case, when the evidence is so clearly to the contrary.

If the Mayor knew that it was illegal to claim the credits on Burrill's list why did he in his letter to Provost-Marshal Frye say that "under the acts of Congress the city is entitled to these credits"?

And if he did not know that it was at that time illegal to claim these credits, what reason is there to believe, twenty-one days before, when he signed the contract with Burrill to obtain credits upon the quota of the city, that it was illegal for the city to pay for them?

The claim that the Mayor believed that new men were to be obtained is, under all the circumstances, simply ridiculous. It is denying that he read the contract before signing it, and denying that he wrote the letter to Provost-Marshal-General Frye authorizing Burrill, in behalf of the city, to present his list of men enlisted prior to February 24, 1864, and ask that they all be credited to the quota of the city, as authorized by act of Congress.

The minority again say that if Burrill's list had not been put in at all the city would have had a surplus over all calls in September. The credits would have been given on the lists sent in by the Board of Aldermen, and the credits from those at large would have accomplished this result.

In answer to this it may be said that the Aldermen's list was withdrawn; and there is some reason to believe that none of these naval credits of men enlisted prior to February 24, 1864, would have been allowed at all had not Burrill suggested it to the Mayor, and afterwards, as agent of the city, procured the passage of an act of Congress allowing them.

In whatever way we look at this matter the city of Boston is largely indebted to Mr. Burrill, and I hope the preamble and order now before us will be passed tonight, and the city relieved from the stigma of refusing to do justice to a citizen because that citizen has not in all things acted up to its ideas of what is right and just.

Mr. Pickering said he concurred in much that was said by his colleague as to the general merits of the case, and hoped that the order might be put in such a shape that he could vote for it. He failed to see why it should not be put in the form which the city charter required. The only reason given why it should not be passed in the usual way is that the seats of the Council are not full; then put it off to the fall when the Council is fuller. Let the charter be changed so that a two-thirds vote shall be required at some seasons, and that in summer a majority vote shall be sufficient, if such an argument is a good one.

Mr. Webster replied that the largest portion of the appropriations were made by a majority vote, in passing the Annual Appropriation bill, and afterwards a majority vote only was required in charges to those appropriations. This has already passed the City Council, and there was no reason



why the order should not be passed at the present time a majority vote.

Mr. Piekering referred to the attempt to smuggle in an appropriation into the Appropriation bill this year by a majority vote, to meet this case, which failed, and that was a good reason why this should fail at this time.

Mr. Shepard of Ward 4 said the two-thirds rule was a good one, and ordinarily should be observed in cases in which there is no appropriation. He was in favor of this order on account of its safeguards. The claim in this case was peculiar in its surroundings and history. It had so long been before the City Council and the Legislature that it was understood thoroughly, and there was no occasion for its passage by a two-thirds vote to prevent any injustice being done to the city. This was not a doubtful matter, for it was passed upon in this room last year, and was an exceptional case on account of its peculiarity. Its passage would be but an act of justice, with no harm to the city or its treasury. Its passage by a majority would be a tacit suspension of the ordinary rule, and would not influence future legislation.

Let us, he urged, get it out of the way and bury it out of sight, for Mr. Burrill was willing to take the amount proposed and go his way. Another reason why the order of the committee should be passed, was that it directs the City Auditor to pay what has been passed, and a record of which stands on our books. The amount is due and should be paid without further action, for the order stands unrescinded, and no City Council will rescind it.

Mr. Burrill goes to the Auditor and asks for the payment of that order, and he is told that he would do so, but he has not the money to pay it with, the amount having been passed by him into the Sinking Fund. Therefore the order should be in this form because it has been voted previously, and this directs its payment. The new order should not be passed, for it may possibly require the payment of both. This is the essential and proper form, and simply says the payment shall be made in accordance with the terms of the order of 1870, and as authorized by the Legislature.

Mr. Brooks of Ward 1 said that while this matter had been before the Council for the last six years, it had never before been provided that it should be paid in this form. Alderman Pierce last year, although a strong friend of Mr. Burrill, was not willing to have this claim paid from the Incidental Fund, and should this be done it would be an injury to Mr. Burrill. The gentleman from Ward 4 says Mr. Burrill has a legal claim, and he would not object to his attempting to get it by the courts if he can. This was the first time in which an attempt had been made by a committee to pass the order by a majority vote, and he hoped it would not prevail.

Mr. Dacey of Ward 2 said he was in favor of paying Mr. Burrill something, but he would not vote to pay him one cent except in the ordinary way. There was no reason why this should not require a two-thirds vote as in all similar cases. If passed by a majority vote there will be presented all claims imaginable, and this will be urged as a precedent. There would be nothing but a bad result from such action, and the friends of Mr. Burrill would be the losers by it.

Mr. Fitzgerald of Ward 7 said he agreed with the gentleman from Ward 2, that there was no reason why this claim should be acted upon except under the ordinary rule of the Council. The gentleman from Ward 4 had said that Mr. Burrill had a legal claim.

Mr. Shepard, in reply, said he only referred to the vote which had been passed to pay Mr. Burrill.

Mr. Fitzgerald, resuming, said there was no legal claim, for if there was, and he believed he had such a claim, he should vote to pay Mr. Burrill \$900,000, and had he been on the committee he should have made a minority report to that effect. But the United States Circuit Court had decided that the claim was not legal, and the contract was void; yet believing he should be paid something for running round, for his services, he was willing to pay what was proposed. The amount claimed to have been paid out by him varied in his statements from \$30,000 to \$150,000, used in employment of various parties and in corrupting Congress. Although he could not vote to give him \$900,000, or to give him the \$30,000 which he said he gave the Republican party in the presidential election in 1864, he was entitled to something for his services.

The gentleman from Ward 4 says this comes in an extraordinary way, and he would coincide with him that it does. He says, also, that the matter is known to everybody and there is no doubt about it. There is a doubt about it, and that is the reason why it should not be passed by a majority vote. It

is a little more doubtful than many claims which are required to be passed upon by a two-thirds vote; and under that rule he should vote for it, as would many other members who could not otherwise vote for it. The friends of Mr. Burrill would do it more harm than good by shoving it through in the way proposed, for if the claim is not strong enough to warrant a two-thirds vote it should not pass at all.

Mr. Robbins of Ward 8 said he wished to correct a mistake of the gentleman from Ward 1. The special committee on this claim in 1870 reported unanimously in favor of its payment from Incidental Expenses, the report being made in June, and the order was passed in August. Now he understood that this committee recommended the payment of \$40,000 in accordance with that order, which had never been rescinded, as had been stated. He feared that if the substitute was passed, there would be a liability to pay both, which would be \$80,000, while he was in favor of paying \$40,000, no more and no less.

Mr. Shepard believed this action as proposed by the committee would not be unprecedented in spirit, and he referred the gentleman from Ward 1 to certain votes in relation to the East Boston ferries as in point. A majority vote only was required when there has been an appropriation, and in this case an appropriation was made under the former order.

Mr. Brooks replied that in relation to the ferry matter, if he understood correctly, the vote was large, or more than two-thirds.

Mr. Dowd of Ward 13 moved the previous question, which was ordered by a vote of 26 to 20.

Mr. Brooks asked for the yeas and nays on the substitute.

The Chair stated that the motion was not in order, the previous question having been ordered.

The question was taken on the adoption of the substitute, which was carried by a vote of 33 to 14.

The question was then stated to be on the order as amended, on giving it a second reading.

Mr. Shepard of Ward 4 moved as a substitute the original order.

Mr. Webster wished to offer a substitute.

The Chair stated that a substitute had already been offered.

To further questions whether this was a substitute for a substitute, and was substantially the same as the original order, the Chair stated that it was not.

Mr. Piekering wished to know how they could go back, and believed it could be done only in a reconsideration of the vote.

The Chair stated that the order could be amended on its second reading.

Mr. Shepard explained his order as designed to secure its passage by compromise, the amount not to exceed \$40,000.

Mr. Fitzgerald hoped the Council would stick to its vote, and not adopt an order which places them where they began, precisely as provided in the preamble and order.

The question was taken on the adoption of Mr. Shepard's substitute and the same was then rejected.

The Chair then stated the question to be on the passage of the order.

Mr. Piekering inquired if the order having been read but once should not lie over, and the chair so decided.

Mr. Wright of Ward 15 wished to know how one was to vote who could not vote for the order at all.

Mr. Noyes of Ward 5 moved a special assignment of the order, as amended, to Thursday evening next, half-past eight o'clock.

Messrs. Robbins of Ward 8 and West of Ward 16 opposed postponement, the merits of the case having been gone into, and further debate would be required if postponed.

Mr. Noyes said his only reason was to get through the other business of the Council.

After further inquiries in relation to the question, the Chair ruled that the order must lie over.

On motion of Mr. Hughes of Ward 5, the rules were suspended, and the order was considered on its passage.

Mr. Webster inquired whether the substitute proposed was in order.

The Chair stated that it had been already rejected.

Mr. Webster moved to amend by a substitute in terms like the original order, but substituting for the last line a provision that the payment be made from the Reserved Fund in place of Incidental Expenses.

Mr. Piekering said the Council had already



struck out the original order and substituted for it another order.

Mr. Shepard referred to the difference from the original order.

Mr. Fitzgerald called attention to the original order of 1870, and to the act of the Legislature based on that, and if this order was not in accordance with that, what becomes of the act?

Mr. Webster further explained, and the question was stated to be on the adoption of the substitute.

Mr. Fitzgerald believed that the more they attempted to amend the more it would be muddled, and he suggested to the friends of Mr. Burrill that should this order be passed not in accordance with the act of the Legislature, what could prevent another injunction? To enable them to come out of it and make the matter clear, he moved that the order be laid on the table one week.

Mr. Shepard inquired why the gentleman, as a friend to the payment of the order, did not fix it himself.

Mr. Fitzgerald replied that if his vote was needed for the passage of the order, the order must be in accordance with the provisions of the legislative act, and he further urged that it be laid on the table and be properly fixed up.

The question was taken on the amendment of Mr. Webster, which was lost, when it recurred upon the passage of the order as amended by the adoption of the substitute of Mr. Pickering.

The vote was as follows:

Yeas—Bicknell, Brennan, Burditt, Burt, Daecy, Davenport, Devine, Doherty, Dowd, Emery, Fitzgerald, Gragg, Hersey, Jones, Laub, Locke, Loring, Marston, Martin, Moulton, Noyes, Page, Pickering, Prescott, Risteen, Robbins, Shepard, Walker, Webster, West, Weston, Wilbur—32.

Nays—Adams, Bradt, Brooks, Caton, Collins, Cunningham, Darrow, Dolan, Faxon, Flynn, Hart, Heath, Hughes, Kingsley, Pease, Robertson, Robinson, Thacher, Whiston, Wright—20.

The order was declared to be rejected, not receiving a two-thirds vote.

#### UNFINISHED BUSINESS.

The following orders were severally passed:

Order for such new flooring as may be necessary to be put into the Offal Depot.

Order to pay Benjamin C. Libby \$150, for injuries to his son from the falling of snow and ice from the roof of the the Chapman Schoolhouse.

The order authorizing a transfer of \$6000 from the Reserved Fund to be expended in improving the grounds in Cedar Grove Cemetery was assigned to Thursday evening next, nine o'clock.

The order for alterations to be made in the delivery room of the Public Library, and for a transfer of \$5500 to be appropriated therefor, was assigned to Thursday evening next, 9¼ o'clock.

#### PETITIONS PRESENTED AND REFERRED.

Boston Eight-Hour League and 440 others, for an ordinance to make eight hours a day's work for employes of the city, and for a hearing on the subject. Referred to the Committee on Ordinances.

Theresa Levi, to be compensated for damages caused by unskilful work of the contractors on the Church-street District. Referred to Committee on the Church-street District.

Elizabeth L. Stewart, for remission of tax on estate 251 Warren street. Referred to Committee on the Assessor's Department.

Charles Clark, administrator, for release of a condition of a sale of land on Centre street. Referred to Committee on Public Lands.

W. Clark & Co., for leave to build a coal shed beyond the usual dimensions on Albany street, at the foot of Dedham street.

McQuesten & Fogg, for leave to erect a wooden building on Hall's wharf, beyond the legal dimensions.

Severally referred to Committee on Survey and Inspection of Buildings.

#### REPORTS OF COMMITTEES.

Mr. Pease of Ward 1, from the Joint Standing Committee on Water, to whom was referred the petition of James R. Gerrish, for leave to connect the water pipes in Atherton street with his house,

which is partly in West Roxbury, having considered the subject, made a report recommending the passage of the accompanying order:

Ordered, That the Cochituate Water Board be authorized, if in their judgment it would be expedient, to supply the house owned by James R. Gerrish, on Atherton street, with water from the pipes laid in said street, said house being located partly in Boston and partly in West Roxbury.

The order was read once.

Mr. Shepard of Ward 4, from the Committee on the City Hospital, who were requested to consider the expediency of purchasing the lot of land bounded by Springfield and Albany streets and East Chester park, for the purpose of placing restrictions upon it to prevent its use for purposes injurious to the City Hospital, having carefully considered the subject, made a report recommending the passage of the accompanying orders:

Ordered, That the Committee on Public Lands be authorized to purchase the lot of land owned by William Evans, bounded by Springfield and Albany streets and East Chester park, containing 27,000 square feet, more or less, for a sum not exceeding \$2 per foot.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$54,000, to be applied to the purchase of land on Springfield and Albany streets and East Chester park, owned by William Evans.

The orders were read once.

Mr. Adams of Ward 12 offered an order that the Committee on Common and Public Grounds be directed to lay out the walks on Independence square, and have the same lighted with gas, and on his motion the order was referred to the said committee.

#### SITE FOR HIGH AND LATIN SCHOOLHOUSE.

On motion of Mr. Emery of Ward 10, the rejection of the order for the purchase of land for a High and Latin Schoolhouse was reconsidered, when he moved that the order be specially assigned to Thursday evening next, at 8½ o'clock.

Mr. Brooks of Ward 1 moved to amend the first order by a substitute, as follows: "That the Committee on Public Instruction be authorized to purchase, as a site for the English High and Latin schools, the estates on Warren avenue and Montgomery street, between Dartmouth street and Clarendon street, owned by John L. Gardner, containing 74,100 square feet, more or less, exclusive of the passageway; also the estate on the corner of Warren avenue and Dartmouth street, owned by the Washingtonian Home, containing 10,000 square feet, more or less, for a sum not exceeding \$280,000.

Also, to amend the second order, by striking out "\$415,000," and inserting in place thereof "\$280,000."

Mr. Robinson of Ward 11 moved to strike from the order the word "Dartmouth," the land of Mr. Gardner not extending to Dartmouth street.

Mr. Emery stated that the order included the Washingtonian-Home estate, which was on Dartmouth street.

The order was read, when on motion of Mr. Gragg of Ward 14 it was laid on the table and assigned to Thursday evening next, half-past eight o'clock.

On motion of Mr. Robbins of Ward 8, the annual report of the Trustees of Mount Hope Cemetery (City Document 60, 1872,) was taken from the table and ordered to be sent up.

On motion of Mr. Robinson of Ward 11, the order authorizing the floors in the halls and corridors of the third and fourth stories of the City Hall to be tiled, was taken from the table and passed, in concurrence.

On motion of Mr. Shepard of Ward 4, the order for the Committee on Ordinances to report whether any amendment is necessary to the ordinances to prevent the discharge of cannon at unseasonable hours, was taken from the table, when he further moved that it be referred to the Committee on Ordinances.

On motion of Mr. Noyes of Ward 5, it was indefinitely postponed.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JUNE 10, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Weigher of Coal—Newell Butler.

Constables — David L. Wentworth, Nathaniel Whittier.

Special Police Officers, without pay—James C. Loughton, for the grounds known as the "Aerial Castle, Dartmouth street; Jacob Jacobs, for Centre, Heath and Day streets; Albert G. Spencer and Albert H. Michener, for Union-park and Albany streets and vicinity; George D. Brown, for Boylston street and vicinity; John M. McCarthy for premises of Boston & Albany Railroad at Back Bay and vicinity.

Police Officers—Confirmations made on report of the Committee on Police: Andrew W. Noyes, Horace W. Hildreth, James J. Curry, Charles Denton, John A. Mero, Peter W. Newcomb, Patrick Doherty, M. J. Dagney, Roswell S. Miner, Edward W. Harding, John T. O'Lalor, Edward F. Hallahan, Michael Crosby, John F. Drew, Patrick Dacey, Albert C. Baker, John T. Twombly.

## PETITIONS PRESENTED AND REFERRED.

Benjamin Dean and others, for sidewalks on P street.

James P. Magee and others, that Bromfield street be repaved.

Francetown Soapstone Company, that this city would use their tiles for sidewalks.

Sarah S. Dunn, for the paving of Newland street from Brookline to Pembroke street.

Faxon, Elms & Company, that High street be repaved from Pearl to Congress street.

J. H. Upham & Co. and others, that Stoughton street and Pleasant street in Ward 16 be called Stoughton avenue.

Severally referred to the Committee on Paving.

Calcb A. Curt's, for leave to occupy a brick stable on Beacon and Exeter street for three horses.

Moses R. Powers, for leave to occupy a brick stable for six horses at 559 Fifth street.

McQuesten & Fogg, for leave to occupy a wooden stable for five horses on Hall's wharf, Border street.

W. Clarke & Co., for leave to occupy a wooden stable for eight horses on Albany street at the foot of Dedham street.

Gilbert C. Brown, for leave to erect a brick stable for four horses on Newland street, between Dedham and Upton streets.

R. D. Goodwin, for leave to erect a stable for three horses on Townsend street.

Henry Emmons, for leave to build a stone stable on Perrin street.

John Lane, for leave to use a building at 93 Hampden street for a stable.

Severally referred to the Committee on Health.

C. M. Beckler and others, for a sewer in Seventh street, from L to N street.

John Sheehan, for a sewer in Eighth street, from L to M streets.

Severally referred to the Committee on Sewers.

George A. Caswell & Co., for leave to exhibit a piece of statuary at No. 16 Boylston street. Referred to Committee on Licenses.

F. M. Josselyn and others, to be heard in reference to new location for an insane hospital. Referred to Committee on Public Institutions.

Nehemiah Gibson and others, for the use of Faneuil Hall July 2, for a temperance meeting. Referred to Committee on Faneuil Hall.

C. B. Barrett and others, for the removal of certain restrictions in deeds of land on North Market street. Referred to Committee on Public Lands.

A further application of George W. Harrington for a loan from the Franklin Fund was referred to Aldermen Sayward and Cutter.

## EXTENSION OF WEST CHESTER PARK.

A communication was received from N. C. Munson, setting forth that on the 27th of November, 1871, he executed an instrument, satisfactory to the Mayor and City Solicitor, obligating himself to carry into effect the provisions of an order of said date (City Doc. No. 83) in relation to the extension of the Back Bay streets; that he has made great progress in said undertaking, but finds his work

obstructed by inability to obtain the necessary control of certain parcels of land on the line of the extension of West Chester park. Wherefore he prays that the Board of Street Commissioners may be directed to lay out such land as a street, the petitioner first entering into such satisfactory obligations respecting the assumption of the cost of the same as will accord with the provisions of said order and said instrument heretofore executed by him. Referred to Joint Committee on Streets.

## COMMUNICATIONS FROM THE TOWN OF BROOKLINE.

Communications were laid before the Board, addressed to the Mayor, from the Selectmen and Committee on Water Supply of the town of Brookline, in relation to a supply of water for that town.

The Selectmen, in communicating a copy of a vote passed at a town meeting and by the Board of Selectmen, say—

"We can assure you that no efforts will be wanting on our part or on the part of the town of Brookline to carry out any improvements which may be for the present or the future good of the city of Boston; for we recognize the fact, that although our several constituencies are under separate corporate governments, and that it is probably for their advantage that they should remain so, they have many interests in common, which can be best and most economically advanced by a hearty coöperation between your city and our town."

In another communication the Selectmen and Committee on Water Supply request a conference with the authorities of the city of Boston, for the purpose of obtaining such supply of the town with water as may be had from the water works now constructed in Brookline. They state that the "town of Brookline obtained from the Legislature at its recent session an act authorizing the town to take water from Charles River, (chapter 343). The same Legislature authorized the city of Boston to supply the town of Brookline with water upon such terms as may be agreed upon, (chapter 177, section 8.) It is under this last named act that we propose to hold the conference we request."

Referred to the Committee on Water.

A communication was received from the town of Brookline, under an order of that town, as follows:

"Voted, That the Selectmen be requested to confer with the authorities of adjoining cities and towns in relation to laying out streets, open spaces, and sewers for the common advantage and convenience."

In the Board of Selectmen it was voted, in accordance with the above vote, so to confer with authorities of adjoining cities and towns.

Referred to Joint Committee on Streets.

## WIDENING OF PYNCHON STREET.

A communication was received from the Street Commissioners, with a resolve and order for the widening of Pynchon street, at an estimated cost of \$37,510 44. The several items of expense are as follows:

Metropolitan Railroad Company, 416 square feet of land, 59 cents per foot, \$245 44; damage to buildings, \$100—\$345 44; John Roessle, 8338 feet of land, \$3 per foot, \$25,014; damage to buildings, \$10,000—35,014; Metropolitan Railroad Company, 1434 feet of land, \$1 50 per foot, \$2151; making a total number of feet of land 10,188, at a cost of \$27,410 44, and damages \$10,100—\$37,510 44.

Referred to the Joint Committee on Streets.

## AUDITOR'S MONTHLY EXHIBIT.

The monthly exhibit of the Auditor was laid before the Board, in print, it being an exhibit of the general and special appropriations for the present financial year of 1872-73, as shown in the books in his office, June 1, 1872, including the June draft, being two months' payments of the financial year—exhibiting the original appropriations, the amount expended and the balance of each unexpended at that date. A recapitulation gives the following result:

	Appropriations, revenues, etc.	Expended.	Unexpended.
General.....	\$9,901,585 93	\$943,495 26	\$8,958,190 67
Special.....	3,461,660 80	267,998 62	3,193,662 18
	\$13,363,246 73	\$1,211,493 88	\$12,151,752 85

Ordered to be sent down.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice or petition of the Smith American Organ Company for leave to put up and use a steam boiler and engine, at the corner of Albany and East Brookline streets, and on the proposed construction of a common sewer in Putnam streets, were severally taken up and con-



sidered. No person appeared in either case, and the reports were recommitteed.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to grade Third street, between Emerson and I streets, at an estimated cost of \$3000.

Order to grade Emerson street, between Dorchester street and Broadway, at an estimated cost of \$4000.

Order to pave Ontario street with round stone, at an estimated cost of \$3200.

Order to set edgestones in Dudley, Stoughton, Pleasant and Commercial streets.

Order to set edgestones and lay brick sidewalks on Ontario street.

Order to set edgestones, pave gutters, etc., in Greenwich park, at an estimated cost of \$3000.

Order to pay Samuel A. Carlton \$600, for Green-street land damages.

Order to pay Thomas Dana \$14,950, for land damages on South Market street, in the extension of said street to Atlantic avenue.

Order to pay Mary H. Potter \$14,800, for land damages on South Market street, in the extension of said street to Atlantic avenue.

#### PAPERS FROM THE COMMON COUNCIL.

The petitions of the Boston Eight-Hour League, Theresa Levi, Elizabeth L. Stewart, Charles Clark, W. Clark & Co., and of McQuestion & Fogg, were severally referred, in concurrence.

The annual report of the Trustees of Mt. Hope Cemetery (City Doc. 60, 1870,) was ordered to be placed on file.

The report and order for Cochituate Water Board to furnish water to house of J. R. Gerrish in Boston and West Roxbury, if said board deem it expedient, were adopted, in concurrence.

An order to lay sidewalks around Independence square, and to light the same, was referred to the Committee on the Common, in concurrence.

The following orders were passed, in concurrence:

Report and order to lay new flooring as may be necessary in the Offal Depot.

Order to pay Benjamin C. Libby \$150, for injuries to his son from the falling of snow and ice from the roof of the Chapman Schoolhouse.

#### HIGHLAND STREET RAILWAY COMPANY.

The order granting the first location of the Highland Street Railway Company in several of the streets of this city, was taken from the table and passed, as designated in the report which has been published.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Frank Stacey, to exhibit and use a fandango swing at the corner of St. James and Huntington avenues; H. T. Litchfield, to exhibit a mammoth whale near the Coliseum grounds; George H. Davis and others, to hold a Musical Festival in the Jubilee building from June 17 to July 4; G. B. Hutchinson, to set up and use a swing at corner of Huntington avenue and St. James avenue; S. Murdoch, to exhibit a Punch and Jndy show near the Coliseum grounds; Brown & Cook, as auctioneers; also to sundry persons to keep billiard tables, and as victuallers and innholders. Severally accepted.

The same committee reported leave to withdraw on petition for leave to exhibit "Buffalo Bill," and a petition of William Davis for license as a victualler. Severally accepted.

Alderman Ricker, from the Committee on Health, reported that leave be granted to George E. Hall to build a wooden stable for three horses on Warren street, opposite Grove Hall estate. Accepted.

Alderman Fairbanks, from the Committee on Sewers, reported orders for the collection of sewer assessments on Seventh street to the amount of \$1982 40; on Shawmut avenue and Cedar street to the amount of \$1297 50; and Vinton street, amounting to \$1085 66. Accepted, and orders passed.

Alderman Fairbanks, from the Committee on Sewers, reported on the petition of the Selectmen of Brookline in relation to sewerage, that it is inexpedient for the city to take any action in conjunction with the town of Brookline; and reference to the Committee on Health on petition of Linns M. Child and others for removal of a nuisance at the end of a drain in Hereford street. Severally accepted.

Alderman Jenks, from the Committee on County Accounts, to whom was referred the petition of John W. Rollins, to be compensated for land taken

to widen Malden street, in Chelsea, made a report recommending that the petitioner have leave to withdraw. Accepted.

Alderman Jenks, from the Committee on Claims, reported leave to withdraw on petitions of Timothy H. Smith to be paid for damages done to his property in Smith's avenue by the Water Department; also to be paid for property alleged to have been lost through the negligence of the police. Severally accepted.

Alderman Jenks, from the same committee, to whom was referred the petition of Hannah Mulvin to be compensated for personal injuries caused by an alleged defect in Fifth street, South Boston, made a report recommending the passage of the accompanying order:

Ordered, That there be allowed and paid to Hannah Mulvin, on account of personal injuries caused by an alleged defect in Fifth street in March last, the sum of \$1500, in consideration of her giving to the city a release and discharge, satisfactory to the City Solicitor, for all damages, costs and expenses in consequence of said injuries.

The report was accepted, and the order was passed.

Alderman Poland, from the Committee on Survey and Inspector of Buildings, to whom was referred the petition of J. O. Whiting & Co. for permission to erect a wooden building on the south side of Central wharf, near India street, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to J. O. Whiting & Co. to erect a wooden building on the south side of Central wharf, near India street, on condition that the roof and other exterior parts of said building be covered with non-combustible material.

The report was accepted, and the order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of Crowley & Coughlan, for permission to erect a wooden building on Malden street, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to Crowley & Coughlan to erect a wooden building on the corner of Malden and Albany streets, in accordance with their application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted, and the order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of Daniel Rickerby, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to Daniel Rickerby for the erection of a wooden building on Malden street, in accordance with an application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted and the order was passed.

#### ADDITION TO PUBLIC LIBRARY ESTATE.

Alderman Poland, from the Joint Standing Committee on Public Buildings, made a report that the Trustees of the Public Library have called their attention to the fact that the estate adjoining the Public Library on the east side, known as the Richardson estate, is in the market for sale. The estate contains about 3400 feet of land and can be purchased for the sum of \$70,000, as the communication submitted with the report will show.

Looking to the future increase in the demand for library room, the committee think it advisable that the city should be the owners of said estate; and further, in case the property should pass into other hands and be remodelled for business purposes, all the expenditures for light and room on the east side of the library would be useless. With the estate also passes a right of way to Tremont street, over a five-foot passageway. The committee would recommend the passage of the accompanying orders:

Ordered, That the Committee on Public Buildings be authorized to purchase the Richardson estate, so called, adjoining the Public Library, for the sum of \$70,000.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$70,000, to be applied to the purchase of the Richardson estate, adjoining the Public Library.

A motion being made for a second reading of the orders,

Alderman Clark said he was not prepared to act



on a matter of this kind, having no knowledge of the property to be purchased, or of its value.

Alderman Jenks said his first knowledge of the matter was obtained today, but he was assured that the price to be paid was not larger than was paid for property in that vicinity, and considering its value to the Public Library building, it was his opinion that the city should purchase it.

Alderman Clark withdrew his objections, and the orders were unanimously passed.

Alderman Poland, from the Committee on Public Buildings, made a report upon the necessity for raising and remodelling Station house No. 8. In its present condition the lower portion of the building where the cells are located, during a high course of tides are rendered unfit for occupancy. It is now proposed to raise the building above high water-mark. The committee have procured plans and estimates for the above work, and find that the cost will be \$10,000. The committee would, therefore, recommend the passage of the accompanying order:

Ordered, That the Joint Standing Committee on Public Buildings be authorized to raise and remodel Station House No. 8; the expense thereof to be charged to the appropriation for Public Buildings.

The report was accepted, and the order was passed.

#### MIDDLESEX RAILROAD LOCATION.

Alderman Cutter, from the Committee on Paving, to whom was referred the petition of the Middlesex Railroad Company for extension of location in this city, reported an order for such extension, on the usual conditions.

The order provides that in addition to the rights heretofore granted to the Middlesex Railroad Company to lay down tracks in the several streets in this city, said company shall have the right to lay down an additional track in Causeway street from Charlestown street to the street leading to the Charles-River Bridge; also the right to lay down an additional track in said street leading to the Charles-River Bridge to the dividing line between the city of Boston and the city of Charlestown; the position of the present single track in said streets to be so changed that the centre line of the two tracks shall coincide as nearly as possible with the centre line of said streets.

The report was accepted, and the order was passed.

#### ORDERS PASSED.

On motion of Alderman Fairbanks,

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in Haymarket square, and to report a schedule of the expense to this Board.

On motion of Alderman Jenks,

Ordered, That the sum recovered by James F. Gerald of Randolph in the Supreme Judicial Court for Suffolk County, April term, 1872, amounting to, with costs, \$3,669 86, and paid by the Treasurer on the execution of said court, be charged to the appropriation for Incidenta Expenses.

On motion of Alderman Woolley,

Ordered, That the Committee on Armories be authorized to expend, in addition to the sum of \$200 heretofore allowed for that purpose, the further sum of \$50 for putting in proper order for temporary use the armory of Company A, Ninth Regiment, M. V. M., at No 144 Hanover street; said sum to be charged to the appropriation for Armories.

On motion of Alderman Cutter,

Whereas it appears to this Board that the public convenience requires that the sidewalks on Copeland street be laid with brick; it is hereby

Ordered, That the Superintendent of Streets be and he is hereby directed to lay the sidewalks on said Copeland street with brick, and to report a schedule of the expense to this Board.

Ordered, That the Board establish the grade of Stoughton street, between Hancock and Pleasant streets, Ward 16, as shown on plans and profiles drawn by the City Surveyor, dated May 1, 1872, and deposited in the office of said City Surveyor.

Ordered, That the Board establish the grade of Pleasant street, between Stoughton and Hancock streets, Ward 16, as shown on a plan and profile drawn by the City Surveyor, dated May 11, 1872, and deposited in the office of said City Surveyor.

Ordered, That the Superintendent of Streets be directed to grade Seventh street, between B and C streets, according to the established grade of said street, at an estimated cost of \$1500.

Ordered, That the Superintendent of Streets be directed to grade B street, between Sixth street and the Old Colony & Newport Railroad, accord-

ing to the established grade of said street, at an estimated cost of \$1200.

Ordered, That there be paid to Ellen Prince the sum of \$3000, in full compensation for all damages caused to her estate, Nos. 191 and 193 Paris street, by the raising of the grade of said street, by order of the Board of Aldermen, May 14, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to John P. Morrison the sum of \$150, in full compensation for all damages caused to his estate on the north side of Chelsea street, near Brooks street, by the raising of the grade of said street, by order of the Board of Aldermen, July 11, 1870, upon the usual conditions; to be charged to the appropriation for Paving.

On motion of Alderman Clark,

Ordered, That there be paid to Susan D. Reynolds the sum of \$3663, for land taken and all damages occasioned by the widening of Kingston street, under a resolve of this Board of December 30, 1870, the said Susan D. Reynolds agreeing to pay in full the betterments assessed upon her estate before payment of the sum herein named to her, upon the other usual conditions; the same to be charged to the appropriation for Widening Kingston Street.

Ordered, That there be paid to Eliza Plympton the sum of \$3089, for land taken—in the name of Albert Plympton—and all damages occasioned by the widening of Kingston street, under a resolve of this Board of December 30, 1870, the said Plympton agreeing to pay in full the betterments assessed upon her estate before payment of the sum herein named to her, upon the other usual conditions; the same to be charged to the appropriation for Widening Kingston Street.

Ordered, That there be paid to the heirs of Charles H. Brown the sum of \$3523, for land taken and all damages occasioned by the widening of Kingston street, under a resolve of this Board of December 30, 1870, the said Brown agreeing to pay in full the betterments assessed upon his estate before payment of the sum herein named to them, upon the other usual conditions; the same to be charged to the appropriations for Widening Kingston Street.

Ordered, That there be paid to George H. Peters the sum of \$3236, for land taken and all damages occasioned by the widening of Kingston street, under a resolve of this Board of December 30, 1870, the said Peters agreeing to pay in full the betterments assessed upon his estate before payment of the sum herein named to him, upon the other usual conditions; the same to be charged to the appropriation for Widening Kingston Street.

Ordered, That there be paid to Charlotte A. Johnson the sum of \$2949, for land taken and all damages occasioned by the widening of Kingston street, under a resolve of this Board of December 30, 1870, the said Peters agreeing to pay in full the betterments assessed upon his estate before payment of the sum herein named to her; also, upon the usual conditions; the same to be charged to the appropriation for Widening Kingston Street.

Ordered, That there be paid to Joseph A. White the sum of \$2809, for land taken and all damages occasioned by the widening of Kingston street, under a resolve of this Board of Dec. 30, 1870, the said White agreeing to pay in full the betterments assessed upon his estate before payment of the sum herein named to him; also, upon the usual conditions; the same to be charged to the appropriation for Widening Kingston Street.

Ordered, That there be paid to Asa Jacobs and Asa Jacobs, Jr., the sum of \$15,250, for land taken in the name of A., A. M. & A. Jacobs and all damages occasioned by the extension of South Market street to Atlantic avenue, by a resolve of the Street Commissioners of March 8, 1872, upon the usual conditions; the same to be charged to the appropriation for the Extension of South Market Street.

Ordered, That the Committee on Streets be and they are hereby authorized to sell by public auction, for immediate removal by the purchaser, such portions of the buildings belonging to abutters upon the corners of Washington and River streets and Washington and Adams streets in Ward 16, as project over the lines of widening there established by resolves of the Board of Street Commissioners passed February 17, 1872, from which said abutters have received due notice to quit from said Board of Street Commissioners and with which they have failed to comply.

#### THE SUNDAY LIBRARY QUESTION.

The special assignment, the order requesting Trustees of Public Library to open the reading room of the library and permit the use of books



and periodicals therein on Sundays from two till nine o'clock P. M. was taken up for consideration.

Alderman Staekpole presented remonstrances from the Phillips Church and the South Baptist Church and Society against the proposed opening of the Public Library on Sunday, which were ordered to be placed on file.

Alderman Clark addressed the Board as follows:

Mr. Chairman—I presume every member of this Board has decided in his own mind how he shall vote upon this question, and that any remarks at this time are unnecessary, either for or against the measure.

A good deal could be said both for and against the opening of the reading room of the Public Library on Sunday. Those who are in favor think they have the best of reasons for desiring to have it opened, and those who are opposed think they have equally as good reasons for desiring to have it remain closed as it now is; and whichever way it is decided some will feel disappointed and some will feel gratified. It is a matter of importance, and I trust we have given it our careful consideration, and whatever the result may be, whether to open or keep closed the doors of the library on Sunday, whichever way it is decided, I hope will prove to be for the best interests of the city.

There have been some arguments urged in favor of opening the library on Sunday, from which I entirely and altogether dissent. It has been argued as a reason for opening that the Sunday which we recognize as the day ordained by the Almighty for a day of rest and a day to be observed differently from other days of the week, may not be the day which was intended to be so ordained, and therefore there can be no more harm in opening the library on this particular day than upon any other day, providing it cannot be proved that this was the day so ordained; and as in their opinion it cannot be proved, they desire to make no distinction of days.

Now, sir, I believe that God in his wisdom has set apart one day of the week as a day of rest, a day to be observed differently from the other six days, and that it is wrong and disobedient to his commands to engage in the every-day business of life upon this day as upon other days. I for one, sir, reverence the institution of the Sabbath; it is something which I learned in my childhood, and I trust I shall never forget it myself or neglect to teach it to my children. I believe that it is to this sacred veneration and observance of the Sabbath, more than to anything else, that New England is indebted for the influence she has exerted throughout our whole country.

Therefore it matters not to me whether the Jewish Sunday is the day of the Lord, or the Christian Sunday, as we have understood it from generation to generation—the first day of the week or the last day of the week—so long as I believe that one day among the seven is to be observed as a day of rest, the day which we now call the Sabbath Day and which is recognized by the whole Christian world as the Sabbath, is the day for me to observe as the Sabbath Day of the Lord; and all the arguments which can be brought forward by radical free-love theologians or spiritual geologists, or men who do not hesitate to declare that to them all days are alike, and the sooner all distinction of days is abolished the better, will not effect my opinion in the least, or change my belief that in the beginning God did establish the Sabbath, and that he requires it to be kept holy. So much for my belief that the Sabbath Day should be regarded differently from the other days of the week, and that all kinds of labor should be abandoned which are not works of necessity or works of charity.

I believe, sir, that everything which tends to elevate and improve the morals of a community is a work of necessity and a work of charity, and if by opening the reading room of the library on Sundays you can induce young men to spend the leisure hours of Sunday afternoons in reading and improving their minds, who otherwise would doubtless be spending them in vice and dissipation, it is a work of charity which we cannot afford to overlook.

It matters not whether the room will accommodate many or few. If ever so small a number can be saved it is our duty to throw open the doors, trusting that the result will be as satisfactory as has been the opening of the Young Men's Christian Union on Sundays, the importance of which no one will think of questioning for a single moment. And I am only surprised that the Young Men's Christian Association should close their doors on the very day of all others when, it seems to me, they could render the most service to those for whom it was established.

Alderman Cutter said he had no written speech to read, for his style needed no written speech. The proposed action was a step in advance of what this community had tolerated, and he begged them to pause before they authorized the opening of the doors of the Public Library on the Sabbath. The Christianity and the morals of a community were known by the way of keeping the Sabbath. This subject had been here before and the question of its legality was well known, the fact of its doubt being the reason for a petition to the Legislature for a change in the law for the right to open the library on the Sabbath.

The proposed action was in the face and eyes of the community and of the churches, and he asked, is it judicious in their face to overrun the law and vote against the convictions of the best class of the community? The middling classes, he contended, were the best classes, and they had not asked for the opening of the Public Library; it was asked by rich Unitarian churches, who do not want it for themselves, and do not need it, but for those who do not darken their doors on the Sabbath. That the poor and middling classes do not ask for it was shown in the vote at the Tremont Temple of every man, woman and child against it. To ask for the passage of such a measure in opposition to the wishes of the best half of the community was in bad taste, and he trusted that the order would not be passed.

Alderman Jenks said he trusted that the Alderman would not come with a written speech to be recorded with that narrow-minded party who oppose this measure. He hoped the vote would be ten out of eleven in favor of the order. The people who go to church are supplied with books out of church libraries, but he spoke for those who cannot afford to go to church, where the cost of a pew was about half as much as the whole salary which the Alderman was willing to pay the police. He hoped the order would be passed.

Alderman Cutter replied that the Alderman said well that he did not speak for those who go to church, for he spoke freely enough in committee, that he would not object to opening the theatres on Sundays, and that was the meaning of this order—a design to break down the observance of the Sabbath.

Alderman Jenks said the gentleman was partly right and partly wrong in giving his views. He abandoned the church when it was made a political rostrum, and when the preaching of the Gospel was brought back, he might return to it again. In the course of ten years he hoped the time would come when one could spend a day in church without hearing a political sermon from the beginning of the service to its end.

Alderman Power said he agreed with the gentleman on his right (Alderman Clark), who spoke his sentiments on the subject. The reasons given by some of the advocates for opening the library on Sunday would induce him to go against it, but he was of opinion that in this city no wrong would be tolerated for any length of time, and that there would be no risk of trying the experiment, whether it would be good or not in its results. In reply to the Alderman, who complained of the church, the difficulty was that he did not attend the right church; if he only attended the church where he did, his objection would be removed. He hoped the measure would pass, for no danger need be apprehended. He would yield to no one in his respect for the Sabbath, or Sunday, and while not so good a Christian as he wished he was, he wished a proper observance of the Sabbath or Sunday, and believed this would be such an observance, and that no evil results would follow from it.

Alderman Ricker stated that on account of sickness in his family, Alderman Sayward had gone home; and as he had paired with him, he asked to be excused from voting.

The request was granted.

The order was passed, in concurrence, by a vote of six to four, as follows:

Yeas—Clark, Fairbanks, Jenks, Little, Power, Squires.

Nays—Cutter, Poland, Stackpole, Woolley.

Alderman Clark moved a reconsideration of the vote.

Alderman Poland hoped the motion would not be pressed now, in the absence of one Alderman, and moved to lay the motion on the table.

Alderman Clark said the vote would be the same in the result if the Alderman was here, it being well known that Alderman Sayward was in favor of the order and Alderman Ricker was opposed to it.

Alderman Cutter replied that they could not determine how Alderman Sayward might act, but he



supposed the question would be pressed as it was in committee. There would be another meeting of the Board before another Sabbath, and this may be settled before the Sabbath. There seemed to be the same tenacity there was in committee, and he entreated that they should not be too hasty.

Alderman Ricker moved that the motion to reconsider be laid on the table.

Alderman Clark hoped the Alderman would pair on this as on the passage of the order.

Alderman Ricker replied that although the absent Alderman was known to be liberal in his views, he could not tell how he might vote on this motion, but he thought he might vote to lay it on the table.

The motion to lay the reconsideration on the table, was lost, by a vote of five to six as follows:

Yeas—Cutter, Ricker, Poland, Stackpole, Woolley.

Nays—Clark, Fairbanks, Jenks, Little, Power, Squires.

Alderman Cutter moved an adjournment, on which, on motion of Alderman Clark, the yeas and nays were ordered.

The Chairman stated that there was some other business which it was desirable should be done.

The motion to adjourn was lost by a vote of five to six, as follows:

Yeas—Cutter, Poland, Ricker, Stackpole, Woolley.

Nays—Clark, Fairbanks, Jenks, Little, Power, Squires.

The motion to reconsider was taken and lost.

On motion of Alderman Jenks, the Report of the Committee on Claims, stating the settlement of the claim of Thomas Richardson vs. City of Boston, (City Document 54,) was taken from the table and accepted.

Adjourned to Friday next, 4 o'clock P. M.







## CITY OF BOSTON.

Proceedings of the Common Council,  
JUNE 13, 1872.

The regular weekly meeting of the Common Council was held this evening, at 8 o'clock, M. F. Dickinson, Jr., the President, in the chair.

The Auditor's monthly exhibit, June 7, was ordered to be placed on file.

The petitions of F. M. Josselyn and others, C. B. Barrett and others, and of N. C. Munson, were severally referred, in concurrence.

The following matters were concurred in, on references:

Reference to the Committee on Streets of a resolve and order from the Street Commissioners for the widening of Pynchon street, at an adjudged expense of \$37,510 44. (City Doc. 65, 1872.)

Reference to same committee of a communication from Town of Brookline for a conference in relation to laying out streets and squares, etc.

Reference to Committee on Water of a communication from the Selectmen of Brookline for a conference on the subject of a supply of water.

The following reports were accepted, in concurrence:

Report leave to withdraw on the petitions—

1. Of Timothy H. Smith, to be paid for damages to his property in Smith's avenue by the Water Department.

2. Of Timothy H. Smith, to be paid for property alleged to be lost through negligence of police on Kendall and Hammond streets.

Report and order authorizing the Inspector of Buildings to issue a permit to J. O. Whiting & Co. to erect a wooden building on the south side of Central wharf, near India street, were passed in concurrence.

Also, a permit to Daniel Rickerby for the erection of a wooden building on Malden street.

Also, a permit to Crowley & Coughlan to erect a wooden building on the corner of Malden and Albany streets.

Report of the Committee on Claims, containing the terms of settlement in the case of Thomas Richardson vs. the City of Boston (City Document 54) was accepted in concurrence.

The following orders were severally passed, in concurrence:

Order to pay the sum recovered by James F. Gerald in the Supreme Court, amounting with costs to \$3669 86.

Report and order to pay Hannab Mulvin, on account of injuries caused by an alleged defect in Fifth street, the sum of \$1500.

Order authorizing the sale and removal of such portions of the buildings of the abutters upon the corners of Washington and River streets and Washington and Adams streets, in Ward 16, as project over the lines established for the widening of said streets.

Order authorizing the expenditure of an additional sum of \$50, for putting in proper order for temporary use the armory of Co. A, Ninth Regiment M. V. M., at 144 Hanover street.

Report and orders authorizing the purchase of the Richardson estate, adjoining the Public Library, at \$70,000, and for a loan of said sum to be applied therefor.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order authorizing a loan of one hundred thousand dollars, to be applied to the extension of Appleton street, from Berkeley street to Tremont street.

Orders authorizing a lot of land to be purchased on Columbia street, Ward 16, containing twenty-five thousand two hundred and fifty-two square feet, at not exceeding forty-five cents per square foot; and for a loan of eleven thousand dollars to be applied therefor.

The orders authorizing a purchase of twenty-seven thousand square feet of land owned by William Evans, bounded by Springfield and Albany streets and East Chester park, at not exceeding two dollars per foot; and for a loan of fifty-four thousand dollars to be applied therefor, were referred to the Committee on Public Lands.

## SITE FOR A HIGH AND LATIN SCHOOLHOUSE.

The order for the purchase of a site for the English High and Latin schools, at not exceeding \$415-

000, and for a loan thereof to be appropriated therefor (City Doc. No. 48), was taken up by special assignment.

The pending question was the amendment proposed by Mr. Brooks of Ward 1, to substitute the following for the order of the committee:

Ordered, That the Committee on Public Institutions be authorized to purchase, as a site for the English High and Latin schools, the estates on Warren avenue and Montgomery streets, between Dartmouth street and Clarendon street, owned by John L. Gardner, containing 74,100 square feet, more or less, exclusive of the passageway; also the estate on the corner of Warren avenue and Dartmouth street, owned by the Washingtonian Home, containing 10,000 square feet, more or less, for a sum not exceeding \$280,000.

Also to amend the second order, by striking out "\$415,000," and inserting in place thereof "\$280,000."

A further motion to amend was also pending by Mr. Robinson of Ward 11, to strike out the word "Dartmouth" from the order.

Mr. Fitzgerald of Ward 7 moved to amend Mr. Brooks's amendment by substituting therefor the following:

"That the Committee on Public Instruction be authorized to purchase, as a site for the English High and Latin schools, the vacant land owned by John L. Gardner, situated between Montgomery street and Warren avenue, containing 274,242 square feet, more or less, for a sum not exceeding \$3 per square foot. Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$223,000, to be applied to the purchase of a site for the English High and Latin School on Warren avenue and Montgomery street, and situated between said streets."

The Chair ruled the motion to be not in order, there being two motions to amend pending, when Mr. Robinson withdrew his amendment, and the above was offered as an amendment of the order of Mr. Brooks.

Mr. Fitzgerald, in support of the amendment, urged that the lot of Mr. Gardner, with the passageway of 8000 or 9000 feet, would give an aggregate of 82,000 square feet, which he considered quite sufficient for these schoolhouses, and would bring the land available for the schoolhouses within 8000 feet of that proposed by the committee, while the expense would be \$200,000 less. Such a site would be sufficient to accommodate all the scholars of these schools with an abundance of room. There were many persons, he was aware, living in the vicinity, who would like to have the city purchase the estate of the Washingtonian Home to get the home out of their way, but he was not willing to vote \$20,000 or \$30,000 to that institution in this way, by paying so much more than the value of the estate, for the sake of buying it. He wished the schoolhouse to be there, as a central spot, and believed there would be land enough as proposed by this order.

Mr. Gragg of Ward 14 said he was not present when the discussion on this subject took place, and he proposed to go over the advantages of a change of location of these schools, which he did. That a change was necessary, he did not suppose any member of the Council would doubt, and the location had the approval of the School Committee; while he did not suppose it was possible to select any place which had all the advantages which this possessed. The mere matter of \$40,000 or \$50,000 was a small consideration in securing these advantages, to their fullest extent, for this sum would be but the amount to be gained by the amendment of the gentleman from Ward 1; and as the amendment of the gentleman from Ward 7 was more objectionable, he hoped it would not pass.

Mr. Fitzgerald said he did not propose to take up any more of the time of the Council in regard to the importance of these schools. In respect to quiet, as Dartmouth street would become a great thoroughfare, it would be better to let the buildings remain on that street. There would be ample space for the two schoolhouses and for a play ground, without the land on Dartmouth street.

Mr. Shepard of Ward 4, as a friend of the original order, was willing to accept the first amendment as a compromise, without which the order would not be likely to be passed. The location of the Washingtonian Home, he believed would be objectionable, from its height, with stores constructed beneath it, by which a view of the schoolhouse would be cut off in that direction. There should be an open space about all public buildings which are costly and elegant.



Mr. Shepard said he did not have any hostility to the Washingtonian Home, which was a valuable institution, and in regard to the price he did not believe it was high. Yet if it could not be obtained at a reasonable price, he hoped it would be taken, as it might be by law.

Mr. Emery of Ward 10 objected to the last amendment, and favored the first.

Mr. Brooks advocated his amendment, believing it to be best to take the estate of the Washingtonian Home now, rather than be obliged to take it hereafter at a much greater price. He defended his figures as to the saving in not taking the dwelling houses on Dartmouth street. By taking the Washingtonian Home, they would have an entrance on Dartmouth street and two-thirds of the land on that street, and should it be necessary hereafter to take the dwelling houses, it would not be at a great advance on the present cost.

The question was taken on the amendment of Mr. Fitzgerald, which was rejected.

The question recurring on the amendment of Mr. Brooks, Mr. Fitzgerald said he had not yet learned how much the Washingtonian Home wished for that estate. Usually, in the purchase of an estate, the price was specified; but in this case no price was stated, and the nearest he could get to it was, that if \$55,000 was offered, they would consider it. He did not, however, believe that they would accept it, but would get from the city all they could. If the committee could give any information on the subject, he should like to hear it.

Mr. Gragg expressed the belief that the figures of the committee were reliable, and that the difference between the cost as proposed by the committee and that of the amendment, would not be more than \$55,000. On that account the adoption of the amendment would be a mistake.

Mr. Flynn of Ward 7 moved the previous question, which was sustained, when the amendment was carried, and the order as amended was passed, by a vote of 45 yeas to 9 nays, as follows:

Yeas—Bicknell, Bradt, Brooks, Burditt, Burt, Caton, Collins, Cunningham, Darrow, Davenport, Devine, Dickinson, Doherty, Dolan, Emery, Faxon, Flynn, Gragg, Hart, Hersey, Jones, Kingsley, Locke, Loring, McNutt, Moulton, Noyes, Page, Pease, Perkins, Pickering, Prescott, Risteen, Robertson, Salmon, Shepard, Smith, Thacher, Walker, Webster, West, Weston, Whiston, Wilbur, Wright.

Nays—Bickford, Clatur, Dacey, Fitzgerald, Flanders, Heath, Martin, Robinson.

Messrs. Gragg and Doherty at first voted no, and changed their votes.

A motion to reconsider the passage of the order was made and lost.

The following orders, specially assigned, were each passed, in concurrence:

Order authorizing not exceeding six thousand dollars to be expended in improving the grounds in Cedar Grove Cemetery; said sum to be transferred from the Reserved Fund.

Order authorizing alterations to be made in the delivery room of the Public Library, and five thousand and five hundred dollars to be transferred from the Reserved Fund to pay therefor.

#### PETITIONS PRESENTED AND REFERRED.

Jonas P. Tolman, for leave to purchase a triangular strip of land rear of old town house, Ward 16, belonging to the city. Referred to Committee on Public Lands.

S. P. Ramsdell and 400 others, in aid of the petition of the Boston Eight-Hour League. Referred to Committee on Ordinances.

#### COMMUNICATIONS FROM THE SCHOOL COMMITTEE.

Communications were received from the School Committee, with requests to remove the Stoughton Intermediate School building on Codman street to some suitable locality near its present site, and to purchase a lot of land therefor; also to procure a lot of land for a new primary schoolhouse in the Lawrence District, and for a new house for the Mather School. Severally referred to the Committee on Public Instruction.

#### REPORT OF DIRECTORS FOR PUBLIC INSTITUTIONS.

The fifteenth annual report of the Board of Directors for Public Institutions was laid before the Council in print by Mr. Webster of Ward 6.

The expenditures for the House of Industry were \$8767 34 for subsistence of officers and \$45,420 68 for subsistence of institution, and some of the other expenditures were \$19,795 93 for clothing and bedding, \$19,191 89 for salaries, \$14,272 22 for fuel

and lights, \$10,679 02 for repairs and alterations, \$5416 31 for agricultural department, and \$5032 15 for furniture and utensils, with sundry smaller items, the whole making a total of \$137,291 83.

The expenditures for the House of Correction were \$4385 93 for subsistence of officers, \$14,611 32 for subsistence of institution, \$13,344 11 for salaries, \$6823 33 for fuel and light, \$5213 33 for clothing and bedding, and the total amounted to \$60,532 10, to which was added \$3164 18 to replace property destroyed by fire.

The expenditures of the Lunatic Hospital were \$5919 94 for subsistence of officers; \$15,956 82 for subsistence of institution, \$13,526 68 for salaries, \$5,580 26 for fuel and lights, \$4380 78 for repairs and alterations, \$3968 83 for furniture and utensils, and the total \$61,608 91.

The expenditures for steamboat Henry Morrison amounted to \$12,289 39, of which \$4800 was for managing, \$3000 for rent of dock, \$1516 for repairs and \$1876 for fuel.

The office expenses amounted to \$7465 12, of which \$5650 was for salaries. The pauper expenses amounted to \$8255 13, of which \$4673 93 was for support of persons committed to public institutions for which the city was liable, and \$1500 for salary of driver of carriage.

The quarantine expenditures amounted to \$13,285 81, of which \$5083 95 was for repairs and alterations. A recapitulation gives the total expenditures for the several departments, as follows:

House of Industry.....	\$137,291 83
House of Correction, current expenses.....	60,532 10
House of Correction, extra expenses acc't fire.....	3,164 18
Lunatic Hospital.....	61,608 91
Steamer Henry Morrison.....	12,289 39
Office Expenses.....	7,465 12
Pauper Expenses.....	8,255 13
Quarantine Department.....	13,285 81
Total.....	\$303,892 47

In the aggregate the cost of subsistence was \$95,062 03; salaries, \$46,062 68; fuel and lights, \$26,675 81; repairs and alterations, \$17,049 36; clothing and bedding, \$27,474 48; Agricultural department, \$10,518 49; furniture and utensils, \$10,395 59.

The incomes of the several institutions were as follows: House of Correction, \$72,441 37; House of Industry, \$20,554 16; Lunatic Hospital, \$6683 37; Quarantine Department, \$5332 40; steamboat Henry Morrison, \$2000; pauper expenses, \$433 10—making a total of \$107,444 40. This sum has been paid into the City Treasury, and shows a decrease of \$6700 81 from the income of the previous year. The total cost less income was \$196,448 07. The increased expenditure was \$3824 73.

During the year a new receiving house has been erected at Deer Island, at a cost of \$12,315 28; also a new workshop at the same place, costing \$10,463 86, special appropriations having been made for the same.

A special appropriation of \$10,010 30 for laying water pipes and boilers at Deer Island has been made, and the work completed at a cost of \$7765 65, leaving a balance of \$2,244 65 to be added to the Sinking Fund.

The expenditures on account of new Lunatic Hospital for the financial year have been as follows, viz.:

Collation and expenses of City Council visiting farm at Winthrop, \$702 56; building fences and ditching farm, \$596 53; town of Winthrop, taxes for 1871, \$370 53. Total, \$1669 62.

The number of inmates of the House of Correction last year was 355, showing a decrease of 54; House of Industry, 547, an increase of 66; Almshouse, 254, an increase of 4; House of Reformation—boys, 264, a decrease of 5; girls, 31, a decrease of 7; Lunatic Hospital, 233—the total being 1684, or an increase of 4. The average expenditure was \$3 13 per week for inmates of the House of Correction, \$2 30 for House of Industry and Almshouse and House of Reformation, and \$4 97 for Lunatic Hospital.

The Directors say "the usual degree of success has marked the course of management of the institutions the past year." The overcrowding of the House of Industry upon other departments is referred to as still continuing; the introduction of water, the providing of fire annihilators, the new reception house at the landing, the new workshop and the new bakery to be erected, are all commended as important improvements. The filling in of the seawall is rapidly approaching completion, telegraphic communications with the city will soon be established, and other proposed improvements are referred to.

The schools in the Almshouse Department and in the House of Reformation are in good condi-



tion, and the building for the children of the Almshouse Department has answered all expectations. A change is recommended in the ordinance relating to neglected children, so that children now committed to the House of Reformation may be committed to the custody of the Board of Directors, to be placed in such of the institutions as in the discretion of the Board may be for their best interests. There has been but a limited amount of sickness during the past year, and nothing of an epidemic character.

In relation to the Lunatic Hospital, after referring to the order of the City Council for the commitment of insane persons to the State hospitals, and the designation of the Taunton Hospital for such commitments, the Directors say:

"Many cases arise wherein this arrangement is regarded alike by the authorities and the friends of the patient as an extreme hardship, especially in the cases of old and infirm people, or those much prostrated by physical weakness, but more particularly in regard to those who have been former inmates, and who, by recurrence of disease, are obliged to seek an asylum, and who shrink from entering a hospital, among entire strangers, where their condition may not be fully known. It is often difficult to explain to those who insist upon their right and privilege as tax-paying citizens the reason why their friends are deprived of the benefits of an institution for whose support they are taxed. They desire to be informed why one portion of our insane are cared for by the city in the immediate vicinity of home, while *their* friends are sent to a distant hospital, where visiting is attended with great inconvenience and expense, and from whom they can receive only weekly reports.

These citizens do not ask that their friends be placed in hospitals, near or distant, whereby they can simply be cheaply maintained, but they desire that those thus afflicted should be afforded every means for restoration, whether they be rich or poor. The mere cost of board is not and should not be a criterion to judge of the successful care of the insane either by the city in its own institutions or by the State. The question should not be, can the inmates be cheaply maintained, but, whether they can be successfully treated and cured. As a municipality we are abundantly able, and, as humane people, we ought willingly to provide for our insane citizens as well as other large cities of our land. We should furnish not only the ablest professional skill, but all the conveniences and facilities for reaching a favorable result.

Dr. Walker, the superintendent, with a humanity and sympathy which are highly commendable, does all in his power to alleviate the distress of those under his charge, and render them comfortable."

The House of Correction is said to be still self-sustaining, returning an income of nearly \$12,000 over the expenditures. The new chapel and workshop will be completed during the present season. It is intended that the prison shall be heated by steam apparatus rather than by stoves, as at present.

Messrs. Cobb and Webster dissent from that portion of the report relating to the Lunatic Hospital.

Mr. Webster presented the following report from the minority of the committee, which was laid on the table and ordered to be printed:

The undersigned, a minority of the Board of Directors for Public Institutions, beg leave to dissent from so much of the annual report of said Board for the year ending May 1, 1872, as relates to the Lunatic Hospital at South Boston.

The report states that "the appeals which the Board have so frequently made in behalf of this institution have not been answered, nor is the condition of the unfortunate inmates materially changed."

The undersigned believe the order passed by the City Council in December last, requesting the authorities charged with the commitment of insane persons in this county "to designate one of the State lunatic hospitals instead of the Boston hospital as the receptacle for such persons hereafter committed by them," has had the effect of providing much better accommodations for those who have been committed since that date than they would otherwise have had; and it has improved the condition of those already in the hospital by reducing the number to be provided with accommodations.

During the period of five months that this order has been in force, the number in the hospital has been reduced from 249 to 230. If this system is continued for a year longer, the hospital will not contain more patients than can be comfortably accommodated.

It is true that there have been some cases where the friends of the patient have objected to sending them to State institutions; but the undersigned are not aware of any instances of actual hardship either to the patients or their friends since the order went into operation. In any case where it would be a hardship to send a patient out of the city, it is within the discretion of the authorities to commit to South Boston; and such commitments have been made since the first of January, both upon the request of the City Council and the Directors.

The majority say "these citizens do not ask that their friends be placed in hospitals, near or distant, whereby they can simply be cheaply maintained, but they desire that those thus afflicted should be afforded every means for restoration, whether they be rich or poor." "The mere cost of board is not and should not be a criterion to judge of the successful care of the insane either by the city in its own institutions or by the State." "The question should be not whether they can be cheaply maintained, but whether they can be successfully treated and cured." Now if this statement means anything it means this: there is no objection to sending insane persons to institutions out of the city, if they are properly treated. There is certainly a broad insinuation here, that those sent to the State institutions are not properly treated, otherwise the objections urged against the order of the City Council are, on the majority's own showing, entirely without foundation.

The majority say that applicants "desire to be informed why one portion of our insane are cared for by the city in the immediate vicinity of Boston, while *their* friends are sent to a distant hospital where visiting is attended with inconvenience and expense, and from whom they can have only weekly reports."

We believe that the patients in the State hospitals are as well cared for and as successfully treated as they *could* be in any institution belonging to the city. The fact that it costs the city more than it does the State to support them, only shows that the latter manages its institutions more economically than the former. Indeed, there is no reason why the State should not be able to obtain better results at less expense than the city. The duty of providing for the care and treatment of the insane naturally devolves upon the State. It is a duty that could not with safety or propriety be left to the several cities and towns, or to the counties. The State, by having control of several institutions, the services of a special Board of Trustees for each of them, and a general board whose duty it is to make comparisons of methods and consider the subject, both practically and theoretically, is, as a matter of course, in a much better position to perform the work than a local organization. The State hospitals have been more recently constructed, are better located, and are better adapted in every way to secure the comfort and well being of the inmates, than the present City Hospital. As to the friends receiving only weekly reports from State institutions, it may be said that the president has already requested that daily reports may be sent to the Board of Directors of the condition of all patients from this city, and there is every reason to believe that a favorable response will be received. The construction of a new hospital by the city would involve an expense which, under the circumstances, is entirely uncalled for. There is little doubt that the State would, upon a petition of the City Government, furnish accommodations in the immediate vicinity of Boston for those having a settlement here.

Why should this city pay one-third of the expense which devolves upon the State, of maintaining the asylums where the poor of other cities and towns are supported at \$3.50 per week, and also build and maintain an institution of its own, where it will cost double that sum to support the inmates? No satisfactory answer has been or can be given to this question.

The subject was considered so fully in a communication sent to the last City Council by a member of the Board of Directors (City Document No. 77 hereto appended) that it is unnecessary for us to present the matter more in detail at this time.

Respectfully submitted,  
(Signed) DAVID L. WEBSTER,  
SAMUEL C. COBB,  
WILLIAM SEAVER.

Mr. Webster presented a remonstrance from D. Humphrey Storer and other physicians, against the building of a new hospital for the insane. Referred to Committee on Public Institutions, with instructions to hear the remonstrants.



## MONTHLY REPORT OF THE CITY HOSPITAL.

The monthly report of the Trustees of the City Hospital gives the following statement of the cases treated during the month of May:

	Med.	Surg.	Ophth.	Small-pox.	Total.
In hospital May 1.....	112	90	2	19	223
Adm'd during the month.....	132	97	6	87	322
Whole number treated.....	244	187	8	106	545
Discharged.....	124	83	5	57	274
Died.....	15	10	0	13	38
Remaining May 31.....	105	89	3	36	233

In the out-patients department the cases treated were as follows: Medical, 432; surgical, 648; ophthalmic, 1135; aural, 190; cutaneous, 287. Total, 2692.

Ordered to be sent up.

## REPORTS OF COMMITTEES.

Mr. Flynn of Ward 7, from the Joint Standing Committee on Streets, to whom were referred the resolve and order to widen Summer street on the southerly side, at the corner of South street, at an estimated expense of \$22,170, having considered the same, made a report that the resolve and order ought to pass.

The report was accepted, and the resolve and order were passed.

Mr. Flynn, from the same committee, to whom was referred the order in relation to furnishing estimates of the expense of widening Lyman street, and widening and extending Chilson place, made a report recommending the passage of the order in a new draft, as follows:

Ordered, That the Board of Street Commissioners be requested to report upon the expediency of widening Lyman street, between Green street and Chilson place, and widening and extending Chilson place to Merrimac street; and also to report estimates of the expense of making said improvement.

The order was passed.

## ORDERS PASSED.

On motion of Mr. Perkins of Ward 6,

Ordered, That the Board of Street Commissioners be requested to report to the City Council estimates of the expense of widening Atlantic avenue in accordance with a plan made by Edmund Quincy, Jr.

On motion of Mr. Gragg of Ward 14,

Ordered, That the Committee on Public Instruction be requested to inquire into and report whether the practice of parading the school battalion, for purposes of escort duty and similar service, is detrimental or otherwise to the health and instruction of the pupils belonging to said battalion, and that the committee be authorized to investigate the matter, if in their judgment it is desirable.

Mr. Bicknell of Ward 4 moved a reconsideration of the vote passing the order providing for reporting and publishing an abstract of the business and proceedings of the City Council.

Mr. Perkins said he hoped the motion would prevail, when he would offer an amendment, for he understood it was not designed to take the power

entirely out of the hands of the Committee on Printing in relation to the matter.

The motion to reconsider was carried.

Mr. Perkins moved to strike out the last line of the order, requiring the committee to report on the same to the City Council, and to insert in place thereof, "and make a contract for such printing, the expense thereof not to exceed \$4500, to be charged to the appropriation for Printing."

Mr. Brooks of Ward 1 expressed the hope that the amendment would prevail.

The amendment was adopted, and the order as amended was passed.

On motion of Mr. Pease of Ward 1, an order was read once authorizing the Committee on Harbors to make arrangements for the annual excursion of the City Council in the harbor.

Mr. Perkins of Ward 6 offered an ordinance in amendment of the ordinance in relation to fire-arms, bonfires, and brick kilns, providing a penalty for the discharge of any gun, fowling piece, or firearm within the limits of the city of Boston between the hours of sunset and sunrise, and providing also that no discharge of such arms shall be made in the daytime without the license of the Mayor or Board of Aldermen, the provision not to apply, however, to military exercises or reviews authorized by law or by the City Council, or in the lawful defence of the person, family, or property of any citizen.

Referred to the Committee on Ordinances.

## THE BURRILL CLAIM.

Mr. Flynn, of Ward 7, moved a reconsideration of the vote by which the order for the payment of the Burrill claim was rejected. Carried, by a vote of 29 to 17.

The question being on the passage of the order, Mr. Webster of Ward 6, stated as his belief, that more than two-thirds of the members of the Council were in favor of it, but the Council was not full, and five or six who were in favor of the order were absent. As it was not at all probable that the Council would be full enough to get a fair expression of opinion for two or three months, he moved that the order be specially assigned to the second regular meeting of the Council in October, at 8½ o'clock.

Mr. Robinson of Ward 11 moved its reference to the next City Council.

The Chair stated that the motion would be equivalent to an indefinite postponement, and as the first was for an assignment to a day certain, the question would be first upon that.

Mr. Brooks of Ward 1 hoped the motion would not prevail, and that the question be taken on its merits, as there was a quite large attendance of the Council. He doubted the statement that there were two-thirds of the members in favor of paying the claim, as was indicated last Thursday night. It might be good to keep, but he was in favor of settling it tonight.

A motion for the yeas and nays on the assignment was lost.

The motion to assign was carried by a large majority.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JUNE 14, 1872.

An adjourned meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Four grand jurors were drawn for the United States District Court.

## APPOINTMENTS MADE AND CONFIRMED.

Special police officers, without pay—Calvin Stone, for Methodist Episcopal Church, Tremont street; A. H. Bicknell, for St. James Hotel and vicinity; James A. Crowe, for Ruggles-street Baptist Church; Benjamin F. Groton, for Litchfield's wharf and vicinity; A. G. Chase, for Pfaff's Hotel, corner of Pleasant and Eliot streets; and F. H. Tyrrell, J. A. Brown, Robert Potter, Hamilton Potter, John N. Ball and John C. Frank, severally for Long Island, Boston Harbor.

## POLICE OFFICERS APPOINTED.

About 325 police officers were appointed, whose term of service shall commence on the 17th of June current, and end on the 5th of July next, and the Chief of Police authorized to employ such of said persons as he may select for said term or such portion thereof as he may determine.

## PETITIONS PRESENTED AND REFERRED.

Samuel Frothingham and others, that Dartmouth street, from Beacon street to Huntington avenue, be called Dartmouth avenue.

Benjamin Dean and others, that Broadway, between O and P streets, may be graded, etc.

Dona Julia Pimental, to be paid for damages to her estate on Fabin street, by change of grade.

T. L. Sturtevant and others, for damages by change of grade on Essex street.

Severally referred to the Committee on Paving. William Trumbull, for removal of a nuisance near 195 Silver street, caused by a deposit of straw, etc., in the said street.

Phineas Cary, for leave to occupy a wooden stable for one horse in rear of 64 Castle street.

John Murphy, for leave to build a wooden stable for two horses, on Commercial street, near the gas works, Ward 16.

Severally referred to the Committee on Health.

J. B. Winsor and others, for the use of Faneuil Hall June 18 for a workingmen's meeting. Granted.

Merriam, Philbrook & Co. and others, that the Faneuil Hall Market houses be closed on June 18, 19 and 20, at 12 M.; and remonstrance of Curtis & Co. and others, against the same. Referred to Committee on Market, with full powers.

Union Freight Railroad Company, for acceptance of charter. Referred to Aldermen Clark and Ricker, with such as the Common Council may join.

D. W. Beckler, for a hearing relative to a prosecution for violation of law in relation to inspection of buildings. Referred to Committee on Survey and Inspection of Buildings.

Frauz Petersilea, for leave to locate and use a steam engine near Tremont street, in Mattapan. Order of notice for a hearing, Monday, July 8, 4 o'clock P. M.

A communication was received from the Middlesex Railroad Company, accepting the location granted by the Board, June 10, 1872. Ordered to be placed on file.

A vote of thanks was received from Post 68, G. A. R., for the generous manner in which the City Government contributed towards defraying the expenses of Memorial Day. Ordered to be sent down.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of S. B. Ramsdell and others, Jonas P. Tolman, and of D. Humphreys Storer and others were referred, in concurrence.

The monthly report of the City Hospital was ordered to be placed on file.

The following matters were referred, in concurrence:

Reference to Committee on Public Institutions of the annual report of the Board of Directors for Public Institutions, and of the report of a minority of the Board.

Reference to Committee on Ordinances of ordinance to amend an ordinance in relation to fire-arms, bonfires and brick kilns.

The several communications from the School Committee were referred to the Committee on Public Instruction, in concurrence.

The order requesting the Committee on Public Instruction to inquire and report as to the effects of parading the School Battalion for escort duty and similar service, coming up for consideration, on motion of Alderman Jenks it was referred to the Committee on Armories.

The orders authorizing a purchase of twenty-seven thousand square feet of land owned by William Evans, bounded by Springfield and Albany streets and East Chester park, at not exceeding two dollars per foot; and for a loan of fifty-four thousand dollars, to be applied therefor, were referred to the Committee on Public Lands, in concurrence.

The following orders were severally passed, in concurrence:

Order authorizing not exceeding six thousand dollars to be expended in improving the grounds in Cedar Grove Cemetery; said sum to be transferred from the Reserved Fund.

Order authorizing alterations to be made in the delivery room of the Public Library, and five thousand and five hundred dollars to be transferred from the Reserved Fund to pay therefor.

Resolve and order for the widening of Summer street, on the southerly side, at the corner of South street, as provided by order of the Street Commissioners, at an estimated expense of \$22,170.

Order, That the Board of Street Commissioners be requested to report upon the expediency of widening Lyman street, between Green street and Chilson place, and widening and extending Chilson Place to Merrimac street; and also to report estimates of the expense of making said improvement.

Order, That the Board of Street Commissioners be requested to report to the City Council estimates of the expense of widening Atlantic avenue in accordance with a plan made by Edmund Quincy, Jr.

The order to provide for reporting and printing an abstract of the business and proceedings of the City Council coming up amended, the order as amended was passed, in concurrence.

The orders for the purchase, as a site for the English High and Latin schools, the estates on Warren avenue and Montgomery streets, between Dartmouth street and Clarendon street, owned by John L. Garduer, containing 74,100 square feet, more or less, exclusive of the passageway; also the estate on the corner of Warren avenue and Dartmouth street, owned by the Washingtonian Home, containing 10,000 square feet, more or less, for a sum not exceeding \$280,000, and for borrowing the money therefor, coming up,

On motion of Alderman Jenks, it was laid on the table.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on the Market, reported in favor of a transfer of lease of stall 92, Faneuil Hall Market, from Edward Sands to Jacob Fottler; also for the transfer of interest of Edward Sands in stalls 88-90 to Furbur & Evans. Severally accepted.

Alderman Sayward, from the special committee to whom was referred the second application of George W. Harrington, for the benefit of the Franklin Fund, made a report that the sureties offered are satisfactory, and they recommend that the application be granted. Accepted.

Alderman Squires, from the Committee on Public Lands, reported leave to withdraw on remonstrance of Peter Dailey against any alterations in the boundaries of lots of land on West Canton street, and on petition of John Field for exchange of parcels of land on High-street place. Severally accepted.

Alderman Sayward, from the Committee on Faneuil Hall, reported in favor of the use of said hall by Nehemiah Gibson and others for a temperance meeting, July 2; also in favor of the petition of J. B. Winsor and others, for the use of Faneuil Hall, June 18, for a workingmen's meeting. Severally accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of the petition of the Smith American Organ Company, for leave to locate and use a steam boiler and engine at the corner of Albany street and East Brookline street. Accepted.

Alderman Sayward, from the Committee on Health, who were directed to consider the expedi-

ency of accepting chapter 231 of the acts of 1872, having attended to that duty, recommend the passage of the following order,

Ordered, That chapter 231 of the statutes of 1872, entitled "An act to provide for the appointment of Inspectors of Provisions in cities and towns," be and the same is hereby accepted by the City Council of Boston.

The report was accepted, and the order was passed.

Alderman Sayward, from the Committee on Health, reported in favor of stables, as follows:

Thomas Allman, to erect a wooden stable on Ninth street, near Dorchester street, for twelve horses; W. W. Wright, to move his stable nine feet and reoccupy it in the new location; Frank Thompson, to build a stable for two horses on Newman and Champney streets; Patrick O'Leary, to erect a wooden stable for two horses on First street, near Dorchester avenue; T. P. Moseley, to build a stable on Carlton Street, near Crescent avenue; W. Clark & Co., to occupy a wooden stable for eight horses on Albany street, at the foot of Dedham street; Henry Emmons, to build a stone stable on Perrin street; John Lane to use a building at 93 Hampden street for a stable; John A. Clifton & Co., to build a stable for two horses at 263 London street. Accepted.

The same committee reported leave to withdraw on petitions of E. A. Fowler, for leave to build a stable for two horses at 216 Warren street, and of Lyman O. Dow, to occupy a wooden stable with two horses on Norfolk avenue. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows:

John B. Bachelder, to exhibit his painting of the "Battle of Gettysburg," at the corner of Huntington avenue and Clarendon street; Robert Wilson, to give an exhibition of "clog dancing" at Institute Hall, June 27; Raphael & Howe, to exhibit a camera obscura on Huntington avenue; William B. Stacey, to exhibit a stereopticon at Tremont Temple, June 17 and subsequent days; George A. Caswell & Co., to exhibit a piece of statuary at 16 Boylston street; C. O. Gott, to exhibit the Cardiff Giant near the Coliseum grounds; also licenses to sundry persons as victuallers and innholders, for a hack station and for a billiard saloon. Severally accepted.

The same committee reported leave to withdraw on petition of Carlos G. Fiske for a hack stand in Hamilton place, and on petitions of Mary Sullivan, 180 Broad street, M. & S. Jones, 472 Washington street, and Orange S. Canfield, 1252 Tremont street, for licenses as victuallers. Severally accepted.

ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That notice be and hereby is given to the owners and abutters on Shawmut avenue, between Tremont street and Chapman street, to remove within ten days all obstructions of whatsoever kind placed by them in said avenue; and in default thereof the Superintendent of Streets is

hereby directed to remove said obstructions at the expense of the owners thereof.

Ordered, That there be added to the appropriation heretofore made for the construction of a staircase from the Dartmouth-street bridge the further sum of \$100; to be charged to the appropriation for Back Bay Bridges.

Ordered, That the Superintendent of Streets be directed to set back the retaining walls and grade Quiney street, as recently ordered by the Board of Street Commissioners, near Warren street, at an estimated cost of \$1000.

On motion of Alderman Clark,

Ordered, That there be paid to Wallace F. Robinson the sum of \$15,000, for land taken and all damages occasioned by the extension of South Market street to Atlantic avenue, by a resolve of the Board of Street Commissioners of March 8, 1872, upon the usual conditions; to be charged to the appropriation for Extending South Market Street.

Ordered, That there be paid to David Snow the sum of \$15,400, for land taken and all damages occasioned by the extension of South Market street to Atlantic avenue, by a resolve of the Street Commissioners, March 8, 1872, upon the usual conditions; to be charged to the appropriation for the Extension of South Market street.

On motion of Alderman Fairbanks,

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Bennington street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Longwood avenue, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Shawmut avenue, between Vernon and Dudley streets, and report a schedule of the expense to this Board.

ORDERS OF NOTICE.

On the proposed construction of a common sewer in Foundry street, between Fourth and First streets. Hearing Saturday, June 22, 12 M.

On the proposed construction of a sewer in Seventh street, between L and N streets. Hearing Saturday, June 22, 12 M.

On the proposed construction of a sewer in Eighth street, between L and N streets. Hearing Saturday, June 22, 12 M.

On the proposed construction of a sewer in Hammond street, also of a sewer in Broadway, between N and O streets. Hearing Saturday, June 22, 12 M.

ORDERS READ ONCE.

On motion of Alderman Cutter, an order to pave a portion of Dorchester street and Middle street, at an expense of \$18,000.

On motion of Alderman Clark, orders to pay George G. Child \$240 60 for Stoughton-street land damages, and John C. Haynes \$4000 for land taken to widen Shawmut avenue and Indiana place.

Adjourned to Tuesday next, four o'clock.









## CITY OF BOSTON.

Proceedings of the Common Council,  
JUNE 20, 1872.

The regular weekly meeting of the Common Council was held this evening at eight o'clock, M. F. Dickinson, Jr., the President, in the chair. An order for the roll call showed thirty-six members to be present, as follows:

Adams, Bicknell, Breiman, Brooks, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Davenport, Devine, Dickinson, Dolan, Emery, Faxon, Flynn, Hart, Kingsley, Locke, Loring, Marston, Martin, Moulton, Noyes, Perkins, Pickering, Prescott, Robertson, Shepard, Thaeher, West, Weston, Whiston, Wilbur.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petition of D. W. Beckler was referred, in concurrence.

Messrs. Burt of Ward 16, Darrow of Ward 8, and Risteen of Ward 10 were joined to the committee on the petition of the Union Freight Railroad Company.

The vote of thanks of Post 68, G. A. R., for aid from the city in defraying the expenses of Decoration Day, was ordered to be placed on file.

The following reports were accepted, in concurrence:

Report leave to withdraw on petition of John Field, for exchange of parcels of land on High-street place, so called.

Report leave to withdraw on petition of Peter Daily, against any alteration in the boundaries of lots of land on Yarmouth street.

The following order was passed, in concurrence:

Report and order for the acceptance of "An Act to provide for the appointment of Inspectors of Provisions in cities and towns."

The order that one hundred dollars be added to the appropriation for the construction of a staircase from the Dartmouth-street Bridge was read once.

## UNFINISHED BUSINESS.

The order for Committee on Harbor to make arrangements for the annual excursion of the City Council being under consideration, Mr. Clatur of Ward 4 moved to amend by substituting for the Committee on the Harbor a special committee of three, with such as the Board of Aldermen may join.

Mr. Pease of Ward 1 objected to the amendment, the order under consideration being in accordance with custom, and he could see no reason for a change. The Harbor Committee he believed to be the proper committee to act in the matter, and there was no necessity for a deviation from it, unless the committee were not competent to arrange for such an excursion. The adoption of the amendment he should consider a reflection upon that committee.

The amendment was lost, by a vote of 5 to 24.

Messrs. Emery of Ward 10 and Brooks of Ward 1 objected to going down the harbor from the danger of seasickness, the last-named moving to strike out of the order the word "islands."

Mr. Perkins of Ward 6 believed the order to be best as it was, rather than leave the matter of the excursion indefinite. It would be better that the Council should give positive directions than so to leave it, for whichever course the committee may take, those who oppose it would blame them.

Mr. Brooks declined going to sea, and said if they were going down the harbor he should stay at home.

Mr. Pickering of Ward 6 said it would be better to settle the kind of excursion they were to have before the committee was appointed, for should they take the horse ears to Roxbury, another committee than that of the harbor would be more appropriate.

Mr. Pease said he would give the assurance that as soon as any pale faces were seen, the committee would turn the boat towards the shore.

Mr. West of Ward 16 said it would be an easy way to remedy the difficulty by providing for two excursions, and he moved as an amendment that the committee provide for two excursions, so that a choice may be had.

Mr. Perkins wished to amend further to provide that no one who goes on an excursion on land shall go down the harbor.

Mr. Caton of Ward 11 moved to lay the order on the table, which was lost.

Mr. Pease could see no necessity for two excursions, and was willing to leave the matter to be determined on making the excursion, either to stop at Rainsford Island or go down to Minot's.

Mr. West said his object was simply to have all the members suited, and in providing for two excursions the additional expense will be but trifling.

After further remarks by Messrs. Brooks and Perkins, the several amendments were rejected, and the order was passed.

## ORDER FROM THE SCHOOL COMMITTEE.

Ordered, That the City Council be earnestly requested to furnish further accommodations for scholars in the primary schools in Heath street.

Referred to the Committee on Public Instruction.

## VETO OF THE SUNDAY-LIBRARY ORDER.

The following communication was received from the Mayor:

EXECUTIVE DEPARTMENT, CITY HALL, }  
BOSTON, June 20, 1872. }

To the Common Council—An order of the City Council, which originated in your Board, requesting the Trustees of the Public Library "to open the reading room of the Public Library and to permit the use of the books and periodicals therein on Sundays, between the hours of 2 o'clock P. M. and 9 o'clock P. M.," has been presented to me for my official approval.

The subject presented by the order is one of great importance, and one upon which persons of high character and great intelligence have held diverse opinions. Before inaugurating a movement which is so much opposed to the practice of our people during our entire history, and which may involve in its ultimate results matters of more importance than the opening of the library, it is well to be assured that we shall thus be travelling in the path of true progress, and that we shall thus be promoting the secular and religious interests of the community. I cannot, however, enter upon this field of inquiry without first encountering two preliminary considerations, both of importance, and one, I think, so conclusive as to render any discussion of the main question at this time entirely useless.

The first of these considerations is the fact that the City Council have, by an ordinance, given to the Trustees "the general care and control of the Public Library." Fortunately the persons who constitute this Board are gentlemen of great intelligence, fully competent and doubtless entirely willing to meet and perform the important obligations and duties which their offices impose upon them. They have the power (of which the City Council have by this ordinance to a large extent dispossessed themselves) of controlling the library. If such a measure as is proposed be legal and one which the true religious and secular interests of the community demand, they will undoubtedly in the exercise of the power which they possess, adopt it, and they will not desire to shelter themselves from their just and proper responsibilities behind an order of the City Council. If the measure proposed be in violation of law, then the Trustees cannot adopt it, even though the City Council may request them to do so. I think we may safely assume that the Trustees will, without prompting, faithfully perform all the duties with which they have been intrusted, and that therefore the whole subject may be properly left with them.

The other consideration to which I have alluded, is the illegality of the proposed measure. This consideration alone would, whatever might be my views of the main question, constrain me to withhold my approval of the order. On this subject I have sought information from the very able and experienced lawyer whom the City Council have wisely selected for their guide and for my guide in legal matters. I refer to the City Solicitor. His opinion is that the opening of the library for public use on Sundays would conflict with a statute of the Commonwealth. I transmit herewith a copy of his opinion.

This matter of the opening of the library on Sundays has been the subject of legislative and of previous municipal inquiry and discussion. I understand that several attempts have been made in the Legislature to repeal or modify the statute, all of which have failed. I infer from the legislative discussions and from this failure, that the Legislature have not only regarded the proposed action as illegal, but also have believed that it would be against public policy to repeal the law.

I learn from the city records that in the year 1865 a like order was adopted by the City Council, and was vetoed by one of my predecessors; that in the



year 1867 the subject was again brought to the attention of the City Council and was referred to a very intelligent committee, who, after obtaining the opinion of the City Solicitor, recommended that "no further action be taken on the subject." This, so far as my knowledge extends, was the first time that the legal question was raised.

The committee say in their report that "in the course of the deliberations the legal point was suggested, that the City Council could not authorize the opening of any portion of the library under the provisions of the statute forbidding all works on Sunday save those "of necessity and charity." Wishing to solve this question in the only proper manner known to the ordinances, your committee at once consulted the City Solicitor, who, after a thorough examination of the subject, and strengthened in opinion by consultation with eminent jurists, returned the following official answer to the committee's inquiry." The answer alluded to is contained in the opinion of the City Solicitor dated July 25, 1867, a copy of which is transmitted herewith.

In 1870 the subject was again considered by the City Council. I desire to call your attention to portions of the able report made by the committee to whom the subject was at that time referred. The committee say that "a member of the committee having addressed an inquiry to the City Solicitor, received the following reply:

"There has been no change in the statutes nor any late decision of court affecting the question of opening the Public Library on Sundays. My opinion upon the subject has not been changed since I gave expression to it as published in City Document No. 75 of the year 1867.

Perhaps that opinion receives some corroboration by the action of the Legislature at its present session. A bill was introduced, discussed and rejected, to authorize the opening of libraries on Sundays. If the law already permitted it, any action by the Legislature, such as was sought, would have been unnecessary; and the debates upon the subject, so far as I read reports of them, proceeded upon the theory that libraries could not be opened on Sundays without a violation of the law."

The committee in their report also say, "although a majority of the committee are decidedly of opinion that it would be highly beneficial, both in a moral and educational point of view, to open the library to the public on Sundays, they do not feel that it would be judicious to recommend the opening while the legality of such a step is questionable. The strong opposition to any change in the present arrangements, on the part of many influential citizens, on account of what they regard as a tendency to violate the proper observance of the Lord's Day, makes it necessary on the part of those who favor this change, that they should remove any doubts which might be cast upon the legality of their proceedings, lest their action should prove detrimental to the best interests of the institution whose benefits they wish to enlarge.

The committee have, therefore, concluded to recommend the passage of the accompanying order, requesting the Mayor to petition the Legislature, at its next session, for such a modification of the statutes relating to the observance of the Lord's Day as will authorize the city of Boston to open the Public Library for use on that day:

Ordered, That his Honor the Mayor be requested to petition the Legislature, at its next session, for authority to open the Public Library, in the city of Boston, or any branches thereof, for the use of the citizens on Sundays."

In pursuance of this order a petition was presented to the Legislature, and after a full consideration of the matter the authority sought for was refused; and the next action of the City Council after that refusal was the present order, which contains a request to the Trustees of the Public Library to do what the Legislature refused to give the city authority to do.

This order, if approved, places the city in a position of at least seeming disregard and defiance of a statute of the Commonwealth. Such a position would be one of evil example and one which I think the great majority of the citizens would be unwilling to have the city occupy.

I withhold with great reluctance my official approval of a measure which I know the City Council have with much deliberation and with an earnest desire to promote the best interests of the citizens adopted; but I think that the City Council cannot fail to perceive that with such an opinion from the legal adviser of the city, fortified by that of other "eminent jurists," and with such a previous legislative and municipal history of the question, any one occupying my position would, whatever

might be his own individual views or wishes, find himself in a position of singular embarrassment in attempting to justify the approval of an order like the one under consideration.

Believing for these reasons that the request contained in the order is one which the City Council ought not to make, and one which the Trustees of the Public Library ought not to grant, I respectfully return to you the order, without my approval.

WILLIAM GASTON, Mayor

OPINION OF THE CITY SOLICITOR.

CITY SOLICITOR'S OFFICE,  
2 PEMBERTON SQUARE,  
BOSTON, June 14, 1872.

Sir—The question which you propose to me, namely, whether the opening of the Public Library for use on Sundays would be a violation of any statutory provisions of this Commonwealth, is one which I have heretofore had occasion to examine, and on which I have already expressed an opinion. In the year 1867, while the subject of opening the library for use on Sundays was under discussion in the City Council, the Joint Committee on the Library requested my opinion upon the legality of the action then proposed to be taken in the premises, and after careful consideration of the questions they submitted to me, I returned to the committee an opinion, a copy of which I herewith transmit.

The opinion I then formed and expressed remains unchanged, although the agitation of the same subject has made it necessary for me to re-examine it at different times since it was given.

I have the honor to be,  
with great respect,  
your obedient servant,  
J. P. HEALY.

To His Honor the Mayor.

On motion of Mr. Perkins of Ward 6, the communication of the Mayor was laid on the table and ordered to be printed.

The Chair stated in regard to the order, that under the city charter it was made their duty to proceed to reconsider the order, that is to consider it anew for action on account of the objections of the Mayor, and to inquiries whether immediate action was required, replied that it was not. It was at the pleasure of the Council to consider it immediately or not.

After some further inquiries, to meet a difficulty supposed to exist from having the order under consideration while the objections of the Mayor had been laid on the table and ordered to be printed, on motion of Mr. Perkins the order was laid on the table.

PETITIONS PRESENTED AND REFERRED.

R. G. Dayton, for a change of bonds given on conditions on the purchase of lots of land on Dover and Bristol streets. Referred to Committee on Public Lands.

Matthew F. Owens, to be paid for service under the employment of Coroner Richardson.

Constant Soyard, to be compensated for injuries received by a fall on the icy sidewalk on Lawrence street, corner of Berkeley street.

Severally referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. Caton of Ward 11, from the Joint Standing Committee on the Survey and Inspection of Buildings, reported leave to withdraw on the petition Edward E. Rice, for leave to erect a building on Oriole street, beyond the legal dimensions; also leave to withdraw on the petition of Leander H. Jones, for leave to erect a wooden building on the corner of Dorchester avenue and Sixth street, the committee stating that they see no reason to alter the conclusion which they arrived at on a previous consideration of the subject. Severally accepted.

Mr. Caton, from the same committee, to whom was referred the petition of W. Clark & Co. for leave to build a coal shed beyond the usual dimensions on Albany street, foot of Dedham street, having carefully considered the subject, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to W. Clark & Company to build a coal shed on Albany street, in accordance with an application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted, and the order was passed.

Mr. Robinson of Ward 10, from the Committee on Public Lands, to whom was referred the petition of Charles B. Barrett and others, for a change in the conditions of building upon lands bought of the city on South Market street, between Mer-



chants' row and Commercial street, made a report, with an order as follows:

Ordered, That his Honor the Mayor be and he is hereby authorized to execute an instrument or instruments, made satisfactory to the City Solicitor, releasing to the several owners of the estates on North Market street, between Merchants' row and Commercial street, in the city of Boston, which were conveyed to them respectively by said city by deed dated April, 1824, the fourth and fifth conditions set forth in said several deeds; provided, however, that the said Charles B. Barrett shall give a bond made satisfactory to the City Solicitor, agreeing to hold the city harmless from all damages, costs, expenses and payments to which it may be liable directly or indirectly by reason of the premises.

Mr. Robinson, in explanation, in answer to inquiries, stated that these conditions related to the thickness of the walls and the height of the stores. They required the stores to be four stories high, but not higher, and by the removal, they might be five or six or three. There would, however, be no difficulty, for the parties would be required to give a bond satisfactory to the Mayor and City Solicitor, and they wish to raise the upper story and put on a French roof. All the parties except that of the holder of two, in trust, petition for a change in the conditions, and he does not object, while he does not know that he can act in the matter.

The conditions which were to be changed were read, and under a suspension of the rules the order was passed.

Mr. Perkins, from the Committee on Ordinances submitted an ordinance in relation to the obstruction of streets by persons soliciting passengers for steamboats or other public conveyance.

The ordinance is as follows:

Sec. 1. No person shall stand in any street for the purpose of soliciting persons to become passengers in any steamboat or other public conveyance, unless duly licensed by the Board of Aldermen, under a penalty of not less than five dollars nor more than fifty dollars for each offence.

Sec. 2. No railroad corporation or proprietor of any steamboat or other public conveyance shall employ, or cause any person not licensed as aforesaid, to stand in any street for the purpose of soliciting persons to become passengers in any public conveyance, under a penalty of not less than five nor more than fifty dollars for each day any person shall be employed by them as aforesaid.

Mr. Perkins stated that the ordinance had the approval of the Committee on Ordinances, and its object was to prevent the crowds of runners from blocking the public ways, principally steamboat runners.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,

JUNE 22, 1872.

A special meeting of the Board of Aldermen was held at twelve o'clock, noon, today, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Three petit jurors were drawn for the United States District Court, twenty grand jurors were drawn for the Superior Court for Criminal Business, and thirty-six traverse jurors for the same court.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers without pay—Nathaniel H. Aglar, for Broadway and O street and vicinity; H. O. Brown, for 215 and 217 Eliot street and vicinity; Aurin S. Bateholder, for Goodnow's and Roby's wharves, Causeway street and vicinity; Theodore J. Munroe for National Tube Works on Webster street and vicinity; H. Haskins and J. B. Perry for Tremont Market and vicinity; Hugh P. Howe for Huntington avenue and vicinity.

For East Boston ferry boats, slips and wharves—James Cosgrove, George L. Smith, John Pennington, Daniel Leahy, Charles G. Bennett, Henry C. Preble, Franklin Johnson, Walter W. Gordon, William E. Maxwell, Albert S. Baxter, D. S. Rice, Joseph Joy, Martin O'Flaherty, Patrick Pender, J. A. Leavis, N. S. Campbell, J. Blakeley, T. Brooks, R. Hosea, Joseph Muirs, T. P. Dunbar, J. A. Raycoft, George Bussey, Jacob Bussey, Francis Johnson, T. L. Dolliver, Stephen G. Hartley, J. J. Burr.

## PETITIONS PRESENTED AND REFERRED.

Charles W. Slack and others, that Bromfield street be paved with wood.

Michael Drinan, to be paid for grade damages on Blue Hill avenue.

Severally referred to the Committee on Paving.

Richard C. Greenleaf, for abatement of nuisance on the Back Bay, west of Dartmouth street, from the condition of the unfilled flats.

Samuel Carter and others, for abatement of a nuisance between Columbus avenue and the Providence Railroad.

C. M. Ellis, for abatement of a nuisance between Dartmouth and Parker streets, and west of the Albany Railroad tracks.

Frank Von Enw, for leave to occupy a wooden stable for one horse at No. 20 Conant street.

Frederic O. Rogers, for leave to occupy a wooden stable for nine horses on Malden street.

G. W. Hamilton, for leave to occupy a wooden stable for three horses on Spring Garden street, Ward 16.

Severally referred to the Committee on Health.

John Sherburne and others, that an iron fence be substituted for the wooden fence at the East Boston Library building. Referred to the Committee on Public Buildings.

W. W. Churchill and others, for the use of Faneuil Hall July 1 for a dinner to the English band.

Alexander H. Riec and others, for the use of Faneuil Hall on June 22, 1872.

On motion of Alderman Sayward, the requests in the two petitions last named were granted.

Joseph Burns and Matilda Burns, to be paid for damages occasioned by injuries in a fall into a coal hole on Broadway by said Matilda on the 30th September, 1871.

Hiram Prior, to be paid for injuries done to his horse, etc., on Neponset Bridge. Referred to the Committee on Claims.

John G. Calrow and others, for the removal of certain trees from Cliff street. Referred to the Committee on Common on the part of this Board.

A communication was received from the Highland Street Railway Company, accepting the location granted by this board. Ordered to be placed on file.

## COMMUNICATION FROM THE CITY SOLICITOR.

CITY SOLICITOR'S OFFICE, }  
BOSTON, June 21, 1872. }

Sir—By the will of Lucy Bullman, which was admitted to probate in the county of Suffolk, January 9, 1832, two parcels of real estate on the corner of Cambridge and Belknap streets, in Boston, were devised contingently to the city for the benefit of

the poor. The contingencies upon which this devise to the city was to take effect, happened more than one year ago. The heirs at law of the testatrix, however, claimed that by a proper construction of the will the estates referred to passed to them, and not to the city of Boston. It became necessary, therefore, that the will should be judicially construed, and a suit was instituted for that purpose, which has been brought to a conclusion by a judgment ordered by the Supreme Judicial Court in favor of the city.

Pending the litigation, rents have been collected by the agent who had the care and management of the estates at the time the right of the city to them accrued, and he has held the sums thus collected, to be paid to whomsoever they should be adjudged to belong. The city being now by the judgment of the court entitled to the estate and the accumulated rents, it is proper that the City Council should make provision for taking possession of them, and for that appropriation to the purpose prescribe (by the testatrix.

I remain, very respectfully,

Your obedient servant,

J. P. HEALY.

To His Honor the Mayor.

The communication was referred to the Committee on Overseers of the Poor.

## HEARINGS ON ORDERS OF NOTICE.

The several orders of notice for hearings on the proposed construction of sewers in Broadway, between N and O streets, in Seventh street, between L and N streets, in Eight street between L and N streets, in Foundry street, between Fourth and First streets, and in Hammond street, were taken up. No person appeared in either case, and the several reports were recommitted.

## REPORT OF TRUSTEES OF THE PUBLIC LIBRARY.

The twentieth annual report of the Trustees of the Public Library was presented, laid on the table, and 1500 copies were ordered to be printed.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay John C. Haynes \$4000, for land taken and damages in the widening of Shawmut avenue and Indiana place.

Order to pay Cyril G. Child \$240 60, for Stoughton-street land damages, the property taken in the name of John A. Pray.

Order to pave Dorchester street, between the Old Colony & Newport Railway and Middle street, and between Woodward street and Dorchester avenue, with small granite blocks, and to pave said street in front and adjacent to the schoolhouse, with burnitized spruce blocks, at an estimated cost of \$18,000.

## PAPERS FROM THE COMMON COUNCIL.

The petition of R. G. Dayton and others, Constant J. Soyard, and of M. F. Owens were severally referred, in concurrence.

The request of the School Committee for additional school accommodations in the Heath-street schools was referred, in concurrence.

The following reports were accepted, in concurrence:

Report (leave to withdraw) on petition of Edward E. Riec, for permission to erect a building beyond the legal dimensions.

Report (leave to withdraw) on petition of Leander H. Jones.

The following orders were severally passed, in concurrence:

Report and order authorizing a permit to W. Clark & Co. to build a coal shed on Albany street.

Order authorizing a release of fourth and fifth conditions in deeds of land to owners of estates on North Market street, between Merchants row and Commercial street, on certain conditions.

The order to provide for arrangements for the annual excursion of the City Council in the harbor, on motion of Alderman Cutter, was laid on the table.

The ordinance in addition to an ordinance in relation to streets (to prohibit the obstruction of streets by steamboat and other runners) being under consideration, on motion of Alderman Cutter was referred to the Committee on Ordinances.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Henry H. Hamlett to exhibit a revolving swing near the Jubilee grounds; L. Beecher, to exhibit an automaton near the Jubilee grounds; Joseph

Meeker, to exhibit a gallery of art, and W. H. Guertin, to exhibit a magical entertainment, severally near the Jubilee grounds; also to three boot blacks and six newsboys, and to sundry persons as dealers in second-hand articles, as a victualler and for a hack stand. Severally accepted.

Auctioneers' licenses renewed—Samuel Hatch & Co.; N. A. Thompson & Co.; J. K. Porter & Co.; George R. Hichborn & Co.; Cowing & Hatch, Samuel A. Walker, John H. Lester, George B. Faunce, Holbrook & Fox, Sullivan & Macdonald, Charles C. Homer, Charles W. Clapp, Charles S. Blood, Jesse L. Nason & Co.

Alderman Ricker, from the Committee on Health, reported in favor of stables, as follows: John Murphy, to build a wooden stable for two horses on Commercial street, near the gas works, Ward 16; Phineas Cary, to occupy a wooden stable for one horse rear of 64 Castle street; J. C. Warren, to move to stable on his land at 130 Warren street; McQuestion & Fogg, to occupy a wooden stable for five horses on Hall's wharf, Border street; John M. Byron, to erect a wooden stable for one horse on Longwood avenue, provided that it be placed directly in the rear of said Byron's house. Severally accepted.

#### HACK FARES FOR JUBILEE BALL.

On motion of Alderman Fairbanks,

Ordered, That upon the occasion of the "Jubilee Ball" to be given in this city on the 26th instant, the rates of fares to be paid to the drivers of hacks by persons *returning* from the ball are hereby established, as follows, viz.:

In *City Proper*—For one passenger, \$1 50; two passengers, \$2; three or four passengers, \$3.

To *Roxbury*—For one passenger, \$2 50; two passengers, \$3; three or four passengers, \$1 each.

To *South Boston*—For one or more passengers, \$3.

To *East Boston*—For one or more passengers, \$4.

To *Dorchester*—For one or more passengers, \$5.

#### ORDERS PASSED.

On motion of Alderman Power,

Ordered, That the papers relating to the petition of the East Boston Improvement Company for the right to cross the causeway between Breed's Island and East Boston, and also Saratoga street, with rail tracks, be referred to the Committee on Paving.

On motion of Alderman Clark, an order to abate assessments for betterments on estates in Edinboro' street, for Kingston street widening, as follows: Sally R. Brewer, \$350; Daniel F. Draper, \$400; J. A. & C. C. Cotting, \$400; Eunice E. Humphrey, \$400; Henry N. Stone, \$400,—this abatement being half of the original assessment.

Ordered, That the assessment of \$240 upon the estate of John C. Tucker on Battery street, on account of the widening of Hanover street, by an order of this Board of Dec. 21, 1871, be and the same hereby is abated, it having been erroneously assessed.

An order was read once to pay T. W. Nickerson \$15,500 for land taken in the extension of South Market street to Atlantic avenue.

Adjourned to Monday, July 1, 12 o'clock, noon.









## CITY OF BOSTON.

## Proceedings of the Common Council,

JUNE 27, 1872.

The regular weekly meeting of the Common Council was held this evening at eight o'clock, M. F. Dickinson, Jr., the President, in the chair. A call of the roll showed forty-two members to be present, as follows:

Adams, Anderson, Bicknell, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Davenport, Devine, Dickinson, Dowd, Emery, Faxon, Hart, Heath, Hersey, Jones, Kingsley, Lamb, Loeke, Loring, McNutt, Moulton, Page, Pickering, Prescott, Risteen, Robertson, Robinson, Shepard, Smith, Thacher, Webster, West, Weston, Wilbur.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of John Sherburne and others, Joseph Burns and Matilda Burns, and of Hiram Prior were severally referred, in concurrence.

The following matters were referred, in concurrence:

Reference to the Committee on Ordinances of "An ordinance in addition to an ordinance in relation to streets."

Reference to Committee on Overseers of the Poor of a communication from the City Solicitor respecting the Bullman estate, devised to the city.

## UNFINISHED BUSINESS.

The order that one hundred dollars be added to the appropriation for the construction of the Dartmouth-street Bridge was read a second time and passed, in concurrence.

## PETITIONS PRESENTED AND REFERRED.

A. Burrill, for extension of time in which to build on land on M street.

R. H. Stearns and others, for removal of conditions on land on Tremont street.

Severally referred to the Committee on Public Lands.

Boston & Albany Railroad Company, for leave to construct a freight house on Marginal street beyond the legal dimensions.

Charles A. Shepard, for leave to erect a wooden lumber shed in Ward 16, beyond the legal limits.

Severally referred to the Committee on Survey and Inspection of Buildings.

E. S. Johnson and others, for the extension of Swett street, to intersect with Dorechester avenue. Referred to the Committee on Streets.

Captain E. C. Langley, I. C. Foster and others of Battery A, representing that the armory occupied by them was unsuitable for their use, and asking for a hearing on the subject. Ordered to be sent up.

## REPORTS OF COMMITTEES.

Mr. Caton of Ward 11, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Sumner I. Ruggles for leave to construct a building on Forest-Hills avenue beyond the legal limits, having carefully considered the subject, made a report that no action is necessary. Accepted.

Mr. Burt of Ward 16, from the joint special committee to whom was referred the petition of the Union Freight Railroad Company, that the City Council would accept their charter (a copy of which is appended thereto), having considered the subject, respectfully recommended the passage of the accompanying order:

Ordered, That the act entitled "an act to incorporate the Union Freight Railroad Company," passed by the General Court of Massachusetts and approved by the Governor the 6th day of May, 1872, be, and the same hereby is accepted by the City Council of Boston.

The report was accepted, and the order was passed.

## REPORT ON THE APPLETON CASE.

Mr. Bicknell of Ward 4, from the joint special committee appointed to investigate the circumstances attending the arrest and confinement of Daniel W. Appleton in the police station at Neponset, on the 13th of May last, and his subsequent injury therefrom by fire, made the following report:

Mr. Appleton having died on the 23d of May from the effects of the injuries caused by the fire, action on the part of the committee was postponed until the result of the coroner's inquest was known. As the inquest was likely to cover substantially the same matters as those to be investigated by your committee, a verbatim report of the evidence was taken in order to save the time and expense of going over the same ground twice. A copy of the evidence and the verdict of the jury is submitted herewith.

In order to cover more fully certain points in the testimony, several witnesses whose names were suggested by the brother of the deceased, were called before the committee and examined. A report of their evidence is also appended.

All the important details of this case having been made public through the newspapers, it is unnecessary to enter into them here.

The committee find that Mr. Appleton was not properly searched before being locked up, as several articles, besides the matches with which the fire was probably set, were not removed from his pockets. They also find that the system heretofore pursued in some places of leaving unguarded a building in which prisoners are confined is a dangerous one, and should not be permitted hereafter in any locality where this city has jurisdiction. If the prisoner had been thoroughly searched when arrested, or if the building had been properly guarded while he was under confinement, the injury could not have happened.

The report was accepted.

## ORDERS PASSED.

On motion of Mr. Brooks of Ward 1,

Ordered, That there be allowed and paid \$495 for settees for the Common and public grounds; also, in addition to the amount heretofore allowed, the further sums of \$1200 for plants, trees and shrubs, and \$2500 for repair of iron and wooden fences on the Common and public grounds; said amount to be charged to appropriation for Common, etc.

On motion of Mr. Bicknell of Ward 4,

Ordered, That the Superintendent of Public Buildings be authorized to provide additional outbuildings for the Sherwin and Lewis schoolhouses; the expense thereof to be charged to the appropriation for Schoolhouses, Public Buildings.

Order to pay bills of certain persons specified, directly or indirectly connected with the City Government.

Another order to pay bills of certain persons specified was read twice.

On motion of Mr. Robertson of Ward 4,

Ordered, That the Committee on Printing be authorized to expend an additional sum of \$550 in completion of the contract with Henry W. Dutton & Son, for reporting and publishing the proceedings of the City Council.

On motion of Mr. Emery of Ward 6, it was ordered that when the Council adjourned, it be for two weeks.

Adjourned to Thursday evening, July 11, at eight o'clock.











## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JULY 1, 1872.

The regular weekly meeting of the Board of Aldermen was held by adjournment at twelve o'clock, noon, today, Alderman Little, the chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special police officers without pay—William A. Morse and Francis A. Morse, for Thompson's Island, Boston Harbor.

## PETITIONS PRESENTED AND REFERRED.

John Winn, to be paid for grade damages on Paris street.

Eben Jackson, to be compensated for grade damages on Broadway.

Richard Powers, John Ryan and P. English, severally to be paid for grade damages on Paris street.

Nathaniel C. Nash and others, for the appointment of engineers and chemists, as a commission on the subject of wood paving.

James Connor, to be paid for grade damages at the corner of Dorchester and Fourth streets.

Dennis McDonnell, for compensation for injuries to his estate by reason of the change of grade on Ninth street, South Boston.

Severally referred to Committee on Paving.

Battery A, First Artillery, for repairs on their armory. Referred to Committee on Armories.

John Green, for leave to keep one horse in a stable on Sixth street, between C and D streets.

John McKinnon and others, for abatement of a nuisance on Newman street.

Bartholomew Roach and others, that a nuisance near Creek street, Ward 16, may be abated.

John McKenney and others, for abatement of a nuisance at 28 Piedmont street.

Dr. Calvin Ellis and others, respecting the foul odors arising from the Back Bay lands, and asking for relief therefrom.

Thomas C. Amory and others, for relief from the nuisance on the Back Bay.

Samuel Downer and others, for abatement of a nuisance near Creek street, Ward 16.

Nancy M. Covell, for leave to occupy a wooden stable for two horses on Wyoming street.

James O. Young, for increased compensation for removal of house offal from East Boston.

Crockett & Dolan, for renewal of contract for removal of house offal.

Richard S. Brown, for leave to erect a frame stable for one horse, near his dwelling house, on Newman street.

Severally referred to Committee on Health.

Jacob Bleiler and others, for a sewer from Ruggles to Parker street.

John J. Anglin and others, for a sewer in Bowen street.

Selectmen of Brookline, of their intention to construct a dam and tide-gates on Muddy River.

Eli Baldwin and others, for a sewer on the east side of Cedar square.

Severally referred to Committee on Sewers.

William W. Davis and others, for a gas lamp in Pickering avenue. Referred to Committee on Lamps.

Mary A. B. Gore, to be paid for injuries sustained by falling over a pile of coal in the Tyler-street Schoolhouse yard. Referred to Committee on Claims.

A communication was received from John S. Danrell, Chief Engineer of the Fire Department, representing that the premises No. 56 Third street, occupied by William Cain and others, being vacated by orders of the Board of Aldermen, the same have become a nuisance in regard to fires and dangerous to the community, having been fired eleven times during the past week. Action is asked to secure the safety of that section of the city arising from this neglected building. Referred to the Committee on the Fire Department on the part of this Board.

## REPORT OF PAYMASTER OF STATE AID.

The quarterly report of the Paymaster of the Soldiers' Relief Committee was presented, the receipts and payments being as follows:

Balance on hand April 1.....	\$122
Received from the City Treasurer at various times.....	21,000
	<u>\$21,122</u>
Disbursed to disabled soldiers and sailors and their families.....	\$20,146
Leaving a balance on hand of.....	\$926

The applicants in the several wards and the total amount paid out to such applicants in each ward were as follows:

Wards.	Applicants.			Total amount.
	April.	May.	June.	
1.....	80	82	88	\$1,418
2.....	112	123	112	1,333
3.....	69	74	75	1,288
4.....	51	50	49	879
5.....	103	104	113	1,873
6.....	47	32	39	633
7.....	165	172	165	2,768
8.....	70	70	67	1,133
9.....	47	41	37	617
10.....	43	53	44	780
11.....	60	67	58	568
12.....	65	55	64	991
13, 14, 15.....	149	160	169	2,737
16.....	42	32	41	671
Out of State.....	36	34	36	613
U. S. Navy.....	58	53	58	894
	<u>1,202</u>	<u>1,212</u>	<u>1,215</u>	<u>\$20,146</u>

Ordered to be sent down.

## SEMI-ANNUAL REPORT OF THE SUPERINTENDENT OF PUBLIC LANDS.

The semi-annual report of the Superintendent of Public Lands gives the sale of lands during the six months as follows:

Lot on Albany and Concord streets, 3998 feet at \$2; Newton street, 1573 feet, at \$1 75; lot on Canton street, west of Tremont street, 6588 feet, at \$1; five lots on Harrison avenue, 9623 feet at \$2 25—making a total of 21,782 square feet for the sum of \$38,988 50. Of the above amount there was received and paid to the City Treasurer, \$3924 50, and there was taken in bonds for nine annual payments, \$35,064.

The receipts during the quarter from various sources amounted to \$1142, all of which was paid to the City Treasurer. The expenditures, charged to the appropriation for public lands, amounted to \$1688 88. This amount included the salary of the Superintendent, \$900; for sewer in Newton street, \$322 85; expenses of committee of 1872, \$323 40. Laid on the table, and ordered to be printed.

## UNFINISHED BUSINESS.

The order to pay T. W. Nickerson \$15,500 for land taken in the extension of South Market street, was read a second time and passed.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of the Boston & Albany Railroad Company, A. Burrill, R. H. Stearns and others, Charles A. Shepard, and of E. S. Johnson and others, were severally referred, in concurrence.

The following reports were accepted, in concurrence:

Report from Committee on Survey and Inspection of Buildings that no action is needed on the petition of Sumner I. Ruggles, for leave to build on Forest Hill avenue.

Report of Special Committee appointed to investigate the circumstances of the death of D. W. Appleton at the Neponset Police Station.

The following orders were severally passed in concurrence:

Order for Superintendent of Public Buildings to provide additional outbuildings for the Sherwin and Lewis schoolhouses.

Report and order to accept the charter of the Union Freight Railroad Company.

Order for Committee on Printing to expend \$550 in completion of contract with H. W. Dutton & Son for a full report of the proceedings of the City Council for the last year.

Order to pay \$495 for settees, \$1200 for plants and trees, and \$2500 for repairs of fences on Common, etc.

Order to pay bills of certain members of the City Government, for services or materials furnished.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Henry Harvey, to exhibit the "Wild Men of Borneo" at the Meisanoon; also, a renewal of about fifty licenses for intelligence offices, and licenses for a hack stand.

Also the following:

Ordered, That hack licenses numbered from 1 to 588 inclusive, except numbers 1, 2, 3, 4, 5, 12, 13, 43, 49, 50, 60, 71, 72, 78, 91, 96, 97, 98, 101, 147, 151, 187, be granted for one year from July 1, 1872.

Ordered, That wagon licenses numbered from 1 to 3119 inclusive, except Nos. 567, 2051, 1451, 306, 307, 308, 309, be granted for one year from July 1 1872.

Severally accepted and the orders passed.

Alderman Cutter, from the Joint Standing Committee on Ordinances, to whom was referred the ordinance to amend the ordinance in relation to the use of firearms, etc., within the limits of the city, made a report recommending the passage of the ordinance in a new draft, providing as follows, in amendment of section 1 of ordinance in relation to firearms, bonfires, etc.:

Section 1. The first section of the ordinance in relation to firearms, bonfires and brick kilns, printed in the edition of laws and ordinances for the year 1869, is hereby amended by inserting after the word "review," in the seventh line, the words "duly authorized by the military authority of the Commonwealth, or by the City Council, or the Mayor of the city of Boston."

The ordinance was read once.

#### CONSULTING PHYSICIANS.

Alderman Ricker, from the joint special committee to nominate candidates for Consulting Physicians to fill the vacancies caused by the resignation of John W. Foye and William Read, made a report recommending the election of P. M. Crane and John Flint.

The report was accepted, and the Board proceeded to an election, resulting in the unanimous choice of P. M. Crane and John Flint; each receiving eleven votes.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That the Board establish the grade of Church street, between Bowdoin and Adams streets, Ward 16, as shown on a plan and profile of said Church street, drawn by the City Surveyor, dated Jan. 25, 1872, and deposited in the office of said City Surveyor.

Whereas, it appears to this Board that the public safety and convenience require that sidewalks be constructed on Dearborn place; it is hereby

Ordered, That the Superintendent of Streets be and is hereby directed to set the edgestones and lay the sidewalks with brick on said Dearborn place, and to report a schedule of the expense thereof to this Board pursuant to law.

On motion of Alderman Clark,

Ordered, That there be paid to Charles W. Galoupe the sum of \$233,770 for land taken and all damages occasioned by the extension of Devonshire street through Wilson's lane to Dock square by a resolve of the Board of Street Commissioners passed May 13, 1872, upon the usual conditions; to

be charged to the appropriation for extending Devonshire street.

Order, requiring Horatio G. Hall and others interested as owners, tenants or otherwise of buildings or lands projecting over the line of widening of Cove street, as established by the Street Commissioners Sept. 4, 1871, to remove all such obstructions on or before the 1st day of August next, in default thereof the Committee on Laying Out and Widening Streets is empowered to enter upon such land and remove said obstructions.

On motion of Alderman Fairbanks,

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in Eighth street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Foundry street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Seventh street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Hammond street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Broadway, and report a schedule of the expense to this Board.

An order was passed to meet a jail requisition of \$1691 59 for expenditures for the last month.

Orders were also passed to abate nuisances on a lot on I and K and Sixth and Seventh streets, Marginal street, Harrison avenue, Malden court, Church street, Fourth, Gold, D, Marion and Porter and Eliot and Carver streets.

Alderman Stackpole moved to take from the table, for consideration, the report and orders for purchase of a site for a new building for the English High and Latin schools (City Doc. No. 48): amended so as to provide for the purchase of "74,100 square feet, exclusive of the passage-way," on Warren avenue, Montgomery, Dartmouth and Clarendon streets; also the Washingtonian Home estate (10,000 feet), for the sum of \$280,000, and to procure a loan of that sum for this purpose.

Aldermen Ricker and Cutter objected to the consideration of this order at this time, in the absence of one member of the Board.

Alderman Stackpole urged in favor of immediate action the increased expense which would attend delay.

Alderman Squires moved as an amendment that the subject be specially assigned to Monday next, 4½ o'clock.

The amendment was accepted and the motion as amended was adopted.

Adjourned to Monday next, 4 o'clock.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JULY 6, 1872.

A special meeting of the Board of Aldermen was held at noon today, Mayor Gaston presiding.

RESPECT TO THE MEMORY OF EX-MAYOR BIGELOW.

The Mayor read the following communication:

EXECUTIVE DEPARTMENT, CITY HALL, }  
BOSTON, July 6, 1872. }

To the City Council—It has become my painful duty to announce to you the death of an eminent citizen and former Mayor of this city, the Honorable John P. Bigelow, who expired at his residence in this city on the 4th instant.

I respectfully recommend the City Council, by some appropriate action, to express their high appreciation of the character and public services of Mr. Bigelow, and their profound respect for his memory.

WILLIAM GASTON, Mayor.

Alderman Clark offered the following resolution:

Resolved, The City Council of 1872, on receiving the intelligence of the death of the Hon. John Prescott Bigelow, who was Mayor of this city in 1849, 1850 and 1851, desires to place upon its records the expression of respect for the ability and energy exhibited by Mr. Bigelow on all occasions, both ordinary and extraordinary, which occurred during his term of service; and especially in this day of its success, the City Council gratefully remembers and recognizes the valuable and timely aid which he rendered in the early days of the establishment of the Public Library of the city of Boston, as appears from the records of the City Council, dated Jan. 29, 1869.

Alderman Clark called for the reading of the resolutions as passed Jan. 29, 1869, as follows:

Whereas, The recent resignation of the Hon. John P. Bigelow as Trustee of the Public Library is the closing act of a career equally favorable to himself and beneficial to the city, whose interests he has most faithfully served; therefore

Resolved, That the thanks of the City Council of Boston are hereby tendered Mr. Bigelow for his long and arduous public labors, which date back to a very early era in our municipal history, and have been thus recently terminated.

Resolved, That in every position which he has been called upon to occupy—as a member of the Common Council seven years, over which he presided with marked and well-remembered ability—as Mayor during three years of eventful interest, and as a Trustee of the Public Library from its conception until now, Mr. Bigelow has been diligent, devoted and distinguished, and his services have only been measured by his strength and opportunities.

Resolved, That by his earnest and efficient labors during the early part of his mayoralty, for the establishment of a free City Library, by his application of a fund raised as a personal testimonial to himself to this great object, it being the first money appropriated for the purpose, and by his exertions in securing the generous aid of two of its earliest and most munificent patrons, he has well earned the title of the founder of the Public Library of the city of Boston, and as such he must always be recognized, respected and remembered.

The resolution of Alderman Clark was unanimously passed by a rising vote.

On motion of Alderman Clark, it was

Voted, That this Board will attend the funeral services of Mr. Bigelow on Monday next, at 12 M.

On motion of Alderman Jenks,

Voted, That as a further mark of respect to the memory of the deceased, this room be draped in mourning for thirty days.

Adjourned.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JULY 8, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Eight traverse jurors were drawn for the Superior Court for criminal business.

## APPOINTMENTS MADE AND CONFIRMED.

Weighers of Coal—Albert S. Dodge, Jonas Pierce, Weigher and Inspector of Bundle Hay and Straw—William P. Boardman.

Special Police Officers (without pay)—Seth P. Cummings, for First street, foot of E street and vicinity; T. L. McFarland, for Cottage-street Congregational Church, Ward 16; Henry P. Weale, George J. McQueen, D. W. Brown and James Ellis, for East Boston ferries.

## PETITIONS PRESENTED AND REFERRED.

John Murphy and others, that edgestones be set, gutters paved, etc., on Seventh street, from D street to Dorchester avenue.

D. N. Skillings, trustee, that the Western avenue, between the railroad and Muddy River, may be raised to grade.

Union Freight Railroad Company, for location of tracks pursuant to the provisions of their charter.

Joseph Sherer and others, that sidewalks be laid on Hammond and Westminster streets.

P. Bailey, for leave to lay an iron pipe under First street.

Severally referred to Committee on Paving.

John Lynch, for leave to occupy a wooden stable for two horses on Cottage street, Ward 12.

Metropolitan Railroad Company, for leave to move their car house and stable on Stoughton and Hudson streets to the adjoining lot, for temporary purposes only.

Frank Pender, for leave to occupy a wooden stable for two cows at 156 Ward street.

Lewis E. Hartshorn, for leave to occupy a wooden stable for fourteen horses on Walnut street, Ward 16.

James Havey, for leave to occupy a wooden stable for two horses at 258, 260 Athens street.

Severally referred to the Committee on Health.

James Walker, against the projection of a bay window on the corner of Gardner place and Broadway.

Lucilla Carrere, for removal of Frederick Deering, police officer, for an alleged assault at South Boston, without provocation, and when said officer was not on duty.

F. E. Brigham, for leave to use an old well on Bellevue street, Ward 16.

Severally referred to Committee on Police.

Mary L. Adams, to be compensated for personal injuries caused by a fall upon ice on Tremont street in December, 1871.

George B. Emerson, to be paid for injuries done to his carriage by alleged insecurity of a portion of Bremen street, near Brooks street.

Nancy Haley's heirs, for some relief under the recent construction of the Bullman will.

William Lynch, to be compensated for damages done to his property, 58 Lowell street, July 4, 1872.

Severally referred to the Committee on Claims.

A. J. Wilkinson and fourteen others, for a delay in the extension of Devonshire street, until next spring. Referred to the Committee on Streets on the part of this Board.

D. W. Foster, for apportionment of Purchase-street betterments. Referred to the Committee on Streets.

Adoniram Burrill, for a sewer in M and Third streets.

James S. Stone and others, for a new sewer in South street.

Lucy A. Williams and others, for a sewer in Eustis street, near Winslow street.

Severally referred to the Committee on Sewers.

Henry Mayo & Co., for leave to erect at East Boston a wooden building, beyond the legal dimensions.

Timothy Hurley, for leave to erect a wooden building in rear of Heath place, within the building limits.

Severally referred to the Committee on Survey and Inspection of Buildings.

A communication was received from James M. Houston, resigning his office as an Inspector of Elections in Ward 6. Ordered to be placed on file.

## ORDERS OF NOTICE.

On petition of John J. McNutt for leave to place a steam engine and boiler in a new building on Wareham street. Hearing Monday, July 29, 4 P. M.

On petition of William G. Bell & Co., for leave to place a steam engine and boiler in 48-50 Commercial street. Hearing Monday, July 29, 4 P. M.

## AUDITOR'S MONTHLY EXHIBIT.

The monthly exhibit of the Auditor was laid before the Board in print, it being an exhibit of the General and Special Appropriations for the present financial year of 1872-73, as shown in the books in his office, July 1, 1872, including the July draft, being three months' payments of the financial year,—exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. A recapitulation gives the following result:

	Appropriations, Revenues, etc.	Expended.	Unexpended.
General.....	\$9,904,595 90	\$1,758,279 91	\$8,146,315 99
Special.....	4,622,460 80	650,739 97	3,971,720 83
	\$14,527,056 70	\$2,409,019 88	\$12,118,036 82

Ordered to be sent down.

## QUARTERLY REPORT OF INSPECTORS OF BALLAST LIGHTERS.

The quarterly report of the Weighers and Inspectors of Ballast Lighters gives as the receipts for the quarter ending June 30, \$1609 40, for the inspection of the cargoes of 552 vessels, containing 36,700 tons. The expenses of the office amounted to \$57 15, which deducted from the receipts, left the amount of \$1552 25 to be divided among the incumbents of the office. Ordered to be sent down.

## QUARTERLY REPORT OF THE CITY PHYSICIAN.

The City Physician in his quarterly report states that during the last quarter there have been vaccinated 1086 persons, and 34 physicians, residents of the city, have been supplied with vaccine virus. Certificates of vaccination have been given to 109 children for their admission into the public schools. During the last three months 373 cases of smallpox have been reported in different parts of the city, and there have been 101 deaths from the same disease. Visits have been made to the jail daily, and to the Temporary Home and the City Prison as often as it was necessary. There have been examined seventy-six men for the police force of the city.

Ordered to be sent down.

## QUARTERLY REPORT OF PORT PHYSICIAN.

The quarterly report of the Port Physician states that the whole number of vessels inspected during the last quarter was 142, as follows: steamers, 9; ships, 13; barques, 47; brigs, 41; schooners, 3. Four steamers from Liverpool and Queenstown have been detained, having smallpox on board at the time of arriving here, or on the passage. In each of which cases, the sick being removed to hospital, the remaining persons were well vaccinated and the steamer thoroughly fumigated before proceeding to the city. No quarantinable sickness has been found on board sailing vessels, and with few exceptions they have arrived in good sanitary condition.

The quarantine hospital at Gallop's Island has been patronized during the quarter, as follows: Patients received from City Hospital with smallpox, 23; received from Chelsea Marine Hospital, 4; received from vessels in quarantine, 2; received from House of Industry, 1; total number of patients treated, all with smallpox, 30. One died, 25 have been discharged well and 4 remain in hospital convalescing rapidly, June 30.

Fees amounting to \$893 have been collected. There are also a few small bills for board of patients which will be collected in a few days, and together with the fees be paid to the City Treasurer.

Ordered to be sent down.

## REPORT OF INSPECTORS OF PRISONS.

The semi-annual report of the Inspectors of Prisons and Houses of Detention in Suffolk County was laid before the Board, in print, by Alderman Cutter. An abstract of the report gives the following statements:

*House of Industry.* The commitments between the 24th November, 1871, and 15th June, 1872, a period of two hundred and four days, amounted to 2730, of which 2151 were for drunkenness, 211 as common drunkards, 104 for larceny, 73 idle and disorderly, 59 for assault and battery, 57 as vaga-



bonds, 42 as common night walkers, and the remainder for various other offences. The number discharged was 2694, of which 2292 were from expiration of sentence, 357 on payment of fines and costs, 33 were discharged by Directors, 2 by the Governor, and 10 died. The number remaining June 15 was 615—males, 356; females, 259.

The prisoners are engaged in various employments, and solitary confinement is the punishment inflicted.

There are four hundred cells in both prisons—two hundred in each. It appears that two hundred and fifteen prisoners were lodged outside of cells at the date of the inspection, namely, one hundred and fifty-six (156) males and fifty-nine (59) females. The chapel has to be used as a dormitory to lodge a portion of the male prisoners. The attention of the City Council is earnestly called to the necessity of providing additional sleeping accommodations for the inmates of this institution.

A comparison of the number of prisoners in the last four years shows an increase of 223 males and 58 females.

*House of Reformation.* The number of commitments to this institution during the same period of time was 119; truants 63, juvenile vagrants 39, larceny 12, stubborn child 1. There were discharged by expiration of sentence 82, by directors on probation 39, transfer to proper schools 9, died 1—total 131. There were remaining as per previous report, 323, and there are now 311—275 boys, 36 girls. From the date of the last inspection to May 1, 1872, all the inmates of the department attended school. Since May 1 an average of eighty-five boys have been employed on the farm and other outside labor.

The modes of punishment are solitary confinement and flogging.

*House of Correction.* The visit of the committee was on the 24th June. The number of commitments from December 16 to June 24 was 365—males, 309; females, 56. There were remaining in the prison at the date of the visit 315 males, 64 females—total 379, a decrease of 7. The principal offences were as follows: Larceny, 51; assault and battery, 54; larceny from the person, 22; breaking and entering, 23; larceny in a building 47; idle and disorderly, 21; drunkenness, 50. In the employments of males, 49 are making brushes, 120 shoes, 30 running sewing machines, 38 are humpers in yard and garden, the remainder in various kinds of work. Of the females, 15 are on contract work, and the others in various kinds of employment.

A recapitulation gives as the discharged, 2 pardoned by the Governor, 33 discharged by order of court for non-payment of fine and costs, 20 paid fines, 3 were transferred to State Lunatic Hospital, 4 died, 2 furnished surety, and 308 were discharged on expiration of sentence.

The health of the prisoners has been good. Only four deaths have occurred since the inspection in December last. Only one prisoner is allowed to occupy a cell at one time. Solitary confinement and deprivation of bed are the punishments inflicted. The prison is kept clean. The discipline is good.

The committee desire to call the attention of the Directors and the City Council to the manner in which food is served to the prisoners. The different articles of food for each prisoner are all placed in one dish, making a mixture very uninviting in appearance, and the prisoner is obliged to carry this dish in one hand, and his waste bucket in the other, to his cell and there eat his rations alone and in silence. While the different articles are of a proper quality, the manner of serving them is highly objectionable, especially when we consider that these men are doing work which more than pays the expenses of keeping them. It is the duty of the Government to provide a suitable hall, where the food can be properly served to the prisoners assembled together at tables.

*Lunatic Hospital.* There were in the hospital Dec. 21, 1871, 248—127 males and 121 females, and there have been admitted since to June 27, 5 males and 2 females, making 255. There have been discharged—recovered 8, improved 5, unimproved 1, died 12—26; leaving 125 males, 104 females; total, 229.

The causes of death were—disease of the brain, disease of the heart, pneumonia, each two; apoplexy, epilepsy, consumption, chorea, old age and suicide, each one.

The sanitary condition of the hospital has been good.

The requirements of the law appear to have been fully observed and faithfully complied with.

*Jail.* The number of prisoners December 14, 1871, was 225; committed to June 24, 1872, 2290—total 2515. Discharged during the same time 2337, leaving in jail June 24, 178.

Of the total number committed 48 were debtors. Two prisoners, each held for non-payment of fines and costs, were pardoned by the Governor of the Commonwealth. No death has occurred, and no one has escaped since last inspection.

The Inspectors found the jail buildings in good order and repair, the prison clean and well ventilated, the prisoners healthy, and the jail well kept. The keeper reports that the health of the prisoners during the past six months has been remarkably good.

The report is signed by Aldermen Cutter, Squires, and Poland, as a special committee on the subject. Ordered to be placed on file.

#### HEARING ON ORDER OF NOTICE.

The hearing on petition of Franz Petersilea for leave to put up and use a steam engine on Fremont street, Ward 16, was taken up. No person appeared in relation thereto, and the report was re-committed.

#### UNFINISHED BUSINESS.

The following order and ordinance were severally read a second time and passed:

Report and order for purchase of 26,250 square feet of land on Centre street, corner of Houghton place, Ward 15, as a site for a primary school-house, and for a loan of \$16,000 to pay for the same.

Ordinance to amend ordinance in relation to fire-arms, etc., by inserting after the word "review," in the seventh line of section one (page 255, "Revised Ordinances,") the words, "duly authorized by the military authority of the Commonwealth, or by the City Council, or by the Mayor of the city of Boston."

#### REQUEST OF COMMITTEE ON FINANCE.

The following request was laid before the Board:

To the City Council—The Committee on Finance would respectfully request the passage of the accompanying order.

WILLIAM GASTON, Chairman.

Ordered, That the Treasurer be and he is authorized to borrow, under the direction of the Committee on Finance, a sum not exceeding \$2,500,000, in anticipation of the taxes payable this year, and that all money obtained under this order be made payable on or before the 30th of April, 1873.

The order was read twice and passed.

#### REPORTS OF COMMITTEES.

Alderman Sayward, from the Committee on Fan-euil Hall, reported in favor of the petition of Thomas J. Gargan and others, for the use of Fan-euil Hall July 8, for a dinner to the Irish band, also for leave to decorate the hall. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: John Robin-on to exhibit a menagerie and circus company on the Fair Grounds, July 24-27; to three newsboys and two bootblacks, and to sundry persons for transfer of wagon licenses, licenses as victuallers, intelligence offices, for billiard saloons and wagon licenses, and for a hack stand; also to 176 persons as dealers in second-hand articles and fifty-eight persons as pawnbrokers. Severally accepted.

Alderman Fairbanks also reported leave to withdraw on petitions of Augustus Levy for a license as a dealer in second-hand articles, and of R. Bruce Chamberlain for a license to keep an intelligence office. Severally accepted.

Alderman Stackpole, from the Joint Standing Committee on Public Instruction, to whom was referred the order of the School Committee, requesting the City Council to prepare a room for school purposes in the basement of the Eliot Schoolhouse, made a report, recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be and they are hereby authorized to prepare a room for school purposes in the basement of the Eliot Schoolhouse; the expense thereof to be charged to the appropriation for Schools, Public Buildings.

The report was accepted and the order was passed.

Alderman Sayward, from the Committee on Health, reported an order, which was passed, as follows:

Ordered, That so much of the license granted to G. W. Decatur for watering certain streets in this



city, as comprehends Tremont street between Ruggles street and the old division line between Boston and Roxbury, be and the same is hereby revoked.

Also an order to abate a nuisance on premises 21 Albany street, caused by an overflowing vault, etc. belonging to M. L. Ray.

Alderman Sayward, from the same committee, reported in favor of the petition of E. & G. G. Hook, that O. Nute be allowed to water Tremont street beyond Ruggles street. Accepted.

Alderman Cutter, from the Joint Standing Committee on Ordinances, to whom were referred the order requesting the committee to consider the expediency of passing an ordinance regulating and restricting the use of streets in the city by persons soliciting persons to become passengers upon steamboats, etc., and also the draft of an ordinance relating to the same, having considered the subject, made a report, recommending the passage of the ordinance in a new draft, as follows:

Section 1. No person shall stand in any street in the city of Boston for the purpose of soliciting persons to become passengers on any steamboat unless duly licensed by the Board of Aldermen, under penalty of not less than \$5 nor more than \$50 for each offence.

Section 2. No proprietor of any steamboat shall employ or cause any person not licensed as aforesaid to stand in any street for the purpose of soliciting persons to become passengers on any steamboat, under a penalty of not less than \$5 nor more than \$50 for each day such person is so employed.

Section 3. Every person who shall have been licensed in accordance with this ordinance, when standing in the streets for the purpose of soliciting passengers, shall wear a badge on his hat or cap, with the name of the steamboat company in whose employ he is, in brass or plated letters, one inch and a half in size, and so placed that it may be distinctly seen and read, under a penalty of not less than two dollars nor more than twenty.

The ordinance was read twice and passed.

Alderman Clark, from the Joint Standing Committee on Common and Public Grounds, to whom was referred the order of the City Council authorizing the committee to lay out walks in Independence square, South Boston, made a report recommending the passage of the order in a new draft, as follows:

Ordered, That the Superintendent of Common and Public Grounds be authorized, under the direction of the Committee on Common and Public Grounds, to lay out two gravel walks in Independence square, South Boston, at an expense not exceeding \$400: to be charged to the appropriation for Common and Public Grounds.

The order was read once.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Resolved, That the thanks of the City Council are due, and they are hereby tendered, to Charles Francis Adams, Jr., for his exceedingly eloquent and interesting oration delivered before the municipal authorities of the city on the 4th instant, and that he be requested to furnish a copy for publication.

Ordered, That the Committee on Paving be authorized to construct plank walks and fences on Huntington avenue and West Newton street; the expense thereof, not exceeding \$17,000, to be charged to the Appropriation for Paving.

Ordered, That the Chief of Police be and he is hereby authorized to close against the passage of vehicles the lower end of South Market street during the removal of the buildings for the extension and widening of said street.

Ordered, That the amount of \$3697 84, being the amount with costs recovered in the Supreme Judicial Court, April term, of the city of Boston by Mary M. Morse and Solomon B. Morse for personal injuries sustained by said Mary B., from a defect in a highway at East Boston, be allowed and paid; said amount to be charged to the appropriation for Incidental Expenses.

Ordered, That the order passed September 17, 1869, to pay the aforesaid parties \$1000 be and the same hereby is rescinded.

On motion of Alderman Fairbanks,

Ordered, That the Cochituate Water Board be requested to lay the necessary water pipes in the streets on the Fort-Hill district, under the direction of the Special Committee on Fort-Hill Improvement, and that the expense be charged to the Fort-Hill Loan.

On motion of Alderman Ricker,

Ordered, That his Honor the Mayor be requested to appoint, under chapter 231 of the statutes of 1872, as many inspectors of provisions as he shall think the necessities of the city require.

Ordered, That the Committee on Salaries consider and report the rate of compensation which ought to be allowed to the inspectors of provisions in this city.

On motion of Alderman Sayward,

Ordered, That his Honor the Mayor be and he hereby is authorized to offer a reward of \$500 for information which shall lead to the recovery or the disposition of the person of Edith F. Wallace, aged fifteen years, who disappeared from her home at the corner of Pleasant and Commercial streets, Ward 16, on the evening of June 13, 1872; said amount to be charged to the appropriation for Incidental Expenses, etc.

#### SITE FOR A HIGH AND LATIN SCHOOLHOUSE.

The special assignment was taken up, it being the report and orders for the purchase of a site for a new building for the English High and Latin schools (City Doc. No. 48): amended so as to provide for the purchase of "74,100 square feet, exclusive of the passageway," on Warren avenue, Montgomery, Dartmouth and Clarendon streets; also the Washingtonian-Home estate (10,000 feet), for the sum of \$280,000, and to procure a loan of that sum for this purpose.

Alderman Cutter said he could not feel justified in voting for the order. If the site was a suitable one, the whole lot, as first proposed, should be taken, while as now proposed it was a bad shape for a lot. It was objectionable, also, from being on one side of the city; and if it must be in that section, a walk of three minutes would bring one to the site of the Coliseum, where the land could be had at a much lower rate. The cost of a schoolhouse, as proposed, would be near \$800,000, which would be too much, and he hoped the order would not be passed.

Alderman Clark said the necessity for a new schoolhouse was a fixed fact, and it was important to commence the work at once, to provide the increased accommodations required. He felt that the whole lot should be secured, as at first proposed, and regretted that the Council did not vote to take the whole, for if so much is to be expended for a schoolhouse a few thousands of dollars more is of little consequence. With the whole lot on Dartmouth street, it would give a splendid frontage, and he should be opposed to having a row of brick buildings in front of the schoolhouse.

Inasmuch, however, as the Council had voted to take the lot of the Washingtonian Home, to prevent further work on that building, he should vote to concur in their action, and, if passed, he proposed to put in another order to purchase the other five dwelling houses. While he might prefer to go down to the neighborhood of the Institute of Technology and Natural History buildings, there was no site so eligible as the one selected by the committee. The School Committee had carefully considered the subject for quite a long time, and were of the opinion that it was the best lot that can be obtained for the purpose, and in this the committee of the City Council had concurred.

The price to be paid was not, in his judgment, a high rate. It would not exceed three dollars a foot with the control of the passageway, which was not a high price, located as it is. He hoped, therefore, that the Board would concur in the passage of the order, although he felt that they should have the whole lot. It was necessary that it should be decided at once to prevent further work in the erection of the Washingtonian Home, and it would be too late to attempt the passage of the order to secure the whole lot in the difficulty of getting the Council together again to act upon it.

Alderman Sayward said he did not expect to change the minds of any of the members of the Board, but he was obliged to the Alderman on his left (Alderman Clark) for what he had said, and also to the other Alderman (Alderman Cutter) in his expression of opinion that if the site was to be secured it should be the whole lot. He hoped, therefore, that the Board would concur in the passage of the order.

Alderman Cutter said in relation to his advocating the taking of the whole lot, that he believed in starting right, and he would act irrespective of what the other board had done. But he did not believe in the eligibility of this lot, surrounded by streets, which would subject the school to the noise of such thoroughfares. He believed in having one and not four fronts, where the pupils would be attracted to the windows by bands of



music, circuses or other shows, and the schoolhouse should be located in a quiet place away from such attractions and disturbances. The Board should pause and consider whether this was right and just right in the location of a schoolhouse.

Alderman Sayward said it appeared that the Alderman had changed his ground. It had been supposed that light and air were necessary in the location of a schoolhouse, and that it should not be placed in the rear of other buildings. If this locality was satisfactory there might be a difference of opinion as to the size of the lot to be secured, but it was agreed that it would be hard to stop now. It was desirable that the land should be secured, and the sale of the present buildings and sites will go far to pay for this land.

Alderman Poland said he had no fault to find with the size of the lot, but he objected to the locality. In the erection of a schoolhouse it was supposed that the whole city was to be accommodated. This locality was not a half-mile from the Milldam, while in other directions it is six or seven miles each way. It should be as near the centre of population as possible. A large number of the children on Beacon street and that vicinity will not go to the school, and it should be located to accommodate the poorer classes who want the privilege of going there. This would be on the edge of the city. It is true there are two railroad tracks by which children can be accommodated with riding in bad weather, but this kind of weather lasted several months in the year.

Should the location be nearer to Roxbury it might be on *terra firma*, on cheaper land and of more advantage to the city. But it was said the cost would be but \$3 a foot. In the laying of the foundations for the house the cost would be \$2 extra a foot. He objected to the lot and to the locality, and hoped the order would not pass.

Alderman Ricker said this was where he expected the objections would come, for while one Alderman objected that the site was too far south, another objected that it was not far enough, and this kind of opposition was evidently designed to kill the order. This matter had been thoroughly looked over by the School Committee, and it was found that no other site was so easily to be got at or so cheap. They might as well meet the question now, and decide it as soon as possible. They could not get along much longer, and it was a disgrace to the city that something should not be done when it is necessary to colonize a large part of the school, and require the teachers to go to different places to give instruction. He was not in favor of this lot originally, but now believed they could not do better than to purchase it.

Alderman Cutter said he was not in favor of going down to the Coliseum, but spoke of that locality as being but a short distance, and the lot being much cheaper, if that section of the city must be selected. But he was not in favor of that locality, and thought that a site should be selected nearer the present school, and that another schoolhouse should be built, if necessary, to accommodate the scholars in Roxbury.

Alderman Sayward stated that the subject had been considered for three or four years, during

which an agreement could not be made, but now the School Committee and the committee of the City Council have come to an agreement that they cannot find another site so suitable.

Alderman Cutter said he should vote on his own judgment, and not on what a member of another branch might tell him.

Alderman Sayward replied that he intended to vote on his own judgment.

Alderman Clark concurred with Alderman Sayward on that point, and remarked in regard to the location as being central, that it would accommodate more than that of any other. Although it was near one corner of the Milldam, it was convenient for the North End, East Boston, South Boston, Roxbury and Dorchester. There had been only one other locality suggested, and that was a burial ground, and he did not think that the people of Boston had come to that, to dig up bodies for the purpose of planting a schoolhouse there.

The burial ground was objectionable from being on a great public thoroughfare, while the objection against the proposed site that it was a thoroughfare, was not sound, for Warren avenue was not a thoroughfare and not paved and probably never would be, nor was Montgomery street more a thoroughfare. The site afforded plenty of light and air, and if this was secured they might get the other five houses. They should not wink at a hundred or two hundred thousand dollars in a site for a hundred years. This city had always had a good reputation for its schools, and it should be sustained, and while he had great respect for the judgment of the School Committee, he also looked at the matter for himself.

Alderman Poland, in regard to central location, declared that this site was two miles out of such a centre.

Alderman Clark replied that in five or ten years it would not be out of such centre, for Cambridge and Charlestown would be annexed, when if necessary another schoolhouse could be located beyond.

The vote was taken on the passage of the order, which failed of a two-thirds vote, as follows:

Yeas—Clark, Fairbanks, Little, Power, Ricker, Sayward, Stackpole—7.

Nays—Cutter, Poland, Squires, Woolley—4.

Alderman Clark moved a reconsideration of the rejection of the order.

Alderman Cutter wished for reasons for such reconsideration, believing that the subject had been voted upon understandingly.

Alderman Clark said his reason for the motion was to keep the subject alive.

Alderman Poland moved to lay the motion on the table, which was lost.

The motion to reconsider was carried, when, on motion of Alderman Ricker, the order was laid on the table.

On motion of Alderman Clark, an order was read once to pay Lucy P. Patten an additional sum of \$468, for damages to the rear of her estate on Edinboro' street in the widening of Kingston street.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Common Council,

JULY 11, 1872.

The regular weekly meeting of the Common Council was held this evening at eight o'clock, M. F. Dickinson, Jr., President, in the chair. A call of the roll showed the following-named members to be present:

Bickford, Bicknell, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Dickinson, Dolan, Emery, Faxon, Fitzgerald, Flanders, Flynn, Hart, Heath, Jones, Kingsley, Lamb, Locke, Loring, McNutt, Moulton, Noyes, Page, Prescott, Risteen, Robertson, Robinson, Thatcher, Webster, Whiston, Wilbur.

## PAPERS FROM THE BOARD OF ALDERMEN.

The monthly exhibit of the Auditor, and the quarterly reports of the City Physician, the Port Physician, Paymaster of State Aid, and Inspectors of Ballast Lighters, were severally ordered to be placed on file.

The petitions of George B. Emerson, Timothy Hurley, Henry Mayo & Co., Nancy Haley's heirs, William Lynch, M. A. B. Gore, and of Mary L. Adams, were severally referred, in concurrence.

The following resolution, orders and ordinance were severally passed, in concurrence.

Resolution of thanks to Charles Francis Adams, Jr., for his oration delivered on the Fourth of July.

Order that the Committee on Salaries consider what compensation ought to be allowed to Inspectors of Provisions.

Report and order authorizing a room to be prepared for school purposes in the basement of the Eliot Schoolhouse.

Order that \$3,697 84 with costs, recovered in the Supreme Judicial Court by Mary M. and Solomon B. Morse for injuries sustained by said Mary from a defect in the highway at East Boston, be allowed and paid; and that the order of the 17th of September, 1869, to pay said parties \$1000, be re-issued.

Report and an ordinance (new draft) in addition to an ordinance in relation to streets.

Report and order for a loan of not exceeding \$2,500,000 in anticipation of the taxes; and that said loan be payable on or before the 30th of April, 1873.

Report and orders for the purchase for school purposes of certain land, containing 26,250 square feet, on Centre street, corner of Houghton place, at not exceeding sixty cents a foot; and for a loan of \$16,000, to be applied therefor.

The order authorizing the mayor to offer a reward of \$500 for information that shall lead to the recovery or disposition of Edith F. Wallace, who disappeared from her home on the evening of the 13th of June last, being under consideration, Mr. Burditt of Ward 16 stated that the girl referred to in the order had been found, and as there was no occasion for the passage of the order, he moved that it be laid on the table, which was carried.

The report and an ordinance (new draft) to amend an ordinance in relation to firearms, bonfires and brick kilns.

## CONSULTING PHYSICIANS.

The report nominating P. M. Crane and John Flint as candidates for Consulting Physicians, to fill vacancies, was accepted, when the Council proceeded to an election. Messrs. Noyes of Ward 5, Wilbur of Ward 9, and Martin of Ward 7 were appointed a committee to receive and count the votes, the result of which was—for P. M. Crane 42, John Flint 40, and four scattering. Drs. Crane and Flint were declared to be elected, in concurrence.

## PETITIONS PRESENTED AND REFERRED.

Zenas H. French, to be paid for injuries to his horse and wagon, on account of alleged gross heedlessness of the driver of the watering cart No. 4 of the Health Department. Referred to the Committee on Claims.

Cook, Jordan & Morse and others, for the laying out of Randolph street. Referred to the Committee on Streets.

William H. Smith and others, that Taylor street may be accepted and graded. Ordered to be sent up.

## MONTHLY REPORT OF THE CITY HOSPITAL.

Mr. Emery of Ward 10 presented the monthly report of the number of patients treated in the City Hospital in June, as returned by the Superintendent, Dr. Cowles, as follows:

	Med.	Surg.	Ophthal.	Sm. Pox.	Total.
In Hospital June 1.....	105	89	3	36	233
Admitted in June.....	119	102	5	65	291
Wholenumber treated.....	224	191	8	101	524
Discharged.....	112	92	6	52	262
Died.....	13	5	8	16	34
Remaining June 30.....	99	94	2	33	228

The number of patients treated in the out-patient department was as follows: Medical, 387; surgical, 598; ophthalmic, 873; aural, 217; skin disease, 250; total, 2325.

Ordered to be sent up.

## WIDENING OF CONGRESS STREET.

A communication was received from the Street Commissioners, with a resolve and order for the widening of Congress street, at the corner of Milk street, at an estimated expense of \$46,685. The items of the expense are given as follows: Joseph G. Russell, corner of Milk street, 633 square feet of land, at \$30 per foot, \$18,990; damage to buildings, owners and occupants, \$16,500—\$35,490; heirs of Joseph Whitney, 213 feet of land, \$15 per foot, \$3195; damages, etc., \$8000—\$11,195; making a total of 836 feet of land, at a cost of \$22,185, and of damages, \$24,500—the entire cost being \$46,685.

The resolve and order were read once, when Mr. Noyes of Ward 5 moved their reference to the Committee on Streets.

Mr. Webster of Ward 6 said he thought it to be hardly necessary to refer the subject to the committee. The members of the Council must be conversant with the particular spot, where there was a fire recently, and it was important that there should be action at once before the work of repairs was begun.

Mr. Noyes said his only reason for the motion was that it was in accordance with the usual course to refer such matters to the Committee on Streets, and as the committee would report at the next meeting, before which it could not be passed, it would not put it back much.

Mr. Flynn of Ward 7 said there were other reasons for the reference. The gentleman who owned the building had received his money from the insurance company for the amount of his loss, and the occupant who holds a lease for two years, has made preparations to go to work at once. It was unusual for the Council to vote for the widening of a street without knowing how much it will cost, and as it cannot be known how much it will be under such circumstances, to take action now would be too fast.

The motion to refer was carried.

## REPORTS OF COMMITTEES.

Mr. Bicknell of Ward 4, from the Joint Standing Committee on Public Buildings, to whom was referred the petition of J. H. Chadwick and others for a new house for Hook and Ladder Carriage No. 4, also for a new wardroom for Ward 13, made a report that they have conferred with the Chief Engineer of the Fire Department, and from him obtained the opinion that the service did not require the erection of a new house for Company No. 4.

In relation to a new wardroom for Ward 13, the committee have endeavored to secure a better location by advertising in the papers printed in the Highland District, offering to rent a room or hall suitable for ward purposes, but no response to such advertisements was obtained.

They are of the opinion that it would not be advisable to erect a new building at the present time for a ward room, from the fact that in less than three years a new division of the wards will take place, changing the voting centres.

The committee would therefore report inexpedient on the accompanying petition for a new house for Hook & Ladder Company No. 4, also for a new wardroom for Ward 13.

The report was accepted.

Mr. Emery of Ward 10, from the Committee on Public Instruction, to whom was referred the request of the School Committee for the erection of a new schoolhouse for the Mather School, Dorchester District, made a report, recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to erect a new schoolhouse for



the Mather School, Dorchester District, upon the lot of land now occupied by said school; the expense to be charged to the appropriation for Schoolhouses, Public Buildings.

The report was accepted, and the order was passed.

Mr. Robinson of Ward 11, from the Joint Standing Committee on Public Lands, to whom was referred the petition of R. G. Dayton and others that new bonds and agreements may be issued for land on Dover and Bristol streets, instead of the former ones, having given the subject due consideration, made a report recommending the passage of the accompanying order:

Ordered, That the Treasurer be and he hereby is authorized to cancel the bond numbered 2364, given by Dayton & Cree for land on Harrison avenue, Dover and Bristol streets, upon their surrendering the agreement received from the city of Boston to convey said land, and that the Superintendent of Public Lands be directed to issue a new agreement to R. G. Dayton, Boyce Brothers and John McInnis, and to contain the same conditions as are set forth in the agreements given to H. R. Plympton and Joseph F. Paul for the adjoining land, upon their giving to the city a bond in the sum of \$58,429, the same to be dated July 14, 1872, and payable in seven annual instalments, with interest, the first instalment and interest upon the full amount of the old bond as due the city July 14, 1872, to be paid upon the passage of this order.

The report was accepted and the order was passed.

Mr. Robinson of Ward 11, from the same committee, to whom was referred the petition of A. Burrell for extension of time to build on land situated on M street and opposite to Independence square, made a report recommending the passage of the accompanying order:

Ordered, That the time for erecting and completing four dwelling-houses upon the land corner of M and Third streets and opposite Independence square, as sold by the city to Burrell & Whitney, May 15, 1869, be extended to January 1, 1873, upon condition that the said Burrell shall pay to the Treasurer the instalment and interest now due upon the bond given for said land, and also to pay to the Superintendent of Public Lands the sum of \$250, within ten days from the passage of this order.

The report was accepted, and the order was passed.

Mr. Robinson, from the same committee, to whom was referred the petition of Jonas P. Tolman for leave to purchase a strip of land in rear of the old Town House on Norfolk street, Ward 16, having visited the premises and fully considered the subject, made a report that in their opinion it is inexpedient to sell said strip of land at the present time. They, therefore, recommend that the petitioner have leave to withdraw.

The report was accepted.

Mr. Robinson, from the same committee, to whom was referred the petition of Charles Clark, administrator, for a release of a condition of sale of land in Centre street, made a report recommending the passage of the following order:

Ordered, That his Honor the Mayor be and he hereby is authorized in behalf of the city of Boston to execute and deliver to Michael Downey a release of the condition set forth in a deed from the Selectmen of Roxbury, dated October 18, 1793, and recorded with Norfolk deeds, lib. 10, fol. 51, requiring a drain to be maintained to carry off the water adjoining the estate described in said deed: provided, however, that the said Downey shall convey to the said city of Boston that portion of Washington street which is now inclosed by a fence, and occupied as a part of his estate; the same to be made subject to the approval of the City Solicitor.

The report was accepted, and the order was passed.

Mr. Robinson, from the same committee, to whom was referred the petition of A. & G. Gunn, that the city would accept of the two dwelling houses as erected by them on land situated on L street, and which was conveyed by the city in May, 1872, having viewed the premises and fully considered the subject, made a report recommending the passage of the accompanying order:

Ordered, That his Honor the Mayor be and he hereby is authorized to execute an instrument, made satisfactory to the City Solicitor, approving the two dwelling houses erected upon land on L street, as conveyed by the city of Boston to A. & G. Gunn by deed dated May 1, 1872, and recorded in Suffolk Registry of Deeds, lib. 1104, fol. 212.

The report was accepted and the order was passed.

Mr. Caton of Ward 11, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Charles A. Shepard for leave to erect a wooden lumber shed on Commercial street (Ward 16) beyond the legal dimensions, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to Charles A. Shepard to erect a lumber shed on Commercial street (Ward 16) in accordance with an application on file in the office of the Department for the Survey and Inspection of Buildings.

The order was passed.

Mr. Caton, from the same committee, to whom was referred the petition of McQuestion & Fogg, for leave to erect a wooden building on Hall's wharf, Ward 1, beyond the legal dimensions, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to McQuestion & Fogg to erect a wooden building on Hall's wharf, Ward 1, in accordance with an application on file in the office of the Department for the Survey and Inspection of Buildings.

Objections were made to the passage of the order by Mr. Pease of Ward 1, unless a provision was made that the building should be covered with non-combustible material, to which Mr. Caton replied that it was to be covered with non-combustible material, with walls of corrugated iron.

The order was passed.

Mr. Caton, from the same committee, to whom was referred the petition of the Boston & Albany Railroad Company, for leave to erect two freight houses on Grand Junction wharf, near Marginal street, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to the Boston & Albany Railroad Company to erect two freight houses on Grand Junction wharf, in accordance with an application on file in the office of the Department for the Survey and Inspection of Buildings.

The order was passed.

Mr. Flynn of Ward 7, from the Joint Standing Committee on Streets, to whom was referred the petition of Thomas W. Tuttle, desiring to purchase a certain parcel of land on Wesley avenue, Ward 16, made a report recommending that the petition be referred to the Committee on Public Lands. Accepted.

Mr. Flynn of Ward 7, from the same committee, to whom were referred the resolve and order of the Street Commissioners for the widening of Pyneon street, Ward 15, on its westerly side, between Tremont street and Washington street, at an estimated expense of \$37,510 44, made a report recommending that the resolve and order ought to pass.

The report was accepted, and the resolve and order were passed.

Mr. Pease of Ward 1 said he was about to move that when the Council adjourned it should be to September, but learning that there was some important business to be acted upon, he would move that when the Council adjourned, it be to meet on Thursday next, at noon.

The motion was lost.

#### ORDERS PASSED.

On motion of Mr. Biaknell of Ward 4, Ordered, That the Committee on Public Buildings be authorized to provide two additional rooms for the pupils of the English High School; the expense thereof to be charged to the appropriation for Schoolhouses, Public Buildings.

On motion of Mr. Cunningham of Ward 2, Ordered, That the Committee on Assessor's Department be and they are hereby directed to cause to be printed a list of names of persons assessed for a poll tax in this city, and that the names of such persons be posted in conspicuous places in each ward; the expense thereof to be charged to the appropriation for Incidental Expenses.

On motion of Mr. Robinson of Ward 11, the order to pay bills for extra services by certain persons in the employment of the city was taken from the table and passed.

The resolutions on the death of Hon. John P. Bigelow, Mayor of the city in the years 1849, '50 and '51, were adopted unanimously, in concurrence, by a rising vote.



Mr. Bradt of Ward 14 moved that the Council adjourn to the first Thursday evening in September next.

Mr. Brooks of Ward 1 moved to amend by adjourning to next Thursday night, stating in support of the motion that there was important business to be acted upon, particularly with reference to school matters, which had been delayed on account of the Jubilee, and was expected to be put in this evening. Reports might be expected by

next Thursday night, when such business would be acted upon, and the work commenced on a proposed schoolhouse.

The Chair stated that the amendment proposed would be equivalent to the rejection of the original motion, and he would rule it out of order.

On motion of Mr. Flynn of Ward 7, the Council adjourned, to meet in accordance with the usual time, Thursday evening next, eight o'clock.

REPORTS

REPORTS OF THE AMERICAN MEDICAL ASSOCIATION

ON THE

PROPOSED

AMENDMENTS

TO THE

ARTICLE

OF THE

CONSTITUTION

RELATIVE

TO

THE

REGULATION

OF

THE

PRACTICE

OF

THE

PROFESSION

OF

PHYSICIAN

AND

SURGEON

AND

DRUGGIST



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
 JULY 15, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Undertaker—Cornelius Desmond,  
 Special Police Officer, without pay—O. R. Aehorn, for wharves between F and Dorchester street.

Police Officer—William Murphy, (under suspension of the rules.)

## PETITIONS PRESENTED AND REFERRED.

Ellen F. Cilley, to be paid for grade damages on Howard avenue.

Rogers Brothers and others, that F street be graded between Athens and First streets.

Thomas F. Carbery and others, to be paid for grade damages on Athens street.

Selectmen of Brookline, for leave to erect a dam across Muddy River, near Brookline avenue, provided the grade of said avenue is not affected thereby.

J. H. Hathorne, for the removal of the horse-car tracks around the corner of the Fitchburg Railroad Depot, not in use.

Hiram Ames and others, that Yarmouth street be graded, etc.

Hannah T. Hathaway, to be paid for grade damages on Ontario street.

T. W. Townsend and others, that sidewalks be laid in Sterling street.

Severally referred to the Committee on Paving.  
 Moses R. Power, for leave to occupy a brick stable for four horses on Fifth street, between M and N streets.

Highland Street Railroad Company, for leave to occupy a brick stable for one hundred and twenty-five horses, on Blue Hill avenue, near Grove Hall.

Timothy Hurley, for leave to occupy a wooden stable for two horses rear of Heath place.

John Keen, for leave to occupy a wooden stable for two horses on Highland street, part of lot 26.

Michael Kelley, for leave to occupy a wooden stable for one horse at No. 74 George street.

William Rowe, for leave to occupy a wooden stable for two horses on Highland park.

N. D. Rich, for leave to keep an additional horse in his stable at No. 15 Cliff street.

George Curtis and others, in relation to the removal of the pest house in Albany street.

Severally referred to the Committee on Health.  
 Moses Kimball, for abatement of his Sturgis-street betterments.

Ellen F. Cilley, to be allowed an additional sum for land damages on Stoughton street.

W. E. Woodward, to be allowed an additional sum for land damages on Stoughton street.

Margaret Bralley, for abatement of her Hamilton-street betterments.

Severally referred to the Committee on Streets.  
 Jacob K. Lunt, for license as an auctioneer in the city of Boston. Referred to the Committee on Licenses.

Hiram Curtis and others, for a sewer in Dorchester avenue, near Adams street.

Lot Macnamara and others, for a sewer in Broadway, between N and O streets.

Severally referred to the Committee on Sewers.  
 S. G. Cheever, that lamps be placed and lighted in Walden Park. Referred to the Committee on Lamps.

Flora L. Gray, to be compensated for personal injuries sustained in Green street, by an alleged defect in the highway. Referred to the Committee on Claims.

John W. Ohnstead and others, residents of Worcester square, that immediate measures may be taken by which the park may be opened, at least by day, seats placed therein, the basin of the fountain kept filled with water, etc. Referred to the Committee on Common, etc.

Joseph F. Paul, for leave to erect a wooden building on Albany street, at the corner of Bristol street, within the building limits. Referred to the Committee on Survey and Inspection of Buildings.

Henry C. Morse, for leave to purchase the lot of

land on West Newton street, west of Columbus avenue, belonging to the city. Referred to Committee on Public Lands.

Professor Joseph Winlock, that an appropriation be made to the Observatory of Harvard College for furnishing the correct time to this city. In support of the application it is said that it is not possible to furnish an accurate standard of time without the aid of costly apparatus, and a constant reference to observations by competent and careful persons. This service has been rendered gratuitously for twenty-five years, and it is believed to be but simply just, that if continued, some suitable compensation should be made therefor. The city of Chicago pays to the Dearborn Observatory \$1000 a year for similar service, and it is suggested that this is the least sum which the city should be willing to contribute. The line of telegraph is supported by private subscription, and the observatory is engaged in introducing a system of time by telegraph which will secure perfect accuracy and uniformity in the indications of time throughout the city.

Referred to Committee on Bells and Clocks.

## SEWER ASSESSMENTS.

Communications were received from the Superintendent of Sewers, with schedules of sewer assessments, the aggregates of which are as follows: Bristol street, \$918 97; Canton street, \$1858 37; Saratoga street, \$143 19; Thacher street, \$838 62; Ivanhoe and Fabin streets, \$1244 58; Lewis park and Linwood street, \$191 85. Severally referred to the Committee on Sewers.

## QUARTERLY REPORT OF SUPERINTENDENT OF HEALTH.

The Superintendent states that there has been expended by the department for the quarter ending June 30, as follows: Sweeping and cleaning the streets, removal of house dirt and offal, cleaning cesspools, etc., \$85,537 33. Demands against sundry persons for material sold and team work, said bills having been deposited with the City Treasurer for collection, \$6749 33. Amount paid into the City Treasury and the same credited to the department, \$10,132 54. Number of prisoners conveyed from the several station houses to the city lock-up, as follows: Males, 2255; females, 710; total, 2945. Number of entries for cleaning vaults during the quarter, 1701.

Or lered to be sent down.

## QUARTERLY REPORT OF CHIEF OF POLICE.

The quarterly report of the Chief of Police gives the following as some of the work of the department during the quarter ending June 30:

Arrests, 6717—males, 5372; females, 1345. Americans, 2213; foreigners, 4504; non-residents, 1449; minors, 1293. Commitments, 3632.

Lodgers, 7926—males, 6709; females, 1217. Americans, 3209; foreigners, 4717; non-residents, 5941; minors, 1104.

Amount of property taken from prisoners and lodgers, and restored, \$21,445 01; amount of property reported stolen in this city, \$17,400; property recovered, stolen in and out of the city, \$12,007 99; fines imposed by courts, \$14,955; amount of imprisonment, 279½ years; days spent in court, 2689; witness fees earned, \$3470 11; larcenies reported in the city, 555; arrests for the same, 323; received for dog licenses, \$7939 50.

The principal causes of arrest were as follows: Assault and battery, 507; felonious assault, 58; breaking and entering, 20; common drunkards, 128; delirium tremens, 17; disorderly, 1362; disturbing the peace, 120; drunkenness, 2742; embezzlement, 14; gaming on Lord's Day, 21; idle and disorderly, 59; insane, 54; keeping houses of ill fame, 11; liquor nuisances, 15; simple larceny, 221; felonious larceny, 75; malicious mischief, 67; night-walking, 50; robbery, 28; runaways, 17; shopbreaking, 49; stubborn children, 20; suspicion of larceny, 85; suspicious persons, 426; truancy, 75; vagrancy, 62; violation of city ordinances, 96; violation of Sunday law, 34; witnesses, 91.

Under the head of miscellaneous are the following items:

Accidents, 234; buildings found open and secured, 578; cases investigated, 1286; dangerous chimneys reported, 19; do. buildings, 7; dead bodies found, 41; defective drains and vaults reported, 314; defective fire alarms and clocks, 29; defective hydrants, 30; do. lamps, 1728; do. streets and sidewalks, 1667; do. water pipes, 64; disturbances suppressed, 1130; extra duties done by officers, 1272; fire alarms given, 59; fires extinguished without alarm, 44; intoxicated persons assisted home, 386; lost children restored, 472; rescued from drowning, 5; sick and injured persons assisted, 79; stray



teams put up, 42; street obstructions removed, 5902; vessels boarded, 288; water running to waste reported, 50.

The expenditures of the department were as follows: Pay roll of officers, \$133,671 95; care of stations, \$1223 94; fuel, \$888 61; gas, \$1516 44; water, \$272 97; furniture and carpets, \$955 66; medical attendance on sick and injured persons, \$459; printing and stationery, \$297 02; care of telegraph line and instruments, \$64 50; sundry expenses, \$4559 55—total, \$143,909 64; balance in treasury, \$526,090 36.

Ordered to be placed on file.

ANNUAL REPORT OF THE AUDITOR OF ACCOUNTS.

The annual report of the Auditor of Accounts of the receipts and expenditures of the city of Boston and the county of Suffolk for the financial year 1871-72, was laid before the Board in print.

The following general statement of payments is given, as drawn for by the Mayor through the office of the Auditor:

On account of the city of Boston.....	\$10,687,937 75
On account of the county of Suffolk.....	99,451 78
<b>Total payments by the Auditor of Accounts.....</b>	<b>\$10,787,389 53</b>
To which add the payments by the Treasurer, which did not pass through the Auditor's office, to pay the State tax, interest and premium, county of Suffolk and militia bounty, the details of which may be found under the head of "Auditor's Aggregates".....	2,706,559 36
Board of Commissioners on the Sinking Funds.....	1,726,907 28
Water loan due in the year 1870-71, and drawn for by the Auditor that year, but not paid until 1871-72.....	59,000 00
Old claims.....	593 83
<b>Total payments as shown by the Auditor..</b>	<b>\$15,280,450 00</b>

The total payments, as shown by the annual report of the City and County Treasurer to the City Council, were on account of the city, \$15,007,790 79; and on account of the county, \$271,941 38, which, with drafts drawn and not paid of \$717 83, gives the total amount as above, \$15,280,450.

The Treasurer's report shows that the balance of cash on hand April 30, 1871, was..	\$2,555,496 13
Total receipts during the year 1871-72.....	\$15,527,833 40
Total payments during the year 1871-72.....	15,279,732 17
	248,101 23
	\$2,803,597 36

To this cash balance of the Treasurer we add the amount advanced by him on loans authorized but not negotiated, as shown under the head of the "Treasurer's Balance".....	197,857 91
	\$3,001,455 27

This balance, \$3,001,455 27, is subject to the following payments, viz.:

Balances of unexpended appropriations for uncompleted works, etc., carried to 1872-73.....	\$2,900,291 52
Temporary loan of 1869-70, not paid.....	100,000 00
City Hospital—Goodnow Fund.....	633 25
Nichols Fund.....	530 50
	\$3,001,455 27

The Sinking Fund Commissioners have during the year purchased and cancelled before maturity with the revenue received from the works for which the loans were created to pay, and from the balances of appropriations and excess of revenue at the close of the financial year of 1870-71, \$1,171,550, and at the same time paid for 1872 the percentage required to be set apart or taxed each year for the sinking funds created for the redemption of the respective loans negotiated, thereby saving taxation on that account. The gross debt of the city April 30, 1872, was—funded, \$28,430,677 91; unfunded, \$197,857 91; total, \$28,628,535 82. The means on hand at the same time for the redemption of the same was \$12,849,159 31. This shows an increase of the gross debt of \$1,962,099 09, and an increase of means for redeeming the same of \$1,216,199 40, as compared with the year ending April 30, 1871, leaving the net increase of the debt during the year \$745,899 69. The sinking funds show an increase of \$973,077 31, and the public land and betterment bonds an increase of \$243,122 09.

The funded debt was increased during the year by the issue of bonds on account of the city and water loans, to the amount of \$3,367,000, and was reduced by the payment of \$1,409,238 89, and the unfunded debt was increased by loans authorized but not negotiated, of \$197,857 91.

The indebtedness, as stated above, the Auditor classifies as follows:

City Debt, proper.....	\$16,292,865 08
Water Debt (net cost of the Water Works).....	9,602,950 74
War Debt.....	1,914,500 00
Roxbury Debt.....	634,700 00
Dorchester Debt.....	183,500 00

Total, as above..... \$28,628,535 82

The water loans outstanding April 30, 1872, amount to \$6,812,711 11; but the real debt of the Water Works is shown by the excess of the expenditures for said works over the revenue derived from the same, which is, as stated above, \$9,602,950 74.

The general expenditures were as follows:

Ordinary expenses, which includes the interest, premium and exchange paid on the entire debt of the city (\$1,560,489 26).....	\$7,717,278 34
Suffolk-street District.....	1,269,757 99
Laying out and building new streets and widening old ones, not included in the annual appropriations for such objects..	1,030,053 35
Temporary city loans, redeemed.....	1,000,000 00
State tax.....	333,775 00
Fort Hill improvement.....	387,362 42
Water Works, Boston Highlands and Dorchester.....	345,372 58
Erecting new buildings and land for same..	198,920 07
Erecting new schoolhouses and purchasing land for same.....	97,800 68
Soldiers' Relief.....	89,942 41
City Debt, payment to Commissioners.....	77,625 00
Militia Bounty.....	39,805 50
Chestnut Hill Reservoir.....	26,228 05
Church-street District.....	6,397 14
Additional Supply of Water.....	2,302 81
	\$13,222 601 34

The Treasurer's payments, in addition to the regular expenditures on account of the City of Boston, as given above, were, to the Commissioners on the Sinking Funds..... 1,726,907 28

\$14,949,508 62

The county expenditures were \$197,451 88 for expenses of courts, \$29,154 06 for jail expenses, \$19,685 39 for repairs and care of buildings, \$7039 55 for coroners' inquests, etc., and \$18,010 50 for miscellaneous—making a total of \$271,941 38.

The principal items of revenue were as follows:

Taxes of 1871, \$7,160,241 14; taxes of previous years, \$583,633 87; corporation taxes received from State, \$445,025 49; bank tax, \$217,193 22; water works, rates, etc., \$841,972 82; from several departments, \$665,631 99; instalments on bonds of the sinking funds, \$194,867 20; interest on bank balances and taxes, \$158,078 05; soldiers' relief, payments from State, \$95,500; West-Boston and Cragie's bridges fund, \$65,048 50; Charles-River and Warren bridges, \$4051 57; Grammar Schoolhouse lot, Ferdinand street, \$47,164 91; militia bounty, \$38,038 50; dog licenses, \$10,028; betterments on sundry streets specified, \$140,224 33; Consolidated Street Improvement Fund, \$133,759 69; Suffolk-street District Fund, \$126,429 10; Scollay's Building Fund, \$41,000; Church-street District Fund, \$13,473 47; Kingston-street do., \$12,299 25; Shawmut-avenue do., \$4422 00; Columbus-avenue do., \$705 21.

The receipts on county account amounted to \$141,607 34, of which \$133,839 90 were from fines and costs, etc.

The expenditures of the principal departments were as follows: City Hospital, \$113,371 05; Fire Department, \$468,843 50; Health, \$338,798 06; Police, \$575,324 28; Public Buildings, \$62,583 79; Public Institutions, \$303,892 47; Schools and schoolhouses, \$1,313,106 83; Streets, \$1,546,841 19; Water Works, \$1,224,396 59. The income from the Health Department was \$47,348 15; Public Institutions, \$107,440 40; Schools, \$26,859 98; Water Works, \$841,972 82; with small amounts from the several other departments.

The assessment of taxes to defray the expenses of the city of Boston and county of Suffolk for the financial year 1871-72, less the revenue to be received from other sources; also to pay the State tax levied on the city of Boston, 1871, was—

City's Proportion of Bank Tax,.....	\$7,846,998 70
Supplementary Bills,.....	201,189 80
Additional Bills by omission.....	451 49
	224 01
	\$8,148,864 00
Tax Payments in the City Treasury to April 30, 1872,.....	\$7,160,241 14
Received from the State on account of Bank Tax.....	217,193 22
Abatements.....	87,852 95
Outstanding.....	683,576 69
	\$8,148,864 00

In relation to the Fort-Hill improvement, now complete, the Auditor states that the city owns, by



purchase and surrender, and schoolhouse lots, 49,249 square feet of land. The expenditures on the Suffolk-street district have amounted to \$1,617,227 03; received into the treasury for sale of lands and buildings, \$133,947 77. About one hundred and fifty buildings were destroyed. After giving a statement of the appropriations and payments, with the estimated income for the year, the Auditor makes the following summary:

Actual income and taxes.....	\$10,137,458 61
Estimated income and taxes.....	9,500,743 00

Excess of actual income and taxes.....	\$636,715 61
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Excess of actual income and taxes, as given above.....	\$636,715 61
Excess of appropriations over actual payments, as per statement on page 51.....	257,401 08

Total amount carried to the Sinking funds for the redemption of the debt of the city	\$894,116 69
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Among other expenditures not given as above, in the several departments, were the following: Common and Public Squares, \$77,946 87; expenses of joint committees, charged to Contingent Fund, \$3910 29; Mayor, entertaining visitors, \$64 50; Aldermen, \$873 25; Common Council, \$2585 70—making a total from Contingent Fund of \$7433 74. There were charged to Incidental Expenses, for Fourth of July celebration, \$19,841 58; reception of Grand-Duke Alexis, \$10,612 13; Post Office corner-stone celebration and reception of President of the United States, \$9573 56; laying of corner stone of Soldiers' Monument, \$5078 50; music on the Common, etc., \$2997 34; election expenses, \$2823, 40; steaunboat excursion, \$2103 98; judgments against the city, \$5446 05—total incidental expenses, \$64,559 34.

In the appendix the Auditor gives as the cost of laying out and widening streets, from the organization of the City Government in 1822, to April 30, 1872, \$11,987,134 73; the payments on account of street widenings, etc., the last year, amounted to \$1,189 730 67.

The Auditor gives a comparison of the rate of taxation in this and several other large cities for a series of years. In this city, this rate has varied from \$8 90 per \$1000 in 1861, to \$15 80 in 1865, when the State tax was \$4 44, and \$13 10 last year. In New York the rate has varied from \$20 25 per \$1000 in 1863, to \$29 90 in 1865, and \$21 70 in 1871. In Philadelphia the rate was \$20 in 1860 and 1861, \$40 in 1866 and 1867, \$14 in 1868, \$18 in 1869, 70 and '71, and \$20 80 in 1872. This tax is exclusive of special assessments. In Chicago the rate has varied from \$11 in 1860 to \$20 in the years 1863 to 1866, and \$10 in 1871. In addition to the State, county and city taxes, Chicago has a system of special assessments paid wholly by real estate benefited by special improvements, which amounted for the year ending April, 1871, to \$2,359,835 89. The total tax levy of Chicago for 1870 was \$9,256,333 05, on a valuation of less than half of that of this city. In Cincinnati the rate has varied from \$17 45 for \$1000 in 1860 to \$31 90 in 1869, \$31 60 in 1870 to \$22 20 in 1871.

The report was ordered to be sent down.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Report and order to lay out two gravel walks on Independence square, at an estimated expense of \$400.

Order to pay Lucy P. Patten \$468, for Kingston-street land damages.

#### PAPERS FROM THE COMMON COUNCIL.

The petitions of Zenas H. French and of Cook, Jordan & Morse were referred, in concurrence.

The monthly report of the Superintendent of the City Hospital was ordered to be placed on file.

The resolve and order to widen Congress street at the corner of Milk street were referred to Joint Committee on Streets, in concurrence.

The following reports were accepted, in concurrence:

Report leave to withdraw on petition of Jonas P. Tolman for leave to buy a piece of land near old Town House in Dorchester.

Report of Committee on Public Buildings that it is inexpedient to erect a new house for Hook & Ladder Carriage No. 4, and wardroom for Ward 13.

Report referring to Committee on Public Lands the petition of Thomas W. Tuttle, for leave to purchase a piece of land in Wesley avenue, Ward 16.

The following orders were severally passed, in concurrence:

Report and order to issue new bonds and agreements to R. G. Dayton *et al.*, for land on Dover and Bristol streets.

Order to pay bills of certain officers of the City Government.

Report and order for Committee on Public Buildings to erect a new schoolhouse in Mather School lot, Dorchester.

Report of Committee on Streets that resolve and order to widen Pyncheon street ought to pass, and passage of resolve and order to widen Pyncheon street at a cost of \$37,510 44.

Report of Committee on Public Lands, with order to accept houses erected by A. and L. Gunn on L street.

Report and order to allow Charles A. Shepard to build a lumber shed in Ward 16.

Report and order to allow A. Burrill further time in which to build on M street, on certain conditions.

Report and order to release a condition in sale of land by the town of Roxbury to Michael Downey in 1793.

Report and order to allow McQueston & Fogg to erect a wooden building on Hall's wharf, Ward 1.

Report and order to allow the Boston & Albany Railroad Company to erect two freight houses on Grand Junction wharf.

Order for Committee on Public Buildings to provide two additional rooms for English High School pupils.

Order for Committee on Assessor's Department to prepare, print and post a list of all persons assessed for a poll tax in this city.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of a license to B. B. Chamberlain as an auctioneer, and licenses to sundry persons for hack and wagon stands, as innholders and victuallers, for billiard saloons, intelligence offices, and wagon licenses. Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of granting petitions, as follows:

Metropolitan Railroad Company, to move car house and stable on Stoughton and Hudson streets, upon condition that said buildings shall be removed when new buildings are constructed and occupied; Caleb A. Curtis, to occupy a brick stable on Beacon and Exeter streets; G. W. Hamilton, to occupy a wooden stable for three horses on Spring Garden street, Ward 16; E. L. Allen, to occupy a stable for one horse rear of Cottage street, Ward 16; Nancy M. Covert, to occupy a wooden stable for two horses on Wyoming street; William H. Haigh, to erect a brick stable for two horses on Vernon and Hampshire streets. Severally accepted.

The same committee reported no action required on petition of Catharina Schwartz and others against the erection of a soap factory on Ward and Prentiss streets by E. Nathans; reference to Committee on Sewers, on petition of John McKinon and others, for abatement of nuisance on Newman street; leave to withdraw on the petition of James O. Young for increased compensation for removal of house offal from East Boston, and of Frank Van Ew for leave to occupy a wooden stable for one horse at No. 20 Conant street.

Severally accepted.

Alderman Clark, from the Joint Standing Committee on Streets, to whom was referred the order requesting the Board of Street Commissioners to report to the City Council an estimate of the expense of extending Williams street to Madison square, made a report that the order ought to pass. The report was accepted and the order was passed.

Alderman Clark, from the same committee, to whom was referred the petition of A. J. Wilkinsou & Co. and fourteen others, owners and occupants of estates on Wilson's lane, for a delay in the extension of Devonshire street, made a report that the petitioners have leave to withdraw. Accepted.

Alderman Clark, from the same committee, to whom were referred the resolve and order of the Street Commissioners for the widening of Congress street, on its easterly side, at the corner of Milk street, at an estimated expense of \$46,685, made a report that the resolve and order ought to pass, and they would recommend the passage of the accompanying order, authorizing a loan to cover the expense of said widening:

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$47,000, to cover the expense of widening Congress street at the corner of Milk street.

The report was accepted, when the resolve and order to widen the street, and the order to borrow the money therefor, were severally passed.



Alderman Sayward, from the Joint Standing Committee on Public Buildings, made a report that there will be required, in addition to the appropriations already authorized for Police Station No. 9, the sum of \$1300 to pay for the steam heating apparatus, grading the grounds and providing the requisite furniture. They would, therefore, recommend the passage of the accompanying order:

Ordered, That the Joint Standing Committee on Public Buildings be authorized to provide such furniture as may be required, also fence and grade the grounds of Police Station District No. 9; the expense therefor, not exceeding \$1300, to be charged to the appropriation for Public Buildings.

The report was accepted, and the order was passed.

Alderman Sayward, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Henry Mayo & Co. for leave to erect a wooden building, beyond the legal dimensions, on Mayo's wharf, East Boston, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to Henry Mayo & Co. to erect a wooden building according to an application on file in the office of the Department for the Survey and Inspection of Buildings, provided that the front of said building be covered with non-combustible material.

The report was accepted, and the order was passed.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That the Superintendent of Streets be directed to pave the sidewalk adjacent to the Public Garden on Charles street with brick; one-half of the expense thereof to be charged to the appropriation for Paving, and one-half to the appropriation for Commons and Squares.

Ordered, That the Superintendent of Streets be directed to grade Appleton street, as recently extended from Berkeley street to Tremont street, at an estimated cost of \$10,000.

Ordered, That the Board establish the grade of Tremont street, between the Boston & Albany Railroad Bridge and Berkeley street, as shown on a plan and profile drawn by the City Surveyor, dated May 3, 1869, and deposited in the office of said City Surveyor.

Ordered, That the Superintendent of Streets be directed to pave High-street place with small granite blocks, at an estimated cost of \$2000.

Whereas, it appears to this Board that the public safety and convenience require that edgestones be set on Hammond, Windsor and Westminster streets, it is hereby

Ordered, That the Superintendent of Streets be and he is hereby directed to furnish and set edgestones on said Hammond, Windsor and Westminster streets, and to report a schedule of the expense thereof to this Board, pursuant to law.

Whereas, it appears to this Board that the public safety and convenience require that edgestones be laid in Clifford street, it is hereby

Ordered, That the Superintendent of Streets be and he is hereby directed to furnish and set edgestones on said Clifford street, and to report a schedule of the expense thereof to this Board, pursuant to law.

Whereas, it appears to this Board that the public safety and convenience require that sidewalks be constructed on High-street place, it is hereby

Ordered, That the Superintendent of Streets be and is hereby directed to furnish and set edgestones and pave the sidewalks with brick on said High-street place, and to report a schedule of the expense thereof to this Board, pursuant to law.

Whereas it appears to this Board that the public safety and convenience require that edgestones be set on P street, between Third and Fifth streets, it is hereby

Ordered, That the Superintendent of Streets be and he is hereby directed to furnish and set edgestones on the said P street, and to report a schedule of the expense thereof to this Board, pursuant to law.

Ordered, That the Metropolitan Railroad Company be and they hereby are notified to remove within ten days the tracks laid down in Cottage and Pond streets, Ward 16, under a temporary location granted to said company October 10, 1870, and to place said streets in as good condition as they were in before said tracks were laid down; and if said tracks are not removed by said Metropolitan Railroad Company within the time above specified, the Superintendent of Streets is hereby

directed to take up and remove said tracks at the expense of said company.

On motion of Alderman Clark,

Ordered, That the expense of widening Pynchon street, in accordance with the resolve and order of the Street Commissioners, passed by the City Council this date, not exceeding the sum of \$37,510 44, be charged to the Appropriation for Laying Out and Widening Streets.

Ordered, That due notice be given to John F. Mills, David Snow, A., A. M. & A. Jacobs, Wallace F. Robinson, Thomas Dana, Mary H. Potter, Mary A., wife of F. A. Hall, T. W. Nickerson, Josiah and Edmund Quiney, executors and residuary legatees, the proprietors of T wharf and all other persons interested as owners, proprietors, tenants, etc., of buildings projecting over the line of widening of South Market street extended, to remove all obstructions over the line of said widening, on or before the 1st of August; in default of which the Committee on Laying Out and Widening Streets are directed and empowered to enter upon said land and remove said obstructions.

On motion of Alderman Rieker,

Ordered, That the Superintendent of Markets be and he is hereby directed to notify the occupants of Faneuil Hall markets to remove all refuse animal and vegetable substances daily, before the closing of said markets.

On motion of Alderman Staekpole,

Ordered, That the Committee on Public Instruction be authorized to purchase of Coleman Cook a lot of land for school purposes, on Lexington street, East Boston, adjoining the primary school, containing fifty-five hundred square feet, more or less, at an expense not exceeding ninety cents per square foot.

Ordered, That the Auditor of Accounts be authorized to make a transfer of \$5000 from the Reserved Fund for the purchase of the above-mentioned lot of land.

On motion of Alderman Woolley,

Ordered, That the Chief Engineer of the Fire Department be and he is hereby authorized to provide such safeguards against fire at the building known as the "Coliseum" as the safety of the surrounding property would seem to demand; the expense thereof to be charged to the proprietors of the building.

Ordered, That there be allowed and paid to the Ninth Regiment, M. V. M., the sum of \$700, in addition to the amount heretofore allowed, for repairs of their headquarters; said sum to be charged to the appropriation for Armories.

Ordered, That there be allowed and paid to Company C, First Regiment, M. V. M., the sum of \$250, for repairs of armory; said sum to be charged to the appropriation for Armories.

Ordered, That there be allowed and paid to Co. F, Ninth Regiment, M. V. M., the sum of \$100, in addition to the amount heretofore allowed, for repairs of armory; said amount to be charged to the appropriation for Armories.

Ordered, That there be allowed and paid to Co. K, Ninth Regiment, M. V. M., the sum of \$300, for rent of armory now temporarily occupied by said company; said sum to be charged to the appropriation for Armories.

Ordered, That there be allowed and paid to Company H, Ninth Regiment, M. V. M., the sum of \$250, for repairs of armory, said sum to be charged to the appropriation for Armories.

Ordered, That there be allowed and paid to the First Battalion of Infantry, M. V. M., the sum of \$300, for repairs of their headquarters; said sum to be charged to the appropriation for Armories.

Ordered, That there be allowed and paid to Company A, Second Battalion of Infantry, Massachusetts Volunteer Militia, the sum of \$200, for repairs of armory; said sum to be charged to the appropriation for Armories.

On a motion being made by Alderman Woolley for a suspension of the rules for the passage of the above orders relating to armories, Alderman Jenks inquired in relation to the first, whether the expenditure was of a legitimate character, or as a fancy place for a headquarters' gathering.

Alderman Woolley replied that it was for a legitimate character, and was needed for the purposes intended.

Alderman Jenks wished to know whether the expenditure was for painting, frescoing or of furniture.

Alderman Woolley replied that it was for simply fitting up the armory with only such furniture as was necessary—chairs, tables, etc., not expensive.

To further questions whether the expenditures had already been incurred, it was replied that only



in the cases where an additional sum was asked for, the committee first asking for an appropriation before the expenditure was made. The practice was for the Committee on Public Buildings to do what was necessary in providing for the storage of arms, chargeable to that department, and the Committee on Armories to provide for the remainder, in fitting up the armories.

Orders were also passed for the collection of assessments to the amount of \$188 77 as the expense of abating a nuisance in Crescent place; and for the abatement of nuisances in May place, Harrison avenue, Nassau, Northampton, Second, Davenport, Broad and Wharf streets, rear of Tremont street and Chickering's factory, and on Leather square.

## ORDERS OF NOTICE.

On the petition of the Union Freight Railroad Company, for a location of their tracks, pursuant to the provisions of their charter, in Lowell, Brighton, Causeway, Minot, Nashua, Commercial, Prince, Hanover, Fleet, India, Broad, Atlantic avenue, Federal, Kneeland, Cove, Lincoln and Eliot streets. Hearing Monday, August 5, 4 P. M.

On petition of the Advocate Printing House, for leave to erect a steam boiler in the new brick building on Decatur street, near Meridian street, East Boston. Hearing Monday, August 5, 4 P. M.  
Adjourned.











CITY OF BOSTON.

Proceedings of the Common Council,  
JULY 18, 1872.

The regular weekly meeting of the Common Council was held this evening at eight o'clock, M. F. Dickinson, Jr., President, in the chair. A call of the roll showed the following-named members to be present:

Adams, Brennan, Brooks, Birditt, Burt, Caton, Collins, Dacey, Darrow, Davenport, Devine, Dickinson, Dowd, Emery, Faxon, Fitzgerald, Gragg, Hart, Hughes, Jones, Kingsley, Lamb, Loring, Martin, McNutt, Moulton, Mullane, Page, Pease, Perkins, Pickering, Prescott, Robertson, Robinson, Shepard, Smith, Thacher, Walker, West, Weston, Whiston, Wright.

PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly report of the Superintendent of Health, was ordered to be placed on file.

The petitions of Joseph F. Paul, John W. Olmstead and others, Flora L. Gray and of Henry C. Morse, were severally referred, in concurrence.

The annual report of the Auditor of Accounts was ordered to be placed on file.

The following orders were severally passed, in concurrence:

Report and order that the Inspector of Buildings be authorized to issue a permit to Henry Mayo & Co. to erect a wooden building according to an application on file in the office of said Inspector.

Report and order authorizing furniture to be provided, also a fence, and the grounds to be graded for Police Station, District No. 9, at an expense not exceeding thirteen hundred dollars.

Order authorizing the sidewalk adjacent to the Public Garden on Charles street to be paved with brick.

Order authorizing such safeguards to be provided against fire at the Coliseum as the safety of the surrounding property may seem to demand.

Report in favor of the order for estimates of the expense of extending Williams street to Madison square; and the said order requesting the Street Commissioners to report such estimates.

Report and order, in a new draft, to authorize two gravel walks to be laid out in Independence square, South Boston, at a cost not exceeding four hundred dollars.

Report and order requesting the Street Commissioners to furnish estimates of the expense of extending Swett street so as to intersect Dorchester avenue at its junction with Dorchester street.

Orders authorizing fifty-five thousand square feet of land for school purposes to be purchased on Lexington street, East Boston, at not exceeding ninety cents per square foot, and for a transfer from the Reserved Fund of five thousand dollars to pay therefor.

Report that the resolve and order ought to pass for the widening of Congress street, on its easterly side, at the corner of Milk street, at an estimated expense of forty-six thousand six hundred and eighty-five dollars; an order authorizing a loan to cover said expense; and the resolve and order of the Street Commissioners for the widening of said Congress street.

Orders to pay one hundred dollars (additional) for repairs of the Armory of Company F, Ninth Regiment; two hundred and fifty dollars for repairs of Armory of Co. C, First Regiment; three hundred dollars for rent of Armory of Co. K, Ninth Regiment; two hundred dollars for repairs of Armory of Co. A, Second Battalion of Infantry; two hundred and fifty dollars for repairs of Armory of Co. H, Ninth Regiment; three hundred dollars for repairs of headquarters of First Battalion of Infantry; seven hundred dollars additional to the allowance for repairs of headquarters of the Ninth Regiment.

UNFINISHED BUSINESS.

The ordinance, in new draft, in addition to an ordinance in relation to fire arms, bonfires and brickkilns was read a second time and passed.

PETITIONS PRESENTED AND REFERRED.

George L. Shaw, to be allowed compensation for time lost by injury while in the discharge of his duty in the employment of the city.

Catharine Ballentine, to be compensated for injuries caused by a defect in the public highway in Adams place.

Severally referred to the Committee on Claims.

William Eliot Woodward and others, for an ex-

tension of the Cochituate water pipes to a point near Fellowes and Hunneiman streets, and the establishment of a hydrant at that point.

Referred to the Committee on Water.

William Evans, withdrawing an offer for sale to this city of a lot of land on East Chester park. Referred to Committee on Public Lands.

REPORT OF INSPECTOR OF BUILDINGS.

The semi-annual report of the Inspector of Buildings was laid before the Council and ordered to be printed. During the past six months the number of permits issued for buildings of brick or stone was 202; wooden and frame buildings, 402; for repairs and alterations of buildings, 456. The number of brick or stone buildings erected or in process of erection was 532, classified as follows: 1 church, 2 charitable institutions, 2 public buildings, 21 buildings for mercantile purposes, 8 mechanical, 2 manufactures, 1 hotel, 1 railroad station, 1 ear house, 2 breweries, 3 gasometer and retort houses, 3 storage, 9 stables, 1 private schoolhouse, 11 stores and offices, 18 family hotels and tenement houses, 21 dwellings and stores, 425 dwelling houses, Total, 532.

The number of the above class of buildings in the several wards is as follows: Ward 1, 6; Ward 2, 6; Ward 3, 5; Ward 4, 14; Ward 5, 13; Ward 6, 49; Ward 7, 10; Ward 8, 6; Ward 9, 81; Ward 10, 21; Ward 11, 31; Ward 12, 42; Ward 13, 13; Ward 14, 46; Ward 15, 152; Ward 16, 37. Of these buildings 445 are constructed with Mansard roofs, 63 with flat roofs, 17 with pitch roofs, 6 with hip roofs and 1 with Gothic roof.

The number of wood and frame buildings erected, or in process of erection under permits issued, is 658, classified as follows:

Chapels, 2; private school houses, 1; mechanical purposes, 21; manufactories, 3; railway stations, 3; freight houses, 3; storage, 13; stables, 22; carriage houses, 8; wagon sheds, 6; coal and lumber sheds, 8; stores and offices, 12; dwellings and stores, 31; dwellings, 521; miscellaneous, 4. Of these 137 are in Ward 1, 2 in Ward 3, 16 in Ward 5, 5 in Ward 10, 1 in Ward 11, 172 in Ward 12, 19 in Ward 13, 70 in Ward 14, 66 in Ward 15, and 172 in Ward 16. The styles of roof used are, Mansard, 352; flat, 144; pitch, 140; hip, 22. One hundred and forty of these buildings are one story in height, 44 two stories, and 74 three stories.

Special permits have been issued for the erection of eight wooden sheds for storage and mechanical purposes, situated in the following wards: Ward 2, 2; Ward 4, 1; Ward 5, 1; Ward 6, 1; Ward 10, 3.

The number of permits issued for repairs, alterations and additions was 456, classified as follows: For repairs and alterations, 304; additions, 152. Of these 42 were in Ward 1, 29 in Ward 2, 14 in Ward 3, 58 in Ward 4, 29 in Ward 5, 17 in Ward 6, 45 in Ward 7, 22 in Ward 8, 22 in Ward 9, 19 in Ward 10, 15 in Ward 11, 41 in Ward 12, 15 in Ward 13, 33 in Ward 14, 31 in Ward 15, and 24 in Ward 16.

The number of violations, etc., investigated and reported upon was 197, of which 81 were for violation of statute and 116 for violation of ordinance. The following statement shows the nature of the violations: Chimneys not plastered, 46; woodwork against flue, 45; small sized timber, 22; insufficient foundation, 16; walls not carried through roof, 14; improper framing, 13; exceeding range without brick walls, 10; building without permit, 7; increasing height of wooden buildings, 7; erecting wooden buildings within the building limits, 6; chimneys on wooden supports, 4; minor violations, 7.

The number of unsafe buildings, etc., examined and reported upon was 67, as follows: Unsafe buildings, 41; unsafe chimneys, 19; unsafe heating apparatus, 3; defective flues, 4.

The following statement shows the number of unsafe buildings, etc., secured or otherwise disposed of:

	Secured	Removed	Rebuilt	Not completed	Total
Unsafe buildings.....	13	2	4	21	41
Unsafe chimneys.....	..	..	16	3	19
Unsafe heating apparatus...	3	..	..	..	3
Defective flues.....	4	..	..	..	4
					67

The number and nature of violations in the several wards was as follows: Ward 1—violations of statute, 3; violations of ordinance, 29; unsafe build-



ings, 1; total, 33. Ward 2—violation of statute, 5; unsafe buildings, 3; unsafe chimneys, 2; total, 10. Ward 3—violations of statute, 2; unsafe buildings, 3; unsafe chimneys, 2; total, 7. Ward 4—violations of statute, 10; unsafe buildings, 2; unsafe chimneys, 1; defective flues, 1; total, 17. Ward 5—violations of statute, 7; unsafe buildings, 1; unsafe chimneys 1; unsafe heating apparatus, 1; defective flues, 1; total, 11. Ward 6—violations of statute, 13. Ward 7—violation of statute, 1; violations of ordinance, 11; unsafe buildings, 5; unsafe chimneys, 6; total, 23. Ward 8—violations of statute, 3; unsafe buildings, 2; unsafe chimneys, 2; defective flue, 1; total 8. Ward 9—violations of statute, 11; unsafe buildings, 3; total, 14. Ward 10—violations of statute, 2; defective flue, 1; total, 3. Ward 11—violations of statute, 4; violation of ordinance, 1; total, 5. Ward 12—violation of statute, 1; violation of ordinance, 27; unsafe buildings, 4; unsafe chimney, 1; total, 33. Ward 13—violations of statute, 2; violations of ordinance, 3; unsafe heating apparatus, 1; total, 6. Ward 14—violation of statute, 1; violation of ordinance, 9; unsafe buildings, 15; total, 25. Ward 15—violations of statute, 12; violations of ordinance, 14; unsafe building, 1; unsafe chimney, 1; unsafe heating apparatus, 1; total, 29. Ward 16—violations of statute, 4; violations of ordinance, 22; unsafe building, 1; total, 27. Total in the several wards of all violations of law, 264.

The number of buildings examined where fire had occurred was 125, and the estimated damage to the same amounted to \$92,894. The probable causes of the fires were as follows: Defective flues, 11; woodwork in contact with stoves, funnels, etc., 12; overheated stoves, etc., 8; careless use of kerosene and other inflammable material, 9; defective heating apparatus, 3; defective gas pipes, 2; defective manufacturing apparatus, 4; sparks from chimneys and forges, 4; thawing water pipes, 3; children playing with matches 4; lightning, 1; spontaneous combustion, 4; supposed incendiary, 13; unknown, 47.

Laid on the table.

REPORTS OF COMMITTEES.

Mr. Brooks of Ward 1, from the Joint Standing Committee on Common, etc., to whom was referred the order requesting the committee to consider and report whether any amendment to the ordinance on Common, etc., is required in order to prevent injury to the grass in the public grounds of the city, having considered the subject, made a report that they were satisfied that some further legislation is necessary in this direction to prevent injury to the grass on the public grounds of the city, and they would therefore recommend the passage of the accompanying amendment to the ordinance on Common, etc.

Sect. 1. No person shall walk, stand or lie on the grass on the Common, Public Garden, or any public square or common lands of the city, whenever the Joint Standing Committee of the City Council on the Common and Public Grounds shall prohibit such walking, standing or lying thereon, and shall notify the public of such prohibition by a legible notice placed in those parts of the said Common, public grounds and other squares and common land from which said committee shall consider it necessary to temporarily exclude the public.

Sect. 2. Any person who shall offend against any of the provisions of this ordinance shall forfeit and pay for each offence not less than \$1 nor more than \$50.

The ordinance was considered on a motion to suspend the rules for its passage.

Mr. Perkins of Ward 6, in explanation, said it was not intended by the ordinance to make any change in the free access of all people to the Common, when it was in a proper condition that there should be no interference. There were prohibitions against walking on the grass on the Public Garden, yet there was no authority to enforce the order, nor to keep persons off the grass on the public squares. There were times too, as on the recent filling up on a portion of the Common, and sowing it down to grass, or in newly sodding portions, when it was necessary to keep persons off for the growth of the grass. It was thought there should be a reasonable discretion in the matter, to keep persons from the grass at such times as the committee might see fit.

The ordinance was read a second time, and passed, by a vote of 31 to 13.

Mr. Webster of Ward 6, from the Joint Standing Committee on Claims, to whom was referred the petition of Mary Duncan to be compensated for personal injuries received from a fall occasioned by an alleged defect in Maverick street, made a re-

port recommending that the petitioner have leave to withdraw. Accepted.

Mr. Webster, from the same committee, to whom was referred the petition of Matthew F. Owens to be compensated for alleged services rendered at an inquest held by Coroner A. P. Richardsen, made a report recommending that the petitioner have leave to withdraw. Accepted.

Mr. Prescott of Ward 9, from the Joint Standing Committee on Public Institutions, to whom was referred the petition of Anna H. Burns, for leave to visit Jonas B. Hitchings, an inmate of the Insane Asylum at South Boston, having carefully considered the statement made by the Superintendent of said asylum and the legal guardian of said Hitchings, made a report recommending that the petitioner have leave to withdraw. Accepted.

Mr. Prescott, from the same committee, to whom was referred the order requesting the Committee on Ordinances to consider the expediency of amending the ordinance in relation to public institutions by striking out so much of section seven of said ordinance as prevents members of the Board from furnishing supplies for the institutions, having considered the subject, made a report that in view of the recent act of the Legislature in relation to contracts with city officers, no action is necessary on the said order. Accepted.

ORDERS PASSED.

On motion of Mr. Brooks of Ward 1,

Ordered, That the Committee on Common and Public Grounds be authorized to expend a sum not exceeding \$10,000 in improving Washington park; said sum to be charged to the appropriation for Improvements on Washington Park.

Ordered, That the Superintendent of the Common and Public Grounds be authorized, under the direction of the Superintendent of Sewers, to construct a drain in Washington park; the expense of the same to be charged to the appropriation for Improvements on Washington Park.

Mr. Caton of Ward 11 offered the following order:

Ordered, That during the recess of the Common Council, the Joint Standing Committee on the Survey and Inspection of Buildings be authorized to permit the erection of wooden buildings of larger dimensions than those authorized by the ordinance, upon such terms and conditions as they may deem desirable.

Mr. Pease of Ward 1 said that he had no objection to the passage of the order, provided that the people of his ward, who had recently been subjected to one of their annual fire could be assured of safety against putting up another tinder box, which should cause a further large destruction of property. The proprietor of the lately burnt planing mill had threatened to rebuild it if he can obtain permission to do so, and if a proper notice can be had by those who are opposed to the rebuilding, he would not object to the passage of the order.

Mr. Caton said that the committee and the Inspector were all as much opposed to the rebuilding of that mill as was the gentleman, and he need have no fears in that regard.

The order was read twice, and passed.

On motion of Mr. Prescott of Ward 9,

Ordered, That until otherwise ordered, Rainsford Island be placed in the care of the Board of Directors for Public Institutions.

The order was subsequently amended, on motion of Mr. Pease of Ward 1, to make it take effect on the 1st August, for the reason that the repairs on the building would not be completed before that time.

Whereas, the accommodations for the poor at Deer Island are deemed insufficient, and it is desired that temporary provision be made to relieve them in their crowded state; and

Whereas, the city now has suitable buildings for their accommodation at Rainsford Island: it is therefore

Ordered, That the Directors for Public Institutions be authorized to transfer as many as possible of the adult poor at Deer Island to the buildings at Rainsford Island, and provide for them there, until other accommodations may be had; the expense to be charged to the appropriation for Public Institutions.

On motion of Mr. Flanders of Ward 5,

Ordered, That the Chief Engineer of the Fire Department be and he hereby is authorized to purchase for the several engine houses four hundred and sixty yards of carpeting, at a cost of \$633 30; the same to be charged to the appropriation for the Fire Department.

Ordered, That the annual parade of the Fire Department for inspection and review by the City



Council be held on Tuesday, the 17th of September next, the anniversary of the settlement of the city of Boston, under the direction of the Joint Standing Committee and the Chief Engineer of the Fire Department, at an expense not exceeding the sum of \$3500; the same to be charged to the appropriation for the Fire Department.

On motion of Mr. Gragg of Ward 14,

Ordered, That the Committee on Public Institutions be directed to select a proper location for a Home for the Poor, and take such measures and report such orders to the City Council as may be necessary to purchase the same.

Mr. Pease of Ward 1 offered the following order:

Ordered, That the Cochituate Water Board be requested to furnish Cochituate water to East Boston at the earliest practicable moment.

Mr. Pease stated, in explanation of the order, that the people of East Boston for several months had been furnished with water in a filthy state, and on the recommendation of the chairman of the Committee on Water, he had, with others, made an examination of the sources of supply of the Mystic water. In that examination he visited several tanneries where the water for the washing of hides was allowed to flow into the pond, producing an almost incredible amount of filth. There were thirty of these tanneries, and one of them used fifteen thousand gallons of water a day, which he was assured was about the average of the thirty, and the residuum flowed back again to the pond.

The specimen of filthy water which he had exhibited to the Council was drawn from his own faucet, and as there was now Cochituate water enough, the Mayor and others to whose attention this had been brought were unanimously of the opinion that a better supply should be furnished to East Boston. Some of the water from Russell's Brook had the appearance of the residuum of a kerosene factory, and a person located near there stated to him that the stench was often so great that he was obliged to close his windows.

Mr. Noyes of Ward 5 stated that the Cochituate water conduit was now running to its fullest capacity, and did not furnish enough water to supply the city. Should an additional supply be required for East Boston, in a short time it would not be enough to supply half the city.

Mr. Pease replied that it would be much better not to increase the supply to outlying districts where they have wells, and the people of East Boston would be satisfied with a half supply rather than be confined to their present water supply.

Mr. Perkins of Ward 6 did not think it worth while to prejudice the measure by limiting the supply of water to outlying districts, and as the order provides for a supply at the earliest practicable moment, and the Water Board were the best judges in the matter, there could be no harm in passing the order.

The order was passed.

Mr. Perkins of Ward 6, from the Committee on Ordinances, submitted an ordinance to amend "An ordinance in relation to Faneuil Hall Market," providing as follows:

Section 1. No person having the care or ordering of any vehicle shall place the same, or allow the same to be abreast of or in a line with or near to any other vehicle or vehicles standing in any street, in such a manner as to obstruct a free passage for other vehicles, under a penalty of not less than \$5 nor more than \$20 for each offence.

This section shall not apply to the vehicles of market or provision men, standing within the limits of Faneuil Hall Market with fresh provisions or perishable produce for sale, before eleven o'clock in the forenoon, or after four o'clock in the afternoon, until the closing of said market at night; but this section shall apply to all vehicles being within the limits of Faneuil Hall Market between eleven o'clock in the forenoon and four o'clock in the afternoon.

Section 2. No owner, driver, or other person having the care or ordering of any market wagon or other vehicle having fresh provisions or perishable produce therein, shall occupy a street stand or place in any street within the limits of Faneuil Hall Market more than twenty minutes between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon, unless permitted so to do by the Superintendent of said market or his deputy; and any person offending against the provisions of this section shall forfeit and pay a sum not less than \$5 nor more than \$50 for each offence, to be recovered on complaint before the Municipal Court of the city of Boston.

The ordinance was read twice and passed, and sent up for concurrence.

Mr. Perkins, from the same committee, submit-

ted an ordinance to amend "An ordinance relating to the public health," as follows:

Sec. 2. Section 69 of the ordinance relating to the public health, printed in the city ordinances of 1869, is hereby struck out, and the following substituted therefor:

"No person shall bring into the city of Boston or have in his possession for sale, or sell, or offer for sale any beets, turnips, carrots, onions, radishes or parsnips which have not previously been divested of all their tops, leaves and stalks, and no person shall bring into the city of Boston or have in his possession for sale, or sell, or offer for sale any cabbages which have not previously been divested of all their loose leaves and all their stumps; and any person offending against the provisions of this section shall forfeit and pay a sum not less than \$5 nor more than \$50 for each offence, to be recovered on complaint before the Municipal Court of the city of Boston."

The ordinance being under consideration, on a motion for its final passage,

Mr. West of Ward 16 said it appeared to him in the reading of it, that it needed amendment in relation to beet tops, which were an article of food, as greens.

Mr. Perkins stated that the ordinance was called for by the Superintendent of Health and by the Superintendent of Faneuil Hall Market, the present ordinance being ineffective.

Mr. West inquired if the ordinance included asparagus?

Mr. Wright of Ward 15 stated in relation to some of the vegetables named, that there was no way of selling them in the spring except with tops on.

Mr. Robinson of Ward 10 said the ordinance had reference to vegetables when grown, the tops being cut off when the sales were made, and they became perishable in warm weather, and very offensive. Thirty loads a week of this perishable material is carted off from the market, principally cabbage leaves, and beet and onion tops, which are unnecessary to be brought to market, and this measure was desired by the Superintendents of Health and of the Market.

Mr. Perkins said there was no reason why these vegetables should not be brought in divested of their tops.

Mr. West did not object to the prohibition in relation to beets when grown, but this would prevent a trade in small beets.

Mr. Wright further objected to the ordinance in its provisions relating to beets.

Mr. Smith of Ward 1 deemed the ordinance unnecessary; he thought that the provision dealers would remedy the matters among themselves in relation to the purchase and sale of such vegetables, and they would not be kept on when brought to market if not required to be.

Mr. Brooks of Ward 1 believed an ordinance of this description necessary at certain seasons of the year, and it should be executed by the Superintendent of Health to prevent large expense and the accumulation of filth.

Mr. Perkins read a portion of the old ordinance, which was in terms much like that under consideration; and the amendment he said was designed to make the old one more effective.

Mr. West suggested that the ordinance might prevent the bringing to market of early vegetables from the South, and the gentleman be deprived of some of his luxuries.

Mr. Perkins stated that the draft of the ordinance substantially was by the Superintendent of the Market, who knew just what was wanted, and was submitted to the City Solicitor and the Mayor, receiving their approval.

Mr. Smith of Ward 1 believed if an order was passed to keep the sidewalks clear on South Market street, to enable the people to pass without tearing or soiling their clothes, it would be far more important.

On motion of Mr. Caton of Ward 11, the main question was ordered.

Mr. Wright of Ward 15 wished to amend his remarks, to be in order, by suggesting that Savoy cabbages are made up mainly of loose leaves, and it might be difficult to draw the line as to what was to be considered as waste.

The ordinance was read again, and passed.

On several motions reconsiderations were moved on the passage of the above ordinance, that relating to grass on the Common, and the order relating to Rainsford Island, all of which were negatived.

On motion of Mr. Flanders of Ward 5, it was voted that when the Council adjourned, it be to the first Thursday evening in September next, at 7½ o'clock.

Adjourned.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JULY 22, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock. Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Inspectors of Provisions (without pay)—Charles B. Rice, Amos Dodge, now holding office and being willing to accept these offices without compensation.

Assistant Sealers of Weights and Measures (nominated by Sealers)—C. Fred. Reed for Northern District; Daniel Hunt for Southern District.

Fire Department: Permanent members—Francis Swift, engineman; William F. Boker, fireman; Alya H. Snow, driver; James H. Lefavor, driver, to take effect 1st August. Members of Fire Department—Charles Dunton and William B. Marshall, to take effect 1st August; George Richardson, to take effect 1st July instant.

On the question of approval of the appointment of Inspectors of Provisions, Alderman Jenks moved that the salary be fixed at one dollar.

The Chair ruled the motion to be not in order.

Alderman Jenks said he understood the Mayor to be of the opinion that it would be proper to fix a nominal compensation for these officers, as the statutes provided for salaries. That was the reason why he made the motion.

The Chair stated that the approval of the appointments was by this Board solely, while the question of salaries was one which required the approval of both branches of the City Council.

The motion was withdrawn, and the appointments were confirmed.

## PETITIONS PRESENTED AND REFERRED.

Joseph D. Fallon, that a sidewalk be laid at the corner of F and Seventh streets.

Albert J. Wright, for leave to place a flagstaff in the sidewalk at the corner of Dorchester and National streets.

William H. Prentice & Son, for leave to project a sign from building at the corner of Broad and Congress streets.

Edward F. Meany, for liberty to place a railroad track across Albany street to connect his wharf with his stone yard.

Otis Clapp and others, in aid of the petition of N. C. Nash and others, for the appointment of a Commission on Wood Pavements, etc.

A. J. Brown, that Bainbridge street be graded near Wilmot street.

Asa Mitchell and others, that the sidewalks on Milmont street be widened.

John W. Butland, to be paid grade damages on Paris street, near Brooks street.

Severally referred to the Committee on Paving. Daniel Dewar, for leave to occupy a wooden stable for two horses on Ward-street marsh.

Stephen Clapp, for leave to occupy a wooden stable for two horses on Pond street, Ward 16.

John Kassen, for leave to occupy a wooden stable for one horse on Brooks street, No. 26.

Highland Street Railway Company, for leave to occupy a brick stable for one hundred horses on Shawmut avenue.

Frank Green, for leave to occupy a wooden stable for two horses on Boston place.

Metropolitan Railroad Company, for leave to erect a brick building on Shawmut avenue for one hundred cars and six hundred horses.

George W. Meserve, for leave to occupy a brick stable for one horse rear of West Clarendon street.

George Curtis, claiming damages by reason of the location of the smallpox hospital near his wharves.

Severally referred to the Committee on Health. H. F. Hathaway and others, for a sewer on Sixth and Ontario streets.

Sewall, Day & Co., against the discharge of the Parker-street sewer upon their premises.

Severally referred to the Committee on Sewers. Henry A. Whitney, trustee, to be paid for land taken on Congress street.

Jacob N. Goodnough, to be paid for land damages on Emerson street.

Severally referred to the Committee on Streets.

Massachusetts Society for the Prevention of Cruelty to Animals, that more drinking troughs be established in this city, at such points as the public convenience may require.

Referred to the Committee on Water.

Thomas T. Bouvé and others, for enforcement of ordinance forbidding standing in the streets for business. Referred to the Committee on Police.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Catharine Ballantine, W. E. Woodward and others, and George L. Shaw, and the communication of William Evans, were severally referred, in concurrence.

The following reports were accepted, in concurrence:

Reports of Committee on Claims, "leave to withdraw," severally on petitions of Matthew F. Owens, Mary Duncan, and of Anna H. Burns.

Report "no action necessary" on proposed amendment of ordinance relating to furnishing of supplies for institutions by members of the Board of Directors for Public Institutions.

The following orders and ordinances were severally passed, in concurrence:

Order to appropriate \$3500 for the annual parade of the Fire Department in September next.

Order for Cochituate Water Board to supply Cochituate water to East Boston, instead of Mystic water.

Order to place Rainsford Island in charge of Directors for Public Institutions.

Orders to provide temporary accommodations for adult poor of this city at Rainsford Island, and for the transfer of said poor to that island.

Order for Committee on Public Institutions to select a suitable site for a building, to be called the Home for the Poor.

Order to purchase four hundred and sixty yards of carpeting for engine houses, at a cost of \$677 30.

Report and ordinance to protect the grass on the Common, Public Garden, etc.

Order for Committee on Survey and Inspection of Buildings to issue permits (during the recess of the Common Council) for the erection of such buildings beyond the legal dimensions as they deem best.

Order for construction of a drain in Washington park.

Order to appropriate \$10,000 for improvements in Washington park.

Ordinance to amend an ordinance in relation to public health, to prevent useless portions of vegetables from being brought into the city.

Ordinance to amend an ordinance in relation to Faneuil-Hall Market, to regulate street stands in the market for the sale of perishable produce.

## VETO BY THE MAYOR.

A communication was received from the mayor, as follows:

EXECUTIVE DEPARTMENT, }  
CITY HALL, BOSTON, July 22, 1872. }

To the Board of Aldermen of the City of Boston—I return to you, without my official approval, an ordinance which originated in your Board, forbidding the standing without license in streets for the purpose of soliciting persons to become passengers on steamboats. My objections are—

1. The ordinance is specially directed against one kind of business, and is for that reason improper and illegal.

2. The ordinance is unnecessary, because the practice against which it is directed is already forbidden by an existing ordinance, which is general in its character, and therefore not obnoxious to the above objection.

I have consulted the City Solicitor, and he fully concurs with me in these opinions.

WILLIAM GASTON, Mayor.

The question being on the passage of the ordinance, notwithstanding the objections of the Mayor, on motion of Alderman Clark, the ordinance was laid on the table.

## REPORT OF COMMISSIONERS ON SINKING FUND.

The report of the Board of Commissioners on the Sinking Fund for the redemption of the city debt, was laid before the Board in print, it being the third semi-annual report for the six months ending June 30. A general statement of the condition of the funds is as follows:

The gross funded debt June 30, 1872, was...\$28,404,677 91  
The gross funded debt Dec. 31, 1871, was... 27,783,827 91

Increase of the funded debt during the six months ending June 30, 1872..... \$620,850 00

Total amount of redemption funds June 30, 1872.....\$11,734,401 88



Total amount of redemption funds Dec. 31, 1871.....	10,871,231	51
Increase of the redemption funds during the six months ending June 30, 1872.....	\$863,170	37
Net debt December 31, 1871.....	\$16,912,596	40
Net debt June 30, 1872.....	16,670,276	03
Decrease of net funded debt during the six months ending June 30, 1872.....	\$242,320	37

The condition of the several funds is given in tables, a recapitulation of which is as follows:

*Sinking and Revenue Funds.*

General Debt, Sinking Fund.....	\$9,198,086	81
Water Debt, Sinking Fund.....	1,185,249	67
Consolidated Street Improvement Fund...	287,195	38
Appropriation and Revenue Fund, 1871-72...	896,946	69
Suffolk-street District, Sinking Fund.....	60,000	00
Suffolk-street District, Revenue Fund.....	37,710	10
Columbus avenue, Sinking Fund.....	4,800	00
Columbus avenue, Revenue Fund.....	785	35
Scollay's Building, Sinking Fund.....	8,100	00
Scollay's Building, Revenue Fund.....	888	23
Kingston-street Widening, Sinking Fund..	13,500	00
Kingston-street Widening, Revenue Fund,	9,426	27
Shawmut-avenue Extension, Sinking Fund.....	\$13,500	00
Shawmut-avenue Extension, Revenue Fund (to debit)	\$2,370	20
Harrison-avenue Extension, Sinking Fund,	13,200	00
Harrison-avenue Extension, Revenue Fund,	224	82
Dudley and other streets, Sinking Fund....	4,500	00
Dudley and other streets, Revenue Fund..	70	50
Federal-street Bridge, Sinking Fund.....	2,550	00
Federal-street Bridge, Revenue Fund.....	38	26
	\$11,734,401	88

*The Debt.*

Total Funded Debt, December 30, 1871.....	\$27,783,827	91
Increase since, "City Debt,".....	1,459,000	60
	\$29,242,827	91
Debt paid from Sinking Funds, ..	\$59,600	00
"    "    Revenue    "    "	156,381	14
"    "    Appropriation and Revenue Funds, 1870-71.....	622,163	86
	838,150	00
Gross Funded Debt, June 30, 1872.....	\$28,404,677	91
Less Redemption Funds.....	11,734,401	88
Net Debt June 30, 1872.....	\$16,670,276	03

During the six months the Commissioners have entirely redeemed the Church-street District and widening of Hanover street, No. 1 and 2 loans. Ordered to be sent down.

REPORTS OF COMMITTEES.

Alderman Woolley, from the Committee on the Fire Department on the part of this Board, made a report granting the petition of Speare, Gregory & Co. for leave to store petroleum at No. 3 Central wharf. Accepted.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on the petition of the East Boston Improvement Company for leave to lay railroad tracks over the causeway between Breed's Island and East Boston, and across Saratoga street. Accepted.

The same committee, on the petition of the Selectmen of Brookline for leave to erect a dam across Muddy River, near Brookline avenue, provided the grade of said avenue is not affected thereby, made a report recommending that the prayer of the petitioners be granted. Accepted.

Alderman Sayward, from the Committee on Health, reported in favor of stables, as follows: Highland Street Railroad Company, to occupy a brick stable for 125 horses on Blue Hill avenue, near Grove Hall; Gilbert C. Brown, to erect a brick stable for four horses on Newland street, between Dedham and Upton streets. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported no action necessary on the notice of the Selectmen of Brookline of their intention to construct a dam and tide gates on Muddy River. Accepted.

Alderman Fairbanks, from the same committee, made a report on sundry schedules of sewer assessments, with orders for the collection of the same, the aggregates being as follows:

Lewis park and Linwood streets, \$191 85; Canton street, \$1858 37; Thacher street, \$838 62; Ivanhoe and Fabiu streets, \$1244 58; Bristol street, \$918 97; Saratoga street, \$143 19.

The report was accepted, and the several orders were passed.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows:

Henry Davis, agent for Georgia Minstrel Troupe to give exhibitions at East Boston; John B. Dearborn, William H. Gilson, F. E. Hassard, Hinds R. Darling and Hayward & Howard, as auctioneers; also to sundry persons as victuallers and innholders, to keep intelligence offices, for hack stands, wagon and hack licenses, as dealers in second-hand articles, and for transfer of wagon license. Severally accepted.

The same committee reported leave to withdraw on petition of Edward Raleigh, for a hack license. Accepted.

Alderman Jenks, from the Committee on County Accounts, to whom was referred the petition of the Assistant District Attorney, for an increase in the allowance of office rent, having considered the subject, would respectfully recommend the passage of the accompanying order:

Ordered, That from April 1, 1872, and until otherwise ordered, the allowance to the Assistant District Attorney for office rent be at the rate of \$400 per annum; said sum to be charged to the appropriation for the County of Suffolk.

The report was accepted, and the order was passed.

Alderman Stackpole, from the Joint Standing Committee on Public Instruction, to whom was referred the request of the School Committee for additional accommodations for the Roxbury High School, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to procure plans and estimates for providing additional accommodations for the Roxbury High School; the expense to be charged to the appropriation for Schoolhouses, Public Buildings.

The report was accepted, and the order was passed.

IMPROVEMENT OF THE SOUTH BOSTON FLATS.

Alderman Clark, from the Joint Special Committee of the City Council, to whom was referred the Memorial of the Board of Harbor Commissioners, asking the coöperation of the city in certain respects in the occupation of the South Boston flats, submitted a report, partly in print and partly in manuscript. The committee say "the project for the occupation of the South Boston flats, in the execution of which the Commonwealth invites the coöperation of the city, is one that was the subject of frequent discussion among the authorities of the city and its most sagacious citizens more than a generation ago," and it is defined as follows:

This project contemplates the inclosure by sea walls and the filling up of from seven to eight hundred acres of flats that lie between Fort Point Channel and Castle Island in one direction and in the other direction between the northeasterly shore of South Boston and the main channel of Boston Harbor. At low water these flats are bare and unsightly, and taint the air with their offensive odors. The water on them is too shallow ever to make the present South Boston shore a valuable water front, or this area serviceable as anchorage ground in Boston Harbor; when filled, however, to the border of the main channel, this whole territory will have a frontage on the deep waters of the harbor, and will afford that space in immediate proximity to deep water which is so essential to the development of our commerce and manufactures. Boston has become what she is, primarily, by virtue of her frontage on deep water. She has now absolutely none that is conveniently accessible, which is not already occupied.

This plan proposes an addition to the city of territory, with a water front on the main channel, to which the approach will be unobstructed, as large as the whole of the original peninsula of Boston. There is no other unoccupied territory bordering on deep water so near to the present centre of business, available for the future growth of the city. Space it must have, and that space should possess the economical advantage which the harbor gives to the city; it should have that deep-water frontage by which the easiest and cheapest access is obtained to and from the whole world of commerce. Such a space can be found only on these South Boston flats.

That such an additional space is now a pressing need of the city, as a commercial centre, no one can doubt who considers its extraordinary growth during the last few years, and the rapid increase of its foreign and domestic commerce. The South Boston flats bear the same relation to the demand for territory for manufactories, warehouses, and other business purposes, that the flats of the Back Bay have borne to the demand for house lots. The Boston & Albany Railroad Company require, and



will have, fifty of the first hundred acres of this improved territory, to enlarge its terminal facilities on deep water, and the present management of the Boston, Hartford & Erie Railroad desire to transfer its passenger station to this land on the southeasterly side of Fort Point Channel. When the relations of these railroads to the business of this community are considered, their needs must be regarded as the needs of the city of Boston.

This much needed accession of territory, it is said, will not be the only gain. By the plan proposed, in filling, by obtaining most of the material by dredging out the upper harbor, an improvement of the harbor will be a result, estimated as making a gain of deep water anchoring ground of some five hundred acres. Another gain also is anticipated, in preventing the tendency to shoaling by the antagonistic forces of the ebb and flood tides, and the dispersion of the water over the flats, the building of a sea wall along the border of the main channel having the effect to confine the water to the channel, and its power will be so augmented thereby as to give it a preponderance over the flood tide all through the upper harbor, and overcome the tendency to an injurious accumulation of deposits at a place known as Anchorage Shoal.

The plan also provides for an extension of the wharves on the westerly side of Fort Point Channel from Central wharf to Foster's wharf inclusive. This will insure an enlargement of wharf accommodations to the extent of about half a million of square feet, or over ten acres, at a point where they have been much needed by the shipping interest, especially since the upper ends of the docks here were filled up in constructing Atlantic avenue.

The cooperation asked for by the State in this great undertaking, of such vital importance to the City of Boston, is simply that the city will obligate itself that when this improvement is so far advanced that about a hundred acres of these flats have been filled up to grade, it will connect this new land with the city proper by extending from it two avenues over Fort Point Channel, namely: Eastern avenue, to the foot of Summer street, and Northern avenue, to the neighborhood of the foot of Oliver street.

The committee are unanimously of the opinion that it would simply be in the ordinary line of municipal duty for the City Government to connect this territory, when made, with the city proper, by the avenues proposed, and that it is highly proper that the obligation to do so should be given. In no other way can this territory be made properly available for the business purposes for which it is so much needed, and it cannot be expected that capital will be invested in the occupation of the territory without some security that, when made, that connection with the city will be furnished, without which the improvement would hardly be worth undertaking.

The question whether there would be such a gain in taxable property by the proposed expenditure as would warrant the expense, is considered, and in estimating the value of the land for taxation they add the cost of filling and sea walls to the price at which the flats have been sold. Sales have been made of fifty acres to the Boston, Hartford & Erie Railroad Company at fifty cents per foot, and fifty acres to the Boston & Albany Railroad Company at twenty cents per foot, and estimates are made as follows:

Area of Commonwealth's flats to be filled.....	1,091,010 ft. at 50c.	\$545,505 00
Area of Boston Wharf Company's flats.....	1,147,094 ft. at 50c.	573,547 00
Area of Boston & Albany R. R. Company's flats ...	2,178,000 ft. at 20c.	435,600 00
<b>Total....</b>	<b>4,416,104 ft.</b>	<b>\$1,554,652 00</b>
Cost of 1700 feet of light wall, at \$33 per running foot.....		\$56,100 00
Cost of 2178 feet of heavy wall, at \$189 per running foot.....		411,642 00
Cost of filling 4,416,104 feet, at 40c. per foot...		1,766,441 60
		\$3,788,835 60
Deduct present assessed value of the flats now subject to taxation.....		300,000 00
		<b>\$3,488,835 60</b>

The property thus created, put at the round sum of \$3,500,000, at the lowest rate of taxation of .013 per cent., would yield an annual income to the city of \$45,000, equal to an interest at 6 per cent. on \$750,000. The cost of extending the two avenues across Fort Point Channel, by wooden bridges, and connecting them with the streets of the city prop-

er, as estimated by the City Engineer on a liberal basis, is shown to be \$639,470 40. Besides this property created, the extension of the wharves between Central and Foster's wharves would follow, the cost of which, as estimated by the Harbor Commissioners, would be as follows:

	Filling, sq. ft.	Wall, ft.	\$100	\$76,000
Central Wharf	58,800 at 40c.	\$23,520 760	100	\$76,000
India "	212,800 at 40c.	85,120 1,800	100	180,000
Rowe's "	168,000 at 40c.	67,200 2,370	100	237,000
Foster's "	25,000 at 40c.	10,000 750	100	75,000
<b>Total area</b>	<b>464,600 sq. ft.</b>	<b>\$185,840 5,680 ft.</b>		<b>\$568,000</b>
<b>Total cost of filling.....</b>				<b>185,840</b>

Total cost of wharf extensions.....\$753,840

These extensions will certainly be worth all that they cost.

Besides, there are some thirty acres of made land belonging to the Boston Wharf Company which would be so enhanced in value by the construction of these avenues, that they would easily bear an advance of 25 per cent. in valuation for the purposes of taxation. This filled land is assessed on a valuation of \$1,080,000. The valuation could properly be raised after the extension of Eastern avenue by at least \$250,000.

Instead, then, of an increased valuation of \$3,488,835 60, the income from which alone would be more than enough to defray the interest on the cost of the work the city is called upon to do, it would be proper to reckon in addition \$753,840 for the wharf extensions, and \$250,000 for the increased valuation of the existing land of the Boston Wharf Company.

These additions would raise the increased valuation to about four and one-half millions of dollars, which at the same rate of assessment (.013 per cent.) would yield to the city annually in taxes \$58,500, a sum which would pay an annual interest on \$975,700; while the cost of the proposed extensions of Northern and Eastern avenues would be but \$639,370 40.

In addition to the above, it is urged that a still further increase of revenue would be derived from the warehouses, elevators and other structures upon this property, and reference is made to the conveniences which would result from the extension of these avenues to meet extensions of streets from the South Boston shore, and to the greatly improved means of communication. An additional reason for cooperation with the State in this measure, is found in the pledge that the profits of the improvements on the part of the State will go to pay off the war loan, and as this city is interested to the amount of one-third of the State tax, so much will be gained in the reduction of that tax. The committee conclude their report as follows:

The case then, in brief, is this: The State is engaged in a work that will greatly improve Boston Harbor and promote the business interests of the city. The city is asked to cooperate to the extent of obligating itself to do at a given time what it recognizes it must ultimately do in the discharge of the municipal duty of maintaining highways, when needed, over navigable waters within its borders. The income of the city will be increased by the improvement beyond the cost of the work it is asked to agree to do. It will, in effect, share the pecuniary profit to the State to the extent of one-third of all that is made, besides receiving the whole of the direct advantages to be derived from its improved harbor and business facilities. A stronger case could hardly be made out.

To execute the improvement of this first hundred acres will require the cooperation, besides the city, of the Boston Wharf Company, and the Boston & Albany Railroad Company. The latter has already given to the State an obligation that secures this. The Boston Wharf Company has also given its obligation to the State, but on terms that would require modification to accord with the conditions upon which the committee think the desired cooperation of the city should be given.

And that the Commonwealth, the Boston & Albany Railroad Company and the Boston Wharf Company may all be bound to the city to make the land, the addition of which to the city's limits is the inducement to the city's cooperation, the committee have deemed it advisable that the obligation of the city should be given as part of an indenture binding all parties to perform their respective parts in the execution of this improvement. The form of such an indenture reported by the committee shows in detail the terms upon which the committee recommend that the city engage in this work.



The committee accordingly recommend the passage of the following order:

Ordered, That the Mayor execute, in behalf of the city of Boston, with the Commonwealth of Massachusetts, the Boston & Albany Railroad Company and the Boston Wharf Company, an indenture in the following form [which was appended thereto].

The agreement is substantially that the bridges shall be built at the city's expense, to be five hundred or six hundred feet long, sixty feet in width, at a grade of twenty feet above mean low water, and with draw openings of not less than thirty-six feet. The grade of the filling of the flats is to be sixteen feet above mean low water, and it is agreed that the city shall be held harmless as to any damages by reason of difference of grade. The building the bridge at the height named, is to enable tug boats to pass beneath at all times without raising the draw.

The report was read, laid on the table, and the portion in manuscript was ordered to be printed.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Whereas, it appears to this Board that the public safety and convenience require that edgestones be set on Sterling street; it is hereby

Ordered, That the Superintendent of Streets be and he is hereby directed to furnish and set the edgestones on said Sterling street, and to report a schedule of the expense thereof to this Board, pursuant to law.

Whereas, it appears to this Board that the public safety and convenience require that edgestones be set on Yarmouth street; it is hereby

Ordered, That the Superintendent of Streets be and he is hereby directed to furnish and set the edgestones on said Yarmouth street, and to report a schedule of the expense thereof to this Board, pursuant to law.

Ordered, That the Board establish the grade of Lincoln street, Ward 16, as shown on a plan and profile of said street drawn by the City Surveyor, June 3, 1872, and deposited in the office of said City Surveyor.

Ordered, That the Superintendent of Streets be directed to advertise for proposals and contract for rebuilding the sea wall at the foot of Pineknay street, according to plans and specifications drawn by the City Surveyor.

On motion of Alderman Fairbanks,

Ordered, That the following sewer assessments are hereby abated and reassessed upon the proper owners: On Vinton street, \$33 60 is abated from J. L. Bowers and the same amount assessed upon John W. McCarty; \$17 94 is abated from Henry Birz and the same amount assessed upon John W. McCarty. On Seventh street, \$666 20 is abated from Isaac W. How and the same amount assessed upon Manning, Sears and Scott.

On motion of Alderman Clark,

Ordered, That there be paid to the heirs of Samuel Walker the sum of \$600, for land taken and all damages occasioned by the widening of Dudley street, by a resolve of the Board of Street Commissioners, July 1, 1871, upon the usual conditions; to be charged to the appropriation for Widening Dudley and Other Streets.

Ordered, That there be paid to the heirs of Samuel Walker the sum of \$36 80, for land taken and all damages occasioned by the widening of Stoughton street, by a resolve of the Board of Street Commissioners, September 1, 1871, upon the usual conditions, to be charged to the appropriation for Widening Dudley and Other Streets.

Ordered, That there be paid to Hannah Glover the sum of \$72 05, for land taken and all damages occasioned by the widening of Commercial street, by a resolve of the Board of Street Commissioners, Sept. 1, 1871, upon the usual conditions; to be charged to the appropriation for Widening Dudley and Other Streets.

On motion of Alderman Woolley,

Ordered, That the order passed July 19, 1872, allowing to Company C, First Regiment M. V. M., the sum of \$250 for repairs of armory, be and the same is hereby rescinded.

Ordered, That there be allowed and paid to Company B, First Regiment M. V. M., the sum of \$250 for repairs of armory occupied by them; said sum to be charged to the appropriation for Armories.

On motion of Alderman Sayward,

An order was passed for an abatement of nuisances on South, Washington, North, Second, Dove, Dorchester, Third, Broadway and C streets, rear K street, Utica place, Farrell place and court.

#### ORDERS OF NOTICE.

On the petition of J. H. Hathorne, for the removal of the horse-car tracks near the Fitchburg Railroad Depot. Hearing Monday, August 12, 4 P. M.

On the proposed construction of common sewers in Enstis street, between Winslow street and the primary schoolhouse; on the east side of Cedar square; in Newman street and in Lowland street, between Vale and Newman streets; in South street, between East and Summer streets. Hearings severally on Monday next, 4 P. M.

#### ORDERS READ ONCE.

On motion of Alderman Stackpole, an order was read once, on petition of the Sheriff of Suffolk County, providing for an increase of compensation of officers at the Jail, the salary of the turnkey to be at the rate of \$1350 per annum, and the salaries of the steward, clerk and the first and second jail inside officers to be at a rate not exceeding \$1000 each, to be in full compensation for the services of said officers, except the lodging of such officers as may be deemed necessary for the safe keeping of persons confined in said jail.

On motion of Alderman Cutter,

Orders to grade Lincoln street, Ward 16, between Dorchester avenue and Adams street, at an estimated cost of \$800; to pave Meridian street, between Maverick square and the northerly line of Paris street, with small granite blocks, at an estimated cost of \$10,000; to set edgestones on F street, with a report of the cost of the same; and to pave the gutters and grade the roadway of said street, at an estimated cost of \$4000.

#### SITE FOR A HIGH AND LATIN SCHOOLHOUSE.

On motion of Alderman Stackpole, the report and orders for purchase of a site for a new building for the English High and Latin schools (City Doc. No. 48), amended so as to provide for the purchase of "74,100 square feet, exclusive of the passageway," on Warren avenue, Montgomery, Dartmouth and Clarendon streets; also the Washingtonian Home estate (10,000 feet), for the sum of \$280,000, and to procure a loan of that sum for this purpose, were taken from the table for consideration.

The orders were passed, by a vote of 8 to 4, as follows:

Yeas—Clark, Fairbanks, Little, Power, Ricker, Sayward, Stackpole, Woolley.

Nays—Cutter, Jenks, Poland, Squires.

Alderman Sayward subsequently moved a reconsideration of the vote passing the orders, expressing a hope that the motion would not prevail.

Alderman Jenks said he wished to give a reason for his vote, and expressed the opinion that the object in the purchase of the site was not for a high school, but to get rid of the Washingtonian Home from that neighborhood.

Alderman Clark said he was surprised at such a remark from the Alderman, for the committee had never a thought of the purchase for such an object as the removal of the Washingtonian Home; they knew and felt too well the necessity for a new high schoolhouse, and the purchase was to meet a public demand for a new house. He could not conceive of such a thing as spending a million of dollars to get rid of the Washingtonian Home.

Alderman Jenks said he did not charge it on the Board as having such an object in view, but it had been urged by residents in that neighborhood for the purpose of getting rid of the home. The proper place for a high schoolhouse was in the vicinity of the Natural History Building, for in a few years it will be necessary to erect another in the Dorchester District and in Roxbury.

Alderman Sayward replied that Dorchester was already well provided for years to come.

Alderman Jenks said Roxbury had been here today.

Alderman Sayward said he was aware of the necessity for the application of Roxbury.

The motion to reconsider was lost.

On motion of Alderman Power, the order for Committee on the Harbor "to make arrangements for the annual excursion of the City Council among the islands of the harbor, the expense thereof to be charged to Incidental Expenses and Miscellaneous Claims," was taken from the table.

Alderman Power said that in view of the recent decision of the Supreme Court with reference to a similar proposed expenditure in a neighboring city, he would move that the Board non-concur in the passage of the order.

The motion to non-concur was carried.

Adjourned.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JULY 26, 1872.

A special meeting of the Board of Aldermen was held today at noon, Mayor Gaston presiding. The following order was adopted:

Ordered, That the Superintendent of Health be and he hereby is directed to fill with earth and ashes the vacant lot of land lying between Northampton and Camden streets in the rear of Chickering & Sons' piano manufactory, the said lot of land being in a state of nuisance caused by stagnant water, and being detrimental to the public health, the said filling to be done at the expense and cost of the owner or owners thereof, and said work to be charged to the Appropriation for Health. Adjourned.

JULY 29, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers without pay—J. A. Sweetland, for Broadway Methodist Episcopal Church, South Boston; Calvin C. Wilson, for Wall and Causeway streets and the vicinity.

## PETITIONS PRESENTED AND REFERRED.

William Blanchard and others, against the proposed location of the Metropolitan Railroad stables on Shawmut avenue and Bartlett street.

Lydia Ellis, for compensation for flooding her premises on the Back Bay.

Draper & Hall, for leave to occupy a brick stable for thirty horses, on West Dedham street.

S. G. Cheever, for an annual parade of the Health Department, at an expense not exceeding \$5000.

Severally referred to the Committee on Health.

H. B. Bowen and others, for sidewalks on Fifth street, between G and H streets.

Henry Hughes, to be paid grade damages on Park street.

James McAnnaugh and Rosana McAnnaugh, to be paid for damages caused by raising the grade of Havre street.

Edward B. Kimball, for leave to project a sign from store No. 55 Elm street.

Hugh Green, to be paid for grade damages on Ontario street.

East Boston Improvement Company, for leave to cross Saratoga street with a rail track, near the dike.

Severally referred to the Committee on Paving.

Amos A. Lawrence and others, that a sewer be laid in Beacon street, near the Boston & Albany Railroad, between that road and the city limits.

Ralph Haskins and others, for a sewer in Warren street, from Edgewood to Townsend street.

George H. Davis and others, for a sewer in M street, between Sixth and Seventh streets.

James Laffey, for abatement of sewer assessment in Mindoro street.

James Wood, for a sewer in Fourth street, between P street and the shore.

Severally referred to the Committee on Sewers.

George M. Norwood, to be paid for land damages on Stoughton street and Brook avenue. Referred to the Committee on Streets.

William Brown of Wakefield, to be paid for personal injuries, caused by a fall on an icy sidewalk in North Market street, in March, 1871.

Michael Desmond, to be paid for personal injuries caused by a defect in Broadway.

Severally referred to the Committee on Claims.

B. Frank Ayers, to be allowed to remove a tree in front of his lot on Forest street. Referred to the Commons and Squares.

George R. Matthews, for appointment as superintendent of City Prison on Roxbury. Referred to the Committee on Police.

P. J. Hughes and others, that lamps be placed in the passageway leading from No. 26 Newland street.

L. F. Simmons, that the city would light his lantern at No. 214 Eliot street.

Severally referred to the Committee on Lamps. Adams Express Company and other express companies, stable keepers and teamsters, also newspaper publishers of Boston, for drinking troughs for animals.

Referred to the Committee on Water.

## ANNUAL REPORT OF THE CITY SOLICITOR.

The annual report of the City Solicitor was laid before the Board, containing a list of all the suits and legal proceedings to which the city of Boston is party, pending at the time of the previous report, or since instituted, with a statement of the causes of action, the courts wherein the several cases are pending, and the action that has been had in them respectively. The list contains a record of some 330 cases, of which forty-nine were dismissed, mostly without costs—and some of them were settled; ten were decided in favor of the city, in some cases appeals being taken; sixteen were decided against the city; four referred to arbitrators, and in four awards were made by arbitrators; three were settled, and there were one each withdrawn, abandoned and non-suited.

The report was laid on the table and ordered to be printed.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice on the proposed construction of sewers in South street between East and Summer streets, in Eustis street between Winslow street and the primary schoolhouse, in Newman street, and in Lowland street, between Vale and Newman streets, and in the east side of Cedar square, were severally taken up. No person appeared in relation thereto, and the reports were recommitted.

The hearings on petitions of William G. Bell & Co., for leave to place a steam engine and boiler in Nos. 48-50 Commercial street, and of John J. Mennutt to place a steam engine and boiler in a new building on Wareham street, were also taken up, and the reports were severally recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to set edgestones on F street, between First street and Broadway, at an estimated cost of \$4000.

Order to pave Meridian street, from Maverick square to Paris street, with granite blocks, at an estimated cost of \$10,000.

Order to grade Lincoln street, Ward 16, from Dorchester avenue to Adams street, at an estimated cost of \$800.

Order to fix salaries of officers at the jail as follows: Turnkey, not exceeding \$1350 per annum; Steward, Clerk, and First and Second Inside Officers, not exceeding \$1000 each per annum; amounts to be determined by Committee on Jail.

The report and order (Doc. 75) for improvement of South Boston Flats, and the construction of two bridges across Fort Point Channel, as recommended by State Harbor Commissioners, on motion of Alderman Jenks, were laid over one week.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of a license to H. Davis, agent, to exhibit the Georgia Minstrel Troupe at Wait's Hall, July 20; also licenses to sundry persons as dealers in second-hand articles, victuallers, wagon and hack licenses, bowling alleys, and for transfer of wagon and hack licenses. Severally accepted.

Alderman Power, from the Committee on Paving, reported leave to withdraw on the petition of William H. Prentice & Son for leave to project a sign from the building at the corner of Broad and Congress streets. Accepted.

Alderman Power from the same committee, to whom was referred the petition of Nathaniel C. Nash and others and Otis Clapp and others for the appointment of a Commission on Wood Paving, made a report recommending the passage of the accompanying order:

Ordered, That His Honor the Mayor be authorized to appoint a board of commissioners, consisting of two chemists and three engineers, to make a thorough investigation of the several processes in use or available for protecting wood to be used for paving from decay, and the various methods of constructing and putting down wood and stone pavements, and report to this Board their opinion of the relative merits of the same; the expense of



said commission, not to exceed \$500, to be charged to the appropriation for Paving.

The order was read once.

Alderman Staekpole, from the Committee on Public Instruction, submitted an order, which was read once, authorizing the Committee on Public Instruction to take the Roxbury City Hall lot for the purpose of providing additional accommodations for the Washington and Dudley schools.

Alderman Clark, from the Committee on Common and Squares, to whom was referred a petition of the Blue Hill Bank for removal of a tree from the front of their premises, made a report authorizing the directors of the said bank, under the direction of the Superintendent of Common, to remove the tree in front of their premises, at their expense. Accepted.

Alderman Clark, from the Committee on Streets, to whom was referred the petition of D. W. Foster for apportionment of his Purchase-street betterments, made a report recommending its reference to the Board of Street Commissioners; and on petition of Jacob N. Goodnough, to be paid for land damages on Emerson street, made a report recommending its reference to the Committee on Paving. Severally accepted.

Alderman Poland, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Joseph F. Paul for leave to erect a wooden building for storage, situated on Albany street, at the corner of Bristol street, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to Joseph F. Paul, authorizing the erection of a wooden building for storage, according to an application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted, and the order was passed.

Alderman Sayward, from the Committee on Health, reported in favor of petitions for stables, as follows: Stephen Clapp, to occupy a wooden stable for two horses on Boston street, Ward 16; Daniel Dewar, to occupy a stable for two horses on Ward-street marsh; Highland Street Railroad Company, to occupy a brick stable for one hundred horses on Shawmut avenue; N. D. Rich, to keep an additional horse in his stable at 15 Cliff street; Lewis E. Hartshorn, to occupy a wooden stable for fourteen horses on Walnut street, Ward 16, and to James Harvey, to build a wooden stable for two horses on Athens street, provided said stable shall be constructed of such material and in such manner as shall meet the approval of the Committee on Health. Severally accepted.

The same committee reported leave to withdraw severally on petitions of Moses R. Powers for leave to occupy a brick stable for six horses at 559 Fifth street; Frederic O. Rogers, to occupy a wooden stable for nine horses on Malden street, the location being within the fire district; and of John Greer to keep one horse in a stable on Sixth street, between B and C streets. Accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw on the petition of James Laffey, for abatement of sewer assessment in Mindoro street, and no action necessary on the remonstrance of Sewall, Day & Co., relative to the Parker-street sewer, the cause of complaint having been removed. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported orders for the collection of sewer assessments, amounting in the aggregates, as follows: Moreland street, \$1714 07; Warren street, \$2663 12; E street, \$259 92; Bennington street, \$242 44. The orders were severally passed.

Alderman Jenks, from the Committee on Claims, to whom was referred the petition of M. A. B. Gove, to be compensated for personal injuries sustained from a fall upon coal in a school yard on Tyler street, made a report, recommending that the petitioner have leave to withdraw. Accepted.

#### SMALLPOX HOSPITAL.

Alderman Sayward, from the Committee on Health, to whom was referred the petition of George Curtis and others for the removal of the smallpox hospital from its present location, reported as follows:

That the subject has received the consideration of the Trustees of the City Hospital, the City Physician and the Committee on Health. No difference of opinion can exist in regard to the present location, which might have been proper at the time of its selection, but from

the growth of the city it has ceased to be a proper one, and the building is not a suitable one for the treatment of this class of patients. The committee would therefore urge the change of location and erection of a new building at as early a day as can be.

If the City Council had the power to take land for such a purpose as they have for streets, school houses, etc., the task of locating, as far as the selection of a site, would be comparatively easy; but it can only be obtained by purchase. The hospital must be accessible and still isolated, or the complaint would only be moved from one locality to another, and, in a rapidly growing city, to secure such a site is not easy. Negotiations are being made, and the committee expect soon to recommend the purchase of a tract of land for the removal of the hospital which shall meet the approval of the Board of Trustees, the City Physician and the public, to as great an extent as can be expected. All agree that a hospital must be maintained, but the person has not been found who believes his section of the city affords any location which would be a proper one.

The care of the hospital and of the patients is placed by the city ordinances under the control of the Board of Trustees, and while the committee have no voice in the matter, they fully believe that the gentlemen comprising the board—many of them eminent in the medical profession—have faithfully performed the delicate duties which have devolved upon them. The City Physician has been untiring and wholly devoted to the duties of his office, and no complaint has ever reached the ears of the committee that his duties have not been performed in the ablest and kindest manner.

The report was accepted.

The following petition was presented from Nathaniel Cummings and others:

To the Honorable Board of Mayor and Aldermen—The undersigned, citizens of Boston, in view of the alleged inhuman abuse of the patients at the smallpox hospital in this city, and in view also of the fact that the malady is rapidly increasing throughout Boston, for humanity's sake, respectfully request that your honorable body will immediately appoint a committee of investigation into the above abuses, and that they be empowered to devise some method whereby the hospital may be removed to a more remote and healthier locality, thereby affording the sufferers better treatment, and protecting our citizens from the further ravages of the epidemic.

Alderman Clark moved a reference of the petition to the Committee on the City Hospital and the Committee on Health, with full powers to take immediate action in the matter as they may deem the public necessity requires.

Alderman Sayward suggested that as the Committee on Health had no power in the matter, which was in the hands alone of the Committee on the City Hospital, it would be best to refer the petition to the Committee on City Hospital.

Alderman Jenks stated that the smallpox patients were under the direction of the Committee on City Hospital when they reach the hospital, but they had all been sent there by the Committee on Health. It was understood that when the steamer was completed for the Health Department, and that completion was now nearly reached, a provision would be made for such patients at the island. He would give notice that at the next meeting of the board he would move for the rescinding of the order of February last to receive patients in the smallpox hospital in the city.

Alderman Poland stated that there was a great misapprehension in the community concerning the powers of the Committee on Health, and it was proper under the circumstances that this request should be answered, that the public may know what the rights of the committee are, and what difficulties they are laboring under.

Alderman Sayward said he judged from the petition that the petitioners wished to have it referred to some other committee than the Committee on Health. There seemed to be a good deal of outside dissatisfaction, from some cause or other, with that committee, and they could do nothing more than they had done, as given in the report made by them.

Alderman Jenks suggested as an amendment to the reference that it be to the Committee on Hospital on the part of this Board, otherwise there would be delay in concurrent action by the other branch.

Alderman Clark said the object in his motion was to put the matter in shape before some committee for immediate action. There was no doubt



hat the present smallpox hospital was not sufficient to accommodate the patients now in it, or that would be six months hence. Some committee should be empowered to take land and build a hospital. Most patients are unwilling to go to the island, and no one can be compelled to go there. They must therefore stay here and receive such attention as can be given them. He did not believe the reports of abuses in the hospital. It was not a proper building for any number of patients, but they must remain there awhile until some site can be secured in the city or in its neighborhood to give proper accommodations as in the City Hospital. He wished such action to be taken as to give power to the committee to secure a location and erect a new institution.

Alderman Sayward said he feared that the Alderman did not pay attention to the report of the Committee on Health. They could do nothing other than they did do, and take no further action. He did not understand that there were any abuses in the hospital, or that any were charged in this petition, and asked to have it read.

The petition was read.

Alderman Jenks said that so far as related to alleged abuses, they were imaginary. When his duties called him to the City Hospital, he always went through the smallpox hospital, and he had never been there when it was not as cleanly and in as good condition as possible. If any one expected such a place to smell like a bed of roses, it was a different species of disease from what he was familiar with. It was not a proper place for a smallpox hospital, and was intended only for those who could pay their board.

The amendment of Alderman Jenks was adopted, and the petition was referred to the Committee on Health and Committee on Hospital on the part of this Board.

#### ORDERS PASSED.

On motion of Alderman Stackpole,

Ordered, That the Auditor of Accounts be authorized to make a transfer of \$289 15 from the Reserved Fund, said sum to be applied to the purchase of the lot of land on Columbia street, owned by S. Klous.

Ordered, That the School Committee be and they are hereby authorized to expend a sum not exceeding \$1500, for the entertainment of the National Educational Association; said sum to be charged to the appropriation for School Expenses.

On this order Alderman Cutter voted no, all others yes.

On motion of Alderman Power,

Ordered, That permission be given to Edward F. Meany to place a railroad track across Albany street to connect his wharf with his stone yard, upon condition that the whole work of constructing said track, the form of rail to be used and the kind and quality of material used in paving said track shall be under the direction and to the satisfaction of the Superintendent of Streets, and that said Meany shall keep in good repair the space between the rails and three feet outside thereof to the satisfaction of said Superintendent of Streets; also upon condition that said Meany shall save the city harmless against all claims for damages, costs and expenses to persons or property by the construction or maintenance of said track in said street; also upon condition that said Meany shall accept this permit and give to the city an agreement in writing satisfactory to the City Solicitor to comply with the conditions therein contained, and file said acceptance and agreement with the City Clerk within ten days of the date of its passage, otherwise it shall be null and void.

On motion of Alderman Clark,

Ordered, That there be paid to John N. Bauer the sum of \$990 96, it being the amount of costs and interest awarded by referees appointed by the Superior Court of the county of Suffolk, for damages occasioned to said John N. Bauer by the raising of the grades of Water and Devonshire streets; said sum to be charged to the special appropriation for Water-street Grade Damages.

Ordered, That there be paid to A. J. Perry, F. J. Perry and George W. Perry the sum of \$1564 25; also to John Bleishnitz and William Hohmeyer \$2955 26; and to Timothy H. Carter \$3578 50, being the amount of costs and interest awarded by referees appointed by the Superior Court of the county of Suffolk, for damages occasioned severally to said parties by the raising of the grades of Water and Devonshire streets; said sum to be charged to the special appropriation for Water-street Grade Damages.

Ordered, That there be paid to the heirs of Charles H. Brown the sum of \$3523, for land taken

and all damages occasioned by the widening of Kingston street, by a resolve approved December 30, 1870, subject to the usual conditions; and that the same be charged to the appropriation for Widening Kingston Street.

Ordered, That the order passed June 10, 1872, to pay said Brown the sum of \$3523, upon their giving a deed of the land, be and the same is hereby rescinded.

Ordered, That the expenses incurred in purchasing swans for the Public Garden, amounting to \$275, be allowed for payment; said amount to be charged to the appropriation for Common, etc.

Alderman Jenks inquired how much the swans cost, to which Alderman Clark replied that the cost was as stated in the order, that being the amount rendered to the committee.

Alderman Jenks further remarked that he supposed, from the terms of the order, it referred to the expenses incurred in the purchase, and not the purchase itself.

Ordered, That the joint special committee who have under consideration the petition of Avery Plumer and others for the establishment of a new Board of Health, be directed to consider and report upon the expediency of appointing a scientific commission which shall determine the best plan and method of draining the low territory existing between Boston and Dorchester by which all offensive odors arising therefrom may be obviated; and that said committee be requested to report as soon as possible.

Orders to quit were passed to be served on Joseph G. Russell and the heirs of Joseph Whitney, as owners and proprietors of land taken by the city for the widening of Congress street, and to remove all obstructions over the line of said widening on or before the 15th of August; to Nancy Shove, George Crowninshield, Catharine H. Faunce, owners of land taken for the widening of Washington street, under the order of the Street Commissioners of the 10th of June, to vacate on or before the 2d of September; and to the Metropolitan Railroad Company and John Roessle to vacate land taken for the widening of Pynchon street, on or before the 2d of September.

On motion of Alderman Fairbanks,

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in Cedar square, and to report a schedule of the expense thereof to this Board, pursuant to law.

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in South street, and to report a schedule of the expense thereof to this Board, pursuant to law.

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in Newman and Lowland streets, and to report a schedule of the expense thereof to this Board, pursuant to law.

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in Eustis street, and to report a schedule of the expense thereof to this Board, pursuant to law.

On motion of Alderman Ricker,

Ordered, That the bill of James Munroe for \$63 for extra services be allowed for payment by the Auditor of Accounts, provided it is approved in the usual manner.

An order was also passed for the abatement of nuisances in Channey, Second, Broadway, Portland, Salem, Commercial, Charter and Pinekney streets, Albany place and Greenough lane, generally from defective drainage; 117 and rear of 119 Second street, from stagnant water under houses, rendering them unfit for habitation.

An order was also passed to meet a Jail requisition for \$494 32, and an order to pay bills for services rendered by persons directly or indirectly connected with the City Government.

#### ORDERS OF NOTICE.

On the proposed construction of common sewers in M street, between Sixth and Seventh streets; in Beacon street, between Charles River and St. Mary's street; in Foundery and Sixth streets, between Swan street and Dorchester avenue, and in Warren street, between Edgewood and Townsend streets. Hearings severally on Monday next, August 5, at 4 P. M.

#### ORDERS READ ONCE.

On motion of Alderman Clark, orders to pay Abram French \$17,484 for land taken for laying out and grading of Sturgis street; giving permission to Albert J. Wright to erect a flagstaff in the sidewalk at the corner of Dorchester and National streets, on certain conditions, to remove it when



required, and to hold the city harmless for all damages, etc., which may result therefrom; to establish the grade of Devonshire street, between State street and Dock square; to establish the grade of Appleton street, between Tremont and Berkeley streets; to establish the grade of Weston street between Tremont and Cabot streets; to set edgestones on Myrtle and Howard streets,

Ward 16; for the raising of the grade of Tremont street, between the Boston & Albany Railroad Bridge and Dover street, to the established grade; for the construction of a culvert in Quincy, Ceylon and Bird streets, and in Baker court, and a drain in Quincy street, at an expense of \$15,000.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,

AUG. 3, 1872.

A special meeting of the Board of Aldermen was held at noon today, Mayor Gaston presiding.

His Honor stated that he had called a meeting of the Board with special reference to the condition of the pest house connected with the City Hospital at the South End. He knew there was much alarm among the citizens of that locality in relation to this matter. They believe they are in great danger, and he thought that the circumstances of the case demanded prompt action by the Board, and that either this action should be taken or some good reason given for not doing so. Since he had called the meeting he had received a deputation of respectable citizens of that section, who, through their chairman, Colonel Charles H. Wilder, had presented for his consideration resolutions embodying the sentiment of a meeting of citizens held last evening, which are as follows:

Whereas, the location and establishment of a Smallpox Hospital in the immediate vicinity of the residences, or the marts of trade, thereby jeopardizing the health and lives of the inhabitants and destroying their business, is a disgrace and a shame to our city; and, whereas, the present

location of the Smallpox Hospital in Albany street is near both residences and places of business, and should be immediately removed: therefore

Resolved, That the City Government be and hereby are requested without delay to find some other location than the present for a Smallpox Hospital; and until some suitable location is selected, such persons as may be afflicted with smallpox be cared for at Rainsford Island, and the present house closed against the admission of another patient.

Resolved, That the health of our city is of vital importance to the inhabitants, and should receive the first care of those whom they have intrusted with its preservation.

Resolved, That a Board of Health, separate and distinct from the City Government, should be by ordinance at once established, and we call upon the City Council to lose no time in establishing such a board, that our citizens may rest in security.

The resolutions having been read and presented for the action of the Board,

On motion of Alderman Squires, the matter was referred to the Committee on Health with instructions to report forthwith.

Alderman Fairbanks offered the following order, which was read a second time and passed:

Ordered, That the Committee on Health be requested to inquire and report at the next meeting of this Board whether the smallpox patients, or any of them, at the City Hospital, can be safely and properly removed to Gallop's Island.

There being no other business, on motion of Alderman Woolley the Board adjourned.







CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
AUG. 5, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

APPOINTMENTS MADE AND CONFIRMED.

Special Police Without Pay—Dan'el O'Keefe, for Catholic church, corner E and Third streets; H. H. Hyde, for Union wharf and its vicinity; Samuel Payson, D. N. Payson and W. C. Johnson, for service in connection with their employment in laying wooden pavements; Benjamin Meriam, in the Health Department.

Undertakers—John B. Burke, Timothy Daly.

To be Patrolman—Bernard J. O'Donnell (confirmed).

PETITIONS PRESENTED AND REFERRED.

Martin Fitzgerald and Cornelius Cronan, to be paid for damages to their estates on Havre street, East Boston, by raising of grade.

Thomas Cross, William B. Duggan, 2d, and John McCarron, to be paid for grade damages on Ontario street.

Andrew Spence, that Ninth street be graded between Dorehester and Lowland streets.

Severally referred to Committee on Paving.

Charles D. Bickford, for leave to keep a stable for one horse.

F. O. Rogers, for leave to occupy a stable for two horses on Rowe street.

E. D. Winslow, for leave to erect a stable in rear of Tremont Market.

Isaac H. Ayers, for leave to build a brick stable for one hundred horses on Shawmut avenue near present stable.

J. N. Tewksbury, for leave to occupy wooden stable for one horse in Entaw place.

Thomas A. McDonald, for leave to occupy a wooden stable for one horse on Highland park.

Adeline P. Flanders, for leave to occupy a wooden stable for one horse on Emerald street.

Crowley & Coughlan, for leave to occupy stable for two horses on Malden, corner of Albany street.

D. Riekerby, for leave to occupy stable on Malden, near Albany street.

F. F. Hussey and others, that a nuisance caused by a depot for green hides, at 53 Fulton street, be abated.

Severally referred to the Committee on Health.

James Smith and others, for a sewer on Prescott street, between Lexington and Trenton streets.

James Smith and others for a sewer in White street, between Putnam and Trenton streets.

Samuel Eliot and others, for sewer in Otis place, leading from Brimmer street.

Benjamin Dean and others, for abatement of tax for sewer on P and First streets.

Michael F. Lynch and others, for a sewer in Dorchester avenue, from Field's Corner to Glover's Corner, and that an old sewer now in Dorchester avenue, from Field's Corner to Parkstreet, be reopened.

Severally referred to Committee on Sewers.

Ordway, Blodgett & Co., that drinking troughs be located in various portions of the city. Referred to Committee of Water.

Standish Monument Association, asking the county of Suffolk to contribute a suitable stone towards the erection of said monument. Referred to Committee on County Accounts.

Patrick Shaughnessey, to be paid for personal injuries incurred while in the employ of the city.

William Holliday, to be compensated for damages to his estate on Huntington avenue, caused by the flow of the tide and obstruction of drainage.

Severally referred to Committee on Claims.

John Roessle, to be allowed further time in which to quit premises taken on Pyncheon street. Referred to Committee on Streets.

Hiram A. Wright and others, for a lamp in Houston street and place. Referred to Committee on Lamps.

Charles E. Wiggin and others, for a clock on the Methodist Episcopal Church on Hanover street. Referred to Committee on Clocks.

Michael F. Lynch and others, that Dorchester avenue, from Field's Corner to Glover's Corner, be graded and edgestones set. Referred to Committee on Paving.

QUARTERLY REPORT OF CITY CLERK.

The City Clerk presented his quarterly report for the quarter ending July 31, by which it appeared that he had received the following sums:

For recording mortgages, liens, assignment of wages, etc.....	\$614 98
For licenses of billiard saloons.....	219 00
For licenses of auctioneers.....	30 00
For licenses of intelligence offices.....	38 00
For sale of old ballots.....	5 50

Total.....\$907 48

The report was accepted and ordered to be sent down.

CITY REGISTRAR'S QUARTERLY REPORT.

By the quarterly report of the City Registrar it is shown that during the quarter ending July 31 there have been issued 1056 certificates of intentions of marriage, for which were received \$528, which sum has been paid into the City Treasury.

The report was accepted and ordered to be sent down.

QUARTERLY REPORT OF THE SUPERINTENDENT OF FANEUIL HALL MARKET.

The superintendent of Faneuil Hall Market submitted his report for the quarter ending July 31, 1872, as follows:

Cash received for rent of stalls.....	\$10,396 50
“ “ “ cellars.....	5,385 00
“ “ “ permanent outside stands..	719 75
“ “ “ rent of stalls in new market	3,030 00
“ “ “ cellars “	1,462 50
“ “ “ for free stand.....	21 00

Total.....\$21,108 23

The report was accepted and ordered to be placed on file.

QUARTERLY REPORT OF OVERSEERS OF THE POOR.

The report of the Overseers of the Poor for the quarter ending July 31, 1872, was submitted, the receipts and expenditures being as follows;

Receipts.....	\$18,223 00
Expenditures.....	13,833 01
Paid City Treasurer.....	892 86

Cash balance on hand July 31, 1872.... 4,972 47

The report was accepted and ordered to be sent down.

AUDITOR'S MONTHLY EXHIBIT.

The City Auditor's monthly exhibit was presented in print, showing the general and special appropriations for the present financial year, as shown in the books in his office August 1, 1872, including the August draft, being four months' payments of the financial year, as follows; exhibiting the original appropriations, the amount expended and the balance of each unexpended, of which the recapitulation is as follows:

	Appropriations, Revenues, etc.,	Expended.	Unexpended.
General.....	\$9,906,173 05	\$2,535,580 52	\$7,370,592 53
Special.....	4,970,460 80	1,064,267 44	3,906,193 36
	\$14,876,633 85	\$3,599,847 96	\$11,276,785 89

Read and sent down.

HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice on the proposed construction of sewers in South street, between East and Summer streets; in Eustis street between Winslow street and the primary schoolhouse; in Newman street and in Lowland street between Vale and Newman streets, were severally taken up. No person appearing in relation thereto, the reports were recommended.

On motion of Alderman Sayward, Monday next at half-past four was assigned as the time for a hearing on the petition and remonstrance of the Metropolitan Horse Railroad Company for a stable and car house on Shawmut avenue, Guild and Bartlett streets.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Abram French \$17,484, for Sturgis, street damages.

Order to take the Roxbury City Hall lot (so called) for site for Washington and Dudley schoolhouses.

Order to construct culverts on Quiney, Ceylon and Bird streets, and a drain in Quiney street to carry off the surface water.

Order to grade and pave Tremont street from Dover street to Boston & Albany Railroad bridge.

Order to furnish and set edgestones on Howard and Myrtle streets, Ward 16.

Order to allow Albert J. Wright to set a flagstaff in sidewalk at corner of Dorchester and National streets, on certain conditions.

Orders to establish grades for Devonshire street from State street to Dock square; for Appleton street from Berkeley to Tremont street; and in Weston street from Cabot to Tremont street.

The report and order for appointment of a scientific commission of two chemists and three engineers to report on best wooden pavement being under consideration, a discussion arose, Alderman



Cutter moving to have the order laid upon the table, and thought that before a vote was taken upon it, the Board should understand what it meant.

Alderman Power replied that the petitioners asking for the appointment of this commission had a hearing before the Bureau of Labor. He came here, not in the interest of any particular kind of pavement, but solely in the interest of the city of Boston. In the early part of this year, the gentleman had voted to appropriate a thousand dollars just to examine the candidate for City Engineer, and the speaker thought this a case demanding the appointment of a commission of much more importance than that was.

Alderman Cutter did not deny that he had voted for the appropriation spoken of, but he desired to wait and see whether it did any good or not before establishing another precedent of this kind.

Alderman Power said that, as a member of the committee, he knew something of what pavement cost, and that where so much money was expended every year five hundred dollars would be a mere trifle to be expended in finding the best material.

Alderman Cutter thought some of the petitioners were deeply interested in some particular kind of pavement, and that the whole thing would be in the interest of that.

Alderman Clark said the object of this appropriation was to find out the best process for preserving wood for paving. Now it seemed to him that this was a very cheap way of finding it out. The usual way has been to select a street and pave it with the different kinds of material, at a cost of many thousands of dollars. If this can be done for \$500, it is cheap.

The yeas and nays being called, the order was lost by a tie vote.

Yeas—Aldermen Clark, Fairbanks, Little, Poland, Power, Squires.

Nays—Aldermen Cutter, Jenks, Ricker, Sayward, Stackpole, Woolley.

The hearing on the petition of the Union Freight Railway came up by special assignment. Alderman Clark moved that the hearing be postponed until Monday next, as the counsel for the remonstrants were unable to be present.

Mr. J. B. Thayer, counsel for the petitioners, thought it desirable that the case on their behalf should be stated, and then the matter might be delayed if it was deemed necessary. It had, however, been practically settled by the Legislature, which had granted the company the right to lay down their tracks through certain streets in this city, and all that the Board of Aldermen were called upon to do was to grant this location.

Hon. George B. Upton asked that there might be no delay in granting the location asked for, as he thought it would increase the business of the city by having the work pushed forward. The corporators were ready to go on and build the road at once if the Board of Aldermen saw fit to grant the location.

Mr. Thayer believed the objection came from gentlemen connected with the Marginal Freight Railway. He desired that the location might be granted at once, because the time to which they were limited by the Legislature would expire in September.

Mr. John Bigelow, in behalf of the owners of the Marginal Freight Railway, asked that the delay might be granted; their attorneys were out of town, and they went away before it was known that this matter was to be brought up. The remonstrants requested only the delay of one week, that they might be properly represented. There is a large amount of money invested in the Marginal Freight Railway, which was put in in good faith, and he thought it but right that there should be a hearing on both sides of the question.

Mr. Upton could not see the object of bringing the Marginal Freight Railway in here. Its charter had been taken away, and it is now a matter for the courts rather than the Board of Aldermen. We are perfectly ready to meet them in the courts.

Mr. Bigelow replied that it was true that their charter had been repealed; but there were very grave questions connected with it. The charter was granted to the Marginal Freight Railway in 1867, and soon after Atlantic avenue was thought of and the city gave an order to have it laid out. The avenue was delayed until 1868, in obtaining permission of the Legislature to fill the docks. The railway was for this reason delayed, as its projectors thought it best for the city that they should not run their tracks through the crowded streets, and this year has really been the first opportunity they had of going ahead with the work.

Mr. Upton replied that all this had been discussed before the Legislature, and that body had decided against them, and he did not see as there was any need of going over the matter again.

The question was then taken on the motion of Alderman Clark that the consideration of the location of the Union Freight Railway be postponed for one week, and resulted in favor of such postponement.

Alderman Jenks moved to reconsider the vote whereby this Board agreed to take the City Hall lot for the use of the Dudley School, stating that he did so for the reason that there was some question about the title. The motion prevailed, and the order was laid on the table.

Alderman Jenks moved to take from the table the message of the Mayor stating his reason for not approving the ordinance in relation to streets, prohibiting solicitors for steamboat lines standing in the streets. The motion prevailed, and the ordinance was rejected—10 to 2.

#### REPORTS OF COMMITTEES.

Assessments to the amount of \$52 for abating nuisances in several streets were reported by the committee.

Alderman Little, from the Committee on Health, reported leave to withdraw on the petition of George W. Meseve for leave to occupy a stable in the rear of West Cedar street; of Henry Soule, for leave to occupy a stable on Buttonwood street; of Timothy Hurley, for leave to occupy a stable in rear of Heath place. Accepted.

Alderman Jenks, from the Committee on Claims, reported leave to withdraw on the petition of Mary L. Adams, to be compensated for personal injuries sustained from a fall on Tremont street. Accepted.

Leave to withdraw was also reported on petition of Edward B. Kimball, for leave to project a sign from No. 58 Elm street, and of Charles H. Jennings, for victualler's license at No. 41 Richmond street. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of granting license to John Sears to exhibit animals at 98 Union street, and of several persons for hack licenses, dealers in second-hand articles, etc.

Alderman Jenks, of the Committee on Claims, to whom was referred the petition of Constant J. Soyard to be compensated for injuries received by a defect in Lawrence street, recommended the passage of the following order:

Ordered, That there be allowed and paid to Constant J. Soyard the sum of \$700, in full satisfaction of his claim for compensation for personal injuries sustained by a fall in Lawrence street, occasioned by an alleged defect in said street, upon his giving to the city an acquittance and discharge satisfactory to the City Solicitor.

Read twice and passed; sent down for concurrence.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of granting the petition of Franz Petersilea for leave to erect a steam engine on Fremont street, Mattapan, Ward 16; of John J. McNutt, for leave to place a steam engine in a new building on Wareham street; of William G. Bell, for leave to place a steam engine and boiler in building Nos. 48 and 50 Commercial street. Accepted.

Alderman Woolley, from Committee on Military Affairs, reported the following order, which was read twice and passed:

Ordered, That there be paid to the several companies of volunteer militia in this city the amounts certified to be due to them respectively by the Adjutant-General for inspection duty in May last; the whole sum, amounting to \$844 50, to be charged to the appropriation for Militia Bounty.

Alderman Little, from the Committee on Health, to whom was referred the petition of John Lynch, for leave to erect a wooden stable for two horses on Cottage street, reported that leave be granted on the usual conditions, provided the old stable shall be discontinued and the new structure to be built of such material and in such a manner as shall be acceptable to the Committee on Health.

Alderman Little, from the Committee on Health, to whom was referred the petition of George Curtis, claiming compensation for damages by reason of the location of the Smallpox Hospital near his wharves, reported its reference to the Committee on claims. Accepted and referred.

Alderman Clark from Committee on Common and Public Grounds, on petition of J. D. Braman for leave to cut down trees on Brighton avenue, granted leave to petitioner on condition that the said trees be removed at his own expense, subject to the direction of the Superintendent of Common; also to J. D. Braman, to cut down tree on Brighton avenue under similar conditions.

Alderman Little, from Committee on Health, to whom was referred the petition of the Metropolitan Railroad Company, for leave to erect a brick



building on Shawmut avenue, and Guild and Bartlett streets for a car house, and remonstrants, recommended that they have a hearing. Accepted, and Monday next at 4½ o'clock assigned for a hearing.

Alderman Little, from the Committee on Health, on petition of Lydia Ellis, for compensation for damages for flooding her premises on the Back Bay, reported its reference to Committee on Claims.

Also on petition of William Rowe, Moses R. Power, John Kassen, Isaac H. Ayers, leave to build stables on the usual conditions.

#### IMPROVEMENT OF SOUTH BOSTON FLATS.

On motion of Alderman Clark, the report and order for the improvement of South Boston flats, and the construction of two bridges across Fort Point Channel, as recommended by the Harbor Commissioners, was taken up.

Alderman Clark moved an amendment to the indenture, which was carried, and the order passed. The form of indenture is as follows:

This indenture, made this \_\_\_\_\_ day of \_\_\_\_\_, A. D. eighteen hundred and seventy-two, by and between the Commonwealth of Massachusetts, acting by its Board of Harbor Commissioners, subject to the approval of the Governor and Council, of the first part, the Boston & Albany Railroad Company, a corporation established under the laws of said Commonwealth, of the second part, the Boston Wharf Company, a corporation also established under said laws, of the third part, and the City of Boston, of the fourth part, witnesseth:

That the said party of the first part, in consideration of the obligations of the party of the fourth part, herein contained, hereby covenants and agrees with said party of the fourth part, that before the first day of October, A. D. 1875, it will fill with solid filling to grade sixteen, the parcel of flats belonging to the said party of the first part, situated at the junction of the main channel and Fort Point Channel, in Boston Harbor, and bounded southwest by the flats of the Boston Wharf Company, and southeast by the flats sold by the Commonwealth to the Boston & Albany Railroad Company, and described in the agreement between said Commonwealth and said Boston & Albany Railroad Company, dated December 9th, A. D. 1869, and appended to the Fourth Annual Report of the Harbor Commissioners to the Legislature, and will before said first day of October build a sea wall around the margin of said parcel of flats upon said main and Fort Point channels; excepting, however, from this covenant and agreement so much of said flats as shall be reserved for docks.

And the said party of the second part, in consideration of the obligations of the party of the fourth part, herein contained, hereby covenants and agrees with said party of the fourth part, that before the said first day of October, A. D. 1875, it will fill with solid filling to grade sixteen, the flats described in said agreement, dated December, 1869, and sold by said Commonwealth to said Boston & Albany Railroad Company, and will before said first day of October build a sea wall on the northeast side of said parcel of flats; excepting, however, from this covenant and agreement such portion of the said flats as shall be reserved for docks, and the space required for the natural slope of the filling on the southeast and southwest boundary lines of said flats.

And said party of the third part, in consideration of the obligations of said party of the fourth part, herein contained, hereby covenants and agrees with said party of the fourth part, that it will in fourteen months from the date of these presents, fill to grade sixteen, with solid filling, its flats lying northeast of Commissioners' line A, and southeast of the Commissioners' line on the southeast side of Fort Point Channel, as said party of the third part now is or shall hereafter be authorized to fill the same, and will within the said fourteen months build a sea wall on the southwest side of said flats; excepting, however, from this covenant and agreement such portion of said flats as shall be reserved for docks.

And the said party of the fourth part, in consideration of the foregoing obligations of said parties of the first, second and third parts, hereby covenants and agrees with each of said parties of the first, second and third parts, its successors and assigns, that it will, after the walls and solid filling the said parties of the first and second parts have hereinbefore agreed to build and to do have been completed, and within twelve months after the request of the Board of Harbor Commissioners, approved by the Governor and Council, build a bridge for public travel over Fort Point Channel, in extension of Northern avenue, and extend Northern avenue to an existing street on the

northwesterly side of said channel, substantially as said avenue is located on the plan for the occupation of flats owned by the Commonwealth in Boston Harbor, annexed to the Sixth Annual Report of said Harbor Commissioners to the Legislature.

And said party of the fourth part further covenants and agrees with each of said parties, that it will within fourteen months from the date of these presents build a bridge for public travel across Fort Point Channel, in extension of Eastern avenue, and extend Eastern avenue to some existing street on the northwesterly side of said Fort Point Channel, substantially as said avenue is located on said plan, annexed to said Sixth Annual Report of the Harbor Commissioners; but at such a distance from the bridge of the Boston, Hartford & Erie Railroad, that the draws in both bridges may be operated without interference with one another and be convenient for the passage of vessels. But said party of the fourth part shall not be obliged by this indenture to build said bridges and extend said avenues at a greater cost than the estimate of the City Engineer, dated June 15, 1872, appended to the report of a joint special committee of the City Council on the memorial of the Harbor Commissioners, asking the cooperation of the city in certain respects in the occupation of the South Boston flats.

It is further agreed between said party of the first part and said party of the fourth part, that the style of the draws in said bridges to be built by said party of the fourth part, and of the piling for said bridges and draws, shall be determined by the Board of Aldermen of said City of Boston and said Harbor Commissioners; provided that the width of the passageways for vessels shall not be less than thirty-six feet, and that the grade of said bridges at the draws shall be twenty feet above mean low water, unless otherwise determined by said Board of Aldermen and said Commissioners.

And it is further agreed between said parties, that said party of the first part shall assume and pay unto the Compensation Fund for Boston Harbor whatever shall be assessed under section 4 of chapter 149 of the acts of the year 1866, as compensation for tide water displaced by the said party of the fourth part in building said bridges and extending said avenues.

And said party of the fourth part, for the consideration aforesaid, hereby covenants and agrees with said party of the first part, that in case it shall fail to build said bridges and extend said avenues, or either of them, according to the terms of this indenture, the said party of the first part may build said bridges and extend said avenues to said streets on the northwest side of Fort Point Channel, for and on account of said party of the fourth part, and that it, the said party of the fourth part, will pay to said party of the first part, all reasonable expenses, not exceeding said estimate of the City Engineer, which the party of the first part shall incur in building said bridges and extending said avenues as aforesaid, or either of them.

And said parties of the first, second and third parts, for the considerations aforesaid, hereby each for itself covenant and agree with the said party of the fourth part, that the party of the fourth part shall be subjected to no grade or other damages for any land taken of either of said parties, or any injury done to land of either of said parties, on the southeast side of Fort Point Channel in performing its obligations under this indenture.

And said parties of the first, second and third parts hereby further covenant and agree, each for itself, with said party of the fourth part, that they will respectively fill to grade sixteen so much of their several parcels of land or flats between Fort Point Channel and the southeasterly line of said flats, sold by the Commonwealth to the Boston & Albany Railroad Company, as lie within the limits of said Northern and Eastern avenues, as said avenues are shown on said plan of occupation annexed to the Sixth Annual Report of the Harbor Commissioners, or as the same shall be located under this indenture, and in addition that they will fill said avenues on their respective parcels in such a manner as to form a proper and convenient grade, satisfactory to the Committee on Paving of the Board of Aldermen for said city, with the extensions of said avenues and the bridges which said party of the fourth part shall construct as herein provided, as soon as said extensions of said avenues and said bridges shall respectively be completed.

And said parties of the first, second and third parts further agree, each for itself, with said party of the fourth part, that said party of the fourth part may lay out as public streets, without incur-



ring any liability for land damages for so doing, said Northern avenue seventy-five feet wide, Eastern avenue sixty-six feet wide, and the extension of B street fifty feet wide over the said respective parcels of the said parties of the first, second and third parts, lying between Fort Point Channel and the southeasterly boundary line of said flats, sold by the Commonwealth to said Boston & Albany Railroad Company, as said avenues and the extension of B street are shown on said plan of occupation, or as the same shall be located under this indenture; provided, however, that Eastern avenue shall be located over said parcels parallel with Northern avenue; as Northern avenue is shown on said plan.

And said parties of the first, second and third parts further agree that when said avenues and said extension of B street within said limits shall have been filled and laid out as herein provided, they will each convey to said party of the fourth part the fee of their said respective parcels within the limits of said avenue and said extensions of B street.

And said party of the first part further covenants and agrees with said party of the fourth part, that as the other territory of the South Boston flats, belonging to said party of the first part, and lying below the line of one hundred rods from high-water mark and within the limits of the first section of said South Boston flats, as shown on said plan of occupation appended to said sixth annual report, including the extension of L street below said one hundred rod line, shall be filled to grade within the limits of said Northern and Eastern avenues, and of the extension of B street and L street, as shown on said plan, or as the same may be located under this indenture, the said party of the first part will provide that the said avenues and said extensions of B and L streets within said territory, shall be filled to grade sixteen, and further that said party of the fourth part may lay out the same within said territory as public streets without incurring any land damages for so doing, and that, when so laid out as public streets, said party of the fourth part shall have a conveyance of the fee of said territory within the limits of said avenues and streets.

#### ORDERS PASSED.

On motion of Alderman Fairbanks,  
Ordered, That the Superintendent of Sewers be and hereby is directed to construct sewers in Ward three, and in Foundry and Sixth streets.

Ordered, That the Superintendent of Sewers, under the direction of the Committee on Sewers, is hereby directed to cover in a permanent manner the channel of Stony Brook between Rogers avenue and Parker street; the expense to be charged to the appropriation for Sewers.

On motion of Alderman Sayward,

Ordered, That the Committee on Health be and they are hereby authorized to contract with Messrs. Whiteomb & Potter for the building of a wharf, coal shed and waiting room at Gallop's Island, according to the proposals submitted by them, for the sum of \$10,950; to be charged to the appropriation for Quarantine Department.

On motion of Alderman Clark,

Ordered, That the Committee on Common and Public Grounds be and they are hereby authorized to expend a further sum of not exceeding \$8000 for labor, and a sum not exceeding \$500 for teaming; said sums to be charged to the appropriation for Common and Public Grounds.

On motion of Alderman Clark,

Ordered, That the Superintendent of the Common and Public Grounds be authorized, under the direction of the Committee on the Common and Public Grounds, to remove such part of the fences within the limits of the Common as in his judgment can be dispensed with.

On motion of Alderman Sayward,

Ordered, That the Superintendent of Health be and he is hereby directed to cause nuisances to be abated in such manner as he shall deem most expedient, at the expense of the following-named parties, who, having been notified by him, have neglected to abate such nuisances: The nuisances ordered to be abated exist on the premises of Mark Dowling, 118 Essex street; Jonas Fitch, 122 Essex street; Mrs. Ellen Wood, 2 Noyes place; Charles S. Mason, 6 Noyes place; A. B. Monroe, 4 and 7 Noyes place; Mrs. E. Chadbourne, 8 Noyes place; Henry Kruger, 10 Noyes place; Dr. Eli Thayer, L. W. Nichols & Son and D. S. Mason, 9, 11 and 13 Noyes place; Darius Wellington, 75 and 77 Bedford street.

Orders to vacate were passed to be served on the proprietors of the Parker Memorial Meeting-house, J. F. Paul & Co., and all other persons owning land taken for Appleton street, to vacate said

premises on or before the second of September; to Michael Honlein, William A. Wood, Mary B. Parkman, and all other parties owners of land taken for the widening of Emerson street, to vacate the premises on or before the second of September; Charles W. Galloup, Charles Davenport, and all other persons interested as owners or proprietors of land taken to widen Devonshire street, on or before the first of October.

#### SMALLPOX HOSPITAL.

The Committee on Health, who were requested to inquire whether the smallpox patients, or any of them, at the City Hospital could be safely and properly removed to Gallop's Island, submitted the following certificate of the physician covering the information asked for:

We, the undersigned, patients in the Smallpox Hospital situated on the water side of Albany street and in the rear of the City Hospital, hereby express our feelings whether or not we desire or are willing to be transferred from this hospital to Gallop's Island for treatment:

Mary Calligan, a child, nearly well, says she does not want to go. Jerry McCarty, a child, says the same. Patrick Harrington, Daniel McKenney, Thomas Donovan, Mary Donovan, Joseph Kincaid, Zadar Baker, James Hand, Anna Henley, Isabella Matthews, Jeremiah Malone, Henry Bagley, Ellen Hurty, Charles W. Bolt, Doretha Cavanaugh (she is in a dying condition and cannot be removed), Francilla Harrington, W. H. Rogers and Frank E. Sanborn, all said "No," that they did not want to be removed.

Daniel McKenney, Frank E. Sanborn, Charles W. Bolt, Zadar Baker, Isabella Matthews, Doretha Cavanaugh, the physician says, are unable to be removed at present.

William H. Rogers, Ellen Hurty, a child, Francilla Harrington, Mary Donovan and James Hand ought not to be removed, but the physician says he could not say it would endanger their lives.

The remaining are all convalescent, and could be moved without danger.

(Signed) M. E. WEBB, M. D., Physician.

Subsequently, the order passed Feb. 16, 1872, allowing the Board of Trustees of the City Hospital to receive into that institution patients affected with infectious diseases, was rescinded.

On motion of Alderman Jenks, the following order was then passed:

Ordered, That the Trustees of the City Hospital be requested to send all patients affected with smallpox or other infectious diseases to Gallop's Island until otherwise ordered, and that the Committee on Health be directed to furnish the needed transportation from time to time.

On motion of Alderman Cutter,

Ordered, That the contract executed by the Committee on Bridges, July 29, 1872, with F. A. Richardson, for repairing and widening Federal-street Bridge, in accordance with an order of the City Council, passed November 11, 1871, be and the same is hereby approved; the expense to be charged to the loan authorized for repairs on Federal-street Bridge.

The adoption of the order was opposed by Alderman Jenks, who thought the contract should be annulled and again opened to competition, believing that \$10,000 or \$12,000 could be saved to the city thereby.

Alderman Cutter replied that the committee had advertised for proposals and the contract awarded to the parties making the lowest bids, but not being able to furnish the required bonds, the contract was then awarded to the next lowest bidders who were alike unable to furnish satisfactory bonds, and it was then awarded to the present contractor. Alderman Jenks still thought that if there was any way in which the sum of \$12,000 could be saved to the city it was the duty of the Board to see that it was done.

The order was finally adopted, and a subsequent motion to reconsider the vote was lost—3 to 9.

#### ORDERS OF NOTICE.

For Monday next at 4 P. M.

To take into consideration the expediency of constructing sewers in Fourth street, between P street and tide water; in Bowen street, between C and D streets.

Of Advocate Printing Company, for leave to set up and use a steam boiler on corner of Decatur and Meridian streets. Recommended.

#### RESIGNATION.

A communication was received from Henry L. Pierce resigning the office of Commissioner of Cedar-Grove Cemetery, which was accepted and an order passed requesting the Committee on Cemeteries to nominate a suitable person to fill the vacancy.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
AUG. 9, 1872.

A special meeting of the Common Council was held at half-past two o'clock this afternoon. Mr. M. F. Dickinson, Jr., the president, being absent, the meeting was called to order by Mr. J. J. Flynn of Ward 7, the senior member, when a ballot was taken for president *pro tem*. Messrs. Shepard of Ward 4, Marston of Ward 10 and Wright of Ward 15 being appointed a committee to receive sort and count votes. The first count resulting in no choice, another ballot was taken which resulted as follows:

Whole number of votes.....	34
Necessary for a choice.....	18
H. W. Pickering.....	26
J. J. Flynn.....	3
Stephen L. Emery.....	1
Frederick Pease.....	3
Wm. Brooks.....	1

Mr. Pickering was consequently declared elected.

On motion of Mr. Bickford of Ward 15 the roll of the members was called, showing the following-named members present:

Messrs. Anderson, Bickford, Blackmar, Brooks, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Dolan, Dowd, Emery, Faxon, Flynn, Gragg, Hart, Heath, Hersey, Jones, Kingsley, Marston, Martin, Moulton, Page, Pease, Pickering, Prescott, Robbins, Robertson, Shepard, Smith, Taacher, Webster, Weston, Whiston, Wright.

The message of the Mayor calling for the special meeting of the Council was read, as follows:

EXECUTIVE DEPARTMENT, }  
CITY HALL, Aug. 9, 1872. }

*To the Common Council:* Gentlemen—I have requested your clerk to call a meeting of your board to be held this afternoon for the purpose of enabling you to act, before your next regular meeting, upon certain important subjects which have been acted upon by the Board of Aldermen, and also for the purpose of enabling you to transact such other business as may legally and properly come before you.

WM. GASTON, Mayor.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly report of the City Registrar was placed on file.

The petitions of Adams Express Company, Ordway, Blodgett & Co., and the various newspaper publishers of Boston, that drinking troughs be placed in various parts of the city, and various other petitions, were severally referred for concurrence.

The quarterly reports of the City Clerk and Overseers of the Poor were severally accepted and ordered to be placed on file.

The monthly exhibit of the Auditor of Accounts was also accepted and placed on file.

Order bills to be paid, August draft. Read twice and passed.

The following reports were accepted, in concurrence:

Report (leave to withdraw) on petition of Mary L. Adams, to be paid for injuries from a fall on Tremont street.

Report (leave to withdraw) on petition of M. A. B. Gore, to be paid for injuries from a fall in Tyler-street School yard.

Report and order authorizing Joseph F. Paul to erect a wooden building for storage purposes.

The report and order to procure plans and estimates for additional accommodations for the Roxbury High School.

Order to pay James Munroe \$63, for extra services.

The following orders were read twice and passed, in concurrence:

Order for the joint special committee on the petition of Avery Plumer *et al.*, to consider and report on the subject of appointing a commission to determine a plan for draining low territory between Boston, Roxbury and Dorchester.

Order for raising and paving Tremont street, between the Boston & Albany Railroad and Dover street.

Order authorizing the Committee on Common, etc., to expend not exceeding \$8000 for labor and \$500 for teaming. On motion of Mr. Brooks of

Ward 1, the rules were suspended and the order read a second time and passed.

On motion of Mr. Webster of Ward 6, the rules were suspended, and the report and order to pay Constat J. Soyard \$700, for injuries from a fall in Lawrence street, was read the second time and passed, in concurrence.

On motion of Mr. Brooks of Ward 1, the order authorizing the Superintendent of Common, etc., to remove such portions of the fences in the Common as in his judgment may be dispensed with, was read twice and passed, in concurrence.

The order allowing \$275 for the purchase of swans for the Public Garden, was also, on motion of Mr. Brooks, read the second time and passed.

The following orders were read twice and passed: Order to rescind the order allowing the Trustees of the City Hospital to receive into that institution patients affected with infectious diseases.

Order to rescind order allowing \$250 for repairs of armory of Company C, First Regiment.

Order to pay \$250 for repairs of armory of Company B, First Regiment. Read once.

The report and order on the memorial of the Harbor Commissioners relating to the South Boston flats, with the addition to the indenture, therein referred to, (being City Doc. No. 75, 1872,) was then brought up and the reading dispensed with.

Mr. Webster of Ward 6 said that as this was one of the most important orders upon which the Council would be called to act upon for a long time, and as they had had it under consideration for only a short time, he hoped there would be no effort to take the matter up today; he hoped that a special day would be assigned for it, and while he would not in any way retard the much needed improvement, he would move that the matter be assigned for the first regular meeting in October.

Mr. Hersey of Ward 12 asked the gentleman to withdraw his motion. It could be read once, and the Council would not in any way commit itself in the matter. He said that if he understood the question, the Council would have a chance to amend the order if necessary. It will make a great difference if this order is delayed. As soon as the order is passed they will at once advertise for proposals for the filling of these flats, contracts for which can be much more advantageously made now than later in the season.

Mr. Shepard of Ward 4 said that he supposed the question was whether the Council was ready to vote upon the question of passing the order to a second reading. He did not understand that the failure to do so would be any hinderance to the work whatever. By the authority of the Legislature the Harbor Commissioners could go on and do all the work they would be likely to do, for which the Legislature had appropriated \$400,000, and the Boston & Albany road is also bound to do precisely what they propose to do in the event of the passage of the order, so the question is what is, for the best interests of the city. Mr. Hersey thought the Boston & Albany road would not fill their flats until the City Government had made some arrangement. We do not commit ourselves by passing the order as proposed.

Mr. Webster asked if the Boston & Albany company were not under an agreement with the Commonwealth to do certain work. The city of Boston is willing to expend money, and expend it freely, for the improvement of this section, but he did not think this indenture was such an one as the city of Boston would be benefited by. It is a subject on which there has been much discussion. He not only wanted to see the Commonwealth protected, but he wanted to see the city of Boston protected, and wanted some surety that when this work was commenced it would be done immediately. He hoped they would have sufficient time to consider this matter, and that when we went into it we should know what we were about; and he did not feel sure that this was not an entering wedge by which the city would be called upon to expend double the amount proposed.

In the plan as now proposed the city was to connect, by bridges, with two avenues to be laid out upon the filled territory. These avenues would accommodate the railroad business designed to be centred there, and that was all that was now contemplated. But it was not to be presumed that the citizens of South Boston would be contented to reach the city by the present circuitous route, when these two avenues were extended in direct line toward that section of the city, but reaching no further in that direction than the extent of filled land of one hundred acres or more. It would be demanded that these avenues should be carried



through to South Boston, and for this no provision was made at present. He thought it desirable to ascertain how much the eventual necessary expense would be before taking any initiatory steps in the matter. He presumed that other members of the Council, like himself, were about to go into the country for purposes of recreation, and for one he did not wish to carry this South Boston flats project in his mind wherever he went, and he compelled to take time to study it when away from the city.

Mr. Hersey moved to amend the motion by assigning the consideration of the matter to the first meeting in September.

Mr. Webster, for reasons previously given, hoped the amendment would not prevail.

Mr. Smith of Ward 1 could see no reason why the matter should not go over. He did not understand that we should lose anything at all by a reasonable delay; he did not want to force the matter, and hoped the amendment would not prevail.

Upon the vote being taken on the motion of Mr. Webster that the subject be postponed until the first regular meeting in October, it was decided in the affirmative—17 to 16.

The order authorizing the School Committee to expend not exceeding \$1500 for the entertainment of the National Educational Association was read.

Mr. Flynn of Ward 7 moved that the order be indefinitely postponed. He was opposed to spending the city's money in any such way. When the Common Council passed an order providing for the annual excursion in the harbor, the Board of Aldermen refused to concur for the reason that the Supreme Court had decided that it was illegal to appropriate the municipal funds for junketings or excursions, and he considered that this came under the same head.

Mr. Wright of Ward 15 hoped the motion would not prevail. It had always been customary in the cities where the association had met to extend to them courtesies of this nature, and he did not consider this a parallel case with that mentioned by the gentleman. The action proposed was no doubt a good way to retort upon the Aldermen for their action on the order for the excursion, but he hoped it would not be permitted to go to the public that the Common Council had refused to concur in so worthy a proposition as the one under consideration, and one directly connected with the work of education, which Boston claims to hold in special honor.

Mr. Flynn understood that they had already expended before both branches had authorized, and that the booksellers of Boston had guaranteed the money in case it was not appropriated. He moved that when the question was put it be decided by a yea and nay vote.

Mr. Wright said that they had done so under the impression that the Common Council would concur in the vote of the Board of Aldermen, and their subscription was a guarantee to persons incurring expense.

Mr. Flynn desired to know personally of Mr. Webster whether he meant to approve the expenditure of money for purposes declared to be illegal.

Mr. Webster said he had not heard the opinion of the City Solicitor on the matter, and wished that it might be read if he had given such an opinion.

On the vote the motion to indefinitely postpone was lost by a tie vote as follows:

Yeas—Bickford, Collins, Cunningham, Dacey, Devine, Dolan, Dowd, Flynn, Hart, Heath, Hersey, Jones, Martin, Moulton, Robbins, Thacher, Whiston—17.

Nays—Blackmar, Burt, Caton, Clatur, Darrow, Emery, Faxon, Marston, Page, Pease, Pickering, Prescott, Robertson, Shepard, Smith, Webster, Wright—17.

On a subsequent motion to pass the order to a second reading, the motion was lost—15 to 18.

A motion to reconsider the vote was also lost, by a vote of 13 to 18.

Mr. Flynn then made a motion that arrangements be made for the annual excursion in the harbor at a cost of \$3000, which was ruled out of order.

## REPORTS OF COMMITTEES.

Mr. Page of Ward 9, from the Committee on Public Instruction, offered the following order in relation to the purchase of land for the English High and Latin schools:

Ordered, That the Committee on Public Instruction, who were authorized by an order approved by the Mayor, on the 23d of July last, to purchase certain land as a site for the English High and Latin Schools for a sum not exceeding \$280,000, be and they are hereby authorized to purchase for the same purpose, instead of the land therein described, the estates on Warren avenue and Montgomery street owned by John L. Gardner, comprising lots numbered from 182 to 194, both inclusive, on a plan recorded with Suffolk Deeds, lib. 682, fol. 123, and containing sixty-seven thousand and one hundred square feet, more or less, exclusive of the passageway, also the estate on the corner of Warren avenue and Dartmouth street, owned by the Washingtonian Home, containing ten thousand square feet, for a sum not exceeding the said sum of \$280,000; to be charged to the special loan authorized for the purchase of a site for the English High and Latin Schools.

Mr. Flynn of Ward 7 thought this was an order of some importance, demanding careful consideration, and moved that it be laid on the table.

Mr. Page explained that this order was precisely the same as the one already passed, with the exception that it left out three buildings which would have to be removed. The original order authorized the purchase of three lots, which by a subsequent change in the order were not now needed. In the opinion of the City Solicitor the committee had not the power to sell these three lots if they should purchase them, and the present order had been drawn by the City Solicitor authorizing the purchase of the Gardner estate and the Washingtonian Home estate.

Mr. Emery of Ward 10 further explained that the sum named in the present order, \$280,000, was the same as in the former order, and that portion of it which was intended to be applied to the purchase of the three lots would be needed now to compensate the Washingtonian Home proprietors, who had all the while been going on with their building operations, for the additional expense by them incurred.

On motion of Mr. Page, the rules were suspended and the order was passed.

Mr. Brooks of Ward 1 would like to inquire of the Committee on Public Instruction in relation to the progress making on the Prescott Schoolhouse.

Mr. Page, of the sub-committee on that matter, said that the committee were at work, and had succeeded in reducing the price of land from sixty cents per foot to twenty-nine, and that the work would probably be commenced at an early day.

Mr. Hersey of Ward 12, from the Committee on the Fire Department, to whom the order on the subject had been referred, submitted their report, recommending the passage of the following orders:

Ordered, That the Committee on Public Buildings be authorized to purchase a lot of land situated on the corner of Warren and Quincy streets, containing 4200 feet, more or less, at a cost of \$147½ per foot, and to erect thereon an engine house at an estimated cost for land and buildings of \$20,000.

Ordered, That the Auditor of Accounts be authorized to transfer from the Reserved Fund the sum of \$20,000, to be appropriated for a site and the erection thereon of an engine house on the corner of Warren and Quincy streets.

The orders were read once.

Mr. Cunningham of Ward 2 moved for a reconsideration of the vote whereby the consideration of the order in relation to the South Boston flats was postponed until October.

Mr. Webster of Ward 6 hoped the motion would not prevail.

Mr. Flynn of Ward 7 hoped the motion to reconsider would prevail. The number present not constituting a quorum, no decision was given on the motion.

On motion of Mr. Smith of Ward 1 the Council adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
AUG. 12, 1872.

The regular weekly meeting of the Board of Aldermen was held at four o'clock this afternoon, Alderman Little presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—Bernard Harvey, for National Tube Works and vicinity Webster street; H. T. Murdock, for Chandler street and vicinity; E. W. Buswell, for Horticultural Hall and vicinity; Dennis F. Donovan, for Temple place and vicinity; David Hoyt, for Boston Sugar Refinery and vicinity; John West, for Boston Forge Company's Works and vicinity, Maverick street; Thomas Flemming, for Kingston court and vicinity.

Member of Fire Department—Robert J. Tager.

Weighers of Coal—George G. Joyce and Patrick Kelley.

## PETITIONS PRESENTED AND REFERRED.

Henry Smith, for leave to build a stable for three horses on Washington and Columbia streets.

John S. Moulton, for leave to build ten stalls at 99 Chestnut street.

W. G. Shattuck, that the streets in the vicinity of Faneuil-Hall Market be better cleaned.

Phineas B. Smith, for leave to occupy a brick stable for eight horses on Marcella street.

Severally referred to the Committee on Health. Nicholas Leary, to be compensated for loss and injuries sustained by himself and children by reason of the explosion of fireworks on July 5, 1872.

M. A. King, to be paid for injuries done to his ice wagons by an obstruction in Centre street.

Severally referred to Committee on Claims.

Nathaniel Brewer, administrator, for leave to purchase of the city a small parcel of land on Fort Hill.

Cochran Brothers & Co. and others, to be paid for damages on account of the extension of South Market street.

James Teevan, to be compensated for damages caused by discontinuance of Church street.

Severally referred to Committee on Streets.

James McCaffery, for a sewer in South street, from N to O street.

Mary Daley, for abatement of assessment for a sewer in Fabian street.

Bartholomew and John Roach, for a sewer in Creek street, Ward 16.

Severally referred to Committee on Sewers.

John McNeil and others, that the sidewalks on Everett street near Cottage street may be put in order.

Referred to Committee on Paving.

E. P. Phillips & Co., for compensation for grade damages on Fort Hill.

J. M. Roberts, to be paid for grade damages at Fort Hill.

Referred to Committee on Fort Hill.

George F. Haskins and others, that land occupied by houses No. 99 to 119 Ruggles street be added to Madison square. Referred to Committee on Common.

Board of Trustees of City Hospital, that the salary of the superintendent of that institution be increased. Referred to Committee on Salaries.

Francis C. Creber and others, that lamps be placed and lighted on Rand street, Ward 14. Referred to Committee on Lamps.

Dexter H. Follett, for an appropriation for headquarters of First Battalion of Artillery. Referred to Committee on Armories.

## HEARINGS ON ORDERS OF NOTICE.

The orders of notice on the proposed construction of sewers in Fourth street, between P street and tide water; on Bowen street, between C and D streets, were severally taken up; and no person objecting thereto, the reports were severally recommitted.

The order of notice on the petition of J. H. Hathorne for the removal of horse-car tracks near the Pitchburg Railroad Depot was taken up; no one objecting, it was also recommitted.

## PAPERS FROM THE COMMON COUNCIL.

The order to purchase, for the site of English High and Latin Schoolhouse, certain lots of land

belonging to John L. Gardner and the Washington Home, instead of the whole area originally proposed, was taken up, and, on motion of Alderman Ricker, was laid on the table.

## QUARTERLY REPORT OF THE SUPERINTENDENT OF THE NORTH SCALES.

The report of the Superintendent of the North Scales in Haymarket square for the three months ending August 1, 1872, was presented, showing that he had received as fees for weighing merchandise during that time the sum of \$921 65, of which forty per cent. less \$14 55 expenses, amounting to \$354 11, had been paid to the City Treasurer. Ordered to be sent down.

## THE UNION FREIGHT RAILWAY.

The hearing on the petition of the Union Freight Railway for location came up by special assignment.

Mr. E. Worthen James appeared as one of the remonstrants from Ward 3, to oppose any location in the overcrowded streets of that section of the city, although they would be perfectly willing to have the tracks located there if the Board would provide for widening the streets. He enumerated the following-named as streets which were too narrow at present to permit of tracks being used for freighting with safety to the inhabitants: Brighton street, which is thirty feet wide between the buildings and twenty feet wide between the curbstones; Lowell street, sixty feet between the buildings and forty feet between the curbstones, and which is already occupied by street passenger cars; Poplar street, which is thirty feet between the buildings and twenty feet between the curbstones; Chambers street, in which the respective widths are twenty-seven feet and sixteen feet; Leverett street, thirty-five feet and twenty-three feet; Causeway street, sixty feet and forty feet, and already occupied by car tracks.

He would ask the gentlemen of the Board to come and look over the ground and see if it was proper to have another railroad track located there, where the streets were even now unsafe for children. When they applied to the Street Commissioners for relief they were told that they had all they could do at the South End. If the Board would postpone the matter for one week, he would guarantee to bring in the longest petition ever presented here, signed by citizens of Ward 3, in opposition to the granting of this location.

Mr. J. B. Thayer, for the petitioners, said that of course they did not object to the widening of the streets, and did not wish to object to any delay that was reasonable or necessary; but this petition had been publicly advertised according to law, and it had been before postponed in order to meet the convenience of the remonstrants, and last week it was further postponed, on what grounds he hardly knew. They were limited by the Legislature in the time in which to construct the road and the corporation felt anxious and willing to go on with the work.

Mr. James said that a great many of the residents of Ward 3 had been out of the city and probably knew nothing about the matter. It is a matter which he thought should be carefully considered. There are between fourteen and fifteen millions of people passing over the horse railroads in this section every year; and what would be the condition of the streets if another road were allowed to lay its tracks in them? If they would only wait one week, he would engage to bring in the longest petition Mr. Thayer ever saw.

Mr. Thayer thought that even if what the petitioners asked today was granted, the gentleman would still have an opportunity to present his side of the case, and the Board would also have an opportunity to act on his petition, and as it would only apply to a very limited portion of the location, he would suggest that there was really no reason for delay.

On motion of Alderman Cutter, the matter was recommitted to the Committee on Paving, with instructions to hear the parties.

## UNFINISHED BUSINESS.

The following orders were read a second time and passed:

Order for the Superintendent of Streets to furnish and set edgestones on E street, between Fifth and Seventh streets.

Order to construct cesspools and drains in Warwick, Westminster, Greenwich, Windsor, Stirling, and Marble streets \$4000.

Order for Superintendent of Streets to lay sidewalks on Seventh street, between E and F streets, and on F street, between Seventh and Eighth streets.



Order granting permission to the East Boston Improvement Company to lay a railtrack across Saratoga street, on certain conditions.

Order to pay William Manning \$559 80. for Stoughton-street land damages.

The order to allow \$600 for repairs on the Public Garden greenhouse was taken up.

Alderman Cutter asked if the Superintendent did not have a lease of the greenhouse, and if so why he should call upon the city to make repairs.

Alderman Clark said there was a lease, but it was understood when it was given that the greenhouse was to be put in thorough repair at once, which had never been done, and it was for this purpose the money was intended.

Alderman Cutter read the lease, by which it appeared that the lessee was to do all repairs except of damages caused by fire or accident, and could see no authority for appropriating the money.

Alderman Clark said it was understood when the lease was given that the building was to be put in order immediately; but it has not been done, and this is what is now proposed.

Alderman Cutter thought that when the city leased its property it should abide by the written agreement, and was not bound by any verbal understanding.

Alderman Clark thought that in the present circumstances the city was bound in honor to fulfil the verbal agreement.

Alderman Jenks said that the whole matter was new to him, and on his motion it was laid upon the table.

#### VISIT OF JAPANESE OFFICIALS.

During the session, Mayor Gaston appeared, accompanied by his Honor Kimmasa Yuri, the Mayor of Toki, Yeddo, and K. Iwami, Municipal Officer of Tokio, Japan. A brief recess was taken, during which the distinguished gentlemen were introduced to the Board, after which, on invitation of Alderman Little, they took seats on each side of the chairman and listened with interest to the proceedings of the Board to its adjournment.

#### THE METROPOLITAN RAILROAD STABLE.

The hearing of parties upon the subject of the location of the Metropolitan Railroad Stables, came up by special assignment.

Mr. J. M. Keith, who appeared for the remonstrants, said they were not ready at this time to present their case. In the first place they had not been properly notified. Secondly, this is the vacation season, when everybody who could get away was absent in the country. Several gentlemen who were largely interested in the matter were away and could not possibly be here; others are unable to attend by reason of sickness.

The wardens of the St. James Church, who are very much interested in this matter, cannot now be got together to take action. Most of these persons had no idea that the hearing would come off before September, and they had rested in the conviction that there would be no action on this matter before that time. If the Board of Aldermen should desire to go on and hear the statement of the petitioners he could make no objection, but should desire to have the case of the remonstrants postponed.

Mr. H. W. Muzzey, on behalf of the petitioners, was opposed to any proposition for delay which was grounded on the absence of witnesses, for this might apply to any day the honorable Board should fix upon for a hearing. The Board were here on an assignment which was made as they make all assignments, with fair notice to all parties interested, and the petitioners are here in accordance with that action, and he earnestly hoped there would be no delay, and could not see any reason which would apply now that would not apply equally well if a week or fortnight's delay was given.

If gentlemen were not willing to shorten their vacations in order to appear here upon the formal notice of the hearing, it was their own fault. It was of great importance to the parties that he represented that the grant should be given as soon as possible, and he most respectfully requested, in behalf of the Metropolitan Railroad Company, that this be granted. He did not see any reason why their hand was to be shown before the other hand was put up, so that it could be looked at for a good while. Here is a plain question of building a stable for the accommodation of the road directly, but indirectly for the accommodation of the public; and if the other side were not ready to present their case it was not the fault of the petitioners.

Mr. Keith did not apprehend that the Board were to become parties to any such snap judgment

as the gentleman proposed. If he had a suit for five dollars in the Municipal Court, he would have to serve a notice upon the party sued, at least seven days before the trial. Yet the kind of notice that these remonstrants are treated to, is posted up on a tree in the grounds which these parties are said to have purchased, giving only four days' notice. He had never yet known in his municipal experience the Board of Aldermen to refuse to give a reasonable notice.

The gentleman says they do not propose to show their hand. Do they not show it when they propose to come here while the men most interested are away, and get a snap judgment before they can come here to remonstrate. He says he wants a stable that will accommodate six hundred horses, when even a stable itself would be an objection; and what else he wanted he did not know. There was never precisely such a case as this before the Board of Aldermen, and what he asked was that these people who are away at the mountains and elsewhere—who went away with the expectation that this matter would not come up, should have a chance to present their case, and for this reason he would ask that the hearing be postponed until September.

On motion of Alderman Clark, the further hearing on the subject was postponed to the first Monday in September at 4½ P. M.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows:

David Rood and Thomas Gelben, for wagon stand; for the transfer of eleven wagon licenses; Edmund O'Brien and Albert S. Eaton, for licenses as auctioneers; Amos T. Prentice, for billiard license at 69 Concord street; S. A. Jackson, for hack license.

Alderman Fairbanks, from the Committee on Sewers, reported orders for the construction of sewers, as follows:

In Beacon street, between St. Mary street and Charles River; in Warren street, between Edgewood and Townsend streets; in M street, between Sixth and Seventh streets.

Alderman Ricker, from the Committee on Health, reported in favor of granting leave to build and occupy stables under the usual conditions, as follows:

John Keen, for leave to occupy a wooden stable for two horses on Highland street; Adeline P. Flanders, for leave to occupy a wooden stable for one horse, on Emerson street.

Draper & Hall, for leave to occupy a brick stable for thirty horses, on West Dedham street.

Frank Green, for leave to occupy a wooden stable for two horses, on Boston place.

Charles D. Bickford, to keep a stable for one horse, in rear of Bickford street.

Henry L. Daggett, for leave to erect a stable on Commonwealth avenue, between Clarendon and Dartmouth streets.

#### LEAVE TO WITHDRAW.

On petition of Benjamin Dean and others, for abatement of sewer assessment on P and First street; and, on petition of William Ross, for additional compensation for Hanover-street grade damages.

#### ELECTION OF COMMISSIONER OF CEDAR GROVE CEMETERY.

Alderman Squires, from the Committee on Cemeteries, who were instructed to select some person for Commissioner of Cedar Grove Cemetery in place of Henry L. Pierce, resigned, submitted their report, nominating Frank L. Tileston. A ballot being taken, it resulted as follows:

Whole number of votes.....	10
Necessary to a choice.....	6
Frank L. Tileston had.....	8
E. W. James.....	1
George H. Vincent.....	1

Mr. Tileston was therefore declared elected.

#### ORDERS PASSED.

Alderman Clark submitted the following order, which, on his motion, was also read a second time and passed:

Ordered that Benjamin B. Newhall and Mary Caswell be notified to move back the building on their estate on Quincy street upon adjoining land belonging to them, on or before the second day of September now next ensuing, so that no portion of the same shall project over the line of widening of said Quincy street, as established by a resolve of the Board of Street Commissioners, passed January 6, 1872. And in default thereof, the Committee on Streets are directed and empowered forthwith



to enter upon said land and cause all buildings standing over the said line of widening of said street to be moved back as aforesaid; and that the expense of the same be charged to the appropriation for the Widening of Streets.

Read twice and passed.

An order was also passed for the abatement of nuisances on the premises of William Collins, No. 9 Fabin street, and Susan McShane, rear of No. 9 Ontario street.

Orders to quit were passed to be served on Manuel Silva, Harriet A., wife of William Barton, Maria, wife of John Dove, J. J. Merrill and all other parties interested as owners or proprietors in land taken for the widening of Quincy street.

#### ORDERS OF NOTICE.

For construction of sewer in White street, between Putnam and Trenton streets, and in Prescott street, between Lexington and Trenton streets. Hearings severally on Monday next, August 19.

#### THE SCIENTIFIC COMMISSION.

Alderman Powers's motion to reconsider the vote whereby the Board rejected the order for the appointment of a scientific commission to examine and report on wood pavements, was taken up.

Alderman Cutter hoped the gentleman's motion would not prevail. Its effect would be merely to deplete the City Treasury to the amount of \$500, and that was all the good it would do. In such matters as these it is not scientific knowledge that we want, it is practical knowledge. The chemical processes of the several manufacturers were well known and scientific persons had investigated and given the result of their investigations in regard to each of them.

Alderman Powers said he should not advocate the paying of \$500 by the city without he thought the city would be benefited thereby. He thought that if we could ascertain the best method of paving by the expenditure of this sum, the money would be well invested. The gentlemen whose names were on the petition were many of them large taxpayers and men of experience. The gentlemen who oppose this matter had voted for the appropriation of \$1000 to examine candidates; and then again we voted \$3000 or \$4000 for a parade of the Fire Department; he, himself, voted for it cheerfully, for he thought it might result in much good; but how can the gentlemen of the Board, after appropriating money for objects which some people consider useless, refuse to vote for this

measure which will, perhaps, save the city hundred of thousands of dollars.

Alderman Cutter rejoined that on account of the high character of the petitioners for a certain experiment in paving on Beacon street the city had made the experiment, which resulted in nothing, and cost the city \$30,000. It was not to be inferred from the high character of petitioners necessarily that they had any practical knowledge about paving.

Alderman Powers replied that several of the gentlemen whose names were on the petition had served the city with great credit, and he did not think they would come here to give their indorsement to any project that they did not consider would directly benefit the city. One of the gentlemen whose names were on the petition had, while in the City Government, paid much attention to this very subject of paving, and would not be likely to recommend a project unless it was of practical value.

Alderman Jenks said that there were already before the City Council petitions and orders for five different commissions, and he thought it well to delay a while to see how many commissions the citizens would like to have, and, having ascertained that total number, perhaps the whole could advantageously be combined in one grand commission to investigate all subjects on scientific principles.

Alderman Clark thought they were making a great deal of talk about a very small matter, and he hoped that this commission would be granted. He should be in favor of altering the order somewhat, so as to include in the commission two chemists, two mechanics and one engineer.

Alderman Ricker said that he voted against this order, the other day, for the reason that he did not fully understand what it was. If he became satisfied that there was no job back of it he should be in favor of passing it; and he would, therefore, move that it be laid on the table.

The motion was lost.

The question was then put upon Alderman Powers's motion to reconsider, and carried.

The question now being on the passage of the order, Alderman Jenks moved that it be laid on the table for one week, which was lost.

On motion of Alderman Woolley, the order was recommitted to the Committee on Paving.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
AUG. 19, 1872.

The regular weekly meeting of the Board of Aldermen was held at four o'clock this afternoon, Alderman Little presiding.

MESSAGE FROM THE MAYOR.  
EXECUTIVE DEPARTMENT, CITY HALL, }  
August 15, 1872. }

To the City Council—I transmit herewith a communication from R. J. Dodd, containing a gift in the name of Hannah Matilda Dodd to the authorities of the city of Boston of the sum of \$1000 for the purposes therein mentioned. I respectfully recommend that the gift be accepted, and that an appropriate acknowledgment thereof be made.

WILLIAM GASTON, Mayor.

[Communication.]

CABINET POST OFFICE, }  
Montgomery County, Pa., }  
July 22, 1872. }

I hereby donate to the authorities of the city of Boston, Mass., the sum of \$1000, in the name of Hannah Matilda Dodd, in trust forever, the interest thereof to be used for the purpose of procuring gold and silver medals to be presented to the most distinguished graduates of the Girls' High School, with their several names engraved thereon with the year of graduation.

R. J. DODD, M. D.,  
Medical Director U. S. Navy.

Referred to the Committee on Public Instruction.

## PETITIONS PRESENTED AND REFERRED.

Charles H. Butland and others, for a sewer in West Eagle street.

William H. Forsaith and others, for a sewer in Laurel street, between Ottawa and Bowen streets.

Severally referred to Committee on Sewers.

William K. Lewis, for leave to occupy a brick stable for two horses on Warren street at Dunreath place.

John C. Tibbetts and others, for leave to occupy a wooden stable for three horses on Fourth street, corner Dorchester avenue.

A. D. Williams, for leave to occupy a brick stable for four horses on Farnham and Gerard streets.

Severally referred to Committee on Health.

Kidder, Vaughan & Co., to manufacture petroleum and coal oils on Chelsea street. Referred to Committee on Fire Department on part of this Board.

A. D. Williams, that edgestones be set on portions of Farnham and Oriole streets.

G. W. Crafts, that the gutters in F street, from Bowen to Eighth street, be paved.

Joseph M. Hart, for damages for raising grade of West Newton street.

John E. Dawson, that edgestones be set on Marcetta street.

William Morrison and others, for sidewalks on M and Fifth streets.

Remonstrance of E. W. James and others, against the location of the Union Freight Railroad Company.

Severally referred to the Committee on Paving.

## HIGHLAND STREET RAILWAY.

A petition was presented by Moody Merrill, president of the Highland Street Railway, representing that the tracks of the Metropolitan Railway on Warren street and on Washington, between Guild row and Shawmut avenue, are so located that the public travel will be seriously incommoded if an additional track be laid on either side of the same, while there is ample room on the street for a double track all the way, and a carriage road next each sidewalk, if the tracks of the Metropolitan road be set over nearer to one or the other side of the roadway. They therefore asked that the location of their tracks be changed so as to better accommodate public travel. The petition was referred to the Committee on Paving, which subsequently reported an order of notice on the 9th of September.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice returnable today on the proposed construction of sewers in White street, between Putnam and Trenton streets,

and in Prescott street, between Lexington and Trenton streets, were severally taken up, and no person objecting thereto, the reports were recommended.

## STREET IMPROVEMENTS.

The Board of Street Commissioners, to whom were sent orders from the Common Council for estimates, make the following reports:

To the Honorable City Council—The Board of Street Commissioners beg leave to submit the following report upon the Council order of June 14, 1872:

Their estimate of the expense of widening Lyman street to forty feet and extending it through Chilson place to Merrimac street they place at \$140,000.

The Commissioners found an extensive travel through Lyman and Prospect streets between the easterly side of the city, by the way of Staniford and Temple streets, and Beacon Hill and the northern depots. Its only other course is westwardly out of Staniford by Green to Leverett street, unless it is turned eastwardly to seek Merrimac through Gouch street. This travel is now accommodated in Lyman street by a width of only twenty feet. To increase this in a proper degree and obtain a straight way from Green to Merrimac street, as contemplated in your order, the Commissioners think expedient and highly desirable.

To the Hon. City Council—The Board of Street Commissioners have to report on your order of June 14, 1872, that their estimate for the expense of widening Atlantic avenue to two hundred feet is \$1,350,000.

The reports were severally referred to the Joint Committee on Streets.

## UNFINISHED BUSINESS.

The following order was read the second time and passed:

Ordered, That there be paid to the heirs of Joseph Whitney the sum of \$14,400, for land taken and all damages occasioned by the widening of Congress street, by a resolve of the Board of Street Commissioners passed July 9, 1872, upon their giving to the city a deed for the same and an acquittance and a discharge, satisfactory to the City Solicitor, for all damages occasioned by said taking, and that the same be charged to the appropriation for Widening Congress Street.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of granting licenses as follows: To W. S. Thayer, to keep a billiard saloon on Washington street; Edward Raleigh, for a hack stand at the corner of Boylston and Washington streets; William F. McClellan, for wagon stand on Brattle street; also licenses to certain persons as victuallers and innholders, as dealers in second-hand articles, and for transfer of hack and wagon licenses.

Severally accepted.

Leave to withdraw was reported, by same committee, on the petition of certain parties for licenses as victuallers and innholders.

Alderman Jenks, from the Committee on Claims, also reported leave to withdraw on petitions as follows:

Dennis Bonner, to be indemnified for injuries sustained by his wife, Fanny Bonner, by a fall upon the sidewalk in Prince street on the evening of Jan. 27, 1872.

Patrick Shaughnessey, to be paid for personal injuries sustained by him while in the employ of the city.

Severally accepted.

Alderman Jenks, from the same committee, to whom was referred the petition of George L. Shaw, a police officer, to be compensated for loss of time and pay caused by illness, having considered the same, recommended its reference to the Committee on Police. Accepted.

Alderman Rieker, from Committee on Health, reported in favor of granting petitions for stables as follows:

Henry Smith, to build stable for three horses on Washington and Columbia streets; Adams Express Company, to build a brick stable for one hundred horses on Village, Lucas and Albion streets; John S. Moulton, to add nine stalls to his stable at 99 Chestnut street.

Severally accepted.

Alderman Cutter, from the Committee on Police, to whom was referred the petition of James Walker against projection of a bay window at the corner of Garden place and Broadway, recommended its reference to the Committee on Paving. Accepted.



The Committee on Paving, to whom was referred the petition of Hannah T. Hathaway to be paid for damages on Ontario street, reported, recommending its reference to the Committee on Streets.

Alderman Ricker, from the Committee on Health, reported orders to abate certain nuisances on Havre, Northampton, Athens, Blossom, Hanover Kendall, North streets, Harrison avenue, Russell place, Board alley, Van Rensselaer place, Simpson court, Newman place and Shawmut avenue, the expense of the same to be charged to the owners of the several estates.

Severally accepted.

Alderman Power, from the Committee on Streets, to whom were referred petitions, reported orders as follows, which were read twice and passed:

That the Superintendent of Streets be directed to repave Tremont street, between Dover and Milford streets, with small granite blocks, at an estimated cost of \$8000.

That the Superintendent of Streets be directed to grade and gravel Ninth street, between Dorehester and Lowland streets, at an estimated cost of \$1600.

Also orders which were read once.

That the Superintendent of Streets be directed to grade and gravel Claremont park, at an estimated cost of \$1800.

That the Superintendent of Streets be directed to pave Bromfield street with wood, at an estimated cost of \$4500.

That the location of the turnout at the Fitchburg Railroad Depot, corner of Causeway and Beverly streets, granted to the Suffolk Railroad Company, October 20, 1862, be and the same is hereby revoked; and the Metropolitan Company is hereby directed to remove said turnout and place the street in as good condition as it was in before being occupied by said turnout, in accordance with section sixteen, chapter three hundred and eighty-one of the General Street-Railway law.

Alderman Clark, from the Committee on Claims, reported the following orders to pay, which were severally read the second time and passed:

Ordered, That there be paid to William F. Weld the sum of \$11,847 96, being the award of referees, \$11,547 96 of the above amount being for land taken and all damages occasioned to the said Weld by the widening of Hanover street by a resolve approved October 15, 1869, and \$300 being the fees of said referees, upon his giving to the city a deed of the same and an acquittance and discharge satisfactory to the City Solicitor; the same to be charged to the Second Hanover-Street Loan.

Ordered, That there be paid to George A. Brown, Jr., lessee of the estate of William F. Weld the sum of \$3565 99, being the award of referees for all damages sustained by him and all persons claiming under him occasioned by the widening of Hanover street; the same to be subject to the usual conditions.

Alderman Power, from the Committee on Paving, reported the following orders:

Ordered, That permission be given to Edward F. Meany to place two railroad tracks across Albany street, to connect his wharf with his stone yard, upon condition that the whole work of constructing said tracks, the form of rail to be used, and the kind and quality of material used in paving said tracks shall be under the direction and to the satisfaction of the Superintendent of Streets; and that said Meany shall keep in good repair the space between the rails and three feet outside thereof to the satisfaction of said Superintendent of Streets; also upon condition that said Meany shall save the city harmless against all claims for damages, costs or expense to persons or property by the construction or maintenance of said tracks.

Also upon condition that said Meany shall accept this permit and give to the city an agreement in writing, satisfactory to the City Solicitor, to comply with the conditions therein contained, and file said acceptance and agreement with the City Clerk within ten days of the date of its passage; otherwise it shall be null and void.

Ordered, That the permit granted to Edward F. Meany July 24, 1872, be and the same is hereby rescinded.

Read twice and passed.

Alderman Fairbanks, from the Committee on Sewers, reported orders that assessments on sewers be made payable whenever the respective estates enter drains into the sewer upon which they are assessed in Thacher and Ivanhoe streets; also for the abatement of sewer assessments in Ivanhoe and Fabian streets. Accepted.

#### THE UNION FREIGHT RAILWAY.

Alderman Cutter, from the Committee on Paving, to whom was referred the petition of remonstrants against the location of the tracks of the Union Freight Railway, presented their report, accompanied by an opinion from the City Solicitor, who decided that as the charter of the company had been accepted, the city could not prevent the laying of tracks in the streets designated, but could cause them to be laid in whatever part of the street was deemed most advisable. Read once.

#### THE STANDISH MONUMENT.

Alderman Jenks, from the Committee on County Accounts, to whom was referred the communication from the Standish Monument Association asking that the county of Suffolk contribute a stone to that structure, reported that it is inexpedient to take any action in the premises. Accepted.

#### THE WOODEN-PAVEMENT COMMISSION.

Alderman Power, from the Committee on Paving, to whom was recommitted the report and order in relation to the appointment of a commission to inquire into the best system of wood pavement, reported an order to the effect that his Honor the Mayor be authorized to appoint a board of commissioners, consisting of two chemists, two practical mechanics and one engineer, to make a thorough investigation of the several processes in use for protecting wood pavements, and also for the best mode of putting down the same; the expense not to exceed \$500. Read once.

#### ORDERS PASSED.

Orders were passed and sent down for concurrence, as follows:

On motion of Alderman Ricker.

Ordered, That the Committee on Ordinances be authorized to consider the expediency of amending the ordinance relative to the City Physician.

Ordered, That the Committee on Health be and they hereby are authorized to cause to be erected on Gallop's Island, Boston Harbor, a hospital building, barn and such other buildings as said committee shall deem necessary, at a cost not exceeding \$15,000.

Ordered, That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of \$15,000, to be constituted a special appropriation for the purpose of defraying the expenses of erecting the buildings as set forth in the preceding order.

#### ORDER OF NOTICE.

On petition of Highland Street Railway, for alteration of the location and position of the tracks of the Metropolitan Railroad Company on Washington and Warren streets. Hearing, Monday, September 9, at 4 P. M.

#### SITE FOR ENGLISH HIGH AND LATIN SCHOOLHOUSE.

Alderman Sayward moved to take from the table the order to purchase for site of English High and Latin Schoolhouse certain lots of land, belonging to John L. Gardner and the Washingtonian Home, instead of the whole area originally proposed.

Alderman Jenks wished to inquire what the difference was in the number of feet between the present site and that which it was designed at first to purchase.

Alderman Sayward replied that he did not know what difference there was in the area, but there were three estates less.

Alderman Jenks then moved that the order lay over for one week until the difference in the number of feet could be ascertained. He thought from the pressure brought to bear that there was something behind which did not appear on the surface.

Alderman Sayward hoped the order would not prevail. There was nothing relative to the matter which they were desirous of concealing, and which could not be easily understood. There was a necessity of immediate action, and the damages were constantly accumulating by reason of the work which was being done on the Washingtonian Home.

Alderman Jenks inquired what the amount of the damages now was.

Alderman Sayward replied that it now amounted to \$19,000 or \$20,000, and immediate action should be taken before it was increased to a larger sum.

Alderman Cutter thought that no great increase of damages could result from a week's delay. He favored purchasing the entire lot, including the five dwelling houses erected.

Alderman Clark said that this added cost of \$20,000 had been caused by the efforts made for delay by the same gentlemen who are now urging fur-



ther delay, which would involve still greater expense. The workmen had recently suspended operations on the Washingtonian Home to see if the Board would take action. If no action was taken at the present time the work would be recommenced at once. It was the first intention of the committee to ask the City Council for an additional appropriation of \$20,000, but knowing that a two-thirds vote could not at this time of the year be obtained in the Common Council, they concluded to give up the three lots at present, and purchase them at a future time. The city would lose nothing for land purchased in that locality, as it would sell for all that was paid for it, if not at an advance.

Alderman Jenks thought the location not the best one, and was opposed to a measure which seemed to be designed to patronize the Washingtonian Home institution.

Further discussion ensued, when the motion to lay on the table was lost, by a vote of 5 to 6, as follows:

Yeas—Cutter, Jenks, Poland, Ricker, Squires.

Nays—Clark, Fairbanks, Little, Power, Sayward, Woolley.

Alderman Clark, in reply to Alderman Jenks, argued that the location was altogether the most desirable that could be obtained, and that it would accommodate the centre and the extremes of the city for the next fifty years.

Alderman Jenks said that his particular reason for delaying action was that he did not wish the city to purchase a pig in a bag. Nobody could tell how many feet of land there were in the three lots it was proposed to give up, nor how much the city was going to lose by the measure.

Alderman Sayward had full faith that when the Common Council came together again they would concur in an order appropriating more money for the purchase of other land, if it was necessary to

have a larger lot. At the present moment it was desirable that the committee should have funds at their command to settle with the Washingtonian Home proprietors and thus be enabled to begin work.

Alderman Clark said that the five houses could be purchased at any time, and that they would not be likely to cost any more a few months hence than now.

Alderman Ricker objected to the mode by which the matter was now proposed to be carried. The original order required a two-thirds vote, but this modification of it, which authorized a different expenditure, was proposed to be carried by a majority vote.

Alderman Clark reiterated the necessity of prompt action with a view to economy.

Alderman Poland expressed the opinion that there were other lots more desirable and better adapted to the purpose, which might be procured.

The vote on the question of concurring with the Common Council was then taken and the motion prevailed, 6 to 5, as follows:

Yeas—Messrs. Clark, Fairbanks, Little, Power, Sayward and Woolley—6.

Nays—Messrs. Cutter, Jenks, Poland, Ricker and Squires—5.

Alderman Jenks then moved to adjourn.

The motion was lost—5 to 6.

Alderman Clark then moved to reconsider the vote whereby the Board concurred with the Common Council.

Alderman Jenks again moved that the order be laid on the table. The motion did not prevail.

Alderman Jenks moved that the Board adjourn. Lost—5 to 6.

Alderman Clark's motion to reconsider was also lost.

The motion to adjourn was then carried.

## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
AUG. 26, 1872.

The Board held a regular session this afternoon, Alderman Little in the chair.

On motion of Alderman Fairbanks the reading of the records was omitted.

## APPOINTMENTS MADE AND CONFIRMED.

The following appointments were made and confirmed: H. F. Longfellow, J. H. Green, S. A. Smith and J. H. Richardson, as special officers in the service of the Bankers' and Brokers' Electric Protective Company; George S. Russell for duty at the rooms of the Boston Young Men's Christian Union, No. 300 Washington street and vicinity; Charles H. Moseley as a weigher of coal.

## JURORS DRAWN.

Four grand jurors for U. S. District Court; three grand and ten traverse jurors for the Superior Criminal Court, Suffolk County; and thirty-five traverse jurors for the September term of the Supreme Judicial Court.

## SUFFOLK JAIL.

A requisition for expenses of Suffolk-County Jail, amounting to \$2012 39, was approved.

## PETITIONS PRESENTED AND REFERRED.

Thomas M. Smith, for leave to remove a tree from the sidewalk of 13 G street. Referred to Committee on the Common and Public Squares.

A. S. Woodworth and Charles R. Dane, for leave to be discharged as bondsmen for Robert S. Carroll, a constable. Referred to Committee on Police.

Charles L. Remond and others, for use of Fanenil Hall, September 5. Referred to Committee on Fanenil Hall.

A. Folsom and others, for a sewer in Bumstead lane, to connect with the Longwood-avenue sewer.

William Murphy and others, for a sewer in George street.

Severally referred to Committee on Sewers.

Leatherbee Brothers, for abatement of sidewalk assessment at 482 Harrison avenue.

D. W. Foster, for removal of obstructions over the lines of Purchase street and Shawmut avenue.

Patrick Dunn and others, for a sidewalk on O street, west of Broadway.

Severally referred to the Committee on Paving.

R. S. Lakin and others, for lamps on Roslin street (Ward 14). Referred to Committee on Lamps.

Henry Randall and others, that Minot street be repaired. Referred to the Committee on Paving.

The following petitions were referred to the Committee on Health:

J. Byron, for leave to occupy a wooden stable for one horse at 245 Longwood avenue.

Hiram Johnson, for leave to move a stable for four horses on lot on Shawmut avenue, near Vernon street.

J. Byron, for leave to occupy a wooden stable for one horse at 247 Longwood avenue.

C. A. Horn, for leave to occupy a wooden stable for three horses on Beals street, Ward 16.

C. R. Horn, for leave to build ten wooden stables for three horses each, on King street, Ward 16.

C. C. Thomas, for leave to occupy a wooden stable for two horses on Graham court, Ward 16.

J. V. N. Stults, for leave to occupy a wooden stable for three horses on the corner of Rockland and Dale streets, in the rear.

Thomas Flynn, for leave to occupy a wooden stable for two horses on Lamson street.

## UNFINISHED BUSINESS.

Order for Metropolitan Railroad Company to remove their turnout now located near Fitchburg Railroad Station, at corner of Beverly and Causeway streets. Passed.

Order for Superintendent of Streets to grade and gravel Ninth street between Dorchester and Lowland streets, at a cost of \$1600. Passed.

Order for Superintendent of Streets to grade and gravel Claremont park, at a cost of \$1800. Passed.

## THE WIDENING OF BEACH STREET

being the subject next in order, the order of the Street Commissioners to widen Beach street on the south side was rejected, and a new order

was passed that said commissioners be requested to take measures to widen the said street on the other side. There was some discussion, in which Aldermen Poland and Clark took part.

## WOODEN PAVEMENTS.

The order for the Mayor to appoint a scientific commission of two chemists, two practical mechanics and one engineer, to examine and report upon the best method of preserving wooden pavements; also upon the various methods of putting down wooden and stone pavements, and to report upon the relative merits of the same,—the expense of said commission not to exceed \$500 being under consideration—

Alderman Jenks moved the following amendment thereto, which was adopted:

Ordered, That a premium of \$300 be offered for the best essay on the most effectual method of preserving wood pavements from decay in this city; said essays to be submitted to the Paving Commission at such time as they shall publicly designate. The essay which shall prove acceptable to a majority of said commission shall be entitled to said premium; which shall be charged to the appropriation for Paving.

The order, as amended, was passed.

In the debate that preceded the final action—

Alderman Poland gave the opinion that though some of the wooden pavement in use was good, most of it proved poor. He was disposed to appropriate the money to tests rather than to theorizing.

Alderman Power said the order was offered for the purpose of ascertaining the best method of preventing rot, as the difficulty was not with the wear. He favored Mr. Jenks's view.

After the adoption of Mr. Jenks's amendment—

Alderman Poland moved that the appropriation be increased to \$3000.

Alderman Cutter asked the object of the increase.

Alderman Poland thought that sum would be required before the knowledge sought was gained.

The amendment was lost.

The order to pave Bromfield street with wood, at a cost of \$4500, was read a second time and passed.

Alderman Poland moved a reconsideration of the former vote, in view of the appointment of a commission to examine into the merits of wooden pavement generally.

Alderman Power hoped the reconsideration would not prevail, for he believed wood to be as good as stone where heavy teams were not frequent.

Alderman Sayward did not favor wooden pavements in cross streets of the grade of the street under consideration.

Alderman Ricker was in favor of tabling the matter until the commission reports, and made a motion to that effect.

Alderman Cutter remarked that the city would not pave much if it awaited the movement of the commission. He objected to wooden pavement altogether.

The motion to reconsider prevailed, and the subject was tabled.

## THE UNION FREIGHT RAILWAY.

The order to locate the Union Freight Railroad in Lowell, Brighton, Causeway, Minot, Nashua, Commercial, Prince, Hanover, Fleet, India, Broad streets, Atlantic avenue, Federal, Kneeland, Cove, Lincoln and Eliot streets, as authorized by chapter 342 of the acts of 1872, coming up—

Alderman Power proposed to amend by omitting from the order the words "Kneeland" and "Eliot," and adding in place of "Eliot" the words "Kneeland street, easterly of Lincoln, and to connect in some convenient way with the tracks of the steam railroads on said prescribed location."

Alderman Jenks moved for a postponement.

Alderman Clark hoped the order would be settled at once. It had been before the Board three weeks. He read extracts from the report of the legislative committee favoring such an agency to accomplish a purpose that he said was favored by nine-tenths of the business men. The Marginal Freight Railway Company was wiped out, and there was no reason for delay. Let the Aldermen proceed to give the new company the only thing useful—a location. He could see no other object for a postponement than a desire to send the charter back to the next Legislature.

Alderman Jenks did not care for the Union Freight Railway Company. He did not think the charge as to his object just. The company would not suffer by delay. He had no interest in the Union Company nor in the one it supplanted, whose fate he predicted the new company would event-



ually share. The members never would build, and were not even organized now; consequently they could not suffer by a week's delay.

Alderman Clark claimed that the company had an organized existence; all its stock was taken, and its directors chosen, naming several of them.

Alderman Jenks asked for the date of organization.

Alderman Clark was confident that the men engaged in the undertaking meant business, and would have cars running in sixty days after their location was fixed. The project should be consummated this year.

Alderman Cutter desired to know how much of Brighton street would be taken.

Alderman Clark—Only that portion nearest the Lowell Depot.

Alderman Cutter—How much of the street do they want?

Alderman Clark replied that Mr. Cutter was one of the Committee on Paving, and should know without inquiry, as the committee had reported in favor. That was not what was the matter. Somebody wanted to compel the Union Company to pacify its opponents. He called for the yeas and nays on the postponement, to see who blocked the wheels of progress in the city and who did not.

Alderman Cutter explained that he was absent when the committee made up its report, and sought information. He was afraid Mr. Clark labored under a great misunderstanding.

Alderman Power said that the Legislature had located the route. If the company had been located in Brighton street it could probably take the whole of it, and all that remained for the Aldermen to do was to place them to the right or left of the thoroughfare as they chose. He understood that an injunction against any action by the Board had already been applied for in the Circuit Court, and read an opinion of the City Solicitor that it could not prove effective against the city's action.

Alderman Clark said the charter granted the company as much of Brighton street as might be necessary. The party who asked for the injunction was the original treasurer of the Marginal road.

Alderman Jenks wanted a postponement to enable the committee to lay a plan for the future of the new road, so that all should understand its object and its doings.

The chairman read the order of the committee.

Alderman Clark contended that the Board was as well prepared for action as it ever would be. He should do all he could to prevent such blockades.

Alderman Poland asked if the route proposed was the most plausible and available. It seemed to him that the company could take Hanover and Commercial streets, and Atlantic avenue if it chose. He wanted to know how much of each was wanted. If the Legislature had the power to give the streets to the railroads, the Aldermen had better give them up altogether.

Alderman Clark explained that the company merely wanted to cross Hanover street. All other objectionable features, he claimed, were prevented by Mr. Power's amendment.

Alderman Ricker asked how the Aldermen could amend an act of the Legislature?

Alderman Power—The company have offered to waive the right in the direction indicated by the amendment.

Alderman Ricker—What guarantee have we of the stability of the offer?

Alderman Power defended the character of George B. Upton and his associates in the company for integrity in business.

Alderman Cutter claimed that the Board had the power to designate a route.

Alderman Jenks thought the Board would be much enlightened by a postponement of two weeks, if the debate showed the measure of their knowledge of the subject.

Alderman Clark stated that the waiver of rights by the company did not affect its charter.

Alderman Jenks charged that the waiver indicated by the amendment was the result of a trade.

Alderman Cutter did not like Alderman Jenks's assertion of trading. He had as yet seen no indications of such a course among his associates.

Alderman Clark said, by the way the gentleman (Alderman Jenks) talked, he might create the impression that he had been trading himself.

Alderman Jenks disclaimed the purpose of making specific charges. Parties were too thin-skinned. When up at the State House on this business, he considered that he was only swapping

one nuisance for another. If the new company had failed, the old would have held over.

Mr. Jenks's motion to postpone one week was carried—seven against five. Yeas—Aldermen Cutter, Jenks, Poland, Ricker, Sayward, Squires and Woolley. Nays—Aldermen Clark, Fairbanks, Little, Power and Stackpole.

#### RECONSIDERATION.

After the transaction of all other business—

Alderman Clark again called up the Union Freight Railway matter on a motion to reconsider, stating that he could not allow a measure of such importance to the mercantile community to pass without giving the gentlemen whom he knew to be in favor of progress an opportunity to put themselves on record. He explained the object of the opposition, which was from the old company, to be to prevent action this year. He called for the yeas and nays.

Alderman Jenks wanted first to see the precise location and number of tracks proposed before further action was taken.

Alderman Cutter moved an assignment to Monday next at 4 P. M.

Alderman Ricker did not favor a year's delay, if that were the object, and should vote for a reconsideration.

Alderman Poland expressed a similar determination.

Alderman Clark knew whereof he spoke, as one injunction had already been applied for.

Alderman Cutter said if the company was doing wrong they should be enjoined. He was not to be scared into a vote.

Alderman Clark asserted that a company so corrupt as the Marginal had never before existed.

The reconsideration was carried—7 against 5. Yeas—Aldermen Clark, Fairbanks, Little, Power, Ricker, Stackpole, Woolley. Nays—Aldermen Cutter, Jenks, Poland, Sayward, Squires.

Alderman Clark then moved that the amendment offered by Mr. Power be adopted.

Alderman Jenks moved a postponement until Thursday.

Alderman Clark said it would be impossible to obtain accurate surveys by that time.

The postponement was lost by a tie vote: Yeas—Aldermen Cutter, Jenks, Poland, Ricker, Sayward, Squires. Nays—Aldermen Clark, Fairbanks, Little, Power, Stackpole, Woolley.

Alderman Clark then urged the adoption of the amendment.

Alderman Little resigned the chair to Alderman Fairbanks, and proceeded to explain the main features of the charter, claiming that the location rested in the Committee on Paving, which he desired to place in a right light. The company asked now nothing but a location.

Alderman Poland wanted to know if the injunction would not hold in either event of action or non-action by the Board.

Alderman Little referred him to the City Solicitor.

Alderman Clark said there had been no haste, and explained the previous courses taken by the friends and opponents of the measure.

Alderman Cutter objected to a location in Brighton street, because it was narrow.

Alderman Cutter said he was absent from his committee for a good reason, and was surprised that he could not be allowed two or three days in which to inform himself. He did not care for either company; but if one had stolen the charter of the other, he would be the last to oppose an injunction.

Alderman Clark replied that all slurs that had been cast were absurdities.

Alderman Cutter had more faith in the Legislature than some. This company had got on to the old company and crushed it, and the chairman of the legislative committee said there was fraud.

Alderman Jenks asked why the location was changed.

Alderman Clark—To accommodate members of the Board who would otherwise oppose it.

Alderman Jenks—If the matter should lie another week, perhaps somebody else could be accommodated. Perhaps a change could be effected elsewhere. If we could see the route we could decide.

Alderman Squires explained that the portion of the route abandoned was on account of the offer of the Boston & Albany road to make the desired connection by steam over their own road.

Alderman Little confirmed the statement.

Alderman Power said the Union company was willing to release the city from all responsibility.

Alderman Little was of the opinion that the



company could go on and build in spite of the action of the Board.

Alderman Ricker, in the absence of definite information, would not object to a postponement until tomorrow (Tuesday) at 2 P. M., if the Board would view the route at 11 A. M.

Alderman Clark insisted on immediate action.

Alderman Clark moved the granting of a partial location.

Alderman Jenks raised a question of order, and the vote was taken on the question of postponement, which was lost by tie. Yeas—Aldermen Cutter, Jenks, Poland, Ricker, Sayward, Squires. Nays—Aldermen Clark, Fairbanks, Little, Power, Stackpole, Woolley.

Alderman Clark pressed his motion for a partial location.

Alderman Poland offered an amendment substantially the same as that of Mr. Power.

Alderman Clark withdrew his motion in favor of the Power amendment, and Alderman Jenks again moved a postponement which resulted as the last, in a tie.

The vote was then taken on the amendment offered by Mr. Power with the following result: Yeas—Aldermen Clark, Fairbanks, Little, Woolley, Power, Ricker, Squires, Stackpole—8. Nays—Aldermen Cutter, Jenks, Poland, Sayward—4.

Alderman Jenks moved to lay the subject on the table. Lost by a tie vote.

The order as amended then passed by a vote of 9 to 3. Yeas—Aldermen Clark, Fairbanks, Little, Power, Ricker, Sayward, Squires, Stackpole, Woolley. Nays—Aldermen Cutter, Jenks, Poland.

Alderman Clark moved a reconsideration, with the following result: Yeas—Aldermen Cutter, Jenks, Poland—3; Nays—Aldermen Clark, Fairbanks, Little, Power, Ricker, Sayward, Squires, Stockton, Woolley—9.

#### THE ADAMS-EXPRESS STABLE.

Alderman Squires made a motion to reconsider the vote granting leave to the Adams Express Company to erect a brick stable for one hundred horses on Village, Lucas and Albion streets.

Alderman Clark could see no reason to reconsider. Stables were erected in equally respectable portions of the city.

Alderman Ricker said a well-regulated stable would prove a benefit rather than an injury to the locality.

Alderman Squires said the city had spent a great deal of money in improving the locality, and torn down a large number of stables. It would spoil the locality for dwellings.

Alderman Clark never considered the section desirable for residences. Everybody could not go to South Boston and Dorchester for stable accommodations.

Alderman Sayward suggested that if the Alderman knew the style of building it was proposed to erect, they would prefer it to the present dwellings.

Alderman Ricker stated that the company tore down their old stables for the purpose of rebuilding with faced brick.

Alderman Cutter characterized the locality as formerly poor. The city had laid out two millions upon it, and now proposed to go back on itself. It was too near Tremont street.

The proposed reconsideration was lost by the following vote: Yeas—Aldermen Cutter, Jenks, Poland and Squires. Nays—Aldermen Clark, Fairbanks, Little, Power, Ricker, Sayward, Stackpole and Woolley.

#### ORDERS PASSED.

Alderman Cutter, from the Paving Committee, offered the following:

Ordered, That the Superintendent of Streets be and he is hereby directed to notify the owners and abutters on Athens street to close up all openings in the sidewalks and remove all obstructions in front of the estates extending over the line of said street, within ten days; and in default thereof the Superintendent of Streets is hereby directed to close said openings and remove said obstructions at the expense of the owners of said estates.

Passed.

Ordered, That the Board establish the grade of Washington street between Adams street and the Milton Bridge, Ward 16, as shown on a plan and profile drawn by the City Surveyor, dated February 16, 1872, and deposited in the office of the City Surveyor.

Passed.

Alderman Clark, from the Committee on Streets, offered the following:

Ordered, That there be paid to the heirs of Ezra Walker the sum of four thousand four hundred ninety and fifty-hundredths dollars, for land taken, and all damages occasioned of every nature by the widening of Bedford street, by a resolve of the Board of Street Commissioners, passed September 9, 1871, upon their giving to the city a deed for the same, and an acquittance and discharge satisfactory to the City Solicitor, for all damages, costs and expenses in consequence of said taking; and that the same be charged to the appropriation for widening streets.

Read twice and passed.

Ordered, That there be paid to the heirs of Ezra Walker the sum of eleven thousand three hundred eight, and fifty-six hundredths dollars, for land taken and all damages occasioned—including damage to tenants and occupants, by the widening of Kingston street, by a resolve approved December 30, 1870, upon their giving to the city a deed for the same, and an acquittance and discharge satisfactory to the City Solicitor, for all damages, costs and expenses in consequence of said taking; and that the same be charged to the Kingston-Street Loan—the said heirs to pay the betterment of \$700 assessed on account of the widening of said Kingston street.

Read twice and passed.

Ordered, That the Chief of Police be directed to close Stillman street at the corner of Salem street against the passage of vehicles for three days from August 28, or until the necessary excavation under the sidewalk of said Stillman street at that point is finished.

Passed.

Ordered, That the Committee on Bridges be and they are hereby authorized to close Federal-street Bridge on and after August 28 against the passage of all vehicles, except the street cars, until the necessary repairs upon said bridge shall be completed.

Passed.

Ordered, That the Superintendent of Streets be authorized to close Tremont street against public travel between the Boston & Albany Railroad and Dover street during the raising and paving of said street.

Passed.

Alderman Squires, from the Joint Standing Committee on Public Lands, submitted the following:

The Joint Standing Committee on Public Lands, to whom was referred the papers relative to the purchase of the land on Springfield and Albany streets, also East Chester park, belonging to William Evans, together with his communication of July 18, 1872, withdrawing the order as made by him, having fully considered the same, would report—

That whereas the offer made by Mr. Evans has been withdrawn, no further action is required.

Read, accepted, and sent down for concurrence.

The same gentleman also offered the following:

The Joint Special Committee on Public Lands, to whom was referred the petition of the Shawmut Congregational Society for discontinuance of the sewer under their church, having fully considered the subject, would recommend that said petition be referred to the Committee on Sewers with request that they remedy the evil complained of by said society.

Read, accepted and referred.

Alderman Fairbanks, from the Committee on Sewers, offered orders for building sewers in Vinton, Bowen, White, Prescott and Fourth streets, which were passed.

The same Alderman also submitted the following:

Ordered, That the sum of forty-one dollars and fifty-two cents, assessed upon Fred R. Sears, for a sewer in H and Third streets, be abated, and the same assessed to Margaret Ward.

Read a second time, and passed.

Alderman Fairbanks, from the Joint Committee on Accounts, submitted the following:

Ordered, That a bill of Henry Taylor, amounting to \$25, for extra service, be paid; provided it is approved and allowed in the usual manner.

Read twice and passed.

Ordered, That the following bills for services rendered or materials furnished by persons connected directly or indirectly with the City Government, and contracted for prior to May 29, 1872, be paid, provided they are approved in the usual manner, viz.: Jennings & Noyes, \$96, \$32 50, \$25 50 and \$21; Federhen & Fagin, \$32; J. J. McNutt, \$16 41; N. B. Bicknell & Co., \$13 66; S. B. Palmer & Co., \$10 25; F. W. Lincoln & Co., \$4.

Read twice and passed.



Alderman Woolley, from the committee on armories, offered the following:

Ordered, That in addition to the amount of six hundred dollars allowed to be paid annually for headquarters of the Ninth Regiment of M.V.M., the bill of E. P. Dodge & Co., for rent of rooms No. 6 Tremont street, formerly occupied by it as ~~regimental~~ headquarters for said regiment, amounting to \$116 67, be allowed and paid—being in full payment for said occupation; said amount to be charged to the appropriation for armories.

Read twice and passed.

Alderman Sayward, from the Committee on Health, reported in favor of the petitions of Thomas A. McDonald for leave to occupy a wooden stable for one horse on Highland Park; A. D. Williams, for leave to occupy a brick stable for four horses on Farnham and Girard streets; and J. C. Tibbets and others for leave to occupy a wooden stable for three horses on Fourth street, corner of Dorchester avenue. Granted.

#### ORDERS OF NOTICE.

To construct sewers in portions of West Eagle street, Otis place, Seventh street from N to O, and Laurel street. Hearing Monday next at 4 P. M.

#### LICENSES GRANTED.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of the following, and they were granted: Rich & Stetson, to give dramatic and operatic entertainments at the Howard Athenæum; the transfer of three wagon licenses; Hugh Cunningham, for a wagon stand at 29 Hawley street; Felton & Stone, to manufacture spirituous and intoxicating liquors; G. S. Wilkins, intelligence office at 56 Washington street; T. S. Seaver, for a hack stand in Water, between Devonshire and Congress streets; and six licenses to victuallers.

On report of Alderman Stackpole, from Committee on Steam Engines, etc., leave was granted to the Advocate Printing Co. to set up and use a steam boiler and engine at corner of Decatur and Meridian streets.

#### NUISANCE ASSESSMENTS.

On motion of Alderman Sayward,

An order was passed for the collection of assessments for nuisances abated by the city in Pinekey street and Leather square.

#### LEAVE TO WITHDRAW.

Alderman Clark, from the Committee on Streets, reported leave to withdraw on the petition of Cochran Brothers & Co. and others, to be paid for damages on account of the extension of South Market street, and also on that of John Roessle to be allowed further time in which to quit premises taken on Pynelton street. Accepted.

Alderman Little, of the Committee on Paving, reported leave to withdraw on the petition of A. D. Williams, that edgestones be set on portions of Farnham and Oriole streets.

#### ORDERS READ ONCE.

Whereas, it appears to this Board that the public safety and convenience require that the sidewalks on M street, between Emerson and Fifth streets, and on Fifth street east of M street, be paved with brick: it is hereby

Ordered, That the Superintendent of Streets be and he is hereby directed to pave the sidewalks on said M and Fifth streets with brick, and to report a schedule of the expense thereof to this Board, pursuant to law.

Ordered, That there be paid to Minot Thayer the sum of six thousand dollars, in full compensation for all damages caused to his estate, Washington street, near Milton Lower Mills, by the raising of said street to the grade established by the Board of Aldermen August 26, 1872, upon his proving his title to said estate to the satisfaction of the City Solicitor, and upon his giving to the city an acquittance and discharge for all damages, costs and expenses to himself, and those holding leases under him, on the account of the raising of the grade of said street; said sum to be charged to the appropriation for Paving.

Ordered, That there be paid to Deborah S. Wyman the sum of three hundred dollars in full compensation for all damages caused to her estate, No. 181 Bennington street, by the raising of the grade of Bennington and Paris streets, as ordered by the Board of Aldermen Sept. 12, 1871, and May 14, 1872, upon her proving her title to said estate to the satisfaction of the City Solicitor, and upon her giving to the city an acquittance and discharge for all damages, costs and expenses to herself and those holding leases under her on account of the raising of the grade of said street; said sum to be charged to the appropriation for Paving.

Alderman Clark, from the Committee on the Common, offered the following:

Ordered, That in addition to the amount heretofore appropriated for repairs of fences of the Common, Public Garden, and public squares, a further sum of two thousand dollars be appropriated for that purpose; said amount to be charged to the appropriation for Common, etc.

Ordered, That there be appropriated three hundred and seventy-five dollars for the purchase of a watering cart to be used on the Common and public grounds; said amount to be charged to the appropriation for the Common, etc.

Ordered, That in addition to the former appropriation for concrete walks and red gravel on the Common and public grounds, a further sum of one thousand dollars be appropriated for that purpose; said amount to be charged to the appropriation for Common, etc.

Order offered by Alderman Stackpole, for Committee on Jail to expend \$2000 for repairs on County Jail.

Order offered by Alderman Power to pave a portion of Dorchester street with wood.

Order offered by Alderman Woolley to rebuild house of Hose Company Five at a cost of \$10,000, to be transferred from the Reserved Fund.

Adjourned to Monday, Sept. 2, at 4 P. M.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPT. 2, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Six petit jurors were drawn for the U. S. District Court.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers without Pay—Patrick Finn, John Coleman and Matthew Dolan at the National Tube Works and vicinity; Charles Greenfield and Patrick Falvey at the National Dock and Warehouse and vicinity, East Boston; Caleb L. Sturgis at Hotel Dartmouth and vicinity, Dudley and Warren streets; Charles E. Thayer, at new schoolhouse, Fifth and L streets, and at the Capen and Tuckerman schoolhouses.

Members and Officers of Fire Department—Hiram L. Wallingford, W. T. Hines, Edward B. Haskell, M. J. Slattery, W. A. Copeland, as members; E. B. Burgess, as a driver; Daniel C. Bickford, as foreman of Hook & Ladder Company No. 1; Isaiah H. Ware, assistant-foreman of the same; Edward B. Smith, foreman of Hook & Ladder Company No. 6—severally to take effect Sept. 1.

Members of the Insurance Brigade—James H. Huff, Moses F. Packard, Samuel E. Smith, Charles C. Snow, John C. Pelton, James Reed, to be paid by underwriters, with the addition of \$2 each per annum by the city to entitle them to the benefits of the Charitable Association—to take effect Sept. 1.

## PETITIONS PRESENTED AND REFERRED.

John Patterson, for leave to occupy a wooden stable for one horse on Clapp street, near Boston street.

Samuel N. Ufford, for leave to occupy a wooden stable for two horses on Norfolk street, near Forest Hills street.

William Patterson, for leave to occupy a wooden stable for one horse at 49 Regent street.

S. C. Field & Co., for leave to occupy a wooden stable for twelve horses on Ninth street, near Old Harbor street.

Severally referred to the Committee on Health. Edward Lynch, for grade of Norfolk street, Ward 16, between Washington street and Forest Hills avenue.

Bay State Iron Company, that K street, north of First street, may be graded.

Loucena M. Gerrish, to be paid for damages to her estate on Bennington street by change of grade.

Mary Oliver, to be paid for damages on account of being required to close up the entrance to the basement of her estate, No. 24 Athens street, South Boston.

Old Colony & Newport Railroad Company, for leave to raise the grade of Adams street, Ward 16, at the intersection of the road three feet higher than heretofore allowed.

Kidder, Vaughan & Co., for leave to lay a three-inch iron pipe under Chelsea and Curtis streets.

Gilbert Wait and others, that Athens street, between E and F streets, be graded and paved.

Severally referred to Committee on Paving.

William T. Hart, for extension of time in which to build on Harrison avenue, between Malden and Plympton streets. Referred to Committee on Public Lands.

Francis Coughlan and others, that the two independent sewers in Camden street may be connected.

James Guild and others, that Smelt Brook may be discontinued as a sewer.

Heirs of S. E. Trask, for an abatement of a sewer assessment on Glenwood street until the sewer is used by the estate.

J. M. Mullane and others, for a sewer in Palmer street.

Severally referred to the Committee on Sewers. Oliver & Taber and others, that measures be taken to save the trees in Tremont-street mall from decay, the petitioners suggesting insufficient nutriment as the cause of decay, from the hardness of the malls, preventing the absorption of the rain, the trees in this and other malls encircling the Common being the only ones suffering in this

manner. A communication from George B. Emerson accompanied the petition, agreeing that measures should be taken to provide more space about the trees for the accumulation of water, with the suggestion that should an open space be kept about the trees a circular bench could be placed around each one at a distance of four or five feet, which would obviate any objection to such opening or trench.

Referred to the Committee on Common, etc.

A communication was received from Richard Tyner, resigning his office as warden of Ward 9. Accepted.

A communication was received from the Union Freight Railroad Company, accepting the location of the tracks of said corporation granted by the Board of Aldermen August 26. Ordered to be placed on file.

## COMMUNICATION FROM THE DIRECTORS FOR PUBLIC INSTITUTIONS.

Alderman Sayward presented the following communication from the Directors of Public Institutions:

"The Board of Directors for Public Institutions respectfully call the attention of the City Council to the fact that the office rooms at present occupied by the board are inadequate for the constantly increasing business of the institutions. The accession of territory and the great increase in the number of inmates cause a corresponding increase of office work, and demand far greater accommodations and more convenient rooms. The Directors therefore hope the subject will receive the early and favorable attention of the Council."

Referred to the Committee on Public Buildings.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on the proposed construction of sewers on Otis place, Laurel street, Seventh street from M to O streets, and in West Eagle street, and in Meridian street, were severally taken up. No person appeared in either case, and the reports were severally recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Report and order to rebuild house of Hose Company No. 5, at a cost of \$10,000, to be transferred for that purpose from the Reserved Fund.

Order to appropriate \$2000 for general repairs on Suffolk County Jail.

Order to appropriate \$2000 for repairs of fences on the Common, Public Garden, etc.; \$370 for purchase of a water cart; \$1000 for concrete walks and red gravel.

Order to pay Deborah S. Wyman \$300, for grade damages at 181 Bennington street.

Order to pay Minot T. Bayer \$6000, for grade damages on Washington street, near Milton Lower Mills.

Order to lay sidewalks on M street, between Emerson and Fifth streets, and on Fifth street east of M street.

The order for Superintendent of Streets to pave Dorchester street, under order of June 24, 1872, with wood instead of granite blocks, on motion of Alderman Power was laid over one week.

## REPORTS OF COMMITTEES.

Alderman Sayward, from the Committee on Faneuil Hall, reported in favor of granting the use of Faneuil Hall to Charles L. Remond and others, September 5, for a political convention. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: J. B. Booth, for Boston Theatre for the ensuing season; proprietors of Wesleyan Hall, to give lectures, exhibitions, etc., the ensuing season; Stone & Murray's Circus Company, to exhibit in Roxbury Sept. 11; John D. Wayne, to exhibit a walking match at the corner of Dover street and Harrison avenue; Peter Kilroy and Isaac Abrams, as auctioneers; also to sundry persons as victuallers and dealers in second-hand articles, for wagon licenses and transfer of wagon licenses, and to keep intelligence offices; and leave to withdraw on petition of Peter Conty for a license as a victualler, rear 7 Gough street. Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of petitions for stables as follows: Hiram Johnson, to move a stable for four horses to a lot on Slawmut avenue, near Vernon street; J. V. N. Stultz to occupy a stable for three horses rear corner Rockland and Dale streets; J. Byron, to occupy a wooden stable for one horse at 247 Longwood avenue, also a stable at 245 same avenue; C. R. Horn, to occupy a stable for three horses on Beals street, Ward 16; also to build



ten wooden stables for three horses each on King street, Ward 16; C. C. Thomas, to occupy a wooden stable for two horses on Graham court, Ward 16; William K. Lewis, to build a brick stable on Warren street, at Dunreath place; and to E. D. Winslow, to erect a stable rear of Tremont Market, for temporary purposes. Severally accepted.

The same committee reported leave to withdraw on the several petitions, as follows: Michael Kelley, to occupy a wooden stable for one horse at No. 74 George street; Daniel Rickerby, to occupy a wooden stable for two horses on Malden street, near Albany street; Crowley & Coughlin, to occupy a wooden stable for two horses on Malden street, corner of Albany street; F. O. Rogers, to occupy a wooden stable for two horses on Bow street. Severally accepted.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw severally on petitions of John H. McGrady, to be paid for grade damages caused by change of grade at 136 Broad street; Thomas H. Carbery and others, to be paid for grade damages on Athens street; James Connor, to be paid for grade damages at the corner of Dorchester avenue and Fourth street. Severally accepted.

Alderman Jenks, from the Committee on Claims, on the petition of George Curtis, to be paid for damages by reason of the location of the small-pox hospital near his wharves, made a report, that in view of the communication received subsequently from the said George Curtis relative to said claim and inclosed herewith, there is no action necessary on the aforesaid claim. Accepted.

Alderman Clark, from the Committee on Common, etc., on the part of this Board, to whom was referred the petition of Thomas M. Smith, for leave to remove a tree from the sidewalk of No. 13 G street, made a report that the petitioner have leave to remove the said tree at his own expense, under the direction of the Superintendent of the Common and Public Grounds. Accepted.

Alderman Sayward, from the Committee on Public Buildings, to whom was referred the order to procure plans and estimates for providing additional accommodations for the Roxbury High School, made a report as follows:

The committee have procured plans, agreeable to the above order, which have been approved by the Committee on Public Instruction, and have called for estimates on the work to be performed. They have also considered the requirements of the new addition to the building in the matter of furniture and heating apparatus, and find that the alterations and improvements, together with the furniture and heating apparatus, can be furnished at an estimated cost of \$30,000. They would therefore recommend the passage of the accompanying orders:

Ordered, That the Committee on Public Buildings be authorized to provide additional accommodations in the Roxbury High School building, newly furnish and provide heating apparatus for the same, at an estimated expense of \$30,000.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$30,000, the same to be applied for the alterations and improvements in the Roxbury High School building.

The report was accepted, and the orders were passed.

#### ORDERS PASSED.

On motion of Alderman Fairbanks,

Ordered, That the victuallers' licenses granted this year to the following-named parties be respectively revoked for cause, viz.: John Cullen, 179 North street; William Trant, 187 North street; John Campbell, 89 Richmond street; John S. Smith, 255 Hanover street.

On motion of Alderman Ricker, an order to abate nuisances in Kneeland, Dove, Eighth, Havre and Paris streets.

On motion of Alderman Sayward,

Ordered, That the Committee on Public Buildings be authorized to purchase sufficient land near the Codman-street Schoolhouse, on Adams street, Ward 16, to move said building upon, at an estimated cost of \$7500.

Ordered, That the Auditor of Accounts be authorized to transfer from the Reserved Fund the sum of \$7500, to be appropriated for the purchase of land for the Codman-street Schoolhouse.

Ordered, That the Committee on Public Buildings be authorized to erect a grammar school house on the lot of land purchased by the city for that purpose on Columbia street, Ward 16, in accordance with plans approved by the Committee

on Public Instruction, at an estimated expense of \$50,000.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$50,000, to be applied to the erection of a Grammar School House on the lot of land belonging to the city of Boston, on Columbia street, Ward 16.

On motion of Alderman Cutter,

Ordered, That there be paid to Thomas Cross \$150, in full compensation for all damages caused to his estate No. 20 Ontario street, by the raising of the grade of said street, as ordered June 11, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to William B. Duggan, 2d, \$150, in full compensation for all damage caused to his estate No. 20 Ontario street, by the raising of the grade of said street, as ordered June 11, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

On motion of Alderman Clark,

Ordered, That there be paid to Sarah S. Whitney the sum of \$702, for land taken and all damages occasioned by the widening of Bedford street, by a resolve of the Street Commissioners, April 6, 1872, upon the usual conditions; to be charged to the appropriation for Widening Streets.

Ordered, That there be purchased in the settlement of damages occasioned by the extension of South Market street from Commercial street to Atlantic avenue, the estate of John F. Mills, upon the southerly corner of said Commercial street and South Market extended, for the sum of \$90,000, to be charged to the appropriation for the extension of South Market street; said John F. Mills to release all damages occasioned by said extension, and to give a bond satisfactory to the City Solicitor, to hold the city harmless against all claims of all tenants and occupants upon the said estate for all damages occasioned them by the extension of South Market street.

And that after the purchase of said estate by the city the Joint Standing Committee on Streets be and they are hereby authorized to sell at public or private sale, as they may deem for the best interest of the city, the portion thereof remaining after the extension of said South Market street upon it; the proceeds of such sale to be paid into the City Treasury.

Alderman Clark stated, in support of the above order, that the owner was not satisfied with the award of damages, and it was believed to be for the best interests of the city to make the purchase for the purpose of completing the improvement, when the land not required could be sold at a saving to the city.

Alderman Fairbanks offered the following order:

Ordered, That the Street Commissioners be requested to extend Causeway street from Leverett street to Chambers street, opposite Allen street.

Referred to the Joint Committee on Streets.

#### METROPOLITAN-STABLE HEARING.

The hearing on the subject of erection of a brick stable by the Metropolitan Railroad Company on Shawmut avenue, Guild and Bartlett streets, for 100 cars and 600 horses, was taken up by special assignment.

Henry W. Muzzey, for petitioners, stated that the Metropolitan Railroad Company had recently purchased a tract of five acres of land at the place designated, a portion of which was to be used for a stable for 600 horses and 100 cars, to meet the public wants. All of this land would not be so used, and two-fifths of it would be for sale. With this statement he would call witnesses to show the necessity for the proposed stable and the plans for the buildings, reserving the right to say something further after the evidence of remonstrants is given.

John W. Draper, President of the railroad company, stated that the only object was to increase the accommodations for the public, as they had extended their lines at a considerable expense to themselves. They had been looking for such a site for two years, and were obliged to purchase more land than they needed. It was proposed to use about one-third of this land at present, and on the part on which they proposed to build it would be the least objectionable, as unsuitable for building lots, and such a building would be put up as would not be objectionable to the public. This was needed now, and he doubted not that, in time, they would be required to build a stable further out in the Highlands.

The architect had been instructed to make such



a plan for a building as would be unobjectionable, without regard to expense.

In reply to Mr. Keith, Mr. Draper said they could get accommodations for about forty more horses at the stable in Pynchon street, for which authority would be asked. They had accommodations now for 160 horses. The drainage for this and for a stable on the hill was into Stony Brook. There was room also for more stable room on Warren street and on Stoughton street, by purchase of adjoining land. Land had been offered to them for stable accommodations adjoining the stable on Washington street.

In relation to drainage, the drainage would be nearer from the Washington-street stable than from the lot on Shawmut avenue and Bartlett street. He could not say that the land would cost as much, but the buildings would, nor could he suppose there would be any difficulty of obtaining additional accommodation at the other stables on Warren, Pynchon and Stoughton streets.

To a question of Mr. Keith, he said the land was not paid for, and to additional questions by Mr. Muzzey he replied that the deeds were made out, and it was not a matter of choice, but the company were bound to pay for it, whether used as proposed or not.

N. J. Bradlee, architect, explained the plans which he had made for the proposed stables and car house, which were exhibited to the members of the Board. These plans were examined with considerable minuteness, and various questions were answered in relation to the character of the buildings, their particular location, ventilation, effect on health, etc.

With the statements of these witnesses, the petitioners rested their case.

Mr. Keith for, remonstrants, said he felt that he might stop here, on the ground that the petitioners had not made out a case; for it appeared on the testimony Mr. Draper, the President, that additional accommodations could be obtained at Wait's Mills on Warren and Stoughton streets, and on Washington street at one-third the expense of the proposed locality. Land could be had at a lower price, in connection with their present stables, yet they proposed to blight a new territory with a stable. The city had also a vital interest in the matter, for at the present meeting of the Board an order had been passed to expend \$30,000 for additional accommodations at the Roxbury High school.

This location of a stable would be within one hundred and fifty feet of that school, and would bring about it a large number of conductors, drivers, stablemen and boys in front of this High School for Girls, with all the other inconveniences in connection with stables. The yard of the schoolhouse is small, and the girls were in the habit of walking in Bartlett street during recess for want of a better place for recreation. To locate a stable here would ruin the school, for no man would intrust his daughter in a school with a stable and its attendant objectionable features adjoining. It would discommode also the worshippers in four churches in the vicinity, prevent the extension of St. James street, except at great expense, and would be objectionable also on account of drainage.

Mr. Keith presented remonstrances from John S. Flint and twenty-two others, and John J. Clark and one hundred and forty others, against the location of this stable, as proposed, and called several witnesses in relation thereto.

Dr. P. O'M. Edson, a resident of the Highlands, chairman of the Washington and Dudley schools, and a member of the Committee on the High School, made some statements in relation to the matter under consideration; that as most of the pupils in the Washington and High schools found it convenient to go up Bartlett street, a stable would be objectionable, both from the necessity to the pupils to cross the tracks of the railroad, and the obstruction of the streets so much used by those pupils; he could not say that the stable would be a nuisance.

To Mr. Muzzey—Many of these pupils are now obliged to cross the tracks on Shawmut avenue.

Dr. Joseph H. Streeter, a resident of the Highlands for twenty-five years, a former member of the School Committee, and familiar with the locality, believed Bartlett street to be peculiarly suited to school purposes from its quietness, and if a stable should be built that desirable quiet would be broken, while the churches would also be disturbed by the location of a stable there.

Dr. John S. Flint, a resident of the Highlands for more than twenty-five years, testified that he

had never had but one opinion of this matter, that the location of a stable there would be an unmitigated nuisance, which would affect the value of property for half a mile. He concurred also with the other witnesses, that the stable would be an injury to the schools and to the churches, and he was of the opinion also that it might also change the entire population of the neighborhood.

Charles M. Seaver, a resident of the Highlands for seventeen years, gave his opinion as to the effect of the measure, that the Highlands should not furnish stable room for the residents of other portions of the city; it was objectionable on account of its nearness to the branch library, also from the dangers from fire from such a building, and the bad air which would flow from it to the buildings on the heights above; and he concurred with the other witnesses in relation to the injury to the schools, and that the location of the stable would be in the way of the extension of St. James street.

F. D. Osgood, auctioneer, was of opinion that the land in the vicinity might not be injured in value for small houses, but it would effect the value of houses of the better class for a considerable distance; the land could not be used for business purposes, and the location of a stable there would be in the way of the extension of Shawmut avenue, as proposed; with such an extension scores might be built there.

William Blanchard agreed with Dr. Flint that the proposed stable would be an unmitigated nuisance and a bad thing for the neighborhood; the people generally in the vicinity had remonstrated against the location of a stable there.

Mr. Muzzey stated that the stable, as proposed, would not be so near the witness as he had supposed.

Thomas W. Clarke was familiar with the Warren-street stable, which, in his view, was not kept so clean as it should be; the location of stables should be to meet the necessities of business, and, in his opinion, for the business of Egliston square, the location of a stable should be in that vicinity; a corporation with which he was connected had established a stable on Shawmut avenue, near Washington street, and this proposed stable and the running of more cars was a recent measure.

Robert Johuson, Superintendent of the South Boston Railroad, testified that he was familiar with the territory back of the Metropolitan stable on Washington street, which he believed might be used to advantage for additional accommodations, provided there was no difference in the grade; if the travel to Egliston square was to be accommodated, it would be better to have the stable at the end of the route.

To Mr. Muzzey—Objection is made by passengers to changing horses on a route, and it is of great convenience to have stables where routes come together.

Mr. Keith stated that he had several more witnesses to call, and as it was getting late, he would ask for a postponement, if it was the pleasure of the Board.

On motion of Alderman Ricker, the hearing was postponed to Monday next at 4½ o'clock.

ORDERS READ ONCE.

On motion of Alderman Cutter,

Orders to pave the sidewalk in front of No. 751 Broadway with brick; to set the edgestones and pave the sidewalk with brick on the westerly side of O street, between Broadway and Fourth street; to lay the sidewalk on the southerly side of Fifth street; to pave the sidewalk on Second street, southwest corner of Dorchester street; to furnish and set edgestones on East street.

Alderman Woolley offered the following, which was read once:

Ordered, That from and after the 1st day of January, 1873, the East Boston ferries shall be free to foot travellers.

REPAIRS OF GREENHOUSE.

On motion of Alderman Jenks, the order to pay \$600 for repairs of the greenhouse on the Public Garden was taken from the table and considered.

Alderman Clark moved to amend by substituting \$497 for \$600, the amount of the bill for repairs.

Alderman Cutter stated that he had learned that the written lease was made late in the season, when repairs were needed which the city was to make, but it was so late that they were not done at the time. He should make no further objection.

The amendment was adopted, and the order was passed.

A communication was received from Benjamin S. Hawes, resigning his office as Superintendent of the Granite Bridge. Accepted.



On motion of Alderman Cutter, Monday next was assigned for the election of Superintendent of Granite Bridge.

Alderman Jenks moved a reconsideration of the vote passing the order to appropriate \$30,000 for additions to the Roxbury High School. His object in making the motion, he said, was to keep the matter in abeyance until the settlement of the question of location of a stable in the vicinity, as proposed by the Metropolitan Railroad Company.

Alderman Sayward said if there was any good reason for the motion, he had no objection, but he thought the mover anticipated more trouble than was necessary.

Alderman Jenks said he would not have the schoolhouse there if the stable was to be there.

Alderman Sayward replied that the schoolhouse was more than one thousand feet from the proposed location of the stable. If it was for the best interests of the city he would not object to a postponement, yet the school was suffering for want of an addition to the schoolhouse.

Alderman Jenks had no doubt the question would be disposed of in a week.

The motion to reconsider was carried, and the order was laid on the table.

#### PAVING OF BROMFIELD STREET.

On motion of Alderman Clark, the order for paving Bromfield street with wood, at an estimated expense of \$4500, was taken from the table.

In support of the order, he said the abutters desired the paving to be done at once. As the matter had been under consideration for six months, it was very important that something should be done before the winter months set in.

Alderman Sayward moved to amend by substituting granite blocks for wood pavement.

Alderman Clark said he was guided in the matter by the choice of the people on that street, and that the paving with wood is cheaper, while it lasts equally as long as with granite blocks. As a voucher he would refer to Albany street, where the two kinds of pavement were in use, and the wood pavement is in as good condition as the other. If it wears as well we should use wood.

Alderman Sayward claimed to have had some experience in the matter, and that was that wood pavement was not durable. The only excuse for using wood, as he understood, was that they could not get stone fast enough.

Alderman Jenks referred to the pavement in Cambridge street, the granite blocks being in good condition while the wood pavement was so worn that it ought to be taken up.

Alderman Clark replied that the wood might not have been of the right kind. The pavement in Columbus avenue had worn quite as well as was expected and with more quiet; it was used with as much safety and as little sweating of horses in winter as over granite blocks. He hoped the wishes of the abutters on the street would be consulted in the matter.

Alderman Little (Alderman Fairbanks in the chair) stated that he was induced to speak from the absence of one member of the Committee on Paving. With one exception the abutters on the street were agreed in desiring wood pavement, and a majority of the committee were in favor of that kind of pavement.

Alderman Clark stated that the gentleman re-

ferred to had been in the hall this afternoon, and said it was a mistake that he was opposed to wood pavement; he was desirous that the paving should be done at once, and was willing to have some other pavement rather than that the work should be delayed.

Alderman Sayward said he was happy to know that the wishes of abutters were consulted in the paving of streets, as he was not aware before that the committee consulted abutters; but he thought the paving of Washington street in that way would present a funny appearance, each abutter being consulted and having pavement to suit his tastes.

Alderman Little thought it a funny comparison to compare Washington street running from Doek square to Punkapog with a short street like Bromfield street.

Alderman Sayward believed it might be more necessary to pave Washington street with wood, as some members of the Board might wish to ride over it some time from Doek square to Punkapog.

Alderman Clark expressed the opinion that the pavements might eventually be all of wood.

Alderman Poland said it would be hard to make him believe that wood pavement was better than stone. He doubted whether it was good for anything as a pavement except in yards. It would be worse in this case than on level ground, and it would be better to have granite pavements which would stand the wear.

Alderman Cutter replied to Alderman Clark that the wood pavement had been down in Albany street but a short time; such pavement looked very pretty if not disturbed; but when taken up it is not properly replaced, and decays more rapidly. As to deferring to wishes of abutters, the abutters on Wall street, with one exception, asked for wood pavements, and the street was paved with granite. He did not doubt that the Western cities would use granite if it could be got as easily as wood, for block granite was the best pavement in the world. He should be opposed to the use of wood pavement until the report of the commission on the subject should be made.

Alderman Little replied that the Committee on Paving had received the first report of the commission, and the result was the order for the paving of Dorebester street with wood. Wood paving could be done as low as any other, and the only question was, which is the best wood pavement.

Alderman Clark, with reference to the objection of unevenness in taking up wood pavement, replied that the same was true with granite pavement when portions of it were taken up and put down again. The question was, which would stand the longest.

Alderman Cutter referred to the condition of Court street, where the wood pavement would soon require renewal.

The question was taken on the amendment, which was declared to be carried, and on a doubt being raised the vote was as follows:

Yeas—Cutter, Jenks, Poland, Ricker, Sayward, Squires, Stackpole.

Nays—Clark, Fairbanks, Little, Woolley.

Alderman Little moved that the order, as amended, be recommitted, to obtain an estimate of the cost of the proposed granite block pavement, which was carried.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
SEPT. 5, 1872.

The regular weekly meeting of the Common Council, the first after the summer recess, was held this evening, by adjournment, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

A call of the roll showed that thirty-eight members were present, as follows:

Bicknell, Blackmar, Brennan, Burditt, Burt, Clatur, Collins, Cunningham, Darrow, Davenport, Devine, Dickinson, Emery, Faxon, Flanders, Flynn, Gragg, Hart, Hersey, Hughes, Jones, Kingsley, Lamb, Locke, Loring, Noyes, Page, Perkins, Pickering, Risteen, Robertson, Shepard, Smith, Thacher, West, Weston, Wilbur, Wright.

The petitions of M. A. King, William T. Hart, Oliver & Tabor and others, Nicholas Leary, Trustees of City Hospital, and of George F. Haskins and others, were severally referred, in concurrence.

The quarterly report of the Superintendent of North Scales was ordered to be placed on file.

The following matters were severally referred to the Committee on Streets, viz:

1. An order that the Street Commissioners be requested to extend Causeway street from Leverett to Chambers street.

2. A report from said Commissioners that it would cost \$1,350,000 to widen Atlantic avenue to 200 feet.

3. A report from said Commissioners that it would cost \$140,000 to widen Lyman street to forty feet, and extend it through Chilson place to Merrimac street.

The following papers were referred, in concurrence:

Reference to the Committee on Public Instruction of a message from the Mayor transmitting a bequest of H. M. Dodd for the benefit of the Girls' High School.

Reference to the Committee on Public Buildings of a request from the Directors for Public Institutions for better office accommodations.

The resignation of the Superintendent of the Granite Bridge was accepted, in concurrence.

Reports (leave to withdraw) were severally accepted on petitions, as follows:

1. Of Patrick Shaughnessy, to be paid for injuries received while employed by the city.

2. Of Dennis Bonner, to be paid for injuries sustained by his wife.

Reports (no action necessary) were accepted on matters, as follows:

1. On the papers relative to the purchase of William Evans's land on Springfield and Albany streets and East Chester park.

2. On the claim of George Curtis for damages on account of the location of the smallpox hospital near his wharves.

The order that \$2000 additional be appropriated for repairs of fences of the Common, etc., \$375 for a watering cart for the Common and public grounds, and \$1000 additional for concrete walks and red gravel, being under consideration, Mr. Bradt of Ward 15 inquired if it had been before the Committee on Common.

Mr. Brooks of Ward 1 replied that it had not been before that committee, to his knowledge, and if it had it was during his absence.

The Chair stated that the order would lie over under the rule.

On motion of Mr. Bradt it was referred to the Committee on Common, etc.

The report that the resolve and order for the widening of Beach street ought not to pass, and order requesting the Street Commissioners to furnish estimates of the expense of widening said street in conformity with the City Surveyor's plan of May 4, 1868, and rejection of said resolve and order (City Doc. 59), were considered.

Mr. Perkins of Ward 6, in reply to an inquiry, stated that the subject of the resolve and order was still under negotiation, when the whole subject was laid on the table.

The certificate of the election of Frank L. Tileston as Commissioner of Cedar-Grove Cemetery, in place of Henry L. Pierce, resigned, was read, when the Council proceeded to an election, Messrs. Smith of Ward 1, Burt of Ward 16, and Collins of Ward 2 acting as a committee to receive and

count the votes, and Mr. Tileston was chosen, in concurrence, by a vote of 42 to 1 for F. Williams.

Order to pay the Superintendent of Faneuil Hall Market \$25 for extra services was read once.

The following orders were severally passed in concurrence:

Order to pay bills of September draft.

Order to purchase the estate of John F. Mills, on the southerly corner of Commercial street and South Market street extended, for \$90,000, in settlement of damages for the extension of South Market street, and for the sale of such portion of said estate as will remain after the extension of said South Market street.

Mr. Flynn of Ward 7, in answer to an inquiry in relation to the above order, stated that the party in interest had refused to accept the award of damages, and it was believed to be for the interest of the city to purchase the whole property.

Order authorizing \$497 to be expended for repairs on the Public Garden Greenhouse.

Order for Committee on Ordinances to consider expediency of amending the ordinance in relation to the City Physician.

Report and order authorizing the rebuilding of the house of Hose Co. Five, at an estimated expense of \$10,000, and for a transfer of said sum from the Reserved Fund.

Orders authorizing the purchase of land on Adams street, near the Codman-street Schoolhouse, to move said building upon, at an estimated cost of \$7500, and for a transfer of said sum from the Reserved Fund.

Orders authorizing the erection of a grammar schoolhouse on a lot of land purchased by the city on Columbia street, Ward 16, at an estimated cost of \$50,000, and for a loan of said amount to be applied therefor.

The three orders last named were passed unanimously, by votes of 46, 47 and 48 respectively in the order given.

The following orders were severally read once:

Order that the bill of E. P. Dodge & Co., of \$116 67, be allowed and paid, for rent of rooms No. 6 Tremont row, formerly occupied for the Ninth Regiment headquarters, said sum being in addition to the amount allowed to be paid annually for the present headquarters.

Orders authorizing the erection of a hospital building, barn and other necessary buildings, on Gallop's Island, at not exceeding \$15,000, and for a transfer of said amount from the Reserved Fund.

On motion of Mr. Flynn of Ward 7, the last-mentioned order was referred to the Committee on Health.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Company B. First Regiment M. V. M., \$250, for repairs of armory.

Order for a transfer of \$289 15 from the Reserved Fund, for the purchase of a lot of land on Columbia street, owned Ward 16, by S. Klous.

Orders for the purchase of a lot of land on the corner of Warren and Quincy streets, containing 4200 feet, at not exceeding \$1 47½ per foot, and the erection thereon of an engine house, at a cost for the land and buildings of \$20,000; and for a transfer of said amount from the Reserved Fund to pay therefor.

The last orders were passed by a vote of 45 yeas to 4 nays—Clatur, Darrow, Robinson and Webster.

## PETITIONS PRESENTED AND REFERRED.

F. W. Pitcher and others, that the angular piece of land on Trenton and Eagle streets, east of Prescott street be laid out as a public park. Referred to Committee on Common, etc.

Stephen N. Stockwell and others, that Hillside street be accepted and extended to Parker street. Referred to Committee on Streets.

Dexter Humphreys and others, that a watering trough be placed at Upham's Corner. Referred to Committee on Water.

## AUDITOR'S MONTHLY REPORT.

The monthly exhibit of the Auditor was laid before the Council, it being an exhibit of the general and special appropriations for the present financial year of 1872-73, as shown in the books in his office, September 1, 1872, including the September draft, being five months' payments of the financial year,—exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. A recapitulation gives the following result:

	Appropriations, Revenues, etc.	Expended.	Unexpended.
General.....	\$9,508,095 95	\$3,132,123 09	\$6,775,972 86
Special.....	4,970,460 80	1,373,029 70	3,597,431 10
	<u>\$14,878,556 75</u>	<u>\$4,505,152 79</u>	<u>\$10,373,403 96</u>

Ordered to be sent up.

REPORT OF A COMMITTEE.

Mr. Emery of Ward 12, from the Committee on Public Instruction, to whom was referred a request from the School Committee for further school accommodations in the Prescott School District, made a report recommending the passage of the accompanying orders.

The report was accepted and the orders were passed, as follows:

Ordered, That the Committee on Public Instruction be authorized to purchase of the East Boston Land Company 17,400 square feet of land, at a price not exceeding twenty-nine cents per foot; said lot to be used for the erection thereon of a primary schoolhouse in the Prescott District, East Boston.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$5200, to be applied for the purchase of a lot of land for a primary schoolhouse in the Prescott District, East Boston.

ORDER PASSED.

On motion of Mr. Page of Ward 9,

Ordered, That the School Committee be and they are hereby authorized to expend a sum not exceeding \$1000 for the entertainment of the National

Educational Association; said sum to be charged to the appropriation for School Expenses.

Mr. Page explained, in urging the passage of the order, that the expenditure had already been incurred.

Mr. Shepard of Ward 4 offered the following order:

Ordered, That the Standing Committee on Health on the part of the Common Council be requested to inquire whether Gallop's Island is the most suitable location for a hospital building, barn and other buildings, for the erection of which \$15,000 is required, under the order referred to the same committee.

Mr. Perkins of Ward 6 inquired whether the order was not unnecessary under the order already passed.

Mr. Shepard replied that it was designed to bring the subject of location particularly to the attention of the committee, under the order referred to them.

Mr. Pease of Ward 1 offered the following order:

Ordered, That the Water Board be directed to supply East Boston with Cochituate water on and after 1st October.

Referred to the Committee on Water.

Mr. Cunningham of Ward 2 moved a reconsideration of the vote by which the consideration of the report of the Joint Special Committee on the memorial of the Harbor Commissioners relating to the South Boston flats, was assigned to the first Thursday evening in October.

The motion was carried, and the subject was assigned to Thursday evening next, at 8½ o'clock.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPT. 2, 1872.

The regular weekly meeting of the Board of Aldermen was held at four o'clock this afternoon, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officer without pay—Christopher Rally, for Savin Hill and Dorchester avenues, and vicinity.

Constables—Phineas Bates, Francis V. Bulfinch, William Burns, Asa O. Butman, Chase Cole, Daniel B. Curtis, William G. Davics, George M. Felch, Thomas Folger, Eben F. Gay, Sylvester H. Hebard, Abraham M. Leavitt, James P. Leeds, William H. McIntosh, Samuel McIntosh, Edward F. Meeuen, Benjamin Meriam, Isaac F. Nelson, William S. Peabody, Joseph Preece, Augustus M. Rice, Edward G. Richardson, Ai Roe, Edwin B. Spinney, Francis R. Stoddard, Jeremiah M. Swett, Charles E. Turner, Leonard Wesson, John G. S. White, Abraham G. Wyman.

## PETITIONS PRESENTED AND REFERRED.

Henry D. Trask, for leave to occupy a wooden stable for two horses on a contemplated street leading from Stoughton street, Ward 16.

Suffolk Kindling Wood Company, leave to enlarge a wooden stable for four more stalls on First street, near K street.

F. O. Rogers, for permission to move a wooden stable for six horses from 435 Albany street to 124 Malden street.

B. M. Fanning and others, against the erection of a stable by William Patterson at 49 Regent street.

John E. Dawson, for leave to occupy a wooden stable for one horse at No. 60 Alpine street.

Severally referred to the Committee on Health.

Charles B. Johnston and others, that the Lawrence-street sidewalks be repaired.

Rogers Brothers and others, that F street, between First and Second streets, be paved with round stone.

John C. O'Callahan, to be compensated for damages caused by surface water on Columbus street, Ward 16.

S. B. Smith and others, that Wellington street may be graded, gutters paved, etc.

James Dowling, to be paid for grade damages on Brooks and Marion streets.

Jarvis D. Braman and others, that Brighton avenue be raised to its established grade.

J. and William R. Cavanagh, for leave to move two cannon on rollers from Foundery street to Second street.

Severally referred to the Committee on Paving, on the last mentioned with full power.

Moody Merrill and others, in favor of the appointment of William E. Hicks as an officer at the Southern District Prison. Referred to Committee on County Accounts.

David W. Foster, for removal of certain projections over the line of Shawmut avenue, near Warrenton street, or for an abatement of assessments for betterment there. Referred to the Committee on Streets.

Patrick Donnelly, to be paid for injuries done to his horse by an alleged defect in North street. Referred to the Committee on Claims.

W. A. Simmons and others, for use of Faneuil Hall September 10 for a political meeting; upon which a favorable report was made, and accepted.

Samuel G. Howe and others, that lamps be placed and lighted in Bird Lane, Ward 12.

E. C. Landers, that gas lamps be placed and lighted on Windsor street.

Severally referred to the Committee on Lamps.

A communication was received from the Union Freight Railway Company, giving notice that under the authority of their act of incorporation they have taken all and singular that portion of the tracks of the Marginal Freight Railroad Company, described as follows: Beginning at a point on Commercial street, near Battery street, thence extending over Commercial, Causeway and Haverhill streets to the tracks of the Fitchburg and Boston & Maine Railroad companies, said tracks being shown by red lines on a plan herewith filed. Ordered to be placed on file.

## CONDITION OF THE SMALLPOX HOSPITAL.

The following communication was received from the Trustees of the City Hospital:

BOSTON, August 9, 1872

To the Mayor and City Council of the City of Boston: Gentlemen—Your order of August 5, in relation to the care of smallpox patients, was duly received and has been properly observed.

The Trustees have now to report that there are no cases of smallpox or other infectious diseases under their care.

There being no purpose for which the Trustees desire the use of the large and valuable wharf property on the easterly side of Albany street, except for the storage of coal for the use of the hospital, they would respectfully suggest and recommend that all of that property, excepting only the brick stable, should be leased for business purposes, under such restrictions as may be suggested by the Trustees.

E. C. DREW,

President of Board of Trustees.

Referred to Committee on City Hospital.

## EXTENSION OF WASHINGTON STREET TO HAYMARKET SQUARE.

The following communication was received from the Street Commissioners:

BOSTON, Sept. 9, 1872.

To the Honorable City Council—The accompanying resolve and order for the extension of Washington street to Haymarket square is respectfully submitted to the Honorable Council for its concurrence therein.

The estimate of damages for the proposed extension is as follows:

The resolve and order provides specifically for the taking of the several parcels of land, and the table of estimates for land and damages gives the following figures:

Edward S. Mason, 1 to 5 Cornhill, 766 square feet of land, \$40 per foot, \$30,640; damage to buildings, owners and occupants, \$60,000—\$90,640. F. G. Tuckerman, 15 to 19 Washington street, 1674 feet of land, \$50, \$83,700; damages, \$100,000—\$183,700. S. P. Tuckerman, 9 to 13 Washington street, 1203 feet of land, \$55, \$66,165; damages, \$30,000—\$96,165. Edward Tuckerman, 1 to 7 Washington street, 935 feet, \$70, \$65,450; damages, \$25,000—\$90,550. Fifty Associates, Brattle street, 9457 feet, \$15, \$141,855 damages, \$35,000—\$176,855. The same, trustees, Brattle to Elm street, 13,777 feet, \$15, \$206,655; damages, \$15,000—\$221,655. Heirs of David Sears, Brattle street, 290 feet, \$10, \$2,900. Samuel Stillman and wife, trustees, and the heirs of Sarah Hughes, 30 to 36 Elm street, 2207 feet, \$20, \$44,140; damages, \$8500—\$52,605. Heirs of Solomon Wildes, Elm street, 124 feet, \$16, \$1,984. Heirs of Solomon Wildes, Elm to Hanover street, 7959 feet, \$16, \$127,234; damages, \$35,000—\$162,344. Heirs of Samuel Whitwell, rear 20 to 26 Elm street, 2643 feet, \$12, \$31,716; damages, \$10,000—\$41,716. Samuel Stillman and wife, trustees, etc., Elm street, 36 feet, \$20, \$720. Heirs of Solomon Wildes, Elm street, 1495 feet, \$16, \$23,920. Heirs of Thomas Capen, 105 to 109 Hanover street, 170 feet, \$30, \$5100; damages \$7500—\$12,600. James M. Beebe, 106 and 108 Hanover street, 190 feet, \$22, \$4180—damages \$7000—\$11,180. Junius A. Hatch, 112 Hanover street, 896 feet, \$20, \$17,920; damages, \$11,000—\$28,920. Thomas Higgins, 114 and 116 Hanover and Friend street, 1901 feet, \$22, \$41,822; damages, \$18,000—\$59,822. Unknown owners, Kittredge place, 10 feet. Heirs of Sewell Kendall, Hanover and Friend streets, 2106 feet, \$12, \$25,272; damages, \$12,000—\$37,272. John C. Haynes, 120 and 122 Hanover street, 102 feet, \$16, \$1,632; damages, \$1500—\$3,132. Elizabeth P. Gray, Billings court, 4901 feet, \$3 50, \$17,153 50; damages, \$9000—\$26,153 50. Edward Jordan, 77 Friend street, 123 feet, \$10, \$1,230; damages, \$1000—\$2,330. George A. P. Darling, 81 Friend street and Dupee place, 1589 feet, \$5, 7945; damages, \$3000—\$10,945. James Damon, 83 to 87 Friend street, 1412 feet, \$5, \$7060; damages, \$9000—\$16,060. George W. Berry, 89 and 91 Friend street, 320 feet, \$4, \$1,280; damages, \$3000—\$4,280. Saint Andrew's Lodge of Masons, Union street, 5867 feet, \$8, \$46,936; damages, \$30,000—\$76,936. Alpheus Hardy, trustee, Haymarket square, 974 feet, \$15, \$14,610; damages \$20,000—\$34,610. Mary E. Bird, 112 to 118 Union street, 765 feet, \$10, \$7650; damages, \$6000—\$13,650. Helena C. Meadum, 108 to 110 Union street, 25 feet, \$10, \$250; damages, \$100—\$350.

The total number of feet of land taken is 63,917, at a cost of \$1,027,229 50; value of buildings before extended, \$429,000; value after extension, \$153,400; value of materials to be cut off, \$17,600; damages to buildings, owners and occupants, \$456,600—total, \$1,483,829 50.

Referred to the Committee on Streets.



REPORT ON THE SUPPLY OF WATER TO EAST BOSTON.

Alderman Cutter laid before the Board the following communication from the Cochituate Water Board:

BOSTON, Sept. 9, 1872.

To the City Council of the City of Boston—The order recently adopted by the City Council “requesting the Cochituate Water Board to furnish Cochituate water to East Boston at the earliest practicable moment,” has been fully and carefully considered, and in connection with said order the Cochituate Water Board beg leave to submit the following considerations:

After the annexation of Roxbury and Dorchester the question of ability to supply those districts with water came up for consideration, the capacity to deliver through the conduit entering quite largely into the case.

A proposal to purchase water from the Mystic Water Board, for the supply of East Boston and the institutions at Deer Island, was made, and upon examination of the subject it was found that the districts named could be furnished by this means with an abundant supply of excellent water, at far greater head than could possibly be derived from Cochituate, which was a valuable and important consideration, whether wanted for domestic use or for fire purposes.

The plan was submitted to the City Council, and under their sanction and approval a contract was made, and the supplying of East Boston with Mystic water was commenced January 1, 1870.

One of the conditions of the contract is, that the contract shall remain in force upon the terms agreed, until the water debt of the City of Charlestown is extinguished, and it is quite clear that any breaking of the contract might render the City of Boston liable for damages.

The Mystic water has always been considered a pure water, and until quite recently complaints against the purity of Cochituate have been quite as frequent as those concerning the Mystic.

In the month of July last, the attention of the Board was especially called to the condition of the Mystic water, and the facts were immediately communicated to the Mystic Water Board, by whom action was at once taken.

They caused all their pipes in East Boston and Chelsea to be flushed out, and also drew off and examined their reservoir, after which the water was greatly improved, as far as can be seen by samples now in this office, and taken from several points before and after the cleaning out of the pipes and reservoir. Legal measures have been taken to remove all manufacturing and objectionable features from the borders of Mystic River that are liable to render the waters impure, and we submit herewith a copy of a communication recently received from the Mystic Water Board upon the subject.

During the last month samples of Mystic water were sent to Professor C. F. Chandler of New York (a prominent and experienced chemist whose name was suggested by residents of East Boston), and to Dr. A. A. Hayes, State Assayer of Massachusetts, for analysis. Copies of their reports are herewith transmitted, giving opinions very favorable to the purity of the water.

In the discussion of this subject, it will naturally be argued that the city of Boston has now a large and abundant supply of its own, and therefore no further need to purchase water from Charlestown at a large annual expense, and it is perhaps quite proper to submit a few considerations upon this point.

By a recent act of the Legislature the city was authorized to increase their water supply by the taking of Sudbury River. As yet this supply is only available to fill up Lake Cochituate. To give full force to the immense benefit which will accrue from this new source of supply it is necessary to build a new and independent line of conduit, of liberal dimensions, from Sudbury River to Chestnut-Hill Reservoir, establishing gates near Lake Cochituate by which means the lake can be filled up if it should fall below the proper level.

Competent engineers are now engaged in surveying to determine the most desirable route for such conduit, and the result of their labors will soon be laid before you. The building of such a conduit and getting it into operation will require considerable time, perhaps even three or four years.

The amount of Cochituate water now used is far greater than was contemplated when the present conduit was built, and the strain upon it (especially in cold weather, when many citizens run much water to waste to prevent freezing) is very great,

and the Board is decidedly opposed to increasing the pressure, rendering breakage of the conduit imminent, with a possibility of shutting off the entire supply for the city.

In view of the reports of the Assayer, the active measures taken and being taken by the city of Charlestown, and the present improved condition of the Mystic water, the Cochituate Water Board is led to believe that the late appearance of the Mystic water delivered in East Boston arose from temporary and accidental causes which will not be likely to occur again, and that it would be unwise and injudicious to break the existing contract with the city of Charlestown in order to substitute the Cochituate water for the Mystic water at East Boston, and incur any damage that might result to the city of Boston. Respectfully submitted,

CHARLES ALLEN,  
ALEXANDER WADSWORTH,

Committee of Cochituate Water Board.

Alderman Jenks moved that the communication be laid on the table and ordered to be printed.

The motion was amended, on motion of Alderman Woolley, to include the printing of the contract for the supply of East Boston with Mystic water, and as amended was adopted.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay W. E. Woodward \$740 70, for land damages on Stoughton street.

Order to pay Ellen F. Cilley \$6000, for Stoughton, street land damages.

Order to lay sidewalk with brick on Second street, at corner of Dorchester street.

Order to furnish edgestones and lay brick sidewalk on southerly side of Fifth street, east of G street.

Order to furnish edgestones and lay brick sidewalk on westerly side of O street, between Broadway and Fourth street.

Order to lay brick sidewalk at 751 Broadway.

Order to furnish and set edgestones on East street, Ward 16.

The order that from and after the first day of January, 1873, the East Boston Ferries shall be free to foot travel, on motion of Alderman Poland was referred to the Committee on Ferries.

ELECTION OF SUPERINTENDENT OF GRANITE BRIDGE.

The special assignment, the election of Superintendent of Granite Bridge to fill a vacancy of an unexpired term caused by the resignation of Benjamin S. Hawes, was taken up. The result of the ballot was as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Albert O. Hawes.....	11
E. W. James.....	1

Mr. Hawes was declared to be elected.

PAPERS FROM THE COMMON COUNCIL.

The petitions of S. N. Stoekwell and others, F. W. Pitcher and others, and of Dexter Humphreys and others, were severally referred, in concurrence.

The monthly exhibit of the Auditor was ordered to be placed on file.

An order for the Cochituate Water Board to supply East Boston with Cochituate water was referred to the Committee on Water, in concurrence.

The following orders were severally passed, in concurrence:

Order authorizing the School Committee to expend a sum not exceeding \$1000 for entertainment of the National Education Association.

Orders for the purchase of a lot of land on the corner of Warren and Quincy streets, containing 4200 feet, at not exceeding \$1 47½ per foot, and the erection thereon of an engine house, at a cost for land and buildings of \$20,000; and for a transfer of said amount from the Reserved Fund to pay therefor.

The report and order for purchase of 17,400 feet of land of the East Boston Company, at a price not exceeding twenty-nine cents per foot, for a primary schoolhouse, and for a loan of \$5200 to pay for the same, were considered.

On motion of Alderman Rieker, it was amended to make the amount of the loan \$6000, to correspond with the bonds issued for such loans; and subsequently, on motion of Alderman Jenks, under a reconsideration, an amendment was adopted, as follows: “That the Auditor be authorized to transfer from the Reserved Fund” the sum of \$5200 to pay for the same.”

As amended the order was passed.



## HEARING ON PETITION FOR CHANGE OF TRACKS OF METROPOLITAN RAILROAD.

The petition of Highland Railway Company for change in position of the tracks of the Metropolitan Railroad on Washington and Warren streets, Ward 14, was heard, by special assignment.

Thomas W. Clarke appeared for petitioners, and made a statement in relation thereto, that the tracks in question near Montrose avenue were so situated that the laying of another track would obstruct the street; but by removal of the tracks in question, there need be no such obstruction. To show the proposed change in the tracks, plans were submitted.

Henry W. Muzzey, for the Metropolitan Railroad Company, said it would not perhaps be questioned that the change of tracks should be made; but as it was not for their benefit, the change should not be made at their expense. They would like to be heard on the subject before the Committee on Paving, as it was understood no objection would be made to a recomittal.

On motion of Alderman Power, the subject was recommitted, with full powers, to the committee.

## HEARING ON THE ERECTION OF A STABLE BY THE METROPOLITAN RAILROAD COMPANY ON SHAWMUT AVENUE.

The continuation of hearing on subject of erection of a brick stable by Metropolitan Railroad Company on Shawmut avenue, Guild and Bartlett streets, for one hundred cars and six hundred horses, was resumed by special assignment.

John Felt Osgood was the first witness called by Mr. Keith, counsel for remonstrants.

Mr. Osgood stated that he resided on Guild street, where he had two acres of land, and had resided there fourteen years. He had several reasons for remonstrating against the location of a stable there, which he proceeded to read at considerable length.

These reasons were, in brief, that the respectable character of the neighborhood would be injured thereby; that it was undesirable; that it would not be consistent with good morals to locate a stable there, with the necessary adjuncts of a rough class of attendants; that it would be granting extraordinary privileges, such as are not granted in other large cities in the location of stables of railroad companies, such stables being located at the end of routes; and that it would be injurious in a sanitary point of view from the offensive odors, the top of a chimney as proposed to be carried up just high enough to be offensive to the residents on the high land above. The opinions of many eminent men as to the injurious effects of carbonic-acid gas were cited in this connection.

Mr. Osgood was familiar with the stables of the Metropolitan Railroad Company on Washington street and on Egliston square, and believed that the accommodations required could be better obtained in those localities. There were four lines of cars, not including that of the new corporation, and he knew of no necessity for a stable at this point, when they could be accommodated on their routes. He had not known of any petition in favor of the measure by residents, while they were all opposed to it.

Mr. Osgood stated that his land was sixty-seven feet higher than the location for the stable; the neighborhood was the finest for first-class houses; St. James and Kenilworth streets were much elevated, while this locality was a basin; he was familiar with the drain in Bartlett street, which was not sufficient for the present buildings, and should a stable be built there a new sewer will be needed.

John J. Clarke, residing on Kenilworth street, adjoining the church, was of opinion that the sills of his house were in height about twenty feet above the locality of the stable; he had resided there thirty-five years; he believed it would be contrary to public policy to erect so large a stable at this point; it would change the character of the neighborhood, and he supposed, from what he had heard, that many persons would sell their property and remove away; he could not say what effect it would have upon him; from what he could hear, he understood the greatest injury to him would be the establishment of a beer garden on a portion of the land; it would be a serious affair to the schools in the location of a stable there, both to the obstruction of the children and to their good morals.

In relation to drainage, he had noticed recently that a large amount of water ran down the street, showing, as he believed, insufficient drainage. Under the law regulating the location of stables, he supposed it was considered to be a nuisance to have stables for more than four horses in the

vicinity of dwellings. In the belief that additional accommodations could be had in connection with their other stables, he could see no necessity for the erection of a stable in another place. The use of the land adjoining the Washington-street stable could not be so objectionable for a stable as elsewhere, and he did not know that there was any objection to it.

In answer to Mr. Muzzey, Mr. Clark said he had not examined the plans for the car house and stables. On looking at them, he said he had understood that the buildings were to be of brick and to be handsome, but he did not see that they would effect his judgment as he had already given it. He did not say that the sewerage was defective in running from Dudley street, but it appeared so. In relation to Egliston square there was a great amount of building there, while there had been but little building in the location of the proposed stable for twenty years.

To Mr. Keith—There has been but little property in this neighborhood for sale within many years, most of it having been held in a few hands.

Horace H. Moses, engineer, was familiar with the locality of the Washington-street stable and with Harrison avenue, in the rear, which was about a foot and a half lower in grade than Washington street; the distance was about 575 feet, and there would be no difficulty in extending the stable to Harrison avenue; the drainage would not be so difficult on Washington street as at Shawmut avenue, as proposed for the new stable.

General William Raymond Lee, senior warden of St. James Church, was decidedly of opinion that the stable with its accompaniments would be injurious to that church.

To Mr. Muzzey—Did not know that the car house was to be on Shawmut avenue, which would hide the stables from view.

George Washington Warren, acting for the Hollingsworth estate, believed that the present owners would not have purchased the estate had they known that a stable would be located there. The injury would not be less than \$15,000. The front of the mansion was some six hundred feet from the line of the stable estate, and the land was sixty to seventy feet higher. The stable would be unsightly and offensive, and the high chimney an additional deformity.

Rev. Solon W. Bush had resided on Lambert and Norfolk streets for several years. His belief was that this was the most extraordinary application he had ever known, and it was objected to by every resident in the neighborhood. There was no necessity for such a stable there, it would be a nuisance for several reasons, it would obstruct the schools, be objectionable to the people going to church, an interference to the extension of St. James street, and also objectionable in view of the improvement in the widening of Norfolk street.

To Mr. Muzzey—The widening of Norfolk street has not been carried out, but he could not doubt that it would be, there being little but a matter of form in action on the subject: there had been no stoppage in the erection of buildings which had been commenced in that vicinity, all of which, however, were nearly completed. He did not mean to say that every person in the neighborhood was opposed to the location of a stable there, but all who appeared here were so opposed.

G. P. King concurred generally with other witnesses as to the effect which the location of a stable would have upon the neighborhood, now desirable for first-class residences, which would be spoiled for such residences.

B. D. Washburn, a resident of Lambert avenue, said he was about to build in the neighborhood, but he believed his prospect would be injured by the proposed buildings; he agreed generally in the testimony of others as to the injurious effects the erection of stables would have upon property in the neighborhood.

Thomas J. Dunbar, a resident of the Highlands, below where it is proposed to erect the stables, and the owner of a large amount of property, believed a stable would much injure the property in that locality, and he could see no necessity for it. In the case of the extension of Shawmut avenue, as proposed, the property in that neighborhood would probably be used for business purposes. The establishment of the new line of cars and the increase of cars on the old line, was likely now to discommode the people more than they had heretofore been discommoded in the lack of accommodations. His property, he believed would be injured to an amount not less than \$10,000.

John J. Soren, a resident of the Highlands for forty years, believed that if Mr. Dunbar was in-



jured he would be likely to be injured, for his property adjoined that of Mr. Dunbar. He concurred generally in the views of the other witnesses.

To Mr. Muzzey—While property might be injured by the location of a stable, it could not be determined to what extent that injury might be, for the property might be valuable for other purposes.

Benjamin Leeds, for estate 88 Lambert avenue, believed his property would be materially injured by the stable, and he concurred generally in the statements of other witnesses.

Mr. Keith, for remonstrants, said he would rest their case here, not wishing to call any more witnesses, unless it should be called for by witnesses for petitioners.

On motion of Alderman Jenks, the further consideration of the subject was assigned to Monday next at four o'clock, one witness being heard in rebuttal by petitioners, as follows, who would be unable to be present at that time:

James Guild, a resident on Shawmut avenue, just above the proposed stable property, testified that the family owned more property than they had sold; they sold the land to the railroad company, and did not believe that the sale would injure the property in the neighborhood; he believed the land would be valuable for business purposes.

To Mr. Keith—He did not believe that the high ground would be injured; but he thought the low ground could be improved for business purposes, and that it would all be so improved within a few years; he could not say what kind of business, but believed all kinds of business would be drawn there.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Burnham & Watson, as auctioneers, and to sundry persons as victuallers, dealers in second-hand articles, to keep an intelligence office; for a hack stand, wagon licenses, and for transfer of wagon licenses. Severally accepted.

The same committee reported leave to withdraw on petitions for victuallers' licenses, as follows: David Shannon, 775 Washington street; E. Reddell & Co., 30 Cambridge street; Solomon M. Hyams, 175 Hanover street; Parsons & Carver, 26 Lowell street; Michael Sheerin, 194 Fourth street; Thomas Skelty, 22 Cabot street; William Steehr, 171 Washington street; Patrick F. Shevlin, 185 Dorchester street; Joseph H. Qualter, 19 Howard street. Severally accepted.

Alderman Fairbanks, from the Committee on Licenses, to whom were referred the applications of S. Anderson and of many other parties for leave to carry on dance halls in this city, or to give musical entertainments in connection with which ale, beer or intoxicating liquors are sold or given away, made a report that they have given a full consideration to the subject, and state that dance halls and concert saloons to which *no admission* fee is charged, do *not* come within the control of this Board, and that dance halls and concert saloons to which an admission fee *is* charged and where intoxicating liquors, or ale or beer are sold, *ought not* to be licensed. Therefore, in either case, it is inexpedient for this Board to grant such licenses. Accepted.

Alderman Fairbanks, from the Committee on Faneuil Hall Market, reported in favor of a transfer of the lease of Ira A. Nay, in Stall No. 8 Faneuil Hall Market to N. & G. D. Chamberlain. Accepted.

Alderman Rieker, from the Committee on Health, reported in favor of stables, as follows: P. P. Hildreth to occupy a wooden stable for one horse on Exchange street, near Harrison Square; Samuel N. Ufford to occupy a wooden stable for two horses on Norfolk street, near Forest Hills street. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw on the petition of the heirs of S. S. Trask, for an abatement of a sewer assessment on Glenwood street. Accepted.

Alderman Cutter from the Committee on Paving, reported leave to withdraw on petition of Mary Oliver, to be paid for grade damages on Athens street. Accepted.

LOCATION FOR A SMALLPOX HOSPITAL.

Alderman Jenks, from the Committee on City Hospital, on the part of this Board, and the Committee on Health, to whom was referred the petition of Nathaniel Cummings and others, for an investigation in regard to the management of the Smallpox Hospital, on Albany street, in this city,

having heard the petitioners and duly considered the subject, submitted the following report in print:

The building which has for several years past been used for the reception of smallpox and other infectious diseases sufficiently accommodated all who desired to go there and pay their board. In February last, owing to a want of proper means of transportation to the island, non-paying patients were admitted to the hospital on Albany street, and it was soon found that there was not sufficient room to meet the wants of the city, and the committee then made arrangements with the Directors for Public Institutions for the use of the steamer Henry Morrison to convey all the convalescents to Gallop's Island until such time as the new health boat Samuel Little should be finished. A number were immediately removed, and it was understood thereafter that all persons attacked with smallpox, if in a proper condition, should be sent to Gallop's Island instead of the City Hospital, but this plan was not carried out. In consequence, the building on Albany street has not been of sufficient capacity to accommodate all the patients who were sent there.

In one of the hearings, the attending physician testified that the hospital could comfortably accommodate thirty patients, but that they had been crowded in to the number of forty-eight. In the testimony taken at the hearings before the committee, an abstract of which is appended hereto, the charges relative to the food and care received by the patients have not been sustained. It appears that good food in sufficient quantity was furnished, and that the patients received proper care, and that the cases of apparent neglect resulted from the crowded state of the hospital and the difficulty of obtaining attendants, rather than from carelessness of those in charge. The committee are of opinion that there was an insufficient number of nurses employed, but for the rule that the non-paying patients were expected to render whatever aid they were able and might be called on to perform, under the rules of the hospital.

They also find that one of the water closets was out of repair, and remained so for some days; not through any fault of those in charge, however, but really owing to the fact that no person could be found who would enter the premises and perform the necessary labor to remedy the defect, from fear of the disease. They are of opinion that the building is no longer adequate to meet the wants of the city, and that the location is not a proper one for a smallpox hospital. With a view of ascertaining whether there was an available site for a smallpox hospital within the city limits, the committee advertised very extensively for such a lot, and but three were offered for their consideration. With regard to these lots it is sufficient to say the committee unanimously decided they were unsuitable and unavailable, one being in South Boston and the other two in Dorchester.

In view of these facts, the committee would recommend the erection of a suitable building at Gallop's Island for the accommodation of those affected with smallpox and other contagious diseases, and also the erection of a building in the city, as soon as a proper location can be secured, to receive those too sick to be removed to the island; and they recommend that all persons affected with smallpox and other contagious diseases be sent to the Quarantine Hospital until a suitable building is provided for their reception.

The report was signed by Aldermen Jenks, Clark, Little, Rieker and Sayward.

Read and accepted.

ORDERS PASSED.

On motion of Alderman Power,  
Ordered, That the Board of Street Commissioners be requested to furnish the City Council with estimates of the probable cost of widening School street to a width not less than sixty feet upon the northerly side; and of extending said street sixty feet wide to Devonshire street.

On motion of Alderman Cutter,  
Ordered, That there be paid to John W. Butland the sum of \$150 in full compensation for all damages caused to his estate on Paris street, by the raising of the grade of said street, as ordered by the Board of Aldermen, May 14, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to John Ryan the sum of \$200, in full compensation for all damages caused to his estate on Paris street, between Marion street and Brooks street, by the raising of the grade of said street, as ordered by the Board



of Aldermen May 14, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to George F. Weller the sum of \$150, in full compensation for all damages caused to his estate on Emerson street, by the raising of the grade of said street, as ordered by the Board of Aldermen, Nov. 4, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to John Lynch the sum of \$150 in full compensation for all damages caused to his estate on Emerson street by the raising of the grade of said street, as ordered by the Board of Aldermen Nov. 4, 1871, upon the usual conditions, to be charged to the appropriation for Paving.

Ordered, That there be paid to George H. Colby the sum of \$150, in full compensation for all damages caused to his estate on Emerson street by the raising of the grade of said street, as ordered by the Board of Aldermen, November 4, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to Michael Gleason the sum of \$150, in full compensation for all damages caused to his estate on Emerson street by the raising of the grade of said street, as ordered by the Board of Alderman, November 4, 1871, upon the usual conditions; to be charged to the appropriation for Paving.

On motion of Alderman Clark,

Ordered, That there be paid to Flora A. Sawyer the sum of \$100, for land taken in the name of Jesse Holbrook, and all damages occasioned by the widening of Stoughton street, by a resolve of the Board of Street Commissioners, September 1, 1871, upon the usual conditions; to be charged to the appropriation for widening Dudley and Other Streets.

On motion of Alderman Ricker.

Ordered, That the Superintendent of Health be and he is hereby directed to cause a nuisance on Brooks street, on premises of John Berry, caused by stagnant water, to be abated in such manner as he shall deem expedient, at the expense of said party, who, having been duly notified by him, has neglected to abate said nuisance.

On motion of Alderman Fairbanks,

Ordered, That \$37 57 assessed upon Thomas Sheen for a sewer in Bennington street, be abated, and the same amount assessed upon Charles McIntyre; that \$16 56, assessed upon Thomas Merritt, for a sewer in Vinton street be abated, and the same amount assessed upon W. Russell Holton; that \$21 98, assessed upon William Glennan for a sewer in Prentiss street be abated, and assessed upon Ruth H. Thompson.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Lanrel street, and report a schedule of the expense thereof to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Seventh street, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in West Eagle and Meridian streets, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Otis place, and report a schedule of the expense to this Board.

On motion of Alderman Sayward,

Ordered, That the Committee on Public Buildings on the part of the Board of Aldermen be and they are hereby authorized to make such repairs as may be necessary and provide such furniture as may be requisite for the Court House; also to furnish the new addition to the Probate and Registry of Deeds Building with steam heating apparatus and provide furniture for the same, at an estimated cost of \$10,000; to be charged to the county of Suffolk.

Ordered, That the Port Physician or his Assistant be and they are hereby directed to notify the Board of State Charities whenever any smallpox patients chargeable to the Commonwealth shall be placed under the charge of such physicians at quarantine.

Alderman Jenks subsequently inquired whether the Board of State Charities were not always notified relative to State paupers sent to the island.

Alderman Ricker replied that he did not know, and thought that they were not in cases of this kind.

Alderman Jenks said he did not know how their support was to be paid for if such notification was not given.

Alderman Sayward stated that since the quarantine island had been in charge of the Committee on Health, it was their duty to give the notice, but the secretary of the Board of State Charities does not take notice of it, and this was designed to remedy it.

Alderman Little believed there would be no difficulty under this order, which was proposed with the advice of the City Solicitor. The Board of Directors believed they were relieved from the duty of giving notice since the island passed from their charge. So far no patients had escaped from being subject to State charge when liable to support by the State.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, orders to pay W. E. Woodward \$10,000 for grade damages on Howard avenue; to pave Bromfield street with small granite blocks, at an estimated expense of \$5500; to allow Kidder, Vaughan & Co. to lay pipes under Curtis and Chelsea streets; to pay Jacob N. Goodnough \$800 for grade damages on Emerson street; to pay Hugh Green \$1000 for grade damages on Ontario street; to pave Causeway street with small granite blocks from Leverett street to the Boston & Maine Railroad, at an expense of \$25,000; to lay sidewalks on Atheus street and pave the street, at an expense of \$4300; for the removal of obstructions on K street, and for opening K street for public travel and paving said street.

#### ORDERS OF NOTICE.

On the proposed construction of sewers in Palmer street, near Washington street; in Sherman street, between Dale and Ottawa streets; in Third street, between L and M streets; in Dorchester street, between Adams and Commercial streets; Commercial street, between Dorchester avenue and Shamrock street, and in Shamrock street. Hearings severally on Monday next, four o'clock.

Alderman Ricker moved to reconsider the vote revoking for cause the victuallers' licenses granted to John Cullen, 179 North street, William Trant, 187 North street, John Campbell, 89 Richmond street, and John S. Smith, 255 Hanover street, and on a further motion the motion to reconsider was laid on the table.

Adjourned.











## CITY OF BOSTON.

Proceedings of the Common Council,  
SEPT. 12, 1872.

The regular weekly meeting of the Common Council was held this evening at half-past seven o'clock, M. F. Dickinson, Jr., President, in the chair.

On motion of Mr. Thacher of Ward 15, the roll was call, when the following-named members answered to their names:

Bickford, Blackmar, Bradt, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Cunningham, Darrow, Davenport, Devine, Dickinson, Emery, Fitzgerald, Flynn, Hart, Heath, Hersey, Jones, Kingsley, Lamb, Locke, Loring, Page, Perkins, Pickering, Prescott, Robbins, Robertson, Thacher, Walker, West, Weston, Whiston, Wilbur.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petition of Patrick Donnelly was referred, in concurrence.

The following matters were referred, in concurrence:

Reference to the Committee on the City Hospital of a communication from the Trustees of said Hospital on the condition of the Smallpox Hospital, etc.

Reference to the Committee on Ferries of an order, that from and after the 1st of January, 1873, the East Boston Ferries shall be free to foot travel.

Reference to the Committee on Streets of a resolve and order from the Street Commissioners, for the extension of Washington street to Haymarket square. (City Doc. 87, 1872.)

The order authorizing the Court House to be repaired, furniture to be provided therefor, and heating apparatus and furniture to be provided for the new addition to the Probate and Registry of Deeds' Building, at an estimated cost of \$10,000, was read once.

The following orders were severally passed, in concurrence:

Order requesting the Board of Street Commissioners to furnish estimates of the probable cost of widening School street to not less than sixty feet on the northeasterly side, and of extending said street sixty feet wide to Devonshire street.

Report and order for purchase of 17,400 feet of land of the East Boston Company, at a price not exceeding twenty-nine cents per foot, for a primary schoolhouse, and for a loan of \$5200 to pay for the same, with an amendment that said amount be transferred from the Reserved Fund instead of a loan being made therefor.

## SUPERINTENDENT OF GRANITE BRIDGE.

The certificate of the election of Albert O. Hawes as Superintendent of Granite Bridge, in place of B. S. Hawes, resigned, was read, when the Council proceeded to an election, Messrs. Clatur of Ward 4, Hart of Ward 12 and Caton of Ward 11 acting as a committee to receive and count the votes. Mr. Hawes was elected, in concurrence, by a vote of 37 to 1 for E. W. James.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay the Superintendent of Faneuil Hall \$25 for extra services.

Order authorizing \$497 to be expended for repairs on the Public Garden greenhouse.

Order that the bill of E. P. Dodge & Co., of \$116 67, be allowed and paid, for rent of rooms No. 6 Tremont row, formerly occupied for the Ninth Regiment headquarters, said sum being in addition to the amount allowed to be paid annually for the present headquarters.

## PETITIONS PRESENTED AND REFERRED.

John Brown, Samuel Talbot and twenty-two others, and John D. Barnard and forty-seven others, severally, for the widening of Lyman street. Referred to the Committee on Streets.

J. L. Walsh, administrator of the estate of Thomas Geney, to be paid for damages in causing the death of said Geney, by the falling upon him of a chimney from Park-street Church in June last. Referred to the Committee on Claims.

## ORDER FROM THE SCHOOL COMMITTEE.

The following order from the School Committee was referred to the Committee on Public Instruction:

Ordered, That the City Council be requested to provide some suitable building in which to locate the Normal School established by vote of the Board.

## REPORT ON SMALLPOX HOSPITAL.

Mr. Webster of Ward 6, from the Standing Committee on Health of the Common Council, to whom were referred the orders authorizing the appropriation of \$15,000 for the erection of a smallpox hospital, barn and other buildings at Gallop's Island, and who were requested to ascertain whether Gallop's Island is the most suitable place for said hospital, having considered the subject made a report as follows:

The question of providing a location for a smallpox hospital has become a very serious one. It has been before a committee of the Aldermen, who have submitted a report, in which they recommend placing the hospital on Gallop's Island. Although there are objections that might be urged against this location, on account of the exposure attending the transportation of patients from the city to the island, yet in the emergency in which the city is placed, it is absolutely necessary that further provision should be immediately made for the reception and care of patients having smallpox or other contagious diseases.

The building on Allany street is insufficient to accommodate more than thirty patients, and is not properly situated, being in a thickly inhabited neighborhood, where the spread of the disease by infection is reasonably apprehended. No location has yet presented itself that is suitable or available, and the committee are convinced that wherever the hospital may be placed, it cannot be done without encountering much violent opposition. If hereafter a smallpox hospital should be built in the city for the accommodation of all city patients, there would still be a necessity for the new buildings proposed at Gallop's Island, in order to allow of the classification of quarantinc patients whereby the different kinds of infectious diseases may be separately treated.

The committee would therefore respectfully recommend the passage of the orders referred to them, and would also express the opinion that there should be no delay in building a smallpox hospital in some place more easy of access, as soon as a proper location can be secured.

The question being on the disposition of the report, Mr. Flynn of Ward 7 said he understood that one member of the committee dissented and proposed to make a minority report, and as he was not present he hoped the report of the committee would be laid on the table.

Mr. Webster stated that one gentleman dissented from the report of the committee, and as he was not present, he should be glad to have the minority report printed with that of the majority.

The report was laid on the table and ordered to be printed, including the printing of the minority report.

## REPORT ON THE DODD BEQUEST.

Mr. Emery of Ward 10, from the Committee on Public Instruction, to whom was referred the communication of his Honor the Mayor to the City Council, transmitting the bequest of the late Hannah M. Dodd, for the benefit of the Girls' High School, and recommending the acceptance of the same, on a consideration of the question, make a report that in their opinion this is a matter upon which the sense of the School Board should be obtained, inasmuch as the above-mentioned bequest is "for the purpose of procuring gold and silver medals" for "the most distinguished graduates of the Girls' High School."

They therefore recommend that the communication be referred to the School Board for their consideration, and that they be requested to communicate to the City Council their views as to the advisability of accepting the bequest.

The report was accepted.

On motion of Mr. Burditt of Ward 16, the semi-annual report of the Inspector of Buildings was taken from the table and ordered to be sent up.

## REPORT ON SOUTH BOSTON FLATS.

Mr. Flynn of Ward 7 moved a reconsideration of the assignment to 8½ o'clock of the report and order on the memorial of the Harbor Commissioners relating to the South Boston Flats, with the addition to the indenture, therein referred to (City Doc. No. 75, 1872), it being now but eight o'clock.

Should the motion prevail, he said he should move a further reference to Thursday evening next.

The Chair stated that the motion would hardly be in order, no notice having been given of a reconsideration.

Mr. Perkins of Ward 6 raised the question

whether, should the matter not be reached, it would not come up as unfinished business at the next meeting of the Council.

The Chair stated that it would.

Mr. Flynn withdrew his motion.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPT. 16, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

## JURORS DRAWN.

Thirty-two traverse jurors were drawn for the Superior Court, first session.

## APPOINTMENTS MADE AND CONFIRMED.

Undertaker—John Feeny.

Police Officers, without pay—Israel Simpson, for John A. Andrew Hall; Edward R. Church, for Water and Taylor streets and vicinity, Ward 16; Silas B. Hollis and Ellery T. Knowles, for Norway Iron Works, Dorchester avenue.

## PETITIONS PRESENTED AND REFERRED.

S. H. Russell and others, that Doane street be paved with wood.

E. Howard & Co., for leave to place a post in the sidewalk of 114 Tremont street for the support of a clock to be placed by them thereon.

James Laffey and others, that gutters be laid in Mindoro street.

Felix Meegan, to be paid for grade damages on Bennington street.

Michael J. Ryder, to be paid for grade damages at 570 Broadway.

M. A. M. Newell, to be paid for grade damages on Circuit street.

Charles W. Eaton and Ferdinand Herman, severally to be paid for grade damages on Circuit street.

Michael J. Ryder and others, that D street, from First to Third street, be paved.

Severally referred to the Committee on Paving.

William J. Stevens, for leave to occupy a wooden stable for nine horses on a proposed street rear of Ward street.

Charles H. Leach, for leave to occupy a wooden stable for six horses on the marsh near Mount Vernon street and the Old Colony Railroad.

Albert Hutchings, for leave to erect two stables with four stalls each at No. 292 Harrison avenue.

G. N. Armstrong, for leave to occupy a wooden stable for one horse in rear of 1043 Washington street.

Patrik H. Barry, for leave to occupy a wooden stable for two horses on Chelsea street, No. 365.

Hilton & Grover, for leave to occupy a wooden stable for twelve horses on Athens street, between F and Dorchester streets.

William Donaldson, for leave to occupy a stable for two horses on Wabon street, near Warren street.

Thomas C. Rostarrick and others, against the erection of a stable by John E. Davidson at 60 Alpine street.

Severally referred to the Committee on Health.

J. T. Clark and one hundred and twenty-three others, against the proposed extension of Washington street to Haymarket square.

William Solier and others, trustees, for increase in amount of damages awarded for the widening of Federal street.

Severally referred to the Committee on Streets.

S. S. Rowe, for the rebuilding and extension of sewer in rear of 46 Brookline street, for the abatement of a nuisance. Referred to the Committee on Sewers.

Danforth C. Hodges and others, that Perrin street be lighted between Moreland and Waverley streets.

Walter H. French and others, for restoration of gas lamp on Gore avenue.

Severally referred to the Committee on Lamps.

Lyman Locke, to be paid for injuries sustained by himself and property by an alleged obstruction in Pleasant street. Referred to the Committee on Claims.

Thankful Chandler, to be heard in relation to reconveyance of her estate No. 13 Cherry street. Referred to Committee on Suffolk-street District.

B. F. Horn, for a deed of certain land in Chester park. Referred to the Committee on Public Lands.

Joseph L. Ross, for leave to erect a furnace for smelting iron on the Trull estate on Chardon street. Referred to the Committee on Steam Engines, etc.

S. B. Stebbins and others, for the use of Faneuil

Hall, November 5, for a political meeting. Referred to the Committee on Faneuil Hall.

A communication was received from the School Committee proposing a convention with that board on Tuesday, 24th of September, at half-past seven o'clock, for the purpose of filling vacancies in said committee, caused by death and resignations. The proposition was concurred in.

## EXTENSION OF WILLIAMS STREET.

A communication was received from the Street Commissioners, with a resolve and order providing for the extension of Williams street. The resolve and order, providing for the taking of land, is accompanied by an estimate of the cost as follows:

Linus B. Comins, 11,902 feet of land, 80 cents per foot, \$9521 60; damages to buildings, etc., \$1700—\$11,221. Unknown owners, passageway, 3516 feet, at no expense. George W. Meserve, 3410 feet, \$1 75, \$5967 50. The total gives 18,828 feet of land taken at a cost of \$15,489 10; damages \$1700—total cost, \$17,189 10.

Referred to the Committee on Streets.

## WIDENING OF WARREN STREET.

A communication was received from the Street Commissioners, with a resolve and order providing for the widening of Warren street from Dudley to Washington street. The resolve and order for the taking of land is accompanied by an estimate of damages, as follows:

City of Boston, engine house, 895 feet of land, \$5 per foot, \$4475; damages, \$12,000—\$16,475. George E. W. Reed, 52 to 56 Warren street, 771 feet of land, \$3, \$2313; damages, \$3000—\$5313. Daniel A. Sigourney, 50 Warren street, 2469 feet, \$3, \$7407; damages, \$8000—\$15,470. Margaret Williams, 32 to 40 Warren street, 1724 feet, \$3, \$5172; damages, \$8000—\$13,172. Mrs. Lucy Morse, 30 Warren street, 586 feet, \$3, \$1758; damages, \$2500—\$4258. Heirs of George H. Williams, 28 Warren street, 566 feet, \$3, \$1698; damages, \$2500—\$4198. William Dove, corner of Tabor street, 789 feet, \$3 50, \$2761 50; damages, \$3000—\$5761. Heirs of Josiah Richardson, corner of Tabor street, 2116 feet, \$4, \$8464; damages, \$10,000—\$18,464. Henry C. Richards, corner of Palmer street, 1268 feet, \$5, \$6340; damages, \$7000—\$13,340. John F. Newton, Washington street, 50 feet, \$6, \$300; damages, \$300—\$600. The total number of feet of land taken is 11,234, at a cost of \$40,688 50; damages, \$56,300. Total cost, \$96,988 50.

Referred to the Committee on Streets.

## HEARINGS ON ORDERS OF NOTICE.

The several hearings on the proposed construction of sewers in Palmer street, in Sherman street between Dale and Ottawa streets, in Dorchester avenue and Commercial street, and in Third street between L and M streets, were taken up. No person appeared in either case, and the several reports were recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to allow Kidder, Vaughan & Co. to lay down an iron pipe under Curtis and Chelsea streets from the Grand Junction Railroad to a lot on Curtis street, upon certain conditions.

Orders to grade K street, north of First street, and for the removal of all obstructions thereon.

Report and orders for purchase of 14,788 feet of land of the Old Colony Railroad Company, between Adams street and Dorchester avenue, at fifty cents per foot, as a site for Police Station Eleven, and for a transfer from the Reserved Fund of \$7500 to meet the said expense.

Order to pay W. E. Woodward \$10,000, for grade damages on Howard avenue.

Order to set edgestones and lay brick sidewalk on Athens street, between E and F streets.

Order to pay Hugh Green \$1000, for grade damages on Ontario street.

Order to pave Bromfield street with small granite blocks, at a cost of \$5500.

Order to pave Causeway street, between Leverett street and the Boston & Maine Railroad, with small granite blocks, at a cost of \$25,000.

Order to pay Jacob N. Goodnough \$800, for grade damages on Emerson street.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of John P. Barnard and others, John Brown and others, and J. L. Walsh, administrator, were severally referred, in concurrence.

The semi-annual report of the Inspector of Buildings (City Doc. 77) was ordered to be placed on file.

The request of School Committee that a suitable building be provided for the accommodation of



the Normal School was referred to the Committee on Public Instruction, in concurrence.

The report of Committee on Public Instruction that the subject of the recent bequest of H. M. Dodd to this city to provide medals for the Girls' High School be referred to the School Committee for consideration, was accepted, in concurrence.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Arthur Cheney, for the Globe Theatre; R. M. Field, for Boston Museum the present season; James D. Bahee, for theatrical entertainment at 586 Washington street, provided no ale, beer, lager bier nor any intoxicating liquor be sold on the premises; W. A. Miller and Jacob K. Lunt, as auctioneers; also to three bootblacks and thirteen newsboys; and to sundry persons to keep billiard saloons, as victuallers, to keep intelligence offices, for wagon stands, for transfer of a wagon license, and as pawnbrokers and dealers in second-hand articles. Severally accepted.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw severally on petition of George H. Philbrook and others that the sidewalk of Faneuil-Hall square, in rear of Faneuil Hall, may be widened; of Cornelius Cronan, for grade damages on Havre street; Henry Hughes, for grade damages on Paris street; Martin Fitzgerald, for grade damages on Havre street; James Downing, for grade damages on Chelsea street, between Brooks and Marion streets. Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of petitions for stables, as follows: Henry D. Trask, to occupy a wooden stable for two horses on a contemplated street leading from Stoughton street, Ward 16; S. C. Field & Co., to occupy a wooden stable for twelve horses on Ninth street, near Old Harbor street; Suffolk Kindling Wood Company, to enlarge their stable for four horses on First street, near K street. Severally accepted.

Alderman Fairbanks, from the Committee on the Market, reported in favor of a transfer, by Stacy Hall, administrator, of the interest of Joshua S. Bragdon, deceased, in stalls Nos. 93 and 95 and cellar 17 Faneuil-Hall Market, to Lewis C. Ricker. Accepted.

Alderman Jenks, from the Committee on Claims, reported leave to withdraw severally on the petitions of George B. Emerson, to be paid for injuries to his horse and carriage on account of an alleged defect in Bremen street; of Catherine Ballantine, to be compensated for personal injuries received from a fall on account of an alleged defect in Adams place, Ward 14; M. A. King, to be paid for injuries to his ice cart on account of a defect in the highway in Centre street, Ward 16; and of Michael Desmond, to be compensated for personal injuries on account of an alleged defect in the sidewalks on Broadway. Severally accepted.

REPORT ON BACK-BAY DRAINAGE.

Alderman Squires, from the Committee on Back Bay Drainage, submitted a report, as follows, which was laid on the table and ordered to be printed:

The brooks emptying into Muddy River, or Longwood stream, drain an area of about twenty-six hundred acres. The larger one draining the territory as far as Chestnut-Hill Reservoir has a very quick fall, its level at Chestnut Hill being one hundred and four feet above mean low water and but eight above at its outlet, a fall of forty-eight feet to the mile. The smaller brook draining the territory as far as Jamaica Pond has about the same fall. The larger portion of the drainage area is in Brookline, with smaller portions in Brighton, West Roxbury and Boston. The question of the future disposal of the sewage waters of this large district, greater in extent than the present area of the city proper, is one of the utmost importance.

Muddy River empties into the full basin at the present time a portion of the Charles-River basin, although eventually to be filled and built upon. The drainage of Muddy River must then be conveyed through sewers laid in the streets of this territory to the Charles-River basin, or diverted to some other point. The grade of the Boston & Albany Railroad practically determines the grade at which such sewers will have to enter this basin, as the construction of the numerous bridges for street crossings will render any raising of the grade of this railroad a matter of great expense—raising the grade necessitating a corresponding increase in the height of the bridges, the clear

height between which and the tracks is fixed by law at eighteen feet, and a consequent increased height for the streets and adjacent territory. The grade of the tracks is now ten feet above mean low water at the Huntington-avenue bridge, fifteen at Parker-street crossing, fourteen feet five inches at Beacon-street crossing and seventeen at Cottage-Farou station.

If the clear height of a large sewer be assumed as eight feet, the height of the present Stony-Brook sewer, and four feet be allowed for the thickness of the arch and back filling, the grade of the bottom at the Beacon-street crossing would be about 2.5 above mean low water; or assuming that such a sewer must drain a territory which is at grade twelve, with streets at grade eighteen, with the house sewers entering at the top, the bottom would have to be at grade three or below it. These two examples show that any main or large sewer will have to empty below high water, and must consequently be closed by the tide for a considerable portion of the day and act as a reservoir to store the accumulated sewage. Any decrease in the assumed size of the sewer will allow it to empty at a higher level, but it must, unless very small, be obstructed a portion of the time by the tide.

Nearly all of the district bounded by the Boston & Albany, Boston & Providence, and Brookline Branch railroads and Tremont street, is now below grade twelve, and if drained into Charles-River basin the sewers must go under the Boston & Albany Railroad and the larger ones at or about the grades stated. It is not probable that this district, comprising nearly 700 acres, will be filled to any higher grades than the Back Bay territory already filled, or twelve for the lots and eighteen for the streets, and if not, it would be desirable to adopt some method by which the present expensive and often inefficient system of large reservoir sewers could be avoided.

These sewers will have to be the channels for the conveyance of the drainage of the Stony-Brook as well as Muddy-River district, if it is emptied into the Charles-River basin.

The area of the Stony-Brook district, not including the area of the low district through which it runs from the crossing of the Boston & Providence Railroad at Tremont street, is 8000 acres, and the area of the Muddy-River district, not including the area of the low district east of the Brookline station, is 2600 acres.

The report goes into an estimate of the population to the acre in the Roxbury, West Roxbury, Brookline and Dorchester districts, with an anticipated growth of forty to the acre in the Muddy-River district, which is nearly the assured future population of the suburbs of London, and allowing eight cubic feet of sewage a day for each person, a quantity somewhat in excess of that allowed by English engineers, the quantity of house sewage would amount to 320 cubic feet in twenty-four hours, equal to an average flow of 13.33 feet per hour; but as the flow during eight hours of the day is found to be much less, the maximum flow would be 20 cubic feet per hour.

An estimate of the rainfall to be provided for is put down at half an inch per hour as the basis for calculation. This would amount on an acre to eighteen hundred and fifteen cubic feet per hour. Applying these figures to the area of Muddy-River district, and the quantity per hour for which sewers must be provided is 4,719,000 cubic feet, or 35,392,000 gallons, which would require a sewer thirteen feet in diameter to carry it to Charles River. If the house sewage could be collected separately and delivered at the same point, it would only require a sewer two feet two inches in diameter, yet sewers are provided for six times the diameter required for house sewage, and thirty-seven times the area and are laid at a depth sufficient to drain the cellars of the houses merely for the purpose of conveying away the water from extraordinary rainfalls.

Objections to the ordinary sewers emptying at mean low water, and furnished with tide gates, are stated, and it is said that a system of surface drainage at a higher elevation would obviate the difficulties attending the former, and be much less expensive to construct; and it is suggested that the house sewage of these districts, instead of being emptied into the Charles-River basin, where a large portion of the solid material in suspension is deposited, might be conveyed to some point where the tidal currents could convey it away before such injurious substances could be deposited. Remarks are made upon the diminished outlet for the Charles-River basin, likely to be further re-



duce, and bearing also the sewage of other cities and towns, and the several plans by which the nuisance of these sewage currents are to be abated are referred to, with the remark that the manner in which the sewage of the districts under consideration can be conveyed elsewhere than to the Charles-River basin, becomes of the greatest importance.

The report of the Commissioners on the Back-Bay Streets with reference to sewerage (1863, City Document 81, page 41), is quoted, the remedy suggested being the discharge of the sewage of Stony Brook into Dorchester Bay. No recommendation, it is said, was made with regard to the drainage of the Muddy-River district by that commission. The drainage of Stony Brook to Dorchester Bay did not include any separation of the house sewage from the rainfall, and calculations are made to show that the drainage, as estimated above, would require a sewer to empty into Dorchester Bay to be thirty feet eight inches in diameter, and into Charles River twenty-five feet eight inches in diameter. For house sewage to these points, a sewer five feet one inch in diameter would be large enough in the first case, and four feet three inches in the other.

With regard to the comparative merits of the two points of discharge, Dorchester Bay is said to have the advantage over Charles-River basin, being so situated that the sewage would be conveyed directly into the outer harbor. It should not, however, be emptied into the bay, but into the channel of the Neponset River, between the bay and Commercial Point, or at Commercial Point, where it would not only be subjected to the action of the tidal currents, but also the flow of Neponset River.

On this point the report proceeds as follows:

"The expediency of conveying either the sewage of the Muddy-River or the Stony-Brook districts to Dorchester Bay could only be determined by a careful engineering survey and investigation, and as it would obviously be inexpedient to convey the rainfall or storm water to this point, the adoption of a different system from that at present in vogue would be necessary."

The difficulty of devising any such system is said to be increased by the fact that the districts for which this sewage is to be provided is situated in adjoining towns, over whose territory the city has no control, requiring a cooperation on the part of the respective authorities. Annexation of these towns or a metropolitan district act by which the control so far as the mutual interests of the city and of the towns with relation to streets, water supply and sewerage, are suggested as the remedy, these matters to be placed under commissioners having full power to devise and carry out such schemes as would be advantageous to the parties at interest.

The report was drawn and signed by Henry M. Wightman, Assistant City Engineer.

#### ORDERS PASSED.

On motion of Alderman Sayward,

Ordered, That the Metropolitan Railroad Company be directed to change the position of their track on Hancock street, Ward 16, so as to allow of the sidewalk on said street between Bowdoin and Commercial streets being made ten feet in width and the gutter paved.

Ordered, That the Committee on Public Buildings be and they are hereby authorized to expend an amount not exceeding \$400, in addition to the amount heretofore authorized for the heating, furniture and grading for Police Station No. 9; said expenditure to be charged to the appropriation for Public Buildings.

Ordered, That the Committee on Public Buildings, with the approval of the City Solicitor, be and they are hereby authorized to settle and adjust the action and the cause of action now pending in the Superior Court in the county of Suffolk, wherein Samuel Dudley and others are plaintiffs and the city of Boston is defendant, and which cause of action involves the title to the real estate formerly known as the City Hall in the city of Roxbury, upon such terms and conditions as they shall deem expedient; and that all sums of money to be paid therefor be charged to the appropriation for Incidental Expenses.

On motion of Alderman Rieker,

Ordered, That the Superintendent of Health be directed to notify Bernard Callahan, Archibald Morrissy, Patrick Cashman, George H. Grotten-dick, Wm. O'Brien, Thomas Butler, Mrs. Thomas H. Gleason, Diana Lang, John Brooks, Benjamin F. Pierce, Henry Gibbs, Patrick Mitchell, Anna Owens, William Aekroyd, Michael Vinton, Mary

Ragan, Patrick Goode, Dennis Edwards, George Crockett, Charles H. Walsh and Henry G. Cuison to remove from and quit premises by them respectively occupied in block situated on Ruggles street, and numbered from 93 to 119, inclusive, within ten days from the date of this order; and in the event of said parties so refusing the Superintendent is authorized to forcibly eject them. Said premises after having been vacated are not again to be occupied without the authority of the Board or some person by them authorized.

An order for the abatement of nuisances on Charter, Havre and Maverick streets, caused by defective drains; Burns Block, Havre street, caused by offensive and defective vault, and on Maverick and Havre streets, next to the corner, caused by stagnant water.

On motion of Alderman Cutter,

Ordered, That the Superintendent of Streets be directed to remove the tree at the entrance to Elton street on Meridian street; also the tree on Paris street at the entrance to the engine-house yard.

Ordered, That the Superintendent of Streets be directed to notify the owner of the estate on the northerly corner of Heath and Pynchon streets to close up within ten days the bulkhead recently constructed in the sidewalk in front of said estate; and in default thereof, the Superintendent of Streets is hereby directed to close up and make solid said bulkhead at the expense of the owner thereof.

Whereas, it appears to this Board that the public safety and convenience require that the sidewalk in front of 109 Warren street be paved with brick: it is hereby

Ordered, That the Superintendent of Streets be directed to pave said sidewalk with brick, and to report a schedule of the expense thereof to this Board, pursuant to law.

Ordered, That the Chief of Police be authorized to close Wilson's lane against the passage of all vehicles during the removal of the buildings which project beyond the line of Devonshire street, as extended through said land.

Ordered, That the Committee on Paving, etc., be directed to inquire into the removal of the "three-mile" stone, erected by Paul Dudley in 1735 on Warren street, near Rockland street, and to take all measures necessary to effect a restoration of said mile-stone to its former location.

On motion of Alderman Clark,

Ordered, That leave be granted to Stephen Hammond to remove two trees from the sidewalk in front of his house, No. 281 Dudley street, at his own expense, under the direction of the Superintendent of Common and Public Grounds.

Ordered, That there be paid to S. T. Ames the sum of \$300, for damages to his leasehold upon the estate of the heirs of Dexter Follett, occasioned by the widening of Summer street, by a resolve of the Board of Street Commissioners, June 3, 1871, upon the usual conditions; to be charged to the appropriation for Widening Streets.

Ordered, That there be paid to Mary Ann Dunn the sum of \$350, for damages occasioned by the widening of Battery street by a resolve of this Board, Sept. 24, 1870, upon her payment in full of the betterment assessed upon her estate on account of said widening, and upon the other usual conditions; to be charged to the appropriation for Widening Streets.

Ordered, That there be paid to Mary A., wife of Francis A. Hall, the sum of \$14,650, for land taken and all damages occasioned by the extension of South Market street to Atlantic avenue, by a resolve of the Street Commissioners, March 8, 1872, upon the usual conditions; to be charged to the appropriation for the Extension of South Market Street.

Ordered, That his Honor the Mayor be and he hereby is authorized to execute a deed of release to Joseph F. Paul, Joseph T. Bailey and Charles E. Jenkins, of all the city's right, title and interest in that portion of Chapman street lying westerly of Tremont street, which was discontinued by the Board of Street Commissioners Sept. 16, 1872, upon their releasing to the city all damages occasioned to their estate on Tremont street by the grading of said street to the grade established between the Boston & Albany Railroad bridge and Berkeley street by the Board of Aldermen, by an order approved July 16, 1872, and also releasing to the city all damages occasioned to their estate abutting on Appleton street by the grading of said Appleton street to the grade established between Tremont and Berkeley streets by the Board of Aldermen by an order approved Aug. 6, 1872.

Ordered, That there be paid to J. F. Paul, Joseph



T. Bailey and Charles E. Jenkins, the sum of \$78,176, for land taken in the name of J. F. Paul & Company, and all damages occasioned by the extension of Appleton street from Berkeley street to Tremont street, by a resolve of the Board of Street Commissioners, May 27, upon the usual conditions: to be charged to the appropriation for the Extension of Appleton Street.

Ordered, That his Honor the Mayor be and he is hereby authorized to release to G. P. K. Walker and George Woods Rice, trustees of the estate of Samuel Walker, all the city's right, title and interest in that portion of Dudiey estate on its south-westerly side, between Dennis street and Brook avenue, adjoining the estate of the heirs of Samuel Walker, which was discontinued by an order of the Board of Street Commissioners, passed Sept. 1, 1872.

On motion of Alderman Fairbanks,

Ordered, That the Board of Street Commissioners be requested to report to the City Council the estimated cost of widening Portland street, from Hanover to Causeway street, to a width of sixty feet.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Sherman street, between Dale and Ottawa streets, and report a schedule of the expense to this Board.

Ordered, That the sum of \$34 41, assessed upon Nancy Weld for a sewer in Moreland street be abated and the same amount assessed upon Samuel W. Weld's heirs; that the sum of \$16 11, assessed upon John McCarty for a sewer in Vinton street, be abated and the same amount be assessed upon Charles Stinson.

On motion of Alderman Power,

Ordered, That there be allowed and paid to M. B. Tower the sum of \$900, for raising and towing the schooner Brutus to flats at East Boston, said vessel having been sunk in Fort Point Channel; the amount to be charged to the appropriation for Boston Harbor.

On motion of Alderman Cutter, an order was read once to pay Philip Canibbell \$300, for grade damages on Paris street.

METROPOLITAN RAILROAD STABLE HEARING.

The special assignment, the continuation of hearing on the subject of erection of a brick stable by Metropolitan Railroad Company on Shawmut avenue, Guild and Bartlett streets, for 100 cars and 600 horses, was taken up.

H. W. Muzzey, for the railroad company, read a letter from James Guild, whose testimony was given at the previous hearing, in which he states that had he known the object of the purchase, he should have been disposed to have abated the price at which the sale of the land was made. The owners of the property had several times refused to make sales of the land for small residences, which would be more objectionable in generating carbonic-acid gas than 40,000 horses. He had no interest in the Metropolitan Railroad, but suggested what would have been the condition of Roxbury now but for that railroad company's accommodations.

George B. Faunce had lived twenty-five years in Roxbury, and for ten years past had been engaged in real-estate transactions; the Metropolitan Railroad Company made application to him for the purchase of land for a stable in the vicinity of the old Post Office; he had one estate for sale of eight acres which was believed to be too large; application was made to Thomas J. Dunbar, who objected to selling for a stable, and after looking at other places the Guild estate was recommended to them as the most suitable for the purpose; it was thought that a few persons might object, and it was proposed to take the Athenæum lot off the hands of the trustees to remove objections.

There had been no buildings erected in this vicinity, except one block, for twenty-five years; the general tendency of the improvement of the property would be to increase the value of other property in the vicinity; there had been one transaction in the sale of property in St. James street since this sale, where property sold at \$16,000 or \$17,000 last year, had brought \$18,000. He thought the business part of the community were in favor of this change in the property, and that it was not generally opposed; traders favored it, as making a headquarters for the cars, and tending to centralize business in that vicinity.

The distance from the schoolhouse on the sidewalk at the front door to the lower end of the Athenæum line he had made to be ninety paces, or about 250 feet to the easterly corner. The Girls' High School was on Kenilworth and not on Bart-

lett street, and there was a passage through from Bartlett street. There could be no objection in his view to a stable on account of persons passing in attending churches in the vicinity.

To Mr. Keith—Most of the pupils to the High School are better accommodated in going through Bartlett street; the estate of Mrs. Domett, on St. James street, had been held for \$20,000, and was sold at \$18,000; it contained 18,600 feet of land, and is opposite to the church on St. James street. In the sale of the Guild estate there were restrictions on the sale of a portion alone, but none were named; in the sale of the entire lot there were no restrictions, and nothing was said relative to a stable. The whole amount of land, he believed, was 230,000 feet, and the amount of sale \$342,850. Mr. Guild would not have sold the corner lot for a stable, to injure the value of the remainder of the land.

Witness did object to a stable on Warren street in the vicinity of his residence, at a distance of 150 to 200 feet; considered a stable to be objectionable to any dwelling house; did not suppose a stable on Northampton street would be so objectionable, and had no doubt there was a plenty of land for the enlargement of the stable at Eglinton square.

Mr. Muzzey read a petition from W. V. Hutchins and 110 others, in favor of the location of the stable as proposed, setting forth that they believed the value of property in the vicinity would be enhanced by increasing the car accommodations.

Frederick Guild had resided in Roxbury all his life—forty-six years; the property sold was formerly a tannery, with a currier's shop, and leather scraps were burnt in the shop, which, he supposed, might have been objectionable to many persons; the tannery had been there for a hundred years; there had been but few buildings put up in the vicinity for many years; the sewer in the vicinity was a good one—large, built by the city of Roxbury; the laying out of Guild street was opposed by some of the witnesses opposed to the location of the stable on this property; his opinion was that the erection of the stables would not injure the value of the property for selling purposes; he believed it would hasten the change from dwellings to business uses.

It was in contemplation at one time to cut up the estate into seventy house lots, which was considered objectionable. The entire sale amounted to \$342,000, which had been completed, and the deeds had been passed. The tannery was given up twenty years ago, but the currier's shop was there until last spring. He believed that Shawmut avenue in that vicinity would sometime be occupied for business purposes, retail stores, shops, etc. He had not known of any first-class residences being erected in the vicinity for some time, and did not suppose there would be any more.

To Mr. Keith—Objection was made to selling a part of the estate, without restriction, and objection would have been made to selling a portion for a stable.

Mr. Muzzey calling attention of the witness to a sentence in the letter of his brother James Guild, that had he known the object of the purchase he would have been inclined to make an abatement in the price, witness said he should have considered the matter before consenting to an abatement; the sale was made as low as it would have been for any other purpose.

Dr. George Derby, a member of the State Board of Health, was acquainted with the locality of the proposed stable, and did not think there would be the injurious effects from carbonic-acid gas which had been objected to.

To Mr. Keith—With regard to stabling horses there, he supposed they would be harbored somewhere, but did not suppose the location of a stable would be an improvement to the vicinity as a place of residence, or add to the comfort or convenience of the residence. In making a comparison of a stable with residences, it would make a difference as to the character of the residences; if good and respectable dwellings, they would be preferable to a stable, while second-class or tenement dwellings would be objectionable.

To various questions of Mr. Keith, Dr. Derby replied that it would depend upon how a stable was constructed and conducted for six hundred horses whether or not it would be objectionable, as it would in relation to the kind of houses which might be put there; carbonic acid gas would not in such a location tend to injure houses on the high lands; such gas is an obstructor of respiration, but not a poison, and is not regarded as it once was; by a law of nature each gas is a vacuum to every other gas; ten per cent. of such a gas was not a poison; he should hesitate to class



it as a narcotic, but should say it was an obstructer of respiration.

To Mr. Muzzey—There had been a revolution of opinion in relation to carbonic-acid gas from what was once held; he would prefer stables on such a lot to seventy tenement houses, in regard to health.

To Mr. Keith—He would not say he would prefer stables to the houses already there, for he was more familiar with the territory than with the houses in the neighborhood.

Stephen M. Allen, a resident in the Highlands for many years, had been familiar with this property for twenty-five years; owned property 100 feet below the corner of Bartlett street. He did not think the value of real estate would be diminished by the location of the stables, as proposed. It was the character of carbonic-acid gas to tend downward, as in wells and mines, out of which it was difficult to remove it.

To Mr. Keith—The property owned by him on Shawmut avenue, he bought a year and a half ago, at \$2 a foot; supposed that property for a stable could be had at Egliston square for 50 to 75 cents a foot; in his judgment there would be shops and stores in the vicinity of this stable; the tendency of business was to the vicinity of Shawmut avenue.

Phineas B. Smith had resided in Roxbury forty years, and was an assistant assessor; believed the erection of the proposed stable would increase the value of property in the neighborhood; it would induce the putting up of a class of small shops.

To Mr. Keith—Last year he assessed this property at \$1 a foot on the high land and forty cents on the low land; did not know the assessed value the present year; had recently purchased the estate of Mrs. Domett at about \$1 a foot; the land would be more valuable for small houses for mechanics and for stores of various descriptions, grocery stores and others; thought there would be tenement houses there.

Phineas B. Smith, Jr., resided on Shawmut avenue, near this locality, and was of opinion that the location of the stable would improve the value of the real estate in the vicinity; it was wanted for workshops and stores, and parties are desirous of purchasing estates for the purpose; he knew of a case where a carpenter was willing to pay three dollars a foot for an estate, but would not say that it was for a carpenter's shop.

Roland Worthington was of opinion that the location of the stable would eventually improve the value of the property in the neighborhood.

To Mr. Keith—The land could be improved for shops and stores of all kinds. He had property about 200 rods from this estate in the nearest course.

H. A. S. D. Dudley, born in Roxbury, believed the location of the stable, as proposed, would enhance the value of property in this vicinity; it

would be required for business purposes, of the same class called for from Chester square to Roxbury.

Mr. Draper, president of the corporation, stated in relation to the Egliston-square cars that they are now run every fifteen minutes during the day, while last fall once in twenty minutes was all that was asked for; with the improvements contemplated, they will be run every ten minutes; they could add to their stables at the Neck and at Egliston square, Dorchester and Brookline; they were increasing their accommodations about double at Egliston square; in the matter of exchange of lands, the purchase of the Athenæum lot was a clean purchase; he did not understand that in the purchase they were to replace the walls of the building; did not know that there had been a failure in a recent negotiation, which was to be concluded today.

Mr. Muzzey stated that he was desirous of obtaining the testimony of General Sargeant, now absent from the city, and of Colonel Hodges, but would conclude his case if the other side would.

Mr. Keith said he wished to call some witnesses in rebuttal.

On motion of Alderman Ricker, the hearing was further postponed to Monday next, 4½ o'clock.

#### ORDERS OF NOTICE.

On petition of Kidder, Vaughan & Co., for leave to erect and use a steam boiler in factory on Chelsea street. Hearing on Monday, Oct. 7, at 4 o'clock.

On the proposed construction of a common sewer in Dudley street, between Blue Hill and Brook avenues, and in Dennis street, between Dudley and Stafford streets. Hearing on Monday next, at 4 o'clock.

On the proposed construction of a common sewer in land of heirs of Amos Binney and parties unknown in the centre of Longwood, from Brookline avenue to Muddy River, about 700 feet. Hearing on Monday, Sept. 30, at 4 o'clock.

On motion of Alderman Ricker, the motion to reconsider the vote to *revoke, for cause*, the victuallers' licenses granted to John Cullen, 179 North street, William Trant, 187 North street, John Campbell, 89 Richmond street, and John S. Smith, 255 Hanover street, was taken up.

After a statement by Alderman Ricker, that the complaint against the parties was the result of a misunderstanding, and that they were willing to comply with all the regulations required of them, the reconsideration prevailed.

Alderman Ricker moved an indefinite postponement of the order, to which objection was made by Alderman Clark, when Alderman Fairbanks confirmed the statement which had been made that the complaint was the result of a mistake, and the motion to indefinitely postpone was carried.

Adjourned.











## CITY OF BOSTON.

Proceedings of the Common Council,  
SEPT. 19, 1872.

The regular weekly meeting of the Common Council was held this evening at half-past seven o'clock, M. F. Dickinson, Jr., President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of B. F. Horn, Thankful Chandler, and of Lyman Locke, and the remonstrance of J. T. Clark and others were severally referred, in concurrence.

The order requesting the Street Commissioners to report an estimated cost of widening Portland street from Hanover to Causeway street was read once and referred.

The following papers were referred, in concurrence, to the Committee on Streets:

Resolve and order from Street Commissioners for widening Warren street from Dudley to Washington street. (City Doc. 88.)

Resolve and order from said Commissioners for extension of Williams street from Shawmut avenue to Westminster street. (City Doc. 90.)

Reports (leave to withdraw) were accepted, on several petitions, as follows:

1. Of M. A. King, to be paid for injuries to his ice wagon in Centre street, Ward 16.

2. Of Catherine Ballantine, to be paid for injuries from a fall in Adams place.

3. Of George B. Emerson, to be paid for injuries to his carriage from a defect in Bremen street.

4. Of Michael Desmond, to be paid for injuries from a defect in Broadway.

The following orders were severally read once:

Order authorizing not exceeding \$400, additional to amount heretofore authorized, to be expended for the heating, furniture and grading for Police Station No. 9.

Order authorizing a deed of release to Joseph F. Paul and others for all the city's interest in that portion of Chapman street, westerly of Tremont street, which was discontinued on the 16th of September last, upon their releasing all damages from the grading of said street as therein set forth.

Order authorizing the Committee on Public Buildings to settle the action or cause of action pending in the Superior Court between Samuel Dudley and others and this city, relative to the title to real estate known as the City Hall in the city of Roxbury.

Order to pay M. B. Tower \$900, for raising and towing the schooner Brutus to the flats at East Boston, the vessel having been sunk in Fort Point Channel.

Report and orders authorizing a purchase to be made of the Old Colony & Newport Railroad Company of 14,788 square feet of land between Adams street and Dorchester avenue, at not exceeding fifty cents per foot, to be used for the erection thereon of a stationhouse for the eleventh Police District; and for a transfer from the Reserved Fund of \$7500 to be applied for the purchase of said land.

The following order was read twice and passed:

Order authorizing a release to be made to G. P. K. Walker and another, trustees, of the city's right in that portion of Dudley street between Dennis street and Brook avenue, adjoining the estate of the heirs of Samuel Walker, and which was discontinued December 1, 1872.

## UNFINISHED BUSINESS.

The following order was read a second time and passed:

Order authorizing the Court House to be repaired, furniture to be provided therefor, and heating apparatus and furniture to be provided for the new addition to the Probate and Registry of Deeds' Building, at an estimated cost of \$10,000.

## PETITIONS PRESENTED AND REFERRED.

Nathaniel O. Hart, for permission to erect a wooden building on Wareham street, within the building limits of the city. Referred to the Committee on Survey and Inspection of Buildings.

W. B. C. Fifeild and others, against the erection of the police station for District No. 11 as proposed, as being an unsuitable location and for other reasons. Referred to Committee on Police, on the part of the Common Council.

## RESIGNATION OF A MEMBER OF THE COUNCIL.

The following communication from Horace E. Walker, a member of the Council from Ward 3, was laid before the Council:

I wish to tender my resignation as a member of the Common Council, for the reason that having moved from the ward that I had the honor of being elected from, also feeling that it would be a dishonorable act to transgress the law that came into effect the 1st of June, whereby any member of the City Government is prohibited from furnishing supplies for the city while he is a member and not wishing to be so placed as not to be able to transact business with any and all who choose to purchase of me, I most earnestly urge that my resignation may receive your consideration this evening.

H. E. WALKER.

The resignation was accepted.

## INCREASED ACCOMMODATIONS FOR THE ASSESSORS' DEPARTMENT.

The following communication was received from the Board of Assessors:

BOSTON, Sept. 23, 1872.

To the City Council of the City of Boston—The Board of Assessors would respectfully represent that the increasing business of their department requires additional office room for the proper and economical despatch of their work and for the convenience of the citizens having business with the department, or occasion to consult its plans and records. They therefore petition the honorable Council for such additional accommodations as will meet the needs of the present time, and the probable wants of the immediate future.

By order of the Board of Assessors,

BENJAMIN CUSHING, Secretary.

Referred to the Committee on Public Buildings.

## COST OF EXTENDING SWETT STREET.

The following communication was received from the Street Commissioners:

BOSTON, Sept. 17, 1872.

To the Honorable City Council—An order from the City Council of July 15, received by this Board July 19, requests the Street Commissioners to furnish an estimate of the cost of extending Swett street so as to intersect Dorchester avenue at its junction with Dorchester street.

The act of the Legislature authorizing the city to build that part of this extension which crosses South Bay, provides that it shall be made of such part of solid filling and such of pile structure as the Harbor Commissioners shall direct.

On the 25th of July the Commissioners addressed a note to the Board of Harbor Commissioners for the desired information on this matter, and as the cost of the street depends somewhat upon this, no correct estimates of the expense can be sent to the Council until it has been received by this Board. Immediately upon its receipt the report will be transmitted. Respectfully submitted,

JOSEPH SMITH,

C. A. CONNOR,

ISAAC S. BURRELL,

Street Commissioners.

Ordered to be sent up.

## RESOLUTION RELATING TO A BOARD OF HEALTH.

On motion of Mr. Shepard of Ward 4, the following resolution was passed and ordered to be sent up:

Resolved, That in the opinion of the Common Council, immediate action should be taken by the City Council in reference to the creation of a new Board of Health, with power to act with more promptness and efficiency than is now possible under the present system.

## IMPROVEMENT OF SOUTH BOSTON FLATS.

On motion of Mr. Perkins of Ward 6, the report and order on the memorial of the Harbor Commissioners relating to the South Boston Flats, with the addition to the indenture, therein referred to (City Doc. 75, 1872), were taken from the table.

Mr. Perkins moved to amend the proposed "addition to the form of indenture appended to city document No. 75," by substituting two paragraphs for the last paragraph of said proposed addition, as follows:

"And said party of the first part further covenants and agrees with said party of the fourth part, that as the other territory of the South Boston flats belonging to said party of the first part, within the limits of the first section of said South Boston flats, as shown on said plan of occupation appended to said sixth annual report, including the extension of L street, shall be filled to grade, the said party of the first part will provide that Northern



avenue and Eastern avenue as shown on said plan, or as the same may be located under this indenture, the extensions of C, D, E, F and K streets, to Eastern avenue, the extension of L street as shown on said plan, and the extension of B street below the hundred-rod line as shown on said plan, shall, so far as such avenues and extensions are within the said territory, and as fast as the portions of the territory bordering on said avenues and extensions are filled, also be filled to grade 16; and further, that said party of the fourth part may, within the said territory, lay out the same when filled as public streets without incurring any land damages for so doing, and that, when so laid out as public streets, said party of the fourth part shall have a conveyance of the said territory within the limits of said avenues and the said extensions of streets.

And the said party of the first part, for the considerations aforesaid, further covenants and agrees with said party of the fourth part, that within one year after the filling to be done by the parties of the first, second and third parts has been completed as herein provided, it, the said party of the first part, will build, so as to connect with Eastern avenue, the extension from First street or B street or C street, as the Harbor Commissioners may elect, and that whichever of said streets said Commissioners may elect to build shall be filled in such manner as to form a proper and convenient grade, satisfactory to the Committee on Streets of said city of Boston, and, in case said Commissioners shall elect to build C street, that said party of the first part will build Eastern avenue, as hereinbefore provided, out to the extension of said C street, the said party of the fourth part hereby authorizing said party of the first part to build said extensions of B and C streets as herein provided.

Mr. Perkins explained the provisions of the proposed amendment as more favorable to the interests of the city, and moved its adoption.

The Chair stated the question to be on the substitution of the amendment proposed in place of the last paragraph of the proposed addition to the indenture.

Mr. Blackmar of Ward 11 believed the whole subject should be thoroughly considered before any action was taken on it. This was the second amendment which had been proposed since the report was made, which was a confession that the report was illy and poorly digested when it was made. Since the report was amended and now another was to be made, he should be in favor that the whole matter be referred back to the committee for a more perfect amendment of its provisions.

This was the most important matter which had come before the City Council this session, or that probably will come before it. To begin with, it involves an expense of \$600,000 or \$700,000, and this would be but an entering wedge to a much greater expense. It set out with a very flattering prospect to the city of the addition of 750 acres of land, with a deepening of the main channel and securing a large area of deep-water anchorage. This was a very flattering prospect, but was the consideration so clear?

The indenture consisted of four parts, in which the Commonwealth as the party of the first part has the greatest interest, and the parties of the second and third parts are represented by able corporations, and it was but fair to examine what the consideration would be to the city. The consideration of the first party is, that owning at least 600 acres of land which may be for sale, and worth not more than 20 cents per foot, but brought into connection with Broad street, by bridges, it would be connected with land worth \$5 or \$6 a foot. The same argument would apply to the parties of the second and third parts, in a great increase of the value of their property.

What consideration, then, is the city to gain by the improvement. It is said in the report of the committee on the subject that the income from the improvement, at a fair rate of taxation, will be \$45,000, which would pay the interest at six per cent. on an expenditure of \$750,000. The two bridges will cost \$700,000, and the depreciation on them will be at least ten per cent.; the cost of repairs will be five per cent., and the interest on the cost will be six or seven per cent., which will give an entire cost on the outlay of twenty per cent.

That line of argument which had been assumed in the report should be abandoned. This indenture embodies an expenditure of a great amount of money, and while he did not believe that the Commonwealth designed to drive a sharp bargain with the city, for what was for the interests of the city

was for the interests of the Commonwealth, we had no right to suppose the committee, either, designed to drive a sharp bargain.

In this matter the State had been more generous than were the Harbor Commissioners, for by the acts of the Legislature in 1868, the Harbor Commissioners were authorized to make contracts for the filling of the flats and for the building of bridges, the provisions of which act were cited by him. There was nothing in this indenture, he said, to show as much liberality as there was in the act of 1868. But the contract made by the Commissioners for the filling of the flats, under that act, whether wisely or not, was not confirmed by the Governor and Council.

The Harbor Commissioners now come to the city for a better bargain on the part of the State. There would be required \$700,000 for the first outlay, and it did seem but right to ask the Harbor Commissioners to give us as good a bargain as the State proposed to give. There was not even a provision to lay a curbstone in the construction of the new streets, although it was true that the State did provide them on the Back Bay. He hoped, further, that the city would never consent to lay out any streets on new territory at less than one hundred feet in width.

In this measure the several parties should stand on equal footing. The State was ably represented by the Harbor Commissioners, and the improvement of these flats would put millions of dollars into the treasury; the other parties were also ably represented; the city was placed where we must look after its interests, and he trusted the subject would receive proper consideration before it was acted upon.

Mr. Perkins replied that he believed the Harbor Commissioners acted with good faith towards the city, their propositions being put down in black and white. He trusted that the amendment proposed by him would be acceptable to his colleague, more streets being provided for than in the original indenture, and that they shall be built as fast as the territory is filled, without waiting until the improvement is finished. He hoped, therefore, that the amendment would be adopted, the indenture read once, and its further consideration assigned to the next meeting of the Council.

Mr. Webster said he agreed that the amendment is a better thing than the indenture as sent to them, but it should be recollected that there was one indenture suppressed, that the one first reported was not passed, but an amendment was made to it, and that indenture was passed without consideration, and now there appears a further amendment. They were evidently not ready for action, and should adopt no amendments before knowing how to act. They ought not to act blindly and there was no necessity for it. He had endeavored thoroughly to investigate the subject, but had not got at all the papers he wished to consult.

Mr. Perkins suggested that there would be time enough for consideration should his amendment be adopted.

Mr. Webster objected to adopting the amendment now and passing the indenture to a second reading. It would require more than one night for its consideration, and there was no better time than now to begin the discussion upon it.

Mr. Webster said he had written his objections to the indenture in its present form, and with the permission of the Council he would read them in front of the Clerk's desk, where he could point out the streets proposed on the plan.

The Chair stated that permission would be given under the seventeenth rule, and Mr. Webster proceeded with his objections at considerable length.

A statement was first made of the nature and extent of the projected improvement, the filling of from 700 to 800 acres of flats, making a territory more than twelve times as large as the Common. It is denied, as assumed in the report, that the city is under obligations to build the avenues and bridges, as proposed, over navigable waters to connect the vacant territory with the city without compensation in some form which shall be adequate to the outlay. So far from its being a duty to build such bridges, no city or corporation has such a right to build across navigable waters without a special grant of the Legislature.

An examination was made of the figures of the committee, and it was said that 3,278,000 feet of the lands, valued at nearly \$1,000,000, is not and cannot be taxed at all so long as the Commonwealth holds it, and of the taxable property of the Boston Wharf Company there would be only \$508,837 added, instead of \$3,488,835, as estimated by the Harbor Commissioners. This taxable property would yield to the city \$6604 instead of \$45,000, the esti



mate of the Commissioners, and would pay the interest on about \$110,000, while the city would be required to expend \$639,000.

In this statement no allowance is made for depreciation, and this Mr. Webster estimated at ten per cent., and the expense of repairs and interest would amount to \$80,000, against an income of \$6600. So far as related to the anticipated increase in value of other property and its results, he said that, as a rule, in none of the outlying sparsely populated districts of the city would the receipts from taxation pay the local expense of taking care of them, including paving, lighting, police, schools, etc. This was true not only of East Boston, but of Roxbury and Dorchester.

The argument in relation to the payment of the war debt from the proceeds of the sales of the land, was referred to as having no further application to the city than it has with any other corporation or firm doing business. There was not only no duty for the expenditure of money for such a purpose without compensation, and there was no sufficient precedent for it. It would be admitted that there was one ugly blot on the legislation of the city in the construction of the Broadway Extension Bridge, and should the Mount Washington-avenue Bridge be quoted as a precedent, he replied that in that case the city was cheated by the corporation of that name.

It was denied that there were any circumstances in this case that make it necessary that the city should so far ignore all the principles of municipal duty as to sanction this contract without compensation from the other parties to be benefited by it, and the circumstances connected with it were examined. On the examination of circumstances, it was asked, why should the city do anything if the other parties were sure to carry out the project if the city does not? The policy of the State was then examined in its several acts relating to such cases, and in view of them it was said to be plain that these avenues, streets and bridges cannot be paid for except in flats, without further legislation.

Mr. Webster, in conclusion, gave the following as a summary of what it seemed to him ought to be done in this matter:

The Commonwealth, Boston Wharf Company and Boston & Albany Railroad Company should extend the several streets (except those in dotted lines on the plan) across their respective lands lying west of the easterly line of the Boston & Albany Railroad Company's land and the eastern line of the Boston Wharf Company's land extended to South Boston, meaning to include the entire lands of the Boston Wharf Company.

The Eastern and Northern avenues should be one hundred feet wide, Granite street eighty, B street sixty, and Mount Washington avenue eighty. If A street is to be extended, both that and Granite street may be reduced to sixty feet.

These parties should build all these streets at such grades as may be satisfactory to the city authorities and convey the fee to the city.

The city should build Eastern and Northern avenues on the west side of the channel one hundred feet wide, build the bridges across to connect with the avenues on the other side, Northern-avenue Bridge to be made wide enough for freight railroad tracks.

Again, the city should extend east of the easterly line of the Boston & Albany land and Boston Wharf Company's land Mount Washington avenue to D street, Eastern avenue to L or M street, should bridge the reserved channel, extend L or M street to First street, and extend B and D streets from First street to Eastern avenue. These bridges must not be much above the grade of the avenues, because if they are heavy teams and freight cars cannot be drawn over them readily.

The main avenues and streets not provided for above should be built by the Commonwealth, as the land is filled in, and the fee in all of them, including those to be built by the city, conveyed to the city without expense. The Commonwealth should pay the city for building the streets over the territory east and south of the Boston & Albany Railroad Company's lands, in the flats adjoining the railroad lands.

All the parties to the contract should submit to such assessments on account of avenues on the west side and bridges over the Fort Point channel and the bridges over the reserved Channel and the extension of L or M street on the east side of the channel to First street, South Boston, as they would be obliged to do if the Betterment law applied to bridges as well as avenues.

The city should take what may be assessed on the Commonwealth in flats. It should also build all

the streets specified over any flats conveyed to it without charge, and build its sea wall and fill its flats as soon as the Commonwealth shall build its sea wall easterly to reserved channel, and fill its flats north of South Boston shore and said channel.

Mr. Webster said he would not weary the Council by reading his entire remarks, when, on motion of Mr. West of Ward 16, they were ordered to be printed.

Mr. Webster moved the adoption of the following order:

That the report and accompanying indenture be recommitted to the joint special committee on the memorial of the Harbor Commissioners, with instructions to inquire and report whether some arrangement cannot be made for the construction of the streets deemed necessary by the city authorities within a reasonable time over and upon any land of the other parties at the expense of the alutters; and whether the other parties to the contract will not consent that the principles of the betterment law may be applied to the building of the avenues from Federal and Broad streets respectively to Fort Point Channel and the bridges over that channel to connect with the eastern and northern avenues on the east side, and a bridge across reserved channel to connect Eastern avenue with South Boston, and an avenue thence to First street, in the same manner that they would be obliged to do if the betterment law applied to bridges as well as streets.

Mr. Shepard of Ward 4 moved that the Council adjourn, which was modified to a motion for a postponement of the subject under consideration to Thursday evening next, at eight o'clock.

Mr. Flynn of Ward 7 raised the question whether there was a quorum of members present, when a call of the roll showed the following-named members to be in the hall:

Adams, Bicknell, Blackmar, Burditt, Burt, Caton, Clatur, Collins, Davenport, Dickinson, Doherty, Emery, Flynn, Gragg, Hart, Heath, Hersey, Kingsley, Locke, Loring, Page, Pease, Pickering, Prescott, Risteen, Robertson, Robinson, Shepard, Thacher, Webster, West, Whiston, Wilbur—33.

The motion to assign the subject to Thursday evening next was carried.

Mr. Webster of Ward 6 offered the following order:

Ordered, That the Committee on Finance be, and they are hereby authorized to perfect such arrangements for the payment of commissions, interest and principal, of the Sterling Water loan already negotiated, as authorized by vote of the City Council approved April 26, 1872, as they may deem for the best interests of the city; and the Mayor is hereby authorized to sign such contracts as may be made by said Committee on Finance in reference thereto.

The order was read once, and the question being raised whether its passage required a two-thirds vote, Mr. Webster stated in explanation that the negotiation had been completed, under the act of the City Council, but a doubt having arisen whether the Mayor could sign the contracts in the payment of commissions, etc., it was thought best by the committee that the order should be passed, and that the matter should be made doubly sure.

The Chair ruled that as the order involved the payment of money, a two-thirds vote would be required, and a motion for the suspension of the rules for the passage of the order was withdrawn.

Mr. Shepard of Ward 4 offered the following order, which was read once:

Ordered, That the Board of Street Commissioners be requested to furnish the City Council with an estimate of the cost of widening Beacon street on its southeasterly side, from Tremont street to Park street, at a width of sixty feet.

#### WIDENING OF BEACH STREET.

Mr. Gragg of Ward 14 moved to take from the table the report that the resolve and order for the widening of Beach street ought not to pass; order requesting the Street Commissioners to furnish estimates of the expense of widening said street in conformity with the City Surveyor's plan of May 4, 1868, and rejection of said resolve. (City Doc. 59.)

In reply to a question of Mr. Flynn of Ward 7, as to the reason for the motion, Mr. Gragg said that the report was laid on the table at the request of the gentleman from Ward 6, for a temporary purpose, and if present he would move to take it up.

The motion was carried, when the report was accepted and the resolve for the widening was rejected, and the order of the committee for estimates was passed.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPT. 23, 1872.

The regular weekly meeting of the Board of Aldermen was held at four o'clock this afternoon, Alderman Little, the Chairman, presiding.

## JURORS DRAWN.

Thirty-six traverse jurors were drawn for the Superior Court for criminal business, and forty traverse jurors for the Superior Court, second session, for civil business.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officer, without pay—William W. Bouldry, for Washington Village Methodist-Episcopal Church on Dorchester avenue.

Constables—The following appointments of constables were laid over:

Francis M. Adams, Arthur F. Anderson, James Ball, John R. Barry, Francis J. Baxter, Morrill P. Berry, William W. Blake, Gideon B. Blasland, Charles S. Blood, Samuel Brackett, Samuel J. Bradlee, Hiram A. Campbell, Derastus Clapp, Lemuel Clark, Joseph D. Coburn, Henry Crane, Jr., William C. Culver, William P. Cook, Samuel A. Cushing, Charles R. Cutter, H. R. Darling, Elisha M. Davis, George W. Decatur, David M. R. Dow, Alvin S. Drew, George G. Drew, Alpheus Dunbar, William E. Easterbrook, Caleb S. Emery, Ephraim W. Farr, Elijah D. Foss, Edwin M. Fox, Sarel Gleason, James F. Goodwin, William Gordon, Edward W. Griggs, Charles A. Hackett, Thomas Hall, James G. Harrington, John C. Harrington, Charles W. Hebard, Merrill S. Holway, Samuel N. Howe, Joseph Hubbard, William B. Hughes, John Huston, Henry M. Hunter, Frederick P. Ingalls, Thomas A. Jackson, John S. Jacobs, Russell R. Knapp, Abbott L. Knowles, John T. Lawton, Alfred R. Lewis, George D. Lund, William D. Martin, John May, Geo. B. Munroe, Jotham E. Muuroe, Samuel T. Munroe, Alonzo F. Neal, John B. Neal, John B. O'Brien, Harlan P. Paige, Isaiah Paine, Jr., David Patterson, George H. Phillips, George B. Procter, John D. Reed, Edwin Rice, George Richardson, Edward Riley, John Robie, Benjamin F. Roberts, John C. Robinson, William D. Rockwood, Joseph Rowe, Burnham Royce, George H. Royce, Charles Smith, Lebbeus W. Smith, Samuel H. Smith, Thomas M. Smith, Asa Southworth, A. Chapin Southworth, James R. Stone, William H. Stone, Henry C. Stratton, T. Wilson Stratton, Thomas P. Sweat, Henry Taylor, George W. Tuckerman, William G. Tyler, Samuel S. Vialle, Johnson Warren, William H. Warren, Jr., Caleb B. Watts, David L. Wentworth, Wright W. Williams, Jonas Pierce.

## PETITIONS PRESENTED AND REFERRED.

Avery Wellington, for a name for a street running from Columbus avenue to Dartmouth street, known as West Clarendon street.

Susan T. Gallagher, executrix, for compensation for grade damages on London street.

Michael O'Donnell, for a sidewalk on Fifth and B streets.

Samuel B. Pierce, to be paid for grade damages on Stoughton street.

William Rand and others, that sidewalks be laid on portions of Telegraph and Gates streets.

John Carew, to be paid for grade damages on Emerson street.

Timothy Madden, to be compensated for grade damages on Paris street.

E. W. Pike and others, for removal of a nuisance caused by the Metropolitan Railroad and Cambridge Railroad on Causeway and Portland streets.

Severally referred to the Committee on Paving.

Edwin Jones, for leave to occupy a wooden stable for one horse on Union avenue, Mount Bowdoin.

Richard Wallace, for leave to occupy a wooden stable for one horse on Commercial street, near Glover's Corner

George Koyle, for leave to occupy additional stalls for ten horses in stable on Norfolk avenue north side of Hartford & Erie Railroad.

D. W. Beckler, for leave to occupy a brick stable for four horses on Seventh street, rear 618.

G. W. & F. Smith, for leave to occupy and move a stable for four horses on lot rear of Old Colony Railroad freight depot.

C. E. Paige, trustee, and others, against the tion of a stable on Athens street, near F street.

Severally referred to the Committee on Health.

Thomas Kearns and others, for removal of obstructions from the brook in the rear of Cherry street.

Stephen M. Allen, for a sewer in Centre street near Marcella street.

Severally referred to the Committee on Sewers.

Charles Caverly, Jr., and others, for the use of Faneuil Hall November 4, for a political meeting. Referred to the Committee on Faneuil Hall.

M. F. Lynch, against the proposed purchase of a site for Police Station No. 11. Read and sent down.

James W. Edgerly, to be paid for damages caused by raising the grade of Pleasant and Kirkland streets, Suffolk-street district. Referred to the Committee on the Suffolk-street District.

Superintendent of Boston, Hartford & Erie Railroad, for removal of a hack stand at their station. Referred to Committee on Licenses.

Bay State Iron Company, for leave to erect an additional mill on First and K streets. Referred to the Committee on Steam Engines.

Jane E. Brock, for compensation for lands and building in the widening of Washington and Adams streets.

Matthew McCormick, to be paid for damages to his leasehold estate, 10 Wilson's lane, by extension of Devonshire street.

Elizabeth Moore and others, for damages for land taken to lay out Emerson street.

Severally referred to the Committee on Streets.

James E. McKenuey, to be paid for injuries to his horse by a fall in a sewer trench in State street. Referred to the Committee on Claims.

## ACCOMMODATIONS FOR SMALLPOX PATIENTS.

The following communication was received from the City Physician:

CITY PHYSICIAN'S OFFICE, }  
BOSTON, Sept. 21, 1872. }

To the Honorable the Board of Aldermen: Gentlemen—I have the honor to call your attention to the importance and necessity of providing further accommodations for smallpox patients. Since the hospital at the South End was closed, many of them refuse to go to Gallop's Island, and as taking them to the island would be attended frequently with risk to life, I have not recommended to your Board their forcible removal. Patients are often in such a condition that they cannot bear the necessary changes and delays incident to transportation by boat, to say nothing of the difficulty of transferring them at low tide, and such ones under the present arrangements must remain where they are sure to spread contagion among their neighbors.

The prejudice against going to the island is so great, that cases are not reported as promptly as they formerly were, and when first seen by me, it is simply impossible to remove them with a due regard to their own safety. Within the last week, smallpox has been on the increase, and I consider the dangers from an epidemic to be imminent. It is of the highest importance that a suitable building should be put up at once in some proper locality on the main land, where patients may be taken without delay or risk to themselves. Feeling that the subject is one deserving the deepest consideration on the part of the Board of Aldermen, I remain, gentlemen,

Your obedient servant,

SAMUEL A. GREEN,  
City Physician.

Referred to the Committee on City Hospital.

## HEARING ON ORDER OF NOTICE.

The hearing on the proposed construction of a sewer in Dudley street, between Blue Hill and Brook avenues, and in Dennis street, between Dudley and Stafford streets, was taken up. No person appeared in relation thereto, and the report was recommitted.

A jail requisition, for \$2078 74, was approved.

## UNFINISHED BUSINESS.

The order to pay Philip Campbell \$300, for Paris-street grade damages, was read a second time and passed.

## PAPERS FROM THE COMMON COUNCIL.

The petition of Nathaniel O. Hart was referred, in concurrence.

The application of the Board of Assessors for increased office accommodations was referred to the Committee on Public Buildings, in concurrence.

The following papers were severally ordered to be placed on file:

Report of Board of Street Commissioners on cost of extension of Swett street.



Resolve that in the opinion of the Common Council, it is expedient that a new Board of Health be established in this city.

PETITIONS FOR A NEW BOARD OF HEALTH.

Alderman Clark inquired if it would be in order to present petitions, and upon the assurance of the Chair that it would, presented the following petitions in favor of a new Board of Health: Of D. A. Goddard, Curtis Guild, Edward S. Rand, A. J. Wright, Jr., Charles Allen, George C. Lord, James Sturgis and 246 others; of Henry L. Pierce, Avery Plumer, J. W. Colburn, Abram French & Co., Charles Lenox Remond, John A. Burnham, James S. Amory, John P. Barnard & Co. and 131 others; of Samuel G. Howe, Benjamin James, George A. Thayer, Willis B. Mendum, Sumner Crosby, Fulton Iron Foundry Company, John F. Deblois, Lewis J. Bird, Thomas Hill of South Boston and 159 others; of Charles W. Wilder, William Hammond, Charles V. Poor, Oliver Ditson, O. H. Pierce, Samuel D. Crane, Thomas C. Stearns, R. M. Bailey and 18 others; of William Gray, Ezra Farnsworth, Caleb T. Curtis, H. O. Briggs, Eben Howes, Edward S. Russell, Thomas Russell and 158 others; of Josiah Quincy, H. C. Wainwright, Franklin Upton & Co., P. R. Southwick, N. W. Rice & Co., J. W. Hubbard, Charles Caverly, Jr., Edward Russell and 277 others; of Charles W. Slack and 31 others; of Franklin Haven, George C. Richardson, Amos A. Lawrence, James L. Little, George O. Sanborn, Charles H. Allen, Dale Brothers & Co., Horswell, Kinsley & French, Stanfield, Wentworth & Co., Burr, Taft & Co., A. Hamilton & Co., and 139 others; of David Thayer, I. T. Talbot, Joseph P. Paine, C. Wesselhoeft, F. H. Underwood, O. L. Sanders, Charles Cullis, homœopathic physicians, and 19 others; of Daniel Harwood, Frederick Jones, E. & A. H. Batcheller & Co., Francis Dane, Fogg, Houghton & Coolidge, Field, Thayer & Whitcomb, Henry L. Daggett & Co., and 159 others; of Dover Stamping Company, Silas Peirce & Co., Tower & Joy, Fuller, Dana & Fitz, Pratt & Wentworth, Martin L. Hall & Co., Sewall, Day & Co., D. Goodnow & Co., Richards & Co., and 153 others; of Charles G. Greene, Peter Butler, John E. Lyon, S. H. Gookin, Joseph Nickerson, Gridley J. F. Bryant, and 104 others; of George P. Sanger, John S. Abbott, Dwight Foster, Benjamin F. Storms, Albert Bowker, Spencer, Vila & Co., Charles James Sprague, Blake, Brothers & Co., William Endicott, Jr., and 54 others; of Daniel N. Haskell, Isaac Pratt, Jr., J. B. Gaskell, S. Wetherbee, I. D. Farnsworth, D. N. Skillings, W. V. Hutchings, and 113 others; of Jordan, Marsh & Co., Hamilton A. Hill, E. R. Mudge, Sawyer & Co., John W. Candler, and 36 others; of Henry I. Bowditch, George Derby, George C. Shattuck, George H. Gay, R. M. Hodges, Samuel Cabot, Francis Minot, J. B. S. Jackson, C. G. Putnam, Calvin Ellis and 123 other physicians and surgeons; of H. H. Coolidge, Jonathan Amory, J. A. Farrell, B. F. Thomas and 90 others; of Alanson W. Beard, C. M. Cumston, A. Sigourney Bird, Orlando Tompkins, Leopold Morse, J. D. Morton, John G. Loring and 78 others; of Lewis Rice, Charles C. Goodwin, C. D. Cobb & Brothers, Allen & Noble, Homer, Lane & Co., Hollis R. Gray, Braman, Shaw & Co., Daniels, Harrison & Co., John D. Parker and 338 others; of W. H. Baldwin, H. B. & W. O. Chamberlain, W. E. Bright & Capen, John H. Bufford, C. D. Cobb & Brothers, F. M. Clark and 171 others; of R. M. Pulsifer, Isaac H. Wright, S. S. Sleeper & Co., Woodward, Brown & Co., Jones, McDuffee & Stratton, John A. Nowell, Gardner Chilson, J. H. Dunbar and 197 others.

On motion of Alderman Clark, the several petitions were referred to the Committee on Health, with instructions to report if possible at the next meeting of the Board.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows:

W. B. Earl, to give a concert at Wait's Hall, Oct. 3; W. B. Wortman, as an auctioneer; also to sundry persons as dealers in second-hand articles, as victuallers, for hack stands, wagon stand, hack license, and for transfer of a wagon license, and a billiard license. Severally accepted.

Alderman Cutter, from the Committee on Paying, reported leave to withdraw on petition of T. L. Sturtevant and others, for grade damages on Essex street. Accepted.

Alderman Cutter, from the same committee, to whom was referred the petition of Michael J. Ryder, to be paid for grade damages, reported the following order:

Ordered, That there be paid to Michael J. Ryder the sum of \$150, in full compensation for all damages caused to his estate on Emerson street, by raising of the grade of said street, as ordered by the Board of Aldermen, November 4, 1871, upon the usual conditions; to be charged to the appropriation for Paving.

The report was accepted, and the order was passed.

Alderman Cutter, from the same committee, to whom was referred the petition of S. H. Russell and thirty-six others, owners and occupants on Doane street, that said street be paved with wood, made a report of the accompanying order:

Ordered, That the Superintendent of Streets be directed to pave Doane street with wood, at an estimated cost of \$2200.

The order was read once.

Alderman Sayward, from the Committee on Faneuil Hall, reported in favor of granting the use of said hall to Joseph F. Paul and others for a political meeting on Wednesday afternoon, September 25; also, the use of Faneuil Hall to S. B. Stebbins and others, for a political meeting November 5, 1872. Severally accepted.

Alderman Clark, from the Joint Standing Committee on Streets, to whom was referred the order of the City Council requesting the Board of Street Commissioners to report estimates to the City Council of the expense of widening Portland street from Hanover street to Causeway street, on the northerly side, to a width of sixty feet, made a report that the order ought to pass.

The report was accepted and the order was passed.

Alderman Ricker, from the Committee on Health, reported in favor of stables as follows: J. B. Cassidy & Brothers, to erect a brick stable for forty horses on Station and Pierpont streets; E. S. Johnson, to occupy a stable for two horses on Stoughton street, corner of Everett avenue; William J. Stevens to occupy a wooden stable for nine horses on proposed street rear Ward street; Charles H. Leach, to occupy a wooden stable for six horses on Marsh near Mount Vernon street and Old Colony Railroad. Severally accepted.

The same committee reported leave to withdraw on petition of William Donaldson, for leave to occupy a stable for two horses on Wabon street, near Warren street. Accepted.

Alderman Jenks, from the Joint Standing Committee on the City Hospital, to whom was referred the communication from the trustees of the hospital, recommending that the wharf property owned by the city on the easterly side of Albany street (except such portions as are used for the purposes of a stable) be leased for business purposes, under such restrictions as may be suggested by the trustees, having considered the subject, made a report recommending the passage of the accompanying orders:

Ordered, That the Trustees of the City Hospital be directed to disinfect or destroy, as they may deem best for the interests of the city, the buildings on the easterly side of Albany street heretofore used for the purposes of a smallpox hospital.

Ordered, That the Committee on Public Lands be directed, with the approval of the Trustees of the City Hospital, to lease for a term of years, upon such terms and conditions as they may deem best for the interests of the city, the lands and other property owned by the city on the easterly side of Albany street, heretofore occupied for the purposes of a smallpox hospital, reserving only such portions of said lands as are now used for the purposes of a stable.

Ordered, That the Committee on the City Hospital be and they are hereby authorized to purchase a lot of land within the limits of the city, suitable for the purposes of a smallpox hospital, at an expense not exceeding \$25,000.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, a sum not exceeding \$25,000, to be applied to the purchase of a site for a smallpox hospital.

Alderman Clark moved to amend the orders by substituting \$50,000 in place of \$25,000 as the amount to be appropriated for a site for a smallpox hospital, expressing the belief that \$50,000 would be required for such a purpose.

The amendment was adopted, and the orders, as amended, were passed.

Alderman Fairbanks, from the Committee on Water, to whom was referred the petition of W<sup>c</sup> E. Woodward and others that water pipes be laid up to the corner of Fellows and Hunneman streets, made a report recommending that the petition be referred to the Water Board. Accepted.

The same committee reported reference to the



Water Board on the petition of Dexter Humphreys and others that a watering trough be located at Upham's Corner, Ward 16. Accepted.

Alderman Fairbanks, from the Committee on Water, to whom was referred the communication from the Selectmen of the town of Brookline in regard to supplying the inhabitants of that town with water from the Boston works, as authorized by section eight, chapter one hundred and seventy-seven of the acts of the year 1872, made a report that it appears from the representations of the Water Board that the present facilities for conveying water from Lake Cochituate and Sudbury River are barely sufficient to meet the requirements of the citizens of Boston in the districts now supplied from these sources. Under these circumstances it is inexpedient to entertain any proposition at this time for supplying water to other cities or towns, and the committee would therefore recommend that the petitioners have leave to withdraw. Accepted.

Alderman Fairbanks, from the same committee, to whom was referred the petition of the Massachusetts Society for the Prevention of Cruelty to Animals, that additional drinking troughs be established in different sections of the city; and to whom were also referred the petitions of the newspaper publishers of Boston, the Adams Express Company and other express companies, stable keepers and teamsters, and Ordway, Blodgett & Co. and others, in aid of the same, made a report that, as the Water Board had already taken measures to establish a large number of drinking troughs for the accommodation of animals in the streets of the city, no further action is necessary on the part of the City Council. Accepted.

Alderman Stackpole, from the Joint Standing Committee on Public Instruction, to whom was referred the order of the School Committee, requesting the City Council to provide some suitable building in which to locate the Normal School recently established by vote of the School Board, made a report recommending the passage of the following order:

Ordered, That the Committee on Public Buildings be authorized to provide suitable accommodations for the Normal School, recently established by the School Committee, in the Girls High and Normal School building on Newton street; the expense to be charged to the appropriation for Schoolhouses, Public Buildings.

The report was accepted, and the order was passed.

Alderman Fairbanks, from the Committee on the Market, reported in favor of the transfer of the interest of the late A. B. Simmons in stalls Nos. 94-98, and cellar 17 Faneuil Hall Market to D. E. Butterfield. Accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of the petition of Joseph L. Ross, for leave to put up a furnace for smelting iron on the Trull estate on Chardon street. Accepted.

Alderman Squires, from the Joint Standing Committee on Public Lands, to whom was referred the petition of William T. Hart, for extension of time upon which to build on a lot of land on Harrison avenue, made a report recommending the adoption of the following order:

Ordered, That the time for the erection of a building upon the lot of land situated on Harrison avenue, between Malden and Pympton streets, as conveyed to William T. Hart by the city of Boston, Jan. 25, 1872, be extended one year from Aug. 30, 1872, upon condition that the said Hart pay to the Superintendent of Public Lands the sum of \$200, within ten days from the passage of this order.

The report was accepted, and the order was passed.

Alderman Squires, from the same committee, reported in favor of the passage of the following order, or petition of B. F. Horn for a deed of certain land:

Whereas, the city of Boston, by an agreement dated May 25, 1855, obliged itself to convey to Benjamin F. Horn a certain parcel of land in said Boston, being lot numbered 9, on plan recorded, with plans of "city lands sold" in book 2, page 67 in the office of the Superintendent of Public Lands, upon the terms and conditions in said agreement contained; and whereas, the said Horn has lost or mislaid said agreement, and is desirous of obtaining a deed of said land; therefore

Ordered, That a deed be given to said Benjamin F. Horn of said land upon compliance by him with all the stipulations and conditions contained in said agreement, and upon his giving a bond, satisfactory to the City Solicitor, to save the city harm-

less against said lost or mislaid agreement; and his Honor the Mayor and Superintendent of Public Lands are authorized to execute a deed accordingly.

The report was accepted and the order was passed.

Alderman Kicker, from the Committee on Bells and Clocks, to whom were referred the petitions of Mathew Keany and others, James O. Fallon and others, Robert Marsh and others, and Charles E. Wiggin and others, made a report that they have given the subject a careful consideration, and are of the unanimous opinion that a clock is much needed, and, in fact, has become almost a public necessity on Hanover street, that being a great public thoroughfare, to replace the one destroyed by the gale of September 8, 1868.

The only suitable tower on that street or in the vicinity is the one on St. Stephen's Church, corner of Clark and Hanover streets, and they therefore recommend the passage of the following order:

Ordered, That the Committee on Bells and Clocks be authorized, and they are hereby directed, to place a clock in the tower of St. Stephen's Church, corner of Clark and Hanover streets, at an expense not exceeding \$1000, the same to be charged to the appropriation for Bells and Clocks.

The report was accepted, and the order was passed.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That the Superintendent of Streets be directed to build retaining walls on the easterly side of Harrison avenue, south of Northampton street, where the same are required, to make the sidewalks safe for public travel, and to prevent the earth filling from pressing in the foundations of the houses.

Ordered, That the Superintendent of Streets be directed to build the necessary cesspools and drains for the surface drainage of Foundry street, between Dorchester avenue and Fourth street, and to have the roadway of said street paved with small granite blocks, at an estimated cost of \$14,000.

Ordered, That there be paid to Mary Green, wife of Hugh Green, the sum of \$1000, in full compensation for all damages caused to her estate on Ontario street, by the raising of the grade of said street, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That the order passed Sept. 16, 1872, to pay Hugh Green \$1000, for grade damages on Ontario street, be and the same is hereby rescinded.

Ordered, That the Board establish the revise 1 grade of Fourth street, between A and B streets, as shown on a plan and profile of said street drawn by the City Surveyor, dated July 16, 1872, and deposited in the office of said City Surveyor.

Ordered, That from and after August 1, 1872, and until otherwise ordered, the salary of the Superintendent of the Granite Bridge be at the rate of \$250 per annum.

On motion of Alderman Woolley,

Ordered, That there be allowed and paid to the band of the Ninth Regiment of Infantry the sum of \$90, in full for services at May inspection, 1872, being the sum certified to be due therefor; the amount to be charged to the appropriation for Militia Bounty.

On motion of Alderman Clark,

Ordered, That the Chief of Police be and he hereby is directed to remove forthwith all buildings and obstructions standing on land taken from Thomas Connelly to extend Sixth street to Foundry street, by a resolve of the Board of Aldermen, approved March 27, 1867; and that the expense thereof be charged to the appropriation for Widening Streets.

Ordered, That there be paid to J. F. Paul, J. T. Bailey and Charles E. Jenkins the sum of \$78,176, for land taken in the name of J. F. Paul & Co., and all damages occasioned by the extension of Appleton street to Tremont street, by a resolve of the Board of Street Commissioners, May 27, 1872, upon the usual conditions; to be charged to the appropriation for extending Appleton street.

Ordered, That the order of this Board of September 16, 1872, to pay the said Paul and others \$78,176, be and the same hereby is rescinded.

Ordered, That the assessment for betterment on account of the extension and of the widening of Zeigler street, laid by orders of the Board of December 24, 1870, upon the estate of John B. Simpson, numbered 4 Knower place, and amounting to \$105, be and the same hereby is abated in the sum of \$52 50, leaving the assessment upon said estate of said Simpson, 4 Knower place, to be paid to the



city on account of betterment thereto from the extension and from the widening of Zeigler street at \$52 50—no interest or costs to be charged by the City Treasurer in addition to the above named, provided the same is paid within ten days from the date hereof.

Ordered, That the sum of \$250 be and the same hereby is abated from the betterment of \$1500 assessed upon the estate of Robert C. Nichols, corner of Warren and Zeigler streets, by orders of the Board of Dec. 24, 1870, on account of the extension and of the widening of said Zeigler street; leaving the amount now assessed upon said estate of Robert C. Nichols, on account of betterment thereto from the extension and from the widening of said Zeigler street, at \$1250.

On motion of Alderman Rieker,  
Ordered, That the Committee on Health be and they are hereby authorized to make suitable arrangements for the vaccination and revaccination of all the inhabitants of the city of Boston, in accordance with the provisions of chapter twenty-six of the General Statutes of the Commonwealth of Massachusetts, and that they be further authorized to furnish means of vaccination to such of the inhabitants as are unable to pay for the same; the expense attending the furnishing of such means and the execution of the arrangements to be charged to the appropriation for the Health Department.

On motion of Alderman Squires,  
Ordered, That the street running from Marcella street to Stony Brook, forty feet wide, as laid out by the Committee on Public Lands, over a portion of the land heretofore known as the Almshouse lot, at Boston Highlands, the same being shown upon the accompanying plan, made by Thomas W. Davis, City Surveyor, and dated July 12, 1872, be approved and accepted by the Board of Aldermen.

Ordered, That the lot of land, containing 64,910 square feet of land, being a part of the old Almshouse lot, so called, at Boston Highlands, as shown upon the accompanying plan, drawn by Thomas W. Davis, City Surveyor, and dated July 12, 1872, be and the same is hereby placed in charge of the Committee on Public Buildings, for the use of the Health and Paving departments.

On motion of Alderman Fairbanks,  
Ordered, That the Superintendent of Sewers be directed to construct a Common Sewer in Third street, between L and M streets, and report a schedule of the expense thereof to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Blake and Kemp streets between tide water and Dorchester streets, and report a schedule of the expense to this Board.

ORDERS READ ONCE.

On motion of Alderman Cutter, orders for resetting the edgestones, repaving the gutters and sidewalks and gravelling the roadway of Lawrence street, at an estimated cost of \$800; to build cess-pools, reset the edgestones, and pave the gutters on Mindora street, at an estimated cost of \$1800; to pave the sidewalks on Old Harbor street with brick; to pave F street, between First and Second streets, with small granite blocks, at an estimated cost of \$4500; giving permission to E. Howard & Co. to erect an iron post in the sidewalk at No. 114 Tremont street for a clock to be placed thereon; to reset the edgestones, relay the sidewalks, and pave the roadway of Fourth street, between A and B streets, at a cost of \$8000.

On motion of Alderman Clark, orders to pay Jacob N. Goodnough \$867 80, for land taken and damages in the widening and extension of Emerson street; authorizing the sale by auction of so much of the land purchased of Seth Adams as is not required for the extension of Broadway.

WOOD PAVEMENTS ON DORCHESTER STREET.

On motion of Alderman Power, the order for the Superintendent of Streets to pave Dorchester street, under order of June 24, 1872, with wood instead of granite blocks, was taken from the table and considered.

Alderman Cutter moved to amend by substituting granite blocks for wood.

Alderman Power said the motion would be superfluous, the order already passed providing for granite blocks. Without arguing the general economy of wood over granite pavements, he had been assured by the Superintendent of Streets that in this case the paving of wood in ten years would cost less than the cost of granite. The street was now very muddy, the macadamize material washing away with every rain. A portion of the street

in front of the schoolhouse having been determined upon to be paved with wood, it would be economy to make the whole pavement of wood.

Alderman Cutter said he would be happy to accommodate the Alderman if he lived on that street, but he did not believe it to be good economy to do so. He had conversed with committees from other cities on the subject, who were surprised at the cheapness of granite pavements here, and he was satisfied, as he had before expressed, that granite pavement was much cheaper than wood. So also in relation to the sanitary effects of the pavements—after the recent heavy rains the granite pavement was in a clean condition, while in wood pavements, where holes are worn, the water stands on the decaying wood. The grade on Dorchester street was worse than on Bromfield street, where granite had been ordered in place of wood, and they should not make fish of one and flesh of another.

Alderman Power said he did not live on this street, but in the neighborhood of it, and he believed that in a matter of principle the Alderman might vote for wood in this case and be consistent. The abutters on that street did not wish to have it paved with stone, and if they could not have wood would prefer to have it remain as it is and put up with their present inconveniences. As a matter of economy he would repeat, as the testimony of the Superintendent of Streets, that it would be less expensive to pave the street with wood than with stone.

Alderman Cutter said the Alderman knew better than he did that there were other streets in South Boston which more needed paving than this street did, and if the abutters did not wish to have it paved enough to have stone pavement, they had better let it go as it is.

Alderman Power said he would grant it to be true in relation to other streets, but he had hoped that some of them would be paved; yet, if the Board was not disposed to, they must submit; it seemed to be believed that South Boston was only fit for smallpox hospitals and such things, but when 40,000 or 50,000 people come here for street improvements, some notice should be taken of their wants. There were other streets which required paving, but they did not expect to get them all at once. As to this street, it was a great driveway, more used for pleasure travel than any other street in South Boston, except Broadway, but not for heavy teaming, except for coal and wood.

Alderman Jenks moved that the report be re-committed.

Alderman Power opposed the motion as unnecessary and useless, for the Committee on Paving considered the subject for some time, and it would be better that the order be passed or defeated.

The Chair stated the position of the question, that an order to pave the street had already been passed, and the present order was to pave with wood instead of granite.

The motion to recommit was carried.

THE METROPOLITAN STABLE-HEARING.

On motion of Alderman Power, the special assignment, the continuation of the hearing on the subject of the erection of a brick stable by the Metropolitan Railroad Company on Shawmut avenue, Guild and Bartlett streets, for one hundred cars and six hundred horses, was taken up.

Additional witnesses were called by Mr. Muzzey, counsel for petitioners, in rebuttal of testimony of remonstrants.

George A. Simmons, a resident of Roxbury for fifty years, having charge of four houses on Bartlett street, was of opinion that the location of a stable would have a tendency to change the character of the neighborhood, but would not lessen the value of the property; which, on the contrary, would probably increase.

To Mr. Keith—The neighborhood was now respectable, and he supposed the change would be to houses for railroad employes, stores, etc. This was but a matter of opinion. As to the call for stores, he believed the Cox Block had not been occupied, and some of the stores in Sargent's Block had not been occupied in three years, but could not say positively. The estates of Mr. Os-good and of James Guild might be affected by the location of the stable, but the Hollingsworth estate was too far off to be affected.

Franklin Williams, a resident of Roxbury, had been a member of the School Committee and served on the Committee on the Girls' School in Bartlett street; an effort had been made, which would probably prevail, to remove this school and consolidate it with the Washington School.



To Mr. Keith—The Girls' High School on Kenilworth has a passage through to Bartlett street; understood that the chairman of the committee had remonstrated against the location of this stable.

N. J. Bradlee testified that there was a stable on Pembroke street within sixty feet of the Girls' High and Normal Schoolhouse, and there were stables near the Charity Building on Chardon street, in the rear of Washington and of Boylston streets, and the St. James stable and others near dwelling houses.

To Mr. Keith—The stable on Pembroke street referred to was for 125 horses, and there was another for 100, besides three or four private stables. There were no schoolhouses near the other stables referred to by him on Washington and other streets.

This closed the rebutting testimony on the part of petitioners.

Mr. Keith presented and read the remonstrance of J. Russell Bradford and thirty-six others of the Eliot Congregational Society against the proposed location of a stable so near to their church, as calculated to injure it.

Mr. Keith called J. Russell Bradford in relation to the above petition, to which Mr. Muzzey objected, as evidence on ground which had been gone over. If allowed, they might claim the right to put in evidence to meet this, and there would be no end to the hearing. Under the ordinary rules of evidence it was clearly inadmissible.

The Chair stated that it was not the custom of the Board to be confined to the legal rules of evidence, but to allow any testimony calculated to give light on the subject under hearing.

Mr. Bradford was of opinion that the stable would change the character of the neighborhood; that the houses would be occupied by the employes of the railroad company; it would tend to prevent many persons from going to their church, as meetings were held in the afternoons and evenings, attended by many ladies.

To Mr. Muzzey—As to the number of members of the church, he believed there were some eighty heads of families, or that eighty would cover the number.

H. H. Moses, called in relation to distances, testified that the shortest distance of the proposed stable was 128 feet from the corner of the schoolhouse lot; the rear of the Eliot Church was 145 feet from the stable lot.

William E. Blanchard testified that he had looked over the list of the petitioners in favor of the stable, and of the 110 names 31 were not in the Directory, 20 resided in Ward 14, 10 to 12 were clerks, 5 were bartenders, 1 resided in Cambridge and 1 in Dorchester. Colonel Hutchings, who headed the petition, he never saw in the cars, and was in the practice of riding in his own carriage.

To Mr. Muzzey—He could not, without examination, tell who it was who resided in Cambridge.

Mr. S. W. Richardson, one of the trustees of the Hollingsworth estate, testified that he had sold 16,000 feet of land to the Trustees of the Library; this was on Milmont, Lambert avenue and Lambert street, was favorably situated, and sold at \$1 a foot.

Mr. Muzzey objected to putting in evidence to show motives of parties in selling land, Mr. Keith claiming that the land was sold at a lower price since the proposed location of the stable for the purpose of getting rid of it.

Mr. Keith said this was new evidence which had developed since the hearing began, in which land had sold for \$1 when the railroad company had paid \$1.50 per foot.

The Chair stated that the Board desired the fullest information on the subject, and the evidence was allowed to go in, Mr. Richardson stating that he should not have sold but for the fact that it was proposed to locate the stable in the vicinity. He represented 600 or 700 shares in the Metropolitan Railroad.

J. F. Osgood was recalled, and testified that the reasons why there had been no buildings on the Guild estate was that James Guild told him he would not sell the land while the old lady was living; the last sold until now was bought by witness seven years ago at twenty-five cents a foot; and no sales had been made from the Wainwright estate for several years for the same reason. He had asked for a refusal of some of the land, but it would not be given him, and that which was bought by him had been much improved. [Photographic views were here put in to show the change from a cornfield to the present condition of the land.]

Mr. Keith, in closing the case for remonstrants,

said he proposed to take but twenty minutes of the attention of the Board. He would only go briefly over the evidence: First, that there was no necessity for the stable, there being several lines of cars passing this same point, and there had been a refusal to increase the accommodations on the Eglinton-square line, although efforts had been made for ten years to get such an increase; these could have been increased, but at the last session of the Legislature a reason was given for no increase, because such an increase could not be done without blocking the streets; further, increased accommodations could be made on the Warren-street line as well as the Norfolk-House line.

Besides these three lines, coming together and on which an increase could be made, it was but 1000 feet to the stable on the Stony Brook, where good drainage could be had, and where the accommodations could be increased for a new line or more cars on the old routes. In addition to these lines the new Highland Company was located on the Warren-street route and had a stable on Shawmut avenue not far from this proposed stable, and with these facilities it could not be claimed as a necessity for another stable to afford the needed public accommodations.

The location was objectionable on account of its nearness to the schoolhouse on Bartlett street, for which an additional expenditure was required, now pending before this Board; it was objectionable on account of its nearness to churches, the distance being but one hundred and forty-five feet from the Eliot Church, while the statute of the State prohibits the location of stables within the distance of one hundred and seventy-five feet; the location was opposed by abutters, while of the petitioners in favor of the measure, it had been shown that but few of the persons on the petition were residents of Roxbury, not twenty of them being known by him, a resident of Roxbury for twenty-six years.

Mr. Keith further objected that the lands had not been improved because they had been held for a rise; so far as related to the evidence that the property in the vicinity would be improved, he asked whether there was any evidence to show such an improvement, and whether it was desirable to bring about that vicinity such a character as surrounded the stable on Washington street. The residents asked that the locality should be kept respectable, as it now is.

Mr. Muzzey, in reply, said he supposed it would be agreed as a fact unchallenged, that the Metropolitan Railroad Company needed additional car room. That agreed, the accommodations must be in the thickly populated sections of the city, where the public can be best accommodated and easily furnished, cheaply and with promptness. The witnesses were not agreed where such a stable should be placed, and it would be admitted that a stable was not a desirable building to have in one's neighborhood. So it was also true that schoolhouses were not always desirable in a neighborhood, that fact led to an act of the Legislature to allow the taking of land for schoolhouses, and under the act, in the taking of land, individual wishes were not regarded.

With reference to the schoolhouse on Bartlett street, the testimony showed that it was in contemplation to remove the school elsewhere, and so far as related to the High School, which the location of the stable would not touch, he would be willing to assume, as was intimated, that a high fence could be put up if its character should be endangered. It was expected that the testimony of Mr. Bradley, Superintendent of Sewers, would have been given in relation to the sewer, but he was absent, and the Board can ascertain the matter from him on his return.

The testimony of Mr. Faunce showed that, with all his knowledge, there was no more suitable place for this stable than the locality proposed, and Mr. Guild, in making the sale, recognized the fact that the use of the property in that vicinity must greatly change in the future. Shawmut avenue has become a great thoroughfare and must give way to business, for it could not be much longer a desirable place of residence. The residents of Pemberton square and Summer street were loath to give up their dwellings, but they were obliged to yield to the demands of business, and were compensated in obtaining ten times the former rents for their dwellings.

In relation to the use of the stable, Mr. Muzzey said it might be many years before it would become necessary to put in it as many as six hundred horses, and the opinion of Dr. Derby he believed



would be conclusive as to the effect which the stabling of so many horses would have in a sanitary point of view. No man, he said, in the present growth of the city could feel assured that he could long remain in comfort beyond the encroachments of business, except in the outskirts of the city, and in this case, the few must yield to the many in giving the Metropolitan Railroad reasonable accommodations, that it may discharge its duties to the community.

The hearing was now closed. Alderman Jenks moved that the subject be assigned for the consideration of the Board to Monday next, at half-past four o'clock.

Alderman Clark suggested that the Board should visit the locality before the next meeting, several days being named, but the time was left undetermined.

The motion to assign was carried. Adjourned.

## CITY OF BOSTON.

### Proceedings of the Common Council, SEPT. 23, 1872.

A special meeting of the Common Council was held this evening at eight o'clock, called through a communication of the mayor, in relation to the death of a member; M. F. Dickinson, Jr., the President, in the chair.

The communication of the Mayor was as follows:

EXECUTIVE DEPARTMENT,  
CITY HALL,  
BOSTON, Sept. 23, 1872.

To the Common Council—It becomes my painful duty to announce to you the death of Daniel Dowd, a member of the Common Council from Ward 13. I respectfully recommend the Common Council in some appropriate manner to express their sorrow for the loss which they have sustained and their great respect for the memory of the deceased.

WILLIAM GASTON, Mayor.

Mr. Mullane of Ward 13 offered the following resolutions:

Whereas, the members of the Common Council have received with deep sorrow the intelligence of the death of Daniel Dowd, a member of this Board from the thirteenth ward—

Resolved, That in the death of our esteemed associate and co-laborer, the City Government loses the services of one whose sterling integrity and honesty of purpose had endeared him to all with whom he came in contact.

Resolved, That the President of the Council be requested to convey to the family of our deceased friend the expression of our deep and heartfelt sympathy for their sudden bereavement.

Resolved, That the members of the Council will attend the funeral of their late associate in a body, and that Messrs. ———, with the President of the Council, be a committee to make the necessary arrangements, and that a copy of these resolutions be sent to the family.

On motion of Mr. Flanders of Ward 5, the City Messenger was directed to drape the chair and desk occupied by the deceased for a period of thirty days.

Mr. Fitzgerald of Ward 7 said he could not let the opportunity pass without saying a word in relation to one whose untimely end had brought them here tonight. The deceased he knew well, and his untimely end forcibly reminded them that in the midst of life we are in death. He did not talk much in this Board, but he possessed those qualities without which the faculty of speech would not be of much use. Although not a speaker, he possessed sterling integrity, and was an honest and upright man, a kind friend, good husband and father and genial companion. In an acquaintance of three or four years he never met a man who was more honest and upright and who acted more in accordance with what was right. In meeting him two or three weeks since in the street, he little thought they would so soon be called to deplore his death, and to send these resolutions of condolence to his friends. In his death, if the city had not lost a brilliant man, it had lost an honest and upright citizen.

On motion of Mr. Flynn of Ward 7 the passage of the resolutions was taken by a rising vote, and they were passed unanimously.

The Chair appointed as the committee under the resolutions, Messrs. Mullane of Ward 13, Flynn of Ward 7, Davenport of Ward 16, Dacey of Ward 2, Pease of Ward 1, and Risteen of Ward 10.

After an announcement was made of the time of the funeral, and the request for the members to assemble on Tuesday morning at 9½ o'clock, for attendance thereon, the Council adjourned.









## CITY OF BOSTON.

Proceedings of the Common Council,  
SEPT. 26, 1872.

The regular weekly meeting of the Common Council was held this evening at half-past seven o'clock, M. F. Dickinson, Jr., President, in the chair.

The Council was not called to order until twenty minutes to eight o'clock, when a roll call showed the following-named members to be present—barely a quorum:

Adams, Bicknell, Blackmar, Bradt, Burditt, Burt, Caton, Collins, Darrow, Davenport, Dickinson, Emery, Faxon, Fitzgerald, Flanders, Gragg, Hart, Locke, Loring, Marston, McNutt, Page, Pease, Perkins, Pickering, Robertson, Robinson, Shepard, Thacher, Webster, Weston, Whiston, Wilbur, Wright.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Michael F. Lynch, James E. McKenney, James W. Edgerley and others, and of Charles W. Slack and a large number of others, the last for a new Board of Health, and a communication from the City Physician, were severally referred, in concurrence.

The following reports were accepted, in concurrence:

Report (leave to withdraw) on petition of town of Brookline, for a conference on a supply of water.

Report (no further action necessary) on the petitions of Ordway, Blodgett & Co., and others, that more drinking troughs be located in the city.

Reports referring to the Water Board the petition of W. E. Woodward and others, that water-pipes be laid up to the corner of Fellowes and Humnean streets; also referring to the same board the petition of Dexter Humphreys and others, that a watering trough be located at Upham's Corner.

The following orders were severally read once:

Report and order that a deed be given to Benjamin F. Horn of a certain parcel of land numbered 9 on plans of city lands, book 2, page 67, on the terms and conditions therein named.

Report and order that the time for the erection of a building upon certain land as conveyed to William T. Hart, on Harrison avenue, be extended for one year, on the terms and conditions therein set forth.

Report and orders for the disinfection or destruction, as may be deemed best, of the smallpox-hospital buildings on the easterly side of Albany street, and authorizing a lease upon the terms best for the city's interest of certain city lands and other property heretofore occupied as said hospital; also for the purchase of a lot of land within the limits of the city for the purpose of a smallpox hospital, at a cost not exceeding \$50,000, and for a loan therefor.

Order that from the first of August last, till otherwise ordered, the salary of the Superintendent of Granite Bridge be at the rate of \$250 per annum.

The following orders were passed, in concurrence:

Report that the order requesting the Street Commissioners to furnish estimates of the cost of widening Portland street from Hanover to Causeway street ought to pass; and passage of said order.

Order placing in charge of the Committee on Public Buildings, for the use of the Health and Paving departments, 64,910 feet of the Old Almshouse lot at Boston Highlands.

Report and order that suitable accommodations be provided for the Normal School, recently established in the Girls' High and Normal School Building, on Newton street.

## UNFINISHED BUSINESS.

The following orders were read a second time, and passed:

Order authorizing a deed of release to Joseph F. Paul and others for all the city's interest in that portion of Chapman street, westerly of Tremont street, which was discontinued on the 16th of September last, upon their releasing all damages from the grading of said street as therein set forth.

Order authorizing the Committee on Public Buildings to settle the action or cause of action pending in the Superior Court between Samuel

Dudley and others and this city, relative to the title to real estate known as the City Hall in the city of Roxbury.

Order authorizing not exceeding \$400, additional to amount heretofore authorized, to be expended for the heating, furniture and grading for Police Station No. 9.

Order to pay M. B. Tower \$900, for raising and towing the schooner Brutus to flats at East Boston, the vessel having been sunk in Fort Point Channel.

The order requesting estimates of the Street Commissioners of the probable cost of widening Beacon street from Tremont to Park street, was referred to the Committee on Streets.

## IMPROVEMENT OF THE SOUTH BOSTON FLATS.

On motion of Mr. Perkins of Ward 6, the special assignment, the report and order on the memorial of the Harbor Commissioners relating to the South Boston Flats, with the addition to the indenture therein referred to (City Doc. No. 75, 1872), was taken up.

The Chair stated as the pending question a proposed amendment to the indenture, offered by Mr. Perkins, with a proposition as a further amendment by Mr. Webster of Ward 6, as follows:

Ordered, That the report and accompanying indenture be recommitted to the joint special committee on the memorial of the Harbor Commissioners, with instructions to inquire and report whether some arrangement cannot be made for the construction of the streets deemed necessary by the city authorities within a reasonable time over and upon any land of the other parties at the expense of the abutters; and whether the other parties to the contract will not consent that the principles of the Betterment law may be applied to the building of the avenues from Federal and Broad streets respectively to Fort Point Channel and the bridges over that channel to connect with the eastern and northern avenues on the east side, and a bridge across reserved channel to connect Eastern avenue with South Boston, and an avenue thence to First street, in the same manner that they would be obliged to do if the Betterment law applied to bridges as well as streets.

Mr. Perkins stated that the committee had authorized a consent to recommitment, and he should make no objection to the motion of his colleague.

Mr. Shepard of Ward 4 moved certain amendments to the fourth, seventh and eighth lines of the order, to provide that the committee shall report "a form of indenture whereby" the construction of the streets, etc., shall be carried out under the provisions of a betterment law to which the other parties will agree.

Mr. Perkins objected to the changes in the order, in giving it the form of instructions to the committee, and favored the amendment proposed by him to the indenture, remarking that he disbelieved in the greater part of the views contained in the speech of his colleague, yet he would not object to recommitment; the committee would not refuse to carry out the wishes of the Council, in endeavoring to find out whether a better arrangement can be made. They would endeavor to report what is practicable, and today had had a conference with the Harbor Commissioners, and would have another in a few days. They would then bring in their report, and if it was not satisfactory the Council could substitute some other; but they objected to being bound to any course of action, for if the other parties did not agree to it, of what use would it be?

Mr. Shepard denied that the adoption of his amendments would be the taking of the matter out of the hands of the committee. The design was to have the committee propose a certain form in accordance with the order, and report it to the Council; they might draft it in such form as they saw fit, and the Council would have something to look upon. If agreed to, they would have a form of indenture to submit to the other parties in interest, and ask their consent thereto.

Mr. Perkins said it would not be a good way to bind the committee to a certain form. The most sensible way would be to let them meet others and find out how nearly they can agree, for if instructed to do what proves to be impracticable, there would be no indenture at all. The committee should be treated with respect and not bound hand and foot, for if they have no discretion they might as well be discharged, and the subject be placed in the hands of others. If they were to transact business they should have some discretion.

Mr. Fitzgerald said he agreed with the gentleman from Ward 6 that the form of instructions would be unfair, because it would hamper the



committee, and it would practically commit the Council to the peculiar form of the indenture, whatever it is. It would bind the committee to treat on that peculiar basis and no other. The indenture as first reported was not satisfactory, and was amended, and the Council had shown that it did not like it for it was not exactly perfect. The committee must now have a fair idea of what is wanted, and he would let them go and present the views of the Council and get what they wish, and if not, the next best thing, which would be at their option to accept, and subject to amendment.

He was in favor of the improvement of these flats, and in the filling would not haggle about a few hundred thousand dollars, for it would be a great good to the public. If not reported satisfactorily from the hands of the committee, they had the right to amend or reject it. It would not be best to bind the Council and the committee to any agreement beforehand, for they should get the best terms they can, and if they cannot settle it, on such terms, it ends there.

Mr. Shepard in reply, said they knew the wishes of the chairman of the committee of each branch on the subject, that it would be of no use simply to recomit, for it would amount to nothing, and their action would be to recommend nothing. He did not know what the other members of the committee would do, but these gentlemen were actively opposed to any change. The amendments gave great scope, and did not confine the committee to any form; they might use such words and phrases as they pleased, provided the subject of laying out the streets with the principles of the Betterment law prevailed.

The amendments would not commit the Council to any course of action; the committee would frame an indenture and report it back to the Council, and not to the other parties. That form would be put into every man's hand to read and to think upon, and then they might instruct the committee to present the indenture or any other to the other parties interested. The City Council had a right to say on what terms the city shall enter into an agreement with the other parties, for the city has an equal right with others, and should express its wishes in regard to the conditions of the improvement.

The principle of betterment should be applied to bridges as well as highways, and there was no reason why it should not. A bridge is a part of a highway and becomes such when made public. In this peculiar case a bridge makes a peculiar addition to the value of real estate of three large corporations. Streets add to the value of the real estate to the owners abutting thereon more than they do to the city, and they should pay for such improvements. That is the general principle as a part of our laws.

Three immense corporations all hold lands to the value of millions of dollars. The city is called upon to build bridges, not to accommodate citizens in facilities for travel, but to enable these corporations to sell their lands at a higher price in the markets, for at least a dollar a foot more than they can now get. This they ask, with an immediate advantage to them, and the indirect advantages to the city, in the shape of taxes in the future. They pocket the dollar at once, and we get a percentage. The principle of the Betterment law should apply to such a case; and he did not propose to vote for any measure of this kind without such an application of the principle.

It would be admitted that the law did not provide for betterments in such a case, but an agreement would make the principle applicable. It may include it, and it should do it. What objection, he asked, could there be to the proposed amendments? The committee would go to work and frame an indenture in a form and in accordance with the purpose as proposed, draft it in legal shape, and report it. They would then have it before the Council to look at it, adopt it, amend it, or instruct the committee to propose it in any form they may see fit.

Mr. Pickering of Ward 6 said, as he understood the views of the committee, there would be no difficulty in the matter. There was an objection to tying their hands in any course of action and he should be sorry to see it. Let the report go to the committee and they might report back as they see fit. Parties making a bargain should be on an equal footing, and he had no doubt the committee would look out for the interests of the city as they should see it required. He moved that the order and amendments be referred to the committee.

The Chair stated that the motion would be equivalent to the one under consideration.

Mr. Perkins said the main error of his colleague in his remarks on the motion to recomit was in treating this as simply a business arrangement between certain corporations. The Boston & Albany Railroad Corporation and the Boston Wharf Company were not before the committee. The Harbor Commissioners came to the city anxious to have the measure of improvement of the flats carried out. The United States Government was the first mover in the measure as an improvement of the harbor, and that was the main purpose, while the filling of the flats was secondary.

The committee had been able to make the arrangements proposed, and which had been entered into. They were willing to receive light, even from the enemies of the project, and if the report should be recommitted, would endeavor to make the agreement perfect. Yet, if they were to be bound to any one form of agreement they believed they should lose it, and it would be worth no more than waste paper.

Mr. Blackmar of Ward 11 believed something had been gained in the course of the committee. It was looked upon as an insult by them when he said the subject had been illy and poorly digested. Their mouthpiece had now admitted that it was poorly digested, and they were willing to take it back, and further consult upon making better terms. He hoped such a sudden conversion would not be interfered with by the gentleman from Ward 4 in his proposed instructions. He would give them a chance to do justice, and if their report was not a proper one, he should presume to question it again.

Mr. Shepard said he would withdraw his amendments if it was desired.

The amendments were withdrawn and the motion to recomit, as originally proposed by Mr. Webster, was carried.

PETITIONS PRESENTED AND REFERRED.

A communication was received from the School Committee, transmitting a petition of Henry Boyd, asking for a hearing on the merits of the Tingley Automatic Heat Governor, as applied to furnaces for warming public buildings and private dwelling houses, with a view of testing its capacity in regulating the heat of schoolhouses, etc. Referred to the Committee on Public Instruction.

Austin Gove & Sons and others, in favor of the appointment of William C. Staples as Superintendent of Meridian-street Bridge. Ordered to be sent up.

PETITIONS FOR A NEW BOARD OF HEALTH.

Mr. Shepard of Ward 4 presented the following petitions in favor of a new Board of Health, stating that the petitions bore the names of upwards of 2600 citizens and firms, as follow:

Otis Clapp, John Brown, Increase E. Noyes, John J. Noyes, C. A. Richards and 131 others; Henry G. Denny, John M. Clark, F. O. Prince, F. W. Palfrey, Abbott Lawrence, Edward Dexter, E. Rollins Morse and 169 others; Worthington, Flanders & Co., A. T. Lyman, B. N. Cummings, C. C. Smith and 232 others; E. E. Hale and 208 others; J. H. Rogers, Moses Kimball, C. H. Parker and 168 others; E. Howard and 89 others; Batchelder Brothers & Co., Welch, Griffiths & Co., Jackson, Mandell & Daniell and 85 others; W. B. Spooner, Allen & Field, J. B. Alley & Co., E. H. Sampson & Co. and 142 others; John F. Mills, P. A. Collins, Rev. W. H. H. Murray, John P. Ordway, W. L. Reed, Robert Cowdin and 111 others; Freeland, Harding & Richardson, J. M. Beebe & Co., Anderson, Heath & Co., Hardy, Mayhew & Co., Lewis Brown & Co., Isaac Feuno & Co., Haughton, Perkins, Woods & Co., J. S. & E. Wright & Co., March Brothers, Pierce & Co., and 178 others; M. M. Ballou, E. P. Whipple, F. W. Lincoln, Joseph Ballard, Hogg, Brown & Taylor, and 207 others; J. D. Ball, G. S. Hillard, U. L. Crocker, Joseph Conner, J. C. Crowley, Edward Blake, and 207 others; J. M. Wightman, Seth A. Fowle, Lawrence, Wilde & Hull, and 90 others; W. W. Clapp, J. L. Newton, Melvin Badger, Nichols & Hall, and 181 others; Bigelow, Kennard & Co., J. T. Brown & Co., Haley, Morse & Co., Alexander Wadsworth, Charles Caverly, and 153 others; Danforth, Scudder & Co., Henry Callender & Co., Thayer, Brigham & Co., J. H. Barnes, F. D. Peters & Co., and 226 others.

Severally referred to the Committee on Health, with instructions to report as soon as possible.

REPORTS OF COMMITTEES.

Mr. Perkins of Ward 6, from the Joint Standing Committee on Streets, to whom was referred the resolve and order of the Street Commissioners for widening Warren street, from Washington street



to Dudley street, having considered the subject, made a report that the resolve and order ought to pass.

The report was accepted, and the resolve and order were passed.

Mr. Perkins of Ward 6, from the Committee on Ordinances, who were instructed to consider and report upon the expediency of amending the ordinance relating to the posting of notices and placards, so as to include among the forbidden places the posts of the telegraphic fire alarm, made a report recommending the passage of the accompanying ordinance:

An ordinance to amend an ordinance to regulate the posting of placards, notices and bills.

Sec. 1. The ordinance to regulate the posting of placards, notices and bills, printed in the edition of laws and ordinances of the year 1869, is hereby amended by inserting after the word "Boston," in the fourth line of the first section the following words: "And no person shall paint, print, or write, or cause to be painted, printed or written, any notice, advertisement or bill upon the fences or walls, or any part of any building, in the city of Boston"; also by inserting after the word "wall," in the sixth line of the second section the words "telegraph pole, lamp post"; also by adding after the word "Mayor" in the seventh line of said section the following words: "And no person shall paint, print or write, or cause to be painted, printed or written, any notice, advertisement or bill, upon any curbstone, or sidewalk, or upon any tree in any street, square, park, or public place in said city, or upon any wall, telegraph pole, lamp post, fence, or building belonging to said city, without the consent of the Mayor."

The report was accepted, and the ordinance was read twice and passed.

Mr. Perkins, from the same committee, to whom was referred the petition of the Boston Eight Hour League and four hundred and forty others, for the passage of an ordinance limiting the time of the laborers in the several departments of the City Government to eight hours per diem, having considered the subject, made a report recommending that the petitioners have leave to withdraw. Accepted.

Mr. Robbins of Ward 8, from the Committee on Fire Alarms, to whom was referred the petition of J. T. Bailey and others for a fire-alarm bell on the Quincy Schoolhouse, Hudson street, made a report that the prayer of the petitioners ought to be granted, and the committee report two orders therefor.

The orders provide that the Superintendent of Fire Alarms, under the direction of the committee of that department, be authorized and directed to put up a bell weighing not less than 3000 pounds upon the Quincy Schoolhouse, and connect therewith the fire-alarm apparatus, at an expense not exceeding \$2000; to be charged to the appropria-

tion for Fire Alarms. Also directing the Superintendent of Public Buildings to put up a bell tower on said schoolhouse, at an expense not exceeding \$1500.

Mr. Robbins stated that this measure was proposed last year, but was not carried out, yet, in the judgment of the Superintendent of Fire Alarms and of the Engineers of the Fire Department, it was required. The order requiring a bell tower to be put up would necessarily go the Committee on Public Buildings, and it was desirable that such action be taken as would complete the work before winter.

On motion of Mr. Emery of Ward 15, the orders were referred to the Committee on Public Buildings.

Mr. Brooks of Ward 1, from the Committee on Common and Public Squares, to whom was submitted certain orders, made a report that said orders ought to pass.

The report was accepted, and the orders were passed, as follows:

Orders that \$2000 additional be appropriated for repairs of fences of the Common, etc.; \$375 for a watering cart for the Common and public grounds, and \$1000 additional for concrete walks and red gravel.

#### ORDER PASSED.

On motion of Mr. Prescott of Ward 9, Ordered, That the Committee on the Suffolk District be and they are hereby authorized to convey to Joshua Mitchell and John C. Haynes, or their assigns, upon such terms and conditions as they may deem best for the city's interest, the portions of the passageway formerly owned by Edward H. Dingley, in rear of their estates on Indiana place, as shown upon a plan by the City Surveyor, dated September 13, 1872.

Mr. Flanders of Ward 5 offered the following orders, which were severally read once:

Ordered, That the Chief-Engineer of the Fire Department be authorized to contract with Messrs. Hunneman & Co. for a new hook-and-ladder carriage for Hook and Ladder Company No. 6, the sum not to exceed \$1600; the same to be charged to the appropriation for the Fire Department.

Ordered, That the Chief-Engineer of the Fire Department, be and he is hereby authorized to purchase five-thousand feet of new hose; the same to be charged to the appropriation for the Fire Department.

Ordered, That the sum of \$2500 be and hereby is, appropriated for repairs on steam fire engines Nos. 4 and 5, with their hose carriages; the same to be charged to the appropriation for the Fire Department.

On motion of Mr. Flanders, an order was read twice and passed for the payment of certain bills for services rendered by persons directly or indirectly connected with the City Government.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPT. 28, 1872.

A special meeting of the Board of Aldermen was held at one o'clock this afternoon, Mayor Gaston presiding.

REGULATIONS TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES.

Alderman Little, from the Committee on Health, made a report, recommending the adoption of the following regulations for improving the sanitary condition of the city and preventing the spread of contagious diseases:

Regulations of the Board of Health for improving the sanitary condition of the city in view of the prevalence of contagious diseases:

1. The city shall be divided into twelve districts, and one Alderman assigned to each district, as follows, viz.:

District	1,	Ward	1,	Alderman	Woolley.
"	2,	"	2, 4,	"	Ricker.
"	3,	"	3, 5,	"	Jenks.
"	4,	"	6,	"	Cutter.
"	5,	"	7,	"	Stackpole.
"	6,	"	8,	"	Squires.
"	7,	"	9,	"	Clark.
"	8,	"	10,	"	Fairbanks.
"	9,	"	11,	"	Poland.
"	10,	"	12,	"	Power.
"	11,	"	13, 14,	"	Little.
"	12,	"	15, 16,	"	Sayward.

It shall be the duty of the Alderman assigned to each district to see that all rules and regulations established by the Board of Health are strictly enforced.

2. One or more physicians shall be appointed by the Alderman in each district, who shall receive such compensation as the Board of Health may, from time to time, determine. It shall be the duty of said physicians, under the direction of the Board, to visit all dwellings and tender their services free for the purpose of vaccination and re-vaccination and to give such advice with regard to the sanitary condition of the city as they may deem necessary for the public health, and to report all cases that do not conform to sections 28 and 29 of chapter 26 of the General Statutes.

3. All cases of smallpox and other diseases dangerous to the public health shall be reported by those having charge of the same, at the nearest police station, and said report shall be transmitted by the police to the health officer of the district as soon as received; and in all cases of neglect or refusal so to report, complaints shall be made as provided in sections 48 and 49 of chapter 26 of the General Statutes.

4. A sufficient number of inspectors and fumigators shall be appointed by the Alderman in each district, whose duty it shall be to visit, under his direction, all places in said district where smallpox is reported, and see that the regulations established by this Board are being complied with, and in cases of death from this or any other contagious disease to see that the bodies are buried as soon as possible, the premises thoroughly fumigated, and all articles of clothing or bedding which may have been exposed to said disease properly disinfected or destroyed.

5. The Chief of Police shall furnish such assistance as shall be required by the officers appointed herein provided, and shall cause complaints to be made against all persons who violate sections 47 and 48 of chapter 26 of the General Statutes.

The report was accepted, and the regulations were adopted.

Adjourned.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPT. 30, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officer without pay—William H. Hunt, for Hunneman street and its vicinity.

Members of Fire Department—Ora F. Severance, Edwin J. Roe, William H. Gay, George E. Gardner, George W. Warren, George F. Horn; and as a permanent member George W. Brown as engineman—all to take effect October 1.

## PETITIONS PRESENTED AND REFERRED.

Jacob Todd, that Columbia street, Ward 16, near his estate, may be graded, etc.

S. H. L. Pierce and others, that edgestones be set and sidewalks laid on Fifth street, between E and F streets.

Harriet Winslow, to be paid for grade damages on Renfrew street.

Andrew Spence and others, that edgestones be set and gutters paved on Eighth street, between Dorchester and Lowland streets.

D. O'Callaghan, that sidewalks be laid on portions of F and Dorchester streets.

Ellen Ryan, to be paid for grade damages on Ontario street.

Patrick J. Glynn and others, that King street may be put in order.

Benjamin S. Joy and others, that edgestones be set in Brook avenue, Ward 16.

Otis H. Weed, to be relieved from the surface water which flows upon his estate from Heath street.

Otis D. Dana, that the fence across Fifth street, near G street, may be moved.

M. A. Ring & Son and others, that sidewalks be laid on Vinton street, Ward 12.

William Gorman, that gutters be paved at the corner of Sixth and I streets.

Martin Curry and others for sidewalks on portions of Fifth and B streets.

P. J. Hyde and others, for a sidewalk on the easterly side of I street, near Sixth street.

James McLaughlin, for compensation for change of grade in Hamburg street.

Severally referred to the Committee on Paving.

H. W. Nelson, and others that the wooden building limits be extended so as to include Wards 7 and 12. Referred to Committee on Survey and Inspection of Buildings.

Seth W. Fogg and others, for abatement of a nuisance in the rear of Harrison avenue and Dover street.

Charles Newhall, for leave to occupy a wooden stable for five horses on Wales street, Ward 16.

B. W. Nelson, for leave to add two stalls to his stable 55 Bower street.

Peter Gilligan, for leave to occupy a brick stable for eight horses at 30 Mechanic street.

Edward T. Cowdrey, for leave to build a brick stable for three horses on Bainbridge street, between Milmont street and Walnut avenue.

Thomas Parker, for leave to occupy a wooden stable for three horses on Moreland street, Ward 14.

Severally referred to the Committee on Health.

J. Felt Osgood, for a sewer in Guild street.

George B. Upton and others, that the sewers which discharge upon the Beacon-street flats may be carried to deep water.

Severally referred to the Committee on Sewers.

Coroner's jury on the inquest of Richard Sullivan, for payment of their fees. Referred to Committee on County Accounts.

Joseph L. Watson, for appointment as Superintendent of Meridian-street Bridge. Ordered to be sent down.

Luther Blodgett, agent for the heirs of Mary Boylston, for abatement of assessment for betterments for the widening of Boylston street. Referred to the Committee on Streets.

Charles H. Bolles and others, for removal of a tree from the Warren-street sidewalk. Referred to Committee on Common, on the part of this Board.

A. J. Wright and others, for the use of Faneuil

Hall for a political meeting, Oct. 9, 1872. Referred to the Committee on Faneuil Hall.

## COST OF EXTENSION OF SWETT STREET.

The following communication was received from the Street Commissioners:

BOSTON, Sept. 30, 1872.

To the Honorable City Council—In response to the Honorable Council's order of July 15, 1872, the Board of Street Commissioners beg leave to report that their estimate in gross of the expense of extending Swett street, so as to intersect Dorchester avenue, at its junction with Dorchester street, is \$347,000.

This estimate is based upon the supposition that the abutters will permit the sloping of the street upon their land, without which permission it will be necessary to build retaining walls upon both sides of the solid portion of the street nearly its entire length, which would materially increase the cost of the work.

Respectfully submitted,

JOSEPH SMITH,

C. A. CONNOR,

ISAAC S. BURRELL,

Street Commissioners.

Referred to the Joint Standing Committee on Streets.

## THE DODD BEQUEST.

A communication was received from the School Committee, transmitting a resolve of that Board in relation to the bequest of the late Hannah M. Dodd, for the benefit of the Girls' High School, as follows:

*Resolved*, That it is the sense of this Board that no medals for girls should be established by the Board.

Read and ordered to be sent down.

## ADDITIONAL SAFEGUARDS REQUIRED IN THE STORAGE OF GUNPOWDER.

The following communication was laid before the Board:

OFFICE OF FIRE DEPARTMENT, }  
BOSTON, Sept. 30, 1872. }

To his Honor the Mayor and Board of Aldermen: Gentlemen—I deem it my duty to submit to your honorable Board the following facts:

On the morning of September 29, at 11¼ A. M., fire was discovered in the building located on the corner of Cooper and North Margin streets, said building being owned by the city of Boston and occupied in part for school purposes, accommodating 170 scholars with their teachers, and also in part as an armory for Company A, First Light Battery.

The fire was in the basement of the building and in close proximity to the company's powder chest, separated in fact only by a board flooring. This chest contained twenty pounds of gunpowder, also eighty-one two and one-quarter pound cartridges. This amount was kept without the knowledge or consent of the Board of Fire Engineers of this city.

I therefore ask that your honorable Board will take such action as shall prohibit the storage of gunpowder in any building that is owned by the city and occupied in whole or in part by the city, or used for the purposes above named, as in case of accident by fire there would be a frightful loss of life, not only to the occupants of the building, but also to the members of this department who are called to extinguish the fire.

I therefore pray that such action may be taken as will secure the safety of our citizens against the explosion of gunpowder in buildings occupied for school purposes, or other purposes of a public character.

Respectfully yours,

JOHN S. DAMRELL,

Chief-Engineer.

Referred to Committee on Ordnances.

## QUARTERLY REPORT.

The quarterly report of the Weighers and Inspectors of Ballast Lighters shows that they have weighed and inspected, during the quarter ending September 30, the loaded lines and light-water marks of 546 vessels, their cargoes amounting to 33,258 tons. The fees received for weighing amounted to \$2127 40; expenses of offices, \$30 76—leaving the sum of \$2096 64 to be divided among the incumbents of the office.

Ordered to be sent down.

## HEARING ON ORDER OF NOTICE.

The hearing on the order of notice on the proposed construction of a sewer in Longwood avenue, through land of heirs of Amos Binney, was taken up. No person appearing in relation thereto, the report was recommitted.



## UNFINISHED BUSINESS.

The unfinished business was taken up, when the following orders were severally read a second time and passed:

Order that the Superintendent of Streets be directed to reset the edgestones, repave the gutters and sidewalks and gravel the roadway of Lawrence street, between Berkeley and Clarendon streets, at an estimated cost of \$800.

Order that the Superintendent of Streets be directed to build the cesspools required for the surface drainage of Mindoro street, and to reset the edgestones and pave the gutters on said street, at an estimated cost of \$1800.

Order that permission be given to E. Howard & Co. to erect, under the direction of the Committee on Paving, an iron post in the sidewalk in front of No. 114 Tremont street, for support of a double-dial clock to be placed thereon; said post to be removed by said Howard & Co. whenever the Board of Aldermen shall so direct.

Order that the Superintendent of Streets be directed to pave Doane street with wood, at an estimated expense of \$2200.

Order that the Superintendent of Streets be directed to reset the edgestones and relay the sidewalks on Fourth street, between A and B streets, according to the established grade, and to pave the roadway of said street with small granite blocks, at an estimated cost of \$8000.

Order that the Superintendent of Streets be directed to pave F street, from First to Second street, with small granite blocks, at an estimated cost of \$4500.

Order that the Superintendent of Streets be directed to pave the sidewalks on Old Harbor street with brick, and report a schedule of the expense to this Board.

Order authorizing the Committee on Streets to sell by public auction the portion of the estate purchased of Seth Adams for the extension of Broadway, which is not required for the purposes of said extension.

Order to pay Jacob N. Goodnough the sum of \$867 80, for land taken and all damages occasioned by the widening and extension of Emerson street; to be charged to the appropriation for Widening and Extending Emerson Street.

## APPOINTMENT OF CONSTABLES.

The question of the confirmation of the list of one hundred constables appointed last week, which was laid on the table, was taken up.

Alderman Woolley moved that the names of Richard S. Carroll and of John B. Neale be stricken from the list. The Chair stated that the name of Richard S. Carroll was not on the list.

The name of Charles A. Hackett was added to that of John B. Neale, which were refused confirmation, and all of the others which were nominated were confirmed.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Joshua D. Ball and 2600 others for a new Board of Health were referred to the Committee on Health, and the petition of William C. Staples for appointment as Superintendent of the Meridian-street Bridge, was read and placed on file.

The order for Street Commissioners to report estimates of the probable cost of widening Beacon street, on the northeasterly side, from Tremont to Park street, was referred to the Joint Committee on Streets, in concurrence.

The order from the School Committee in reference to the introduction into the several school-houses of the "Tingley Heat Governor," was referred to the Committee on Public Instruction, in concurrence.

The following reports were also acted upon in concurrence:

Report and orders to place a bell on Quincy Schoolhouse, and for Superintendent of Public Buildings to erect a tower therefor. Referred to the Committee on Public Buildings.

Report and indenture in relation to the improvement of the South Boston flats. Recommitted, with instructions, to the joint special committee on that subject.

The report that petitioners for the adoption of an eight-hour ordinance by this city have leave to withdraw, was accepted, in concurrence.

The following orders were severally passed, in concurrence:

Order to convey to Joshua Mitchell *et al.*, a portion of a passageway in rear of Indiana place, on the Suffolk-street District.

Report in favor of the widening of Warren street

from Dudley to Washington street; and passage of order therefor.

Report and ordinance to amend ordinance in relation to notices, placards, etc.

Order to pay bills of certain police officers for extra duty.

Report that the order to appropriate \$2000 for fences, etc., on the Common, Public Garden, etc., \$375 for a wateringcart, and \$1000 for concrete walks, ought to pass; and passage of said order accordingly.

## REPORTS OF COMMITTEES.

Alderman Sayward, from the Committee on Faneuil Hall, reported in favor of granting the use of Faneuil Hall to Charles Caverly, Jr., and others for a political meeting Nov. 4. Accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of the petition of the Bay State Iron Company for leave to erect an additional mill on First and K streets. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: John Littlefield and others, to give a concert at Dorchester, October 3; M. Strakosch, to give concerts at Music Hall, September 28 to October 2; George W. Kezar, Moses Merrifield and William R. Watson, as auctioneers; also to sundry persons as victuallers, wagon licenses, for a transfer of wagon licenses and to keep an intelligence office. Severally accepted.

Alderman Fairbanks, from the same committee, reported leave to withdraw on petitions of Lorenz Schleicher, Henry Fuchs, Jacob Harms and A. McNeil, for licenses for concert saloons, and James M. Dudley, 29 Howard street, as a victualler. Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of petitions for stables, as follows:

Richard Wallace, to occupy a wooden stable for one horse on Commercial street, near Glover's Corner; George Koyle, to occupy an additional stall to stable for ten horses on Norfolk avenue, north side of railroad; Edwin Jones, to occupy a wooden stable for one horse on Union avenue and Mt. Bowdoin; Crosby & Dakin, to occupy a wooden stable for two horses on Bickford street; D. W. Beckler, to occupy a brick stable for four horses on Seventh street, rear 618; G. W. & F. Smith, to occupy and move a stable for four horses on lot rear of Old Colony Freight Depot; Charles E. Boardman, to occupy a wooden stable for three horses on Walnut avenue and Elmore street; John Patterson, to occupy a wooden stable for one horse on Clapp street, near Boston street; William Patterson, to occupy a wooden stable for one horse at 49 Regent street, provided a brick basement shall be constructed.

Severally accepted.

Alderman Ricker, from the same committee, reported leave to withdraw on petitions, as follows:

J. L. Tewksbury, to occupy a wooden stable for one horse, on Eutaw court; Thomas Flynn, to occupy a wooden stable for two horses on Lamson street; John E. Dawson to occupy a wooden stable for one horse at 60 Alpine street; F. O. Rogers, to move a wooden stable for six horses from Albany to Malden street; G. N. Armstrong, to occupy a wooden stable for one horse in rear of 1043 Washington street. Severally accepted.

Alderman Jenks, from the Committee on Claims, reported leave to withdraw severally on petitions of Patrick E. Donnelly, to be compensated for injuries to his horse, caused by an alleged defect in North street; of James L. Walsh, administrator of the estate of Thomas Gerry, that compensation be made for injuries resulting in the death of said Gerry by the falling of a chimney upon him 1st July last; and of Nicholas Leary, to be compensated for loss and injuries sustained by himself and his children on account of the explosion of fireworks in South Boston, on the evening of 4th July. Severally accepted.

Alderman Cutter, from the Committee on Paving, reported reference to Committee on Sewers on petition of Dennis McDonald for compensation for injuries to his estate by change of grade and sewer on Ninth street; and reference to Committee on Police on petition of E. W. Pike and others for removal of a nuisance caused by the Metropolitan and Cambridge railroads in Causeway and Portland streets. Severally accepted.

Alderman Cutter, from the Committee on Paving, to whom was recommitted the petition of the Highland Street Railroad Company in relation to the position of the railroad tracks on Warren



street, made a report, recommending the passage of the accompanying order:

Ordered, That the Metropolitan Railroad Company be and they are hereby directed to change the position of their tracks on Warren street to the extent necessary to make said tracks conform to the blue lines shown on a plan for double tracks on Warren street, dated September 1, 1872, and deposited in the office of the Superintendent of Streets; said change to be made within ten days of the date of the passage of this order.

And said Metropolitan Railroad Company is hereby directed to pave said tracks, after the position of the same shall have been changed, with materials and in a manner satisfactory to the Committee on Paving and the Superintendent of Streets. And, whereas, an amicable arrangement has been made between the Metropolitan Railroad Company and the Highland Street Railroad Company in relation to the removal of said tracks, no action is necessary on the part of the Board in determining, as provided by section 15, chapter 381, of the acts of 1871, the party at whose expense said removal shall be made.

The report was accepted and the order was passed.

Alderman Cutter, from the joint special committee to nominate Superintendents of Bridges, made a report from a majority of the committee recommending the election of Reuben B. Wendell as Superintendent of Meridian-street Bridge, in place of Abner Knight, deceased.

On motion of Alderman Woolley, Monday next, 4½ o'clock, was assigned for choice of Superintendent of said bridge.

ATLANTIC-AVENUE BETTERMENTS.

Alderman Clark, from the Committee on Streets, made a report with an order, as follows:

Ordered, That from the betterments assessed upon the estates on Atlantic avenue and its vicinity, by the Board of Aldermen, Dec. 15, 1870, on account of the laying out of said Atlantic avenue, between Rowe's wharf and Eastern avenue, by a resolve approved Dec. 18, 1868, there be deducted the sums set against the said estates respectively in the following schedule; and the said deductions are hereby made, provided the owners of said estates pay their respective balances of said assessments, viz.:

The deductions made as given in the schedule are as follows:

India wharf, east side of Atlantic avenue, \$2000; do. store, \$2332; do. dock, east side, \$11,000; do. dock, west side, \$35,000; John A. Lowell, or India wharf, \$1100; heirs of Joel Thayer, \$1476; Sarah J. Melledge, \$480; heirs of E. A. Boardman, \$480; heirs of Ozias Goodwin, \$450; heirs of Luther Ellis, \$450; B. Burgess & Son, \$360; William H. Boardman, \$236; Arthur Pickering, executor, \$249; heirs of C. H. Brown, \$150; city of Boston, \$500; Linder & Meyer, \$710; E. Wigglesworth, \$820; Thomas Wigglesworth, \$920; heirs of Luther Ellis, \$276; M. & A. Wigglesworth, \$276; B. N. Cumings and others, trustees, \$138—severally on India wharf.

Central wharf, east side, \$3925; west side, \$400; do. and Wet Dock Company, \$10,500; Josiah Wheelwright, Central wharf, \$750; G. F. & D. Williams, \$600; J. H. Fisher, \$460; Henry Herscy, \$380; William A. Warner, \$300; Thomas B. Williams, \$240; G. F. & D. Williams, \$180; Sally Blake, \$120; Peter Parker & C. F. Shimmis, \$90; Edward Blanchard, \$160; F. W. G. May, guardian, \$30; Moses Williams, \$860; Edward Blanchard, \$800; S. K. Bullard and C. E. Guild, trustees, \$700; J. B. Bradlee, \$500; Edward Blake and J. A. Loring, trustees, \$350; heirs of H. Sigourney, \$160; Mary Appleton, \$80—severally on Central wharf.

Proprietors of Long wharf, east side of Atlantic avenue, \$6350; S. H. Russell, \$810 and \$200; Charles W. Green, \$200; Moses Williams, \$100; Thomas Loring, \$100; Fifty Associates, \$80 and \$70; C. L. Inches, \$1500; heirs of George Winslow, \$700; B. F. Mahan, \$425; E. Holbrook, \$300 and \$115—severally on Long wharf; proprietors of T wharf, \$3550; persons unknown, a common highway, \$3200; Mercantile Wharf Company, \$9390; Commercial Wharf Company, \$4830, \$3500 and \$4000; Lewis Wharf Company, east side, \$1400; dock \$1250, and stores, \$3080; J. W. Converse, \$1000; James M. Robbins, \$200; Mary Gleason, \$200; William Kimball, \$200; Zephaniah Bassett, \$200—all on Eastern avenue; F. E. Parker and F. G. Shaw, \$300; Edward Bell, \$350; heirs of Timothy Atkins, \$550 and \$550; Lucius Beebe, \$350; Amos Binney and Lemuel Shaw, trustees, \$350; heirs of Eleazer Howard, \$700;

Henry Pigeon, \$300; J. & C. Hunting, \$150—all on Commercial street.

The entire reduction made is \$131,388, and the amount due after reduction is \$600,275.

The order was passed.

ORDERS PASSED.

On motion of Alderman Sayward, Ordered, That the Committee on Public Buildings be authorized to move the Mather Schoolhouse building, Meeting House Hill, preparatory to the erection of the new schoolhouse authorized for said location; the expense therefor to be charged to the appropriation for Schoolhouses, Public Buildings.

Ordered, That the Committee on County Jail be authorized to repair and paint the County Jail, at an estimated cost of \$1500; said expenditure to be charged to the appropriation for the County of Suffolk, which sum, together with all previous expenditures on said jail during the municipal year, does not exceed \$5000.

On motion of Alderman Clark, Ordered, That there be paid to F. D. Osgood the sum of \$1535, for land taken and all damages occasioned by the widening of Norfolk street, by a resolve of the Board of Street Commissioners of Sept. 27, 1872, upon the usual conditions; to be charged to the appropriation for Laying Out and Widening Streets.

Ordered, That there be paid to Henry Willis, trustee, Gamaliel Bradford, guardian, and William G. Howe, guardian, the sum of \$6270, for one-tenth of an undivided lot of land rear part of Baker's alley, and all their rights in the whole of said alley, as taken by the resolve laying out and grading Sturgis street, approved July 23, 1869, upon the usual conditions; to be charged to the Fort Hill Improvement Loan.

On motion of Alderman Woolley, Ordered, That there be allowed and paid to the several companies of volunteer militia the sums certified to be due to them respectively for camp duty in 1872, the whole amounting to \$16,568 50; to be charged to the appropriation for Militia Bounty.

On motion of Alderman Jenks, Ordered, That the Committee on the City Hospital be requested to consider the expediency of taking a portion of the land connected with the old Almshouse in Roxbury for the purposes of a smallpox hospital.

On motion of Alderman Fairbanks, a resolve and order to take a parcel of land belonging to the heirs of Amos Binney, a strip ten feet wide through the centre of Longwood street from Brookline avenue to Muddy River, about 700 feet, for a sewer.

PAVING OF DORCHESTER STREET.

Alderman Power, from the Committee on Paving, to whom was recommended the following order in relation to paving Dorchester street with wood, reported that the order ought to pass:

Ordered, That the Superintendent of Streets, in executing the order of the Board of Aldermen June 24, 1872, for the paving of Dorchester street, be authorized to substitute burnitized spruce blocks in place of small granite blocks.

Alderman Cutter stated that on the day of the last meeting of the Committee on Paving, when this subject was before them, he was at a meeting of the Water Board, and he accordingly had no voice in the report. He supposed, however, he was in a minority in the action of the committee, in favor of the use of block granite in place of wood. It was not desirable, in his judgment, to put down wood pavement, as he had before expressed when the subject had been freely discussed. The Board had refused to pave Bromfield street with wood, where the travel was great, and the freedom from noise was more required, and by putting it down in Dorchester street it will rot before it wears out.

Alderman Power said it was but a small portion of Dorchester street, and not the whole of it, as some gentlemen supposed, which it was proposed to pave with wood; and this portion was that of residences and one church. The church folks were in favor of wood, both on account of the noise and the annoyance they suffer from mud, in the condition of the street as it is. The people on the street are unanimously in favor of wood, and not of stone. As he said last week, it would cost less to pave the street with wood than it would cost to keep the street in repair, as it is now. It would cost a great deal less in ten years.

In further urging the passage of the order, he repeated that every one on the street would prefer



wood to stone and would rather endure the present inconveniences than the noise from the stone pavement. He did not think that those who opposed the laying of wood pavement would be inconsistent in voting for the order, for it would be economy to pave the street with wood rather than to let it remain as it is.

Alderman Cutter moved to amend by substituting granite blocks for wood in the order.

Alderman Clark said he hoped no such amendment would be adopted, for he believed that the paving of Dorchester street with wood would prove to be economical in preference to its remaining as now. Dorchester street was the Beacon street of South Boston, and as Beacon street was to be paved with wood, Columbus avenue was paved with wood, and Doane and other streets were also so paved, he hoped this street would also be paved with wood.

Alderman Jenks said he trusted the amendment would be adopted, and that they should reach the end of wood pavement. Any one had only to look at the pavements in Columbus avenue and in Cambridge street to be convinced that the use of wood pavement was only a question of two or three years.

Alderman Clark said he disagreed with the Alderman, for the people owed it as a debt of gratitude in the laying of wood pavement in Columbus avenue, where it will last as long as stone. So also was it in Albany street, where the wood is in better condition than the stone blocks. It was a great mistake to say that the laying of wood pavement was of no use, and the use of it should be carried out still further.

Alderman Jenks said he need only refer to the condition of Cambridge street, where the wood pavement and the granite blocks lie side by side, to show the difference in the wear of the wood pavement over that of stone.

Alderman Power replied, that in the use of wood pavement the travel would be twenty times as much as over stone, and it might reasonably be supposed that where so used it would be more worn; but, in the case of Albany street, every team seeks to drive over the wood in preference to the stone, and the wood is in the best condition. Go down Washington street, and in many places the granite blocks are worn round and smooth, almost to cobble stones. But in reference to the choice of wood or stone pavement, Dorchester street should not be brought into the controversy. There the constant digging and replacing of the materials worn away makes the repair of the street expensive, much more than would be the cost of wood pavement.

In regard to wood pavement, which had usually rotted and not worn out, persons familiar with the new methods of preparing wood pavement are of the opinion that it will not rot, while it will remain in place better and it will not cost so much. Yet, as he had before said, this question was not in controversy, for the people would prefer to put up with the dirt rather than the noise from stone

pavement, and as it was but a few hundred feet of this pavement which was asked for, it ought to be granted since other portions of the city are paved with wood, and not a street in South Boston had been paved this year, save one or two back alleys.

Alderman Cutter said he could understand the interest of the Alderman, that while he did not object to the paving of Athens street with stone, on account of the noise, he wished the street on which he lived to be paved with wood. If any choice should be made it should be in favor of narrow streets. The Alderman should consider the condition of such a street as Dorchester street, on a frosty morning, to see what it would be if paved with wood.

Alderman Power in reply said he had declared it to be an outrage to pave with stone some of the narrow streets in South Boston, for they should be paved with wood. He did live in the neighborhood, and it was but natural that the people there should come to those who are more likely to represent them, than to go to those who live in East Boston or other localities as far. Other streets in South Boston should be paved, but he had given way in favor of streets in the city proper which were more travelled. Besides, the Superintendent of Streets cannot pave all the streets which should be paved this year, and if Dorchester street is to be paved with stone, it cannot be done this year.

The question being upon the proposed amendment to the order, the Chair ruled it out, the original order requiring the pavement to be of stone.

The order was lost, by a vote of five yeas to seven nays, as follows:

Yeas—Clark, Little, Power, Staekpole, Woolley.  
Nays—Cutter, Fairbanks, Jenks, Poland, Ricker, Sayward, Squires.

#### METROPOLITAN RAILROAD STABLE.

On motion of Alderman Jenks, the special assignment, the subject of the erection of a brick stable by the Metropolitan Railroad Company on Shawmut avenue, Guild and Bartlett streets, for 100 ears and 600 horses was taken up.

Alderman Jenks moved that the petition be re-committed to the Committee on Health with instructions to inquire what arrangement can be made with the Metropolitan Railroad Company for the continuance of St. James street; also what reduction can be made in the number of horses to be located on said lot.

The motion was carried.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, orders to establish the grade of Quiney street, Ward 16, between Blue Hill avenue and Columbia street, and for the grading of said street, at a cost of \$15,000; to pave the sidewalk with brick at the corner of Fifth and B streets; to establish the grade of Sawyer street, between Shawmut avenue and Lenox street, and for setting the edgestones on said street, grading, and paving the gutters, at an estimated cost of \$7500.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Common Council,

OCT. 3, 1872.

The regular weekly meeting of the Common Council was held this evening at seven and a half o'clock, M. F. Dickinson, Jr., the president, in the chair.

A call of the roll, on motion of Mr. Flanders of Ward 5, showed the following-named members to be present:

Bickford, Bicknell, Blackmar, Brennan, Brooks, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Davenport, Devine, Dickinson, Emery, Flanders, Flynn, Hart, Heath, Hersey, Jones, Kingsley, Locke, Loring, McNutt, Moulton, Page, Perkins, Pickering, Prescott, Risteen, Robbins, Robertson, Shepard, Smith, Thacher, Webster—38.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly report of the Weighers and Inspectors of Ballast Lighters, and the petition of Joseph L. Watson for election as Superintendent of the Meridian-street Bridge, were ordered to be placed on file.

The petition of H. W. Nelson and others was referred, in concurrence.

The following papers were concurrently acted upon:

Reference to the Committee on Streets of a communication from the Street Commissioners, stating that the cost of extending Swett street so as to intersect Dorchester avenue at its junction with Dorchester street would be \$347,000.

Reference to the Committee on Ordinances of a communication from the Chief-Engineer of the Fire Department respecting storage of gunpowder.

The several reports leave to withdraw were accepted, in concurrence, as follows:

1. James L. Walsh, administrator, for compensation for injuries to Thomas Gerrey on account of the falling of a chimney.

2. Patrick Donnelly, to be paid for injuries to his horse by an alleged defect in North street.

3. Nicholas Leary, to be paid for loss and injuries to himself and children by reason of explosion of fireworks July 5, 1872.

The resolve from School Committee that it is the sense of that board that no medals for girls should be established by it was ordered to be placed on file.

The following orders were severally read once:

Order authorizing the Committee on Streets to sell, by public auction, the portion of the estate of Seth Adams, in South Boston, which is not required for the extension of Broadway.

Order authorizing Committee on Public Buildings to move the Mather Schoolhouse building, preparatory to the erection of the new schoolhouse.

The report nominating Reuben B. Wendell as Superintendent of Meridian-street Bridge, vice Abner Knight, deceased, was laid over.

The order for Committee on City Hospital to consider the expediency of taking a part of the old almshouse lot in Roxbury for a site for a small-pox hospital, was passed, in concurrence.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed; the last three in concurrence:

Order that \$2500 be appropriated for repairs on Steam Fire Engines Nos. 4 and 5 and their hose carriages.

Order to authorize a contract to be made with Hunnicman & Co. for a new hook and ladder carriage for Hook and Ladder Company No. 6, at a sum not exceeding \$1600.

Order authorizing five thousand feet of new hose to be purchased for the Fire Department.

Report and order that a deed be given to Benjamin F. Horn of a certain parcel of land numbered 9 on plans of city lands, book 2, page 67, on the terms and conditions therein named.

Report and order that the time for the erection of a building upon certain land as conveyed to William T. Hart, on Harrison avenue, be extended for one year, on the terms and conditions therein set forth.

Order that from the 1st of August last, till other-

wise ordered, the salary of the Superintendent of Granite Bridge be at the rate of \$250 per annum.

## SMALLPOX HOSPITAL.

The following orders were considered:

Report and orders for the disinfection or destruction, as may be deemed best, of the smallpox hospital buildings on the easterly side of Albany street, and authorizing a lease upon the terms best for the city's interest of certain city lands and other property heretofore occupied as said hospital; also for the purchase of a lot of land within the limits of the city for the purpose of a small-pox hospital, at a cost not exceeding \$50,000; and for a loan therefor.

The Chair stated that the passage of the orders would require a two-thirds vote.

Mr. Flynn of Ward 7 inquired if the Committee on the City Hospital were empowered under these orders to locate a hospital if the appropriation was made.

The Chair replied that it was not strictly his prerogative to interpret the orders, but his impression was that the committee can purchase a lot for the purpose under the order.

Mr. Flynn said that inasmuch as the Council had passed the order to locate the hospital at the old almshouse, he could not see the necessity for this order, and moved that it be laid on the table.

Mr. Emery of Ward 10 said if he understood it, the proposed location at the poor farm was for a temporary purpose. Should a lot be purchased for the location of a hospital, a building cannot be erected at once, and it will be necessary to have a place for a temporary purpose while building. He would ask if the first part was in one or two orders, and if the Chair ruled that the first part required a two-thirds vote.

The Chair replied that there were four orders, and that the point was well taken. To a further inquiry he said the vote would be taken separately on each, and on the last two only would a vote of two-thirds be required.

The first and second orders were passed.

Mr. Shepard of Ward 4 stated that there was a great emergency for a smallpox hospital, and the proposed location at the old almshouse was but temporary. As to a location for a hospital, some committee was to pass upon the subject, and objection would be made wherever that location might be.

Mr. Flynn said he had no doubt the emergency was very great, yet he was desirous to know what he was to vote for. They might go to South Boston, and he wished to know where the location was to be before he could give the committee exclusive authority.

Mr. Flanders of Ward 5 moved to refer the last two orders to the Board of Health.

Mr. Perkins of Ward 6 suggested that more properly they should be sent up, as the Board of Aldermen were the Board of Health, and the motion was modified accordingly.

The Chair ruled that the motion would be out of order, the orders having just come from that Board.

The motion to lay on the table was carried, by a vote of 30 to 6.

Mr. Wright of Ward 15, under an inquiry whether a motion to reconsider was in order, which was answered in the affirmative, moved to reconsider the vote whereby the order in relation to a location of a smallpox hospital at the old almshouse was passed. In support of the motion, he said an order had passed the Board of Aldermen to extend Marcella street, which would carry it through the almshouse lot, and besides, the location was not a suitable place for a smallpox hospital, there being a dwelling house not more than sixty feet from the old almshouse, and one hundred dwelling houses not more than five hundred feet from it. The almshouse was now used for a primary school for the large number of children not otherwise accommodated in the neighborhood.

Mr. Emery of Ward 10 did not think it worth while to reconsider the passage of the order; it only provided for considering the expediency of taking a part of the lot for the purpose, and the committee might not think it expedient to do so. It was designed only for a temporary purpose, and it would be necessary to make a location somewhere, and objections would be made wherever that might be. So it was in the other case in appropriating \$50,000 for a site for a hospital; objection would be made let the location be where it would. Some committee should have the power to purchase, for if it be known where the purchase was proposed objections would be made and it



would be required to be engineered through the City Council.

Mr. Wright said he had no objection to the committee's reporting on the expediency of a location at a particular spot, but this place would be objectionable for the reasons given by him, and he could not see how such a location could be made.

The motion to reconsider was lost.

#### PETITIONS PRESENTED AND REFERRED.

C. J. Bishop, Henry J. Nazro and 53 others, in favor of the establishment of a new Board of Health. Ordered to be sent up.

#### REPORT OF A COMMITTEE.

Mr. Webster of Ward 6, from the Joint Standing Committee on Claims, to whom was referred the petition of David R. Lecraw for a settlement of his claim against the city, having carefully considered the subject, submitted a report, as follows:

In the year 1848, Captain Lecraw hired of Thomas Richardson a wharf at the foot of Summer street, known as Bull wharf, for a term of three years from the 1st of April of that year, for the purpose of carrying on the wood and coal business. In July, 1849, the city of Boston, acting by the Board of Aldermen, extended a sewer through the dock adjoining this wharf, for the purpose of abating a nuisance caused by the deposits from the sewer at the head of the wharf. This extension destroyed, in part at least, the water privileges connected with the wharf hired by Captain Lecraw, and injured his business to such an extent that he finally gave it up. As the city could not adjust his claim without recognizing the exorbitant demands made by Mr. Richardson, Captain Lecraw entered a suit to recover his damages. Upon the trial of his case the jury rendered a verdict in his favor, and assessed damages against the city to the amount of \$9280. The case was carried up to the Supreme Court at Washington upon exceptions taken by the counsel for the city to the rulings of the judge in the Circuit Court. The verdict was set aside and a new trial ordered.

The case has been continued from that time to this, an agreement having been entered into on the 18th September, 1855, between the counsel of Lecraw, the counsel for the city and a committee of the city, as follows:

*Agreement of the City of Boston.* Considering Mr. Lecraw an honest and well-intentioned man, who has made a bargain with Richardson, in which he did not get the property and rights of way which he expected, and that the assertion of their rights by the city is unexpectedly disastrous, if not ruinous to him, and his claim being for the loss of a temporary privilege and not necessarily involving any permanent rights, we do not think the interest of the city requires them to contend with Lecraw, if Richardson is finally disposed of.

We therefore think it best that Lecraw's case be continued, and when the city have finally beaten Richardson (if they do so), we should and would recommend and advise that Lecraw's actual loss be paid to him. If the counsel cannot agree, then the amount to be determined by some disinterested person whom they shall agree on, and who shall examine his books and evidence as far as is necessary, and in case Richardson gets a verdict against the city, then Lecraw's case to be used to carry up the points of law to Washington for decision, in order to get a new trial. But in either event, the recommendation in Lecraw's favor to be made. This arrangement is approved by Mr. Hoar, Mr. Chandler and Mr. Ames, and by Mr. Dunham and Mr. Woodman in behalf of the city committee.

September 18, 1855.

The Richardson case having been settled in April of the present year, as set forth in city document No. 54, Captain Lecraw now petitions for a settlement of his claim, in accordance with the agreement. Your committee having examined the statement of losses submitted by the petitioner (a copy of which is appended), offered, subject to the approval of the City Council, to pay the sum of \$10,000, in full settlement of all damages. That offer has been accepted, and the committee would recommend the passage of an order to pay that amount when a proper release is given and an entry made on the records of the court, where the suit is pending, satisfactory to the City Solicitor.

Another tenant and occupant of a wharf at the foot of Summer street, Mr. Calvin Bullard, was also injured by the extension of the sewer, and is entitled to the same consideration, in proportion

to the extent of his losses, that Captain Lecraw receives. He entered two suits in the Court of Common Pleas in this county in 1850, and before any decision had been made they were, upon the agreement of the parties, referred to arbitrators approved by the court. The awards of the arbitrators made June 1, 1854, were as follows:

[These awards, as appears by the records of the court, appended, made by William Dehon, Thomas Howe and John Howe, amounted, the one to \$1528 56, including interest and costs of assessment, and the other to \$1085,—which awards were dated June 1, 1854.]

These awards have never been paid, the city having asked for delay until the Richardson case was settled. Mr. Bullard has now agreed to accept the sum of \$4000, in full settlement of the principal and interest on his claim, and the committee would recommend payment of that sum when a satisfactory release is given.

(Signed) THOMAS L. JENKS, Chairman.

Ordered, That there be allowed and paid to David R. Lecraw the sum of \$10,000, in full settlement of his suit against the city of Boston for damages to him caused by the extension of a sewer through the docks at the foot of Summer street, under an order passed by the Board of Aldermen, on the 3d of July, 1849; said Lecraw to give such releases and make such entry on the records of the court as shall be satisfactory to the City Solicitor.

Ordered, That there be allowed and paid to Calvin Bullard the sum of \$4000, in full settlement of his suits against the city of Boston for damages to him caused by the extension of a sewer through the dock at the foot of Summer street, under an order passed by the Board of Aldermen on the 3d of July, 1849; said Bullard to give such release and make such entry on the records of the court as shall be satisfactory to the City Solicitor.

Ordered, That the Auditor of Accounts be authorized to transfer from the Reserved Fund the sum of \$14,000, to be appropriated for the settlement of the claims of David R. Lecraw and Calvin Bullard against the city for damages caused by the extension of a sewer through the dock at the foot of Summer street.

On motion of Mr. Flynn of Ward 7, the report was laid on the table and ordered to be printed.

#### ORDERS PASSED.

On motion of Mr. Caton of Ward 11,

Ordered, That the Board of Street Commissioners be requested to report to the City Council an estimate of the cost of extending Columbus avenue at its present width from its present southerly terminus to Ruggles street.

Referred to the Committee on Streets.

On motion of Mr. Bickford of Ward 15,

Ordered, That the Committee on Water be requested to consider the expediency of placing a watering trough at the corner of Tremont and Cabot streets.

On motion of Mr. Webster of Ward 6,

Ordered, That the Committee on Institutions be requested to consider the expediency of modifying the ordinance relating to the place of detention of neglected children (page 44 of the ordinances of 1871), so as to commit them to the care and custody of the Board of Directors of Public Institutions, to be placed in such of the institutions at Deer Island, as in the discretion of the Board may be for their best interests.

Mr. Emery of Ward 10 offered the following order:

Ordered, That the Committee on Public Instruction be requested to confer with Dr. R. J. Dodd as to whether the bequest of Hannah Matilda Dodd cannot be made in such a form as may be acceptable to the School Committee and the City Council of the city of Boston.

The order was passed.

Mr. Perkins said, as Hannah M. Dodd was dead, he did not see how her bequest could be changed.

The Chair read the communication from Dr. Dodd, from which it appeared that he made the donation of \$1000 to the city for medals for the Girls' High School in the name of Hannah Matilda Dodd.

On motion of Mr. Shepard of Ward 4,

Ordered, That the Committee on the City Hospital be requested to inquire and report in regard to the purchase of a lot of land within the limits of the city of Boston, suitable for the location of a smallpox hospital.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
 OCT. 7, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

## JURORS DRAWN.

Four grand jurors and six petit jurors were drawn for the United States District Court.

## APPOINTMENTS MADE AND CONFIRMED.

Constables—T. Wilson Stratton, Samuel Canning, Jr.

Special Police Officers, without pay—William V. Abbott, for Commercial Point and vicinity; James Reil, for premises of Boston Gas Light Company and vicinity at Commercial Point; Henry McCoy, for South Boston Baptist Church and vicinity, corner of Broadway and F street; John F. Downing, for First Methodist-Episcopal Church, Hanover street.

## PETITIONS PRESENTED AND REFERRED.

Augustus Stevens and others, for the removal of a "fumigator's" residence from Brighton avenue.

Mozart A. King, for leave to occupy a wooden stable for fourteen horses on Adams street, near Neponset avenue.

Henry A. Martin, M. D., on the best method of vaccination, by obtaining the virus from its original source in the cow, or from animals of the same species, in which the disease is perpetuated by inoculation.

C. Wakefield for leave to occupy a brick and wood stable for fifty horses on Lombard place, Prince street.

Severally referred to the Committee on Health.

John W. Lavery and others, that Silver street, between A and B streets, be paved.

Thomas Gogin and others, for flagstone crossings at Dorchester avenue and Dorchester street.

Joseph F. Paul & Co., for leave to place a steam pipe under Bristol and Albany streets.

Lyman Titus, that Hudson and Clifton streets may be graded.

Thomas Campbell, that sidewalks be laid at Nos. 216-222 North street.

John F. McMahon and others, that Eighth street be paved and edgestones set from E to Dorchester street.

W. G. Shattuck, for the grade of Meridian street near his estate.

Stetson & Pope and others, that E street, between First and Second streets, be paved.

Mount Washington Brewery Company and others, that G street be graded below Eighth street.

P. A. Collins, for repairs of sidewalk on Old Harbor street.

Rueter & Alley and others, that the surface water be drained from the junction of Heath and Parker streets.

Henry E. Cobb and others, that edgestones be reset on East Brookline street.

J. A. Seavey and others, against the change of grade of Quincy street, Ward 16.

Jewett & Pitcher and others, that a portion of Trenton street and of Glendon street may be graded.

Severally referred to the Committee on Paving.

Ann M. Harlow, for abatement of assessment for betterment on Purchase street.

Mary S. T. Macomber, to be paid for land taken on Athens street.

Severally referred to the Committee on Streets.

Mozart A. King, for leave to cut down two trees in Adams street, near Neponset avenue. Referred to the Committee on Common, on the part of this Board.

Thomas J. Geyer, for leave to take roofing gravel from Winthrop Beach. Referred to Committee on Harbor, on the part of this Board.

Patrick Hayes and others, that the Eighth-street sewer, between D and E streets, be repaired.

John R. Watts and others, for a sewer in Prescott street, from Lexington to Princeton street.

Severally referred to the Committee on Sewers.

John T. Manson and others, that Wyoming street be lighted with gas. Referred to the Committee on Lamps.

John Pinter, for a license to kill birds within this city. Referred to the Committee on Licenses.

John Lloyd, to be compensated for injuries sus-

tained by the insecure condition of Federal-street Bridge. Referred to the Committee on Claims.

## QUARTERLY REPORT OF SUPERINTENDENT OF STREETS.

The quarterly report of the Superintendent of Streets states that there has been expended and charged to the appropriation for Paving, etc., during the quarter ending September 30, for paving, grading and repairs of streets, and in the settlement of grade damages in the city proper, South and East Boston, Roxbury and Dorchester, the sum of \$324,091 27.

Ordered to be sent down.

## QUARTERLY REPORT OF THE SUPERINTENDENT OF HEALTH.

The quarterly report of the Superintendent of Health states as expenditures for the quarter, as follows: For sweeping and cleaning the streets, removal of house offal and ashes, \$81,634 83. Demands against sundry persons for material sold and team work, said bills having been deposited with the City Treasurer for collection, \$5,458 64. Amount paid into the city treasury and the same placed to the credit of this department, \$7,761 22. Number of prisoners conveyed from the several station houses, to city lockup, as follows: male, 1,807; female, 935—total, 3,742. Number of entries for cleaning vaults, 876.

Ordered to be sent down.

## QUARTERLY REPORT OF THE CITY PHYSICIAN.

The quarterly report of the City Physician states that there have been vaccinated during the quarter 420 persons, and 67 physicians of the city have been supplied with vaccine virus. Certificates of vaccination have been given to 65 children for their admission into the public schools. There have been reported 261 cases of smallpox in different parts of the city, though it is believed that this number does not include all the cases that have occurred, and there have been 97 deaths from the same disease. Visits have been made to the jail and to the Temporary Home and the city prison as often as necessity required.

Ordered to be sent down.

## QUARTERLY REPORT OF PORT PHYSICIAN.

The quarterly report of the Port Physician gives the following statement:

The whole number of vessels inspected during this quarter, was 370, classed as follows: steamers, 27; ships, 36; barques, 113; brigs, 120; schooners, 74. Of this number only four have been detained beyond the usual time for inspection. Two of these had smallpox on board, one had typhus fever (known as ship fever) and one had two cases of "West India fever," which from the circumstances connected with it seemed at first doubtful but which proved to be most contagious. These vessels were detained from ten hours to three days each for the purpose of removing the sick and disinfecting the vessels.

There have been seven patients in all removed from vessels to the hospital, all of whom recovered. No yellow fever or cholera has yet appeared at this port. More than the usual amount of other diseases, principally southern fevers, have been found on vessels this season, but not subject to quarantine. The vessels have, as a rule, been in a cleanly condition.

There were remaining in the quarantine hospital at Gallop's Island July 1, four patients. There have been admitted during the quarter forty. Thirty-seven were received from the city and seven were taken from vessels. Whole number treated, forty-four. Nine have died, twenty recovered, and fifteen remain in hospital Oct. 1.

Among the smallpox patients received at the hospital during the last three months we find that vaccination, the only real safeguard, has been very much neglected, more than one-third of those admitted never having been vaccinated at all.

There has been collected and paid to the City Treasurer during the quarter, on account of fees, \$2378, and on account of board of patients, \$86 82; total \$2464 82.

Ordered to be sent down.

## QUARTERLY REPORT OF PAYMASTER OF STATE AID.

The quarterly report of the paymaster of the Soldiers' Relief Committee gives the receipts and payments for the quarter ending September 30, as follows:

Balance on hand July 1.....	\$926
Received from the Treasurer of the city at various times during the quarter.....	20,000
	<hr/>
	\$20,926



Disbursed to disabled soldiers and sailors and their families during the three months..... \$20,375

Leaving a balance on hand Oct. 1, of..... \$551

The number of applicants in the several wards and the aggregate payments, were as follows:

Wards	July.	Aug.	Sept.	Amount.
1.....	83	74	89	\$1,427
2.....	119	112	114	1,969
3.....	72	75	68	1,281
4.....	47	58	56	930
5.....	106	107	107	1,832
6.....	35	37	33	577
7.....	164	154	173	2,805
8.....	69	69	73	1,154
9.....	44	49	48	685
10.....	52	49	58	881
11.....	60	62	65	979
12.....	63	61	68	1,030
13, 14, 15.....	157	129	189	2,744
16.....	45	36	47	659
Out of State.....	34	33	37	620
United States Navy, 50		53	49	802
	1,200	1,156	1,274	\$20,375

Ordered to be sent down.

QUARTERLY REPORT OF CHIEF OF POLICE.

The quarterly report of the Chief of Police, for the quarter ending Sept. 30, has the following statistics:

Arrests, 8205—males, 6321; females, 1884; Americans, 2892; foreigners, 5313; non-residents, 1514; minors, 1618; committed, 5929.

Lodgers, 4012—males, 2944; females, 1068; Americans, 1460; foreigners, 2552; non-residents, 2903; minors, 531.

The principal offences and other causes for which arrests were made were as follows: Adultery, 10; assault and battery, 746; felonious assault, 75; assault on an officer, 9; attempt to rescue prisoners, 13; breaking and entering, 18; common drunkards, 168; delirium tremens, 14; disorderly, 1472; disturbing the peace, 131; drunkenness, 3306; fornication, 46; gaming on Lord's day, 25; housebreaking, 11; idle and disorderly, 117; insane, 44; keeping houses of ill-fame, 42; liquor nuisances, 26; simple larceny, 303; felonious larceny, 122; malicious mischief, 52; night walking, 84; receiving stolen goods, 11; robbery, 40; runaways, 18; shopbreaking, 46; stubborn children, 28; suspicion of larceny, 80; suspicious persons, 442; truancy, 21; vagrancy, 71; violation of city ordinances, 111; violation of dog laws, 32; violation of Sunday law, 130; witnesses, 123.

Amount of property taken from prisoners and lodgers and restored to them, \$19,783 73; amount of property reported stolen in the city, \$13,673; amount of property recovered which was stolen in and out of the city, \$28,826 61; amount of fines imposed by the courts, \$23,384; amount of imprisonment by same, 409 years 10 months; number of days spent in court, 3561; amount of witness fees earned \$1522 74; larcenies reported at stations, 602; arrests for same, 392; received for dog licenses, \$2211.

Under the head of miscellaneons are the following: Accidents, 219; arrested on warrants, 860; buildings found opened and secured, 484; cases investigated, 1603; dangerous buildings reported, 8; dead bodies found, 20; defective cesspools reported, 51; do. drains and vaults, 279; do. fire alarms and clocks, 30; do. gas pipes, 12; do. hydrants, 21; do. lamps, 785; do. streets and sidewalks, 1160; do. water pipes, 43; disturbances suppressed, 1261; extra duties done, 1139; fire alarms given, 77; fires extinguished without alarm, 38; intoxicated persons assisted home, 435; lost children restored, 447; rescued from drowning, 10; sick and injured persons assisted, 94; stray teams put up, 74; street obstructions removed, 5621; vessels boarded, 158; water running to waste reported, 85.

The expenditures of the department were as follows:

Pay roll of officers, \$162,136 04; care of stations, \$1244 38; fuel, \$334 20; gas, \$1090 55; water, \$276 52; furniture and carpets, \$1093 06; medical attendance on sick and injured persons, \$595; printing and stationery, \$510 23; police telegraph expenses and repairs, \$172; sundry expenses, \$6717 52—total, \$174,169 50; previously expended, \$143,909 64; balance in treasury, \$351,920 86.

The report was ordered to be placed on file.

AUDITOR'S MONTHLY EXHIBIT.

The Auditor's monthly exhibit was laid before the Board in print, it being an exhibit of the general and special appropriations for the present financial year of 1872-3, as shown in the books in his office, October 1, 1872, including the October draft, being six months' payments of the financial

year,—exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. A recapitulation gives the following result:

	Appropriations, Revenues, etc.	Expended.	Unexpended.
General.....	\$9,910,266 20	\$4,049,969 80	\$5,860,296 40
Special.....	5,063,449 95	1,673,283 45	2,390,166 50
	\$14,973,716 15	\$5,723,253 25	\$9,250,462 90

Ordered to be sent down.

HEARING ON ORDER OF NOTICE.

The hearing on the petition of Kidder, Vaughan & Co. for leave to erect and use a steam boiler in factory on Chelsea street, was taken up. No person appeared in relation thereto, and the report was recommitted.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to establish the grade of Quincy street, Ward 16, between Blue-Hill avenue and Columbia street.

Order to grade Quincy street at the established grade, at an estimated expense of \$15,000.

Order to establish the grade of Sawyer street, between Shawmut avenue and Lenox street.

Order to set edgestones, pave the gutters, and grade Sawyer street at the established grade, at an estimated expense of \$7500.

Order to lay the sidewalk at the corner of Fifth and B streets.

PAPERS FROM THE COMMON COUNCIL.

The order for the Board of Street Commissioners to report the estimated expense of extension of Columbus avenue to Ruggles street was referred to Joint Committee on Streets, in concurrence.

The following orders were severally passed, in concurrence:

Order for Committee on Public Instruction to confer with Dr. R. J. Dodd, in reference to the bequest of H. M. Dodd to the city of Boston.

Order for Committee on City Hospital to inquire and report on the purchase of a site for smallpox hospital in city of Boston.

Order for modification of ordinance committing neglected children to Deer Island.

Order of Committee on Water, to consider the expediency of locating a drinking trough at corner of Cabot and Tremont streets.

Order that \$2500 be appropriated for repairs on Steam Fire Engines Nos. 4 and 5, and their hose carriages.

Order to authorize a contract to be made with Hunneman & Co. for a new hook and ladder carriage for Hook and Ladder Company No. 6, at a sum not exceeding \$1600.

Order authorizing five thousand feet of new hose to be purchased for the Fire Department.

SUPERINTENDENT OF MERIDIAN-STREET BRIDGE.

The special assignment, the election of a Superintendent of Meridian-street Bridge, in place of Abner Knight, deceased, was taken up, when Reuben B. Wendell was elected, by a vote of 10 to 1 for Elisha B. Perry.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Pearson & Burke, to exhibit tableaux in Wait's Hall, October 8 and 9; to four bootblacks and eight newsboys; also to sundry persons as victuallers; for hack and wagon stands, transfer of wagon and billiard licenses, and for a bowling alley. Severally accepted.

Alderman Poland, from the Committee on Faneuil Hall, reported in favor of the use of said hall by A. J. Wright and others for a political meeting, October 11. Accepted.

Alderman Jenks, from the Committee on Claims, to whom was referred the petition of John H. Moody, to be paid for damages caused by the low grade of the railroad bridge over Green street, in Ward 16, made a report recommending that the petitioners have leave to withdraw.

Accepted.

Alderman Fairbanks, from the Committee on Sewers, reported (reference to the Committee on Paving) on the petition of S. M. Allen and others, for a sewer on Centre street, near Marcella street. Accepted.

Alderman Cutter, from the Committee on Police, made a report recommending that the appointments of Orrick Look and James McGarrigell as police officers, be approved and confirmed.

The report was accepted, and the appointments were confirmed.



Alderman Ricker, from the Committee on Health, reported in favor of petitions for stables, as follows:

Edward T. Cowdrey, to build a brick stable for three horses on Bainbridge street, between Milmont street and Walnut avenue; B. W. Nelson, to add two stalls to his stable No. 55 Bower street; Charles Newhall, to occupy a wooden stable for five horses on Wales street, Ward 16; Thomas Parker, to occupy a wooden stable for three horses on Moreland street; Peter Gilligan, to occupy a brick stable for eight horses at No. 30 Mechanic street; H. A. Wetherbee, to occupy a brick stable for two horses on Stanmore place, from 233 Warren street. Severally accepted.

Alderman Squires, from the Joint Standing Committee on Public Lands, to whom was referred the petition of Thomas W. Tuttle for leave to purchase a parcel of land on Savin-Hill avenue, having fully considered the same, made a report, as follows:

The committee learn that the town of Dorchester purchased of Thomas W. Tuttle a lot of land containing 8028 square feet, for the widening of Savin-Hill avenue, which having been carried out, leaves a balance of 1660 square feet; that Mr. Tuttle is desirous of purchasing, as it joins his present estate. The committee, being satisfied that it is not wanted by the city, would recommend the passage of the accompanying order:

Ordered, That the strip of land on Savin-Hill avenue, containing 1660 square feet, as shown upon the accompanying plan, drawn by Thomas W. Davis, City Surveyor, and dated May 21, 1872, be sold to Thomas W. Tuttle for the sum of \$249, it being at the rate of 15 cents per foot, and that his honor the Mayor be directed to execute the proper deed of said land, and that the amount received be paid to the Treasurer, and placed to the credit of the appropriation for Widening Streets.

The report was accepted, and the order was passed.

Alderman Cutter, from the Committee on Paving, who were authorized by an order passed by the City Council, and approved by the Mayor February 24, 1872, to build the bridges on Huntington avenue and West Newton street, and to grade said avenue and street, made a report that there has been expended on said work up to the present time the sum of \$173,200 14.

There is now due for grading said avenue and street the sum of..... \$17,272 74  
 Making the total cost of said work..... 190,472 88  
 For which the original appropriation was.... 175,000 00

Leaving a deficit of..... \$15,472 88

When the original estimate was made, it was contemplated to build the bridge on Huntington avenue eighty feet in width; subsequently it was found necessary, in order to procure releases of grade and land damages from the abutters on the avenue, to build abutments of an additional length in order to provide at a future day for a bridge the whole width of the avenue, viz., one hundred feet. This materially increased the cost of the work.

In addition to the above, the cost of the foot bridges, \$7000, which the committee were directed to build over the Providence Railroad at Berwick park and West Canton street was, by an order passed by the City Council and approved by the Mayor May 24, 1872, charged to the appropriation for the above work, though not included in the original estimate. The committee respectfully recommend the passage of the accompanying order:

Ordered, That the Treasurer be and he is authorized to borrow, under the direction of the Committee on Finance, the sum of \$16,000, the same to be added to the loan for Back-Bay Bridges.

The report was accepted, and the order was passed.

Alderman Clark, from the Committee on Streets, made a report that an additional loan of thirty thousand dollars will be required for the payment of unsettled damages occasioned by the widening of Dudley, Stoughton, Pleasant and Commercial streets, and for grading and macadamizing the same

The loan authorized for this purpose by an order approved October 4, 1871, was..... \$150,000 00

The amount paid from this loan to date is as follows, viz.:

For land damages..... \$112,695 02  
 For grading and macadamizing... 30,563 53  
 \$143,258 55

Leaving a balance on hand of \$6,741 45  
 There yet remain unsettled claims on these streets estimated at..... 8,000 00

Estimated expense of completing grading and macadamizing..... 15,000 00  
 Drafts in Auditor's Office unpaid..... 8,282 00  
 Total..... \$31,282 00  
 Deduct balance of loan on hand..... 6,741 45

Leaving a balance to be provided for..... \$24,540 55

The loan of \$150,000 has been found to be insufficient to meet the whole cost of this improvement, principally, on account of an increase in the award of damages to the abutters above the amount awarded by the Street Commissioners. The expenses of the Paving Department will probably exceed the original estimate (\$35,000) about \$10,000.

The amount to be provided for, as estimated, is \$24,540 55; but to cover all contingencies, the committee would recommend the passage of the accompanying order, making an additional loan of \$30,000:

Ordered, That the Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of \$30,000, the same to be added to loan for widening and grading Dudley and Other Streets.

The report was accepted and the order was passed.

BETTERMENTS IN EXTENSION OF SHAWMUT AVENUE.

Alderman Clark, from the Committee on Streets, made a report, assessing betterments for the widening and extension of Shawmut avenue, the order accompanying it setting forth as the cost of the improvement \$447,540 65 and the betterments \$426,150, one-half of which (\$213,175) is assessed upon estates as follows:

Tremont street—N. B. and N. A. Doggett, \$1000, and \$500 on Common street; heirs of E. L. Eliot, Common street, \$500; Charles W. Galloupe, Tremont street, \$800; Children's Mission, \$1000; heirs of Ruel Baker, \$650; C. U. Cotting, \$2000; L. A. Coolidge, \$2500; James Bowen, \$500; John Templeton, \$200; Martha Felt, \$500; C. A. Welch, \$250; E. M. Bigelow, \$500; Alonzo Flagg, \$1800; James T. Eldridge, \$1500; E. Harper, \$200; G. C. Brown, \$500. Warren street—L. Saltonstall, \$2500; heirs of L. Goodridge, \$1500; heirs of F. Chickey, \$400; S. H. Pearce, \$300; Martha B. Lucas \$1200. Joseph Hay, \$400; Shawmut avenue extension—heirs of John H. Foster, \$500; Micah Cutler, \$8300; D. W. Foster, \$1700; Micah Cutter, \$2000. Pleasant street—H. B. Reynolds, \$500; Jacob Beck, \$3500; George W. Phillips, \$2500; L. P. Bartlett, \$800; H. A. Choate and others, \$800. Kirkland street—Jeremiah Brown, \$2500; Mary A. Shea, \$600; Patrick O'Neil, \$400.

Pleasant street—Samuel Meek, \$800; B. Heineemann, \$200. Wheeler court—Heirs of W. Bolland, \$2000; Martha A. Hawes, \$1800. Osborn place—A. W. Nickerson and others, \$4500; A. Ratshesky, \$500; W. Nichols and J. Edgell, \$1000; K. Dertwiukle, A. H. Mather, C. H. Parker, \$1700 each; Jos. Kelly, \$1000; George S. Bass and others, \$900; James Spaulding, \$600; heirs of O. H. Mather, \$500; heirs of S. R. M. Holbrook, \$2700; Henry Morgan, church, \$3000; heirs of George A. Kettell, corner of Castle street, \$3500. Snuffolk street—George O. Currier, \$1300; heirs of G. A. Kettell, \$2700; S. A. Fernald and S. B. Hunting, \$3300; City of Boston, schoolhouse, \$600; John J. Williams, church, \$3700; H. Plageman and B. Weichert, trustees, \$1200; H. Plageman and M. Bogart, at corner of Lucas street, \$3000. Shawmut avenue—Nos. 47 to 57, \$900 each; heirs of Ebenezer Hollis, \$800. Castle street—D. O'Brien, \$2500; James O. Donovan, \$6200; George B. Hyde, \$2000; H. Plageman, \$2000; William S. Dexter, \$1700; S. P. Tuckerman, \$2500.

Dover street—Hiram Jacobs, No. 64, \$300; David Hunt, 66, \$800; corner of Pleasant street, James L. Simonds, \$2000; A. W. Nickerson and others, \$800; Abby W. Blake and others, \$3500; heirs of Thomas Brewer, \$1000; Julia Myers, Ohio place, \$2700; proprietors of Model Lodging House, \$9000. Indiana place—Asa Lowe, \$500; John E. Kurtz, \$1500; Paul B. Eltz, \$2300; Ann D. Rhoades, \$700; H. L. Goodale, \$500; H. S. Brown, \$1500; heirs of Lester Leland, \$1000; heirs of George A. Kettell, corner of Castle, \$7000; heirs of Thomas Brewer, Shawmut avenue, \$3300. Cobb street—heirs of William S. White, \$3000; H. Plageman and B. Weisart, trustees, \$1500; H. Plageman, trustee, Shawmut avenue, \$5000.

Cherry street—William Hyland, \$300; J. M. Spenthoff, \$300; L. Kraft, \$1100; Eliza Cassell, \$400; heirs of Warren White, \$3400. Chapman street—Galen Coffin, \$200; C. C. Gunther, \$600; corner of Shawmut avenue; C. P. Sanborn, \$1600; E. & M. L. Learned, \$200; John Gormley, \$7200;



George R. Sneaden, \$600; Robert Bishop, \$1300; S. W. Hodges, \$1200; George W. Tuxbury and others, trustees, Carney place, \$700; P. H. Berrell, \$2000; Jonas H. French, Russell place, \$2000. Garland street—heirs of Polly Stevens, \$1600; A. Daniels, \$200; F. G. Whiston, \$700; John P. Brown, \$1500; Charles Richardson, \$1000; Henry Hill, trustee, 74 Dover, \$800; Ann M. Jacobs, 72 Dover, \$1200; George N. Comer, corner, \$2500.

Shawmut avenue—R. B. Brigham, \$1500; George Bancroft, \$325; E. B. Loring, \$325; H. H. Hunnewell, trustee, \$300; A. B. Perry, \$250; Wm. Cheafe, Dover street, \$150; do. and corner of Shawmut avenue, \$1100; A. Whiting, No. 214 Shawmut avenue, \$500; Nos. 218, 220, 222, \$256 each; Nos. 224, 226, \$225 each; 228, 230, \$200 each; 234, 236, 238, 240, 242, \$150 each; Nos. 231 to 249, odd numbers, \$100 each; Harriet T. Baker, corner, \$125; Nos. 246 to 254, even numbers, \$150 each; 253 to 269, odd numbers, \$100 each; S. P. Ruggles, vacant land, \$1000; Nos. 276 to 292, even numbers, \$100 each; German Church, corner, \$300; Nos. 275 to 293, odd numbers, \$125 each; Nos. 298 to 308, even numbers, \$100 each; 310 to 314, \$75 each; 299 to 305, \$400; John Flint, corner of Union park, \$400.

The order was passed.

#### SMALLPOX HOSPITAL.

Alderman Jenks, from the Joint Standing Committee on the City Hospital, who were requested to consider the expediency of taking a portion of the land connected with the old almshouse in Roxbury as a site for a smallpox hospital, made a report as follows:

That it appears from a personal examination of the premises that a portion of the estate in the rear of the building formerly used as an almshouse, is well adapted to accommodate a temporary structure for the use of smallpox patients; and, that under proper regulations, there cannot be the slightest danger to the health of persons living in the neighborhood. The committee would therefore respectfully recommend the passage of the accompanying orders:

Ordered, That the Committee on the City Hospital be authorized to contract for the erection of a temporary building upon the rear portion of the city's land connected with the old Roxbury Almshouse, for the purposes of a smallpox hospital, at an expense not exceeding \$10,000.

Ordered, That the Treasurer be authorized, under the direction of the Committee on Finance, to borrow the sum of \$10,000, to be applied to the erection of a smallpox hospital.

Alderman Jenks asked for a second reading of the order.

Alderman Power said he hoped the orders would not be passed until the people in that vicinity had been heard. He had in his possession a remonstrance which he should have presented before had he not supposed the orders would be laid over. The people should be heard, as in all other similar cases, where a nuisance was likely to be created.

Alderman Jenks, in support of the motion, urged that the condition of the city at the present time required some action. There could be no location selected between here and Plymouth for a smallpox hospital, which would not be met with objections, and as a location must be made somewhere, they might as well meet the question now.

Alderman Power said he knew the importance of the measure, but he believed that a less objectionable location could be had, besides, the petitioners should be heard, and they would, even in the case of a stable, ordinarily, where they asked for a hearing. The erection of a smallpox hospital would ruin the entire locality, and injure all the property within a mile of it. It would be a matter of life and death to the people, and it would be beyond all precedent to pass the orders without allowing a hearing.

Alderman Jenks said the parties could be heard before the orders passed the other branch, but the time had come when some action should be had.

Alderman Power inquired if it was in order to have the remonstrance read, and it was read, signed by S. M. Allen, James Ritchie, and one hundred and twenty-five to one hundred and fifty others.

The remonstrance was as follows:

"The undersigned, citizens of Boston Highlands, respectfully remonstrate against the establishment of a smallpox hospital on the almshouse lot, so called, the same being in a populous neighborhood where dwellings are rapidly increasing, and a part of said almshouse being now used for a school for one hundred scholars, and the same being contiguous to the Notre Dame Academy,

where an equal or larger number of scholars is located. Your remonstrants believe this use of said lot for such hospital would seriously jeopardize the public health."

Alderman Power remarked that the remonstrance was signed by all the leading citizens in the Highlands, who had the welfare and the sanitary condition of the city at heart as much as any citizens could, and their petition and request were entitled to some consideration. The question was a most perplexing one, and objection would be made to a hospital wherever it might be; yet the people should be heard before the orders were passed. As important and urgent as it was, a hearing should be given.

Alderman Little (Alderman Fairbanks in the chair) said he agreed with the Alderman as to the importance of this matter; yet, if this land belonged to any parties other than the city, it would not have been selected for a hospital. It was in a neighborhood surrounded with dwellings, and on one side by the grounds of the Notre Dame Academy, where there were one hundred young ladies. It was true it was not so near the house, but it was well known that those ladies used the grounds principally for exercise, going little elsewhere. It would be a damaging thing to the city and to the locality, much more objectionable than the building on Albany street.

The location of a hospital here would be a damage of half a million of dollars to the abutters and no person would remain there for a week. He hoped the report would be laid on the table, and that the Board would visit the premises. The visit of the committee was made late on Saturday afternoon, when the impression of so much vacant land was considered favorable to a location, with much land not built upon on the side of the Notre Dame Academy. It could not be supposed that any of the young ladies would remain at that school, for no gentleman would be willing to have his daughter remain there with a hospital so near. The report should be laid on the table and carefully and judiciously considered.

Alderman Jenks said it was true the land would not have been selected if it had not been owned by the city; yet it was five hundred feet from any building and one thousand feet from the Notre Dame Academy. There were four or five acres of land in the lot, enough to take off any damaging effects from the neighborhood. Many years ago there was a smallpox hospital at the West End, not half the distance which this would be from the Wells Schoolhouse, and no one was alarmed. The excitement about a smallpox hospital was unwarranted, and no doubt parties would remonstrate wherever a location may be made. He had spent weeks in looking after a location, and had found no place so isolated and so well situated as this is.

If it was the opinion that parties suffering from this disease should submit to further delay, then it was for this Board to judge, and not him. A location should have been secured long ago, and for himself he would not have removed from the old location in Albany street until a proper place was found. He hoped the orders would be passed, and the remonstrants would have plenty of time for a hearing before the passage of the orders by the Common Council.

Alderman Little said he thought it a very extraordinary way for the Board to act, trusting to the Common Council for a hearing, when it was their duty to give such a hearing. As a medical man, the Alderman might not have any fears personally, and perhaps he should agree with him, but the community did not. Here was a thickly settled neighborhood, with a school near by whose pupils would all be driven away. There should be a hearing in this case, as is the usual way.

Alderman Power said, in relation to the value of property, that although belonging to the city, the change was from land of the value of \$10,000 to that of \$300,000. He thought the old location was much less objectionable than this. The reasons given were no reasons at all, and it would be an unreasonable thing to suspend the rules to pass these orders now. The gentleman says if he lived there he would remonstrate, and he only asked that the remonstrants should have what they would ask for themselves.

Alderman Jenks replied that the lot of land on Albany street contained 70,000 feet, and was worth \$2 a foot.

Alderman Power wished to know if not a large portion of the lot was let.

Alderman Jenks replied that it was to be let when it ceased to be used for hospital purposes; 30,000 feet were bargained for, but a portion of it



was in the hospital lot in use. There were 40,000 feet in use, and the hospital was in a much more thickly populated neighborhood than that of the almshouse. There was not a building within five hundred feet of the proposed location, and no one could have a right to complain. If, however, in the opinion of the Board a better location can be had, then reject the order.

Alderman Ricker said that while he agreed that it was important to act on this subject, where any portion of citizens ask for a hearing, they should be heard. If the citizens block them in the location of a hospital, then the responsibility is on them and not on the Board.

Alderman Clark hoped it was understood by the Board and by the citizens that the committee had spared no pains to find a suitable location, and they had gone from Ward 1 to Ward 16, but could find no place against which no objections could be raised. They did find in this place six or seven acres of land belonging to the city, and thought there was no place so little objectionable as this.

The old almshouse was still standing on the lot, and there was a school there which would be provided for elsewhere. Adjoining this lot there was about eighteen acres of land, bought for speculation, which had changed hands several times, and would not probably be built upon for a good while. The Notre Dame Academy was not so near as to be injured by a hospital. There were nice streets and dwellings in the vicinity, but the hospital was only for a temporary purpose until a site could be secured for a permanent one.

Go down street and hear what the people would say, when there is a demand for a hospital, that if the city has property suitable for the purpose they have a right to use it. Before they got a permanent hospital, they would be obliged to expend from \$150,000 to \$175,000. The committee visited a locality away to the borders of Quincy, and learned that an indignation meeting was held at Neponset, the same evening, such was the objection to going in that direction. Nowhere could be found a place more isolated and safe for the removal of patients. He should, however, be opposed to passing the order now if remonstrants wish to have a hearing.

Alderman Jenks said he would move to adjourn the Board to Thursday, and then sit as a committee for a hearing of remonstrants.

Alderman Ricker said he found on examination that the remonstrants did not ask for a hearing.

Alderman Jenks withdrew his motion for the passage of the orders, but hoped they would not be laid on the table, as suggested.

Alderman Poland said he presented the order relating to the use of the almshouse lot for a hospital, knowing the necessity for a location, and he had seen the lot and believed it to be the best which could be had for the purpose. He hoped the orders would not be laid on the table.

Alderman Ricker moved to assign the further consideration to Thursday, three o'clock, to which time the Board should adjourn.

Alderman Power believed that more time should be granted to remonstrants.

The motion to assign was carried.

#### ORDERS PASSED.

On motion of Alderman Woolley,

Ordered, That there be paid to the band of the First Battalion of Infantry the sum of \$450, for camp duty in August last; said sum to be charged to the appropriation for Militia Bounty.

On motion of Alderman Ricker,

Ordered, That the City Clerk be directed to notify the legal voters of this city that the voting lists for the several wards are now completed, and that copies thereof will be posted upon the several wardrooms, and that all legal voters be requested to see that their names are properly registered thereon, and that the office of the Board of Aldermen will be open for the purpose of correcting said lists of voters every day until the 4th day of November next, inclusive, from 9 o'clock A. M. to 5 P. M.

Ordered, That the City Clerk be authorized to make proper arrangements for the additional accommodation, by evening sessions, of the voters in the wards of this city, which are the most distant from the City Hall, and that public notice thereof be issued accordingly.

Ordered, That the Treasurer be directed to designate upon the voting lists the names of all persons found thereon who shall not have paid before election day a tax assessed upon them within two years, according to law; the expense to be charged to the Contingent Expenses of the Board of Aldermen.

Ordered, That there be allowed and paid to the City Clerk the sum of \$600, to defray the expense of extra clerk hire and care of wardrooms during the registration of voters the present year; and that said sum be charged to the appropriation for Salaries.

Ordered, That the Superintendent of Health be and he is hereby directed to notify Andrew Murry to remove and quit premises situated on Wharf street, and numbered twelve, within five days from date, and in the event of said Murry so refusing, the Superintendent is authorized to forcibly eject him. Said premises, after having been vacated, are not again to be occupied without the authority of this Board, or some person by them authorized.

An order was also passed for the abatement of a nuisance at 456 Harrison avenue

On motion of Alderman Cutter,

Ordered, That the Superintendent of Streets be directed to pave Kneeland street, between Washington street and Harrison avenue, with small granite blocks; the cost thereof to be charged to the appropriation for Widening Kneeland street, at an estimated cost of \$9500.

On motion of Alderman Squires,

Ordered, That the Committee on Cemeteries are hereby authorized to pay Daniel Cram \$1100, for relaying and furnishing material for a sea wall for East Boston Cemetery, and that the same be charged to the appropriation for Cemeteries.

On motion of Alderman Jenks,

Ordered, That the amount recovered against the city of Boston by John Smith and Sarah R. Smith, in the Supreme Judicial Court for Suffolk County, September term, 1872, amounting, with costs, to \$1269 30, and paid by the Treasurer on the execution of said court, be charged to the appropriation for Incidental Expenses.

Ordered, That the amount recovered against the city of Boston by Mary A. Griffith, in the Supreme Judicial Court of Suffolk County, September term, 1872, amounting with costs to \$4054 45, and paid by the Treasurer on the execution of said court, be charged to the appropriation for Incidental Expenses.

On motion of Alderman Clark,

Ordered, That there be paid to Jacob N. Goodnough the sum of \$867 80, for land taken and all damages occasioned by the widening and extension of Emerson street, upon the usual conditions; to be charged to the appropriation for Widening Streets.

Ordered, That the order to pay said Goodnough \$867 80, passed September 30, 1872, be and the same hereby is rescinded.

On motion of Alderman Fairbanks,

Ordered, That the licences numbered 497 and 533, heretofore granted to William Murphy and Michael Buckley as owners of hackney carriages, be and they are hereby revoked for cause.

Ordered, That no owner, driver, or other person having charge of any hackney carriage or other vehicle, used as a public conveyance, shall receive, or permit to be placed, or convey in any manner in or upon said carriage or other vehicle, any person sick or infected with the smallpox or any other contagious disease, or the body of any person who has died of smallpox or any other contagious disease, under a penalty of the forfeiture of his license.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Palmer street, between Washington and Winslow streets, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Dorchester avenue, Commercial and Shamrock streets, and report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Dudley and Dennis streets, and report a schedule of the expense to this Board.

#### ORDERS OF NOTICE.

On the petition of the Highland Street Railroad Company, for leave to set up and use a steam engine and boiler on Blue-Hill avenue and Central avenue. Hearing, Monday, October 28, 4 P. M.

On the proposed construction of sewers in Shawmut avenue, between Washington street and Circuit street; in Bumstead lane and in Conant street; in Guild street, and in Longwood avenue between Brookline avenue and Muddy River; in Bellevue street between Longwood avenue and Park street. Hearings severally on Monday next, October 14, 4 P. M.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, orders to set edgestones in portions of Washington and Bowdoin streets, Ward 16, near their intersection; to



pay John Carew \$150 for grade damages on Emerson street; to pay John M. Carson \$150 for grade damages on Ontario street; to remove a fence recently erected across Fifth street, near G street; to establish the grade of Stoughton street, between Brook avenue and Hancock street, Ward 16; to set edgestones in Eighth street; to set edgestones in F and Dorchester streets and in Brook avenue.

On motion of Alderman Squires, to give the name of Greenwood street to the street laid out from Marcella street to Stony Brook.

On motion of Alderman Clark, authorizing the City Treasurer to borrow \$115,000 to meet the expense of widening Warren street from Washington street to Dudley street; that the expense of widening and extending of Emerson street estimated at \$26,542, be charged to the appropriation for Laying Out and Widening Streets.

#### PAVING OF DORCHESTER STREET.

Alderman Power moved a reconsideration, of which he had given notice, of the vote whereby this Board rejected, at the last meeting, the order for Superintendent of Streets to pave Dorchester street, under order of June 24, 1872, with wood instead of granite blocks.

The motion was carried, by a vote of 7 to 2, as follows:

Yeas—Clark, Fairbanks, Little, Poland, Power, Squires, Stackpole.

Nays—Cutter, Jenks.

The order being on its passage, was opposed by Alderman Cutter and advocated by Alderman Power, for reasons briefly as on the discussion in the previous stage.

The order was passed by a vote of 6 to 3, as follows:

Yeas—Clark, Fairbanks, Little, Power, Squires, Stackpole.

Nays—Cutter, Jenks, Poland.

Alderman Clark moved a reconsideration of the passage of the order, with the design of settling the question, declaring that it had been fully discussed, and he hoped the motion would not prevail.

Alderman Cutter replied that the order had been discussed on its merits, that of block granite and wood, and rejected, and he objected to this motion when the Board was not full. Had he been so disposed, he might have made a similar motion last week, and prevented a reconsideration.

Alderman Power denied that it was a question of the merits of wood and block granite, but as he had said before it was a question of wood or of allowing the street to remain as it is. A portion of the street, in front of the schoolhouse, was already paved with wood, and it was asked to have the remaining portion of wood.

Alderman Cutter referred to other streets in South Boston which needed paving more than this, but which the Alderman was disposed to neglect.

Alderman Clark said it was but a simple request, and as wood pavement was being put down in other portions of the city, he would give the people on that street what they want. The street was an important one, and when Swett street is extended, as he believed it would be, it would give a thoroughfare directly through from South Boston to the Milldam. As to wood pavement not lasting twelve months, there was some which had been down five years, and the pavement on Columbus avenue was as good as when laid three years ago. Beacon street was now being laid in wood with the Alderman's sanction, and it looked as though he had a personal enmity towards the people of South Boston.

Alderman Cutter denied that he said wood pavement would not last twelve months; at most it would not wear more than three or five years. He did not know that there had been a single petition for paving this street with wood, and it seemed that it was entirely the measure of the Alderman who lived on the street.

Alderman Clark wished to know who should advocate it if that Alderman did not. The street was not in the woods, as it might be supposed from the opposition, but was thickly inhabited.

Alderman Power further urged that the street should be paved with wood, because there was not stone to pave any more streets this year, and unless wood should be used it would be likely to remain unimproved. In regard to other streets at South Boston, he had always argued that they should be paved with wood.

Alderman Cutter said the gentleman had put in this order, but had not asked for paving any other street in South Boston. He was opposed to wood pavements, because it was not good for the city's money, and although being the largest owner of property in Wall street he incurred the displeasure of his tenants in putting down granite in place of wood pavement.

Alderman Power again denied that he was opposed to paving other streets in South Boston. Many of the streets were narrow, and he had always urged that all of those streets should be paved with wood.

The question was taken on reconsideration of the order, and the motion was lost by a vote of 3 to 6, as follows:

Yeas—Cutter, Jenks, Poland.

Nays—Clark, Fairbanks, Little, Power, Squires, Stackpole.

Adjourned to Thursday, three o'clock P. M.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
OCT. 10, 1872.

An adjourned meeting of the Board of Aldermen was held this afternoon, at 3 o'clock, Mayor Gaston presiding.

## JURORS DRAWN.

One hundred traverse jurors were drawn for the Supreme Judicial Court.

## APPOINTMENT MADE AND CONFIRMED.

Special police officer, without pay—Patrick Sullivan for Washington avenue and Federal street and vicinity.

## PETITIONS PRESENTED AND REFERRED.

Massachusetts National Bank and others, that Devonshire street, from Water to State street, be paved with wood.

E. M. McPherson and others, that edgestones be laid in Trenton street, as far as Prescott street.

D. Lyons & Co. and others, that Otis street be paved with wood.

Severally referred to the Committee on Paving. Presidents of the several fire-insurance companies, in aid of the petitions of H. W. Nelson and others, for extension of the fire limits in Wards 7 and 12. Referred to Committee on Survey and Inspection of Buildings.

Rueter & Alley, for modification of their stable permit.

A. C. Richmond, for leave to occupy a wooden stable for one horse on Woodward street.

J. H. Pote & Co., for leave to occupy a stable for six horses on Orleans street.

Severally referred to the Committee on Health. School Committee, for additional primary school accommodations in the Prescott School District; also for additional school accommodations in the Mather School District, Ward 16. Referred to the Committee on Public Instruction.

Sammel W. Winslow and others, for a gas lamp in Knox court. Referred to the Committee on Lamps.

Thomas Gray, that the license granted to the Somerset Club to use bowling alleys in the rear of their premises be rescinded. Referred to the Committee on Licenses.

Henry Morgan and others, for the use of Faneuil Hall October 16 for a political meeting. Referred to the Committee on Faneuil Hall.

Adjutant-General Cunningham, respecting the armory of Co. A, First Battery, as unfit for the safe deposit of military property. Referred to the Committee on Armories.

## METROPOLITAN-STABLE LOCATION.

A communication was presented from the Metropolitan Railroad Company in relation to the order of the Board relative to laying out a street through their land upon which they proposed to build a stable on Bartlett street.

On motion of Alderman Jenks, it was ordered that the communication be referred to the Committee on Health, with directions to print the same for the use of the Board.

The following is the communication:

To the Board of Aldermen of the City of Boston—The undersigned, on behalf of the Metropolitan Railroad Company, in view of the vote passed by the Board of Aldermen committing its petition for authority to erect a stable on its land at the corner of Bartlett street and Shawmut avenue, with instructions to inquire whether arrangements could be made for laying out a street in extension of St. James street across said land, and also whether a stable for less than six hundred horses might not answer the purposes of the corporation, desire to submit certain considerations to your honorable Board in regard to the questions to be inquired into.

They would have preferred to present these considerations somewhat more fully to the committee having the subject in charge if they could have been allowed to appear before the committee, but having received a note from the chairman, a copy of which is annexed, they submit to this Board such considerations as the short space of time allotted permits, expressing their willingness to exhibit, if desired, in greater detail their views of the needs of the road and of the public.

As to the laying out of the proposed street, they will be at all times ready to cooperate with the city authorities in laying out any street which the authorities may desire, only suggesting that if any street should be laid out so far north as the line of St. James street it might make it needful for them to erect their stables and car house on the southerly side of such new street, as the land between such street and Bartlett street might be too limited in extent to accommodate the future wants of

the community, the large lot of land purchased having been bought only for the purpose of providing, before any farther advance in the cost of real estate, for the future growth of the Highlands.

As to the capacity of the stable required they submit the following facts:

At the present time the Metropolitan Railroad has about 1250 horses, being a considerable increase within the year past, but only enough to run the cars now owned by the company on two-horse time, a large increase in the number of cars run having been made to accommodate the increasing travel, and two new lines of cars—the Dudley street and depot line and the West End line having been just established.

The pressing demands of travel in the central portions of the city require a considerable extension of the present accommodations, and in the opinion of the Board of Directors an extension of the Washington-street lines, which now run only to the old Roxbury line, still farther south and as far as Dudley street at the Highlands and to the new stable when completed. To enable the corporation to do this the land at the corner of Shawmut avenue and Bartlett street was purchased. The very great expense attendant upon the purchase of this land and the erection of a car house and stable upon it, would only be justified by a present and rapidly increasing demand for further accommodations.

For nearly eighteen months the board had been trying to procure a suitable tract of land, centrally situated in Roxbury, and sufficiently large for the present and future wants of the public travel.

The lines now running on Washington street, and for which further stable room is desired, are—

1st. The Chelsea-Ferry line, one car every fifteen (15) minutes, six (6) cars in all.

2d. The Dudley-street and depot line, one car every fifteen minutes, seven (7) cars in all.

3d. The West End line, one car every fifteen (15) minutes, seven (7) cars in all.

4th. The northerly depot line, one car every four or five minutes, morning and evening, and in the middle of the day about once in ten minutes, fourteen (14) cars in all.

For these lines the stables on Washington street are now filled to their utmost capacity, having 140 horses on Washington street and 140 horses on East Lenox street.

If either of them are extended so as to run as far south as the Dudley-street line now does, running only the same number of cars as at present, eight horses per car will be required, instead of six, the present number.

It is proposed immediately to increase the Dudley-street and depot line by adding three cars and making it a ten (10) minute line, the cars being now prepared for the purpose, and probably at an early day to make it a 7½-minute line.

The Chelsea-Ferry line would be immediately extended to Bartlett street, and increased so as to make it a ten (10) minute line, and in the near future so as to make it a 7½-minute line, or double the present number of cars, if there was any place there for the cars and horses.

The West-End line has succeeded beyond our expectations, and this line and the northerly depot lines would all be extended to Bartlett street if there were a car house and stable there, and will be increased to as great an extent as can possibly be done while the cars are obliged to use, both in going and returning, the single track in Court street, between Sudbury street and Bowdoin square.

It is also in contemplation to establish a new line from the East Boston ferries to the Highlands.

In general, we intend during the next season largely to increase the facilities at present existing between the North End of the city and the Highlands, the limited capacity of some of the streets being the only difficulty to overcome, and the want of stable and car accommodations at the Highlands.

In addition to these pressing needs is another of not less importance. Hitherto this company has been unable for want of room to keep a sufficient number of horses and cars to give nearly the same proportionate number of trips on four-horse time in Washington street as on Tremont street. The company's large stables on Tremont street and at the Roxbury crossing have enabled them to give on that street nearly the same facilities in the most snowy weather as in good weather, while the limited capacity in Washington street has compelled them to make a much less complete accommodation on that street.

The Norfolk-House stable is entirely full, as are also the Washington-street and East Lenox-street stables.

The small comparative capacity on Washington street has also compelled them, to some extent, to



depend upon horses hired by the day in clearing the streets of snow.

The same cause has made it impossible to keep their equipment for clearing the track in snowy weather as complete and as compactly stored as would be for the best interests of the community or the corporation. It is but a few years since the company was permitted by the Boards of Aldermen of either Boston or Roxbury to clear their tracks of snow. Many can remember the extraordinary spectacle of the city workmen being engaged in shovelling snow upon the tracks of the road, while the road itself was striving to clear the tracks. But the growing wants of the public, the entire dependence of nearly all business men upon the horse cars to get to and from their places of business and the inadequacy of sleighs to accommodate travellers have led to an entire change in this respect, and we suppose now the public demand will be that the tracks shall not, at least between the Highlands and the centre of the city, be allowed to be impassable.

This corporation proposes to have the means and facilities for doing this to a far greater extent hereafter than ever before, and this is one of the urgent reasons which impelled us to buy the new land and make the pending application.

The Norfolk-House line, the Shawmut-avenue line, the Warren-street line and the Mount-Pleasant line all unite on Washington street at a point considerably south of our Washington-street stables, but all north of the line of Bartlett street. It is hoped that all our snow ploughs and carts for clearing away snow may be concentrated at this one point, where will be also our superintendent's office, and so in case of bad weather no time need be lost in putting forth the most active exertions to keep the tracks on Washington street and the northerly parts of the city sufficiently clear of snow for the passage of cars. And our new ear house and stable on Shawmut avenue and Bartlett street are necessary to enable us there to keep our equipment for clearing away snow and also for keeping there the extra horses which will be required to clear the tracks in stormy weather, and to run the cars as nearly as possible on four-horse time with equal frequency as on two-horse time.

This alone will require from one to two hundred additional horses, and the increase in the length of our trips and the increased number of cars would require nearly as many more.

For two months this company has purchased hardly any horses. At present all our stables are full.

This purpose of the corporation was to discontinue the old stable on Washington street, and transfer the one hundred and forty horses kept there to the new location, and then extend to Bartlett street all the trips run to that point; it was further the purpose largely to increase the number of trips on the long lines before described, and to keep the additional cars and horses required at the same place; it was also intended to purchase before the snowy season commenced at least two hundred and fifty additional horses for the clearing of the tracks and for use on four-horse time.

It was also contemplated that in the near future a new line would be required from Dudley square through Cabot and Ruggles streets, where this corporation already has a location, and thence in Columbus avenue or in Tremont street by the new Providence Railroad Station to the Tremont House or through Charles and Cambridge streets to the northerly part of the city, perhaps extending through North Charles street to the northerly stations.

The increasing intercourse between Cambridge and the southerly part of Boston would thus be accommodated with easy communication. A new line it was thought would soon be desired from the proposed new stable at Bartlett street, over the new track in Harrison avenue and Albany street, by the Boston & Albany Station, to Summer street, and in the near future a line connecting the Highlands with South Boston by way of the Dover-street Bridge, could arrangements, mutually satisfactory, be made with the South Boston Railroad.

To realize all these expectations, deemed so desirable, a stable sufficient for 600 horses was by us thought necessary. It is for the Board of Aldermen to determine whether the desire of this corporation to serve the public in this regard shall be gratified. A stable of a capacity of 200 horses is probably as much as at this late season of the year can be built so as to be of service for the present winter, but such a stable is far less than we deem the interests of the public to require.

Yet, if authority to build such a stable is granted, we can do much to increase the ability of our corporation to serve the public, though not what we could wish.

We have fully made known our wants, and our

reasons for making the request we have. You are, like ourselves, the servants of the public; we are bound to make known to you our views of what the public may reasonably require of us,—it is entirely for you to say how far our views of the public needs are correct, and may properly be realized.

In conclusion, we say that if in the opinion of the Board a stable of the capacity of 600 horses is not required, and one of a capacity sufficient for 200 horses is all that under the present circumstances should be permitted, we shall cheerfully acquiesce, and shall proceed immediately to erect such a stable, and endeavor to do all which such an increase of our facilities will permit.

THE METROPOLITAN RAILROAD COMPANY,  
By JOHN W. DRAPER, President.

CITY OF BOSTON, CITY HALL, Oct. 8, 1872.

*John W. Draper, President:* Dear Sir—The petition of the Metropolitan Railroad Company for a stable has been referred to the Committee on Health to report any proposed modification or extension of St. James street. You will please forward any communication which the company desire to make, and the same will be laid before the committee at their first meeting after receipt of same.

Yours respectfully,

SAMUEL LITTLE,  
Chairman Committee on Health.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to set edgestones on portions of Washington and Bowdoin streets, at their intersection, Ward 16.

Order to pay John Carew \$150, for grade damages on Emerson street.

Order to pay John McCarron \$150, for grade damages on Ontario street.

Order to remove the fence which stands across Fifth street near G street.

Order to establish the grade of Stoughton street, between Brook avenue and Hancock street.

Order to set edgestones and lay brick sidewalks on F and Dorchester streets, from Sixth to Eighth street.

Order to set edgestones on Brook avenue.

Order to set edgestones on Eighth street, between Dorchester and Lowland streets.

Order to give the name of "Greenwood street" to the new street leading from Marcella street to Stony Brook.

Order to charge the expense of widening and extending Emerson street to the appropriation for Laying Out Streets.

Order for a loan of \$115,000, to be applied to the widening, grading and paving of Warren street.

#### REPORTS OF COMMITTEES.

Alderman Power, from the Committee on Harbor, to whom was referred the petition of Thomas J. Geyer for leave to take roofing gravel from Winthrop Beach, made a report recommending that the prayer of the petition be granted. Accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of granting the petition of Kidder, Vaughan & Co. for leave to erect and use a steam boiler in factory on Chelsea street. Accepted.

Alderman Sayward, from the Joint Standing Committee on Public Buildings, to whom was referred the petition and orders for the erection of a bell tower on the Quincy Schoolhouse, made a report that it is expedient to construct the bell tower as proposed, but would recommend that the work on the same commence the first favorable opportunity during a recess of the school. They would also recommend the passage of the following new orders to cover the work to be performed:

Ordered, That the Committee on Public Buildings be authorized to erect a bell tower on the Quincy Schoolhouse, at an estimated cost of \$1500.

Ordered, That the Auditor of Accounts be authorized to transfer from the Reserved Fund the sum of \$1500, to be appropriated for a bell tower on the Quincy Schoolhouse.

The report was accepted, and the orders were passed.

#### ORDERS PASSED.

On motion of Alderman Fairbanks,

Ordered, That the license granted on the 7th instant to the proprietors of the Somerset Club to occupy the rear portion of their premises, Nos. 42 and 43 Beacon street, for the purpose of maintaining bowling alleys therein, be and the same is hereby rescinded.

On motion of Alderman Power,

Ordered, That, in addition to the appropriations heretofore made for repairing the buildings on Rainsford Island, there be appropriated a further sum of \$1404 68; to be transferred for that purpose from the Reserved Fund.



## LOCATION OF SMALLPOX HOSPITAL.

The special assignment, the consideration of report and orders to locate the Smallpox Hospital on old almshouse estate in Roxbury, at a cost of \$10,000, was taken up.

Alderman Little offered the remonstrances of W. H. Hadley and others, James Staples and others, John Carr and others, Charles Devens and others, William White and others, George F. Emery and others, Charles E. Sawyer and others, and J. B. Moran and others, against the location of the hospital on the old almshouse lot in Roxbury.

The remonstrances of John Johnson and others, G. E. Newton and others, Chester R. Merrill and others, B. F. Dean and others, and of A. G. Converse and others were also presented, the parties asking for a hearing.

Alderman Jenks said he would not wish to cut off any hearing on the subject, nor did he wish to have delay. The question should be met promptly, and if they were always to be met by remonstrances what would become of those who need an asylum to go to?

Alderman Little stated that the remonstrants came to the City Hall this afternoon and were informed that they were not to have a hearing, but that this matter was to be considered by the Board. He was as anxious as any one to have this question of the location of a hospital settled, but the location proposed was within a short distance of three hundred dwelling houses and in close proximity to one of the finest institutions in the country. The large number of pupils in this institution must be kept in school and deprived of the advantages of the only playground they have. Such an act he characterized as one of the greatest of outrages upon the residents of that locality, and while his sympathies were with those who needed hospital accommodations, he could not vote for the order. He had not heard an argument in favor of this location, and when he did he would answer it.

Alderman Jenks said he could not see how the Alderman as the head of the Board of Health could permit the location of a smallpox hospital within sixty feet of the City Hospital, and yet object to a location not within fifteen hundred feet of any buildings. He could not see any force in such an argument as that. He was anxious to have a hospital located somewhere, and when it was determined to remove from Albany street, he believed the harbor to be a proper place, but objection was made to such a location, and another was to be found.

Alderman Little replied that he had nothing to do with locating the hospital on Albany street, nor did the Committee on Health have any responsibility in the matter. The Committee on the City Hospital had the entire control of the smallpox Hospital. The Alderman was one of seven or eight who had that control, while the Committee on Health never visited the place except by courtesy. He could not, therefore, see how the Alderman, as a member of the Committee on the City Hospital, could undertake to shift the responsibility of the location of the smallpox hospital upon the Committee on Health.

Alderman Jenks said he did not see how the Alderman could be so thin skinned as to throw the responsibility of the location of the smallpox hospital on Albany street upon him, when he was not in the Government when the location was made. The Committee on Health, he contended, were responsible for everything relating to the public health, and if the location was not a proper one they should have furnished a remedy. They were the eyes of the City Government, and the City Council looked to them for a remedy of all evils affecting the public health. He could not, therefore, think that objection should be made to this location, when the hospital was permitted to remain within sixty feet of a charity hospital containing from 200 to 250 patients.

Alderman Little replied that he was not a member of the City Government when the hospital was located on Albany street, and he had not visited it because he had no right to. The gentleman was one of the committee of influential members on the City Hospital, and had boasted of never having visited the hospital without going over the smallpox hospital. Now, when he, as a member of the Committee on Health, had never been on the grounds, he complains that he was responsible for its location.

Alderman Jenks said if he had had his way, the hospital would have remained on Albany street today. There the hospital was not considered detrimental to health by the Alderman, but the location of a hospital 1500 feet from any other building was detrimental.

Alderman Power moved that the subject be postponed to Monday next, and that the remonstrants have a hearing.

Alderman Jenks said it was evident to him that the order would be rejected. It was evident, also, that a hospital should be located in some place, and if the order was to be rejected it should be today. If the Aldermen had not backbone enough to locate a hospital somewhere, they should transfer the power to some other body.

Alderman Little said it was not so much backbone as common sense which was needed. He moved, therefore, the indefinite postponement of the order.

The Chair stated that the same result would be reached in voting on the order, and put the question on its passage.

The order was lost by a vote of three yeas to eight nays, as follows:

Yeas—Jenks, Poland, Staekpole.

Nays—Cutter, Fairbanks, Little, Power, Ricker, Sayward, Squires, Woolley.

Alderman Clark subsequently came in, and was permitted to vote on the order.

In voting against the order, he said he did so on account of the great opposition of the citizens to the location, but not as it regarded its suitability. He believed that it would require from \$150,000 to \$200,000 to erect such a hospital as was needed, and the only way to meet the views of the citizens was to give the committee authority to purchase a large tract of land, more than would be needed for the purpose, to avoid objections, and the increased valuation of such land in the future would make it an inducement for the purchase.

Alderman Clark offered the following orders:

Ordered, That the Committee on City Hospital be authorized to purchase a lot of land within the limits of the city of Boston and erect thereon a building suitable for the purposes of a smallpox hospital, at an expense not exceeding \$200,000.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$200,000 to be applied to the purchase of land and the erection thereon of a building for a smallpox hospital.

Alderman Jenks inquired if there was not an order in the other branch, which had been laid on the table, for the purchase of a site for a hospital. He could not see how two orders could be considered, and if that was objectionable to appropriate \$50,000, how would it be possible to pass this.

Alderman Clark said he believed the Common Council would be in favor of the order. A location must be had, and something should be done. No land within the city limits could be had without an unreasonable expenditure, and without being versed in the proceedings of the Council he believed the other order could be properly disposed of. The Council could not believe that the sum named in that order would be half enough for such a hospital as is required.

Alderman Poland said it was all well enough to talk of the expenditure of money, but time would be required for the making of plans and the erection of a building. If they had allowed the order before them to be passed, it would have required but a few days to have made preparations for the care of patients.

Alderman Little said it was not expected that they would have such splendid buildings as they had seen out at Wellesley, neither should the city go in as squatters and destroy property, but should be willing to bear the loss from such cost as would be required. It would be better to expend \$500,000 than blight all the property in a thickly settled neighborhood, and he trusted these orders would pass.

Alderman Power said if he understood correctly the \$50,000 order was for buildings at Gallop's Island.

Alderman Little replied that it was not so.

Alderman Power said there would be no more loss of time in the purchase proposed than there would have been under the order rejected. There were buildings on the land proposed in this order, which could be used, and there could be no objection on that score.

Alderman Jenks said he would be content if this location was made public. He would not consent to buy land and then be met with remonstrances against the use of it.

Alderman Clark stated that nine-tenths of the Board knew where the proposed location was, and the Alderman had seen it, and said it was a suitable place. There were reasons for not making it public. The buildings would not cover the whole lot of 300,000 or 400,000 feet, and accordingly the principal part of the expense would be in the purchase of the land. It was not a losing purchase to make, the location would be central, it could be approached by water as well as by land, the access not through thickly settled portions of the city, easily reached from all sections of the city, and a building could be put up such as the city should



Alderman Poland objected to voting in the dark. If the purchase was not a speculation, every Alderman should know where it is before being called upon to vote. When the public came to know it, the Board may be beset by such a cloud of witnesses as were present this afternoon, and be obliged to back down.

Alderman Cutter said he agreed with the Alderman, that they should not buy without knowing where they were to buy. They should not buy a lot at a great expense to put a building in the centre of it, paralyzing all they did not want to use, to the amount of \$200,000 to \$500,000. They should buy what they want, and no more.

Alderman Clark said it was just because such a hospital paralyzed property that they were obliged to purchase more than they wanted. It would injure the property of thousands, unless completely isolated. If property was to be paralyzed, it was better for the city to bear the loss than for individuals. If it did not cost less than half a million of dollars they should take the bull by the horns, and if they had not courage to meet it, they should be called cowards. There was no doubt the disease was spreading, and as cold weather comes on it will, and if something is not done soon it may become a serious epidemic. They should not hesitate when no one objected, and as to its being a private speculation, they were willing to let the Alderman into it. He did not believe it would be thought to be any private speculation.

Alderman Poland objected to his being thought wanting in courage.

Alderman Little doubted whether the removal from Albany street was not a mistake. When that was done, the Alderman was bound to go to Gallop's Island, but now he objects to spending money. No man could object to paying his honest debts, and this was but an honest debt of the city, and the best thing which could be done would be to pay it, and not saddle it on the community.

Alderman Jenks did not think the Alderman could saddle a want of courage on him. His courage had not failed as yet, and if he had any doubt, he could test it. He was not opposed to the appropriation, and thought it was but fair to state where the location was to be, that they might know where it is as well as the committee. There were two lots in contemplation, one in Dorchester and the other on Pine Island. He would move to amend by appropriating not exceeding \$1000 in bonding the lot.

Alderman Clark hoped the amendment would not be passed, for they should show that they mean business. The voting of \$1000 for bonds would not amount to anything. They had been three months now engaged in this business and had accomplished nothing. He would move to amend the order by adding after the Committee on the City Hospital, the words, "and the Committee on Health, with such as the Common Council may join."

Alderman Little moved as an additional amendment after the word "purchase," "with the approval of the Mayor and the President of the Common Council."

Alderman Clark said there were good reasons for not stating where the location was. As to not knowing where it was, with one or two exceptions of members of the Board, it was all moonshine.

Alderman Cutter said he had not definite information. He went to Dorchester after sundown and was told to look round on some land. He wanted to know where it was before he voted to purchase the land.

Alderman Power did not think it would be acting with the usual tact to make public such transactions. If so, parties would ask more, if determined upon and known to be for the city. The supposed lot was well understood, and if any Alderman did not know, he would have a chance to know before the order was carried out.

The amendment proposed by Alderman Jenks was lost, by a vote of 4 to 8, as follows:

Yeas—Cutter, Jenks, Poland, Ricker.

Nays—Clark, Fairbanks, Little, Power, Sayward, Squires, Stackpole, Woolley.

Alderman Cutter moved a reference of the order to the Committees on the City Hospital and Health.

Alderman Clark objected as simply asking for delay. The committee were familiar with the location, and by the amendment the Council could add one or more to engage in the speculation, taking in the Mayor. There had been too much speculation in the matter, and it was time to go to work.

Alderman Cutter did not ask for delay. A secret session might have been called, if necessary, and the matter fully understood; but he could not vote for \$50,000, or \$200,000, without knowing more about it. The chairman might have called such a meeting.

Alderman Clark replied that the chairman of the Board did not know that the order would be offered.

Alderman Ricker hoped there would be no delay, for the subject had been long enough considered. He thought the Roxbury Almshouse was a proper location, but from the objections made, changed his opinion. He presumed he knew the place proposed, and thought it was as isolated as any place ten miles out of Boston.

Alderman Clark said it was about as near the Alderman on his left as any one, and he did not object.

Alderman Cutter said if he understood right access to it was to be by boat, and if so it would be objectionable to many persons.

Alderman Clark denied that water was to be the only access, as the gentleman should know after living in Boston as long as he had. He could take him there in fifteen minutes, and could walk there on good solid land in not much more than that time.

Alderman Little said he supposed the Alderman got his impression from what he said. But it was not a water privilege they were to buy.

Alderman Cutter replied that it was from that Alderman that he got the impression, and perhaps it would be the best way to go by water. He had been charged with wanting delay, and he admitted he was ignorant in the matter, and did not want to vote to spend \$200,000 in such railroad speed without knowing for what it was to be. It did not always pay to make such speed.

Alderman Clark preferred to be too speedy to being too fogyish, and he was happy to be charged with being speedy.

Alderman Cutter replied that there was this difficulty—they abolished the pest house before they knew where to locate another one.

Alderman Ricker did not think they would be troubled much longer if it proved elsewhere as in his section, where the disease was nearly all removed.

Alderman Cutter—Then we can save the \$200,000.

The question on reference was taken and lost by a vote of three to nine, as follows:

Yeas—Cutter, Jenks, Poland.

Nays—Clark, Fairbanks, Little, Power, Ricker, Sayward, Squires, Stackpole, Woolley.

The question was then taken on the amendments of Alderman Clark and Little, to add members of the Common Council, and the approval of the Mayor and President of the Council, which were adopted.

Alderman Cutter said he should not object further, but should vote for the order.

The order was passed, by a vote of 10 to 2, as follows:

Yeas—Clark, Cutter, Fairbanks, Little, Power, Ricker, Sayward, Squires, Stackpole, Woolley.

Nays—Jenks, Poland (the last named stating that he voted no because he did not know where the location was).

A petition was presented from William Hammon, offering to sell to the city a lot of land in Dorchester for a smallpox hospital. Referred to the committee on the subject of purchase of land for such a hospital.

Alderman Woolley presented the resignation of E. B. Hine, as an Assistant-Engineer of the Fire Department, on account of his health. The resignation was accepted, and Aldermen Woolley, Clark and Cutter, with such as the Common Council may join, were appointed a committee to nominate a candidate for Assistant-Engineer, to fill the vacancy.

Alderman Jenks offered the following orders, which were severally read once:

Ordered, That his honor the Mayor be requested to petition the General Court at its next session, for the passage of an act to prohibit the sinking of any cellar below the grade of twelve feet above mean low water, under any building within the limits of the city of Boston without the permission of the City Council of said city.

Ordered, That his honor the Mayor be requested to petition the General Court at its next session for the passage of an act authorizing the city of Boston to apply the provisions of chapter 382 of the acts of the year 1871, (known as the Betterment law) to the construction of bridges.

Ordered, That his honor the Mayor be requested to petition the General Court at its next session for the passage of an act authorizing the city of Boston to purchase or otherwise take any lands, with the buildings or other fixtures thereon, within the limits of said city, (except flats covered at any time by tide water) the grade of which is below the line of mean high water.

On motion of Alderman Clark,

An order was read once to pay the heirs of Eliza Parker \$882, for land taken and all damages occasioned by the widening and extension of Emerson street.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
OCT. 10, 1872.

The regular weekly meeting of the Common Council was held this evening at seven and a half o'clock, M. F. Dickinson, Jr., the President, in the chair.

On motion of Mr. Clatur of Ward 4, the roll was called, when thirty-six members appeared to be present, as follows:

Bickford, Bradt, Brennan, Burditt, Burt, Caton, Clatur, Collins, Dacey, Davenport, Dickinson, Doherty, Dolan, Emery, Faxon, Heath, Hughes, Jones, Kingsley, Lamb, Locke, Loring, McNutt, Moulton, Noyes, Pickering, Prescott, Robbins, Robertson, Robinson, Shepard, Webster, West, Weston, Wilbur, Wright—36.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of John Lloyd, presidents of insurance companies, and communications from the School Committee were severally referred, in concurrence.

The quarterly reports of the City Physician, Superintendent of Health, Superintendent of Streets, Port Physician, and of Paymaster of State Aid and the Auditor's Monthly Exhibit, were ordered to be placed on file.

The report (leave to withdraw) on petition of John H. Moody, to be paid for injuries to his wagon, by contact with railroad bridge, Ward 16, was accepted.

The following orders were severally read once:

Order that \$600 be allowed for extra clerk hire and care of wardrooms, during the registration of voters, the present year.

Order that the payment by the Treasurer of \$1269 30, being the amount recovered against the city, in September last, by John and Sarah R. Smith, be charged to Incidental Expenses.

Order that the payment by the Treasurer of \$4054 45, being the amount recovered against the city, in September last, by Mary A. Griffith, be charged to Incidental Expenses.

Report and order authorizing the Treasurer to borrow \$30,000, to be added to the loan for widening and grading Dudley and other streets. (City Doc. 99, 1872.)

Report and order authorizing the Treasurer to borrow \$16,000, to be added to the loan for Back-Bay bridges.

Order to charge the expense of widening and extending Emerson street to the appropriation for Laying out Streets.

Order for a loan of \$115,000, to be applied to the widening, grading and paving of Warren street.

The following orders were severally read twice and passed:

Report and order that 1660 square feet of land, as shown on the plan of the City Surveyor, dated May 21, 1872, be sold to Thomas W. Tuttle, for \$249, and that a deed of said land be executed as in said order set forth.

Order authorizing the erection of a bell tower on the Quincy Schoolhouse, at an estimated cost of \$1500, and for a transfer of appropriation therefor.

Order making an additional appropriation of \$1404 68, for repairs of buildings on Rainsford Island, and for a transfer of appropriation therefor.

## SUPERINTENDENT OF MERIDIAN-STREET BRIDGE.

The certificate of the election of Reuben B. Wendell, as Superintendent of Meridian-street Bridge, vice Abner Knight, deceased, was read, when the Council proceeded to an election. Messrs. Perkins of Ward 6, Thacher of Ward 15, and Robinson of Ward 11 were appointed a committee to receive and count the votes, the result of which was as follows:

Whole number of votes.....	50
Reuben B. Wendell.....	47
E. B. Pety.....	3

Mr. Wendell was declared to be elected, in concurrence.

The resignation of E. B. Hine as an Assistant-Engineer in the Fire Department was accepted, in concurrence, and Messrs. Prescott of Ward 9, Blackmar of Ward 11, Hart of Ward 12, Dacey of Ward 2, and McNutt of Ward 10 were joined to the committee to nominate a candidate for Assistant-Engineer to fill the vacancy.

## LOCATION OF A SMALLPOX HOSPITAL.

The orders providing for the purchase of a lot of land and the erection of buildings thereon for a smallpox hospital, at an expense not exceeding \$200,000, and to borrow money therefor, were read once.

Mr. Shepard of Ward 4 moved a suspension of the rules for the passage of the orders.

In support of the motion, he said he would only say in regard to it, that it was very important the orders should be passed at the present time. The reasons he believed to be well understood by the members of the Council; that negotiations for a reasonable purchase had been made, of which it was not advisable to say what particular lot it was. With a large committee on the part of the Council and with the Mayor and the President of the Council, they might be assured that the private assent to the purchase would be faithfully carried out.

The orders were passed, by an unanimous vote of 52 members, as follows:

Yeas—Adams, Bickford, Bicknell, Bradt, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Dacey, Darrow, Davenport, Doherty, Dolan, Emery, Faxon, Fitzgerald, Flanders, Flynn, Gragg, Hart, Heath, Hersey, Hughes, Jones, Kingsley, Lamb, Locke, Loring, Martin, McNutt, Moulton, Noyes, Page, Pease, Perkins, Pickering, Prescott, Risteen, Robbins, Robertson, Robinson, Shepard, Thacher, Webster, West, Weston, Whiston, Wilbur, Wright.

Mr. Hart of Ward 12 moved a reconsideration of the vote passing the orders, which was lost.

Messrs. Webster of Ward 6, Thacher of Ward 15, Fitzgerald of Ward 7, Mullane of Ward 13, and Anderson of Ward 3 were joined to the committee of the Board of Alderman.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order authorizing the Committee on Streets to sell, by public auction, the portion of the estate of Seth Adams, in South Boston, which is not required for the extension of Broadway.

Order authorizing Committee on Public Buildings to move the Mather Schollhouse buildings, preparatory to the erection of the new schoolhouse.

## PETITIONS PRESENTED AND REFERRED.

Mary A. Smith, to be compensated for money expended in repairs on dwelling house No. 45 Fayette street.

Michael Cronin, to be compensated for injuries to his daughter by explosion of fireworks on the Fourth of July.

Severally referred to the Committee on Claims.

## REPORT OF A COMMITTEE.

Mr. Flynn of Ward 7, from the Committee of the Common Council on Police, to whom were referred the orders authorizing the Committee on Public Buildings to purchase a lot of land between Adams street and Dorchester avenue, as a site for a police station for the Eleventh District, made a report that the orders ought to pass.

On motion of Mr. Bicknell of Ward 4, the orders were laid on the table.

Mr. Caton of Ward 11 offered an order, which was read once, providing that three members of the Common Council, with such as the Board of Aldermen may join, be appointed a committee to take charge of the unfinished business in relation to the preparation and publication of the United States census in the city of Boston, in accordance with the order passed by the City Council in 1870.

Mr. Hart of Ward 12 offered an order that the Street Commissioners be requested to consider and report upon the expediency of extending Granite street in South Boston.

On motion of Mr. Flynn of Ward 7, the order was referred to the Committee on Streets.

## ORDER ADOPTED.

On motion of Mr. Flanders of Ward 5, Ordered, That the sum of \$492 be and hereby is appropriated to pay for one new steam fire engine and two hose jumpers; the same to be charged to the appropriation for the Fire Department.

On motion of Mr. Shepard of Ward 4, the orders for the purchase of a lot of land within the limits of the city, for the purpose of a smallpox hospital, at a cost not exceeding \$50,000, and for a loan therefor, were taken from the table.

Mr. Shepard first moved an indefinite postponement of the orders, which he withdrew, when the question was taken on their passage, in which the Council non-concurred with the Board of Aldermen.

On motion of Mr. Robbins of Ward 8, the Council adjourned.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
OCT. 14, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

## JURORS DRAWN.

Ten traverse jurors were drawn for the Superior Court for Criminal Business.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers without Pay—William S. Tuttle, for Washington, Oak and Ash streets and vicinity; William W. Hatch for Boston, Hartford & Erie Railroad Station and vicinity, foot of Summer street; Nathaniel Gee, for Probate building and vicinity.

Constable—John B. Neale.

## PETITIONS PRESENTED AND REFERRED.

Josiah Dunham, to be paid for damages caused by change of grade in B street, between Seventh and Eighth streets.

Eugene O'Neil, to be paid for change of grade in Paris street.

Heirs of George Parkman, that sidewalks be laid on North Grove street.

Mary B. Pike, to be paid for damages caused by change of grade in Dorr street.

James Collins, to be paid for damages caused by change of grade in Paris street.

Hiram Ames and others, for removal of fence now standing across Yarmouth street.

Robert Johnson and seventy-four others, in aid of the petition of Thomas Manning and others, that Q and First streets may be constructed to meet each other, and Francis E. Parks and ninety others, in aid of the same.

J. M. Mullane, that the line of Palmer street may be defined, and the fences over the line be removed.

Severally referred to the Committee on Paving. Thomas Gogin and others, against the proposed erection of a stable on Woodward street.

Noah D. Joyce, for leave to occupy a wooden stable for one horse on Laurel street.

S. E. Chubbuck, for leave to occupy a wooden stable for two additional horses on Cunard street.

Severally referred to the Committee on Health. Maurice O'Connell, for compensation for the use of his estate, corner of Oliver and Sturgis streets.

Referred to the Committee on Streets. H. R. & W. B. Quigley and others, for a sewer in Warwick street.

Eli Baldwin, to be compensated for damage caused by the diversion of Smelt Brook.

W. L. G. Hunt, for leave to enter the Linwood-street sewer.

W. G. Benedick and others, for a surface drain in rear of Warren avenue.

Severally referred to the Committee on Sewers. S. A. Bolster, that Cobden street may be lighted.

Referred to Committee on Lamps. Company F, First Infantry, for repairs on their armory at Roxbury. Referred to Committee on Armories.

Julia A. and C. C. Cotting, for removal of a tree in the sidewalk at 47 Chestnut street. Referred to Committee on Common, etc., on the part of this Board.

John L. Hunnewell and others, that the salary of Abner Knight, late superintendent of Meridian-street Bridge, be continued for the remainder of this year. Referred to the Committee on Salaries.

William H. Munler, that an appropriation be made to test his apparatus for transmitting signals through hose. Referred to the Committee on Fire Alarms.

## COST OF WIDENING PORTLAND STREET.

The following communication was received from the Street Commissioners:

Boston, Oct. 14, 1872.

To the Honorable City Council—The Board of Street Commissioners beg leave to report on the order of the honorable Council of Sept. 23, 1872, that their estimate of the expense of widening Portland street on the northeasterly side, from Hanover street to Causeway street, they place at \$475,615.

Respectfully submitted.

JOSEPH SMITH,  
C. A. CONNOR,  
ISAAC S. BURRELL,  
Street Commissioners.

Ordered to be sent down.

## WIDENING OF BROAD STREET.

A communication was received from the Street Commissioners, with a resolve and order for the widening of Broad street from Wharf street to India wharf.

The resolve and order provide for the taking of a parcel of land belonging to Osborn Howe and Richard H. Monks, trustees, containing 418 square feet; also a parcel of land belonging to Arthur Pickering, containing 36 square feet, the whole expense of which is estimated at \$14,020.

Referred to the Joint Committee on Streets.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice, on proposed construction of sewers in Guild street, in Bumstead lane and in Conant street, in Shawmut avenue between Washington street and Circuit street, in Longwood street between Brookline avenue and Muddy River, in Bellevue street between Longwood avenue and Park street, and in Brookline avenue between Longwood and Park streets, were severally taken up. No person appeared in either case, and the several reports were recommended.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay heirs of Eliza Parker \$882, for land taken to widen Emerson street.

Order for Mayor to petition the Legislature for an act to prevent the sinking of any cellar in this city below grade of twelve feet above low water.

Order for Mayor to petition the Legislature for an act to allow assessments of betterments for construction of bridges by the city.

Order for Mayor to petition the Legislature for an act to enable the city to take by purchase or otherwise any low districts in the city in order to raise the grade thereof.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Mary A. Smith and Michael Cronin were referred in concurrence; and the remonstrance of W. B. C. Fifield and others, against the purchase of land of the Old Colony Railroad Company, as proposed for a Police Station House in Ward 16, was ordered to be placed on file.

The order for the Street Commissioners to report the estimated expense of extension of Granite street to Broadway was referred to Joint Committee on Streets, in concurrence.

The order for an appropriation of \$4920 for a new steam fire engine and apparatus, was passed, in concurrence.

The report and orders in relation to destruction of smallpox hospital on Albany street, and for the lease of a portion of the City Hospital wharf, etc., came up with an amendment to strike out so much of said orders as relate to the purchase of a lot of land within the limits of the city, for the purpose of a smallpox hospital, at a cost not exceeding \$50,000, and for a loan therefor.

To an inquiry of Alderman Clark, the Chair stated that these were the orders of September 23, which had been retained in the other branch and were rejected on the passage of the orders passed on Thursday last, to which Alderman Jenks added that it was understood they were superseded by the orders of that day.

The Board concurred in the rejection of the orders designated by an unanimous vote.

## REPORTS OF COMMITTEES.

Alderman Sayward, from the Committee on Fanenil Hall, reported in favor of granting the use of Fanenil Hall to Henry Morgan and others for a political meeting October 17, instead of 16th. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: M. Grau, to give a series of concerts at the Music Hall from Oct. 14 to 19; to sundry persons as victuallers, and for hack and wagon licenses. Severally accepted.

Alderman Fairbanks, from the same committee, reported leave to withdraw severally on the petitions of John Quinn, 151 Summer street, John Hughes, 227 Fourth street, John McCarty, 155 Eliot street, Timothy McCarthy, 359 Hanover street, Andrew Mullen, 472 Tremont street, George Moore, 17 North square, John McLaughlin, 187 Dorchester avenue, Henry Le Fevre, 577 Washington street, Michael J. Kane, 8 Merrimac street, Christian Kemner, Dorchester avenue, Joseph Human, 1816 Washington street, and John Fleming, 1013 Tremont street,—each on application for a license as victuallers. Severally accepted.



Alderman Ricker, from the Committee on Health, reported in favor of petitions for stables, as follows: Mozart A. King, for leave to occupy a wooden stable for fourteen horses on Adams street, near Neponset avenue; J. H. Pote & Co., to occupy a stable for six horses in Orleans street, in addition to old one; Patrick H. Barry, to occupy a wooden stable for two horses on Chelsea street, No. 365. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported leave to withdraw severally on petitions of James McLaughlin to be paid for damages caused by defective drainage in Hamburg street; of Thomas Kearns and others for removal of obstructions from the brook in the rear of Cherry street, as no action can be taken by the city; and on petition of Dennis McDonnell for compensation for injuries to his estate by reason of the change of grade and sewer on Ninth street, South Boston. Severally accepted.

Alderman Cutter, from the Committee on Paving, reported no action necessary on the petition of W. G. Shattuck for the grade of Meridian street, also on petition of J. A. Sevey and others against the change of grade of Quincy street; and on petition of the Massachusetts National Bank and others that Devonshire street, from Water street to State street, be paved with wood, a recommendation that the prayer of the petitioners be granted when the building improvements, now in progress and in contemplation on Devonshire street, shall have been completed. Severally accepted.

Alderman Poland, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Nathaniel O. Hart for leave to erect a wooden building situated on Wareham street, made a report that they have received a communication from the Superintendent of Public Lands, from which it appears that the land upon which it is proposed to erect the building was sold by the city upon the express condition that the exterior walls of all buildings erected thereon should be of brick, stone or iron, and that the granting of the petition would virtually annul said condition. They would, therefore, respectfully recommend that the petitioner have leave to withdraw. Accepted.

#### ELECTION OF ASSISTANT-ENGINEER OF THE FIRE DEPARTMENT.

Alderman Woolley, from the committee to nominate a suitable person for an Assistant-Engineer of the Fire Department, in place of E. B. Hinc, resigned, made a report recommending the election of George W. Clark. The report was accepted, when the Board proceeded to an election, and George W. Clark was chosen an Assistant-Engineer, by an unanimous vote.

#### EXTENSION OF WASHINGTON STREET.

Alderman Clark, from the Joint Standing Committee on Streets, to whom were referred the resolve and order of the Board of Street Commissioners for the extension of Washington street to Haymarket square, made a report that the resolve and order ought to pass; they also recommend the passage of the accompanying order, authorizing a loan to meet the expense of said extension:

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$1,500,000; said sum to be expended in the settlement of land and grade damages caused by the extension of Washington street to Haymarket square.

The orders were read and laid over, the Board to visit the route of the proposed extension.

Alderman Poland, from the Committee on Fire Alarms, to whom were referred the petition of S. A. Stetson and seventy-four others for a fire-alarm bell on the Rice Schoolhouse, and the remonstrance of John S. Moulton and twenty-one others against the same, made a report that they have given a careful consideration to the subject, and from the fact that there is no alarm bell in that vicinity, the committee are of the unanimous opinion that the prayer of the petitioners ought to be granted, and they therefore recommend the passage of the following order:

Ordered, That the Superintendent of Fire Alarms, under the direction of the committee on that department, be authorized and be is hereby directed to place in the tower of the Rice Schoolhouse, Appleton street, a fire-alarm bell, at an expense not exceeding \$2000; the same to be charged to the appropriation for Fire Alarms.

The order was read once.

Alderman Poland, from the same committee, to whom was referred the communication of Profes-

sor Joseph Winlock, Director of the Observatory of Harvard College, asking for compensation for furnishing true time to this city, made a report that, in their opinion, it was proper he should be paid for a service so important to this city, and which is attended with some expense to himself. They therefore recommend the passage of an order that the Committee on Fire Alarms be authorized to pay to Professor Joseph Winlock, Director of the Observatory of Harvard College, the sum of \$500 for furnishing the true time to the city of Boston for the present year; to be charged to the appropriation for Fire Alarms.

The report was accepted, and the order was read once.

#### ARMORY OF FIRST BATTERY LIGHT ARTILLERY.

Alderman Woolley, from the Committee on Armories, to whom was referred the communication of Adjutant-General Cunningham respecting the armory of Company A, First Battery Light Artillery, made a report in which the committee concede the unfitness of the present armory, and state that the city should build an armory in accordance with the provisions of law, but as the year is near its close, and many other matters require more attention, they recommend that the early attention of the next City Council be called to the subject.

Meantime the committee say it is necessary that the present armory should be repaired, and as the building belongs to the city, they recommend the passage of an order for such repairs.

The order was read once, providing that the Committee on Public Buildings be requested to make such repairs as may be necessary for the temporary occupation of Company A, First Battery of Light Artillery, of the armory in the city building on Cooper street; the expense thereof to be charged to the appropriation for Armories.

#### REPORT ON CONTRACT RELATING TO CITY PRINTING.

Alderman Power, from the Committee on Printing, to whom was referred the order of the City Council requesting them to report "the amount of money paid to Messrs. Rockwell & Churchill, city printers, for alleged services outside of their contract with the city of Boston, and also whether said payments were authorized by any ordinance or order of the City Council," made a report as follows:

The committee having given the subject of their inquiry a strict investigation, unanimously report as follows:

In City Document No. 53 of 1871, being "An ordinance in addition to an ordinance relating to printing," the concluding part of section three provides that the decision of the Committee on Printing "shall be final on all questions arising under this ordinance, or the contract for printing, unless overruled by the City Council." Section four of the same ordinance provides that the Superintendent of Printing "shall purchase all the paper or other stock used for the city printing, and shall make such arrangements for the storage and safe keeping of the same as the Committee on Printing may direct."

The printing contract (page 8) provides that "the paper or other stock used in the printing work shall be furnished in such manner as the Committee on Printing of the City Council may hereafter determine."

Properly to understand the action of the committee it is essential to know the proceedings of the last committee and the circumstances connected therewith.

In City Document No. 25 of this year, being the first report of the Superintendent of Printing, it is stated (p. 6) that "questions arose between the new contractors and the superintendent, at the beginning of his official term, concerning the contract provisions. These questions became irreconcilable between the two parties, and required a long investigation and final exercise of the powers of the committee for their ultimate settlement. After labored investigation and inquiry by a sub-committee, an 'adjustment' of the disputed points was submitted, which received the sanction of the committee and was accepted by the contractors as conclusive in construing the contract."

The last item of this "adjustment" is as follows: "Reasonable charges for storage and care of stock and rendering accounts of same to be allowed, this arrangement being subject to modification and termination at any time."

It is stated by the superintendent, that this provision of the "adjustment" was inserted with the intent and expectation of its advantage to the contractors, subject to the condition at its close



for its termination, should it prove an embarrassment to the city.

The amount to be paid to the contractors, in pursuance of the above arrangement, became a subject of disagreement between the last committee and the contractors. Hearings were given them and certain considerations were presented, relating to the circumstances existing at the time the contract was made, and subsequent changes materially affecting their interests. In view of all the facts and arguments presented, the last committee voted (November 22, 1871,) that fifty dollars per month be allowed the contractors for storage and care of stock, etc. The contractors had presented a bill for one hundred and fifty dollars per month, and the award of the committee not being satisfactory, they gave notice of their desire to terminate the arrangement respecting storage and care of stock as soon as the committee could make other arrangements.

The committee replied stating, in conclusion, that unless the contractors finally determined to accept the offer of the committee, the committee would "deem it their duty to recommend to the City Council to terminate the entire contract for printing."

In this condition of affairs between the last committee and the contractors, the present committee entered upon their duties. A hearing was given to the contractors, and a vote has finally been passed by the committee, unanimously, to allow the contractors \$75 per month from the beginning of the contract, in settlement of their claim, which has been accepted by them.

It will be apparent from the report that, in the opinion of the committee, no amount of money has been paid to Messrs. Rockwell & Churchill for services outside of their contract; but a certain rate of compensation has been allowed them for services relating to the city stock, in pursuance of an agreement relating to the interpretation of the contract, and that the authority for such agreement exists in section three of the ordinance of 1871, numbered fifty-three of city document; and that the authority for such compensation also exists in section four of the same ordinance and in the contract provision above recited.

This clause of the contract is a modification of the terms of the preceding contract, by which the former contractors received a percentage for their services relating to the stock; and the modification was made in consequence of changes in the system of supplying stock in contemplation, but not decided upon at the time the contract was made.

The report was accepted, and sent down for concurrence.

REPORT OF THE SUPERINTENDENT OF PRINTING.

Alderman Power laid before the Board, in print, the second report of the Superintendent of Printing.

The Superintendent gives as the cost of the completed work of thirteen and a half months under the present contract, \$38,541 38, and printing stock \$11,984 18; stationery, \$10,344 99—the above not including library binding and school stationery. In making a comparison under the first year of his office as Superintendent, he gives the following statement:

Printing, one year, per preceding statement	\$35,576 66
Printing stock	11,062 32
Stationery, " " "	10,344 99
	\$56,983 97
Amount paid Printers, for storage, etc.	750 00
	\$57,733 97
Salary of Superintendent	2,500 00
Net saving for one year, over all cost	20,866 60
Aggregate as above	\$81,100 57

It is stated that there is a very considerable increase taking place in the amount of the public work and supplies required, but with the analysis of the results of the first year's operation of this new department, it is reasonably inferred that it has saved to the city \$20,000, at least, over its expenses; equal to one-third of the gross amount of expenditure under its supervision.

This gratifying result has been accomplished, it is believed, with a due sense of the honor of the city requisite in the dealings of its officials. In construing doubtful contract provisions, liberal interpretations have been accorded to the contractors; and in making purchases, no attempt has been made to cheapen stated prices, the city orders being sufficiently desirable to insure all the advantages of competitive market rates.

The report was ordered to be sent down.

REPORT ON THE LOCATION OF A NEW COURT HOUSE.

The special committee of the Board of Aldermen, to whom was referred so much of the Mayor's inaugural address as relates to the subject of a new Court House, beg leave to submit the following report:

The necessity of enlarging the accommodations for the courts held in Suffolk County has been recognized by nearly every City Government during the past twenty years. In a report submitted to the Board of Aldermen last year (City Doc. 87, 1871), the committee say—

"Various temporary expedients have been resorted to, but without any satisfactory results; and the present condition of the court accommodations is such, that to delay action longer would be creditable to the city. The situation of the present building is convenient; but the difficulties of providing sufficient room, within the limited space, for the transaction of all the court business, and at the same time securing proper ventilation and freedom from interruption, are insurmountable. There appears to be no other course, therefore, but to erect a new building in another locality."

By an act of the Legislature, passed in 1867 (chap. 306), the Board of Aldermen is authorized to purchase or take sufficient land for the purposes of a Court House and court yard, for the use of the county of Suffolk. Among the various places suggested as suitable for the location of a new building, the square bounded by Mount Vernon, Hancock, Derne and Temple streets, a large portion of which is owned by the city, has been found to be the best adapted for the purpose. It would undoubtedly have been taken last year, as recommended by the committee on the subject, had not the Water Board expressed the opinion that the Beacon-Hill Reservoir (the removal of which was involved in the appropriation of this site for a Court House) might be required again, in case of emergency, to supply the high service in that section of the city. Since then, arrangements have been made with the Mystic Water Board, as appears from the communications appended hereto, which preclude the necessity of maintaining this reservoir any longer.

In no other locality so near the public buildings in this city, namely, the City Hall, the Registry of Deeds, the Post Office, the United States Court House, and the State House, can a sufficient quantity of land for the purpose be obtained without enormous expense. The objections which were pointed out, in the report before mentioned, to the location proposed in Pemberton square appear to us to be conclusive. The only new locality which has been suggested to your committee as suitable for the new Court House is that adjoining the United States Court House, on Tremont street, occupied in part by St. Paul's Church. It has been stated that the proprietors of the church would be willing to dispose of the property at a fair price, and that by the purchase of additional land in the rear to secure an entrance to the criminal courts from Temple place or Winter place, a very convenient site would be obtained for a reasonable price. It appears, however, from the assessors valuation (which is from ten to twenty per centum below the market value), that the cost of taking the land with the buildings thereon would average about thirty dollars per square foot, and that a lot of sufficient size for the purpose required would cost nearly a million dollars.

The space covered by the present Court House contains about twelve thousand square feet. The land covered by the reservoir contains about thirty-eight thousand square feet. It is proposed to take the estates on Mount Vernon street, between Temple and Hancock streets, which contain about twenty-five thousand square feet, and thus give the city control of the whole square, containing about sixty-four thousand square feet.

The assessors' valuation of the estates on Mt. Vernon street is \$227,500. The estimated value of the reservoir lot is \$175,000—making the total value of the site about \$400,000. The heavy granite blocks, of which the reservoir is constructed, can be worked over, and used to good advantage in building the foundations and basement story of the Court House. If sold for removal, this material would be of comparatively little value. The distance from the City Hall to the centre of this lot is just a quarter of a mile; from Pemberton square, by way of Somerset street and Ashburton place, it is only about one thousand feet. The distance for the conveyance of prisoners between the Court House and the Jail would be reduced nearly one-half.

The grade from Cambridge street, through Han-



cock or Temple street, to Derne street, is easy. It is only on the westerly and northwesterly sides of the hill that the grade is steep; from all other points the place is accessible and convenient. There is no danger to be apprehended from the noise of travel in the surrounding streets. There will be a considerable space between the building and the streets; and there is no heavy travel, and never likely to be any, through these streets, as none of them are regular thoroughfares.

The committee believe that this location will be entirely satisfactory to the judges of the several courts, the officers of the courts, and a majority of the members of the bar.

Descriptions of the estates to be taken are appended hereto.

Respectfully submitted,

JOHN T. CLARK,  
GEORGE D. RICKER,  
SAMUEL LITTLE,

Committee.

The report provides for the taking of 37,488 square feet of land belonging to the city, 3618 square feet of land now or formerly belonging to J. Amory Codman, 3165 feet of land now or formerly belonging to C. P. Curtis and others, 2879 feet now or formerly belonging to Thomas B. Curtis, 5838 feet now or formerly belonging to Ezra Farnsworth, 3836 feet now or formerly belonging to Abigail L. Cunningham, 3153 feet now or formerly belonging to Peter T. Homer, and 3133 feet now or formerly belonging to the heirs of Ozias Goodwin.

In the communications from the Water Board, which are appended, Mr. Allen, the president, states that under the arrangements which have been completed, in the opinion of the Board it is now safe for the city to abandon the use of Beacon-Hill Reservoir. These arrangements are by "main lines of large-size pipes to connect the high-service district with our twenty-inch pipe over Warren Bridge, by which means an ample supply of Mystic water could be furnished to that district, if our pumping works should be temporarily disabled. Of course it is only intended to avail ourselves of this supply to cover an emergency."

In the correspondence with the Mystic Water Board, Mr. Lawrence, the President, states that by the unanimous vote of that Board they "will most cheerfully make the necessary arrangements to render you such aid as you may require in the event of an emergency, which, in connection with the change in your pipe system, will require but the opening of two gates." These offers of aid are to be reciprocal in cases of emergency, and Mr. Lawrence says, "With reference to our ability, I have to say, that having, by the addition of a new engine, doubled our pumping capacity, and by the construction of a new line of supply mains from the reservoir increased the facility for delivery to an extent that leaves no doubt of our ability to furnish an ample supply when required, we can but feel that you will be safe in relying upon our works for the aid needed whenever the occasion may require."

Alderman Clark moved that the report be laid on the table, and that notice be given to all parties interested that a hearing will be given them on Monday next, at 4½ o'clock. The motion was carried.

#### ORDERS PASSED.

On motion of Alderman Clark,

Ordered, That the joint special committee to whom was recommitted the report in relation to the occupation of the South Boston flats, be authorized to report in print.

Ordered, That the betterment of \$2100, assessed December 15, 1870, on the estate of John A. Lowell, on India wharf or Atlantic avenue, on account of the laying out of said avenue, be and the same is hereby abated in full, the said land so assessed being a common passageway, which cannot be built upon or used for private purposes.

Alderman Clark stated, in explanation, that the passageway was the arch under India wharf, and the assessment was made under a misapprehension of its ownership.

On motion of Alderman Cutter,

Ordered, That permission be given to Joseph F. Paul to place an iron steam pipe under Bristol and Albany streets, upon condition that said Paul shall first give to the city an agreement in writing, satisfactory to the City Solicitor, holding the city harmless against any and all damages to persons and property by the placing or maintaining of said pipe under said streets; also upon condition that said Paul shall remove said pipe when ordered so to do by the Board of Aldermen.

On motion of Alderman Jenks,

Ordered, That the Committee on Legislative Matters and the Committee on Boston Harbor be instructed to appear before the Harbor Commissioners at the hearing before said Board on the 16th inst., and take measures to oppose any encroachments upon the Commissioners' line on Charles River which may be injurious to the harbor and detrimental to the health of the city.

Ordered, That his Honor the Mayor be authorized to offer and pay a reward of \$5000 for the detection and apprehension of the person who shot Charles Lane on the 13th instant, in a house on Hancock street, Ward 16; said sum to be charged to the appropriation for Incidentals.

On motion of Alderman Fairbanks—

Ordered, That the victualler's license heretofore granted to Cassius P. Baker at 19½ Howard street, be revoked for cause.

Ordered, That the sum of \$32 63 be abated from Archibald McLeod and assessed upon George P. Winlock, for a sewer on Webster street; that the sum of \$30 64 be abated from Samuel Rice for a sewer in Fabin street, and \$15 32 be assessed upon Michael Toomey and \$15 32 upon Dennis Crowley.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Ivanhoe street, between Trumbull and Brookline streets, and report a schedule of the expense thereof to this Board, pursuant to law.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Longwood street, between Brookline avenue and Muddy River; in Bellevue street, between Longwood street and Park street, and in Brookline avenue, between Longwood street and Park street, and report a schedule of the expense thereof to this Board.

#### WARRANTS FOR ELECTION.

On motion of Alderman Ricker

Ordered, That warrants be issued for the meeting of the legal voters of this city in their respective wards on Tuesday, the 5th day of November next, being the Tuesday after the first Monday in said month, at 8 o'clock, A. M., then and there to give in their votes for thirteen Electors of President and Vice-President of the United States, each ballot for such Electors to contain the name of at least one inhabitant of each congressional district of this Commonwealth; also for a Governor, a Lieutenant-Governor, Members of Congress for Districts 3 and 4 each; Councillors for Districts 2, 3 and 4; a Secretary, a Treasurer and Receiver-General, an Auditor and Attorney-General; also for six Senators for Suffolk County and two Senators for Norfolk County; thirty-three Representatives from Suffolk District and six Representatives from the Norfolk District, to be apportioned as provided by law. All to be voted for on one ballot. The polls to be kept open until 4½ P. M.

#### ORDERS READ ONCE.

On motion of Alderman Cutler, orders to reset edgestones, repave gutters and sidewalks on East Brookline street, between Harrison avenue and Albany street, at an estimated cost of \$1500; to furnish and set edgestones on Linden street, a schedule of the expense to be furnished to the Board; to establish the grade of East street, between Adams street and Dorchester avenue; to pay heirs of James Grundy \$1000, and Joseph Bachoff \$600, for Cabot-street grade damages; to pay Mary A. M. Newell \$1500, Charles W. Eaton \$1500, and Ferdinand Herman \$1500, severally for Circuit-street grade damages, and Richards Powers \$200, for Paris-street grade damages; to grade Trenton street, between White and Glendon streets, and Glendon street between Trenton and Concor streets, at an estimated expense of \$3500; to give the name of Buckingham street to the new street running from Columbus avenue to Dartmouth street.

On motion of Alderman Woolley, orders to repair armory of Company I First Regiment, at an expense of \$200; armory of Company D, First Battalion, at a cost of \$400; to fit up the armory of Company A, First Cavalry, in the building in Bulfinch street, at a cost of \$1200; severally to be charged to the appropriation for Armories.

On motion of Alderman Clark, orders to pay Jonathan Mason \$1824 75, and Samuel G. Howe \$1015, severally for damages in widening and extending Emerson street.

#### ORDERS OF NOTICE.

On the proposed construction of a sewer in Eighth street, between D and E streets, and of a sewer in Prescott street, between Lexington and Princeton streets. Hearings severally on Monday next, four o'clock P. M.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
OCT. 17, 1872.

The regular weekly meeting of the Common Council was held this evening at seven and a half o'clock, M. F. Dickinson, Jr., the President, in the chair.

On motion of Mr. Brooks of Ward 1, the roll was called, when forty-three members responded to their names, as follows:

Blackmar, Brennan, Brooks, Burditt, Caton, Collins, Cunningham, Dacey, Davenport, Devine, Dickinson, Dolan, Faxon, Fitzgerald, Flanders, Flynn, Hart, Heath, Hersey, Hughes, Kingsley, Lamb, Locke, Loring, Marston, Martin, McNutt, Noyes, Perkins, Pickering, Prescott, Robbins, Robertson, Salmon, Shepard, Smith, Tracher, West, Weston, Whiston, Wright, Bicknell, Burt, Mullane.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of John L. Hunnewell and others and of William H. Mumler were severally referred, in concurrence.

The report of the Superintendent of Printing was ordered to be placed on file.

The report of the Street Commissioners, that their estimate of the cost of widening Portland street on the northerly side, from Hanover to Causeway street, is \$479,615, was also ordered to be placed on file.

The reference to the Committee on Streets of a resolve and order from the Street Commissioners for the widening of Broad street between India wharf and Wharf street, at an adjudged expense of \$14,020, was concurred in.

The following reports were accepted, in concurrence:

Report (leave to withdraw) on petition of Nathaniel O. Hart, for leave to erect a wooden building on Wareham street.

Report of Committee on Printing, that no money has been paid Rockwell & Churchill, City Printers, for services outside of their contract.

The following orders were severally passed, in concurrence:

Order that the committees on Legislative Matters and Boston Harbor be instructed to appear before the Harbor Commissioners at the hearing on the 16th inst., to oppose any encroachments on the Commissioners' lines which may be injurious to the harbor or detrimental to the health of the city.

Order that the committee to whom was recommended the report in relation to the occupation of the South Boston flats be authorized to report in print.

Order requesting the mayor to petition the General Court for an act to prohibit the sinking of any cellar below twelve feet above mean low water, under any building within the city, without the permission of the City Council.

Also to petition the General Court for an act authorizing the city to apply the provisions of chapter 382 of the acts of 1871, known as the Betterment law, to the construction of bridges.

Mr. Perkins of Ward 6, moved to amend the last-mentioned order by adding after "bridges" the words "and the laying out of public grounds." In support of the amendment, the mover said there was just as much reason for making the application to public grounds as to bridges and other improvements. The act of 1870, providing for laying out a public park, recognized that principle, and if applied to a public park it should be to public squares.

Mr. Webster of Ward 6 inquired if the amendment would cover the proposed water park or road by the water on the Back Bay.

Mr. Perkins replied that the matter suggested was a subject of legislative action, and they could make the principle apply in such a case.

The amendment was adopted, and, as amended, the order was passed.

Also to petition said General Court for an act authorizing the city to take or purchase lands, with the buildings or fixtures thereon, within the city (except flats covered at any time by tide waters), the grade of which is below the line of mean high water.

Order authorizing a reward of \$5000 for the de-

tection and apprehension of the person who shot Charles Lane, on the 13th inst., in a house on Hancock street, Ward 16.

Mr. Blackmar of Ward 11 inquired in relation to the last-mentioned order, whether in its terms it was intended to comprise the "apprehension and conviction" of the murderer.

The Chair replied that it was not for him to give the interpretation of the order, its language being the "detection and apprehension" of the person.

The order was passed, unamended.

## ELECTION OF ENGINEER OF FIRE DEPARTMENT.

The report nominating George W. Clark as Assistant Engineer of the Fire Department in place of E. B. Hine, resigned, was accepted, and the certificate of the election of George W. Clark to said office was read, when the Council proceeded to an election, under suspension of the rules.

Messrs. Dacey of Ward 2, Marston of Ward 10, and Davenport of Ward 16, were appointed a committee to receive and count the votes.

The result was reported as follows:

Whole number of votes.....	52
Necessary to a choice.....	27
George W. Clark.....	50
John A. Fines.....	1
Horace Greeley.....	1

The Chair announced that Mr. Clark was elected in concurrence, there being fifty-one votes and one for an ineligible candidate.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed.

Order that \$600 be allowed for extra clerk hire and care of ward rooms, during the registration of voters the present year.

Order that the payment by the Treasurer of \$1269 30, being the amount recovered against the city, in September last, by John and Sarah R. Smith, be charged to Incidental Expenses.

Order that the payment by the Treasurer of \$4054 45, being the amount recovered against the city, in September last, by Mary A. Griffith, be charged to Incidental Expenses.

Order for a joint committee to take charge of the unfinished business in relation to the preparation and publication of the Ninth United States Census in Boston.

The Chair appointed as the committee under the order, Messrs. Robertson of Ward 4, Faxon of Ward 14, and Anderson of Ward 3.

Report and order authorizing the Treasurer to borrow \$30,000, to be added to the loan for widening and grading Dudley and other streets. (City Doc. 99, 1872.)

Report and order authorizing the Treasurer to borrow \$16,000, to be added to the loan for Back-Bay bridges.

Order for a loan of \$115,000, to be appropriated to meet the estimated expense of widening, paving and grading Warren street from Washington street to Dudley street.

## PETITIONS PRESENTED AND REFERRED.

Boynton Brothers, for an extension of time in which to build on land purchased of the city on Columbus avenue and Northampton street. Referred to the Committee on Public Lands.

Russell Sturgis, Jr., and others, for an ordinance to restrain the sale of obscene publications. Referred to the Committee on Ordinances.

## REPORTS OF COMMITTEES.

Mr. Brooks of Ward 1, from the Committee on Common and Public Grounds, to whom was referred the petition of F. W. Pitcher and others, that a public square be laid out at the junction of Eagle and Trenton streets, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Common and Public Grounds be and they are hereby authorized to purchase the lots of land owned by the East Boston Land Company and Alfred Packard, at the junction of Trenton and Eagle streets, containing 11,865 square feet, more or less, for a sum not exceeding \$4500; said sum to be transferred for that purpose from the Reserved Fund.

The report was accepted and the order was read once.

Mr. Flynn of Ward 7, from the Joint Standing Committee on Streets, to whom was referred the petition of Cook, Jordan & Morse and others, that Randolph street be laid out as a public way from Harrison avenue to Albany street, made a report recommending the passage of the accompanying order:

Ordered, That the Board of Street Commissioners be requested to lay out Randolph street forty



feet wide, from Harrison avenue to Albany street; provided the abutters will convey to the city, at no expense, the land required for said street, and also release any claims against the city for grade damages.

The report was accepted, and the order was passed.

Mr. Flynn, from the Committee on Streets, to whom was referred the petition of S. N. Stockwell and others, for the laying out of Hillside street and the extension of the same to Parker street, made a report recommending the passage of the accompanying order:

Ordered, That the Board of Street Commissioners be requested to furnish plans and estimates for laying out Hillside street fifty feet wide, and extending the same from Tremont street to Parker street; provided the abutters will release grade damages, and convey the land for the said street to the city at no expense, or give satisfactory bonds for the release of said damages and the conveyance of said land without expense.

The report was accepted, and the order was passed.

#### WIDENING OF BEACON STREET.

Mr. Flynn, from the same committee, to whom was referred the order requesting the Board of Street Commissioners to furnish the City Council with estimates of the probable cost of widening Beacon street to sixty feet from Tremont street to Park street on the northeasterly side, having considered the subject, made a report that in their opinion it would be inexpedient to ask for estimates as proposed in the order, but that the general project for the widening of Beacon street to Park street is well worthy of the attention of the Street Commissioners, in connection with the project for widening School street.

The report was accepted.

Mr. Bicknell of Ward 4, from the Joint Standing Committee on Public Buildings, to whom was referred the petition of the First Parish Church, Dorchester, for leave to purchase land of the city of Boston or to exchange land of said First Parish for land of the city on Meeting House Hill, made a report that an exchange of land on the site named can be made, which will be of interest to both parties and improve both estates, being no expense to the city of Boston. It is desirable that this exchange take place now, as it will much improve the approach to the new Mather Schoolhouse, as it is proposed by the First Parish Society to give to the city of Boston about 9000 feet of land in exchange for 7000 feet belonging to the city. The committee would therefore recommend the passage of the following order:

Ordered, That the Committee on Public Buildings be authorized to make an exchange of land on Meetinghouse Hill, Ward 16, for land adjoining, belonging to the First Parish Church; provided a deed of conveyance shall be given which shall be satisfactory to the City Solicitor by said First Parish Society.

The report was accepted, and the order was passed.

#### ORDERS PASSED.

On motion of Mr. Bicknell of Ward 4,

Ordered, That the Committee on Public Buildings be authorized to exchange 688 square feet of land on Quincy street, belonging to the engine-house lot, Ward 14; provided that an equal number of square feet of land on Warren street be conveyed to the city of Boston, thereby improving the lot for an engine house; the expense therefor not

to exceed the sum of \$300, and to be charged to the appropriation for Engine House, Ward 14.

Mr. Shepard of Ward 4 offered the following order:

Ordered, that the joint special committee on a new Board of Health be authorized and requested to report in print at the next meeting of the Common Council.

Mr. Locke of Ward 12 stated that the chairman of the committee was out of town and he did not know when he would return. The report would not certainly be made until his return, and the work in preparing the report was going on as fast as possible.

Mr. Flynn of Ward 7 said he understood the chairman would be back tomorrow. The matter ought to have been reported upon before this, and it should be by the next meeting of the Council.

Mr. Shepard stated that the order was not imperative, but a request for the report.

Mr. Moulton of Ward 9 hoped the order would not be passed; as was said by the gentleman from Ward 12, the work was going on as fast as possible. If an attempt was made to force it, it might not prove to be so well.

Mr. Emery of Ward 10 moved that the order be laid on the table, which was lost, by a vote of 22 to 23.

Mr. Brooks of Ward 1 moved to amend the order by providing that the report be made in two weeks.

Mr. Perkins of Ward 6 asked if the mover of the order would accept as an amendment the words "if possible" at the next meeting.

Mr. Brooks withdrew his amendment, when the amendment of Mr. Perkins was accepted, and the order, as amended, was passed.

Mr. Wright of Ward 15 offered the following order:

Ordered, That the Board of Street Commissioners be requested to consider and report upon the expediency of extending Longwood avenue to Cabot street.

The order was referred to the Committee on Streets.

On motion of Mr. Webster of Ward 6, the report and orders on the claims of David R. Lecraw and of Calvin Bullard were taken from the table, when the orders were passed, as follows:

Ordered, That there be allowed and paid to David R. Lecraw the sum of \$10,000, in full settlement of his suit against the city of Boston for damages to him caused by the extension of a sewer through the dock at the foot of Summer street, under an order passed by the Board of Aldermen, on the 3d of July, 1849; said Lecraw to give such releases and make such entry on the records of the court as shall be satisfactory to the City Solicitor.

Ordered, That there be allowed and paid to Calvin Bullard the sum of \$4000, in full settlement of his suits against the city of Boston for damages to him caused by the extension of a sewer through the dock at the foot of Summer street, under an order passed by the Board of Aldermen, on the 3d of July, 1849; said Bullard to give such releases and make such entry on the records of the court as shall be satisfactory to the City Solicitor.

Ordered, That the Auditor of Accounts be authorized to transfer from the Reserved Fund the sum of \$14,000, to be appropriated for the settlement of the claims of David R. Lecraw and Calvin Bullard against the city for damages caused by the extension of a sewer through the dock at the foot of Summer street.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
OCT. 21, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Weighers of Coal—Joseph Callahan, Ebenezer Curtis.

## PETITIONS PRESENTED AND REFERRED.

Robert Mason, for the grade of street at the junction of Centre and Highland streets.

George Field and others, to be paid for damages incident to change of grade at Spring-street place, now Chambers street.

Union Freight Railroad Company, that regulations for the use of steam power on their road may be prescribed.

Allen Putnam and others, that a new street from 226 Dudley street may be called Brewer avenue.

Elizabeth A. Tenney, to be paid for grade damages on Circuit street.

Metropolitan Railroad Company, for leave to construct a turnout, with switches, etc., on Temple place.

Daniel W. Murphy, for the establishment of the grade of Second street between O and P streets.

Thomas Keyes, for removal of the cesspool from corner of D and Athens streets.

Severally referred to the Committee on Paving.

Edward McKechnie and others, for a sewer in Regent street between Warren and Circuit streets.

F. O. White and others, for a sewer in Akron street.

Holbrook & Harlow and others, for a sewer in H street between Second and Third streets.

Severally referred to the Committee on Sewers.

Wm. P. Jarvis and others, that additional lamps be placed in Porter street, Ward 9.

Joseph W. Bartlett, that his principle of lighting street lamps by electricity be adopted in this city.

Severally referred to Committee on Lamps.

Edwin M. Bigelow, to be heard on assessment of betterments on Shawmut avenue.

Luther Gilbert, for repayment of amount of betterment paid for the widening of Tremont street.

George William Phillips, for a hearing on reduction of betterment for Shawmut-avenue extension.

Micah Cutler, for abatement of assessment for Shawmut-avenue betterments.

Severally referred to the Committee on Streets.

Agnes A. Derby, to be paid for personal injuries received from an alleged defect in Broadway. Referred to the Committee on Claims.

Benjamin Dean and others, that an alarm bell be placed on the new hose house at City Point. Referred to the Committee on Fire Alarms.

John Lally, for leave to enlarge his building at the corner of Granite and First streets to a size beyond the legal limits.

D. Eddy & Son, for leave to construct a wooden building on Adams and Gibson streets beyond the legal limits.

M. A. King, for leave to erect a wooden building on Adams street, near Neponset avenue, beyond the legal limits.

Severally referred to the Committee on Survey and Inspection of Buildings.

Robert Culbert, for leave to occupy a wooden stable for two horses on Old Heath street.

F. O. Rogers, for leave to occupy a brick stable for nine horses at 124 Malden street.

Henry B. Chamberlain, for leave to occupy a wooden stable for one horse at 1102 Harrison avenue.

Severally referred to the Committee on Health.

Richard Sullivan and others, that the territory lying between Washington street and Albany street and Northampton, Webber and Hunneman streets, may be raised. Referred to Committee on Low Districts.

A communication was received from P. G. Porter, clerk of Ward 9, resigning his office on account of his removal from the city. Ordered to be placed on file.

A communication was received from Dr. William Read, in which he represents that from facts within his knowledge the course pursued by the public vaccinator of the district within which he

resides, is wrong, no verification of the fact of vaccination nor any evidence thereof beyond the verbal statement of the party visited having been required. Therefore, he prays that the matter may be investigated, and such measures taken as shall make the protection intended to be offered to the community efficient and complete. Referred to the Committee on Health.

## WIDENING OF BEACH STREET.

A communication was received from the Board of Street Commissioners in reply to an order of the 26th August last, stating that their estimate of the cost of widening Beach street, in accordance with the plan therein referred to, they place at \$205,113 60.

Ordered to be sent down.

## WIDENING OF SCHOOL STREET.

A communication was received from the Board of Street Commissioners in answer to an order of the City Council of September 9, 1872, in which they report as their estimate of the cost of widening School street to sixty feet on the northeastern side, and extending it sixty feet wide to Devonshire street, is \$1,159,750, without including the paving and grading of the street.

Ordered to be sent down.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice on the proposed construction of a sewer on Eighth street, between D and E streets, also on the proposed construction of a sewer on Prescott street, between Sixth and Princeton streets, were severally taken up. No person appeared in either case, and the reports were recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Samuel G. Howe \$1015, for Emerson-street land damages.

Order to pay Jonathan Mason \$1,824 75, for Emerson-street land damages.

Order to pay Richard Powers \$200, for Paris-street grade damages.

Order to pay Ferdinand Herman \$1500, for grade damages at 15 Circuit street.

Order to pay Charles W. Eaton \$1500, for grade damages at 14 Circuit street.

Order to pay Mary A. M. Newell \$1500, for grade damages at 8 Circuit street.

Order to pay Joseph Bachoff \$600, for grade damages on Cabot street.

Order to pay heirs of James Grundy \$1000, for grade damages at 94 Cabot street.

Order for Superintendent of Streets to grade and gravel Trenton street, from White to Glendon streets, and Glendon street from Trenton to Condor streets, at an estimated cost of \$3500.

Order to reset edgestones and pave gutters and sidewalks on East Brookline street, from Harrison avenue to Albany street, at an estimated cost of \$1500.

Order for Superintendent of Streets to furnish and set edgestones on Linden street, Ward 16.

Order to call the street leading from Columbus avenue to Dartmouth street, Buckingham street.

Order to establish the grade of East street (Ward 16) between Adams street and Dorchester avenue.

Report and order for Committee on Public Buildings to repair armory of Company A, First Artillery, in Cooper street.

Order to allow Company I, First Infantry, \$200 for repairs on armory, in addition to amount previously allowed.

Order to allow Company D, First Battalion of Infantry, \$400 for repairs on armory.

Order to allow Company A, First Cavalry, \$1200 to fit up and furnish their armory on Bulfinch street.

Report and order to place an alarm bell upon the Rice Schoolhouse at a cost of \$2000.

Report and order to allow Joseph Winlock, of the Cambridge Observatory, \$500, for furnishing the correct time to this city the present year.

## EXTENSION OF WASHINGTON STREET.

The report of Committee on Streets in favor of the passage of the resolve and order to extend Washington street to Haymarket square (City Doc. No. 87), with an order for a loan of \$1,500,000 to meet the estimated expense, was considered.

Alderman Cutter moved that the report be recommitted, and that the committee report the estimated cost of grade damages by the extension of the street as proposed.

Alderman Clark wished to know if that was a



proper subject for the Committee on Streets to report upon?

Alderman Jenks replied that it was a proper matter to inquire about.

Alderman Clark said he hoped the motion to recommit would not prevail, for he believed the Board were prepared to vote upon the question. It had been before the City Government for a long time, and they should be prepared to act upon it and put it through. No one could fail to see that Washington street should be extended, and if so that it should be extended to Haymarket square. It would then be a great central route from one end of the city to the other. Opening into Haymarket square, it would be directly opposite to Charlestown street, making a thoroughfare to Charlestown and Medford, and for aught be known to Lowell; and at the other end extending to Roxbury and Dorchester.

The great bulk of the expense was in the extension of the street to Hanover street, so much of the cost being \$1,250,000, and the remainder but \$300,000 to Haymarket square. The time had come when it should be acted upon, and the extension should be in such a manner as to give entire satisfaction to the whole community, and prevent agitation for a long time to come. The extension of Devonshire street would take the heavy travel from the railroad depots, and the light travel would go to Washington street. Plans of the extension were before the Board, and could be examined, and he hoped the motion to recommit would not prevail.

Alderman Cutter believed that a matter of so much importance, which would cost not less than \$2,000,000, should not be acted upon without due consideration. The grade damages would cost not less than half a million of dollars, and he wished more information on the subject. There would be no harm in obtaining that information, and he trusted the Board would obtain it.

Alderman Clark asked for the yeas and nays on the motion, and stated further that the matter had been awaiting action ten years, had been before the committee four months and the report before the Board one week, long enough for the gentleman to have ascertained the cost of grade damages. He did not believe that the grade damages would amount to \$500,000, but if they did he should vote for the extension.

The motion to recommit was lost, by a vote of 4 to 8, as follows:

Yeas—Cutter, Jenks, Poland, Squires.

Nays—Clark, Fairbanks, Little, Power, Ricker, Seward, Stackpole, Woolley.

The question being on passing the orders, Alderman Jenks moved a postponement for one week.

The motion was declared to be lost, when a doubt was raised, and Alderman Jenks called for the special assignment—the report on the location of a new Court House.

The Chair put the question on solving the doubt, and the motion to recommit was again declared to be lost.

Alderman Jenks again called for the special assignment.

Alderman Clark said he had no objection, for the question could as well be settled two hours hence.

The special assignment was then taken up.

#### LOCATION OF A NEW COURT HOUSE.

The Chair stated the question on the special assignment to be the hearing of opponents of the proposed taking of estates bounded by Mt. Vernon, Temple, Derne and Hancock streets as a site for a new Court House. (City Document 101.)

Ezra Farnsworth objected to the proposed location, although he said he had had no time for much preparation, having been absent from the city during the past week until Saturday night. There were several reasons which he should give against the proposed location, while he did not doubt there should be a new Court House. In the first place, a Court House should be located where it will best accommodate those who have occasion to go to the Court House, the lawyers and the courts and the citizens. Having clearly established that fact, the question then recurs as to the expense. It was clear that this vicinity, or near here, was about the locality for a Court House, in the accommodation of citizens as to a central point.

The members of the bar generally opposed this location last year, and he supposed they would at this time. Not only was this location undesirable for them, but for all who have occasion to go to the Court House. Although personally interested, he

did not think that the city could afford to drive all the present population off of Beacon Hill. That must necessarily be the case in a few years, if this location was selected, through the necessary concomitants of a Court House. Those who live on high ground do not wish to live elsewhere, and they must be driven to the Back Bay where they do not wish to go, or be driven out of town. Speaking as a business man to business men, he could not see how they could wish to drive citizens from that locality.

Referring to the estimates of costs, he believed that if the amount of land was to be taken into consideration, the value at which it might be rated, or for which it might be sold, if not wanted, it would make a very expensive Court House. Then it would be objectionable on account of grade, and the erection and making a proper Court House could not be such as was desirable, and the location would not be eligible in the way of access to it.

The place for a Court House which he should indicate was directly opposite the City Hall in the square between School and Bromfield streets. If the Water Board had determined that the reservoir was no longer needed, he had nothing further to say on that head, but he objected to locating a Court House there. He believed State street would continue to be about the centre of the city, and he hoped there would always be a place on high land where such citizens could live who desired to have residences there in preference to low lands.

Robert D. Smith said he appeared in behalf of members of the bar last year, against the location, when the scheme was defeated. The objection on account of water was then fatal to it, while the objections of the bar remain the same. They thought the proper place was the northerly end of Pemberton square, but the committee think there are insuperable objections against that locality. He did not doubt the committee had given proper attention to the subject, but he could not agree with them on the result of their investigations.

The place which he believed would be acceptable to the bar, and which would give all the advantages of cheapness, accessibility and convenience, was the corner of Beacon and Somerset streets, extending to Ashburton street and Freeman place. Referring to the proposed widening of School street and Beacon street, which were under consideration, the location of a Court House at that point would give a good architectural effect, looking down Beacon street, while the lot would be of abundant size and not objectionable, as would be the reservoir lot.

In an examination of the reasons why Pemberton square was not a suitable place, architecturally, on account of light and ventilation, the necessary widening of Howard street, and the liability to noise which is now an objection, he contended that the reservoir lot would be liable to most of the same objections, and it would not be likely to be visited as a question of architecture, while he admitted that it would be quiet enough. It might be quiet enough, yet the question of expense was to be taken into consideration, as it appeared in matters before the Board.

With reference to the present Court House, he did not doubt that it was large enough, having five large court rooms; there was room enough, some of the rooms not being much needed, the objection being mainly on account of the light and noise. Taking thirty thousand feet as a basis for a new Court House, double that of the present Court House, and that is the basis as contemplated in the site near the United States Court House; with such a basis, the site proposed by him would give seven court rooms of a large size.

Mr. Smith exhibited plans of the proposed lot at the corner of Beacon and Somerset streets, looking down Beacon street, when the street shall be widened. Taking Beacon street as far as Freeman place, Somerset street to Ashburton place, Ashburton place to the alley running to Freeman place, and there is a space of 35,000 feet, or 5000 feet more than the committee indicate as the amount of land necessary for a Court House.

Most of this land, he said, consisted of back yards, and the assessor's valuation he would give the Board. The four houses on Beacon street covered 13,000 feet and were taxed at \$249,000; the chapel was estimated at a value of \$61,000; the church on Somerset street covered 9650 feet and was taxed at \$88,000; and the houses on Ashburton place covered 20,400 feet, and were taxed at \$221,000. This would give an aggregate cost at the taxable valuation of \$649,000, or about \$13 a foot.



The committee give as the estimated value of the reservoir lot \$175,000, and the houses on Mount Vernon street \$227,500,—making a total value of the proposed site about \$400,000. The land occupied by the reservoir cost, in 1847, \$145,000, and at that time was covered by a poor class of buildings. He did not believe the committee had sufficiently estimated the increase in value of the land in the vicinity, especially as it was supposed the location of the reservoir there was not calculated to increase the value of the property. Taking the assessors' valuation, the eight houses on Temple street facing the reservoir were rated at \$8 20 per square foot for the land, and below at \$5 50 per foot; and on Hancock street, opposite the reservoir \$8 81 per foot, and below at \$3 50. It could not be said that the reservoir lot was worth less than \$4 to \$5 a foot, which would give a value very much greater than the committee had estimated.

In answer to a question of Alderman Clark, he said that a house was sold by auction on Mount Vernon street a few days since at \$8 a foot, but the low price was on account of a restriction in not allowing a large portion of the land to be built upon. The committee further estimate the value of the reservoir lot with the building materials upon it. What are such materials worth? There were in the reservoir 17,000 cubic yards of masonry, stone enough to make a row of solid cubic blocks as big as the desks of the Aldermen, to reach from here to Dedham; or to build a wall in Beacon street thirty feet high on each side, a yard thick, reaching to the Public Garden.

In a consultation with architects, he had been assured that the stone could not be used unless it was first carted away and then brought back. It would be a great deal better, if to be used for a Court House, to be used in another place than in this. If merely to be used as stone for rough purposes, it would be worth six dollars a perch, or twenty-five cents a cubic foot. As a building material for a Court House it would be worth double that price. Another architect had assured him that it would be worth sixty cents a foot, as such stone is selling in Boston. The seventeen thousand cubic yards of stone, at fifty cents a foot, would be worth \$100,000 for the material. With the value of the land and materials, the cost of this lot would be from \$500,000 to \$600,000.

In addition to these estimates, he said, it was considered as a part of this scheme to push Ashburton place through to Temple street, on the one end, and through to Pemberton square on the other. Taking the value of the property in that vicinity, he did not believe the cost would be less than \$150,000. The reservoir lot, he said, would be large enough to put five court houses as large as the present one upon it, and so large an amount of space could not be needed, and would require an increased expense in covering it. The lot proposed by him would be large enough to accommodate the courts of London and Paris.

In conversation with members of the bar, he had not found half a dozen who tried five cases in a year in the Court House who believed the proposed locality to be a proper one. Business of this class, like all classes of business, seeks low ground, and it was just as necessary to have the Court House readily accessible as it would be to merchants to have the Post Office close at hand. With reference to the attendance of witnesses, he said it was not infrequent now to allow witnesses to leave the Court House for a short time to attend to their business, while should they be required to toil up the hill to the reservoir lot, it could not be supposed they could find time to go away again, if they wished to.

With regard to convenience, he should prefer to have the Court House as near the present location as possible, yet as a matter of economy, as it would be necessary to go farther off, it was desirable to go no farther than economy required. Business would not go to the streets on the hill, and as a resident in Pineknay street he objected to taking the Court House to the hill, as proposed. Legislation might take the Court House there, but it would not go of its own accord.

Mr. Smith, in conclusion, urged some considerations in relation to the water supply. Although the reservoir might not furnish much of a supply for the consumption of the people, there might be cases in which a large amount of property would be saved by continuing the reservoir in use in cases of fire. Although the Water Board believed it could be dispensed with, in consideration of the supply which may be received from Charlestown, he suggested that should there be a large fire at

the North End, destroying the bridges, there would not be any surety for the water supply from Charlestown.

Objections were further made to the use of so much space as was contained in the reservoir lot; it was not necessary for the use of the State courts, the United States would not be likely to remove their courts thence, and there would be great objections to placing the registry offices there, especially as provision was made for ten years in the present locality. As further reasons, he said, there could not be the objections to the locality indicated by him, as the buildings in the vicinity had mostly ceased to be dwelling houses, and some of those proposed to be taken would soon be converted in part into stores, while it was in contemplation to alter the Tremont House into offices after the present lease expired.

John L. Gardner said he appeared before the Board last year in opposition to this measure. Many of the arguments used by Mr. Smith were those given by him, and others which he used had been overlooked. He advocated the Pemberton-square lot for several reasons, a site which was acceptable to the lawyers and was of great convenience. It was a lot of great importance to lawyers; the criminals would be kept out of sight in the accession to it from Howard street, and the merchants could easily get access to it. With reference to its use in cases of fire, Alderman Clark asked if Mr. Gardner did not know that there had been no water in the reservoir for a long time, to which he replied that he did not, but that did not affect its value as a means of water supply.

In an estimate of the expense in taking estates on Mount Vernon street, he believed the committee had much undervalued it, as the residents could not get residences of equal value and convenience elsewhere at any such sums as were contemplated. He did not believe it would cost less than \$400,000 to purchase those estates. Then to get access to the Court House it would not cost less than \$300,000 to make an avenue from Pemberton square through to Temple street.

Alderman Clark stated that no such avenue was contemplated in the report of the committee, to which Mr. Gardner replied that such an improvement would necessarily follow.

Mr. Gardner remarked upon the difficulties in using the stone except in taking it away. It would be of no value where it is, and on the authority of the man who quarried it, there were no less than 50,000 tons, which would cover a space of eight acres. The foundations were deep, the stone must be dug out with chisels, and then, covered with cement, it must be carted away to be cleaned, and then it would be of no value except for cellar stone, sea walls or for foundations. It would cost fifty cents a ton to remove it, would need seven or eight acres to spread it upon, and its value would be in taking it away as needed, giving time to do it. The stone of the old jail in Leverett street, he understood, was carted out of town, and still remained where it was carried.

In estimating the cost of a Court House on the reservoir lot, Mr. Gardner said he should estimate the lot at a million of dollars and a Court House at one and a half millions more. One of the Aldermen had opposed the extension of Washington street, but that measure was much more required than the Court House, and if necessary this could wait. He was willing to pay taxes for important improvements, but did not wish to be driven away from the best spot in Boston for dwelling houses.

William G. Means spoke of the matter in a general way. He did not know the reasons why the Pemberton square lot was given up, and he indicated as a suitable lot the square bounded by Howard street, Bulfinch street, Somerset and Allston streets. He knew it was in contemplation some time to extend Howard street to Phillips street, and to widen Bulfinch place, but it would not be necessary to carry that project into full effect, and he believed the proposed site as indicated by him would be found to meet the wants of members of the bar and of the public.

James B. Richardson said he appeared here to represent no one but himself. For his own convenience and that of the bar, he had yet to find a single lawyer who was in favor of the reservoir lot; he had heard that there were such but did not know them. There is a large amount of business to be done in a Court House, and the first consideration is where it shall be placed to subserve public interest. The reservoir lot was an out-of-the-way, inconvenient and ill-adapted place for a Court House. Should it be selected, lawyers must divide their business, and the division must neces-



sarily increase the cost of doing business. He heard a lawyer say, who had a large amount of business, that the location would cost to suitors not less than \$100,000 additional to the present expense.

Suitors could not well reach the Court House without great inconvenience, for they could not get to the hill by horse cars, and it would occasion great inconvenience to lawyers, who go from the Court House to the City Hall and to record offices. His own impression was that the Court House should go south, if in any direction from its present site.

Mr. — Thompson, as a resident of Haneock street, objected from a practical point of view, on account of injury to property of residents, and in the cost of a Court House, which he believed would not be less than \$3,000,000. A worse place than that proposed he did not believe could be chosen.

Peter T. Homer related Dr. Franklin's anecdote of "John Jones who buys and sells hats for ready money," and the result of the advice of his several neighbors and friends. Making the application to this case, there was little for him to say in relation to the location. He did not like to lose his house, and came here to oppose the proposition of the committee, but as there were no two to agree upon a location, he would say nothing further on the subject.

The question was then to be taken on passing the order, when, on motion of Alderman Cutter, it was laid over.

#### EXTENSION OF WASHINGTON STREET.

The resolve and orders for the extension of Washington street were again taken up.

Alderman Cutter wished the matter to go back to the committee to ascertain an economical way of reaching the end in view. It might be made to go to Friend street.

There would be a great destruction of property under the arrangement proposed, for which there would be no adequate return.

Alderman Clark replied that there was no arrangement other than the public demand for the extension by the citizens, who proposed to pay for it. It was for this Board to say whether Washington street should go down and bring up against the Lowell Railroad Depot, or be carried in a straight line to Haymarket square. Mr. Gardner he was pleased to hear as in favor of this project, representing a great majority of the tax-paying citizens. If the elder Quincy could have had his way, he would have widened Washington street from Dock square to Dover street, at a cost of \$1,000,000, which could not be done now at less than \$20,000,000.

If it should be required to widen Friend street, or Portland street, he would be in favor of it. In this case a wide space was proposed at the junction of Devonshire street with Washington street to get an easy grade, and to turn heavy travel into Devonshire street. It might be thought to be a wider space than necessary, but such spaces are sometimes necessary, as at the junction of Tremont and Pleasant streets. The improvement should not be delayed any longer, for the longer the delay the more expensive it will be. In regard to the improvement, it will increase the value of property on the line of the street to a very great extent. Extensive buildings were contemplated, and the project commends itself to every sensible person. He therefore hoped there would be no delay, but that a vote would be taken tonight.

Alderman Cutter said he hoped there would be some solid argument given in favor of the measure. Mr. Gardner was quoted as in favor of it, and it appeared he was in favor of any measure which would favorably affect his interests, while he was opposed to any which might not be for his interest. There were persons who came here to lobby this measure because it was for their interest to have it passed. How was it in this case? It was proposed to lay waste a space of 120 feet in the junction of these streets, destroying so much property which would bring in taxes, as well as to incur a direct cost of from \$1,500,000 to \$2,000,000, and this would be but a threshold of an expenditure of \$10,000,000.

Washington street was but a narrow street, and, with an increase of travel into it, must be widened all the way to Dover street. Was this judicious to throw away property in that way? Devonshire street might be so extended as to open further means of travel to Hanover street.

Alderman Clark said he was glad to hear that the Alderman was willing to carry Washington street through to Hanover street. That was the

great expense, and the wide space proposed was for the purpose of turning the heavy travel to Devonshire street. When once at Hanover street, it would cost only \$300,000 to carry the street to Haymarket square.

Alderman Cutter said it was Devonshire street he wished extended to Hanover street, and not Washington street.

Alderman Clark said he was not afraid of spending money for widening streets, when they were for the best interests of the city. With all the street improvements, the rate of taxation had been reduced. Should it be said the valuation had been increased, why, he asked, was there an increase in valuation? It was by widening streets; and if improved, the citizens would be willing to pay taxes for the improvements. The city was growing at a rapid rate, and this improvement in the extension of Washington street was more important than any which had been seen for years.

It was in contemplation, as he knew, in the course of two or three years, should this improvement be carried out, to erect buildings on the line of a value of \$2,000,000 or \$3,000,000. He hoped in voting to extend Washington street that they were doing what the citizens request them to do. He did not quote Mr. Gardner as favoring this measure, except as representing the citizens who were in favor of it. The solid argument in favor of it was exhausted long ago, and it was of no use any longer to say that Washington street began and ended nowhere.

Alderman Poland said he was in favor of extending Washington street, but in running it to Haymarket square, he believed to be unnecessary. Devonshire street and Washington street should be made to run to Hanover street. There was a good avenue enough now through Union street, and extending these streets to Friend street would bring them within one hundred feet of the square. Friend street or Portland street might be widened, but Washington street was too narrow for more travel to enter it. He hoped the order would be laid over, that they might see by plans how it would look to widen Portland or Friend street.

Alderman Clark stated that plans had been drawn for the widening of Portland street for two years, and he supposed every member of the Board had seen them. He did not wish to push this measure, but believed the Aldermen were prepared to vote upon it.

Alderman Poland replied that Washington street was not straight, and it was not necessary to carry it to Haymarket square in the way of straightening the street.

Alderman Cutter wished to know if the measure was for the public benefit, why was there not an estimate of betterments reported? There would be a destruction of property and no betterments.

Alderman Clark replied that the question of betterments was never entertained until the improvement of streets was finished. Land had been sold in view of this improvement at \$18 or \$20 a foot, which would not be worth more than \$5 or \$6 without it. There would be betterments, but he was surprised that the Alderman did not know that estimates of betterments were not made when reports were submitted for improvements.

Alderman Cutter said he would like to know the cost of grade damages and an estimate of betterments before he could vote for such a measure.

Alderman Jenks wished to know when a space of 120 feet of land was taken, and a narrow lot was left, where betterments could be assessed?

The resolve and order were passed, by a vote of 8 to 3, as follows:

Yeas—Clark, Fairbanks, Little, Power, Ricker, Sayward, Stackpole, Woolley.

Nays—Cutter, Jenks, Poland. Absent—Alderman Squires.

Alderman Clark moved a reconsideration of the vote to settle the question, and asked for the yeas and nays on the motion.

Alderman Cutter said he could not see the necessity for pushing the question, there being a majority in favor of it, except as he saw parties at the back of the Alderman lobbying the matter.

Alderman Power said this sort of argument was sure to put such a measure through. It was an intimation that the Aldermen were like sheep in the market to be sold, and was in bad taste. They were not to be bought for a trifle nor influenced by any other than a consideration for the public interests.

Alderman Sayward said he was sorry to hear such arguments, and referred the Alderman to a similar argument made against him in the matter of a South Boston bridge.



Alderman Cutter replied that in the matter referred to he was reported as he was instructed to. In this case he had not made a charge on any Alderman, but only referred to parties whom he supposed were interested in the carrying out of this measure.

Alderman Clark said there were gentlemen behind him, whom he did not know, or that they had any interest in this matter. It was absurd and ridiculous to make such an argument, and he would not charge such base practices on any one.

Alderman Cutter said that when he saw gentlemen with pencils in their hands, ready to record the votes of Aldermen, he had reason to believe they had an interest in the matter.

Further remarks were made in this connection, in which Alderman Clark said he saw gentlemen behind the Alderman, who had spoken to him, and who were opposed to this route and in favor of another one.

The question was taken on the reconsideration, which was lost, by a vote of 3 to 8, as follows:

Yeas—Cutter, Jenks, Poland.

Nays—Clark, Fairbanks, Little, Power, Ricker, Sayward, Stackpole, Woolley.

The order to authorize a loan of \$1,450,000 for the purpose of said extension of Washington street was then passed, by a vote of 8 to 3, as above.

#### PAPERS FROM THE COMMON COUNCIL.

The following orders were passed in concurrence:

The order for the Committee to report on a new Board of Health coming up—

Alderman Power stated that the ordinance reported by the committee early in the year was defeated because it was an imperfect instrument, and time had been taken to draft a better one. He feared that the order was offered in the other branch on the ground that the committee feared to meet the question; but they were not afraid to meet it. It would be impossible for the committee to report at the next meeting of the Council, and he would move that the Board non-concur in the passage of the order.

Alderman Clark did not think the order was intended as any disrespect to the committee, while it would be discourteous to the other branch not to pass it. The request was to report on Thursday evening next, if possible.

Alderman Power said he believed the reason for offering the order was that it was thought that the committee were staving off the report because of an unwillingness to make one, and it looked like forcing them to action.

Alderman Cutter did not think the reason was as indicated, but it might have been thought that the committee were too indolent.

Alderman Jenks did not think it came with a good grace from the Alderman, who had this subject under consideration last year, and at the close of the year reported its reference to the next City Council.

Alderman Cutter replied that the reference was not reported on any motion of his.

Alderman Power declared that the committee had given as much attention to the subject as any committee usually does, and it would be impossible to report the present week.

Alderman Cutter wished to know if the committee had made any progress.

Alderman Clark replied that the committee had purchased a site for a smallpox hospital, and expected to have a building ready for occupancy in thirty days.

Alderman Cutter said he referred to another committee.

After some further remarks, the passage of the order was concurred in.

The order appointing Messrs. Robertson, Faxon and Anderson upon a joint committee to take charge of the unfinished business in relation to the preparation and publication of the Ninth United States Census in Boston was passed, and Alderman Power and Clark were joined to the Committee.

The report and orders to pay the claim of David R. Leckraw of \$10,000, and of Calvin Bullard of \$4000, in full settlement of their suits against the city for damages by the extension of a sewer through the dock at the foot of Summer street, and for a transfer of said amount to be appropriated therefor (City Doc. 97, 1872), were considered, and Alderman Jenks explained that this was the end of the Richardson case, and the committee were of the opinion that it was for the best interests of the city to settle it, as proposed.

Order for the exchange of 688 feet of engine lot

in Ward 14, for an equal number of feet on Warren street.

Report and order for an exchange of a portion of land on Meeting-house Hill with land of the First Parish.

Report and order for Street Commissioners to procure plans for laying out Hillside avenue 50 feet wide, from Tremont to Parker streets, on certain conditions.

Order for Street Commissioners to lay out Randolph street, from Harrison avenue to Albany street, on certain conditions.

Order for Mayor to petition the Legislature for an act to allow assessments of betterments for construction of bridges by the city, amended by adding public grounds.

Alderman Jenks said he did not object to the amendment, believing it to be perfectly proper.

The order for Street Commissioners to consider the expediency of extending Longwood avenue to Cabot street, was referred to the Joint Committee on Streets, in concurrence.

The report that it is inexpedient to procure estimates for expense of widening Beacon street from School to Park streets was accepted, in concurrence.

#### REPORTS OF COMMITTEES.

Alderman Woolley, from the Joint Standing Committee on East Boston Ferries, to whom was referred the order providing that from and after Jan. 1, 1873, the ferries shall be free to foot travel, made a report that they are unable to agree as to the propriety of passing the order, four members being in favor of its passage and four opposed.

Alderman Woolley moved an assignment of the order to Monday next, 4.30 o'clock.

Alderman Jenks moved a reference to the Directors of the Ferries.

Alderman Woolley said he had no objection to such a reference, but the question was now on the passage of the order.

Alderman Jenks said as there was a division among the committee, he moved a reference to the Directors to decide upon the necessity of this measure.

Alderman Poland said he looked at it in a different light, and as the committee could not agree supposed no further action would be taken on the order.

Alderman Woolley expressed the belief that the Board could pass the order without reference to the action of the committee.

Alderman Jenks said he supposed that the order having been referred to the committee and no action being recommended, that disposed of it.

Alderman Power said he did not see any use in referring the order anywhere. They could as well act upon it now as at any time, and there was no use in staving off action upon it.

Alderman Woolley said he was as willing to take the vote now as at any time, but his object was to give time for the consideration of the order.

Alderman Power was not opposed to an assignment, but to a reference to a committee.

Alderman Poland said he supposed the order was dead, from the failure of the committee to recommend any action, otherwise he should have been prepared to say something on the subject. He moved that it be laid over.

The motion to lay over was carried.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: George Mitchell, to exhibit the "Tom Thumb" troupe at Tremont Temple, East and South Boston; Independent Order of Odd Fellows, to hold a fair and exhibition at their new building in November and December; also to sundry persons for wagon licenses, for transfer of wagon licenses, and as dealers in second-hand articles. Severally accepted.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw severally on the petitions of B. G. Gavett and others, that Wheeler street be called Norwood street; and of Mary G. P. Stevens and others, for a change of the name of Grotto Glen to Greenwood avenue. Severally accepted.

Alderman Sayward, from the Committee on Faneuil Hall, reported in favor of the use of said hall by W. A. Simmons and others, for a political meeting, October 24. Accepted.

Alderman Clark, from the Committee on Streets, to whom were referred the resolve and order of the Street Commissioners for the extension of Williams street, from Shawmut avenue to Westminster street, at an estimated expense of \$17,189 10, made a report that the resolve and order ought to pass.



Read and accepted, and the resolve and order were passed, in concurrence with the Board of Street Commissioners.

Alderman Cutter, from the special committee of the Board of Aldermen, appointed to inquire into the working of the Department for the Survey and Inspection of Buildings, in order to ascertain if any additional force is needed therein, made a report that in their opinion the present force is sufficient to perform the duties of the department during the fall and winter, but a larger force will be required during the season when building operations are actively carried on. They therefore recommend that the subject be referred to the next City Council. Accepted.

Alderman Fairbanks, from the Committee on the Market, reported in favor of transfer of leases, as follows: Jeremiah Hosmer, Jr., to transfer lease of stall 5 and cellar 2 in new Faneuil Hall Market to Brown & Baker; Joel E. Foster, to transfer his interest in lease of stalls 114-120 Faneuil Hall Market to John Burns; D. G. Hartwell, to convey one undivided half of his lease of stall No. 8 new Faneuil Hall Market to George E. Skinner. Severally accepted.

Alderman Clark, from the Committee on Streets, to whom was referred the petition of N. C. Munson, that the city would lay out West Chester park as a public street to Beacon street, made a report that Mr. Munson and the Boston Water Power Company having given a bond in the sum of \$150,000 to indemnify the city against any expense on account of the laying out of said street at this time, there is no objection in the opinion of the City Solicitor to granting the prayer of the petition. The committee would therefore recommend the passage of the accompanying order:

Ordered, That the Board of Street Commissioners be requested to lay out as a public street or way West Chester park from its present terminus to Beacon street.

Alderman Clark moved for a second reading of the order, believing that no objection could be made to it, Mr. Munson having given bonds in the sum of \$150,000 to hold the city harmless, the object being simply to enable him to lay out the street through strips of land which are owned by other parties, and can be taken only by the city.

Alderman Jenks doubted whether the order covered ground required by the law, in not setting forth that the public convenience requires the laying out of the street.

The Chair stated that it was simply a request to the Street Commissioners to lay out the street.

Alderman Jenks believed it to be necessary to follow the statute in such cases.

The Chair further stated that it was simply a request to the Street Commissioners.

Alderman Jenks objected that if anything should prove to be wrong, the Commissioners might say they were instructed to do so.

The Chair stated further that the order for laying out must come before the City Council for concurrence, when it could be made in accordance with the statute.

Alderman Clark said the order had the approval of the City Solicitor.

Alderman Jenks suggested that the Commissioners should furnish plans and estimates.

Alderman Clark replied that the laying out of the street would not incur a dollar's expense. Mr. Munson had given a good and sufficient bond to save the city from expense, and the bulk of the land belonged to him and to individuals, but not to the city. The whole cost would not exceed \$30,000, and it was not a matter of personal interest to any one except Mr. Munson, who was under obligations to lay out the street.

Alderman Jenks said the city had no power to lay out a street except for public convenience, and this order should contain that provision. He hoped the order would be recommitted.

Alderman Clark believed the matter too trivial for recommitment.

Alderman Jenks believed it not to be trivial, since by an omission last year such omission cost the city \$400,000.

The motion to recommit was lost and the order was passed.

#### SECOND REPORT IN RELATION TO THE SOUTH BOSTON FLATS.

Alderman Clark laid before the Board a report in print, as follows:

The joint special committee to whom were re-committed the report and indenture in relation to the occupation of the flats on the northerly shore of South Boston, and the construction of bridges across Fort-Point Channel, for the purpose of con-

necting said flats, when filled, with the business portion of the city, beg leave to submit the answers which they have received to the inquiries made in accordance with the instructions of the City Council.

The accompanying "form of indenture" provides for the immediate prosecution of this great work upon the most favorable terms which can be procured by the city. The substantial provisions of the indenture are as follows:

The Commonwealth will, before the first of October, 1875, fill solid to the grade of sixteen feet above mean low water, the flats at the junction of Main Channel and Fort-Point Channel (covering an area of 1,091,010 square feet,) and build a sea wall around the margin of said flats. It will also fill Eastern avenue seventy-five feet wide, and Northern avenue one hundred feet wide, as laid out over said flats, to grade of sixteen, or a higher grade if required by the Surveyors of Highways (the Board of Aldermen of Boston,) and convey the same to the city without expense for land or grade damages.

It will also fill to grade 16, and convey to the city without expense, Eastern avenue and Northern avenue extended, as shown on the plan, and also B, C, D, E, F, K and L streets extended to Eastern avenue, as soon as the flats owned by the Commonwealth (lying southeasterly of those to be filled at this time) are filled to grade 16. It will also, within one year from the time the flats on Fort-Point Channel are filled, build B and C street (either one, as the Harbor Commissioners may elect) from First street to Eastern avenue, and convey the same to the city without expense. It will also allow the city to extend Mount Washington avenue over its flats, when filled, eastwardly from Granite street, without expense for land or grade damages. It will also assume and pay into the Compensation Fund for the improvement of Boston Harbor whatever assessment is made upon the city for compensation on account of tide water displaced by the construction of bridges and avenues to and over this territory.

The Boston & Albany Railroad Corporation will, before the 1st October, 1875, fill solid to the grade of 16 feet above mean low water, mainly with material dredged from the channel, the flats purchased by the corporation of the Commonwealth (covering an area of 2,178,000 square feet), and build a sea wall in front of the same on Main Channel; also fill Eastern avenue 75 feet wide, Northern avenue 100 wide and B street 50 wide, as laid out over said flats, to the grade of 16, or a higher grade if required by the Surveyors of Highways, and convey them to the city without expense for land or grade damages.

The Boston Wharf Company will, in eighteen months from the date of the indenture, fill solid, to the grade of sixteen feet above mean low water, its flats shown on the plan (covering an area of 1,147,094 square feet,) and build a sea wall on the southeast side of the same; and in case of failure or neglect to do said work in the time specified, the Commonwealth is authorized to enter upon and do the work at the expense of said company. The company will also fill to grade sixteen, or a higher grade where required, and convey to the city, without expense for land or grade damages, Eastern avenue seventy-five feet wide, as laid out over said flats; also that portion of A street as laid out within said area, and Mount Washington avenue extended eastwardly from Granite street.

In consideration of the building of these sea walls and the filling of these flats within the time specified, and the construction of these streets and avenues for public travel, the city is to build two bridges over Fort-Point Channel in extension of Northern avenue and Eastern avenue, and also build the approaches thereto on the westerly ends, at an expense not exceeding the estimates made by the City Engineer, namely, \$639,470 40.

Neither of the other parties to the contract will consent to pay any portion of the expense of constructing these bridges, for reasons which are presented very fully in the several communications appended hereto. It is evident, from the several conferences which your committee have had with those parties, that the improvement will not be commenced for a considerable time, if at all, unless the city will cooperate to the extent designated in the indenture. The Harbor Commissioners say (p. 21), "Unless two of the streets of the city proper are to be extended over Fort-Point Channel, the territory to be made in the process of improving the harbor would not probably pay the cost of the harbor improvement, and the Commonwealth would not be willing to undertake it."



The committee remark upon the importance of the measure, upon which, while there may be differences as to the obligations of carrying out the improvement, there can be but one feeling as to securing early action. The simple question is as to the extent to which the city would be justified in aiding and encouraging the work. In this connection they say the duties of municipal governments in furnishing facilities for public travel and for doing business have been very much enlarged since the days of the ownership of bridges and of turnpikes by private corporations, and the legislation is referred to in providing for laying out streets in Roxbury and Dorchester in advance of the occupation of the territory, and in the agreement with Mr. Munson in laying out streets over lands to be filled in the Back Bay.

With these precedents the proposed action is in accordance, a policy calculated to develop our resources to the fullest extent and in the most economical manner. Extracts are given from a communication of Rear-Admiral Davis, General Delafield and Professor Mitchell, in relation to the importance of the improvement of these flats to Boston Harbor, and the committee believe this improvement to be so important to the future commercial prosperity of the city that it would clearly be the duty of the City Government to secure it by the building of these bridges, if there were no other considerations whatever. But it can be shown conclusively that apart from the harbor improvement the city would be justified in entering into this agreement.

The obligations of the other parties are to fill one hundred acres of flats, and build a substantial sea wall to inclose it, within three years. When this is done the occupation of other flats covering seven hundred acres more, and extending to Castle Island, will speedily follow.

The income which these hundred acres would furnish in taxes to the city, on the basis of \$1 25 a square foot, would amount to \$70,785 per annum; while the interest on the highest estimated cost of the bridges would, at six per cent., be only \$37,400. The excess of income from taxation over the interest on the loan for the bridges would establish a sinking fund sufficient to reimburse the whole outlay in fourteen years. At the present time the city gets nothing in the way of taxes from seventy-five acres of these flats (that is, the twenty-five acres standing in the name of the Commonwealth, and the fifty acres in the name of the Boston & Albany Railroad Company), and until they are filled and made available for business purposes, by connection with streets on the western side of Fort-Point Channel, the State will continue to hold them, and thereby exempt them from taxation. A provision has been inserted in the indenture that the city shall not be required to build the bridge in extension of Northern avenue until the State conveys the fifty acres of flats shown on the plan to the Boston & Albany Railroad Company.

In this estimate no account is made of the increased value of the adjoining property of the Boston Wharf Company and others, and of the extension of wharves to be made on the Boston side. The other parties agree to build all the streets reasonable for public convenience and convey them to the city without expense. This area to be conveyed for streets covers 561,025 square feet. The committee reply to the statement "that there has been no legislation which contemplates that the city of Boston is to aid in the development of this territory without compensation in flats by the Commonwealth" by citing chapter 81 of the resolves of 1866, under which it is "provided that compensation for all tide water excluded by carrying into effect these [improvements] shall be duly made as provided in the act to establish a Board of Harbor Commissioners." Other acts are also cited as favoring the views of the committee, upon which legislation they remark—

In the opinion of the Harbor Commissioners, it would not be a proper discharge of the trust reposed in them by the Legislature, to contract to pay the city, either in flats or money, the whole or any portion of the expense of building these bridges; and it is believed that their views as to the obligations of the parties interested in this improvement are sustained by the Governor.

In reply to the suggestion that the city should extend Eastern avenue and other streets, to connect with the present streets in South Boston in advance of the filling, it may be stated that the independent construction of highways over the flats would be attended with enormous expense, on account of the walls necessary to retain the filling. As the State obligates itself, in the accom-

panying indenture, to build these streets as soon as the adjoining flats are filled, and convey them to the city without a dollar of expense for land or grade damages, it would be an unnecessary expenditure of money to build the streets now. Such action would, moreover, involve the construction of bridges over the space marked on the plan for a reserved channel, when it is doubtful whether there will be any channel reserved. (See statement of Harbor Commissioners, p. 24.)

Believing, as we have already stated, that the terms upon which the city is asked to cooperate in this work are the best that can be obtained, and that it is greatly for the interests of the city to enter into an agreement by which the immediate performance of this public improvement is secured, the committee would respectfully recommend the passage of the accompanying order.

The order contains the indenture, the substance of which is given as above, in the report, and authorizes the Mayor to execute it in behalf of the city with the State, Boston & Albany Railroad Company, and the Boston Wharf Company. The indenture makes seven printed pages. The report is signed by Aldermen Clark, Power and Cutter, and by Messrs. Perkins, Hersey, Robbuis, West and Loring of the Council.

On motion of Alderman Jenks, the report and order were laid over.

#### ORDERS PASSED.

On motion of Alderman Fairbanks—

Ordered, That the collection of an assessment of \$1049 38, levied upon Caleb A. Conant for a sewer in Shawmut avenue, be postponed until the sewer is used for drainage from said Conant's estate.

On motion of Alderman Clark—

Ordered, That there be paid to Jacob Bancroft the sum of \$1442, for land taken and all damages occasioned by the laying out of Windsor street by a resolve of the Board of Street Commissioners, passed September 1, 1871, upon the usual conditions, including also the grading of said street; to be charged to the appropriation for Widening Streets.

Ordered, That there be paid to Margaret Williams the sum of \$13,296 50, for land taken and all damages occasioned by the widening of Warren street, by a resolve of the Board of Street Commissioners, passed Sept. 16, 1872, upon the usual conditions; the same to be charged to the appropriation for Widening Warren Street. The said Margaret Williams also to release all claim for land outside of the former line of Warren street, and adjoining the said land taken.

Ordered, That there be paid to Caroline, wife of Anton Halz, the sum of \$1050, for land taken and all damages occasioned by the laying out of Windsor street, by a resolve of the Board of Street Commissioners, passed Sept. 1, 1871, upon the usual conditions, to include also the grading of Windsor street; the same to be charged to the appropriation for Widening Streets.

Ordered, That there be paid to Mrs. Edward Bryant the sum of \$23 20, for land taken and all damages occasioned by a resolve and order of the Board of Street Commissioners, passed Sept. 1, 1871, upon the usual conditions; to be charged to the appropriation for Widening of Dudley and Other Streets.

Ordered, That Michael Hourihan be notified to move back all buildings on his estate on Emerson street upon adjoining land belonging to him, on or before the 10th day of November now next ensuing, so that no portion of the same shall project over the line of widening of said street, as established by a resolve of the Board of Street Commissioners passed April 20, 1872—and in default thereof the Committee on Streets are directed and empowered forthwith to enter upon said land and to cause all buildings standing over the said line of widening of said street to be moved back, as aforesaid; and that the expense of the same be charged to the appropriation for Widening Streets.

Ordered, That there be paid to the several companies of infantry and cavalry designated in the certificate of the Adjutant-General, October 17, 1872, the amounts due to them respectively for camp duty in 1872, the total sum being \$13,127; to be charged to Militia Bounty.

Ordered, That there be paid to the band of the Fifth Infantry the sum of \$450, for camp duty in 1872; said sum to be charged to the appropriation for Militia Bounty.

Also orders apportioning betterments into three parts, assessed upon parties as follows, for the laying out of Atlantic avenue: The Rowe's Wharf Corporation, heirs of George Winslow, E. Holbrook, J. W. Converse, Mary Gleason and William Kimball.



## ORDER OF NOTICE.

On the petition of the Metropolitan Railroad Company, for leave to construct a turnout with switches, etc. on Temple place. Hearing Tuesday, Nov. 5, 4 P. M.

## ORDERS READ ONCE.

On motion of Alderman Cutter, orders to grade South Market street extended, and to pave the same with small granite blocks, at an estimated expense of \$25,000; to set the edgestones on Vernon street, between Cabot and Tremont streets, pave the gutters and macadamize the roadway, at an estimated cost of \$4000; to set edgestones on Hampshire street, pave the gutters and macadamize the roadway at an estimated expense of \$3500.

On motion of Alderman Clark, orders to pay Arioeh Wentworth the sum of \$186,795, the award

of referees, for taking the Seollay Building estate; abating the betterment of John J. Williams, for St. Stephen's Church, Hanover street; abating betterment of Mury Ward and others; to pay H. C. Richards, Jr., \$13,340 for land taken to widen Warren street; giving notice to Waldo Flint to quit premises over line of widening of West street by the 1st January; and notices to quit of owners of property over the line of widening of Warren street, by the 1st March next.

Orders were also read once authorizing the sale of land to C. A. Shepard, rear of Adams and Park streets, and authorizing the lease of a building on Eustis street, near Albany street, for a wardroom for Ward 13.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen.

OCT. 24, 1872.

A special meeting of the Board of Aldermen was held at 12½ o'clock, this afternoon, Mayor Gaston presiding.

## JURORS DRAWN.

Ten traverse jurors were drawn for the Superior Court, second session, civil term.

## PETITIONS PRESENTED AND REFERRED.

Joseph McDonald, for leave to occupy a wooden stable for two horses on Stanwood avenue, Ward 16.

Referred to Committee on Health.

Isaac Fenno, for sidewalks on Warren street, near Walnut avenue.

James W. Tobey, for damages in non-grading of Dartmouth street.

Silas W. Merrill, that Greenwood park be graded, etc.

Severally referred to the Committee on Paving.

Edward Blake and others, trustees, for apportionment of Atlantic avenue letterments. Referred to Committee on Streets.

Thomas Gray and others against allowing a bowling alley license to the Somerset Club. Referred to the Committee on Licenses.

A copy of a petition to be presented to the Legislature by the town of Brookline, for liberty to divert the waters of Muddy Brook, was referred to the Committee on Sewers.

A copy of a petition of Middlesex Railroad Company, to be presented to the Legislature for extension of their location through Tremont street and Shawmut avenue to Roxbury, was presented and referred to the next Board of Aldermen.

A proposition of the School Committee for a convention on Tuesday, November 12, to fill a vacancy occasioned by the resignation of William W. Swan, was concurred in.

An order from the School Committee for suitable accommodations for a primary school near the junction of Marlborough with Fairfield streets, was referred to the Committee on Public Instruction; also an order for accommodations for an additional primary school in the Shurtleff District.

An order from the School Committee requesting the purchase of a lot of land in the rear of the Minor Schoolhouse, Dorchester District, for certain accommodations for that school, also an order to request the City Council to prepare rooms in the upper floor of the Starr King Schoolhouse for the use of the evening school for instruction in mechanical drawing, were severally referred to the Committee on Public Instruction.

A requisition was approved of from the sheriff of Suffolk County to the amount of \$2201 46, on account of said jail expenditures.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to abate betterment to the amount of \$1200 assessed upon the estates of Margaret Ward and others, for estates Nos. 358 to 362 Hanover street.

Order to abate letterments to the amount of \$3600, assessed upon John J. Williams for St. Stephen's Church, on account of the widening of Hanover street.

Order to pay Arioch Wentworth \$186,795, being the amount of award of referees for land taken and damages occasioned by the removal of Scollay's Building.

Order to grade South Market street, extended, from Commercial street to Atlantic avenue and pave the same with small granite blocks, at an estimated cost of \$25,000.

Order to set edgestones on Hampshire street, pave the gutters and grade and macadamize the roadway, at an estimated cost of \$3500.

Order to set edgestones on Vernon street, between Cabot and Tremont streets, also to pave the gutters and macadamize the roadway of said street, at an estimated cost of \$4000.

Order to pay Henry C. Richards \$13,340 for land taken and damages occasioned by the widening of Warren street.

Order authorizing the hiring of a building on Eustis street, near Albany and Dearborn streets, for a wardroom and other purposes for Ward 13, at an expense not exceeding \$300 per annum.

Order authorizing the sale to Charles A. Shepard of a lot of land in the rear of his estate on Adams and Park streets, Ward 16, containing 6784 square feet, at fifteen cents per foot; to be paid to City Treasurer, and placed to the credit of the Gibson School Fund.

Order to Waldo Flint and others to quit and remove all obstructions over the line of West street on or before the 1st of January next.

Order to George E. W. Reed, Daniel A. Sigourney and others, owners of property on Warren street, to remove all obstructions over the line of widening of said street, on or before the 1st of March next.

## REPORTS OF COMMITTEES.

Alderman Sayward, from the Committee on Fanueil Hall, reported in favor of the use of said hall, to Joseph M. Wightman and others, Oct. 31, for a political meeting.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: A. P. Peck, to give concerts at Music Hall, Oct. 25 to 28; also, for transfer of a wagon license. Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of stables as follows: S. E. Chubbuck, to occupy a wooden stable for two additional horses on Cunard street; C. Wakefield, to occupy a brick and wood stable for fifty horses on Lombard place, Prince street; Rueter & Alley, for modification of their stable permit on Heath street. Severally accepted.

The same committee reported (leave to withdraw) on petition of Phineas B. Smith, for leave to occupy a brick stable for eight horses on Marcella street. Accepted.

Alderman Jenks, from the Committee on Claims, reported leave to withdraw severally on the petitions of Lydia Ellis, to be compensated for damages caused by flooding her premises on the Back Bay; of Michael Cronin, to be compensated for injuries to his daughter from the discharge of fireworks on the Common, July 5, 1872, and of William Halliday, to be compensated for damages caused by the flooding of his estate on Huntington avenue. Severally accepted.

Alderman Clark, from the Joint Standing Committee on Streets, who were authorized to sell by public auction the portion of the estate of Seth Adams, in South Boston, which was not required for the extension of Broadway, made a report recommending the passage of the accompanying order:

Ordered, That the Chief of Police be instructed to take down and remove the building now or formerly owned by Thomas Keyes, on the city's lands, abutting on Broadway in South Boston, unless the building is removed by said Keyes before the 1st November next.

The report was accepted and the order was passed.

The Committee on Streets respectfully report that an additional loan of \$53,000 will be required for the payment of unsettled damages occasioned by the widening of Tremont row and Court street, by the removal of Scollay's Building.

The loan authorized at the time of the passage of the resolve for widening these streets, November 4, 1870, was \$135,000. Two estates were taken by this widening. One was the property of the city, and its cost was not considered in appropriating money for this purpose, the loan raised being based upon the award to the other estate, taken from Arioch Wentworth, at an estimated cost of \$125,750. This claim has since been settled by referees at \$186,795. The difference between the original loan and this sum, with some small expenses attending the removal of the old building material from the street, is \$51,915 50, to be provided for by an additional appropriation. To allow for any possible contingencies the committee have suggested raising a loan of \$53,000.

The committee would, therefore, recommend the passage of the accompanying order.

Respectfully submitted,

JOHN T. CLARK,  
GEORGE D. RICKER,  
WILLIAM SAYWARD,  
Committee on Streets.

Ordered, That the Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of fifty-three thousand dollars; the same to be added to the Scollay's Building Loan.

The report was accepted, and the order was passed.



## METROPOLITAN RAILROAD STABLE.

Alderman Ricker, from the Committee on Health, to whom was referred the communication of the Metropolitan Railroad Company, relative to a hearing on the recommitted report in relation to the construction of a stable for six hundred horses on Bartlett street, with directions to cause the same to be printed, made a report that they had attended to that duty, and reported the same in print. Accepted.

Alderman Sayward offered the following order: Ordered, That authority be granted to the Metropolitan Railroad Company to occupy, with not exceeding two hundred horses, a stable to be built on its land at the corner of Shawmut avenue and Bartlett street.

Alderman Power presented the remonstrances of Naylor & Co., Lee, Higginson & Co., William F. Weld & Co., Brewster, Sweet & Co. and forty others, E. R. Winslow, C. A. Grinnell, E. F. Emery, Henry M. King, John Willard and eighty-one others, John F. Osgood, William Lloyd Garrison, Henry A. Martin, B. D. Washburne, John J. Clarke and eighty-three others, William Blanchard, J. E. Howard, Charles Hickling and fifty others, L. F. Hollingsworth, H. G. Fuller, H. P. Dunbar, S. C. Thwing, E. E. Hale and forty-four others, J. R. Bradford, A. C. Thompson and Joseph E. Brown and forty others, against the erection of a large stable on Bartlett street, and asking for a hearing.

Alderman Power moved to refer the remonstrances and the order to the Committee on Health. Alderman Clark moved to amend, by requiring the committee to report on Monday next.

On these motions considerable discussion ensued. Alderman Sayward opposed delay, believing that it was due to the Metropolitan Railroad Company the question should be settled at once, already much delay having occurred, and it was evidently the design to stave the matter off, so that nothing could be done the present season.

Alderman Jenks moved a reference of so much of the question as related to the extension of St. James street to the Committee on Streets, and so much as related to the stable to the Committee on Health. This motion was subsequently withdrawn by him.

The motion to refer to the Committee on Health, with instructions to report on Monday next, was carried.

## REMOVAL OF THE HOUSE OF CORRECTION.

The Committee on Public Institutions, to whom were referred the petitions of Harrison Loring and one thousand others, and George A. Alden and five hundred others, citizens of South Boston, for the removal of the House of Correction from that section of the city, having considered the subject, beg leave to submit the following report:

In 1821 the town of Boston purchased of Samuel Brown sixty-two acres of land on the northerly shore of South Boston, for the purpose of locating thereon a House of Industry. The price paid at that time was one hundred dollars an acre.

In 1826 the House of Correction (which was first organized in 1823 in Leverett-street Jail) was located in a building erected for the purpose adjoining the House of Industry; and a House of Reformation for Juvenile Offenders was established in a portion of the same building. At that time there were only 1986 inhabitants in South Boston.

During the period of nearly fifty years which have elapsed, great changes have taken place on the territory in the neighborhood of these institutions. Along the northerly shore large manufacturing establishments have sprung up, dwelling-houses and places of business have been established to accommodate a population of fifty thousand persons, and the value of land has increased from \$100 an acre to over \$14,000 an acre.

While these changes have been going on many efforts have been made on the part of the residents in that section of the city to have the penal institutions removed, on the ground that they seriously retarded the natural growth and prosperity of the neighborhood in which they were located.

As early as 1847 an elaborate report was made by a joint committee of the City Council, recommending, as an initiatory step, the removal of the House of Industry to Deer Island. In that report the committee said—

"Though the inquiry relates to the removal of one or more of the institutions at South Boston, it can hardly be expected that if one be removed, the others will for many years be suffered to remain, and hence, though the attention of the committee has been mainly directed to the expediency of removing the House of Industry, and they have

prepared plans and estimates for that only, and the vote they now recommend relates only to that institution, yet they have been careful to allow nothing to form a part of the contemplated plan which shall be inconsistent with the removal to the same site of the other institutions, whenever the City Government shall deem their removal expedient."

The House of Industry was removed in 1853 to Deer Island, and in 1854 a committee was appointed to consider the subject of altering and enlarging the building at Deer Island, so that it could be used for the purposes of a House of Correction. There being a necessity for additional accommodations, either at South Boston or elsewhere, the committee in their report say—

"That there is room within the limits of the grounds occupied by the House of Correction to make the required additions there can be no doubt, but of its expediency there is a doubt. First, as a general one, that of its proximity to the inhabitants and business of the citizens. There is not, we believe, in any American city of the extent of Boston, located in their midst, institutions of this character. But there is a more serious objection than this in the fact that the present building used for that purpose is situated directly across two of the streets laid out by the Selectmen of Boston, as shown by the plans accompanying this report,—that is H street and the street parallel with First street and north of it."

The committee then consider the question whether the city is obliged to complete the laying out of these streets, and quote from a decision of the Supreme Judicial Court (16 Pickering, 442) to show that, under the peculiar provisions of the law relating to the laying out of streets in South Boston, they are *public streets* by dedication, and any vote of the Aldermen for the time being to grade such streets would open them to the public, and the board would be compelled to remove all buildings within the lines of the streets.

The same objection to the removal of the building was raised then that has been raised since, namely, that it was doubtful whether contractors could be found who would consider it for their interest to go to Deer Island, but the committee find that the objection is entirely without foundation.

A question having been raised "as to the healthiness of Deer Island as a situation for the House of Correction, Industry, Reformation and Lunatic Asylum" a Board of Consulting Physicians, of which Dr. John C. Warren was chairman, gave an opinion that there was no objection on the score of salubrity to its being employed as a place for the city institutions.

The committee were unanimous in recommending that a portion of the Deer Island buildings should be altered and fitted up for a house of correction. In accordance with that recommendation the City Council appropriated \$4500 to make the necessary alterations; but that sum proved insufficient, and in 1855 a request was made for an additional appropriation of \$60,000. A majority of the committee, to whom the subject was referred, reported in favor of abandoning the project to remove the institutions to Deer Island; and on their recommendation an appropriation was made for enlarging the workshops on the grounds at South Boston.

In their report the committee say, "It may have been an object, perhaps, for dealers in lands at South Boston to have the public institutions removed, and this may have originated this scheme. But it seems likely to prove a doubtful advantage even to them. Certain it is, the benefit to them and the city lands was greatly magnified, and the value of the city land wrongly estimated. Land in that vicinity is still abundant, and likely to be for fifty years to come.

It appears from the statements of the committee that these lands were worth at that time only eight cents a foot. Now they are worth four or five times that amount.

From that time until the fire occurred in February of last year, by which the chapel and one of the workshops were destroyed, the subject of removing the institution did not receive the serious consideration of the City Council, although it was agitated more or less by the citizens of South Boston.

There was a necessity for additional accommodations before these buildings were destroyed. In the first semi-annual report of the Inspectors of Prisons for the year 1870, the attention of the Government is called to the great danger attending the confinement of prisoners in an attic, which the master is obliged to do on account of the want of cells.



In the second semi-annual report for 1871, the inspectors say, "For want of room a portion of the males are still lodged in the prison attic. \* \* \*

"The inspectors feel it their duty to call the attention of the City Government again to the insufficient accommodations provided in the old-fashioned cells in this establishment. These cells are only seven feet long, six and a half feet high, and three feet seven inches wide. When the bed is let down from the side it is impossible for the prisoner to move about in his cell; and even when the bed is strapped up to the wall there is not room enough for him to pass freely from one end of the cell to the other. As the prisoner is obliged to pass nearly half the time alone in his cell, it is almost inhuman to restrict him to such a narrow and ill-ventilated hole. It is the duty of the Government to provide, within a reasonable time, accommodations more in accordance with the modern system of prison discipline."

In the early part of 1871 plans were procured by the Board of Directors for remodelling the present prison house and building an additional workshop, at an expense of about \$130,000. Plans were also procured for a new House of Correction in another locality, the estimated expense being \$932,000.

The City Council rejected both propositions and finally appropriated \$48,000 for the purpose of erecting a chapel and workshop, and making such temporary repairs as might be judged necessary with the view of the probable removal of the House of Correction to some other locality. This sum is now being expended by the directors in erecting the buildings and making the repairs authorized.

We have presented this brief statement of the action of the past city governments upon the question of changing the location of the House of Correction in order to show clearly the circumstances under which the question presents itself at the present time. At the hearing given to the petitioners much evidence was given by competent persons to show that the presence of these penal institutions had prevented many persons from going to South Boston to live or do business; and consequently that it had a depressing influence upon the price of real estate, not only in its immediate vicinity, but throughout the peninsula. Mr. Harrison Loring, who has given a good deal of attention to the subject, submitted a careful estimate which he had made of the value of the city's property, as follows:

House of Correction and Lunatic Hospital, exclusive of buildings—631,700 square feet of land, 20 cents per foot, present value.....	\$126,340
1,310,700 square feet of flats, at 3 cents per foot, present value.....	39,321
City land opposite House of Correction and Lunatic Hospital, between First street and Broadway, 550,000 feet, at 40 cents per foot.....	220,000

Total present value of uplands and flats, exclusive of buildings.....	\$385,661
Estimated value, institutions being removed—	
631,700 square feet, 60 cents per foot.....	\$379,020
1,310,700 square feet of flats, 10 cents per foot.....	131,070
City land opposite House of Correction, etc., 550,000 feet, 80 cents per foot.....	440,000

Total estimated value institutions being removed.....	\$950,090
From which deduct present value.....	385,661

Increased value.....\$564,429

This differs in result from an independent estimate made by the Chairman of the Board of Assessors to the extent of about \$15,000.

When the contemplated improvements on the northern shore of South Boston are carried out and the distance from City Point to the foot of Summer street is reduced nearly a half by the construction of Eastern avenue, there can be no longer any question about giving up to the demands of business the large amount of valuable property now occupied by the city. It would be very injudicious, therefore, to expend money in making permanent improvements on the institu-

tion at present located there. The temporary alterations which are now being made will be sufficient to meet the absolute wants of the institution for the present.

As some time will be consumed in the selection of a new location and the erection of suitable buildings for such an extensive institution, the committee would recommend as a preliminary step the adoption of the accompanying order, requesting the Directors to report whether there is sufficient land at Deer Island for a House of Correction, in addition to what is required for the institutions now located there, except the Almshouse.

For the Committee.  
GEORGE D. RICKER,  
Chairman.

Ordered, That the Board of Directors for Public Institutions be requested to report to the City Council, as early as practicable, whether there is sufficient land at Deer Island for the location of a House of Correction, in addition to what is required for the House of Industry and the House of Reformation for Juvenile Offenders.

Laid on the table and ordered to be printed.

#### ORDERS PASSED.

On motion of Alderman Clark,

Ordered, That the Joint Standing Committee on streets be authorized to convey to Nathaniel Brewer, administrator, upon such terms and condition as they may deem best for the city's interest, a triangular parcel of land on Washington avenue, containing thirty square feet, more or less, adjoining the Brewer estate, so called.

On motion of Alderman Jenks,

Ordered, That the Joint Committees of the City Council appointed to purchase land and build a smallpox hospital be authorized to erect a wooden building for said hospital, if they deem it expedient, exceeding in size the limits prescribed for wooden buildings in the ordinance in relation to the regulation and inspection of buildings; and the Inspector of Buildings is hereby directed to issue a permit for the erection of said building.

On motion of Alderman Rieker,

Orders directing the Superintendent of Health to notify John W. Harrison, John Boyd, John McCarty and Lawrence Sweeuey to remove from and quit premises No. 23 Burke street; Jeremiah O'Brien, Terrence McGrath and Mary Corcoran to quit premises 21 Burke street, and Cornelius Sexton, Jeremiah Connelly, Timothy Burke, John Thom, Richard Burchel, Daniel Harrigan and John Bowhine to quit premises No. 19 Burke street; said premises, after having been vacated, not again to be occupied without the authority of this Board or some person by them authorized.

Orders were also passed for the removal of nuisances on Lowland and Champney streets, and First street, and for the collection of assessments for abatement of nuisances on Blossom street, Russell place, amounting to \$48, and on Sixth street, between I and K streets, amounting to \$60 65.

On motion of Alderman Jenks, the order authorizing the Committee on Public Instruction to take the Roxbury City Hall estates for the purpose of providing additional accommodations for the Washington and Dudley schools, was taken from the table and passed.

Alderman Jenks stated that the object of laying the order on the table related to a question of title to the City Hall estate.

Alderman Clark asked leave to read two petitions, from clerks of courts, members of the bar and others, which were presented to the Board of Aldermen last year, in favor of the reservoir lot as a site for a new Court House. These he wished to lay before the Board because it had been said no member of the bar was in favor of this site for a Court House. The petitions were signed by E. H. Derby, C. A. Welsh, James M. Keith and others who were believed to have some business in the courts. The petitions were ordered to be placed on file.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Common Council,

OCT. 24, 1872.

The regular weekly meeting of the Common Council was held this evening at 7½ o'clock, M. F. Dickinson, Jr., the president, in the chair.

On motion of Mr. Loring of Ward 5, the roll was called, when thirty-nine members answered to their names, as follows:

Anderson, Blackmar, Brooks, Burditt, Burt, Caron, Clatur, Collins, Darrow, Davenport, Devine, Dickinson, Faxon, Flanders, Gragg, Heath, Hersey, Holmes, Jones, Kingsley, Locke, Loring, Marston, McNutt, Monlton, Mullane, Noyes, Pickering, Prescott, Robertson, Robinson, Salmon, Shepard, Smith, Webster, West, Weston, Whiston, Wright.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Agnes A. Derby, Benjamin Deau and others, M. A. King, John Lalley, and of D. Eddy & Son, were severally referred, in concurrence.

The report of the Street Commissioners that they place the estimate of the cost of widening Beach street at \$205,113 60, was ordered to be placed on file.

The report of the Street Commissioners, that their estimate of the cost of widening School street to sixty feet on the northeasterly side, and extending it sixty feet wide to Devonshire street, is \$1,159,750, not including paving or grading, was also ordered to be placed on file.

The following reports were severally accepted, in concurrence:

Report of the Committee on Ferries upon the order to provide that the ferries should be free for foot travel from January 1st, 1873, that said committee are unable to agree as to the propriety of passing said order, four being in favor of, and four opposed to the same.

Report referring to the next City Council the subject of the force required for the working of the Department for the Survey and Inspection of Buildings.

Leave to withdraw on petition of Lydia Ellis, to be compensated for damages caused by flooding her premises on the Back Bay.

Leave to withdraw on petition of William Holliday, to be compensated for damages caused by flooding his estate on Huntington avenue.

Leave to withdraw on petition of Michael Cronin, to be compensated for injuries to his daughter from the discharge of fireworks on the Common, 5th July, 1872.

The following orders were severally read twice and passed, in concurrence:

Report and order to authorize placing in the tower of the Rice Schoolhouse a fire-alarm bell, at a cost not exceeding \$2000.

Report and order that the Street Commissioners be requested to lay out as a public street or way West Chester park, from its present terminus to Beacon street.

A motion subsequently made by Mr. Perkins of Ward 6 for a reconsideration of the passage of this order, which he hoped would not prevail, was lost.

Report that the resolve and order of the Street Commissioners for the extension of Williams street from Shawmut avenue to Westminster street, at an estimated cost of \$17,189 10 (City Doc. 90, 1872), ought to pass with the passage of said resolve and order.

Order to pay to Company A, First Battalion of Cavalry, M. V. M., \$1200, for fitting up their armory on Bulfinch street.

Order to pay Company D, First Battalion of Infantry, M. V. M., \$400, for repairs of armory.

Order to pay Company I, First Regiment, M. V. M., \$200, for repairs of armory.

Report and order authorizing such repairs as may be necessary for the temporary occupation, by Company A, First Battalion of Light Infantry, of the armory in city building on Cooper street.

Order authorizing the Committee on Public Buildings to hire a building on Eustis street, near Albany and Dedham streets, for a wardrobe for Ward 13, at an expense not exceeding \$300 per annum.

Order directing the Chief-of-Police to remove a building now or formerly owned by Thomas

Keyes, abutting on the city's land on Broadway if not removed before the 1st November next.

Order authorizing the erection of a wooden building, if deemed expedient, for a smallpox hospital, exceeding in size the limits prescribed for wooden buildings in the ordinance in relation to the regulation and inspection of buildings, and authorizing the issue of a permit for the same.

The order for the sale of a lot of land to Charles A. Shepard, in the rear of his estate on Adams and Park streets, Ward 16, containing 6784 feet, at fifteen cents a foot, to be placed to the credit of the Gibson School Fund, being under consideration—

Mr. Emery of Ward 10 wished to know why the proceeds were to be placed to the credit of the Gibson School Fund.

Mr. Robinson of Ward 11 replied that certain lands were bequeathed to the town of Dorchester for school purposes, the proceeds of the sale of which were to be placed to the credit of that fund, these lands being of that bequest.

Mr. West of Ward 16 wished to know whether this matter had been in the hands of the Committee on Public Lands, or of any committee.

The Chair stated that it came from the Committee on Public Lands.

The order was then passed.

## EXTENSION OF WASHINGTON STREET.

The report that the resolve and order of the Street Commissioners for the extension of Washington street to Haymarket square ought to pass; and recommending the passage of an order for a loan of \$1,500,000, in settlement of land and grade damages that may be caused by said extension, was accepted, and the resolve and order were read twice.

The question being on the passage of the resolve and orders, on motion of Mr. Webster of Ward 6, Thursday evening next at eight o'clock was assigned for their consideration.

The following orders were severally read once:

Order authorizing \$500 to be paid to Joseph Winlock, director of Harvard College Observatory, for furnishing true time to the city of Boston for the present year.

Order that the Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of fifty-three thousand dollars; the same to be added to the Scollay's Building loan.

Order authorizing a conveyance of a triangular parcel of land on Washington avenue, containing thirty square feet, to Nathaniel Brewer, administrator, upon such terms as the Committee on Streets may deem best for the city's interests.

The order authorizing the Committee on Public Instruction to take the Roxbury City Hall estates for the purpose of providing additional accommodation for the Washington and Dudley schools being under consideration—

On motion of Mr. Gragg of Ward 14, it was laid on the table.

The following orders from the School Committee were severally referred to the Committee on Public Instruction, in concurrence:

Order to provide suitable accommodations for a primary school near the junction of Marlborough and Fairfield streets.

Order to provide accommodations for an additional primary class in the Shurtleff District.

Order requesting preparation of rooms upon the upper story of the Starr King Schoolhouse for the use of the evening school for instruction in mechanical drawing.

Order requesting the purchase of a lot of land in the rear of the Minot Schoolhouse, Dorchester District, for certain accommodations required by that school.

## UNFINISHED BUSINESS.

The order for the purchase, at a cost not exceeding four thousand dollars, of certain lots of land owned by the East Boston Land Company and Etfred Packard, at the junction of Trenton and Eagle streets, for a public square, was passed, by a vote of 48 yeas, 1 nay—Collins.

## COMMUNICATION FROM THE SCHOOL COMMITTEE.

The following report was laid before the Council:

The Committee on Schoolhouses and School Sections of the School Committee, who were requested by an order of the Board passed Sept. 24 to consider and report to the City Council whether or not the lot of land owned by the city, on West Newton street, adjoining the Union Church lot on Columbus avenue, corner of West Newton street,

is required for school purposes, made a report that in their opinion the lot of land adjoining the Union Church lot on Columbus avenue is required for school purposes.

Signed by William O. Johnson as Chairman.

Ordered to be sent up.

REPORTS OF COMMITTEES.

Mr. Pickering of Ward 6, from the Joint Special Committee on Salaries, to whom was referred the petition of John L. Hunnewell and others, that the salary of Abner Knight, late Superintendent of Meridian-street Bridge, be continued for the remainder of the year, made a report recommending the passage of the accompanying order:

Ordered, That the salary of Abner Knight, late Superintendent of Meridian-street Bridge, be allowed and paid to the widow for the months of October, November and December, 1872.

The report was accepted, and the order was passed.

Mr. Pickering, from the same committee, to whom was referred the petition of the Board of Trustees of the City Hospital, that the salary of the superintendent of that institution be increased, having considered the subject, made a report recommending the passage of the accompanying order:

Ordered, That the salary of the Superintendent of the City Hospital shall be at the rate of \$2500

per annum, beginning on the first day of July, 1872, said sum to be exclusive of the amount allowed to him by the Board of Trustees of the City Hospital for his services as admitting physician; and the trustees shall allow him what, in their opinion, shall be sufficient house room in said building, free of rent, and board for himself and family, but no other fees or perquisites shall be allowed him.

The report was accepted and the order was read once.

Mr. Hersey of Ward 12 submitted the following order, which was passed:

Ordered, That the Superintendent of Fire Alarms, under the direction of the committee on that department, be authorized and directed to place a bell, weighing not less than three thousand pounds, in the tower of the Quincy Schoolhouse, Hudson street, and connect the same with the fire-alarm apparatus, at an expense not exceeding \$2000, the same to be charged to the appropriation for Fire Alarms.

Mr. Flanders of Ward 5 offered the following order, which was read once:

Ordered, That the Chief-Engineer of the Fire Department be and he hereby is authorized to have Steam Fire Engine No. 6 repaired, at an estimated cost of \$1800; the same to be charged to the appropriation for the Fire Department.

Adjourned.









## CITY OF BOSTON.

## Proceedings of the Board of Aldermen.

OCT. 28, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Seven traverse jurors were drawn for the Superior Court, first session, for civil business.

## APPOINTMENTS MADE AND CONFIRMED.

Weigher of Coal—David C. Gardner.

Special Police Officers, without pay—William H. Mathews, for Bacon's Hall, Boston Highlands; Thomas J. Borden, for Warren Bridge and its vicinity.

Fire Department—Gershom Sherman, as a driver in the Fire Department, to take effect November 1.

## PETITIONS PRESENTED AND REFERRED.

Edward Helbrook, to be paid for damages to his estate, Nos. 51 and 52 Long wharf, caused by change of grade in Atlantic avenue.

J. H. Chadwick and others, and D. Whitaker and others, that the street leading from 426 Dudley street be called Woodward avenue.

Union Freight Railroad Company, for leave to use steam on a portion of their track.

R. F. Clayton and others, that Northampton street, west of Tremont street, be put in order.

John J. Ridgway and others, for leave to run a steam car on the track of the Cambridge Railroad Company.

William Ward and others, that Fourth street, from B to C street, be paved with granite blocks.

Charles F. Coffin and others, for sidewalks on L street, north of Broadway.

Severally referred to the Committee on Paving.

George S. Thom, for leave to occupy a wooden stable for one horse on Warner avenue. Howard street, Ward 16.

P. H. Seavy, for leave to occupy a brick stable for fifty horses on Chardon street and court.

Alexander Hinds, for leave to occupy a wooden stable for one horse on Bennington street, opposite 534.

C. W. Ryan, for leave to occupy a wooden stable for eight horses, corner of Short and Maverick streets.

Eben A. Higgins, for leave to occupy a wooden stable for one horse, rear 557 Fifth street.

Thomas Flynn, for leave to occupy a wooden stable for one horse on Maverick street, near the stone wall.

Severally referred to the Committee on Health.

N. B. Doggett, for abatement of Shawmut-avenue betterment.

Heirs of E. L. Eliot, for abatement of assessment of Shawmut-avenue betterment.

Thomas Keyes, for extension of time in which to remove a building.

Severally referred to the Committee on Streets.

John Hennessy, that Wilson's lane be reopened in order to remove materials therefrom. Referred to Committee on Police.

A. J. Houghton and others, that lamps be placed on Station, Mindoro and Halleck streets.

Alonzo Hamilton and others, for lamps on Myrtle street, between Stoughton and Bird streets.

Severally referred to the Committee on Lamps.

Isaac Cook & Co., for leave to construct a range of wooden buildings beyond the legal limits on Ward street, near Parker street. Referred to the Committee on Survey and Inspection of Buildings.

Milton Anstin, for license as an auctioneer. Referred to the Committee on Licenses.

Moses H. Lombard, for the benefit of the Franklin Fund. Referred to Aldermen Cutter and Ricker.

A petition was presented from Shelton Barry and others, that Meeting-House Hill be called Dorchester square, in which the petitioners say that the spot has been designated at different times Rocky Hill, Clifton Hill and Meeting-House Hill, the last being the most objectionable of the three, because the longest to be written and of questionable taste. The petition is asked for future convenience and for the purpose of identifying the only public lot of the old town of Dorchester with its name. Referred to Committee on Common, etc.

A petition was presented from James J. Flynn and others that a license be granted to them to hold a meeting in the wardroom of Ward 7 on Monday evening, Nov. 4, 1872, and to revoke the

license heretofore granted to Dennis Moore and others to hold a meeting at that time in said wardroom, for the reason that it is an attempt on the part of said Moore and others to prevent many of the citizens of said ward from exercising the rights and privileges which belong to them. Signed by James J. Flynn, James K. Crowley, M. J. Croak, F. H. Macdonald, John B. Martin, D. H. Morrissey.

On motion of Alderman Stackpole,

Ordered, That the permit for the use of wardroom of Ward 7, granted by the Superintendent of Public Buildings to Dennis Moore and others, for the evening of November 4, 1872, be and hereby is revoked.

## WIDENING OF COTTAGE STREET.

A communication was received from the Street Commissioners, with a resolve and order for the widening of Cottage street, and for the concurrence of the City Council therein. Referred to the Committee on Streets.

The amount of land proposed to be taken for the proposed widening is 36,230 feet, at a cost of \$12,363 16, and damages to buildings, etc., \$7965, making the total cost \$20,328 16.

The resolve and order provide for taking land, as follows: Charles J. Taylor, 1416 feet; Roger S. Mackintosh, 3838 feet; Ann J. Phillips, 1825; Lydia A. G. Ellison, 718; Paul H. Kendrick, 1375; Martha M. Jenkins, 1322; Asahel B. Wright, 230; Martha M. Jenkins, 527; Ann J. Phillips, 300; Joseph Ballester, 1041; Boston, Hartford & Erie Railroad Company, 900; Martha M. Jenkins, 44; George M. Browne, 2189; heirs of Charles Stimpson, 2250; heirs of Jonathan Brigham, 3878; heirs of Robert C. Hooper, 823; Seth Pettee, 358; John L. Bird, 1679; Samuel Mansur, 957; B. B. Converse, 61; Ebenezer Holden, 2134; Martha and Caroline A. Sumner, 214; B. B. Converse, 169; J. Henry Sears, 2023; heirs of Lewis Clapp, 1011; Thomas W. Tuttle, 215 and 177; John Richardson, 2995; wife of Nathaniel Tucker, 313; D. B. Flint, 827; wife of Nathaniel Tucker, 176; John P. Turpin, 172; M. Ada Brewer, 63—at prices varying from 30 to 60 cents a foot.

## HEARING ON ORDER OF NOTICE.

The hearing on the petition of the Highland Street Railroad Company for leave to locate a steam boiler and engine on Blue-Hill and Central avenues was taken up. No person appeared in relation thereto, and the report was recommitted.

## PAPERS FROM THE COMMON COUNCIL.

The petition of Russell Sturgis, Jr., and others, was referred, in concurrence.

The communication from the School Committee, stating that the lot of land on West Newton and Rutland streets, west of Columbus avenue, is *needed* for school purposes, was ordered to be placed on file.

The following orders were severally passed, in concurrence:

Order for Superintendent of Fire Alarms to place a bell on the Quincy Schoolhouse, at a cost of \$2000.

Report and order to continue the salary of the late Abner Knight, as Superintendent of Meridian-street Bridge, to the close of the present year.

Order for the purchase, at a cost not exceeding \$4000, of certain lots of land owned by the East Boston Land Company and Etta Packard, at the junction of Trenton and Eagle streets, for a public square.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: W. H. Leake for St. James Theatre; also to sundry persons as victuallers. Severally accepted.

Alderman Fairbanks, from the same committee, reported leave to withdraw on the following petitions for license as victuallers: E. H. Cunningham, 643 Harrison avenue; George Penney, 31 Eastern avenue; Charles McCarthy, 4 Rochester street; P. B. Wynne, 464 Federal street; George B. Jones, 88 Brighton street; Bridget McShane, 134 Merrimac street. Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of stables, as follows:

Robert Culbert, to occupy a wooden stable for two horses on Old Heath street; Thomas Strangman, to occupy a wooden stable for one horse on Richmond street; Joseph McDonald, to occupy a wooden stable for two horses on Stanwood avenue, Ward 16; Henry B. Chamberlin, to occupy a wooden stable for one horse at 1102 Harrison avenue. Severally accepted.

Alderman Ricker, from the same committee, to whom was referred the communication of the Me-



Metropolitan Railroad Company and the several remonstrances, with instructions to report this day, made a report that the time allowed the committee is wholly inadequate to hear the parties, and return the communication and remonstrance to the Board, with the recommendation that if a hearing is to be given, it be given before the Board of Aldermen. Accepted.

Alderman Fairbanks, from the Committee on Sewers, reported no action necessary on the petition of Francis Caughlan and others that the two independent sewers in Camden street may be connected, and on petition of W. L. G. Hunt for leave to enter the Linwood-street sewer. Severally accepted.

Alderman Clark, from the Committee on Common, etc., on the part of this Board, made a report on the petition of Julia A. and C. C. Cotting, recommending that the petitioners be allowed to remove the tree in front of No. 47 Chestnut street, at their own expense, under the direction of the Superintendent of the Common. Accepted.

#### ORDERS PASSED.

On motion of Alderman Fairbanks,

Ordered, That the sum of \$74 87, assessed upon Bennett W. Nelson, for a sewer in Cedar street, be abated, and the same amount assessed upon John W. Olmstead.

On motion of Alderman Jenks,

Ordered, That the Committee on County Accounts be authorized to make such arrangements as they deem expedient in relation to the collection of fees for licenses granted by the Secretary of the Commonwealth to peddlers, hawkers or itinerant traders within the county of Suffolk.

Ordered, That his Honor the Mayor be requested to petition the General Court, at its next session, for an amendment to the statute in relation to the public health, so as to require that parents and guardians shall cause their children and wards to be vaccinated before they attain the age of three months.

On motion of Alderman Cutter—

Ordered, That permission be and hereby is given to the Union Freight Railroad Company and to the Albany-street Freight Railway Company to use steam as a motive power on their roads until Nov. 3, 1872.

On motion of Alderman Clark—

Ordered, That the expense of widening Broad street, between Wharf street and India wharf, as passed by the Board of Street Commissioners Oct. 14, 1872, and the extension of Williams street, as passed by the said Board, Sept. 16, 1872, be charged to the appropriation for Widening Streets.

Ordered, That the cost of grading and paving of Kneeland street, as widened, between Washington street and Harrison avenue, as set forth in the report of the Joint Committee on Streets, and included in the amount borrowed for said object, be charged to the special appropriation for Widening of Kneeland Street.

Ordered, That there be paid to Charles Davenport the sum of \$28,000, for land taken and all damages occasioned by the extension of Devonshire street, by a resolve and order of the Board of Street Commissioners, passed May 13, 1872, upon the usual conditions; to include, also, damages in the grading of said street; the same to be charged to the appropriation for Extending Devonshire Street.

Ordered, That there be paid to Samuel Rice the sum of \$13,000, for land taken and all damages occasioned by the widening of Kneeland street, by a resolve of this Board of Oct. 22, 1870, upon the usual conditions; to be charged to the appropriation for Widening Streets.

Ordered, That there be paid to Gardner C. Brown, trustee under the will of Charles H. Brown, the sum of \$3523, for land taken and all damages occasioned by the widening of Kingston street, by a resolve of Dec. 30, 1870, upon the usual conditions; to be charged to the appropriation for Widening Kingston Street; also,

Ordered, That the orders to pay the heirs of Charles H. Brown \$3523, of June 10 and July 29, 1872, be and the same hereby are rescinded.

Ordered, That there be paid to George H. Munnin, guardian, and Caroline Holz the sum of \$1050, for land taken and all damages occasioned by the laying out of Windsor street, by a resolve of the Board of Street Commissioners, passed Sept. 1, 1871, upon the usual conditions, including also the grading of said street.

Ordered, That the order to pay said Holz \$1050, passed Oct. 21, 1872, be and the same is hereby rescinded.

Orders to Leopold Speidel and R. T. Sullivan to remove all obstructions over the line of Webber street, as established by the Board of Street Commissioners Oct. 25, 1872, on or before 15th November next; also to Linus B. Comins and George W. Meserve to remove all obstructions over the line of extension of Williams street, as established by the Board of Street Commissions, passed Sept. 16, 1872, on or before the 1st March next.

#### ORDERS READ ONCE.

On motion of Alderman Clark, orders to pay George D. Howe and others, trustees, \$28,000, for land taken and damages occasioned by the extension of Devonshire street; C. W. Loring and others, trustees, \$6488, for land taken for the widening of Kingston street; Josiah P. Cooke \$8900, for land taken in the widening of Summer street; proprietors of Parker Memorial Meeting House \$18,745, for land taken and damages in the extension of Appleton street; George W. Meserve \$5967 50, for land taken in the extension of Williams street.

On motion of Alderman Cutter, orders to pay Mary B. Pike \$1175 as compensation for damages caused by the change of grade in Dorr street; Elizabeth A. Tenney, \$1500, for grade damages on Circuit street; for the construction of sidewalks on Vinton street.

#### METROPOLITAN RAILROAD STABLE.

On motion of Alderman Rieker, the order offered at the last meeting of the Board, giving authority to the Metropolitan Railroad Company to occupy, with not exceeding two hundred horses, a stable to be built on its land at the corner of Shawmut avenue and Bartlett street, was taken up and considered.

Alderman Power hoped the order would not be passed, as it was an unusual course, and no such matter had been disposed of in this way the present year. He hoped the giving authority to erect a stable would take the usual course, and that the remonstrants against it would be heard.

Alderman Rieker said the remonstrants had been heard, and the question should be decided some way. The objection on the former hearing was against the keeping of so large a number as 600 horses.

Alderman Clark said he should object to passing the order now, and until he knew something more in relation to the extension of St. James street. He would suggest that a special meeting be held to consider the question tomorrow, and that the remonstrants be heard at that meeting.

Alderman Power stated that the usual course in such cases was to go to the place proposed for a stable and put up a notice, and there was no reason why they should depart from that course in this case. There seemed to be a disposition to put this through, while in the case of Phineas B. Smith, a worthy and reliable citizen, who wished a stable for nine horses, the Committee on Health, last week, reported leave to withdraw. The same committee would not permit him to build a stable, and he could not understand why they should deny privileges to him which they propose to give to this corporation without a hearing. Neither could he understand why a corporation should walk over the public in this manner.

As to throwing obstacles in the way, there was nothing of the kind. When the railroad company petitioned for a stable for six hundred horses, they gave them a hearing. They were about to act upon that, when it disappeared from the Board. There had been no petition for a stable for two hundred horses, the matter having been brought here on an order. It would be an unprecedented course to pass the order, taking people at a disadvantage and deprive them of their right to oppose such a measure. He could not understand why the committee should be so inconsistent as to report one way in this case and another in the case of Mr. Smith.

Alderman Sayward said he offered the order under consideration, and the Alderman might have done the same or offered any other order. In the case of Mr. Smith, he voted leave to withdraw, and the report was the unanimous opinion of the committee. The only question in this case was whether the Metropolitan Railroad Company should be allowed to build a stable. There had been hearing enough, and there must some time be an end of the matter. They could take the question on this order, and if they saw fit to kill it they could do so.

Alderman Rieker stated that the notice for a reduced number of horses than first asked for was given to petitioners, when the petitioners did not ask for a hearing before the committee, but wished



it before the Board. The great point was as to the number of horses. In regard to Mr. Smith, he was not in favor of giving him leave to withdraw until he learned that Mr. Smith did not expect to get leave for his stable. Then it was that he voted to give him leave to withdraw.

Alderman Little (Alderman Fairbanks in the chair) said he should be recreant to his duty, when five hundred citizens remonstrate against such a measure, if he did not allow them to be heard. When the Metropolitan Railroad Company petitioned for a stable for six hundred horses, the notice was posted, and a hearing took place, but their tactics were changed when a less number was proposed. The order providing for a stable for two hundred horses was not posted, and the remonstrants should be heard. When Aldermen are met on the stairs by parties who say they will be expected to vote for this because "I am Chairman of the Ward Committee, and Bill is secretary," it is time that the matter was understood. It would be an outrage on the citizens, whether great or small, who should remonstrate and not allowed to be heard.

Alderman Sayward said he had stated the question fairly. As to being hailed on the stairs, he knew nothing of such a matter, and could not be intimidated in the course which he believed proper to pursue. He meant to do right in all his acts in the Board, whether any one voted for him or not.

Alderman Power wished to know whether it was treating the remonstrants right not to give them a hearing; there had been no petition for a stable for two hundred horses, and the first which was heard of it was in offering the order to the Board. It was an unusual thing, not attempted before this year. The remonstrants represented \$30,000,000 or \$40,000,000 of property, and they should be heard.

Alderman Sayward replied that he had no wish to force the measure, but asked the Board to decide upon it. They had the right to modify the order, and he was just as ready to give a hearing to remonstrants who were poor as to these remonstrants. A long hearing had already been given, and the Board had had their patience tried in its consideration. It looked like staving off the question of building a stable.

Alderman Little said if any Alderman could not give his attention to the matters which come before the Board, he had better resign. He came here to give attention to the public business, and was often obliged to listen long to applications for petty stables, but in a case of this kind, in an application for a stable for two hundred horses, to force it through without hearing would be unprecedented.

Alderman Sayward replied that he could not force the order through, for he had but one vote. So far as related to petty stables, such a stable in the neighborhood of its proposed location might do as much harm as the Metropolitan Railroad stable can in this location.

Alderman Jenks stated that he moved the recommitment of the original report for the purpose of modifying it. There had been no report from the committee on that subject. He was as desirous of giving the fullest hearing to all parties as any one could be, and would agree to meet tomorrow at four o'clock for the purpose, and continue it to the next day if necessary.

Alderman Rieker said it was true there had been no petition for a stable for 200 horses, but in the memorial of the company they say if a stable of a capacity for 200 horses is all that under the present circumstances shall be permitted, they should cheerfully acquiesce, which was equivalent to a petition. He would like to have the matter followed up and settled, and would be willing to meet early in the morning and continue in session until night if necessary. He hoped the meeting proposed would be twelve o'clock instead of four.

Alderman Jenks moved that the further consideration of the subject be assigned to tomorrow at four o'clock.

Alderman Rieker moved to amend by making it twelve o'clock.

Alderman Clark opposed the amendment, stating that he could not be present at that hour.

Alderman Little said he had two committees to attend to, at eleven and one o'clock tomorrow, for business which could not be seriously interfered with.

Alderman Jenks said he was willing to make the hour five, if more convenient than four o'clock.

Alderman Little did not object to meeting at four o'clock.

The motion to assign was carried, and on motion of Alderman Little it was voted that both the petitioners and remonstrants be heard at that time.

#### FREE FERRIES FOR FOOT PASSENGERS.

On motion of Alderman Woolley, the special assignment for four and a half o'clock, the order to make foot travel on East Boston ferries free of toll on and after January 1, 1873, was taken up and considered.

Alderman Poland addressed the Board as follows, in opposition to the order:

Mr. Chairman—In regard to the question of ferriage, why should the East Boston ferries be made free?

In the remarks I have to make, it will be impossible for me to present any new points upon a subject which has been so ably discussed by my predecessors, and in the limited time given me for investigating this project. In opposition to the passage of the order, I shall confine myself to my conscientious views, supported by the facts in the case, as to the reasonableness and justice of the demand of the city to assume so great a burden.

In the first place, allow me to call your attention for a few moments, to a portion of the 11th section of the act of incorporation, whereby the city of Boston was authorized to purchase and operate the East Boston ferries:

SECT. 11. Whenever said city of Boston shall purchase said ferry of said company, all the rights, powers and authority given to said company by this act shall be vested in and exercised by said city of Boston, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the said City Council shall from time to time ordain, appoint and direct. And said city of Boston shall have the right to collect and receive the same rates of toll as are allowed by the second section of this act to said company; *provided, that, whenever the tolls collected on said ferry shall be sufficient to reimburse the said city of Boston for the cost of said ferry, with such a per cent. interest, annually, as said city of Boston pays on said "Boston Ferry Scrip," and for all the expenses of the repairs and additions to said ferry, and all the current and incidental expenses of its superintendence and management, and to provide such a fund as the said City Council may regard sufficient for the future support of said ferry, then the tolls on said ferry shall cease, and said ferry shall ever after be maintained by said city of Boston as a free ferry; provided, also, that the said City Council shall have the power and authority to reestablish such rates of toll on said ferry as may be sufficient to pay the current and incidental expenses of the superintendence and management thereof.*

Have these requirements been met? Statistics plainly tell us *no*.

East Boston is an island, and neither by ferries, bridges, or tunnel, can it be made main land, nature having placed an insurmountable impediment in the way. Persons making investments there did so understanding that all the difficulties which they now ask to be relieved from, existed. The advantages of deep water, and its locality approachable only by ferries (except by communication through Chelsea), was the cause of its success and rapidly increasing population; and then as now being much cheaper than in the city proper.

The consequence of free ferriage would be to raise the value of real estate and rents proportionately; but by no means can the taxes be advanced to meet ten per cent. of the expense of running the ferries. From this it will be perceived that the advantages to be derived from this movement will be merely local, the capitalists gaining, the people at large losing. This is a self-evident fact; for while the people would save the small pittance demanded as toll, they would find the advance in rent to increase their burdens instead of relieving them. The fare on the ferries is not the cause of the low price of property; it arises from other causes; for instance, the general depression of the shipping interest, which formed the heaviest portion of the business of East Boston before the war. And there is no reason to doubt that when business revives it will resume its former successful position. What claim, then, has East Boston for this extra allowance from the City of Boston? Let us look at the estimated cost.

For the year 1871 I find the expense to the city as by auditor's report was.....	\$255,516
Interest on scrip.....	17,875
Total outlay.....	\$273,391
Receipts from all sources.....	184,600
Leaving a balance against city.....	\$88,791
Add to this amount the tolls proposed to be remitted.....	105,596



And you have the amount that free tolls for foot passengers will cost the city... \$194,387  
 And in this estimate there is no allowance for depreciation, which cannot be less than..... 20,000

Making the cost to the city for one year.. \$214,387

In connection with this, let us remember that it appears by the records, Auditors' reports and other data, that East Boston, for the last five years, has drawn for her especial benefit six times as much for improvements as she has paid into the city treasury. From this exhibit it will be seen that East Boston has been treated with all the consideration it has a right to ask.

Again, if you make the ferries free for foot passengers, you may add \$50,000 for the necessary increased facilities for transportation, and of this outgo there will be no end. Who can tell how many steamers will be required to meet the demands in years to come? Why, sir, at this rate in five years you will have expended one million of dollars, and you will still be under the necessity of taxing one part of the city for the benefit of the other.

Breed's Island having been purchased for speculation, suppose it, as well as Apple Island, or the Outer Brewster, as it is called, should also demand of the city transportation. If this principle of free ferries prevails, then these islands may well claim the same accommodation. In my estimation this would not be right or just to the other portions of the city.

Let the ferries be run by the city, if you please, but let fares be enough in amount to pay expenses and interest.

Finally, in view of this whole matter, I am forced to say the demand for free ferriage is an outrage on the whole city, and therefore I shall vote against its passage.

Alderman Power contended that there was as much reason for making ferries free as there was for building bridges for the accommodation of the people. The argument that the use of the ferries was a local matter and therefore not just that all the people should help pay for their support, would apply to improvements in every ward. In the Dorchester and Roxbury districts it would be seen that the expenditures were much more in proportion than the increase in valuation, for expenditures for local interests entirely would not pay at once for the amount of money expended.

There were other and great interests which should be considered in connection with East Boston. The business of the Boston & Albany Railroad Company at East Boston in its large Western trade amounted during the last year to nearly 300,000 tons, and the exports of these receipts to about 250,000 tons, while the Eastern Railroad company's tonnage in September was over 30,000 tons. The exports in the Cunard steamers amount to 3000 tons a week, and the imports to about the same amount, and are constantly increasing. The business of the Inman line is nearly as much as by the Cunard line. It is believed the Boston & Albany Railroad Company will double their business next year, as they intend building another elevator.

Who gets the benefit of all this business, the citizens of Boston, or of East Boston alone? This business is of vast importance to the city, and where could it be done but for the deep water which gives the facilities there for doing it? The taxes which are paid there are but a drop in a bucket compared to the advantages there for this business. Why should not facilities be given in getting to and from East Boston as to other sections of the city? South Boston has four or five bridges, and there is a gain to the city by means of them. There will be a gain to the city by adding influence and prestige by increased business, and he hoped the order would pass.

Alderman Poland said there would be business in East Boston whether the ferries were free or not, and that question had nothing to do with it. Why should people travel over the ferries without paying for it, and if admitted, by and by it would be asked that horse railroads be run in the interest of the citizens.

Alderman Power said it had been intimated that East Boston was of no account because its taxes did not pay for the improvements there. If it were not for East Boston we should not have the large amount of business which we now have. The subject of improvement of the South Boston flats was now before the Board, and every citizen was urging them to build a couple of bridges to help the improvements, although it will cost a million of dollars, and by all means they should be built.

East Boston has four times as much territory already made as it is proposed to fill, yet who would deny the privileges which may result from that which is yet to be made from the proposed improvement? If there was a stream of water between here and the South End, who would hesitate to build a bridge to give a connection with that section? Certainly no one would.

Alderman Woolley said he should have little to say, as there was no new evidence—nothing except what was given to the Council last year. The gentleman said there was a certain amount of tolls to be paid before the ferries should be free. He admitted that to be true, and the citizens of East Boston were willing to contribute to the amount in paying tolls. It was objected last year that under free tolls, parties with teams would go five miles out of the way to save 1600 feet in resting while crossing the ferries, but this he did not consider reasonable.

It was said that the taxes for the property in East Boston had not paid for the improvements, but he would ask if in any new district or outlying ward the cost of improvements was estimated in the same manner, how would they stand? In the laying out of streets in East Boston, there was no expense to the city. Furthermore it was said that the additional expense in the support of the ferries would be \$240,000 to \$250,000. The appropriation last year for running the ferries was but \$240,000, and the receipts would probably amount to \$200,000. Is there any other ward, he would ask, which pays so much for the support of a single avenue? Does South Boston pay the like? East Boston helps to pay for her bridges. Since the city purchased the ferries, the valuation of East Boston had increased fifty per cent., and in the next five years it will double its valuation. He would not delay the Board by any extended remarks, for he believed every Alderman had made up his mind how he should vote.

Alderman Poland said he conceived there was a great difference between building a bridge or a highway, which should cost even a million of dollars, and the support of a ferry which should cost \$214,000 every year. Every year there would be as much or more in the cost, until it came up finally to a million of dollars.

Alderman Woolley wished to know if the expenditures in the maintenance of bridges did not increase every year.

The order was passed, by a vote of ten to two, as follows:

Yeas—Clark, Cutter, Fairbanks, Jenks, Little, Power, Ricker, Sayward, Stackpole, Woolley.

Nays—Poland, Squires.

#### IMPROVEMENT OF SOUTH BOSTON FLATS.

On motion of Alderman Clark, the report of Committee on Improvement of South Boston flats (City Doc. No. 103) was taken from the table and considered.

Alderman Clark, in support of the order, said—

I presume that every member of this Board has carefully read the second report of the committee and the form of indenture as now proposed, together with the communications received from the Harbor Commissioners, the Boston & Albany Railroad Company and the Boston Wharf Company, and that they still entertain the same views which were entertained a few weeks ago in regard to carrying out this great improvement of our harbor, by the building of a sea wall, the dredging out of some two hundred acres to a depth of twenty-three feet at low tide, and creating, with the material so dredged out, over an hundred acres additional territory to our city.

I presume there has been no change of opinion in regard to the great importance which this improvement bears to the business community and to the future growth and prosperity of Boston, and that it will now receive in this branch of the Government the same approval which it received when, after a careful consideration, it passed without a dissenting vote.

The Council, although acknowledging the importance of the proposed improvement, understanding fully the immense benefit which Boston would derive from it when completed, on account of the increased railroad facilities, and, what is of more importance to us at the present time, when commerce is reviving and the demand for shipping accommodations is so far beyond our supply, the improvement of the harbor, which, if carried out, will give such wharf and deep-water accommodations as no other city in the Union can furnish; believing, as I understand almost unanimously, that it was of the utmost importance to have the work commenced and completed at as



early a day as possible, still it was thought by some that the committee to whom the memorial of the Commissioners was referred had not obtained as favorable terms for the city from the other parties in interest as might have been obtained had they more strenuously urged them.

The whole subject was recommitted by the Council back to the committee with instructions to see whether or not the State, the Boston & Albany Railroad and the Boston Wharf Company would not in some way make additional contributions towards the construction of the bridges which the city had been asked to build as her part of the work in carrying out this great improvement. The committee had attended to the duties assigned them; had used their best endeavors to carry out the instructions and suggestions of the Council, and the report and forms of indenture as now presented embody the best terms that this committee and, as they believe, the best terms that any committee of the present City Government can obtain from the present Harbor Commissioners, the present directors of the Boston & Albany Railroad Company and the present directors of the Boston Wharf Company. I do not know what can be done in the distant future, but I do know that Boston cannot afford to wait when such opportunities as are now offered for increasing her commercial prosperity can be obtained at such a trifling expenditure.

The report which has been on the table during the past week contains a review of the whole matter, as well as the communications from the other parties in interest, giving their reasons why they cannot further contribute towards the carrying out of this great improvement.

Such alterations as have been made in the present proposed form of indenture are all in favor of the city, and are, principally, as follows: The city have the right to determine the width of Northern avenue, not exceeding one hundred feet in width, and Eastern avenue not exceeding seventy-five feet in width. The grade of the bridges shall be determined by the surveyors of highways of the city, which is the Board of Aldermen. The grade of the avenues, so as to form a proper and convenient grade satisfactory to the same. It provides for the building, within one year from the time the flats are filled, either B or C street from First street to Eastern avenue.

It provides for the extension of Mt. Washington avenue and also of B, C, D, E, F, K and L streets as soon as the flats are filled, all of which are to be built free of expense to the city. The land given to the city for the streets provided for is nearly six hundred thousand feet. The Commonwealth is to convey to the Albany Railroad Company the fifty acres of land before the city are asked to build the bridge to connect it with the city; these are the principal alterations. I presume they are well understood, and that any statement as to what may be the nature of the report and indenture is wholly unnecessary at this time. I trust, Mr. Chairman, that the same approval which was given this same subject upon a former occasion will be given it now, and thus place upon record the fact that if Boston is to be denied this great opportunity of granting extended railroad and shipping facilities which the mercantile community and the business interests of the city so justly demand, the Board of Aldermen have done their duty, and are not responsible for its defeat.

Alderman Clark, in further remarks, expressed the belief that the added territory would at once yield a tax of \$70,000 a year; that no member of the board would hesitate to enter into such an arrangement, individually; that Boston was on a high road to prosperity, and never so favorably situated for commerce, and instead of shipping one cargo of grain a week, the time might come when one or two cargoes a day might be shipped. It was desirable, therefore, that the project should be carried out at once.

The report of the committee was accepted, and the order authorizing the Mayor, in behalf of the city, with the Commonwealth, the Boston & Albany Railroad Company and the Boston Wharf Company, to execute the indenture appended, was passed by an unanimous vote, every Alderman being present and voting thereon.

#### REMOVAL OF HOUSE OF CORRECTION.

On motion of Alderman Ricker, the report of the Committee on Public Institutions on the removal of the House of Correction from South Boston, was taken from the table and accepted, and the order accompanying it, was passed, as follows:

Ordered, That the Board of Directors for Public Institutions be requested to report to the City Council, as early as practicable, whether there is sufficient land at Deer Island for the location of a House of Correction, in addition to what is required for the House of Industry and the House of Reformation for Juvenile Offenders.

#### SITE FOR A NEW COURT HOUSE.

On motion of Alderman Jenks, the order to take all the real estate bounded by Temple, Mt. Vernon, Hancock and Berne streets as a site for a new Court House (City Doc. No. 101), was taken up and considered.

Alderman Clark said it was understood the remonstrants wish to be heard, and it might be necessary to allow those who are in favor of this site also to be heard.

Alderman Cutter presented the remonstrance of some 150 members of the bar against the reservoir lot as a site for a Court House.

Ezra Farnsworth, in behalf of himself and other remonstrants, said he had nothing to add to what he had already said, but he wished to present other remonstrances. These were from Edward S. Tobey, James Cheever, Gardner Brewer and 75 others, James M. Beebe, Nathaniel Thayer and 26 others and from Peter B. Brigham, Samuel D. Warren, I. T. Talbot and 60 to 70 others; also from the presidents of the Fireman's, Suffolk and other insurance companies against the discontinuance of the reservoir on account of the increased risks from fire. Some of these parties, he supposed, would wish to be heard on the subject.

The Chair read remonstrances from Brooks & Ball and eighty-seven other members of the Bar, Sidney Bartlett, Henry W. Paine and some twenty others; a letter from H. E. Ware, wishing to withdraw his name from the petition of last year in favor of the reservoir lot, and a letter from Abigail L. Cunningham, a resident of Mount Vernon street for forty-three years, against the taking of her property as proposed.

A hearing on the subject was assigned to Wednesday afternoon, four o'clock.

Adjourned to Tuesday, four o'clock P. M.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
OCT. 29, 1872.

An adjourned meeting of the Board of Aldermen was held this afternoon, at 4 o'clock, Alderman Little, the Chairman, presiding.

## PETITIONS PRESENTED AND REFERRED.

Joseph Graham and others, that the sewer in the rear of Edgerly place may be repaired. Referred to Committee on Sewers.

Grant Central Campaign Club, for leave to discharge fireworks in the streets of this city. Referred to Committee on Fire Department, and subsequently reconsidered, and leave was granted.

## REPORTS OF COMMITTEES.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on petition of John J. Ridgway, for leave to run a steam car on the Cambridge Railroad. Accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of granting the petition of the Highland Street Railway Company, to put up and use a steam boiler and engine on Blue-Hill and Central avenues. Accepted.

## METROPOLITAN RAILROAD STABLE HEARING.

On motion of Alderman Jenks, the special assignment, the hearing on the order giving authority to the Metropolitan Railroad Company to occupy, with not exceeding two hundred horses, a stable to be built on its land at the corner of Shawmut avenue and Bartlett street, was taken up.

John J. Clarke, as a remonstrant, said he did not suppose that he should be required to appear before the Board again in relation to this proposed stable. When the application was made for a stable for six hundred horses, objections were made by the residents in the vicinity, and there were no reasons why there should not be the same objection to a stable for a less number of horses. If the residents of Beacon Hill find it objectionable to have a Court House located on the hill, and consider it so objectionable that it will not continue to be a desirable place of residence should the Court House be placed there, it cannot be supposed that the location of a stable, as proposed, will be any less objectionable to the people in the vicinity of Shawmut avenue.

If a stable for two hundred horses was not so bad in itself as one of six hundred horses, its consequences would be as bad, for there would be the stables, cars, shops and all the appurtenances of the stable, and that it would be offensive was obvious, and the residents of the neighborhood feel that it would be so. If the stable proved to be offensive, as they believed, then those nearest would desert the neighborhood, and the land would be in the market. Who, then, would buy? Clearly those who would receive enolument from the location of the stable, and the effect would be to widen the circle, spreading further outward, making the stable the nucleus around which many objectionable places would gather. Should he lose his neighbors nearest to it, then he would be obliged to sell or live alone, without the associations to which he had been accustomed. This location was the most ancient of the settlements of the place, in the midst of the thickly populated portions of Roxbury, and were they to be subjected to a nuisance?

But it was said they could sell their land at an advanced price for shops and stores. What there might be required in ten or twenty years he could not say, but no more shops were wanted now. There were some which had been built a year or more in the neighborhood and were not yet occupied, and he knew of but one which had made money in that locality. Would the railroad bring support to the shops all the way to Egliston square? He could not believe it. The house owned by him he built thirty years ago, and it was now taxed double what it cost. He could not get one so convenient and to suit him so well elsewhere for double what that is taxed for. If he must be driven out, he must buy at double the cost in another location.

Then he objected to the location of a stable, because it was not a suitable place for one. There was one pregnant instance as showing the depreciation of property by the course pursued by S. W. Richardson, a witness for petitioners, who was a

large stockholder in the Metropolitan Railroad, and had sold a parcel of land at one dollar a foot, less than paid by the railroad company, and as a trustee for an estate, he had petitioned the Supreme Court for leave to sell land held under his trust, the reasons given being that the changes made in the neighborhood made it injurious to the estate as a private residence. This he found in a printed advertisement, which he read.

Mr. Clarke said further, that there was no public exigency which required the building of this stable. It was said before a committee of the Legislature, he believed, in the case of the application for incorporation of the Highland Street Railroad, that this corporation furnished the public all the accommodations which the streets allow them to furnish. Besides which, they could enlarge their existing stables, if necessary, and could carry all the passengers which require accommodations. But as soon as the Highland Street Railroad was chartered, then they say they can do all which the other railroad proposes to do.

It was proposed to locate a stable where it appeared they could best command the travel which might be drawn to the other road; and when they are not likely to get accommodations for six hundred horses, they ask for one for two hundred horses. It was feared that this would be but an entering wedge to obtain eventually the larger number. In conclusion, he would ask of the Board of Aldermen to do by them as they would wish done under like circumstances to themselves. With this course he would be satisfied.

Charles Hickling said he was away when this subject first came up, and on his return was very much surprised at the proposed action. The land he occupied he bought many years since, when it suited his purposes very much, and he would not like to be obliged to leave it. The location of a stable in the neighborhood he believed would injure his property as a place of residence, and he could wish only that the members of the Board would apply the golden rule in the case.

F. D. Osgood objected to the proposed location because of its close proximity to schools, the health of the pupils of which would be endangered, and while the epidemic now prevailed among the horses, he would ask the Board to guard against the location of such places. Stable room at Egliston square would be much better than in the low grounds proposed for the purpose, which was not proper for a stable. The grade of this ground was too low for any building purposes, for there was from eighteen inches to two feet of water on the floor of the library building. The sewer was not adequate, and the grade was six to eight feet lower than the proposed extension of St. James street. With the library on Milmont street, the extension of St. James street would be required, and as one of the trustees of the Fellows Athenæum he should wish the air of the library to be pure.

In the objections he had to make, he did not ask that the interests of the corporation be injured, for it was understood they considered it a good speculation, should the land be sold. It would be a damage to real estate to locate the stable there, the pupils of the schools would be contaminated, the churches incommoded, the people driven away, and it would be against the wishes of the residents and of the stockholders of the road, who had no voice in the matter. He agreed with the other witnesses in asking that they should do for them as they would wish to be done by if they were in their places.

James M. Keith characterized the petition as one of the most remarkable ever presented to a deliberative body. If presented by any one but the Metropolitan Railroad Company, it would be considered the most absurd and preposterous demand ever presented to any Board of Health. The course pursued by that corporation was most remarkable. They came with a request for a stable for six hundred horses; a stable so large could not be found within three hundred miles. Yet when they came, it was with an assurance in which they did not show their hands. They wished to have it, but where or why they did not say; the request was enough, and it was with the expectation that the Board had nothing to do but to record their wishes.

The president of the corporation testified that they had ample accommodations where they now are for the extension of their stables, and it could be done cheaper, without planting a nuisance in a new neighborhood. They were met by testimony against the location, weeks intervene, the locality is restricted, the members of the Board see that St. James street should be extended, where the former owners had found that it must be extend-



ed, and had built up the street. It was proposed to put a car house across that proposed street, and when the street is laid out, as it must sometime be, it will cost thousands of dollars to open it in the removal of buildings. It was clear that the people would never sanction such a location. The matter was referred back to the committee to consider the question of extension of St. James street, and has never been reported upon. Have the corporation made any arrangements for the extension of St. James street? Not at all.

The corporation comes before the Board with false reasons for extension of accommodations which do not exist. They say they want more accommodations for all sections of the city, the North End and West End, and for that reason they plant their stables at our doors. This he believed to be but a pretext, for they could get better and more accommodations where they are now. If any individual or any other corporation than this had asked for this privilege, he believed they would have been scouted out of the Board. Mr. Smith, whose case had been mentioned, had petitioned for leave to build a stable, and leave was given him to withdraw; so was it also in the case of Mr. Brown, who wished to build a stable for ninety horses some way from dwelling houses. The very witnesses in favor of this location had opposed other stables when proposed in their neighborhood.

Mr. Keith referred to the petitioners in favor of this stable location, but few of whom were known to residents, and most of them were either interested or not to be affected by the location, and he intended that it was the Metropolitan Railroad Company, and not the public, which had petitioned for it, and that it was a specious and false pretence that it was required for the public interest. The Metropolitan Railroad in this respect should not stand better than any individual; in fact, the individual should stand better, as having a soul, while the corporation had none. He would not say they had not done good service to the public, but they had got their pay for their service. And he believed they would not have asked for this privilege but for having a rival corporation. It was fortunate for the people if the new corporation lived, when they would get such accommodations as they needed.

With reference to the argument that one of the girls' schools was to be abandoned, he said there could be no such abandonment, for the schools were all full, and it was as much as could be done to provide for the increase of school children. Should permission be given to locate a stable, he believed the corporation would locate it where they pleased, and referring to the legislative act giving permission to lay out streets in advance of population, to anticipate public wants and save great expense, he said there had been no instance of laying out streets under that act. Such an act must be availed of, or the laying out of streets would cost hundreds of thousands of dollars hereafter, which might be laid out at little expense. There should be more wisdom in city governments than there had been in times past, or the city would become bankrupt.

There was a maxim of common law that persons should so use their own property as not to injure others. In his case he could not afford to be generous to this corporation, when the corporation had not been generous to the public or to him. It was a newborn zeal, he believed, in asking for this privilege as a means of carrying on their business. It was all a pretence and nothing else. When a new line of railroad was started, they announce that they wish to have the accommodations to start a car a minute from the outlet where the other cars run, when formerly the people could get a car only every half hour. That the public take an interest in the new line was shown in the sale of 76,000 tickets in three days.

Mr. Keith made some further remarks upon the subject of competition, and upon the fact that there were in the several stables in the neighborhood of the proposed location some 600 or 700 horses already. That number he thought quite enough when a distemper was raging, which might yet affect human beings. In the case of the city stables, a location was made where no one would be injured, and he had appeared in cases where it would be a public accommodation to enlarge stables, but from objections made leave was not granted.

Should the Board grant all this corporation asked, he believed it would be suicidal, as in the case of a large fire or the prevalence of an epidemic. The better policy was to place stables at the end of lines, as was testified to by Mr. Johnson of

the South Boston corporation. Something had been said of the effect of political influence. He did not charge that there had been such influence, and should be slow to impute such things, but if it came to be understood by the public that the Metropolitan Railroad Corporation makes nominations for office the public would have something to do with the ratification of them.

In the consideration of this question, it should be discussed on its merits. If there was no exigency it was a false pretence. It was the public against the measure, and the corporation only ask for it. If there was a great public exigency they were willing to submit. But they were not willing to allow the petitioners to put 200 horses in a stable now, to be increased to 400 next spring and 600 next fall, if there is no exigency for it. They asked, therefore, for the protection of rights of citizens, of the schools, churches, the streets, and the rights of individuals, and that they shall not be blighted by the curse of a stable.

Harvey Jewell, in answer to a question of Alderman Poland, replied that the track of the Metropolitan Railroad ran within twenty-five feet of the proposed stable land. In advocating the prayer of petitioners, he said he labored under disadvantages in not having attended former hearings, and in the absence of the president of the corporation and of Mr. Muzzey, who appeared as counsel. He should therefore speak only upon general knowledge, and there was no occasion to say much, as some things which had been said in opposition were rather in the way of argument than in testimony. In regard to the charge of not having dealt honorably and fairly, he said, if there ever was a case of fair and honorable dealing this was it. Suppose they had asked for a stable for 100 horses only, after having purchased 250,000 feet of land. Then they would have been accused of concealment. They came and asked for a stable for 600 horses, and meant to be frank. They did not conceal anything, and do not to-day.

It had been said they pursued an extraordinary course. It was perfectly competent for them to say that they should not put in six hundred horses at once, but would ultimately. Mr. Clarke had said there was no occasion for stores on Shawmut avenue. Suppose some one had said fifteen years ago there was no occasion to run cars on Shawmut avenue or to Roxbury. But they had lived to see the Metropolitan Railroad carry 76,000 passengers in one day. The remarks of that gentleman reminded him of the gentleman in the older time who wondered whether Boston would not some time get finished, so that there would be no obstructions in the streets in the way of foot passengers.

Reference had been made to the Highland Street Railroad, and he was glad that it had been established. He hoped they would see how difficult it is so to manage such a road as to suit everybody. His own connection with the Metropolitan Railroad commenced two years ago last January, when the first thing which came up was the location of a new stable. Two years in October occurred the discussion of the question of fares, on a proposition to reduce the rate to five cents by tickets and six cents by single fare clear into Roxbury. In a consultation he went to the treasurer and learned that it would be a loss of \$30,000 a year to make the change. This would absorb the \$20,000 gained by the rescinding of the United States tax, and the remainder it was believed would be made up by the increased travel.

Early in 1870 it was found that the stable at the Roxbury line should be rebuilt, and it was believed to be best to have it at the end of longer routes. The question was where to get the land. The only place they could find was the old Robbins estate, of 50,000 or 60,000 feet, on Washington street, where Shawmut avenue now comes out. This was purchased by General Sargent. Its feasibility was discussed, and when the Highland Railroad was chartered, they could not go to General Sargent and ask to have it sold to them, for that would look like attempting to get in the way of that corporation, and the result was the location of a stable there by that corporation.

Several lots of land were looked at, Mr. Soren's and Mr. Dunbar's, and it was not for some time that they learned the land of Messrs. Guild could be had for the purpose, and when they did they believed it to be peculiarly well suited for their purposes. This was a centre where trade gravitates in that section of the Highlands, and would best accommodate the business of their several lines. They wanted to give up their stable at the line, and make their change of horses where the accommodations for the public most demanded it.



Their designs and purposes would be found in the memorial to the Board.

Would they wish to know in what state they were in today, and what condition they would be in with six or seven inches of snow? Three years ago they had invested \$50,000 in sleighs for emergencies when the tracks were covered, but they had not had occasion to use them in that time, and from the deterioration they were not worth \$10,000 today. If there should be a stormy winter they must clear the snow from the tracks, and it would well be remembered when there was a conflict between the city and the corporation in relation to clearing the tracks. Should they be obstructed, there are not accommodations in the possession of all the railroads in the city to carry 70,000 passengers by sleighs. The great point, then, is to get a locality so central that in case of obstructions the tracks can be instantly cleared where they want cars, horses, snow ploughs, and all the conveniences for quick operation.

Tremont street was so situated with its two stables, that they are able to give much better accommodations than on any other line. Within a year they had increased their horses from 950 to 1250, and if they had had the stable room they would have had 1500 by December. That was the most important consideration that they should have horses, snow ploughs and men to clear the streets and accommodate the public. Something had been said about tracks they did not intend to build. They desired to establish all the lines mentioned in the memorial. The Dudley-street line cars are run once in fifteen minutes, and they would make them once in seven and one-half minutes.

Something had been said about considerations of health, particularly in relation to schoolhouses. As an usher in the Mayhew School, many years ago, he had some experience in relation to stables. The old schoolhouse was now a stable, and the present one was between two stables, which stables were near also to the Coolidge House, yet no complaint had been made about their affecting the health of the scholars. A member of the bar, living near the Norfolk House, he was told, objected to the proposed Metropolitan stable, yet did not know he had been living much nearer to a stable of that corporation, and, when so informed, took his objections back. There were in the rear of Beacon street four hundred or five hundred horses stabled, within three hundred feet of some of the most beautiful houses in the city, yet there was no objection made to them on the ground of health, and there was no evidence that they were injurious.

It had been objected that it was desirable to extend St. James street, and that they did not meet this question. They were urgent to come before the Board. They did not know that any one except Mr. Keith had asked for the extension of that street. It was competent for the Board of Aldermen to ask the Street Commissioners to extend the street, if they wished to have it done. If done, they would meet the question of the location of the stable in another way, and they had always been ready to meet it. Their desires were against the extension of the street, but if done it would be necessary to change their plans.

Mr. Keith stated that he had been informed a petition had gone into the Board of Street Commissioners asking for an extension of St. James street.

Mr. Jewell said he had not heard of it, and he should prefer the laying out of another street marked on the plan before him. They were ready to do all that honorable and public-spirited citizens should do in such cases. The Metropolitan Railroad Company regarded itself as the servant of the public, and designed to meet the public good. Their lines had given value to the outlying lands by bringing them into the market, and had done much towards the making of Boston. They had done more than anything else but the supply of water. If the Board say they ought not to have the stable, they would yield; but if it turns out that by this action they are not able to furnish the facilities the public need, they should say they strove to do so, but were hindered in serving the public.

The hearing was now closed, on motion of Alderman Clark, but Mr. Jewell was allowed to explain a new plan just rudely sketched, by which, in the shortening of one of the four buildings originally designed, it would come within the line of the proposed extension of St. James street. This would give accommodation for 180 horses, 50 or 60 cars and six snow ploughs.

Alderman Poland said he was disposed to grant the petition for a stable, provided a street could be laid out through the lot.

Alderman Jenks moved to amend the order by providing for 160 horses, that being the number contemplated in any one building on the original plan.

After examination of the plans and consultation the question was taken on the amendment and lost.

Alderman Power asked to have the order read, and declared it to be indefinite in its terms, not specifying the size or location of the building, whether it should extend from street to street or cover the whole extension of St. James street.

Alderman Poland said he would leave the question of size and location to be determined by the Committees on Health and Streets, as they deem expedient, and moved to amend the order so to provide.

Alderman Sayward objected to any further reference to committees, as a member of both of the committees designated. If any member of the Board had a particular location, he should designate it.

Alderman Power opposed the order, in which he asked if any one doubted whether, if the locality should be desecrated, it mattered if it be by two hundred or six hundred horses? If the spot was blighted, the number was not material. He asked if any one believed this privilege would be granted to any gentleman who might ask it? There had been no such privilege granted this year as the one proposed. As to the question of stables near schoolhouses, it was an evil to be regretted. In their action they ought to be consistent, and if not granted to an individual it should not be to a corporation, and it would not be to any other than the Metropolitan Railroad Corporation. The inference to be drawn would be that the Metropolitan Railroad Company owned the City Government. If it was asked to grant such a privilege to an individual which was objectionable to a member of the Board, he would fight it down.

Alderman Sayward said he would let go at what they were worth the reflections upon the Board of Aldermen. In the case of the location of Ward's piggery last year, strong opposition was made, which the gentleman knew something about, but in a month after the location nobody cared; so it would be in this case. There were some styles of houses to which a stable might be preferred.

Alderman Power thought there could be no comparison between Ward's business and a stable. People did not know what sort of changes Ward proposed to introduce in carrying on his business. There were those here who did know, and when the changes were made there was no objection, and it could not be told what his business was. So far as related to stables it would change the entire character of the surroundings and the entire character of the neighborhood, and would not add to the health of the community.

Alderman Poland said railroad companies must have stables, and if they were a nuisance they should be so distributed as not to make them particularly objectionable. They could give accommodations for one hundred and fifty horses, and provide for the others somewhere else. The parties interested must know best where they should be located.

Alderman Power said he understood the necessity for stables. It was proved by the testimony of Mr. Draper, the President, that there was no public necessity for this stable; they had plenty of room on Harrison avenue, adjoining their stable, where land would cost but \$1 per foot, and the stable could be kept entirely separate from that on Washington street. He agreed that the Metropolitan Railroad Company had been the means of raising the value of property, but he could not see why they should have the right to ruin property when individuals would not be allowed to. There was no necessity for this stable, and there were places more in keeping with stables, which can be had, and where they can injure no one.

Alderman Sayward replied that Mr. Draper said they could get other land, but it would not accommodate them as this would.

Alderman Power would not grant leave because they ask it. He would do as they would wish to be done by, if a stable were to be located by their own estates.

Alderman Poland said the same objection was made to the location of a smallpox house, yet a location had to be made.

Alderman Power said it was well that objection was made, resulting in putting the smallpox house where it would not injure any one.

Alderman Sayward believed that to be a new kind of argument, which would require all stables to be located on Pine Island, and would require the



stable of that Alderman to be removed to the island.

Alderman Power replied that no one objected to his stable, for if so, he would not keep it where it is.

Alderman Clark said he was sorry they could not locate this stable to the satisfaction of all parties. When a stable was asked for six hundred horses, he opposed it. Now unless he saw something different to influence him, he should vote for this order. There had been a question before them in relation to the accommodation of teamsters at South Boston, and although objections were made, stables must be had to accommodate the public. The stable of Adams & Co., on the Suffolk-street territory, was a necessity; so also were the stables of the Metropolitan company.

It may be that the Metropolitan Railroad Company wishes to give more accommodations on account of the new company. They were required to accommodate all sections of the city, and were not so backward in furnishing accommodations as they were charged. On several routes he knew they were losing money. It may be this is but an entering wedge, as had been charged, but the future actions had nothing to do with this Board, but for future Boards to say. It has been made a serious objection to have stables near public schools. There might be such objection, but he did not believe stables were so objectionable as had been charged. There were probably 1000 horses stabled near some of the best houses in the city, houses worth from \$50,000 to \$100,000. He was sorry that persons were so aggrieved that this stable would be but a few rods from their residences, and he would suggest as an amendment that the stable be located on the south side of St. James street, as proposed to be extended.

Alderman Power said there was a justification in relation to the Adams & Co. stable, in which there was an understanding with the Suffolk Street Committee that they might have permission to build a brick stable in place of their wooden one for less than one hundred horses. But that was much better, in keeping where located, and more respectable than most of the buildings in the neighborhood. So also in the case of stables for teamsters, and there had been no application granted which was so obnoxious as was this case.

Alderman Clark moved that the order be so amended as to require the location of the stable to be south of the line of St. James street, extended as proposed.

Alderman Jenks could conceive of no difficulty in that respect, as there were two members of the committee who were on both committees, and he could conceive of no harm in leaving it to them.

Alderman Power replied that three of the members of those committees had expressed themselves in favor of giving the petitioners all they want. Three of the four composing the two committees had expressed their opinions.

Alderman Clark suggested an amendment making the location under the direction of the committees on Health and Paying.

Alderman Cutter wished to meet the question on its merits. A stable located in a dense population among one thousand Irishmen would be much more objectionable in a sanitary point of view than in a position where there are but six rich neighbors.

Alderman Power charged want of consistency in the Alderman in opposing the Adams & Co. stable because he owned property in the neighborhood.

Alderman Clark said he believed in progress of

every name and nature. His object in locating the stable away from Bartlett street was to get it away from the schools. He did not wish to have the corporation pampered, but that St. James street should be laid out and the stable located as indicated on the plan. He had not been appealed to by a director or a stockholder in relation to the matter, but if they had the right to grant a stable to one party for one hundred horses, so they had to another.

Alderman Cutter said he had not told how he should vote, and it was unfair to make charges of inconsistency. In the matter of selfishness, he wondered whether the gentleman was any the less so in the matter of Ward's business last year than he had been in opposing the Adams & Co. stable.

Alderman Power said he had not the honor of representing the city last year, but of James Power & Co. As an Alderman he should represent the interests of the city, and not those of James Power or of any other power.

Alderman Jenks said he did not think anything would be gained by personal charges, and called for the previous question.

The amendment was adopted, requiring the location to be made under the direction of the Committees on Health and Streets, and the order as amended, was passed by a vote of seven to five, as follows:

Yeas—Clark, Cutter, Jenks, Poland, Ricker, Sayward, Woolley.

Nays—Fairbanks, Little, Power, Squires, Stackpole.

Alderman Sayward moved a reconsideration of the vote for the purpose of definitely settling the question.

Aldermen Jenks and Clark raised the question whether the location as designated in the order was sufficiently definite.

Alderman Sayward replied that as it was left with the committees there would be no quibble about it.

Alderman Power said if they were left in the fog in the construction of the order it had better take the usual course and leave time for consideration of it.

The order was read, and the objections were withdrawn.

Alderman Power asked what became of the motion to amend by limiting the number of horses to one hundred and sixty, and it was replied that it was rejected.

The motion to reconsider was lost, by a vote of 5 to 7 as follows:

Yeas—Fairbanks, Little, Power, Squires, Stackpole.

Nays—Clark, Cutter, Jenks, Poland, Ricker, Sayward, Woolley.

#### THE FILLING OF SOUTH BOSTON FLATS.

Alderman Clark said there had been some question of doubt raised, whether in the indenture which had been acted upon provision had been made in relation to the rights of drainage. To meet that he had an amendment to offer to the twelfth paragraph on page 17 of the report, and he moved a reconsideration of the adoption of the order, to allow of the introduction of the amendment.

The motion to reconsider was carried, when the proposed amendment was adopted, providing for the right to lay sewers and to assess the expense, as in other cases, upon the abutting property benefited.

The order, as amended, was again passed, and the amendment was ordered to be printed before the report was sent to the Council.

Adjourned to Wednesday, four o'clock.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
OCT. 30, 1872.

An adjourned meeting of the Board of Aldermen was held this afternoon at four o'clock, Mayor Gaston presiding.

## PETITIONS PRESENTED AND REFERRED.

Edward B. Pierce and others, that a sewer be laid from the foot of Bowdoin street to Chardon street. Referred to Committee on Sewers.

Leverett Saltonstall, for abatement of assessment for Shawmut-avenue betterments. Referred to Committee on Streets.

George F. Maleom & Co., for leave to occupy a wooden stable for one horse on Saratoga street.

Cyrus Wakefield, for leave to occupy a wooden stable for seven additional horses rear of No. 7 North Centre street.

Severally referred to the Committee on Health.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay George D. Howe and others, trustees, \$28,000, for land taken and all damages occasioned by the extension of Devonshire street.

Order to pay C. W. Loring and others, trustees, \$6488, for land taken and damages occasioned by the widening of Kingston street.

Order to pay Josiah P. Cooke \$8900, for land taken and damages occasioned by the widening of Summer street.

Order to pay George W. Meserve \$5967 50, for land taken and damages in the extension of Williams street.

Order to pay the proprietors of the Parker Memorial Meeting House \$18,745 50, for land taken and all damages occasioned by the extension of Appleton street.

Order to pay Elizabeth A. Tenney \$1500, for damages occasioned by the change of grade of Circuit street.

Order to pay Mary B. Pike \$1175, for damages occasioned by the change of grade of Dorr street.

Order to furnish and set edgestones and pave the sidewalks on Vinton street; a schedule of the expense to be furnished to this Board.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Eben Tourjée, to give concerts at Music Hall Oct. 30 to Nov. 13; to Daniel C. Knowlton and Marcellus Humphrey, as innholders. Severally accepted.

Alderman Fairbanks, from the Committee on Sewers, reported reference to Committee on Legislative Business on the proposed petition to the Legislature of the Town of Brookline for liberty to divert waters of Muddy River; no action necessary on petition of S. S. Rowe that the sewer in the rear of 46 Brookline street may be rebuilt; and leave to withdraw on petitions of Eli Baldwin to be compensated for damages caused by the diversion of Smelt Brook; Joseph Graham and others that the sewer in the rear of Edergerly place may be repaired; and of W. G. Benedick and others for a surface drain rear of Warren avenue.

Severally accepted.

Alderman Fairbanks, from the same committee, to whom was referred the petition of George B. Upton and others in relation to dredging the flats on the north side of Beacon street, and extending the outlets of the sewers, made a report that the matter of dredging the flats be referred to the Committee on Harbors, and upon extending the sewer outlets they offer the following order:

Ordered, That the Superintendent of Sewers be hereby directed to extend the sewer outlets on the north side of Beacon street by pipes submerged at low water as far as may be found expedient.

The reports were accepted and the order was passed.

Alderman Poland, from the committee on Survey and Inspection of Buildings to whom was referred the petition of D. Eddy & Son, made a report recommending the passage of the accompanying order:

Ordered, That the Inspector of Buildings be directed to issue a permit to D. Eddy & Son to erect a wooden building on Adams and Gibson streets, in accordance with an application on file in the office of the Department for Survey and Inspection of Buildings.

The report was accepted, and the order was passed.

Alderman Poland, from the same committee, on the petition of M. A. King for permission to erect a wooden building on Adams street, near Neponset avenue, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to M. A. King to erect a wooden building in accordance with an application on file in the office of the Department for the Survey and Inspection of Buildings, provided such building be furnished with a suitable stone foundation. The report was accepted and the order was passed.

Alderman Poland, from the same committee, on the petition of John Lalley, for leave to enlarge his building on the corner of Granite and First streets, to a size beyond the legal limits, reported an order as follows:

Ordered, That the Inspector of Buildings be authorized to issue a permit to John Lalley to enlarge a wooden building in accordance with an application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted, and the order was passed.

Alderman Sayward, from the Committee on Public Buildings, made a report that the widening of Warren street at the corner of Dudley street will necessitate the removal of a portion of the building occupied by Engine Company No. 12. That portion remaining will not be sufficient for the purpose of the engine company, and quarters must be sought for elsewhere. A lot of land on the corner of Winslow and Dudley streets, in the immediate vicinity of the present locality, equally as good and satisfactory to the Chief-Engineer of the Fire Department, can be purchased as a site for a new building, and it is estimated that the sale of the old lot remaining will provide the means for the purchase of the new site.

The committee are of the opinion that it is advisable to move thus early in the matter in view of the fact that a considerable expenditure of money would be saved in the item of rent for temporary quarters for the engine.

They would therefore recommend the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to purchase a lot of land on the corner of Washington and Dudley streets, and erect thereon an engine house for Engine No. 12, at an estimated cost of \$28,000.

Ordered, That the Treasurer, under the direction of the Committee on Finance, be authorized to borrow the sum of \$28,000, to be applied for the purchase of land and erecting thereon of an engine house for Engine No. 12.

The report was accepted, and the orders were passed.

## ORDERS PASSED.

On motion of Alderman Little,  
Ordered, That the bill of Hersey Brothers, amounting to \$272, contracted for prior to May 29, 1872, be paid; provided it is approved and allowed in the usual manner.

On motion of Alderman Fairbanks,  
Ordered, That the Superintendent of Sewers be directed to construct a sewer in Guild street; also, a sewer in Shawmut avenue, between Washington and Circuit streets; a sewer in Bumstead lane and Conant street, and a sewer in Prescott street, between Lexington and Princeton streets, and report a schedule of the expense of the same to this Board.

## ORDERS OF NOTICE.

On the proposed construction of sewers in Warwick street, in H street, between Second and Third streets, and for the rebuilding of the sewer in Bowdoin square and Cambridge street, between Chardon street and Bowdoin street. Hearings severally on Monday, November 11, at 4 o'clock P. M.

## LOCATION OF A NEW COURT HOUSE.

The special assignment, the report and orders on a new site for a Court House on the reservoir lot was taken up.

At the request of Mr. Farnsworth, the several remonstrances were read.

George S. Hillard said he was requested to appear before the Board to do what his own spirit would prompt him to do, to oppose the adoption of the reservoir lot as a site for a Court House. It would be inconvenient for the members of the bar, witnesses and suitors, it was too remote from the centre of business, the up hill being an element of objection; the amount of ground, 60,000 feet, or one and a half acres was too much, such extensive



accommodations not being needed; and the taking of the site would diminish the value of that part of the city for residences.

The limited space of high grounds for residences, without going beyond the city, required that such space should be economized, and there was no place for dwelling houses in Boston so secure from annoyances and interruptions of business as was Beacon Hill. It was desirable not to invade that portion of the city peculiarly fitted for dwellings by the intrusion of the Court House there, which would diminish its value for residences to a considerable distance. On the objection as to the value of the reservoir as a basin, he was not competent to speak, but he understood that objections would be made to its discontinuance by officers of several insurance companies.

There was another objection, on the ground of art, the reservoir being the finest building in Boston as an architectural work. For the uses for which it was designed, the material and its construction it was a monument of solidity and simplicity, with simple lines and broad shadows, producing the finest effect. In this opinion he was sustained by Crawford, the sculptor, who, walking with him many years ago, stopped to admire it, stating that the Romans had left nothing finer than that. With such a tribute to its architectural skill, it was not to be held lightly nor to be wantonly destroyed. As a noble architectural work, it reflected the highest honor on the masons and mechanics who built it and the architect who designed it. In further remarks Mr. Hillard gave his opinion in favor of the northerly end of Pemberton square for a Court House.

Curtis Guild protested against a movement which appeared to be in opposition to the general sentiment of the city of Boston. He could hardly conceive how any one could get up here and advocate a measure which is opposed by a class of men whose names are not put to petitions without great consideration. Members of the bar, merchants and others, all object to the location, and it is objectionable on account of the unnecessarily large space of ground, being six times as large as the present Court-House grounds.

It was also objected to by him as unjust to a class of persons who had made Boston what it is, whose names are historical, and who live quietly in this locality, not wishing to be disturbed; many of whom rarely appear before the community except to contribute in the building up of the city. This class he believed to be too often overlooked, and their interests were rarely consulted, while they represented the basis for public service and devoted their lives to the benefit of the city.

Mr. Guild indicated as the proper site, in his view, the corner of Somerset and Beacon streets, and the necessity at no distant time of widening School street, to meet the necessities of public travel. This reservoir project, or something like it, he said, was indicated to him several years since, designed, as he believed, for speculative purposes.

Joseph A. Willard said he had been connected with the courts as clerk and assistant clerk for twenty-six years, and he was in favor of the reservoir site as the most suitable place for a Court House. Several years since he called the attention of Mr. Healy to Pemberton square and Somerset street for a Court House, but Mr. Healy did not agree with him altogether. The reservoir lot would combine all the requisites of light, air and quiet, never to be disturbed, and he was willing to take upon himself any responsibility for the recommendation of it as a suitable place for a Court House.

David Thaxter protested against the views of Mr. Willard in the requisites for a Court House. He did not want quiet, and his view of a Court House was that it should be convenient for members of the bar, suitors, and witnesses, and for the hundreds of jurors who are required to serve in the courts. The proposed site was open to many objections—from all who were called upon to attend upon the courts, and the uniform testimony of the bar was against it, preferring to have it anywhere except upon the top of Beacon Hill. He had no preference for any place and thought favorably of the site opposite the City Hall.

John H. Butler said he had a great regard for Mr. Willard, for no better clerk had ever served in the courts. He would desire that his comfort should be secured, and while doing so the convenience of members of the bar should also be consulted. He understood that three hundred or four hundred members of the bar had protested against the proposed location. The inconveniences in going so far to the Court House would subject suit-

ors to an increased expense in the management of their cases, besides the great loss of time to all who visited the Court House.

W. G. Russell also opposed the proposed location, declaring the whole project to be founded on a radical mistake. This was a mistake in the use of the building intended to erect. If it was for an architectural display, there might be an argument in favor of it. The building was intended for business purposes, and it would be just as sensible to put the Merchants' Bank there as to put the Court House there. The same class of persons who go to the shops, banks and Post Office daily are called upon to attend the Court House daily, and it is for their benefit that the Court House should be conveniently located.

It was a very proper place, he would concede, for the clerk to be ensconced in a Court House on Beacon Hill, where he will remain all day, and it might be very well for the judges to be located there, as he understood they petitioned last year for that location; but when he suggested to a judge that the Social Law Library might remain where it is, the proposed site did not look so favorable to him. In answer to a question of Alderman Clark, whether there was any necessity for a new Court House, he replied that there was a necessity for something. He did not object to the location on Somerset and Beacon streets, and there could be no objection to the end of Pemberton square. He was not sure but that they could get along without a new Court House.

Mr. Russell suggested that Court square might be discontinued as a public highway, and with the removal of the criminal courts and the occupation of Barristers' Hall for some of the courts, the present Court House will answer very well. There was no reason, in his view, why the criminal courts should be in the same building with the civil courts. The courts needed to be in a place of business, but not in the way of express wagons.

Isaac Hull Wright said he had given the subject some attention, and was of opinion that the judgment of the committee was about the best which they could come to. The court rooms were noisy as they are, making a necessity for keeping the rooms closed, and consequently the air was bad; the unnecessary labor and fatigue in climbing the stairs make the present Court House objectionable, and there was no county in the State which was so poorly provided for as was this county. He noticed that in the act authorizing the taking of land, it was provided that land might be had for a court yard. It was objected that the reservoir site was too large, but he took it that a large portion of the space would be needed for such a court yard.

The reservoir lot he deemed to be specially desirable for a Court House, in all the demands for light, air, space, and conveniences which he had indicated, and it would not be so difficult to get there. An entrance would undoubtedly be opened through Pemberton square to make it more accessible, and such an entrance would be made at some time, even though the Court House should not be located there. Neither would it be so inconvenient to lawyers, for lawyers' offices were not so fixed and anchored that they cannot be removed. The statement that a court house was a business place, he doubted, for no man goes to the courts unless he is obliged to.

It had been objected that the location of the Court House on the hill would cause a depreciation of property, and at the same time it was charged that land had been bonded in that vicinity in view of the advance in the value of property. The location on the square opposite be considered objectionable, and a site opposite not be bought for the sum of \$400,000, the estimate of the reservoir lot, while it would be subject to the same inconveniences now complained of, in the want of light and air and quietness. He believed the committee had devised the best thing, under the circumstances, in the requisites for a new Court House, providing for the increase and growth of business for years to come.

Mr. Wright expressed a doubt whether the members of the bar were so unanimously opposed to this site as had been represented, to which Mr. Butler replied that he found the names of one hundred and thirty-two on one paper, and he understood there were some three hundred or four hundred who were opposed to the reservoir site. Mr. Wright said he supposed there were one thousand members of the bar, as appeared by the directory, about one-third of whom visit the Court House, and not more than half of these protest against this location.

To a question of Alderman Power, he replied that



Pemberton square was a good location, but he had not looked at its capabilities, which had the appearance of a long and narrow lot, not so well adapted to a Court House as the reservoir lot.

George G. Crocker stated that the Pemberton-square site contained 51,000 feet of land, valued at \$10 a foot, although the assessed value was not so great as that. The report of the committee appeared to have been made with good care for the interests of the city and too little convenience for members of the bar. In an estimate of the loss of time in going to the proposed locality he had put the travel for that distance at three minutes. This at 1000 people a day would give going and returning 6000 minutes or 100 hours, and 36,500 hours in a year. At a value of 50 cents an hour, it would be equal to the interest on \$300,000.

If a location could be found more central without costing too much, it ought to be procured. There was another thing about the reservoir lot, which should be considered. With a Court House there, all motions which are now verbally made will be required to be done in writing, which will add materially to the costs of court.

Peter B. Brigham said he was here to oppose the project as he did last year. On coming here today he was told it would be useless to make opposition, because the minds of members of the Board had all been made up. He did not believe that members of the Board would refuse to listen to arguments against the project. The reservoir should not be removed if never more used, and should be allowed to stand as a monument to the perseverance in securing a water supply. The site was objectionable as a location, and, in addition to the estimated cost of \$400,000, it would be necessary to open a street to Pemberton square, and widen and extend Derne street to Charles street.

The first choice which he had was the northerly end of Pemberton square, the valuation of which he believed was correctly stated by Mr. Crocker. That was the best site which could be selected. His next choice was the square bounded by Somerset, Allston, Howard and Bulfinch streets, the valuation of which was about \$8 50 per foot. The amount of land was about 32,000 feet, and there were no expensive buildings on it, all of them being old. In answer to Mr. Wright, he said he supposed the difference of grade on Bulfinch street was about ten feet and on Somerset street fifteen feet.

In answer to Alderman Power, as to the effect of locating a Court House in the vicinity, he replied, that there were certain streets which were in a sort of purgatory that were improved by the opening of shops in them. Howard street was a purgatory, and were improved by the location of the Court House there. In regard to the reservoir lot, he supposed that with the Court House there, the property in the vicinity would, in less than ten years, shrink fifty per cent., and it would be doomed as was Fort Hill. To Alderman Power, he said he was not aware that the property on Fort Hill was increased in value after given up to residences of the poor before being cut down.

To Alderman Clark he replied that he did not think the location on Somerset and Beacon streets would injure the dwelling houses in the vicinity so much as would be the injury with a Court House on the reservoir lot. The effect would not be beyond Mount Vernon street. With a Court House on Beacon and Somerset streets, he did not think the Black Maria would go up the hill from Howard street, but would probably find it easier to go through Charles and up Beacon street.

Edward S. Tovey said it would not be his attempt to show that the committee had made a mistake; his only object would be to give such reasons as might induce the Board to pause before carrying out the project. The class of persons who had signed the remonstrances were generally those who quietly attended to their business, and he believed they might in a little time have been increased tenfold. In relation to the reservoir lot, he believed the expense of a Court House on that lot would exceed fifty per cent. that of the estimates of the committee, without calling in question their good judgment, and it would be necessary to open new streets to obtain access to it on a descending grade, not easy for street openings.

The considerations to be entertained in the building of a Court House are adaptation and economy, neither of which will apply to a Court House on the reservoir lot. The site on the north side of Pemberton square he thought favorably of. There was no such pressing emergency as to require the location of the Court House on the reservoir lot at present, and he hoped the Board

would allow the matter to rest for awhile, for it would keep three months.

Mr. Brigham made some further remarks, in which he expressed the opinion that the location of the Court House on the reservoir lot would be followed in a few years by the removal of the State House to Worcester or Springfield; then it would be found necessary to build a new City Hall on the site of the State House at a great expense.

Moses B. Wildes stated that he had lived on Mount Vernon street twenty-seven years, and there were houses for sale which would not bring so much by \$5000 as they would three years ago. There were other houses which did not rent readily. A house had recently been sold for \$23,000 which was worth \$30,000 four years ago. A change was going on, not alone below the reservoir, but above it. As to the effects of business, he represented a house on Pemberton square which had gone up in taxation from \$18,000 to \$40,000, so that there did not appear to be any depression in values in that locality. In a conversation with William Gray, he said that, in his opinion, the reservoir lot was the best location that had been named. It had been said that the insurance offices were opposed to the discontinuance of the reservoir; but that was founded on the supposition, as he had been assured, that it was needed for a water supply.

The location proposed had received the unanimous approval of two committees of the Board of Aldermen; the Water Board had given the opinion that the reservoir was no longer needed, a more copious supply being furnished from the Mystic Water Works. In his residence on Mt. Vernon street he had stood a good many things, and he believed he could stand the location of a Court House there. It was quite refreshing to him to know that a committee reported in favor of a site that would cost nothing, when it was so common to go into a large expense for such purposes. It had been said that the distance was too far to walk, but it had done him good to walk a greater distance for many years. A house had recently been sold on Bowdoin street for \$18,000, which was \$3000 higher than it was supposed to be worth.

Ezra Farnsworth said he had not lived on Beacon Hill so long as the gentleman who had just spoken, and he wished to say something on the question of depreciation of property. The remonstrants say it will depreciate the property in the vicinity for residences, and not that it may not be worth as much for other purposes. They object to it also as an inconvenient place for lawyers and business men, for reasons which had been fully given. In relation to the recent sale of property on Mount Vernon street, at a depreciated rate, the occasion was the uncertainty in the title. To a question of Mr. Pratt, how many of the remonstrants, members of the bar, were citizens of Boston, he replied that he did not know, and Mr. Butler was of opinion that a greater portion of them were.

Mr. Wildes said he was sorry to have the residents of Mount Vernon street disturbed, but when the poor devils who inhabited Fort Hill were driven off, and those who were driven off by the Lowell Railroad Company, nothing was said.

Isaac Thatcher, a resident of Mount Vernon street, also objected to the location as proposed, from similar reasons given by others.

Edwin Wright made some remarks in favor of the proposed site, urging that most of the lawyers had been driven away from the Court House, many of them having voluntarily gone up the hill to Pemberton square. In the matter of convenience, parties coming in the horse cars from various points will find it easy to reach the Court House on the hill. But lawyers should not be taken into account in comparison with all the other parties having business at the Court House.

Mr. Wright gave statistics to show the capacity of the reservoir site for a Court House, which would furnish twelve large court rooms, and by the arrangements the criminal courts would be cut off from the other in a location on Derne street. The necessities for the Registry of Deeds were shown, although it was said a lease had been made for the new quarters for fifteen years. In eight years the business of the registry was equal to two hundred and thirty-nine years previous to that period, and the rate of increase was very large, making fifty to sixty volumes a year. Mr. Wright also made statements in relation to the use of the stone of the reservoir, which would be more than sufficient to build a Court House, and competent architects and mechanics had given the assurance that the stone could be worked on the



site, thus saving the purchase of the land, the cutting of the stone, the transshipment and the annoyance to business by carting it through the streets. In relation to separating the Criminal from other courts, that had been tried once and given up at the request of members of the bar.

James F. Pickering, a member of the bar, but not a citizen of Boston, said he appeared in behalf of members of the bar, who believed that the present Court House was not a proper place for the proper transaction of business. There were those who appeared here representing their private interests; such an interest he did not have, neither did he appear for any one who had any private interest. Looking at the question not from a personal point of view, he asked, that while the Board should not sacrifice the interests of the members of the bar who are now engaged in practice, they should consult the future wants of the city. On reading the report of the committee he was satisfied that they had made the wisest decision that could be made by them.

In looking at the objections which had been made to the reservoir lot, he thought that these objections could be met by improvements in the present Court House, by which perhaps a million of dollars could be saved. Members of the bar were voluntarily moving away from the Court House, and that answered the objection in relation to the removal of the Court House. The centres of business were fast changing, as every one must clearly see, and in the course of twenty-five years the greater portion, and in fifty years all of the territory between the City Hall and Charles street will be devoted to business. It was simply a question of time in which these changes are to take place.

When all these changes take place, Beacon Hill will be the pivotal point in business. With the

Court House as proposed, the lawyer's offices will follow, where there will be ample room for all of them, without giving a special advantage to those who happen to be located in Pemberton square, should the Court House be placed there. In regard to keeping witnesses as wanted, he believe there would be advantages in taking them up the hill, while he did not believe there would be any of the disadvantages which had been set forth, and he believed the testimony of Mr. Willard as a clerk of the courts was worth more than that of any ten or fifty members of the bar.

Benjamin Pond said if time allowed he would make suggestions as to the advantages of closing the avenues to Court square, and of saving the expense of a new Court House.

John S. Damrell, Chief Engineer of the Fire Department, was called by Alderman Clark, and gave it as his opinion that the reservoir was no longer needed. Its capacity would only furnish water enough in case of fire to supply the pipes, and with a few reservoirs in that district, at an expense of a few thousands of dollars, the exigency would be much better met.

On motion of Alderman Clark the hearing on the subject was closed.

On motion of Alderman Jenks the further consideration of the matter was assigned to Tuesday next.

Alderman Clark submitted several letters, from Charles A. Welch stating he had not changed his opinion from last year in favor of the reservoir lot; from Samuel Wells, who had been in favor of the west side of Pemberton square, but was of opinion that the reservoir site was the best; and from B. F. Brooks in opposition to the reservoir site.

Adjourned to Tuesday, 4 P. M.





## CITY OF BOSTON.

Proceedings of the Common Council,  
OCT. 31, 1872.

The regular weekly meeting of the Common Council was held this evening at 7½ o'clock.

In the absence of the President, the Council was called to order by Mr. Bicknell of Ward 4, senior member, when Messrs. Flanders of Ward 5, Burditt of Ward 16 and Holmes of Ward 6 were appointed a committee to receive and count the votes for a President *pro tem*.

The result of the ballot was the choice of Edward O. Shepard by a vote of thirty-six to two for Mr. Faxon of Ward 14, and one each for Messrs. Pease, Pickering and Flynn.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Thomas Keyes, Shelton Barry and others, and of Isaac Cook & Co., were severally referred, in concurrence.

The reference to the Committee on Streets of a resolve and order from the Street Commissioners for the widening of Cottage street, at an adjudged expense of \$20,328 16, (City Doc. No. 105,) was concurred in.

The following orders were read twice and passed:

Order that the cost of grading and paving Kneeland street as widened between Washington street and Harrison avenue, be charged to the special appropriation for widening of Kneeland street.

Orders requesting the Mayor to petition the General Court for an amendment to the statute in relation to public health, so as to require parents and guardians to cause their children to be vaccinated before they attain the age of three months.

Report and order requesting Directors of Public Institutions to report, as early as practicable, whether there is sufficient land at Deer Island for a House of Correction, in addition to what is required for the House of Industry and the House of Reformation for Juvenile Offenders. (City Doc. No. 106.)

## IMPROVEMENT OF SOUTH BOSTON FLATS.

The second report of the special committee on the memorial of the Harbor Commissioners in relation to the occupation of the South Boston flats, with an order recommended therein that the Mayor execute, in behalf of the city of Boston, with the Commonwealth of Massachusetts, the Boston & Albany Railroad Company, and the Boston Wharf Company, an indenture in the printed form subjoined to said order (City Doc. No. 103), was read the first time, and the question being on ordering it to a second reading—

Mr. Flanders of Ward 5 presented two petitions on the subject, from C. O. Whitmore & Sons, Danforth, Scudder & Co., Nash, Spaulding & Co., Baldwin, Botume & Co., and others, and from Otis Noreross, James L. Little, George C. Richardson and others, in which they state that having read the reports of the committee on the memorial of the Harbor Commissioners relating to the occupation of the South Boston flats, and having considered the great value of that work, in improving the harbor of Boston and increasing the commercial interests of the city, they respectfully urge the City Council to authorize the execution on the part of the city of the indenture accompanying the second report of the committee, in order that the improvement may be commenced without delay.

The petitions were ordered to be sent up.

Mr. Perkins of Ward 6 moved a suspension of the rules, for a second reading of the order.

Mr. Webster of Ward 6 (who had just entered the Council Chamber) said he was out of breath, but he would like to speak on the subject.

Mr. Bradt of Ward 14 stated that he believed the members of the Council were ready for the question, and it was unnecessary to make any remarks on the subject.

Mr. Flynn of Ward 7 said if the gentleman had been here to attend to his duty and not away to defeat other projects before the Council, he might have been ready to speak.

Mr. Webster proceeded to speak upon the subject, and gave some reasons why he could not vote for the indenture, which he said was loosely drawn, when Mr. Smith of Ward 1 rose to a question of order, that the question was on the suspension of the rules, and not on the merits of the question.

Mr. Webster replied that he was giving reasons why the rules should not be suspended.

Mr. Flanders of Ward 5 believed the point of order to be well taken.

Mr. Hersey of Ward 12 objected to making a speech until the rules were suspended.

The Chair ruled that any remarks might be made relating to a suspension of the rules.

Mr. Flynn said he should call the gentleman to order should he proceed in his remarks.

The Chair said the gentleman must confine himself to the question of suspension of the rules.

Mr. Flanders said the gentleman might go on with the consent of the Council.

Mr. Moulton of Ward 9 said he should object to any remarks pro or con.

Mr. Webster proceeded in saying that the rules should not be suspended, and so important a matter be decided in one session of the Council; and he hoped it would be laid over one week, as the question involves an expenditure of a million of dollars at once, and, within a year or two after this is expended, of another million on this territory, to say nothing about the precedent to be established for future disbursements, which no one can estimate. It would be a bad thing to pass in our evening.

Mr. Flanders inquired whether the expense would be to the city or other parties.

Mr. Moulton objected to further remarks, except on suspension of rules.

Mr. West of Ward 16 believed the members of the Council were sufficiently informed to satisfy themselves on the subject, and it would not be hurrying it in that state of affairs. It was true it was a large project, but they might as well suspend the rules and pass it now, as six months hence, for nine-tenths of the members of the Council were ready to vote upon it.

Mr. Hersey of Ward 12, in reply to the remark about hurrying this matter, said it had been under consideration four to six months. The committee had obtained the best terms which could be had, and even should they wait six months or a year longer, better terms could not be had.

Mr. West remarked that the gentleman had said there had been five or six reports, and even if there had been five hundred, this was right, and they could not get anything more favorable.

Mr. Smith said it was competent for the Council to suspend the rules, and every gentleman would express his opinion by his vote. He was perfectly satisfied to vote without further discussion.

Mr. Flynn called for the previous question, on which Mr. Webster asked for the yeas and nays.

Mr. Perkins wished to know on what the yeas and nays were called, to which Mr. Flynn replied on suspension of the rules.

The question was further raised whether the yeas and nays were asked for on the ordering of the previous question or on suspension of the rules, different views being expressed.

The Chair stated that a motion was made for the previous question, on which the yeas and nays were asked.

The call for the yeas and nays was lost, and the previous question was ordered.

The question was then stated to be on the main question, for the suspension of the rules, on which Mr. Webster asked for the yeas and nays.

Mr. Perkins raised a question of order that the call for the previous question being sustained, the motion for the yeas and nays was not in order.

Mr. Webster replied that decisions had been made both ways in the Council, and he trusted it would now be in his favor.

The Chair remarked that he was unfamiliar with the previous rulings, but from the use of the word "forthwith" in taking the question, he should rule that the vote be taken without further motion or debate.

The question was put on suspension of the rules, which was declared to be carried by a vote of 41 to 4.

Mr. Webster asked for the yeas and nays in the verification of the vote, and raised the question whether 41 were two-thirds of the Council.

Mr. Flanders stated that there were but sixty-two members, one having died and one resigned, and the rules required the vote of two-thirds of the members present.

Mr. Webster said if there were sixty-three members, forty-one was not two-thirds.

The Chair stated the question to be on the second reading of the order.

Mr. Pickering said he had a word to say on the subject, and addressed the Council as follows:

I have read the report of the committee on this subject with much care and with great interest



for it seems to me a matter of greater importance, as regards the future business and prosperity of this city, than any measure that has been presented to the Council, and I shall be glad of an opportunity to give my vote in favor of a project which I am satisfied will promote the business interests of all our people.

The work proposed is indeed great and expensive; but we are to have partners in the business who will share the labor and expense, and who moreover will assume a large portion of the same.

The consideration and maturing of this subject has been intrusted to a joint special committee of the City Council, who have made a free and very satisfactory report, recommending the measure *unanimously*, and stating, at the same time, that, in their judgment, the terms now proposed are the most favorable that the city is likely to obtain; so that the question we are to consider is not whether it is desirable that this great work shall be accomplished, but whether it shall be done on the terms proposed by your committee.

It has been said that the other parties in interest will carry out this improvement sooner or later without the cooperation of the city. This may or not be true—we certainly have no assurance of it; but it is desirable, in view of the rapidly increasing business of Boston, that the requirements of this business should be met, and I believe that your efforts to meet it will have the approval of your constituents.

As to the importance of the work, its benefit to the harbor and to the city of Boston, you have the opinion of competent judges, (besides the Harbor Commissioners) of men like General Delafield, Rear-Admiral Davis, Professor Mitchell and others, who say, "We consider that no reasonable sum the present population of this city can afford, can exceed the direct and future benefits to arise from improving the harbor, and securing its increased capacity, which cannot be overestimated in producing a lasting benefit to its inhabitants, independent of any reasonable sum it may cost to effect the object, over and above the amount of sales of property to be reclaimed from the submerged flats."

Now this was the opinion of these gentlemen in 1866. The last six years have made a wonderful difference in the demand for business facilities. Admitting, then, as I think we all must, that it is expedient to push this work forward, and with all reasonable despatch, let us see what benefits the city are to receive, or what we are to get for our money.

The estimated cost to the city as made up by the City Engineer, is about \$640,000, but it will be said, and perhaps with truth, that this, like other similar estimates, will be far exceeded, and that it will cost a million. Very well, let us be upon the safe side, and if you please, call the cost \$1,000,000, and what shall we get for it?

We secure an immense improvement of our harbor, and one that is very much needed, and consequently one which must be of benefit to the city—and about two hundred acres of water twenty-three feet deep at mean low tide, where the water is now but twelve feet in depth. We likewise gain ample room for the heavy business of our railroads, which is increasing faster than the facilities for doing it can be multiplied—and surely it is a great disadvantage and drawback to Boston not to be able for want of room to transact the business that now comes, and the still greater business that is destined to come here. Again, a large amount of taxable property will be created, with the certainty that it will constantly increase in value. In addition to these positive and direct benefits, are all the indirect and incidental advantages which always flow from a great public improvement, but which of course cannot be foreseen or estimated.

In consideration of these advantages, the city is asked to cooperate with the other parties named to the amount of \$640,000, or possibly something more. And what are the other partners in this enterprise to contribute to the improvement? The Commonwealth will spend at the outset, to say nothing of additional expenditures to be made hereafter, about \$1,165,000; the Boston & Albany Railroad will spend more than \$1,000,000, carrying their tracks across the channel and over this property; the Boston Wharf Company will spend a large sum of money—in addition to which Mount Washington avenue and six or seven other streets are to be extended, free of expense—the land given for the purpose being more than 600,000 feet. In view, therefore, of the great benefits which I believe will accrue to the harbor and to the city by these projected improvements, and in view of the

concessions which the State has already made to meet the wishes of the city, and believing that terms more favorable to the city are not likely to be secured, I shall give my vote in the affirmative.

Mr. Webster of Ward 6, in opposition to the report, said—

Mr. President—This report purports to be the *second* of the committee on the memorial of the Harbor Commissioners, but if we take the one that was suppressed, the one which was acted on and recommitted, together with the addition and proposed alteration to the addition which was presented by the committee when it came to the Council, and the present report with its amendments, we shall find that we have what is equivalent to five or six reports from that committee so far. And it is some satisfaction to know that the present report is in some respects considerably better than any that has preceded it.

By the report and indenture which were recommitted it was provided that Northern avenue should be only seventy-five feet wide, and Eastern avenue only sixty-six feet wide. By the present report Northern avenue may be one hundred feet wide, and Eastern avenue may be seventy-five feet wide. This is certainly an improvement, but it is difficult to see why the committee should submit to have Eastern avenue not exceeding seventy-five feet wide, when it was laid out (City Doc. 123, 1868,) one hundred feet wide. There is no reason for its being less than one hundred. It is provided in the new indenture that B or C street should be extended to First street, South Boston, within one year after the land to be filled under the contract shall be so filled. This is certainly an improvement on the recommitted indenture, but this street is to be only fifty feet wide; it should certainly be not less than sixty.

It is also provided that C, D, E, F, K and L streets, and B street below the 100-rod line, may, when the other territory of the first section is filled, be extended to *Eastern avenue*, over that territory.

This is *probably* better than in the recommitted report, but I am not certain—from the ambiguity of the language—that provision is made for any of these streets above or within the 100-rod line except B or C street, and B street is expressly limited to the territory below the 100-rod line. All these streets should extend to Northern avenue.

There is a further provision that Mount Washington avenue may be laid out eastwardly from Granite street without grade or land damage within one year after that land is filled. This is also better than the recommitted report, as nothing was said in that about Mount Washington avenue. In this there is no time fixed for filling this avenue. It ought to be filled when B or C street is.

This is the only street that the city is permitted to lay out over the Boston Wharf Company's land except Eastern avenue, seventy-five feet wide, which the city claims the right to have, by City Doc. 123, 1868—one hundred feet wide.

Now if members of the Council will take their plans and find the points on Eastern avenue where B and C streets, if extended, would intersect that avenue, they will find that it seems to be quite a long distance. But unless they have measured it by the scale, they will probably be much surprised when I say that the distance from Fort-Point Channel to the point where B street extended would intersect that avenue is seventeen hundred feet, and where it would intersect Northern avenue, eighteen hundred and fifty feet, or, on the average, one third of a mile. To the point where C street would intersect Eastern avenue measures twenty-two hundred feet, or more than two-fifths of a mile.

Now, by this indenture the Commonwealth agrees to select one of these two streets and extend the one selected to First street, South Boston, within one year after the one hundred acres are filled. There is to be no street or avenue running parallel to Fort-Point Channel nearer to it than from one-third to more than two-fifths of a mile.

There is absolutely no street provided for between Eastern and Northern avenues, parallel to Fort-Point Channel, except B street. It is provided that L street, which is laid out on the plan diagonally between the two avenues near South Boston, shall be conveyed to the city at some indefinite future time, when it is filled. That street, at its nearest point to Fort-Point Channel, is four-fifths of a mile distant from it.

I believe I have now given a correct statement of all the streets and avenues provided for at any time, either present or future, on that territory by this indenture.

Now I want to know if any member of this Council is going to give his vote for building these



two bridges and the approaches to them in the city proper, at an expense of over \$1,000,000, (which I am told was the first estimate of the engineer on one hundred-foot avenues), and have only one street fifty feet wide running parallel to Fort-Point Channel on the easterly side and that street one-third of a mile distant from that channel?

Will any member of this Council consent to build these two bridges and have no street connecting them with South Boston nearer than one-third of a mile distant? The idea is preposterous. I do not see how any one can give his vote for this measure in its present form.

Is it not perfectly evident that the city should not build these bridges without the extension of Granite or A street, one or both, to Northern avenue? Granite street, all but 550 feet of it, from Mount Washington avenue north, is laid out 50 feet wide by City Doc. 123, 1868, parallel to the channel, and about 300 feet distant from it. That 550 feet not laid out belongs to the Boston Wharf Company, and cannot be laid out without their consent, except at a very large expense. It should be filled, and made 60 feet wide, and the fee conveyed to the city.

A street runs nearly parallel to Granite street, and three hundred or four hundred feet further from the channel the city claim the right to lay out this street from where it now ends in South Boston to the limit of solid structures, fifty feet wide. This street above the Boston, Hartford & Erie Railroad is but partially filled, and the city's title to it, in my opinion, is a doubtful one. This should be filled by the wharf company, and the title confirmed to the city by that company, and it should be at least sixty feet wide, if it and Granite street are both to be put through.

But it may be said that if both of these streets are to be put through it will interfere with the use of the territory for wharf and depot purposes. If it should be decided that this is so, then only one of them should be laid out; but in that case that one should be not less than eighty feet wide, should be laid in the place where it will be the least obstructive, should it be filled by the Wharf Company, and the fee conveyed to the city. The plan of occupation is immature and should not be adopted.

Now let us look over the other provisions of the contract. On page fifteen of the report, there is a provision that the State shall pay into the compensation fund for Boston Harbor whatever shall be assessed for tide water displaced by the city in building these bridges. In looking over the laws concerning this fund I do not find that either the Harbor Commissioner or the Governor and Council, or any other body, except the Legislature, can do any such thing. I may be mistaken about this; if so the chairman of the committee will correct me.

Again, there is no authority for the city of Boston to build Northern-avenue Bridge.

The Harbor Commissioners have no authority to contract to extend Eastern avenue, or B or C street an inch beyond the Boston & Albany Railroad Company's land, except by paying for the same in "flats."

The whole matter, if passed in its present shape, must lie over and wait the action of the Legislature before it will be binding on the State.

We should not commit the city to this action until there is authority to build both bridges, nor until there is authority to commit the State to perform its part of the contract.

Now let us look at the report of the committee and examine the precedents cited by them for the proposed action.

They cite the contract to pay Mr. Munson \$300,000 to extend certain streets on the Back Bay. In this case it was claimed that the \$300,000 to be paid Mr. Munson was no adequate compensation for the land and building the streets, and that a large amount of land and money was to be contributed by the parties benefited in carrying out the project. By a report of the Street Commissioners (City Doc. 70, 1871), it will be seen the expense of filling these several avenues on Back Bay and building the bridges was \$1,000,000, without saying a word about the value of the land, which would of course in the aggregate amount to a very large sum.

By the contract with Mr. Munson, the whole land was to be conveyed to the city and all the work to be done except building the bridges, and three-quarters of the expense of building a main sewer from Huntington avenue to Charles River on the line of Fairfield street or any street between Dartmouth and Gloucester streets. The price to be paid by the city to Munson was \$300,000. The actual con-

tribution in lieu of betterments was probably not far from \$1,000,000. That is no precedent for building these bridges and approaches to them without betterments.

The building of the two bridges, Huntington avenue and Newton street, over the railroad, is also quoted as a precedent for executing this indenture without provision for betterments; but the committee themselves do not fully justify the building of these bridges, and it is perfectly evident that the order for building them could not have been passed without some contribution from the estates benefited, except under the excitement and pressure of the then proposed Jubilee.

I doubt if there are ten men in this Council who would today justify that expenditure without betterments. It is no precedent to be followed.

On page 10 of the report it is said, "It is only necessary to look at the language of the several statutes in relation to the improvement of this territory to show that the Legislature had no intention of paying the city in flats for building bridges and streets to and over this territory." On page 11 they say, "It is not to be supposed for a moment that the Legislature intended that the committee should contract for doing each one of these things separately and pay in flats. The whole work of dredging, making docks and basins, and building wharves, is to be taken in connection with the authority to pay in flats"; as much as to say that there is no authority given to do any of the things authorized to be done and pay in flats without doing the whole.

Let us look at the statutes as quoted by the committee—last paragraph on page 10 of the report.

By Chapter 93 of the resolves of 1867, a joint committee of the Legislature was authorized to contract with any person or persons, or with the city of Boston, for filling any portion of said flats, or for building wharves, making docks, basins, streets, bridges, or sewers, dredging, or doing any other work upon or in relation to said flats, and to pay for the same by conveyances of any portion of said flats, or by granting any rights or privileges thereon.

The committee were certainly reduced to a very poor shift when they say that that language, which was six times substantially re-enacted, does not *authorize* the doing of any one or more of the things specified without doing the whole.

The committee, on page 11, say—

"In reply to the suggestion that the city should extend Eastern avenue and other streets, to connect with the present streets in south Boston in advance of the filling, it may be stated that the independent construction of highways over the flats would be attended with enormous expense, on account of the walls necessary to retain the filling."

In answer to this, I will say that Mr. Darwin E. Ware, the active man in the Harbor Commission, told me that no such retaining walls would be necessary.

Let us now look at the communication of the Harbor Commissioners appended to the report. They say, on page 21 of the appendix, that "the dredging to be done in the course of this improvement will first effect the removal of Anchorage Shoal, and ultimately a *ld* five hundred acres to the deep-water anchorage in the upper harbor, for vessels of the first class. The material dredged is to be used in filling the Commonwealth's flats behind the sea wall to thirteen feet of the grade of sixteen feet to which the territory is to be raised.

This is all very specious and very well, but there is not a single thing in the indenture about dredging anything from the channel. On page fourteen of the indenture the Boston Wharf Company are expressly allowed to fill their flats as they are "now or hereafter shall be authorized to fill the same." They are now authorized to fill with any material they can get. This is another evidence that the contract is carelessly drawn, and should not be executed in its present form.

On pages twenty-one and twenty-two the Harbor Commissioner says, "Unless, however, two of the streets of the city proper are to be extended over Fort-Point Channel, the territory to be made in the process of improving the harbor would not probably pay the cost of the harbor improvement, and the Commonwealth would not be willing to undertake it."

It may be said with equal propriety that it would not pay if the land were filled to grade ten or eleven. With what propriety can the city assess betterments on account of the approaches to these



bridges on estates in the city proper, and relieve parties on the other side of the channel, who are to make millions of dollars out of it? This indenture in its present form does relieve those parties from any assessment. It certainly should not be executed.

On page twenty-two of the communication the Harbor Commissioners give several reasons why they think it for the interest of the city to execute this indenture. The first is—

1. Because, in so doing, it gains this harbor improvement. The filling of these hundred acres will secure the removal of Aneborage Shoal from a valuable part of the harbor, and a depth of water twenty-three feet at mean low tide over some two hundred acres, where the depth is now on an average but about twelve feet. And yet this is but a beginning of the enlargement of the deep-water area of the harbor where an ocean steamer can float at low tide, and of the water front on the main channel accessible to the same class of vessels.

I suppose there is no one who doubts that this harbor improvement would be a good thing, and if the city owned the territory, it would undoubtedly have been filled long ago.

Let us now look at the duties and privileges which have been assumed by the State in relation to its harbors. In order to do this intelligently it may be well to say that the United States Government has recognized the duty of protecting and improving the harbors of the nation. In performing this duty it has spent a good many hundred thousand dollars in surveying, building seawalls, dredging, etc., in this harbor, and will probably spend a good deal more. The plan of this territory shows some of the dredging that has been and is proposed to be done by the United States Government in the main channel near these flats.

The State has also recognized it as its duty to protect its harbors, but more in a negative than a positive way. It has undertaken to say in general what may and shall not be done in the way of building wharves and bridges, etc., etc., rather than in actually doing anything which costs money in the way of improvements.

In the administration of these prohibitory and permissive measures it has, to be sure, been at some considerable expense, but, so far as Boston Harbor is concerned, certainly not without great profit to itself and great pecuniary loss to the city.

Suppose we take the Back-Bay territory. In this case the city had the undoubted right of drainage into and through this great basin. The Water Power Co. had the undoubted right of flowage, and, it was for a long time supposed, the city had the right to the territory if the Water Power Co. ceased to flow it.

When the time came that these flats were worth more to be filled up than for flowage, we find the State claiming the fee. Of course there is no disputing any claim the State sets up in such case. Allowing that claim to be just, we have the three parties owning valuable rights in that territory—

The city, the right of drainage;

The State, the fee;

The Water Power Company, the flowage.

These rights, as is now proved, were about equal. If anything, the city's right was the most valuable.

How was the territory divided? The city was allowed 120,000 feet to be added to the Public Garden and some few lots for schoolhouses.

The State and Water Power Company divided the rest between them. The result is that the State and Water Power Company make six or seven millions of dollars out of it, and the city of Boston is almost immediately put to the expense of raising the Church-street District, and since that time the Suffolk-street District, to make good the drainage lost by filling the territory. The city expense up to the present time has been immense, and will ultimately amount to as much as the State and Water Power together have made out of it. No one doubts that it was a very good thing to have the Back Bay improved and those fine avenues and buildings upon it. But I don't believe any member of this Council would by his vote make the arrangement over again without some compensation for the drainage lost.

These South Boston flats are now in Boston Harbor; they belong to Boston Harbor, and whoever takes possession of them should make them subservient to the improvement of Boston Harbor. The Harbor Commissioners themselves recognize the propriety of this statement to some extent. On page 25 of their communication they say the Commonwealth is making this land merely in the

process of making a great harbor improvement, which is immensely to benefit the city of Boston.

They are certainly justified in making this statement in view of all the legislation that has been had on this subject. But there is certainly no evidence in their communication to the committee or in the indenture that their primary object of filling these flats is a harbor improvement. The primary object, so far as the parties other than the city to this indenture are concerned, appears to be to make large sums of money out of these flats, and to use the city and its money as incidental to that end. The Harbor Commissioners are authorized to contract with the city of Boston for doing anything in relation to said flats, and to pay for the same by conveyance of any portion of said flats, and there is no reason why they should refuse to pay the city in common with others whose estates are benefited such betterments as may be equitably assessed.

In this communication of the Harbor Commissioners the old argument of the last report, that the taxation on the increased value of the land will pay the interest and ultimately the principal of the cost of these bridges, is again reiterated, as if it had never been answered, and as if this expense would be all the city would ever be called upon to defray in relation to this territory. Everybody knows that the rate of taxation is continually on the increase in the city; and everybody knows, including the commissioners, that the city raises by taxation no more than what is sufficient to pay for the performance of its ordinary municipal duties and to pay interest on its debt. The sparsely occupied territory such as this will be for many years to come, cannot be taxed for anything like enough to pay the expenses on it, to say nothing about the interest on the large outlay to be made now, and the still larger one to be made within a year or two after this territory is filled, if this indenture is executed.

On page 26 of the appendix the Harbor Commissioners say, "Boston will receive the exclusive benefit of this vast expenditure directly in its improved harbor."

Now I should like to ask what would the State of Massachusetts be without Boston Harbor? The harbor is of more benefit to the rest of the State than to this city.

New Hampshire has been said to be a good State to emigrate from, and several members of this Council have made that use of it. Its vacant farms and dilapidated houses show plainly what this State would be without Boston Harbor.

It is the duty of the State to cherish and take care of this harbor. The State has seized these flats and then asks the city to spend a million of dollars to develop them, and refuses to pay betterments in common with other parties.

This indenture ought not to be signed, and if it should not be, there will be no delay in filling the territory, as was amply shown when this subject was before the Council the last time. The other parties interested cannot afford to let it remain in its present condition. The Commonwealth certainly will not release the Boston & Albany Railroad Company from its contract, which requires it to do precisely what this indenture calls for.

Mr. Webster moved to amend the indenture as follows:

Ordered, That his honor the Mayor be and hereby is authorized to enter into an agreement, subject to the approval of the City Council, with the Commonwealth, the Boston & Albany Railroad Company, and the Boston Wharf Company, whereby the city shall obligate itself to build an avenue from near the foot of Oliver street to Fort-Point Channel, also an avenue from near the foot of Summer street to said channel, each to be one hundred feet wide, and connect these avenues with suitable bridges built across said channel with Northern and Eastern avenues on the east side thereof, substantially on the following conditions, viz.: First, that the other parties to the contract will agree to build proper sea walls on the easterly side of Fort-Point Channel and the southerly side of Main Channel, extending from the present wall of the Boston Wharf Company (on the line of said Fort-Point and Main channels as shown on plan of the Harbor Commissioners attached to their sixth annual report) to the northeasterly corner of Boston & Albany Railroad Company's flats as shown on said plan, and fill not less than one hundred acres of the flats inclosed by said walls with materials dredged from the harbor to a grade thirteen feet above mean low water, and cover the same with gravel so that the grade shall be not less than sixteen feet above mean low water. All



of said walls to be built and finished according to the Harbor Commissioners' plan in said reports, and land above described to be filled before the first day of October, 1875.

Second. That the said other parties will fill to such grade as may be required by the city authorities the following-named avenues and street on said territory, and other territory belonging to either of said parties, and convey the same to the city within three years, viz.:

Northern and Eastern avenues each one hundred feet wide from Fort-Point Channel to the easterly line of Boston & Albany Railroad Company's land, and to connect with B or C street, to be extended from First street, South Boston.

B or C street sixty feet wide, from First street, South Boston, to Northern avenue.

Mount Washington avenue from Granite street to B or C street, whichever of these streets may be chosen for extension, said Mount Washington avenue to be not less than eighty feet wide.

Granite and A streets from their respective termini in South Boston to Northern avenue, not less than sixty feet wide. If, however, it should be agreed that the laying out of more than one of these latter streets would seriously interfere with the proper occupation of this part of the territory, then the one to be laid out must be not less than eighty feet wide.

Third. That previous to October 1, 1880, the Commonwealth will agree to fill as above, and convey the fee of the same to the city, free of expense, Eastern avenue 100 feet wide to the reserved channel, or if that channel be discontinued, as far as the Commonwealth's rights to the land now do or hereafter shall extend, and L or M street from Eastern avenue to the reserved channel, or if said channel shall be discontinued as far southeasterly as its rights shall extend.

Fourth. As the other territory of the Commonwealth shall be filled, including that which has been or may hereafter be purchased of the riparian owners or otherwise acquired on the northerly shore of South Boston, between Fort-Point Channel and Castle Island; that B or C street (the one not elected to be filled under the second condition), D and E and such other streets as the city authorities may decide to be necessary on said territory of the Commonwealth within one year after said territory shall have been filled, shall be filled to such grade and of such width as said authorities may determine, and the fee in the same conveyed to the city without expense. The city must be notified when said territory is ready to be laid out in streets.

Fifth. That none of the provisions of the agreement shall be such as to abate any betterments on the approaches to the bridge from the city proper which the said parties by the law are obliged to bear in common with all owners of real estate benefited by said approaches, nor shall any provision give up the right of the city to streets already laid out east and west over the Boston Wharf Company's land by City Document 123, 1868.

Sixth. That said parties will submit to the assessment of betterments on the bridges in the same manner as if the Betterment law applied to bridges as well as streets.

Seventh. That said parties will also consent that such sewers and drains as the city authorities may from time to time deem necessary on the territory described in the fourth condition, may be laid at the expense of the city, and that no claim shall be made by either of said parties for the privilege of laying and repairing such sewer and drains.

Eighth. The Mayor, subject to the approval of the City Council, may contract with the Commonwealth to build any portion of said streets easterly and southerly of Boston & Albany Railroad Company's lands, taking pay therefor in flats at such price as may be agreed upon or fixed by disinterested parties selected for that purpose. Any betterments assessed on the State may be paid to the city in flats as above.

Ninth. That said parties will consent, if from time to time hereafter the city should decide to bridge reserved channel by one or more bridges, and extend avenues to South Boston by said bridges, or otherwise, that they will submit to such equitable betterments on the territory as would be assessed on them in common with other holders of real estate benefited by said bridges and streets, if the Betterment law applied to bridges as well as streets.

The question was stated to be on the adoption of the substitute, when Mr. Moulton of Ward 9 moved that it be laid on the table.

Mr. Perkins inquired the effect of the motion, and on the ruling of the Chair that it would carry the whole subject on the table, it was withdrawn.

Mr. Hersey of Ward 12, in some remarks, said—

The question now under consideration is undoubtedly the most important that will come before the Council this year, involving as it does the future commercial growth of the city. The improvement of Boston Harbor has been the subject of several commissions, who have employed the best engineering talent of the country, and all have recommended substantially the scheme now proposed; not only for improving the harbor, but as absolutely necessary to preserve it from further deterioration by the rapid shoaling of its waters.

While the Commonwealth is spending millions in aiding the building of railroads to connect us with the West, in order that Boston may compete with other cities as a point for distributing the produce of the West, we are today, for want of proper terminal facilities for our railroads at deep water, practically unable to put on shipboard, within a reasonable time, the freight arriving by the railroads already constructed, so that it is frequently the case that shippers notify their agents at the West to ship no more grain by way of Boston until that accumulated here can be put on shipboard.

The present project will remedy this evil and will give a large area of wharfage, a portion of which has been secured by the Boston & Albany Railroad for depot purposes, and upon which they propose to build elevators and docks for shipment direct from cars upon vessels for export.

There is no reason why Boston should not, when this project is carried out, compete successfully with New York as a point of export, being one day's sail nearer Liverpool.

We are asked to cooperate with the Commonwealth in this enterprise to the extent of building two bridges to connect this territory, when filled, with the city, receiving in compensation the benefit of an improved harbor, with abundant wharfage, with broad avenues and commodious streets built without expense to the city. Also, we receive our share of the profits arising from the sales of land when filled, and in the way of taxes a large increase in the revenue.

The gentleman from Ward 6 has said that as this was a partnership transaction with the Commonwealth, Boston should not be called upon to do more than other sections of the Commonwealth.

I think it must be apparent to all that Boston alone is to be directly benefited by this scheme, and it is therefore but just that she should do something more than other sections in promoting it. If the suggestions of the gentleman from Ward 6 should prevail, neither the Harbor Commissioners nor the other parties to the agreement would consent to such terms, and in all probability the \$400,000 voted by the State in aid of the enterprise would be returned to its treasury, until such time as the benefit offered the city upon such favorable terms could be appreciated. In the meantime, the trade which should properly belong to Boston will be directed into other channels, perhaps never to be regained.

It is idle to suppose that the Legislature will, even if they pass a bill allowing betterments to be assessed upon bridges, allow it to apply to the building of those now contemplated, as by so doing they would not be able to make the contemplated arrangement with the Boston Wharf Company and the Boston & Albany Railroad; their agreement to fill, with material dredged from the harbor, being based upon the agreement that the bridges shall be built by the city.

Mr. West of Ward 16 said that with all due respect he considered the substitute quite as full of loopholes as was the indenture proposed by the committee. No scheme could be devised against which no objection could be raised. The subject had received the thorough and careful attention of the committee, and they were satisfied it was the best agreement which can be made. He hoped the substitute would not prevail, for as much objection and more can be made to it.

Mr. Perkins said he was satisfied that if the members of the Council had read the report, they could not agree to the criticisms of his colleague.

The question was taken on the substitute, which was lost, when the order was read the second time, and was passed, by a vote of fifty-five yeas to three nays—Page, Shepard, Webster; Messrs. Brennan, Dickinson, Fitzgerald and Thacher being absent.

Mr. Hersey moved a reconsideration of the vote, which was lost.



## EXTENSION OF WASHINGTON STREET.

On motion of Mr. Flynn of Ward 7, the special assignment, the resolve and order of the Street Commissioners for the extension of Washington street to Haymarket square (City Doc. No. 87), and an order for a loan of \$1,500,000, in settlement of land and grade damages that may be caused by said extension, was taken up, the question being on its passage.

The resolve and order were passed, in concurrence, by a vote of 52 to 6, as follows:

Yeas—Adams, Anderson, Bickford, Bicknell, Blackmar, Bradt, Brooks, Burditt, Burt, Clatur, Collins, Cunningham, Dacey, Davenport, Devine, Doherty, Dolan, Emery, Faxon, Flanders, Flynn, Gragg, Hart, Hersey, Holmes, Hughes, Jones, Kingsley, Lamb, Loring, Marston, Martin, Moulton, Mullane, Noyes, Page, Pease, Perkins, Pickering, Prescott, Risteen, Robbins, Robertson, Robinson, Salmon, Shepard, Smith, Webster, West, Weston, Wilbur, Wright.

Nays—Caton, Darrow, Heath, Locke, McNutt, Whiston.

Mr. Flynn moved a reconsideration, which was lost.

## EAST BOSTON FERRY TOLLS.

The order that from and after January 1, 1873, the East Boston ferries shall be free to foot travel, was considered, and ordered to a second reading by a vote of 31 to 27, as follows:

Yeas—Adams, Anderson, Bickford, Bradt, Brooks, Burt, Collins, Cunningham, Dacey, Davenport, Devine, Doherty, Dolan, Flanders, Flynn, Gragg, Hersey, Hughes, Jones, Lamb, Locke, Marston, Moulton, Mullane, Noyes, Pease, Risteen, Robbins, Smith, Weston, Wright.

Nays—Bicknell, Blackmar, Burditt, Caton, Clatur, Darrow, Emery, Faxon, Hart, Heath, Holmes, Kingsley, Loring, Marston, McNutt, Page, Perkins, Pickering, Prescott, Robertson, Robinson, Salmon, Shepard, Webster, West, Whiston, Wilbur.

Mr. Smith of Ward 1 moved a suspension of the rules for the passage of the order, but a two-thirds vote being required, the motion was withdrawn.

The proposed petition to the Legislature by the town of Brookline for liberty to divert the waters of Muddy River, was referred, in concurrence.

The following orders were severally passed in concurrence:

Order for permit to be issued to D. Eddy & Son, for the erection of a wooden building on Adams and Gibson streets.

Order for permit to be issued to M. A. King, to erect a wooden building on Adams street, near Neponset avenue.

Order for permit to be issued to John Lalley, to enlarge a wooden building on Granite and Fifth streets.

Order for the payment of bill of Hersey Brothers, amounting to \$272.

Order for the purchase of land for a new house for Engine No. 12, and for the erection of a house thereon, at an expense of \$28,000, and to borrow the money therefor.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order authorizing Steam Fire Engine No. 6 to be repaired, at an estimated cost of \$1800.

Order for a conveyance to Nathaniel Brewer, administrator, of a triangular parcel of land on Washington avenue, containing thirty square feet, more or less.

Order authorizing \$500 to be paid to Joseph Winlock, Director of Harvard College Observatory, for

furnishing true time to the city of Boston for the present year.

Order fixing the salary of the Superintendent of the City Hospital at \$2500 per annum (exclusive of the amount allowed him as Admitting Physician), with sufficient house room, free of rent, and board for himself and family.

Order for a loan of \$53,000 to be added to the Scollay's-Building Loan. (City Doc. No. 104, 1872.)

On motion of Mr. Gragg of Ward 14, the order authorizing the taking of the Roxbury City Hall estates for additional accommodation for the Washington and Dudley schools, was taken from the table, and passed, in concurrence.

The report and orders authorizing a purchase to be made of the Old Colony & Newport Railroad Company of 14,788 square feet of land between Adams street and Dorchester avenue, at not exceeding fifty cents per foot, to be used for the erection thereon of a station house for the Eleventh Police District; and for a transfer from the reserved fund of \$7500, to be applied for the purchase of said lands, were taken from the table.

Mr. Flynn of Ward 7 inquired as to the necessity for so much land, to which Mr. West of Ward 16 replied that it ran through from one street to another, the price was low, and it was not too much, as it was contemplated to have a court room on the site.

The orders were passed, Messrs. Davenport and Locke alone voting in the negative.

A motion to reconsider the order was lost.

## PETITIONS PRESENTED AND REFERRED.

A. T. Stearns & Sons and others, for the extension of the fire-alarm apparatus to Ericsson street, Neponset. Referred to the Committee on Fire Alarms.

H. R. & W. B. Quigley, for leave to erect a temporary shed on Westminster street, between Windsor and Sterling streets. Referred to Committee on Survey and Inspection of Buildings.

N. T. Robinson and others and Everett Hook and Ladder Company, for a new nook and ladder house in Ward 16. Referred to Committee on Fire Department.

## QUARTERLY REPORT OF CITY REGISTRAR.

The quarterly report of the City Registrar, for the quarter ending Oct. 31, states that he has issued 1250 certificates of intentions of marriage, for which he received \$625, which sum has been paid into the City Treasury.

Ordered to be sent up.

## ORDERS PASSED.

On motion of Mr. Gragg of Ward 14—

Ordered, That there be allowed and paid to Company F, First Regiment, M. V. M., the sum of \$250, for repairs of their armory; said sum to be charged to the appropriation for Armories.

On motion of Mr. Brooks of Ward 1,

Ordered, That the Directors of the East Boston Ferries be authorized to sell by public auction the old building and other property on lands required for the location of the new slips for the North Ferry at East Boston; the proceeds of said sale to be paid into the city treasury.

Mr. Webster of Ward 6 offered an order to rescind orders relative to the conveyance of certain land in High-street place to John Field, and the dedication of land to public uses, and modifying such conveyance and dedication.

On motion of Mr. Flynn of Ward 7 the orders were referred to the Committee on Streets.

Adjourned.









## CITY OF BOSTON.

## Proceedings of the Board of Aldermen.

NOV. 5, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officer, without pay—D. W. Manning, for Winthrop-street Methodist Episcopal Church.

## PETITIONS PRESENTED AND REFERRED.

Nchemiah Gibson and others, that leave be granted to George P. Clark to run a dummy engine on tracks of the Union Freight Railroad and Broadway Railroad.

Thomas Gogin and others, for edgestones and sidewalks on Dorchester street from Eighth street to Dorchester avenue.

J. H. Chadwick and others, that edgestones and sidewalks be laid in Munroe street.

Charles R. Patch and others, that the Messrs. Ridgeway be allowed to run a dummy engine over the Cambridge railroad tracks to Bowdoin square, etc.

J. Morrill, Jr., that the sidewalk and edgestones at No. 61 Mount Pleasant avenue may be relaid.

Francis Chickey's heirs, to be paid for grade damages on Warrenton street.

Severally referred to the Committee on Paving.

Elizabeth Temple, for apportionment of her Shawmut-avenue betterment.

Nathaniel B. Doggett, for apportionment of his Shawmut-avenue betterment.

James Bowen, for apportionment of Shawmut-avenue betterment.

Severally referred to the Committee on Streets.

Nathaniel Adams and others, that a clock be placed in the tower of the Odd Fellows' Hall on Tremont and Berkeley streets. Referred to Committee on Clocks, etc.

C. A. Bartol and others, for the removal of a tree from opposite No. 60 Mount Vernon street. Referred to the Committee on Common, etc., on the part of this Board.

Henry Doherty, for extra compensation for the filling of Madison square. Referred to the Committee on Common, etc.

W. Pike, agent, for leave to exhibit a magical entertainment at Tremont Temple, Nov. 28. Referred to the Committee on Licenses.

Weston Lewis and others, for the reappointment of Robert S. Carroll as a constable. Referred to the Committee on Police.

Cook, Jordan & Morse, for acceptance of certain houses erected by them on land bought of the city.

S. S. Perkins and others, against the proposed erection of an engine house on Upton street.

A. & G. Gunn, that a new bond be issued for land purchased on Third and L streets. Severally referred to Committee on Public Lands.

## QUARTERLY REPORT OF SUPERINTENDENT OF MARKET.

The quarterly report of the Superintendent of Faneuil Hall Market gives the receipts for the quarter ending October 31, as follows:

Received for rent of stalls.....	\$10,396 50
"    "    cellars.....	5,385 00
"    permanent outside stands.....	702 75
"    fees for weighing at market scales,	95 33
"    rents of stalls in new market.....	3,030 00
"    "    cellars "    "    .....	1,462 50
	\$21,072 08

All of which has been paid to the City Treasurer.

Ordered to be placed on file.

## QUARTERLY REPORT OF OVERSEERS OF THE POOR.

The quarterly report of the Board of Overseers of the Poor shows the receipts and expenditures for the quarter ending Oct. 31 as follows:

Receipts—	
Cash on hand July 31.....	\$4,972 47
Drafts on City Treasurer, and requisitions for Temporary Home.....	15,098 54
Cash from cities and towns.....	1,240 00
"    "    State for care of sick.....	817 50
"    "    burials.....	1,986 00
"    for burials.....	14 00
	\$19,156 04

The expenditures were as follows:

Paid for burials.....	\$1,201 50
"    cities and towns for relief of Boston poor.....	2,012 15
"    expenses of City Temporary Home.....	2,098 54
"    pensions and grants at office.....	3,996 25
"    immediate relief of persons having no settlement.....	116 00
"    for groceries.....	2,362 00
"    salary of secretary.....	550 00
"    salary of bookkeeper.....	425 00
"    salary of clerks.....	175 00
"    salaries of visitors.....	900 00
"    office expenses.....	59 35
"    transportation.....	18 75
"    Charity Building expenses, salaries, fuel, etc.....	819 90
	\$14,734 44

Cash paid City Treasurer..... \$7,658 26

Cash balance in Treasury..... \$1,735 81

Ordered to be sent up.

## HEARING ON ORDER OF NOTICE.

The order of notice on the petition of the Metropolitan Railroad Company, for leave to construct a turnout, with switches, curve, etc., on Temple place, was taken up. No person appearing in relation thereto, the report was recommitted.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of H. R. & W. B. Quigley, Hook and Ladder Company No. 7, and N. T. Robinson and others in aid of the same, and of A. T. Stearns & Sons and others, were severally referred, in concurrence.

The quarterly report of the City Registrar was ordered to be placed on file.

The orders to convey to John Field a strip of land on High-street place, and to keep the remainder of the city's land open for the public use, were referred to the Joint Committee on Streets, in concurrence.

The following orders were severally passed, in concurrence.

Order authorizing repairs of Steam Fire Engine No. 6, at an estimated cost of \$1800.

Order for Directors of East Boston Ferries to sell by auction the old buildings and other property on land required for the new slips.

Order to allow \$250 for repairs on armory of Co. F, First Infantry, at 1867 Washington street.

Order fixing the salary of the Superintendent of the City Hospital at \$2500 per annum (exclusive of the amount allowed him as admitting physician), with sufficient house room, free of rent and board, for himself and family.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Dailey's Hibernian Troup, to exhibit an entertainment at Sumner Hall; George N. Armstrong and Milton Austin, as auctioneers; also licenses to sundry persons for hack stands and wagon stands, hack and wagon licenses, a coupé stand, for a transfer of a wagon license, and to keep intelligence offices and billiard saloons. Severally accepted.

Alderman Sayward, from the Committee on Health, reported in favor of petitions for stables, as follows: Eben A. Higgins, to occupy a wooden stable for one horse rear of 557 Fifth street; Noah D. Joyce, to occupy a stable for one horse on Laurel street, Ward 14; Thomas Flynn, to occupy a stable for one horse on Maverick street, near the stone wall; George F. Malcom, to occupy a wooden stable for one horse on Saratoga street; George S. Thom, to occupy a wooden stable for one horse on Warner avenue (Howard street), Ward 16. Severally accepted.

The same committee reported leave to withdraw on petition of Cyrus Wakefield for leave to occupy a wooden stable for seven additional horses rear of No. 7 North Centre street. Accepted.

The same committee, to whom was referred the petition of H. P. Kidder for leave to occupy a brick stable for seven additional horses on Stanhope street, made a report that permits having been granted to H. P. Kidder and F. H. Peabody to erect stables for the same number of horses, namely, thirteen, and said stables having been constructed without an intervening space, the committee would recommend that leave be granted upon the usual conditions. Accepted.

Alderman Poland, from the Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Isaac Cook & Co. for leave to construct a wooden building on Ward street, beyond the legal limits, made a report recommending the passage of the following order:



Ordered, That the Inspector of Buildings be authorized to issue a permit to Isaac Cook & Co. to construct a wooden building on Ward street, according to an application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted, and the order was passed.

Alderman Stackpole, from the Committee on Public Instruction, to whom was referred the communication from Henry Boyd in relation to the use of Tingley's automatic heat governor in the public schoolhouses, made a report recommending its reference to the Committee on Public Buildings. Accepted.

Alderman Stackpole, from the same committee, to whom was referred the request of the School Committee that rooms be prepared upon the upper floor of the schoolhouse on Tennyson street, for the use of the evening school for instruction in mechanical drawing, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to prepare the rooms on the upper floor of the Tennyson-street Schoolhouse, for instruction in mechanical drawing, at an expense not exceeding \$2500; to be charged to the appropriation for Schoolhouses, Public Buildings.

The report was accepted, and the order was passed.

Alderman Stackpole, from the same committee, to whom was referred the request of the School Committee that an additional room be furnished for the accommodation of pupils in the Mather District, Dorchester, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to furnish an additional room for the accommodation of pupils in the Mather District; Ward 16, the expense to be charged to the appropriation for Schoolhouses, Public Buildings. The order was read once.

Alderman Stackpole, from the same committee, to whom was referred the request of the School Committee that accommodations be furnished for an additional primary class in the Shurtleff District, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to furnish accommodations for an additional primary class in the Shurtleff District; the expense to be charged to the appropriation for Schoolhouses, Public Buildings. The order was read once.

Alderman Stackpole, from the Committee on Public Instruction, to whom was referred the request of the School Committee that temporary accommodation be furnished for an additional primary class in the Prescott District, made a report recommending the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to furnish temporary accommodations for an additional primary class in the Prescott District; the expense to be charged to the appropriation for Schoolhouses, Public Buildings.

The order was read once.

#### REPORT ON CANDIDATES FOR CITY ENGINEER.

The following report was laid before the Board: To the City Council—The committee who were requested to appoint three engineers to examine the several candidates for the office of City Engineer, would respectfully report that Messrs. Charles S. Storrow, James B. Francis and J. G. Chase, experienced engineers, were unanimously selected to perform that duty; and the result of the examination made by them is transmitted herewith.

(Signed) William Gaston, David L. Webster, James Power, L. R. Cutter.

The committee of examining engineers report that they have examined Joseph P. Frizzell, Henry W. Wilson and Joseph P. Davis, Henry M. Wightman having withdrawn in favor of Mr. Davis. After stating the qualifications of the several persons examined, they say of the last named—

Mr. Davis, in addition to a thorough special education as an engineer, has had a more varied and valuable professional experience than either of the other gentlemen; especially in that branch of his profession which relates to the supply and distribution of water and waterworks generally, does he appear to be eminently qualified. He has filled important positions upon several works of great magnitude, and of others has had the full responsibility as chief engineer.

The testimony of engineers of the highest pro-

fessional reputation is fully given to his capacity and attainments, and to the excellence of the work he has done. As the final result of their examination and inquiry, the Board are unanimous in their opinion that he best combines the qualifications most important for the discharge of the responsible duties of City Engineer.

The report was ordered to be printed.

#### REPORT ON ESTABLISHMENT OF A BOARD OF HEALTH.

Alderman Power, from the joint special committee to whom were referred the petitions of Joshua D. Ball and many others for the establishment of a new Board of Health, after having carefully considered the subject, made a report recommending the passage of an accompanying ordinance.

The ordinance comprises sixty-five sections. Section 1 provides for an appointment annually in January of a Joint Committee on Health consisting of three Aldermen and five Councilmen, whose duty it shall be to examine as often as once in each month the records and accounts of the Board of Health, also all applications for the Health Department, and report thereon to the City Council.

Section 2, the committee to have control of all expenditures, city stables, city teams, collection of offal, etc., and the employment of laborers in said department, the expenditures not to exceed the appropriations therefor, the work and contracts therefor to be performed satisfactory to the Board of Health and the City Council.

Section 3, the committee to make estimates for appropriations for the department on or before the 15th of February; 4, provides that the mayor shall be vigilant and active in protecting the public health, in seeing that the laws and ordinances are enforced, and to communicate his views to the Board of Health, and call upon the police and other officers, to aid him in the discharge of his duties.

Section 5 provides for the appointment of five persons by the mayor, to be confirmed by the City Council, (one member to be a physician in good standing) one member of the Board of Aldermen, and one member of the Common Council, who shall with the Mayor (to be ex-officio chairman) constitute the Board of Health, one each of the appointments to expire each successive year, and the members of the City Council to hold office for one year, the compensation of the members at large to be such as the City Council may determine.

Section 6, the Board to make rules for their own government and that of the agents under them, to be approved by the City Council; (7), to exercise all power now vested in the Board of Health by law or ordinances, with power to appoint officers, etc., subject to the approval of the City Council; (8), annually to send to the Committee on Health estimates in detail of appropriations required, bills for expenditures except those specially mentioned as under control of the Committee on Health, to be drawn by the chairman of the Board; (9), to make a report annually in May or June, a full and comprehensive statement of the acts of the Board for the year, with a review of the sanitary condition of the city, and transmitting various reports in that department to the City Council.

Section 10, to appoint annually, in March or April, a Superintendent of Health Department, subject to the approval of the City Council, and to fill vacancies and remove Superintendent at their pleasure, his compensation to be fixed by the City Council; 11 prescribes duties of Superintendent, the care of stables, teams, making arrangements for work, etc., furnishing carts and horses for the Paving Department when required; 12, to give bonds for faithful discharge of duties; 13, sales of materials, etc., to be recorded; 14, pay rolls to be made up and certified to by said Superintendent.

Section 15, the Board to appoint annually in April, subject to the approval of the City Council, a City Physician, to hold office one year, and who shall perform such duties, keep records and make reports as may be required, his compensation to be fixed by the City Council; 16, City Physician to examine, when notified, all nuisances, sources of filth, etc., and causes of sickness on board of vessels at any wharf; 17, an office to be provided for said physician, who shall vaccinate or revaccinate without charge all who may apply; to give certificates to children, etc.; 18, 19 and 20, prescribe other duties in keeping vaccine virus, examining cases of disease, attending to cases at the jail and station houses, etc.



Section 21 provides for duties of harbor police in giving notice of arrival of vessels with hides, rags or fruit, at certain seasons; 22, masters and consignees of vessels with the articles above specified to give notice; 23, the quarantine grounds to consist of Deer Island and Gallop's Island.

Section 24, the Board in April to appoint a Port Physician, to hold office one year; 25, said physician to reside at Deer Island; 26, authorized to appoint an assistant.

Sections 27 to 31 relate to the interment of the dead; 32, appointment of undertakers by the Board of Health, subject to approval by the City Council; 33 to 38 also relate to interments, opening of graves, removal of dead, services of undertakers, etc.; 39, the Board of Health to make regulations in relation to interments, etc.

Sections 40 and 41 relate to vaults and drains, and their construction; 42, Superintendent of Sewers authorized to permit passageways or conduits under ground for contents of vaults, etc; 43 to 47, regulating privies, vaults and drains in dwelling houses; 48, waste water to be properly conveyed under ground; 49, regulating tenement houses; 50 to 55, relating to house offal, ashes, etc., and their removal.

Section 56, regulating the sale of fish, the same to be clean, etc; 57, prohibiting the sale of fish, lobsters, etc. in the streets, except by permission of the Board of Health; 58, regulating the sale of vegetables; 59, prohibiting the keeping of fowls, swine or goats; 60, occupants of stables not to wash carriages in the streets; 61, regulating the removal of manure; 62, prohibiting the bringing or landing of damaged grain, fruit, vegetables, etc.; 63, penalties prescribed; 64, Board authorized to adopt other regulations; 65, repealing all ordinances inconsistent herewith.

A minority report was also submitted, signed by Mr. Webster of the Council, giving objections to some of the provisions of the ordinance reported by the committee. Objection is made to section 2, relating to the control of expenditures in the Health Department, so far as relates to the requirements being satisfactory to the City Council, on the ground that to require the approval of so many parties would cause dangerous delay, divide the responsibility, and lead to a careless and uncertain performance of the work. The present action for reorganization of the department has been undertaken to remedy the defects now existing, a fruitful subject of comment during the past four years.

It is objected that the appointment of a Committee on Health makes it unnecessary to provide that there shall be any member of the City Council on the Board of Health, as the committee will be in a position to give any information in regard to the operations of the department which may be required by the City Council. It would be impossible for the Mayor, in the discharge of other duties, to act as chairman of this board, and the appointment of members of the City Council, from their business obligations, would but impede the operations of the board. To act officially the board ought not to be composed of more than three persons, who should be required to give their whole attention to the duties of the office. Another objection to a mixed board is in providing that some are to have salaries and others not, which would prevent a harmonious working of the department.

Objection is also made to the provision in section 6, making the rules and regulations subject to the approval of the City Council, as entirely unnecessary, and calculated to hamper the actions of the board. Other boards are not subject to like requirements. A similar objection is made to a provision in section 7, requiring the approval of the City Council to the appointment of subordinate officers. The requirement in section 8, in relation to the approval of bills, is believed to be entirely unnecessary as a safeguard.

Objection is also made to section 10 in providing that the appointment of Superintendent shall be subject to the approval of the City Council, but the appointment might be made subject to the approval of the Mayor.

The requirements of the Superintendent to do certain work, subject to the approval of the City Council, in section 11, and the appointments of a City Physician and Port Physician, sections 15 and 24, subject to the approval of the City Council, are also objected to. The remaining sections, excepting the last two, are taken from the ordinances at present in force, and amended by inserting the "Board of Health," in place of the "Board of Aldermen" and the "City Registrars" wherever they occur. Other objections are mentioned, in making

the assistant of the Port Physician subject to the approval of the City Council, and there is no reason it is said why the Mayor and Aldermen should not continue to appoint undertakers.

For similar reasons given, it is believed to be unnecessary to have the approval of the City Council in the making of other regulations, as provided in section 64, for, with the limitations and restrictions put upon the new board, under this ordinance, it would be less efficient than the old one. Objection is made to section 65 in not providing for the continuance of present officers for a day after the organization of the new board. These defects are believed to be fatal to the successful operation of the new board, and are so numerous as to make it necessary to re-draft the whole ordinance.

A new draft is accordingly submitted, with a recommendation that it be substituted for the ordinance reported by the majority of the committee.

The reports and ordinances were laid on the table and ordered to be printed.

#### ORDERS PASSED.

On motion of Alderman Clark,

Ordered, That there be paid to the proprietors of the Parker Memorial Meetinghouse the sum of \$140 40, being the amount taxed upon their land May 1, 1872, taken in the extension of Appleton street to Tremont street, by a resolve of the Board of Street Commissioners May 27, upon their giving to the city a receipt; the same to be charged to the appropriation for Extending Appleton Street.

Ordered, That there be paid to Arioch Wentworth the sum of \$340 80, being interest on award of referees of his damages from the removal of Scollay's Building, from date of said award, October 21, to November 1, 1872, at six per cent. per annum, upon his giving to the city a receipt for the same; to be charged to the Scollay's Building Loan.

Ordered, That there be paid to Linus B. Comins the sum of \$11,221 60, for land taken and all damages occasioned by the extension of Williams street, by a resolve of the Board of Street Commissioners, September 16, 1872, upon the usual conditions; to be charged to the appropriation for Widening Streets.

An order also to provide for an apportionment of the assessments upon Edward Blake and John A. Loring, trustees, for Atlantic-avenue betterments.

An order also assessing betterments on Harrison avenue, the expense of the extension of said street from Eustis to Warren street being estimated at \$118,664 30. The amount of betterments is estimated at \$75,000, and the amount assessed at \$37,545, varying in sums of \$50 to \$2100, the largest of which is upon the estate of Mrs. Thorndike. The others, above \$1000, are \$1800 each upon Henry B. Chamberlin and heirs of Peter Goodnow, \$1600 each upon W. E. Woodward and John F. Newton, \$1200 W. E. Woodward, \$1100 each John F. Newton and Henry Kelley, and \$1000 Sampson & Davenport.

#### HEARING ON THE SITE FOR THE NEW COURT HOUSE.

Alderman Power stated that since the closing of the hearing on the question of a site for a new Court House, notices had been published in some of the papers leading persons to suppose that the hearing was to be continued, and this had been the occasion of the appearing of a large number of gentlemen present. He moved that the hearing be again opened.

Alderman Jenks suggested that it would be better, first, to take up the special assignment, the order to take all the real estate bounded by Temple, Mt. Vernon, Hancock and Derne streets as a site for a new Court House. (City Doc. No. 101.)

On motion of Alderman Clark, the special assignment was taken up, when the motion to reopen the hearing was adopted.

D. B. Gove referred to the patience with which this question had been considered by the Board of Aldermen, yet he said there were some points which had not been touched upon by those who had spoken upon the subject. What should they do, and what was wanted for the city was the question, and he urged some considerations why the location selected was not the best one. The members of the bar, merchants, residents upon the hill, all opposed the location, and while the Board were deliberating many women who were not here were pondering anxiously whether their residences, so long occupied by them, were to be taken from them.

Mr. Gove gave some statistics relating to the attendance on one branch of the courts, that from



nine to twelve o'clock on one day there were 1063 persons, besides 190 lawyers, and other officers, and 63 culprits, to whom, he contended, it would be an inconvenience to go to Beacon Hill. There was an adage of law, that when one does not know what to do, the way was to do nothing, and he heard a distinguished jurist say not longer ago than last Friday that with taking away of the criminal courts the present Court House would afford sufficient accommodations for twenty years. Should a removal be made to the reservoir lot, such a building could not well be erected to compete with the State in expenditure and architecture with the State House.

Alderman Clark moved that in the further hearing, each speaker be limited to five minutes, and that as little sentiment and poetry be given as possible. As this was a favorable opportunity, he asked leave to present a petition from many lawyers in favor of the reservoir site.

The petition was read, from George P. Sanger, Seth J. Thomas, W. A. Field, Charles A. Welch, George A. Somerby and sixty other members of the bar of Suffolk County, in favor of the location of the Court House upon the lot recommended by the committee, as combining conditions of room, light, air, quiet and economy, in their judgment, not elsewhere to be had, and especially that this public necessity may not be longer deferred.

Alderman Poland objected to limiting other speakers, the fullest opportunity having been given heretofore to all persons to give their views upon the subject. Five minutes would not be enough, and he moved to amend by making the limit fifteen minutes.

Alderman Clark said his object in the motion was to give all the people present who wished an opportunity to state their views, and in further remarks said he did so at the request of some of the remonstrants.

Alderman Power favored the longest time.

The amendment was lost, and the original motion was carried.

Alderman Poland moved a reconsideration of the vote, stating that it was in a bad spirit to limit the time by those who are in favor of the report of the committee. There were some pills which would be hard for them to take, and if not taken from the remonstrants, they would be taken from him. To press the question in this way would not be fair.

Alderman Clark said he was willing to leave the question of limiting the time to the remonstrants, to settle the matter.

The motion to reconsider was carried, and after some further discussion on the question of limiting the time to ten and fifteen minutes, the motion to limit speakers was withdrawn.

Henry W. Paine said he had been requested to come here and give an opinion as to the proper location for a Court House, and it was but an opinion, for the time would soon come when he should no longer have occasion to visit the Court House. It was evident that the present Court House was not a fit place for courts, in the matter of quiet and air. If a new Court House is to be built, the question is where it shall be. He had not conferred with members of the bar as to their opinions in regard to a location, but the requirements in his view were, first, a place of quiet, and, second, convenience of access by those who are most called upon to visit the Court House.

In considering these questions, Mr. Paine said the members of the bar generally, those who have occasion to visit the Court House frequently, and their clients—a large portion of them—must come from the other side of the proposed location. In this opinion he claimed to represent nobody but himself, and he could give reasons at length in favor of that location; but as one lawyer who knows when he is done and has nothing more to say, he would conclude his remarks.

Francis Bartlett read a letter from Judge E. R. Hoar to William G. Russell, opposing the reservoir site, preferring, as great as the present evils were, to submit to them rather than to go there.

Charles B. Goodrich said that the primary and prominent consideration in this case was, in what place would the public convenience be best served. In the attendance upon courts, the lawyers, jurors, parties and witnesses in a large proportion come from south and east of this point. It would be inconvenient for most of those to go to the proposed site, especially those who are obliged to take their books to the courts. The place which would best accommodate all parties would be the nearest to this and the most convenient. The Register of Probate, Register of Deeds and the City Clerk were

sometimes required to produce books in court, and the court should be nearest to those officers.

Mr. Goodrich objected further to the removal of the reservoir, that it should remain where it is. It would be the least injury to others in the vicinity, and in consideration of the question of a site, he said the responsible duty upon the Board was that the convenience of those who are most frequently and generally required to attend upon the courts, should be regarded as the turning point. So far as the question of cost was involved, it should be considered in a broad and unimportant sense, and not whether it would be \$50,000 more or less. When a determination was made as to what the public convenience requires, then the question of expense should be considered, in making it as economical as the public good requires.

Sidney Bartlett said he wished to give his opinion only, and not to argue the question. Aside from the question of cost, the only consideration which ought to have weight is, for whom are you to provide a Court House? In terms, the public generally, but primarily for suitors, witnesses, jurors and counsel. Two considerations were embraced in this question—the location and where are drawn the classes who attend upon the courts. These parties are drawn from the great centres of business, and, if required to go to the hill, it would diminish the public convenience. The expense was so incommensurate that it would be better to sacrifice that to public convenience.

Joseph C. Tyler stated that he had resided in Temple street for twenty years, and that street is fast becoming more travelled and noisy, in the direct line from railroads at the north part of the city to those at the south. The noise would soon become so great as to incommode courts at the proposed site.

Ezra Farnsworth read a letter from Alpheus Hardy, representing one of the largest taxable estates in the city, opposing the proposed location, and representing that it would not afford the architectural appearance which the expenditure for such a building should do, and the taxpayers require.

Philip H. Sears confirmed the views of Mr. Tyler in regard to the travel through Temple street, and stated as his belief that the sixty lawyers who signed the petition in favor of the proposed site were probably all who favored it, while there were many who had not signed the remonstrances who were opposed to it. The Clerk of the Supreme Court, who signed the petition, had expressed regrets for so doing, believing the proposed site was the worst which could be found. He would suggest that the waste of time in going to the Court House should be considered. The time occupied by business men in the busiest part of the day in going there would be so much capital thrown away. The time occupied in taking vouchers, books and accounts by business men to the courts, so much time wasted, would be of immense value.

No one else desiring to speak, Alderman Jenks called for taking the question.

Alderman Clark hoped the question would not be taken, for he did not care about voting on it at this time.

Alderman Jenks said he had waited patiently, and wished to hear the views of the chairman of the committee, who knows most about it.

Alderman Clark moved the postponement of the subject for one week.

Aldermen Jenks wished to know whether there was to be another hearing, or whether this was to be the last.

Alderman Clark said he hoped this was the last.

Alderman Poland said it might not be convenient for some to speak on the subject; he was content that it should be laid over, or if not, ready to go into a consideration of the subject.

The motion to lay over was carried.

Alderman Sayward moved to take from the table the orders to provide additional accommodations for the Roxbury High School, including new heating apparatus, at a cost of 30,000, to be raised by a loan.

Alderman Jenks said he was not content to vote for these orders until the question of the Metropolitan stable had been disposed of, and if a stable was to be located near the school, he should vote for another locality.

The motion to take up the orders was lost.

Alderman Stackpole offered the following orders, which were read once:

Ordered, That the Committee on Public Buildings be authorized to erect a grammar school-house for the accommodation of the Washington and Dudley Districts on the City-Hall estate, Boston Highlands, belonging to the city of Boston, at an estimated expense of \$90,000.



Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$90,000; to be applied to the erection of a grammar schoolhouse, Dudley District.

Alderman Stackpole offered the following orders:

Ordered, That the Committee on Public Instruction, who were authorized by an order approved by the Mayor on the 20th of August last to purchase certain land as a site for the English High and Latin School for a sum not exceeding \$280,000, be and they hereby are authorized to purchase, for the same purpose, instead of the land therein described, the estates on Warren avenue and Montgomery street, belonging to John L. Gardner, comprising lots numbered from 182 to 194, both inclusive, and lots numbered from 204 to 207, both inclusive, and the fee in the passageway twenty feet wide from a point 125 feet and 6 inches southwest-erly from Clarendon street to a point 100 feet north-easterly from Dartmouth street, as shown on a plan recorded with Suffolk Deeds, lib. 682, fol. 123, (except a strip six inches wide and 100 feet long on the northeasterly side of said lot, numbered 204, and except a strip two and a half feet wide and 100 feet long, on the southwesterly side of said lot (numbered 217), containing 66,800 square feet, more or less, exclusive of the passageway, and also all said Gardner's interest in said strip 2½ feet wide; and that said committee be and they are hereby authorized to purchase for said purpose also the estate on the corner of Warren avenue and Dartmouth street, owned by the Washington Home, containing 10,000 square feet; provided that the said purchases do not exceed in the aggregate the sum of \$280,000 appropriated therefor; to be charged to the special loan authorized for the purchase of a site for the English High and Latin School.

The question being upon the passage of the order, Alderman Jenks referred to the former consideration of the question, when it was charged that by opposition of the gentleman on his left, and the delay occasioned, it cost an additional sum of \$20,000. It was some one else, who went away down East, who caused the delay, and not that gentleman.

Alderman Poland inquired as to the merits of the case.

Alderman Clark replied that the order was simply to correct a clerical error, but did not affect the amount or value of land to be purchased. It was precisely the same in legal shape.

Alderman Stackpole stated that an error was made in copying the original order.

Alderman Poland objected to passing the order now, as it might be necessary to do it all over again, should it prove to be wrong.

Alderman Cutter inquired how much the error had cost the city.

Alderman Stackpole replied, not one cent.

Alderman Cutter said, as the order did not provide for taking the other houses on the land adjoining, he should vote against it.

Alderman Clark replied that he did not suppose the Alderman would vote for it.

Alderman Cutter said it had been thrown upon them that the opposition had cost \$20,000 by delay, while the delay was by an Alderman who went down East. The other land should be purchased, because it had got to be done.

Alderman Power objected to further delay.

Alderman Cutter was not willing to expend half a million of dollars for a site for a schoolhouse.

Alderman Jenks moved that the order be recom-mitted, with instructions to the committee to as-certain and report what would be the cost of the remainder of the lot.

Alderman Clark opposed the motion, repeating that it was a clerical error alone that made it necessary to bring it up again. The City Solicitor and the Mayor had examined it, and a clean title could be had, and it was hoped the bargain would be concluded so that they could begin to put in the foundations for the schoolhouse before the freezing of the ground.

The motion to recommit was lost by a vote of 4 to 7, as follows:

Yeas—Cutter, Jenks, Poland, Squires.

Nays—Clark, Fairbanks, Little, Power, Stackpole, Sayward, Woolley.

Alderman Poland moved that the order be laid over one week.

Aldermen Sayward and Clark opposed further delay, and Alderman Poland urged the motion.

Alderman Clark declared delays to be dangerous, and that a delay might cost the interest of \$500.

Alderman Jenks inquired if interest had been paid, or was to be paid.

Alderman Stackpole replied that from the time the bargain was made to last Friday, no interest had been paid, and to a further question whether an agreement had been made to pay any, he declined to answer.

Alderman Power declared that there was no reason for delay, unless the opponents of the order meant to defeat it entirely. It had once been passed, and but for a clerical error would not have been changed.

Alderman Jenks wished to be excused from vot-ing on the order, not having examined it.

The motion of Alderman Poland was lost, when the order was passed.

Alderman Clark moved a reconsideration of the vote, but hoped it would not prevail.

Alderman Poland objected to this system of tac-tics, as having no regard to honor.

Alderman Sayward said if he believed any mem-ber did not fully understand the merits of the question he would vote for reconsideration.

Alderman Jenks said he had not the slightest knowledge of its merits.

The motion to reconsider was lost.

On motion of Alderman Fairbanks, it was voted that when the Board adjourn it be to Friday next, one o'clock, and Alderman Fairbanks and Power were appointed a committee to examine the re-turns of votes cast at the election this day.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, orders to furnish and set edgestones and pave sidewalks on Silver street, between Dorchester avenue and B street, and to pave the roadway with wood, the last at an expense of \$800; to set edgestones on Northamp-ton street, west of Tremont street, also to grade the street, at a cost of \$3500; to pave sidewalks with brick on Fourth street, between N and P streets; to pave sidewalks with brick on North Grove street; to pave sidewalks with brick on the southerly side of Warren street, between Walnut and Buena Vista avenues; to lay sidewalks with brick on Telegraph street, from No. 61 to No. 69; to furnish and set edgestones and lay sidewalk with brick on L street, between First street and Broadway.

Also to pave Fourth street, between B and C streets, with small granite blocks, at a cost of \$8500; to reset edgestones and relay sidewalks in Bennet street, and pave the roadway with wood, at a cost of \$3500; to grade Brighton avenue, be-tween Beacon street and the Brookline line, at a cost of \$12,000; to pay John Ollis \$500 for Cabot-street grade damages; to pay P. English \$250 for Paris-street grade damages.

On motion of Alderman Fairbanks, an order to construct a common sewer in Eighth street, be-tween D and E streets.

On motion of Alderman Clark, orders to pay Henry Winthrop Sargent \$60,000 for land taken to extend Devonshire street; to pay W. P. Mason and C. H. Parker, executors, \$676 for land taken for widening of Emerson street; to pay William H. Horton, Jr., and James B. Horton, \$240 for land taken in extension of Shawmut avenue; to pay Mary B. Parkman \$5286 75, and Charles B. Hildreth \$2631 20 for Emerson-street widening; to pay So-phia Speidel \$328 75 for land taken to widen Web-ber street; to pay J. W. Gerard and J. N. Platt, trustees, \$5389 20 for land taken for extension of Marion street.

Alderman Fairbanks offered an order directing the Street Commissioners to widen Portland street to sixty feet from Hanover street to Causeway street, in the manner provided by order of March 21, 1872, and transmit an estimate of the cost to the City Council.

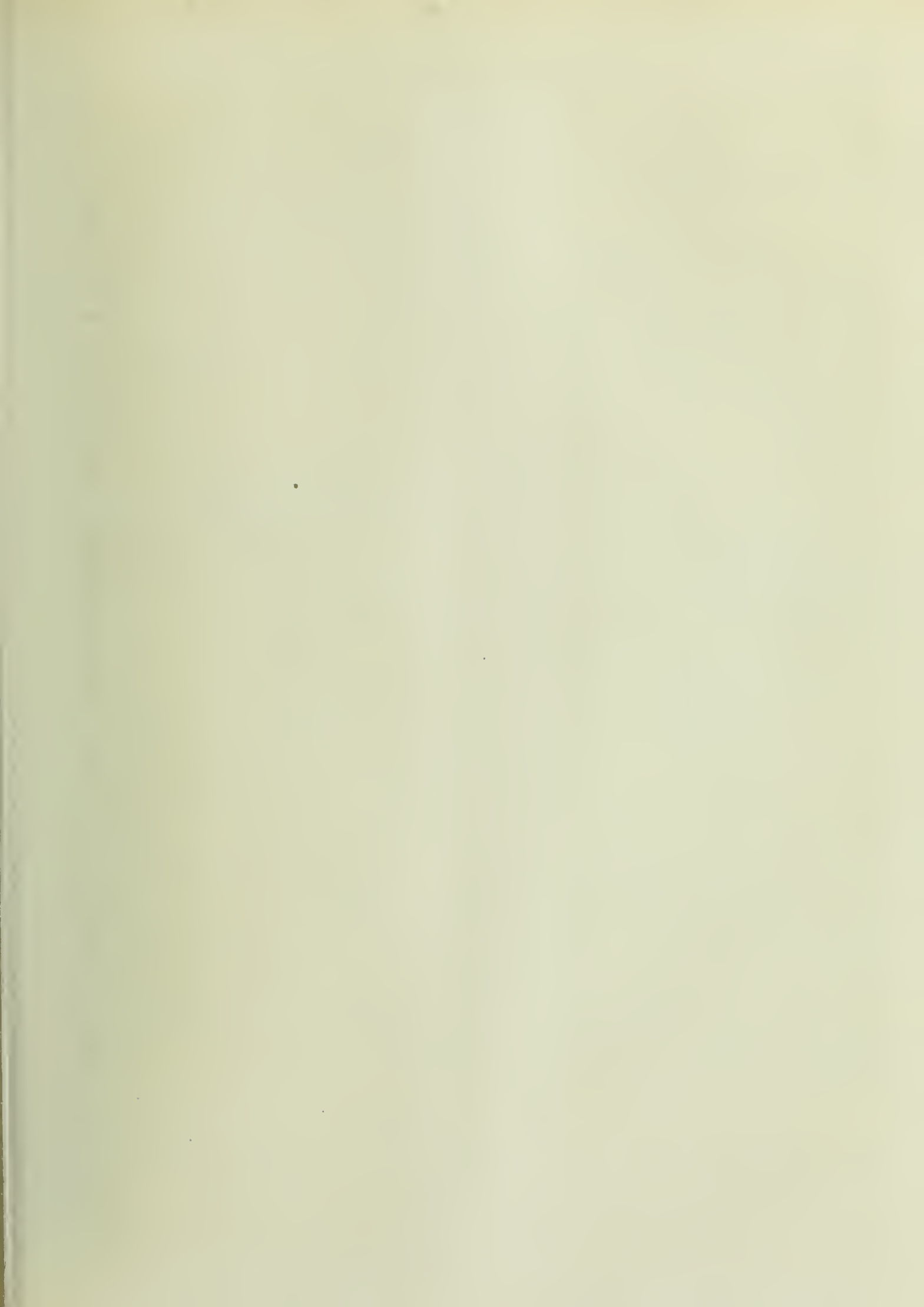
A motion to give the order a second reading at this time was objected to by Alderman Cutter, and the order was laid over.

#### ORDERS OF NOTICE.

On petition of Union Freight Railroad Com-pany, for leave to lay down tracks on Eastern avenue from their present tracks on Commercial street. Hearing on Monday, November 25, 4 P. M.

On petition of Thomas F. McGann, for leave to use a steam boiler and engine at No. 83 Portland street. Hearing on Monday, November 25, 4 P. M.

Adjourned to Friday, one o'clock.

















## CITY OF BOSTON.

## Proceedings of the Common Council,

NOV. 7, 1872.

The regular weekly meeting of the Common Council was held this evening at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

On motion of Mr. Clatur of Ward 4, the roll was called, when the following-named members answered to their names:

Adams, Anderson, Bickford, Bicknell, Bradt, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Dacey, Darrow, Davenport, Devine, Dickinson, Dolan, Emery, Flanders, Flynn, Hart, Heath, Hersey, Hughes, Jones, Kingsley, Lamb, Loring, Martin, McNutt, Noyes, Page, Pease, Pickering, Prescott, Robbins, Robertson, Robinson, Shepard, Smith, Thacher, Webster, West, Weston, Wilbur, Wright.

## PAPERS FROM THE BOARD OF ALDERMEN.

The quarterly report of the Overseers of the Poor was ordered to be placed on file.

The petitions of Cook, Jordan & Morse, Henry Doherty, and of A. G. Gunn, and the remonstrance of S. S. Perkins and others, were referred, in concurrence.

The reference to the Committee on Public Buildings of a communication from Henry Boyd in relation to the use of Tingley's automatic heat governor in the public schoolhouses was concurred in.

The report of the committee on the appointment of examiners of candidates for the office of City Engineer, together with a communication from said examiners, submitting as the final result of the examination, that of the four candidates presented, Mr. Joseph P. Davis, in the unanimous opinion of the examiners, best combines the qualifications most important for the discharge of the responsible duties of City Engineer, was accepted, and ordered to be printed, in concurrence.

Report and order authorizing rooms to be prepared on the upper floor of the Tennyson-street schoolhouse for the use of the evening school for instruction in mechanical drawing, at an expense not exceeding \$2500, was read once.

The following orders were severally passed, in concurrence:

Order authorizing a permit to be issued to Isaac Cook & Co. to construct a wooden building on Ward street, in accordance with an application on file.

The order that the Committee on Public Instruction, instead of purchasing as a site for the English High and Latin schools the land as authorized on the 20th of August last, be authorized to purchase for the same purpose certain estates on Warren avenue and Montgomery street, belonging to John L. Gardner; also the estate on the corner of Warren avenue and Dartmouth street, owned by the Washingtonian Home, as in said order described; provided said purchases do not exceed the \$280,000 appropriated therefor, was read once.

Mr. Emery of Ward 10, in asking for a suspension of the rules for a passage of the order, stated in explanation that it was the same substantially which was passed some time since, in which there was a clerical error in copying the original order, in not designating the numbers of the lots on Montgomery street. This error was discovered when the parties came with their deeds for a final settlement of the purchase.

The suspension of the rules was carried, when the order was passed, in concurrence.

A reconsideration was moved, which was lost.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Orders authorizing the purchase of a lot of land on the corner of Winslow and Dudley streets, and the erection thereon of an engine house for Engine Company No. 12, and for a loan of \$28,000 to be applied therefor.

Order for a loan of \$1,500,000, to be expended in settlement of land and grade damages that may be caused by the extension of Washington street to Haymarket square. Passed unanimously.

## ABOLITION OF FERRY TOLLS ON FOOT PASSENGERS.

The order that from and after January 1, 1873, the East Boston Ferries shall be free to foot travel being under consideration—

Mr. Dacey of Ward 2 moved a recommitment of the order, and that the committee be instructed to obtain the opinion of the City Solicitor as to its legality.

Mr. Dacey, in support of the motion, said he had been in favor of abolishing the tolls on foot passengers, as his vote at the last meeting of the Council showed, and of the total abolition of tolls on the ferries, so that capital and business would flow to East Boston; but that his attention had been called to the subject that under the act authorizing this city to purchase the ferries it would not be legal to abolish the tolls partially, while the abolition might be wholly. The most ardent friend to free ferries should not object to the settlement of this question before taking action upon the order. If legal, he would vote for the order, but not otherwise.

Mr. Pease of Ward 1 believed that the gentleman might be accommodated, should the order be passed, for the Mayor would not sign it if it was unconstitutional, and he would no doubt consult with the City Solicitor in relation to it.

Mr. Fitzgerald of Ward 7 said he had not voted on the subject as yet, and he did not want to wait, as proposed, to have the matter go to the Mayor to be settled. If the order was not legal, it seemed to him that the time to ascertain it was now, before it should be passed.

Mr. Fitzgerald said his attention had been called to the provisions of the statutes of 1869, chapter 155, which would be found in the city ordinances; in section 12 it is provided that upon the completion of the purchase of the ferry, the City Council shall determine whether the interests of the city will be best promoted by maintaining said ferry thereafter free of tolls, and in case they shall decide so to do, the Board of Aldermen shall adjudge and determine whether, or what part of East Boston and Breed's Island shall receive any benefit therefrom, beyond general advantages, and assess betterments therefor. In the last section it is provided that the Board may levy and collect such rates of ferriage as they shall judge expedient upon all teams and vehicles passing over the ferry from any place beyond the limits of the city.

The act of 1869 then authorized the city to free the ferries from all tolls, but if expedient, levy tolls on vehicles or persons passing over the ferry from outside of the city. So then under the act there is no power to partially abolish the tolls upon residents of the city, but they may be wholly as provided in section 12. Before voting on the order he would like the opinion of the City Solicitor on its legality. To lay the matter over for one week for the purpose no one would be injured, and it should not be passed without thought, if it was likely to be pronounced illegal. He should prefer with Mr. Dacey to lay the order over and not put the Mayor to the trouble to decide against its legality.

Mr. Shepard of Ward 4, in agreeing that the legality of the order should be decided upon, asked the Chair to rule it out of order, as in conflict with the statute.

The Chair said this was a delicate question to decide, but as he understood the prerogatives of the Chair, it was not his province to rule out what may be supposed to be in conflict with the statute, while it was his duty to make decisions in relation to the rules of the Council. It would be impossible for the presiding officer to rule what was law on every question which should come up. Every legislative body has its legal adviser to which such questions are referred. There was a provision in Cushing, which he cited, which might appear to have a bearing on such a question, but he should consider it unsafe and unwise to rule on any such question.

Mr. Shepard urged that should the order prove to be illegal it would be invalid, and it concerned the friends of the order to have that legality passed upon. It was a custom in the City Council, when any question arises of doubtful legality, to obtain the opinion of the City Solicitor, and not to throw the responsibility upon the Mayor. Under section 12 of the ordinance of 1869, it was doubtful whether a partial abolition of tolls could be made; but under the provision to free them wholly came the question of betterments—they could not have the one without the other. They must conform to the law, and as this was an honest question of law to be determined no friend or opponent of the measure should refuse to ask the opinion of the legal adviser of the city upon it. He should ask the yeas and nays on the recommitment and on the main question.

Mr. West of Ward 16 referred to the provisions of the law, that, upon the completion of the pur-



chase, the city shall determine the question of tolls; whether it should be twenty years thereafter, or immediately, was one point to be considered. They ought to understand the ground upon which they stand before committing themselves.

Mr. Dickinson of Ward 11 (Mr. Pickering in the chair) said he did not think an apology was needed, in his speaking on the question, especially as he had been called upon to rule upon the subject. The position he held last year as a citizen and not as a partisan, justified him in saying something, but it was not upon a discussion of the merits of the question he was required to speak. It was the question of the matter of doubt of the legality of the order which it was their imperative duty to determine before going ahead in its passage.

Mr. Dickinson cited the provisions of the law to which the attention of the Council had been called. On the completion of the purchase they should determine the question of tolls; and if determined to be free, then the question of betterments came in. The apportionment of betterments was conditional upon the total abolition of tolls; but not a dollar could be assessed without a total abolition of tolls. In the language "on the completion of the purchase," he did not think it meant necessarily immediately, but afterwards. It might be a question for the City Solicitor to determine, whether the action of last year was not a part of the transaction; but let that go.

It is provided that the City Council shall determine upon the question of tolls, not a partial abolition, but wholly. Under such an order, if he lived in East Boston he should refuse to pay tolls on a vehicle, and no doubt that course would be pursued. It is provided that in abolishing all tolls, they may be reimposed on others residing outside of the city, but nothing short of the total abolition applies to residents. With the abolition of all tolls is connected the question of betterments, and it could not be supposed that three-fourths of the tolls could be taken off, and the great advantage of betterments be given up. He would rather provide that the whole tolls should be abolished than as proposed, with the loss of betterments.

Under such circumstances it was clearly their duty to know the ground upon which they stand, and it would not be necessary to pass the order tonight or next week. They should obtain an opinion from the officer authorized to give advice before they settled the question, not knowing whether it was legal or not. The cause could not suffer, and it would be puerile in them on a question of doubt to act without taking the advice of the City Solicitor. Much better would it be to abolish all tolls and get the benefit therefrom, than abolish three-fourths and get no return.

Mr. Brooks of Ward 1 said the question whether they had a legal right to free the ferries had been under consideration the last six months, and a doubt had never been raised before. Last year some of the best legal talent in the State was engaged on the hearing in relation to freeing the ferries, but this was the first time the legality had been raised. His judgment was that the question was raised by the opponents of free ferries to enable them to get breath. The question could as well be determined now as two weeks hence.

Mr. Shepard repeated his motion for the yeas and nays on the question.

Mr. Pease of Ward 1 hoped the motion to recommend would not be pressed, and that the question should be allowed to stand upon its merits. Mr. Pease offered an order that the City Solicitor be requested to inform the City Council if in his opinion it is illegal to partially abolish the tolls on the ferries, or, in other words, whether the order before the Council is illegal.

Mr. Perkins moved to strike out the first portion of the order, so that the opinion shall not be upon any hypothetical case, but upon the order under consideration.

Mr. Fitzgerald suggested as another point upon which an opinion was desired, that the City Council having once determined the question of tolls as provided in section 2, whether under the same act the question can be brought up a series of times, year after year.

The original order was laid on the table.

Mr. Perkins of Ward 6 submitted an order as a substitute for the order of Mr. Pease, as follows:

Ordered, That the City Solicitor be requested to furnish this Council at its next meeting, or as soon thereafter as possible, his opinion in writing, whether the order now before the Council providing that the East Boston ferries shall be free to foot travel, is in accordance with the laws of the Commonwealth.

Mr. Smith of Ward 1 moved to strike out the words "or as soon thereafter as possible."

Mr. Perkins referred to a recent case in which it was insisted that those words should be used, and in a matter of so great importance as this the deliberate opinion of the City Solicitor should be had. He might be sick or other cause prevent his giving an opinion in a week, and he would no doubt give it as soon as he can.

Mr. Brooks advocated the amendment, and Mr. West opposed it, believing the City Solicitor had other business than this to attend to, and time should be given to give a fair opinion on the subject.

Mr. Smith did not object to reference of the order to counsel as being the quickest way of settling the question, but in the ferry war the cry had always been for more time in which to kill the measures for free ferries. He was willing to give two weeks, if required, but did not wish to have the question go over to the 1st of January. It had been before the City Government in various forms for the last thirty years, and as the legal gentlemen of the Council appeared to be well posted on the subject, he hoped the amendment would be adopted and the opinion obtained at once.

Mr. Perkins said it was not to be expected that the City Solicitor would give off-hand interpretations of laws, but in giving an opinion they wanted one good for something. He trusted he would give an opinion as soon as possible.

Mr. Brooks thought one week would be long enough.

Mr. Fitzgerald moved the previous question, which was sustained.

The Chair put the question "Shall the words stand?" as proposed to be struck out.

A doubt was expressed about the vote from the manner in which the question was put, and the question being put again, the words were struck out, 20 voting in favor of retaining them, and 39 against.

As amended, the order was passed.

#### PETITIONS PRESENTED AND REFERRED.

Thomas Hany, for leave to build a wooden shed on Athens street, South Boston. Referred to Committee on Survey and Inspection of Buildings.

Charles L. Flint and others, in aid of petition of R. H. Stearns and S. W. Luce. Referred to Committee on Public Lands.

Chester J. Reed, trustee of E. W. Clapp, for the refunding of a tax. Referred to Committee on Assessor's Department.

On motion of Mr. Bradt of Ward 14, an order was passed to continue the salary of Edward G. Richardson, deceased, to the 1st January, 1873, he having served the past fifteen years as a truant officer.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
NOV. 8, 1872.

An adjourned meeting of the Board of Aldermen was held at one o'clock, this afternoon, Alderman Little, the chairman, presiding.

## PETITION PRESENTED AND REFERRED.

H. H. Winslow in relation to charges against R. S. Carroll, formerly a constable. Referred to Committee on Police.

## REPORTS ON RETURNS OF VOTES.

The committee appointed to examine the returns of votes cast in the several wards of this city on the 5th inst. for national and State officers made a report—

That they find the several returns are properly made and the result correctly recorded in the book kept for that purpose and they recommend that the usual certificates of said results be transmitted to the secretary of the Commonwealth, as provided by law.

The committee report that it appears from the returns that the following named persons have been duly chosen, in their respective districts Representatives from this city to the next General Court, viz.:

District 2—Henry Splaine, William Taylor, Dennis Bonner.

District 3—Stephen D. Salmon, Jr., William H. Cook, Daniel A. Cronin.

District 4—Barney Hull, Alfred A. Clatur, George G. Crocker.

District 5—John W. Regan, Roger H. Scannell, Horace L. Bowker.

District 6—Charles R. Codman, Francis B. Hayes, Lewis Hayden.

District 7—Thomas F. Fitzgerald, John E. Fitzgerald, Hugh J. Toland.

District 8—Lucius W. Knight, Henry P. Shattuck, Benjamin Heath.

District 9—William Frost, Francis D. Stedman.

District 10—Samuel B. Hopkins, John A. Nowell.

District 11—Daniel A. Patch, John Bigelow, Edward J. Jones.

District 12—Henry W. Wilson, Liberty D. Packard.

## NORFOLK.

District 4—Henry B. Chamberlain.

District 3—Albert Palmer, Brownell Granger, George Bartholomesz.

District 5—Richardson Hutchinson, Albe C. Clark.

The committee recommend that the City Clerk be directed to notify the foregoing persons of their election as representatives.

Since the appointment of this committee there has been received from certain citizens in Ward 1 a request that the original ballots cast in that ward for representatives be recounted, on the ground that a mistake has been made by the ward officers in their declaration of the result.

With the permission of the board, the committee ask for further time in which to report on the election of representatives in District One of Suffolk County, and that they have leave to count the original ballots as requested.

Respectfully submitted,

MOSES FAIRBANKS,

JAMES POWER,

Committee.

The report was accepted, and further time was granted to report upon the votes in Ward 1.

The votes as recorded show very little change from the published returns.

The vote for electors at large gives Judge Hoar 15,710, or 2 less than published; Judge Abbott, 10,430, 7 less.

The vote for Governor is the same as published for Governor Washburn, and gives one more for Mr. Bird.

For Executive Councillor, Fourth District, the vote for Mr. Frost is the same as published.

For Congress, Third District, the vote for Whiting is 8931, and for Cobb 5139, the same in both cases.

In the Fourth District the vote for Hooper is 24 greater than published, and for Morse 10 more.

The votes for senators give Washburn and Thompson the same vote as returned from Ward 1. In the Second District there is no change in the recorded vote. In the Third District Jacobs has ten votes

more than published. In the Fourth, Fifth and Sixth districts the votes of the several candidates are the same as published.

Alderman Ricker, from the Committee on Health, reported in favor of stables, as follows: C. W. Ryan, to occupy a wooden stable for eight horses on corner of Short and Maverick streets; T. H. Seavey, to occupy a brick stable for fifty horses on Chardon street and court. Severally accepted.

## ORDERS PASSED.

On motion of Alderman Ricker,

Ordered, That the Committee on Health be and they are hereby empowered to contract with such parties for the removal of house offal as they shall deem expedient for the best interests of the city, said contract to be for the term of three years from the first day of January, 1873.

Ordered, That there be paid to the band of the First Cavalry, M. V. M., for services in camp in August last, the sum of \$900, certified to be due to them by the Adjutant-General, November 7, 1872; said amount to be charged to the appropriation for Militia Bounty.

Alderman Cutter offered the following order:

Ordered, That permission be granted to the Union Freight Railroad Company, and to the Albany Street Freight Railway Company, to use steam as a motive power on their respective roads until otherwise ordered by this Board.

The question being on the passage of the order—

Alderman Poland inquired who was to pay the bills in case of accident, for if the city was to be responsible, he should vote against it.

Alderman Cutter replied that the Legislature having given the corporation a charter and leave to use steam, the State should be responsible.

Alderman Jenks stated that the Legislature could give no power to use steam on railroads within the city, and if authority is granted the city is and ought to be responsible.

Alderman Poland believed an engine might be so constructed as to use power without steam on the road, but with the use of steam there would be too much risk.

Alderman Cutter stated that the order provides for the use of steam until otherwise ordered. It was for the benefit of merchants who could not get their freight removed in any other way.

Alderman Poland did not doubt that with the use of steam for two or three months, if anybody was willing to take the risks, horses might get accustomed to it, and there would be no accidents.

Alderman Power stated that when the disease among horses first broke out, steam was allowed to be used on this road until a certain date, in the belief that the horses would recover by that time; but they were not in a condition to do the work, and an extension of time was asked. Every freight house and warehouse was full of goods, and there was no way but this to meet the emergency, which was believed to be but temporary. The company wish to continue the use of this power only until the recovery of horses will allow them to be used.

Alderman Poland believed that when horses became accustomed to the use of steam engines this will become a permanent power. He doubted whether the city should take the responsibility of accidents; the owners ought to take the responsibility, having the benefit of it.

Alderman Jenks said he was content to vote for the order, but with the understanding that the city is responsible for any damages. It was a question of expediency, and if an emergency demanded that he should vote for it, the city should take the responsibility.

Alderman Little (Alderman Fairbanks in the chair) said he did not understand that the city is responsible, but that the road is responsible for any accidents. The use of steam no doubt was for the interests of the city, for railroads had refused to receive freight on account of its accumulation. This road had been running with steam for a week or ten days, and no accident had happened; the time had expired for which leave was granted, and but for a mistake this order would have been put in sooner. The use of it was more for the benefit of business people than the railroad, in consequence of the blocking of the avenues of trade.

Alderman Jenks said it appeared, then, that this was for the accommodation and benefit of the city, and if so, there was no reason why the city should not pay for it.

Alderman Power replied that it was entirely for the benefit of the citizens, the railroad company deriving no benefit at all from it.

Alderman Poland said if it was to be but a temporary measure, as stated, it was a reason why he

should not vote for it. Suppose there should be an accident and several persons should be killed, some security should be given, that the city shall not be held responsible for it.

Alderman Little said the railroad company had no right to use steam without obtaining leave of the city, and that was the reason why they came here. They did not move faster than a walk, and no accident has as yet occurred.

The order was passed.

On motion of Alderman Clark, orders were read once, to pay Joseph Hay \$215 for Shawmut-avenue damages, and to pay Harriet, wife of D. A. Slogourney, \$15,470 for land taken to widen Warren street.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
NOV. 11, 1872.

A special meeting of the Board of Aldermen was held this morning at ten o'clock, Alderman Little, the chairman, presiding.

## NOMINATIONS MADE AND CONFIRMED.

Special police officers, without pay—James Hall, William Farrell, for T wharf and vicinity; William Williamson, for Dorchester street and its vicinity; Daniel B. Estes, for Bromfield street and its vicinity; Joseph O. Ware, for School street and its vicinity.

The following communication was read:

To the Honorable City Council of the City of Boston—The undersigned, in view of the exigency caused by the awful calamity which has visited our city, completely destroying every wholesale dry goods, clothing and leather warehouse in Boston, together with most of the merchandise contained therein, respectfully petition your honorable body to grant permission to the sufferers, and for the city itself, to forthwith erect on the Common temporary wooden buildings to enable those business houses who are now without any opportunity to recommence their business an opportunity so to do.

It will take months to rebuild a warehouse, but the erection of suitable wooden buildings will enable the merchants to at once resume their business, thus providing for the employment of thousands, beside retaining in Boston the trade which otherwise will be directed elsewhere.

LEWIS, BROWN & Co.

The following order was received from the Common Council:

Ordered, That the Committee on Common and Public Grounds are hereby authorized and directed to allow such portion of the Common and Public Garden to be occupied in such manner as the public necessities require and as said committee may deem expedient for the use of our fellow-citizens, whose places of business or employment have been destroyed by the recent terrible conflagration, and whose wants and sufferings require immediate attention and relief.

The question being on the passage of the order, in concurrence—

Alderman Power said that while he believed in giving to these people all needed accommodations in our present condition, he did not think it was necessary to resort to this measure. Fort Hill and Eastern avenue contained a space as large as the Common, not intended for such purposes, and it was much better adapted for business where it is carried on. He would therefore like to look more closely into the matter before this was granted.

Alderman Jenks said it was the purpose of the City Government to keep Fort Hill clear of occupation until the mapping out was completed. He could see no objection to the occupation of Tremont-street portion of the Common for the purposes contemplated.

Alderman Power replied that the Fort Hill territory had been fully mapped out. Fort Hill required no further changes, and there was ample territory and room for the buildings needed, making the order unnecessary.

Alderman Jenks said the remarks of the Alderman did not change his opinion in relation to the territory, so far as the streets were concerned. If necessary, these temporary buildings could be erected on Charles and Tremont street portions of the Common.

Alderman Cutter inquired if it was in the power of the City Government to give the authority proposed.

Alderman Jenks replied that the city granted authority to sell beer on the Common at times, and if there was the authority so to do, there was the authority to sell dry goods.

Alderman Poland believed the Fort-Hill territory would be required for the debris before a step could be taken to rebuild stores, and he hoped, therefore, the order would be passed.

Alderman Ricker hoped that permission would be granted for the purpose proposed at such a time as this, particularly as booths were allowed to be erected on the Common.

Alderman Power said that ample room could be had on Eastern avenue, as well as on the Common, for such purposes. If authority is allowed to erect buildings on the Common, trees must be cut up and roads be made to enable the parties to do business. Such a sacrifice should not be made if not demanded,

and it could not be, as there was room enough without.

Alderman Woolley said he supposed the Alderman meant Atlantic avenue, and not Eastern avenue. The proper question should be under what jurisdiction the Common should be occupied temporarily. It was not understood that trees should be cut down or roads made. The malls on the Tremont and Charles street sides were the most suitable places for the purpose, and it was nothing but right and proper that temporary relief should be given to these parties.

Alderman Power said that all gentlemen felt that the interests of merchants should not suffer by this calamity, but the question should be looked into before the order was passed. They could not do business on the Common except by constructing roads, and they could not erect buildings unless the trees were cut down or pass up through the buildings. It was a question also of power, for when it was proposed to erect a Coliseum on the Common, it was objected to on that ground. If they could not erect a building for that purpose they could not for others.

Alderman Jenks stated that if this order should be passed, and the committee find any legal stump, they can report it back. He hoped, therefore, that the order would be passed.

The chairman stated that the City Solicitor was present, and he requested him to give his opinion on the question of the legality of the order.

Mr. Healy, City Solicitor, said the terms of the order showed a somewhat indefinite use of the Common. If the design was to erect buildings on the Common, such a purpose is prohibited. Section 39 of the city charter prohibits the selling or leasing of the Common or Faneuil Hall, and this clearly comes within this prohibition.

Alderman Cutter said that, while he was willing to do for the sufferers all he could, they should keep within the legal limits.

Alderman Jenks said the proposed use was not selling, but using the Common for temporary purposes.

The Chair stated that, as he understood the Solicitor, practically the lease of the Common, as proposed, would come within the jurisdiction of the law.

Mr. Healy replied that it could not be viewed as any different consideration.

Alderman Power wished to know if the Solicitor said they had no right so to use the Common.

The Chair—He so decides.

Alderman Power resumed that such would be a very good reason, while there were no further exigencies or circumstances for an inducement to give permission. The matter should be looked into, and there could be no doubt there was ample territory on Fort Hill and Atlantic avenue better adapted for the purposes.

Alderman Ricker said the Common was held by the same tenure as was Faneuil Hall, which was leased to the Mechanic Association for business purposes. There could be no reason why in such an exigency such a use should not be given.

Alderman Power said if it had not been for the vacant territory on Fort Hill, there was no knowing where the fire would have stopped. Should the Common be built over by combustible material, there would be no stopping of another fire. It was only the assurance that when the Common was reached, the fire must stop. That was a reason for a consideration of the question. We had had fire enough and should be more vigilant now. There was plenty of territory for temporary buildings without using the Common.

Alderman Poland said that as it was only for a temporary purpose, no danger could be apprehended to any extent.

Alderman Cutter did not see that accommodations could be given to all parties who desired them. Who, then, were to be the favored parties? Those who did not receive accommodations would complain that they were not well used. They could not accommodate all, and they could have no legal power to do so.

A petition was also presented from Silas Potter & Co. for the privilege to erect a substantial one-story frame building, 60 by 100 feet, on Boston Common, inside Tremont-street mall, for the purpose of the wholesale shoe business.

Alderman Power said there was no doubt it would be impossible to get stores immediately, and they could not get them on the Common; if they had them there they must build them, and he would like to know how many would want them.

The Chair stated that but two had asked for the privilege.

Alderman Jenks moved that the order be referred to the Committee on Common and Squares, with full powers.

Alderman Power inquired if the subject had been before the committee, and if they had taken action on the order?

The Chair replied that it had not, and if passed the order would be required to have the approval of the Mayor.

Alderman Power said he should object to the motion unless it was to be reported back.

Alderman Jenks suggested that it should have the approval of the joint committee, and the concurrence of the Mayor.

Alderman Power said he had no doubt the committee could report at the regular meeting this afternoon.

Alderman Jenks modified the motion to strike out the words "full power," put in the approval of the Mayor, and that the report be made this afternoon.

The motion was carried.

An order came down from the Council, providing for plans for laying out and improving streets.

On motion of Alderman Sayward, the order was laid on the table, when he offered the following order:

Ordered, That the Joint Standing Committee on Streets be requested, in conjunction with the Board of Street Commissioners, to prepare without delay a plan for the laying out of streets in the districts today burned.

The order was passed, when the order of the Council was taken up and rejected.

Alderman Sayward offered the following vote:

Voted, That the use of Faneuil Hall be granted to the United States authorities for the purpose of establishing the Boston Post Office temporarily therein.

Alderman Jenks suggested that this was liable to the same objection as was the order relating to the Common.

The vote was passed.

On motion of Alderman Cutter—

Ordered, That the Chief of Police close from public travel such streets within or adjacent to the burned district as he may deem necessary; this order to remain in force until otherwise ordered.

On motion of Alderman Cutter—

Resolved, That the thanks of the City Council be tendered to the members of our own department, and also to the companies and individuals from other towns and places, for the valuable aid and assistance rendered to this city in its present calamity; and that the Committee on the Fire Department be authorized to furnish such accommodations and refreshments as may be found necessary for their comfort.

Alderman Jenks offered the following resolution and order:

Resolved, That the terrible calamity which has befallen our city makes it incumbent upon the City Council to give immediate expression to its deep sympathy for the sufferers by the fire, and to extend aid in the most generous measure to those who have been deprived of their homes; therefore

Ordered, That Aldermen Jenks, Sayward and Little, with such as the Common Council may join, constitute a Relief Committee for the purpose of extending immediate aid to such persons and families as need assistance, and that said committee be requested to act in the premises with that promptness which the exigency of the case seems to require; and that said committee be authorized to take all necessary measures for the protection of property and the relief of all persons in need of assistance; and that the expense be charged to the appropriation for Incidentals.

Alderman Jenks stated that these were substantially the same which were passed at the informal meeting of the Board yesterday.

Alderman Poland offered an order in relation to the construction of buildings, their construction in the upper stories, etc., and requiring a portion to be constructed of galvanized iron.

Alderman Power objected to confining the material to galvanized iron, believing that common iron would be as well, and that this would give the manufacture to certain people.

On motion of Alderman Poland, the word galvanized was struck out, when, on motion of Alderman Sayward, it was referred to the Committee on Survey and Inspection of Buildings.

The following order was offered:

Ordered, That a request be sent to the managers of the several railroads within this city that they furnish as many platform ears as may be found, from time to time, to be necessary to remove more easily the debris and materials lying in the streets of the burnt district, and that a committee of two be appointed to direct said operations.

Alderman Power said it was understood the Health Department were engaged in the business of removing this material.

On motion of Alderman Power it was referred to the Committee on Paving.

Alderman Power, in relation to the dangers arising from the explosions of gas, said that, according to the papers of this morning, it was charged that the city authorities had failed to do their whole duty in the matter. In explanation he would say, that while perhaps everything was not done that was necessary, they did all that they knew was required. The officers of the gas works were well aware of the state of affairs, as Mr. Greenough had been notified, and he did not think it just that the stigma of neglect, in this emergency, should rest upon members of the City Government.

Alderman Cutter said that he had a conversation with Mr. Greenough, who told him that he had set a gang of men at work who were attending to the shutting off of the gas in the burnt district as fast as possible.

On motion of Alderman Woolley, the following order was passed:

Ordered, That the Committee on Armories be and are hereby authorized to furnish such accommodations and refreshments for the military as may be required while on duty in the city, and that the expense be charged to the Appropriation for armories.

The Mayor addressed the Board, stating that very important matters would be brought before them for consideration, and he hoped gentlemen would give all the time possible. There was now a committee in session in an adjoining room, and the result of their deliberations would probably require the immediate action of the Board. He again hoped that each member would be in attendance as often as his private affairs would permit.

#### PETITIONS PRESENTED AND REFERRED.

S. Klous & Co., for leave to erect a structure for temporary purposes on the Common. That two hundred persons were to be employed, whose mouths were waiting for their daily bread.

Referred to Committee on Common.

A. J. Wilkinson, for leave to occupy for one year a store recently vacated by them, their own having been burnt. Referred to Committee on Streets.

Adjourned to 4 o'clock, this afternoon.









## CITY OF BOSTON.

Proceedings of the Common Council,  
NOV. 11, 1872.

A special meeting of the Common Council was held at quarter past ten o'clock, President Dickinson in the chair, fifty-one members being present.

Mr. Robinson, of Ward 11 said that it was well known that it was necessary that some action be taken to provide suitable accommodation in order that the business of the city may be carried on, and he therefore offered an order in relation to the Common and public grounds, which will be found in the proceedings of the Board of Aldermen.

Mr. Fitzgerald of Ward 7 asked what action had been taken by the Relief Committee, whereupon Mr. Flanders stated that a thorough inspection had been made of the burnt district; but none had been found in a suffering condition or needing immediate relief. Should any such cases occur, they will be promptly attended to.

Mr. Flynn of Ward 7 offered an order in relation to the Joint Committee on Streets, which will be found in the report of the meeting of the Board of Aldermen.

On motion of Mr. Perkins of Ward 6, the order for the appointment of a relief committee was so amended as to provide that the committee should consist of one from each ward on the part of the Common Council with such as the Board of Aldermen may join. The following-named gentlemen on the part of the Council were then appointed by the President:

Messrs. Weston of Ward 1, Collins of Ward 2, Salmon of Ward 3, Clatur of Ward 4, Flanders of Ward 5, Pickering of Ward 6, Flynn of Ward 7, Heath of Ward 8, Page of Ward 9, Risteen of Ward 10, Robinson of Ward 11, Locke of Ward 12, Mullane of Ward 13, Faxon of Ward 14, Bickford of Ward 15, Burt of Ward 16.

Mr. Pickering of Ward 6 offered an order as follows, which was passed:

Ordered, That the Mayor and the Committee on Legislative Affairs be requested to confer with the Governor of the Commonwealth with a view to his calling a special session of the Legislature for the purpose of taking such action as may be required in the present condition of our city.

The following order, offered by Mr. Faxon of Ward 14, was passed:

Ordered, That the Joint Committee on Assessor's Department, consider the expediency of extending the time for the payment of taxes on property in the burnt district; and also to consider the expediency of recommending to the assessors an abatement in such cases as seem especially to call for consideration.

The Council was then adjourned until half-past seven this evening.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
NOV. 11, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Weigher of Coal—E. J. Belcher.

Special Police Officers, without pay—George E. Hosler for Pemberton square and vicinity; E. A. Dammer for Coliseum and vicinity; J. P. Taylor for Tremont market and vicinity.

Also, George O. Carpenter, Jerome Jones, Thos. B. Jordan, Walter Everett, Chas. H. Allen, Charles H. Bolles, Chas. B. Lancaster, Hillman B. Barnes, Wm. J. Clark, H. E. Turner, Jr., Charles Marsh, Henry W. Clark, George A. Parker, H. E. Townsend, W. B. Harrington.

For Beacon street, Charles street and vicinity—J. W. Borland, F. W. Hunnewell, Hollis Hunnewell, Samuel Hammond, Charles H. Joy, Frank P. Greenough, William Stackpole, E. W. Codman, Horatio Greenough, Louis Curtis, Thomas Motley, Jr., Samuel H. Russell, Charles P. Curtis, Edward Motley, Samuel G. Snelling, Jere Abbott, George Wheatland, John G. Cushing, Francis L. Lee, Francis Lee, Jr., W. H. Gardiner, Jr., Harrison O. Briggs, Avery Plumer.

W. F. Hutchins, William M. Olin, Edward B. Rankin, William B. Smart, Daniel W. Baker.

C. G. Cullin, at 118 Boylston street.

## PETITIONS PRESENTED AND REFERRED.

John Barry, to be paid for change of grade on P and Third streets.

Metropolitan Railroad Company, for extension of their location in the city over Columbus avenue, from Park square to Northampton street.

Eben Jackson and others, that Fourth street be paved from A to B street.

Severally referred to Committee on Paving.

Social Law Library Association, for their annual appropriation.

Referred to Committee on County Accounts.

F. A. Leigh, for leave to occupy a wooden stable for five horses on Metville avenue, Ward 16. Referred to Committee on Health.

Seth Adams, for remission of bank tax paid by him. Referred to Committee on Assessors' Department.

Thomas W. Tuttle, that the city would erect a proper fence upon the line of his land in Ward 16. Referred to Committee on Public Lands.

C. U. Cotting, for abatement of assessments for Shawmut avenue betterments.

M. A. G. Ollis, David W. Foster, Alonzo Flagg, Francis Chickey's heirs, and Levi Goodnow, severally for apportionment of Shawmut-avenue betterments.

George N. Comer and others, for modification of betterments assessed on Shawmut avenue.

Severally referred to the Committee on Streets.

Sargent, Brothers & Co., for leave to erect a wooden building on Bedford street near Chauncy street.

Abbott & Howard, for leave to erect a wooden building on High and Oliver streets.

John R. Hah, for leave to build on Summer and Arch streets.

Cochrane & Thayer, for leave to erect a temporary wooden building on or near corner of High and Oliver streets, to be 50 by 120 feet.

Lester Johnson & Moody, for privilege to erect a temporary wooden building on corner of High and Oliver streets, to be 50 by 120 feet.

William W. Kellett, of the firm of J. J. Miller & Co., for liberty to erect a one-story wooden building, 15 or 20 feet square, at 84 High street, for the purpose of an office.

Boyd, Corey & Co., for leave to erect a temporary building in rear of 108 Pearl street.

Severally referred to the Committee on Survey and Inspection of Buildings.

Trustees of the Boston, Hartford & Erie Railroad, for leave to erect a temporary passenger and freight depot on their wharf at the foot of Summer street.

Alderman Fairbanks moved its reference to the Inspector of Buildings.

Alderman Jenks moved to amend by referring it to the committee on that department.

The reference was objected to, the committee having cognizance of it, and being in favor of granting the petition.

Leave was granted to erect the building, under the direction of the committee on that department.

A communication was received from Isaac Ames, Judge of Probate, upon the immense importance of the records of deeds and of the Probate Court, making every precaution and provision for their safety of the highest necessity; that the buildings containing them should have substantial iron shutters to every window, and no wood used for frames or sashes, and every other measure taken in their reasonable limits, that the best authority shall deem of use in securing the preservation of books and papers, that in case of present destruction can never be replaced.

Referred to Committee on Public Buildings, on the part of this Board.

A petition was presented from William J. Bowditch and others, relative to windows of the Probate Office. Referred to Committee on Public Buildings.

## GRADING AND BUILDING REGENT STREET.

A communication from the Street Commissioners gives the estimated cost of grading and building Regent street, as follows: Cutting rock, \$8000; macadamizing, \$1680; edgestones, half cost, \$1100; paving gutters, \$2450—\$13,230; contingencies, ten per cent., \$1323—\$14,553; grade damages, \$6000—total, \$20,553.

The Board of Street Commissioners propose to lay out this street when they learn from the Council that it is prepared to provide for the building and grading expressed in the above estimate. Referred to the Joint Committee on Streets.

## QUARTERLY REPORT OF SUPERINTENDENT OF NORTH SCALES.

The report of the Superintendent of the City Scales on Haymarket square states that he has received fees for weighing merchandise from August 1 to November 1, 1872, the sum of \$768 61, forty per cent. of which, \$308 44 (less expenses, \$26 55), amounting to \$276 89, he has paid to the City Treasurer.

Ordered to be sent down.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice on the proposed construction of sewers in Warwick street, from Bowdoin street to Chardon street, and in H street, from Second to Third streets, were severally taken up. No person appearing in either case, the reports were recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Sophia Speidel \$328 75, for Webber-street land damages.

Order to pay J. W. Gerard et al., trustees, \$5,389 20, for Marion-street (Ward 1) land damages.

Order to pay Charles S. Hildreth \$2631 20, for land damages on Emerson street.

Order to pay Mary B. Parkman \$5286 75, for land damages on Emerson street.

Order to pay William H. Horton, Jr., and others, \$230, for Shawmut-avenue extension damages.

Order to pay William P. Mason and others, executors, \$676 for Emerson-street land damages.

Order to pay Henry Sargent's heirs \$60,000, for Devonshire-street land damages.

Order to procure plans and estimates for the erection of a new station house for Police District 11.

Report and order to furnish additional accommodations for pupils in the Mather District, Ward 16.

Report and order to furnish additional primary accommodations for pupils in Shurtleff District.

Report and order to provide additional primary accommodations for pupils in the Prescott District.

Order to pay P. English \$250, for grade damages on Paris street.

Order to pay John Ollis \$500, for grade damages at 98 Cabot street.

Order to construct a sewer in Eighth street, between D and E streets.

Order to grade Brighton avenue, from the line of Brookline to Beacon street, at an estimated cost of \$12,000.

Order to pave Fourth street, between B and C streets, with small granite blocks, at an estimated cost of \$8500.

Order to lay sidewalks at 61-69 Telegraph street, and at 38-40 Gates street.

Order to lay sidewalks on L street, between First street and Broadway.

Order to lay sidewalk on Warren street, between Buena Vista and Walnut avenues.

Order to lay sidewalks on North Grove street, from Fruit street to the Medical College.

Order to lay sidewalks on Fourth street, between N and P streets.

Order to furnish and set edgestones on Northamp-



ton street, from Tremont street to the Providence Railroad.

Order to pay Patrick Lally \$500, for Second-street grade damages.

Orders to erect a schoolhouse on Dudley street (Old City Hall lot), to accommodate the Washington and Dudley Grammar schools, and for a loan of \$90,000, to meet the expense of the same.

Order to pay Harriet Sigourney \$15,470, for Warren-street land damages.

Order to pay Joseph Hay \$215, for Shawmut-avenue land damages.

The following orders were severally recommitted on motion of Alderman Cutter:

Order to lay sidewalks and pave roadway of Bennett street with wood, at an estimated cost of \$3500.

Order to lay sidewalks and to pave roadway of Silver street, between Dorchester avenue and B street, with wood, at an estimated cost of \$8000.

The resolve and order in favor of widening Portland street on the northeasterly side, from Hanover to Causeway, to a width of sixty feet, and to extend the same into Washington street, as already projected, and directing the Board of Street Commissioners to proceed with the forms necessary therefor, being under consideration—

Alderman Cutter said he did not deem it advisable to pass the order at this time in view of the calamity now upon the city, and moved its reference to the Committee on Streets.

On motion of Alderman Jenks, the order was laid on the table.

#### PAPERS FROM THE COMMON COUNCIL.

The petitions of Charles L. Flint and others, Thomas Haney and of Chester I. Reed were severally referred in concurrence.

The order to continue the salary of Edward G. Richardson, late truant officer, deceased, until January 1, 1873, was passed in concurrence.

Order that the Joint Committee on Assessors' Department be requested to consider and report upon the expediency of extending the time for the payment of taxes without interest upon property in the burnt district, and recommending the Assessors to make abatement of taxes in such cases as seem especially to call for such consideration.

Order that the Mayor and Committee on Legislative Matters confer with the Governor relative to calling a special session of the Legislature to take action relative to the present condition of our city.

The order providing for the appointment of a Committee on Relief coming up, amended,

Alderman Clark said he was opposed to a large committee on so small a territory—but two wards of the city. A large committee was apt to be cumbersome, and the duty of such a committee was much better done by one of three on the part of the Board and of five on the part of the Council.

Alderman Cutter opposed a committee so large in number, a small one being more efficient. A committee of one from each ward, of the Council, would require the whole Board to be added.

Alderman Jenks stated that the meeting of citizens had cut their down to five.

Alderman Power said, as a general thing a committee should be small: but in this case, although the territory was small in compass, relief would be required all over the city. The members in the different wards act more intelligently, and would not be likely to afford aid except to deserving persons. He suspected a large amount of money would be required to be paid out to sufferers. Large amounts had been offered from all quarters, and inquiries had been made as to the necessities for aid, and although he would like to keep up the character of the city for liberality, to refuse such offers would be false pride.

It had been stated that but 200 families were sufferers by the fire, but he thought that number to be but a small part of those, comprising thousands of men, women and girls thrown out of employment who will need aid, and they will suffer unless immediate relief is afforded them. The members of the Council from each ward will have a better knowledge of the applicants, and none but deserving ones will be likely to receive this aid.

Alderman Jenks stated that in this matter there were members of the City Government who had investigated the subject and discriminated between the deserving and undeserving. A list of such persons is kept at the Charity Bureau.

Alderman Power objected to delay in the passage of the order, for, if amended, it would go back to the Council and a week would be lost.

Alderman Cutter stated that the matter would be acted upon at a meeting of the Council tonight, and no delay would occur.

Alderman Ricker said that while generally he was

in favor of a small committee, this committee would be one from every locality and he should vote for it.

Alderman Jenks said this was a matter of importance which would require investigation, and there are more members now than will devote themselves to an investigation of cases.

Alderman Clark said he would make no opposition to a large committee, if it was as efficient as a small one, and this would be unnecessarily large. It was not of great consequence, but a committee of small numbers could be got together much easier than a large one.

The concurrence in the amendment was lost.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows:

Harvard Musical Association, for leave to give concerts at Music Hall on Thursdays; and to sundry persons for wagon licenses and transfer of wagon license.

Alderman Poland, from the Committee on Survey and Inspection of Buildings, reported leave to withdraw on the petition of H. R. & W. B. Quigley, for leave to erect a wooden building on Westminster street, beyond the legal limits. Accepted.

Alderman Poland, from the same committee, to whom was referred the order directing the Inspector of Buildings to refuse permits for the erection of buildings exceeding a certain height unless the cornices and other exposed parts of the roof are made of galvanized or corrugated iron, made a report recommending the passage of the following order, being a new draft of the original order:

Ordered, That the Inspector of Buildings be directed to refuse permits for the erection or alteration of brick, stone or iron buildings exceeding three stories or forty feet in height above the sidewalks, unless the cornices, brackets, projections, mouldings, bulkheads, sentles, lutherns, skylights, turrets and spires are made of noncombustible material satisfactory to said Inspector.

The report was accepted and the order was passed.

#### REPORT ON RECOUNTING VOTES IN WARD ONE.

Alderman Fairbanks, from the committee appointed to examine the returns of votes cast at the recent election, and who were directed to recount the ballots cast for three representatives to the General Court from Suffolk District No. 1, as requested by the petition of Joseph H. Barnes and others, made a report of the state of said ballots, as follows:

James Smith had.....	1241
Henry B. Hill.....	1185
Andrew M. Morton.....	1132

and they are accordingly elected.

Edward Pearl had.....	1104
James L. Walsh.....	1004
Thomas D. Demond.....	461
Nichols Litchfield.....	456
Moses Tower.....	421
W. S. Harrington.....	954
Andrew Morton.....	3
Moses Tower.....	2
Andrew A. Morton, James Walsh, Richard Landy and William Whiting, each.....	1

The committee feel it their duty to speak in terms of commendation upon the unusual degree of accuracy displayed by the officers of this ward in their returns of votes for the above-named officers. Their counting of the ballots were in some instances identical with those of this committee, and in no instance did the amount of variance exceed three; and in these cases there was room for doubt whether the names were wholly erased or not. Such remarkable correctness exhibited in the largest ward of this city and in the midst of an exciting election, does not often occur in this city.

The committee recommend that the City Clerk be directed to notify Messrs. Smith, Hill and Morton of their election.

The report was accepted.

#### TEMPORARY BUILDINGS ON THE COMMON.

Alderman Clark, from the Committee on Common and Public Grounds, to whom was referred the order in relation to the occupation of the Common by temporary structures, made a report recommending the passage of the order in a new draft, as follows:

Ordered, That the Committee on Common and Public Grounds be authorized to permit the erection of temporary structures on Boston Common, for the use of persons whose places of business have been destroyed by the recent fire, provided that such structures be used only for the sale of merchandise, and shall be removed on or before the first day of June next.

The question being on the passage of the order—

Alderman Power said the subject should be looked



into, and they should ascertain whether all the accommodations necessary could not be obtained before going into the Common. Gentlemen should consider what they were doing before passing the order. It would be necessary to dig up the Common for sewers, water and gas pipes. Ample room would be found on the territory which he mentioned this morning, territory much better adapted to the purpose. Stores on the Common would be much better for retail trades than those which are required, and before passing this they should make a thorough estimate of the cost.

He should not hesitate in the matter, and would be as little likely to throw obstacles in the way as any person; but they should consider what a foolish thing they did when they removed the smallpox hospital before knowing where to put it. If no other place would answer, he would go to the Common. Yet they had the authority of the City Solicitor that they had no right to it. It would be a deliberate and illegal act; yet he would not hesitate, if there was an absolute necessity, to give the Common to such uses. He thought they should realize the consequences of the act before they went there.

Alderman Clark believed he knew precisely what they were doing. There were sixty-five acres of land burnt over, and thousands would be homeless if not homeless if the measure was not carried out. The Tremont-street mall was the only place for the location required. He agreed that Fort Hill and Atlantic avenue would be the best place for boots and shoes, leather, and some other kinds of business, which would go there, but it would not be adapted to Hollbrook's business in the sale of laces. The kind of buildings would be entirely at the discretion of the committee, and he believed them to be fully competent to decide upon this case of emergency, even though illegal. Although the circumstances were not necessary to be legal, he would take the consequence of allowing temporary buildings on the Common.

It was not that the business should be that of a grocer, or dealers in iron or leather, but that of a different character. If they went there it would be on the Tremont mall, where it will be easy to remove the fence, and not the slightest inconvenience to poor people or harm to the Common.

Alderman Cutter said he would be as charitable as any one, but when they would not allow a one-armed soldier to sell peanuts on the Common, they should not allow this kind of business. They should keep the Common as it is, for an emergency does not require such a use of it as proposed at the present time.

Alderman Clark said he was not aware that any armless and one-legged soldiers were prohibited from trading on the Common, for women, bootblacks and children were allowed there to trade. He had as great regard as the gentleman could have against making roads or tunneling the Common. Such an emergency as this had never before arisen, and if the gentleman had been burnt out he would have felt different.

Alderman Power said it was not necessary to resort to this sacrifice. Suppose the authority proposed is granted, and a strip should be set apart around the Common, how many would it accommodate with the privilege? Who should have the preference? They should see what its consequences will be before they do it.

Alderman Jenks said he should be content to have the matter rest with the committee.

Alderman Power said no buildings should be erected there except they were fire proof; and only last week it appeared that citizens were afraid of the Coliseum, which they would not allow on the Common, but now they were going to take a course that would be ten times as dangerous as the Coliseum. The buildings should be of sheet iron or corrugated iron, or even worse consequences would follow than those under which we are suffering.

Alderman Jenks said he was willing to leave the structure of the building to the committee, under the laws as they now exist.

Alderman Cutter objected that, as there was no emergency for the measure, he hoped they would lay the order on the table, and on second thought they would have nothing to regret.

Alderman Clark said the measure was just as illegal as the leasing of Faneuil Hall, for both were in the same section of the city charter. These buildings would be on the Common from November to June, and the Common would be in thorough order for next year. The committee would recognize the fact that the buildings should be of iron, fire proof and safe as possible.

Alderman Cutter moved that the order be laid on the table, which was opposed by Alderman Jenks and lost.

Alderman Cutter asked for the yeas and nays on the order, which was passed by a vote of ten yeas to two nays as follows:

Yeas—Clark, Fairbanks, Jenks, Little, Poland, Rieker, Sayward, Squires, Stackpole, Woolley.

Nays—Cutter, Power.

Alderman Clark hoped the minority would have the privilege to change their votes.

Alderman Cutter said it was always a privilege to change votes, but believed the vote would be one of regret.

Alderman Jenks moved a reconsideration, which was lost.

Alderman Woolley offered the following order:

Ordered, That the City Messenger be directed to furnish suitable badges for the Board of Aldermen, the expense to be charged to the appropriation for Incidentals.

Alderman Cutter believed that in these times they should study economy in not expending money for badges.

Alderman Jenks said if the gentleman was opposed to badges on account of the expense, he could limit the expense, for instance at \$30.

Alderman Cutter referred to badges which cost \$40 a piece.

Alderman Jenks said he believed the gentleman was on the Committee on Badges for the Coliseum, which cost but \$5.

Alderman Clark said he found it necessary to have a badge yesterday, properly to discharge his duties.

Alderman Woolley said he did not find it necessary to have a badge, having one already, but other Aldermen did.

Alderman Poland said he would not object to providing badges to be used during the term of service and then given up.

Alderman Rieker said he felt a necessity for a badge on Saturday night. Instead of having some badges which had been provided, if the city could not pay more than \$5, he should prefer to pay the balance for a proper one himself.

Alderman Cutter said if the object of the badges was simply to pass the lines a \$5 badge was as good as a \$50 one; and when so much money was spent for such a purpose it was an injustice to the taxpayers.

Alderman Rieker believed the taxpayers would be willing pay for a suitable badge.

Alderman Jenks suggested as an amendment the procuring of a suitable badge, the expense to be assessed upon the members of the Board.

In the further discussion it was suggested that those who have a badge need not have a further one provided.

Alderman Clark believed a badge of tin, like those of the Fire Department, costing from \$2 to \$2 50, was good enough to answer the purpose intended.

Alderman Cutter moved an indefinite postponement of the order, which was lost by a vote of 2 to 9, as follows:

Yeas—Cutter, Power.

Nays—Clark, Fairbanks, Jenks, Little, Poland, Rieker, Sayward, Stackpole, Woolley.

The order was passed, amended to provide for their payment from the Contingent Fund of the Board of Aldermen.

#### THE COURT HOUSE SITE.

Alderman Power moved to take up the special assignment, the order to take all the real estate bounded by Temple, Mount Vernon, Hancock and Derne streets as a site for a new Court House (City Doc, No. 101), which was carried.

Alderman Clark said he would not urge the passage of the order at this time of the public calamity, and moved that it be laid on the table, which was carried.

#### NEW BOARD OF HEALTH.

Alderman Power moved that the report of the committee on the proposed establishment of a new Board of Health be taken from the table.

Alderman Clark referred to the matter as of great importance, but he wished a few days longer to examine the reports. He hoped, therefore, that it would continue to lie on the table.

Alderman Power believed there was a desire on the part of certain gentlemen to wish for delay. If there was any reason for it to examine the reports, he would withdraw the motion.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That the Committee on Fort Hill be authorized to permit the erection of temporary structures on the vacant lands owned by the city on the Fort-Hill district, so called, for the use of persons whose places of business have been destroyed by the recent fire, provided that such structures shall be removed on or before the first day of June next.



On motion of Alderman Power,

Ordered, That the Inspector of Buildings, with the aid and assistance of the men employed in the Street and Health departments, be instructed to pull down such dangerous walls and chimneys on the burnt district as he may judge necessary to preserve the public life, and that the Superintendents of the departments of Streets and Health be directed to furnish said Inspector the number of men he may from time to time need for that purpose.

On motion of Alderman Fairbanks,

Ordered, That the Committee on Sewers be authorized to pay for their proportional part of the expenses of dredging the Roxbury Canal, the sum of \$2500; to be charged to the appropriation for Sewers.

Also, on motion of Alderman Fairbanks, orders for the construction of sewers on Warwick and H streets, and in Bowdoin square from Bowdoin to Chardon streets; the expense thereof to be reported to this Board.

#### ORDERS OF NOTICE.

On petition of G. F. Whitney & Co., for leave to locate a steam engine and boiler at No. 68 Pitts street. Hearing Monday, December 2, at four o'clock P. M.

Adjourned to Tuesday, at 7½ o'clock, to meet in convention with the School Committee.





## CITY OF BOSTON.

Proceedings of the Common Council,  
NOV. 11, 1872.

An adjourned meeting of the Common Council was held this evening at half-past seven o'clock, M. F. Dickinson, president, in the chair.

The petitions of J. J. Miller, Cochrane & Thayer, A. J. Wilkinson, trustees of Boston, Hartford & Erie Railroad, Abbott & Howard, Sargent Brothers, John R. Hall and others, for leave to erect buildings, were severally referred in concurrence.

The order of the Council for the appointment of a Relief Committee, consisting of one member from each ward, having been non-concurred in by the Board of Aldermen, on motion of Mr. Pease of Ward 1, the Council voted to recede from its action, and a committee of five was appointed by the Chair consisting of Messrs. Flanders of Ward 5, Burt of Ward 16, Heath of Ward 8, Flynn of Ward 7, and Page of Ward 9.

The petition of Thomas W. Tuttle that the city erect a proper fence upon the line of his land in Ward 16, was referred to the Committee on Public Lands.

The petition of A. J. Wilkinson for leave to retain the occupation of his old store in Dock square until a new one can be ready, was referred to Committee on Streets.

The order granting permission for the erection of temporary structures on the Common, having been passed by the Board of Aldermen, was brought up and elicited considerable discussion, in which Messrs. Brooks of Ward 1, Shepard of Ward 4, Burditt of Ward 16, Webster of Ward 6, Robinson of Ward 11, Smith of Ward 1, and others participated, the chief point in

the discussion being on the question as to whom the permission should be given, as all could not be accommodated, but it was finally thought best to leave the matter in the hands of the committee, and the order as it came from the Board of Aldermen was passed.

The committee on loaning the credit of the city to sufferers by the fire was appointed by the chair, consisting of Messrs. Shepard of Ward 4, Prescott of Ward 9, Pease of Ward 1, Hart of Ward 12, and Pickering of Ward 6.

A report from the Committee on the Survey and Inspection of Buildings that H. R. & W. B. Quigley have leave to withdraw their petition for authority to erect a wooden building on Westminster street, was accepted in concurrence.

The order recommended in the report of the Committee on the Survey and Inspection of Buildings, that the Inspector be directed to refuse permits for the erection of buildings exceeding a height of three stories or forty feet above the sidewalk, unless the cornices, etc., are made of non-combustible material, was read twice and passed in concurrence.

Mr. Webster of Ward 6 offered an order that the Committee on Public Lands be authorized to permit the erection of temporary buildings on the city land in the vicinity of Fort Hill, to be allotted to such persons as may be designated by the Shoe and Leather Dealers' Association of this city, for the sale of merchandise, said buildings to be removed within one year. On motion of Mr. Flanders the order was laid on the table.

Mr. Holmes of Ward 6 offered a resolve that the Joint Standing Committee on the Assessors' Department be requested to consider and report on the expediency of repaying taxes already paid on the burnt district, in cases which call for such consideration. Read twice, and on motion of Mr. Flanders laid on the table.

Adjourned until Wednesday noon.











## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
NOV. 12, 1872.

An adjourned meeting of the Board of Aldermen was held this evening at 7½ o'clock, Alderman Little, the chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—W. H. Laeky for Summer and Avon streets and vicinity; Edgar D. Wood for Dorchester avenue and Foundry street and vicinity; Barney T. Quinn for Tremont and Ruggles streets and vicinity; Charles H. Marks, for Central street and its vicinity.

Union Safety Deposit Vaults and vicinity—Henry L. Higginson, Charles A. Whittier, Charles C. Jackson, John P. Lyman, Jr., Louis A. Felix, George C. Lee, Schuyler S. Bartlett, Lawrence Curtis and Charles H. Marks.

Thomas H. Perkins, Adolph Sternfield, Walter H. Cowing, Henry L. Warner, Zenas Sears, Jabez Sears, George B. Clapp, George E. Hatch, Walter Swan, John Swan, J. O. Weatherbee, E. E. Lovejoy, William H. Haley, Charles H. Fiske, E. M. Dorr, Jr., Charles R. Codman, A. P. Rockwell, Henry Whitwell, Frederick A. Whitwell, Daniel Sargent Curtis, William Powell Mason, E. J. Hale, William B. Bacon, A. C. Feering, Jr., Josiah L. Hale, Augustus F. Perkins, Thomas Dwight, Jr., Henry Sigourney, John E. Parker, E. Worthen James, E. J. Howard, C. H. Boardman, Jacob Littlefield, A. R. Holden, Lucius Slade, George R. Fowler, M. F. Wells, C. C. French, Nathaniel Gilman, Joseph C. Tucker, Greeley S. Curtis, Lewis Cabot, Francis Parkman, E. J. Lowell, Charles Kennard, Caleb A. Curtis, E. Hutchinson, S. P. Blake, Jr., W. McMillan, Henry E. Raymond, Woodbury Blair, D. W. Lee, C. I. Barnard, F. H. Underwood, Jr., George Hitchcock.

## PETITIONS PRESENTED AND REFERRED.

James S. Stone, for leave to erect a temporary wooden structure on High street. Referred to Committee on Survey and Inspection of Buildings.

Josiah Quincy, Nathaniel B. Shurtleff, Otis Norcross, J. M. Wightman, Avery Plumer, Martin Brimmer, William Claflin, E. S. Tobey, J. G. Abbott, Hamilton A. Hill and others against the proposed

use of any portion of the Common for building purposes. Referred to Committee on Common, etc.

G. A. Adams and others, that the Coliseum, so called, be immediately taken down. Referred to Committee on Survey and Inspection of Buildings.

## QUARTERLY REPORT OF CITY CLERK.

The quarterly report of the City Clerk, for the quarter ending October 31, gives the following receipts in his official capacity, viz.:

For recording mortgages of personal property.	
licens, etc.....	\$576 35
" billiard licenses.....	184 00
" intelligence office licenses.....	24 00
" auctioneers' licenses.....	32 00
" sale of old ballots and paper.....	13 56
	<hr/>
	\$839 91

All of which has been paid to the City Treasurer.

Ordered to be sent down.

## UNFINISHED BUSINESS.

The following order was read a second time and passed:

Order to pay heirs of George H. Williams, William V. Hutchings, guardian, \$4198 for land taken and all damages occasioned by the widening of Warren street, by a resolve of the Street Commissioners, September 16, 1872, to be charged to the appropriation for Widening Warren street.

## PAPERS FROM THE COMMON COUNCIL.

The following order was passed:

Aldermen Clark, Power and Sayward were joined to the committee to consider the expediency of loaning the credit of the city by the issuing of bonds or otherwise, for the relief of such of our fellow citizens as have lost their property by the fire and need temporary assistance; said committee, should they deem the foregoing plan expedient, to be instructed to report an ordinance therefor in a form satisfactory to the City Solicitor.

## ORDER PASSED.

On motion of Alderman Sayward.

Ordered, That the Committee on the Department for the Survey and Inspection of Buildings be authorized, if in their judgment it would be expedient, to permit the erection of temporary structures within the district recently covered by fire, subject however to the condition that such structures shall be removed in whole or in part, without expense to the city, whenever directed by the said committee granting the permit, or by the Joint Standing Committee on Streets. Adjourned.











## CITY OF BOSTON.

Proceedings of the Common Council,  
NOV. 13, 1872.

An adjourned meeting of the Common Council was held at twelve o'clock, today, M. F. Dickinson, Jr., President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of G. A. Adams and others, and James S. Stone, and the remonstrances of Josiah Quincy and others, the last against the occupation of the Common for buildings, were severally referred, in concurrence.

The following order was passed, in concurrence:

Order authorizing the issue of permits for the erection of temporary structures on the burnt district, subject to certain conditions, if in the judgment of the Committee on the Survey and Inspection of Buildings it would be expedient so to do.

## MEASURES OF RELIEF.

Mr. Fitzgerald of Ward 7 inquired what had been done by the Committee on Relief towards providing for the necessities of the starving people who were burnt out by the fire.

Mr. Flanders of Ward 5 replied that the committee had a meeting and on a conference with a sub-committee of citizens in relation to giving aid to sufferers by fire, it was believed that relief could best be afforded through the Charity Bureau. The plan proposed was something like this: that fuel, wood and clothing should be furnished at once to those in need; and that furniture, stoves and other articles for winter will be provided when needed. The Charity Bureau are in a condition to furnish supplies as parties call for them.

As a member of the committee his first impression was in favor of establishing a place for relief in Essex street, but on hearing what arrangements were in operation at the Charity Bureau was convinced that immediate relief could be best and more readily afforded through that channel. This was a matter of experiment, but it was the determination of the committee to put the thing through, and everything required should be furnished to the needy. They had given notice in the evening papers that all applications for the present be made at the Charity Bureau.

Mr. Flynn said the appointment of the committee was to give immediate relief, but if had proved to be but an ornamental committee, for within half an hour he had seen many persons who were in need, and all the committee did was to give them a line to the Charity Bureau. There were at No. 23 South street eighteen families, in great need, and his proposition in committee was that a member of the committee should visit the various localities and give the immediate relief that was needed, but was voted down.

Mr. Flanders said he proposed to go this afternoon and see these persons, and should order the relief needed.

Mr. Flynn said further that his proposition was to send some one to investigate the needs of all who were burnt out, and the committee should go and give them food and clothing. It was the duty of the members of the ward where such persons live to investigate and act, and as a member he should ascertain what relief was needed in his ward and order it.

Mr. Fitzgerald believed there was some great blundering somewhere, for the Committee on Relief were appointed to give immediate relief. If he understood it, there was a disposition on the part of members of the committee to shirk the business for which they were appointed and put it upon a committee of citizens. He had been called upon by a woman who had lost \$2000 worth of furniture and was in need, but as no one came near her she came to the City Hall and was directed to go to the Charity Bureau.

In his opinion it was contemptible to shirk responsibility in this way, and that was why it was desirable one member of the committee should be appointed from each ward to see to the wants of these poor people. It was never contemplated in the appointment of the committee that delay should take place in providing for the wants of those burnt out, but that immediate relief should be given, for it was well known that abundance of means would be furnished in a few days. These poor people must live and struggle along, while those who have the management of matters and do not feel the need of food

deliberate and vote on the subject. Meantime their wants are supplied by those who are as poor as themselves.

Mr. Fitzgerald subsequently offered the following order, with the statement that he understood the committee had taken a vote to leave all matters of relief to be furnished by citizens through the Charity Bureau.

Ordered, That the Committee on Relief be requested to render immediate relief to those destitute families who require it, in consequence of losses sustained by the late calamity.

Mr. Smith of Ward 1 said the order appeared to be but a repetition of the order passed for the same purpose, and was not any stronger than that was.

Mr. Wright of Ward 15 inquired what the committee would do.

Mr. Fitzgerald said the order was almost precisely verbatim of the other order. The committee should understand that the minds of the members of the City Council were made up, and that measures for immediate relief should be afforded. It was wrong and criminal to act as the committee had done, and to put upon citizens what they were required to do.

Mr. Pickering of Ward 6 said there was more need for relief than what he had at first supposed, and it was a mistake in reducing the number of members of the committee. It could not be a lack of desire, but more work than the committee were able to do, and there should be one member from each ward whose duty should be specially to look after those who are in need in his ward.

Mr. Flynn suggested that a reconsideration of the vote reducing the committee might meet the case.

Mr. Pickering inquired whether a motion to enlarge the committee would require a reconsideration of the passage of the order. As the original order required furnishing immediate relief, another order would not require more, and could only hasten it. It would be better to enlarge the committee, to enable them to act immediately.

Mr. Blackmar of Ward 11 said he could sympathize in the views of the gentleman who offered the order, but this order would be a reflection upon the committee. He was not satisfied that an order of censure should be passed, but it was certain that this discussion will quicken those gentlemen in the discharge of their duties, if necessary.

Mr. Fitzgerald said he intended the order as a censure upon the committee, and he did not care what parties might be offended by it. They were appointed to render generous and immediate aid, but had not done it. He would withdraw the order, and hoped the discussion would arouse them to a sense of duty. Instead of affording immediate aid, as required, they had turned the necessitous and starving over to their poor neighbors, as poor as themselves, for relief. It was unjust, unfair, and criminal.

A motion to adjourn was lost.

Mr. Wright inquired if it was understood that those needing relief were to be turned over to the Charity Bureau, and not provided for by the committee.

Mr. Flanders stated that the Charity Bureau were receiving great supplies and were in better condition to discharge the duties for immediate relief than the committee could be, and the police were instructed to inquire and find out those who needed relief. The majority of the committee so decided, and it was believed that everything would move right along. He was surprised at the acensations cast upon the committee as criminal, and it was a shame and disgrace to see the committee so abused.

Mr. Pease of Ward 1 offered the following order:

Ordered, That the property holders whose buildings have been burned be and they are requested to appoint a committee of conference to consult with a similar committee on the part of the City Council as to what action is expedient on the part of the City Council and the Legislature, under existing circumstances, and that the Joint Standing Committee on Streets and Legislative Affairs, and the special committee on loaning the credit of the city constitute such conference committees on the part of the City Council.

Mr. Shepard of Ward 4 inquired what power the committee were to have.

Mr. Pease replied that it was understood the committee were to arrange and map out business for the Legislature, and a meeting of the citizens with whom conference was to be had was to be held this evening.

Mr. Shepard said the committee of the City Council could not delegate its powers to citizens, and the citizens could not inaugurate what was proposed except through the City Government. If it was a matter of advice, it was well, and they could not go beyond that.

Mr. Perkins of Ward 6 said the special value in the conference of committees was in relation to reforming streets on the burnt territory, and this conference was to be with owners of property in the district.

The Chair stated that the result would be reported to the City Council, and there could be no trouble about it.

Mr. Pease said, if he understood it, the meeting this evening was to be of property owners, and their action was merely advisory.

The order was passed.

Mr. Robinson of Ward 11 called for the reading of the remonstrance against erecting temporary buildings on the Common.

Mr. Perkins of Ward 6 said he had understood that the Committee on Common, with reference to a well-prepared scheme for occupying a portion of the Common, had voted in favor of allowing a row of trees to be cut down upon the Tremont-street mall.

Mr. Brooks replied that the action of the committee had been overstated. It was not designed to cut down any trees except those which were worthless and would require to be cut down within a year. He should never consent that any tree which was of service or ornament on the Common should be cut down. With reference to the trees on Tremont street, he should be ready to vote, at any time, to have them removed.

Mr. Robinson said he asked to have the remonstrance read, to know who the remonstrants were. Some of the parties were non-residents, others were persons whose property or places of business were saved, and who had no interest in furnishing temporary places of business. He moved that the names of the remonstrants be published in the proceedings of the Common Council.

The motion was carried.

The petitioners earnestly remonstrate against the illegal and in their opinion uncalled for measure of authorizing the invasion of Boston Common for the purposes of trade by erecting buildings thereon.

Signed by Josiah Quiney, Nathaniel B. Shurtleff, Otis Noreross, J. M. Wightman, Avery Plumer, Martin Brimmer, William Clafin, E. S. Tobey, J. G. Abbott, Hamilton A. Hill, Jerome Jones, Robert Johnson, Henry G. Crowell, William Pope and Justin D. Fulton.

A motion that when the Council adjourns it be to Thursday evening was declared by the Chair to be unnecessary, that being the regular time for meeting of the Council.

Upon the conclusion of the remarks above with reference to measures of relief, the Chair stated that there was no business before the Council.

A motion to adjourn was carried by a vote of 24 to 22.





## CITY OF BOSTON.

Proceedings of the Common Council,

NOV. 14, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petition of Seth Adams was referred, in concurrence.

The quarterly reports of the City Clerk and the Superintendent of the North Scales were severally ordered to be placed on file.

The reference to the Committee on Streets of a communication from the Street Commissioners, placing their estimate of the cost of grading and building Regent street at \$20,553, was concurred in.

The order authorizing plans and estimates to be made for a building to be erected on the city's land between Adams street and Dorchester avenue, to combine accommodations for the Eleventh Police District, an office for the Surveyor's and Paving departments, and a room for the Municipal Court of Dorchester District was considered.

Mr. Perkins of Ward 6 inquired whether there was a necessity for this expenditure the present year, and he would like to hear from the Committee on Public Buildings in relation thereto.

Mr. Emery of Ward 10 said he did not know anything in relation to the matter.

Mr. Perkins moved a reference of the order to the Committee on Public Buildings.

Mr. Emery said he presumed the order came from that committee.

Mr. Perkins changed his motion to one to lay the order on the table.

Mr. Emery did not believe that the condition of the city was such that an expenditure of \$10,000 or \$15,000 should be stopped. The order contemplated plans and estimates, and if they proved to be too much then they might stop. There was no necessity yet to lie down and cry baby.

Mr. Perkins withdrew his motion. There were, he said, to be considered, a number of orders, and among them one for a schoolhouse to cost \$90,000. There should be a postponement of all unnecessary expenditures, and in this case he had asked the necessity for it, but no member of the committee could answer him. As no member of the committee could tell him, he would ask information of some member from Ward 16.

Mr. Burt of Ward 16 said he did not know all about the matter; but he did know that there was a necessity for some place for the police, in which to sleep, the present place hardly being fit for horses; the rooms for the officers were very well, and the cells were good enough, but the accommodations for men were not.

Mr. Hersey of Ward 12 said he supposed the Committee on Police were the proper persons to give information.

Mr. Flynn of Ward 7 said it had appeared to him the order was very sweeping, providing for offices for the Surveyor's and Paving departments and the Municipal Court. Unless some one explained to him the necessities for these accommodations, he should vote against this order.

Mr. Perkins moved a reference of the order to the Committee on Public Buildings, which was carried.

The report and order authorizing accommodations to be furnished for an additional primary class in the Shurtleff District, coming up, Mr. Perkins said here were four orders relating to schoolhouses, and he would like to know if the expenditures were all required the present year. He was not disposed to cry baby, but believed that some of these expenditures might not be looked at in the same view as they were last week.

Mr. Emery stated that these matters came from the School Committee, and in this case the Superintendent of Public Buildings had hired a room to meet the necessities of the school.

The order, as well as the two following, was severally read once.

Report and order authorizing temporary accommodations to be furnished for an additional primary class in the Prescott District.

Report and order authorizing an additional room to be furnished for the accommodation of the pupils in the Mather District, Ward 16.

The order authorizing a grammar schoolhouse to

be erected for the accommodation of the Washington and Dudley districts, on the City-Hall estate, Boston Highlands, at an estimated expense of \$90,000, and for a loan of said sum to be applied therefor, being under consideration—

Mr. Perkins of Ward 6 said we had now an order in which there was no question of hiring a room, and he thought that unless there was a great necessity for so large an expenditure it would be better to endure a little crowding of the schools.

Mr. Wright of Ward 15 stated that there had been efforts made for three years to get more accommodations for these schools, and these had failed until the present time. There was one class in an old gun house, another over a grocery, and a third in the old almshouse. He had been opposed to taking the City Hall site as not sufficiently central, but when he found the citizens generally in favor of it, he favored it lest they should have none. The committee were unanimously in favor of the place, and the schools must suspend unless they have more accommodations.

Mr. Perkins believed they had better suffer inconvenience the present year, and that so large an expenditure should be saved at present. He did not believe that \$600,000 could have been expended for bridges at the present time, and that they should stop here.

Mr. Pease of Ward 1 said he was opposed to an expenditure of \$90,000 for schoolhouses, believing that \$45,000 or \$50,000 was enough. There was a great deal of useless and ornamental work about schoolhouses, the expense of which could be saved.

Mr. Perkins said that as it appeared the report came from the Committee on Public Buildings, he would move that it be recommitted.

The Chair remarked that he was not informed.

The motion of Mr. Perkins was carried.

## UNFINISHED BUSINESS.

The order authorizing the rooms on the upper floor of the Tennyson-street Schoolhouse to be prepared for the use of the Evening Mechanical Drawing School, at a cost not exceeding \$2500, was read a second time and passed.

## THE CITY SOLICITOR ON FREE FERRIES.

The following communication from the City Solicitor was read:

CITY SOLICITOR'S OFFICE, 2 Pemberton }  
square, BOSTON, Nov. 14, 1872. }

Sir—In compliance with the order of the Common Council requesting of me "a written opinion on the question whether the order now before the Council, that from and after Jan. 1, 1873, the East Boston ferries shall be free for foot travel, is in accordance with the laws of the Commonwealth," I have the honor to state that it is not among the general powers conferred by law upon municipalities to maintain and operate ferries, either for free passage, or passage on payment of toll, and that money cannot be raised or expended by them for this purpose without express legislative authority.

The right of the City Council to purchase the East Boston ferries, of which it availed itself, was given by the one hundred and fifty-eighth chapter of the acts of the year 1869, and all its rights in regard to the use and management thereof are prescribed and defined by the same statute.

By the second section of that act it is provided that the City Council may determine whether the ferries shall be maintained free of tolls; and if it decide in the affirmative the cost of their purchase shall be apportioned between the city and the owners of real estate in East Boston and Breed's Island in the manner therein prescribed.

By the sixth section it is provided that the ferries may be made free for a term of not less than ten years succeeding the purchase, and the cost of purchase apportioned in another manner.

The ferries can be made free in only one of these modes. No authority exists for making them free for one class of ferrriage while tolls are charged for the other classes.

It is therefore my opinion that the aforesaid order now before the Common Council will, if it be passed, be in contravention of the law.

I am, with great respect,  
Your obedient servant,  
J. P. HEALY.

To the President of the Common Council.

Laid on the table and ordered to be printed.

## PETITIONS PRESENTED AND REFERRED.

A remonstrance was presented from sundry citizens in which they most respectfully and earnestly remonstrate against the illegal, and in their opinion, totally uncalled for measure of authorizing the inva-



sion of Boston Common for the purposes of trade, by erecting shops or warehouses thereon.

Signed by James Lawrence, S. M. Quincy, Francis W. Palfrey, Charles P. Curtis, Nathaniel W. Curtis, Robert M. Pratt, Theodore Chase, J. C. Morse, G. A. Bethune, J. M. Bethune, Kirk Boott, A. T. Perkins, J. T. Barnard, Frederick Amory, Nathaniel P. Russell, William P. Mason, H. C. Brooks, B. Joy Jeffries, E. Dale, A. S. Bird, Charles H. Parker, Abbott Lawrence, Benjamin E. Morse, William B. Swett, J. T. Coolidge, Jr., Charles M. Robbins, E. W. Rollins, S. M. Weid, Frederick Dexter, Francis Skinner, Alfred Rodman, Patrick Grant, H. Hummewell, Samuel Hammond, James F. Curtis, G. S. Dabney, F. P. Spragne, G. W. Baldwin, Walter L. Green.

The remonstrance was referred to the Committee on Common, etc.

Franklin Upton & Co. and others, that North street be repaved with granite blocks from Union street to Cross street. Ordered to be sent up.

#### REPORTS OF COMMITTEES.

Mr. Robinson of Ward 11, from the Joint Standing Committee on Public Lands, to whom was referred the petition of E. H. Hall & Co., for leave to purchase a lot of land belonging to the city on Savin Hill avenue, Ward 16, having fully considered the same, made a report as follows: That whereas, the petitioners are not disposed to pay the price per foot which the committee believe the land is worth, they have leave to withdraw. Accepted.

Mr. Caton of Ward 10, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of John R. Hall for leave to build on Summer and Arch streets, respectfully report that they have ascertained that the petition is for a brick and stone building, in conformity with the provisions of the act relating to buildings, and therefore no action of the City Council is necessary.

Mr. Flynn of Ward 7 inquired if the report gave authority to Mr. Hall to go on and build without the consent of the Inspector of Buildings.

Mr. Caton replied that it did not, and the Inspector did not design at present to give any permits.

The report was accepted.

Mr. Caton, from the same committee, who were directed to consider and report what amendments to the statute known as the "Building act" are necessary in order to furnish additional security against the destruction of buildings by fire, made a report, as follows:

At the beginning of the present year, the committee, warned by the Chicago fire, and foreseeing that a similar disaster was likely to occur in Boston, prepared some amendments to the building act, with a view to increase the safety of buildings, and more especially to regulate the construction of Mansard roofs and make them, as far as possible, fire proof.

These amendments were laid before the Committee on Insurance, but for reasons which need not be stated here, they were rejected. The occurrences of the last few days have proved that the apprehensions of the committee were well founded. All who watched the progress of the fire saw that it was accelerated by the huge Mansard roofs surmounting the lofty buildings, at such a height that the most powerful stream of water was turned to spray and steam before it touched the eaves, and as each roof in its turn sent forth a mass of flying sparks and cinders, there lodging on the wooden cornices and ornamental woodwork with which it has been the custom to load the roofs of our buildings, ignited other roofs with such rapidity that the efforts of the firemen could not keep pace with the flames.

It now devolves upon the City Council to take such measures in regard to the buildings of the future as will secure our city from another similar disaster, and, as the work of rebuilding the burnt district will be immediately commenced, the necessity of immediate action is imperative. The committee would therefore recommend that they be authorized to prepare an act regulating the construction of Mansard roofs, and making them, as far as possible, fire proof; prohibiting the use of ornamental woodwork on the exterior of buildings, and making provision for the construction of partition walls and the proper support of girders and floor beams.

To that end they would respectfully recommend the passage of the following order:

Ordered, That his Honor the Mayor be authorized to petition the General Court for the passage of an act making additional provision in relation to the erection of buildings, and that the Committee on the Survey and Inspection of Buildings, in consultation with the City Solicitor, be authorized to prepare such an act.

The report was accepted, and the order was passed.

#### ORDER PASSED.

On motion of Mr. Flanders of Ward 5,

Ordered, That his Honor the Mayor be requested to appoint a scientific commission of five persons to investigate the cause of the recent fire and the efforts made for its suppression, to be reported in print.

#### INQUIRY INTO MEASURES OF RELIEF.

Mr. Dacey of Ward 2 inquired what disposition had been made of the cases requiring relief to which the attention of the chairman was called yesterday.

Mr. Flanders of Ward 5 stated that there was no chairman of the committee on the part of the Council, except so far as being the first named, and so far as their action was concerned, there had been harmony except by one member. All he could say was that so far as he knew, and observed, every single case which had been brought to notice had been relieved by the Charity Bureau in Chardon street. If any one knew of cases not relieved, he would like to know of them.

Mr. Fitzgerald of Ward 7 said he was glad the subject had been brought up again. He thought yesterday, when the subject was so ventilated before this Board, that this ornamental committee would act on its own account, and not give up its authority to others. All they did was to make out papers and send applicants to the Bureau in Chardon street; but the people would not go there, for there were many who were in need who would never consent to receive it through such a channel by way of charity. They would not go there nor would they go to Park-street Church.

There were cases at the North End and in various parts of the city where persons were suffering, and they needed to be sought out; there were at least fifty, seventy-five or one hundred cases, and he was surprised that any member of the Council should have had the heartlessness to say, as one had, that a pigpen was good enough for many of these persons. It was a shame upon the city, when so much money was coming from abroad, that the order of the City Council was not carried out to afford immediate relief to those who are in need. The object of the order was to afford generous and immediate relief, to be provided out of the incidental fund, but the committee had turned it over to the Citizens' Committee and the Bureau.

So far as this Board was concerned, they might as well not have had a committee, and it was a shame that they should depend on two or three persons to furnish relief, and that the applicants should be sent to the Bureau and treated as paupers, to be questioned, and their affairs peeked into. A petition had been presented from the Society of St. Vincent de Paul expressing a willingness to aid in finding out and relieving the poor. This he mentioned because he was knowing to it. This aid should not be furnished in the light of charity, but should be given by the committee promptly and not conjointly with others.

Mr. Fitzgerald said he had been in the condition of many of these people, when once shipwrecked, and he could not have received aid as in charity, for if he had been required to go to a place like the Bureau, he would not have gone near it. The committee of the Council should seek out such cases, and not require the persons in need to seek them, for if they did they would not have aid. Unless the committee take such a course in seeking out persons in need of relief, and not continue to be a mere ornamental committee, they had better resign.

Mr. Dacey referred to the heartless remark said to have been made, and he was surprised that any one should so far forget himself as to make such a remark. He felt that the debate was getting to be tedious, but the committee could not suppose they could be held in the greatest respect when they had transferred their duties to others, and in doing so had done a great wrong to the Council and to the suffering poor. The order provided for generous aid, and under it the poor in the Fort Hill section should receive immediate attention. If the committee did not discharge their duties as it was designed they should do, a motion should be made for their discharge, and the sooner the better.

Mr. Page of Ward 9 said he was on this ornamental committee. Upon its organization they had considered how aid could be afforded in the quickest possible way, and went round the district and gave immediate relief to those requiring it, and then went to the Citizens' Committee to co-operate with them. He had himself devoted this day to the duties of relief, and one hundred people had been applicants and had been provided for. If any one could see anybody who had been unprovided for, he could not. The number of applicants so far at the Bureau had amounted to 265, and their wants had all been sup-



plied except in a few cases in which the articles could not be obtained. Groceries and fuel were supplied, and stoves and furniture would be in a few days. He hoped that every member of the Council would go down and see for himself, and if they should not be satisfied, and could find a better way, as a member of the committee he would be glad to know of it.

Mr. Flynn inquired whether Mr. Page was present at the Charity Bureau officially or in some other capacity. Mr. Page replied that he was there as a member of the Council Committee. The course pursued was to inquire the name of the applicant, residence before being burnt out and now, the number in the family, what they had saved, and what were their immediate wants. Some had saved everything; some who kept boarding houses had saved several beds, clothing, etc.; one person who was burnt out and who was to pay a rent of \$650, wished them to furnish his house and pay one month's rent in advance, but that was more than they thought they should do.

Mr. Page said further that there was not one who did not receive some aid; some were furnished with groceries and other articles such as they requested, and all went away satisfied. In some cases they gave money, and in others passes to leave the city, in one instance to Canada.

Mr. Burt of Ward 16 said he was a member also of this ornamental committee, and related his experience, in company with other members, in going over the territory on Sunday, in which they were occupied until night. They did not find any one in need until they reached the Fort-Hill territory. They found seven families who could find no teams with which to remove their goods, and these were provided with teams, and two having no place, their goods were sent to the city stables.

The committee visited No. 23 South street, and questioned the occupants of the several rooms. They all said they were all right, but that they should want aid by and by. One man who had furnished provisions to those families was told to continue supplies, and he should be paid. There was not one person who wanted immediate relief, but they thought they should, and were perfectly satisfied. He would like to know of any case requiring relief, and he would give it.

Mr. Flynn said he also was a member of the committee, and suggested yesterday to the chairman to go and see the people at No. 23 South street. He went there himself and found quite a number in and others out of the rooms, and went through the rooms. To his inquiries whether relief had been given them, they said the members of the committee went away without rendering assistance. There was a woman with a babe, who was unable to go to Chardon street. Found the janitor and gave him an order to supply her needs. The gentleman says all is right; but here were a large number of people huddled together waiting for somebody to provide relief.

Mr. Heath of Ward 8 said he was a member of the committee and had been with other members through the district. He had not as yet seen a person who said or admitted he was in immediate want. He visited the house mentioned in South street, and the rooms up stairs, and in the conversation the people said they should want relief, but at present they were comfortable and nothing more. He had visited the Bureau in Chardon street three times today, and believed the committee were doing all that could be done for the sufferers. They have a clerical force, and ten different gentlemen are engaged in the work. Persons are sent to visit the premises, who report back, when such aid as is needed is afforded.

Gentlemen of the highest respectability and largest heart devoted their whole time to this work for the love of doing good, and no person who applied had gone away disappointed. One gentleman paid out near \$100 in sums from \$1 to \$10, and arrangements had been made to furnish stoves and furniture, which had not been provided until now. Groceries, provisions, fuel, clothing and money were among the supplies. The committee did not shirk any duty which was right and proper to be done.

Mr. Perkins of Ward 6 said he had listened patiently to get the truth of the matter, and it was due to the committee in their action and to the good faith of the Council that their course should be approved. It was a trying question which system of relief is the right one, and he believed the Citizens' Committee were competent to do the work required. In operating through several channels they left it open to impostors, wasting time and money in efforts for relief. This was not a work of a week or a month, and the question is whether they can pay aid out of the incidental fund all winter. The Citizens' Committee, if in the Council, were the very persons who would be

selected for the work, and it could not be doubted that they had done their work well.

Mr. Flanders of Ward 5 said the gentleman had struck the keynote of the whole matter. The Committee on Relief had acted judiciously, and they believed it was right and proper, under the circumstances of the case, to intrust the measures of relief to the persons best qualified to give it. They believed it could best be done through the Charity Bureau, and he should not be deterred by any one from doing his duty faithfully.

The talk about the committee was all a sham, for political effect, and in so far as he was concerned he intended to act with perfect independence. He had no desire to make political capital out of this matter, as it was evident some of the other side were trying to do. If the Council thought the committee needed censure let it censure them.

Mr. Blackmar of Ward 11 said they had heard both sides, and he moved that the Council approve of the action of the committee.

Mr. Fitzgerald said he was glad to hear the eloquence of the gentlemen, and that he had no capital to make out of the matter, but he did not appear to have had any argument until the gentleman from Ward 6 struck the keynote in the matter. His objection was that the committee did not carry out the intention of the original order, in giving immediate and generous relief. So far as their action was concerned, they might as well have had no committee, for the Citizens' Committee were doing the whole of the work.

The object of the committee was not to reach the deserving, not to find out the needy cases by going where they are, but to throw around them an atmosphere of pauperism. There are many who are in want—many poor girls, dependent for their bread upon their daily labor. The committee might do something to relieve them, but instead of doing so are content to give orders. As a committee they were doing nothing, but he knew that the gentleman had in one case paid \$2 out of his own pocket.

Mr. Flanders did not believe that fault could be found with the Bureau for not doing their duty.

Mr. Page said the two hundred and sixty applicants represented twelve hundred or thirteen hundred persons who had been relieved. So far as related to one case, a lady was found in the basement of the City Hall seeking relief, who lived in Leather square, now in South street. She saved three silk dresses, one velvet sack, four feather beds, and had money in the savings bank, yet she was provided with one week's board. He repeated that he hoped the members of the Council would come down to the Bureau and see the workings of the measures for relief.

Mr. Flanders also referred to the same woman, who had received groceries, boots and shoes, etc., and had \$200 or \$300 in the bank.

Mr. West of Ward 16 said the order provided for immediate and generous measures of relief, and the committee had acted with good judgment and taken the best course they could have taken. They had taken advantage of a well-established society in providing relief, which was the best they could do.

Mr. Wilbur of Ward 9 hoped the committee would be sustained, as they had acted as in a similar case last year.

Mr. Dacey hoped the committee would not be sustained, for they had not given the instant and immediate relief required of them. Some parties who had applied to the Citizens' Committee for relief went away perfectly disgusted.

Mr. Brooks of Ward 1 did not doubt the committee did the best they could, but the mistake was in not having a larger number, as first proposed.

A motion to adjourn was lost.

Mr. Shepard of Ward 4 said he had listened to the debate and was not sorry that it had taken place. He had occupied a position of trust in affording relief to soldiers, and knew the difficulties attending measures of relief in such a manner as to avoid imposition, and do justice to all cases before them. He trusted that the committee had acted generously in giving aid in food, clothing and other necessities, and suggested that every gentleman should constitute himself a committee of information to report to the Executive Committee all cases needing aid. By seeking out cases, they could render the committee more efficient.

Mr. Pease moved the previous question, and a call of the Council showed forty-six members present.

The main question was ordered, and the motion to approve the action of the committee was carried by a vote of 31 to 15, as follows:

Yeas—Adams, Bicknell, Blackmar, Brooks, Burditt, Burt, Caton, Clatum, Darrow, Emery, Hart, Jersey, Holmes, Kingsley, Locke, Loring, Marston,



McNutt, Pease, Perkins, Pickering, Prescott, Robertson, Robinson, Shepard, Thatcher, Webster, West, Weston, Whiston, Wilbur.

Nays—Anderson, Collins, Dacey, Devine, Doherty, Faxon, Fitzgerald, Flynn, Hughes, Jones, Lamb, Mart n. Risteen, Smith, Wright.

Mr. Flynn moved that the committee be discharged.

Mr. Pickering of Ward 6 wished to know if the committee desired to be discharged.

The Chair replied that it did not appear that they did.

Mr. Burt of Ward 16 said the committee held themselves in readiness to do their duty not for a day, week, or month, and to tender aid at any time, but they were willing to be discharged, if the Council so wished.

Mr. Smith of Ward 1 said he voted against the approval of the action of the committee for the reason that the committee had not carried out the spirit of the order in themselves furnishing immediate relief, but had delegated their duties to others. The order was to furnish relief to be paid out of the incidental fund, but this it appeared had not been done.

Mr. Pickering inquired if the committee had delegated their authority to others by vote of committee.

Mr. Page replied that the committee acted as they did because they believed it to be the best way; because the Charity Bureau had the material on hand, and, in cases of immediate distress, could better give aid; it was not intended to turn the business over, but when necessary they could give orders for relief.

Mr. Clatur of Ward 4 moved an adjournment, which was lost.

Mr. Webster of Ward 6 offered the following resolution:

Resolved, That each member of the Common Council be requested to take upon himself the duty of finding out and reporting to the Joint Committee on Relief any cases requiring help in his neighborhood.

Mr. Webster, in support of the resolution, urged that it was the duty of every member to act as proposed.

Mr. Brooks of Ward 1 repeated what he had before said, that a mistake was made in not having a larger committee, which was needed for greater efficiency.

Mr. Robbins of Ward 8 believed the resolution to be in good time and taste, and he did not vote censure nor could he approve of delegating the powers of the committee to others.

The resolution was passed.

On motion of Mr. Shepard of Ward 4.

Ordered, That the Inspector of Buildings be requested to refuse permits for the erection of permanent buildings on the burnt district until action shall be taken by the City Council and the Street Commissioners in respect to the laying out, altering or widening streets in that territory.

Mr. Shepard said, in support of the order, that the Inspector had declined to issue permits, but he had no authority to do so, and this was for the purpose of sustaining his course.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

NOV. 15, 1872.

A special meeting of the Board of Aldermen was held this forenoon at ten o'clock, Alderman Little, the chairman, presiding.

## PETITIONS PRESENTED AND REFERRED.

Bartholomew J. Cooke, for appointment as an auctioneer at 332 Federal street. Referred to Committee on Licenses.

Franklin Upton & Co. and others, for the paving of North street, from Union to Cross streets, with small granite blocks. Referred to Committee on Paving.

Robert Bishop, for permission to put up a frame building in South Boston. Referred to Committee on Survey and Inspection of Buildings.

## APPOINTMENTS MADE AND CONFIRMED.

Special police officers, without pay—J. Templeman, Jr., J. F. Dodge, Walter Hovey, Nelson V. Titus, Charles Marsh, William H. Long, Mark Dowling, O. H. Alford, Frederic Kimball, Stephen G. Deblois, Leonard Ware, F. H. Story, Thacher Goddard, Murray R. Ballou, William A. Hitchcock, Frank W. Andrews, A. S. Taylor, W. Greene Howe, Thomas Mims, Frank Huntress, S. T. Snow, John Revere.

For Washington Village and its vicinity—Joseph Frye, M. H. Keenan, Thomas Buckner, George E. Clarke, S. L. Hill, Thomas Kelly, H. W. Sawyer, George Kesler, Lawrence Keenan, John W. Keene, Joseph H. Allen, D. C. Litchfield, James Carlan, E. S. Hobbs, J. L. Miller, W. L. Lewis, N. Harlan, Henry Packard, William Cross, H. W. Eaton, M. F. Power, William Shankland, B. F. Sheffield, James Hunsband, J. S. Pray, M. Donovan, John J. Nolen, S. C. Richmond, J. E. Ware, D. Sands, P. Haney, H. P. Heywood, J. R. Tucker, George Ditson, E. P.

Vinton, Frank Donahoe, J. D. Tuttle, C. W. Walker, George F. Fuller.

George S. Bartlett for Lincoln and Essex streets and vicinity; E. W. Turner for Court and Hanover streets; John Miller and Elijah Chadwick for Lewis wharf and vicinity; George E. Newhouse, Joseph King, Charles Laseelle and George Spiller for Bath street and vicinity; George Baneroft for City Hospital and vicinity; Isaac T. Hoague for Beacon, Bowdoin and Somerset streets and Ashburton place; George E. Hicks for Pemberton square and vicinity; James F. Bailey for Chickering's factory and vicinity, Tremont street.

Frederick A. Johnson for Berkeley-street Church and 67 Devonshire street; W. C. Hazelton and J. M. Ford for Lurline Hall and vicinity, Winter street; Edward O. Holmes for Haymarket square and vicinity; Emery M. Jones for Mission Chapel and vicinity, Lenox street; Edward Cowles, Preston L. French, for City Hospital and vicinity; Stanton Whitney, John L. Gardner, Jr., Joseph P. Gardner, E. Rollins Morse for Beacon and Boylston streets and Commonwealth avenue and vicinity.

## PAPERS FROM THE COMMON COUNCIL.

The remonstrance of James Lawrence and others was referred in concurrence.

The following orders were severally passed in concurrence:

Order providing for a committee of conference with property holders as to what action is expedient on the part of the City Council and the Legislature under existing circumstances; also providing that the Joint Committee on Streets and Legislative Matters and special committee on loaning the credit of the City constitute such committee of conference on the part of the City Council.

Order requesting that building permits for building on the burnt district be not issued until lines of streets are fixed.

Order for appointment of a scientific commission to inquire into the cause and management of the fire.

[NOTE. The order passed in the Board on Monday for the pulling down of dangerous walls and chimneys, was on motion of Alderman Fairbanks.]

Adjourned.







CITY OF BOSTON.

Proceedings of the Board of Aldermen,

NOV. 18, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the Chairman, presiding.

APPOINTMENTS MADE AND CONFIRMED.

Special police officers, without pay—John Jeffries, Jr., G. Revere Curtis, Henry G. Parker, S. R. Niles; James C. McKie, for Rowe's wharf and its vicinity; Henry M. Martin, for Central wharf and its vicinity; Jerry S. Hendrick, for Chelsea street and its vicinity, East Boston.

Dennis P. Donovan, for Dorchester avenue and Foundry street; John D. S. Giles, for Congress street and vicinity; William C. Sanger, A. M. Yznaga, for Beacon street and vicinity; Charles J. Prescott, for Liverpool wharf and vicinity; J. F. Dodge, for Beacon street and vicinity; Franklin Eveleth, for Hancock and Cushman schools; James P. Bush, for Beacon street and vicinity; P. J. Reardon, for Eliot School; George S. Hutchinson, for evening school at bath house on Cabot street; Henry T. Dunham, for South Boston Post Office and vicinity.

PETITIONS PRESENTED AND REFERRED.

Henry Poor & Son and others, that the time for building on Fort Hill lots may be extended to one year, and that the assessed valuation of the land may be established. Referred to Committee on Fort Hill.

South Boston Iron Company and others, that the repairs on the Federal-street Bridge may be prosecuted with greater despatch. Referred to Committee on Bridges.

George M. Glazier, for leave to transport goods and merchandise through the yard of the English High School. Referred to the Committee on Public Buildings.

Peter C. Jones, for replacement of city bond lost by the fire.

B. W. Taggard, that new bonds of the city stock be issued to replace some lost in the recent fire.

Severally referred to the Committee on Finance.

Anton Sontag, for the formation of a Relief Building Committee. Referred to the Committee on City Loan.

Philip Albrecht, for leave to occupy a wooden stable for one horse, rear of No. 12 Magazine street. Referred to Committee on Health.

Michael F. Lynch, to be paid for loss of a horse on account of an alleged defect in Dorchester avenue. Referred to Committee on Claims.

A. Emerson & Co., for leave to erect a wooden storehouse on D, E and Tudor streets, South Boston.

C. McVey and others, against the erection of a building by Robert Bishop, between D and E streets.

Severally referred to Committee on Survey and Inspection of Buildings.

Beach & Copeland, for leave to lay down pipes in the streets of the burnt district, near Fort Hill, for heating purposes. Referred to the committees on Paving and Steam Engines.

Metropolitan Railroad Company, for extension of their location in this city, by a turnout or side track on Shawmut avenue, opposite St. James street, to the land of said company.

A communication was received from the Manufacturers' Exchange Corporation, giving their consent to the proposed appropriation of land on Washington square, for temporary use of sufferers by the late fire. Referred to the Committee on Fort Hill.

MONTHLY REPORT OF CITY HOSPITAL.

The monthly report of the Trustees of the City Hospital shows the number of admissions and treatment of patients at the hospital for October to be as follows:

	Surgical.	Medical.	Ophthalmic.	Total.
In hospital Oct. 1...	86	103	3	192
Admitted in October	104	141	7	252
Whole No. treated...	190	244	10	444
Discharged.....	100	135	7	242
Died.....	10	15	0	25
Remaining Oct. 13...	80	94	3	177

The treatment in out-patients department was as follows: Surgical, 511; medical, 307; ophthalmic, 567; dental, 127; cutaneous, 222. Total, 1734.

Ordered to be sent down.

REPORT OF THE PROVISIONAL COMMITTEE.

The report of the Provisional Committee containing an official account of the various proceedings of this committee since its organization, growing out of the recent fire, the various measures of which have been published from day to day, was laid on the table and ordered to be printed.

PAPERS FROM THE COMMON COUNCIL.

The petitions of Currier & Trott and of P. H. Wentworth were referred, in concurrence.

The reference of report and order authorizing the erection of a grammar schoolhouse for the Washington and Dudley districts, at an expense of \$90,000, to the Committee on Public Buildings, being under consideration—

Alderman Sayward opposed concurrence, stating that the necessity for the schoolhouse was well understood, and the report came from the Committee on Public Buildings. The absence of members of the committee from the Council was the occasion of its not being understood there, and would be explained when it came up again. The reference was non-concurred in.

The reference to Committee on Public Buildings of report and order relating to Police Station No. 11 being under consideration,

Alderman Sayward opposed concurrence, stating that this report also came from that committee. They had been trying for a whole year to get a station house, and it would not be objected to by the Council after explanation.

The reference was non-concurred in.

The report on petition of John R. Hall (no action necessary) was accepted, in concurrence.

The report (leave to withdraw) on petition of E. H. Hall was accepted, in concurrence.

The following papers subsequently received from the Council were acted upon in concurrence.

Report and order authorizing the Mayor to petition the General Court for an act making additional provisions in relation to the erection of buildings.

Order authorizing the Mayor to petition the General Court for an act authorizing the taking of parts or whole of abutting estates when required for street purposes, etc.

Order authorizing the Mayor to petition the General Court for an amendment to the Betterment law, to provide that betterments may be assessed upon lands coming into possession of former owners by discontinuance of streets.

Order authorizing a petition to the General Court to procure by law additional safeguards against fire, in accordance with the recommendations of the committees on Streets and Inspection of Buildings.

ELECTION OF CITY ENGINEER.

The election of Joseph P. Davis as City Engineer came up from the Common Council.

Alderman Clark referred to the ballot printed for Mr. Wilson, representing it as the report of the majority of the committee, and wished to know whether it was a recent report or that of a committee made nine months ago.

The Board proceeded to a ballot, which was announced as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Henry W. Wilson.....	7
Joseph P. Davis.....	5

Alderman Clark inquired whether the election of Mr. Wilson, a Representative to the General Court, would not conflict with his duties as engineer.

Alderman Rieker doubted the correctness of the report, there being one ballot which was not counted.

The Chair stated that there appeared to be one ballot in which the name of Henry W. Wilson was scratched out, and that of N. Henry Crafts was written in its place.

Alderman Clark moved that the vote be declared null from irregularity.

Alderman Jenks said the report might be sent back to the committee, but the vote could not be declared void.

Alderman Clark changed his motion to one for re-committal, which was carried.

The committee reported the revised report as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Henry W. Wilson.....	6
Joseph P. Davis.....	5
N. Henry Crafts.....	1

and there was no choice.

Alderman Cutter called for the reading of the report of the Examining Engineers, the concluding portion of which was as follows:

Of the four candidates whose names were sent to



the Board, namely, Mr. Joseph P. Davis, Mr. Henry W. Wilson, Mr. Joseph P. Frizell and Mr. Henry M. Wightman, the latter, Mr. Wightman, wrote to the Board in reply to their communication, that having in a letter to the Board of Aldermen withdrawn his name as a candidate in favor of Mr. Joseph P. Davis, he could not honorably appear before them. The other candidates all appeared, and the Board do not hesitate to say that they all possess, in certain respects, qualifications of a high order.

Mr. Frizell is a gentleman of thorough mathematical education, of great taste and capacity for scientific investigation, whose researches into various interesting questions connected with the business of an engineer—some of them published in scientific journals—show him to be very proficient in the higher branches of mathematics, and not unfamiliar with their practical application.

Mr. Wilson has impressed the Board with his energy and practical ability, which have been highly commended by persons with whom he has been associated. He would, unquestionably, prosecute with promptness and vigor any work which might be intrusted to him; and he possesses a local knowledge, derived from his constant residence in Boston or its vicinity, which is of great value.

Mr. Davis, in addition to a thorough special education as an engineer, has had a more varied and valuable professional experience than either of the other gentlemen. Especially in that branch of his profession which relates to the supply and distribution of water, and water works generally, does he appear to be eminently qualified. He has filled important positions upon several works of great magnitude, and of others has had the full responsibility as chief engineer. The testimony of engineers of the highest professional reputation is fully given to his capacity and attainments, and to the excellence of the work he has done. As the final result of their examination and inquiry, the Board are unanimous in the opinion that he best embraces the qualifications most important for the discharge of the responsible duties of City Engineer.

Alderman Clark again raised the objection to Mr. Wilson as being elected to the Legislature, and that he could not discharge the duties of both offices. If there ever was a necessity for obtaining the most able talent in the office of engineer it is now when there was a great work to be done. After nine months' delay a report has been made by a commission composed partly by Mr. Wilson's friends, who state that Mr. Davis is best qualified for the office. Mr. Wilson was no doubt a man of experience, and if the commission had reported in his favor he should have voted for him.

Alderman Sayward declared the course pursued to be a most extraordinary one: first in objecting to the printed ballot, because it represented Mr. Wilson as being the candidate recommended by a majority of the committee; then that the ballot was illegal, and finally that he could not serve because elected to the Legislature. Clearly the course pursued in regard to the ballot was not legal. Mr. Wilson might consider the office to be more honorable, and decline to serve as Representative.

Alderman Power believed that the first return of the ballot was a miscount, without doubt. So far as qualifications were concerned, Mr. Wilson was known to be well qualified, and if there had been any doubt, the report of the commission would have removed that. Under that report, one might vote for either of the candidates. The election to the Legislature was to his credit, showing the confidence of his constituents in him as having talents of a high order. Everybody knows his ability, and that he did not need the position, being able to earn four times as much as the salary outside of the office. He could desire it for no other reason than to serve for the honor of his native city. The question of qualifications, he had hoped, would not have been canvassed at this time.

Alderman Clark wished to know of what use a scientific commission could be, if they were not to be governed by it. Were they to pay no attention to it? It might be that Mr. Wilson would be willing to resign his office as Representative, but he must have doubted whether he could be elected to this office when he consented to run for the Legislature. He should regret saying anything against him, as a man of talent, yet Mr. Davis was the most able man in the view of the commission. It was a matter of regret that Mr. Chesboro was not here when we have need of the highest ability in such an office.

Alderman Power said he was never committed to the report of the commission. The friends of Mr. Wilson had a clear majority in the Board when his nomination was reported, and they could have elected him. It was but a ruse to appoint a commission,

and was acquiesced in, but he did not promise to be bound by it. If there had been any doubts of his qualifications, those doubts should be removed. Mr. Wilson had no voice in being elected to the Legislature, but his election should be no objection to him.

Alderman Cutter said he had no doubt that Mr. Davis would be elected, when the report of the commission was made. When that report goes on record with an election adverse to it, what appearance it would give. They saw that we are in great want of an efficient engineer, in the enlargement of the water works, and in the view of the commission Mr. Davis is the most competent. It was their duty to the city's interests not to be influenced by political parties in such a matter.

Alderman Power replied that in politics Mr. Wilson and himself were opposites; and as to wishing through good and evil report to elect Mr. Wilson, as had been said, he denied that any evil could be said of him. Mr. Wilson had come up to his present position from a poor boy, and did not seek for the office to make anything out of it. He did not question the ability of Mr. Davis, but was disposed to vote for some one else.

Alderman Sayward said they had been desired to pause, and had paused six or eight months. It might be found necessary to examine the Aldermen to see who were competent to vote on the question. In this matter he did not care for politics.

Alderman Clark said the fact was, that Mr. Davis was declared by the commission to be of the highest ability, and he could not see how they could go out and face their constituents without voting for Davis. It would be but the honest thing to vote for him, and as to politics, he did not know anything of the political views of the candidates.

Alderman Poland, referring to the remark that the friends of Mr. Wilson might have elected him some time ago, said the reference to a commission was made to get the most competent man, and he was deceived by the ballot, in indicating Mr. Wilson as being the candidate of the majority of the committee, which might have been a trick.

Alderman Power declared that the ballot could have been no trick, but when printed was so printed as being the report of a majority of the committee. He was still the candidate of the committee, and no deception was intended.

Alderman Clark doubted his being the candidate of the committee, whose functions ceased when the commission was appointed. It was their duty to vote for the candidate nominated by the Board of Engineers.

Alderman Power begged to differ from the Alderman. The commission was no part of the City Government, while Mr. Wilson was nominated by a committee of the City Government.

The Chair stated that the tickets used were the old ones printed when the nomination of Mr. Wilson was reported, and had been distributed by the Messenger, without any other object than as ballots to be used in the absence of others.

The Board proceeded to another ballot, resulting as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Henry W. Wilson.....	6
Joseph P. Davis.....	5
Henry M. Wightman.....	1

The third and fourth ballots were the same, Mr. Wilson receiving 6 on each, Mr. Davis 4 and Mr. Wightman 2.

Alderman Poland moved that the election be laid over one week.

Alderman Power opposed the motion, which was lost, when the fifth ballot resulted as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Henry W. Wilson.....	6
Joseph P. Davis.....	4
Henry M. Wightman.....	1
Joseph M. Wightman.....	1

Alderman Clark moved that the election be laid over, which was opposed by Alderman Sayward, and the yeas and nays were ordered on motion of Alderman Clark, when the motion was lost by a vote of four to eight, as follows:

Yeas—Clark, Cutter, Little, Poland.  
Nays—Fairbanks, Jenks, Power, Ricker, Sayward, Squires, Stackpole, Woolley.

Alderman Clark urged that nothing could be gained by further balloting, and possibly Mr. Wightman might be elected a week hence, certainly the friends of Mr. Wilson would not be likely to change their votes at this time, and if so no one could be elected.

Another ballot resulted in giving 6 votes to Mr. Wilson, 4 to Joseph P. Davis, and 1 each to J. M. Wightman and Henry M. Wightman.



The seventh ballot resulted as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Henry W. Wilson had.....	7
Joseph P. Davis.....	4
Henry M. Wightman.....	1

Mr. Wilson was declared to be elected, in non-concurrence.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of a license to exhibit "Dailey's Hibernia" at Wait's Hall from November 19 to 21; also licenses to certain persons to keep billiard and bowling saloons and intelligence offices; for a wagon stand and wagon license. Severally accepted.

Alderman Sayward, from the Committee on Health, reported in favor of giving leave to F. A. Leigh to occupy a wooden stable for five horses on Melville avenue, Ward 16. Accepted.

Alderman Squires, from the Joint Standing Committee on Public Lands, made a report representing that they have received from William H. Richardson an application for the purchase of a lot of land belonging to the city and adjoining his estate on Savin-Hill avenue, and, having considered the same, recommend the passage of the accompanying order:

Ordered. That the lot of land on Savin-Hill avenue belonging to the city of Boston, and containing 2945 square feet, as shown upon a plan drawn by Thomas W. Davis, City Surveyor, be sold to William H. Richardson at 33 cents per foot, upon the usual terms and conditions of sale, reserving, however, a right of way over said premises, as set forth in the deed given by John H. Robinson to the town of Dorchester, December, 10, 1869; the proceeds to be placed to the credit of the town of Dorchester.

The order was read once.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on petition of Nehemiah Gibson and others, that leave be granted to George P. Clark to run a "dummy" engine on tracks of the Union Freight Railroad and Broadway Railroad; also on petition of James W. Tobey for damages on non-grading of Dartmouth street; and of Charles R. Patch and others that the Messrs. Ridgway be allowed to run a dummy engine over the Cambridge Railroad tracks to Bowdoin square, etc. Severally accepted.

Alderman Poland, from the Committee on Survey and Inspection of Buildings, reported an ordinance to amend an ordinance in relation to the regulation and inspection of buildings, providing that section 5 of ordinance regulating the inspection of buildings be so amended as to require the election of six assistant inspectors of buildings, three assistants to be appointed upon the passage of this ordinance. Referred to the Committee on Ordinances.

#### REPORT ON LOANING THE CREDIT OF THE CITY.

Alderman Clark presented the following report in the matter of the city's loaning its credit to enable parties to rebuild on the burnt district:

The joint special committee appointed to consider the expediency of loaning the credit of the city by issuing bonds or taking other action for the relief of such of our fellow-citizens as have lost their property by fire and need temporary assistance, beg leave to report that in their opinion and in the opinion of a majority of owners of real estate on the district recently covered by fire, the public interests would be greatly promoted by loaning the credit of the city under suitable restrictions, and upon such terms and conditions as shall cover all expense connected therewith, to those who desire to rebuild upon the district, and who would have great difficulty in obtaining the means, except upon very onerous terms. If the proposition is without precedent in our legislation, so are the circumstances under which the proposition is made. The preparation of a bill to be submitted to the Legislature is in the hands of competent legal gentlemen, and we have no doubt that if the authority is granted it will have an important influence in restoring our commercial prosperity. The committee would respectfully recommend the passage of the accompanying order.

For the committee,

JOHN T. CLARK, Chairman.

Ordered, That his Honor the Mayor be requested to petition the General Court, at its special session on the 19th inst., for the passage of an act to authorize the city to issue its bonds to an amount not exceeding twenty million dollars and for a time not exceeding ten years, and to loan the same upon sufficient security to those persons whose buildings have been destroyed by the recent fire, and who shall require such aid to enable them to rebuild in the burnt district, and who shall commence rebuilding on or before April 1, 1873,

and upon such other terms, conditions and restrictions as shall sufficiently secure the city from loss and expense on account of said loan, and shall most speedily and effectually secure the erection of substantial buildings over the whole of said district.

The undersigned, a member of the committee appointed to consider the expediency of loaning the credit of the city to persons who have lost their property by the recent fire, respectfully dissents from the recommendation of the majority of the committee, believing that those who can furnish proper security (and it is not proposed to aid those who cannot) will have no difficulty in obtaining funds to re-establish themselves, that those who have ample resources will take advantage of the city's credit to obtain money at a low rate of interest, while they loan their own money at a high rate, and that the proposed action would be contrary to the long established and well approved policy of our Government, and would constitute a dangerous precedent.

(Signed) JAMES POWER.

The question being on the passage of the order—

Alderman Power said he regarded this as one of the most important measures of the present City Council, which would be a precedent of which no one would know the consequences, and its intended effect would not be accomplished. He was as desirous as any gentleman could be to afford aid to those who needed it in rebuilding, but did not believe this would accomplish the object. A great many who have been burnt out have ample means for rebuilding, and if loans can be contracted for 5½ or less per cent. than banks or individuals can loan money, those who have plenty of money to loan will be the first to step in and take up the whole in place of those who need it. The savings banks were no doubt better fortified than before the fire, for several months since, in consequence of the difficulties in New York, and anticipating a similar result of a run upon them, they put more of their funds into bonds instead of real estate. They have now more money to loan on real estate than for many years. Another thing: while some of our first citizens were very indignant because some people in other cities were contributing means to relieve suffering, which hurt their pride, if Chicago, with twice as great a loss and not half as able, could go through their difficulties without such a measure, we can do so.

Alderman Clark said he was surprised that the Alderman had made up his mind against the measure at a late hour, when he was apparently in favor of it in committee. The committee did not hastily make up their minds. The matter came up in various shapes, and the committee of conference, representing the interests of all parties, agreed that they should ask for authority to issue bonds, which was adopted without a dissenting voice. It might be supposed there was plenty of money for rebuilding, but he doubted it. A majority of the buildings were not owned by wealthy capitalists, but those whose whole living was derived from the investment, and were not able to build except in the manner proposed.

It was well known that the credit of this city was unsurpassed by any city in the world. Ten millions of dollars could be borrowed at five per cent., and it could be loaned with perfect safety at seven per cent. The result would be that the poor man who owns the land will be able to rebuild by aid. If the wealthy capitalists built they will get ten to fifteen per cent., and the merchants would pay the rent. That is the way which has been and will be in the future. The city of Chicago did not borrow, because money is worth there from ten to fifteen per cent., and the city could not borrow so favorably as this city can.

The capital of Boston helped to build up Chicago, and not the capital of Chicago. Such an event had never before occurred, and there should be no delay lest the business interests of Boston should scatter. Already parties in New York had been endeavoring to take the boot and shoe and wool interests there, and unless these warehouses are soon erected, two or three of the largest interests may leave this city. Some who were at first the strongest opponents of the measure, believe that this is the most sensible and judicious thing we can do.

Alderman Power said he was as anxious as any gentleman to render aid to those who were in need. In relation to the credit of the city, he knew it stands high all over the world, and wished it to remain so. It will not be long before the regular session of the Legislature, and if, after due deliberation it is believed to be necessary, he would go for it. There had not been time enough, and they had been too much excited, and should look at its bearings, whether there was an absolute necessity before adopting it. There was money enough, and it would be pouring



into the city, and we had better wait and see whether this course will be required. The rebuilding could not be done in a week, for some time would be required to settle difficulties about mortgages and tenants before they could begin to build. They had better wait until the meeting of the Legislature in January.

Alderman Poland said he saw no reason why they should not ask for power to loan the credit of the city, and if not needed it could be withheld.

Alderman Clark said the only reason in passing it now was because the Legislature met tomorrow. If delayed until the next Legislature meets, the business may be put off till summer. There are parties, who, if they can be assured of assistance, will make their arrangements to build in thirty days, before the meeting of the next Legislature.

The order was passed.

Alderman Clark, from the Joint Standing Committee on Streets, who were requested to consider the expediency of laying out, widening or altering the streets in the district covered by the recent fire, submitted the following report:

It was at first proposed that the city should obtain from the Legislature authority to take the whole of the territory within the "burnt district," with a view to laying out new streets without reference to those heretofore established there. Upon more mature consideration, however, it was found that such an arbitrary disposition of the territory was open to very serious objections.

The taking of such a large number of estates in the centre of the business portion of the city would involve enormous expense, and inevitably cause delay in its occupation for business purposes. Since coming to the conclusion that it would be inexpedient to proceed in that way, the eminent legal gentlemen who were appointed to prepare the drafts of the acts to be submitted at the extra session of the Legislature have expressed the opinion that the right of eminent domain could not, under the constitution, be made to apply to such a case. It would be superfluous, therefore, to further consider that proposition.

Under direction of the Street Commissioners and of the committee, the City Surveyor has prepared a plan of the territory and indicated the changes which may be made in the system of streets by which the facilities for public travel and the transaction of business will be greatly increased without seriously interfering with the interests of individual owners of estates. This plan the committee now have under consideration. There are some portions of present streets which would be discontinued by it, and under the present law the portions so discontinued would revert to the former owners, whose rights would, in the absence of proof to the contrary, rest in the abutters.

In the opinion of the City Solicitor, the Legislature could not give the city the control and disposition of the parcels of land when its easement in them for street purposes terminated. It appears, therefore, that no constitutional legislation can be obtained which would aid the city in carrying out this improvement.

To enable the work of rebuilding to be prosecuted without delay, the plans should be perfected and orders of notice issued as soon as the new lines of any street are decided upon.

The report was accepted.

Alderman Clark, from the several committees of the City Council which were directed, by an order passed November 15 to confer with the property

holders whose buildings have been burned as to the expediency of obtaining legislation in regard to laying out streets in the district recently covered by fire, and loaning the city credit, made a report, as follows:

At a preliminary meeting of your committee the questions upon which a conference was proposed were discussed very fully, in order that a definite expression of opinion might be obtained for presentation to the parties in interest.

The result of that discussion was embodied in the following vote:

Voted, That it is expedient that the streets in the "burnt district" be laid out, widened, altered and extended substantially in accordance with the plan submitted by the City Surveyor; also, that such legislation be asked for as is necessary to accomplish the laying out of said district as indicated upon said plan with as little delay as possible, and so that while estates may be taken where it may be advisable, and where streets, squares, and parts of streets are discontinued the city may control the disposition of such territory.

Voted, That in the judgment of this committee it is expedient to ask for legislation authorizing the city to loan its credit upon sufficient security and upon such terms as shall cover the interest paid by the city on said loan and all expenses connected with raising it, to persons who shall rebuild upon the district recently covered by fire.

At the conference subsequently held with the property holders the views of your committee as expressed by the foregoing votes were, after full consideration, substantially indorsed.

A report of the proceedings of the other party to the conference is appended hereto.

Laid on the table and ordered to be printed.

Alderman Poland, on the petition of Charles P. Clark, trustee of the Boston, Hartford & Erie Railroad, offered the following order, which was passed:

Ordered, That the Committee on Legislative Business be requested to appear before the proper committee of the Legislature in aid of the petition of the trustees of the Boston, Hartford & Erie Railroad, for leave to extend their tracks from their present location into the burnt district for the purpose of facilitating the removal of waste and the distribution of fresh building material.

An order was passed for abatement of a nuisance at 1100½ Washington street, caused by stagnant water.

#### ORDERS READ ONCE.

On motion of Alderman Clark, orders to pay the Fifty Associates \$176,855, and as trustees \$221,655, for land taken in the extension of Washington street; to pay heirs of Sewall Kendall \$37,272 for land taken in extension of Washington street; to pay Samuel B. Pierce \$837 25 for Stoughton-street land damages; to pay Franklin King and S. B. Pierce \$696 25 for land taken to widen Bellevue avenue; Richard F. Sullivan \$704 for land taken to widen Webber street.

On motion of Alderman Cutter, an order to set edgestones and lay sidewalks on Dorchester street.

#### ORDER OF NOTICE.

On petition of the Boston & Albany Railroad Company, for leave to locate a steam engine, etc., near Lehigh street. Hearing Tuesday, December 10, 4 P. M.

Adjourned.





**CITY OF BOSTON.**

**Proceedings of the Common Council,  
NOV. 18, 1872.**

A special meeting of the Common Council was held at four o'clock this afternoon, the President, Mr. M. F. Dickinson, Jr., in the chair.

**PAPERS FROM THE BOARD OF ALDERMEN.**

The petitions of Anton Sontaz, George M. Glazier, Michael F. Lynch, B. W. Taggard and the remonstrance of C. McVey were severally referred, in concurrence.

The order in relation to the Washington and Dudley school sites came back from the Board of Aldermen, who did not concur, and on motion of Mr. Perkins of Ward 6 the order was laid upon the table.

The order from the Board of Aldermen in relation to the English High School lot on Dartmouth and Appleton streets was read twice and passed.

The report and order of the committee to whom was referred the matter of asking authority to loan the credit of the city to the owners of real estate in the burnt district came up from the Board of Aldermen and was read twice, and passed, in concurrence.

Mr. Shepard of Ward 4 moved a reconsideration of the vote, which was lost.

**UNFINISHED BUSINESS.**

Orders in relation to furnishing additional accommodations in the Shurtleff, Prescott and Mather schoolhouses were severally read a second time and passed.

Mr. Robbins of Ward 8 submitted an order requesting his Honor the Mayor to ask from the General Court at its approaching extra session authority for the city of Boston to issue bonds to the amount of \$20,000,000, to be loaned to the owners of real estate in the burnt district for the purpose of enabling them to rebuild.

On motion of Mr. Flanders of Ward 5, the order was laid on the table.

**PETITIONS PRESENTED AND REFERRED.**

Mr. Blackmar of Ward 11 offered the petition of Messrs. Currier & Trott, asking for compensation for injuries done them by the Fire Department on the night of the fire, and asking that a hearing might be granted. Referred to Committee on Claims.

Mr. Hart of Ward 12 presented the petition of P. H. Wentworth, that certain bonds of the city of Boston destroyed by fire be replaced. Referred to Committee on Finance.

**ORDERS PASSED.**

On the motion of Mr. Perkins of Ward 6, Ordered, That his Honor the Mayor be requested to petition the General Court at its approaching session for an act amending the Betterment act, providing that whenever portions of highways or streets in which the city has an easement are discontinued, and such portions by law revert to the owners, appropriate betterments may be assessed on such owners.

On the motion of Mr. Flanders of Ward 5,

Ordered, That his Honor the Mayor be requested to petition the Legislature, at its approaching extra session, for such amendments to the Building act as will furnish additional safeguards against fire, in accordance with recommendations of the Joint Special Committee on the Survey and Inspection of Buildings.

On motion of Mr. Robinson of Ward 11,

Ordered, That his Honor the Mayor be requested to petition the General Court, at its approaching session, for the passage of an act authorizing the Street Commissioners, when they deem that the public necessity requires, in laying out, altering, widening, or extending any street or highway in the city, to take the whole of any abutting estate, whether the whole be required for such purpose or not; provided that, in the opinion of the City Solicitor, such act be not unconstitutional.

Mr. Perkins of Ward 6 moved a reconsideration of the votes whereby His Honor the Mayor was directed to petition the Legislature at its extra session for an amendment of the Building act, the Betterment act, and the act authorizing the Street Commissioners to take estates. The motion was lost.

**THE DORCHESTER POLICE STATION.**

The order in relation to the erection of a building on the city's land, between Adams street and Dorchester avenue, to provide accommodations for the Eleventh Police District, and office for the Surveyor's and Paving departments, and a room for the Municipal Court of the Dorchester District, was returned from the Board of Aldermen, which body had refused to concur in its reference.

Mr. Perkins of Ward 6 moved that the Council insist. When the Council voted on the order they might not have been aware of the public necessity of the proposed building; when we are certain that we want the building, he did not see the necessity of first going to the expense of plans and specifications before we voted on the matter.

Mr. Robinson of Ward 11 was of the opinion that we should have such a building soon, and it was necessary to get out plans and specifications before we can know what the cost will be.

He moved that the Council recede from its action and concur with the action of the Board of Aldermen.

Mr. Burt of Ward 16 said there was no manner of doubt but that the police station was needed there, and the other departments were now hiring rooms at a high rent, and he was certain the city could not expend its money to better advantage than to erect the building.

The question being on Mr. Robinson's motion to recede and concur with the Board of Aldermen, the motion was carried.

The order authorizing a grammar schoolhouse to be erected for the accommodation of the Washington and Dudley districts, on the City Hall estate, Boston Highlands, at an estimated expense of \$90,000, and for a loan of said sum to be applied therefor, came back to the Council nonconcurring in, the reference to the Committee on Public Buildings. On motion of Mr. Perkins, the same was laid on the table.

**ELECTION OF CITY ENGINEER.**

Mr. Webster of Ward 6 moved to take from the table the report of the Joint Special Committee for Examining Candidates for City Engineer, and, upon the order prevailing, moved a suspension of the rules in order to proceed to ballot.

This motion prevailing, Messrs. Bradt of Ward 14, Brooks of Ward 1 and Whiston of Ward 8 were appointed a committee to receive, sort, and count votes for City Engineer, which resulted as follows:

Whole number of votes.....	10
Necessary to a choice.....	21
Henry W. Wilson had.....	1
Joseph P. Davis.....	39

and he was consequently declared elected.

Adjourned.











## CITY OF BOSTON.

## Proceedings of the Common Council,

NOV. 21, 1872.

The regular weekly meeting of the Common Council was held this evening at 7½ o'clock, M. F. Dickinson, Jr., president, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The monthly report of admissions to the City Hospital was ordered to be placed on file.

The petition of Peter C. Jones was referred, in concurrence.

The reference to the Committee on Ordinances of "An ordinance to amend an ordinance in relation to the regulation and inspection of buildings," was concurred in.

The report of the Committee on Streets, who were requested to consider the expediency of laying out, widening, or altering the streets of the district covered by the recent fire, was accepted, in concurrence.

The order for the Committee on Legislative Business to aid the petition of the Boston, Hartford & Erie Railroad Company for permission to lay down tracks in the burnt district, for the removal of stones, etc., was passed, in concurrence.

## ELECTION OF CITY ENGINEER.

The certificate of the election of Henry W. Wilson as City Engineer was read, when the Council proceeded to ballot, and Messrs. Pease of Ward 1, Prescott of Ward 9, and Hersey of Ward 12 were appointed a committee to receive and count the votes. The result was as follows:

Whole number of votes.....	52
Necessary to a choice.....	27
Joseph P. Davis.....	32
Henry W. Wilson.....	18
Henry M. Wightman.....	2

Mr. Davis was declared to be elected, in non-concurrence.

Mr. Flynn of Ward 7, at his own request, was excused from serving on the Committee on Relief, and Mr. Fitzgerald of Ward 7 was appointed in his place.

## COMMISSION IN RELATION TO THE CAUSE AND MANAGEMENT OF THE LATE FIRE.

A communication was received from the Mayor, transmitting in accordance with an order of the City Council a list of persons to constitute the scientific commission "to investigate the cause of the recent fire and the efforts made for its suppression," to report the same in print, viz.:

George T. Bigelow, Charles G. Greene, Charles S. Storrow, Samuel C. Cobb, Abraham Firth.

Ordered to be sent up.

## PETITIONS PRESENTED AND REFERRED.

John Donnelly, to be compensated for loss of his property by fire, caused by his being deprived of the use of his horse and wagon to aid the Fire Department.

Peter H. Niles, to be paid for damages done by the Fire Department.

Severally referred to Committee on Fire Department.

Hollis R. Gray, for a release from the city of a strip of land across his lot on Thomas Street, South Boston. Referred to Committee on Public Lands.

## REPORTS OF COMMITTEES.

Mr. Bicknell of Ward 4, from the Joint Standing Committee on Public Buildings, to whom was referred the petition of George M. Glazier for leave to transport goods and merchandise through the yard of the English High School, made a report inexpedient, as the yard of said building is required by the pupils in the school, and the transportation of goods through the same at any time would be a great annoyance. Accepted.

Mr. Bicknell, from the Joint Standing Committee on Public Buildings, made a report that the experiences of the late fire have prompted them to consider the following, namely, the placing of iron shutters on the windows to the City Hall facing City Hall avenue; on that side of the building are contained many valuable papers and documents belonging to the Registrar of Births and Marriages, the Street Department and Board of Assessors; also that the treasury vaults be made more secure against fire, which has the approval of the City Treasurer. They would also recommend the taking of a room under that occupied by the Police Department on the basement floor and making the same fire-proof, which can be done at a small ex-

pense, and be used in case of fire for the reception of plans belonging to the city.

The committee would recommend the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to put iron shutters on the City Hall on City Hall avenue where they may be required; also to make such alterations in a room on the basement floor as to render it fire proof, and to further increase the security of the treasury vaults; the expense to be charged to the appropriation for Public Buildings.

The report was accepted and the order was passed.

Mr. Flanders of Ward 5, from the Committee on the Fire Department, respectfully reported that at the recent great fire a large quantity of hose was destroyed, and to replace this and be prepared for contingencies and future wants, they ask for the passage of the accompanying order:

Ordered, That the Chief Engineer of the Fire Department, under the direction of the Committee on the Fire Department, be authorized to purchase twenty thousand feet of hose, and that the cost of the same be charged to the appropriation for the Fire Department.

The report was accepted and the order was passed

## ORDERS.

The following orders, on motion of Mr. Flanders of Ward 5, were severally read once:

Ordered, That the sum of \$1500 be and hereby is appropriated, in addition to the original order of \$3000, for the Chief-Engineer of the Fire Department, under the direction of the committee, to employ during the winter such additional assistance in the department as may be deemed necessary; the same to be charged to the appropriation for the Fire Department.

Ordered, That the expenses incurred in employing extra men to assist in hauling the fire apparatus to fires during the period when the horses were so sick as to be unable for use, be paid, and said amount be charged to the appropriation for the Fire Department; also that the amount due to the firemen, not permanently employed, for extra services on the territory embraced in the recently burnt district, and others employed on said district, be paid, and the expense thereof be charged to the appropriation for Fire Department; the amount to be paid respectively to the parties embraced in this order, to be determined by the Committee on Fire Department and Chief Engineer.

## THE QUESTION OF RELIEF.

Mr. Fitzgerald of Ward 7 offered the following resolution:

Whereas, The city of Boston has been lately visited by one of the most disastrous conflagrations in the history of America; and

Whereas, At a meeting of the Citizens' Relief Committee, recently held in this city, a motion was made and entertained, declining aid, thereby creating a wrong impression abroad:

Resolved, That we, the Common Council of the city of Boston, in view of the twenty thousand women and men suddenly thrown out of employment and deprived of the means of ordinary sustenance, hereby heartily approve of the action, and highly commend the wisdom of our mayor in vigorously opposing said motion.

Resolved, That with a sense of heartfelt gratitude we accept, in behalf of the sufferers by the late fire, the generous offerings of our sister cities in the same spirit in which they are tendered.

Mr. Fitzgerald said he offered these resolutions because he had taken considerable interest in this affair, and because he represented a section of the city in which there were a large number of people who were thrown out of employment by the fire, and among whom there was already much suffering, and there would be a great deal more before the close of the winter. The impression had gone abroad from the action of the Citizens' Committee that the leading citizens of this city were disposed to stand upon their purse-proud dignity, in which they are willing to give but are not willing to accept aid from others.

That impression which had gone abroad had met the generous feeling flowing forth to our aid and had stifled it. Chicago had tendered the sum of \$100,000, and Philadelphia and New York were ready to give their thousands, but there had gone abroad the impression that the city of Boston was not in need. He regarded it as criminal thus to shut the hearts and hands of those who were ready to give. It was thought that they could take care of the poor, and they snubbed others of sister cities who were ready to give. He believed we could not receive enough, for at this time there had been accumulated but an



amount of \$76,000, \$20,000 of which was for the Fire Department, and he was told by a member of the committee that in six days orders had been accepted to an amount of \$60,000.

In consequence of this expenditure, today members of the committee were obliged to act cautiously—so that many who are actually in need may want—and were afraid that they might go beyond their means of supply. There was no body more capable of determining the needs of the people than the Council, and it was desirable that they should express their opinion, for there were many people who are poor and in need who will starve rather than make known their wants. In Chicago the sum of \$100,000 stands waiting for us, while our papers are criticising the course pursued by the Mayor, and give the impression that we stand on a high pedestal above the rest of the world, and can take care of all who are in want.

When so many are wanting aid, there would have been raised not less than \$600,000 to \$700,000 had not the impression gone abroad that relief was not needed. The people abroad had shown their kindness towards us, and we should accept their offers of aid in the spirit in which they tender it to us.

Mr. Perkins of Ward 6 said he was sorry to hear the charge of criminality made towards the eminent citizens who compose the Relief Committee, and he need only refer to William Gray, the Chairman, who offered the resolution, that aid from abroad was not needed as evidence that there was no ground for such charges. The question had not yet been tested whether we could raise money enough at home to meet all the wants of the suffering, for it is only recently that committees were appointed to receive subscriptions. People had said to him that they are ready to give when asked to, and he believed we should test our own resources before we ask for aid from abroad. He did not like the tone of the remarks of the gentleman; it was not snubbing others in not receiving their aid, but simply exhibiting a self-reliant spirit. If able to take care of our needy he should not wish to take the money from Chicago—a city just rising from its ashes. We should wait until we have canvassed our ability to raise enough; then, if we cannot, he would vote for this resolution.

Mr. Dacey of Ward 2 expressed satisfaction in the offering of the resolution, and he believed the Mayor to be of the right stamp in his views in relation to this matter. His first impressions agreed with those of the gentleman from Ward 6, that we should not need aid from abroad, but when he ascertained the number of persons out of employment he came to the conclusion that we require assistance. We had a long, hard winter before us in which there would be great suffering among the people, and we should accept everything. Under ordinary times and circumstances we should not resort to extraordinary measures. To pass this resolution would be but an act of justice to the Mayor and an act of justice to the poor.

Mr. Fitzgerald said he might have used the word "criminal" in relation to the committee, but he did not intend to do so, his object being to refer to that spirit of pride which the refusal to receive aid upheld. The people of the United States are amply sufficient to take care of all the poor. There was a general feeling of sympathy for the poor, and there would have been nearly a million of dollars but for that action of the committee. There was a generous spirit manifested immediately after the catastrophe, which was checked by the impression that we do not need any aid. The people of this city do need the money, and while \$200,000 was raised in Boston for Chicago in a few days, we have here been engaged ten days and have obtained only \$70,000.

That there was need of aid he had the testimony of such men as Chadwick, Lincoln and Pierce, who had been actively engaged in the measures of relief, and their feeling was the same as his, that we need all the help we can get. One gentleman who gave \$1000 for the relief of the people of Chicago, had said that they should not ask him to give \$500 now if they refuse the Chicago gift. It was wrong to have the impression go abroad that we did not wish for aid, and when it is more needed, we shall not get one-tenth we should have had if this impression had not prevailed. There were so many applications that the committee are obliged to scant the allowance of clothing.

Mr. Fitzgerald said he was not disposed to be so squeamish as to refuse aid on account of the pride of the city. The aid was not given in the spirit in which the rich man gives to the beggar, for there was no begging. He hoped, therefore, that the resolution would pass, and it would prove more competent than any committee. Deeply interested as he was, living in a district which he and others represented, he did not wish to stand on dignity. If lost, the aid would amount to hundreds

of thousands of dollars. Aid was wanted to provide bread and butter, clothing and blankets, and if checked much longer the fountains of generosity would stop.

In further remarks it was urged that we should need all the help which we can receive, and that it will please the givers if we take it even if not needed. His sentiments were those of the working and middle classes, and every gentleman knew that they were; the Mayor struck the key note on the subject, for there were from 20,000 to 30,000 unemployed persons to be provided for.

Mr. Perkins said he was sorry that the name of the Mayor was brought into the resolution, for the credit given to him belonged to the committee, and not to him. Until we have made an effort to raise money at home, we should not ask it from abroad. As an instance of what could be done, he referred to the call for aid to Harvard College, in which \$50,000 was raised in two days. Those who gave money to the college would give equally to the people, when it was made known that it is needed. As to providing blankets and bedding, it was well known that but few were burnt out. The special need was work, and that can be provided. The gentleman said he represented those who need, to which he replied that he represented those who will give when asked to. So far as related to the Chicago fund, they might need it for their own poor, and why should we not raise money for our poor, when that may be required at home?

Mr. Fitzgerald stated that two or three hundred families had been provided with furniture and stoves, and there were two or three thousand shoemakers who had lost all their kit and were unable to get enough to go to work with. With no money or kit they could not work. More money was needed than the gentleman was aware of, for there were many proud and poor who would not apply to the Relief Committee. Two well-dressed young ladies, who looked as well as those who come from Beacon street, appeared before the committee and were turned away because they looked so well, yet when they went home they were obliged to pawn pictures to supply their wants.

That those who gave to Harvard College would give to the poor, he doubted, as what they have done shows. Here we had raised in ten days but \$76,000, and must they go from door to door, to induce people to give? He would repeat what he had said, that those who were too willing to give would grow cold under the impression that no aid was needed. People are suffering, and why should we refuse to receive aid from those who offer it? More money will be wanted than the gentlemen imagined, and it will continue to be wanted during the coming winter.

Mr. Perkins wished to know, if persons in need were poor and proud, what good would it do them to have this aid from abroad. If more money was wanted he would guarantee that it should come. As yet there had been no appeals for it. He did not say that it was to come by appeals from door to door, but simply through appointments of committees of different trades and professions. There were the same agencies as in the contributions to Chicago, and as these committees were but just appointed, to do justice they should try the same before going elsewhere.

Mr. Pickering of Ward 6 said he should have no objection to making an appeal for aid abroad if we should need it, but he should have reluctance to ensure some of our best citizens who are doing all they can to afford relief. They had expended \$60,000 out of the receipts of \$76,000, and measures were just commenced to solicit aid. In his own profession, a small one, he had handed \$1000 to the committee, as a beginning. As to the offer from Chicago, his impression was that although the sum of \$100,000 was tendered to this city, it was because it was not needed at present, but it was believed they should want it, and although it might be needed the coming winter, they preferred that Boston should take it and they would run their chance.

The chief objection which he had to the resolution was in its censuring a committee composed of some of our best citizens, who are doing all they can, and had not informed us that they needed any more aid. It was a laudable pride in providing for our own poor, and we should avoid the necessity, if possible, of going abroad. If by and by, we find that we need further aid, we shall get it.

Mr. Brooks of Ward 1 said that while he agreed with the gentleman from Ward 6 that a censure should not be cast upon the committee, he could not help regarding it as a mistake not to appoint a larger committee at the outset. He could not regard it as a censure, and he should be the last to censure such gentlemen.



Mr. Fitzgerald said he did not design the resolution as a censure. The Mayor had been abused in the most shameful manner for his course, and had been slandered, vilified, and misrepresented by the press, and his object was to indorse the Mayor.

Mr. Holmes of Ward 6 said he could not see why we should not receive aid from such a rich city as New York. It was doubtful, however, how much we might want, and he moved to lay the resolution on the table, which was lost.

Mr. Flynn of Ward 7 called for the yeas and nays on the question of passing the resolution, which was carried.

Mr. Smith of Ward 1 said he did not believe this city should lose anything by receiving all the aid from other cities or foreign countries which might be contributed. To make it unobjectionable, money could be received and an account kept, and if not needed the surplus could be returned, *pro rata*. As evidence of the effect which had been produced abroad by the course pursued, he instanced the testimony of a friend of his in Montreal, who stated that while there was an intense excitement produced on learning of the fire, with a strong sympathy and desire to afford aid, that feeling was cooled when a statement went abroad that aid was not needed.

Mr. Shepard of Ward 4 said the resolution advocated in the committee was bad in spirit, assuming that we can take care of ourselves at a time when no man could tell what was needed. These fraternal aids of one city to another, he urged, should be encouraged, with the effects which a gift from one sovereign to another has, or a gift from one friend to another, and they will be returned tenfold. He hoped this resolution would be passed unanimously.

Mr. Dickinson of Ward 11 (Mr. Blackmar of Ward 11 in the chair), offered the following as a substitute for the resolution of Mr. Fitzgerald:

Whereas, the city of Boston has been lately visited by one of the most disastrous conflagrations in the history of the country, whereby thousands of persons are suddenly deprived of employment and their ordinary means of support; therefore,

Resolved, That the City Council of Boston hereby expresses its deep gratitude to the authorities and citizens of other cities, who have so generously offered pecuniary aid to our suffering people in this time of our great calamity, and that we hereby accept the generous offerings of our sister cities in the spirit in which they are tendered.

Mr. Dickinson, in support of the substitute, said it was particularly desirable that the City Council and citizens should act in great harmony. In his resolution he followed the language of the original in language and in spirit, and in expressions of gratitude for offers of aid. But it would be unwise and out of taste in seeming to reflect on the course of the committee; it was unwise, also, to commend the Mayor for his course, who did not ask or wish for an indorsement; it was enough that he had the consciousness of having done right.

Passing over that point, and referring to the question of our ability to get along without aid, he contended that we were not able to get along without aid, when \$50,000,000 to \$70,000,000 worth of property was swept away, and that it would be as much a pleasure for others to give as it would us to receive it. As an expression of the sentiments of the City Council its resolutions would be important. It had been said in a threatening way that if we were to receive aid from abroad, through the City Council, it would sweep away the whole City Government. If so, let it come, the sooner the better. They should not be influenced by the press or by remarks on the street, but by the naked, unpleasant fact that there were cases of great need in the city.

Mr. Dickinson referred to cases within his own knowledge, in which parties concealed their wants although supposed to be in good circumstances, and such were not single instances; there were thousands who needed aid, and 1500 applications had been made in ten days. These would be multiplied during the winter.

Mr. Pickering said he did not like the shape of the original resolution, but he should vote for the substitute.

Mr. Fitzgerald said that in reading the resolution offered as a substitute, it was the same as his, except in not stating that contributions would be accepted; it politely thanks those who give aid, but does not accept it.

Mr. Dickinson said he did not intend to leave out those words, and he would consent to add "and accept."

Mr. Fitzgerald referred to the difference in not commending the course of the Mayor. He would in-

dorse everything, but he thought it due to the Mayor, who had been assailed as pusillanimous, weak-minded and vacillating, that his course should be indorsed. He did not intend to withdraw his resolutions, for the reason that the substitute did not go far enough in indorsing the Mayor.

Mr. Brooks believed they should indorse the course of the Mayor or repudiate it. There had been a great deal of blowing in the newspapers and he believed there should be an indorsement of the Fire Department for its course, for they did as well as mortal men could do.

Mr. Shepard said it was not a question of indorsing or censuring; the resolution should be specific, but should mention no names.

Mr. Pickering said he had hoped the resolutions in the shape of the substitute would be passed with entire unanimity. The original and the substitute were alike, except that the latter did not indorse the course of the Mayor. It was not intended to indorse or censure the course of the Mayor or of the committee.

Mr. Dickinson said, in regard to the differences between the two resolutions, that while they agree in spirit it was simply a question of taste as to their form, and there were two elements in the original which were not in his—that it criticises the action of the committee and indorses that of the Mayor. They might indorse the opinions of an official character, but not that of individuals, which would not be dignified. The Council might express their own opinions, but not criticise the opinions of others over which they had no control. It would be like resolving that, whereas, some one else has expressed an opinion, we also express an opinion, thereby placing ourselves on a level with such an one. He was in favor of the Mayor and of his action, which was courageous and manly, and did not want an indorsement, but simply such action from the Council as would bring aid from abroad.

Mr. Fitzgerald declared his resolution to be no censure upon the committee, but as their action had caused a suspension of measures of aid from abroad, it was necessary to bring that to the minds of the public in order to correct the sentiment which has gone abroad that we do not need aid. He did not see why objection should be made to his resolutions. It was due also to the Mayor, who had been most shamefully abused by the press, and he hoped his resolutions would be passed by an unanimous vote.

The question was taken on the substitute, which was adopted by a vote of 29 yeas to 23 nays, as follows:

Yeas—Adams, Burditt, Caton, Clatur, Dickinson, Emery, Faxon, Gragg, Hart, Heath, Hersey, Holmes, Jones, Loring, Marston, McNutt, Page, Pease, Pickering, Prescott, Robbins, Robertson, Robinson, Webster, West, Weston, Whiston, Wilbur, Wright.

Nays—Anderson, Bicknell, Bradt, Brennan, Brooks, Collins, Cunningham, Dacey, Davenport, Devine, Doherty, Dolan, Fitzgerald, Flanders, Flynn, Hughes, Kingsley, Locke, Martin, Moulton, Shepard, Smith, Thacher.

The resolution, as adopted as a substitute, was passed by a vote of 50 yeas to 2 nays, the nays being Hart and Perkins.

#### ORDERS PASSED.

On motion of Mr. Caton of Ward 10.

Ordered, That the Joint Standing Committee on Survey and Inspection of Buildings be authorized to employ such clerical assistance as may be required in that department, at an expense not exceeding \$300; to be charged to the appropriation for that department.

Mr. Burditt of Ward 16 moved that when the Council adjourned it be to meet on Wednesday next, at noon.

Mr. Flanders of Ward 5 suggested Tuesday evening, to which objection was made on account of Republican canuses.

Mr. Flanders moved to amend by making the time Tuesday, four o'clock.

Mr. Brooks moved to amend by making the time Wednesday evening, 7½ o'clock.

Mr. Fitzgerald did not wish to interfere with the canuses of the Republicans, since they had refused to indorse the course of the Mayor by a strict party vote.

Mr. Emery of Ward 10 said he indorsed the course of the Mayor, and hoped he would again be a candidate for office.

The motion to adjourn to Wednesday evening was lost, when the motion to adjourn to Tuesday, four o'clock, was carried.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

NOV. 25, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Four grand and four petit jurors were drawn for the U. S. District Court.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, Without Pay—Henry A. McGlenen, William Smith, William Riley, A. J. Willcutt, for Boston Theatre and vicinity.

J. P. Keefe for Chambers street and vicinity and for Washington, Malden and Union-park streets and vicinity.

Francis Skinner for Marlborough and Beacon streets and vicinity; Robert Quinlan for West street and vicinity; Gordon Prince for Beacon street and vicinity; James Lavery for Cunard and Grand Junction wharves and vicinity; Edward E. Rice for State street and vicinity; William P. Innis for Chauncy street and vicinity; S. P. Shepard for Chauncy street and vicinity; Albert Morse for Chauncy street and vicinity; S. R. Niles for Tremont street and vicinity; Copley Amory for Beacon street and vicinity; F. A. W. Gay for Winchester street and vicinity; William L. Johnson for Federal street and vicinity; Horace G. Tucker for Washington street and vicinity; E. D. Hull for Commerce street and vicinity; J. P. Pomeroy for Merchants' row and vicinity; John L. Whipple for Kilby street and vicinity; Frank H. Walker for Cornhill and vicinity; Joseph C. Jones for Boylston street and vicinity; Peter Hobart, Jr., for Harvard place, Province court and vicinity; James Leddy for Hawkins street and vicinity; H. E. Burkitt for Washington and Tremont streets

Police Officers—Francis Bontwell, John L. Howard.

Members of Fire Department—George L. Imbert, as fireman; Thomas H. Kyte, E. A. Misener, Augustus Cluff, severally, as members of the Fire Department, to take effect Dec. 1.

## PETITIONS PRESENTED AND REFERRED.

Leonard Hyde, for leave to occupy a wooden stable for one horse on Day street, Ward 15.

John McDonald, for leave to occupy a wooden stable for two horses on Dove street, between Blue Hill avenue and Cherry street.

John Golden, Jr., for leave to occupy a stable for five horses at No. 3 Linden park.

Severally referred to the Committee on Health.

Edward Goodfellow, for grade damages to his estate on Dorchester avenue.

Thomas Minns, for new grade of Pearl street, at Nos. 29 and 31.

Edward McGuckian, to be paid for grade damages on Halleck street.

William Clark and others, that the name of Windsor street, Ward 15, be changed to Clark avenue.

Union Freight Railroad Company, for temporary location in the burnt district, for the removal of old materials.

Arthur Pickering, trustee, to be paid for grade damages to store 130 Broad street.

Dexter, Abbott & Co. and others, for the removal of street railroad tracks from Chauncy street.

Chickering & Sons, for the restoration of the fence upon their estate on Camden and Northampton streets, destroyed by change of grade in those streets.

William R. Cooke and others, for a plank sidewalk on the southwest side of Yarmouth street.

Henry Homer and others, that Fourth street be paved with wood, between E and F streets.

Severally referred to Committee on Paving.

Albert S. White, for compensation for damages caused by the bursting of a sewer in Boston Highlands.

Elisha K. Palmer, for compensation for damages caused by the bursting of the aforesaid sewer.

Hiram P. Bean, for a sewer two hundred feet in length in Forest street.

Severally referred to Committee on Sewers.

David H. Sampson, to be paid for personal injuries caused by a fall upon the plank walk on the Common. Referred to Committee on Claims.

George Coolidge, Superintendent of Printing, for an increase of salary. Referred to Committee on Salaries.

Alonzo Buntin, Galen Coffin, George L. Dyer & Co., John D. Flagg, J. Henry Flagg, W. S. Goodwillie, Hardy & Kimball, Hamilton & McNeal, C. E. Johnson & Co., Mary L. Jorgenson, A. M. Lunt, H. F. Payton, Stark, Stanley & Co., Charles H. Taylor & Co., Charles T. Valentine, severally to be paid for damages and loss of property caused by the destruction of the building at the corner of Water and Congress streets, on November 9 and 10, by agents of the city. Severally referred to the Committee on the Fire Department.

The following communication was laid before the Board:

OFFICE OF BOARD OF DIRECTORS FOR PUBLIC INSTITUTIONS, Nov. 25, 1872. {

To the Honorable the City Council of Boston: Gentlemen—The Board of Directors for Public Institutions respectfully request the City Council for an additional appropriation of \$6000, for the completion of the new bakery, and \$1500 to complete the engineer's house at Deer Island, these being the amounts estimated by the architect for finishing each of these buildings. Respectfully,

J. P. BRADLEE, President.

Referred to the Committee on Finance.

## HEARINGS ON ORDERS OF NOTICE.

The hearing on petition of Thomas F. McGann for leave to use a steam boiler and engine at No. 83 Portland street, was taken up. No person appearing in relation thereto, the report was recommitted.

The hearing on petition of the Union Freight Railroad Company for leave to lay tracks on Eastern avenue, was also taken up, and was recommitted.

A jail requisition for \$1919 40 was approved.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Report and order to sell to William H. Richardson a lot of land on Savin Hill avenue, 2945 feet, at thirty-three cents per foot.

Order for Superintendent of Streets to furnish edgestones and lay sidewalks on Dorchester street from Eighth street to the Railroad Bridge.

Order to pay Richard T. Sullivan \$700, for Webber-street land damages.

Order to pay Franklin King and others \$696 25, for Bellevue-street land damages.

Order to pay Samuel B. Pierce \$837 25, for Stoughton-street land damages.

Order to pay heirs of Sewall Kendall \$37,272, for Washington-street land damages.

Order to pay the Fifty Associates \$176,855, for Washington-street land damages.

Order to pay the Fifty Associates \$221,655, for Washington-street land damages.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Hollis R. Gray, Peter H. Niles and of John Donnelly were severally referred, in concurrence.

The communication from the Mayor of his appointment of George T. Bigelow, Charles G. Greene, Charles S. Storrow, Samuel C. Cobb and Abraham Firth as a commission to investigate the cause and management of the recent fire was ordered to be placed on file.

The notice of the appointment of Mr. Fitzgerald of Ward 7 on the Relief Committee, in place of Mr. Flynn, resigned, was ordered to be placed on file.

The report inexpedient to grant leave to George M. Glazier to transport goods and merchandise through the yard of the English High Schoolhouse was accepted, in concurrence.

The following orders and resolves were severally passed, in concurrence:

Order to allow \$300 for extra clerk hire in office of Inspector of Buildings.

Order to purchase 20,000 feet of hose for use of the Fire Department.

Resolves in favor of the acceptance of pecuniary aid from other towns and places to relieve any cases of distress in this city, and expressing the gratitude of the City Council for the offers of such assistance already made.

The report and order to take measures for the more effectual protection of the City Hall and its contents against fire, being under consideration—

Alderman Clark inquired whether wooden shutters covered with tin were not greater security against fire than iron shutters.

Alderman Sayward replied that in buildings of importance iron shutters were much more desirable.

Alderman Clark said he made the inquiry because he had been assured that iron shutters were liable to warp, and were no safeguard, while wooden shutters covered with tin were more serviceable.

The order was passed.



ELECTION OF CITY ENGINEER.

The certificate of election of Joseph P. Davis as City Engineer, in place of Henry W. Wilson, chosen by this Board, was read when the Board proceeded to a ballot, resulting as follows:

Whole number of votes.....	12
Necessary to a choice.....	7
Joseph P. Davis had.....	5
Henry W. Wilson.....	5
Henry M. Wightman.....	2
A second ballot resulted as follows:	
Whole number of votes.....	12
Necessary to a choice.....	7
Joseph P. Davis.....	7
Henry W. Wilson.....	3
Henry M. Wightman.....	2

Mr. Davis was declared to be elected, in concurrence with the Council.

A communication was received from the Mayor, with the appointment of Edward S. Philbrick on the commission to inquire into the cause and management of the late fire, in place of Charles S. Storrow, declined. Ordered to be sent down.

REPORTS OF COMMITTEES.

The Committee on Finance, to whom were referred the petitions of B. W. Taggard, Peter C. Jones and P. H. Wentworth, that new certificates of city debt be issued to them to replace those lost in the recent fire, made a report recommending the passage of the accompanying order:

Ordered, That the City Treasurer be and hereby is authorized to issue new certificates of city debt in place of such certificates as may have been destroyed by the recent fire, upon satisfactory evidence of such loss being produced by the party or parties claiming to own the same, and on condition that the party or parties owning the same shall give a bond to the city satisfactory to the City Solicitor and City Treasurer, to indemnify it from all legal claims in consequence of such reissue.

The report was accepted and the order was passed.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: New-man & Perrin, and Bartholomew J. Cooke as auctioneers; and to sundry persons as victuallers, pawnbrokers, billiard licenses, intelligence offices, wagon stands and for transfer of wagon license; and leave to withdraw on petition of Alexander Butikan for license as a pawnbroker. Severally accepted.

Alderman Fairbanks, from the same committee, reported leave to withdraw on the several petitions for licenses as victuallers, as follows:

Otto Pflege, 41 Church street; Thomas Skelly, 986 Tremont street; P. B. Wynn, 464 Federal street; A. Baderschneider, 9 and 11 Province street; Horace B. Austin, 66 Merrimac street; Leopold Baumans, 19 Spring lane; James Baxter, 631 Harrison avenue; Frank H. Felker, 8 Green street; Ernst Gottschalk, 5 Essex street; George H. Homer, 68 Milk street; John Bending, 198 Hanover street; Davis & Gorman, 257 Broad street; Simon P. Humphrey, innholder, 769 Washington street; Margaret Quinn, 151 Summer street; John Glaney, 1404 Washington street; Owen & Thomas Conghlio, corner of Dartmouth street and Huntington avenue; Frank J. Shaida, 100 Portland street; George E. Day, 3 Green street; Charles A. Freeman, 38 Batterymarch street; George Hoffman, 16 Camden street; William Sullivan, 83 South street; and to John Porter for a license to kill birds. Severally accepted.

Alderman Sayward, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Robert Bishop for leave to erect a wooden building on Sixth street, and also the remonstrances of C. McNay and others against the erection of said building, having carefully considered the subject, made a report that they find that Mr. Bishop proposes to erect a building in conformity with the provisions of the ordinances, and therefore no further action is necessary either on the petition or remonstrances. Accepted.

Alderman Sayward, from the same committee, to whom was referred the petition of A. Emerson & Company for leave to erect a wooden building on D, E and Tudor streets of larger dimensions than allowed by the ordinance in relation to buildings, made a report recommending that the petitioners have leave to withdraw. Accepted.

Alderman Sayward, from the same committee, to whom was referred the petition of Thomas Haney, for leave to erect a carriage shed on Athens street, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to Thomas Haney to erect a carriage shed on Athens street, in accordance with

an application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted and the order was passed. Alderman Squires, from the Committee on Public Lands, to whom was referred the petition of R. H. Stearns and S. W. Luce for the removal of certain conditions placed upon land on Tremont street; also the petition of Charles L. Flint and eight others in favor of the same, made a report recommending the passage of the accompanying order:

Ordered, That his Honor the Mayor be and he is hereby authorized, in behalf of the city, to execute and deliver to R. H. Stearns and Samuel W. Luce an instrument releasing their lots on Tremont street, being lots numbered 66 and 67 as shown upon a plan recorded with plans of city land sold, book 2, page 9, in the office of the Superintendent of Public Lands, from so much of the second condition in the deeds of said lots from said city, reorded with Suffolk Deeds, in lib. 717, fol. 158, and lib. 929, fol. 160, respectively, as required that any building erected upon said lots shall be placed six feet back from the line of Tremont street.

The report was accepted and the order was passed.

Alderman Squires, from the same committee, to whom was referred the petition of Boynton Brothers, for an extension of time in which to build on Columbus avenue and Northampton street, made a report, recommending the passage of the accompanying order:

Ordered, That the time for erecting dwelling houses upon two lots of land on Columbus avenue, corner of Northampton street, as sold by the city in September, 1869, to Boynton Brothers, be extended one year from January 1, 1873, upon condition that they pay to the Superintendent of Public Lands the sum of \$359 within ten days from the passage of this order.

The report was accepted and the order passed.

Alderman Squires, from the same committee, to whom was referred the petition of A. & G. Gunn that a new bond may be issued for land purchased by them of the city of Boston on Third and L streets, made a report recommending the passage of the accompanying order:

Ordered, That the Treasurer be and hereby is authorized to cancel the bond given by A. & G. Gunn, and numbered 243, for land on Third and L streets, the same being shown upon a plan recorded with plans of city lands sold, book two, page one hundred and eighty-five, in the office of the Superintendent of Public Lands, and that the said Superintendent be directed to issue a new agreement for the land on Third and L streets with all the conditions as were inserted in the previous agreement, upon condition that they, the said A. & G. Gunn, shall give to the city of Boston a bond in the sum of \$3445 38, payable in eight annual instalments, with interest, the bond and agreement to be dated November 1, 1872.

The report was accepted, and the order was passed.

Alderman Squires, from the same committee, reported leave to withdraw on petition of Cook, Jordau & Morse, for acceptance of certain houses erected by them on land bought of the city upon Broadway, South Boston; also on petition of Henry C. Morse, for leave to purchase a lot of land on West Newton street, belonging to the city. Severally accepted.

Alderman Squires, from the same committee, reported reference to the Committee on Paving on the petition of Thomas W. Tuttle that the city would erect a proper fence upon the line of his land on Savin Hill avenue, Ward 16. Accepted.

Alderman Cutter, from the Committee on Paving, reported orders of notice for hearings on petitions of the Metropolitan Railroad Company for extension of their location over Columbus avenue from Park street square to Northampton street; also tracks in Northampton and in West Springfield streets to connect with tracks on Washington and Tremont streets; and tracks in North Charles street, from Cambridge street to Leverett street; also for the location of a turnout, or side track, in Shawmut avenue, opposite St. James street, and for extension of double track from Dudley street to near St. James street. Hearings Monday, December 16, 4 P. M.

Alderman Cutter, from the Committee on Paving, to whom was recommitted the petition of the Metropolitan Railroad Company for leave to construct a turnout on Temple place, made a report recommending the passage of the accompanying order:

Ordered, That in addition to the rights heretofore granted to the Metropolitan Railroad Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to construct a turnout on Temple place, not exceeding a hundred feet in length.

The right to construct the turnout located by this order is upon the condition that said turnout shall be used only during the hours of night after eight



o'clock, and then only for the passage of the East Boston cars, subject also to the usual conditions in relation to laying down the tracks, the form of rail, kind and quality of material to be used in paving, acceptance of location etc., to be complied with.

The report was accepted and the order passed.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That the expenses incurred in repairing Dover-street Bridge, amounting to \$612 92, be paid, and the same be charged to the appropriation for Bridges.

Ordered, That the Superintendent of Streets be directed to clear the streets on the "burnt district" to their full width by removing the debris to the adjacent lots, wherever required by the City Surveyor, to enable him to make surveys for the proposed widening of said streets.

Ordered, That the expenses incurred in furnishing refreshments to the police while on duty during and since the recent great fire be paid, upon approval of the Committee on Police, and charged to the appropriation for Police.

Ordered, That the Committee on Fort Hill be authorized to extend the time for the removal of temporary structures on the city's land on the Fort Hill territory, from June 1 (as limited by an order passed by this Board Nov. 11) to Dec. 1 1873, if in their judgment it may be deemed expedient so to do.

On motion of Alderman Sayward,

Ordered, That for the purpose of the next municipal election the wardroom of Ward 4 be established at the police station in Court square.

Ordered, That the wardroom of Ward 13 be established, until further notice, at the new location assigned therefor, on Eustis street, near Dearborn street.

Ordered, That the order requesting the Joint Standing Committee on Legislative Matters to appear before the proper committee of the Legislature in aid of the petition of the Trustees of the Boston, Hartford & Erie Railroad for leave to extend their tracks over the burnt district, for certain purposes, be and the same is hereby rescinded.

On motion of Alderman Woolley,

Ordered, That the sum of \$3600 be and hereby is appropriated to pay for two sets of steam pumps for floating steam fire engines; the same to be charged to the appropriation for the Fire Department.

Ordered, That the headquarters of the First Battalion of Light Artillery, M. V. M., in the building numbered 37 Tremont street, be approved as a suitable place for the deposit of arms and equipments.

Ordered, That there be allowed and paid for rent of the headquarters armory of the First Battalion of Light Artillery, M. V. M., at No. 37 Tremont street, the sum of \$300 per annum, until otherwise ordered; said sum to be charged to the appropriation for Armories.

On motion of Alderman Jenks,

Ordered, That the expenses incurred in erecting buildings suitable for smallpox patients at Gallop's Island, as authorized by a report of a special committee of this Board, accepted Sept. 9, 1872, be paid, and charged to the appropriation for Quarantine.

#### WARRANTS FOR CITY ELECTION.

On motion of Alderman Ricker,

Ordered, That warrants be issued for the meetings of the legal voters of this city in their respective wards on Tuesday the 10th day of December next, being the Tuesday after the second Monday in said month, at eight o'clock, A. M., then and there to give in their ballots for one able and discreet person to be Mayor of this city; also for twelve Aldermen, all of whom to be inhabitants of this city.

Also, to give in their ballots for a Warden, Clerk, and five Inspectors of Elections, two members of the School Committee for three years, and for four able and discreet persons to be members of the Common Council—all these to be inhabitants of this city and resident in their respective wards.

Also, to give in their ballots for one able and discreet person to serve as a Street Commissioner for three years from the first Monday in January next.

Also, to notify the legal voters of the following wards to elect, in addition to the foregoing officers, persons to fill the following vacancies in the School Committee:

Ward 2, one member in place of George F. Haskins, deceased.

Ward 4, one member in place of Loring Lothrop, resigned.

Ward 10, one member in place of Samuel G. Bowdler, deceased;

Ward 16, one member in place of William W. Swan, resigned.

All to be voted for on one ballot.

The polls to be kept open until four o'clock P. M.

#### WASHINGTON-STREET EXTENSION.

On motion of Alderman Clark, an order was passed notifying Edward S. Mason, F. G. Tuckerman, S. P. Tuckerman, Edward Tuckerman, the Fifty Associates, heirs of David Sears, heirs of Solomon Wildes, James M. Beebe, Alpheus Hardy trustee, St. Andrew's Lodge of Masons and other owners and occupants of buildings on the line of extension of Washington street, to quit and remove from said premises on or before the 1st day of July next ensuing.

Alderman Ricker presented petitions from C. A. Bailey, George E. Bell and others, tenants and occupants of stores and buildings on the line of extension of Washington street, requesting the City Government to delay the said improvement, on account of the peculiar hardships which will result from immediate action, in depriving many persons of their livelihood, through the difficulties in obtaining tenements; and requesting a postponement until the city has somewhat recovered from the recent terrible losses, and is in a better condition to bear the heavy expense necessary. Referred to Committee on Streets.

A petition was presented from William G. Preston, architect for Cyrus Wakefield, asking for the lines of Washington street extended, and for any revised or altered grades which are to be adopted affecting the premises on Brattle square, upon which he is desirous of erecting a building for commercial purposes, bounded by Brattle street, Brattle square, Elm street, and the line of extension of Washington street. Referred to the Committee on Paving.

#### ORDERS OF NOTICE.

On petition of Henry W. Dutton & Son, for leave to locate and use a steam boiler and engine in Court avenue. Hearing, Monday, December 16, 4 P. M.

On the proposed construction of a sewer in Ruggles street, between Parker street and Ruggles place. Hearing Monday next, four o'clock, P. M.

#### ORDERS READ ONCE.

On motion of Alderman Cutler, orders to lay edge-stones on Brooks street between White and Eagle streets, and in Eagle street between Meridian and Brooks streets; to grade Munroe street between Walnut avenue and Warren street; for measures to be taken to prevent the sea wall on Beverly street, near the Warren Bridge, from encroaching upon Lovejoy's wharf.

On motion of Alderman Jenks, an order to pay \$1000 to the Social Law Library Association, in accordance with provisions of General Statutes.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,

NOV. 26, 1872.

The regular weekly meeting of the Common Council was held this afternoon at four o'clock, M. F. Dickinson, the President, Jr., in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Alonzo Buntin and others, of George Coolidge, and of David H. Sampson, were severally referred, in concurrence.

The appointment of Edward S. Philbrick on the fire commission, in place of Charles S. Storrow, declined, was ordered to be placed on file.

The communication of the Directors for Public Institutions was referred, in concurrence.

The following reports were accepted, in concurrence:

Leave to withdraw on petition of Henry C. Morse to be allowed to purchase a lot of land on West Newton street.

Leave to withdraw on petition of Cook, Jordan & Morse for acceptance of certain houses erected by them on land on Broadway.

Leave to withdraw on petition of A. Emerson & Co., for leave to erect a wooden building on D, E and Tudor streets.

No action necessary on petition of Robert Bishop, and on remonstrance against the same, the petitioner designing to erect a building in conformity with the provisions of the ordinances.

The following orders were severally passed, in concurrence:

Order establishing wardroom for Ward 4 at the municipal election in Police Station No. 2.

Order establishing wardroom for Ward 13 at the new location assigned therefor on Eustis street, near Dearborn street.

Order authorizing a permit to be issued to Thomas Haney to erect a carriage shed on Athens street.

Order appropriating \$3600 for two sets steam pumps for floating steam fire engines.

Order rescinding order requesting Committee on Legislative Matters to appear before the Legislative Committee in aid of petition of Trustees of Boston, Hartford & Erie Railroad to extend their tracks over the burnt district.

Order authorizing the reissue of city bonds for such as have been burnt by the fire.

Order authorizing a release of certain conditions on certain lots on Tremont street sold to R. H. Stearns and S. W. Luce, so far as to require buildings erected upon said lots to be placed six feet back from the line of Tremont street.

Order extending the time for building on lots of land on Columbus avenue and Northampton street, by Boynton Brothers, conditioned upon the payment of \$350 within ten days.

Order authorizing the cancelling of a bond given by A. & G. Gunn, and issuing a new agreement for land purchased of the city on Third and L streets, upon certain conditions.

Order to allow and pay \$300 per annum for arnory rent for headquarters of First Battalion of Light Artillery, M. V. M., at 37 Tremont street.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order appropriating \$1500, additional to original order of \$3000, to be expended by the Chief-Engineer of the Fire Department for additional assistance during the winter in his department.

Orders to pay expenses in hauling fire apparatus to fires during the sickness of horses, and for pay of firemen not permanently employed, and for other services on the recently burnt district.

## FIRE COMMISSION.

A communication was received from the Mayor, transmitting the appointment of Thomas Russell on the commission of investigation into the late fire, in place of George T. Bigelow, declined.

Ordered to be sent up.

## PETITION PRESENTED AND REFERRED.

S. T. Lombard, to be compensated for loss of property by the destruction of the building No. 3 Milk street by gunpowder. Referred to Committee on Claims.

## REPORT OF A COMMITTEE.

Mr. Webster of Ward 6, from the Committee on Claims, reported reference to the Committee on the Suffolk and Church street districts of the petition of Mary A. Smith for compensation for damages to her house No. 45 Fayette street. Accepted.

## ORDER PASSED.

On motion of Mr. Collins of Ward 2,

Ordered. That the Board of Health be requested to inquire into the efficacy of watering the streets in locations where the smallpox is prevalent with some disinfectious solution.

## RESOLUTION RELATING TO A NEW BOARD OF HEALTH.

Mr. Shepard of Ward 4 offered the following resolution:

Whereas, an order was passed in the Common Council Oct. 17, and passed in concurrence by the Board of Aldermen Oct. 20, and approved by his Honor the Mayor, Oct. 22, as follows: "That the Joint Special Committee on a New Board of Health be authorized and requested to report in print at the next meeting of the Common Council;"

And whereas, that committee not carrying out the letter and spirit of the request contained in said order reported in writing to the Board of Aldermen, subsequently to the second meeting of the Common Council, after the passage of said order, and no action has been taken in the Board of Aldermen upon the report of the committee, except to lay the same upon the table to be printed;

And, whereas the great and rapid increase of the smallpox within the city makes it imperative that instant and energetic action be taken to suppress it by an efficient Board of Health:

Therefore Resolved, That his Honor the Mayor be respectfully requested to summon a special meeting of the Board of Aldermen, as authorized by the city charter, at the earliest possible time, to take action upon the reports of said committee, and that his Honor the Mayor be also requested to summon a special meeting of the Common Council, as authorized by the city charter, after the Board of Aldermen shall have acted upon said reports, if in his judgment time will be gained thereby in reaching concurrent action.

Mr. Shepard said he did not design by the resolutions to reflect upon the members of the committee on the part of this Board, who were not responsible for delay in making a report to the City Council; but it appeared that the reports were ready on the Monday before the second meeting of the Council after the order was passed, and it was presented to the Board of Aldermen, thereby preventing it from coming to this branch. That there is an urgency in the establishment of a new Board of Health, and the calling of a special meeting of the Board of Aldermen for the purpose, is shown in the prevalence of a disease almost as terrible as the great calamity of the fire, in the increase of deaths in one week from 24 to 48. The climax of this disease he had been informed by the City Physician, had not probably been reached, and it was likely to progress with the season, making the call of a special meeting of the greatest importance.

Mr. Caton of Ward 11 said that in a conversation with Alderman Power, he was informed that at the urgent solicitation of some members of the other branch, the reports were not taken up at the last meeting of the Board, as they had not had time to look into the reports.

Mr. Fitzgerald of Ward 7 said he hoped the resolution would be passed, for the public mind required an efficient Board of Health. The present members of that Board could not possibly attend to the duties required of them as such a Board, all of their time being taken up in the ordinary duties of the Board of Aldermen. The city needs a permanent Board of Health outside of the City Government, and the feeling of the public was in favor of such a Board, whose duties should not cease on the 1st of January, just when the members had learned what was required of them. The smallpox was increasing at a terrible rate, as he had been assured that a hundred and forty-seven new cases had been reported at the North End, and it was time that something was done to check it. There had been a delay in establishing a new Board of Health, the reason why, he did not know. He hoped the resolution would pass, to meet the general public requirement.

Mr. Pease of Ward 1 said he had understood the smallpox was increasing to an alarming extent in Ward 2, and in a tenement house where there were many cases, a considerable number of the people pass over to East Boston. There was no person to apply

to to have the nuisance abated, or he would himself have made a complaint.

Mr. Webster of Ward 6, as a member of the committee on a new Board of Health, said he fully concurred as to the necessity of the establishment of

such a Board immediately, and hoped it would be passed in a week, so that we should have a Board of Health which was responsible.

The resolution was passed.

Adjourned to Thursday evening, December 5.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
NOV. 29, 1872.

A special meeting of the Board of Aldermen was held at twelve o'clock, noon, today, called by the Mayor, under the resolution of the Common Council of Tuesday, Nov. 26, Mayor Gaston presiding.

## JURORS DRAWN.

Twelve traverse jurors were drawn for the second session of the Superior Court, for civil business.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers, without pay—Peter Morrison, for Constitution wharf and vicinity; Charles F. Velaseo, for Mill and Webster streets and Carlton's wharf and vicinity.

## PETITIONS PRESENTED AND REFERRED.

John Roessle, for leave to erect a brick stable for twenty-four horses on Gardner court and Pynchon street.

John Slone, for leave to occupy a wooden stable for four horses on Vancouver street.

Severally referred to Committee on Health.

Ann and Bridget Dolan, to be paid for grade damages on London street.

A. C. Paige, for a sidewalk at No. 560 Fifth street, South Boston.

Grover & Badger, that Cotton place be closed against vehicles.

Severally referred to the Committee on Paving.

H. E. Wilson, for leave to give theatrical performances at No. 46 Carver street or elsewhere, this season. Referred to Committee on Licenses.

The Mayor stated that he had called this meeting to enable the Board to consider the majority and minority reports in relation to the establishment of a new Board of Health.

Alderman Ricker offered the following order, which was read twice and passed:

Ordered, That when a person sick with the small-pox cannot be safely removed, the City Physician be and he is hereby authorized, as the agent of this Board, to declare the house or building, in which said person may be at the time, a hospital; and that he be further authorized to take such measures as may be required to prevent the spread of the disease, either by displaying flags or by stationing guards around said house or building, as in his judgment may be expedient; the expense attending the same to be charged to the appropriation for the Health Department.

## NEW BOARD OF HEALTH.

Alderman Clark moved to take from the table the reports of the committee on the establishment of a new Board of Health. The motion was adopted, when the reports were considered.

The ordinance relating to the Public Health, the features of which have already been published, as reported by the majority of the committee contemplates (1) the appointment of a Joint Committee of the City Council, consisting of three Aldermen and five Councilmen, to examine records and accounts of the Board of Health, applications for appropriations, etc., and report thereon, to have control of all expenditures in the Health Department, the work to be done to the satisfaction of the Board of Health and the City Council, and the Mayor to see that the laws and ordinances in relation thereto are enforced; (2) Three persons to be appointed by the Mayor, (one to go out of office each year, and one of the three to be a physician in good standing,) who, with one member of the Board of Aldermen and one member of the Common Council, and the Mayor *ex officio*, to constitute the Board of Health, and to exercise all the powers vested in the City Council or Board of Aldermen as a Board of Health; the board to make rules for their own government, to appoint the Superintendent of Health, City Physician, Port Physician, clerk, and other subordinate officers, subject to the approval of the City Council.

The report of the minority of the committee provides for the appointment of a Joint Committee on Health, the work in the Health Department to be approved by the Board of Health and not requiring the approval of the Common Council; the Board of Health to consist of three persons appointed by the Mayor, not members of the City Council, to hold office for three years after the first appointments, one to go out each year—the board to devote their time

to the duties of the office and not actively engage in any other business; the appointments of Superintendent of Health, City Physician and Port Physician to be subject to the approval of the Mayor.

Alderman Clark addressed the Board as follows:

The subject of the establishment of a new Board of Health to take charge of the sanitary interests of the city is one which has for a long time been under consideration, and one in which the community at large had taken a deeper interest than any subject which had come before the present City Government up to the time of the recent disastrous fire. I have no doubt that a majority of the citizens believe that a board of health, independent of the City Council, acting under a proper ordinance, would be of greater service to the city than any committee selected from any Board of Aldermen could possibly be, on account of the great variety and amount of labor which every member of the Board is called upon to perform in the various departments connected with the carrying on of a City Government like ours.

The city has so increased in size and population that the Health Department in ordinary years demands more time and attention than any committee chosen from among the twelve members of this Board can be expected to bestow upon it unless they devote their whole time to this to the exclusion of everything else.

I know that the present Committee on Health have been unceasing in their efforts to keep the city in a clean and healthy condition. No blame should be attached to them for insufficient sewerage accommodations, neither are they to blame for the fact that smallpox is in our midst to a greater extent than it has been for several years past.

When our sewers are extended, enlarged and increased, we shall get rid of the unpleasant smells which return every year with the hot weather, and when the millennium comes diseases of every name and nature, smallpox included, will cease to exist.

I desire to add my testimony to the unceasing faithfulness of the chairman of the Committee on Health, not only in this position, but in every position which he has held during the present year; never having been absent from any meeting of the Board or any of the important committee meetings of which he is a member, devoting the greater part of his time to the service of the city; and if the interests of the city are as well served in the future as they have been by him in the past, the people need have no cause for alarm.

But, sir, believing as I do that it is for the interest of the city to have a board of health independent of the City Council as far as it is judicious to make it so, I am prepared to favor the ordinance as reported by the minority inasmuch as it makes the board more independent and still sufficiently under the control of both branches of the Government for all practical purposes. I believe, also, that the public, whose servants we are, and who are so deeply interested in this matter, will accept this with entire satisfaction for the time being, in answer to their petition, while the ordinance of the majority will be looked upon as an ordinance creating a board of health without any power of action. I would therefore move the substitution of the report of the minority for that of the majority of the committee.

Alderman Jenks said that while he did not intend to take the laboring oar in defending the report of the majority of the committee, in the absence of the chairman of the committee he should be obliged to say something on the subject. In most of the matters of difference in the reports relating to the approval of the City Council, if the Council was disposed to yield their approval of appointments, he should not object. There were some amendments which should be made, should the minority report be adopted, and which he would move should the adoption prevail.

Alderman Little expressed a preference for the minority report, because that of the majority made a mixed commission, and the establishment of a Board with members to devote their whole time to the subject would in time make ciphers of those who might be added by the City Council. On that account it would be better not to have such a mixed Board. He did not think there was any occasion to defend the course of the Board during the past year, and but for certain measures in hampering them, they would have done much better.

Referring to the closing of the small-pox hospital without consent of the Board, the effect he said had been to send small-pox patients to boardinghouses, where the disease was disseminated. In regard to members of the Board of Aldermen appointed on boards of public institutions, they were of little use on such boards, and six months were often required to learn the duties, which were more familiar to the

permanent members than they could be to those who were of recent appointment, and were but ornaments to such boards.

Alderman Jenks made a statement in explanation of the action in closing the smallpox hospital, which he said was not hastily done.

The minority report was substituted for that of the majority.

Alderman Clark moved to amend the number of the Joint Committee on Health, so that it shall be composed of two aldermen and three members of the Common Council, believing that a committee of eight was too large. Carried.

Alderman Jenks moved to amend section twenty-seven by striking out "City Registrar" and inserting "Board of Health," making the internments to be under the superintendence of the Board, instead of under the Registrar.

In explanation of this amendment he said it was not improbable that the City Registrar, from his knowledge of vital statistics, would become a member of the Board.

The amendment was adopted.

Alderman Clark said it was not to be expected that the ordinance was a perfect one, but it was the best which could be had under the circumstances. There had been a wrong impression abroad, that the Board had been disposed to stave off the establishment of a new Board of Health, but there were many circumstances which might be mentioned, which had contributed to the delay.

The report was made but a few days before the recent fire, and that had so engaged the attention of the City Government for two or three weeks, that there was no time to give much attention to other matters.

Alderman Little referred to the provision giving the control of the smallpox hospital to the Trustees of the City Hospital, wherever it might be located on the main land. Under such a provision the Board could not have more care over the hospital than the Board of this year has, leading to the same difficulties. He desired to place the care of the smallpox hospital where it belonged, in the Board of Health, for it did not belong to the charge of the Trustees of the City Hospital.

Alderman Clark moved to amend section 15, relative to the appointment of a City Physician, by making it one or more persons, which was modified to provide for one person to be appointed as City Physician, with such assistants as may be needed.

The amendment was adopted.

Alderman Jenks moved an amendment by adding as section 65, a new section, comprising section 5 of the ordinance relating to the City Hospital. The section with amendments, was adopted as Section 65, as follows:

Sect. 65. The Board of Health shall also have charge of any buildings which are or may be established by the City Council within the city limits, or on the islands in Boston Harbor, for the admission of patients having the smallpox or other infectious diseases. And they shall make such rules and regulations for the management and government of the patients and employes as they may deem necessary and proper, subject, however, to the approval of the City Council. And the said Board shall carefully guard against the introduction of any cases of infectious disease into any other buildings under their charge, than those appropriated for the purpose by the City Council.

As amended, the ordinance was passed.

Adjourned.









## CITY OF BOSTON.

Proceedings of the Common Council,  
NOV. 30, 1872.

A special meeting of the Common Council was held this afternoon at four o'clock, M. F. Dickinson, Jr., the President, in the chair, called by the Mayor.

A call of the roll showed the following-named members to be present:

Bicknell, Blackmar, Bradt, Brooks, Burt, Caton, Cunningham, Dacey, Darrow, Davenport, Devine, Dickinson, Fitzgerald, Flanders, Heath, Holmes, Jones, Kingsley, Loring, Martin, Page, Pease, Pickering, Prescott, Risteen, Robbins, Robertson, Smith, Thacher, Webster, West, Whiston, Wright—33.

A quorum of the Council was declared to be present.

The communication of the Mayor was read, as follows:

EXECUTIVE DEPARTMENT, CITY HALL, }  
BOSTON, Nov. 29, 1872. }

To the Common Council—In accordance with the request contained in the resolution passed by your board, dated November 26, 1872, I have already called a special meeting of the Board of Aldermen, and have requested your clerk to summon a special meeting of your board to be held on Saturday, the 30th inst., at four o'clock P. M., for the purpose mentioned in said resolution.

WILLIAM GASTON, Mayor.

Ordered to be placed on file.

## NEW BOARD OF HEALTH.

The ordinance relating to the public health, from the Board of Aldermen, came up as the special business for which the Council was called to take action upon.

On motion of Mr. Webster of Ward 6, the ordinance was read by its title, the several amendments made by the Board of Aldermen to the printed report being indicated by the Chair.

The ordinance as amended was read twice, and passed unanimously.

Mr. Webster of Ward 6, moved a reconsideration of the vote passing the ordinance, which was lost.

## PETITIONS PRESENTED AND REFERRED.

Dennis J. Gorman, to be compensated for destruction of buildings and merchandise by agents of the city Nov. 10. Referred to Committee on Claims.

Jas. P. Bush and A. T. Stearns, that the marble houses on Independence square may be accepted by the city. Referred to Committee on Public Lands.

## SMALL POX HOSPITAL.

Mr. Dacey of Ward 2 made an inquiry as to the progress in the location and erection of a smallpox hospital.

Mr. Webster of Ward 6 replied to the inquiry that a contract was made two weeks ago for a building for the hospital to be completed in six weeks. Land had been purchased on Swett street, on Central wharf, so called, and the building is progressing. At a further meeting of the committee, yesterday, it was agreed to give the contractor \$100 a day for each day gained upon the time allowed for completing the contract.

Mr. Fitzgerald of Ward 7 stated that he was a member of the committee, but he did not know anything about the making of a contract, until he heard of it outside of the City Hall. As a member of the committee, he was never notified of any meeting, and did not know how the thing had been done. After the building had been in a process of erection, he learned that a sub-committee had given a contract to somebody, and the first that he knew of the matter was from outsiders. He then made some noise about it, and the committee was called together to ratify a contract with somebody. The contract was made to somebody, which this sub-committee had no right to make. The several bids which were made were \$9000, \$14,500, \$16,500 and \$23,000. The bidder at \$9000 would not take it because of certain alterations, and it was given to the bidder for \$16,500.

The committee yesterday made an agreement to give \$100 each day to the contractor on condition of shortening the time, but he hoped never to be on a committee of the City Council where business was done in the manner in which this business had been done.

Mr. Webster stated that the chairman of the committee, a member of the Board of Aldermen, had related the circumstances under which the committee was called and the contract was made. He gave directions to the Clerk of Committees to call the committee together, and supposed that the call was properly made until several days ago. A majority of the committee were however present, and they had a right to act, but when it was found that the whole committee were not notified, the committee were called together to ratify what this sub-committee had done.

Mr. Fitzgerald said he had made inquiries of the Clerk of Committees, and he assured him that he was told to call the sub-committee only together. There could have been no more power to make this contract than there could have been by outsiders. After twenty-three days following the action of this sub-committee, and when he had made inquiries and found that the foundations of the buildings had been laid and there was no going back, there had been a meeting called to ratify their action. Either the Clerk of Committees had made a mistake, or the chairman of the committee had, but the Clerk of Committees told him he was directed only to call the sub-committee together, and when they came together they gave the contract out at \$16,500. The whole matter was an underhand, wild, slipshod way of doing business, and he thought it was about time these things should be put a stop to in the City Government.

Mr. Perkins of Ward 6 thought it was time to stop this battledore and shuttlecock debate, and he would like to know whether a contract was made by the sub-committee.

Mr. Webster replied that the action of the sub-committee in making a contract was ratified by the committee. The chairman had acted under a mistake about calling the meeting of the committee, and if it was a mistake it was no crime; and there was no reason why a measure made in good faith should not be ratified. The bidder at \$9000 was present and declined not to take the contract, when it was given to another.

Mr. Fitzgerald inquired if there was not a lower bid than that accepted, at \$14,500.

Mr. Webster replied that he would not deny that there was such a bid, but he did not recollect that there was such a bid.

Adjourned.











## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 2, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers Without Pay—John Retz for Pemberton square and its vicinity; Andrew Wilson for Morgan Chapel and its vicinity; M. J. Flatley for Jefferson House and its vicinity; William Hobbs for St. James street and its vicinity.

Members of Fire Department—Edwin R. Merrill, as a driver; John E. Wharton, as a hoseman.

## PETITIONS PRESENTED AND REFERRED.

F. S. Merritt, for a sidewalk in front of No. 1 Rowe's Wharf.

Cushman & Brooks and others, that the recent location of a turnout by the Metropolitan Railroad Co. in Temple place may be rescinded.

Eliza Barr, to be paid for grade damages at Nos. 139-145 Fourth street.

Mrs. C. O. Smith, to be paid for grade damages on Fourth street.

Patrick H. Rogers, that Sixth street, between P and Q streets, be graded.

Severally referred to Committee on Paving.

Francis Herthel, for permission to occupy a wooden stable for two additional horses, on Ruggles street, near Tremont street.

John W. Draper, president of Metropolitan Railroad Company, for leave to occupy the stable at Wait's Mills with fifty additional horses.

Frank Keenan and others, against the proposed erection of a stable on Cherry street, near Dove street.

G. R. Farwell, for leave to occupy a wooden stable for ten additional horses, on Dorr street, Ward 12.

Edwin O. Presby, for leave to occupy a wooden stable for two horses on Blue Hill avenue, near Moreland street.

Severally referred to Committee on Health.

Samuel Mason, Jr., to be paid for damages caused by raising the grade of Suffolk-street District. Referred to Committee on Suffolk-street District.

Nathaniel Brewer, administrator, for additional compensation for land taken on Fort Hill. Referred to Committee on Fort Hill Territory.

John Klesa, for compensation for loss occasioned by blowing up of a building during the late great fire.

Gould & Lincoln to be compensated for property lost in the recent fire, amounting to \$8078 67, parties being engaged in saving the same when ordered to leave the building, designed to be blown up.

Armstrong & Co., to be paid for damages done to their property by agents of the city Nov. 9.

Sidney Fisher, to be paid for loss of property by the blowing up of buildings Nos. 42 to — Federal street.

Severally referred to Committee on Claims.

Gray & Libby and others, for the removal of the walls of Macenlar, Williams & Parker's store on Washington street.

Martha B. Lucas, for apportionment of Shawmut-avenue betterments.

Annie C. Morse, for apportionment of betterment on account of extension of Harrison avenue.

John F. Newton and Daniel A. Sigourney, severally for apportionment of Harrison-avenue betterments.

Severally referred to Committee on Streets.

A. P. Peck, for Theodore Thomas, for a license to give concerts at the Music Hall November 29, 30, and December 2 and 7. Referred to Committee on Licenses.

Chickering & Sons and others, that Lowry hydrants be placed in pipes around Chickering's factory.

Alexander Mair and others, that the water pipes in Centre street be extended to the West Roxbury line.

Severally referred to the Committee on Water.

J. G. Abell, to be paid for damages caused by loss of property at the recent fire.

H. A. Richards, for leave to attach his "fire escape" to buildings in this city.

Severally referred to Committee on Fire Department.

A petition was presented from T. Christian asking for an investigation into an assault upon him by Alderman Weolley, while standing in a line in the City Hall waiting for an opportunity to get a pass to visit

the site of his late store on Arch street. The petitioner alleges that the Alderman twice pushed him from the line, and upon his expostulating against such conduct, he was rudely seized by the collar and dragged down the stairway. Subsequently the Alderman returned and wished to apologize, but he refused to accept "any apology for official misconduct for which there could be no excuse."

Referred to a special committee consisting of Aldermen Cutter, Fairbanks and Squires.

## COMMUNICATION FROM THE MAYOR.

The following communication was read:

To the Honorable the City Council: Gentlemen—I have approved the ordinance establishing a new Board of Health, and am prepared to appoint (subject to your approval) the members of said board as soon as the salary which they are to receive has been determined.

The fifth section of the ordinance provides that the persons appointed as members of the board shall devote their time to the duties of the office, and shall not actively engage in any other business. The duties which they were called upon to perform are highly important and require peculiar qualifications. In order that the services of competent men may be secured, I would respectfully suggest that the provisions for compensation shall be literal. I respectfully recommend that immediate action be taken.

WM. GASTON, Mayor.

Referred to Committee on Salaries.

On motion of Alderman Clark—

Ordered, That the Committee on Salaries be requested to report as early as practicable an order establishing the salaries of the members of the Board of Health.

## HEARINGS ON ORDERS OF NOTICE.

The hearing on order of notice on the proposed construction of a common sewer in Ruggles street, between Parker street and Ruggles place, was taken up. No person appearing in relation thereto, the report was recommitted.

The hearing on petition of G. F. Whitney & Co. for leave to locate a steam engine and boiler at No. 68 Pitts street, was taken up, and was also recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Report and order to pay the proprietors of the Social Law Library \$1000, as allowed by law.

Order for Superintendent of Streets to furnish and set edgestones on Brooks street, from White to Eagle street, and on Eagle street from Meridian to Brooks street.

Order to establish a grade for Munroe street, between Walnut avenue and Warren street.

Order for Superintendent of Streets to prevent the sea wall on Beverly street from encroaching on Lovejoy's wharf.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Bush & Stearns, Dennis J. Gorman and of S. T. Lombard were severally referred, in concurrence.

The communication from the Mayor of his appointment of Thomas Russell upon the commission to investigate the cause and management of the recent fire, in place of George T. Bigelow, who declined that service, was ordered to be placed on file.

The request of the Common Council that this Board would consider the subject of watering the streets of infected districts with deodorizing liquids, was referred to Committee on Health.

The following orders were severally passed, in concurrence:

Order to appropriate the additional sum of \$1500 for assistance in office of Chief-Engineer of Fire Department this winter.

Order to pay for extra services in hauling fire apparatus and for employment of extra men at fires, etc.

The report of Committee on Claims referring the petition of Mary A. Smith to Committee on Suffolk-street District was accepted, in concurrence.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Theodore Thomas to give concerts at Music Hall until Dec. 7 inclusive; Wallace R. Michell, and John Mead Jr., as auctioneers; and to sundry persons for wagon licenses, for transfer of wagon licenses, as victuallers and for a hack stand. Severally accepted.

Alderman Stackpole, from the Committee on Steam Engines, made a report in favor of granting the petition of Thomas F. McGann to use a steam boiler and engine at No. 83 Portland street. Accepted.



Alderman Fairbanks, from the Committee on the Market, reported in favor of the transfer of the lease of stall No. 30 Faneuil Hall Market to George W. Amsden. Accepted.

Alderman Ricker, from the Committee on Health, reported in favor of petitions for stables, as follows: Leonard Hyde to occupy a wooden stable for one horse on Day street, Ward 15; Bird Brothers for leave to erect a stable for three horses on Hancock street, Ward 16; Philip Albrecht to occupy a wooden stable for one horse rear No. 12 Magazine street. Severally accepted.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on the petition of Allen Putnam and others, that a new street, from 426 Dudley street, be called Brewer avenue; also, on petition of Grover & Badger, that Colton place be closed against vehicles. Severally accepted.

Alderman Clark, from the Committee on Common and Public Grounds, to whom was referred the petition of C. A. Bartol for the removal of a tree from opposite No. 60 Mount Vernon street, made a report, recommending that C. A. Bartol be allowed to remove the tree opposite to No. 60 Mount Vernon street at his own expense, under the direction of the Superintendent of Common and Public Grounds. Accepted.

Alderman Cutter, from the Committee on Paving, to whom was recommitted the petition of the Union Freight Railroad Company for leave to lay down tracks in Eastern avenue, made a report of the accompanying order of location:

Ordered, In addition to the rights heretofore granted to the Union Freight Railroad Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to lay down a single track from their present tracks on Commercial street at the junction of Eastern avenue upon and over said Eastern avenue—subject to the usual conditions in relation to the work, the location, form of rail to be used, paving, acceptance of the location, etc.

The report was accepted and the order was passed.

Alderman Squires, from the Committee on Public Lands, to whom was referred the remonstrance of S. S. Perkins and numerous others, owners of estates on Upton street, against the proposed purchase by the city of Boston of the only vacant lot of land on Upton street, submitted a report as follows:

The committee find, on investigation, that the land as set forth in the remonstrance was with the three adjoining lots sold by the city of Boston in 1852, one of the conditions of said sale being as follows:

The building to be erected upon said lot shall not be used or occupied for any other purposes, or in any other way than as a dwelling house for the term of twenty years from May 1, 1852, and the remaining thirty-one lots sold during the years 1858 and 1859 with the same conditions, but which do not expire until the first day of October, 1878.

The committee further find that upon each of the lots as laid out upon Upton street, except the one spoken of, there has been erected a uniform class of brick houses, three stories in height, all but one being swell fronts, thus making the street, in beauty and appearance, second to none south of Dover street; and although the building that may be erected upon the vacant land can now be used for any other purpose that does not conflict with the laws and ordinances of the city, still the remonstrants feel that the city should not themselves go back of the conditions placed on the land at the time of sale, in purchasing the lot and erecting thereon an engine house, as in their opinion it would greatly reduce the value of property on said street.

The committee, entertaining similar views, believe that a lot can be obtained on Dedham street or its neighborhood, that will be more for the interest of the city to purchase than the land on Upton street, and being informed that the Committee on the Fire Department, together with the Committee on Public Buildings, have this subject under consideration, they recommend that the remonstrance be referred to them.

The report was accepted.

Alderman Power, from the Committee on Printing, respectfully represented to the City Council that they have received from the contractors for the city printing, Messrs. Rockwell & Churchill, a bill amounting to \$1329 52, for uncompleted work done on a finding list for the Public Library, which was destroyed in the conflagration of November 9, instant. The committee further represent that they find, on inquiry of the City Solicitor, that the city is not legally liable for any undelivered work done for the city by the contractors.

It is, however, stated by the contractors that they have lost by the fire one of their two printing offices,

which was stocked with their larger printing presses and heavy machinery, involving a loss of nearly \$15,000 over the amount of their insurance.

The contractors consider that the amount of their bill for this unfinished work is an equitable claim for the consideration of the City Council, resulting from the extraordinary character of the conflagration and the peculiar nature of the work thus destroyed; the work having been ordered on the 7th of June last, and prosecuted with diligent progress until thus destroyed.

The committee present the claim for such action as the Council may think proper; and, having fully considered the subject, they respectfully recommend the passage of the order annexed:

Ordered, That the Committee on Printing be authorized to approve the claim presented by Rockwell & Churchill for uncompleted work on the Public Library finding list, destroyed by the recent fire, after the same shall have been duly audited; the amount to be charged to the appropriation for the Public Library.

The order was read once.

#### ORDERS PASSED.

On motion of Alderman Cutter,

Ordered, That the Board establish the grade of Washington street, between Court street and Haymarket square, as shown on a plan and profile drawn by the City Surveyor, dated July 22, 1872, and deposited in the office of said City Surveyor.

Ordered, That the Superintendent of Streets be directed to raise and grade Washington street, at the Milton Lower Mills, according to the established grade of said street, at an estimated cost of \$2000.

On motion of Alderman Sayward,

Ordered, That the Committee on Public Buildings be requested to provide suitable office accommodations for the new Board of Health.

On motion of Alderman Poland,

Ordered, That the Committee on Fuel be authorized to pay A. C. Wellington & Co. the market price for canal coal furnished by them on the requisitions of the city beyond the amount designated in the contract between said Wellington & Co. and the city dated the 27th day of June, 1872.

On motion of Alderman Woolley,

Ordered, That there be allowed and paid to Company A, Second Battalion, and Company D, Ninth Infantry, the sums certified by the Adjutant-General to be due to them respectively for special duty in June and August last; said sums, amounting to \$1087, to be charged to the appropriation for Militia Bounty.

#### DANGEROUS WALLS.

On motion of Aldermen Clark,

Whereas, it appears to this Board that the front wall of the store lately occupied by Macullar, Williams & Parker on Washington street, and which was consumed by fire on the 9th of November, is in a condition dangerous to the public travel and to the immediate neighborhood—it is hereby

Ordered, That the Inspector of Buildings be directed to notify the trustees of the Sears estate to remove said wall within five days after the service of this order; and if not so removed, then the Inspector of Buildings is hereby directed to remove said wall at the expense of said trustees.

Whereas, it appears to this Board that the dilapidated wooden buildings on Washington and Kneeland streets, a part of which were cut off to widen Kneeland street, are now and have been for a long time in a condition dangerous to public life, and especially liable to a conflagration, it is hereby

Ordered, That the Inspector of Buildings be directed to notify William H. Hill, Jr., the owner of said buildings, to remove the same within three days after the service of said notice, and if not removed within the time specified, the said Inspector of Buildings is hereby directed to take down said buildings and render the same safe to that neighborhood, at the expense of said owner.

#### VOTES OF THANKS FOR SERVICES DURING THE FIRE.

On motion of Alderman Fairbanks,

Resolved, That the thanks of the City Council be presented to the members of the Police Department for the admirable manner in which they performed the arduous services required of them during and since the recent fire.

Resolved, That the thanks of the City Council be and they are hereby presented to the several military organizations on duty in this city during and since the great fire, which occurred on the 9th and 10th of November last, for the valuable services rendered by them in preserving order and protecting property.

Resolved, That the thanks of the City Council be presented to the several railroad corporations which, by their promptness and energy in furnishing trans-



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

DEC. 2, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon at four o'clock, Alderman Little, the chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers Without Pay—John Retz for Pemberton square and its vicinity; Andrew Wilson for Morgan Chapel and its vicinity; M. J. Flatley for Jefferson House and its vicinity; William Hobbs for St. James street and its vicinity.

Members of Fire Department—Edwin R. Merrill, as a driver; John E. Wharton, as a hoseman.

## PETITIONS PRESENTED AND REFERRED.

F. S. Merritt, for a sidewalk in front of No. 1 Rowe's Wharf.

Cushman & Brooks and others, that the recent location of a turnout by the Metropolitan Railroad Co. in Temple place may be rescinded.

Eliza Barr, to be paid for grade damages at Nos. 139-145 Fourth street.

Mrs. C. O. Smith, to be paid for grade damages on Fourth street.

Patrick H. Rogers, that Sixth street, between P and Q streets, be graded.

Severally referred to Committee on Paving.

Francis Herthel, for permission to occupy a wooden stable for two additional horses, on Ruggles street, near Tremont street.

John W. Draper, president of Metropolitan Railroad Company, for leave to occupy the stable at Wait's Mills with fifty additional horses.

Frank Keenan and others, against the proposed erection of a stable on Cherry street, near Dove street.

G. R. Farwell, for leave to occupy a wooden stable for ten additional horses, on Dorr street, Ward 12.

Edwin O. Presby, for leave to occupy a wooden stable for two horses on Blue Hill avenue, near Moreland street.

Severally referred to Committee on Health.

Samuel Mason, Jr., to be paid for damages caused by raising the grade of Suffolk-street District. Referred to Committee on Suffolk-street District.

Nathaniel Brewer, administrator, for additional compensation for land taken on Fort Hill. Referred to Committee on Fort Hill Territory.

John Klesa, for compensation for loss occasioned by blowing up of a building during the late great fire.

Gould & Lincoln to be compensated for property lost in the recent fire, amounting to \$8078 67, parties being engaged in saving the same when ordered to leave the building, designed to be blown up.

Armstrong & Co., to be paid for damages done to their property by agents of the city Nov. 9.

Sidney Fisher, to be paid for loss of property by the blowing up of buildings Nos. 42 to — Federal street.

Severally referred to Committee on Claims.

Gray & Libby and others, for the removal of the walls of Macaulair, Williams & Parker's store on Washington street.

Martha B. Lucas, for apportionment of Shawmut-avenue betterments.

Annie C. Morse, for apportionment of betterment on account of extension of Harrison avenue.

John F. Newton and Daniel A. Sigourney, severally for apportionment of Harrison-avenue betterments.

Severally referred to Committee on Streets.

A. P. Peck, for Theodore Thomas, for a license to give concerts at the Music Hall November 29, 30, and December 2 and 7. Referred to Committee on Licenses.

Chickering & Sons and others, that Lowry hydrants be placed in pipes around Chickering's factory.

Alexander Mair and others, that the water pipes in Centre street be extended to the West Roxbury line.

Severally referred to the Committee on Water.

J. G. Abell, to be paid for damages caused by loss of property at the recent fire.

H. A. Richards, for leave to attach his "fire escape" to buildings in this city.

Severally referred to Committee on Fire Department.

A petition was presented from T. Christian asking for an investigation into an assault upon him by Alderman Woolley, while standing in a line in the City Hall waiting for an opportunity to get a pass to visit

the site of his late store on Arch street. The petitioner alleges that the Alderman twice pushed him from the line, and upon his expostulating against such conduct, he was rudely seized by the collar and dragged down the stairway. Subsequently the Alderman returned and wished to apologize, but he refused to accept "any apology for official misconduct for which there could be no excuse."

Referred to a special committee consisting of Aldermen Cutter, Fairbanks and Squires.

## COMMUNICATION FROM THE MAYOR.

The following communication was read:

To the Honorable the City Council: Gentlemen— I have approved the ordinance establishing a new Board of Health, and am prepared to appoint (subject to your approval) the members of said board as soon as the salary which they are to receive has been determined.

The fifth section of the ordinance provides that the persons appointed as members of the board shall devote their time to the duties of the office, and shall not actively engage in any other business. The duties which they were called upon to perform are highly important and require peculiar qualifications. In order that the services of competent men may be secured, I would respectfully suggest that the provisions for compensation shall be literal. I respectfully recommend that immediate action be taken.

WM. GASTON, Mayor.

Referred to Committee on Salaries.

On motion of Alderman Clark—

Ordered, That the Committee on Salaries be requested to report as early as practicable an order establishing the salaries of the members of the Board of Health.

## HEARINGS ON ORDERS OF NOTICE.

The hearing on order of notice on the proposed construction of a common sewer in Ruggles street, between Parker street and Ruggles place, was taken up. No person appearing in relation thereto, the report was recommitted.

The hearing on petition of G. F. Whitney & Co. for leave to locate a steam engine and boiler at No. 68 Pitts street, was taken up, and was also recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Report and order to pay the proprietors of the Social Law Library \$1000, as allowed by law.

Order for Superintendent of Streets to furnish and set edgestones on Brooks street, from White to Eagle street, and on Eagle street from Meridian to Brooks street.

Order to establish a grade for Munroe street, between Walnut avenue and Warren street.

Order for Superintendent of Streets to prevent the sea wall on Beverly street from encroaching on Lovejoy's wharf.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Bush & Stearns, Dennis J. Gorman and of S. T. Lombard were severally referred, in concurrence.

The communication from the Mayor of his appointment of Thomas Russell upon the commission to investigate the cause and management of the recent fire, in place of George T. Bigelow, who declined that service, was ordered to be placed on file.

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The report was accepted and the order was passed.

Alderman Squires, from the Committee on Public Lands, to whom was referred the remonstrance of S. S. Perkins and numerous others, owners of estates on Upton street, against the proposed purchase by the city of Boston of the only vacant lot of land on Upton street, submitted a report as follows:

The committee find, on investigation, that the land as set forth in the remonstrance was with the three adjoining lots sold by the city of Boston in 1852, one of the conditions of said sale being as follows:

The building to be erected upon said lot shall not be used or occupied for any other purposes, or in any other way than as a dwelling house for the term of twenty years from May 1, 1852, and the remaining thirty-one lots sold during the years 1858 and 1859 with the same conditions, but which do not expire until the first day of October, 1878.

The committee further find that upon each of the lots as laid out upon Upton street, except the one spoken of, there has been erected a uniform class of brick houses, three stories in height, all but one being swell fronts, thus making the street, in beauty and appearance, second to none south of Dover street; and although the building that may be erected upon the vacant land can now be used for any other purpose that does not conflict with the laws and ordinances of the city, still the remonstrants feel that the city should not themselves go back of the conditions placed on the land at the time of sale, in purchasing the lot and erecting thereon an engine house, as in their opinion it would greatly reduce the value of property on said street.

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The report was accepted.

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It is, however, stated by the contractors that they have lost by the fire one of their two printing offices,

which was stocked with their larger printing presses and heavy machinery, involving a loss of nearly \$15,000 over the amount of their insurance.

The contractors consider that the amount of their bill for this unfinished work is an equitable claim for the consideration of the City Council, resulting from the extraordinary character of the conflagration and the peculiar nature of the work thus destroyed; the work having been ordered on the 7th of June last, and prosecuted with diligent progress until thus destroyed.

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The order was read once.

#### ORDERS PASSED.

On motion of Alderman Cutter,

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Ordered, That the Superintendent of Streets be directed to raise and grade Washington street, at the Milton Lower Mills, according to the established grade of said street, at an estimated cost of \$2000.

On motion of Alderman Sayward,

Ordered, That the Committee on Public Buildings be requested to provide suitable office accommodations for the new Board of Health.

On motion of Alderman Poland,

Ordered, That the Committee on Fuel be authorized to pay A. C. Wellington & Co. the market price for canal coal furnished by them on the requisitions of the city beyond the amount designated in the contract between said Wellington & Co. and the city dated the 27th day of June, 1872.

On motion of Alderman Woolley,

Ordered, That there be allowed and paid to Company A, Second Battalion, and Company D, Ninth Infantry, the sums certified by the Adjutant-General to be due to them respectively for special duty in June and August last; said sums, amounting to \$1087, to be charged to the appropriation for Militia Bounty.

#### DANGEROUS WALLS.

On motion of Aldermen Clark,

Whereas, it appears to this Board that the front wall of the store lately occupied by Macullar, Williams & Parker on Washington street, and which was consumed by fire on the 9th of November, is in a condition dangerous to the public travel and to the immediate neighborhood—it is hereby

Ordered, That the Inspector of Buildings be directed to notify the trustees of the Sears estate to remove said wall within five days after the service of this order; and if not so removed, then the Inspector of Buildings is hereby directed to remove said wall at the expense of said trustees.

Whereas, it appears to this Board that the dilapidated wooden buildings on Washington and Kneeland streets, a part of which were cut off to widen Kneeland street, are now and have been for a long time in a condition dangerous to public life, and especially liable to a conflagration, it is hereby

Ordered, That the Inspector of Buildings be directed to notify William H. Hill, Jr., the owner of said buildings, to remove the same within three days after the service of said notice, and if not removed within the time specified, the said Inspector of Buildings is hereby directed to take down said buildings and render the same safe to that neighborhood, at the expense of said owner.

#### VOTES OF THANKS FOR SERVICES DURING THE FIRE.

On motion of Alderman Fairbanks,

Resolved, That the thanks of the City Council be presented to the members of the Police Department for the admirable manner in which they performed the arduous services required of them during and since the recent fire.

Resolved, That the thanks of the City Council be and they are hereby presented to the several military organizations on duty in this city during and since the great fire, which occurred on the 9th and 10th of November last, for the valuable services rendered by them in preserving order and protecting property.

Resolved, That the thanks of the City Council be presented to the several railroad corporations which, by their promptness and energy in furnishing trans-



portation to firemen and fire apparatus during the recent conflagration in this city, aided materially in preventing a more extensive destruction of property.

Resolved, That the thanks of the City Council be presented to the several telegraph companies, which gave the free use of their lines for the transmission of messages from the municipal authorities and the citizens during the recent fire.

#### ORDERS OF NOTICE.

On petition of George F. Meacham for permission to erect and use a stationary engine in a new building Nos. 32 to 36 School street. Hearing Monday, December 23, 4 P. M.

On petition of George F. Meacham for permission to erect and use a stationary engine in a building to be erected on Avon and Bedford streets. Hearing Monday, December 23, 4 P. M.

On petition of Mezes Crohn for permission to erect and use a stationary engine in a building No. 485 Tremont street. Hearing Monday, December 23, 4 P. M.

Alderman Cutter, from the Committee on Paving, reported an order of notice on the petition of the Union Freight Railroad Company, for temporary location in the burnt district for the removal of old materials. Hearing Monday, December 23, 4 P. M.

On motion of Alderman Cutter,  
Ordered, That notice be given to the Metropolitan Railroad Company, the South Boston Railroad Company, and all other parties interested, that the Board will on Monday, the 23d day of December inst., at 4 o'clock P. M., take into consideration the expediency of the removal of the street railway tracks from Chauncy street, when any persons who object to the removal of the tracks from said street may appear and be heard.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, orders giving authority to the Old Colony & Newport Railroad Company to raise the grade of Adams street, near the cemetery, (Ward 16) three feet higher than previously authorized; for the construction of a sidewalk in front of No. 560 Fifth street; that the street leading easterly from 426 Dudley street be known as Woodward avenue.

On motion of Alderman Clark, orders to pay Alpheus Hardy and others, trustees, \$34,610 for land taken and damages in the extension of Washington street; to pay Caleb Dyer \$204 for Warren-street land damages; to pay Mary Harris \$153.20 for Emerson-street land damages.

#### THE COURT-HOUSE QUESTION.

On motion of Alderman Poland, the order to take all the real estate bounded by Temple, Mt. Vernon, Hancock and Derne streets as a site for a new Court House (City Doc. No. 101.), was taken from the table.

Alderman Poland moved to strike out so much of the order as relates to the reservoir site, with a view to substituting the taking of land on the westerly side of Pemberton square for a Court-House site. Before entering upon the discussion of the subject, he desired the Aldermen to look at the plan lying upon the table, and as the subject of a new Court House had been under consideration for several years, the lot proposed by him he urged was designed for the very purpose, being readily accessible from every portion of the city, combining the advantages of being light and airy, while it was unobjectionable and preferable to any others which had been named.

Alderman Cutter moved that the report be re-committed.

Alderman Poland opposed the motion, regarding it as evidence that members of the Board were afraid to meet the question. The committee had been nine

or ten months in making their report, but he was willing to take the responsibility of voting for the lot designated by him. Any delay would make the taking of this land more costly and difficult, and he was desirous of settling the question now.

Alderman Power stated that a great many projects for improvements had been set aside or postponed on account of the fire, and from the necessity of large expenditures growing out of it; and as the measure of a new Court House had been postponed from year to year, the inconveniences might still further be put up with. He had no occasion, however, to change his mind, and hoped the motion to recommit would prevail.

Alderman Poland said in reference to the reservoir site, that a Court House there would cost \$200,000 more than on the westerly end of Pemberton square. So far as economy was concerned, now was the time to make the purchase, and if purchased, it would not be necessary to take it in less than sixty days, nor to build immediately, while the city would receive in interest more than the outgo from the transaction. There were no families in the locality, and the surroundings were adapted to the purpose. He hoped, therefore, that the Aldermen would have the courage to decide the question upon its merits, and not defer any longer action upon the subject. If any one doubted, he was willing to take the responsibility in the matter.

Alderman Clark moved that the Board take a recess for an examination of the plans, but on a statement of the Chair that the motion to recommit was first in order, withdrew the motion.

Alderman Cutter objected to action upon taking the Pemberton-square lot, suggesting that a report might be made of a more suitable location in the burnt district. The committee could make a report next week.

Alderman Jenks moved a postponement of the subject for one week, which was carried.

Alderman Clark believed it would be spending time foolishly to act on the subject at present, and moved a reconsideration of the vote postponing the consideration of the question.

Alderman Jenks said if it was designed to act upon the subject the present year he was prepared for action, but if it was to be kept to be kicked about he was opposed to the motion.

Alderman Poland said it appeared to be a foregone conclusion to take action on the subject without giving reasons for it, yet he wished those who were in favor of the report of the committee would meet it manfully and show reasons for it. Another year should not be lost in a decision upon it.

Alderman Clark said his motion for a recess was for the purpose of examining the plans and hearing the reasons of the Alderman, which might convince them. As to the report of the committee there was no necessity for a discussion of its merits, and no occasion for it, yet but for the recent fire the reasons would have been shown. The report the committee were able to defend and to take care of now or in the future.

Alderman Jenks said the Alderman had not answered his inquiry as to the design of the motion.

Alderman Clark replied that his design was to refer the subject to the next City Government.

The motion to reconsider was lost by a vote of three to five.

Alderman Clark asked for the yeas and nays on the motion.

Alderman Jenks raised the question that the yeas and nays could not be ordered on a stand-up vote.

The Chair ruled that the motion could not be entertained.

Adjourned to Tuesday, December 10, 4 P. M.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPT. 28, 1872.

A special meeting of the Board of Aldermen was held at one o'clock this afternoon, Mayor Gaston presiding.

## REGULATIONS TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES.

Alderman Little, from the Committee on Health, made a report, recommending the adoption of the following regulations for improving the sanitary condition of the city and preventing the spread of contagious diseases:

Regulations of the Board of Health for improving the sanitary condition of the city in view of the prevalence of contagious diseases:

1. The city shall be divided into twelve districts, and one Alderman assigned to each district, as follows, viz.:

District	1,	Ward	1,	Alderman	Woolley.
"	2,	"	2, 4,	"	Ricker.
"	3,	"	3, 5,	"	Jenks.
"	4,	"	6,	"	Cutter.
"	5,	"	7,	"	Stackpole.
"	6,	"	8,	"	Squires.
"	7,	"	9,	"	Clark.
"	8,	"	10,	"	Fairbanks.
"	9,	"	11,	"	Poland.
"	10,	"	12,	"	Power.
"	11,	"	13, 14,	"	Little.
"	12,	"	15, 16,	"	Sayward.

It shall be the duty of the Alderman assigned to each district to see that all rules and regulations established by the Board of Health are strictly enforced.

2. One or more physicians shall be appointed by the Alderman in each district, who shall receive such compensation as the Board of Health may, from time to time, determine. It shall be the duty of said physicians, under the direction of the Board, to visit all dwellings and tender their services free for the purpose of vaccination and re-vaccination and to give such advice with regard to the sanitary condition of the city as they may deem necessary for the public health, and to report all cases that do not conform to sections 28 and 29 of chapter 26 of the General Statutes.

3. All cases of smallpox and other diseases dangerous to the public health shall be reported by those having charge of the same, at the nearest police station, and said report shall be transmitted by the police to the health officer of the district as soon as received; and in all cases of neglect or refusal so to report, complaints shall be made as provided in sections 48 and 49 of chapter 26 of the General Statutes.

4. A sufficient number of inspectors and fumigators shall be appointed by the Alderman in each district, whose duty it shall be to visit, under his direction, all places in said district where smallpox is reported, and see that the regulations established by this Board are being complied with, and in cases of death from this or any other contagious disease to see that the bodies are buried as soon as possible, the premises thoroughly fumigated, and all articles of clothing or bedding which may have been exposed to said disease properly disinfected or destroyed.

5. The Chief of Police shall furnish such assistance as shall be required by the officers appointed herein provided, and shall cause complaints to be made against all persons who violate sections 47 and 48 of chapter 26 of the General Statutes.

The report was accepted, and the regulations were adopted.

Adjourned.











## CITY OF BOSTON.

Proceedings of the Common Council,

DEC. 5, 1872.

The regular weekly meeting of the Common Council was held this evening at 7½ o'clock, M. F. Dickinson, Jr., the president, in the chair, but which was occupied most of the session by Mr. Perkins of Ward 6.

On motion of Mr. Page of Ward 9, the roll was called, when the following-named members proved to be present:

Bicknell, Blackmar, Bradt, Brennan, Burt, Caton, Clatur, Collins, Cunningham, Dacey, Darrow, Dav-  
enport, Devine, Dickinson, Faxon, Fitzgerald, Flan-  
ders, Flynn, Hart, Heath, Holmes, Jones, Lamb,  
Locke, Loring, Martin, McNutt, Noyes, Page, Pease,  
Perkins, Pickering, Prescott, Robbins, Robertson,  
Robinson, Shepard, Webster, Whiston, Wilbur,  
Wright.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Samuel Mason, Jr., Chickering & Sons, Alexander Mair, J. G. Abell, Armstrong & Co., John Kleso, Sidney Fisher, Gould & Lincoln, and H. A. Richards, were severally referred, in concurrence.

The reference to the Committee on Salaries of a communication from the Mayor, respecting compensation of Board of Health, was concurred in.

The report recommending the reference to the committee on Fire Department and Public Buildings, of the remonstrance of S. S. Perkins et al., against the proposed erection of an engine house on Upton street, was accepted, in concurrence.

The following resolutions and orders were severally passed, in concurrence:

Resolution of thanks to the military organizations, railroad corporations and telegraph companies for their services during the great fire.

Also to Police Department for their services on said occasion.

Order that the Committee on Salaries report as early as practicable on the salaries for the members of the Board of Health.

Order that the Committee on Public Buildings be requested to provide office accommodations for new Board of Health.

Order to pay C. Wellington & Co. the market price for coal furnished beyond the amount designated in the contract between them and the city, on the 27th of June last.

## PETITIONS PRESENTED AND REFERRED.

Edward Wigglesworth to be compensated for destruction of buildings Nos. 66-70 Milk street by gunpowder.

Philip Maas, to be paid for damage to property from powder.

Christopher Maas to be paid for damages to property by destruction thereof with powder.

Patriek McGuire, to be paid for property destroyed by blowing up the building No. 3 Milk street.

Harriet E. Crombie, to be paid for injuries received by a fall in the street.

Severally referred to the Committee on Claims.

## REPORTS OF COMMITTEES.

Mr. Pickering of Ward 6, from the Committee on Salaries, to whom was referred the order for the establishment of salaries of members of the new Board of Health, reported an order as follows:

Ordered, That the salaries of the members of the Board of Health shall be at the rate of \$4000 each per annum, to be paid quarterly, and to take effect on their appointment to office.

Mr. Shepard of Ward 4 moved as an amendment to substitute \$5000 for \$4000.

In support of the amendment, he said the office was the most important in the city, and he supposed the number of three to be fixed upon instead of five, so that the city might pay a larger sum than would be paid to a greater number. The office required the services of first-class men, well known, above suspicion or reproach, highly intelligent business men, one of whom should be a talented physician. The abilities required should command salaries as large as those of the City Solicitor, Treasurer or City Clerk, and it could not be supposed such services could be secured at a less salary than \$5000.

Mr. Pickering said the committee who had this

subject under consideration did not underrate the abilities which would be required in the right discharge of the duties of the office, and they were of opinion that \$4000 would be a sufficient salary. As to the highest order of talent, which had been spoken of, the question would be what that talent is. It could not be supposed that a physician with a practice of from \$10,000 to \$15,000 a year, would give up such practice to take an office with a salary of \$4000, yet it was believed that competent persons could be had at that salary. There was no disagreement among the committee on the subject.

Mr. Webster of Ward 6 said he had no doubt very respectable talent could be secured at a salary of \$4000, but it would not be of that high order which was desired and which could not be had for less than \$5000. What was required was not only thorough executive ability, but students of social science, which should lead them to know everything relating to public health all over the world. They were to be engaged in their duties all the time; and not only employed when business men are, but should follow up matters relating to health day and night. The office will be no sinecure, if its duties are discharged properly; and if not it should be abolished, if they could not get the best talent.

Mr. Brooks of Ward 1 said it appeared to him that some regard should be paid to salaries of other departments in fixing these salaries. The men at the head of other departments were believed to be well qualified for their duties, and the duties of this office ought not to require higher salaries than those paid to men of experience in other departments.

Mr. Pease of Ward 1 favored the amendment, since the proper discharge of the duties of the office would require the best of talent, and the services of men at all times, both at night as well as day; and at seasons of the year when others are taking their vacations their labors would probably be the most arduous.

Mr. Shepard said he felt strongly on the subject, in the importance of starting the board right, for it may spoil the whole thing in putting inferior men in office. It was of the utmost importance that fully competent and able men should be appointed, one of whom to be a good physician and the others thorough business men. The health of the whole community might depend upon the ability of the members of this board.

The motion to amend was lost by a vote of 15 to 18, when the order was passed.

Mr. Webster of Ward 6, from the Committee on Claims, reported leave to withdraw on the petition of David H. Sampson to be compensated for injuries received on the Common. Accepted.

Mr. Webster, from the same committee, on the petition of Susan B. Nichols to be compensated for injuries received by a defect in Beach street, made a report recommending the passage of an order to pay the said Nichols \$2000, in full compensation for her injuries, upon the usual conditions.

The report was accepted, and the order was passed.

Mr. Caton of Ward 11, from the Committee on the Suffolk-street District, to whom was referred the petition of Mary A. Smith, to be compensated for repairs made on house No. 45 Fayctte street, while said house was in the possession of the city, made a report recommending that the petitioner have leave to withdraw. Accepted.

Mr. Robinson of Ward 11, from the Joint Standing Committee on Public Buildings, made a report that under authority of an order of the City Council, approved July 16, they had contracted for the erection of a new schoolhouse on Meeting-House Hill, Ward 16, for the Mather School. The order directed that the cost of said schoolhouse should be charged to the appropriation for Schoolhouses, Public Buildings.

At the request of the Auditor of Accounts the committee would ask for the passage of the accompanying order, changing the cost of said schoolhouse from said appropriation to a special loan for that purpose, in conformity with the practice of the financial policy of the Government of borrowing money for the erection of new buildings, as the general appropriation was not intended to meet such large expenditures as the erection of new schoolhouses, but for the care, maintenance, repairs and alteration of the same.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$65,000, to be applied for the erection and furnishing of the Mather Schoolhouse, Ward 16.

The report was accepted, and the order was read once.

Mr. Pease of Ward 1, from the Committee on the Treasury Department, to whom were referred the Treasurer's accounts of the Stoughton and Gibson

funds, received from the town of Dorchester, having examined said accounts, they report that they are correct.

The Stoughton-School Fund amounts to \$3940; the Stoughton Poor Fund to \$842 06.

The Gibson-School Fund consists of \$16,558 19, invested in notes and bonds, or deposited in bank; a lot of land on Dorchester avenue and Gibson street, containing about 593,211 square feet, and a balance from last year's income, amounting to \$1040 39.

The report was accepted.

Mr. Brooks of Ward 1 offered the following order:

Whereas, Gershom Sherman and Eben Witherell, members of the Boston Fire Department, were seriously injured at a fire on the 26th of July last, while in the discharge of their duty—

Ordered, That there be allowed and paid to Messrs. Sherman and Witherell, each, the sum of \$200, on account of injuries received while in the discharge of their duties as members of the Fire Department;

said sum to be charged to the appropriation for the Fire Department.

Mr. Brooks made some statements in regard to the condition of these firemen—Mr. Sherman being engaged only on light work, and Mr. Witherell would probably never recover.

Referred to Committee on Fire Department.

Mr. Pease of Ward 1 offered the following order:

Ordered, That there be allowed and paid the City Treasurer for extra clerk hire on account of the collection of taxes during the present year a sum not exceeding \$4000; said sum to be charged to the appropriation for Salaries.

Referred to the Committee on Salaries.

On motion of Mr. Caton of Ward 11,

Ordered, That the order passed May 16, 1871, to pay Uriah A. Boyden the sum of \$3600 for estate numbered 14 Porter street be and the same is hereby rescinded.

Adjourned.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

DEC. 10, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Special Police Officers without pay—Milo S. Dix; George Clements for Cross street and vicinity; Alfred Russell for Brattle square and Elm street and vicinity; William H. Horn for Church street and vicinity; James Bryant for the Boston Sugar Refinery and vicinity; Nathan A. Nicholson and Simeon Loomer for Oliver street and vicinity; Michael Henry for Bolton, Dorchester and F streets; George Attwood for West and Washington streets and vicinity.

## PETITIONS PRESENTED AND REFERRED.

Mehitable Curtis, for apportionment of Harrison-avenue betterments.

Edward G. Morse, Horatio G. Morse, and Henry B. Chamberlin, severally for apportionment of Harrison-avenue betterments.

James G. Goodnow, executor, for apportionment of Harrison-avenue betterments.

Sarah M. Deering, for abatement of Harrison-avenue betterment.

Moses Kimball, for abatement of betterment on Sturgis street.

Severally referred to the Committee on Streets.

H. A. Brown, Pope & Co., to be paid for loss of property by action of the city at the recent fire.

Leonard Hall, to be paid for the loss of his horse by reason of an alleged obstruction in Park square November 21.

George E. Stedman & Co., to be paid for injuries caused by removal of their signs from a wall on Summer street.

George P. Davis, trustee, and others, to be compensated for loss of building at the corner of Washington and Milk streets, through agents of the city.

Thomas Boyle, to be paid for loss of property at the recent fire by action of the city.

David Snow, to be paid for injuries to his building on Washington street by an attempt to blow up the building on the corner of Washington and Milk streets, the damage being estimated at \$2000.

Harris & Tucker, to be paid for damages caused by destruction of their office on Congress street.

Severally referred to the Committee on Claims.

J. Oscar Kent and others, and John J. Palmer and others, that a steam fire engine be located on Longwood avenue. Referred to Committee on Fire Department.

Cyrus Wakefield, for leave to build an arch under Market street, through which to apply steam power.

Boston & Providence Railroad Company, for leave to lay tracks across the end of Yarmouth street.

Cook, Jordan & Morse and others, that Mather street may be graded.

Severally referred to the Committee on Paving.

John Dolan, for leave to occupy a wooden stable for two horses on Hampden street, near Kenible street.

Robert Crosbie, for leave to occupy a wooden stable for two horses on White street, next to Marion street.

Richard Miller, for leave to occupy a wooden stable for six horses on Dove street, near F street.

J. C. O'Callahan, for leave to occupy a wooden stable for four additional horses, on Columbia street, Ward 16.

Franklin Proctor, for award of house offal contract.

Severally referred to Committee on Health.

Boston & Albany Railroad Company, for leave to enlarge their grain elevator at East Boston. Referred to the Committee on Survey and Inspection of Buildings.

Ordway, Blodgett & Co. and other firms, for remission of tax on their property, which was destroyed by fire. Referred to Committee on Assessors' Department.

A communication was received from the Metropolitan Railroad Company, accepting their location in Temple place, granted by the Board of Aldermen November 25. Ordered to be placed on file.

## AUDITOR'S MONTHLY EXHIBIT.

The monthly exhibit of the Auditor was presented, in print, it being an exhibit of the General and special appropriations for the present financial year

of 1872-73, as shown in the books in his office, December 1, 1872, including the December draft, being eight months' payments of the financial year,—exhibiting the original appropriations, the amount expended, and the balance of each unexpended at that date. A recapitulation gives the following result:

	Appropriations, Revenues, etc.	Expended.	Unexpended.
General .....	\$9,914,372 84	\$5,536,705 37	\$4,177,667 47
Special .....	7,033,854 63	2,756,560 71	4,237,293 92
	\$16,948,227 47	\$8,533,266 08	\$8,414,961 39

Ordered to be sent down.

COMMUNICATION RELATIVE TO THE REMOVAL OF HOUSE OF CORRECTION TO DEER ISLAND.

OFFICE OF BOARD OF DIRECTORS FOR PUBLIC INSTITUTIONS,  
CITY HALL, Dec. 6, 1872.

To the Honorable the City Council of the City of Boston: Gentlemen—At a meeting of the Board of Directors for Public Institutions, held this day, the following order was adopted, and the President directed to transmit the same to the City Council:

Ordered, That the President be instructed to report, in answer to the request of the City Council as to there being sufficient land at Deer Island for the House of Correction, in addition to other institutions now located there, that there is no available or suitable area of sufficient size to be obtained upon the island.

Respectfully,

J. P. BRADLEE, President.

Ordered to be sent down.

## SEWER ASSESSMENTS.

A schedule of sewer assessments was received from the Superintendent of Sewers, as follows: Broadway, \$971 13; Shawmut avenue, \$3210 93; Forest street, \$1060 99; Gore avenue, \$1070 83; Third street, \$830 70; South street, \$2203 12; Otis place, \$528 53; Haymarket square, \$116 40; Seventh and M streets, \$2414 80; Newman and Lowland streets, \$2784 45; H street, \$537 85; Laurel, Sherman, Ottawa and Bower streets, \$11,773 35; Eighth street, \$3789 95. Referred to Committee on Sewers.

## HEARING ON ORDER OF NOTICE.

The hearing on the order of notice on petition of the Boston & Albany Railroad Company for leave to locate a steam engine, etc., near Lehigh street, was taken up. No person appearing in relation thereto, the report was recommitted.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Alpheus Hardy, trustee, \$34,610, for land taken in extension of Washington street.

Order to pay Mary Harris, \$153 20, for Emerson-street land damages.

Order to pay Caleb Dyer, \$204, for Warren-street land damages.

Order to allow the Old Colony & Newport Railroad Company, to raise the grade of Adams street near their track.

Order to call the street leading from 426 Dudley street Woodward avenue.

Order to lay sidewalk at 560 Fifth street.

Report and order to allow the claim of Rockwell & Churchill to be paid for undelivered work destroyed in the recent fire.

## PAPERS FROM THE COMMON COUNCIL.

The petitions of Patrick Maguire, Harriet E. Crombie, Edward Wigglesworth, Philip Maas and Christopher Maas were severally referred, in concurrence.

The following reports were accepted, in concurrence:

Report "leave to withdraw" on petition of David H. Sampson, to be paid for injuries caused by a fall upon a plank walk on the Common.

Report "leave to withdraw" on petition of Mary A. Smith, to be paid for damages to her estate on Fayette street.

Report of the committee on character and amount of the Gibson and Stoughton school funds.

The following orders were severally passed, in concurrence:

Report and order to pay Susan B. Nichols \$2000 for injuries caused by a defect in highway on Beach street.

Report and order fixing salaries of members of the Board of Health at \$4000 each, per annum.

Order, That the order passed May 16, 1871, to pay Uriah A. Boyden \$3600, for estate 14 Porter street, be rescinded.

## REPORTS OF COMMITTEES.

Alderman Rieker, from the Committee on Licenses, reported in favor of licenses, as follows: R. E. Wil-



marth to give a billiard exhibition at Bunstead Hall, December 9 to 13; also to sundry persons for wagon stands, wagon licenses and transfer of wagon licenses. Severally accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of the petition of George F. Whitney & Co. for leave to locate a steam engine and boiler at No. 68 Pitts street. Accepted.

Alderman Woolley, from the Committee on the Fire Department, reported in favor of a license to Kidder, Vaughan & Co. to manufacture, refine and keep petroleum and coal oils at the Chelsea-street works, near Chelsea-street Bridge. Accepted.

Alderman Woolley, from the Committee on the Fire Department, to whom were referred the petitions of Alonzo Bunting, Galen Coffin and others, for damages by the use of gunpowder on the 9th and 10th of November, have carefully considered the matter and would respectfully request that the same be referred to the Committee on Claims. Accepted.

Alderman Rieker, from the Committee on Health, reported in favor of petitions for stables, as follows:

G. R. Farwell, to occupy a wooden stable for ten additional horses on Dorr street, Ward 12; A. C. Richmond, to occupy a wooden stable for one horse on Woodward street, Ward 13; Metropolitan Railroad Company, to use a stable at Wait's Mills for fifty additional horses; John Roessle, to erect a brick stable for twenty-four horses on Gardner court and Pynelion street; James A. Kemp, to occupy a wooden stable for eight horses on marsh land, two hundred feet northerly from Kemp street. Severally accepted.

Alderman Rieker, from the same committee, reported leave to withdraw on petition of Alexander Hinds, for leave to occupy a wooden stable for one horse on Bennington street, opposite No. 534; and on petition of Albert Hutehins, for leave to erect two stables with four stalls each, at No. 392 Harrison avenue. Severally accepted.

Alderman Rieker, from the Joint Standing Committee on the Assessors' Department, reported leave to withdraw on the petition of Elizabeth L. Stevens, that the tax assessed upon her estate No. 221 Warren street for the year 1871 be remitted; also leave to withdraw on petition of Seth Adams, that the tax assessed upon and paid by him on account of certain bank stock be refunded. Severally accepted.

Alderman Rieker, from the same committee made a report that in their opinion it would be inexpedient for the City Council to take any action in relation to the abatement of taxes upon property in the burnt district, or to extend the time for the payment of taxes without interest upon said property. Accepted.

Alderman Rieker, from the Committee on the Assessors' Department, made a report representing that it has been the custom heretofore to tax for municipal purposes, as part of the general property of citizens, goods imported from foreign countries and remaining in the original cases; but it appears from a recent decision of the Supreme Court of the United States that such goods are not subject to State taxation. This decision was given in the case of C. Adolph Low and others *vs.* Alexander Austin, and was in substance as follows:

The plaintiffs were importing, shipping and commission merchants in the city of San Francisco in the State of California. In 1868 they received on consignment from parties in France certain champagne wines of the value of \$10,000, upon which they paid the duties and charges at the Custom House. They then stored the wines in their warehouse, in San Francisco, in the original cases in which the wines were imported, where they remained for sale. Whilst in this condition they were assessed as the property of the plaintiffs for State, city and county taxes, under the General Revenue law of California, which subjects all property, real or personal, in the State, with certain exceptions, to an *ad valorem* tax.

The defendant was at the time the tax-collector of the city and county of San Francisco, and as such officer, levied upon the cases of wines thus stored for the amount of the tax assessed, and was about to sell them, when the plaintiffs paid the amount and the charges incurred under protest, and then brought an action to recover back the amount paid. The case was carried up to the Supreme Court of the United States on a writ of error. The rescript of the court is as follows:

"Goods imported from a foreign country upon which the duties and charges at the Custom House have been paid, are not subject to State taxation whilst remaining in the original cases, unbroken and unsold, in the hands of the importer, whether the tax be imposed upon the goods as imports, or upon the goods as part of the general property of the citizens of the State which is subjected to an *ad valorem* tax. Goods imported do not lose their character as imports

and become incorporated into the mass of property of the State until they have passed from the control of the importer, or been broken up by him from the original cases."

Undoubtedly upon a proper representation of the matter, Congress will grant the necessary authority for levying a tax upon such goods as are part of the general property of the owner, and in order that such representation may be made, the committee would recommend the passage of the accompanying order:

Ordered, that his Honor the Mayor be requested to petition Congress for the passage of an act, making goods imported from foreign countries and remaining in the original cases, subject to taxation for State and municipal purposes.

The report was accepted and the order was passed.

Alderman Jenks, from the Joint Standing Committee on Claims, to whom was referred the petition of Philip Brady to be compensated for personal injuries caused by an alleged defect in Harrison avenue, made a report recommending the passage of the accompanying order:

Ordered, That there be allowed and paid to Philip Brady the sum of \$1200, in full compensation for personal injuries received by him from an alleged defect in Harrison avenue, on the 15th of January, 1872, upon his giving to the city a release satisfactory to the City Solicitor for all damages, costs and expenses on account of said injuries; said sum to be charged to the appropriation for incidental expenses.

The report was accepted and the order was passed.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on petition of Harriet Winslow to be paid for grade damages on Renfrew street. Accepted.

Alderman Cutter, from the Committee on Paving, to whom was referred the petition of Cushman & Brooks, and sixty-seven others, doing business on Temple place, that the recent location of a turnout on Temple place may be rescinded, made a report, that, on the original petition of the Metropolitan Horse Railroad Company for the location of said turnout, an order of notice was issued by this Board, returnable Tuesday, November 5, at four o'clock P. M., at which time any and all persons objecting to the location prayed for had an opportunity to appear and be heard; this order of notice was published twice a week for two weeks in the Boston Transcript, Traveller and Journal.

At the time appointed for the hearing the petitioners did not avail themselves of their privilege of appearing and showing cause why the location should not be granted. No person appearing to object, the petition was recommitted to the committee, who reported, November 25, an order of location, which was passed. The committee also report that under the provision of section 16, chapter 381 of the acts of 1871, a location granted to a street railroad corporation cannot be rescinded previous to the expiration of one year from the time the same was granted. In view of the above facts the committee recommend that the petitioners have leave to withdraw. Accepted.

Alderman Cutter, from the Committee on Police, to whom was referred the petition of Robert S. Carroll for reappointment as a constable, made a report that no action is necessary at this time on the part of the Board of Aldermen, as the petitioner has not been nominated for said office by the Mayor. Accepted.

#### REPORT ON AN ALLEGED ASSAULT BY AN ALDERMAN.

Alderman Cutter, from the committee of this Board to whom was referred the petition of Thomas Christian for an investigation in regard to an alleged assault upon him by Alderman Woolley in the City Hall on the 12th of November last, having heard the evidence in the case, submitted the following report:

The substantial facts in the case as presented to the committee are as follows: On Tuesday morning, the 12th November, the petitioner was waiting in the City Hall in company with many others to obtain a pass from the military authorities to visit the site of his store on Arch street. He was standing at the head of the stairway near the office of the Fire Department in the line of applicants which extended from the Street Commissioners' office through the corridor and down the stairway on the other side to the entrance of the Aldermen's room, when Alderman Woolley came along somewhat of a hurry to pass into the Chief-Engineer's office.

The passage being obstructed in the manner stated, he requested the petitioner to give way and allow him to pass. The petitioner objected to leaving his place, and told the Alderman to go round the end of the line. The Alderman then pressed his way through, and after ascertaining that the Chief-Engineer, whom he wished to see, was absent, returned to pass through



the line at the point where he passed before. The petitioner again objected, and after some words the Alderman took the petitioner in his arms and carried him to the foot of the stairs, telling the City Messenger, who was there, to put him out of the hall if he made any more noise.

The petitioner then stated that he had lost his place of business in the fire; that he had been over an hour in getting to the point he occupied in the line, and that if he was compelled to begin again at the end, he would lose much time. The Alderman then directed the Messenger to put him back in the place from which he had been moved, and he was thereupon restored to his place in the line. Subsequently feeling that he might have been hasty in his conduct, the Alderman obtained a pass for the petitioner, and went to tender it to him with an apology, but he refused to accept any explanation or apology, and there the matter rested until the petition above referred to was presented.

It is well known that at the time the difficulty occurred there was a good deal of excitement prevailing, and due allowance should be made for the conduct of those who were subjected to the full effect of it. Doubtless both gentlemen acted hastily. The Alderman was ready to admit that he had so acted, and endeavored to repair the injuries, both material and mental, which he had caused to the petitioner. Under the circumstances, the petitioner having received no bodily injury from the Alderman, there appears to have been no sufficient reason for his refusing to accept the apology and allowing the matter to drop there.

The report was accepted.

Alderman Jenks, from the Committee on County Accounts, to whom was referred the petition of John J. McSheehy, coroner, John C. Harrington, constable, John Drynan and others, jurors, for the payment of their fees at the inquest held in June last on the body of Richard Sullivan, made a report that the coroner having failed to obtain permission to hold the inquest as required by law, there is no authority for the payment of the expenses connected therewith. The only power competent to rectify this error in the proceedings is the General Court, and to that body the petition for redress should be directed. The committee would therefore recommend that the petitioners have leave to withdraw from further consideration here. Accepted.

Alderman Sayward, from the Joint Standing Committee on Public Buildings, to whom was referred the accompanying order from the City Council, namely, to procure plans and specifications for a stable on the city lot on Highland street for the accommodation of the Health and Paving departments, and report to the City Council the estimated cost of the same, made a report that they have complied with the terms of the order, and find that said building can be completed at an estimated cost of \$85,000. They would recommend the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to erect a stable on land belonging to the city on Highland street for the accommodation of the Health and Paving departments, at an estimated cost of \$85,000.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$85,000, to be applied for the erection of a city stable on Highland street. Read once.

ADDITIONAL APPROPRIATION FOR THE HEALTH DEPARTMENT.

The following report was laid before the Board:

The Committee on Health would respectfully represent that the appropriation for the Quarantine Department is nearly exhausted, and that there will be required for the wants of that department, for the remainder of the financial year, the sum of ten thousand dollars.

This deficiency is caused by the care and support of the large number of smallpox patients, which was not anticipated or provided for at the beginning of the year.

The appropriation for the Quarantine Department for the present financial year amounted to \$25,000.

The expenditures on that account have been as follows:

Salaries—Port Physician, Assistant,	
Nurses, etc.....	\$2,473 85
Fuel.....	1,857 95
Subsistence supplies and board.....	1,504 73
Repairs and alterations.....	1,130 56
Furniture, medicine, agricultural and	
sundry small items.....	971 48
Rebuilding wharf, coal-shed and wait-	
ing-room.....	10,950 60
	<hr/>
	\$18,988 57

Steamboat "Samuel Little," salaries,	
repairs, etc.....	2,461 41
Hire of tug-boats.....	750 00
	<hr/>
	\$22,199 98

Amount remaining..... \$2,800 02

The committee would respectfully request that this application for an additional appropriation be referred to the Committee on Finance.

The request was so referred.

ORDERS PASSED.

On motion of Alderman Cutter,  
Ordered, That the Superintendent of Streets be directed to grade Warren street as recently widened between Washington and Dudley streets, reset the gages, repave the gutters and sidewalks and macadamise the roadway of said street; the expense thereof, not exceeding \$9000, to be charged to the appropriation for Widening Warren Street.

Ordered, That the Board establish the grade of Alpine street, between St. James and Regent streets, as shown on two plans and profiles drawn by the City Surveyor, dated August 24, 1872, and deposited in the office of said City Surveyor.

Ordered, That the Board establish the grade of Akron street, between Alpine and Regent streets, as shown on a plan and profile drawn by the City Surveyor, dated August 29, 1872, and deposited in the office of said City Surveyor.

On motion of Alderman Clark,

Ordered, That the sum of \$1500 be abated from the betterments assessed upon the Lewis Wharf Corporation, as corrected by this board, under an order of September 30th, last, upon the condition of the payment by the said corporation of the balance now due after the above abatement.

Ordered, That the Special Committee on Fort Hill Improvement be and they are hereby authorized to give Henry Guild permission to place one-half of his brick partition wall on the city's vacant lot on Hamilton street, formerly purchased of the heirs of Joshua Bennett, and when said lot shall be sold by the city it shall be upon the condition that the portion of said wall shall be allowed to remain upon said land and be paid for by the purchaser when used.

Ordered, That \$290 be and the same hereby are abated from the assessment of \$400 assessed upon the estate of Thomas Fitzgerald, Nos. 465 and 467 Hanover street, upon the condition of his payment of the balance due after this abatement.

Ordered, That there be paid to Waldo Flint the sum of \$1852, for land taken and all damages occasioned by the widening of West street by a resolve of the Board of Street Commissioners passed March 27, 1871, upon the usual conditions; to be charged to the appropriation for Widening Streets.

On motion of Alderman Rieker,

Ordered, That his Honor the Mayor be requested to petition the Legislature for the passage of an act to change the mode of preparing the voting lists and of registering voters in the city—so that said duties may be transferred from the Board of Aldermen to competent registrars, who shall perform the same, as nearly as practicable, within the limits of the several wards of this city.

Ordered, That his Honor the Mayor be requested to petition the General Court at its next session either to allow the city of Boston towards the support of the insane paupers in said city a sum of money equal to the amount assessed upon the city by the State for the support of insane paupers belonging in other cities and towns, or to build an additional State Asylum for the insane in the city of Boston or its immediate vicinity.

Ordered, That the Harbor Master, with the aid of the Harbor Police, be and they are hereby instructed to cause all immigrants who may arrive at this port from foreign shores, either by steam or sail, to be detained on such vessel until a thorough examination of such passengers has been made with a view to the necessity of their vaccination.

Ordered, That the City Physician be and he is hereby instructed to cause all immigrants who may arrive at this port under the foregoing order to be vaccinated before leaving such vessel except in such cases where it is not absolutely required.

An order was passed for the abatement of nuisances in Third, Aetion and Bennington streets, caused by defective drains and stagnant water.

ORDER OF NOTICE.

On petition of the Union Freight Railroad Company for assessment of damages to Marginal Freight Railroad Company for the use of their tracks. Hearing Monday, December 23, 4 P. M.

ORDER READ ONCE.

On motion of Alderman Cutter, an order to pay Mary Haggerty, wife of John Haggerty, \$600 for



grade damages on Dorchester avenue, near Glover's Corner.

#### THE COURT HOUSE SITE.

On the motion of Alderman Poland, the consideration of the order to take all the real estate bounded by Temple, Mt. Vernon, Hancock and Derne streets, as a site for a new Court House (City Doc. No. 101), together with a proposition by Alderman Poland, to substitute therefor a site on the west side of Pemberton square, was taken up by special assignment.

Alderman Jenks moved that the subject be laid over, the Board not being full.

Alderman Poland replied that there was but one member of the Board absent, yet he would not object to laying the subject over, provided the description of the land to be taken for the Court House is changed from that of the reservoir lot to that of the lot on Pemberton square. The subject had been under consideration for several years, and it would require five years after the lot is decided upon before the Court House shall be completed. A great deal of room is now required outside of the Court House and more is asked for, and should the question be settled now it would be at much less expense than it will to make further delay. There are no reasons why there should be delay. As to the reservoir site, he would have the reservoir filled with water and continued in use.

Alderman Jenks said there would be no difficulty in regard to water, but he would like to have this question disposed of now.

Alderman Clark said—

I do not think that there is any occasion for any extended remarks upon this question at this time. I did not suppose it would be brought up again this year. I supposed the fire had virtually settled the matter for the time being, at least, and that we could not consistently recommend the expenditure which the building of a new Court House would involve in addition to the great amount which must necessarily be expended in the widening and straightening of streets in the burnt district, an amount which cannot fall far short of six millions of dollars and which will of course increase the rate of taxation to a very great extent, while the amount of taxable property will for a while be greatly diminished. I believe this the opportunity, now presented at such a fearful cost to this entire community, of widening the streets and so improving the territory, that when it is rebuilt the improvement will be so great that we shall almost forget our losses, and the valuation so increased that the expense of such improvements will hardly be felt, is something in which every individual is deeply interested, and on the importance of which there can be no difference of opinion. I do not believe that those who are the most interested in a new Court House, the Court and the Bar, would deem it expedient at this time, and for reasons which I have mentioned, to appropriate from a million and a half to two million of dollars for that purpose, even though they were a unit upon the site for its location, and I feel that we should not be doing our duty to the people to impose upon them at this time this great additional burden.

The present Court House has answered a very good purpose for a good many years, and many members

of the bar consider it good enough as it now is. It will answer awhile longer, until we are better able to make the change than we are at the present time. I do not propose to discuss the different localities which have been presented, neither do I propose to go over the reasons urged by those who have remonstrated against the location as proposed by the committee who selected the reservoir lot as in their judgment the best location, if a new Court House was to be built. I have my opinions, and if there was any occasion should not hesitate to express or urge them.

I hope at no very distant day to see here a new Court House, such an one as will be a credit and an honor to the city; but much as I desire it, I can only for the time being vote for an indefinite postponement, or for a referendum to the next City Government.

Alderman Clark concluded by asking the yeas and nays on the motion.

Alderman Poland said he should not undertake to show that we are able to make an expenditure for a new Court House, but the fact was this—that a suitable lot for a Court House can be had, every way adapted to the purpose with every convenience in the matter of location, at a low rate. The city would not be obliged to build until it got ready, and the investment would more than pay the interest on the purchase. The question had been so long agitated that it had become an old song. Now was the time to settle it. As to the credit of the city it had not been impaired and would not be by further expenditures one mill, but even now stands higher than it ever did. He hoped the question would be met on its merits, and not be postponed, but that the order as proposed by him should be passed.

Alderman Clark said he raised no question about the credit of the city, which he knew stands high, and was not affected, but he believed that when an expenditure of from six to ten millions of dollars would be required on account of widening streets, it was not our business to impose a further burthen upon the taxpaying citizens. This matter will keep, and the site of the reservoir will not cost any more, and as much as it may be desired to have a new Court House, they could not stand up before the people with an additional tax of two or three millions of dollars the ensuing year. There was no occasion for voting upon the desirableness of a site at the reservoir or on Pemberton square.

Alderman Jenks wished to know if it was the purpose of the Alderman, who was to come here another year, to make the large expenditure proposed in the widening of streets. If so, he would move for an indefinite postponement of the whole subject. Regarding him as speaking for the incoming Government, he would make such a motion.

Alderman Clark said his object was to refer the subject to the next City Government, to keep it alive.

The motion to indefinitely postpone was carried.

On motion of Alderman Stackpole, it was voted that when the Council adjourn it be to Friday next, 12 o'clock, and that a committee be appointed to examine the returns of votes cast this day.

Aldermen Stackpole, Poland and Squires were appointed the committee.

Adjourned to Friday, 12 o'clock.





## CITY OF BOSTON.

Proceedings of the Common Council,  
DEC. 12, 1872.

The regular weekly meeting of the Common Council was held this evening at 7½ o'clock, M. F. Dickinson, Jr., the President, in the chair.

On motion of Mr. Clatur of Ward 4, the roll was called, when the following-named members answered to their names:

Bicknell, Blackmar, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Cunningham, Darrow, Davenport, Dickinson, Emery, Faxon, Fitzgerald, Flanders, Hart, Heath, Hensley, Holmes, Jones, Kingsley, Locke, Loring, Marston, McNutt, Moulton, Noyes, Page, Pease, Perkins, Pickering, Prescott, Robbins, Robertson, Robinson, Shepard, Smith, Thacher, Webster, West, Whiston, Wilbur, Wright.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of George P. Davis, trustee, and others, David Snow, H. A. Brown, Pope & Co., Leonard Hall, Harris & Tucker, Thomas Boyle, George E. Stedman & Co., John J. Palmer, J. Oscar Kent and others, Ordway, Blodgett, and Boston & Albany Railroad Co., were severally referred, in concurrence.

The Auditor's monthly exhibit was ordered to be placed on file.

## LOCATION OF HOUSE OF CORRECTION.

The communication from Directors for Public Institutions that there is no available area of sufficient size at Deer Island for a House of Correction, being under consideration.

Mr. Webster of Ward 6 said, before this communication is disposed of I will state that as a member of the Board of Directors for Public Institutions, I did not concur in the note just read.

I believe there is sufficient suitable and available land at Deer Island for the House of Correction, in addition to the House of Industry and the House of Reformation, but, while making this statement, I desire further to say, that I think it would not be expedient or proper to place another penal institution on the island so long as the House of Reformation remains there. In fact, I think the latter institution should be removed from its connection with the House of Industry as soon as a suitable location can be found elsewhere.

Mr. Samuel C. Cobb, who was absent from the Board when the subject was under consideration, attending to his duties as a member of the Fire Commission, requested me to say that he fully agrees with me in the opinion which I have just expressed.

On motion of Mr. Hersey of Ward 12, the communication of the Board of Directors, and the remarks of Mr. Webster, were referred to the Committee on Public Institutions.

The following reference and reports were concurred in:

Reference to the Committee on Finance of a request for an additional appropriation of \$10,000 for the Quarantine Department. (City Doc. No. 117, 1872.)

Report referring the petitions of Alonzo Buntin, Galen Coffin et al, for damages from use of gunpowder on 9th and 10th ult., to the Committee on Claims.

Report leave to withdraw on petition of E. L. Stevens, that a tax assessed in 1871, on estate 221 Warren street, be remitted.

Report leave to withdraw on petition of Seth Adams that a tax paid by him on account of certain bank stock be refunded.

Report inexpedient to take any action relative to abatement of taxes on property in the burnt district, or to extend time for payment of said taxes without interest.

The following orders were severally passed in concurrence:

Order authorizing Henry Guild to have permission to place half of his brick partition wall on the city's vacant lot on Hamilton street, formerly purchased of the heirs of Joshua Bennett, upon conditions named in said order.

Order requesting the Mayor to petition the Legislature, either to allow the city, towards the support of insane paupers in the city, a sum equal to the amount assessed upon the city by the State for the support of insane paupers belonging in other cities and towns, or to build an additional asylum for the insane in Boston or its vicinity.

The order to allow Philip Brady \$1200, in full compensation for personal injuries received by him in Harrison avenue, on the 15th of January last, upon his giving a satisfactory release, was read once.

## PREPARING VOTING LISTS AND TIME OF VOTING.

The order requesting the Mayor to petition the Legislature for a law to change the mode of preparing the voting lists and of registering the voters in this city, so that said duties may be transferred from the Board of Aldermen to competent registrars, being under consideration.

Mr. Fitzgerald of Ward 7 asked if it would be in order to amend the order to provide for petitioning the Legislature for a change in the time of opening and closing of the polls on election day.

The Chair stated that he was in doubt whether the amendment was germane to the general subject of the order, which related to the preparation of voting lists, thereby obviating much clerical labor in the office of the City Clerk.

Mr. Fitzgerald said that as the order proposed the change of method of preparing votes, the amendment proposed was to add a further one in regard to the time of voting, in extending that time.

The Chair stated that he should decline to rule on the question, but supposed that the order would be amendable, and if made, the order would be subject to division, at the request of any member.

Mr. Flanders of Ward 5 said he believed it to be perfectly competent for the Council to amend the order, which related to the hours of voting, and was merely a request.

The Chair replied that it was a doubt with him whether the amendment was germane to the request of the order.

Mr. Flanders repeated that the request was not an order but a petition, and that the addition was but a proposition to change the hours of voting to 8 to 6 instead of 8 to 4.

Mr. Perkins of Ward 6 said he hoped the gentleman would offer a separate order, to carry out his wishes, as this was designed simply to relieve the City Clerk from certain labor in preparing the voting lists, and it should not be lost by complicating it with other requests.

Mr. Fitzgerald said that although the requests were separate things, there was no conflict between them one way or the other.

The order was laid on the table temporarily for the preparation of the amendment.

The order was subsequently taken up, when Mr. Fitzgerald stated that he had been consulting the law, which specifies that the time of voting may be as early as seven o'clock, but that the polls shall not remain open after sunset.

The amendment which he would propose is that the law be so amended as that the time of opening and closing the polls on election day in the city of Boston shall be to open the polls at 8 o'clock, and close at 6 o'clock, P. M.

Mr. Perkins said he would like to hear an explanation of the proposed amendment, the order being simply to relieve the City Clerk, while the amendment related to an entirely different question. He knew nothing of the matter about opening the polls, which might require consideration. If desirable, the amendment might be put in a separate order. It looked like a fear that the amendment might not pass separately, and was tacked on to the order to carry it. He would like to hear reasons for it, and he might vote for it separately, but as it was, he should vote against it.

Mr. Fitzgerald replied that he did not know the feelings of the Council on this subject, and did not design tacking on the amendment, for any such purpose as was intimated. The request would simply ask for two things, and could be likened to going to the Chardon-street Bureau to get a pair of boots and a coat by any one who was so unfortunate as to be a loser by the fire. There could be no reason for refusal of the one because the other was asked for. He had not the slightest idea in offering the amendment to bridge it over by putting it upon the order to relieve the City Clerk in his duties.

Mr. Perkins said he believed the comparison was not a good one, for should a man ask for a coat, it might involve the question whether he needed the boots. He was not sure that the amendment was required, but, if he was called upon to vote for it, would prefer to have it in the form of a separate order.

Mr. Fitzgerald replied that it could be ascertained by vote whether the amendment and the request were desired.

The amendment was lost, and the order, unamended, was passed, in concurrence.

The report and order to authorize the approval of



the claim of Rockwell & Churchill, for uncompleted work on the Public Library Finding List, destroyed by the recent fire, after the same is duly audited, was considered.

Mr. Holmes of Ward 6 said he believed the City Council had no authority to pass such an order, and could not pay money except as specially authorized, and this was the opinion of the City Solicitor. There was no legal claim, and there could be no more authority to pay this money than there could be to pay any other persons who lost property by the fire. The City Council had refused to abate taxes on property lost by the fire, and the order ought not to be passed.

Mr. Webster of Ward 6 called for a reading of the report, and inquired whether the printing was kept on hand at the request of the committee.

Mr. Perkins of Ward 6 replied that the work was unfinished, and as such was destroyed. Disliking as much as any one the payment of claims not legal, he thought this should be paid as a matter of justice, and it was a payment to which no taxpayer would raise objection.

The order was read once, and a motion was made for a suspension of the rules for its passage.

Mr. Holmes said he disliked to see such an order pressed, and believing it to be illegal, he urged that it should lie over for further consideration, for its passage might establish a bad precedent.

Mr. Flanders of Ward 5 suggested that it should be referred to the Committee on Claims, where it properly belonged, as other matters relating to losses by fire were referred to that committee. He moved that it be so referred.

Mr. Webster said he had no doubt the subject had been well considered by the Committee on Printing, from which the report came, and as the Committee on Claims had enough to do, it was not worth while to refer it to them.

Mr. Flanders said that for the same reason similar matters referred to the Committee on Fire Department had been referred to the Committee on Claims. This should go to that committee, which was the proper tribunal. If it was not to go there it should be paid.

Mr. Brooks of Ward 1 believed the Committee on Printing ought to know whether there was reason why this sum should be paid or not, and they could better tell the necessity for it than could the Committee on Claims. Under the circumstances he thought it would be better to have the order lie over one week.

Mr. West of Ward 16 hoped the motion for suspension of the rules would be withdrawn, for he should dislike to vote upon the order now.

The motion to suspend the rules and to refer to Committee on Claims were both withdrawn, and the order was laid over.

UNFINISHED BUSINESS.

The report and order authorizing a loan of \$65,000, to be applied to the erection and furnishing of the Mather Schoolhouse, Ward 16, was taken-up, read a second time and passed.

BUILDING LOAN ACT.

The following communication was received from the Mayor:

EXECUTIVE DEPARTMENT, CITY HALL, }  
Boston, Dec. 12, 1872. }

To the Honorable the City Council—In accordance with the request contained in an order of the City Council passed Nov. 18, 1872, I petitioned the Legislature for authority for the city to issue its bonds and lend its credit to those persons whose buildings were destroyed by the recent fire. I transmit herewith an act entitled "An act to enable the city of Boston to make and issue its bonds for certain purposes," passed at the special session of the Legislature and approved Dec. 7, 1872. It will be observed that by the ninth section of said act no action can be taken under it until it has been accepted by the City Council. I would respectfully recommend it to your early consideration.

WILLIAM GASTON,  
Mayor.

On motion of Mr. West of Ward 16, the Loan act was ordered to be printed, and subsequently on motion of Mr. Shepard of Ward 4, a reconsideration took place, when the act was referred to the Committee on the Building Loan Act, with instructions to report in print.

PETITIONS PRESENTED AND REFERRED.

Samuel G. Kenney, for leave to erect on Putnam street, near Saratoga street, a wooden building beyond the legal dimensions. Referred to Committee on Survey and Inspection of Buildings.

James A. Bell, to be compensated for stock and tools destroyed in the recent fire.

Lycurgus Burnham, to be compensated for injuries received at the recent fire.

Holden Brothers, to be compensated for injuries done at the late fire.

Parker Holden & Co., for compensation for injuries at the late fire.

Severally referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. Brooks of Ward 1, from the Joint Standing Committee on Common and Public Grounds, to whom was referred the petition of Henry Doherty, for extra compensation on his contract for filling Madison square, made a report recommending that the petitioner have leave to withdraw. Accepted.

Mr. Robinson of Ward 11, from the Joint Standing Committee on Public Lands, to whom was referred the petition of Hollis R. Gray for the conveyance to him of a strip of land on Thomas street, made a report recommending the passage of the accompanying order:

Ordered, That his Honor the Mayor be and he hereby is authorized to execute an instrument made satisfactory to the City Solicitor, releasing to Hollis R. Gray the strip of land on Thomas street, containing 229 square feet, as shown upon the accompanying plan, upon condition that he pays to the city the sum of \$200.

The report was accepted and the order was passed.

Mr. Robinson, from the same committee, to whom was referred the petition of J. W. P. Bush and others that certain houses erected on Broadway and Independence square may be accepted by the city as fulfilling certain conditions, made a report recommending the passage of the accompanying order:

Ordered, That his Honor the Mayor be and he hereby is authorized to execute an instrument made satisfactory to the City Solicitor approving of the five dwelling houses erected upon land on Broadway, as conveyed by the city of Boston to John Butland by deed dated July 11, 1871, and recorded in Suffolk Registry of Deeds, lib. 1059, fol. 83.

The report was accepted and the order was passed.

REQUEST FOR AN ADDITIONAL APPROPRIATION FOR THE SUFFOLK-STREET DISTRICT IMPROVEMENT.

The Joint Special Committee on the Suffolk-street District beg leave to represent that an additional appropriation will be required to complete the improvements on the said district.

The amount of the appropriations heretofore made for this work is \$2,006,248 96.

The expenditures have been as follows:

Widening of Washington street..	\$483 40	
" " Carney place.....	10,000 00	
" " Castle street.....	99,551 29	
" " Middlesex street....	36,700 26	
" " Suffolk street.....	121,827 80	
Laying out of Cobb street.....	41,300 00	\$309,862 76
Sewers and cesspools.....		53,274 60
Water works.....		15,446 41
Plans and printing.....		1,552 27
Office expenses.....		1,193 83
Lamps and lighting streets.....		2,706 06
Repairing buildings.....		36,453 01
Estates surrendered.....		598,120 89
Retaining walls.....		10,162 92
Damage by fire.....		1,084 66
Expense of sales.....		7,241 23
Clearing basements.....		1,406 36
Incidentals (advertising, steps, fences, crossings, removing night soil, etc.).....		10,397 00
Insurance.....		795 80
Expense of committee.....		3,343 02
Raising and underpinning.....		326,716 11

Salaries—

Superintendent .....	\$1,145 82	
Assistant superintendents.....	7,375 00	
Bookkeeper.....	2,445 83	
Watchmen.....	9,243 00	
Overseers.....	1,140 00	
Messenger.....	659 00	
Total salaries.....		\$22,608 65

Examining titles, estimating and appraising,	8,029 90
Paving streets.....	102,710 56
Engineers and expenses .....	9,575 70
Edgestones and sidewalks.....	5,036 75
Moving buildings and building foundations.	22,349 00
Damages.....	41,572 24
Difference in exchange.....	4,350 60

Filling—

Manuel & Haynes.....	\$178,375 52	
John Souther.....	42,712 50	
Teaming, including grading		
Tremont street.....	17,164 93	
		\$238,252 95

Bridge Extension, etc.—

Clapp & Ballou, R. wall.....	\$43,215 48
Cobby & Trumbull, R. wall.....	30,355 71
" " abutment.....	7,127 15



C. W. Parker, abatement.....	11,638 43	
G. W. Smith, bridge.....	33,656 50	
Sundry lumber & labor on bridge	73 71	
		126,807 48
Drains.....		3,347 42
Taxes paid.....		3,190 17
		\$1,967,587 75
Unpaid drafts.....		20,774 19
Total expenditure.....	\$1,988,361 94	
Amount of appropriations remaining un-		17,887 02
expended.....		
The amounts to be credited to the improvement are as follows:		
From sales of estates at public auction....	\$564,142 72	
" " old buildings.....	19,846 50	
" " old brick.....	359 73	
" " old material.....	213 44	
" rent of Model House.....	403 00	
" insurance.....	31 11	
" filling land.....		
paid.....	\$10,883 50	
due.....	3,841 50	
		14,724 80
From drains—		
paid.....	\$332 93	
due.....	301 96	
		634 89
" betterments and land add-		
ed and exchanged—		
paid.....	\$112,284 13	
due.....	63,567 32	
		175,851 45
" clearing basements and		
repairs—		
paid.....	\$746 02	
due.....	220 33	
		966 35
Forfeit on land Shawmut avenue.....		200 00
Estimated value of land remaining unsold.		20,000 00
		\$757,874 08
The estimated amount required during the present financial year, to pay for estates surrendered is.....	\$50,000 00	
To complete the work on the district (i. e. paving, laying sidewalks, setting edge-stones, grading Tremont street, paying salaries, etc.) say.....		67,000 00
Total.....	\$117,000 00	
Additional appropriation required at this time.....	\$100,000 00	

The committee would, therefore, respectfully recommend the passage of the accompanying order.  
For the committee,

SAMUEL LITTLE, Chairman.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of one hundred thousand dollars, to be added to the appropriations heretofore made for the improvement of the Suffolk-street District, so called. Referred to Committee on Finance.

#### ORDERS PASSED.

On motion of Mr. Flanders of Ward 5,

Whereas, Charles E. Wilson, a member of the Boston Fire Department, had his leg broken while in the discharge of his duty, on the 17th day of September last,

Ordered, That there be allowed and paid to Charles E. Wilson the sum of \$200, on account of injuries received while in the discharge of his duty as a member of the Fire Department; said sum to be charged to the appropriation for the Fire Department.

On motion of Mr. Brooks of Ward 1,

Ordered, That the sum of \$400 be added to the appropriation heretofore made for team work in the department of Common and Public Grounds; said sum to be charged to the appropriation for said department.

Ordered, That the Committee on Common and Public Grounds be authorized to expend a sum not exceeding \$600, in providing planks on the Public Garden; said sum to be charged to the Appropriation for Common and Public Grounds.

Ordered, That the Committee on Common and Public Grounds be authorized to expend a sum not exceeding \$5000 in grading Washington park; said sum to be in addition to the appropriation heretofore made for that purpose, and to be charged to the appropriation for Common and Public Grounds.

On motion of Mr. Caton of Ward 11,

Ordered, That the Inspector of Buildings be authorized to issue permits for the erection of buildings on those parts of the burnt district which are not located on any street where any widening or extension is contemplated by the Street Commissioners.

Mr. Thacher of Ward 15 offered the following order:

Ordered, That the Committee on Ordinances be instructed to report an ordinance providing for the election of the Superintendent of Lamps by a concurrent vote of the City Council in the month of January, or sixty days thereafter, and annually thereafter in the same manner.

Mr. Fitzgerald of Ward 7 inquired whether the order came from a committee, and whether it would not be better to instruct the committee to consider the expediency of passing such an ordinance, rather than to make it imperative.

The order was amended to provide for considering the expediency of such an ordinance, and as amended was passed.

On motion of Mr. Faxon of Ward 13,

Ordered, That the Committee on Public Institutions be requested to report at the next meeting of the Council what action, if any, has been taken under the order of the 18th July last, authorizing the committee to secure a permanent Home for the Poor.

On motion of Mr. Emery of Ward 10, the non-concurrence of the Board of Aldermen in the reference to the Committee on Public Buildings of the orders authorizing a grammar schoolhouse to be erected for the accommodation of the Washington and Dudley districts, on the City Hall estate, Boston Highlands, at an estimated expense of \$90,000, and for a loan of said sum to be applied therefor, was taken from the table.

On motion of Mr. Emery, the Council receded from its vote referring the order to the Committee on Public Buildings.

The order was passed in concurrence, by a vote of 45 yeas to 2 nays—Heath and Perkins.

A motion to reconsider the passage of the order was lost.

On motion of Mr. Fitzgerald of Ward 7, the message of the Mayor returning the order without his signature, relative to opening the Public Library on Sunday, was taken from the table and assigned for consideration on Thursday evening next, at eight o'clock.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 13, 1872.

An adjourned meeting of the Board of Aldermen was held at 12 o'clock, noon, today, with reference to a report on returns of votes for municipal officers, Mayor Gaston presiding at the opening, and was succeeded by Alderman Little, the chairman.

## PETITIONS PRESENTED AND REFERRED.

Susan E. Chamberlain, for removal of a bay window from Nos. 103 and 105 Leverett street.

William G. Preston, that the grade of Pearl street be established as soon as possible.

Severally referred to Committee on Paving.

Jeremiah Twomey for leave to occupy wooden stable for one horse, at No. 361 Second street. Referred to Committee on Health.

Charles U. Cotting, for apportionment of his Shawmut avenue betterments. Referred to Committee on Streets.

## PAPER FROM THE COMMON COUNCIL.

The request for an additional appropriation for the Suffolk-street District improvement, was referred to the Committee on Finance, in concurrence.

## REPORT ON RETURN OF VOTES.

The committee appointed to examine the returns of votes cast in the several wards of this city on the 10th instant for municipal officers, report that said returns appear to be properly made and the results are correctly recorded in the book kept for that purpose.

Before declaring the results of said election, the Committee would state that petitions have been received from citizens of Ward 2, stating their belief that frauds were committed at the polls on election day, and other improper proceedings had, tending to alter or seriously affect the correct result of the legal balloting in that ward, and praying for an investigation into the facts.

The committee therefore ask that they may have further time to inquire into the truth of the allegations; that they be authorized to examine the original ballots returned from said ward and the check list used by the ward officers, and that they have power to send for persons and papers.

The City Clerk has also received applications for

the recount of votes for Mayor and Aldermen in some other wards of the city.

(Signed) S. A. STACKPOLE,  
W. C. POLAND, } Committee.  
SIDNEY SQUIRES, }

The question being on the acceptance of the report—

Alderman Ricker said he was pleased at the request for a recount of the vote of Ward 2, which was right; yet, as there were complaints of other errors, he was desirous that there should be a recount of the vote in the whole city. If, by a recount, any ward was to be shut off in its vote, he should move that the report be laid on the table.

Alderman Jenks said he understood there were petitions for a recount of votes in thirteen wards of the city, and for the purpose of receiving petitions for the recount of votes in other wards, he should move an adjournment to permit the reception of such petitions. If there were any frauds to be unearthed by recounts, there should be a recount of the vote of the whole city.

The report was laid on the table.

On motion of Alderman Jenks, it was voted that when the Board adjourned, it be to 4 o'clock P. M. today.

On motion of Alderman Stackpole,

Ordered, That the Special Committee on Returns of Elections be allowed further time in which to report the results of the election for Mayor, Aldermen and Street Commissioner, and that said committee be authorized to examine the original ballots and lists used at said election in any wards where an examination has been requested in proper form, and that they have power to send for persons and papers where deemed necessary.

The returns of votes as recorded do not differ materially from those published except in a few cases. Nehemiah Gibson gains 90 votes in Ward 5, and Roland Worthington gains 100 votes in Ward 11. Henry L. Pierce for Mayor gains 5 votes in Ward 2, and loses 14 in Ward 7. For Street Commissioner, Talbot gains 4 in Ward 7, and Connor loses 31 in the same ward.

Petitions were received for a recount of votes in Wards 2, 3, 5, 6, 7, 10, 11, 12, 14 and 16.

A communication was received from the Bay State Iron Company and others representing that they had been put to great inconvenience on account of the obstruction of travel on the Federal-street Bridge, and requesting that the easterly side of said bridge may be at once cleared, so that teams and carriages may pass one way, from South Boston to the city proper. Referred to Committee on Bridges.

Adjourned to 4 P. M.











## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 13, 1872.

The Board of Aldermen met, pursuant to adjournment, at 4 o'clock this afternoon, Alderman Little, the Chairman, presiding.

Alderman Ricker moved to take from the table the report of committee on returns of votes at the last municipal election, which motion was carried.

On motion of Alderman Ricker, the report on a recount of votes was recommitted to the committee, and the petitions from the several wards were referred to the same committee.

The Chair stated that petitions had been received from several other wards, making a call for a recount from all of the wards of the city.

PETITION PRESENTED AND REFERRED.

Rockwell & Churchill, for leave to build a fire-proof structure under Broadway Bridge in which to deposit

their stereotype plates. Referred to Committee on Bridges.

PAPER FROM THE COMMON COUNCIL.

The communication of the Mayor, transmitting the Building Loan act of the Legislature was referred to the Committee on the Building Loan, in concurrence.

REPORT OF A COMMITTEE.

Alderman Ricker, from the Committee on Bells and Clocks, to whom was referred the petition of Nathaniel Adams, Joseph F. Paul and others, that a public clock be placed on Odd Fellows' Building, corner of Tremont and Berkeley streets, after a careful consideration of the subject, are of the unanimous opinion that a clock on that building will be a great public benefit, and they would therefore respectfully recommend the passage of the following order:

Ordered, That the Committee on Bells and Clocks be authorized to place a public clock on "Odd Fellows' Building," corner of Tremont and Berkeley streets, at an expense not exceeding \$600; the same to be charged to the appropriation for Bells and Clocks.

The order was read once.

Adjourned.











## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 16, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Weigher and Inspector of Bundle Hay—James H. Small.

Special Police Officers, without pay—James W. Allen, Henry W. Cox, Thomas W. Davis, S. Clarence Ellis, Charles C. Perkins, Charles Morton.

Silas Jaquith for Shawmut avenue and Indiana place, Angus Mahoney for Boston & Albany Railroad station and its vicinity; Henry L. Batchelder, for Harrison avenue and its vicinity; Garlmer S. Cheney, for Union street and its vicinity; John Kenney for Commercial street and its vicinity; David J. Gilbert and John Read for smallpox hospital and its vicinity, Swett street; John A. Fynes, for Fruit street and its vicinity.

## PETITIONS PRESENTED AND REFERRED.

David W. Bugbee, to be paid for injuries to self and property by an alleged defect in Dorchester avenue.

John Quinn and others, for investigation as to the fire in Pearl place, and for indemnity for loss.

Severally referred to the Committee on Claims.

James Tuttle, for remission of taxes on property destroyed by fire November 9, 10. Referred to Joint Committee on Assessors' Department.

Daniel and Patrick O'Connor, to be paid for grade damages on Paris street.

Manuel Silva, against the Old Colony Railroad Company for estimate of grade damages.

William A. Thompson and John C. Tucker, to be paid for grade damages on extension of Chambers street.

T. B. Garrigan, to be paid for grade damages on Paris street.

Timothy O'Regan, to be paid for grade damages on Paris street.

S. A. Stetson and others, against the proposed crossing of Yarmouth street by the Providence Railroad.

Severally referred to the Committee on Paving.

John R. Smith, for leave to occupy a wooden stable for three horses on new street out of Heath street, Ward 15. Referred to the Committee on Health.

John Norton, for abatement of Harrison-avenue betterments. Referred to the Committee on Streets.

James Kelley, for a rehearing in the matter of his discharge from the police force. Referred to the Committee on Police.

Butler & Company, for leave to erect a temporary wooden building at the corner of Commercial and Richmond streets. Referred to the Committee on Survey and Inspection of Buildings.

## FOREIGN EXPRESSION OF SYMPATHY ON ACCOUNT OF THE FIRE.

The following communication from the Mayor, with accompanying documents, was laid before the Board, and on motion of Alderman Jenks it was voted that the Mayor be requested to return an appropriate reply thereto.

EXECUTIVE DEPARTMENT, CITY HALL, )  
BOSTON, December 16, 1872. }

To the Honorable the City Council—I transmit herewith a letter from his Worship the Mayor of the borough of Birmingham, England, accompanying the resolution of the Town Council of the borough, expressing their profound regret at the deplorable calamity which has befallen the people of this city in the destruction of a part of it by fire. I respectfully recommend that you express in some appropriate manner our appreciation of their kindness and sympathy. WILLIAM GASTON, Mayor.

BOROUGH OF BIRMINGHAM, )

Mayor's Office, November 26, 1872. }

My Dear Sir—I have much pleasure in forwarding to you by this mail a resolution of the Town Council of this borough, sympathizing with you and your fellow-citizens on the loss sustained and suffering occasioned by the calamitous fire that recently occurred in your great city. I can assure you it represents the sentiments of the inhabitants of this borough, who were much affected on receiving intelligence of the great misfortune that so suddenly fell upon you, and which was attended with results so distressing to a community with whom they are

so intimately associated in their commercial relations. With sincere hope that your city may speedily resume its onward course of prosperity, believe me, with great respect, to remain, my dear sir,

Very respectfully yours,

AMBROSE BIGGS,

Mayor of the borough of Birmingham.

To His Worship the Mayor of the city of Boston, Massachusetts, United States of America.

BOROUGH OF BIRMINGHAM.

At a special meeting of the council of this borough, held in the council chamber at the public office, on Tuesday the 19th day of November, 1872, Ambrose Biggs, Esq., Mayor, in the chair, it was

*Resolved*, Unanimously, that this council, on behalf of the burgesses and inhabitants of the borough of Birmingham, desires to express its profound regret at the deplorable calamity which has befallen the people of Boston, Mass., by the partial destruction of their city by fire, and hereby tenders to the council and citizens of Boston its sincere and earnest sympathy on the loss which this unfortunate disaster has occasioned them. (Signed)

[L. S.] AMBROSE BIGGS, Mayor.

A communication was received from the Union Freight Railroad Company, giving a notice of their acceptance of the location granted to them on Eastern avenue, by an order of the Board of December 21. Ordered to be placed on file.

## SEWER ASSESSMENTS.

Schedules of assessments for sewers were received from the Superintendent of Sewers, as follows: Eustis street, \$426 20; Trenton, White and Prescott streets, \$6294 20; West Eagle and Meridian streets, \$4261 08.

Severally referred to the Committee on Sewers.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on orders of notice, on petition of Henry W. Dutton & Son for leave to locate and use a steam boiler and engine in Court avenue, was taken up. No person appearing in relation thereto, the report was recommitted.

## HEARINGS ON PETITION OF METROPOLITAN RAILROAD COMPANY FOR A LOCATION ON COLUMBUS AVENUE, ETC.

The hearing on orders of notice on petition of the Metropolitan Railroad Company for the extension of their location in the city of a double track in Columbus avenue from Northampton street to connect with tracks in Park square, and for a double or single track in Northampton street from Washington street to Columbus avenue, a double track in West Springfield street from Tremont street to Columbus avenue, and for a double or single track in North Charles street from Cambridge street to Leverett street to connect with the tracks of the Cambridge Railroad, all tracks to be with suitable curves, turnouts and switches, was taken up.

John F. Colby appeared to present a remonstrance from Samuel D. Crane and others, against laying down tracks on Northampton street, particularly on account of dangers to children attending the Everett School; and remonstrances were presented from L. Willis, John Ordway and one hundred and fifty or two hundred others, against laying down tracks in Columbus avenue.

Alderman Jenks moved that the report be recommitted, and that the several petitions and remonstrances be referred to the Committee on Paving, with instruction to hear the parties.

The motion was withdrawn to hear a statement for the petitioners.

Harvey Jewell for the Metropolitan Railroad Company, explained the position of the corporation in this matter. After stating what was asked for, and that a single track was already located in Springfield street, it was desirable that a track should be laid in Northampton street, or that a double one should be granted in Springfield street, so that a line may be established through Columbus avenue to Park square. It was not expected that a double track should be granted in both streets, and the request was framed to allow an option by the Board.

The third branch of the request related to an extension through North Charles street, with a view to the establishment of a line connecting the railroad depots at the North End with the southern portion of the city, without crowding other streets. Another important branch of the request to which he would call attention was whether there should be a horse-car track through Columbus avenue.

Mr. Jewell read a petition to the railroad company two or three years ago in favor of a track in Columbus avenue. The project was then held in abeyance because the avenue was not fully laid out,



and it was now believed to be a favorable opportunity for carrying it into execution. The petitioners he did not hold to be in favor of the measure at this time, for they may have changed their minds, and he would not read the names.

One part of the road asked for in Columbus avenue it was believed to be extremely desirable should be carried out as early as practicable, and that was from Berkeley street to Park square, by which means much greater expedition would be afforded in the transportation of passengers from the South End to the North End and the depots in that section of the city. So far as related to the upper end of Columbus avenue, the people of the upper portion were no doubt much divided, and most of them he did not doubt were opposed to the laying down of a track, for the reason that they were now very well accommodated, and having a good street for ordinary travel, they did not wish to have it used for railroad tracks.

The residents of the lower portion of Columbus avenue were much further removed from railroad facilities, and asked for a double track in Columbus avenue. Petitions had been handed to him which he had not examined, but which he would read, and these proved to be from residents on Columbus avenue, Chandler street, Berwick park, West Canton street, Warren avenue, West Newton street, Buckingham street. These were signed by Thaddens Gould, E. W. Coburn and others, and by J. W. Shapley and others.

Mr. Jewell stated that the Metropolitan Railroad held possession of flats beyond the present line of Columbus avenue, and while they desired to meet the public wants, they would not press the matter against the wishes of the residents of Columbus avenue. The corporation held themselves to be but servants of the people, and were desirous to meet their requirements. In this matter he referred to the location of the tracks of the road on Boylston street, against which the residents remonstrated, but which was finally settled by the consent of those residents, who in a few months would not have consented on any consideration to have had the tracks removed.

E. W. James expressed the hope that in granting further locations to the Metropolitan Railroad Company or coupled with the location in North Charles street, a limit should be made to the time, so that they shall not prevent some other corporation from giving the facilities which the people of that section of the city desire. He hoped an amendment would be made to the effect suggested by him.

Alderman Jenks renewed his motion for recommitment, stating that there were some thirty or forty persons who wished to testify, and the committee were the proper persons to hear the evidence, to report in a week.

Alderman Power opposed the motion, stating that the matter had been before the Committee on Paving, and many persons were present who had put themselves to considerable inconvenience in order to be present at this time.

The motion to recommit was lost.

Sannel D. Crane, a remonstrant, said he appeared before this Board, five or six years ago, against a petition for a location of a track in Northampton street, and against which some six hundred or seven hundred persons remonstrated. There was no necessity for such a location; the public convenience did not require it, and it would subject the numerous children attending the Everett School to much risk by running cars through the street.

Henry L. Hallett said there was an impression at the South End that the Metropolitan Railroad Company had already as much work on their hands as they were able to faithfully attend to. They now had a track through Berkeley street on which no trips were run with any regularity, and which did not pay. They did not run lines of cars for the purpose of accommodating the public, but simply for the purpose of making money, and their object in this case was for the purpose of controlling the route, so that no other corporation could get a location on this route.

The company has not cars enough to accommodate the people on the proposed routes, and it would be very objectionable to have cars run through Northampton street, while it would not increase the facilities for travel on streets already occupied by this corporation.

Mr. Colby stated, in behalf of the remonstrants, that on the papers presented by him there were 137 names. On Columbus avenue, of the ninety called upon but thirteen refused to sign it; there were two indifferent, and twenty-four houses were empty. The people did not ask for the laying of a track, and they would not get accommodations should tracks be laid; besides which, they now are near enough to

Tremont street to enable them to reach the cars in a short time.

Col. Lucius B. Marsh said he did not expect to take an active part in this matter. His residence had been on Columbus square four or five years, near Columbus avenue, before that avenue was laid out, when in the sales of land it was understood that a railroad track would be laid in Columbus avenue, and petitions were procured for the laying out of a location at some time. The people of the upper part of Columbus avenue, he was aware, did not wish to have tracks laid on that avenue; but further down, in the vicinity of West Canton or Dartmouth street, the people were not so much inconvenienced through want of railroad facilities.

Mr. Marsh stated that there were some 292 dwelling houses in the vicinity, which required railroad facilities, and of these 100 were unsold, mainly because these facilities were not to be had. It required from three to seven minutes to go from these residences to Tremont street, where the people frequently meet with crowded cars, and they hope by a line of cars on Columbus avenue to get such accommodations as are desirable. In the lower portion of Columbus avenue there are already a large number of boarding houses, and unless railroad facilities are provided there will be danger of converting these dwellings into tenement houses. There was another reason in favor of laying down a track on Columbus avenue, in the fact that the avenue has become a race course, in which the ordinances against fast driving are continually broken, and great risks are run in crossing the streets.

A. W. Beard stated that he bought a house on Columbus avenue about a year ago, not far from that of Colonel Marsh, and he bought his house because he believed there was not and would not be located a railroad track; and he did not know of a man living on the avenue who wished such a railroad track. He did not believe it would take more than a minute to go from his house or its vicinity to Tremont street, and it was no great inconvenience to others to go to Tremont street. Besides, he did not believe that the facilities on Tremont street would be improved by another line, there being inadequate accommodations for the people living on the route or in the vicinity.

So far as related to fast driving, it was not the fault of the residents, but of the police in not enforcing the city ordinances. There was fast driving also on Beacon street, and he noticed that the owner of houses on Buckingham street was a signer of the petition, but lived on Beacon street. Should a petition be presented for a horse railroad track on Beacon street, he did not doubt that gentleman would be found among the remonstrants. He did not doubt that property would depreciate ten per cent. by the laying of a track on the avenue, and it would be against the wishes of nine-tenths of the residents there.

Thomas W. Clarke said he appeared in behalf of certain residents in the Highlands, who wished before granting further facilities to this corporation that they would be required to lay out tracks on routes already granted to them. Among these were tracks on Blue-Hill avenue, granted in 1871; on Stoughton street, granted in 1863, and on Cabot, Ruggles and other streets in 1855. In the language of people on Cape Cod, when men on fishing ventures refuse to do duty, they require them to fish, eu, bait or go ashore. So in this case, the corporation should build the roads they are authorized to before getting other locations.

Dr. O. S. Sanders stated that about two years ago he purchased land on Columbus avenue for a dwelling, with the assurance that there was to be no railroad track on the avenue. It was a desirable place of residence, and he did not know of any person between Dartmouth and Canton streets who wished this location of a track on Columbus avenue. He believed this to be a financial speculation rather than a measure of public convenience.

George N. Dana, as an owner of real estate on the avenue for five years, remonstrated against the laying of a track on the avenue. The statement which had been made in regard to residents he had some knowledge of, having made some investigation in relation thereto, and he concurred in that statement.

Mr. Jordan, as a resident on Columbus avenue, remonstrated against granting the petition, which was against the interests of the residents, and if carried out would, he doubted not, drive many persons from the avenue. He could not agree with Mr. Marsh that it would take so long to get to Tremont street as he had represented. His belief was that it would not take more than a minute to go to Tremont street from his house, and Mr. Marsh would not be more than half a minute behind him.



Mr. Marsh, in reply, stated that it took him three minutes to go from his house to Tremont street, and it would require much longer to go to West Canton street, the time varying according to the distance, the extreme end of that street requiring not less than seven minutes to reach Tremont street. He had no doubt that in relation to the one hundred houses now unoccupied, their value would be increased \$500 each by the facilities asked for.

Mr. Carlton said he appeared in behalf of many parties living in the vicinity. Should he consult his own feelings, he should be among the remonstrants, but on selling houses he had always been asked as to the probabilities of having a railroad track in Columbus avenue, and had given the assurance that at some time there would undoubtedly be a track laid on that avenue. He concurred with Mr. Marsh in relation to the dangerous character of the travel on Columbus avenue, and he noticed in the names of remonstrants some who owned fast horses and used them on that racecourse.

Mr. Colby made another statement relative to the proposed laying of a track on the lower part of Columbus avenue. He could not understand the arithmetic of the gentleman in favor of the petition in saying that he could get to the Tremont House several minutes sooner by way of Columbus avenue than by Tremont street. He had several times timed his walking by the two routes, and found there was no gain except in walking across the Common from the Providence Railroad Depot.

The hearing of remonstrants was now closed.

Mr. Jewell, for petitioners, claimed that there was not a community in the country which had horse-car facilities equal to those of the residents on Tremont street; and as to keeping promises, if it was possible for any corporation to keep their promises better than those of the Metropolitan Railroad Corporation he would like to hear of such an one. Henry L. Pierce, late Alderman, he quoted as saying that there were two corporations in which the City Government had implicit faith—the Metropolitan Railroad Company and the Boston & Albany Railroad Company. In the carrying of from 40,000 to 60,000 passengers a day, it was not to be expected but there would be some inconveniences; but when reasonable complaints were made, a remedy was always provided as far as possible.

In reply to Mr. Clarke, in relation to good faith, Mr. Jewell referred to the corporation with which he was connected, in obtaining leave to lay tracks in Cliff street, which they had not availed themselves of, and explained in relation to the locations granted to the Metropolitan Railroad Company, that there were generally sufficient reasons for not taking up locations at once. The Metropolitan Railroad Company, he repeated, was but the creature of the people, and intended to carry out their wishes as far as possible. So far as complaints were made, he had heard complaints made against even the Board of Aldermen and Common Council.

Mr. Jewell said it was not for the interest of the Metropolitan Railroad Company to lay down this track in Columbus avenue. It would cost them \$100,000 to lay down the proposed track, and it would be much more profitable to require the residents on that avenue to go over to Tremont street and take the cars. The residents who were to be accommodated asked for the railroad facilities, and it was believed that by the route proposed from Lenox street through Columbus avenue to the North End it would give a relief to Tremont street, and the cars on that street would not be so much crowded as they are now.

Mr. Beard stated that, using the Tremont-street cars, he wished to relate his own experience, and that was, on a pleasant morning, last week, he waited for a car, when a Jamaica Plain car came along which was crowded, and, waiting several minutes more, a Boston Highlands car came along which was also crowded, and this was followed by another crowded car, and, waiting several minutes more, a Brookline car appeared, upon which he could only get standing room. This was but a specimen of what constantly occurred, even in pleasant weather.

The hearing was now closed, and the report was recommitted.

The hearing on order of notice on petition of the Metropolitan Railroad Company for an extension of their double track from Dudley street to a point near St. James street, and for the location of a turnout or side track on Shawmut avenue, was taken up.

Mr. Jewell made an explanation in relation to the proposed turnout on Shawmut avenue, that it was designed to give access to the grounds of the company, where shelter could be given to six or eight cars, and more room afforded thereby in the stable in Lenox street.

J. M. Keith, in opposition to the petition, stated that the remarks of the counsel were strikingly contradictory to his assumption of the claim of good faith on the part of that corporation. Referring to the location of the stable asked for on Bartlett street and Shawmut avenue, he said nothing had been done in the matter, and a proposition before the Street Commissioners for the extension of St. James street, of which he knew nothing, had been opposed by Mr. Jewell, and it was believed that the object of the petition was to lay down a turnout for the purpose of preventing the extension of St. James street, and the location of a stable on the route of the proposed extension of the street.

Mr. Keith claimed that before anything was done in this matter the Metropolitan Railroad Company should be required to locate their stable, so that there should be no prevention in the extension of St. James street, or, if there should be a necessity by the location for a widening of the street, they should be required to pay the betterments which may be necessary. Before granting new powers the Board should require the corporation to carry out the obligations laid upon them.

William J. Keefe, who was an owner of a large lot of land on the proposed laying out of the extension of St. James street, stated that there was an understanding with the Metropolitan Railroad Company that the street would be laid out, and if the location proposed was granted, with the effect of preventing the extension of St. James street, it would be to the damage of the owners of land to the amount of \$40,000.

Mr. Jewell, in reply, denied that there had been any want of good faith on the part of the corporation in any agreement with the gentleman who had spoken; the stable had not been located because the Board had not given them the location, delayed on account of the fire and other reasons. So far as related to the petition, it was designed only to have a track to their own land, on which a temporary building was to be put up as a shelter for cars; and so far as related to the extension of St. James street, it was accidentally that he appeared before the Street Commissioners, when he stated that it would be an injury to them to extend the street, and they would prefer to have a street in the neighborhood of Milmont street.

Mr. Keith further replied to Mr. Jewell, reiterating the charges of want of good faith on the part of the Metropolitan Railroad Company, with the statement that the corporation had obtained all its wishes from the Board, and now, in the closing hours of the Board, it was due to the people that their wishes should be respected.

The hearing was now closed, and the report was recommitted.

#### RANDOLPH STREET.

The Board of Street Commissioners reported on the order of the Council of October 21, 1872, requesting the laying out of Randolph street, "provided that abutters will convey to the city, at no expense, the land required for said street, and also release any claims against the city for grade damages," that the abutters on the proposed street decline to accept the terms proposed in the order. Read and sent down.

#### UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Mary Haggerty \$600, for grade damages on Dorchester avenue.

Report and order for Committee on Public Buildings to erect a stable on Highland street, for the Health and Paving departments, at a cost of \$85,000, and for a loan to meet the expense.

Report and order for a clock on Odd Fellows' Hall, Berkeley street, at a cost of \$600.

#### PAPERS FROM THE COMMON COUNCIL.

The petitions of Samuel G. Kenney, Parker, Holden & Co., Holden Brothers, Lycurgus Burnham, and of James A. Bell, were severally referred, in concurrence.

The report (leave to withdraw) on petition of Henry Doherty, for extra compensation for work on Madison square, was accepted, in concurrence.

The following orders were severally passed, in concurrence:

Report and order to approve of five dwelling-houses erected on Broadway, on land of John Butland.

Report and order to re-lease to Hollis R. Gray a certain strip of land on Thomas street, on certain conditions.

Order to pay Charles E. Wilson \$200, for personal injuries sustained at a fire in September last.

Order for Inspector of Buildings to issue permits



for building in those parts of the burnt district where no street improvements will be needed.

Order for Committee on Institutions to report on subject of a Home for the Poor.

Order for Committee on Common, etc., to expend on Washington park an additional sum of \$5000; to provide plank walks on the Public Garden at a cost of \$600; to expend \$400 additional for team work in the department.

Report and order for a loan of \$65,000, to be applied for the erection and furnishing of the Mather Schoolhouse, in Ward 16.

The report of the Directors on Public Institutions in relation to a site for the House of Correction at Deer Island, with dissenting opinion of Mr. Webster, came up referred to the Committee on Public Institutions, and the reference was concurred in.

The order for Committee on Ordinances to report on expediency of an ordinance to elect Superintendent of Lamps, by concurrent vote on motion of Alderman Ricker was laid on the table.

#### REPORTS OF COMMITTEES.

The Committee on Finance, to whom was referred by the City Council the application of the Board of Directors for Public Institutions for additional appropriations of \$6000 to complete the new bakery and \$1500 to complete the engineer's house at Deer Island; also the report of the Committee on Health for an additional appropriation of \$10,000 for the Quarantine Department, made a report in favor of granting the requests which are embraced in the accompanying order.

The committee would also report that the Auditor of Accounts represents that additional appropriations are needed for the Contingent Fund of the Board of Aldermen and for Incidental Expenses. The causes for these additional appropriations are in relation to the former that there has been charged to said appropriation by order of the Board of Aldermen for draping the Aldermen's room in memory of ex-Mayor Bixelow \$98.72, and to pay extra clerk hire by the Treasurer for marking the names on the voting lists of those who had not paid taxes for two years, \$332. And in reference to the latter there has been charged to said appropriation for the Musical Festival in June, \$24,982.28, and for payment of the interest which the heirs of Joseph Dindley had in the old Roxbury City Hall estate \$8000, all of which amounts charged to the appropriations were not anticipated at the time they were made.

The Auditor of Accounts also represents that there will be needed for the balance of the financial year for the Contingent Fund of the Board of Aldermen \$700, and for the appropriation for Incidental Expenses, \$20,000, taking into view the matters which have been ordered charged to the last-named appropriation by the City Council.

They therefore recommend the appropriating of the aforementioned sums to be added to the Contingent Fund of the Board of Aldermen and to the appropriation for Incidental Expenses, which sums are also embraced in the accompanying order, and they ask for the passage of said order.

On the report of the Committee on the Suffolk-street District, also referred to this committee by the City Council, asking for an additional appropriation of \$100,000, they would recommend the passage of the order accompanying said report, authorizing the borrowing of that amount.

WILLIAM GASTON, Chairman.

Ordered, That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the Contingent Fund of the Board of Aldermen, \$700; to the appropriation for Incidental Expenses, \$20,000; to that for the Quarantine Department, \$10,000; also from the appropriation for House of Correction to that for the new bakery at Deer Island, \$6000; to that for engineer's house, Deer Island, \$1500.

The report was accepted and the order was passed.

Alderman Ricker, from the Joint Special Committee appointed to examine the bonds of city officers, having attended to that duty, made a report that they find all the bonds correctly drawn and the surties of each sufficient. Accepted.

Alderman Woolley, from the Committee on the Fire Department, made a report that leave be granted to Henry Callender & Co. to store petroleum, etc., in barrels in the cellar of Nos. 1 and 3 Commercial street. Accepted.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Warren-street Chapel Association to hold a festival at Music Hall, January 1, 1873; A. Harmon to give a magical entertainment in Summer Hall, December 25; James H. McFarlane to exhibit the "Fairy Sis-

ters" at Tremont Temple, from December 23 to January 1; also licenses to five newsboys, and to sundry persons to keep intelligence offices, to deal in second-hand articles, victuallers, for back stands, wagon stands, for transfer of a hack license, a wagon license, and a license to keep an intelligence office. Severally accepted.

The same committee reported leave to withdraw on petition of Michael J. Kane, for a license as victualler, at No. 8 Merrimac street. Accepted.

Alderman Clark, from the Committee on Common and Public Grounds, to whom was referred the petition of Shelton Barry and forty-six others, citizens of Boston, that the public grounds which have recently been improved on Meeting House Hill, in Ward 16, be called "Dorchester square," having considered the subject, made a report that as there appears to be no objection on the part of those living in that section of the city, the request of the petitioners should be granted, and the committee therefore recommend the passage of the accompanying order:

Ordered, That the public grounds on Meeting House Hill in Ward 16 be hereafter called Dorchester square.

The report was accepted, and the order was passed.

Alderman Squires, from the Joint Standing Committee on Public Lands, respectfully represented that in June last a petition was referred to them by the City Council from C. B. Barrett and six others, asking for the removal of certain conditions set forth in the deeds given by the city of Boston in 1824 for land on North Market street, that after the same had been fully considered they recommended the passage of an order, which was passed June 24, directing his Honor the Mayor to execute an instrument or instruments releasing to the several owners of stores on North Market street all of the conditions as placed upon the land at the time of sale, and set forth in each of the deeds given by the city of Boston, in 1824; provided, however, that the said Barrett shall give a bond, made satisfactory to the City Solicitor, agreeing to hold the city harmless from all damages, costs, expenses and payments to which it may be liable, directly or indirectly, by reason of the premises.

Since the passage of said order, it was deemed advisable to see if the consent of all the owners could not be obtained in favor of the removal of said conditions, so as to give a general application to the order passed by the City Council June 24. Accordingly, the Superintendent of Public Lands has waited upon all parties interested and they have signed the petition of the said Charles B. Barrett, believing it to be for their interest, as also that of the city, to have them removed. The committee would recommend the passage of the following order:

Ordered, That the order passed by the City Council June 24, 1872, upon the petition of C. B. Barrett and others, be and the same is hereby rescinded.

Ordered, That the Mayor be and he is hereby authorized to execute a release of the conditions in the several deeds made by the city of Boston of lands on North Market street.

The report was accepted, and the orders were passed.

Alderman Fairbanks, from the Committee on Sewers, reported that the several sewer assessments referred to them, as follows, are correct, with orders to collect the same, viz.: Haymarket square, \$116 40; Seventh and M streets, \$244 80; South street, \$2203 12; Broadway, \$971 13; Shawmut avenue, \$3210 95; Otis place, \$528 53; H street, \$537 85; Newman and Lowland, \$2784 45; Third street, \$830 70; Eighth street, \$3789 95; Lamel, Sherman, Ottawa and Bower streets, \$11,773 35; Gore avenue, \$1070 83; Forrest street, \$1060 99.

The several orders for the collection of these assessments were passed.

#### ADDITIONAL APPROPRIATIONS REQUIRED FOR EAST BOSTON FERRIES.

OFFICE OF EAST BOSTON FERRIES }  
December 13, 1872. }

To the Hon. City Council—The Directors of the East Boston Ferries beg to inform your honorable body that while the ordinary expenses of running the ferries have not exceeded the appropriation, the running of an extra boat on the south ferry during the busy part of the day, as ordered by the City Council and not contemplated by the Directors at the time the estimates for the support of the ferries were made, together with the misfortune of breaking the shaft of the steamer John Adams, has caused an extra expenditure of some \$20,000 to \$25,000.

Also that in building new slips and landings at the north ferry, by an error of the City Engineer, and by the adoption of a more expensive drop by plan of said engineer, in place of their estimated form, and



such as are now in use at the north ferry, an extra expense of some \$5000 has been incurred. And owing to the Committee of the City Council having deducted the sum of \$10,000, estimated for the repair of sea wall and slip at the North ferry, this being stricken from the appropriation, the Directors are reluctantly compelled to ask a further sum of \$40,000 to complete the new drops and slips contemplated by the City Government, and meet the ordinary expenses.

The increase of travel on the ferries will make the income some \$15,000 more than the estimates, thereby making the net increase of expenses not more than \$25,000.

Respectfully submitted.

Signed by Daniel D. Kelly and other directors.

Referred to the Committee on Ferries.

#### ORDERS PASSED.

On motion of Alderman Stackpole.

Ordered, That the committee appointed to examine the returns of the ward officers for the last municipal election be authorized to report in print.

On motion of Alderman Woolley.

Ordered, That the armory occupied by Company A, First Battalion of Cavalry, at Bulfinch street, opposite Howard street, be approved as a suitable place for the arms and equipments of said company.

Ordered, That the Chief Engineer of the Fire Department, under the direction of the Committee on the Fire Department, be authorized to cause the necessary piping to be done to the floating steam engine steamboat, and furnish the same, at an expense not exceeding \$3500; said amount to be charged to the appropriation for the Fire Department.

Ordered, That the Chief Engineer of the Fire Department be and he hereby is authorized to organize a company for the new fire boat, to consist of six persons, and rank as follows: One engineer, one assistant-engineer, one fireman, one captain, one steward and one deck hand; the same to be organized on or before the 1st day of January, 1873.

On motion of Alderman Jenks.

Ordered, That the Mayor be requested to petition the Legislature for authority to establish two polling places in each ward of this city, and to divide each ward into two sub-districts for that purpose.

Ordered, That his Honor the Mayor be requested to petition the Legislature that section 3 of chapter 21 of the General Statutes be so amended as to require the returns of physicians' certificates of death to the clerk of each city or town before interment; and that in the failure to do so, or in the unavoidable absence of such attending physicians before the said returns can be made, the clerk or registrar be required to obtain certificates from other regular physicians prior to interment.

Ordered, That the Mayor be authorized to assign to the Institution for Savings in Roxbury and vicinity a mortgage given to the city of Roxbury by Patrick McNeil, June 13, 1863, on land in West Roxbury, and recorded with Norfolk deeds, lib. 315, fol. 305—upon the payment to this city of the principal and the interest due under said mortgage.

Ordered, That the act of the Legislature, Dec. 10, 1872, being chapter 366, entitled "An act to provide for a commission on the subject of drainage and water supply for the city of Boston and vicinity," be and the same is hereby rejected by the City Council of Boston.

Alderman Jenks stated, in explanation, that the act proposed to ascertain by survey the capabilities of a supply of some twenty-five towns with water, and the expense was chargeable to this city. There was no reason why this city should pay such an expense, and on that account the act should be rejected. The order was laid on the table at the request of Alderman Clark.

On motion of Alderman Fairbanks.

Ordered, That the Superintendent of Sewers be and he is hereby directed to construct a common sewer in Ruggles street, between Parker street and Ruggles place, and report a schedule of the expense thereof to this Board, pursuant to law.

On motion of Alderman Sayward.

Ordered, That an act passed by the General Court at the special session of 1872, entitled "An act in addition to an act to provide for the regulation and inspection of buildings, the more effectual prevention of fire, and the better preservation of life and property in Boston," being chapter 371 of the acts of the year 1872, be printed for the use of the City Government.

On motion of Alderman Ricker.

Ordered, That the Joint Standing Committees on Streets and on Common and Public Grounds be requested to confer together and report upon the expediency of removing the sidewalk on the westerly side of Tremont street, between Park street and Boylston street, inside the Common fence, so as to include within the roadway the portion of the street now occupied by the said sidewalk.

An order was also passed for an abatement of nuisances in White, Maverick, Summer, Border and Princeton streets.

#### WIDENING OF WASHINGTON STREET.

The resolve and order from the Street Commissioners, for the widening of Washington street from Milk street to Summer street, City Document No. 120, was taken up, on motion of Alderman Clark, who further moved that it be passed, its provisions having been considered by members of the Board.

The resolve and order were passed in concurrence by a unanimous vote.

It provides for taking land and damages, as follows: Heirs of Samuel Davis and others, No. 148, 192 feet of land \$85 per foot, \$16,320; damages, \$1000—total, \$17,320. Henry W. Dutton & Son, Nos. 150, 152, 269 feet of land, \$55, \$14,795, with damages of \$10,500—total, \$25,295. Heirs of Tasker H. Swett, No. 154, 200 feet, \$50, \$10,000; damages, \$1000—total, \$11,000. Heirs of Peter Parker and U. F. Shimmie, No. 156, 204 feet, \$45, \$9180; damages, \$500—total, \$9680. C. F. Shimmie and A. L. Van Zandt, No. 158, 272 feet, \$35, \$9520; damages, \$600—total, \$10,120. James Parker, Nos. 160, 162, 273 feet, \$35, \$9555; damages, \$600—total, \$10,155. Catharine B. and Amasa Whiting, No. 164, 298 feet, \$35, \$10,430; damages, \$4000—total, \$14,430. Heirs of Wm. B. Callender, Nos. 166, 168, 413 feet, \$33, \$13,629; damages, \$700—total, \$14,329. John A. Lowell, trustee, No. 170, 467 feet, \$38, \$17,746; damages, \$800—total, 18,546. Wm. S. Dexter and W. S. Bullard, trustees, No. 172, 250 feet, \$38, \$9500; damages, \$600—total, \$10,100. Thomas B. Williams, No. 174, 233 feet, \$40, \$9320; damages, \$600—total, 9920. Moses Williams, Nos. 176, 178, 227 feet, \$40, \$9080; damages, \$500—total, \$9580. John A. Lowell, trustee, Nos. 180, 182, 316 feet, \$50, \$15,800; damages, \$800—total, \$16,600. John C. Chaffin, No. 186, 326 feet, \$50, \$16,300; damages, \$700—total, \$17,000. John Collamore, Nos. 188, 190, 366 feet, \$38, \$13,968; damages, \$800—total, \$14,768. Heirs of Henry Sargent, No. 192, 370 feet, \$30, \$11,100; damages, \$800—total, \$11,900. Alpheus Hardy and others, trustees, 491 feet, \$30, \$14,730; damages, \$14,000—total, \$28,730. Samuel Stillman, trustee, Nos. 202, 204, 208, 543 feet, \$35, \$19,005; damages, \$800—total, \$19,805. Heirs of Ann W. Giles, Nos. 210, 212, 229 feet, \$40, \$9160; damages, \$500—total, \$9660. Jeffrey Richardson, Nos. 214, 216, 195 feet, \$38, \$7410; damages, \$500—total, \$7910. Heirs of Daniel L. Gibbons, Nos. 218, 220, 201 feet, \$39, \$7839; damages, \$500—total, \$8339. M. Williams, Jr., and George Atkinson, trustees, No. 222, 308 feet, \$40, \$12,320; damages, \$700—total, \$13,020. Edward E. Salisbury, No. 224, 220 feet, \$70, \$15,400; damages, \$15,000—total, \$30,400.

The total number of feet of land taken is 6863, at a cost of \$282,047; and of damages \$56,500—making a total cost of \$338,547.

#### ORDERS OF NOTICE.

On the proposed construction of a common sewer in Vine street, between Forest street and Mount Pleasant avenue. Hearing Monday next, December 23, 4 P. M.

On the proposed construction of a common sewer in Regent and Akron streets. Hearing Monday next, December 23, 4 P. M.

#### ORDERS READ ONCE.

On motion of Alderman Clark, orders to pay proprietors of T wharf \$75,764, for land taken and damages occasioned by the laying out of Atlantic avenue; also to pay the same parties \$45,236, for 9719 square feet of land and all damages occasioned by the extension of South Market street; to pay Joseph H. White \$4450, for land taken and damages by the widening of Bedford street; to pay William H. Hill \$60,084, for land taken to widen Kneeland street, at the corner of Washington street; also \$11,489 50, for land of adjoining estate taken to widen Kneeland street.

On motion of Alderman Ricker, City Document No. 119, the report of Committee on Taxation of Foreign Goods in Original Cases, was taken from the table and accepted.

Alderman Clark offered an order providing for the acceptance of "An act to enable the City of Boston to make and issue its bonds for certain purposes."

Alderman Clark urged the passage of the order at once, believing that its provisions were well known, the act having been carefully prepared and fully examined both under the direction of the City Solicitor and other eminent counsel.

Alderman Power opposed immediate action, having objected to the measure from its first proposal, and he doubted its expediency. It was one of the most important measures which had come before the City Council the present year, and not supposing it would be brought up to-day, he had not examined its

provisions. He hoped, therefore, that the act would not now be accepted, but that its consideration would be laid over.

On motion of Alderman Clark, it was assigned to Thursday next, to which time he should move an adjournment of the board.

It was ordered that when the board adjourn, it be to Thursday next, 12 o'clock M.

Alderman Cutter moved a reconsideration of the vote by which the orders were passed to build stables for the Paving and Health departments in the Highlands at an expense of \$85,000.

Alderman Little (Alderman Fairbanks in the chair) advocated the reconsideration, having alone voted in the negative in the passage of the order. He believed that under the circumstances they could get along another year, with some inconveniences, the proposed cost of the stables having been increased from the estimate of the Superintendent at \$65,000, making \$20,000 to \$25,000 more than was supposed

would be the cost before the fire. In another spring the work could probably be done at a less cost.

Alderman Sayward stated that he made the report, and it was believed there was an urgent need of the stable, but as was suggested, there could be a delay, and he would make no objection to a reconsideration.

Alderman Clark said he voted for the order on account of the necessity for it, as reported by the committee, but if there could be delay he should vote for reconsideration.

Alderman Jenks characterized the change of action as boy's play, to which Alderman Little replied that the committee reported the order by direction of the Board.

After further remarks by Alderman Cutter, on reasons for making the motion, so that the chairman of the Board could state why he voted in the negative, the reconsideration was carried, and the order was referred to the next City Government.

Adjourned to Thursday next, 12 o'clock M.









## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

DEC. 19, 1872.

An adjourned meeting of the Board of Aldermen was held at 12 o'clock, noon, today, Alderman Little, the chairman, presiding.

## PETITIONS PRESENTED AND REFERRED.

Joseph C. Gomez, against the city of Boston, for damages for loss of lease and property by gunpowder. Benjamin F. Meservy to be paid for property destroyed by blowing up of building on Milk street, Nov. 10.

Referred to the Committee on Claims.

J. T. Smith to be paid for grade damages on Renfrew street.

Referred to the Committee on Paving.

S. A. Brittan, for leave to occupy a wooden stable for four horses, on Marston place, Ward 14.

T. W. Howe, for leave to occupy a wooden stable for fifteen horses, on Farnham and Reed streets.

Richard Downes, for leave to occupy a wooden stable for five horses, on Nickerson's wharf.

Severally referred to the Committee on Health.

Lemuel A. Coolidge, for abatement of Shawmut-avenue betterment.

Henry Kelly, for apportionment of Harrison-avenue betterments.

Caleb Dyer, for apportionment of Harrison-avenue betterments.

Severally referred to the Committee on Streets.

Wm. F. Phillips, for leave to give a public lecture at St. James Theatre. Referred to Committee on Licenses.

Batchelder Brothers, for relief of Federal street from the turning of vehicles, etc. Referred to the Committee on Police.

## COMMUNICATIONS FROM THE SCHOOL COMMITTEE.

Communications were received from the School Committee of orders requesting the purchase of land adjoining the Lincoln Schoolhouse, to protect the school from being overshadowed by other buildings; requesting the City Council to furnish the grammar school room in the basement of the Girls' High School with settees; and requesting the erection of a grammar schoolhouse upon a lot of land on Hough-ton place, for the accommodation of the Comins District.

The first and last were referred to the Committee on Public Instruction, and the other to the Committee on Public Buildings.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay proprietors of T wharf \$75,764, for land taken and damages by the laying out of Atlantic avenue, on the usual conditions; also that the said proprietors pay the full betterments assessed upon the remainder of their estate left.

Order to pay proprietors of T wharf \$45,236 for 9719 square feet of land taken and damages by the extension of South Market street to Atlantic avenue, upon the usual conditions; and provided also that a release be given for all their claims for damages caused by taking all other parcels of land for said extension.

Order to pay Joseph H. White \$4450, for land taken and damages occasioned by the widening of Bedford street.

Order to pay William H. Hill \$60,084, for land taken and all damages occasioned by the widening of Kneeland street, at the corner of Washington street.

Order to pay William H. Hill \$11,489 50 for land taken and all damages to estate adjoining the corner of Washington and Kneeland streets, occasioned by the widening of Kneeland street.

Order to pay George W. Berry \$4280, for land taken and all damages occasioned by the extension of Washington street to Haymarket square.

## THE BOND QUESTION.

The order to accept the act of the Legislature entitled "An act to enable the city of Boston to make and issue its bonds for certain purposes," specially assigned, was taken up for consideration.

Alderman Power said he supposed there might have been a provision in the act for the submission of

the question to the people. Since there had been no such provision, he had seen no reason to favor the measure, and he was of the belief that it was not called for, while it was class legislation of the worst sort; not beneficial except to those who do not need it, and not to the advantage of many persons who have suffered by the fire.

There might have been some reason in favor of the measure, should the loan come alone from abroad, but he believed it would be taken up mainly at home. In Chicago, as stated by the mayor of that city, such a loan was not required, and it was believed by some of the ablest financiers.

Alderman Clark said he differed from the Alderman, who was generally correct, and he believed an exigency called for the adoption of this measure.

The City Council requested the Governor and Council to call an extra session of the Legislature together, and one of the principal reasons urged was the necessity of having this act passed. The Legislature were called together at our request. The subject was introduced and referred to the proper committee. A hearing was had before the committee, and every person present at the hearing advocated most earnestly the passage of the act; not a single individual appearing to oppose it.

It was unanimously recommended by the committee, and almost unanimously passed by both branches of the Legislature. It has been signed by the Governor, and now only awaits the acceptance by the City Council to become available for the purposes for which it is intended.

It would be a most singular proceeding on the part of the Council if, after asking for this special legislation for the benefit of Boston, they should do otherwise than unanimously accept this act which is here presented, and which has been drawn with such care by the most eminent legal advisers in the city.

I believe that if accepted it will insure the rebuilding of the burnt district in one-fourth the time that it would take to rebuild without it, and enable those who wish to borrow money on undoubted security to do so, at a rate not exceeding that at which it is proposed to charge under this act from whatever source they may obtain it.

It will have a tendency to maintain an easy money market so that the merchant and all others who are not to be especially benefited by this act will be indirectly benefited inasmuch as they will be enabled to have their wants supplied on good security at 7 per cent, instead of ten, twelve, or fifteen, as the rate undoubtedly must be without it. I believe that the growth and prosperity of Boston for the next five years depends upon the acceptance or non-acceptance of this act and I believe that this is the opinion of nine-tenths of the business men of the city.

It is as much for the interest of the merchants who are to occupy the stores when rebuilt, as it is for those who build and receive the immediate benefit. It will cost the city nothing, not a single dollar, but on the contrary the city will make money by the operation by having this territory immediately rebuilt, and ready for the assessors in one quarter the time it will be without it. It was in evidence before the Legislative Committee that this same course was pursued in the rebuilding of Portland after the fire there, and that it was attended with the most satisfactory results.

The city had the right to loan one million; only eight hundred thousand was asked for and of that amount \$250,000 have already been paid. Chicago did not loan her credit for rebuilding after the fire there; there was no occasion for it so long as she was willing to pay ten or twelve per cent. interest for the use of money and Boston had enough to send her; but when the supply stops from Boston then Chicago felt the pinch and improvements cease. I fear there are capitalists in Boston who would rather loan money in Chicago at ten per cent., than loan in Boston at seven per cent.

Alderman Power said it was not the tax which he dreaded, but the credit of the city, which would be affected by the measure. With regard to the fire in Chicago, business was paralyzed, and the country was threatened with a panic in consequence, but here money was much easier than it was in Chicago after the fire, and easier now than before the fire. Such a loan as proposed, would be beneficial to capitalists but not to merchants whose losses were more severely felt. A measure of this kind he believed should have been submitted to the people, particularly when the question of selling cider is subject to such a provision. The passage of the measure in this manner precipitately, was all wrong.

Alderman Poland agreed with the Alderman that this was a very important matter; and as the year was nearly closed, and little could be done until a new Board came into power, he believed it would be



better to refer it to the next Board, who would have an opportunity to see its working. He therefore moved to refer the whole subject to the next City Council.

Alderman Clark opposed the postponement, believing it to be strange on the part of the mover, whose interests as a builder should lead him to understand its importance. It might be that his interests in building were connected with those of wealthy capitalists who had money enough, and did not need the benefits of this loan, and who would loan their money to better advantage if there should be no loan by the city. Instead of requiring those who need the means for rebuilding to pay 12 per cent. it would enable them to get money at 7 per cent.

As a business man who expected to occupy a store in the burnt district, he did not wish to be obliged to pay a rent on money hired at eight per cent. when it should be had at a lower rate. As a matter of fact, a representative of the Simmons estate, although a large property, feeling a necessity to borrow a considerable sum of money, made applications at several savings banks, immediately after the fire, but could not obtain a dollar. Money could not then be had at less than nine to ten per cent., but is not worth now more than seven per cent., because of this loan act. He did not wish to have the time come again when money should be worth as it has, fifteen per cent. It would be too serious matter to the business community.

Alderman Jenks said he favored the act before the committee of citizens and before the Legislature, with a view to a greater ease in obtaining the money for rebuilding; as it is now money cannot be obtained from savings institutions, for they have little to loan, and will not be able to meet, for months to come, more than the demands upon them. The deposits would not probably be more than the amounts which will be drawn from the banks.

Alderman Cutler said he could not see the necessity in calling for a loan of \$20,000,000, when it appeared by the report of the Assessors that the value of buildings burned would not exceed \$13,000,000. Of the amount of loss at least one-half will be repaid on insurance policies, and it could not be that more than \$6,000,000 or \$7,000,000 would be wanted. Why, then, ask for \$20,000,000.

Alderman Jenks stated that in the consideration of the subject, and on consultation with various parties, it was believed to be best to place the sum high enough to cover all the demands which would be made, or would be asked for. If there should be a demand but for \$13,000,000, then that will be all that will be issued. It should be broad enough to cover all demands or exigencies, and if but one million should be asked for, then that will be all that will be issued. Those who have charge of the matter will no doubt see that the good faith of the city shall be protected.

Alderman Poland said as the Alderman had referred to his business, he had only to reply that in his judgment a delay of two or three weeks would not affect the interests of the community at all in this matter. Not a great deal could be done this winter. Already, however, a great amount of work had been done and more would be done than ever before in any winter. Laborers were receiving better employment and better wages than usual.

Alderman Power said it could not be disputed that the laboring classes were better employed at better wages than usual.

In regard to the loan, so large an amount as proposed would affect the credit of the city, making a debt of itself larger than it has ever been before. As to the condition of the savings banks, and their not being able to make loans, he believed they were in better condition than ever, having larger margins upon which to make loans. Immediately after the fire they were unwilling to make loans, wishing to leave matters to settle.

If the proposed loan was to be made at home, he did not see how the money market was to be made easier. The market was now easier from the wiping out of concerns which had not a good standing and were continually borrowers. He did not doubt that \$5,000,000 would be ample to meet the demand, and that while merchants owning goods which were lost would not be helped, the owners of buildings would get all the benefit. The merchants would not get one cent benefit.

Alderman Clark said it was for the help of merchants and business men that he asked for the passage of the act, in keeping money at a low rate of interest. It was not presumed that this money would be obtained in this country, but that it would be obtained abroad. The measure was the only thing which would perpetuate the prosperity of business men for the next ten years. In regard to the amount

of the loan which would be required, it could not now be known, but if it should not be so much as \$20,000,000, that sum will not be used.

He was not aware that laboring men were so well employed as had been stated, and could send to the gentleman 300 or 400 who were needing employment. This measure, he repeated, was for the welfare and prosperity of Boston, and the opinion of business men concurred in this belief. With regard to loans from savings banks, what he stated was no imaginary fact. Savings banks had refused to make loans, and many of them now had loans to the full amount allowed by law. One of the oldest institutions referred to has a dividend to pay of \$1,000,000 on the 1st January, and every institution of the kind has a good reason why they cannot make loans.

Alderman Power replied that so far as regarded the last institution referred to, the fact of making so large a dividend was full as good as that of making a loan, for it would have as beneficial an effect. If all of them are in so good a condition, they will be able to meet the urgency of the case. The loan in Portland was not a success, as he had been assured, on the best authority, for it went into the hands of speculators, and the Mayor of Chicago had stated that they were not obliged to pay ten per cent., but all the money they wanted was had at eight per cent.

What was to perpetuate the prosperity of the city was not a loan of this kind, but the honesty and integrity and the indomitable energy and pluck of the merchants who had lost their property. As an individual, like a member of a corporation, he was so far liable for the debts of the city, and it was not right, in his view, to pledge the credit of the city in this way without his consent. Every citizen should have a chance to be heard in the matter; and if there had been a provision to submit the question to the citizens, he should have voted for it. He knew and realized the importance of the question; and before a loan could be got from Europe provision would be made for all that is needed at home.

Alderman Clark stated that the Mayor of Portland had given the assurance that the loan there was a complete success, and instead of resulting in evil, it had been nothing but good. It was owing to the loan that Portland had been rebuilt, and it was a wise measure in rebuilding the burnt district. As to Chicago, the great bulk of means in rebuilding was Eastern capital, and investments could be made there at 10 to 12 per cent. on the best security; but here, with all our pluck and enterprise, we could not afford to build on the payment of such interest, when it could be had at 7 per cent.

Alderman Cutler said he could see no harm in a few weeks delay. In his own experience he had found in building that the strain for money generally came on the last half of the work, and there was no need of rushing this thing through in a hurry.

Alderman Clark said there was no such thing as rushing this thing through in a hurry. To delay was thwarting the people who want this measure of relief. The act was passed by the Legislature at the request of the citizens, and we refuse it. Such a thing was unheard of—to reject an act passed for the special benefit of the city.

Alderman Power said they were sent there as guardians of the property of the people, and this was not for the interest of the citizens. Many times measures were passed which were believed to be for the public interests, but in a few days they proved to be wrong. The Common question was one of that kind, and he was told that he was foolhardy in opposing the measure to allow buildings to be put up on the Common, but now the whole city are opposed to it, and it is not needed. So it may be in this case in a few days.

Alderman Clark replied that, so far as related to delay, he knew that contracts had been made for more than fifty stores to be occupied by the first July next. He was glad that the Alderman had brought up the question of the Common, for it was a favorite topic of his, but that measure was passed in view of the great necessity for places of business, when it was not known how far accommodations could be had. But had it proved there was a necessity for buildings on the Common he did not doubt permission would have been granted for such buildings.

This loan was needed so that business should not be driven from the city, for should business be driven away, the property of the gentleman would suffer with those of others. It was desirable also for the taxes to be paid to the city on account of these new buildings.

Alderman Power believed there was no such necessity for the loan as had been stated, and that the benefits would not be for the merchants, but for the capitalists.



Alderman Clark stated that on High and Pearl streets seven-eighths of the stores were owned by the men doing business there, who wished the means to rebuild.

Alderman Power said he had seen no person here asking for the passage of this measure, and he would like to know who they were.

The motion to refer to the next City Council was lost, by a vote of 3 to 8, as follows:

Yeas—Cutter, Poland, Power.

Nays—Clark, Fairbanks, Jenks, Little, Ricker, Sayward, Stackpole, Woolley.

The question being upon the passage of the order, Alderman Cutter said he had voted for postponement but should vote for the order; but he could not see the necessity for a loan of so large an amount.

Alderman Jenks said that as a member of the committee, he did not dictate as to the amount, but the best legal talent as well as business men were of opinion that it should be sufficient to cover every emergency.

Alderman Power said that when not more than \$5,000,000 or \$7,000,000 would be required, he should vote against a loan of \$20,000,000, which would injure the credit of the city.

The order was passed by a vote of 10 yeas to 1 nay, as follows:

Yeas—Clark, Cutter, Fairbanks, Jenks, Little, Poland, Ricker, Sayward, Stackpole, Woolley.

Nay—Power.

Alderman Jenks moved a reconsideration, for the purpose of settling the question.

Alderman Power characterized this as most reckless action, and he did not believe that a week's delay could be of any disadvantage.

The motion to reconsider was lost.

Alderman Clark moved that when the Board adjourned, it be to Friday, twelve o'clock, for the purpose of acting upon nomination of commissioners under the act, provided the Council concurred in its passage, and to objections of Alderman Poland, stated that he had understood the Mayor had already made his selection of the persons.

The motion was carried.

#### REPORT OF A COMMITTEE.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of the petition of Henry W. Dutton & Son for leave to locate and use a steam boiler and engine in Court avenue. Accepted.

#### ORDERS PASSED.

On motion of Alderman Ricker, an order was passed for the abatement of nuisances in Silver, Malden and Tufts streets, from want of stable drainage, on account of leaky roofs, etc., and a fall vault.

On motion of Alderman Cutter.

Ordered, That on and after Monday, 23d December, Chelsea-street Bridge be closed against the passage of vehicles of every description until the repairs on said bridge are completed.

On motion of Alderman Clark.

Ordered, That there be paid to George Allen and William Noble, the sum of \$46,500, for land taken and all damages occasioned by the extension of Devonshire street to Dock square, by a resolve of the Board of Street Commissioners, May 13, 1872, upon the usual conditions; to be charged to the appropriations for Extending Devonshire Street.

Alderman Clark offered the following order:

Whereas, certain citizens of the city of Charlestown and the town of West Roxbury have given notice of their intention to apply to the next General Court for an act to annex said city and town to the city of Boston; and, whereas, in the opinion of many of our citizens it is only a question of time when the cities of Cambridge and Somerville and the towns of Brookline and Brighton will also apply for such an act; it is therefore

Ordered, That his Honor the Mayor be requested to appoint a commission of three discreet and intelligent persons who shall carefully examine the subject in all its bearings, and report to The City Council, in print, as soon as may be, upon the financial, industrial and sanitary questions concerned in the matter.

The order was read once.

Adjourned to Friday, twelve o'clock.

## CITY OF BOSTON.

Proceedings of the Common Council,  
DEC. 19, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock, M. F. Dickson, Jr., the President, in the chair.

On motion of Mr. Bicknell, of Ward 4, the roll was called, when forty-two members answered to their names, as follows:

Anderson, Bickford, Bicknell, Blackmar, Brennan, Brooks, Burditt, Caton, Clatur, Darrow, Dickinson, Doherty, Dolan, Emery, Faxon, Fitzgerald, Flanders, Gragg, Heath, Holmes, Hughes, Lamb, Locke, Loring, Martin, McNutt, Noyes, Page, Perkins, Pickering, Prescott, Risteen, Robbins, Robertson, Robinson, Shepard, Smith, Thacher, West, Whiston, Wilbur, Wright—42.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Daniel W. Bngbee, John Quinn and others, Bartlett & Co., James Tuttle, Benjamin F. Meservy, and of Joseph C. Gomez, were severally referred, in concurrence.

The report of the Street Commissioners that the abutters decline to accept the terms proposed in the order referred to said commissioners, relating to the laying out of Randolph street, was ordered to be placed on file.

The message of the Mayor, transmitting a letter from the Mayor of Birmingham, with resolutions of the Town Council of the borough, expressing regret at the destruction of a portion of this city by fire, was referred, in concurrence.

The report of the committee to examine the bonds of city officers, that they find them correctly drawn, and the surties of each sufficient, was accepted, in concurrence.

The request of the Directors of East Boston Ferries for an additional appropriation, was referred, in concurrence.

The following orders were severally read twice and passed, in concurrence:

Order that the "Act in addition to an act to provide for the regulation and inspection of buildings, the more effectual prevention of fire, and the better preservation of life and property in Boston," be printed.

Report and orders that the order of June, 1872, on the petition of C. B. Barrett and others, be and the same is hereby rescinded, and that the Mayor be authorized to execute a release of the conditions in the deeds by the city of lands on North Market street.

Order authorizing a company to be organized, on or before the 1st of January next, for the new fire boat, to consist of one engineer, one assistant engineer, one fireman, one steward, and one deck hand.

Order authorizing the necessary piping to be furnished for the new fire boat, at not exceeding \$3509.

Order requesting Mayor to petition the Legislature for an amendment of the statutes so as to require the return of physicians' certificates of death, to be made to the Clerk of each city and town, before interment; and in case such return is not made, the Clerk be required to obtain certificates prior to interment.

Report and order (City Doc., 19, 1872) requesting Mayor to petition Congress for an act making goods imported from foreign countries and remaining in the original cases subject to taxation for State and municipal purposes.

Report and order (City Doc. 118) authorizing a loan of \$100,000, to be added to the appropriations heretofore made for the Suffolk-street District.

Report and order for a transfer from Reserved Fund to the Contingent Fund of the Board of Aldermen, of \$700; to the appropriation for Incidentals, \$20,000; to the Quarantine Department, \$10,000; from the appropriation for the House of Correction to that for the new bakery at Deer Island, \$6000; to that for Engineer's House at Deer Island, \$1500.

The reference to the next City Council of the order for plans and specifications for a stable on the city lot on Highland street, for the accommodation of Health and Paving departments, was concurred in.

The report and order on the petition of Shelton Barry and forty-six others, that the public grounds on Meeting-house Hill be called Dorchester square, being under consideration, Mr. Perkins of Ward 6 said he did not regard the matter as of any great consequence, yet in order to give the people of Dorches-

ter an opportunity to express an opinion, he would move to lay the subject on the table.

The motion was carried.

The order that the Committees on Streets and Common and Public Grounds be requested to confer and report on the expediency of removing the sidewalk on the westerly side of Tremont street, between Park and Boylston streets, to the inside of the Common fence, was considered.

Mr. Perkins of Ward 6 said he was a member of both committees, and had no objection to considering the question; yet this was one of those matters which were always brought up after election, when the sins of members were of no avail, and they could not be affected by what they might do. He thought it would be better to let such matters go over for a fresh City Government. There were not the difficulties, in his view, which required the cutting down of trees or the removal of the sidewalk on Tremont street.

The order was passed.

## ADDITIONAL VOTING PLACES.

The order requesting the Mayor to petition the Legislature to establish two polling places in each ward of this city, and to divide each ward into two sub-districts for that purpose, being under consideration—

Mr. Clatur of Ward 4 moved its indefinite postponement.

Mr. Flanders wished to know the reason for the motion.

Mr. Clatur replied that there was no need of providing for two polling places in each ward, as it would be but a short time before the wards of the city would be divided, and the more places there were the more corruption there was.

Mr. Flanders said the gentleman did not seem to be aware that in some wards the voters are required to go five or six miles to vote.

Mr. West of Ward 16 said if the gentleman lived in his ward he might not object to having two places for voting, and while he did not advocate the passage of the order, it would be very convenient to have two voting places in that ward.

Mr. Brooks of Ward 1 said he lived in one of the large wards, which contained many voters and required a long distance to go to the polls, and sometimes it was very difficult to vote in consequence of the crowd in the wardrooms.

Mr. Perkins of Ward 6 said the argument in favor of a change was one of convenience, and he believed it might be desirable to divide his own ward, which was one of the large ones, by making a voting place on the Back Bay and another on the hill.

Mr. Fitzgerald of Ward 7 said he would not advocate a division for the reason apparently given by the gentleman from Ward 6, for although he did not mean to give any improper reason, it looked like one. In his ward they were divided by bridges and Fort Point Channel, and the ward was large enough to be divided into two voting places. The vote was not large on account of the place being so far away from many of the voters. The order might be so amended as to except Ward 4.

Mr. Perkins said he did not intend to give as a reason that which the gentleman inferred, for he lived in that portion of the ward which was pretty black.

Mr. Shepard of Ward 4 suggested that the order might be so amended as to leave the matter of division optional.

The order was laid on the table temporarily, and was subsequently taken up, when Mr. Shepard moved to substitute for the order another, as follows:

Ordered, That his Honor the Mayor be requested to petition the Legislature, at its next session, for authority to the Mayor and Board of Aldermen to establish two polling places in such wards as they may determine may be accommodated thereby, and to divide such wards into two sub-districts for that purpose.

The substitute was adopted, and the order, as amended, was passed.

## WIDENING OF WASHINGTON STREET.

The resolve and order for widening Washington street from Milk to Summer street, with a communication thereon from the Street Commissioners, (City Doc. 120, 1872,) were taken up, when on motion of Mr. Flynn of Ward 7, the rules were suspended, and the resolve and order were passed by an unanimous vote—50 yeas, no nays.

## THE CITY CREDIT LOAN.

The order accepting the act entitled "An act to enable the City of Boston to make and issue its bonds for certain purposes," came up for consideration and was passed without debate and without dissent.



## SCHOOL ACCOMMODATIONS.

The request from the School Committee to the City Council to furnish settees in the Grammar School room in the basement of the Girls' High School, to be used for music lessons, was referred to the Committee on Public Buildings, in concurrence.

The requests from the School Committee for an addition to the land of the Lincoln School, and for the building of a Grammar Schoolhouse in the Collins' District, were referred to the Committee on Public Instruction, in concurrence.

## UNFINISHED BUSINESS.

The report and order to allow Philip Brady \$1200, in full compensation for personal injuries received by him in Harrison avenue, on the 15th of January last, upon his giving a satisfactory release, was read a second time and passed.

## CLAIM FOR PRINTING.

The report and order to authorize the approval of the claim of Rockwell & Churchill for uncompleted work on the Public Library Finding List, destroyed by the recent fire, after the same is duly audited, coming up on its passage—

Mr. Holmes of Ward 6 said he opposed the order last week, and saw no reason to change his opinion. As an amendment he moved the adoption of the following order:

Ordered, That the City Solicitor be requested to furnish the City Council with a written opinion at its next meeting, or as soon thereafter as possible, whether the order before the Council to pay Rockwell & Churchill for uncompleted work on the Public Library Finding List is in accordance with the laws of this Commonwealth.

A motion of Mr. Holmes to lay the original order on the table was lost, when the Chair stated that he would entertain the substitute as an amendment.

The question was put and declared to be carried.

Mr. Webster of Ward 6 hoped the substitute would not be passed, for it appeared by the report of the committee that the City Solicitor had given an opinion on this subject. He had understood the facts in the case to be that twenty-five copies of this finding list so far as completed had been delivered to the city, each time when called for, and if so, there was no reason why the work should not be paid for.

Mr. Perkins of Ward 6 declared that this was not an occasion in which justice should not be done because there was an objection to making a payment for the reason that it was illegal. If the City Solicitor had been consulted before entertaining some foreign prince or expending money for the Jubilee, there might have been some reason for it on the ground of illegality; but in this case it was no fault of the city printers that the work was not delivered, or on the part of the city, and as their contract was not a liberal one, justice could be done them in this matter without any injustice to the citizens.

Mr. Flynn believed the Council would stultify itself by the passage of the order. It appeared by the report that the opinion of the City Solicitor had been obtained by the committee, and they should not ask for another opinion.

Mr. Holmes stated as the object of his order to ascertain whether anything could be recovered under the law. It was not simply a question of gift, but whether a payment should be made when there was no legal claim.

Mr. Flynn believed the opinion of the City Solicitor was explicit on the point proposed, but if the claim was an equitable one, it should be paid.

Mr. Perkins stated that in regard to this bugbear of legality, he believed in it himself last year, but he had got over it when he had seen twenty claims of the kind paid. They passed any amount of illegal payments for junketings, and this was the worst possible time in which to make objection to the payment of an equitable claim.

Mr. Holmes said he had never voted for any illegal claim, and he should not vote for any such claim.

Mr. Shepard of Ward 4 said the facts were substantially as stated by the gentleman from Ward 6; the work had been done, and the city had the benefit of it, but the difficulty was that it had not been finished so that the printers could make a bill for it. Since the city had received the benefit of the work the printers should be paid.

Mr. Fitzgerald of Ward 7 said he should like to know the facts of the case from the chairman of the committee, for he had heard two different stories from persons who were not members of the committee.

Mr. Perkins replied that he was not a member of the committee but knew enough of it to know as to the facts that the contract was partly finished, and the work was awaiting the orders of the City Government.

Mr. Webster stated as his understanding of the facts, that twenty-five copies of this finding list, so far as printed, had been delivered—all that had been called for. He was no lawyer, but as a business man in the locality where he was, such an act would be regarded as a constructive delivery. The city had once taken advantage, in a similar case, to refuse payment for goods burned in the House of Correction, but it was not an act of justice.

Mr. West of Ward 16 stated that he understood the facts as had been given, and the delivery of twenty-five copies among business men would be considered a constructive delivery, the balance being left at the risk of the city. Further than this, they had not always believed in the City Solicitor. He may have been wrong in this matter and may have changed his opinion. Relying on the information which he had, he should vote for the order.

Mr. Flynn wished to know why another order should be put in if they had already the opinion of the City Solicitor.

Mr. Holmes replied that the City Solicitor was of opinion that the claim was not legal, and the request was whether they had a right to pay claims not in accordance with law.

Mr. Fitzgerald replied that if the question was whether they could pay illegal claims, he replied that they can, and have been doing so all the year. He had heard another story relating to this work—that it was awaiting the order of the city to call for it. On the information he could get, he should vote for the payment.

Mr. Emery of Ward 10 stated that the printing of this catalogue was in portions from time to time, making some three hundred pages at the end of the year. There had been printed one hundred and twenty-five pages, and twenty-five copies had been called for to use, the remainder being left in the hands of the printers for the convenience of the library, and as safer than in the library, while it would require the whole year to finish it.

Mr. Brooks of Ward 1 believed they were in duty bound to pay this claim.

The motion to adopt the substitute was lost, when the order was passed.

## PETITION PRESENTED AND REFERRED.

H. Saalwaechter, to be paid for loss of building of which he had a lease, No 6 Lindall street, by gunpowder. Referred to the Committee on Claims.

A communication was received from Joseph S. Needham, addressed to the City Council, making suggestions in the construction of roofs of buildings that will give greater security against hazard by fire. Referred to Committee on Survey and Inspection of Buildings.

## THE SUNDAY LIBRARY QUESTION.

On motion of Mr. Page of Ward 9, the special assignment, the consideration of the Mayor's message, giving his reasons for not approving the order for opening the Public Library on Sundays, and consideration of said order, was taken up.

Mr. Pease of Ward 1 said he did not design to discuss this question, but to state only that after the message of the Mayor was received an order was introduced into the Board of Trustees of the Public Library for the opening of the library on Sundays, and after discussion was indefinitely postponed.

Mr. Fitzgerald said he had scarcely a hope of passing the order over the veto message, for there were nearly enough absent members to insure its defeat. He had examined the reasons of the Mayor very carefully, and although he respected his opinion, he could not agree with him on this subject, and there were none which had not been given before. The first objection of the Mayor was that the trustees should open the library, but the trustees had refused because the City Council had not authorized its opening, and the objection, he contended, falls to the ground.

The second reason given that it was irreligious and against the public policy he had often heard, for he was in the Legislature when the subject was freely discussed. The present Attorney-General, who made the strongest objections, said there was nothing to prevent the opening of the library, for the Sabbath was frequently broken by riding and other means, and there were no prosecutions. As to the religious objection, where there was no violation of the rights of others, and only the violation of religious obligation, such a ground of objection ought not to have any weight.

It was objected to in the Legislature that the opening of the library would be but to make an assignation place, and lead to the opening of the theatres on Sundays. This objection was made, yet the Public Library in Worcester was open on Sundays, and the



Cooper Institute was opened on Sundays. He should vote for the order because it would afford a means of enlightenment of the poor, and because it was called for by three-fourths of the people of Boston.

Mr. Blackmar of Ward 11 said he had little hope of passing the order over the veto of the Mayor, yet he believed that it ought to pass. The reasons which had been given he considered to be very weak, and he entreated those who had voted for the order to look at it carefully before voting to sustain the veto. They had been entreated to give a proper construction of the words necessity and charity, but he regarded the opening of the Public Library as the greatest work of necessity and charity. Let there, then, be a legal decision on the subject and that would settle the question.

The examples of other cities had been cited as bearing on this question, and on the opinion of Mr. Nelson, the City Solicitor of Worcester, the library of that city had been opened on Sundays. A letter had been published in the Advertiser from the librarian, who states that the opening of the library had proved to be of much good in the two Sundays in which it had been opened, and that he had never done more good than in giving out books to those he had never seen there before, many of them being requests for works of a religious character.

Mr. Blackmar referred to the deference paid to the opinion of the City Solicitor on some questions while it was disregarded on others. There was no need, he said, of going to the Legislature for authority, or of getting the opinions of the City Solicitor. It was the most shallow hypocrisy to oppose the opening of the library on Sunday, while the most unblushing violation of the Sunday laws were winked at. What was required was a decision of the courts. Get a decision from the courts and then this question which had been mooted for years, would be settled. All he wished was that a chance could be afforded of testing a case of this kind before a jury.

Mr. Pickering of Ward 6 said he came within the category of those who voted against this order, and was ready to vote as that gentleman desired those who were with him should vote. His convictions had been in favor of opening the library on Sunday, as a means of public benefit, but he opposed it because of the opinions of the City Solicitor against it. Doctors, however, he found, disagreed on the subject, and on that disagreement he should vote in favor of the order.

Mr. Pease said he thought the City Solicitor would be much gratified at the raking down which he had received in the Council tonight, when he reads the papers in the morning. He did not agree to the statement which had been made, that three-fourths of the people of Boston were in favor of opening the Public Library on Sunday, for in no measure had the Mayor received so much commendation as in his vetoing the order.

Mr. Fitzgerald referred to the opinion of Mr. Nelson of Worcester, and as between him and our own City Solicitor, he would prefer the opinion of the former as the most sound. The experiment had been tried elsewhere in this State, and, as we must come to it, it would be as well now as five or ten years hence. Should the question turn on the municipal election of library or no library, he should have no fear of the results. There was a growing feeling among the poor and the masses of the people that they need recreation on Sunday, and in relation to the old laws two hundred or three hundred years, regarding the Sabbath, they were more honored in the breach than in the observance.

Mr. Fitzgerald referred to the driveway at the Chestnut-Hill Reservoir as a place of more Sunday riding than on any other day of the week, yet no voice was ever raised to put a stop to such open and scandalous violations of law, while the drive appeared to have been built for the use of fast teams. If he held to the views of those who oppose the opening of the library on Sundays, he should move at once for the close of the driveway on Sundays. The only way in which to settle this question was to open the library, get an injunction, and then have the opinion of the Court on it; then they would not be sent to the Legislature to be told that there was nothing to prevent the opening of the library on Sundays, and come back to be told it is illegal.

Mr. Clatur of Ward 4 moved the previous question, which was ordered, when the vote was as follows on the passage of the order, the reasons of the Mayor to the contrary notwithstanding;

Yeas—Bickford, Bicknell, Blackmar, Brennan, Brooks, Burditt, Burt, Caton, Clatur, Collins, Dacey, Darrow, Davenport, Doherty, Dolan, Fitzgerald, Flynn, Gragg, Heath, Holmes, Hughes, Kingsley, Lamb, Martin, McNitt, Mulane, Noyes, Pickering, Risteen, Shepard, Thacher, Webster, West, Whiston,

Nays—Adams, Emery, Faxon, Flanders, Loeke, Loring, Page, Pease, Prescott, Robbins, Robertson, Robinson, Smith.

The vote was declared to have failed of the two-thirds required.

#### REPORTS OF COMMITTEES.

Mr. Robbins of Ward 8, from the Committee on Public Institutions, made a report in accordance with the order requiring them to report upon the order of 18th July last, on the purchase of a Home for the Poor, with the recommendation of the passage of the following orders:

Ordered, That the Committee on Public Buildings be authorized to purchase the lot of land in Ward 16, known as the "Capen Farm," containing 4,029.970 square feet, more or less, owned by John W. Cartwright and James Swords, at a price not exceeding 5¼ cents per square foot, said lot to be used for the purpose of establishing thereon a Home for the Poor.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, the sum of \$212,000, to be appropriated to the purchase of a lot of land in Ward 16, to be used for the purpose of a Home for the Poor.

A minority report was signed by Mr. Prescott of Ward 9, dissenting to the report of the majority, and recommending the reference of the subject to the next City Council.

A motion for a suspension of the rules for a passage of the orders, was opposed by Mr. Prescott, when the subject was specially assigned to Thursday evening next, 8½ o'clock.

#### THE BURRILL CLAIM.

Mr. Webster of Ward 6 moved to take from the table the Burrill claim, which was corrected, when he further moved that it be assigned to Thursday evening next, 9 o'clock.

Mr. Brooks of Ward 1 moved its indefinite postponement.

Mr. Robinson of Ward 11 advocated the motion as the proper disposition of a question coming up every year.

Mr. Fitzgerald hoped it would be specially assigned, as a matter important to Mr. Burrill, if not to any one else, and it would be unfair to dispose of it without consideration, although he might vote upon it as he had before.

Mr. Shepard opposed the indefinite postponement, believing it would be brought up until justice was done to the claimant.

Mr. Robinson contended that justice had been done him year after year in the rejection of the claim. He had been taught by his venerable friend from Ward 6 to vote against illegal claims.

Mr. Robbins of Ward 8 advocated the assignment, and Mr. Webster said the only reason why the matter had not been brought up before was because the Council had not been full.

Mr. Brooks moved an adjournment, which was lost, when the motion to assign was carried.

#### ORDERS PASSED.

On motion of Mr. Clatur of Ward 4,

Ordered, That his Honor the Mayor be requested to petition the General Court, at its next session, for a change in the law regulating the service of jurors, so that the period of such service in this city shall not exceed thirty days.

On motion of Mr. Wright of Ward 15,

Ordered, That the Committee on Fire Alarms consider and report on the expediency of erecting a bell tower on the Schoolhouse to be built on the site of the old Town Hall, Roxbury District.

Ordered, That the Committee on Public Buildings be requested to take into consideration the expediency of removing the old City Hall in Roxbury, instead of tearing it down; also the purchase of a suitable lot of land for that purpose.

On motion of Mr. Robbins of Ward 8—

Ordered, That the Superintendent of Fire Alarms, under the direction of the committee on that department, be authorized to repair the wires, apparatus, etc., of the Fire Alarm Telegraph, caused by the fire of November 9, at an expense not exceeding \$1500; the same to be charged to the appropriation for Fire Alarms.

On motion of Mr. Flanders of Ward 5,

Ordered, That the committee appointed to make certain investigations in regard to the recent fire in this city be authorized to print two thousand copies of their report to the City Council.

Mr. Davenport of Ward 16 offered the following order, which was read once:

Ordered, That on and after January 1, 1873, the number of hosemen attached to Engine Companies Nos. 16 and 17 be increased from seven to eight, and that the number of members belonging to Hook and



Ladder Companies Nos. 6 and 7 be increased from nine to fifteen.

The following orders offered by Mr. Gragg of Ward 14, was ordered to be sent up:

Ordered, That the Committee on Paving be requested and are hereby authorized to erect temporary street signs at the intersection of the principal streets in that portion of the city known as the burnt district.

The following order, offered by Mr. Wright of Ward 15, was also sent up:

Ordered, That the sidewalks on Shawmut avenue,

in the rear of Cedar square, be put in a safe condition for public travel.

Mr. Pease of Ward 1 moved a reconsideration of the vote on the veto message, and hoped the reconsideration would not prevail.

Mr. Flynn advocated the reconsideration, when the motion was carried.

Mr. Noyes of Ward 5, moved its assignment to Thursday evening next at eight o'clock, which was carried.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 20, 1872.

An adjourned meeting of the Board of Aldermen was held at twelve o'clock, noon, today, Alderman Little, the chairman, presiding.

## NOMINATIONS MADE AND CONFIRMED.

A communication was received from the Mayor, appointing as commissioners, under the "act to ena-

ble the city of Boston to make and issue its bonds for certain purposes," Hon. William Gray, Hon. Otis Norcross and Hon. Josiah G. Abbott.

The appointments were unanimously confirmed.

## PETITIONS PRESENTED AND REFERRED.

Henry W. Dutton & Son, for leave to occupy the area under the sidewalk of Nos. 150 and 152 Washington street for a press room. Referred to Committee on Paving.

## REPORT OF A COMMITTEE.

Alderman Fairbanks, from the Committee on Licenses, reported leave to withdraw at his own request on petition of William F. Phillips, for leave to give a public lecture at the St. James Theatre. Accepted.

Adjourned.











## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 23, 1872.

The regular weekly meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Thirty-two Traverse Jurors were drawn for the Superior Court, first session, for civil business, and twenty-two Grand Jurors and thirty-six Traverse Jurors were drawn for the Superior Court for criminal business.

## APPOINTMENTS MADE AND CONFIRMED.

Police Officer—Sergeant Calvin P. Eliot as Lieutenant of Police.

Special Police Officers, without pay—John Nest for 1 and Seventh street and vicinity; Charles A. Clark for Roxbury Gas Light Co.'s Works and vicinity.

## PETITIONS PRESENTED AND REFERRED.

George H. Frost and others, that the Old Colony & Newport Railroad Company be required to maintain a gate at the crossing of Neponset avenue.

W. Eliot Woodward and others, that the street leading from Dudley street to George street be called Clarence street.

Theodore G. Kimball, for removal of the fence on West Newton street at the corner of Carleton street.

Severally referred to the Committee on Paving.

Malachi Lemmon and others, against the proposed occupation of a building on Marston avenue for a stable.

C. T. Walker & Co., for leave to occupy a sale stable for twenty-five horses at No. 91 Federal street.

Dr. C. H. Starr, respecting the proper treatment of cases of smallpox.

Severally referred to the Committee on Health.

Aurora H. C. Phelps, to be paid for property destroyed by powder November 9, 10. Referred to the Committee on Claims.

A. P. Newman, for abatement of his Harrison-avenue betterments.

Edward McGinnis for apportionment of his Battery-street betterment.

Severally referred to the Committee on Streets.

E. S. Johnson and others, for an issue of new bonds for old ones given for land on Harrison avenue. Referred to Committee on Public Lands.

## COMMUNICATION FROM THE MAYOR.

EXECUTIVE DEPARTMENT, CITY HALL, }  
BOSTON, Dec. 23, 1872. }

To the Board of Aldermen—The commissioners appointed under an act of the Legislature entitled "an act to enable the city of Boston to make and issue its bonds for certain purposes," have notified me of their acceptance of the office, and of their readiness to enter upon the discharge of its duties. The second section of the act requires each of them to give bond with sureties in such sum as shall be fixed by the Board of Aldermen. I respectfully invite your early consideration of this and such matters in said act as require action by the Board of Aldermen or by the City Council.

Referred to Aldermen Jenks, Woolley and Clark.

## COST OF REMOVAL OF INMATES OF ALMSHOUSE.

OFFICE OF BOARD OF DIRECTORS FOR }  
PUBLIC INSTITUTIONS, }  
BOSTON, Dec. 23, 1872. }

To the Honorable the City Council: Gentlemen—The Board of Directors for Public Institutions, in compliance with an order of the City Council dated July 22, 1872, have transferred the male adult inmates of the almshouse to Rainsford Island, which has been fitted up for their reception, the cost of the same, including repairs, heating, furniture and fuel, being upwards of \$18,000; which amount, according to the provisions of the order, has been charged to the appropriation for the House of Industry.

Inasmuch as the entire original appropriation for the House of Industry will be required to defray the ordinary expenditures of the Deer Island institutions, and as the expenditures at Rainsford Island have nearly exhausted that appropriation, the Board of Directors respectfully request the City Council to transfer the sum of \$20,000 to the credit of the House of Industry appropriation, which sum will defray the expense of the removal to Rainsford Island, and also

the amount likely to be expended at that place during the remainder of the year.

Respectfully,  
J. P. BRADLEE,  
President.

Referred to the Committee on Finance.

## WIDENING OF HIGH STREET.

A resolve and order were received from the Street Commissioners providing for the widening of High street, between Congress and Oliver streets. The resolve and order were passed, under suspension of the rules, the amount of land taken being 2851½ square feet, at a cost of \$49,302, and of damages \$5000, making the whole expense \$54,302.

The details show the several items to be as follows:

Thomas E. Proctor, No. 206 Congress street, 883 feet of land, \$15 per foot, \$13,245; damages, \$850—total, \$14,095. J. M. & F. Jones, 107 Pearl street, 639 feet of land, \$17, \$10,863; damages, \$800—total, \$11,663. Mortimer C. Ferris, 94 Pearl street, 365 feet, \$17, \$6205; damages, \$800—total, \$7005. James McGregor, rear of No. 90 Pearl street, 53 feet, \$10, \$530; damages, \$300—total, \$830. Eben B. Phillips, 210 Congress street, 100 feet, \$13, \$1300; damages, \$550—total, \$1850. Wm. Faxon and James C. Elms corner of Gridley street, 123 feet, \$13, \$1599; damages, \$350—total, \$1949. Jeffrey Richardson and heirs of E. M. Holbrook, 109 Pearl street, 513 feet, \$25, \$12,825; damages, \$600—total, \$13,425. Frederick Jones, 100 Pearl street, 160 feet, \$17, \$2720; damages, \$750—total, \$3470. Unknown owner, Hartford place, 14 feet, \$10, \$15.

## WIDENING OF PURCHASE STREET.

A resolve and order were received from the Street Commissioners providing for the widening of Purchase street, from Federal street to Pearl street. The resolve and order were passed, under suspension of the rules, the amount of land taken being 8810 feet, at a cost of \$85,563, and of damages \$8350, making the whole expense \$93,913.

The details show the several items to be as follows:

Heirs of Henry L. Richardson, No. 15, 465 feet of land, \$10, \$4650; damages \$400—total, \$5050; Michael A. Ring No. 17, 368 feet \$10, \$3680; damages \$350—total, \$4030; heirs of Thomas Tileston, No. 19, 342 feet, \$10, \$3420; damages \$300—total, \$3720; heirs of Mary Tileston, No. 21, 342 feet, \$10, \$3420; damages \$300—total, \$3720; heirs of Thomas Tileston, No. 23, 1147 feet; \$9, \$10,323; damages \$1000—total, \$11,323; proprietors of St. Stephen's Church, 1588 feet, \$9, \$14,292; damages, \$1200—total, \$15,492; T. Rennek & C. K. Richmond, No. 39, 325 feet, \$9, \$2925; damages \$350—total, 3275; Timothy Renick, 322 feet, \$9, \$2898; damages, 350—total, \$3248; unknown owners, passageway 127 feet; Joshua P. Preston, Nos. 47 to 57, 911 feet, \$11, \$10,021; damages, 800—total, \$10,821; Eben B. Phillips, Nos. 59 to 69, 996 feet, \$11, \$10,956; damages, \$800—total, \$11,756; Caleb Stetson and Samuel Atherton, No. 71, 253 feet, \$9, \$2277; damages, \$300—total, \$2577; Eben B. Phillips, Nos. 73 to 77, 991 feet, \$11, \$10,901; damages, \$800—total, \$11,701; heirs of Samuel May, corner of Congress street, 368 feet, \$10, \$3680; damages, \$800—total, \$4480; Henry Willis, corner of Gridley street, 265 feet, \$8, \$2120; damages, \$500—total, \$2720.

## WIDENING OF WATER STREET.

A communication was received from the Street Commissioners stating that in the proposed widening of Water street, Caroline M. Wheelwright, owner of estate at the corner of Broad street, had surrendered her estate to the city, and an order accompanying provides for the taking of said estate, at an estimated value of \$27,000. The order was read once.

BOSTON, Dec. 23, 1872.

To the Honorable City Council—The Board of Street Commissioners have to report on the Council order of 21st October last requesting them "to furnish plans and estimates for laying out Hillside street fifty feet wide and extending the same from Tremont street to Parker street, provided the abutters will release grade damages and convey the land for the said street to the city at no expense, or give satisfactory bonds for the release of said damages and the conveyance of said land without expense"; that certain of the landowners, through whose estates the proposed street would pass, decline to give a release of damages that might occur from the laying out of the street.

Read and ordered to be sent down.

## HEARINGS ON ORDERS OF NOTICE.

The hearings on the several petitions of Moses Crohn, for leave to locate a steam engine and boiler



at No. 485 Tremont street; George F. Meacham for leave to locate and use a steam boiler and engine at No. 32-36 Senoel street; also to locate and use a steam engine and boiler in building on Avon and Bedford streets; also on the proposed construction of sewers in Regent and Akron streets, and in Vine street, between Forest street and Mt. Pleasant avenue, were severally taken up. No person appearing in either of the above cases, the several reports were reomitted.

#### FREIGHT RAILROAD HEARINGS.

The hearing on petition of the Union Freight Railroad Company, for settlement of damages to the Marginal Freight Railroad Company, by the taking of their tracks in this city, was taken up.

A. B. Wentworth appeared for the Marginal Freight Railroad Company and read a protest against the Board's entertaining or assuming jurisdiction or power to consider said petition or to determine compensation as prayed for by said Union Freight Railroad Company, and stating further that the subject matter of said petition is now pending in the Circuit Court of the United States in a suit in equity in which James Greenwood is complainant and the Union Freight Railroad Company and this Board of Aldermen are defendants.

Mr. Wentworth said he understood the practice of this Board was simply to assess nominal damages, and allow the matter to be settled by the courts, a case being cited by him relating to the Boston & Maine Railroad Company which remained undecided six years. He hoped a similar course would be pursued, so that no unnecessary expense would be incurred through the action of this Board.

J. B. Thayer appeared for the Union Freight Railroad Company, and stated that the question of constitutionality was before the courts, and not the question of damages. In a similar case in which he appeared, that of the Boston & Albany Railroad Company, he entered a protest, when damages were assessed, and the case went to the courts. The damages related to the taking only of a mile of railroad, and the question should be referred to a committee to assess such damages.

The report was recommitted.

The hearing on petition of the Union Freight Railroad Company, for a location in the streets of the "burnt district" was taken up.

E. W. James appeared for sundry truckmen, stating that this as well as the Marginal Freight Railroad Company was a defunct corporation, and he protested against the laying of tracks in the streets, as obstructions to the streets and burdensome to the citizens. Mr. James made some statements relative to the mode of getting such measures through the Legislature by the help of the third house or "lobby." The Marginal, Commercial and Union Freight Railroad companies were subjects of his remarks in their historical order.

Alderman Clark said the Aldermen were not to hear the proceedings of the "third house," but simply the reasons in favor or against giving this corporation a location in the burnt district.

Mr. James said he had just got to that, and he objected on the part of truckmen to any location unless the corporation were subject to the expense of widening of streets which will be necessary where their tracks are laid, and that a different kind of rail should be laid than they now have in use. These streets were the best streets for the use of truckmen, and he hoped that no privileges would be granted to the corporation except with those provisions suggested by him.

Mr. Thayer said he appeared in behalf of the proposed laying of tracks, in the belief that it would be of an advantage to the public to have the debris in the burnt district removed, and as this was a freight railroad, they have facilities for doing the work. Should the Board in its judgment believe it to be beneficial to the public, they would like to have the location granted to them.

#### REMOVAL OF STREET RAILROAD TRACKS FROM CHAUNCY STREET.

The hearing on petition for a removal of street railway tracks from Chauncy street was taken up.

W. A. Field appeared in behalf of the corporation, and made a brief statement of facts in the case. The tracks of the corporation were so injured during the fire that they have not yet been repaired, and repairs cannot be made during the coming winter. How far the necessities of business in Chauncy street may affect the use of the tracks was not a question which can now be settled, and may not be for some months to come.

The circumstances under which the location of tracks in Chauncy street was made, he said, were

for the purpose of relieving certain streets, and should this portion of the tracks of the corporation be removed, it would render useless three miles of track with which the route was connected. Under the present condition of things, nothing could be done in relation to the running of cars through that street, and he trusted that no decision would be made in the matter.

The report was recommitted

#### UNFINISHED BUSINESS.

The following order was read a second time and passed:

Preamble and order for the Mayor to appoint a commission of three persons to consider and report upon expediency of the annexation to this city, by one act, of the cities of Charlestown, Cambridge, and Somerville, and the towns of Brighton, West Roxbury, and Brookline.

#### PAPERS FROM THE COMMON COUNCIL.

The petition of H. Saalwaechter and the communication of Joseph H. Needham were severally referred, in concurrence.

The following orders were severally passed, in concurrence:

Order for Mayor to petition the Legislature for such a change in the law as will limit jury service to thirty days only.

The order for Mayor to petition for the establishment of two voting places in each ward coming up amended, so as to authorize such establishment in such wards as may especially require it for the convenience of voters, the order, as amended, was passed.

Order for Superintendent of Fire Alarms to repair the circuits of wires upon and over the burnt district, at a cost not exceeding \$1500.

Order for Committee on Fire Alarms to report on subject of placing a bell tower on the contemplated edifice on the Old City Hall, Roxbury.

Order for Committee on Public Buildings to consider the expediency of setting back the Old City Hall, Roxbury, instead of destroying that building; and also the purchase of land for that purpose, if necessary.

The order to print two thousand copies of the report of the fire inquest being under consideration—

Alderman Jenks said he understood the report would make 500 pages, and he moved its reference to the Committee on Printing, which was carried.

#### REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses, as follows: Buckley & Shapley, to give a concert at Summer Hall, Dec. 28; to sundry persons as victuallers, for hack and wagon stands, transfer of license for intelligence office and wagon license; also to Robert Vose, Jr., to keep and sell spirituous liquors, etc., at the corner of Washington and Harvard streets, Ward 16; to William H. Quincy, as an auctioneer, and for reappointment of auctioneers, as follows:

George Abbott, Henry C. Bird & Co., Coleman Cook, Horace L. Collamore, Moses Coleman & Son, Horatio Harris & Co., Henshaw Brothers, George F. Hunting, Isburgh & Rowland, C. T. Walker & Co., F. D. Osgood & Hiller, Francis Sprague & Co., T. S. Drown & Co., John Tyler, Tileston C. Power, James H. Dinan & Co., William Cook & Co., W. S. & T. Kyle, Robert Vose, Jr., L. Foster Morse.

Severally accepted.

Alderman Ricker, from the Committee on Health, reported in favor of licenses for stables, as follows:

T. W. Howe, to occupy a wooden stable for fifteen horses on Farnham and Reed streets; Richard Miller, to occupy a wooden stable for six horses on Dove street, near F street; John Dolan, to occupy a wooden stable for two horses on Hampden street, near Kemble street; Robert Crosbie, to occupy a wooden stable for two horses on White street next to Marion street; Francis Herthel, for leave to have two additional horses in stable on Ruggles street; also leave to withdraw on petition of Alvah Hines, for leave to occupy a wooden stable for one horse on Bennington street, opposite No. 534. Severally accepted.

Alderman Ricker, from the Committee on the Assessors' Department, reported leave to withdraw severally on the petitions of the Mercantile Institution for Savings that certain taxes paid in 1871 be refunded; of James Tuttle, for remission of taxes assessed upon property destroyed by fire on the 9th and 10th of November last; and of Chester I. Reed, trustee, for the repayment of a certain tax assessed upon Edmund W. Clapp in 1871. Severally accepted.

Alderman Ricker, from the same committee, to whom was referred the petition of the Wimmishmet Company for the repayment of certain taxes alleged



to have been illegally assessed upon said company in 1871, and previous thereto, made a report recommending that the petitioners have leave to withdraw. Accepted.

Alderman Cutter, from the committee on Paving, reported leave to withdraw on petition of Henry W. Dutton & Son for leave to occupy the area under sidewalk of Nos. 150, 152 Washington street for a press room; and on petition of Cyrus Wakefield for leave to build an arch under Market street, through which to apply steam power. Severally accepted.

A petition was presented from Henry W. Dutton & Son for the passage of an ordinance in relation to areas under sidewalks, for the relief of themselves and others in the "burnt district." Referred to the Committee on Ordinances.

Alderman Cutter, from the Committee on Paving, to whom was referred the petition of the Metropolitan Railroad Company for the location of tracks in Columbus avenue, Northampton and Springfield streets, together with the remonstrances against said location, made a report recommending that said railroad company have leave to withdraw. Accepted.

Alderman Stackpole, from the Committee on Public Instruction, to whom was referred the request of the School Committee for the purchase of land adjoining the Lincoln Schoolhouse to be added to the yard of the same, made a report recommending the purchase by the Committee on Public Instruction of land on Broadway adjoining the schoolhouse on the westerly side, owned by Eliza T. Parker and Mary J. Appleton, at a cost not exceeding \$1 per square foot, with an order authorizing the treasurer to borrow not exceeding \$7000 for the purpose.

The orders were read once.

Alderman Stackpole, from the same committee to whom was referred the request of the School Committee for the erection of a grammar schoolhouse in the Comins District, on land owned by the city in Houghton place, made a report recommending the passage of an order authorizing the Committee on Public Buildings to procure plans and estimates for the erection of a schoolhouse as proposed, to be approved by the Committee on Public Instruction.

The order was read once.

Alderman Fairbanks, from the Joint Standing Committee on Water, to whom was referred the petition of Alexander Mair and others that the water pipes in Centre street be extended to the West Roxbury line, made a report recommending that the petition be referred to the Water Board. Accepted.

Alderman Fairbanks, from the same committee, to whom was referred the order in relation to establishing a drinking fountain on the corner of Tremont and Cabot streets, made a report recommending that the subject be referred to the next City Council. Accepted.

Alderman Fairbanks, from the same committee, to whom was referred the order in relation to supplying East Boston with water from Lake Cochituate, made a report that no further action is necessary at this time, as the water supplied from Mystic Pond is now sufficiently pure. Accepted.

Alderman Fairbanks, from the same committee, reported reference to the Water Board on the petition of Chickering & Sons and others, that Lowry hydrants be connected with the water pipes around Chickering's factory. Accepted.

Alderman Clark, from the Committee on Common, etc., to whom was referred the petition of Mozart A. King for leave to cut down two trees in Adams street, near Neponset avenue, made a report recommending that the petitioner be authorized to remove the two trees in front of his estate on Adams street, Ward 16, at his own expense, under the direction of the Superintendent of Common and Public Grounds. Accepted.

Alderman Sayward, from the Joint Standing Committee on Public Buildings, made a report that there will be needed an additional appropriation to complete the alterations on the Public Library Building, in consequence of additional iron and fire-proof work; also iron shutters on the windows, and for painting the distributing room. The amount heretofore appropriated is \$55,000; the additional amount required is \$7000. The committee would recommend the passage of the following order:

Ordered, That the Auditor of Accounts be authorized to transfer from the appropriation for Public Buildings the sum of \$7000 to the appropriation for the Public Library Building.

The order was read once.

Alderman Woolley, from the Joint Standing Committee on East Boston Ferries, to whom was referred the request of the Board of Directors of said ferries for an additional appropriation of \$40,000, made a report recommending that the Committee on Finance

be requested to report to the City Council the necessary orders providing the appropriation asked for.

The report was accepted.

Alderman Ricker, from the Committee on Public Institutions, who were requested to report upon the site for a new insane asylum, and to whom were referred various petitions upon the subject of establishing a new asylum, either under the care of the city or the State, made a report that an order having been passed by the City Council asking for additional legislation in relation to the care of the insane in this city, no further action would be expedient at this time on the part of the City Government. Accepted.

Alderman Ricker, from the same committee, who were requested to consider the expediency of modifying the ordinance passed June 3, 1870, in relation to the place of detention for neglected children, made a report recommending that the Committee on Ordinances be requested to report an amendment, to said ordinance so as to commit said children to the care and custody of the Board of Directors for Public Institutions to be placed in such of the institutions at Deer Island as in the discretion of the Board may be for their best interests. Accepted.

Alderman Ricker, from the same committee, to whom were referred the majority and minority reports of the Board of Directors for Public Institutions in relation to the location of the House of Correction at Deer Island, made a report that in the opinion of the committee, the House of Correction should be established on the Winthrop Farm, so called, whenever it is removed from its present location at South Boston. Accepted.

#### ADDITIONAL APPROPRIATION FOR ARMORIES.

The Committee on Armories and Military Affairs beg leave to represent that, under an order of the City Council, approved November 12, 1872, they were authorized to furnish such accommodations and refreshments for the military organizations on duty in this city, in consequence of the fire, as might be required, the expense to be charged to the appropriation for Armories, etc.

As the appropriation for this department during the present financial year was intended to cover only the ordinary expenses, it is necessary to make an additional appropriation to meet this extra expense.

The appropriation for the financial year 1872-73 was \$25,000.

The expenditures have been as follows:

Rents and gas.....	\$8,462 50
Repairing and furnishing armories.....	5,180 71
Refreshments, rent of halls and mattresses for militia, during the fire, Nov. 9 and 10.....	2,786 90
Refreshments and carriage hire for committee.....	611 55
	<hr/>
	\$17,041 66
Rents of armories, and repair of same by order of City Council, payable Jan. 1, 1872.....	4,223 93
Required for rents and repairs for the balance of the present financial year.....	5,200 00
	<hr/>
Total expenditure (bills paid).....	\$26,465 59
Deficit.....	1,465 59
Estimated amount necessary to cover the extraordinary expenses on account of the fire.....	28,534 41
	<hr/>

Additional appropriation required..... \$30,000 00

The committee would respectfully recommend that this application for an additional appropriation be referred to the Committee on Finance.

For the committee,

WILLIAM WOOLLEY, Chairman.

Accepted, and so referred.

Alderman Fairbanks, from the Committee on Sewers, made a report on sundry schedules of sewer assessments referred to said committee, with orders to collect said assessments, as follows: Eustis street, \$426 20; West Eagle and Meridian streets, \$4261 08; Trenton, White and Prescott streets, \$6294 20. The orders were severally passed.

#### ORDERS PASSED.

On motion of Alderman Stackpole,

Ordered, That the expense attending the investigation made by the committee appointed to examine the returns of votes cast at the last municipal election in this city be charged to the appropriation for Incidental Expenses.

On motion of Alderman Cutter,

Ordered, That in pursuance of chapter 377 of the acts of the Legislature of 1872, relating to cellars and basements in the city of Boston, the Board establish a grade of twelve feet above mean low water.

Ordered, That the Superintendent of Streets be directed to erect posts with street signs at the intersections of the streets in the "burnt district."



Ordered, That the Chief of Police be directed to notify the owner of the estate numbered 103, 105 Leverett street to remove within ten days the bay windows constructed in front of said estate projecting over the line of said Leverett street.

Ordered, That there be paid to Robert I. Burbank the sum of \$500, in full compensation for all damages caused to his household estate, Nos. 81 and 83 Essex street, by the raising of the grade of said street, as ordered by the Board of Aldermen, August 29, 1872, upon the usual conditions; to be charged to the appropriation for Paving.

Ordered, That there be paid to John Barry the sum of \$500, in full compensation for all damages caused to his estate in Third street, by the raising of the grade of said street, as ordered by the Board of Aldermen, July 16, 1872, upon the usual conditions, the same to be charged to the appropriation for Paving.

Ordered, That there be paid to J. T. Smith the sum of \$50, in full compensation for all damages caused to his estate in Renfrew street by the raising of the grade of said street, as ordered by the Board of Aldermen May 17, 1871, upon the usual conditions; the same to be charged to the appropriation for Harrison-avenue Extension.

On motion of Alderman Poland—

Ordered, That the salary of Job T. Souther, late Assistant Inspector of Buildings, be paid to December 1, 1872.

On motion of Alderman Clark—

Ordered, That in addition to the amount heretofore appropriated for tools, repairs and plank walks for Common and public squares, a further sum of \$800 is appropriated for that purpose; said amount to be charged to the appropriation for Common, etc.

Ordered, That from the betterment of \$2150, assessed upon the estates of James T. Eldredge, numbered 56 and 58 Eliot street, on account of the widening of said Eliot street, there be deducted the sum of \$550, provided that said Eldredge pays the balance of said betterment due after such deduction.

Ordered, That there be paid to Thomas Connelly the sum of \$1500, for land taken and all damages occasioned his estate by the widening of Sixth street, at Foundry street, by a resolve of the Board of Street Commissioners, December 19, 1872, upon the usual conditions; to be charged to the appropriation for Widening Streets.

Ordered, That the order to pay the said Connelly \$700 for said land and damages of February 14, 1872, be and the same is hereby rescinded.

On motion of Alderman Jenks—

Ordered, That there be paid to O. T. Ruggles the sum of \$2000, for damages caused by taking his land for the widening of Washington avenue and Malden street in the city of Chelsea by an order of the County Commissioner of the County of Middlesex, passed on the first Tuesday of January, 1872, upon the usual conditions, and that the same be charged to the appropriation for the County of Suffolk.

Ordered, That there be paid to J. W. Rollins the sum of \$2000, for damages caused by taking his land for the widening of Washington avenue and Malden street, in the city of Chelsea, by order of the County Commissioners of the County of Middlesex, passed on the first Tuesday of January, 1872, upon the usual conditions; the same to be charged to the appropriation for the County of Suffolk.

Ordered, That there be paid to Elmira Rollins, wife of J. W. Rollins the sum of \$8000, for damages caused by taking her land for widening of Washington avenue and Malden street in the city of Chelsea, by an order of the County Commissioners of the County of Middlesex, passed on the first Tuesday of January, 1872, upon the usual conditions; the same to be charged to the appropriation for the County of Suffolk.

On motion of Alderman Woolley—

Ordered, That there be allowed and paid to each member of the Volunteer Militia embraced in the organizations recited in the certificate of the Assistant Adjutant-General dated Dec. 20, 1872, the amount allowed to him thereby, for special duty in this city in November last, the whole amounting to \$15,594 42; to be charged to the appropriation for Militia Bounty.

On motion of Alderman Sayward—

Order to approve of a lease by the City of Boston to William C. Poland, of a parcel of land on Boylston street, with the buildings thereon, being a portion of the Richardson estate, so called, recently purchased, adjoining the Public Library, the lease to be for three years at \$1800 a year.

On motion of Alderman Fairbanks—

Ordered, That upon payment of \$2500 by William H. Hill, there be released to him, his heirs and assigns, all his obligation to maintain a sewer from Washington street to the harbor or low-water mark, through Plymouth place, and northwardly of Knee-

land street, as provided in a deed from the city of Boston to Josiah Knapp, and that all the city's rights in so much of said sewer as lies westwardly of Newton place be released to him; and that his Honor the Mayor is hereby authorized to execute such deed or release as the City Solicitor shall approve to carry this order into effect.

On motion of Alderman Clark, a schedule of assessments was adopted as betterments upon estates benefited by the laying out, widening and extension of Cliff street to Shawmut avenue, as authorized December 30, 1870, the expense of which was \$11,314 20. The estimated betterment is placed at \$9790, one half of which, \$4895, is assessed in sums from \$25, in several cases to \$40, \$50, \$60, \$80, and \$90, in most of them. The sums of \$100, and above, are \$100 to J. G. Calrow, corner of Regent street, \$120 upon heirs of George W. Messenger and Lucinda H. Holbrook, \$140 to Calvin B. Wilkins, \$150 to A. H. Bixby, and \$1200 each upon Charles F. Bradford, and Thomas J. Dunbar, corner of Shawmut avenue.

Orders to quit were passed to the owners and occupants of land beyond the line of widening of Washington street, between Milk street and Summer street, all obstructions to be removed by the first of February next; also an order to quit to Thomas Connolly for the removal of all obstructions over and beyond the line of widening of Sixth street, on or before the first of January next.

A jail requisition for \$2016 86 was approved.

#### SEWER ASSESSMENTS.

Schedules of sewer assessments were received from the Superintendent of Sewers, the several amounts of the same being as follows: Bowdoin square, \$1215 75; Eighth, D and E streets, \$923 50; Foundry street, from A to Fourth street, \$3049 19; Foundry street to Sixth street, \$3567 85.

Severally referred to the Committee on Sewers.

#### ORDERS READ ONCE.

On motion of Alderman Clark, an order was read once, authorizing the City Treasurer to borrow, under the direction of the Committee on Finance, the sum of \$1,000,000, to be appropriated for widening, extending, grading, and paving of streets, and for all damages and expenses in consequence thereof, within the district burnt over by the fire of November 9th and 10th, 1872, the said loan to be designated as the "Burnt District Loan."

On motion of Alderman Cutter, orders to establish a revised grade of Brattle street and Cornhill; a revised grade of Glendon street; to grant a location to the Metropolitan Railroad Company through North Charles street, etc.

Also an order to establish the salary of the City Engineer at \$5000.

#### THE ACT RELATING TO DRAINAGE.

On motion of Alderman Jenks, the order to reject the act of the Legislature (chap. 366, of 1872) which provides for a Commission on Drainage and Water Supply for an area of ten miles around this city, was taken from the table.

Alderman Clark, with reference to the act, said—

The general idea of an act to provide for a commission on the subject of drainage, grades and water supply for the city of Boston and vicinity is a good one, and I fully believe in it, provided it is properly drawn and is just and equitable in its provisions; and I do not wish to be understood as being opposed to the idea at all, for I heartily approve of it. But this act as drawn is open to several objections, and as it seems to me serious ones.

First, it is not equitable and just to put the burden of expense wholly on the city of Boston, as the suburban towns are to be proportionally benefited.

The act provides that the commissioners' duties shall embrace all the territory within a radius of ten miles from the City Hall. This will include the following named cities and towns, in whole or in part:

Boston, Cambridge, Charlestown, Somerville, Chelsea, Winthrop, Everett, Revere, Malden, Medford, Saugus, Stoughton, Melrose, Lynn, (part of), Nahant, Wakefield, (part of), Winchester, Woburn, (part of), Lexington, (part of), Arlington, Waltham, (part of) Belmont, Watertown, Brighton, Newton, Needham, (part of), Dedham (part of), Hyde Park, Milton, (part of), Quincy, (nearly all), Braintree, (part of), North Weymouth, (part of), and Hull.

This list makes 33 towns and cities, and embraces the whole of Suffolk County and parts of Essex, Middlesex and Norfolk counties. This circuit will contain about 250 square miles of territory. Now it seems to me that such of those towns as will be benefited by this commission should bear their proportionate part of the expense.

The appointment of these commissioners is to be made by the Governor and Council, and not by the city of Boston, but Boston is to pay all the bills.



This is certainly taxation without representation. I have no doubt, however, but that the Governor would appoint good men for the office, but I object to the principle of the city not having any voice in selecting the commissioners, while she is to bear the whole expense.

Another objection to the act is, it does not limit the duration nor expense of the commission.

There is nothing in the act to prevent their going on for twenty years and employing all the assistance they see fit and spending a million dollars, and the city of Boston has nothing to say in the matter—it is wholly in the hands of the Governor and Council. They have the entire control of everything except the payment of the bills, which are to be paid by the city.

I don't suppose they would do any such thing, but there is nothing in the act to prevent it. Some limitation should be provided for in the act both as to time and expense—neither is done.

I would also suggest that the act should be so drawn that this commission should report upon a general connected system of main avenues and principal thoroughfares within the territory. They certainly cannot definitely fix upon a proper system of grades for the future, unless there is some general system of main streets proposed.

The act should be newly drawn at the next session of the Legislature, and these objections obviated. Certainly nothing will suffer by a few months' delay.

Alderman Clark concluded with the expression of the opinion that the act should be laid on the table for the time being, so that the subject should be kept alive.

Alderman Jenks was of the belief that the statute was arbitrary in its character, and a survey as desired was hardly possible. There was no reason, however, for keeping the subject alive, for an order might be adopted requesting the Mayor to petition the Legislature for such an act as the Alderman desires. He hoped the act would be rejected.

The order was passed rejecting the act.

#### WIDENING OF PORTLAND STREET.

The resolve and order for the Street Commissioners to take measures to widen Portland street on the northeasterly side to sixty feet was taken up.

Alderman Cutter said he was willing to vote for the widening of Portland street to Hanover street, but not for the extension to Washington street, as extended, and to obtain further information on the

subject, he removed its reference to the Committee on Streets.

Alderman Jenks stated that the subject had been fully considered by the Committee on Streets, but would call for a division of the order in voting upon it.

Alderman Cutter moved to strike out so much of the order as referred to the extension from Hanover to Washington street.

Alderman Jenks believed that it would be a benefit to the abutters, and if extended to Washington street the betterments would nearly pay the expense. The distance could not be much more than one hundred feet.

Alderman Clark was of opinion that the street should be extended to Washington street, when the proper time came for the question to be decided. If anything, it should be a sixty-foot street to Washington street, and it will be an important thoroughfare when Washington street is extended. He had always been in favor of its intersection with Washington street, but did not know what distance it would be from Hanover street. It could not be more than a few hundred feet.

Alderman Cutter said the uncertainty as to the distance and cost was a reason why the subject should be referred to the Committee on Streets. In his opinion Friend street might be best for widening, and that will require no extension.

The question was taken on the portion of the order relating to the widening, and was carried, by a vote of 11 yeas to 1 nay—Power.

Alderman Power said he did not quite understand the question, yet he might be in favor of the extension and widening, but not if it was to be done at once. He moved that the remainder of the order be specially assigned to Monday next.

The motion to assign prevailed, when a reconsideration took place, on the ground that it might fail to receive final action the present year.

In the further consideration of the subject, Alderman Clark stated as his belief that the cost of widening was estimated at \$400,000, and the extension to Washington street at \$300,000.

The further consideration of the subject was assigned to the next meeting of the Board.

On motion of Alderman Stackpole, it was ordered, that when the Board adjourn, it be to Tuesday, 4 P. M.

Adjourned.











## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 24, 1872.

An adjourned meeting of the Board of Aldermen was held this afternoon, at 4 o'clock, Alderman Little, the chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Weigher of Coal—George H. Bourne. Special Police Officer, without pay—William E. Noonan for Washington square and Broad street and vicinity.

## PETITION PRESENTED AND REFERRED.

Charles U. Cotting, for the grade of Kilby street at Nos. 41-47. Referred to the Committee on Paving.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to establish the revised grades of Brattle street and Cornhill, as shown on plans and profiles dated Dec. 14, 1872.

Order to establish the revised grade of Glendon street, between Eagle and Condor streets, as shown on a plan and profile dated Dec. 16, 1872.

Order authorizing the Treasurer to borrow \$1,000,000, to be appropriated for the widening, extending and paving of streets, etc., within the burnt district, to be designated as the "Burnt District Loan."

Order for the transfer of \$7000 from appropriation for Public Buildings to the appropriation for Public Library Building, to complete alterations on the Public Library Building.

Order to establish the salary of the City Engineer at \$5000 per annum.

Order to authorize the purchase of a lot of land adjoining the Lincoln Schoolhouse, at a price not exceeding one dollar per foot, and to borrow \$7000 to be applied to the purchase of the same.

Order authorizing plans and estimates to be made for a grammar schoolhouse to be located on the lot of land owned by the city on Houghton place, in the Comins District.

Resolve and order to widen Water street, at the corner of Broad street, by taking 394 feet of land of the estate of Caroline M. Wheelwright, surrendered to the city, at an estimated cost of \$15,032, the whole value of the estate taken being estimated at \$27,000, and the amount of land 813 square feet.

Order granting a further location to the Metropolitan Railroad Company to lay down a single track on Charles street, connecting the tracks of said company south of Cambridge street, with the tracks of the Cambridge Railroad on Leverett street; also the right to construct two turnouts on Charles street, not exceeding respectively one hundred feet in length. The location to be subject to the usual conditions in relation to laying down tracks in the streets, the form of rail, kind and quality of material to be used in paving, acceptance of location, etc.

## REPORTS OF COMMITTEES.

Alderman Fairbanks from the Committee on Licenses, reported in favor of licenses, as follows: A. Rubenstein, to give concerts at the Music Hall, December 24 and 28. Accepted.

Alderman Stackpole, from the Committee on Steam Engines, reported in favor of licenses, as follows: G. F. Meacham for leave to put up and use a steam engine and boiler, at Nos. 32 and 36 School street, also a steam engine and boiler in Avon and Bedford streets; also to Moses Crohn to put up and use a steam engine and boiler at 485 Tremont street. Severally accepted.

Alderman Jenks, from the Committee on County Accounts, to whom was referred the petition of Moody Merrill and others, that Officer William E. Hicks be detailed for duty at the prison attached to the Municipal Court for the Southern District of Boston, made a report recommending that the Chief-of-Police be directed to detail said officer for the purpose designated. Accepted.

Alderman Fairbanks, from the Committee on Sewers, reported sundry schedules of sewer assessments, submitted to them, as being correct, with orders for their collection, their amounts being as follows: Foundry and Sixth streets, \$3567 85; Foundry street, A to Fourth, \$3049 19; Eighth street, D to E street, \$923 50; Bowdoin square, \$1215 15. Accepted, and the orders were passed.

## ORDERS PASSED.

On motion of Alderman Clark—

Ordered, That there be paid to J. H. Jenkins, clerk

of the Board of Street Commissioners, the sum of \$500 for extra services in preparing the record of said Board, and that it be charged to the appropriation for Widening Streets.

Ordered, That there be paid to J. L. Roberts the sum of \$325 for damages occasioned to the rear of his estate numbered 132 and 134 Federal street by reducing the grade of Fort Hill by an order approved April 22, 1870, upon his giving to the city a release for the same satisfactory to the City Solicitor, and that the same be charged to the Fort Hill Improvement Loan.

Ordered, That the Special Committee on Fort Hill Improvement be and they are hereby authorized to pay Thomas W. Davis the sum of \$250 for clerical services performed during the present municipal year as per vote of the said committee; the same to be charged to the Fort Hill Improvement Loan.

## EXTENSION OF PORTLAND STREET.

The order for the extension of Portland street, appended to another for the widening of Portland street from Hanover to Causeway street, was taken up, by special assignment, the order being as follows:

Ordered, That the Board of Street Commissioners be and they are hereby directed to widen and extend said Portland street in the manner aforesaid, and in accordance with plans made by the City Surveyor, dated March 21, 1871, and transmit an estimate of the expense to the City Council.

Alderman Poland, in objecting to action at this time, said he was not aware that the Street Commissioners had made any estimate of the cost of extending Portland street to Washington street.

Alderman Jenks replied that the Commissioners made such an estimate last year.

Alderman Clark said there had been no detailed estimates of the cost this year, but there were last year or the year before. He had in his mind the figures five or six months ago, but there had been no detailed reports as usual. He did not understand, as stated by the chairman, that the first order was passed and remained so, but supposed it was passed and then reconsidered.

Alderman Jenks stated as his understanding, that the order for the widening was passed, while this under consideration was the order for the extension of the street to Washington street.

The Chair stated as the record of the Clerk that the first order was passed, and this order for the extension was specially assigned.

Alderman Poland believed there was a misapprehension on the subject. The extension of the street was a new invention, not known when the report of the Commissioners on the widening was made. He was in favor of the widening, but could not vote for the extension with his present knowledge.

Alderman Power inquired if he was to understand that the first order was passed yesterday.

The Chair replied that the order was passed, and the question of widening was not now before the Board.

Alderman Power moved a reconsideration of the vote on the passage of the first order.

Alderman Jenks objected that it was too late.

Alderman Power said he believed the whole question was assigned.

The Chair stated that the first part was disposed of before the assignment was made.

Alderman Cutter inquired if the question was not taken on the verification, and the whole subject laid over.

The Chair replied that he was not aware of anything of the kind, but believed the record of the Clerk to be correct. If a reconsideration was desired, he believed the Board to be competent to reconsider.

Alderman Jenks inquired if the Chair ruled the motion to be in order, and the Chair replied that he did so rule.

Alderman Jenks called for a reading of the rule.

The rule was read, providing that a reconsideration might be moved within twenty-four hours after a vote given.

Alderman Jenks inquired how, then, could the motion be entertained.

The Chair replied that the present time was within the twenty-four hours.

Alderman Jenks said he begged to differ with the Chair.

Alderman Sayward inquired if a reconsideration was not moved yesterday and refused?

The Chair replied that there was no such record.

Alderman Power inquired if a reconsideration was in order.

The Chair replied that it was.

Alderman Clark said he would like to hear the reasons for reconsideration.

Alderman Power said he thought they knew what they were about and that the Committee on Streets



knew what the cost of the extension of the street would be, but it appeared that they did not know; and while he was in favor of the widening of Portland street, he did not wish to vote for it until he knew more in relation to it, and would not if it follows that it was to go into effect immediately. Some persons who were burnt out had gone into this street with their business, and it was not proper that they should be disturbed until the burnt district is built up. It was not right either to go on with this work without knowing what it will cost.

Alderman Jenks hoped the motion to reconsider would not prevail.

The motion was put and declared to be lost.

Alderman Power called for the yeas and nays, upon which Alderman Rieker raised a question of order, and the point was sustained, that the call was too late.

The question was taken by a rising vote, and the reconsideration was lost, but two voting for it.

In consideration of the order for the extension of the street, Alderman Power declared that it was not prudent to act upon it, and other gentlemen were of the same opinion.

Alderman Cutter could not see the policy of voting without knowing what the cost of the extension would be. At the last meeting of the Board he moved the reference of the order to the Committee on Streets, and was told that it had been considered by them, but now it appears they don't know anything about the subject. He would call for the yeas and nays on its passage.

Alderman Jenks said he had the estimates made by the Street Commissioners last year, and as the subject had been on the table for weeks, members of the Board might have obtained all the information they wished. Plans had been made for two years, and they might have examined them at their leisure.

Alderman Cutter replied that as the Washington-street extension had not been predicted then, the plans could not have had any reference to it.

Alderman Rieker said that while he was in favor of the widening, he could not vote for the extension without the figures in relation to the cost. He would therefore move its reference to the Committee on Streets.

Alderman Sayward stated that he had before him figures of the estimated cost of extension, which were an estimate of \$202,000.

The motion to refer was lost.

Alderman Clark said he was as desirous of having estimates as any one could be, and he could not vote for the order without such estimates. He had an idea that Portland street should be widened, and believed that it should be done and would be at no distant day. They had an opportunity to send the report back if they so desired, and it was their own fault that information had not been obtained. He did not himself know as much about it as he ought to, and was ashamed to say it.

Alderman Jenks said if the Alderman would put in an estimate, it could be reached by Thursday, and he would move its assignment to Thursday, if the Board should adjourn to that day.

It was voted that an adjournment be made to Thursday, four o'clock, and the order was assigned to that time for consideration.

#### REPORT ON RETURNS FOR THE MUNICIPAL ELECTION.

Alderman Stackpole submitted in print City Document No. 125, it being the report of the Committee on the Returns for the Municipal Election held December 10, and moved its assignment to Thursday next.

Alderman Clark inquired if there was any absolute necessity to assign the consideration of the report, and whether the committee are not prepared to give the substance of it, so that they might be able to act upon it. He doubted if laid over, whether it would be read. The report would show, he supposed, who appeared by the return of votes to be elected Mayor and Aldermen.

Alderman Jenks said he supposed the substance of the report was contained in the volume before him. He had not had time to read it, and when he did he might come to a different conclusion from that of the committee.

Alderman Stackpole stated that the committee had labored faithfully in an examination of the returns, and had given the result of it in the report.

Alderman Rieker said he should not be prepared to vote for the report until he read it. Admitting that the committee had been faithful in the discharge of their duties, he desired to read the report before voting upon it.

Alderman Poland stated that the figures were all correct, as given in the report, but there were certain

facts in regard to one or two wards which the members of the Board should have time to consider, and their deductions might not be as given by the majority of the committee. The report should not be voted upon until the members of the Board had as much time to examine it as he had.

Alderman Clark said he would withdraw his conclusions unless the report was satisfactory to all the committee.

Alderman Stackpole stated that this was the first intimation he had had that the committee were not agreed in the report.

Alderman Poland said he had seen but a part of the report for a few minutes, and had not been asked to sign it. He doubted whether the conclusions were right and honest, and while justice was done in the number of votes reported, there were circumstances relating to the election in certain wards which need explanation. He wished time to prepare himself and analyze somewhat the returns, by which he believed they did not specially show the sentiments of Ward 2.

The motion to assign to Thursday was carried.

The report of the Committee is as follows:

#### THE REPORT.

The committee appointed to examine the returns of votes cast in this city on the 10th instant for Mayor, Aldermen and Street Commissioners; and to whom was referred the notifications received by the City Clerk from certain citizens in the several wards of the city, that they believed the votes cast in their respective wards were incorrectly counted, and asking for an examination of the same, having considered the subject, would respectfully submit the following report:

The laws in relation to the preservation of ballots and check lists are as follows:

"In all elections held within the cities of the Commonwealth, whether the same shall be for United States, State, county, city or ward officers, it shall be the duty of the warden, or other presiding officer, to cause all ballots which shall have been given in by the qualified voters of the ward in which such election has been held, and after the same shall have been sorted, counted, declared and recorded, to be secured in an envelope in open ward meeting, and sealed with a seal provided for the purpose; and the warden, clerk and a majority of the inspectors of the ward, shall indorse upon the envelope for what offices, and in what ward, the ballots have been received, the date of the election, and their certificate that all the ballots given in by the voters of the ward, and none other, are contained in said envelope.

The warden, or other presiding officer, shall forthwith transmit the ballots sealed as aforesaid to the city clerk, by the constable in attendance at said election, or by one of the ward officers other than the clerk; and the clerk shall retain the custody of the seal, and deliver the same, together with the records of the ward and other documents, to his successor in office.

"The city clerk shall cause to be furnished to the clerks of the several wards a seal of suitable device, the design of which shall include the number or designation of the ward for which it shall be furnished. He shall receive and retain in his care the ballots transmitted to him, for the space of not less than sixty days; if within the time prescribed by law for forwarding returns or declaring the results of an election, ten or more citizens of any ward shall notify the city clerk by a written statement, that they have reason to believe that the returns of the ward officers are erroneous, and shall specify wherein they deem them in error, the said clerk shall receive such statement, and notify the Board of Aldermen, or the committee thereof appointed to examine the returns of said election, and the Board of Aldermen, or their committee, shall, within the time required by law for examining the returns or declaring the results of the election, examine the ballots thrown in said ward and determine the question raised.

In all elections in cities in which a check list is required by law to be used, the warden, or other presiding officer of each ward, shall cause the check list so used to be inclosed and sealed in an envelope in the same manner as the ballots cast at said election are now required by law to be secured; and the warden, clerk and a majority of the inspectors in each ward shall certify on such envelope to the identity of the check list so inclosed; provided, that nothing in this act shall be construed to prevent the clerk of any city from furnishing a copy of a check list after it has been used in any ward, upon the application of not less than ten legal voters resident therein; and immediately upon such copy being furnished, the check list shall be again sealed up."

Although some of the notices received in the present



case were defective in form, the committee did not deem it advisable to take any advantage of any irregularities in that respect; and they have, in compliance with the requests of citizens, recounted all the ballots cast for the officers included on the general ticket, and examined all the voting lists used in the several wards at the last municipal election. They have also taken the testimony of the ward officers and other citizens concerned in the election in Ward 11., as to the manner in which the election in that ward was conducted.

This is the first time that the voting lists have been used officially in determining the number of ballots cast. At the election of State officers in November the city clerk gave particular instructions to the ward officers and the constables in regard to the manner in which the ballots and the lists were to be sealed up; and as the same ward officers served at the municipal election, he did not consider it necessary to repeat those instructions verbally. The printed directions on the envelopes furnished by him would seem to be sufficient to prevent the officers from making any mistake, even if they were entirely inexperienced. All the ballots and lists used in this last election were returned to the city clerk, properly secured, with the exception of Ward 11. When the box containing the ballots from that ward was delivered to the committee, it was found to be sealed in a peculiar manner. In addition to the usual seals securing the cover of the box, the straps which should have been put around the voting lists had been put around the box, and sealed with the seal of the ward. On the cover of the box there was a certificate, signed by all the ward officers of Ward 11., stating that "the within envelope contains all the ballots given in by the voters of said ward and none others, on December 10, 1872, for the following officers, giving their titles. On the strap there was another certificate signed by all the ward officers, as follows: "Voting lists Ward 11., City of Boston. These are the original lists used and checked by us at the election in said ward, held — 187-."

The voting lists (covering nine boards) were not returned under seal, but simply secured face to face by a cord.

We have described thus particularly the manner in which the ballots and lists were returned from this ward, not because there is any reason to believe that they were tampered with after being delivered in open ward meeting to the constable, but for the purpose of showing the careless way in which the ward officers performed their duties in that as in other matters connected with the election.

Upon opening the box containing the ballots there were found sixteen separate bundles of ballots rolled up and tied with strings, and two lots lying loosely at the bottom of the box. The bundles contained odd numbers of ballots varying from 28 to 148. In the centre of one of the largest bundles there were 55 ballots which had the appearance of never having been separated since leaving the hands of the printers. They were perfectly fresh, smooth and unsoiled, and the paper still retained some of the dampness which it had when prepared for the press. It is hardly possible that these ballots could have been cast by different individuals. They were all regular Democratic tickets, and bore neither scratches or "pasters." On either side of them, in the same bundle, the tickets were not assorted, some of them being scratched, some pasted, and others unmarked. The ballots in the box were carefully counted, and the whole number (including the 55 votes which have been described) was found to be 1700. It appears that the number of names checked was 1912. The following statement shows the condition of the voting lists as returned:

Total. Checked.		Total. Checked.	
A.....	65	O.....	53
B.....	231	P.....	93
C.....	350	Q.....	29
D.....	326	R.....	145
E.....	30	S.....	214
F.....	142	T.....	93
G.....	165	U.....	2
H.....	248	V.....	11
I.....	8	W.....	133
J.....	50	X.....	..
K.....	146	Y.....	5
L.....	125	Z.....	..
M.....	621		
N.....	45		
	21		
		3414	1912

The returns of the ward officers gave 1841 votes for William Gaston, 398 votes for Henry L. Pierce, making the whole number of votes cast for mayor 2239. Here we have 1700 ballots returned under seal as the whole number cast; 1912 names checked as having voted; and an official return of 2239 votes as having been cast for one officer. Such a result could have been produced only by gross carelessness, or fraud,

on the part of the ward officers. Under the present loose system of conducting elections it would not be surprising to find some discrepancies between the checks, the ballots and the returns; but in this case the variation is altogether too large to be explained on ordinary grounds. All the ward officers who served on this occasion in Ward 11. had had experience; most of them an experience of several years. The evidence goes to show that, during a large part of the day, the voting was light; that at no time was there any great pressure; and that the ward officers were not interfered with in the discharge of their duties. In accordance with the usual custom (a custom, by the way, which ought to be discontinued), the number of votes cast for mayor were sent to the office of the chief of police, at the City Hall, at 10 o'clock, 12 o'clock, 2 o'clock, and after the close of the polls at 4 o'clock. The return at 10 o'clock gave Gaston 68, Pierce 37; at 12 o'clock, Gaston 427, Pierce 96; at 2 o'clock, Gaston 680, Pierce 230; at half past 4 o'clock, Gaston 1440, Pierce 338. For this last police return the clerk states that he counted the regular straight tickets (that is, for Mr. Gaston) himself; that the Pierce tickets were counted by himself and the warden, and that the inspectors counted most of the scratched Gaston tickets. The regular tickets he counted in hundreds and put away in the drawer of his table. His count does not appear to have been verified by any other officer. The result of the counting of scratched tickets by the different inspectors was handed in to the clerk, who added their counts, without verifying them, to those counted by himself; and thus the return was made up. Between the result arrived at about 10½ or 11 o'clock in the evening, and the report made at 4½ o'clock, there was a difference on the vote for mayor of nearly 400 votes. The clerk says he cannot account for this difference unless it occurred in counting the scratched tickets, or in failing to discover all the straight tickets in his drawer when the report was made at 4½ o'clock. The other ward officers put the responsibility for the police returns upon the clerk, and do not undertake to explain the difference between the two announcements after the close of the polls.

The warden, the clerk, the inspectors and the constable are very sure that all the ballots cast during the day were put into the box that was sealed and sent to the City Hall; that none could have been omitted without their knowledge. The clerk says he could not find a single vote, either Republican or Democratic, behind the rail after the return was made up, from which he could get the first names of those voted for to announce to the persons present. The papers submitted to the committee by the clerk, at the second hearing, showing the way in which he made up the official return, are in such a rough state that they throw very little light on the matter. Several errors appear in adding up the columns of figures for the different candidates, one of them making a difference of 100 votes. These accounts are made up on the basis of 1100 straight Democratic votes (i. e., none of the names on them being erased), and these votes were counted only by the clerk. Some of the ward officers understood that there were about 800 of these votes when the polls closed. In recounting the ballots, the committee found just about 800 regular straight Democratic ballots, including the 55 ballots which appeared to have been cast together.

The constable states that the clerk and inspectors went out frequently during the day. Describing the condition of the clerk, he said:

"I suppose the people there would call him sober, but he looked to me when he came in in the morning as though he had been out all night, and had a good time. He was dozy, kind of numb, all day; it looked to me as though he had been drinking hard. I don't think the man was staggering drunk; they would call him drunk, I suppose, when he was down. ... If I had any particular business to attend to, I should rather have a soberer man than he was to do it."

The warden says the clerk and inspectors went out several times during the day and evening. Some of them made the remark that they went to Mr. Collins's "to have something." The clerk told him that he had been round the night before; and soon after the polls opened he went out to get "brushed up." Soon after returning he felt dry, and sent out and got a gallon measure partly filled with lager beer, or strong beer. He drank from this several times while behind the rail, and also took a little brandy that one of the inspectors brought in, on the recommendation that it was good for smallpox. The warden said he did n't want to swear the clerk was downright drunk, but he was under the influence of liquor. Mr. Kelley, one of the inspectors, said he was somewhat under the influence of



liquor, but, in his opinion, he was not incapacitated from performing his duties properly. The other inspectors did not notice anything out of the way in the condition of the clerk. One of the police officers, and several other persons outside the rail, thought the clerk had been drinking too much.

No complaint is made against the warden, either by the other officers or the citizens. The only complaint against the inspectors is that they went out too frequently. They deny going out oftener than necessity required.

Only one instance of illegal voting was noticed by the officers during the day. The warden discovered that two ballots had been thrown by one man, and, after calling the attention of the inspectors to the fact, he tore up both ballots. A number of persons well known for years as voters in the ward, one at least well known to the inspector having charge of the list containing his name, found their names checked on going to vote. The statements of some of these persons are given in the appendix. It would have been easy to accumulate evidence on this point, but what is given is sufficient to show that the check lists are not to be relied upon.

The questions raised at this time are, in the words of the statute, to be determined by an examination of the ballots thrown. In the absence of any further proof in regard to the casting of fraudulent votes than the suspicious appearance of the 55 ballots found in the condition before described, the committee have counted all the ballots found in the box.

The short time allowed for preparing the report prevents the committee from commenting on the evidence as fully as they desire. For the purpose of showing the carelessness and ignorance which prevail in the present system of conducting elections in this city, and the necessity of making some change in order to preserve the purity of the ballot-box, the evidence is presented—*verbatim et literatim*—as given before the committee.

The result of the recounting of the ballots cast and the examination of the voting lists used in the several wards shows the following difference between the number of names checked and votes cast:

Ward 1.....	17	Ward 10.....	3
Ward 2.....	212	Ward 11.....	3
Ward 3.....	1	Ward 12.....	4
Ward 4.....	4	Ward 13.....	13
Ward 5.....	32	Ward 14.....	2
Ward 6.....	17	Ward 15.....	2
Ward 7.....	16	Ward 16.....	3
Ward 8.....	1		
Ward 9.....	32	Total.....	342

The losses and gains in the various wards, except Ward 2, are mostly small and are nearly equally divided. The vote in Ward 2, as reported, stands as follows:

Whole number of votes checked.....	1,912
Whole number of votes cast.....	1,700

Difference..... 212

	Official Return.	Gain on Recount.	Loss on Recount.
William Gaston...	1,841	..	502
Henry L. Pierce...	398	..	40
Blanks.....	..	3	..
Chris. A. Connor...	2,059	1,428	631
Newton Talbot.....	203	257	54
Wendell Phillips...	..	3	..
Talbot.....	..	1	..
Blanks.....	..	5	..
Alanson Bigelow...	1,747	1,300	447
H. D. Bradt.....	555	520	35
John Brown.....	1,891	1,470	421
John T. Clark.....	270	645	375
Leonard R. Cutter...	1,365	1,295	70
Hiram Emery.....	343	414	101
Thomas Gaffield...	301	324	23
Nehemiah Gibson...	1,722	1,360	362
Charles Hulbert...	305	313	8
Thomas L. Jenks...	1,864	1,286	578
Samuel Little.....	570	510	60
John S. Moulton...	1,802	1,323	479
James Power.....	1,864	1,362	502
S. M. Quiney.....	253	381	128
George D. Rieker...	1,669	1,142	527
William Sayward...	2,042	1,591	451
C. A. B. Shepard...	1,842	1,032	810
S. B. Stebbins.....	409	386	23
Edward A. White...	1,814	1,370	444
William Woolley...	670	627	43
R. Worthington...	1,870	1,423	447
John L. Stevenson...	..	18	..
Scattering.....	..	13	..

In Ward 1, Gaston gains 15 and Pierce loses 12; Shepard loses 1; and the gain is—Bigelow, 24; Brown, 14; Cutter, 19; Gibson, 22; Moulton, 13; Power, 12; Quincy, 11; Rieker, 19; White, 12, and several others less than 10 each.

In Ward 3, the gain is 51 for Cutter, with several others less than 10; the losses are, Worthington, 139; Jenks, 22; Clark, 17; others less than 10.

In Ward 4 the only material change is a gain of 99 for Hulbert.

In Ward 5 the loss for Talbot is 24, and the gains are—Gaston 10, Bigelow 54, Bradt 30, Brown 65, Clark 37, Cutter 13, Emery 39, Gaffield 37, Hulbert 37, Jenks 14, Little 29, Moulton 20, Power 10, Quincy 34, Rieker 16, Sayward 43, Shepard 20, Stebbins 36, Woolley 37, Worthington 13.

In Ward 6, Connor loses 100, and Sayward 13; Talbot gains 10 and White 10; others less.

In Ward 7 the gains were—Pierce 19, Sayward 11, Shepard 24, Woolley 31, Little 17; the losses were—Gaston 19, Connor 18, Bigelow 23, Clark 36, Emery 25, Little 74, Stebbins 23, White 84; others of a smaller number.

In Ward 8 the gains were—Bigelow, 41; Brown, 43; Jenks, 24; Moulton, 18; Sayward, 11—others less; and the losses were—Pierce, 15; Cutter, 31; Gibson, 22; Power, 13.

In Ward 9 Bigelow gains 220, the only material change.

In Ward 10 Little gains 104; Moulton loses 50, Worthington 53, and there were but few other changes.

In Ward 11 the losses were 10 for Connor, 31 for Emery, 105 for Sayward, 27 for Shepard, 68 for Woolley, and 102 for Worthington.

In Ward 12 all of the changes in loss or gain were less than ten votes, the highest being five.

In Ward 13 the gains were Brown, 15; Clark, 45; Gaffield, 14; Little, 45; the losses were 30 for Worthington, and others less than 10.

In Ward 14 the gains were—Bradt, 14; Gaffield, 33; Jenks, 26; Moulton, 10; Woolley, 25; others less than 10. The only loss was 1 for Shepard.

In Ward 15 the gains were—Bigelow 68, Brown 17, Cutter 21, Gibson 72, Hulbert 24, Jenks 13, Little 49, Moulton 104, Rieker 15, Sayward 38, Shepard 108, White 36, Worthington 132; all others less than 10, and there were no losses.

In Ward 16 the gains were—Brown 28, Cutter 99, Gaffield 24, Gibson 21, Little 99, Quincy 10, Woolley 12; the rest less than 10. The losses were 56 for Emery and one for Jenks.

The following table shows the aggregate vote of the city and the total losses and gains:

	Official return.	Gain on recount.	Loss on recount.
Wm. Gaston.....	9,294	8,798	496
Henry L. Pierce....	8,533	8,577	56
Scattering.....	..	40	..
Chris. A. Connor...	8,959	8,203	756
Newton Talbot.....	9,375	9,416	41
Scattering.....	..	57	..
Alanson Bigelow...	16,156	16,102	54
H. D. Bradt.....	4,524	4,557	33
John Brown.....	16,141	15,905	236
John T. Clark.....	10,977	11,413	436
Leonard R. Cutter...	12,205	12,302	97
Hiram Emery.....	9,664	9,705	41
Thos. Gaffield.....	8,895	9,022	128
Nehemiah Gibson...	13,675	13,414	261
Charles Hulbert...	9,505	9,677	172
Thos. L. Jenks....	7,891	7,373	518
Samuel Little.....	8,261	8,469	208
John S. Moulton...	8,709	8,354	355
James Power.....	13,552	13,383	469
S. M. Quiney.....	9,529	9,624	95
Geo. D. Rieker.....	7,979	7,503	476
Wm. Sayward.....	11,291	10,831	460
C. A. B. Shepard...	7,738	7,060	678
S. B. Stebbins.....	9,892	9,897	5
Edwd. A. White...	8,740	8,288	452
Wm. Woolley.....	6,325	6,335	10
R. Worthington...	9,363	8,845	518
Scattering.....	..	349	..

The committee therefore report that the following-named persons having a plurality of votes, appear to be chosen to their respective offices, viz.:

- Mayor—Henry L. Pierce.
- Aldermen—Alanson Bigelow, John T. Clark, Hiram Emery, Nehemiah Gibson, James Power, William Sayward, John Brown, Leonard R. Cutter, Thomas Gaffield, Charles Hulbert, Samuel M. Quiney, Solomon B. Stebbins.
- Street Commissioner—Newton Talbot.

The committee recommend that the City Clerk be directed to notify the foregoing persons of their election.

For the committee,  
STEPHEN A. STACKPOLE, Chairman.

The testimony taken before the committee makes 119 printed pages.

The witnesses who testified were Alvin S. Drew, constable; Patrick Doherty, warden; Michael J. Harkins, clerk; Matthias Conley, Daniel F. Kelley, James Bent, Bernard A. Flynn, James A. Quigley, inspectors; William H. McCausland, William A. Ham, H. C. Hemenway, James Healey, Jr., police officers; Frank Barry, Frederick R. Anderson,



Patrick E. Campbell, Charles H. Leach, and the city clerk.

#### THE TESTIMONY.

Alvin S. Drew, constable, having charge of votes and check lists, to take to the City Hall, testified that he took the check lists to the City Hall immediately after the closing of the polls; the mistake in not putting a sealed strap upon the boards he supposed to be his; the clerk looked to him as being dozy, kind of numb all day, as though he had been drinking hard; Mr. Connolly brought in some drink which looked to him like brandy; the inspectors left the room quite frequently during the day.

Patrick Doherty, the warden, testified to the absence of the inspectors and clerk at various times, and in regard to the vote announced at the close of the polls, was of opinion that all of the ballots that were cast were counted at that time; he counted the votes for Mr. Pierce, and the inspectors counted those for Mr. Gaston; the votes were laid on the window, table and chairs. The scratched vote was counted immediately after the closing of the polls, and while there might have been a mistake of thirty or forty, he did not expect to find four hundred more than announced at the close of the polls; there might have been a bundle of tickets left one side; there were two cases in which two ballots were voted, and these he tore up; there were no votes left on the table, in the boxes, or on the floor which were cast, which were not put into the box and sealed up.

Mr. Doherty would not swear that the clerk was downright drunk, but he had enough taken to make him feel that he had been drinking; and his action showed it, in refusing to put down figures which he gave him, after several times having been told to; and when he got up to read papers, he swayed to and fro, and had great trouble in keeping them together; he did not like the way things were going on, because the inspectors were called by different friends from their business to talk with outsiders at the rail; he imagined there were frauds from the increased vote, and the difference between the vote for Mayor and Councilmen, but could not account for it; it was a mystery to him that the 400 additional votes were not counted when the others were; there was a chance for putting in ballots which he did not see; no persons were inside the rail during the day, except two who brought in a lunch; beer was brought in, which the inspectors drank, and a bottle, out of which something was drank.

Michael J. Harkins, the clerk, testified that he announced the vote at the close of the polls from votes counted by him, generally straight tickets, which he put into hundreds and rolled up; he did not think there was much scratching for Mayor; there were 1100 regular Democratic tickets; he could not account for the 400 additional votes, except from being on scratched tickets, though there might have been a hundred ballots left in the drawer when the announcement was made after the close of the polls. He had no doubt that all the ballots which were cast were put into the sealed box, for there were scattering votes to be found left round the room; understood about 10 o'clock that the contest for Mayor was close; he denied that he was intoxicated, but had some difficulty about his eyes, the sight being poor, and when he stood up he was obliged to move about to get the right light.

Mr. Harkins, on being recalled, explained some figures which he had recorded; he did not think there could be much difference between the number of ballots in the box and the number recorded; do not see how there could be a mistake, which would be almost impossible, and if there was a mistake it must have been made by him; one bunch of ballots might have been counted twice and the figures so given to him; did not suppose any one would do it intentionally; he was confused when the packages were tied up, there being about a dozen reporters behind him who bothered him; some of the regular tickets when short of a hundred, he put on the floor, and some of them might have been taken off and counted over; he did not think there could possibly have been a mistake of two or three hundred, and if it was done, it must have been intentionally, fraudulently.

Matthias Conley testified as his belief that there were piles of scratched tickets lying round when the polls were closed, and the declaration was made with the understanding that it was not official, and he accounted for the difference in the final result by the counting of scratched tickets; when the box was sealed up he looked for tickets not put in, but could not find any; all of the liquor inside of the rail he thought there as a medicine—not more than a gill of

brandy, of which the clerk took a tablespoonful, and the clerk he believed to be sober.

James Bent, Bernard A. Flynn, James L. Quigley and Daniel F. Kelley agreed substantially with Conley as to the condition of the clerk, and in relation to the increased vote by the count of scratched tickets not counted in the early announcement. Bent believed it to have been impossible for any outsider to have interfered with the votes; there could have been no votes put in without being checked; had not the least doubt that all the ballots which were cast were sent to the City Hall. Flynn could not account for ballots getting into the box not properly cast, except by stuffing the boxes by the officers; if the number of names checked exceeded the ballots, it looked kind of bad. Quigley did not see any ballots lying round after the box was sealed up, and would have seen them if there had been. A discrepancy of 400 votes might be attributed to a mistake of the clerk. Kelley testified to hearing some of the outsiders charging fraud, but did not think it was possible for votes not cast to get mixed with votes which had been cast. Kelley was not quite so clear about the condition of the clerk, from his working in a swaggering manner. Matthew Keaney, late in the evening, when it was reported that Pierce was elected, requested him to go to Harkins, and tell him to be particular in counting up the Mayor's vote.

William H. McCausland, William A. Han, James Healey, Jr., and Henry C. Hemenway, police officers, testified as to the general condition of things and manner of conducting the election. McCausland thought the clerk was a little bungling in the use of his fingers; he thought some one went behind the railing during the evening, to ask what time they would get through counting; he thought that from one to two o'clock there were as many voting as there were later, and there were times when nobody would be voting; when Officer Hemenway asked if the announcement at 4½ o'clock was correct, the warden replied that it might vary a vote or two; at eight o'clock heard that it might require an official count to decide the election of Mayor; no votes from the outside could have been improperly got among other votes.

Han did not see any signs of intoxication about the clerk; when the clerk announced the vote at 4½ o'clock, he said it might vary when they got through—it might vary some; he saw ballots piled up in chairs and under chairs, on the floor, but did not see them lying round after the box was sealed up. Healey thought the clerk to be all right, except in the evening, when it was strange for a man behind the rail to keep talking to outsiders; when the vote was read by the clerk after four o'clock he said, "There may be more or less; it is a rough count." Patrick E. Campbell made a charge of cheating, to which Harkins said he might call for a recount. Hemenway testified that the voting was rapid between one and two o'clock, and afterwards was quite fair, but not extraordinary; in giving him the count at the close of the polls, the clerk apparently waited for the count of the inspectors, and said to him it might vary a little, or something of the kind; did not notice anything different from usual among the inspectors.

Edward Houghton, Frank Barry and F. R. Anderson testified that some one voted on their names, but all save the last voted on obtaining a note of identity from the City Clerk.

The City Clerk testified to directions given to ward officers, and to constables, and to the return of the box and check lists from Ward 2.

Patrick E. Campbell did not think the vote was larger than usual between 12 and 4 o'clock. On telling Mr. Doherty there must have been a fraud, he replied that he had a right to contest the election; he believed there was fraud, because he had seen repeating at elections heretofore; when the clerk gave the figures in the evening, it was his opinion that he was drunk, so drunk that he did not know his own figures; he thought Mr. Worthington got the largest vote of anybody because he was on all the tickets.

Charles H. Leach testified that the voting was the tightest he had seen for years; from twelve to two it was heavy, and from three to four it was light compared with previous hours, at times nothing doing. He observed that one of the inspectors, when no one was voting, was standing over the check list and his pencil was moving. He appeared to be checking names. He spoke to a gentleman in the room, and he agreed with him, that it looked as if the inspector was tampering with the list; he would not swear that he was checking names, but it had that appearance; as a matter of judgment, from experience should not think that more than four hundred votes were cast between two and four o'clock; it was the general opinion that it was a light vote.

Adjourned to Thursday, four o'clock.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 26, 1872.

An adjourned meeting of the Board of Aldermen was held this afternoon, at four o'clock, Alderman Little, the chairman, presiding.

## ANNEXATION OF CHARLESTOWN.

The following communication was laid before the Board:

CITY OF CHARLESTOWN. }  
December, 24, 1872. }

To his Honor the Mayor and the City Council of the City of Boston: Gentlemen—Referring to an order passed by the City Council of the city of Boston, April 2 and 12, 1866, and approved by the Mayor of said city April 14, 1866, said order having reference to the subject of annexation of any adjoining city or town to the city of Boston, by vote of the City Council of this city on the 16th inst., it was

“Ordered, That the Mayor be and hereby is authorized and requested to appoint three commissioners to meet an equal number of commissioners to be appointed by the City Council of Boston, in accordance with the terms of the order above cited, to take into consideration the subject matter therein contained, and said commissioners hereby appointed shall have full authority to act in the matter and make report, as provided in said order, to the City Council of this city, for its further action thereon.

And it is further ordered, That the City Clerk be directed to give the notice required by the above order of the City Council of Boston.”

In accordance with the above instructions I have the honor of informing you that his Honor the Mayor of this city has appointed the following named gentlemen as commissioners on the part of this city, viz.: Hon. Eugene L. Norton, Nahum Chapin, and Everett Torrey.

Very respectfully,

JOHN F. PRIEST, City Clerk.

Read and ordered to be sent down.

## REPORTS OF COMMITTEES.

Alderman Jenks, from the Joint Standing Committee on Claims, to whom was referred the petition of Agnes A. Derby to be compensated for personal injuries caused by an alleged defect on Broadway, made a report recommending the passage of the accompanying order:

Ordered, That there be allowed and paid to Agnes A. Derby the sum of \$1000 in full compensation for personal injuries received by her from an alleged defect in Broadway on or about the 3d day of March, 1872, upon her giving to the city a release and discharge, satisfactory to the City Solicitor, for all damages, costs and expenses on account of said injuries; said sum to be charged to the appropriation for Incidental Expenses.

The report was accepted, and the order was passed.

Alderman Jenks, from the Joint Standing Committee on Claims, to whom was referred the petition of George E. Stehman & Co. to be compensated for loss of property occasioned by the destruction of their signs on the walls of a building on Summer street, made a report recommending that the petitioners have leave to withdraw. Accepted.

Alderman Jenks, from the same committee, to whom was referred the petition of the heirs of Nancy Haley, for some relief under the recent construction of the Bullman will, made a report recommending the passage of the accompanying order:

Ordered, That the sum of \$3000 be paid to the heirs of Nancy Haley for money expended in the erection of buildings upon the land devised to the city of Boston by Lucy Bullman, situated on Cambridge street and Joy street, upon their giving the city a release and discharge satisfactory to the City Solicitor of all their claims for money expended on said buildings; said sum to be charged to the appropriation for Incidental Expenses.

The report was accepted and the order was passed.

Alderman Poland, from the Joint Standing Committee on the Survey and Inspection of Buildings, to whom was referred the petition of Butler & Co. for leave to erect a wooden building at the corner of Commercial and Richmond streets, made a report that the erection of the proposed building would be a violation of the law relating to buildings, and they would therefore respectfully recommend that the petitioner have leave to withdraw. Accepted.

Alderman Poland, from the same committee, to whom was referred the petition of the Boston & Albany Railroad Company for leave to enlarge their grain elevator at East Boston, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to the Boston & Albany Railroad Company to enlarge their grain elevator at East Boston, according to an application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted and the order was passed.

Alderman Poland, from the same committee, to whom was referred the petition of Samuel G. Kenney for leave to erect a wooden building beyond the legal dimensions, made a report recommending the passage of the following order:

Ordered, That the Inspector of Buildings be authorized to issue a permit to Samuel G. Kenney to erect on Putnam street, near Saratoga street, a wooden building, in accordance with an application on file in the office of the Department for the Survey and Inspection of Buildings.

The report was accepted and the order was passed.

Alderman Rieker, from the Committee on Public Institutions, to whom was referred, as a part of the unfinished business of last year, the order in relation to the appointment of an agent to take charge of persons discharged from the institutions at South Boston and Deer Island, made a report recommending the passage of the accompanying order:

Ordered, That the Board of Directors for Public Institutions be requested to appoint an agent, whose special duty it shall be to look after the welfare of persons discharged from the institutions at South Boston and Deer Island, said agent to receive such compensation as the said Board of Directors may determine.

The report was accepted and the order was passed.

Alderman Jenks, from the special committee appointed to report the amount of the sureties to be given by each of the commissioners appointed under the act entitled “An act to enable the city of Boston to make and issue its bonds for certain purposes,” made a report recommending the passage of the accompanying order:

Ordered, That the amount of the sureties on the bonds required to be given by each of the commissioners appointed under the act entitled “An act to enable the city of Boston to make and issue its bonds for certain purposes,” approved Dec. 7, 1872, be fixed at \$25,000.

The report was accepted, and the order was passed.

Alderman Clark, from the Joint Standing Committee on Streets, to whom were referred the resolve and order of the Street Commissioners for the widening of Cottage street, Ward 16, at an estimated expense of \$26,328 16, made a report recommending the passage of the resolve and order; the expense of said widening to be charged to the appropriation for Laying Out and Widening Streets.

The report was accepted, and the resolve and order were passed.

The resolve and order provide for the taking of land of Charles J. Taylor, Roger S. Mackintosh, Ann J. Phillips (two parcels), Lydia A. G. Ellison, P. H. Kenricken, A. B. Wright, Martha M. Jenkins (three parcels), Joseph Ballister, Boston, Hartford & Erie Railroad Company, George M. Browne, heirs of Charles Stimpson, heirs of Jonathan Brigham, heirs of R. C. Hooper, Seth Perlee, John L. Bird, Samuel Mansur, B. B. Converse (two parcels), Ebenezer Holden, Martha and C. A. Sumner, J. Henry Sears, heirs of Lewis Clapp, Thomas W. Tuttle (two parcels), John Richardson, Marv, wife of Nathaniel Tneker (two parcels), D. B. Flint, John P. Turpin and Ada A. Brewer.

The quantity of land taken is 36,220 square feet, at prices varying from 30 to 55 cents a foot, amounting to \$12,363 16, with damages amounting to \$7965, the total cost being \$20,328 16.

Alderman Clark, in answer to inquiries, stated the necessity for widening the street, which could be done now much less than it can be done hereafter.

Alderman Clark, from the Joint Standing Committee on Streets, to whom were referred the orders in relation to the conveyance to John Field of a certain parcel of land lying easterly of High-street place, and dedicating another parcel of land lying easterly of High-street place to the public use upon certain terms and conditions, made a report recommending the passage of the orders, and also the passage of the accompanying order requesting the Street Commissioners to lay out the said land lying easterly of High-street place as a public street or way:

Ordered, That the Board of Street Commissioners be requested to lay out as a public street or way the parcel of land containing 1308 3-10 square feet, lying



easterly of High-street place, marked "B" on the plan deposited in the office of the City Surveyor, dated September 14, 1871, whenever the Mayor conveys to John Field, upon such terms and conditions as the City Council may prescribe, the land lying easterly of High-street place, as extended by said Board of Street Commissioners, containing 310 7-10 square feet.

The report and the several orders were passed, the original orders being as follows:

Ordered, That the order passed October 3, 1871, authorizing his Honor the Mayor to convey to John Field a parcel of land lying easterly of High-street place, upon certain terms and conditions, be and the same is hereby rescinded.

Ordered, That his Honor the Mayor be and he is hereby authorized to convey to John Field that part of the land lying easterly of High-street place, as extended by the Board of Street Commissioners, containing 341 7-10 square feet, and that the remainder of said land lying easterly of High-street place, as extended and marked "B" on the plan deposited in the City Surveyor's office, dated September 14, 1871, containing 1308 3-10 square feet, be and the same is hereby dedicated to the public use and to be forever kept open for that purpose, on the following conditions, namely—

First, that there be paid to the city of Boston the sum of \$5000, and second, that all the land, lying southerly of Matthey's street and between said street and the stores marked C, D, E, F and G, on said plan, containing in the aggregate 1629 square feet, be released to the city of Boston by deeds satisfactory to the City Solicitor, and when released said parcels of land shall be forever kept open for public use, as aforesaid.

Alderman Cutter, from the Committee on Ordinances, to whom was referred the communication from the Chief Engineer of the Fire Department respecting the storage of gunpowder in armories, made a report recommending that the matter be referred to the Committee on Armories. Accepted.

Alderman Cutter, from the Committee on Ordinances, to whom was referred the draft of an ordinance in relation to the inspection of buildings, made a report recommending the passage of the ordinance in a new draft, as follows:

Sect. 1. The ordinance in relation to the regulation and inspection of buildings, passed July 8, 1871, and amended November 24, 1871, is hereby further amended by striking out section 5, and inserting in place thereof the following:

Sect. 5. There shall be appointed in the manner provided in section 8 of chapter 280 of the acts of 1871, and in accordance with the provisions of chapter 371, section 25 of the acts of 1872, six assistant inspectors of buildings.

Alderman Poland moved the reference of the ordinance to the Committee on Ordinances.

Alderman Cutter replied that it came from that committee.

Alderman Sayward stated as its object the appointment of six assistant inspectors.

Alderman Jenks inquired whether these six were additional to those now in office; but as the act under which they are appointed provides that they shall do no other service, this would relieve those who have other duties to perform.

Alderman Power said he would like to see something like a civil-service act applied to the department, as he doubted the capacity of some of the inspectors to discharge their duties.

Alderman Sayward said it was easy to doubt the capacity of officers, but possibly the Alderman had run across some of them.

Alderman Power replied that he had come across some of them, and their incapacity had been proved. The whole office needed looking into, as it was now the most important office in the city. It should be filled by the best mechanics in the city.

Alderman Cutter said it was not the province of the committee to keep members of the Government posted. When the subject was up some months since, the committee on that department reported that more assistant inspectors would be wanted in the spring. Since the fire, additional inspectors were needed for the burnt district, and this would give six appointments, three to fill the place of those whose term of service would expire.

The ordinance was read a second time and passed.

#### EXTENSION OF PORTLAND STREET.

The order providing for the extension of Portland street from Hanover street to Washington street extended, specially assigned, was taken up for consideration.

Alderman Jenks said he was not disposed to urge

further the passage of the order for the extension of Washington street, as proposed.

Alderman Clark said he had had a conversation with the Street Commissioners in relation to the cost of the proposed extension, and it would be utterly impossible in their view to give a correct estimate of the cost at so short notice. He hoped, therefore, that the subject would be laid over for the time being.

Alderman Fairbanks moved to strike out the order providing for the extension of Portland street.

The Chair stated that the order for the widening of Portland street had been passed, and the question was now upon the passage of the order for the extension of the street.

Alderman Jenks moved the rejection of the order. The Chair stated that the question was upon the adoption of the order.

The question was taken, and the passage of the order was lost.

#### REPORT OF COMMITTEE ON ELECTION RETURNS.

The report of the special committee on the returns of votes cast at the recent municipal election, assigned to this meeting, was taken up for consideration.

Alderman Jenks hoped some member of the committee would afford information as to how they arrived at the conclusion they had presented in their report concerning the municipal election.

Alderman Poland had no doubt the votes had been counted with great care by the committee, and with every desire to do justice to all parties interested. He thought the committee had given itself up to that purpose, and that it accomplished it very successfully. He had counted a large number of the votes himself, and was present a considerable portion of the time when the work was going on, but there were certain points in the report which required some consideration. It seems that this is the first time that voting lists have been used officially to determine the number of votes cast. In his opinion then the check lists indicated nearly the number of votes cast; but as they have been disregarded they are now of no account in this election. The law makes it the imperative duty on the part of the officials in charge to seal up and retain the ballots and the check lists. The inspectors could have no possible motive in fraudulently marking names unless they could see the votes which had been cast in order to make them correspond with the check lists. It would be of no avail if two hundred and twelve names were checked if there were no votes to count for that number. In relation to that matter he would say that the votes in all the other wards overran the check lists from one to thirty-two, which would seem to imply that there was a possibility that the check list was as likely to be correct as the votes themselves. He supposed the check list was merely intended as a check upon fraudulent voting, more than as an official register of the votes.

The warden of Ward 2 comes in here on his first appearance before the committee, and says the clerk and inspectors were in and out during the day. Well, what if they were? He supposed it would be rather a hard service for any man to go into that wardroom and stay from eight o'clock in the morning until eleven in the evening without going out at all. Then he makes the statement that the clerk did not appear like himself that morning, and goes on to explain the difficulties he had in the way of performing his duty. Now how did he perform that duty? Why, he confined himself to counting the Republican votes, leaving the business of counting the votes for the other side to the clerk and inspectors. He took a deal of pains with the Republican vote, and returns some three hundred and ninety-eight votes for Mr. Pierce. He knows nothing about the Democratic tickets; he did not count them; he left that with the clerk and the inspectors. If those one hundred and twelve votes had been put into the box, what became of them and who took them out? Certainly it was not the inspectors nor the clerk. He (the speaker) could not see any other way than that the warden must have taken the votes out of the box himself. It seemed to resolve itself into the fact that there had been a great fraud on the public. It does not represent the vote of the ward; it does not represent the sentiment of the ward; the votes have been abstracted from the box, and the one person who could do it says he knows nothing about them. In closing, the speaker made comparisons as to the number of straight tickets found at different hours, and thought it went to show that the transactions of the ward officers were fraudulent, and therefore thought the entire vote of the ward should be thrown out.

Alderman Squires said that the committee appointed to do this work of counting votes, supposed that their whole duty consisted in taking the votes,



counting them and declaring who was elected, and that they had done so. The question was not now whether there had been a fraud committed in certain wards, but on accepting the report, and then other matters could be considered at the proper time.

Alderman Rieker said if that was the case he would like to ask the gentleman why the committee summoned witnesses in regard to other matters.

Alderman Squires replied that there were charges of fraudulent voting in Ward 2, and that witnesses had been summoned and testimony taken which was now placed before the Board.

Alderman Rieker asked if there were no other wards in which there were discrepancies between the number of ballots and the number of names checked on the lists?

Alderman Clark said that when the committee was appointed they did not pretend to say there was fraud in Ward 2, and they did not assume to say so now; but certainly the report would go to show that, in his opinion, Mayor Gaston's earnest desire was, and has been, that if Mr. Pierce has received one more vote than himself he be declared the Mayor elect, and that the City Clerk shall issue his certificate of election. He made this statement by authority.

Alderman Jenks had no doubt it would be the wish of Mayor Gaston, if Mr. Pierce had received the largest number of votes, he should be declared elected and receive his certificate of election; but he himself wanted to find out what had become of that two hundred and twelve votes checked on the voting list of Ward 2. It seemed to him as likely that this honest warden who took such particular pains to see that Mr. Pierce had all the votes cast for him, knew something about the matter. He had no doubt the two hundred and twelve votes were taken from the box after they were put in there, and he did not think a certificate of election should be granted. In all the other wards the number of votes in the boxes exceeded the number of names checked on the list. He also believed that there was an error in recounting the vote of Ward 3, and that Mr. Worthington was really elected. He knew the clerk of that ward personally, and knew him to be a competent and careful man. He hoped, for one, that the report would not be accepted, and that the whole matter would go back to the people.

Alderman Squires said that in Ward 2 there were but sixteen hundred and seventy-seven votes cast for Councilmen; that is, footing up the votes cast for the four councilmen, and dividing by four, it showed an average vote of sixteen hundred and seventy-seven; while the return for Mayor gave a vote of 2239 votes—a difference of 562 votes. Now, it seemed hardly possible that this could be so, and he thought the councilor vote indicated substantially the vote of the ward.

Alderman Jenks said it was not to be presumed by this body that 212 votes for Mayor were stolen, and the names of the Council left in the box.

Alderman Squires would like to ask how the gentleman could explain the difference between the vote for Mayor and for Councilmen.

Alderman Jenks replied that he could make his statement no plainer than he had already. He believed that 212 votes had been stolen from the box, and he also believed that a large number of these votes bore the name of William Gaston at their head—that they were nearly all Democratic votes.

Alderman Clark said that this was not the first time this thing had occurred. No longer ago than last winter there was an election for senator in this ward, and there was a suspicion that all was not right. A large number of men were ready to swear that they did not vote, although their names were checked on the list. He thought it was the duty of the Board to accept the report of the committee.

Alderman Power said that the committee were unanimous in their report. The law defines their duty to be to count the ballots and then to declare to this Board the number of votes cast. Those most interested do not desire that any legal quibbles shall be thrown in the way of accepting the report. Mayor Gaston himself had no thought but that the committee had faithfully performed its whole duty. It is clear that there has been fraud, not only in Ward 2 but in other wards also. If persons felt aggrieved by this action they had a legal remedy.

Alderman Clark could not understand how there could fail to be irregularities in the ward referred to if the testimony in regard to the officers in charge was true. It is fair to presume that there were irregularities, and he hoped that some action would be taken by the next Legislature to prevent such irregularities in future. He moved that when the vote on the acceptance of the report was taken it be taken by yeas and nays.

Alderman Poland said he did not care a straw who was Mayor, but he wanted what was right.

When the warden comes in and swears to the number of votes, did he swear to what he knew or not? If he knew the vote was wrong why did he not say so, and if he knew nothing about it why did he swear to it? Is it any excuse for him that his subordinates were under the influence of liquor and incompetent? We know that the vote was a fraud and a combination of frauds, and his opinion was that it should be thrown out entirely.

Alderman Squires said that they had the testimony of the warden, clerk and inspectors that all the votes that were cast were sealed up and sent to the City Hall.

Alderman Power said that it was plain to be seen that there were frauds, and he believed that this same warden was the biggest fraud of all. The committee are unanimous in their report of the number of votes found, not only in Ward 2, but in all the other wards of the city. If there is fraud clearly proved there is the proper tribunal before which to carry the matter; but it was not the question to be decided at this time. The matter before the Board was the question of accepting the report of the count made by the committee.

Alderman Jenks said he did not care what the feelings of Mayor Gaston or anybody else might be on this subject. He believed the report of the committee should not be accepted, and he should vote against it, for he believed two hundred and twelve votes had been stolen from the box by some one.

Alderman Rieker remarked that he had not intended to say anything about the matter, but he saw that the committee had gone beyond their duty, which was simply to count the vote, and have taken evidence in regard to the condition of the clerk, and as far as he could see the evidence was all in his favor. He had seen that gentleman two or three times during the day, and he appeared to be sober and attending to his duties. He was satisfied that 212 votes were put into the box which were not returned. What object would any one have in checking the names and having no votes to show for them? Such a person must have been insane or foolish to do so. The votes must have been put in and somehow lost on their way to the City Hall, and he further believed that had all the votes been honestly counted Mayor Gaston would be Mayor-elect today. The speaker held in his hand an affidavit from Mr. Daniel F. Kelley totally denying the conversation published as having taken place between himself and Mr. Patrick E. Campbell as had been related by the latter, and offering to bring Officer Brown to corroborate his statement. The speaker said that he found the committee had gone outside the ward officers for evidence. There were other gentlemen in Ward 2 as competent to testify in relation to the matter, but the witnesses have all been confined to one party. Why did not they go to these other gentlemen? It was certainly due them. In regard to the mode of conducting the election, there is no doubt but that it was bungling, but he did not think there was any fraud practised in keeping the check list. The chief thing important to know is where the balance of the votes has gone.

Alderman Clark thought it was very easy to account for the fact that there were more names checked on the list than there were votes thrown. If there was a fraud it shows that certain parties were a little ahead in their arithmetic. They checked more names than there were fraudulent votes thrown. They wanted to check enough names, and so in order to be sure they run ahead 212.

Alderman Jenks accounted for the matter in quite a different way. He believed the man who put in the fifty-five ballots mentioned as bearing the appearance of having been deposited at one time, was the very man who stole the 212 votes from the box. He had evidently stolen more than he dared to carry away and so he put a few of them back. So far as the parties in the ward room were concerned he did not think there was any one there fit to perform his duty. He believed the man who raised the howl of fraud immediately after the polls closed was the wolf in this case, and that he knows where the 212 votes are. He put those forty-five votes back into the box after he had taken out a larger number than he dared to take away.

The report was accepted, by a vote of 8 yeas to 4 nays, as follows:

Yeas—Clark, Cutter, Fairbanks, Little, Power, Sayward, Squires, Stackpole.

Nays—Jenks, Poland, Rieker, Woolley.

Alderman Squires moved a reconsideration of the report, expressing the hope that it would not prevail. The reconsideration was lost.

Alderman Jenks submitted the bonds of William Gray, Otis Norcross and Josiah G. Abbott, as commissioners under the Loan act, which were approved.



## ORDER PASSED.

On motion of Alderman Fairbanks, an order to pay bills of certain persons directly or indirectly connected with the City Government.

## REQUEST FOR ADDITIONAL APPROPRIATION FOR FIRE DEPARTMENT.

The following report was submitted:

IN COMMON COUNCIL, Dec. 26, 1872.

The appropriation for the Fire Department for the present financial year, amounting to \$444,693 75, having become exhausted by expenditures authorized by the City Council, and not contemplated when the appropriation was made; as well as the heavy drafts on account of the recent extensive conflagrations in our city, the committee are under the necessity of making application for an additional sum to meet the requirements of the department for the remainder of this financial year.

The appropriation for the year was divided as follows, viz.:

Salaries.....	\$215,153 75
Expenses of the department, exclusive of new apparatus.....	113,900 00
Expenses for new apparatus, consisting of three fire engines, one extinguisher wagon, one fire boat, and one hook and ladder truck.....	33,500 00
Expenses for water, and keeping in repair hydrants and reservoirs.....	74,130 00
Expenses for contingencies.....	8,000 00
<b>Making a total of.....</b>	<b>\$444,693 75</b>

And in order to meet the bills on account of the large fires, as well as the monthly bills and pay-roll, there will be required a further sum of \$130,000 for the remainder of the present financial year.

The following is a statement of the expenditures made which were not contemplated, and which causes the deficiency in the appropriation:

For increase of salaries for firemen in Ward 16, as per vote of City Council.....	\$6,714 00
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For extra services of drivers for new apparatus, not yet appointed, but under pay..	1,294 50
For new apparatus, over estimate, for new companies, consisting of 1 fire engine, 2 horse hose carriages, 4 engine hose carriages, 1 hook and ladder truck and 1 extinguisher wagon.....	10,150 00
For horses in excess of estimate, for new apparatus and those disabled by the horse distemper.....	4,000 00
For steam fire-pumps and equipments for fire-boat.....	8,000 00
For expenses of the Coliseum, charged to this appropriation by vote of City Council.....	2,650 30
For quarters and rations for firemen during the great fire (beside our own department, there were present from out-of-town departments 1700 men).....	15,000 00
For incidental expenses, as per item of bills, for powder, carting and sundry charges during the fire.....	4,684 33
For coal (as per bill rendered and approved by Committee on Public Buildings) used at the great fire.....	5,040 00
There was lost and damaged on account of the fire of November 9th, 28,900 feet of hose: of this amount 8000 feet belonged to out-of-town companies, and has been replaced; it was found necessary to purchase the amount lost and damaged.....	42,950 00
For repairing leading and suction hose damaged at the late fire.....	4,000 00
For extra services rendered on the burnt district from November 10th to December 17th.....	12,825 75
For salaries for the crew of the fire boat to be organized by City Council and go into effect January 1, 1873.....	3,000 00
	<u>\$122,348 88</u>

The committee would, therefore, respectfully ask for an additional appropriation of \$130,000.

For the committee.

WILLIAM WOOLLEY, Chairman.

Referred to the Committee on Finance.

Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
DEC. 26, 1872.

The regular weekly meeting of the Common Council was held this evening, at 7½ o'clock.

In the absence of the President, the Council was called to order by Mr. Bicknell of Ward 4, senior member.

On motion of Mr. Flanders of Ward 5, a call of the roll showed forty members to be present, as follows:

Bickford, Bicknell, Blackmar, Bradt, Brooks, Burditt, Burt, Caton, Collins, Cunningham, Darrow, Devine, Dolan, Emery, Faxon, Fitzgerald, Flanders, Flynn, Gragg, Hart, Holmes, Hughes, Kingsley, Lamb, Locke, Loring, Mullane, Noyes, Page, Perkins, Prescott, Robbins, Robertson, Robinson, Shepard, Webster, Weston, Whiston, Wilbur, Wright.

The Council proceeded to an election of a President *pro tem*.

Messrs. Flanders of Ward 5, Brooks of Ward 1, and Robbins of Ward 8 were appointed a committee to receive and count the votes, reporting the result as follows:

Whole number of votes.....	36
Necessary to a choice.....	19
E. O. Shepard.....	29
William E. Perkins.....	5
John E. Fitzgerald.....	1
D. L. Webster.....	1

Mr. Shepard was declared elected and took the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of E. S. Johnson and others, and of Aurora H. C. Phelps, were severally referred, in concurrence.

The communication of the Directors for Public Institutions for an additional appropriation for House of Industry was also referred, in concurrence.

The order to print the proceedings of the inquest of the commissioners on the great fire was referred to the Committee on Printing, in concurrence.

The report of the Street Commissioners, that certain land owners through whose estates Hillside street would pass (according to the plan proposed in the order referred to said commissioners) decline to give their lands or release damages, was ordered to be placed on file.

The request of the Committee on Armories for an additional appropriation of \$30,000, for Armories and Military Affairs (City Doc. 124), was referred, in concurrence.

The following reports were severally accepted, in concurrence.

Leave to withdraw on petitions, as follows:

1. Of Mercantile Savings Institution, that certain taxes paid in 1871 be refunded.

2. Of Chester I. Reed, for re-payment of tax assessed on E. W. Clap in 1871.

3. Of Winnisimmet Co., for abatement of taxes illegally assessed in 1871, and previously.

4. Of James Tuttle, for remission of taxes on property destroyed by fire November 9, 10.

Reports of reference were accepted, as follows:

Reference to the Water Board, on the petition of Chickering & Sons et al., that the Lowry hydrants be placed in pipes around Chickering's factory.

Reference to the same Board on the petition of Alexander Mair et al. that the water pipes in Centre street be extended to West Roxbury line.

Reference to the next City Council of the order relating to the establishment of a drinking fountain on corner of Tremont and Cabot streets.

Report recommending that the Committee on Ordinances be requested to report an amendment to the ordinance in relation to neglected children, so as to commit said children to the care and custody of the Board of Directors for Public Institutions, to be placed in institutions at Deer Island, at the discretion of said Board.

Report no further action necessary at this time in relation to supplying East Boston with water.

Report recommending that the Committee on Finance be requested to report orders to provide the necessary additional appropriations asked for by the Directors for the East Boston ferries.

Report that an order having been passed by the City Council for additional legislation relative to the care of the insane in this city, no further action is expedient at this time in regard to a site for a new insane asylum.

The following orders were severally passed, in concurrence:

Communication, resolve and order for widening High street, between Congress and Oliver streets, at an adjudged expense of \$54,302. (City Doc. 122.) Passed unanimously.

Order that the expense of the investigation by the committee to examine returns of votes cast at the last municipal election be charged to the appropriation for Incidental Expenses.

Communication, resolve and order for the widening of Purchase street, from Federal to Pearl street, at an adjudged expense of \$93,913. (City Doc. 123.) Passed unanimously.

Order that on the payment of \$2500 by William H. Hill, there be released to him his obligation to maintain a sewer from Washington street to low-water mark, on certain terms and conditions in said order set forth.

Order that the salary of Job T. Souther, late Assistant Inspector of Buildings, be paid to December 1, 1872.

Order that \$800 be appropriated in addition to the amount heretofore provided for tools, repairs and plank-walks for the Common and public squares.

Order authorizing plans and estimates to be made for a grammar schoolhouse on a lot of land owned by the city in Houghton place, in the Comus District.

Order to pay Thomas W. Davis \$250, for clerical services to Special Committee on the Fort Hill Improvement.

Order to purchase 7000 feet of land adjoining the Lincoln School, for the benefit of said school, at a cost of one dollar per square foot, and to borrow \$7000 for said purchase.

Order authorizing a transfer of \$7000 from appropriation for Public Buildings to appropriation for Public Library Building, for the completion of repairs thereon.

The following orders were severally read once:

Order authorizing the borrowing of \$1,000,000, to be appropriated for the widening and paving of streets and for payment of damages and expenses within the burnt district, to be designated the "Burnt District Loan."

Orders for the widening of Water street, at the corner of Broad street, at an expense of \$15,032, and for taking estate of Caroline M. Wheelwright, surrendered to the city in consequence of said widening, the value of said estate being estimated at \$27,000.

Order to establish the salary of the City Engineer at \$5000 per annum.

Order to pay J. H. Jenkins, clerk of Board of Street Commissioners, \$500 for extra services in preparing a record of said Board.

## LOCATION OF HOUSE OF CORRECTION.

The reports on the majority and minority reports of the Directors for Public Institutions in relation to the location of the House of Correction, that the same should be established on Winthrop Farm when it is removed from South Boston, being under consideration—

Mr. Brooks of Ward 1 said he was opposed to the location of the House of Correction on the Winthrop Farm, for the reason that if detrimental to South Boston to have the House of Correction there, it would be equally detrimental to East Boston to have it located on the Winthrop Farm, which would be at the back door of East Boston.

Mr. Robbins of Ward 8 stated that the report of the committee was simply a declaration that when the House of Correction was removed from South Boston it should be established at Winthrop.

Mr. Blackmar of Ward 11 said it was necessary to take some action on the report, either to accept or reject it, when it would be placed on file, but not bind the Council to any course of action when the removal was determined upon.

Mr. Brooks repeated the objections which he had made, as to the detrimental effects of locating the House of Correction at Winthrop, and added that in two years nice residences would be erected on Breed's Island, which property, as well as that at East Boston, would be injured.

Mr. Perkins of Ward 6 said it appeared that the Committee on Public Institutions had been unburdening their minds on the long list of subjects before them. As there was much diversity of opinion on the subject, he moved the reference of the reports to the next City Council.

Mr. Webster of Ward 6 gave some reasons which he submitted in the minority report, as his opinion, that there was room for the House of Correction on Deer Island, and he believed it should go there, and the House of Industry should be removed from that island. He would move an indefinite postponement of the subject.

The Chair stated that a day certain would be first in order, and accordingly the reference to next City Council was the question for action.

Mr. Robbins of Ward 8 defended the action of the committee, remarking that until action was taken on some one of the three important subjects reported upon, nothing could be done.

Mr. Prescott of Ward 9 stated that he opposed the action of the committee when it was under consideration before them.

Mr. Gragg suggested whether it would be courteous to the committee to refer to the next City Council, without action upon their recommendations?

Mr. Brooks was of opinion that this was an entering wedge in relation to removing the House of Correction, as proposed, at same time, and he was disposed to knock that wedge out.

Mr. Pickering of Ward 6 believed it to be feasible to adopt the report without committing the Council to the views of the Directors, and that the communication might be placed on file or referred to the next City Council.

Mr. Page of Ward 9 wished to know if the acceptance of the report would not bind the Council to the views of the Directors, relative to the location.

Mr. Brooks further opposed the report, and

Mr. Noyes of Ward 5 was of opinion that as there was no order, and but an expression of opinion, there was nothing in it which would be binding.

The motion to refer to the next City Council was carried.

#### THE DRAINAGE QUESTION.

The order that "An act to provide for a commission on the subject of drainage and water supply for the City of Boston and vicinity," of the 10th instant, be and the same is hereby rejected, being under consideration—

Mr. Holmes of Ward 6 moved its reference to the next City Government, as it might be desirable to adopt a measure of the kind in a modified form.

Mr. Perkins of Ward 6 hoped the motion would prevail, since it would be well enough to keep the subject alive, for the principle was well enough while the provisions were objectionable, and there may be a proper act framed to meet the question of drainage

without subjecting this city to the whole burden of the expense.

Mr. Webster of Ward 6 opposed the motion, believing that it would be unjust to the people of this city to require it to bear the whole expense of this commission, while the examination might be desirable. He hoped the act would be rejected.

The motion to refer to the next City Council was lost, when the order was passed rejecting the order.

#### THE ANNEXATION QUESTION.

The preamble and order that his Honor the Mayor be requested to appoint a commission, who shall carefully examine the subject in all its bearings of the proposed annexation of Charlestown, West Roxbury, Cambridge, Somerville, Brookline and Brighton to this city, was considered.

Mr. Fitzgerald of Ward 7 opposed the appointment of any more commissioners, believing them to be mere measures of expense, but of no avail with the Legislature, when the question of annexation was before that body. The question of yea and nay by a vote of the people was the question only of any weight in that body.

Mr. Wright of Ward 15 was of the belief that there would be no expense to the city in the appointment and action of this commission, and it would be but a matter of courtesy to make the appointment.

Mr. Perkins of Ward 6 did not agree with the remark that there would be no expense, and although the order does not provide for pay to the commissioners, there would be expense. He would move as an amendment to add the words, "providing the same shall be no expense to the city, except for the printing of the report."

The amendment was carried, by a vote of 34 to 9, when the order, as amended, was passed.

Mr. Flanders of Ward 5 moved that when the Council adjourned it be to Friday evening half-past seven o'clock.

On motion of Mr. Moulton of Ward 9, the Council adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
DEC. 27, 1872.

An adjourned meeting of the Common Council was held this evening, at 7½ o'clock. In the absence of the president, the Council was called to order by Mr. Bicknell of Ward 4, senior member.

Messrs. Page of Ward 9, Robinson of Ward 11, and Cunningham of Ward 2, were appointed a committee to receive and count the votes for president *pro tem.*, the result of the balloting being as follows:

Whole number of votes.....	41
Necessary to a choice.....	22
E. O. Shepard.....	28
W. W. Blackmar.....	8
William E. Perkins.....	2

John S. Moulton, J. J. Flynn, J. E. Fitzgerald, one each.

Mr. Shepard was declared to be elected, and took the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The communication and order of the City Council of Charlestown in relation to the annexation of that city to Boston, with the appointment of commissioners on the subject, was ordered to be placed on file.

The petition of Henry W. Dutton & Son was referred, in concurrence.

The following reports were accepted, in concurrence:

Report (leave to withdraw) of the Committee on Survey and Inspection of Buildings, on petition of Butler & Co., for leave to erect a wooden building at the corner of Commercial and Richmond streets.

Report (leave to withdraw) on petition of George E. Stedman & Co., to be compensated for loss of property occasioned by the destruction of their signs in Summer street.

The following orders were severally passed, in concurrence:

Order to pay bills of certain officers in the employment of the city.

Report and orders in relation to the conveyance of a certain parcel of land on High-street place, that the orders under consideration by the committee ought to pass, with an additional order relating thereto.

Mr. Perkins of Ward 6, in explanation of the additional order, stated that in the opinion of the City Solicitor the land dedicated to public use must be laid out as such by the Street Commissioners.

Ordinance in addition to an ordinance relating to the survey and inspection of buildings, providing for six assistant inspectors.

Report and order to pay Agnes A. Derby \$1000 as compensation for personal injuries received by her from an alleged defect in Broadway about the 3d of March, 1872.

Order authorizing the issue of a permit to the Boston & Albany Railroad Co. to enlarge their grain elevator at East Boston.

Order authorizing the issue of a permit to Samuel G. Kenney to erect a wooden building on Putnam street, near Saratoga street.

Resolve and order for the widening of Cottage street, Ward 16, at an expense of \$20,328 16.

The order to pay \$3000 to the heirs of Nancy Haley for money expended in the erection of buildings upon land devised to the city by Lucy Bullman, situated on Cambridge and Joy streets, being under consideration. Mr. Holmes of Ward 6 called for an explanation.

Mr. Webster of Ward 6 stated that Miss Bullman devised the property to three sisters and a brother, but in case they died without issue, it was given to the city for the benefit of the poor. These all died, when there appeared to be three nieces, who were not recognized as coming under the provisions of the will, yet held possession of the property for several years, and, while doing so, obtained \$5000 on a mortgage of the property for the repairs of the estate, but did not get repaid, as authorized, under the rents. He believed they should have \$5000, but the committee reported in favor of \$3000.

The order was laid over.

The following order was read once:

Order authorizing the appointment of an agent by the Board of Directors for Public Institutions to look after the welfare of persons discharged from the institutions at South Boston and Deer Island.

## UNFINISHED BUSINESS.

The order that the number of hosemen for engine companies Sixteen and Seventeen be increased from

7 to 8, and that the number of members of hook and ladder companies Six and Seven be increased from 9 to 15 coming up for final action, on motion of Mr. Flanders of Ward 5 it was referred to the Committee on Fire Department.

The following orders were severally read a second time and passed:

Order authorizing the borrowing of \$1,000,000, to be appropriated for the widening and paving of streets and for payment of damages and expenses within the burnt district, to be designated the "Burnt District Loan."

Orders for the widening of Water street, at the corner of Broad street, at an expense of \$15,032, and for taking estate of Caroline M. Wheelwright, surrendered to the city in consequence of said widening, the value of said estate being estimated at \$27,000.

Order to establish the salary of the City Engineer at \$5000 per annum.

Order to pay J. H. Jenkins, clerk of Board of Street Commissioners, \$500 for extra services in preparing a record of said Board.

## WIDENING OF PORTLAND STREET.

The resolve and order directing the Street Commissioners to widen Portland street was considered, in concurrence with the Board of Aldermen.

Mr. Perkins of Ward 6 said this was the first instance of the working of the new law. The project was up last year and was defeated, and it now comes as an imperative order to the Street Commissioners to widen the street. It was of a doubtful character, for it should, as in all cases for widening streets, go to the Committee on Streets. Under the circumstances he should move its reference to the next City Council.

Mr. Fitzgerald of Ward 7 inquired if there had ever been an estimate of the cost of the widening of Portland street, as proposed?

Mr. Flynn of Ward 7 replied that estimates were made last year on the proposed widening.

Mr. Perkins stated some of the circumstances under which the subject was brought up last year, before the project of the extension of Washington street to Haymarket square was determined upon.

Mr. Fitzgerald said he did not care how this matter came here, and he did not doubt that the members of the Council were prepared to vote upon it. The subject had been fully discussed, as much so as was the proposed extension of Washington street. The Street Commissioners did make an estimate of the cost, as he was informed, and the widening was as important as was that of the extension of Washington street. He would as soon require the Street Commissioners to do the work as request them to do it.

Mr. Perkins further objected to the measure because it did not come from the Committee on Streets, as such measures should. It was brought up in the other branch in deference to the wishes of a few Aldermen, at a late day, and there was no evidence that any one had seen the estimate spoken of within several months. It was just such a project as should be referred to the next City Government.

Mr. Flynn stated that while he was in favor of the proposed widening, it ought not to be passed without something more tangible before the Council, by which they might know how much it would cost. He moved that it be laid over and that the Street Commissioners be requested to furnish, at the next meeting of the Council, in tabular form, an estimate of the cost of widening Portland street from Causeway street to Hanover street.

Mr. Fitzgerald said he would give the Council some information, for he found in City Document No. 48, 1871, a tabulated statement giving as an estimated cost of the widening, \$448,667 50. Should the reference be made, they would not probably get a bit more of information, and it would be safe to add fifteen to twenty per cent. to make the estimates conform to the present value of the property. He would not, however, object to the inquiry.

The motion to obtain the information asked for was carried.

## REPORT OF A COMMITTEE.

Mr. Robertson of Ward 4, from the Committee on Printing, to whom was referred the order relating to printing 2000 copies of the report of the Fire Commission, made a report that they had duly considered the subject, and by conference with the commission and others well qualified to judge, consider that the order ought to pass.

The report will probably be voluminous and will be desired by many libraries and municipalities throughout the country, and in other countries, as an instructive publication for reference at the present time and an indefinite time to come; while the local



interests of the city would also require an unusual number of copies. The cost of one thousand additional copies, in pamphlet form, over the cost of the usual number printed, will be about \$750, even should the volume make a thousand pages, within which compass it will probably be comprised.

The committee, therefore, unanimously recommend the immediate passage of the order, to avoid further embarrassing delay in the printing, as a considerable portion of the work is in type, ready for the press.

The report was accepted, and the order was passed.

Mr. Flynn of Ward 7 moved a reconsideration of the vote accepting the report (no further action necessary at this time) in relation to supplying East Boston with water.

Mr. Pease of Ward 1 stated that the motion to reconsider was made at his request. The report was not precisely as voted to be made by the committee, and should a reconsideration prevail, he would make a reference to the next City Council.

The reconsideration was carried and the report was referred to the next City Council.

#### A QUESTION OF EXPLANATION.

Mr. Webster of Ward 6 rose to a question of privilege, and addressed the Council, as follows:

I desire to correct a mistake in the Transcript report of my remarks at the meeting of the Council on the 19th inst. in regard to the claim of Rockwell & Churchill for printing work done for the Public Library, destroyed by the recent fire.

I am reported as having said "That the city had once taken advantage, in a similar case, to refuse payment for goods burned in the House of Correction, but it was not an act of justice."

This is exactly the reverse of what I intended to say, and, I think, of what I did say. I said, in substance, that the city refused to pay for goods sent to the House of Correction to be manufactured and there burned; in every case where no instructions were given by the parties sending them, that the city would be held responsible for loss by fire. Having done that, how can the city now refuse to accept the loss in this case of Rockwell & Churchill, which involves precisely the same principle?

The city sent the paper to Rockwell & Churchill, and, from time to time, as the copy was furnished, required them to do the printing, and to deliver at once twenty-five copies of each lot (which was a constructive delivery of the whole), and to retain the balance for the convenience of the city, until the work of the year was completed. Consequently the city was the owner, not only of the paper on which the work was done, but, by virtue of the delivery, it was also the owner of the work done on the paper.

If the city was the owner of both paper and work, and gave no instruction to have the property insured, there is no reason why it should not suffer the loss of both. This being the case, Rockwell & Churchill's bill for the work should in justice be paid.

#### SMALLPOX HOSPITAL.

Mr. Flynn of Ward 7 offered the following order:

Ordered, That the Joint Special Committee on the Smallpox Hospital be directed to take possession of the Almshouse building, at Roxbury, and fit up the same for the reception of smallpox patients; and that the Committee on Public Buildings furnish other accommodations for the children at school in that building.

Mr. Fitzgerald of Ward 7 said he was a member of the Smallpox Committee, and the committee had been considering the subject today, and had the assurance that a new building could be put up in ten days. The building would be but of one story, and would answer the purpose, and it would not be worth while to go to Roxbury for a temporary occupation of the Almshouse building.

Mr. Faxon, of Ward 14 said the use of the old Almshouse for a smallpox hospital had been discussed, and decided against such a use. It was situated in a thickly settled neighborhood, it would be wrong to locate there, and it was not the right place.

Mr. Pickering of Ward 6 said he was not now a resident of Roxbury, but he was a resident there for thirty years and had some regard for that section of the city. He thought it but just to the people in that locality that some notice should be given of the proposed location, that their feelings in regard to it might be made known. He moved that it be laid over one week, but subsequently withdrew the motion.

Mr. Flynn said there was a case of smallpox in the City Hall yesterday, the person awaiting a place to go to, and six persons, smallpox patients, remained in a building on the wharf all night because they could not be taken down to Gallop's Island. There

was no place to which such persons can be carried temporarily, and something should be done at once.

Mr. Perkins of Ward 6 moved to amend by striking out "the old almshouse," and inserting "the old smallpox hospital, near the City Hospital."

Mr. Robinson of Ward 11 stated that the Committee on Public Lands had leased the old smallpox hospital estate, and it was now fitted up for another purpose. Besides it was not fit to put a human being in, was an uncomfortable place, and would accommodate but a few persons. The old almshouse was four hundred or five hundred feet from other buildings, and six hundred from the street.

Mr. Emery of Ward 10 said he would make a statement in relation to the old smallpox hospital, and after that the Council could act more intelligently. That building would accommodate well but twelve persons, and as it had been let it would be necessary to hire it over again. It had held forty-nine persons, overcrowded. During the last two or three days it had been almost impossible to get to the island, and there are now fifteen or twenty more than can be accommodated. It was time that they should act, and if a new building can be put up in ten days, it will not accommodate more than 75 or 100, while there will be more than 200 ready to go there.

Mr. Dacey of Ward 2 believed there had been enough said on the subject, and if members lived in the midst of smallpox as he did, they would consider it a very serious subject. He hoped the order would be passed.

Mr. Perkins of Ward 6, offered as a substitute an order authorizing the Joint Special Committee on a Smallpox Hospital to lease or otherwise procure buildings for a hospital until the new hospital was built.

Mr. Webster of Ward 6 did not believe the committee could lease buildings on any terms. If the city owned any building which was isolated, it should be taken for a hospital and the city be relieved from the disgrace of smallpox patients walking about.

Mr. Robinson stated that there need be no delay in the occupation of the almshouse, for the Committee on Public Institutions could give them possession of it tomorrow, if they want it. To a question of Mr. Pease, it was replied that the building would accommodate two hundred and fifty.

Mr. Fitzgerald said he was in a position, if he had the smallpox, of having no other place to go to but the island, and at this season of the year to send a smallpox patient there, would be an act of inhumanity. If any place, temporary or otherwise, could be had, in consideration of the sufferings of those afflicted with that disease, the sooner it could be had the better. The great fault, which should be told here, was, that the Board of Health have been inefficient and had not performed their duty as they ought to have. Some place should be had at once to prevent certain death to all who are obliged to be removed to the island.

Mr. Blackmar of Ward 11 agreed that something should be done at once, and that they should not dilly dally in this way. If necessary, a special meeting of the other board could be called, and have the measure passed at once. If the old hospital in Ward 11 was the best place, he would vote for it, but it was not large enough. It was said that a new building could be put up in ten days, and it may be the gentleman believes it, but experience with builders shows that a good deal of leeway should be allowed, and he did not believe that it could be put up in less than four weeks.

There were a large number of patients awaiting accommodations, and when they speak of others, they should consider that the disease may be in their own families. The gentleman from Ward 6 had said there was no smallpox in his neighborhood, but he could assure him that there was a case within a few doors of him. He did not believe there was any danger from infection within a distance of 500 feet, nor that the disease travelled in the air, and when six men are allowed to lie on a wharf because they are guilty of having the smallpox, it was a terrible thing. If a new building could be ready in ten days, it would not be a proper place for it, and the building would not be fit for occupation, from the greenness of lumber or from being wet or damp. If a place high and dry can be had, 500 feet from any other building, it should be used for the purpose.

Mr. Brooks of Ward 1 said that while he agreed with the gentleman as to the necessity of immediate action, he misrepresents the order, so far as relates to the building and to its condition. Yet he favored the substitute, because it empowered the committee to act immediately, which was so necessary, and it was more efficient and more to the point, because it allowed an option in procuring any buildings.

Mr. Perkins said his substitute had been misap-



prehended, for it authorized the committee to procure buildings, and any buildings owned by the city and suitable for the purpose could be made use of for that purpose.

Mr. Emery referred to the old hospital, within one hundred and fifty feet of dwellings, yet that did not communicate the disease to residents, while the old almshouse was at a greater distance from any residences. He did not believe that any new building would be put up in less than from twenty to thirty days, and was satisfied that it would be best to pass the order of the gentleman from Ward 7. In the other case, should the committee fail to get such premises as may be desired, it may become necessary to call the Council together for authority to take them. They should act immediately, and get into such a building as can be had soonest.

Mr. Flanders moved an indefinite postponement of the substitute, but withdrew it.

Mr. Fitzgerald said he would vote for any order that would give a proper location, or that the committee be authorized to take possession of any building owned by the city, for the purpose.

Mr. Emery stated as the belief of competent authority, that no one would be likely to take the disease within one hundred feet of a hospital.

Mr. Robbins of Ward 8 stated as the result of a visit to the Almshouse, last year, in looking for a home for the poor, that the Almshouse estate contained eight acres of land, the building was of three stories and large enough to accommodate 200 to 250 patients. It was fitted up with steam heating apparatus, was 500 feet from the main street, and was the most fitting place that he knew of in good accommodations. He could not conceive of so good accommodations being provided in five months as this is now ready to give. It could be ready next Monday for the reception of patients. The matter had been too long delayed, and they should take action in this matter immediately.

Mr. Dacey of Ward 2 moved the previous question, upon which Mr. Flynn asked for the yeas and nays.

Mr. Perkins raised a point of order, that no motion could be entertained after a motion for the previous question.

The Chair stated that he had on a former occasion ruled as requested, but he was not quite satisfied that it was right. He ruled so, in accordance with the established practice of the Council.

Mr. Webster said the call for the yeas and nays was no motion, but a request.

The request was withdrawn.

The Chair stated the question to be on the adoption of the substitute.

The motion for the adoption of the substitute was lost, when the order of Mr. Flynn was passed.

Mr. Flynn moved a reconsideration of the vote, which was lost.

On motion of Mr. Webster, an order was adopted that the mayor be requested to call a meeting of the Board of Aldermen as soon as practicable, for the passage of the order to take the old almshouse for a smallpox hospital.

Mr. Flanders offered an order that there be allowed and paid to James L. Hilliard \$35 for extra services.

Mr. Perkins objected to the order, as not being in proper form, and moved that it be laid on the table.

Mr. Flanders said he thought so himself, but it came from the Auditor.

The motion was carried.

Mr. Clatur of Ward 4 offered an order that the Mayor be requested to petition the General Court at its next session for an alteration in the city charter, by which the City Council shall be made Surveyors of Highways, in place of the Board of Aldermen.

In explanation he said that in no other way could the Common Council have a voice in the appropriations for paving, and in the appointment of a Joint Committee on Paving.

The order was passed.

Mr. Flynn offered the following order:

Ordered, That the Chief of Police, under the direction of the Committee on Police, be authorized to make such arrangements at the several police stations or elsewhere for serving out soup to the poor during the months of January, February and March, as they may deem expedient; the expense thereof to be charged to the appropriation for Incidental Expenses.

Mr. Perkins inquired what power the Council had to give directions to the Committee on Police in this matter.

Mr. Flynn replied that the order was the same as the one passed last year.

Mr. Perkins believed the Council order of last year was rejected, and another was passed. He objected to authorizing anything to be done in which the Board of Aldermen had exclusive jurisdiction, placing the Council in a position to be snubbed.

The Chair stated that as it involved expense, it should lie over.

Mr. Robinson of Ward 11 moved that it be sent up. Mr. Flynn moved a suspension of the rules, which was carried, when the order was passed.

On motion of Mr. Perkins, the report and order that the public grounds on Meeting-House Hill be called Dorchester Square were taken from the table, when the order was passed.

#### THE BURRILL CLAIM.

On motion of Mr. Webster, the special assignment for nine o'clock, the order to allow and pay to Henry W. Paine, the assignee of Charles Burrill, forty thousand dollars, in full settlement for all services in procuring credits upon the quota of the city in 1864, was taken up for consideration.

The report of the Committee on the Burrill Claim was submitted to the Common Council, May 23, by Mr. Webster of Ward 6, appended to which was a preamble and order.

The preamble sets forth the passage of an order by the City Council on the 12th of September, 1870, which order is recited, and before payment was made an injunction was served upon the city authorities by which said order was not carried into effect; and sets forth, further, that the Legislature passed an act on the 14th April, 1871, authorizing the payment of \$40,000 by the city to the said Burrill, and concludes with an order, as follows:

Ordered, That there be allowed and paid to the above-mentioned Paine, assignee of Charles Burrill, the sum of \$40,000 as recited in the above-mentioned order passed Sept. 12, 1870, in accordance with the terms and conditions therein mentioned, and as authorized by the act of the Legislature above referred to; said sum to be charged to the appropriation for Incidental Expenses.

The position of the question was stated to be as follows:

When the original order was under consideration at the meeting of the Council, June 6, 1872, it was amended on motion of Mr. Pickering of Ward 6, as follows, the preamble being stricken out:

Ordered, That there be allowed and paid to Henry W. Paine, the assignee of Charles Burrill, the sum of \$40,000, in full settlement of all services rendered and money expended by said Burrill in procuring credits upon the quota of the city in 1864, said sum to be transferred from the Reserved Fund; provided such receipts and discharges shall be executed both by said Burrill and said Paine, as shall be satisfactory to his Honor the Mayor and the City Solicitor.

Mr. Emery of Ward 10 stated that he voted in favor of the measure last year. After stating the original demand, now reduced to \$40,000, he urged that this measure should not be pressed now, under the circumstances, while we were suffering to so great an extent by the fire. He would therefore move a reference to the next City Council.

Mr. Webster of Ward 6 did not believe that the city was so crippled that it could not pay the claim. It was an honest claim before the fire, it was an honest one now, and should be paid. If it was in order, he would move an order as a substitute.

Mr. Fitzgerald believed the reason given for a delay to be a poor one, and it would be as difficult to pay the claim five or six years hence as it would now, and it might as well be paid now as by and by. If delayed it will become like the French spoliation claims, requiring Mr. Burrill to come here year after year, and it might increase in amount by the delay. He was in favor of paying Mr. Burrill something, and when the matter was up last year, he objected that it was not like an ordinary claim, which should be tried by a two-thirds vote. Mr. Burrill, it would be admitted, did some service, and he believed he had a legal claim, or he would not have refused in settlement \$125,000. The Mayor who made the contract with him and many merchants believed that he was entitled to pay.

Mr. Burrill went to the courts and failing to establish a legal claim, an order was passed by the City Council to pay him \$40,000, the payment of which was stopped by an injunction. Legislative authority was secured to pay the amount in accordance with the provisions of the City Council, and if the amendment should be passed it would nullify the provisions of the Legislature, and render it liable to another injunction. He was opposed to the order originally but could not see how any order could properly be passed except under the provisions of the legislative act. Mr. Burrill was entitled to something, and a large amount would have been given him at the time to save the city from a draft. He now asks but \$40,000, and the city is not too poor to pay him that sum.

Mr. Flanders stated as information obtained from the Auditor, that the Reserved Fund had all been



drawn, and there was no way of paying the claim except by a special order. There was not a dollar left either of the Incidental Fund.

Mr. Pickering stated as his understanding of the question, that his amendment was adopted as a substitute for the order of the committee, and it would require a two-thirds vote to reconsider the adoption of that amendment. He was opposed to the settlement of a claim except as in other cases by a two-thirds vote.

Mr. Fitzgerald said there was no other way in which to settle this claim except by payment from incidental expenses. It was different from any other on account of the legislative provisions.

Mr. Pickering read from the records of the Council proceedings to show that Mr. Fitzgerald had changed his views.

Mr. Fitzgerald said his views were the same to-night as at the time quoted, yet this power for the payment of the claim is derived from the Legislature. If a two-thirds vote was required he should vote for it.

In answer to a question of Mr. Perkins, Mr. Fitzgerald quoted from the legislative act as authorizing the claim to be paid in conformity with the order of 1870, out of incidental expenses, which required only a majority vote.

Mr. Dacey of Ward 2, said his position was the same as last year, and while he was in favor of giving Mr. Burrill something, he could not vote to pay the claim in any other way than other claims are paid.

Mr. Perkins said he saw the point raised by the gentleman from Ward 7, but he could not believe that any lawyer of reputation could take such a position.

Mr. Fitzgerald replied that he had been informed by a lawyer of reputation that unless the payment is paid in the manner provided by the Legislature, there is nothing to prevent another injunction from being served.

Mr. Fitzgerald, in answer to Mr. Perkins, replied that the lawyer referred to was not counsel for Mr. Burrill, and had not been.

The question was stated to be on the motion of Mr. Emery of Ward 10, to refer the subject to the next City Council, and the motion was lost by a vote of 15 to 29.

Mr. Webster offered a substitute for the order under consideration, as amended.

The Chair stated as the question that the original order was amended by the adoption of the substitute of Mr. Pickering, and the question was now on the order as amended; to this no amendment was in order.

Mr. Robinson of Ward 11 moved the previous question, which was rejected by a vote of 24 to 33.

Mr. Fitzgerald inquired if it would be in order to lay the amended order on the table, and offer that of Mr. Webster as an original order.

The Chair stated that the motion would be in order.

On motion of Mr. Fitzgerald, the amended order was laid on the table by a vote of 27 to 20.

Mr. Flanders moved an adjournment, which was lost.

Mr. Webster offered as an original order the following:

Ordered, That the order passed by the City Council September 12, 1870, to pay Charles Burrill \$40,000 be and the same is hereby confirmed.

Mr. Brooks of Ward 1 rose to a question of order, whether the whole subject was not laid on the table.

The Chair stated that this was a new order.

Mr. Pickering inquired if his amendment of the order was not adopted.

The Chair replied that it was, but that that order was laid on the table, and this was a new one.

Mr. Perkins declared as his belief that the order of 1870 was dead, and could not be confirmed by any order. It could only be passed as proposed, which had been amended and voted down.

The Chair stated that the new order appeared to be in order; that it was not for him to rule it out of order on a question of its legality or validity if passed.

Mr. Perkins did not believe this Council had the power to confirm the order of 1870.

Mr. Page of Ward 9 called for the yeas and nays on the passage of the order.

Mr. Brooks of Ward 1 moved an adjournment.

Mr. Fitzgerald inquired whether new business had intervened to allow a further motion to adjourn.

The Chair ruled that the motion of Mr. Page would be sufficient to allow the entertaining of such a motion.

Mr. Flanders moved to amend by providing that when the Council adjourned, it be to Thursday next, three o'clock. The Chair ruled that the motion to adjourn could not be amended. Mr. Brooks then adopted the motion of Mr. Flanders, and the chair ruled it out of order in that form.

Mr. Brooks inquired if the Chair ruled the adjournment out of order.

The Chair stated that a call was made for the yeas and nays, followed by a motion for adjournment, and he was about to put the question on the adjournment, when Mr. Brooks changed its form to a motion for adjournment to a certain time, and it was no longer a motion to adjourn.

Mr. Moulton moved the previous question.

The Chair stated that the question was on the motion of Mr. Page for the yeas and nays.

Mr. Perkins remarked that the offering of the new order was the most dishonest subterfuge ever introduced into the City Council.

Mr. Flynn raised a point of order that the gentleman was not speaking to the question, which was that of ordering the yeas and nays.

Mr. Perkins resumed, and was interrupted by Messrs. Flynn and Fitzgerald on points of order.

The Chair reminded the speaker of the direct question, and that he would proceed in order.

Mr. Fitzgerald said if the gentleman wished to read what he said on a former occasion, he hoped the Council would give him permission to do so.

Mr. Clatur of Ward 4 moved an adjournment, which was lost.

The motion for the previous question was sustained.

Mr. Pickering inquired what was the main question.

The Chair replied that it was on the second reading of the order.

Mr. Page inquired whether it cut off his motion.

The Chair ruled that it cut off his motion and brought the vote on the main question. In answer to Mr. Pickering he said the order under consideration was not a substitute, but an original order, and the order was read.

Mr. Brooks inquired what had become of the motion of Mr. Page for the yeas and nays.

The Chair replied that it was cut off by ordering the main question, in accordance with the practice in this body.

Mr. Webster hoped there would be no objection to taking the yeas and nays.

Mr. Pickering hoped, also, the yeas and nays would be taken.

The Chair ruled discussion to be out of order.

Mr. West of Ward 16 remarked that it was a request, and not an order, in calling for the yeas and nays.

Mr. Smith of Ward 1 rose to a point of order, that when the main question has been ordered no other motion is in order, and the question must be taken without debate.

The question on ordering the order to a second reading was lost, by a vote of 22 to 26.

Mr. Flanders moved that when the Council adjourned it be to Thursday next, three o'clock.

Mr. Moulton moved an adjournment, which was lost, when the motion of Mr. Flanders was carried.

Mr. Robinson of Ward 11 moved to take from the table the order to pay the Burrill claim.

Mr. Flynn moved an adjournment, which was carried, by a vote of 28 to 20.

The Council adjourned at five minutes to eleven o'clock.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 28, 1872.

A special meeting of the Board of Aldermen, called by the Mayor at the request of the Common Council, was held at one o'clock this afternoon, Alderman Little, the chairman, presiding.

### SMALLPOX HOSPITAL.

The order from the Common Council, requesting the Committee on Smallpox Hospital to take possession of the buildings known as the Roxbury Almshouse, and fit them up immediately as a smallpox hospital, and to provide somewhere else for the schools now in those buildings, came up for consideration.

Alderman Power hoped the order would not pass for the reasons given by him on a former occasion. The Committee on the Hospital say that a new building will be put up in ten days, and it would not be worth while to take these buildings for a temporary purpose. The academy in the neighborhood would be vacated at once, and ruined for all time. There is room enough at Gallop's Island for many more, and the exigencies of the case do not require that the Almshouse shall be taken at the risk of injury to all the property in a thickly populated neighborhood.

Alderman Cutter inquired if the hospital located on Albany street was in a condition to be occupied.

Alderman Jenks replied that the land had been leased for twelve years.

Alderman Squires, in answer to another question, replied that the lease had been executed.

Alderman Power said that this question did not

affect the order under consideration. The weather was now fine and the interruption which had been experienced would probably be felt no longer. As to the boathouse spoken of, it was a comfortable place where the patients were carefully provided for.

Alderman Cutter hoped the Board would pause before changing the Almshouse into a pest house, destroying the property throughout the neighborhood.

Alderman Jenks said he had no reason to change his mind in relation to the locality reported upon by the committee as the most suitable place upon which to locate a hospital. As to injuring the buildings, there could be no injury to them. The buildings might be too near the street, yet no better place can be secured for a hospital.

Alderman Power further opposed the order, believing that another building could not be put up on the Almshouse lot so soon or at so little expense as where it is proposed to build it.

Alderman Clark believed the proper place to be where the building was burnt, and a new building could be put up in a few days. He trusted the Board would not concur with the Council, but put the building on the land purchased for that object, at great expense. If necessary to protect it, let the Ninth Regiment be placed around it.

The question on concurrence was decided by the following vote:

Yeas—None.

Nays—Clark, Cutter, Fairbanks, Little, Power, Ricker, Sayward, Squires, Stackpole, Woolley.

### APPOINTMENTS MADE AND CONFIRMED.

Members of the Fire Department—E. T. Wilson and S. P. Horn, as hosemen; Robert McQuestion and Alfred W. Howard, as members; Charles Miller, hoseman; John L. Starrett, member; George W. Fowle and John Bickford, as drivers: to take effect January 1, 1873.

Adjourned.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DEC. 30, 1872.

The regular meeting of the Board of Aldermen was held this afternoon at 4 o'clock, Alderman Little, the Chairman, presiding.

## JURORS DRAWN.

Forty traverse jurors were drawn for the Superior Court, second session, for civil business.

## APPOINTMENTS OF POLICE OFFICERS.

John Kebbler, James Creig, Jeremiah J. Driscoll, James A. Gateley, Roswell M. Lyon, John A. Morse, George W. Moulton, William A. West.  
Referred to the Committee on Police.

## APPOINTMENTS CONFIRMED.

Special Police Officers without pay—Samuel Tarbox for Grand Junction wharves and the vicinity, East Boston; George H. Hosea for Branch Public Library and its vicinity, East Boston.

Members of Steam Fire Boat—Clark W. Doten as engineer; George B. Metcalf as fireman; George A. Scott as captain; Benjamin B. Wright as mate; Edwin W. Whitechurch as steward; Andrew J. Smith as deck hand.

The question being on the confirmation of the above appointments as the company of the fire boat—

Alderman Ricker stated that there were some parties who had not a fair opportunity for their claims to be examined for appointment, and he moved that the nominations be laid on the table.

Alderman Cutter replied that it was necessary that the boat should be manned at once, the persons nominated had been examined by the Engineers of the Fire Department and had their approval, and there should be no delay. A delay would endanger the property of citizens.

The motion to lay on the table was lost, when the appointments were confirmed.

## PETITIONS PRESENTED AND REFERRED.

Caroline M. Wheelwright, for increase of award for taking her estate on Water street.

W. E. Woodward and others, for abatement of Harrison-avenue betterments.

James M. Robbins, administrator, to be paid for land taken on Sturgis street, three years since, as belonging to unknown persons, the same being a small passageway, of 128 feet, the price being estimated at two dollars per foot.

Severally referred to the Committee on Streets.

Amos N. & Osear N. Kyle, in respect to bay window on Leverett street, with a request for a hearing on the subject of its removal. Referred to the Committee on Paving.

Isaac M. Learnard & Co., to be paid for loss of property by gunpowder.

Osborn Howes and others, to be paid for loss of property by powder.

Severally referred to the Committee on Claims.

John F. Snow, for license as an auctioneer. Referred to Committee on Licenses.

A petition was presented from Allen & Noble for an inquiry into the award made to them for damages on Devonsbire street, setting forth that they were refused the privilege of giving bonds to the city against all claims for parties holding leases in the building owned by them and taken by the city, while other parties in similar circumstances and owning the adjoining estate were allowed to give bonds.

A motion was made by Alderman Jenks to refer the petition to a special committee.

Alderman Clark stated that a settlement had been made with Allen & Noble, and damages awarded them to the amount of \$5000, with which they were satisfied. The matter in question was this, that they had not settled with two or three tenants, and the City Solicitor was unwilling to consent to a payment without settling on their part with these tenants, lest there should be litigation in the courts in relation to it. If the Board understood the matter, they would refuse to send it to a special committee.

Alderman Jenks gave as a reason for the motion, a regard for the right of petition.

Referred to Aldermen Jenks, Clark and Cutter, as a special committee.

## OFFICE DECLINED.

A communication was received from G. F. Winch declining to accept the office of clerk of Ward 12, to which he had been elected. Ordered to be placed on file.

## SEWER ASSESSMENTS.

Schedules of assessments for sewers were received from the Superintendent of Sewers, as follows: Warwick street, \$1141 09; Warren street, \$1530 32; Seventh street, \$1448 50; Longwood street and Bellevue street, \$4253 40; Hammond street, \$1858 59; Bumstead lane and Conant street, \$1938 15; Beacon street, \$10,181 91; Palmer street, \$1396 60; Foundry and Sixth streets, \$356.785; Fourth street, \$898 10; Longwood avenue, \$3059 19; Guild street, \$1865 85. Severally referred to the Committee on Sewers.

## PAPERS FROM THE COMMON COUNCIL.

The following reports were accepted, in concurrence:

Report that the order to print 2000 copies of report of Fire Inquest ought to pass, and passage of said order.

The report proposing to locate the new House of Correction at Winthrop Farm, "referred to the next City Council."

The report that it is unnecessary to supply East Boston with Coelhituate water, "referred to the next City Council."

The resolution and order of this Board for appointment of commissioners on annexation of adjoining towns and cities, coming up amended, with a proviso that such commission shall be attended "with no expense to this city beyond the printing of the reports."

Alderman Jenks opposed concurrence, stating that the commission would involve a great deal of labor and time, and it could not be done without compensation. In the cases of the annexation of Roxbury and of Dorchester, the commissioners were paid a fair sum for their labor, and they should be in this case.

The amendment was non-concurred in.

The resolve and order for Street Commissioners to take measures to widen Portland street on the northerly side to sixty feet, came up referred to said commissioners, with instructions to report on Thursday next the estimated cost.

Alderman Jenks stated that the Street Commissioners made a report of the cost in a tabulated form last year, and the gross amount October 14 this year. He hoped, therefore, that the amendment would be non-concurred in.

The Board refused to concur in the amendment.

The order for the Mayor to petition the Legislature for amendment of City Charter so that the City Council may be Surveyors of Highways, was considered.

Alderman Cutter hoped the Board would non-concur in the passage of the order, for there was no necessity for the measure. A smaller committee could much better perform the duties required, and the work would be much better done as at present. The order was rejected.

The order that the number of hosemen for Engine companies Sixteen and Seventeen be increased from seven to eight; and that the number of members of Hook and Ladder companies Six and Seven be increased from nine to fifteen, was referred to Committee on the Fire Department, in concurrence.

The order for Chief of Police to make arrangements for establishment of soup-houses in January, February, and March, the expense to be charged to the appropriation for Incidental Expenses, was passed, in concurrence.

## REPORTS OF COMMITTEES.

Alderman Fairbanks from the Committee on Licenses, reported in favor of licenses as follows: Massachusetts Poultry Association to hold their annual exhibition at Music Hall, January 14-17 next; Hoyt, Wheeler & Bradley as auctioneers; and to sundry persons, as victuallers, for wagon and truck licenses, to keep billiard tables and for transfer of wagon license. Severally accepted.

The same committee reported leave to withdraw on applications for license as victuallers, as follows: William O'Connor, 64 Harrison avenue; Charles E. Taylor, No. 3 Nashua street; Martin H. Welch, No. 83 South street; I. Schwarts, 51 Merrimac street; Charles L. Steinkrauss, 18 Howard street; George McLane, 55 Merrimac street; Charles E. Brigham, 812 Washington street; Galligan & O'Connor, 154 Broadway; Thomas J. Heaphy, 119 Blackstone street; Bridget McShane, 134 Merrimac street. Severally accepted.

Alderman Woolley, from the Committee on Armories, to whom was referred the communication from the Chief Engineer of the Fire Department in regard to the storage of gunpowder in armories, having considered the subject, made a report that the only armories in which powder is stored in this city are those occupied by the artillery companies, and the committee have taken measures to have the amount and the location of the powder kept by those companies re-



ported to the Chief Engineer of the Fire Department. Accepted.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw on petition of Theodore G. Kumball for removal of the fence on West Newton street at the corner of Carleton street; also on petition of the Union Freight Railroad Company for temporary location in the burnt district for the removal of old materials. Severally accepted.

Alderman Cutter, from the Committee on Paving, to whom was referred the petition of George H. Frost and others, that the Old Colony & Newport Railroad Company be required to maintain a gate at the crossing on Neponset avenue, made a report, recommending the passage of the accompanying order:

Ordered, That the Old Colony & Newport Railroad Company be directed to erect a gate at the crossing of the Milton Branch Railroad on Neponset avenue, and to station an agent to open and close said gate whenever an engine passes.

The report was accepted and the order was passed.

Alderman Cutter, from the same committee, made a report upon the petition of the Union Freight Railroad Company; praying this Board to estimate the damages occasioned to the Marginal Freight Railway Company, by the taking of the tracks of said Marginal Freight Railway Company in Commercial, Causeway and Haverhill streets in the city of Boston, by said Union Freight Railroad Company, it now appearing that the said Marginal Freight Railway Company have been duly notified of the pendency of said petition; it is

Ordered, That the damages occasioned to said Marginal Freight Railway Company by said Union Freight Railroad Company by said taking be estimated at the sum of one dollar.

The report was accepted, and the order was passed.

Alderman Poland, from the Joint Standing Committee on Survey and Inspection of Buildings, to whom was referred the petition of D. W. Beckler to be heard in relation to the proceedings against him for violation of the building ordinances, made a report that in their opinion the prosecution of the petitioner was entirely justifiable, and that no action is necessary. Accepted.

Alderman Poland, from the same committee, to whom was referred the petition of H. W. Wilson and others, and the presidents of the several fire insurance companies in aid thereof, for the extension of the building limits so as to include Wards 7 and 12, made a report recommending that the petitions be referred to the next City Government. Accepted.

Alderman Ricker, from the Committee on Health, reported in favor of stables as follows: Richard Downes to occupy a wooden stable for five horses on Nickerson's wharf; C. T. Walker & Co., to occupy a sale stable for twenty-five horses at No. 91 Federal street. Severally accepted.

The same committee reported leave to withdraw on petitions for stables, as follows: Jeremiah Twomey, to occupy a wooden stable for one horse at 361 Second street; John Golden, Jr., to occupy a stable for five horses at No. 3 Linden park; J. C. O'Callahan, to occupy a wooden stable for four additional horses on Columbia street, Ward 16. Severally accepted.

Alderman Cutter, from the Committee on Ordinances, to whom was referred the petition of Henry W. Dutton & Son for the passage of an order authorizing the continuance of cellars or excavations under sidewalks in front of estates which have been cut off for the widening of streets, provided a license shall be obtained therefor in accordance with the provisions of section thirty-two of the ordinances in relation to streets, having considered the subject as presented by the petitioners, made a report that in their opinion it would be inexpedient to change the present regulations in regard to excavations under the streets and sidewalks in this city. Accepted.

Alderman Cutter, from the Committee on Ordinances, to whom was referred the petition of Russell Sturgis Jr., and others, for the passage of an ordinance to restrain the sale of certain obscene publications, made a report that the City Council has no jurisdiction in the matter under the existing statutes. Accepted.

Alderman Cutter, from the Committee on Police, to whom was referred the petition of Benjamin Dean and others for a new police station near Broadway and K streets, having considered the subject, made a report, recommending the passage of the accompanying orders:

Ordered, That the Committee on Public Buildings be authorized to purchase a lot of land on the south-every side of Fourth street, between K and I streets, belonging to Abraham Lent, containing 4937½ square feet, more or less, at a price not exceeding \$1 10 per square foot, said land to be used for the purposes of a police station.

Ordered, That the Treasurer be authorized to borrow, under the direction of the Committee on Finance, a sum not exceeding \$6000, to be applied to the purchase of land for a police station house in South Boston.

The report was accepted, and the orders were passed.

Alderman Sayward, from the Committee on the Overseers of the Poor, to whom was referred the communication from the City Solicitor respecting the devise of certain real estate to the city of Boston, under the will of Lucy Bullman, made a report recommending the passage of the accompanying order:

Ordered, That the Overseers of the Poor be requested to take possession of the real estate devised to the city by the will of Lucy Bullman, and to manage and dispose of the income of the said estate according to the provisions of said will, and that the accumulated income of said estate be paid to said Overseers of the Poor.

The report was accepted, and the order was passed.

The Committee on Finance, to whom were referred the several reports of the Committees on Fire Departments, Armories, and East Boston Ferries, (covering a statement of the Board of Directors of said ferries); also the request of the Board of Directors for Public Institutions, severally asking for additional appropriations, for the reasons set forth in the several documents, ask for the passage of the accompanying order. These extraordinary calls for additional appropriations at this time the committee would state completely exhaust the Reserved Fund.

Ordered, That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Fire Department, \$130,000; to that for Armories, \$30,000; to that for East Boston Ferries, \$20,906 17; from the appropriation for Interest and Premium to that for East Boston Ferries, \$19,093 83; from the appropriation for House of Correction, \$10,000, and from that for Pauper Expenses, \$10,000, both to that for House of Industry.

The report was accepted, and the order was read once.

#### REPORT ON LOW DRAINAGE.

Alderman Squires, from the special committee to whom was referred the subject of improving the drainage of all territory in the city below the proper grade, made a report, as follows:

The districts which have been specially considered by the committee are the Muddy River and Stony Brook. A large portion of these districts within the limits of the city is not as yet filled to a suitable grade for building purposes, but the demand for land near the centre of population will in a few years induce the filling and occupation of the unreclaimed area now either periodically or continually covered by water, and these districts will be as thickly populated as the older portions of the city.

The question of the future disposal of the drainage of these large districts is one of paramount importance to the interests of the inhabitants of the districts adjoining them and to the citizens at large. In their present state they are detrimental to the health of the citizens from the accumulation of deposits made by the sewage emptied into them. Will this difficulty be obviated when they are filled and built upon, or will it be aggravated by increasing these injurious accumulations in the Charles-River basin? It seems to the committee the effect of the occupation of this territory will be to transfer the nuisance to the Charles-River basin and make it in the future as fruitful a source of injury to health as these districts have been in the past. Already exhalations from this basin during low tide, at certain seasons of the year, have been pronounced by physicians detrimental to health.

To remedy this evil the committee are convinced that some method should be devised by which the sewage of these districts could be conveyed to a point in the harbor where it would be more effectually subjected to the action of the tidal currents and more rapidly dissipated by their action—in which direction or by what means they are not prepared from the information they have obtained, to state. It is a question that can be determined by the investigations of competent engineering talent, and in our opinion should be.

None of the other low districts are of equal importance with these. The Swett-street or Pine Island District is the next largest, but from its capability of being drained directly into Dorchester Bay when the South Bay, from the quantity of sewage deposits, becomes objectionable for the outlets of its sewers, it does not furnish the same grounds for apprehension. The South Bay, even if contracted in area by the proposed filling of a large portion of it, could still be ren-



dered innocuous to health by the construction of a covered canal from Dorchester Bay, through which the uncontaminated water from the harbor would flow more directly than through its present tortuous channel.

The Harbor Commissioners in consenting to any encroachments upon the bay, require those making them to obtain the principal portion of their filling by dredging between high and low water mark, thereby reducing the amount of objectionable deposits. It is not impossible, notwithstanding the opinion of several Harbor Commissioners, that the bay should be kept intact as a tidal reservoir, that it may eventually be filled and built upon, in which case the sewage now emptied into it would have to be conveyed to Dorchester Bay.

There are several districts in Dorchester and Washington Village which may be classed under the head of low territory, but they are not as yet so thickly populated as to require any special recommendations with regard to drainage, and if the streets in these districts be filled to a proper grade, no difficulty will be experienced from defective drainage. It is, in the judgment of your committee, important to establish grades for these districts, below which no street should be allowed, but there is no law at the present time by which the city has any control over the grades of streets built by private owners.

It is evident these grades will be established by proprietors of land as low as they possibly can be to avoid expense in filling. If afterwards accepted by the city as highways, and the drainage from the low grades proves defective, the city is subjected to the expense of raising the streets and territory which the cupidity of the original owners has placed in this condition. If the city refuses to accept such streets unless they are filled to a specified grade, the owners of houses upon them are obliged to meet the expense if they wish to avail themselves of the advantages of being upon a street owned by the city, and are thus made to suffer for the sins of the original owners, who have reaped all the benefits.

The city has not always exercised good judgment in establishing the grades of streets on territory which it owned. The territory from Dover to Northampton street and between Tremont street and the South Bay is all too low for proper drainage. Tremont street, Shawmut avenue, Washington street, Harrison avenue and Albany street are at or below grade 16 for nearly the entire distance between Dover and Northampton streets. The effect of this low grade for the streets, and consequently low grade for the sewers, is seen during every heavy rain in the flooding of the cellars by water from the sewers, which are of insufficient capacity at high stages of the tide to contain it. The tide gates at the outlets of the sewers are the only protection from flooding at every high tide.

The assumption that a grade of sixteen or eighteen is sufficient for a street, without reference to its distance from an outlet for its sewage, has been the cause of the difficulty, for which, in the opinion of the committee, there is but one practicable remedy, which is the adoption of a comprehensive system of surface drainage. By surface drainage we mean a system of drains with outfalls, independent of the present sewers, and at a higher elevation, the object of which is to intercept the storm waters and prevent them from surcharging the lower or house sewers. This system has been adopted in a portion of the territory and we recommend its extension to the whole of it.

The raising of the Church-street and Suffolk-street districts has injured the drainage of the low streets and territory adjoining them. The increased height and pitch of the sewers enabling them to more rapidly discharge their contents into the lower sewers, thereby surcharging them with the whole amount of sewage and rainfall from the raised districts, a large portion of which was formerly kept back for a considerable time by the sewers acting as reservoirs and delivering their contents slowly into the lower system.

In making these improvements the sewers should have been connected with those of lower territory adjoining them, but should have had independent outlets. The same system of surface drainage recommended by the committee as a remedy in another district would not be so desirable in this case, as independent outlets, on account of the increased height of the territory under consideration and its closer proximity to suitable points of discharge.

There are other sections of the city besides those enumerated, which suffer from defective drainage. The land filled and laid out by the South Cove corporation at the South End and the Mill-Pond territory at the North End may be classed under this head. These districts are however being rapidly en-

croached upon for business purposes, and their present population will in a short time be forced to remove to other localities. With the removal of the population the defective drainage will no longer endanger the health of a large community, and for the comparatively brief period they will be occupied for dwelling houses, no special changes in the system of sewerage would be expedient.

In concluding this report, the committee regret to state that the subject is one of such magnitude that they have been unable in their numerous and urgent duties to give it as much attention as its importance demanded. In determining systems of drainage the best engineering talent is required, and the appointment of a commission of engineers whose whole time and attention should be given to an investigation of the subject in all its bearings, would in the opinion of the committee be of immense value to the city.

On motion of Alderman Squires, the report was referred to the next Board of Aldermen.

#### ORDERS PASSED.

On motion of Alderman Cutter—

Ordered, That there be paid to Jonathan Preston the sum of \$1435 51, being the amount of damages, with costs and interest, awarded in the Superior Court of the County of Suffolk to said Jonathan Preston on account of the raising of the grade of Dartmouth street by the city of Boston, the same having been receipted for on the writ of execution issued by said court; said sum to be charged to the appropriation for Paving.

On motion of Alderman Woolley—

Ordered, That there be allowed and paid to the major commanding the first battalion of light artillery, M. V. M., the sum of \$500, to be expended in furnishing the rooms used as head quarters for the said battalion; said sum to be charged to the appropriations for Armories.

Ordered, That the armory of Company K, Ninth Regiment, M. V. M., on the corner of Third and Dorchester streets, be approved as a suitable place for the deposit and safe keeping of arms and equipments.

Ordered, That there be allowed and paid to Company K, Ninth Regiment, M. V. M., for rent of armory corner of Third and Dorchester streets, the sum of \$400 per annum, beginning on the first day of November, 1872, and continuing until otherwise ordered; said sum to be charged to the appropriation for Armories.

Ordered, That there be allowed and paid to Company K, Ninth Regiment, M. V. M., the sum of \$50, for rent of room temporarily occupied by them after the destruction of their armory by fire; said sum to be charged to the appropriation for Armories.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$100, in repairing the armory of Company B, First Battalion Light Artillery; said sum to be charged to the appropriation for Armories.

Ordered, That there be paid to each member of Company A, Second Battalion of Infantry, the sum certified by the Adjutant-General as due to him for special duty in November last, the whole amounting to \$712 50; to be charged to the appropriation for Militia Bounty.

#### ORDER OF NOTICE.

On petition of the Bay State Suspender Company for permission to erect and use a stationary engine at No. 24 Kuecland street. Hearing Monday, January 21, 4 P. M.

#### ORDERS READ ONCE.

On motion of Alderman Cutter, order to give the name of Clarence street to the street leading from 146 Dudley street to George street, Ward 13.

On motion of Alderman Clark, orders to pay Thomas B. Williams, \$9920; John A. Lowell, trustee, \$16,600; Moses Williams, \$9580; the heirs of Wm. B. Callender, \$14,329; heirs of Henry Sargent, \$11,900; heirs of Daniel L. Gibbons, \$8339; John C. Chaffin, \$17,000; Amasa Whiting, \$14,430; and Alpheus Hardy and others, trustees, \$28,730, severally, for land taken and damages occasioned by the taking of land for the widening of Washington street.

Also, to pay S. Rowland Hart \$11,000 for land taken to widen Kuecland street; to abate in full the betterment assessment of \$480 upon the estate of Mary Lyons, No. 430 Hanover street, for the widening of said street; to abate \$200 from the betterment assessment of \$1400 upon the estate of Franklin L. Fay, No. 33 Carver street, for the widening of Eliot street; to pay J. H. Jenkins \$300 for clerical services to the Committee on Streets.

On motion of Alderman Squires, the report of Committee on Drainage on Low Districts, on practicability of draining the Back Bay District, near Brook-



line (City Doc. No. 92), was taken from the table and referred to the next Board of Alderman.

On motion of Alderman Jenks, the orders to provide additional accommodations for the Roxbury High School, including new heating apparatus, at a cost of \$30,000, to be raised by a loan, were taken from the table and referred to the next City Council.

Alderman Jenks stated, in explanation of his position in relation to taking the Roxbury Almshouse estate for a smallpox hospital, that he never was in favor of using the present buildings for such a hos-

pital, but that he believed the hospital should be on the lot of land owned by the city, and that his design was the erection of a building three hundred feet from any other building.

On motion of Alderman Rieker, the order for the Committee on Ordinances to report on the expediency of an ordinance to elect Superintendent of Lamps by concurrent vote, was taken from the table and indefinitely postponed.

Adjourned to Thursday, at 12 o'clock noon.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JAN. 2, 1873.

An adjourned meeting of the Board of Aldermen was held at 12 o'clock, noon, today, Alderman Little, the chairman, presiding.

## JURORS DRAWN.

Eight jurors were drawn for a sheriff's jury for service in Chelsea.

## APPOINTMENTS.

Police Officers—H. W. Oldham, Wm. H. Bradley, Renough J. Vinal, Wm. H. Dyer, John B. O'Grady, Sergeant Wm. C. F. Tracy as a Lieutenant of Police. Referred to Committee on Police.

## APPOINTMENTS CONFIRMED.

Special Police Officers, without pay—John L. Page, for Albany street and vicinity; Michael Carr, for Federal street and vicinity. Police Officers—John Kehler, Jonas Creig, Jeremiah J. Driscoll, James A. Gateley, Roswell M. Lyon, John A. Moore, Geo. W. Moutton, Wm. A. West—all on report of the Committee on Police.

## PETITIONS PRESENTED AND REFERRED.

Canterbury Litchfield, for apportionment of his Harrison-avenue betterments.

Referred to Committee on Streets.

## UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order to pay Thomas B. Williams \$9920, for land taken and damages occasioned by the widening of Washington street.

Order to pay Moses Williams \$9580, for land taken and damages occasioned by the widening of Washington street.

Order to pay John A. Lowell, trustee, \$16,600, for land taken and damages to estate at the corner of Washington and Franklin streets, by the widening of Washington street.

Order to pay heirs of William B. Callender \$14,329, for land taken and damages occasioned by the widening of Washington street.

Order to pay heirs of Henry Sargent \$11,900, for land taken and damages occasioned by the widening of Washington street.

Order to pay heirs of Daniel L. Gibbons \$8339, for land taken and damages occasioned by the widening of Washington street.

Order to pay to John C. Chaffin \$17,000, for land taken and damages occasioned by the widening of Washington street.

Order to pay Amasa Whiting \$14,430, for land taken in the name of Catherine E. and Amasa Whiting, and all damages occasioned by the widening of Washington street.

Order to pay Alpheus Hardy and others, trustees, \$28,730, for land taken and all damages occasioned by the widening of Washington street.

All of the above to be charged to the "Burnt District Loan."

Order to pay S. Rowland Hart \$11,000, for land taken and all damages occasioned by the widening of Kneeland street.

Order to pay J. H. Jenkins \$300, for clerical services performed during the year to the Committee on Streets.

Order to abate in full the betterment assessment of \$480 assessed upon the estate of Mary Lyons, No. 430 Hanover street, for widening said street.

Order to abate \$200 from the betterment of \$1400 assessed upon the estate of Franklin L. Fay, No. 33 Carver street, for the widening of Eliot street, conditioned upon the payment of the remaining \$1200.

Order to give the name of "Clarence street" to the street leading from 446 Dudley to George street.

Report of Committee on Finance, with order to make sundry transfers of appropriations for the following named objects:

Fire Department.....	\$130,000 00
Armories.....	30,000 00
East Boston Ferries.....	20,906 17
Also.....	19,093 83
House of Industry.....	20,000 00

## REPORT OF COMMITTEE ON BATHING.

Alderman Woolley, from the Committee on Bathing, submitted in print the annual report of the Committee on Bathing, an abstract of which has been published.

Accepted and sent down.

## REPORT OF SUPERINTENDENT OF HEALTH.

The report of the Superintendent of Health gives as the expence for the quarter \$101,827 76. Demands to the amount of \$2797 71 have been deposited with the Treasurer for collection. Amount paid into the Treasury to the credit of the department, \$10,659 04.

Read and sent down.

## QUARTERLY REPORT OF THE CITY PHYSICIAN.

CITY PHYSICIAN'S OFFICE, Jan. 1, 1873.

To the Honorable the Board of Aldermen—Gentlemen: I have the honor to submit the following report of this office for the quarter ending December 31:

One thousand and thirty-three persons have been vaccinated, and thirty-nine certificates of vaccination been given to children for their admission into the public schools; twenty physicians of the city have been supplied with vaccine virus. Daily visits have been made to the jail, and 215 prisoners have been vaccinated. The Temporary Home and the City Prison have been visited as often as necessity required. Seventeen hundred and ninety-three cases of smallpox have been reported during the quarter, and five hundred and twenty-three deaths from this disease in the same period.

SAMUEL A. GREEN, City Physician.

Ordered to be sent down.

## WIDENING OF LINDALL STREET.

A resolve and order for the widening of Lindall street, was received from the Street Commissioners, the whole expence being estimated at \$80,280, and the number of feet of land 2443.

The several items are estimated as follows: Wm. S. Perry, 490 feet of land \$40, \$19,600; damages \$1000—\$20,600. M. C. Ferris, 160 feet, \$20, \$3200; damages \$300—\$3500. John F. Mills, 338 feet \$20, \$6760; damages \$400—\$7160. Merchants Exchange Company, 527 feet, \$20, \$10,540; damages \$5000—\$15,540. J. J. Dixwell and E. S. Raul, trustees, 428 feet \$35, \$32,480; damages \$1000—\$33,480.

The resolve and order were passed.

## WIDENING OF SUMMER STREET.

A resolve and order for the widening of Summer street was received from the Street Commissioners, the whole expence being estimated at \$294,133, and the amount of land 9812.

The several items were as follows: E. E. Salisbury, 550 feet, \$60, \$33,000; damages, \$25,000—\$58,000. J. H. & G. Q. Thorndike, 670 feet, \$25—total, with damages, \$17,350. Proprietors of Trinity Church, 1074 feet, \$30, \$32,300. W. P. Mason and C. H. Parker, executors, 1241 feet, \$25, \$32,100. J. I. Bowditch, 254 feet, \$25, \$6700. Heirs of Walter Baker, 257 feet, \$25, \$6775.

William Minot, Jr., trustee, 259 feet, \$25—\$6825; Charlotte E. Waleott, 267 feet, \$30—\$8360; William Gray, 517 feet, \$28—\$14,976; heirs of Charles O. Rogers, 347 feet, \$22—\$8034; J. J. Franklin and J. Warren Faxon, 336 feet, \$28—\$9808; the same, 446 feet, \$28—\$12,988; Edward Bangs, 425 feet, \$25—\$11,125; Seman Klous, 35 feet, \$25—\$9400; M. H. Gleason, 290 feet, \$28—\$8520; John C. Haynes, 605 feet, \$20—\$12,700; J. F. Wilson, 368 feet, \$20—\$7760; Leonard Ware, 738 feet, \$16—\$12,408; heirs of Thomas Montgomery, 424 feet, \$20—\$8980; heirs of Jabez Frederiek, 386 feet, \$22—\$8892; Charles E. Cooke, 6 feet, \$22—\$132—making a total of 9812 feet of land at a cost of \$294,133.

The resolve and order were passed.

## REPORT ON SUFFOLK-STREET TERRITORY.

Alderman Little, from the Joint Special Committee on the Suffolk-street District, made a report, as follows:

The work of raising the grade of the territory and raising and underpinning the buildings included within the Suffolk-street District, so-called, was begun about the 1st of October, 1870, and has been completed during the present year. The limitation under the statute, for filing bills in equity by those who had any interest in the estates taken, expired on the 13th of July last. The original bill was filed by the Model Lodging-House Association, as owner of the estate on Pleasant street and Osborn place, and the time for giving in this bill was extended by the court until the 10th of September. At that date forty-nine parties were represented in the suit. Some of them have since accepted the terms offered by the committee and withdrawn. There are a considerable number of estates remaining unsettled where the parties in interest have refused to accept the terms fixed by the committee, and have neglected to preserve their rights by joining the bill in equity.

The estimated net expence of the improvement on this district was \$2,351,550. It will be observed by the accompanying statement that the actual expence,



after deducting receipts, will be nearly a million dollars below the estimates. The whole amount of filling deposited on the district is estimated at 248,344 cubic yards. The streets have been raised to the grade of eighteen feet or more above mean low water, and the cellars, back yards and vacant lots to twelve feet. Over six hundred buildings have been raised to correspond to the new grade, and one hundred and forty demolished, either on account of the widening and extension of streets or because they were unfit to raise. The street improvements which have been carried out are as follows:

The extension of Shawmut avenue to Tremont street, by widening Suffolk street from forty to sixty feet, crossing the Boston & Albany Railroad location and Orange street by an iron bridge to Indiana place, and laying out an entirely new street from that point to Tremont street at Common street.

The widening of Castle street between Washington and Tremont street to fifty feet, by cutting off about twenty-eight feet of the estates on the northerly side.

The widening and extension of Middlesex street from Dover street to Castle street.

The widening of Emerald street between Paul and Castle streets.

The widening of Carney place from Washington street to Shawmut avenue.

The laying out of a new street, named Cobb street, forty feet wide, from Washington to Suffolk street.

The widening of Washington street on its westerly side, between Cherry street and Orange street.

The widening of Wheeler's court, and its extension to Indiana place.

Substantial retaining walls have been built on either side of the Boston & Albany Railroad between Shawmut avenue and Tremont street.

The grading and paving of the streets have been completed with the exception of Cobb street and portions of Emerald, Village, and Albion streets.

The committee give as the cost of widening streets \$454,588 86, of which the extension of Suffolk street cost \$217,507 19; widening of Castle street \$123,775 28. Other expenses were—Sewers and cesspools, \$53,334 60; water works, \$22,157 89; repairing buildings, \$36,781; estates surrendered and paid for, \$870,326 70; less widening and extending streets, \$409,542 49,—leaving \$460,984 21; retaining walls and foundations, \$10,162 92; incidents, \$11,422 08; raising and underpinning, \$326,716 11; salaries, \$24,838 65; paving streets, \$111,535 65; moving buildings, etc., \$22,349; damages, \$44,094 37; appraising and examining titles, \$12,265 90; filling, \$245,685 70; Shawmut-avenue Bridge, \$126,260. Total amount of appropriation, \$2,106,248 96; expended, \$2,007,997 11,—leaving a balance unexpended of \$98,251 85.

Amounts to be credited to the appropriation—from sales of estates, \$564,142 72; old buildings, \$19,846 50; betterments, \$177,851 45—and other items, the whole amounting to \$779,874 08—and there is an estimated value of land remaining unsold amounting to \$25,850—making a total of \$805,724 08. Estimated amount to pay for estates surrendered, \$355,600, with other items, making the whole \$392,160.

A recapitulation gives the following result:

Total amount of expenditures.....	\$2,007,997 11
Estimated amount to pay for estates taken for streets and for estates already sold and credited to the appropriation.....	150,000 00
Amount to be paid for damages, paving, sidewalks, etc.....	36,560 00
Total expenditures on account of improvement.....	\$2,194,557 11
Amount to be credited to improvement.....	805,724 08
Total cost.....	\$1,388,833 03
Estimated expense when the work was begun.....	\$2,351,550 40

Signed by all the members of the committee.  
Ordered to be sent down.

REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Sewers, reported orders for the collection of sewer assessments, the aggregates being as follows: Guild street, \$1865 85; Bumstead lane and Conant street, \$1938 15; Fourth street, \$898 10; Longwood and Bellevue streets, \$4253 40; Warren street, \$1530 32; Beacon street, \$10,181 91; Seventh street, \$1148 50; Palmer street, \$1396 60; Foundry and Sixth streets, \$3567 85; Longwood avenue, \$3059 19; Hammond street, \$1858 59; Warwick street, \$1141 09.

The orders were severally passed.

Alderman Squires, from the Committee on Public Lands, on the petition of E. S. Johnson and J. S. Cane, made a report with an order for an exchange of new bonds for old ones given for land on Harrison avenue.

The report was accepted, and the order was passed.

Alderman Jenks, from the special committee of this Board, to whom was referred the petition of Allen & Noble, for an inquiry into the award made to them for damages on account of the extension of Devonshire street, submitted a report, as follows:

At the hearing upon the subject, it was represented by the petitioners that there had been an injustice done them, by the refusal of the Committee on Laying out and Widening Streets to accept an obligation from them to save the city harmless from the claims of lessees of the estate No. 8 Washington street, taken for the extension of Devonshire street.

The substantial facts in the case are as follows: The petitioners occupied the larger portion of the building in question, the rental value of which they estimate at \$4000 per annum. The other portions of the building were leased by them for \$1650, but they estimate the rental value at \$2000 per annum. In making up the award of damages the committee allowed \$500 in settlement of those to the leasehold estate. The petitioners were enabled to settle the damages to the other lessees for \$1200, thereby retaining for their own leasehold damages \$3800. Upon the basis of the settlement with the other parties in interest they would have received only \$2400.

It has always been the policy of the city not to accept bonds from the owners to protect the city from the claims of lessees, unless those claims are unreasonable and the owner would suffer an injury by being forced to accede to their terms, or prevented from receiving his award from the city. In this case there was no such unreasonable demand on the part of the lessees, and the petitioners do not pretend that they were unable to make an amicable settlement with them. The complaint of the petitioners is therefore without foundation, and the committee would recommend that they have leave to withdraw. Accepted.

ORDERS PASSED.

On motion of Alderman Fairbanks,

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Regent and Akron streets, and to report a schedule of the expense to this Board.

Ordered, That the Superintendent of Sewers be directed to construct a common sewer in Vine street, and report a schedule of the expense to this Board.

Ordered, That the sum of \$28 89 assessed upon Harriet Sharp for a sewer in Thatcher street remain uncollected until her estate uses the sewer.

Ordered, That the sum of \$101 74 assessed upon James Connor for a sewer in Seventh street be abated, and the same amount assessed upon Charles T. How.

On motion of Alderman Jenks,

Ordered, That there be paid to John C. Edwards the sum of \$50 for damages caused by taking land for the purpose of widening Washington avenue, in the city of Chelsea, by an order of the County Commissioner for the county of Middlesex, passed on the first Tuesday of January, 1872, upon the usual conditions; the same to be charged to the appropriation for the County of Suffolk.

Ordered, That his Honor the Mayor be requested to petition the General Court at its present session for an amendment to the city charter, so that the several wards of the city shall annually elect one member of the School Committee for a term of three years, instead of two members.

On motion of Alderman Cutter,

Ordered, That the Board establish the grade of those streets within the burnt district so called, lying between Devonshire and Broad streets, and Sullivan place, Channing, Perkins, and Sturgis streets, and State street, as shown in red figures on a plan made by the City Surveyor, dated Dec. 31, 1872, and deposited in the office of the said City Surveyor.

On motion of Alderman Woolley,

Ordered, That the Chief Engineer of the Fire Department be and he hereby is authorized under the direction of the committee, to purchase eleven thousand feet of hose to replace what was destroyed at the fire of Nov. 9 and 10, 1872, belonging to out-of-town fire companies; also to supply the steam fire boat; the same to be charged to the appropriation for the Fire Department.

On motion of Alderman Clark,

Ordered, That there be paid to Jonas Parker the sum of \$10,155 for land taken and all damages occasioned by the widening of Washington street, by a resolve of the Board of Street Commissioners, December 16, 1872, upon the usual conditions; to be charged to the Burnt District Loan.

Ordered, That there be paid to James Dennie and Edward F. Robinson the sum of \$2500 each for services rendered to the Committee on Streets, on the part of the Board, during the present municipal year; to be charged, \$2000 to Widening Streets; \$500 to Paving; \$800 to Harrison-avenue Extension; \$700 to



Shawmut-avenue Extension, and \$1000 to Atlantic avenue.

On motion of Alderman Ricker,

Ordered, That the Overseers of the Poor be directed to pay from the appropriation made for their department such bills as have been incurred, under the direction of the Health Department, for the temporary relief of sick paupers with smallpox or other contagious diseases.

On motion of Alderman Clark, the vote whereby this Board non-concurred in the amendment of the Common Council to the order for appointment of Commissioners on annexation of adjoining suburbs was reconsidered, and the amendment was concurred in.

Adjourned to Saturday 12 o'clock.





## CITY OF BOSTON.

Proceedings of the Common Council,  
JAN. 2, 1873.

The regular weekly meeting of the Common Council was held this afternoon, at three o'clock, it being the final meeting of the year, M. F. Dickinson, Jr., the President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

The petitions of Isaac M. Learned & Co., and of Osborn Howes, were severally referred, in concurrence.

The quarterly reports of the City Physician and of the Superintendent of Health, and the annual report of the Committee on Bathing were severally ordered to be placed on file.

The final report of the Committee on the Suffolk street District was accepted, in concurrence, and ordered to be printed.

Reports were accepted in concurrence, as follows:

Reference to next City Council of report and orders for additional accommodations, new furniture, and heating apparatus for the Roxbury High School; and for a loan of \$30,000 to pay therefor.

Report referring to the next City Council the petitions of H. W. Nelson and the presidents of insurance companies and others, for the extension of the building limits so as to include Wards 7 and 12.

Report (no action necessary) on petition of D. W. Beckler, to be heard in relation to charges against him concerning the construction of his building.

Report on petition of Russell Sturgis, Jr., and others, that, under existing statutes, the City Council has no jurisdiction to restrain the sale of certain obscene publications.

The report on petition of H. W. Dutton & Son, inexpedient to change the regulations relative to excavations under streets and sidewalks being on its acceptance, on motion of Mr. Page of Ward 9, it was referred to the next City Council.

The following orders were severally passed, in concurrence:

Order requesting Committee on Public Buildings to consider the expediency of connecting steam pumps with the steam boilers in the city buildings.

Report and order requesting the Overseers of the Poor to take possession of the real estate devised to the city by the will of Lucy Bullman, to manage and dispose of the income, and that the accumulated income of said estate be paid to said Overseers.

Report recommending the passage of the order to allow the City Treasurer \$4000 for extra clerk hire, on account of the collection of taxes during the present year, and passage of said order.

Orders to expend not exceeding \$100, in repairing the armory of Company B, First Battalion of Light Artillery, M. V. M.; to allow and pay \$500, to be expended in furnishing the headquarters of the First Battalion of said artillery; to allow and pay Company K, Ninth Regiment, M. V. M., \$50, for rent of rooms temporarily occupied by them; to allow and pay said company for rent of armory, corner of Third and Dorchester streets, \$400 per annum, beginning on November 1, 1872, and continuing until otherwise ordered.

Report and orders for the purchase of a lot of land on the southerly side of Fourth street, containing 4937½ square feet, at not exceeding \$1 10 per square foot; and for a loan of not exceeding \$6000 to be applied therefor, said land to be used for a police station.

The reference made by the Council to the Street Commissioners of the order for the widening and extension of Portland street, as set forth in said order, coming up from the Board of Aldermen, non-concurred in.

Mr. Shepard of Ward 4 moved that the Council recede from its reference to the Street Commissioners. The question being taken on the motion, a quorum failed to vote.

Messrs. Webster of Ward 6 and Shepard of Ward 4 favored the motion to recede, believing it to be desirable that more direct action should be taken on the proposed widening.

Mr. Flynn of Ward 7 did not think anything would be gained by the action of the City Government at this time, since the Street Commissioners would be obliged hereafter to furnish an estimate of the cost.

After further remarks by Messrs. Perkins of Ward 6 and Gragg of Ward 14, the Council receded, and the order was referred to the next City Council.

Order to pay J. H. Jenkins \$300, for services to the Committee on Streets.

Order for the transfer of certain appropriations as follows:

Fire Department.....	\$130,000 00
Armories.....	30,000 00
East Boston Ferries.....	20,000 17
Also.....	19,093 83
House of Industry.....	20,000 00

Order authorizing the cancelling of bonds given to John S. Blair and Charles W. Skinner, for certain lots of land on Harrison avenue; new agreements to be issued to Ezekiel S. Johnson and Joseph F. Came with all the conditions inserted as are set forth in the previous ones, upon their giving five bonds in the sum of \$17,701, payable in eight annual instalments with interest, the bonds and agreements to be dated January 1, 1873, and the expenses to be paid by said Johnson and Came.

Resolve and order for the widening of Summer street, at an estimated expense of \$294,133. Passed unanimously.

Resolve and order for the widening of Lindall street, at an estimated expense of \$80,280. Passed unanimously.

Order to purchase 11,000 feet of hose, to replace hose destroyed Nov. 9-10, belonging to out-of-town fire companies, also to supply the steam fire boat.

Order to pay bills of the Health Department for temporary relief of paupers sick with smallpox or other contagious disease.

The order to pay James Dennie and Edward F. Robinson \$2500 each, for services rendered during the year to the Committee on Streets, was read once.

Mr. Pease of Ward 1 moved a suspension of the rules for the final consideration of the order, and asked for information what the order means.

Mr. Flanders of Ward 5 inquired of the chairman of the Committee on Streets of the Council whether the order had been considered in the committee.

Mr. Flynn of Ward 7 replied that the order had not been considered in committee, and that as a member of the committee on the part of the Council he knew nothing of it, and that they had no authority in the matter, nor had they employed any one in their service.

Mr. Perkins of Ward 6 stated that it was true the committee on the part of the Council knew nothing of the matter; but it was also true that the reports of the Street Commissioners go to the Committee on Streets of the Board of Aldermen, for estimates and betterments, and the work must be done by somebody. Whether the sum to be paid was larger or smaller than it should be, he had no opinion; but every one knows that these gentlemen are engaged in that kind of work.

Mr. Pease said he was unwilling to vote \$5000 to anybody, without knowing what it is for, and as no one knew anything about it, he would move its reference to the next City Government.

Mr. Gragg of Ward 14 stated that the services of these gentlemen were rendered in assessing betterments, and as experts they were perfectly qualified for the business. The members of the committee of the Board of Aldermen who employ them know what those services are and are satisfied with them, and the Board of Aldermen, in passing the order, show that they are satisfied.

Mr. Webster of Ward 6 hoped the motion would not prevail without further consideration. One of these gentlemen, he understood, received \$700 as an assessor, and the payment of \$2500 each was for services to the Committee on Streets. That sum could not be considered high for gentlemen qualified as experts. If capable of doing their work well, the Committee on Streets were competent to judge. He did not believe in refusing a fair compensation for work well done, and he hoped the order would be passed.

Mr. Fitzgerald of Ward 7 said he had no objection to paying for services performed, but in this case no member of the committee seemed to be able to give a why or wherefore in favor of payment of the order.

Mr. Perkins believed there was something defective in the matter, but it was no more so than in the case of the report on the police station, which had just been acted upon. They were constantly making appropriations of which no committee of the Council had any knowledge. There could be no objection because one of them acts as an assessor, for the better men they could have for assessors the better for the city.

The motion to refer to the next City Council was carried by a vote of 29 to 16.

Mr. Pickering of Ward 6 subsequently moved a reconsideration of the vote referring the order to the next City Council.

Mr. Gragg of Ward 14, believed the Council did



not rightly understand the question, and hoped the reconsideration would prevail.

Mr. Brooks of Ward 1 also advocated the reconsideration, and Mr. Pease of Ward 1 expressed himself as satisfied with information given on the subject, and was willing to vote for the order.

The reconsideration prevailed, and the order was passed, in concurrence.

The order that the Mayor be requested to petition the General Court at its present session for an amendment to the city charter, so that the several wards of the city shall annually elect one member of the School Committee for a term of three years, instead of two members, being under consideration—

Mr. Flynn of Ward 7 proposed to amend by adding propositions to constitute joint committees on paving, lamps and sewers.

The order was laid on the table for the purpose, and subsequently was taken up, when notice was given that the proposition would be offered in another form.

The order was passed, in concurrence.

UNFINISHED BUSINESS.

The following orders were severally read a second time and passed:

Order for the appointment of an agent to look after the welfare of persons discharged from the institutions at South Boston and Deer Island.

The order to pay to the heirs of Nancy Haley \$3000 for money expended in the erection of buildings upon the land devised to the city by Lucy Bullman, was further considered.

Mr. Holmes of Ward 6 declared that the petitioners had no claim whatever, and the court had decided that they had no rights under the will, and the property would have been mortgaged even though they had known that it would go to the city, on account of the gain to them in its improvement.

Mr. Webster of Ward 6 stated that the petitioners had no legal claim, technically, as determined by the courts, on the question of heirs at law, or issue, but they had an equitable claim.

Mr. Holmes further opposed the order.

Mr. Perkins of Ward 6 was of the belief that the parties would not have improved the property in question, had they not believed they would become heirs to it.

Mr. Smith of Ward 1, stated that in consideration of the question before the Committee on Overseers of the Poor, the committee visited the premises, and were of the belief that the city should pay the parties something.

Mr. Holmes did not believe the petitioners improved the buildings or expended the money in expectation of getting back what they spent, except from the improved value derived from the expenditure.

Mr. Webster stated, as the basis of the report of the committee, that the value of the buildings had been increased by the improvements, and the city had the benefit of it. The petitioners had the support of Nancy Haley for many years.

The order was passed.

ORDERS PASSED.

On motion of Mr. Flanders of Ward 5—

Ordered, That there be allowed and paid to the Clerk of the Common Council \$500, for extra services in preparing for publication the journal of the proceedings of the Common Council.

Ordered, That all matters of an unfinished nature in the hands of the joint standing committees be referred to the next City Council.

On motion of Mr. Perkins of Ward 6, the order to pay James L. Hillard \$35, for extra services, was taken from the table, and after explanation that the services consisted in the counting of votes in the recent recount of votes cast at the last municipal election, the order was passed.

On motion of Mr. Page of Ward 9,

Ordered, That the Inspector of Buildings be directed to revoke the license to A. R. Esty, to erect a building on the land of William Boynton.

Mr. Page stated in explanation, that when the license was granted, it was in contemplation to widen Kingston street on the westerly side, but the opinion is now that the widening can best be made on the easterly side of the street.

On motion of Mr. Robinson of Ward 11—

Ordered, That the City Messenger cease to be procured the suitable binding of the city documents for each of the members of the City Council, and that \$150 be appropriated therefor; to be charged to appropriation for Miscellaneous Claims and Incidental Expenses.

EAST BOSTON FERRY TOLLS.

Mr. Smith of Ward 1 moved to take from the table the order to make the ferries free to feet travel

after the 1st of January, with the opinion of the City Solicitor thereon, and that it be referred to the next City Government.

Mr. Webster of Ward 6 moved an indefinite postponement of the order.

The motion to refer being first in order, it was put, and the reference was so made.

OPENING OF THE PUBLIC LIBRARY ON SUNDAYS.

On motion of Mr. Fitzgerald, the order authorizing the opening of the reading room of the Public Library on Sunday, the objections of the Mayor notwithstanding, was taken from the table for consideration.

Mr. Perkins of Ward 6 said he intended to vote for the order, because the Legislature had expressed an opinion that there was no law against the opening of the library on Sunday. It was evident that they would never get a law for it, and the only way of determining the matter was by opening the library; then some one would get an injunction from the Supreme Court, and the question will be settled.

Mr. Shepard of Ward 4 did not believe it would be any disrespect to the Mayor to vote against his veto, because he said he vetoed the order with reluctance. It was a question to be settled purely and cursorily on legal grounds. That ground had been discussed freely, and since the discussion a distinguished lawyer of Worcester had given his opinion in favor of opening libraries on Sunday. In a fair question of legal doubt, they need not be deterred from voting against the veto of the Mayor.

Mr. Smith of Ward 1 opposed the passage of the order as in violation of the command of the Great Lawgiver; and in opening the library they would be obliged to have men to do the work of attending upon the library.

Mr. Moulton of Ward 9 said if the gentleman was so conscientious it would be a good plan to stop running the ferries on Sunday.

Mr. Blackmar of Ward 11 moved the previous question, when the order was lost, by a vote of 42 yeas, 14 nays, as follows:

Yeas—Anderson, Bickford, Bicknell, Blackmar, Bradt, Brooks, Burditt, Burt, Caton, Clatur, Collins, Darrow, Davenport, Devine, Doherty, Fitzgerald, Flynn, Gragg, Heath, Hersey, Holmes, Hughes, Jones, Kingsley, Lamb, Yarston, Martin, McNutt, Moulton, Mullaney, Noyes, Perkins, Pickering, Risteen, Robertson, Salmon, Shepard, Thacher, Webster, West, Whiston, Wright—42.

Nays—Cunningham, Emery, Faxon, Flanders, Locke, Loring, Page, Pease, Prescott, Robbins, Robinson, Smith, Weston, Wilbur—14.

The Chair ruled that two-thirds of the vote of the full Council was required, 43 being that number.

Mr. Blackmar raised the question whether 43 votes were required, one member of the Council having died, and another resigned, leaving but 62 members, of which 42 made two-thirds.

The Chair stated that the question was a difficult one to decide, yet by section 47 of the city charter the Council is made to consist of 64 members. The ruling be made with some hesitation, but he believed there must be a vote of two-thirds of the whole number of members of which the Council was composed.

Mr. Flynn of Ward 7 asked if he could change his vote.

The Chair ruled that it was too late.

Mr. Flynn wished to know if it was proper to ask for a verification of the vote by yeas and nays (a member having come in).

The Chair ruled that the vote might be verified, but in the verification no other vote could be received and no changes could be made.

Mr. Pease of Ward 1 raised the question whether an other vote could be had.

The Chair ruled that it could not.

Mr. Flynn said he should appeal from the decision of the Chair, and ask for the yeas and nays on the appeal.

Mr. Blackmar stated that since the vote was taken a gentleman had come in who would not vote to sustain the veto.

The Chair stated the question to be, whether the ruling of the Chair should be sustained, and not whether another vote should be taken.

Mr. Flynn inquired if he withdrew his appeal whether a motion for reconsideration would be in order.

The Chair stated that one reconsideration having been acted upon, there could not be a motion for another.

Mr. Perkins of Ward 6 said his first impression was that the Chair was wrong, and he inquired what other sections of the charter could be cited to sustain his ruling.



Mr. Pease of Ward 1 said the only Council they knew of consisted of sixty-four members, and it was perfectly clear that it must be two-thirds of that number required for a passage of the order.

The Chair stated more fully the grounds of his ruling that, under the forty-seventh section of the city charter, it was provided that if the Mayor did not approve of a measure passed by the City Council "he shall return the same, with his objections, to the branch in which it originated, who shall enter the objections of the Mayor at large on their records, and proceed to reconsider said ordinance, order, resolution or vote; and if after such reconsideration two-thirds of the Board of Aldermen or Common Council, notwithstanding such objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the City Council (if it originally required concurrent action) where it shall also be reconsidered, and if approved by two-thirds of the members present it shall be in force."

Under this section it was clear that as the order originated in the Common Council, a two-thirds vote of the entire number of members was required before the order could be passed over the Mayor's veto. On the other hand, if the matter had originated in the Board of Aldermen it would only require two-thirds of the Common Council present to pass it. The two-thirds provision was adopted to guard against wrongful appropriations, and to establish a different precedent he believed would be dangerous.

It was further stated, as in confirmation of this construction of the language, that under the statute of 1861, authorizing cities and towns to appropriate money for certain purposes not authorized by law, such appropriations may be made by two-thirds of the members present.

Mr. Shepard wished to know if there was no other rule but section forty-seven, and if in the Board of Aldermen only two-thirds of the vote of members present were required, why in the branch in which the order happens to have originated, the rule should not be construed in the same way. He believed there should be required but the vote of two-thirds of the members.

The Chair replied that he did not know why the distinction was made in the language, but under it if the order had originated in the Board of Aldermen two-thirds of the members would have been required, and when it came here, but the vote of two-thirds of those present would have been necessary to pass the order. It might be an absurdity and it might be a misfortune of the order that it originated here, but there could be no doubt of the construction of section forty-seven, and it would be a dangerous precedent to pass the order under such a construction of the meaning of a two-thirds vote.

Mr. Perkins agreed with the Chair as to the construction of the words two-thirds and two-thirds present, but it seemed to him that the two-thirds had reference to the members alive and on the roll of the Council. So far as action of the Council was concerned, sixty-two were as good as sixty-four members.

Mr. Blackmar stated that the Council consisted of sixty-two members, and it was their fault, perhaps, that the two vacancies had not been filled. The Council had been doing business with sixty-two members, and it was considered to be legal action, and recognized as such. But in this case another had come in since the vote was taken, and the result might be changed by his vote.

Mr. Fitzgerald cited as an analogous case the action of Congress after the secession of Southern members, to give legal effect to their measures. A rule somewhat similar to that claimed here was adopted. Here one man had been taken away and another had resigned, leaving only sixty-two members of the Council, and why should not the application be to two-thirds of that number.

Mr. Pease of Ward 1 said some members appeared to be horrified because forty-three votes were necessary to carry a measure requiring a two-thirds vote; but why had they not been horrified before, no objection having hitherto been made to that number as requisite in the votes passed.

Mr. Fitzgerald replied that there had never been a case like this before.

Mr. Pease rejoined that no doubt had ever been raised as to a two-thirds vote on other questions.

Mr. Perkins said he was surprised at the ruling, for he had no doubt that but two-thirds of 62 votes were necessary.

Mr. Smith of Ward 1 characterized the ruling as the crowning honor of the closing hours of the action of the Chair, and he did not doubt the ruling was correct.

Mr. Fitzgerald said the Chair had doubts, but the

gentleman from Ward 1 had no doubt upon the action of the Chair.

Mr. Flynn said he took an appeal with great reluctance, because he believed the Chair generally ruled to the satisfaction of the members.

Mr. Perkins said that before voting he wished to say that in voting as he should he was not discourteous to the Chair.

Mr. West wished to know if under the ruling of the Chair, the people failed to elect 43 members, no money bills could be passed.

The Chair assented, and stated that with reference to the action of Congress in the rebellion, an act was provided to meet an emergency. The argument that 62 is as well as 64 in the number of members of the Council defeats itself, for if that be true, a less number would be as good as 62, and so on downward. If the Council was not wise enough to fill the vacancies in their body and to provide for an emergency it was their lookout. The charter regards it as a very important step when one branch decides to veto the action of others, and to secure the end, it provides that two-thirds of the whole number shall be necessary to overcome that veto. So far as related to the payment of money when a two-thirds vote was required, he did not believe that any order had passed this year with less than 43 votes.

Mr. Brooks of Ward 1 believed every member should have the privilege of voting, and he was ready to declare that he was in favor of free ferries, tree libraries, and everything that was beneficial to the citizens.

The Chair stated the question to be not that of allowing a member to vote, but an appeal from the decision of the Chair as to how many voters were required in two-thirds of the Council.

Mr. Brooks said he would appeal from the decision in refusing to allow another member to vote.

The Chair ruled that the appeal was too late, other business having intervened.

Mr. Perkins stated that the decision affected not money alone, but all cases in which a two-thirds vote is required.

Mr. Pickering of Ward 6 said it was well known he had been desirous to have the order pass for opening the Public Library on Sunday. He thought the legal difficulties all cleared away, and that he could vote for the measure, but it seemed to him a dangerous precedent in a matter of this kind to pass an order on a doubtful two-thirds vote. If it was a large sum of money involved it would be worthy of more consideration than was this case. As it was not vital, he would not have an appeal set up in the case.

Mr. Perkins believed that for the very reasons that this was not an important case, a decision might be made on it with safety.

The question was taken on the appeal, and the Chair was sustained by a vote of 53 yeas to 25 nays, as follows:

Yeas—Adams, Caten, Collins, Cunningham, Darrow, Emery, Faxon, Flauders, Holmes, Jones, Locke, Loring, Marston, McNutt, Moulton, Noyes, Page, Pease, Pickering, Prescott, Robbins, Robertson, Robinson, Salmon, Shepard, Smith, Thacher, Webster, West, Weston, Whiston, Wilbur, Wright.

Nays—Anderson, Bickford, Bicknell, Blackmar, Bratt, Brooks, Burditt, Burt, Clatur, Davenport, Devine, Doherty, Dolan, Fitzgerald, Flynn, Gragg, Heath, Hersey, Hughes, Kingsley, Lamb, Morton, Mullane, Perkins, Risteen.

#### HOME FOR THE POOR.

On motion of Mr. Prescott of Ward 9, the majority and minority reports of the Committee on Public Institutions on the purchase of the Capen farm for a Home for the Poor, were taken from the table.

Mr. Prescott moved the substitution of the minority report, reference to the next City Council, for that of the report of the majority.

Mr. Robbins of Ward 8 stated that the order was imperative that the committee should report a location, and although the site was more acceptable than any other, and could be had at a reasonable price, he did not object to a reference to the next City Council. It should be understood, however, that the time in which the purchase can be made expires on the 10th of January, and it may not be had after that time except at an advance of \$30,000 or \$40,000.

Mr. Gragg of Ward 14 did not object to a reference to the next City Government, but in the complications of questions concerning public institutions, the question would never be settled until the least objectionable one was taken up and acted upon, and this he believed to be of that character. He would like to have the opinion of the delegation from Ward 16 if this was not the best site that could be procured for a Home for the Poor.



Mr. West of Ward 16 did not believe that they had considered the question enough to be satisfied to vote upon it.

Mr. Burt of Ward 16 stated that the location was a splendid one, and the question was whether it was not too good, whether it would not cost too much money, and whether one good enough could not be had at less cost.

Mr. Prescott of Ward 9 said—

I differ from the majority of the Committee on Public Institutions in regard to the purchase at this time of the Capen farm—for a site for a Home for the Poor—because I do not consider that this subject has received that careful consideration which a matter of this kind should receive at the hands of this committee. This matter was placed in the hands of this committee in July last and on the 31st of that month laid on the table. It was voted to have a hearing on the removal of the House of Correction, the location of a Home for the Poor and an Insane Asylum. No hearing was had except in regard to the removal of the House of Correction, upon which the committee have already reported. No advertisement was ever put in print that the committee would receive proposals for a site for a Home for the Poor, as was suggested in committee and should have been done. The committee have simply visited three farms, one belonging to a member of this Council, the second suggested by another member of this Council, and the third the Capen farm, brought to the notice of the committee by its chairman. They visit this farm and no further action is taken until an order passed through the Council three weeks ago tonight, requesting them to report then. The committee are called together at an ill-timed hour, and without fifteen minutes' deliberation vote to ask the City Council to purchase this farm and pay for it the sum of \$212,000.

I oppose the passage of this order at this time, at almost the close of this municipal year, because I believe in justice to a large class of our fellow citizens—taxpayers—we should allow this matter to pass over to the next City Government. Our city since the passage of the original order has been stricken by a great calamity. At this time a large portion of our best taxable property lies in ruins, while a large portion of the taxes received from the buildings and merchandise located in that district must be lost to our treasury for two, three or five years; yet the expenses of the Government, with the large improvements contemplated on that district, will not be any less; therefore calling for a large increase in the ratio of taxes. I believe that all the land needed for a Home for the Poor can be purchased at a much less expense than the amount named in this order, and that by a careful examination of this subject by the next City Government, (the committee not having brought it before this until this late day,) the poor will be as well provided for, and the interest of the taxpayers well cared for.

Another reason why I believe this matter should be passed over to the next City Government for consideration is that the poor are well provided for at the present time, both at Deer and Rainsford Islands. The Board of Directors for Public Institutions have but just fitted up the buildings at Rainsford, at an expense of nearly \$20,000, for the accommodation of the male paupers, and their removal to that island has improved the condition of those remaining at Deer Island by giving them better accommodations.

I object to the passage of this order appropriating so large a sum of money and the purchase of so much land—being in area nearly twice the size of Boston Common—for the only purpose of erecting a Home for the Poor. The city does not need any such amount of land for this purpose. I would remind the Council that the city already owns one farm at Winthrop, and before hastily appropriating more money for another, we should consider that that one has never been used for the purpose for which it was purchased, or any other, it still remaining idle; and thus one may share the same fate.

Entertaining these views—with the kindest regard for the poor, at the same time desiring to deal justly with the money coming from the treasury—I deem it for the best interest of the city that this matter be referred to the next City Government, and I move that this whole matter be so referred.

The motion to refer to the next City Council was carried.

THE BURRILL CLAIM.

On motion of Mr. Robbins of Ward 8, the order to pay Henry W. Paine, the assignee of Charles Burrill, forty thousand dollars, in full settlement for all services in procuring credits upon the quota of the city in 1864, was taken from the table for consideration.

Mr. West of Ward 16 stated that, as there were some doubts about the construction of the order, that

it might involve the payment of the claim twice, he would move to lay it on the table.

The motion was carried.

Mr. Fitzgerald of Ward 7 offered the following order:

Ordered, That the order passed by the City Council, and approved by the Mayor, September 12, 1870, in favor of Charles Burrill, be and the same is hereby confirmed, provided that two thirds of the City Council vote therefor.

Mr. Noyes of Ward 5 rose to a point of order, whether in conformity with the required order this could be passed with a two-thirds vote.

The Chair ruled that under a two-thirds vote it was competent to provide for the appropriation from any source.

The order was read once, and a motion to suspend the rules for its second reading was lost by a vote of 34 to 18.

Mr. Flynn moved its verification by a yea and nay vote.

Mr. Perkins of Ward 6 raised a question of order, that under previous rulings a verification could not be had by a yea and nay vote after a question was declared to be decided.

The Chair stated the point to be well taken.

Another count was taken in verification of the vote, and it was lost—36 to 22—not two-thirds.

Mr. Flynn moved to take from the table the order to pay the Burrill claim, recently laid upon the table.

Mr. Fitzgerald said he was a friend to Mr. Burrill, but he could not vote for this order.

Mr. Hersey of Ward 12 asked for the reasons given against the passage of this order.

Mr. West of Ward 16 said it was the opinion of some persons, that if this order was passed, there might be a claim also for the payment of the order of September, 1870, which had been passed, but the payment of which was stopped.

Mr. Shepard of Ward 4 did not think there could be any objection; the pending order providing that such receipts should be given as would be satisfactory to the City Solicitor and the Mayor, would be a sufficient guard.

Further remarks were made by Messrs. Perkins and Shepard.

Mr. Pease of Ward 1 did not think it worth while to discuss a question which nobody thought would pass, and moved the previous question.

The question was taken on the passage of the order, which was lost, having failed of a two-thirds vote, as follows:

Yeas—Anderson, Bickford, Bicknell, Blackmar, Burt, Collins, Cunningham, Davenport, Devine, Doherty, Flynn, Gragg, Heath, Hersey, Hughes, Jones, Kingsley, Lamb, Locke, Loring, Marston, Martin, Moulton, Mullane, Noyes, Pickering, Risteen, Robbins, Salmon, Shepard, Webster, West, Weston, Wilbur, Wright.

Nays—Adams, Bradt, Brooks, Burditt, Caton, Clatur Darrow, Dolau, Emery, Faxon, Fitzgerald, Flanders, McNutt, Page, Pease, Perkins, Prescott, Robertson, Robinson, Smith, Thacher, Whiston.

RESOLUTION OF THANKS TO THE PRESIDENT.

Mr. Bicknell of Ward 4 (Mr. Flanders of Ward 5 in the Chair), offered the following resolution:

Resolved, That we, the members of the Common Council of 1872, hereby present our thanks to M. F. Dickinson, Jr., for the ability, impartial fidelity and uniform courtesy with which he has discharged the duties of his office as President of this body, and that we also in separating, tender him our good wishes for his prosperity and happiness through life.

Mr. Fitzgerald of Ward 7 said it gave him great pleasure, as a member of the minority of the Council, to second the resolution. It was usual in the dying hours of deliberative bodies to pass resolutions like customary fulsome epitaphs, but he could say in seriousness and in truth that the resolution offered reflected the unanimous sentiment of the Council in regard to the presiding officer. In a speech of Sir William Scott, in the British Parliament, the model of a presiding officer was drawn so perfect in character that he thought nobody would reach it, but in this case the presiding officer came as near to it as any man can. St. Paul tried to be all things to all men, but did not please everybody; but in kindness and urbanity, and in his treatment of the members of the Council with fair play and justice, the President had won the respect and admiration of all here, and in private life he would have the respect of all the members of the Council.

If any unpleasant words had been said during their term of service, he trusted they would not be remembered outside of these walls, and they would go away with pleasant memories and pleasant associations connected with their association together.



Mr. Perkins of Ward 6 concurred in the remarks of Mr. Fitzgerald in the commendation of the manner in which the duties of the Chair had been discharged, also relative to the hope that no unkind words which may have been uttered would be remembered, and he referred to the coolness with which he had conducted himself this evening, under the appeal from his decision.

Mr. Pease of Ward 1 warmly seconded the resolution, and on motion of Mr. Smith of Ward 1 the question was taken by a rising vote, and the resolution was unanimously passed.

Mr. Dickinson, resuming the chair, addressed the Council as follows:

#### ADDRESS OF THE PRESIDENT.

Gentlemen of the Common Council—I am much gratified by this expression of your respect and regard. Though it is the customary formal vote, I feel assured that its language is sincere. Throughout the year I have received at your hands nothing but courtesy and kindness; so that my position has been one of genuine and increasing pleasure.

It has become usual for the retiring President of this body to review, more or less in detail, the leading measures which have occupied the attention of the Council during his term of office. In conformity with this custom, and in order that we may gather the lessons of experience, let us pause, ere we complete the record, while we briefly contemplate the work now brought to a close.

Apart from that great calamity which chiefly marks the period, the year 1872 would have been an important one in our municipal history. Comprehensive schemes for improving and beautifying our streets have been constantly before you, some of which have been begun, others of which have been completed. These have involved great changes and large expenditures of money, so that you have been called upon repeatedly to make appropriations of unusual amounts for these objects. Foremost among them stand the extensions of Washington and Devonshire streets, measures which have been demanded for a long time, and which probably would have been accomplished long ago but for the struggles of conflicting interests among property holders. The opening of these extended thoroughfares will afford direct and easy communication between the central and northern portions of the city, and will thus contribute materially to the more prompt and economical transaction of business.

The contract for the filling of a portion of the South Boston Flats, and the laying out of new streets in that locality, has engaged your careful attention; and it is to the credit of this branch of the Government that your vigilance finally secured for the city far better terms than were originally conceded by the other parties to the indenture. The work upon the Suffolk-street District has been substantially completed; Washington street has been widened to a width of sixty feet, between Summer and Milk streets, a measure made practicable by the great fire, and one which would seem to commit the city to the ultimate widening of the remaining portion of that street, down to Cornhill, where it meets the extension northward. You have also provided the means for beginning or completing like enterprises upon Kneeland, Stoughton, Purchase, Commerce, High and South Market streets, and for carrying on other similar improvements of minor importance.

The public institutions of the city, both charitable and penal, have engaged a large share of your attention. You have, by successive votes, recognized the necessity of better accommodations for the insane, of a larger House of Correction, and of a proper home for the poor. Our condition in these regards reflects no credit upon the city; and it is a matter of regret that more progress has not been made this year in supplying these wants.

For three new engine houses and a hose house you have expended this year \$128,000 00, besides making a special appropriation for the Fire Department of \$122,000 00, to repair the losses of material in the recent fire. These expenditures are large, but the future will require others still larger, if we are to have a department of sufficient strength and efficiency to meet an unusual emergency like that which we have lately experienced.

The recent passage of an ordinance creating a new Board of Health is a result largely due to the persistent efforts of the Common Council. Whatever unnecessary delay there has been in this matter cannot be laid at the door of this branch of the Government. The records of both 1871 and 1872 show who earliest moved, and oftenest urged, the adoption of better means for the preservation of the public health. In 1871, a joint committee was appointed, under an order introduced in this branch, to investigate and

report upon the subject of the sale of unwholesome meat. The investigation, which was a protracted and thorough one, resulted in a recommendation from the committee for a new Board of Health with efficient powers. No decisive action was taken upon the subject last year, owing to the failure of the Board of Aldermen to act upon the ordinance reported; but the matter having been ably considered by his Honor the Mayor in his inaugural address this year, it was referred to a joint special committee, from whose labors has finally resulted, after urgent demands from the popular branch of the Government, the ordinance lately passed.

The purchase of a site for a smallpox hospital, and the erection thereon of a convenient building, unfortunately recently burned, capable of accommodating two hundred patients, the introduction of a much needed additional supply of water from Sudbury River, the purchase of the Richardson estate adjoining the Public Library on Boylston street, for the purpose of affording enlarged facilities to that institution, and the proposition to increase the pay of the police force, are prominent among the subjects which have been before you; while the Burrill claim, the opening of the Reading Room of the Public Library on Sundays, and the freeing of the East Boston Ferries, matters which have been agitated in previous years, have received careful consideration at your hands.

You have had under advisement many questions affecting the interests of the public schools, and here you have been generous. As the Chairman *ex officio* of the Committee on Public Instruction on the part of this branch, and in the same capacity a member of the School Committee, my attention has been most frequently drawn to these matters; and I cannot refrain from saying that while everything like extravagance in the building or furnishing of schoolhouses is to be deprecated, still I believe the large sums you have this year laid out for educational purposes have been in the main wisely expended. You have appropriated this year, for the erection of four new grammar schoolhouses, about \$300,000; and this, together with the recent purchase of a large and convenient site for the English High and Latin schools, upon Dartmouth street and Warren avenue, at a cost of \$280,000, shows on your part the largest faith in the future growth and extended influence of our system of public instruction.

Two election cases, affecting the rights of persons to seats at this board, occupied your attention early in the year, one of which was severely contested. Facts then brought to light show how unsatisfactory and unsafe is our present system of conducting municipal elections; and it is to be hoped that additional legislation may be had, which will protect us against both blunders and frauds on the part of those in charge of the ballotbox.

But amid these many important changes and events, a mighty calamity rises and overshadows all. Who that witnessed the scenes of November ninth and tenth, when it was as if our fair city had been given over to the torch of the conqueror, can ever blot those hours from memory? What anxieties, what foreboding fears, preyed upon the mind throughout that dreadful night and day! We shudder when we recall how the fierce fire swept from block to block, from street to street, until scores of acres lay in ruins, while the arm of man was powerless to stay its resistless march. From yonder dome, where some of us watched for hours, what sights pained the eye, what sounds assailed the ear! The solid granite swept away in a whirlwind of flame; stores of costly merchandise consumed in a moment; walls heated to whiteness, turning streams of water to hissing steam; the crash of falling buildings; the ominous roar of the fire; the shrieking whistles of a hundred fire engines; the hoarse shouts of the firemen; a panic-stricken crowd hurrying purposeless to and fro;—all these conspired to form a scene too vivid ever to be forgotten, yet too terrible to be recalled.

So great a calamity imposed upon you new and peculiar duties; and it gives me pleasure to acknowledge the fidelity with which you have met and considered the questions thus presented, and the cheerfulness with which you have borne the burdens thus unexpectedly thrown upon you. Your first thought was for the poor; and while the fire was still raging, at noon on Sunday, the 10th of November, you assembled to devise plans for their relief. Since then, not a few of you have given substantially all your time to the public service upon the various committees on Relief, Streets, the City Loan, the Fire Department, the Survey and Inspection of Buildings, and in other capacities. If there is any despair or despondency over this loss, I am sure we have not felt it here. Our faith in the future of Boston has suffered no abatement; we are still full of courage

and hope. Out of these ruins already begins to rise the better and safer Boston, where trade will more confidently come, and where commerce will more securely rest.

There is another impressive event to which it becomes my sad duty to allude. Death has broken our number. Mr. Daniel Dowd of Ward 13, who began the year with us full of high hopes, fell suddenly by the way in early autumn. He was in the vigor of manhood, and had the prospect of many more years of usefulness and honor. It was his first term in the Council, and to many of us he was almost a stranger. But he had been here long enough to win the respect and confidence of all his associates at this board. He was a man of unassuming manners, of sound common sense, of ingenuous spirit, and of pure and honest purpose. His vacant seat teaches its own impressive lesson. It reminds us that we, too, are mortal. It warns us that life is short, and that the work of life must be done speedily. It is only by such a solemn event as this, when death comes close to us and takes one from our very side, that we are brought fully to realize the frail tenure on which we hold all that we value and pursue in this present life.

It was a remark of Dr. Johnson that we never con-

sciously do anything for the last time without a feeling of sadness. The observation impresses my mind as we perform the closing duties of this municipal year, and as I retire from a position where I have been the constant recipient of your courtesy and kindness. Whatever of error has attended my administration of this office, I alone am responsible for; whatever of success, is due largely to your indorsement of my efforts, and to the efficient aid which I have had from the accomplished Clerk of the Council, Mr. Gregg. For your generous indulgence, for your encouraging words and friendly acts, so often repeated from the first day of our service to this hour, again I thank you. Believe me, the associations and friendships here formed will remain among the most cherished recollections of my life. And now, as we separate, let us renew our pledges of mutual good will, and let us also be encouraged by a firm assurance of the future growth and prosperity of Boston.

On motion of Mr. Flanders of Ward 5, an order was passed requesting the President to furnish a copy of his address to be printed in the proceedings of the Council.

Adjourned *sine die*.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JAN. 4, 1873.

The final meeting of the Board of Aldermen was held this day at noon, Alderman Little, the Chairman, presiding.

## APPOINTMENTS MADE AND CONFIRMED.

Police-Officer—Philip McHugh.

Alderman Jenks moved that the above nomination be laid on the table, which was lost, when the nomination was confirmed.

Special Police Officer without pay—Stephen L. Emery, for Federal street and its vicinity.

## PETITIONS PRESENTED AND REFERRED.

Lorenzo D. Benner, for leave to occupy a wooden stable for two horses in rear of 124 Dudley street. Referred to Committee on Health.

William O'Brien, for abatement of his Harrison-avenue betterments. Referred to Committee on Streets.

## QUARTERLY REPORT OF WEIGHERS AND INSPECTORS OF BALLAST LIGHTERS.

The quarterly report of Weighers and Inspectors of Ballast Lighters gives as the receipts for the quarter ending December 31, 1872—for inspection of 290 vessels, their cargoes delivered amounting to 18,130 tons, \$1177 78; deducting expenses of office, \$24 30, there was a net income of \$1153 48, which was divided among the incumbents of the office.

Ordered to be placed on file.

## QUARTERLY REPORT OF CHIEF-OF-POLICE.

The quarterly report of the Chief-of-Police gives the following statements:

Arrests—7193; males 5888, females 1305; Americans 2440, foreigners 4753; non-residents 1604; minors 1367; commitments 4848.

Lodgers—10,568; males 9317; females 1251; Americans 4320, foreigners 6248; non-residents 8493; minors 1513.

The principal causes for arrest were as follows:

Adultery, 10; assault and battery, 386; felonious assault, 51; breaking and entering, 14; common drunkards, 93; disorderly, 1497; disturbing the peace, 79; drunkenness, 2656; gaming on the Lord's Day, 10; idle and disorderly, 19; insane, 59; simple larceny, 377; felonious larceny, 195; larceny at fire, 70; malicious mischief, 81; night-walking, 20; receiving stolen goods, 18; robbery, 24; shopbreaking, 81; suspicion of larceny, 132; suspicious persons, 635; truancy, 65; vagrancy, 73; violations of city ordinances, 68; violation of Sunday law, 110; witnesses, 101.

There was taken from prisoners and lodgers and restored to them, \$19,072 42; amount reported stolen in the city, \$21,187; amount of stolen property recovered, \$12,306 11; fines imposed by the courts, \$17,088; imprisonment by same, 471 years 10 months; days spent in court, 3646; witness' fees earned, 4166; larcenies reported in the city, 692; arrests for same, 459; received for dog licenses, \$294.

Miscellaneous—Accidents reported, 189; arrested on warrants, 516; buildings found open and secured, 445; cases investigated, 1781; dangerous buildings reported, 13; do. dangerous chimneys, 14; dead bodies found, 20; defective drains and vaults, 231; defective fire alarms and clocks, 30; defective lamps, 1025; defective streets and sidewalks, 788; disturbances suppressed, 1741; extra duties done by officers, 1082; fires extinguished without alarm, 50; intoxicated persons assisted home, 564; lost children restored, 159; rescued from drowning, 14; sick and injured persons assisted, 106; stray teams put up, 94; street obstructions removed, 7565; vessels boarded, 43; water running to waste reported, —.

Ordered to be placed on file.

## PAPERS FROM THE COMMON COUNCIL.

The reference of report on petition of Henry W. Dutton & Son to the next City Council coming up for consideration, was concurred in.

The following references were concurred in:

Reference to next City Council of the order directing the Street Commissioners to widen Portland street.

Reference to the next City Council of the order to make the East Boston ferries free to foot travel, together with the City Solicitor's opinion thereon.

Reference to next City Council of the report of Committee on Public Institutions, recommending the purchase of the Capen farm in Ward 16, to be used for a Home for the Poor.

Alderman Ricker stated that in the present condition of the city finances it was not expedient to carry out a measure of this kind in establishing a Home for the Poor. In his judgment the poor were now well cared for, and although he signed the report, it was done under an imperative order of the City Council that a report should be made.

The most imperative measure which should be carried out was in the establishment of a new hospital for the insane, the present hospital being a disgrace to the city. The question was in a better way for settlement, a proposition having been made to bring the matter to the legislation of the State, in the hope that the State would take care of the insane, as with other insane of the State. Under the circumstances he would move an indefinite postponement of the report.

Alderman Sayward said he agreed that the city should not enter into such a speculation as the purchase of the Capen farm contemplated. He would concur in the motion for indefinite postponement of the subject, and hoped that the matter of a Home for the Poor would be taken early in the year, and not be left until the business of the year was about to close.

The motion to indefinitely postpone was carried.

The following orders were severally passed, in concurrence:

Orders to revoke the license granted to A. R. Esty on the 18th of December, to build at the corner of Summer and Lincoln streets, on land of William Boynton.

Order to pay James L. Hillard \$35 for extra services performed under the direction of the committee of the Board of Aldermen on counting votes cast at the last municipal election.

Order for the binding of the City Documents for 1872, one for each member of the City Council, at an expense of \$150, to be charged to Incidental Expenses.

Order to pay the Clerk of the Common Council \$500 for extra services during the year in preparing for publication the journal of proceedings of the Common Council.

Order referring all unfinished business in the hands of the several Joint Standing Committees to the next City Council.

## REPORTS OF COMMITTEES.

Alderman Fairbanks, from the Committee on Licenses, reported in favor of licenses as follows: Morris Brothers to give a concert at Wait's Hall, January 10, 1873; M. F. Powers to give a concert at Wait's Hall, January 5; F. A. Churchill as an auctioneer; also license as victuallers, for a hack stand, and for transfer of wagon license; also an order to revoke the license granted to L. G. Knox to keep an intelligence office at 120 Tremont street, for cause.

Alderman Cutter, from the Committee on Police, made a report recommending the confirmation of the nomination of police officers, as follows:

Sergeant William C. F. Tracy as Lieutenant of Police.

H. W. Oldham, William H. Bradley, Renough J. Vinal, William H. Dyer, John B. O'Grady.

An order was previously adopted, authorizing an increase in the number of lieutenants of police, and the several nominations were confirmed.

Alderman Cutter, from the Committee on Paving, reported leave to withdraw, severally, on petitions of Beach & Copeland for leave to lay down pipes in the streets of the burnt district, near Fort Hill, for heating purposes; Robert McDevitt, to be paid for damages caused by change of grade on Broadway; Boston & Providence Railroad Co., for leave to lay tracks across the end of Yarmouth street. Severally accepted.

Alderman Cutter, from the same committee, reported no further action necessary on petition of William G. Preston, for the grade of Pearl street; no action necessary on petition of Alexander Beal for grade damages on Melville avenue; and no action necessary on petition of S. A. Stetson and others, against the proposed crossing of Yarmouth street by the Providence Railroad, the petition having been withdrawn. Severally accepted.

The same committee reported leave to withdraw on petition of Amos M. & Oscar N. Kyle, in respect to a bay window on Leverett street. Accepted.

Alderman Cutter, from the same committee, made a report, recommending the passage of the accompanying order:

Ordered, That the City Surveyor be directed to furnish to parties intending to build on the burnt district the grades established by this Board for cellars and streets respectively, December 23, 1872, and January 2, 1873.

The report was accepted and the order was passed.

Alderman Ricker, from the Committee on Health,



reported in favor of granting leave to John McDonald to occupy a wooden stable for two horses on Dove street, between Blue Hill avenue and Cherry street; and leave to withdraw, on petition of John R. Smith to occupy a wooden stable for three horses on a new street out of Heath street. Severally accepted.

#### ORDERS PASSED.

On motion of Alderman Jenks,

Ordered, That the Mayor be authorized to assign to the Institution for Savings in Roxbury and its vicinity, a mortgage given to the city of Roxbury by Patrick O'Neil, June 13, 1863, on land in West Roxbury, and recorded with Norfolk deeds, lib. 315, fol. 305, upon the payment to this city of the principal and interest due under said mortgage.

Ordered, That an order passed December 16, 1872, which authorizes the Mayor to assign to said Institution for Savings a certain mortgage given to the city of Roxbury by Patrick McNeil, be reissued.

On motion of Alderman Cutter,

Ordered, That the Board establish the grade of Regent street, between St. James and Circuit streets, as shown in three plans and profiles drawn by the City Surveyor, dated November 1, 1872, and deposited in the office of said City Surveyor.

On motion of Alderman Clark,

Ordered, That there be paid to William Gray the sum of \$14,976, for land taken and all damages occasioned by the widening of Summer street, by a resolve of the Board of Street Commissioners January 2, 1873, upon the usual conditions; to be charged to the Burnt District Loan.

Ordered, That the Chief of Police be and he hereby is directed to remove forthwith all the building materials now remaining within the lines of Devonshire street extended, between State street and Dock square, which were sold by public auction in the month of October, 1872, and which have not been removed by the purchasers, they having forfeited the same by failing to comply with the terms of the sale, the expense of said removal to be charged to the Appropriation for the Extension of Devonshire street.

Ordered, That there be paid to the heirs of Thos. G. Atkins and the heirs of Timothy Atkins, the sum of \$500, for land taken in the name of Thomas G. Atkins and for all damages occasioned to said Atkins estate by the widening of Richmond street, by a resolve of May 26, 1845, and recorded with City Records, vol. 23, p. 213; also for land taken in the name of Thos. G. Atkins and for all damages occasioned by the widening of Hanover street, by a resolve of June 2, 1846, upon the usual conditions, to be charged to the appropriation for widening streets.

On motion of Alderman Jenks,

Ordered, That there be paid to John H. Osgood the sum of \$900 for damages caused by taking land for the purpose of widening Washington avenue in the city of Chelsea, by an order of the County Commissioners of this County of Middlesex, passed on the 1st Tuesday of January, 1872, upon the usual conditions. The same to be charged to the appropriation for the County of Suffolk.

On motion of Alderman Fairbanks, an order was passed confirming an assessment for a sewer in Sixth street, amounting to \$78 81.

On motion of Alderman Clark, orders to quit were passed, requiring all persons owners or occupants of estates on High street, also on Summer street, Purchase street and on Lindall street, as widened, to remove all obstructions over the line of said widening on or before the first of March next.

Also for removal of obstructions over the line of widening of Cottage street, by the 1st May, and of Blue Hill avenue by the 1st March next, and of Pond street by the 1st May next.

Alderman Rieker offered the following order:

Ordered, That the Committee on Health be authorized to pay for their proportional part of the expense of dredging the Roxbury Canal; the sum of \$2550 to be charged to the appropriation for Health.

On the above order considerable discussion ensued, Alderman Power stating that the measure was authorized under considerable excitement on the subject of the health of the city, and although objected to as somewhat irregular, it was believed to be fully justified.

Alderman Jenks offered the following order:

Ordered, That there be paid to Nathan Matthews the sum of \$3323 for damages caused by taking land for the purpose of widening Washington avenue, in the city of Chelsea, by an order of the county commissioner for the county of Middlesex, passed on the first Tuesday of January, 1872, upon the usual conditions, the said sum to be charged to the appropriation for the county of Suffolk.

Alderman Jenks, on a call for explanation, said the measure of laying out the said avenue was be-

quented to us by a preceding government, and he could see no way but that of passing it.

On motion of Alderman Rieker,

Ordered, That all matters of an unfinished nature in the hands of the several standing committees of the Board be referred to the next Board of Aldermen.

#### RESOLUTION OF THANKS TO THE MAYOR.

Alderman Clark offered the following resolution:

Resolved, That the thanks of this Board be presented to his Honor William Gaston, Mayor, for the eminently able, impartial and honest manner in which he has discharged the duties of his office for the year now closing; and also for the uniform courtesy which has marked his bearing towards us; and we beg to assure him that in retiring from the position which he has adorned he takes with him our respect and esteem and our best wishes for his future welfare.

Alderman Clark in support of the resolution said—

Mr. Chairman—As this is our last meeting for the transaction of municipal business, it seems proper that we should express in some form, high appreciation of the very able manner in which his Honor the Mayor has administered the duties of his office during the year now drawing to a close. We have found in him an earnest supporter of all measures pertaining to the welfare, prosperity and future growth of the city. Twice elected without distinction of party to the honorable position from which he retires today, we can all bear testimony to the impartiality which always marked his course, believing it to have been absolutely free from all political favor, and not a single act has been influenced by any partisan feeling.

It gives me pleasure also to bear witness to the uniform kindness and courtesy which I have received in all my intercourse with him, and to express the high esteem with which I regard him personally. In saying this, sir, I feel that I am but expressing the sentiments of all my associates, and that they will fully indorse the resolution which I have offered.

The resolution was unanimously adopted.

The Mayor took the chair, when he addressed the Board as follows:

#### ADDRESS OF THE MAYOR.

Gentlemen of the Board of Aldermen—I did not need the vote you have just passed to assure me of your generous disposition towards me, for I had learned that from a year's intercourse with you. In this intercourse I am unable to recall any act of any member of this Board which has been unpleasant to me personally, or which has been inconsistent with the respect with which I know it has been your purpose to treat me.

I thank you for this last act, and I thank you more especially for the courtesy and kindness which have preceded it. I assure you that your cordial bearing towards me will always be held by me in grateful remembrance.

I desire to avail myself of this opportunity to publicly acknowledge my obligations to the City Clerk for the great assistance which he has rendered to me in the discharge of the duties of my office. To the heads of the various departments and to other officers in service at the City Hall I am under kindred obligations. For all these gentlemen I entertain the same sentiments of respect which I had the privilege of expressing in my address to the City Council at the commencement of the year. We shall all feel an assurance of safety while they remain at their posts in the public service.

The year, the concluding service of which we are now performing, has been filled with unusual and exciting events, some of which have added largely to your labors and duties; but independent of these I think your official action has been of more than ordinary importance. I do not propose to review or discuss the subjects which have received your attention during the last twelve months. Such a review, if properly made, would occupy more time than fairly belongs to this occasion; but I think I may be permitted to say that, in addition to the ordinary subjects of municipal legislation, you have acted upon and settled, and I think wisely settled, many questions of the highest importance to the city. The year has been full of labor, and I rejoice to be able to bear testimony to the industry and devotion which you have brought to the discharge of your duties. An examination of your records will disclose the extent and importance of your labors, and I trust the future will demonstrate the wisdom of your action.

I will, by your indulgence, allude to one subject, viz., to the ordinance which you have lately passed creating a Board of Health. I have tendered nominations to many well-known citizens, who have declined to accept office under this ordinance. I there-



fore think that either the salary should be increased, or that the portion of the ordinance which excludes the commissioners from engaging in other active business should be repealed. With a proper increase of salary, or with such change in the ordinance, I believe that a very able and efficient board can be obtained.

The great calamity which fire has brought upon us will make this year a marked year in our municipal history. The loss to us has been great, but it has brought no despondency. The misfortune has been met with fortitude and courage—not with the noisy and fleeting courage which seeks to overcome dangers and difficulties by disregarding or depreciating them, but with that placid and enduring courage which comes from a manly resolution and a steadfast faith in the Providence of God. With hearts and hands thus made strong, we shall soon recover all we have lost and make our city even more beautiful than before.

Gentlemen, we now part; but I think we part with mutual respect and regard, and I hope as we meet in other relations we may preserve the friendships which our associations have created.

#### RESOLUTION OF THANKS TO THE CHAIRMAN.

On motion of Alderman Cutter,

Ordered, That the thanks of this Board are due to our esteemed associate, Samuel Little, for the satisfactory manner in which he has filled the laborious position of Chairman of this Board, and we assure him that he carries into retirement the sincere respect and esteem of his associates, for his fidelity to duty, and for the honesty of purpose which has characterized his conduct during the last year.

Alderman Cutter addressed the Board in support of the above resolution, in which he said it expressed the true sentiment of his heart, and he was satisfied that it did also that of all his associates. The chairman had been distinguished for his promptness, fidelity, honesty, and for the ability with which he had discharged his duties, having been present at all times in the meetings of committees and neglecting no duties in the situation in which he has been placed.

Alderman Clark then spoke as follows:

Mr. Mayor—I fully indorse the sentiments of the resolution just offered, and have no doubt they will receive the approval of every member of the Board. We have found in our respected chairman not only an able and impartial presiding officer, but an efficient and faithful associate in all our labors. Strong in his own opinions, he has ever shown a readiness to yield when such a course has appeared to be for the public good.

By his retirement from this Board the city loses an able, honest, and hard-working servant; and the friendly and courteous manner which has characterized his intercourse with us will be among the pleasant recollections of the year now closed.

Alderman Power fully concurred in the remarks which had been made in commendation of the chairman in the discharge of his duties.

The resolution was unanimously adopted, when Alderman Little resumed the chair and addressed the Board as follows:

#### ADDRESS OF THE CHAIRMAN.

Gentlemen of the Board of Aldermen—Accept my sincere thanks for the complimentary resolutions you have so unanimously adopted, and for the uniform kindness and consideration which has been extended to me by every member of the Board during the year.

Your term of service has been one requiring more than ordinary devotion to duty, and will be long remembered in the history of our city.

After years of almost unparalleled prosperity we were visited by the terrible calamity of November 9 and 10, laying in ashes a large business section of the city, and causing a loss of life and property which seemed for the moment to have cast an impenetrable cloud about us. The generous aid and sympathy extended to us from every portion of our country and from abroad will long be remembered.

The resumption of business by nearly all the mercantile houses, the preparations made for rebuilding (begun before the fire was extinguished), and the co-operation of the city, is an assurance that the check upon the prosperity of the city is but temporary.

The future requirements of the city in laying out, widening and straightening the streets in the burnt district has received the careful consideration of the City Council, and the plans for the same are well advanced.

The act of the Legislature authorizing the loaning of the credit of the State, accepted by the City Council, it is hoped will meet the expectations of the most

sanguine, and be an important aid in rebuilding upon the burnt district.

The acceptance of the trust by the Commissioners appointed by his Honor the Mayor under the act is a sure guarantee that the interests of the city will be protected, and that the delicate and important duties will be performed in a manner that will reflect credit upon the city and inspire the confidence of all. The more than ordinary prevalence of contagious disease has caused much alarm in the public mind, the vaccination of the entire population has been accomplished and free vaccination provided for all. In consultation with the Board of Consulting Physicians and the City Physician the meetings of this Board have been frequent and their efforts to stay the disease untiring.

It is to be regretted that the very limited power conferred upon this Board by the Legislature and the constant emigration from foreign ports into our city has seemed to baffle every effort.

The peremptory closing of the hospital on Albany street with no adequate place provided, has seemed to be hasty legislation, the subsequent refusal of the other branch to appropriate the required money for a temporary hospital, the almost impossibility of purchasing a suitable site for such a building (no power being given the Board except by purchase) and the recent burning of the hospital building on the eve of its completion, has left the Board entirely destitute of any place deemed suitable to care for the class of patients requiring aid.

A new building on the site of the one burned has been erected and it is believed will furnish the needed accommodation.

It is to be hoped that a Board of Health will be appointed under authority given his Honor the Mayor, which will deserve and receive the confidence and support of all, and that with the accommodation provided no cause for alarm may long exist.

The expenditures of many of the departments have been in excess of the appropriations, incident upon the extraordinary demands caused by the fire; but it is believed that a commendable degree of economy has been shown by the City Council in the management of the large interests intrusted to them, the requirements of which, at times, seem almost beyond control. It is to be hoped that our successors in office will inaugurate and perfect a system for conducting elections that will make a repetition of the disgraceful incidents connected with the recent municipal election impossible. Without purity of the ballot box the fair fame of our city will become a by-word and municipal honor a thing of the past.

Many public improvements contemplated and begun by our predecessors have received the attention of the present City Council.

The Fort Hill improvement has been completed, and reflects much credit upon those by whom the improvement was contemplated.

The work upon the Suffolk-street, District so called, has been completed in a manner affording very general satisfaction, and it is believed will compare favorably with any similar work ever undertaken. It is expected that when the remaining settlements for estates surrendered to the city shall have been made the entire expenditures will fall eight hundred thousand dollars below the estimates made for the work, while much has been done not provided for in those estimates. Much important legislation was obtained at the regular session of the Legislature, from which the city has received and will receive direct and lasting benefit.

The Board of Street Commissioners with the Committee on Streets have accomplished much and have well met the requirements of the city. Among their most important acts has been the extension of Washington street to Haymarket square, the necessity for which has long been recognized.

The agreement for filling the flats at South Boston is one of the most important acts of the present City Council, and is destined to have a most important bearing upon the future business of our city.

Early reports from the several departments will be made to the next City Council which, with the message of his Honor the Mayor, will afford our successors in office and the public an opportunity of informing themselves of what has been accomplished and what inaugurated by the retiring City Council. To the record which will be made I feel sure my associates of this Board count the closest scrutiny.

It is with no ordinary feelings that I express my deep sense of obligation to the gentlemen at the head of the various departments, the City Clerk, the Clerk of Committees and other city officers. The members of the Government and the citizens are largely indebted to their ability, integrity and devotion to duty for whatever of success may have been achieved.

No stronger evidence of a determination to perform



faithfully their duty can be shown by those occupying these seats than by retaining faithful public officers in their places.

His Honor the Mayor has by his strength of character and purity of purpose won to the fullest extent the confidence of his associates. He will retire from office with the friendship and esteem of every member of this Board, and the recollection of his uniform courtesy and impartial devotion to duty will be fondly cherished.

The official relations of this Board will soon end. May we not hope that the friendships here formed will be lasting?

Again thanking you for the delicate manifestations of your confidence and kind indulgence which has ever been extended to me, and fully reciprocating the kind feelings you have expressed, I await the pleasure of the Board.

Upon the conclusion of the address of Alderman Little, on motion of Alderman Squites it was voted that the final proceedings of the Board, with the addresses of the Mayor and of the Chairman, be printed with the proceedings of the City Government.

Adjourned *sine die*.

